


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT MOBILE VIDEO/AUDIO RECORDING DEVICES AND BODY WORN CAMERAS	POLICY NUMBER 17.22
		ISSUE DATE 05/01/01
		REVISION DATE 03/08/19
		TOTAL PAGES 14

17.22.01 PURPOSE

It is the purpose of this policy to provide members with guidelines for the use of mobile video and audio recording equipment.

17.22.02 POLICY

Mobile video/audio recording (MVR) and Body-Worn Camera (BWC) equipment has demonstrated value in providing evidence for law violations and related offenses, enhancing accountability and training, and has proven to be a valuable tool in documenting the members' honesty, integrity and professionalism. While cameras have unique limitations, recordings are intended to provide an objective record of incidents, and to supplement any reports completed by members. In order to maximize the usefulness of this equipment in these and related areas, members who have completed training and have operational equipment shall follow the procedures for MVR/BWC equipment use as set forth in this policy.

The use of any personally owned video and/or audio recording devices (such as body-worn cameras and MVR) are prohibited.

17.22.03 DEFINITIONS

- A. **BODY-WORN CAMERA (BWC)** – A portable electronic recording device worn on a member's person that records audio and video of law enforcement related encounters and activities, defined as a "body camera" in s. 119.071 and s. 943.1718 of the Florida Statutes.
- B. **DIGITAL EVIDENCE** - Information and data of investigative value stored on, or transmitted by, an electrical device (e.g. photographs, video segments, audio recordings, computer files).
- C. **DIGITAL EVIDENCE CAPTURING DEVICES** - Electronic devices that capture evidence or other digital data (e.g., digital cameras, audio or video recorders).
- D. **ELECTRONIC DOCUMENT MANAGEMENT SYSTEM** - A Florida Highway Patrol electronic network-based system for the storage of digital files such as photographs, audio clips, video clips, documents, and others as approved.
- E. **LONG-TERM STORAGE MEDIA** - A non-volatile digital media capable of long-term storage of digital data. This includes optical discs, network storage devices, hard disc drives, and digital recording libraries.

- F. **MOBILE VIDEO/AUDIO RECORDING EQUIPMENT (MVR)** – Devices, systems and equipment designed to record audio and video in a mobile environment, to include body-worn and in-car mounted systems.

17.22.04 OBJECTIVES

The Division has adopted the use of mobile video/audio recording (MVR) and body-worn camera (BWC) systems in order to accomplish objectives, including but not limited to:

- A. Accurate documentation of events, actions, conditions and statements made prior to and during arrests, traffic stops and other enforcement encounters;
- B. Enhance members' reports, collection of evidence and testimony in court; and
- C. Enhance the Division's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes; and
- D. Document for member evaluation and training.

17.22.05 PROCEDURES

A. INSTALLATION OF MVR/BWC EQUIPMENT IN VEHICLES

1. MVR/BWC equipment shall be installed and maintained according to manufacturer's recommendations and Division policy.
2. Only MVR/BWC equipment procured by the Division shall be installed in agency vehicles or worn by members.
3. MVR/BWC equipment requiring installation may only be installed by a designated, qualified technician approved by the Chief Technology Officer (CTO) or designee(s).

B. OPERATING PROCEDURES

1. Members shall adhere to the following procedures when utilizing MVR/BWC equipment.
 - a. MVR/BWC equipment installed in vehicles is the responsibility of the member assigned to that vehicle and will be maintained according to manufacturer's recommendations and Division policy.
 - b. Only members assigned to motorcycle duty while using a Division motorcycle are authorized to use a BWC. The BWC shall not be worn while using a patrol car or while engaged in other law enforcement operations when the member is not using the motor unit as their patrol vehicle.
 - c. Except as otherwise authorized, MVR/BWC equipment installed in a Division vehicle or worn by a member shall be used on every:
 - (1) Traffic stop

- (2) Emergency response
 - (3) Pursuit, or
 - (4) Any other law enforcement encounter.
- d. During periods that the Division motorcycle will be unattended, the front and rear cameras shall be removed from their mounts and secured.
 - e. Camera mounts on the Division motorcycle will not be moved/altered except with approval from the CTO or CTO's designee(s).
 - f. Members will ensure that their MVR/BWC equipment is activated for all law enforcement encounters whether using the emergency device switch or manually activating the MVR/BWC equipment. Other automatic triggers will be determined by the CTO.

WARNING: Members are advised that when functioning properly, the system automatically records video only (no audio) for thirty (30) seconds prior to activation. Thus any recorded event will normally have no audio during the first 30 seconds. Members should be aware that any recorded video will play back the previous 30 seconds prior to the perceived beginning of the recording.

- g. Except as otherwise permitted by this policy, the member may not deactivate the MVR recorder until the conclusion of the traffic stop, emergency response or pursuit, or the member has left the scene.
- h. MVR/BWC equipment may be manually deactivated during non-enforcement activities such as directing traffic; disabled vehicle assists; dignitary protection and transportation; motorcades; or extended traffic crash or traffic homicide investigations. If at any time when the MVR/BWC has been deactivated it is determined that law enforcement action is needed, if it is safe to do so, the member shall reactivate the MVR/BWC.
- i. The MVR/BWC shall not be used when providing dignitary escort, or when partnering with a federal law enforcement agency and such use is prohibited by an MOU or an operations plan, such as the United States Secret Service. This section shall not apply unless law enforcement action, as provided in 17.22.05(B)(c) above, is required. during a dignitary escort, unless specifically prohibited by the MOU or operations plan.
- j. Members shall not utilize a BWC on the grounds of any elementary, middle, or high school, except when responding to an imminent threat to life or where the member is engaged in law enforcement action as provided in 17.22.05(B)(c) above.

- k. When the MVR/BWC is manually deactivated prior to the conclusion of the event, the member should document the reason(s) for this action by recording a brief explanation, or entering relevant notes in the video classification.
- l. Members will note in arrest/incident reports and charging affidavits when video/audio recordings were made during the incident.
- m. Members are encouraged to provide narration on the MVR/BWC recording prior to each stop. The intent of this narration is to assist the member by documenting observations and circumstances contributing to the reasons for the encounter, which will be available for later playback to the member.
- n. Upon request, members will inform a subject with whom they are interacting whether the member is recording the encounter.
- o. Members may not record oral communications of Department personnel in an undisclosed manner during routine, non-enforcement related activities unless the recording is required by court order or authorized as part of a criminal investigation.
- p. Except where recording for official police business (criminal investigations, dying declarations, field sobriety exercises, etc.), members shall not create an MVR/BWC digital video or audio recordings of the following:
 - (1) Any area where the public has the reasonable expectation of privacy.
 - (2) Patient care areas of a hospital or medical treatment facility.
 - (3) Recordings of conversations of fellow employees, supervisors, Troop Legal Advisors or anyone else without their knowledge and consent.
 - (4) Personal activities.
- q. Members using an MVR/BWC that encounter other members who may be unaware recording is in progress (e.g., arrived after recording began or do not have an MVR/BWC system), should at their earliest convenience make the other members aware that recording is in progress.
- r. Back-up officers who arrive on scene to assist another member and who have MVR/BWC capabilities will ensure their MVR/BWC is activated and if it can be done safely, position the MVR/BWC to record the events. Back-up officers shall write a supplemental offense/incident report stating their role/involvement with the case.
- s. Digital evidence obtained shall not be converted for personal use.

- t. Accessing, copying, editing, or releasing recordings or depictions of recordings for other than official Florida Highway Patrol business purposes without authorization from the Director or his/her designee(s) is strictly prohibited. Members violating this section shall be subject to disciplinary action up to and including dismissal.
 - u. Members shall not allow any viewing of digital evidence by nonessential non-sworn officers or members outside of the Department without authorization from their immediate supervisor. Members who are directly involved in an active investigation and/or prosecution of a criminal case related to the digital evidence, or members who work in BCII, OGC, or OIG, are exempt from this provision.
 - v. Any uploading or converting digital recordings for use on any type of social media not authorized by the Director or his/her designee(s) is strictly prohibited.
 - w. All regular, support, upgrades, and refreshes of this technology shall be performed by authorized DHSMV TAC personnel. Members shall not work on any MVR/BWC without the express permission of the Chief Technology Officer or his/her designee(s).
2. Members shall ensure that vehicle installed MVR/BWC equipment is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that:
- a. The MVR/BWC cameras are positioned and adjusted to record events, free of obstruction which could block a recording angle.
 - b. The member's wireless microphone is activated. If for any reason the wireless microphone is found to be inoperable or malfunctioning, the member will notify a supervisor and TAC immediately, when safe to do so.
 - c. The BWC is fully charged prior to going on duty to ensure maximum usage during their shift.
 - d. When the MVR/BWC is activated, the AM/FM stereo and any non-FHP audio devices (e.g. other agency radio or music player) must have the volume adequately reduced to prevent interference with the MVR/BWC audio recording quality.
 - e. During use, members shall confirm the MVR/BWC equipment is working properly and that all cameras are functioning and recording without visual obstruction. If for any reason an MVR/BWC is found to be inoperable or malfunctioning, the member will notify a supervisor and TAC immediately, when safe to do so.
 - f. If the MVR/BWC, or wireless microphone is found to be inoperable or malfunctioning, the member will document the problem on the

Mobile Video Audio Recorder Trouble Report (HSMV 60035), available on the FHP SafetyNet. A file will be maintained for each MVR/BWC. The file will include documentation of repairs made to the MVR/BWC.

3. When feasible, members will also use their MVR/BWC to record:
 - a. The actions of suspects during interviews, when undergoing field sobriety exercises or when placed in custody.
 - b. The circumstances at crime, crash and other scenes or events such as the confiscation and documentation of evidence or contraband.
4. MVR/BWC VIDEO REVIEW
 - a. Members using a MVR/BWC are permitted to review recorded footage from their MVR/BWC, upon their own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of their official duties. This provision does not apply to member's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses per s. 943.1718(2)(d), Florida Statutes.
 - b. When the scene has been secured and the subject(s) has been secured in the backseat of the patrol vehicle, a member may temporarily deactivate the MVR/BWC for the purpose of viewing the recording. Once the member has reviewed the media, the MVR/BWC shall be reactivated for the remainder of the investigation.
5. The following allowances are provided to members when conducting CVE enforcement:
 - a. Members are not required to activate the MVR during CVE inspection details conducted at scale facilities.
 - b. During roadside CVE inspections, the MVR shall be activated during the initial contact with the driver and when the member presents the driver with the completed inspection reports and/or citations. Members are permitted to manually deactivate the MVR while they are completing reports.
 - c. At any time during a CVE roadside inspection it is determined that a physical arrest will be made, a subject becomes belligerent, or any other officer safety issue arises, if safe to do so, the MVR should be activated and remain running until completion of the inspection.
 - d. Nothing in this section shall be construed to prohibit a member from recording an entire CVE inspection or inspection detail.

6. EXCEPTIONS

When the MVR/BWC camera use is required pursuant to this policy, the MVR/BWC mic must also be used when interacting directly with the public. However, members may momentarily utilize the mute feature or deactivate the MVR/BWC if necessary to avoid recording any of the following exceptions:

- a. Tactics and strategy, involving only law enforcement and not participated in by citizens.
- b. Officer to officer training (e.g. when a field training officer wishes to speak to a trainee about a training issue).
- c. Charging decision conversations or those comparing witness accounts, involving only law enforcement and not participated in by citizens.
- d. Confidential informants and/or undercover officers.
- e. BCII or OIG conducting an official investigation.

When it is no longer necessary for the MVR/BWC to be deactivated or to utilize the mute feature, members will reactivate the MVR/BWC.

C. LIVE VIEWING/STREAMING OF MVR/BWC VIDEO

1. The MVR/BWC solution is capable of providing a live feed of video when network conditions permit. The purpose of this capability is to ensure:
 - a. The safety of members.
 - b. Assist in the quick apprehension of subjects.
 - c. Provide real-time information to command personnel during incident responses.
 - d. Other purposes directly related to officer and public safety.
2. Live streaming of MVR/BWC events is authorized under the following circumstances:
 - a. When a member calls for emergency backup (10-24).
 - b. Upon notification that a member or FHP vehicle has been involved in a significant collision.
 - c. During a major or significant incident or event response.
 - d. Upon notification that a member has been feloniously or seriously injured in the course of their duties.
3. Members may request approval from the on-duty supervisor for initiation of live streaming of MVR/BWC if the event is not listed above in item "2."

4. Any initiation of a live streaming MVR/BWC event by any member or RCC employee requires the approval and consent from a Captain or higher ranking member.
5. The chain of command through the Troop Commander shall be notified when a live-stream event is initiated, and the event shall be documented in the FHP's SharePoint Notification Reporting System.
6. Live streaming will not be activated without notification to the member in question and all members assigned to the incident. Only under extenuating circumstances where it is reasonably believed a member has been significantly injured or otherwise incapacitated will live streaming be activated without confirmation to the member. All members involved in the incident will be notified when live streaming has ceased. The MVR equipment shall also provide a means to inform the member that live streaming is occurring.

D. DATA MANAGEMENT AND SECURITY FOR DIGITAL RECORDING DEVICES

MVR/BWC evidence will be stored in Division designated secure locations including any of the following: (1) an approved on-site Division server, (2) an approved web based server whether maintained by the Division or an approved vendor, or (3) long-term physical storage media and other digital storage devices.

All MVR/BWC system recordings having the ability will be uploaded to an authorized server and automatically logged electronically in accordance with the retention policy set forth herein.

1. Through regular MVR/BWC uploads, members shall ensure that they will have adequate data storage capacity in the vehicle MVR/BWC system to complete at least two (2) hours of their scheduled tour of duty.
2. MVR/BWC equipment and storage media provided by the Division will not be utilized for non-Division related purposes.
3. Members may only use storage media issued and approved by the Division with an issued MVR/BWC system.
4. Each District shall maintain an inventory of at least one (1) approved storage media unit (e.g. SD card), either installed in the vehicle video processing unit or available for use, for each unit issued a MVR/BWC system under their command.
5. Members shall not destroy, alter or manipulate any long term MVR/BWC storage media in any manner unless authorized to do so by policy. Unauthorized and malicious tampering with any long-term storage media shall be cause for disciplinary action up to dismissal.
6. All recorded images and audio recordings created in the performance of duty by a member are the sole property of the Division. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by policy and law.

7. Members shall upload all EVIDENTIARY digital recordings at an authorized FHP server location as soon as reasonable; there is no requirement to upload at the end of each shift unless exigent or extenuating circumstances exist as determined by a supervisor. Members must have authorization to stay beyond normal working hours strictly for uploading.
8. Members shall ensure all MVR/BWC recordings are uploaded at least once per work week for administrative purposes.
9. Under extraordinary circumstances, a Troop Commander may authorize a temporary delay for an administrative upload.
10. MVR/BWC recordings are retained on the FHP server in accordance with the classification retention schedule below to meet evidentiary, judicial, administrative and public record needs.
 - a. DUI – 730 days
 - b. Arrest – Felony* – 1095 days
 - c. Arrest – Misdemeanor* – 730 days
 - d. Administrative Review – 365days
(Supervisor must set classification)
 - e. Command Review – 365 days
 - f. Traffic Stop – 90 days
 - g. Citizen Assist – 90 days
 - h. Backup Officer – 90 days
 - i. Crash Investigation – 90 days
 - j. Patrol Car Crash – 365 days
 - k. Field Interview – 90 days
 - l. Pursuit – 180 days
 - m. Sobriety Checkpoints – 90 days
 - n. CVE Inspection – 90 days
 - o. Smoke/Fog – 90 days
 - p. Travel Conditions – 90 days
 - q. Use of Control – 90 days
 - r. Non-Event – 30days
(e.g. non-evidentiary)

- s. THI Investigation – Active Indefinite
- t. THI Investigation – Closed 2,555 days
- u. BCII Investigation – Active Indefinite
- v. BCII Investigation – Closed 2,555 days
- w. Capital/Life Felony Conviction – Indefinite

*The use of criminal arrest classifications are also permitted for situations that result in non-physical arrest criminal charges.

NOTE: The above event classifications are suggested categories and should not be construed as rules. Exigent circumstances could apply to any situation and cause a change in classification group.

- 11. Members, including back-up members, shall ensure all MVR/BWC recordings are properly classified prior to uploading to the Division-approved storage location. This shall not prevent a change in classification at a later time if deemed necessary.
- 12. An MVR/BWC recording stored on an FHP server system which has not been classified with any event classification, will be automatically deleted from the server in accordance with the minimum default retention period.
- 13. An MVR/BWC recording stored on an FHP server system which has been assigned an event classification will be automatically deleted from the server in accordance with the event classification retention schedule in this policy.

Once the recording is uploaded/transferred by a member and the retention period has not yet passed:

- a. If the recording was found to have evidentiary, judicial, administrative or training value, it may be duplicated in order to be retained as long as necessary to meet that need;
 - b. If the recording has not been identified as having value, it may be allowed to automatically delete.
- 14. Unintentional recordings may include activations during non-enforcement or non-investigative activity including but not limited to restroom, break periods or where reasonable expectations of privacy exist. Such recordings should be classified as Non-Event.

NOTE: There is no method to manually delete unintentional recordings during the retention period.

- 15. The CTO, or designee(s), is responsible for the storage and maintenance of all MVR/BWC recordings uploaded onto the server.
- 16. Access to the various Division MVR/BWC servers will be limited to employees with the proper authorization.

17. MVR/BWC recordings of evidentiary value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence, duplicated prior to the expiration of the MVR/BWC event classification retention period, and placed in the evidence/property room. As such, these MVR/BWC recordings will:
 - a. Be subject to the same security restrictions and chain of custody evidence safeguards as detailed in FHP Policy Chapter 12.
 - b. Not be released to another criminal justice agency for trial or other reasons without ensuring a duplicate copy remains with FHP.
 - c. Not be released to other than bona fide criminal justice agencies without prior approval of the designated supervisor.
 - d. At any time, a member may request a supervisor change an MVR/BWC recording event classification in order to be retained for more than the minimum classification retention period. Such request should be made in writing to the member's immediate supervisor and should include:
 - (1) Identification of the recording.
 - (2) Reason for the extension.
 - (3) Approximate date the recording can be destroyed, if known.

PRIOR TO MANUALLY ERASING ANY VIDEO/AUDIO RECORDINGS, THE MEMBER MUST ENSURE THAT ALL COURT PROCEEDINGS ARE COMPLETED. THIS WILL INCLUDE BOTH CRIMINAL CASES AND CIVIL CASES (excluding routine traffic infractions); WITH EMPHASIS ON POTENTIAL ASSET FORFEITURE CIVIL CASES AT THE FEDERAL OR STATE LEVEL. WHEN NUMEROUS CRIMINAL JUSTICE AGENCIES ARE INVOLVED IN A JOINT OPERATIONAL DETAIL (e.g., STATE ATTORNEY, DEA, FBI, OTHER POLICE OR SHERIFF'S DEPARTMENTS), THE MEMBER MUST CONTACT EACH AGENCY TO ENSURE THE RECORDING WILL NOT BE NEEDED FOR COURT PROCESSING.

18. When not utilized as evidence or for any other departmental use, all MVR/BWC recordings will be maintained, as follows:
 - a. Original digital MVR/BWC recordings will be stored in accordance with any manufacturer's guidelines and FHP policy in a physically secure area or on server equipment accessible only to authorized Division supervisors, evidence/property custodians, Information Systems Administration personnel or Department approved contractors.
 - b. Prior to deletion, members will have unlimited remote access at any time to view MVR/BWC recordings to perform job related functions (e.g. writing incident or crash reports, prior to testimony, case preparation, etc.).
 - c. Members who have a pending court case may request that the

recording be duplicated for judicial, administrative and/or evidentiary retention purposes until the case is resolved.

- d. For significant criminal or civil adversarial proceeding cases which may continue beyond the retention schedule provided in this policy, a duplicated recording should be created and submitted to the Evidence/Property Control Function.
- e. Duplicate recordings that have become obsolete or lost administrative value may be destroyed.

E. DUPLICATION OF DIGITAL (MVR or BWC) RECORDINGS

- 1. Reproduction of MVR/BWC recordings by district personnel is prohibited unless authorized herein, or by the District Commander or designee.
 - a. Evidence Property Custodians are authorized to duplicate or share MVR/BWC recordings from the server for evidentiary, judicial, administrative, public record or other reasons deemed necessary by the District Commander.
 - b. District Clerks may also be authorized to duplicate or share MVR/BWC recordings from the server for judicial, administrative, public record or other reasons when deemed necessary by the District Commander.
- 2. Each FHP station must have a method (e.g. CD burner, external drive, flash drive, etc.) to transfer or duplicate MVR/BWC recordings to long-term storage for evidentiary purposes.
- 3. Only portions applicable to any request will be duplicated or shared. The original recording will be retained by the Division for the duration of the retention period outlined in this policy.
- 4. High-profile or exceptional incidents related to law enforcement activities generate the interest of many. However, members shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any such high-profile or exceptional MVR/BWC recording or data without prior authorization of the Director or designee.

F. STORAGE, REPAIR OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

- 1. Members shall report any equipment failure to their supervisor as soon as practical but, at a minimum, prior to the end of the member's shift to make arrangements for repair. Members shall never attempt any repair of the equipment that would require going into the internal parts of the unit.
- 2. Video cameras shall be shaded from the sun and heat whenever possible.
- 3. Only fuses of a type recommended by the manufacturer will be used with the video equipment.

G. SUPERVISORY RESPONSIBILITIES

Supervisors who manage members equipped with MVR/BWC must ensure:

1. All members follow established procedures for the use and maintenance of MVR/BWC equipment, handling of video/audio recordings and the completion of MVR/BWC documentation.
2. They personally login to the MVR/BWC client monthly and randomly review a minimum of five (5) MVR/BWC recordings from their subordinates. Not all reviews may be from the same member. The purpose of the review is to assist in assessment of member performance, ensure overall MVR/BWC functionality, proper utilization and to identify material that may be appropriate for training. These reviews shall be documented monthly on the Supervisor's Monthly Activity Report (HSMV 61147), available on the FHP SafetyNet Forms page.
3. Repairs and replacement of damaged or non-functional MVR/BWC equipment is documented on the Mobile Video Audio Recorder Trouble Report (HSMV 60035) and repairs are performed.
4. Members who are assigned MVRs/BWCs are properly uploading/transferring MVR/BWC recordings.
5. MVR/BWC recordings have event classifications assigned. If a supervisor determines a recording has no classification, the supervisor should assign the proper classification for the recording.
6. Upon learning of an MVR/BWC recording with a high-profile or an exceptional incident (e.g., member involved shooting, fatal crash, recording depicting the killing of a person, etc.), the supervisor will ensure the event classification is changed to the proper review category.

H. TRAINING

1. All members will complete MVR/BWC training. The training will include:
 - a. Unit set-up procedures; care and proper cleaning of camera lens.
 - b. Testing of the equipment.
 - c. Operation during patrol.
 - d. Video recording evidence procedures.
 - e. Data file uploading and event classification of recordings.
2. When unusual, exceptional, or felonious incidents are recorded and perceived to be of value as a training aid, the following procedure will apply:
 - a. The member's immediate supervisor will view the recording.
 - b. If the recording is of value for training purposes and is no longer required as evidence, the supervisor will provide the media to the Chief Training Officer at the Florida Highway Patrol training

academy.

c. Academy staff will review and evaluate a recording segment to determine its training value, and reproduce as needed.

3. The Florida Highway Patrol training academy will be responsible for reviewing and administering the training process for assuring proficiency of MVR/BWC operators. This shall include, but will not be limited to:

a. Maintaining training records.

b. Reviewing training purpose recordings provided by the field.

I. REQUESTS FOR EXHIBIT, DISPLAY AND DEMONSTRATION OF THE MOBILE VIDEO/AUDIO RECORDING

1. All requests for exhibit, display and demonstration of equipment to interested parties shall be directed to the Troop Commander or designee(s).

2. With the Troop Commander's approval, the Public Affairs Officer shall arrange to have the MVR/BWC recording equipment demonstrated to interested judicial personnel and others reasonably affected by its use.