

<b>SEMINOLE COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURE</b> <b>ENFORCEMENT</b>	<b>NUMBER:</b> <b>E - 49</b>
	<b>RESCINDS:</b>
<b>SUBJECT:</b>	<b>In-Car Camera Video/Audio Recordings</b>
<b>EFFECTIVE:</b>	<b>August 1, 2010</b>
<b>REVISED:</b>	<b>October 7, 2013</b>
<b>ACCREDITATION STANDARDS:</b> <b>41.3.8</b>	

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**I. PURPOSE:**

This directive provides guidelines for Deputies who have been assigned an in-car video/audio recording system, and provides procedures for the control of equipment and the storage of recordings.

**II. SCOPE:**

It is Sheriff's Office policy to use in-car video/audio recording equipment to document contacts with citizens during traffic stops and other law enforcement events for the purpose of gathering recorded evidence to assist in the enforcement of criminal and civil laws. In-car video/audio systems are also used as follows:

- A. As a training aid,
- B. In response to complaints against personnel,
- C. For quality assessment of Deputy/Citizen contacts,
- D. To help ensure Deputy safety,
- E. To assist the Traffic Crash Review Committee.

**III. IN-CAR VIDEO/AUDIO RECORDING:**

- A. Recording systems automatically activate with the vehicle's emergency equipment (blue lights), but they also have a manual switch for use during street encounters or during situations when emergency equipment is not used. Recording systems are configured for a 30 second pre and post event record period which captures video but not audio recordings. The "speed trigger" activates the system when the vehicle's speed reaches 80 mph.

**NOTE: If a Deputy maintains a speed greater than 80 mph while responding to a call for service or conducting other law enforcement activities, the camera system should remain engaged until the event concludes. Should a Deputy inadvertently reach a speed greater than 80**

**mph, they should immediately reduce their speed and disengage the camera system, if appropriate.**

- B. Recording systems are used to obtain information and evidence when investigating violations of law. In-car video/audio recording equipment shall be used in the investigation of DUI and other criminal investigations. The recording system shall be used during other law enforcement activities including but not limited to the recording of routine traffic stops, street encounters, pursuits, and emergency responses.

**NOTE: If their vehicle is equipped with an agency recording system, Deputies will use it during all traffic stops and street encounters from the time of the initial contact to the event's conclusion.**

- C. Manual deactivation of the recording system is permissible when recording times would be extended by the use of emergency lights such as rendering assistance with traffic control, or during non-enforcement contacts (stand-bys, road hazards, etc.).
- D. Secondary assist units whose vehicles are equipped with recording systems shall use them to record their involvement in incidents regardless if other in-car systems are already in use. Assist units may stop recording when it is determined that they are no longer assisting with the incident. It is the responsibility of the assisting unit to advise the primary or arresting Deputy that they have pertinent recordings of the incident and ensure that proper notations are placed in the appropriate incident report (or ROI). Assist units shall ensure that recordings are properly classified and linked to the primary investigative/arrest case number or event number by documenting it in the classification notes box.
- E. Recording systems are used for official law enforcement purposes only. Deputies will not activate their wireless microphone while in Sheriff's Office buildings or other public/private venues not authorized by this written directive.
- F. Deputies are not permitted to use a recording system until they have received training in its use. Authorized training is provided by the Information Technology Division (IT) or its designee. Deputies shall inspect their recording system before the beginning of each shift, and any malfunction, damage, or change in operating condition will be brought to the attention of their immediate supervisor. The supervisor shall determine if the system should be placed out of service and submitted for repair. Spare microphones are located in the Division office in the event a Deputy encounters a malfunction with their assigned microphone lasting the entire shift.
1. A work order for repair shall be generated by emailing 6900 with a courtesy copy to their immediate supervisor.
  2. Only those recording systems and accessories (cameras, microphones, cables, etc.) approved by a Director/Captain will be installed in an agency vehicles by IT, Fleet Management, or by an authorized vendor (temporarily installed surveillance equipment is excluded).
  3. Recordings are downloaded to an authorized server on the Sheriff's Office network via wireless or cable transmission. Deputies should make every attempt to download digitally recorded events during or at the end of their shift rotation. Digitally recorded events shall not be kept on any Deputy's recording system for longer than one week unless authorized by a supervisor. Supervisors shall periodically review Deputies download audit reports to ensure compliance.
- G. *Recordings having a known evidentiary value (or other significant value that may require immediate supervisory review) shall be treated as evidence and downloaded to the server before the end of the Deputy's shift.*

1. When recordings are obtained during DUI investigations, arresting Deputies will:
    - a. Download the recorded event to their regional server,
    - b. Make a copy of the recorded event on a CD and submit it into evidence, and,
    - c. Provide a copy of the recording to the State Attorney when a case is ready for review.
  2. The SAO may request additional copies of recordings for use in criminal investigations upon notification of trial and/or other court proceedings. It is the responsibility of the Deputy or Investigator primarily assigned to the case to provide copies to the SAO.
  3. Complete data contents of recordings will be accessible to any agency supervisor for review.
- I. Deputies should notify the Professional Development section of any recorded events that may assist in improving officer safety training.
- J. Deputies shall note in all their reports that recordings were obtained, and should also note if their recording equipment malfunctioned in any way or if their recording unit had been placed out of service.
- K. Supervisors whose subordinates have recording systems shall ensure that established procedures are followed for the use and handling of all recording equipment and the proper downloading, retention, and management of recorded events by periodically reviewing video and audit reports.
- L. It is the responsibility of an IT technician or the recording Deputy to immediately notify their chain of command (for notification to the State Attorney) if lost or corrupted video evidence is discovered.

**NOTE: Deputies shall ensure that ambient or vehicle noise does not interfere with audio recordings obtained during the use of the recording system. This includes vehicle AM/FM radios, CD players, air conditioning fan noise, or other loud vehicle noise. Exterior ambient conditions should be assessed so as not to interfere with the interior microphones.**

**IV. SECURITY AND ACCESS:**

- A. Deputies will not permit unauthorized persons or untrained employees to handle, manipulate, or use their issued recording systems or any associated equipment.
- B. Even if a recording is not immediately determined to have evidentiary value, it will be stored under secure conditions. When kept in an agency vehicle, the processor / hard drive must be secured in the trunk or cargo area, and the vehicle must be kept locked when not in use. Hard drives shall be locked and only accessible by IT and/or Fleet Services if routine maintenance or repair is required.

**V. RETENTION AND DISPOSAL OF IN-CAR CAMERA VIDEO/AUDIO RECORDINGS:**

- A. Recordings are managed for retention by IT software. Recordings are retained in accordance with this directive and statutory requirements addressing the storage of evidence. The IT server will be programmed to perform automated purges to delete recordings set to expire as provided in this directive.
- B. Deputies are responsible for properly tagging all digitally recorded events to ensure proper retention periods in accordance with agency policy and state law. Categories such as DUI, felony, misdemeanor, pursuit, etc. will be used to tag recorded events. Deputies will use the most appropriate category determined by involvement, response or arrest and place appropriate case numbers in the classification notes section. Properly tagging events ensures that proper retention rates are set to each recorded video.

The default retention rate is 180 days. Classification of a misdemeanor arrest or DUI will have a retention rate on one year. Classification of a felony arrest will have a retention rate of four years.

- C. It is the responsibility of the Deputy and/or digital evidence technician (or other authorized designee) to extend the retention rate if it is determined the recording should be archived for future court proceedings, administrative access, or otherwise may serve to support criminal and civil statute of limitations (capital or life felonies, evidence preservation requests, etc.) and that copies are burned to DVD in support of such extension. This is accomplished by moving the video to the archive folder either through the front end client or the back office manager, which ensures that recordings are preserved for future criminal proceedings or civil actions that may surface after the initial case is resolved. The retention rate for archived recordings is five years from the date of archiving. Examples of recordings to archive would be response to resistance incidents, K-9 deployment with an apprehension causing injury, significant property damage, injuries to employees, suspects or other individuals, agency vehicle crashes with injuries, or any other event if a supervisor feels future civil litigation may be forthcoming that may or may not have been caused by an employee.
- D. Only the Sheriff, Records Supervisor, or the Public Information Officer may satisfy request for public copies. Recordings obtained on agency systems shall not be released to the public without prior approval from an authorized person designated above (or their designee). Request for copies of recordings that extend outside the agency or the SAO shall be subject to the provisions of Chapter 119, Florida Statutes.
- E. It is the responsibility of the originating Deputy Sheriff or Investigator to notify IT of evidentiary recordings that have been resolved by disposition from the SAO and are ready to be deleted from the server and that all court proceedings including criminal, civil, and multi-jurisdictional cases, have been completed before deletion from the network server.