

Osceola County Sheriff's Office Policy and Procedure

Number: 479.0

Subject: Audio/Video Recording Equipment

Effective Date: 09/20/13

P.R.C. Review: 05/01/12

Rescinds: 12/29/06

Amends:

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. **Purpose**

The purpose of this policy is to establish the guidelines and procedures for the use of recording equipment and the control and storage of information obtained on the recordings.

2. **Policy**

It is the policy of this office, that recording equipment may be used in day to day operations. Their purpose is to accurately document and record any of the incidents or events that members may encounter during their tour of duty. All recordings will be handled in accordance with state and federal laws and are subject to public information requests.

3. **Definitions**

- A. Audio Recorders – An analog or digital device that uses technology to electronically store recorded sound.
- B. Evidentiary Value – Recording that contains evidence of a crime or may be useful in court, civil litigation, or resolution of a citizen's complaint.
- C. Mobile Video Recording (MVR) Equipment – A mobile video recording equipment system that includes, but is not limited to: mobile digital recorder, recorder controlled video camera, wireless microphone, in car microphone, video monitor and docking station..
- D. Native Format – The proprietary file format an application or device normally reads and writes data.
- E. Optical Disc – A flat, usually circular storage medium (e.g. compact disc or digital video disc), which encodes binary data.

4. **Procedures**

- A. General Mobile Video Recording Equipment Procedures {CFA 22.04}
 1. An MVR recording of evidentiary value is covered by F.S.S. 918.13. MVR recordings shall not be edited, taped over, altered, or tampered with in any manner until the case has been disposed of by the judicial system.

2. Vehicles equipped with functioning MVR systems shall record: {CFA 22.04}
 - a. All traffic stops, including suspected DUI cases, in their entirety in accordance with agency written directives.
 - b. All vehicle pursuits.
 - c. Vehicles performing an emergency response, whether or not emergency equipment is employed (F.S.S 316.217, 316.126).
 3. The wireless microphone may be temporarily turned off while transmitting or receiving information that is not related to the current investigation. {CFA 22.04}
 4. Members shall have MVRs and wireless microphones in a standby mode and ready for immediate activation. {CFA 22.04}
 5. Members shall ensure that the correct time and date is programmed in MVRs and their camera is set to record properly upon activation. {CFA 22.04}
 6. Members with MVRs that record the defendant in the back of the patrol car shall ensure that the MVR records the entire time that the defendant is in the vehicle. {CFA 22.04}
- B. Traffic Enforcement {CFA 22.04}
1. When a member observes a traffic violation or driving pattern indicative of an impaired driver, the member will activate the MVR. Once the video system and microphone is activated, the member will, if possible make a verbal introduction on tape stating the following:
 - a. Location of offense and direction of travel.
 - b. Complete description of suspect's vehicle, to include color, make, tag number, and suspect's description if known.
 2. Once the suspect vehicle has been stopped and the member has reasonable suspicion to believe that the driver is impaired, he/she shall conduct a DUI investigation in accordance with policy 481.0, DUI Traffic Enforcement. {CFA 22.04}
 - a. If the member determines the driver is not impaired and no arrest is made, the recording shall be maintained according to public record law and this policy.
 - b. If the member cannot safely record roadside field sobriety tests or has to terminate the tests prior to the investigation being completed, he/she shall state on the recording the reason for temporarily stopping the investigation. The investigation will then be moved to a safer location and resumed. Upon resuming the investigation, the member shall state the new location on the recording and include it in the charging affidavit. The recording shall continue during the relocation.
 3. Once a defendant's vehicle has been stopped the member shall make every effort to place his/her patrol car in the most advantageous position to record the traffic stop and the defendant's actions. {CFA 22.04}
 - a. Members should place their patrol cars a safe distance behind the defendant's car.
 - b. Headlights, spotlights, and overhead takedown lights shall be adjusted to

give the best lighting in the test area and to reduce as much as possible any reflected light that may wash out the MVR's picture.

C. Documentation

1. The utilization of MVR shall be documented in the narrative when an incident report is required.
2. Members shall not cease the video recording during an incident unless ordered to do so by a supervisor. When the MVR is manually deactivated during an incident, the member will record a brief explanation for the deactivation prior to turning the MVR off.

D. MVR Digital Evidence

1. When a MVR is used to record an arrest, or any activity or item of evidentiary value; the recording shall be turned in as evidence consistent with policy 420.0, Evidentiary Property, or uploaded to the designated video storage server, until submitted to evidence for long term storage, by the end of the shift.
 - a. No recording of evidentiary value may be:
 - (1). Erased
 - (2). Edited
 - (3). Altered
 - (4). Tampered with in any way.
 - b. No additional audio or video information may be added or removed from the recording after it is removed from the patrol car recorder.
2. Evidentiary segments from the video data for criminal offenses shall be duplicated on an optical disc or other approved storage medium by Multi-Media personnel who will then submit the storage medium to Property/Evidence to maintain evidentiary chain of custody.
3. For public records requests, members shall follow the procedures in policies 206.0, Public Information and 222.0, Records.
4. Non-Evidentiary recordings shall be held for 30 days and may, after receiving supervisory approval, be purged from the system by a system administrator or designee.
5. Recordable media containing evidence of a crime or civil litigation shall be held until the case is disposed of and all appeals are exhausted, until released by the courts, and the recording is no longer required according to records retention schedules.
6. Recordings of traffic citations shall be maintained for a minimum of six (6) months.

E. Supervisory Review of Recorded Data

Supervisors of personnel that are assigned an MVR are responsible for periodic review/inspection of downloaded files. Events having educational value as potential training aids may, with the member's Division Captain's approval, be copied to an optical disc, or other approved storage medium. A request may be made to Forensics for assistance in copying.

F. Training

Members issued MVR equipment shall receive documented training from approved personnel, consistent with policy 250.0, Training. Members must demonstrate proficiency prior to utilizing the MVR equipment. Refresher training shall be offered as needed.

G. Maintenance

1. Each member assigned an MVR, shall properly maintain the MVR equipment according to manufactures' specifications. Prior to the start of a tour of duty, members shall ensure that all equipment is operational.
2. Only approved personnel are authorized to remove, install, or service in-car video systems, or any system components.
3. Members who encounter equipment malfunctions involving the MVR, shall discontinue use and notify their supervisor. The unit shall not be placed into service until it has been repaired or is working properly.
4. The equipment shall be cleaned according to manufacturer's recommendations.
5. The member's unit supervisor shall ensure:
 - a. MVR systems are fully operational at all times.
 - b. Maintenance files are kept current on each unit.
 - c. All repairs are conducted by approved service technicians.
 - d. During vehicle inspections, the MVR is operational and noted on the inspection form.

H. Audio Recorders

1. Audio recorders may be provided to record interviews and other types of audio during an investigation.
2. Audio files shall be downloaded in their native format (e.g. mp3), to the approved storage medium as soon as possible to avoid accidental deletion.
 - a. Audio files shall be placed in a computer folder labeled with the case number.
 - (1). Each audio file in the folder shall be labeled with the report number and name of the subject interviewed.
 - (2). Additional audio files for the same subject shall have a sequential number designation after the name.
 - b. Audio files shall not be deleted from an audio recorder until properly downloaded and transferred to an approved storage medium (e.g. optical disc).

I. Personally Owned Recording Devices

1. Personally owned recording devices including some personal communication devices, may have the capacity to record data, but should not be used during an investigation or enforcement action unless exigent circumstances exist and an approved recording device is unavailable.

2. Data recorded on any personally owned recording device during an investigation or enforcement action shall be downloaded to the approved storage medium as soon as possible. If data recorded on any personal communication device cannot be downloaded in a timely manner, the device shall be entered into Evidence and the digital media shall be downloaded later.
3. Members using personally owned recording devices on a regular basis shall:
 - a. Submit a memo to his/her major for approval prior to usage.
 - b. If the device requires special software, the member shall get prior approval from IMS prior to submitting the approval memo to the major.
 - c. The member shall be responsible for all maintenance, software, and damage to or loss of the device.
4. Recording on a personal communication device may subject the owner to a public records request for the device and all of its contents.

J. Interview Rooms

Agency interview rooms that are equipped with video and audio recording equipment for use during an investigation shall use the following procedures:

1. Members are responsible for starting the necessary equipment when it's determined the information being collected needs to be recorded and retained.
2. Once the interview is complete, the member responsible for the recording shall label the recording as soon as possible.
3. The recording shall be documented in the report.
4. The member or their designee, shall transfer the recording to an approved storage medium (e.g. an optical disc), which shall be turned into the Evidence Unit.

K. Public Recording of Activities

Agency members shall respect the citizen's right to lawfully record the activities of the Sheriff's Office.

1. Members encountering citizens lawfully recording their activities shall not demand the citizen stop their recording activities.
2. In the event a citizen is infringing on the member's safety and/or inhibiting the member's ability to perform his/her lawful duties, the citizen shall be warned that he/she may be arrested for Resisting an Officer Without Violence; F.S.S 843.02, if they continue to actually hinder the member's activities or inhibit the investigation. Examples of hindering a member's lawful activity include but are not limited to the following:
 - a. Interfering with the member's ability to move about the scene/area to conduct their investigation.
 - b. Causing the member to redirect their attention to the citizen recording due to the citizen's inciting activity (e.g. taunting, provoking, etc.).
 - c. Walking through and/or intruding on the defined crime scene.
3. In the event a citizen records activities that are criminal in nature and the recording

may serve an evidentiary function, the member shall:

- a. Ask for a copy of the video from the citizen.
- b. Attempt to identify the citizen as a witness.
- c. Inform the citizen, if they refuse to provide a copy of the video and their information:
 - (1). A subpoena will be sought for their recording.
 - (2). Destruction of the video constitutes a crime (Tampering With Evidence; F.S.S. 918.13).

Approved By: Sheriff Robert E. Hansell