

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: December 4, 2015	<input checked="" type="checkbox"/> Rescinds – G.O. 9.1.6 (December 13, 2013) <input type="checkbox"/> Amends	Number: 9.1.6
SUBJECT: MOBILE VIDEO RECORDING EQUIPMENT		Reviewing Authority: SOD/Aviation & UPD/Division Commander
Distribution: ALL SWORN PERSONNEL	CALEA Standards: 41.3.8 CFA Standards: 17.13	

This order consists of the following:

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

1. **Purpose**

The purpose of this policy is to establish guidelines and procedures for using mobile video recording equipment.

2. **Policy**

Deputies may use agency issued mobile video recording equipment to document work related incidents.

3. **Definitions**

- A. Evidentiary Recordings – recordings generated by mobile video recording equipment that contain evidence of a crime or infraction for use in court, civil litigation or resolution of a citizen complaint.
- B. Non-Evidentiary Recordings – recordings generated by mobile video recording equipment that do not contain any evidence of a crime or infraction. (momentary activation of system due to a DAV, citizen assist, etc.).
- C. Mobile Video Recording Equipment (MVR) – mobile video recording system, including but not limited to, mobile digital recorder, recorder controlled video camera, wireless microphone, in-car microphone, video monitor and docking station. MVR equipment is mounted in motor vehicles with the wireless microphones worn by deputies. Some MVR systems record activity occurring in the front of the vehicle while others also have the ability to record the rear seat.
- D. Mobile Video System Coordinator (MVSC): Agency member responsible for the coordination of body worn and in-car camera systems.

4. Procedures

A. General Mobile Video Recording Equipment Procedures

1. MVR may be used for official purposes only.
2. Deputies operating vehicles equipped with MVR shall record all:
 - a. Traffic stops.
 - b. Vehicle pursuits.
 - c. Emergency operation of the vehicle.
3. Deputies may use MVR to record incidents of public safety concern on roadways, sidewalks, and other areas open to the public.
4. Deputies shall only use agency issued MVR.
5. MVR shall only be used by deputies after they have received agency approved training.
6. Deputies may inform subjects when they are being recorded, if they believe it would help to diffuse a situation. The subject's consent is not required to continue the recording.
7. If a deputy has both a body worn camera and MVR, the body worn camera will take precedence over a MVR. The deputy may operate the MVR in addition to the Body Worn Camera but it is not required unless the Body Worn Camera is disabled, broken or otherwise not operational. Deputies will adhere to policy 9.1.9, Body Worn Cameras.

B. Prohibitions

1. Deputies shall not record other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.
2. To protect their identities, deputies shall not record conversations with undercover personnel, if avoidable.
3. Deputies should avoid recording when tactics or strategy is being discussed.
4. Deputies shall not record in any place that a person will have a reasonable expectation of privacy, e.g. bathrooms, lockers rooms, medical facilities when confidential patient information may be recorded.
5. Deputies shall not use non-agency equipment or devices to record or download video from MVR's. Deputies may use non-agency equipment to view, tag or display MVR video to further operational or investigative efforts.

C. General Operating Procedures

1. Deputies shall have the MVR, specifically including the wireless microphone, in standby mode and ready for immediate activation while on-duty.

2. Deputies shall wear the wireless microphone on their person while utilizing a MVR equipped vehicle as a function of an off-duty detail (e.g., construction site, HOA detail).
3. Deputies shall confirm the equipment is operational and the date, time and identification information is correct.
4. Deputies conducting traffic stops with vehicles equipped with MVR shall position them in a safe location to record the entire stop.
5. During lowlight conditions, headlights and spotlights should be adjusted to give the best lighting in the test area and reduce reflected light that may affect the MVR.
6. Deputies who activate MVR may temporarily turn off only the wireless microphone when transmitting confidential information via police radio or cellular telephone that is confidential in nature.
7. Deputies who activate MVR shall continue to record until:
 - a. The incident is concluded.
 - b. Ordered to stop by a supervisor.
 - c. Directing traffic or assisting in traffic control.
 - d. While waiting for a wrecker with no arrestee in the vehicle.
 - e. There is no longer a legitimate need to continue the recording.
8. If the MVR is manually stopped during an incident, the deputy shall record a brief explanation, when possible, before turning it off.
9. If the deputy's vehicle is equipped with a rear seat facing camera and an internal microphone, the deputy shall record the arrestee for the duration of the transport.
10. If MVR was utilized, deputies shall note it in the charging affidavit and/or incident report.
11. Deputies are permitted and encouraged to review the video recording as part of a thorough investigation when writing a report.
12. If the deputy determines the MVR stopped functioning properly, the deputy shall document the problem in an incident report and/or charging affidavit explaining why the MVR was not utilized or that it ceased to function. The deputy shall notify his/her immediate supervisor.
13. Evidentiary recordings will be available to the State Attorney's Office via the video server or provided on other media when requested.

D. Downloading and Storage

1. Deputies shall download their assigned cameras prior to the camera reaching its maximum storage capacity. At a minimum, deputies are

required to download the camera every other shift and prior to beginning their scheduled days off, e.g. RDO's, vacation. Deputies shall wirelessly submit recordings by positioning their vehicles in the designated location at Sectors 1, 2, 3 or 4.

2. Deputies shall properly categorize and tag videos at the completion of each video event. Videos shall be classified according to the type of event or incident captured in the footage to include whether it is evidentiary or non-evidentiary.
3. Deputies shall only use agency owned equipment and approved methods to download MVR.
4. When a deputy is involved in a deputy involved shooting, in-custody death, a pursuit that results in serious bodily injury or death, or a use of force incident that results in serious bodily injury or death, the investigating authority or the Shoot Team shall be responsible for taking custody of the camera and performing the download.
5. Agency personnel shall not copy, share, distribute, publish or delete a video recording except as authorized by agency policy for official purposes.
6. Videos copied for training purposes require the approval of a Section/Sector Commander.
7. Videos from MVR's shall be stored on an agency approved video management system.
8. Videos shall be retained in accordance with applicable law and agency policy.
9. Public record requests will be handled in accordance with agency policy.

E. DUI Investigations

1. Deputies should attempt to stop the suspect's vehicle at a location that would be conducive to conducting a DUI investigation in accordance with General Order 6.1.1.
2. If the violator stops on the curbside of the roadway, and there is an adjacent parking lot, deputies should use their PA system to direct the driver to the parking lot.
3. If a deputy cannot safely record roadside field sobriety exercises at the site of the stop, the deputy shall move the suspect, but not the suspect's vehicle, to a safe location within close proximity and then resume the investigation (e.g., a parking lot adjacent to the roadway). Before relocating, the deputy shall state the reason for moving and identify the new location. The video and audio recording shall continue throughout the relocation. This information shall also be documented in the incident report and/or charging

affidavit.

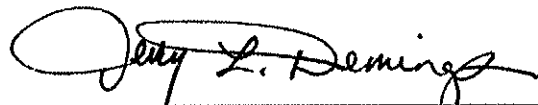
- a. If the suspect must be moved to another location, a backup deputy should safeguard the suspect's vehicle.

F. Audit Requirements

1. Quarterly, the MVSC shall randomly select 5% of deputies assigned a MVR to be audited. The coordinator shall send a notice to the appropriate supervisor to review a minimum of three videos for the selected deputies. The supervisor shall take appropriate action for any videos that contain misconduct or training issues. The supervisor shall complete the review within 15 days of receiving the notification. Upon completion of the review, the supervisor will forward the completed BWC/MVR Audit Response Form to the MVSC for retention.
2. Supervisors shall review the video of any use of force incident.

G. Maintenance

1. Fleet Management shall coordinate installing, removing, servicing, and repairing all MVR systems.
2. The MVSC shall maintain a maintenance log of all MVR systems.
3. Deputies shall report all malfunctions or damage to a MVR system to Fleet management, their immediate supervisor and the MVSC.
4. Unauthorized personnel shall not attempt to service or make repairs to MVR systems.



SHERIFF JERRY L. DEMINGS