

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1140.1, MOBILE VIDEO RECORDING SYSTEMS**

EFFECTIVE:	10/28/2015
RESCINDS:	1140.0
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	PROFESSIONAL STANDARDS DIVISION COMMANDER
ACCREDITATION STANDARDS:	NONE
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POLICY:

It shall be the policy of the Orlando Police Department to utilize the Body-Worn Camera (BWC) and the In-Car Camera equipment, collectively referred to as "Mobile Video Recording Systems," to document law enforcement interaction with the public with video and audio recordings. Through the use of mobile recording systems, this agency will better protect the rights of citizens and police officers while balancing privacy interests.

Mobile video recording systems are not a substitute for a member's reasonable beliefs and perceptions, and cannot account for a member's physiological responses during critical incidents, such as visual tunneling and auditory exclusion. Mobile video recording systems should not be viewed as the only measure of truth because they may show more or less than what the member sees/hears/observes. Mobile video recording systems, however, have an important but limited use as one of many policing tools.

PROCEDURES:

1. DEFINITIONS

Body-Worn Camera (BWC): A recording system that captures audio and video that is individually worn by assigned members and includes, at a minimum, a camera and recorder.

Evidence Transfer Station: A docking station used to recharge and upload previously-recorded audio and video (stored media) from the BWC.

In-Car Camera: A mobile video recording device installed in a police vehicle.

Mobile Video Recording System: A device that includes a camera and a recorder that allows members to audio/video record live incidents of any law enforcement encounter.

Mobile Video System Administrator (MVSA): Department member with full administrator rights who assigns and tracks equipment, controls passwords, acts as liaison with equipment vendor representatives, and is the department's subject matter expert on all vehicle and body-worn devices.

2. IN-CAR CAMERAS

The assigned member shall ensure that the equipment is operating and positioned properly. Any problems should be brought to the attention of the Mobile Video Systems Administrator and the member's supervisor in an email immediately.

The In-Car Camera system is active at all times during patrol functions, and the audio transmitter must be activated by the member. The equipment will automatically activate from the standby mode when the vehicle's emergency lighting is in operation. The equipment can also be activated when the officer presses the record button on the In-Car Camera or the wireless microphone.

Members shall activate the In-Car Camera whenever a traffic stop is conducted or there is a potential for dealing with a suspect of a crime. This would include, but is not limited to, suspicious persons contacts or calls for service. The In-Car Camera may be activated whenever the officer feels its use would be beneficial to his/her police duties. Deactivation shall not occur until enforcement action is complete.

The In-Car Camera system does not permit deletion or alteration by users. The user is responsible for properly classifying and uploading each recording.

In-Car camera equipment will be inspected during annual vehicle inspections conducted by the appropriate bureau.

3. BODY-WORN CAMERA PROCEDURES

The Body-Worn Camera (BWC) is an additional means of documenting specific incidents in the field. Specific uses of the BWC are:

- a) To enhance member safety.
- b) To capture crimes in progress, whether perpetrated against the member or the community, and to maintain evidence for presentation in court.
- c) To document initial police response, the discovery of evidentiary items, and the actions of the member pursuant to an investigation.
- d) To augment member safety when a citizen should reasonably know his or her actions and statements are being recorded.
- e) To reduce unreasonable or false complaints made against members of the department in the course of their duties.
- f) To serve as a training and performance mechanism to ensure professionalism

3.1 MEMBER RESPONSIBILITIES

- a) Inspection and general maintenance of the BWC shall be the responsibility of the assigned member. The equipment shall be operated in accordance with the manufacturer's recommended guidelines and in compliance with agency training.
- b) Prior to the beginning of each shift, the assigned member shall perform an inspection to ensure that the BWC is functional and fully charged. The controller features LEDs to indicate the operating mode and battery capacity. The BWC will emit audio prompts or beeps notifying the member of the system status, some of which may require the member's immediate attention. A fully-charged controller battery should provide enough power for approximately 12 hours of normal operation.
- c) Malfunctions or other operational problems, damage, loss, or theft of the BWC must be immediately reported to the member's supervisor and the Mobile Video System Administrator (MVSA) via email. An incident report shall be completed any time a BWC is damaged, lost, or stolen.

- d) Spare/replacement equipment will be obtained from the MVSA during normal business hours. During non-business hours, a Watch Commander can obtain a spare/replacement BWC from the Quartermaster Unit. An email shall be sent to the MVSA documenting the serial number, member's name, and the timeframe during which the camera was used. Since each BWC is specific to only one member, this is the only way that recordings associated with the member can be captured.
- e) All members assigned a BWC who are in uniform and engaged in law enforcement-related overtime details or extra-duty are required to wear and utilize the BWC.

3.2 ACTIVATION OF THE BODY-WORN CAMERA

Buffering occurs in the first 30 seconds prior to activation and last 30 seconds after deactivation. Only video is recorded during buffering.

This policy is not intended to describe every possible situation in which the BWC system may be used; however, a member shall activate the BWC, if practical and without compromising the safety of the member or the public, in the following circumstances:

- traffic stops;
- priority responses;
- vehicle pursuits;
- suspicious persons/vehicle contacts;
- arrests;
- vehicle searches;
- physical or verbal confrontations;
- domestic violence calls;
- DUI investigations;
- interviews;
- foot pursuits;
- advising an individual of their Miranda warnings;
- responses to resistance;
- crimes in progress;
- taking a statement or information from a suspect or witness;
- any situation or incident that the member, through training and experience, believes should be audibly and/or visually preserved.

3.3 DEACTIVATION OF THE BODY-WORN CAMERA

Once the camera is activated to record, it shall remain on until the initial incident that caused the activation has stabilized or at the time that the member gives a verbal disposition to Headquarters. In some instances, the member may need to record the actions of the arrestee while being transported to the BRC.

Members providing on-scene assistance to other law enforcement agencies shall notify them that the incident is being recorded.

If at any point during an activation a member has reason to turn off the BWC prior to the final conclusion of an incident, that member will verbally state the reason prior to the deactivation of the camera.

When members are interacting with victims, witnesses, and others from the community who request not to be recorded, members shall:

- a) Balance the value of obtaining a recording with the reluctance of a victim, witness or others from the community to provide information while being recorded.
- b) Members should use discretion in making the decision.

- c) If the suspect of a crime is present, the member shall not turn off the BWC.
- d) If the member deactivates the BWC at the request of the witness, the member shall state the reason prior to the deactivation.

Members may choose to deactivate their BWC during non-law enforcement activities such as breaks, directing traffic, processing a crime scene, remaining on an accident scene waiting for a tow truck, etc.

Members engaged in an incident who realize they failed to activate their BWC at the onset shall activate the camera as soon as practical. If a member fails to activate their BWC during a required situation or part of a situation, or interrupts or terminates the recording, they shall notify their supervisor as soon as reasonably possible, and shall document the reason to their supervisor and the MVSA via a memorandum or an email. In cases where an official written report of the incident is required, the member shall document in the report the reason they failed to activate, interrupted, or terminated the recording.

3.4 PROHIBITED RECORDINGS AND ACTIONS

Unless conducting official law enforcement business that requires the member to use the BWC, the following is a list that members must adhere to:

- a) The BWC will not be used to record personal activity.
- b) The BWC will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement-related activities.
- c) The BWC will not be used to intentionally record confidential informants or undercover operations.
- d) Unless the BWC is being used as part of an official law enforcement incident, the BWC will not be activated in places where a reasonable expectation of privacy exists, such as, but not limited to, locker rooms, dressing room, or restrooms.
- e) Members will not make copies of any recordings for their personal use.
- f) Members are prohibited from allowing anyone else to use another recording device to record media captured from the BWC,
- g) Members shall not erase, alter, reuse, modify or tamper with any recording. Only the authorized MVSA may erase any previously-recorded digital recording.
- h) Members shall not post BWC footage to any social media site without prior written approval from the Chief of Police or their designee.
- i) Unless in response to an official inquiry or investigation, members assigned the BWC will not allow citizens to review the recordings.
- j) Members shall not lead a person to believe the BWC has been deactivated when, in fact, the BWC is left active.
- k) Members will not allow another person to sync with their assigned BWC.
- l) No member shall use a BWC not assigned to them. Only authorized supervisors or MVSA can assign a BWC to a member.
- m) Members shall not use the BWC to replace a written report or required written statements.

3.5 UPLOADING PROCEDURES

Members shall upload their assigned BWC prior to the device reaching maximum storage capacity. The remaining storage capacity can be determined by pairing the BWC with the member's Bluetooth or Wi-Fi-enabled mobile device or computer. The recording system will be placed in the appropriate Evidence Dock using the department's network or uploaded as otherwise directed by the MVSA. The recording system should not be removed from the Evidence Dock until all of the data has been uploaded and the battery has been fully charged. Any functionality or serviceability problem shall be reported immediately to the MVSA and the member's supervisor.

Members shall ensure that all captured videos are labeled with the proper category and, when applicable, the agency case number in the same format as listed in CAD, for example, 2015-00001234.

3.6 SUPERVISORY RESPONSIBILITIES

Supervisors are responsible for ensuring that all personnel assigned to their unit have uploaded their recordings on a regular basis. Supervisors shall conduct periodic, random inspections of BWC equipment to confirm that it is in proper working order.

Supervisors will review recordings of all officers involved in the following incidents:

- Injury to a member(s)
- Injury to a prisoner
- Response to resistance
- When any member of the Department intentionally or unintentionally discharges a firearm
- Vehicle pursuits
- Vehicle crashes involving LEOs
- Citizen complaints
- Documented internal complaints
- As directed by the Chief of Police, Deputy Chief of Police, Professional Standards Division Commander or the Internal Affairs Manager

Supervisors may review video footage for documenting exemplary performance, heroic actions, and/or other praiseworthy service for appropriate recognition and commendation.

Supervisors should not review recordings for the sole purpose of searching for violations of departmental policy not related to a specific complaint or incident; however, they may review video recordings for the purpose of:

- Training
- Critique
- Early Intervention inquiries
- Civil claims
- Administrative inquiries
- Addressing behavioral or performance deficiencies

4. DOCUMENTATION

The member shall document the use of any mobile video recording system in reports, citations, affidavits, FIRs, etc. Before writing reports involving the response to resistance, critical incidents, confessions or admissions, members shall review any of their own digital recordings.

Members are encouraged to review available video while preparing written reports to ensure accuracy, and will provide the following disclaimer on each document:

“The contents of this document are based on my observations of the incident and a review of the recordings captured by a mobile video recording system.”

All recordings are subject to the Florida Public Records Law. Generally, videos are released unless there is an existing public records exemption, or confidential provision.

Note: The BWC may record at a level beyond human ocular capability, depending on equipment settings. Oftentimes the camera may pick up something that the member was not aware of at the time of the incident.

5. MOBILE VIDEO SYSTEM ADMINISTRATOR

The Mobile Video System Administrator is responsible for overall maintenance, management, training and retention, and acts as a liaison to Technology Management, the Technology and Forensics Unit and associated vendors. The Mobile Video System Administrator reports to the Professional Standards Division Commander.

6. DISSEMINATION

All digital media collected using the mobile video recording systems is public record as defined in Chapter 119, Florida Statutes. Public records requests shall be handled pursuant to established policy.

Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law. BWC digital records are accessible only to authorized personnel: The system maintains an audit of user activity.

7. STORAGE AND RETENTION

Generally, recordings shall be retained for a minimum of 90 days, or purged when it is no longer useful for the purposes of agency training, for an investigation, or other law enforcement purposes.

8. TRAINING

Officers shall be trained and instructed prior to being assigned a mobile video recording system. Members shall only use BWCs after they have received agency-approved training. The MVSA will ensure that all BWC training meets current manufacturer guidelines and specifications, as well as department policy.