



MAITLAND POLICE DEPARTMENT POLICY AND PROCEDURE

TITLE: IN-CAR VIDEO RECORDING/ RECORDING SYSTEMS

NUMBER: 508

EFFECTIVE: March 6, 2002

REFERENCE:

RESCINDS: NEW

AMENDS:

ATTACHMENTS:

DATE FOR REVIEW: ANNUALLY

REVIEW BY: STAFF/OUTSIDE SOURCE

DATE LAST REVIEW: October 2016

DATE REVISED: January 2017

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PURPOSE

The purpose of this policy is to establish operating guidelines and procedures for the use of Department issued recording devices.

DISCUSSION

This policy is the implementation and proper procedures for the use of the recording systems. These procedures will enable the operators and Officers to properly maintain the system and the proper procedures for the handling of the media files for evidence and normal storage.



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POLICY

508.1a The use of video or audio recorders, provide documentation of law enforcement interaction with the public by providing recorded evidence of actions, conditions, and statements that could be used for the prosecution, internal review, or by the public through formal request. The primary functions of the mobile audio/video recording system are for officer safety and to accurately document statements and events during the course of an incident. The data collected may also be used to determine the accuracy of a complaint made against a member of this agency. Officers are prohibited from using the video or audio recording device until they receive proper training and demonstrate proficiency in operating the device from another qualified member. The officer shall document evidence collected by the recording device in an offence report or charging affidavit.

PROCEDURE

508.2a The following procedures apply to Department issued equipment only.

508.2b Officers will perform a function check of the equipment at the start of their shift. The function check will test the video and audio recording functions and the unit itself. The officer will also ensure the unit is recording the proper day, date, and time. Any problems will be immediately reported to the on-duty supervisor. If the problem is not corrected before the end of their shift, the supervisor will notify the Captain of Operations or designee in writing of the specific problem.

508.2c The Deputy Chief of Operations or designee will make arrangements for equipment repair. Any attempt to repair the equipment is strictly prohibited. Only technicians approved by the manufacturer of the device are authorized to perform any repairs.

508.2d Only in-car video/audio recorders and accessories (cameras, microphones, cables, etc.) approved by the Chief of Police or his designee, are installed in agency vehicles (temporary installed surveillance equipment approved by the Chief of Police or a designee Department is excluded).

RECORDING PROCEDURES

508.3a The following procedures apply to the actual recording of events:

- Officers will conduct all encounters with the safety of the persons being contacted and the officer of paramount concern.



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508.3b Officers are encouraged to utilize assigned recording equipment to record the following activity:

- Obtain evidence of irregular or illegal driving behavior, if time and conditions permit;
- Obtain evidence of driver impairment during the contact and performance of roadside sobriety tasks.
- Systems may also be used to support other areas of enforcement or investigation, to include as examples:
- Surveillance of open doors, broken windows, or other suspected points of entry while/if a single officer must conduct perimeter checks of buildings.
- Capturing evidence of fights, crowd situation, etc., as officers approach scenes and investigate.
- Capturing partial video and full audio of domestic or other disturbances occurring outside or within a residence or building via remote microphone.
- Monitoring of unruly prisoners being transported in police vehicles, to include audio.
- Capturing conversation of suspect(s) in rear seats of police vehicles, as no expectations of privacy concerns exist, via the interior microphone.
- Recording any pursuit or emergency response situation (mandatory)
- Recording everyday activities by trainees in the Field Training Program for evaluation and improvement of techniques.
- Hostile or aggressive traffic violators.

508.3c When a person has a reasonable expectation of privacy in a conversation, no un-consented interception of the conversation can take place until the officer's purpose becomes the obtaining of evidence of any criminal act [F.S. 934.03(2)(a)3(c)]; including criminal traffic offenses, such as reckless driving.

508.3d If the police cruiser is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey.

508.3e The video/audio capture equipment utilized by the Department is equipped with a rewind button that enables the operator to review previously recorded action. This rewind feature may be utilized by the officer to review a previous incident; however, under no circumstances will the officer record over previously recorded video.

508.3f Video and audio captured by a member while utilizing Department equipment is recorded to an SD card. At the conclusion of a known recorded event, the operator shall download the recorded file to a secured folder maintained by the Department. If and when storage capacity reaches three-quarters full on the device's SD card, the operator shall download all recorded files to a secured folder maintained at the Department. The operator will then notify the evidence custodian of the file download. The evidence custodian will then secure and properly label the files for future use. This action will be documented on the Offense report and or affidavit.



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DISPOSITION OF FILES

508.4a At a minimum, all recordings made by agency recording devices shall be retained in accordance with state retention laws, statute of limitations, and all applicable department general policies. The only exception to this shall be footage pertaining to cases not filed with the State Attorney's Office. In these cases, especially with unknown suspects, evidence will be held as follows:

- **Capital or life felonies - indefinitely**
- **Kidnapping - indefinitely**
- **Missing Persons – indefinitely**

The following procedures apply to the disposition of media from the Department issued video/audio recorders.

Non-Criminal Events

508.4b Files that document only non-criminal events will be maintained in the manner described in section 508.6a-b, Storage of Media.

Criminal Events

508.4c Immediately following a recorded incident involving a criminal act and/or arrest, e.g., DUI, reckless driving, fleeing/eluding, etc., the files used to record the incident should be immediately downloaded to a secured folder. The recorded files will be considered evidence and properly marked and submitted in accordance with current policies for handling of evidence. The files will be maintained as evidence until the completion of the appellate process or until the period for filing of an appeal has expired. Proper evidence handling procedure will be following the media when placing recorded files into evidence.

508.4d recorded files will not be duplicated without written permission from the Chief of Police or a designee.

STORAGE OF FILES

508.6a Media files that are not of an evidentiary value will be stored for a period of 30 days in a secured folder maintained by the Department. The Chief of Police or his designee will have access to the files through the Evidence Custodian.

508.6b An officer may request media files be retained for a longer period of time if there is a non-criminal event on the media that the officer will need at a later date, e.g., traffic violations for court, etc. In the event that media is to be kept for a period of time, exceeding the 30 days, or for a specific investigative or testimonial purpose, that media will be logged out to the



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requesting member and maintained in a secure location (either as Property and Evidence or as secured evidence in an internal investigation).

508.6c Media that exceed the 30-day period and are not needed for quality control may be purged.

PUBLIC RECORDS REQUESTS

508.7a Media entered into evidence shall not be subject to a public records request until such time as the case is resolved. In these cases, Rules of Discovery shall apply and the media will only be made available upon presentation of appropriate subpoena or other documentation. Media files may be reviewed at the Police Station but will not be duplicated without specific direction from the court and the Chief of Police or designee.

508.7b Materials contained on media files that are not entered into evidence are also subject to Public Record Requests. Upon presentation of a Public Records Request, the Records Supervisor will facilitate the viewing and or duplication such media. This will occur at the Police Station. Fees charged for the duplication of such media will be in accordance Florida Statutes (F.S. 119.07).

David Manuel
Chief of Police

DATE: ____/____/____
Policy and Procedure #508
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