
	Florida State University Police Department	
Mobile Video Recording Systems (MVRs)		
Revision Effective Date: 03/17/20	General Order 715	Attachments: None
Rescinds/Amends: 715 (01/15/19, 04/30/18, 09/01/17)22D (rev. 5/18/16, 01/06/15)	Distribution: Department-Wide Pages: 9	Reference: CFA 32.02

Purpose

The purpose of this general order is to provide general guidelines for uniform patrol officers utilizing mobile video recording systems, to establish procedures for the operation and control of evidence obtained on video recording equipment.

Discussion

Mobile video recording systems have been proven useful as a tool to protect officers from malicious complaints; however, some incidents have occurred that have incriminated officers. Those officers were acting outside the scope of their training or displayed less-than-professional behavior while attempting to perform their duties. Although this is not the reason video is being deployed, officers should stay aware of the watchful eye of the camera, and remain professional, follow procedures, and practice what has been imparted in training.

Policy

It is the policy of the Florida State University Police Department to utilize mobile video recording equipment for the purpose of gathering recorded evidence for court prosecution of violators of both traffic and criminal laws. The use of the mobile video recording equipment shall also assist the Department as a training aid, help defend against complaints levied at officers, assess the quality of officer-citizen contacts, and serve as a tool to enhance officer safety.

Procedures

A. Authorized Recordings

Members of this agency shall only use department installed and issued Mobile Video Recording Systems (MVRs) audio and video recording systems to make videos.

1. MVRs may be used for the following purposes:
 - a. Obtain audio and video evidence for criminal investigations.
 - b. Obtain audio and video evidence for Florida Uniform Traffic Code violations.
 - c. Document police related incidents.
 - d. Document Internal Affairs Complaints and Interviews.
2. Protection of life and property of citizens and members will take priority over the gathering of audio and video evidence.
3. The Florida State University Police Department recognizes technical malfunctions may occur with the MVRs.

B. General Protocols for Video Recording

1. Members shall notify their immediate supervisor of any operational problems with MVRS equipment as soon as possible.
2. Members shall not make or attempt to make unauthorized repairs to MVRS equipment.
3. Members shall not intentionally damage, tamper with, or disable MVRS equipment.
4. Members assigned to a vehicle equipped with a MVRS or who are issued a body-worn camera shall not secretly record Department members without their permission, nor shall a member use the MVRS in such a manner to bring discredit to a member, the Department, or the Florida State University.
5. MVRS equipment failure resulting in system deactivation shall not prevent or hinder members from taking appropriate police action.
6. Members shall not interrupt the recording of citizen contacts in order to allow the citizen to review the recording.
7. Members shall document in their original or supplemental incident report if a MVRS was utilized during an incident. [CFA 32.02 D]
8. Once the MVRS is activated, members shall not deactivate the MVRS until the occurrence has been concluded or the continued recording will not serve to obtain additional evidence (e.g.; crime scene security, extended traffic control, parade routes).
9. Whenever the MVRS is manually deactivated during an incident for reasons detailed in this policy, the member shall record a brief explanation for the deactivation prior to turning off or stopping the recording of the MVRS.
10. Failure to record activities as denoted in this policy will not be considered a violation of policy as long as reasonable justification is articulated to the member's chain of command (e.g., technical malfunctions, stepping off camera, protecting life or property with a vehicle).
11. Officers shall not erase, alter, reuse, modify or tamper with any portion of a MVRS image or sound recording.

C. Prohibited Use [CFA 32.02 C]

1. Unless conducting official law enforcement business that requires the MVRS operator to use the camera, the MVRS:
 - a. Shall not be used to record personal activity;
 - b. Shall not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
 - c. Shall not be used to intentionally or willingly record confidential informants or undercover officers
 - d. Unless being used as part of a legitimate law enforcement call or purpose, the MVRS shall not be activated in places where a reasonable expectation of privacy exists, such as but not limited to:
 - 1) Locker rooms;
 - 2) Dressing rooms; or
 - 3) Restrooms

D. Availability and Installation

1. As in-car MVRS become available to Uniform Patrol Operations, they will be installed into marked patrol vehicles.
2. Each in-car MVRS shall be installed according to manufacturer recommendations by a manufacturer certified installer so as not to obstruct the deployment of any vehicle air bags or other supplemental restraint systems and should be minimally invasive on the field of view of the driver of the equipped vehicle.

E. Training [CFA 32.02 A.]

The Training Coordinator shall ensure that all sworn members receive training in MVRS. It shall be at the discretion of the Training Coordinator whether such training shall be accomplished as in-service, roll-call, or specialized. Probationary officers shall receive such training as part of the FTO Program. The training shall consist of:

1. Review of this general order regarding MVRS operation.
2. Review of procedures regarding logging into the in-car MVRS, initiating recording and properly coding and ending a recording.
3. Orientation of operating the in-car MVRS.
4. Orientation of the operation of and the manual download procedures for body-worn systems for those officers issued the system.

F. Assignment of Officers to Vehicles with MVRS In-Car Camera and Their Use

1. No officer shall be authorized to operate a MVRS in-car camera until he/she has received the appropriate training discussed in Section E. of this general order.
2. Officers assigned to a vehicle equipped with a MVRS that are authorized to utilize the equipment, shall also ensure that the equipment is in proper operating condition. The officer shall ensure that the date, time, and vehicle number are displayed on the viewing monitor. Any deficiencies shall be brought to the attention of the officer's supervisor as soon as practical.
3. Officers operating an in-car MVRS shall equip themselves with the system's wireless microphone.
4. The in-car MVRS will automatically begin gathering audio and video information whenever the vehicle's emergency equipment or microphone is activated.
 - a. The MVRS may be deactivated during non-enforcement activities, such as traffic control. In such instances, officers shall audibly narrate as to why the system is being deactivated.
 - b. During enforcement activities, the MVRS (including the wireless microphone) is activated to gather audio and visual information. It shall not be intentionally deactivated until the enforcement action is completed.
 - c. Officers shall provide narration during incidents that do not appear on-camera. The type and content of the narration will be a topic of instruction during the training phase.

G. Guideline for Utilization of MVRS – Field Activities [CFA 32.02 B]

1. Members who are not assigned a MVRS or members who have a MVRS not currently operational, have no duty to call in another member to record field activities.
2. Members assigned to the patrol function operating a vehicle equipped with MVRS in-car camera, shall activate the unit during each enforcement action. Uniform members assigned to the Patrol Division and assigned a BWC that is functional and who are properly trained, shall ensure their BWC is fully charged, operational and worn at all times during their tour of duty and activate the BWC during each enforcement action. All members working a special detail or event which requires the wearing of a uniform, that are assigned a BWC and who are properly trained, shall

ensure their BWC is fully charged, operational and worn at all times during the detail/event and activate the BWC during each enforcement action, unless the operational plan for the detail/event specifically exempts the wearing of a BWC. Special Operations, which do not require a standard uniform, may also require the use of BWCs. These instances will be addressed on a case by case basis and the requirement for a BWC will be addressed in the Detail Operational Plan. This also applies to officers providing backup and multiple officers on the same scene. Those activities include, but are not limited to:

- a. Traffic enforcement
 - b. Vehicle pursuits
 - c. Emergency responses
 - d. Field sobriety exercises
 - e. Hostile or disorderly groups or crowds within camera/audio range and capability
 - f. Suspect interviews
 - g. Vehicle searches
 - h. Traffic crash or crime scenes
 - i. Citizen contacts resulting from calls for service and consensual citizen encounters
 - j. Arrestee conduct while being transported
 - k. When practical, field interviews conducted within camera/audio range and capability
3. Members who are assigned a take home vehicle equipped with a MVRS or who are issued a body worn MVRS, shall operate the system portal to portal.
 4. Officers are not required to inform citizens that they are being recorded, unless a citizen specifically asks the officer if they are being recorded.

H. Traffic Stops

1. The MVRS should be initiated when a Florida statute violation is observed, criminal predicate is developed, or members believe a recording is necessary.
2. Members shall complete the appropriate event tag process at the conclusion of each activation (for each camera; front and rear) of the MVRS unless they are utilizing the body-worn camera system. Those members utilizing the body-worn camera system shall complete the appropriate event tag process when the videos are uploaded to the storage server.

I. Emergency Responses and Vehicle Pursuits

1. The vehicle mounted MVRS shall be set to initiate recording with the activation of the vehicle's emergency lighting system.
2. The MVRS shall not be turned off until member response and/or involvement has been terminated.

J. DUI Investigations

1. The MVRS should be activated upon the initial observation of an infraction or safety concern, which may be prior to the activation of the vehicle's emergency lighting system.
2. A safe area shall be utilized, whenever possible, to conduct field sobriety evaluations and recording by the MVRS.

3. To prevent radio frequency interference, it is permissible to deactivate the MVRS prior to the activation of the Intoxilyzer 8000, or other FDLE approved breath test instrument, when a member is in close proximity to such equipment:
 - a. The decision to deactivate the MVRS rests solely with the breath test operator.
 - b. Upon obtaining the desired number of breath samples, members shall immediately ensure their MVRS is reactivated.
 - c. When the MVRS is manually deactivated during a DUI investigation, the member shall record a brief explanation for the deactivation prior to turning off or stopping the recording of the MVRS.
 - d. If an Intoxilyzer 8000 is being used within the vehicle, members should record advisements given to the offender, such as implied consent, Miranda warnings, or other legal instructions.
 - e. The body worn system does not need to be deactivated because it is not transmitting radio frequencies while in operation.
4. In regard to field sobriety exercises, this policy only refers to the investigating member conducting the field sobriety exercises.
5. If the investigating member does not have a MVRS, there is no requirement to record field sobriety exercises or any other portion of the DUI investigation even if there is another member on scene with an operational MVRS.
6. If the investigating member has a MVRS that is not working properly, there is no requirement to record field sobriety exercises or any other portion of the DUI investigation even if there is another member on scene with an operational MVRS.
7. It is permissible, and not a violation of this policy, if during the MVRS recording of field sobriety exercises the member and/or defendant, move off screen for one or more field sobriety exercises either by accident, or to move to a safer, more level, or an area with better illumination.

K. Vehicle Searches

1. When a consent search is conducted the verbal and/or written waiver should, if possible, be recorded via the MVRS.
2. The member conducting the search should utilize the body microphone and/or BWC and articulate their findings and a location as the search is conducted.
3. Evidence and/or contraband located during the vehicle search shall, when possible, be recorded on the MVRS video camera or BWC, including "snapshots".

L. Arrests and Prisoner Transports

1. When safe to do so, the MVRS shall be activated during an arrest and during the transfer of prisoner custody from one member to another.
2. When possible, the reading of Miranda warnings and other advisements should be recorded. Unless an Intoxilyzer 8000 will be utilized within the jail facility for DUI purposes.
3. The rear-facing camera and in-car microphone shall be activated whenever a subject is placed in the rear of the vehicle for detention or transport.

M. MVRS Control and Management

1. MVRS Equipment shall be afforded the same respect and care as other Department equipment in accordance with the provisions of General Order "Fiscal Management." In addition, any recordings of sounds and images, whether internal device or digital, may serve as evidence in a criminal proceeding. In addition to officers' compliance with the provisions of General Order,

“Evidence and Property Control System,” and “Collection and Preservation of Evidence,” the following also applies specifically to audio and visual evidence obtained from MVRS operation.

2. Supervisory Responsibility: Patrol supervisors shall routinely review videos made by their subordinate officers to ensure compliance with this general order as well to ensure all MVRS systems are being used (i.e. sound recording) and/or are functioning properly.

N. Digital Transfer, Retention, and Release [CFA 32.02 E]

1. Members shall ensure that all MVRS recordings (both in-car and body worn) be downloaded/transferred prior to the end of the member’s shift, tour of duty, or at the end of a special detail. The download/transfer will be conducted via supplied cables or cradles or via wireless download (when available) to the designated network server. MVRS operators shall be responsible for properly coding videos as prescribed in training.
2. Under extraordinary circumstances, a shift supervisor may authorize a temporary delay for an administrative MVRS download.
3. MVRS recordings shall be retained in accordance with the needs of judicial prosecution, department utilization, and Florida Public Records Law, and applicable general orders.
4. Members shall only utilize Department-approved workstations or Ethernet connections for the upload/transferring of MVRS recordings.
5. All MVRS recordings will be stored and retained by the Department for at least 90 days. Any recordings of evidentiary value in criminal investigations or prosecutions shall be retained in accordance with General Records Schedules established by the Department of State, pursuant to Florida Statutes 257.36 and 119.01. [CFA 32.02 E]
 - a. Once the recording is completed by members, the data will be coded with a specific event tag for storage.
 - b. The various event tags will determine the length of time the recording is stored/maintained by the Florida State University Police Department.
6. Patrol supervisors, through periodic inspection, shall ensure the MVRS in-car cameras assigned to members are properly logging into the MVRS systems, utilizing the wireless microphone and creating, coding, saving and uploading/transferring MVRS recordings if applicable.
7. The MVRS Administrator (IT Manager), or their designee, is responsible for the storage and maintenance of all MVRS recordings uploaded onto the server.
8. Access to the server shall be limited to members with administrative privileges.
9. Members shall not release or allow to be released any unauthorized copies of MVRS recordings.
10. In fulfilling requests for MVRS recordings, members shall adhere to the following protocols:
 - a. For criminal court purposes, requests will be made to the Department’s State Attorney Liaison, or their designee.
 - b. For traffic court purposes or administrative needs, requests will be made to the Records Manager, Evidence Technician, MVRS Administrator or their designee.
 - c. All public records request of MVRS recordings, shall be made to the Department’s Records Manager.
 - d. Dissemination of video or audio outside of the FSUPD will be in accordance with Florida Public Record laws and the General Order titled “Records Management”.
11. MVRS recordings shall only be released pursuant to subpoena, State Attorney’s Office requests, or where applicable public records law requires the release.

12. MVRS recordings shall not be released to the general public (public records requests) under the following circumstances:
 - a. Criminal charges are pending during an open investigation.
 - b. The recording is currently being used as evidence.

O. Limitations on Review of Data

1. Officers are permitted to review their own digital recordings for report writing, court, and training purposes. Access is subject to restrictions under certain conditions.
2. Supervisors may review digital recordings of all officers' files for the purpose of concerns related to officer performance and/or safety issues, training, complaints, policy compliance, or other review.
3. Supervisors, Command Staff, or other designee may review digital recordings for the purpose of conducting use of force reviews, vehicle accident reviews, vehicle pursuit reviews, or other investigation or inquiry.
4. Authorized Training Staff may review and copy digital recordings for training purposes as authorized by the Chief or designee.
5. When a MVRS recording is available in an active criminal investigation, access to the recording may be restricted as dictated by the Chief or designee. In those situations, the following procedures shall be adhered to:
 - a. Only the Chief of Police, or designee, can authorize the involved member access to the recording while the criminal investigation is active.
 - b. The Support Services Captain, or designee, will provide appropriate investigative findings to the Chief of Police, to facilitate the decision on whether or not to allow the involved member access to the recording during an open criminal investigation.
6. During an open/active criminal investigation, access to the recording shall be limited to the following persons, unless otherwise authorized by the Chief of Police, or designee:
 - a. Criminal investigator(s) assigned to the investigation
 - b. State Attorney or designee
 - c. Others as approved by Chief of Police or designee
7. Any video deemed sensitive for any reason and not intended for access by the recording officer or supervisors shall be locked and specific access granted to the appropriate members. This determination and designation shall be at the direction of the Chief, Deputy Chief, or designee.

P. Internal Investigations or Disciplinary Action

1. Uniform supervisors assigned to the Patrol Division and assigned a BWC, shall activate the unit for any on-duty crash investigation, preliminary internal affairs investigation, any interview related to a possible FSU Police Department or University Policy violation or any criminal investigation of any other member of the department. The supervisor shall inform the member they are activating their camera prior to any question being asked. The video will be coded as "For Review" (NI) and made available to the appropriate Command Staff member as soon as practical. Once the incident type is determined, the video will be re-coded to accurately reflect the type of video, i.e. Traffic, Internal Affairs, etc.
2. Any digital recording relating to an internal affairs complaint, that may become evidence in a future internal affairs investigation, will be coded as an Internal Affairs video and made available to the appropriate Internal Affairs (IA) investigators as soon as practical.

3. Any formal IA interview with the involved member will take place after the member is permitted access to the recording.
4. When a MVRS recording is considered in a disciplinary or Internal Affairs investigation, the subject member will be provided an opportunity to review the recording prior to responding to a supervisory inquiry or an Internal Affairs investigation.

Relevant Court Case and Law

Florida vs. Reyes – A 1996 Florida murder case in which the defendant was acquitted because the defense attorney claimed that the digital photograph of the defendant’s fingerprints had been manipulated or otherwise altered by the police.

Federal Rules of Evidence, Article X (Contents of Writings, Recordings, and Photographs). Rule 101(1) defines writings and recordings to include magnetic, mechanical, or electronic recordings. Rule 101(3) states that if data are stored in a computer, any printout or other output readable by sight, must be accurate, i.e., an “original.” Rule 101(4) states that a duplicate is a counterpart produced by the same impression as the original, by mechanical or electronic re-recording, or by other equivalent techniques which accurately reproduces the original. Rule 103 states that a duplicate is admissible to the same extent as an original unless a genuine question is raised about its authenticity. In short, a photograph can be stored digitally, a digital photograph stored in a computer is considered an original, and any exact copy of the digital photograph is admissible as evidence.

Glossary

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

Body-Worn Camera (BWC) - Department issued digital audio and video recording equipment worn on the exterior clothing of a sworn member. Although not an in-car camera video system, it is part of the department’s Mobile Video Recording System.

MVRS (Mobile Video Recording System) - Audio/video recording equipment designed for fixed installation in patrol vehicles or body worn portable recording devices.

MVRS Administrator – the Agency IT Manager.

Portal to Portal – This requirement dictates that officers assigned take home vehicles equipped with an in-car video system or officer’s assigned body cameras that are issued take home vehicles, shall activate the MVRS pursuant to Section G when in transit. This is intended to capture incidents that arise or that they encounter while in transit in a department issued vehicle.

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Attachments: None

CAA 03/17/20

Filed: 715

Mobile Video Recording Systems (MVRS)

Approved: 
Terri S. Brown, Chief

Effective Date: 03/17/2020