

GENERAL ORDER

November 2020

Immediately

III-40

Distribution: All Employees

Subject: Mobile Video Recording Systems (MVRS)

Index as:	Activate	Hardware, BCW
	Accidental Recordings	Manual Activation
	Body Worn Camera (BWC)	Mobile Video Recording System
	Bookmarking/Tagging	Mobile Video Recording System Administrator
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	DEMS	Rear-Facing Fleet Camera System
	Digital Evidence Management System (DEMS)	Recorded Media
	Evidentiary Recording	Stand-by Mode
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	Fleet Camera System	Unintended Recording
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Accreditation Standards: 41.3.8, 83.2.1, 83.2.2, 83.2.4,

Cross Reference: G.O. III-14, Property and Evidence

G.O. IV-01, Rules of Conduct

RD SOP II-03, Electronic and Digital Evidence Management Services

§§ 119.071 and 943.1718, Florida Statutes

Replaces: G.O. III-40, Mobile Video Recording Systems (MVRS) (May 18, 2022)

This Order consists of the following sections:

- I. Policy
- II. Purpose
- III. Definitions
- IV. Operation and Use
- V. Activation of the MVRS
- VI. Exceptions to Recording
- VII. Deactivation
- VIII. Documentation
- IX. Review and Oversight
- X. Storage and Retention
- XI. Restricted use and Release

I. POLICY

- A. It is the policy of the St. Petersburg Police Department to utilize the Mobile Video Recording System, (MVRS) to document law enforcement interaction with the public with video and audio recordings.
- B. Only Department-issued MVRS are approved for use.
- C. All personnel who wear, use, maintain, release, or store MVRS components will receive training regarding the operation of the equipment and the Department's policies and procedures.

II. PURPOSE

This Order establishes policies and procedures in compliance with Department guidelines and sections 119.071 and 943.1718, Florida Statutes, related to the use of MVRS, to include:

- A. Operation,
- B. Management, and
- C. Storage and retrieval of MVRS audio and video data.

III. DEFINITIONS

- A. Activation – Any process or action that causes a MVRS to begin recording and storing both audio and video data, including pressing the event button or prompting an automatic signal.
 - 1. Manual Activation – When an officer intentionally activates audio or video recording by an MVRS.
 - 2. Signal Activation – When an MVRS automatically activates audio or video recording without manual intervention.
- B. Body-Worn Camera (BWC) – A camera worn on an individual officer's person that records and stores audio and video data for later viewing and listening.
- C. Bookmarking/Tagging – A feature that allows the officer to label the MVRS data and to indicate points of interest in the audio or video data, thereby allowing future viewers to quickly locate the points of interest in what may be voluminous video data.
- D. Deactivate – Any action which causes a MVRS to cease recording audio and video and enter buffering mode, including pressing the event button.
- E. Digital Evidence Custodian – The individual(s) given the authority to receive, store, retain, protect, review, redact in compliance with Florida public records law, and disseminate MVRS audio and video data made or created by Department personnel.
- F. Digital Evidence Management System (DEMS) – A cloud-based storage system, which stores digitally encrypted data from the MVRS and is accessible to designated personnel.
- G. Digital Evidence Management Unit – The individual(s) given the authority to receive, store, retain, protect, review, redact in compliance with Florida public records law, and disseminate MVRS audio and video data made or created by Department personnel.
- H. Docking Station – A charging device for a BWC, which also enables BWC recordings to upload to the DEMS and allows for software and firmware updates.
- I. Evidentiary Recording – A recording by the MVRS that may include probative information of evidentiary value.
- J. Fleet Camera System – A mobile video recording device installed in a police vehicle.
- K. Mobile Video Recording System (MVRS) – A collective term for the Body-Worn Camera (BWC) and the Fleet Camera systems, including both hardware and software utilized to store and manage audio and video data.
- L. Mobile Video Recording Systems Administrator – A designated individual who assigns, tracks, and maintains MVRS equipment; diagnoses and troubleshoots any issues related to the use of the cameras.
- M. Non-Evidentiary Recording – A recording that does not have value to an investigation or prosecution, such as a recording that does not capture an arrest or citation, and footage of general activities that an Officer might perform while on duty (e.g., assisting a motorist or clearing a roadway).

- N. Recorded Media – MVRs audio and video data recorded or digitally stored.
- O. Standby Mode (Buffering) – In this mode, a MVRs is powered on but is not actively recording. When a MVRs is activated to record, it is taken out of this mode and will retain thirty (30) seconds of pre-activation video data; but no audio.
- P. Taser Energy Weapon – A battery-operated, conducted energy device that propels probes at a target. The probes remain connected to the weapon by wire to administer electrical energy which disrupts the subject's voluntary motor response causing Neuromuscular Incapacitation (NMI).
- Q. Unintended Recordings
 - 1. Accidental Recordings – A recording that was unintentionally activated by the officer.
 - 2. False Signal Activation – A recording that was unintentionally activated by a signal.

IV. OPERATION AND USE

A. Body Worn Camera (BWC)

- 1. All uniformed officers who interact with the public are assigned a BWC.
 - a. The officer wearing a BWC is responsible for ensuring it is properly functioning by:
 - 1) Ensuring the assigned BWC is fully charged and ready for service at the beginning of shift or assignment.
 - 2) Inspecting and testing the BWC at the beginning of each shift or assignment to verify proper function.
 - 3) Reporting any equipment malfunctions to the supervisor immediately.
 - a) The officer must report issues with MVRs hardware to the MVRs Administrator for assistance.
 - b) The officer must complete the MVRs Trouble Form on CARS to document the issue.
 - c) If the BWC is inoperable, a replacement BWC can be obtained from the Equipment Room or by consulting the Watch Commander.
 - 4) Using only the mounting equipment provided by the manufacturer.
 - 5) Ensuring the BWC is worn in a reasonable location so as not to be obstructed by the officer's normal, non-exigent bodily movements, other equipment, clothing, etc.
 - The BWC must be facing forward at all times and worn on the outermost uniform shirt, jacket, or vest above the belt and below the neckline. The BWC may not be worn on the belt.
 - 6) Powering on and placing the BWC in stand-by mode at the beginning of the shift and maintaining the BWC in stand-by mode for the duration of their shift unless it is otherwise activated, either automatically or manually, pursuant to Department policy.
 - b. After checking off:
 - 1) Officers may deactivate the BWC.
 - 2) Check the BWC at the end of each shift or extra-duty assignment to ensure the camera is powered off by pressing the power button. Powering off the BWC will prevent unintended or false activation recordings.

B. Fleet Camera System

- 1. Check On –The officer utilizing a Fleet Camera System is responsible for ensuring it is properly functioning by:
 - a. Checking the system at the beginning of each shift or extra-duty assignment to ensure the camera are receiving power and functioning correctly.
 - b. Logging in with the officer's Evidence.com username and password and selecting the correct vehicle in Axon View XL.
 - c. Reporting any equipment malfunctions to the supervisor immediately.
 - 1) The officer must report issues with MVRs hardware to the MVRs Administrator for assistance, and
 - 2) Complete the MVRs Trouble Form on CARS to document the issue.

2. Activation – The officer must:
 - a. Power on and place the Front-Facing Fleet Camera System in stand-by mode at the beginning of the shift and maintain the Front-Facing Fleet Camera System in stand-by mode for the duration of their shift unless it is otherwise activated, either automatically or manually, pursuant to Department policy.
 - b. Activate the Rear-Facing Fleet Camera System while transporting an individual in the rear seat of a police cruiser.
3. Check off – After checking off, the officer
 - a. May deactivate the Fleet Camera System.
 - b. Must check the system when parking the vehicle at any police building and at the end of each shift or extra-duty assignment to ensure the cameras are powered off by pressing the power button on the front camera in the vehicle. Powering off the Fleet System will prevent unintended or false activation recordings.
 - c. Log out of the Fleet Camera System when using a vehicle not permanently assigned to the user.
- C. The Officer will not erase, alter, modify, tamper, or otherwise use any MVRS hardware, software, or data in a manner inconsistent with its designed use.
- D. The Officer will not use or attempt to use electronic devices or other means to intentionally interfere with any capability of the MVRS system.

V. ACTIVATION OF THE MVRS

- A. The Fleet Camera System and BWC are configured to automatically activate when an officer unholsters their handgun or turns on their Taser Energy Weapon.
- B. The Fleet Camera System and BWC are configured to automatically activate when an officer is traveling in excess of a predetermined speed, upon being involved in a crash, or sudden deceleration, upon activation of emergency lights, or upon removal of racked weapons. These signals will activate the Fleet Camera System for the involved vehicle and the BWC for any Officer within thirty (30) feet; however, these signals will not activate the Fleet Camera System for other vehicles.
- C. The MVRS system is configured so that for thirty (30) seconds upon signal activation, all BWCs within approximately thirty (30) feet are programmed to automatically activate.
- D. The BWC is configured so that there is a thirty (30) second “buffer” whenever the BWC is activated from stand-by mode. The buffer will record video but not audio.
- E. This policy is not intended to describe every possible situation in which the MVRS may be used; however, an Officer MUST activate the MVRS, if practical and without compromising the safety of the officer or the public, in the following circumstances:
 1. Traffic stops
 2. Pedestrian stops
 3. Crimes in progress
 4. Vehicle pursuits
 5. Suspicious persons/vehicle contacts
 6. Arrests
 7. Vehicle searches
 8. Any time currency or valuables are handled
 9. Physical or verbal confrontations

10. Domestic violence calls
11. DUI investigations
12. Foot pursuits
13. Advising an individual of their Miranda warnings
14. Use of Force
15. During building clearances
16. Any situation or incident that the Officer, through training and experience, believes should be recorded.

F. Officers are not required to and should not record:

1. During casual interactions with the public, such as exchanging pleasantries, providing directions, or attending community meetings
2. When directing traffic
3. When remaining on an accident scene, where the officer is not interacting with a member of the public
4. When taking meal breaks
5. When assigned to a static post, where an officer is not in contact with citizens
6. When discussing charges, evidence, or personal opinions about a case on scene
7. While inside a medical facility, unless interviewing a suspect or in anticipation of an arrest

VI. EXCEPTIONS TO RECORDING

A. The MVRS will NOT be used to record:

1. Non-law enforcement related personal activities, events, or conversations.
2. Tactical or confidential discussions, meetings, trainings, or briefings, including but not limited to investigation strategies, intelligence briefings (e.g., search warrant briefing and/or staging), operation plans, response strategies, FTO and supervisor discussions for training purposes, disclosure of security systems, threat assessments, disclosure of or conversations with confidential informants or undercover officers, or other tactical or confidential assessments or plans.
3. Any Department personnel, unless that recording is made consistently with G.O. IV-01, Rules of Conduct, or the recording is the secondary result of an automatic or manual activation of a MVRS in the field consistent with Department policy.
4. Courtroom proceedings, depositions, other official legal proceedings.

B. Consent

1. An officer is not required to obtain consent from individuals to record them.
2. An officer is not required to inform individuals that they are being recorded. If, however, the officer determines that informing an individual may de-escalate a situation or if asked whether a MVRS is being utilized, the officer should disclose that they are recording.

C. Protected Areas and Information

1. Health Care Facility

- a. An officer should be aware of the presence of proprietary or confidential information routinely present in facilities offering mental health, social services, and health care. An officer should make reasonable efforts not to capture proprietary or confidential information while recording in a health care facility.
- b. An officer will not record inside a health care facility unless responding to a call for service. An officer following up with or interviewing a victim or witness should not activate the BWC while inside a health care facility.

2. Private residences and areas with a reasonable expectation of privacy

An officer who is lawfully present in an area that is protected by the Fourth Amendment (e.g., private residence or other location where there is a reasonable expectation of privacy, etc.) and determines there is no reasonable suspicion that a crime is being committed, has been committed, is about to be committed, must turn off the BWC if asked to do so by a person with apparent authority over the constitutionally protected area.

3. Juveniles

- a. An officer should be aware of the confidentiality of information related to juveniles under Florida law and use discretion when activating the MVRs to record a juvenile and when categorizing recordings of juveniles in the DEMS.
- b. Recording at schools is permitted when an active investigation is being conducted.

D. Once an officer becomes aware that the MVRs failed to record a use of force incident for any reason, the officer assigned the MVRs must:

1. Immediately notify the supervisor,
2. Submit the MVRs reporting form on CARS, and
3. Document this fact within the incident report, which must include a detailed explanation regarding the failure to record.

E. All MVRs audio and video data will be stored in DEMS.

VII. DEACTIVATION

- A. Once an MVRs has been activated, it must remain activated until the event has concluded. An event has concluded when, for example, the need for force is no longer warranted, the subject is in custody or secured, or the situation has deescalated to a point where the MVRs is reasonably no longer needed.
- B. An individual who is receiving medical intervention, assistance, or other rescue services from medical or rescue personnel should not be recorded under this policy unless they present a threat of harm to themselves or others.
- C. Once a scene is stabilized and if there are numerous officers assigned to the scene who have assigned BWC devices activated, it is recommended the supervisor evaluate each officer with the devices activated to ascertain if there is any value to what is being recorded.
 1. If there is no investigative value, the supervisor should instruct the officers on the video to deactivate their video with the reasoning for this request.
 2. The officer should immediately deactivate the video. This will help prevent unnecessary accumulation of video that has no value to the case.
- D. An officer may deactivate the MVRs upon the reasonable request of a citizen. A request is not reasonable if it conflicts with a mandatory activation order as set forth in Department policy.

- E. The deactivation must be documented on the video and in the report.
 1. Prior to deactivating the BWC, the officer should make a recorded announcement as to the reason the device is being deactivated.
 2. After a BWC is deactivated, it is the officer's responsibility to reactivate the BWC once law enforcement activity resumes.
- F. The officer must turn off the BWC anytime they enter the Training Center, Police Headquarters, K-9 Compound, or Strategic Operations Division Compound, unless escorting a prisoner or making contact with a citizen. In that case, the officer may continue recording within the building until the law enforcement activity is concluded.
- G. Unintended Recordings
 1. An officer may deactivate the MVRS upon an unintentional activation.
 2. The officer must mark the recording.
 3. The officer should notify the Office of Professional Standards any time sensitive personal information is unintentionally captured.

VIII. DOCUMENTATION

- A. The DEMS should automatically obtain CAD information from calls for service in an effort to automatically categorize most MVRS recordings.
- B. The officer is responsible for confirming that all MVRS recordings include necessary data, including but not limited to incident report/event number, incident date, officers involved, final call type.
- C. When automatic categorization does not properly identify the recording, the officer is responsible for correcting the MVRS recording to be properly categorized in the DEMS. Any error in categorizing the MVRS recording should be reported to the Digital Evidence Management Unit at records.dems@stpete.org.
- D. Naming Digital Evidence in Evidence.com
 1. The ID Number field for digital evidence should be the Department case number, if there is one.
Example: 2024-123456.
 2. If there is no Department case number, the ID Number field should be the Department event number.
Example: E2024123456.
 3. If there is no Department case number or event number because the video is only relevant to another agency's case, the ID Number field should be the other agency's prefix and case number. The ID Number field will start with the two-letter prefix and will be followed by the last two digits of the year and the case number. A list of agency prefixes can be found on CARS. Example: SO24-123456.
 4. If digital evidence is received from an outside agency that is relevant to a Department case, the ID Number field should be the Department case number.
A supplemental report should be added to the original report indicating that an outside agency video has been added. The supplemental report should include any identifying case or event number from the outside agency.
- E. The officer must document the existence of all evidentiary recordings in the evidence collection caption and the narrative of the report.

IX. REVIEW AND OVERSIGHT

A. The supervisor

1. Is responsible for ensuring assigned personnel have uploaded and properly categorized the MVRs audio and video data within **three (3) days** as prescribed in this Order.
2. Must review any MVRs data of their assigned personnel who are involved in the following:
 - a. Any nondeadly force documented in a Use of Force Report
 - b. In response to an internal or external complaint
3. May not review their personnel's MVRs data for the sole purpose of discovering violations of Departmental policy which are not related to an internal or external complaint.
4. May review their personnel's MVRs data to address performance issues. Minor policy or procedure violations which may be recorded on a MVRs would not automatically result in an official investigation by the Office of Professional Standards.
5. Will receive appropriate training on all pertinent aspects of MVRs usage and digital download procedures.

B. Lieutenants

1. Must mark certain videos as restricted before the end of their shift. Videos that should be restricted include:
 - a. Officer involved shootings
 - b. Sensitive investigations involving an SPPD or City of St. Petersburg employee
 - c. Other sensitive or sensational content, the release of which could jeopardize the integrity of the investigation
2. Any officer entitled to review an MVRs recording under **section 943.1718**, Florida Statutes, will be allowed to do so regardless of restricted status, as provided in this Order.

C. The Office of Professional Standards

1. In compliance with **section 943.1718(3)(d)**, Florida Statutes, the Office of Professional Standards will perform a documented monthly review of MVRs data based on a randomly generated list of ten (10) sworn employees. This review will ensure that the MVRs equipment is operating properly and that the officers are using the device appropriately and in accordance with policy and identify any areas in which additional training or guidance is required.
2. Officers who fail to activate or operate their MVRs as defined by policy may be provided remedial training and/or disciplinary action.

X. STORAGE AND RETENTION

A. Uploading and Saving MVRs Data

1. All MVRs audio and video data will be uploaded and properly categorized by the officer, or in the case that the officer is incapacitated, by their supervisor, on a routine basis; not to exceed **three (3) calendar days** from the date of the recording. However, MVRs data related to an arrest or use of force must be uploaded **at the end of each shift** by the officer, or in the case that the officer is incapacitated, by the supervisor.
2. The officer and supervisor will:
 - a. Have access to uploaded audio and video data for legitimate law enforcement purposes
 - b. Not personally make, or have made, any copies of any audio or video data for their personal use
 - c. Ensure that all BWCs are physically docked at least once per month.
3. Each file is maintained in the DEMS for no less than ninety (90) days, pursuant to **section 119.071(2)(f)(5)**, Florida Statutes.

B. Mobile Video Recording Systems (MVRS) Administrator

1. The MVRS System Administrator is responsible for managing the DEMS to ensure operational readiness.
2. They act as a liaison with the employees of the Information Technology Services and the Records Divisions to ensure compliance with storage retention requirements, evidence procedures, and assisting with public records requests.
3. The MVRS Administrator is responsible for managing and maintaining the efficient operation of the DEMS; creation/deletion of new users, roles, permissions, groups, and other logical structures; and configuring retention periods.

C. An officer who requires a copy of a recording for judicial proceedings or court, may request a copy from their supervisor, who will forward the request to the Digital Evidence Management Unit at records.dems@stpete.org. The Digital Evidence Management Unit is responsible for making all copies.

D. Retention

1. The retention of MVRS audio and video data marked as evidence will be consistent with existing document retention period for the appropriate investigative files.
2. The Digital Evidence Management Unit is be responsible for purging files which have met retention requirements or have been ordered destroyed by a court of law.
3. Unintended MVRS recordings with no evidentiary value will be purged after a ninety-day retention period.

XI. RESTRICTED USE AND RELEASE

- A. Downloaded MVRS audio and video data may be a public record and the applicable exemptions and confidentiality provisions contained within Chapter 119 apply.
- B. Pursuant to section 943.1718, Florida Statutes, an officer who is equipped with an MVRS may review the recorded audio or video data from the MVRS, upon their own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of their own official duties. This section does not impact an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.
- C. Before any personnel utilizes any MVRS audio or video data for any law enforcement use not specified in this Order, they must submit a memorandum and acquire prior approval from an Assistant Chief. The memorandum must describe the data sought and the purpose for which they desire to use it.
- D. If MVRS data would be useful for training purposes, an officer or supervisor should send an email to the Training Division indicating the officer's name, the date, the report number, and the time of the video. If the Training Division feels the incident has value as a training tool, the Training Division must make a request through the Digital Evidence Management Unit for a copy of the video.
- E. Personal use of MVRS hardware or data, including but not limited to, downloading the MVRS video or audio data, copying the MVRS video or audio data, recording the MVRS video or audio data with another device (e.g., cell phone or tablet), or converting the MVRS video or audio data, is prohibited and may be subject to disciplinary action.
- F. The use of MVRS hardware or data for any purpose other than in accordance with Department policy is prohibited and may be subject to disciplinary action.

- G. Failing to activate or intentionally deactivate the MVRS as outlined in this Order, failing to properly retain and store recordings, or abusing or misusing the system may result in disciplinary action up to and including termination.

Anthony Holloway
Chief of Police