



TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Digital Audio/Video Recording System	 Nationally Accredited 1986	
	CHIEF OF POLICE <i>Signature on File</i>		
NUMBER 16	ORIGINAL ISSUE 11/15/2001	CURRENT REVISION 06/25/2021	TOTAL PAGES 14

AUTHORITY/RELATED REFERENCES

CIB-12, Follow-Up Investigations
 FS 112.532, Law Enforcement Officers' ... Rights
 FS Chapter 119, Public Records
 FS 943.1718, Body Cameras; Policies and Procedures
 General Records Schedule GS2 For Law Enforcement
 General Order 17, Records Management
 General Order 18, Criminal Investigations
 General Order 19, Digital Evidence Capturing Devices
 General Order 42, Impounding and Controlling of Property and Evidence
 General Order 46, Rules of Conduct
 General Order 78, Social Media
 PTL-15, Prisoner Transport Unit
 PTL-16, Reports

ACCREDITATION REFERENCES

CALEA Chapters 41, 42, 83

KEY WORD INDEX

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POLICY

Recognizing the value of utilizing digital audio and video recording systems in the prosecution of traffic and criminal offenses, completion of required reports, evaluation of member performance, and identification of training needs, the Department is responsible for establishing utilization protocols for the Digital Audio and Video Recording System. Members shall adhere to the established protocols in the utilization of the Department's Digital Audio and Video Recording System.

DEFINITIONS

AVR: Digital Audio and Video Recording System.

Event Tag: A member-selected designation entered into the computer interface contemporaneous with the recording which determines the length of time the recording is stored by the Department. The event tag designations and retention schedules are established by the Mobile Video Systems (MVS) Administrator.

Evidence: Any electronic or digitally stored record, written document, exhibit or object necessary to persuade, establish, prove or disprove an issue or fact before any civil, administrative, or criminal tribunal.

Evidentiary: Anything asserting, proving, furnishing, or having any value as evidence.

Mobile Video Systems (MVS) Administrator: The City of Tallahassee (COT) job position responsible for the maintenance of digital recording equipment, storage of audio/video recordings, facilitation of relevant training, and making equipment procurement and assignment recommendations.

PROCEDURES

I. GENERAL GUIDELINES

- A. The Digital Audio and Video Recording System (AVR) is designed and intended for gathering and maintaining visual images and auditory information of Department-related incidents.
 1. The primary utilization of the AVR is for operational and support roles (e.g., patrol/traffic functions, crime prevention activities, criminal investigations).
 2. AVR utilization is not mandated for certain administrative roles, such as:
 - a. Members of Command Staff, or

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- b. Other administrative assignments as directed by the Chief of Police or designee.
 3. The AVR includes in-car, interview room, and body-worn cameras and associated equipment.
- B. This written directive does not govern the utilization of surreptitious recording devices in undercover operations.
- C. The recording of interviews and interrogations shall be done in accordance with the protocols in General Order 18 (Criminal Investigations).
- D. The Department recognizes technical malfunctions may occur with the AVR.
- E. AVR equipment failure resulting in system deactivation does not relieve a member of the responsibility to take appropriate police action (e.g., vehicle pursuits, arrests, citations, interviews, searches).
- F. Failure to record activities as denoted in this policy will not be considered a policy violation as long as reasonable justification is articulated to the member's chain of command or other designated members (i.e., Internal Affairs investigators).
- G. Members shall not utilize the AVR equipment in a manner which could reasonably be expected to bring discredit to a member, the Department, the COT, or the policing profession.
- H. Members are not authorized to utilize personally-owned recording equipment to gather and maintain visual images and auditory information of Department-related incidents.
- I. Members shall not make copies of any AVR recording unless specifically authorized by this policy, and are prohibited from using a recording device (e.g., cellular telephone, camera) to record visual images or auditory information from the AVR.
- J. Members shall not allow non-authorized persons to *operate* AVR equipment. Authorized persons are limited to:
 1. AVR trained members, and
 2. Designated maintenance personnel.

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K. Members shall not allow non-authorized persons to *view* an AVR recording.

1. Authorized persons are limited to:

- a. Members or other law enforcement officers for the purposes of investigations, training, and intelligence sharing, and
- b. State and federal prosecutors and other judicial officials as allowed by law.

2. Refer to section VI below for AVR recording *release* protocols.

II. TRAINING REQUIREMENTS

A. Only members who have successfully completed the requisite training are authorized to utilize the AVR.

B. The training for members with an assigned AVR, and those operating an interview room AVR, will include:

1. Policy requirements,
2. Equipment operations, and
3. Procedures for transferring recordings to the server.

C. In addition, all sergeants and lieutenants must successfully complete AVR orientation training, and such training will include:

1. Policy requirements (e.g., mandated inspections and quarterly review of recordings),
2. Equipment overview, and
3. Procedures for reviewing recordings.

III. AVR PROTOCOLS – GENERAL

The protocols in this section are applicable to all digital audio and video recording systems (in-car, interview room, and body-worn cameras).

A. Equipment Guidelines

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1. Members who operate interview room AVR equipment, and members with assigned AVR equipment, are responsible for proper upkeep and security of the equipment, and shall:
 - a. Use due care in maintaining and operating the equipment according to the manufacturer's recommendations,
 - b. Operate the equipment in a manner consistent with Department-approved training,
 - c. Not make or attempt to make unauthorized repairs to the equipment, and
 - d. Not allow non-authorized persons to make or attempt to make unauthorized repairs to the equipment.
2. Only authorized COT staff or authorized members may troubleshoot or otherwise conduct repairs on AVR equipment.
3. A member becoming aware of an AVR equipment malfunction shall, as soon as practical, report the malfunction to their immediate supervisor (or another supervisor as warranted) and the MVS Administrator.

B. Recording Practices and Prohibitions

1. Protection of human life and the property of citizens and members always takes priority over initiating audio and video recordings.
2. Members are prohibited from utilizing AVR equipment to record at a location whenever a citizen present at the location would have a reasonable expectation of privacy (e.g., inside a private residence, any location when meeting with their attorney) unless the member has received specific consent from a citizen on scene who has the authority to give such consent (e.g., resident).
3. Members shall not secretly record another member.
4. Unless authorized by a commanding officer, members shall not utilize AVR equipment to record:
 - a. Any person acting in the capacity of a confidential informant (as defined in General Order 62, Management of Confidential Informants) at the time of the recording, or

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- b. Any member assigned to the Special Investigations Section when such recording would identify the member.
5. Members shall not stop or pause AVR equipment when recording in order to allow a citizen to review the recording.
6. If the AVR is utilized during a situation where an original or supplemental offense, incident, or traffic crash report is written, the appropriate member shall document its utilization in the report.
7. Once the AVR equipment is activated, members shall deactivate the system only when one or more of the following criteria are met:
 - a. The occurrence is concluded,
 - b. The continued recording will not serve to obtain additional information or evidence (e.g., when a member is assigned to crime scene security, prolonged traffic control, or a stationary special event post),
 - c. The person being recorded is meeting with their attorney, or
 - d. The deactivation meets the specific criteria set forth in the below subsections: IV E 2 (DUI Investigations), IV E 3 (Arrests, Detentions and Transports), or V B (CIB Interview Rooms).
8. Whenever AVR equipment is manually deactivated as explained in subsection 7 above, the member shall record a brief explanation for the deactivation prior to turning off (or stopping) the equipment.
9. Once a member stops the recording at the conclusion of a recorded event, the member shall enter the appropriate event tag into the computer interface.

IV. AVR PROTOCOLS – BODY-WORN AND IN-CAR SYSTEMS

- A. Except as stated in subsections C and D below, the following protocols are applicable to all members with an assigned AVR (see subsection B below for *additional* protocols for members wearing the Class D Uniform):
 1. At the start of each tour of duty or other Department-related activity (e.g., secondary employment, special assignment compensated by the Department) members shall ensure each of their issued AVR devices is operating properly by conducting the function checks as directed in the training for the particular AVR device.

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2. Members working a tour of duty or other Department-related activity shall ensure each of their issued AVR devices is “powered on” and they are “logged in” during the tour/activity (i.e., time frame from when they first enter the Department-owned vehicle, without interruption, until they exit the vehicle upon the conclusion of the tour/activity).
3. Provided doing so does not violate the protocols listed in subsection III B above, members shall utilize at least one of their assigned AVR devices to record all law enforcement related activities, such as:
 - a. Traffic and parking enforcement,
 - b. Vehicle pursuits,
 - c. Emergency response driving,
 - d. Sobriety evaluations,
 - e. Hostile or disorderly groups or crowds,
 - f. Field interviews,
 - g. Arrests and detention of suspects,
 - h. Searches, and
 - i. Statutorily-mandated assessments of a suspected mentally ill person or a suspected substance abuse impaired person, and any resulting protective custody activities.
4. Provided doing so does not violate the protocols listed in subsection III B above, members may activate and utilize their assigned AVR device to record any Department-approved community involvement activity.
5. Each member on scene of an activity listed in subsection 3 above shall have their AVR on and recording during the incident.
6. AVR recordings shall not replace required Department reports or other required documentation.
7. A member who experiences a technical malfunction with their assigned AVR has no duty to summon another member to record field activities.

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8. Members are required to have their in-car AVR equipment set to initiate recording with the activation of the vehicle's emergency lighting system (i.e., during traffic stops, emergency response driving, and vehicle pursuits).
 9. Members with a body-worn AVR are not required to have it on and recording while driving a motor vehicle in emergency response mode, in vehicle pursuits, or when initiating a traffic stop when these activities are being recorded via their in-car AVR. Members are responsible for activating the body-worn AVR upon exiting their vehicle and engaging in other Department-related activities where recording is mandated or otherwise warranted.
 10. Members are encouraged to inform citizens they are being recorded via an AVR if safe to do so.
- B. In addition to the protocols of subsection A above, the following protocols are applicable to members assigned to investigative or other units who generally perform their assigned duties in a Class D Uniform:
1. Although not prohibited, members are not required to wear or utilize the body-worn AVR for activities within the Department building.
 2. When outside the Department building, members are required to wear and utilize the body-worn AVR.
- C. The following body-worn AVR protocols are applicable to members assigned to the Special Investigations Section (SI):
1. The AVR activities mandated for the beginning and ending of a tour of duty (i.e., function checks, logging in/off) are not applicable to an SI member's tour of duty.
 2. SI members shall wear and utilize the body-worn AVR in adherence to standard protocols any time enforcement action is either planned or expected, or as otherwise directed by their chain of command.
- D. Members assigned to a multi-jurisdictional or multi-agency investigative task force shall abide by their respective Bureau Commander's direction of established protocols for operation of the AVR.
- E. DUI Investigations
1. Members should utilize both in-car and body-worn AVR equipment during DUI investigations.

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2. It is permissible to deactivate the AVR equipment prior to the activation of FDLE-approved breath test instruments to prevent radio frequency interference (see subsection III B 8 above).

F. Arrests, Detentions and Transports

1. Members shall record Miranda warnings and other mandated legal advisements.
2. The body-worn AVR (and, if so equipped, the rear facing camera and microphone of the in-car AVR) shall be activated and recording whenever any person is in the rear passenger compartment of the vehicle.
 - a. This requirement is for detentions, interviews, and prisoner and non-prisoner transports.
 - b. The only exceptions are for:
 - 1) Members engaged in Department training, or
 - 2) A person acting in the capacity of a confidential informant (as defined in General Order 62, Management of Confidential Informants).
3. It is permissible for members to temporarily stop recording whenever an arrested person or a person being transported is taking a restroom break or meeting with their attorney (see subsection III B 8 above).

G. Calls for Service of a Sensitive Nature

1. Members investigating sexual battery, child abuse, and domestic violence incidents may encounter victims who are apprehensive about providing a recorded interview.
2. Members should as soon as practical inform a victim of sexual battery, child abuse or domestic violence of the intent to record the interview, and:
 - a. Proceed with recording if the victim does not object, or
 - b. Not record the interview if the victim indicates a desire to not have it recorded.

V. AVR PROTOCOLS – CIB INTERVIEW ROOMS

- A. Members experiencing difficulty with an interview room AVR after the regular work hours of the Criminal Investigations Bureau (CIB) shall notify a CIB Lieutenant who may authorize contacting the MVS Administrator or their designee.
- B. It is permissible for a member to stop the AVR recording prior to the end of the interview or interrogation whenever the person being interviewed or interrogated is:
 - 1. Meeting with their attorney in the interview room,
 - 2. Providing sensitive biological evidence (e.g., pubic hair sample) in the interview room, or
 - 3. Out of the interview room for a restroom break.
- C. Members who stop the recording as described in subsection B above shall abide by the mandates of subsection III B 8 above.

VI. TRANSFER, RETENTION, AND RELEASE

A. Transfer Procedures

- 1. Members shall only utilize Department-approved workstations or Ethernet connections for the transfer of AVR recordings to the server.
- 2. Members shall transfer recordings having evidentiary value prior to the end of their tour of duty or after the conclusion of other Department-related activity (e.g., secondary employment, special assignment compensated by the Department).
- 3. Members shall transfer all non-evidentiary recordings at least once per workweek.
- 4. Under extraordinary circumstances, the Watch Commander may authorize a temporary delay for a non-evidentiary recording transfer.

B. Retention Practices

- 1. AVR recordings shall be retained for a minimum of 54 months (4.5 years).

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2. The MVS Administrator, or designee, is responsible for the storage and maintenance of all AVR recordings transferred to the server.
3. Access to the server is limited to members with administrative privileges.

C. Release Protocols

1. AVR recordings shall be released only pursuant to a subpoena or when applicable public records law requires the release.
2. Requests of AVR recordings for *criminal court purposes* should be made to the Department's Court Liaison Officer, or designee.
3. Requests of AVR recordings for *traffic court purposes, civil court purposes, administrative needs, or public records*, should be made to the Records Unit, or designee.
4. The Records Unit is the central dissemination point for all Department records (to include AVR recordings) subject to release to the general public (public records requests).
5. If a member requests a copy of a recording for a non-law enforcement related purpose, the member is required to:
 - a. Complete a PD 290 (Public Records Request Form) for the request, and
 - b. Submit the PD 290 to the Records Unit, or designee, (by paper or electronic copy) in order to process the request.
6. Unless specifically authorized by the Chief of Police or appointed designee, members shall not:
 - a. Post AVR recordings to the Internet or any social media site,
 - b. Provide AVR recordings to the media, or
 - c. Otherwise disseminate AVR recordings in any way.
7. AVR recordings shall not be released to the general public, absent the Chief's approval, whenever:
 - a. Criminal charges are pending during an open investigation, or

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- b. The recording is currently being used as an investigative tool.

VII. INSPECTIONS AND REVIEWS

- A. Sergeants shall inspect members' assigned AVR equipment as part of the line inspection process.
- B. The CIB Commander is responsible for ensuring the interview room AVR equipment is inspected on a quarterly basis.
- C. Watch Commanders are responsible for conducting quarterly AVR recording reviews for members under their command and shall complete the following:
 1. Review at least five (5) randomly selected AVR recorded incidents during the quarter of the review.
 - a. The "at least five (5)" applies to the Watch Commander's span of control, not recordings per member.
 - b. The quarterly review periods are January – March, April – June, July – September, and October – December.
 2. Document the reviews in the notes field of the member's performance evaluation contemporaneous to the review.
 3. If a recording reveals an obvious or suspected policy violation, addressing the matter as required by General Orders 20 (Corrective Action Procedures) and 29 (The Internal Affairs Unit and Administrative Investigations).
- D. The Operational Support Bureau Lieutenant is responsible for conducting AVR recording reviews for bureau members (i.e. K-9, Traffic, Community Service Technicians), and in doing so shall adhere to the protocols in subsection C above.
- E. The mandates of this section do not limit any supervisor's authority to inspect AVR equipment or review AVR recordings at any time for any legitimate Department-related reason.
- F. The Internal Affairs Unit (IAU) is responsible for conducting AVR recording reviews when such information exists in the following situations:
 1. Response to resistance (use of force) incidents,

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2. Vehicle pursuits, and
 3. Complaints.
- G. IAU members are responsible for documenting the AVR recording reviews in the appropriate IAU database (i.e., vehicle pursuit log, complaint log, Response to Resistance report).
- H. No members may review any file or video marked "SEALED".

VIII. INVESTIGATIONS AND CORRECTIVE ACTION

- A. When an AVR recording is available in a criminal investigation involving a member's response to resistance or other action resulting in death or serious injury to any person, members shall adhere to the procedures outlined in General Order 63 (Officer Involved Action Resulting in Serious Injury or Death) and FS 943.1718 (Body Cameras; Policies and Procedures).
- B. Notwithstanding the mandates of General Order 63, access to the AVR recording(s) during an active criminal investigation shall be limited to the following persons, unless otherwise authorized by the Chief of Police, or designee:
1. CIB investigators directly involved in the investigation,
 2. CIB chain of command,
 3. Legal Advisor, and
 4. State Attorney or designee.
- C. When an AVR recording is considered in a corrective action matter, the affected member will be provided an opportunity to review the recording prior to responding to a supervisory inquiry.
- D. When an AVR recording is considered in an Internal Affairs investigation, members shall adhere to the mandates of General Order 29 and FS 112.532 (Law Enforcement Officers' Rights) by permitting the subject member an opportunity to review the recording prior to responding to IAU interview questions.

History: initial title (*crime prevention and community relations*) – issued 07/15/1985, revised 11/30/1990, retired 06/29/2000. second title (*in-car audio video recording systems*) – issued 11/15/2001, revised 04/08/2004 (change of title – *audio/video recording systems*), 10/01/2007 (*change of title – mavrics*), 07/03/2008,

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04/13/2009, 06/03/2009, 03/01/2010, 01/06/2011, 11/29/2012, 03/02/2016 (*change of title – digital audio/video recording system*), 11/16/2017, 01/31/2020, and 03/03/2020.