

Okaloosa County Sheriff's Office



Standard Operating Procedure

Effective Date: December 15, 2008	Rescinds: Amends: SOP 26.01 (June 15, 1999)	Number: SOP 26.01
SUBJECT: Driving While Intoxicated Arrests Using Mobile Videotaping		Re-evaluate (1) year after effective date.
Distribution: All Personnel	CFA:	

Index as: DUI Videotaping
 Videotaping
 Videotaping, DUI arrests

This order consists of the following numbered sections:

1. Purpose
2. Standard Operating Procedures
3. Equipment Procedures
4. Procedures for Recording the Intoxicated Driver
5. Handling of Other Occupants
6. Handling of Video Evidence

1. Purpose

The purpose of this Standard Operating Procedure is to establish guidelines for utilizing mobile video recording equipment and gathering evidence through the use of video recording equipment to show improper driving, field sobriety testing, and the arrest of DUI offenders.

2. Standard Operating Procedure

Deputies' assigned mobile video recording equipment shall abide by this Standard Operating Procedure.

3. Equipment Procedures

A. Deputies assigned to mobile video recording equipment shall be responsible for maintaining the equipment in the condition in which it was issued.

Operators shall inspect and functionally check mobile-video equipment in their assigned vehicle at the beginning of each shift to ensure that it is operable.

B. Equipment which is not properly functioning shall be taken to Fleet Management.

- No attempt to make the repairs shall be made by the operator.
- Recording devices shall be regularly cleaned with an approved cleaning device on a monthly basis.

C. For VHS recording systems, videotapes will be blank and issued through an In-Car Video (ICV) numbering system maintained by Evidence / Property Unit. Digital Video Recording Systems shall utilize flash cards or other media approved by the agency and recommended by the system manufacturer. Because digital video recording systems utilize media that can be recorded again and again, Deputies using digital systems shall immediately download their videos when the media is full to the designated computer terminal.

4. **Recording Intoxicated Drivers**

A. Initial Probable Cause Indicators

1) When a deputy observes an indicator of bad driving and has started an investigation of the violator, the mobile-video system will be activated and the initial traffic violation observed articulated.

2) Articulation should include the process of building reasonable suspicion and shall continue through the entire mobile-video process, including the field sobriety testing, arrest, and search.

B. Articulation of Traffic Violations

Verbalization for the videotape of any traffic violations or instances of bad driving that are occurring (as they occur) to include:

- Type of vehicle
- Location of vehicle
- License plate number

- Number of occupants

(Articulation of numbers 1- 4 may be done through communications.)

C. Positioning of Vehicles

- 1) The suspect vehicle should be stopped in a location that is as safe as possible for both the suspect and the deputy.
 - 2) The deputy's vehicle should be approximately two (2) car lengths behind the suspect's vehicle in order to create a proper arena for performance.
- If two car lengths are not possible, the operator should adjust the camera angle before leaving the patrol vehicle in order to ensure a safe and effective arena of performance.

D. Lighting

- 1) Optimum lighting at night should be used whenever possible.
 - Low-beam headlights should be used as minimum lighting.
 - If the patrol vehicle is equipped with take-down lights or floodlights, these should be used.
 - No spotlights shall be directed at the offender's vehicle, and should only be pointed at the ground where the field sobriety tests are to be performed.
 - High-beam headlights and spotlights should only be used when needed for deputy safety.
 - Wigwag headlights **shall not** be used during mobile videotaping.

E. Field Sobriety Testing

There is no obligation to advise the suspect that he/she is being audio and video recorded.

- 1) Upon activation of the mobile-video system, the system shall be kept running throughout the sobriety tasks, arrest, search and transport to the nearest booking facility.
- 2) The operator should articulate reasonable suspicion and probable cause as it develops and articulate all indicators used to determine that the suspect is impaired.

3) The suspect shall be removed from the vehicle and led to the right rear of that vehicle, facing the patrol unit if possible or positioned for optimum view during video taping.

- The operator shall stand at a 45 degree angle in order to observe the suspect, other occupants in the vehicle, and to monitor traffic.

4) Articulation should include:

- Verification of driver's license information on the suspect's driver's license.
- Any smell of alcoholic beverages on or about the suspect.
- Requests for the suspect to perform field sobriety tests or tasks.
- Demonstration of each requested tasks and performance of these tasks should be in view of the mobile video.

5) Sobriety Tests to be performed when practical

- Horizontal Gaze Nystagmus
- Walk and Turn
- One Leg Stand
- Finger to nose
- Romberg with recitation of the alphabet or number count
- Based upon the circumstances, additional tasks may be utilized.

F. Arrest Procedures

When a determination to arrest has been made, the arrest if all possible should take place in view of the mobile-video system.

1) The suspect shall be:

- handcuffed under current agency policy
- searched incident to arrest
- secured in the patrol vehicle

2) If there are no other occupants, or once occupants are removed, the suspect's vehicle shall be searched incident to the arrest.

- Any intoxicants present in the vehicle shall be removed as evidence and placed in view of the mobile-video system for evidentiary purposes.

- Searches of both the suspect and of the suspect's vehicle should be both audio and video recorded, describing evidence if found and where the item was located in the vehicle.

5. **Handling of Other Occupants**

A. Any other occupants of the suspect's vehicle that are not to be arrested should be identified and a field interrogation shall be conducted.

- The deputy conducting the interrogation should attempt to ask questions concerning the driver's consumption of intoxicants, destination, state of sobriety, and other pertinent information concerning the arrested suspect from these occupants.

B. The vehicle may be released to an occupant of the vehicle provided:

- They have not consumed any intoxicants and the competent arrestee has given verbal consent on videotape and after approval of a supervisor per policy.
- Any person who is to operate the suspect's vehicle may undergo field sobriety testing prior to releasing the vehicle.

6. **Handling of Video Evidence**

A. When using VHS video systems, the completed mobile videotape shall be labeled with the deputy's name, dates of use and case number prior to being submitted into evidence. Non criminal submissions will be turned in with only the ICV number and deputy's name and dates.

B. Deputies will package all mobile videotapes criminal or non-criminal as evidence and place it into the evidence lockers maintained by the Evidence / Property Unit. Examples of non-criminal submissions would include routine traffic stops, citizen contacts etc....

C. Deputies utilizing digital video recording equipment shall make an evidentiary copy of any criminal case recorded on the system. It shall be marked with the agency offense number, the Deputy's initials, and marked as an "original". It shall be packaged as evidence in a 6 x 9 evidence envelope and an evidence card shall be attached as with any other evidence submission. It shall be submitted to the agency evidence collection bins maintained by the Evidence / Property Unit.

Non criminal submissions will be maintained on the designated computer terminal for a period of not less than six months. Examples of non-criminal submissions would include routine traffic stops, citizen contacts etc....

D. It shall be mandated that if a deputy has a video recording system installed in his/her agency issued vehicle it shall be utilized on all traffic stops or whenever possible to accommodate the gathering of evidence.

E. The existence of a mobile-video recording shall be referenced in the Deputy's case



Director/Division