

## **BODY WORN CAMERA SYSTEMS PILOT PROGRAM**

### **References:**

Procedure 12.205, Traffic Enforcement  
Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing & Arrest  
Procedure 12.535, Emergency Operation of Police Vehicles and Pursuit Driving  
Procedure 12.537, Mobile Video/Digital Video Recording Equipment  
Procedure 12.550, Discharging of Firearms by Police Personnel  
Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release  
Investigations Manual  
TASER AXON System Operating Manual  
VIEVU Manual

### **Definitions:**

**Body Worn Camera (BWC)** – A Department approved and authorized recording device issued to officers to record audio and video consistent with Department policy and procedure.

**Incident** – An event requiring some degree of law enforcement action or response.

**Metadata** – Data that provides context or additional information about other data. This information makes finding and working with specific types of data easier.

**VIEVU Solution** – VIEVUSOLUTION.COM is a VIEVU ONLY system used for accessing recorded events. Pilot program members receive their unique login to enable viewing or uploading recorded events. The website address during the pilot program is <https://cpdoh.vievusolution.com>.

**Multi-Dock Network (MDN)** – The Multi-Dock Network adds Ethernet capabilities to allow for automated upload without a computer. The Multi-Dock Network connects to a department's existing network to automatically upload and recharge up to 10 VieVu LE3, LE4 or LE4 mini cameras. The Multi-Dock Network does not charge the TASER BWC.

**EVIDENCE.COM** – EVIDENCE.COM is a TASER ONLY system used for accessing recorded events. Pilot program members receive their unique login to enable viewing or uploading recorded events. The website address during the pilot program is <https://cincinnatiapdoh.evidence.com>.

**TASER Docking Station (TDS)** – The TDS is a six-port docking system which uploads video files and charges the TASER BWC. The TDS allows the units to transfer recorded events to EVIDENCE.COM via an internet connection. The TDS does not charge the VIEVU BWC.

**Purpose:**

Establish a policy regarding the use of all Body Worn Camera systems during the pilot program.

Establish a policy regarding the storage, release, and retention of video files captured during the pilot program.

Familiarize officers with existing technology through field testing a new law enforcement tool.

Identify features beneficial to the Cincinnati Police Department (CPD).

**Policy:**

The Department will work with BWC vendors to preserve video for at least 90 days after the last recorded event during the pilot program. After the 90 day retention period recordings not categorized for retention are automatically deleted. Recorded events necessary to the investigation and prosecution of criminal offenses will be uploaded and redacted by Police Records Section (PRS). A video containing possible criminal evidentiary footage **may not** be copied to a disc until after it has been redacted by PRS according to current Ohio Public Records law. Requests for disc copies of a BWC video file will be forwarded to PRS by completing a Form 606, Digital Video/Audio Records Request.

Recorded events necessary for the investigation of administrative incidents (e.g., Use of Force, Citizen Complaints) will be copied to a disc by a supervisor and included with the incident paperwork. The disc(s) will be retained for two years or until the administrative investigation is complete.

Officers are required to activate their BWC system during all law enforcement-related encounters and activities as defined in this procedure. Officers will deactivate the BWC system only at the conclusion of the event or with supervisor approval. When an officer is involved in a police intervention shooting, their BWC will be subject to the process outlined in Procedure 12.550, Discharging of Firearms by Police Personnel.

Officers have the right to use the BWC system inside a private home **as long as** they have a legal right to be there (e.g., call for service, valid search warrant, consent of owner). Officer safety and public safety take precedence over recording events. Under extenuating circumstances, utilization of the BWC system may not be possible. When this occurs, officers will report the incident to their supervisor. The supervisor will investigate and document the incident on a Form 17.

Officers who fail to use the equipment as required or fail to report damage to the equipment are in violation of the Manual of Rules and Regulations and are subject to the disciplinary process for the CPD. Only officers trained in the use of BWC systems are authorized to operate the equipment.

**Information:**

Utilizing video equipment facilitates the Department's objectives to collect evidence for criminal prosecution, provides an administrative inspection function, and assists in training officers to improve safety and tactics.



Video files are the property of the CPD and are not to be duplicated and/or used without authorization from the Police Chief or their designee.

Officers are not required to inform citizens they are being recorded with the BWC. Unlike the back of a police car or empty police interrogation room, which requires notification recording equipment is in use, the personal contact between an individual and an officer does not constitute an environment where there is a reasonable expectation of privacy.

The TASER and VIEVU BWC will record 30 seconds of buffered video when activated. Sergeant Ryan Smith, Technology & Systems, is the BWC program coordinator and can be reached by phone, 263-8209 or email: [ryan.smith@cincinnati-oh.gov](mailto:ryan.smith@cincinnati-oh.gov).

**Procedure:**

**A. Operating and Utilizing BWC systems**

1. Equipment is the responsibility of the officer assigned and will be operated according to the manufacturer's recommendations.
  - a. Officers field testing the system will wear all supplied components of the BWC systems and ensure it is properly positioned to record events.
    - 1) Officers shall inspect the BWC prior to the shift to ensure proper functioning of the system.
    - 2) A video and audio recording test must be conducted prior to leaving the district/section/unit.
    - 3) Officers will immediately report a malfunctioning BWC to a supervisor. The supervisor will contact the BWC program coordinator by phone or email and inform him of the malfunctioning BWC.
  - b. Officers will only use the BWC assigned to them, and will **not** use a BWC assigned to another officer.
  - c. If an officer fails to activate or deactivate their BWC according to policy, whether intentionally or accidentally, they will report the incident to their supervisor.
    - 1) The supervisor will investigate and document the incident on a Form 17, including any disciplinary recommendation.
    - 2) A copy of the Form 17 will be forwarded to the BWC program coordinator and the incident will be tracked at the district of occurrence.
  - d. Officers will upload any metadata from their BWC at the end of their shift and ensure the footage is properly labeled for retention.

2. Officers will use BWC equipment to record **all** of the following incidents:
  - a. Any non-consensual encounter with a citizen.
    - 1) Including any citizen encounter consistent with a "Terry Stop," reasonable suspicion, probable cause and detention.
  - b. When on-scene with persons suspected of being MHRT or MHRT/V.
  - c. While responding to calls for service in emergency mode.
    - 1) Both the BWC and the DVR will be activated.
    - 2) The BWC may be deactivated after:
      - a) Clearing the call for service, or
      - b) The DVR is activated and recording a subject being transported in the police vehicle.
  - d. During the entirety of traffic or foot pursuits.
    - 1) Activate the BWC before initiating a traffic or foot pursuit.
      - a) The BWC may be deactivated after the DVR is activated and recording a subject being transported in the police vehicle.
    - 2) Deactivate the BWC when a vehicle or subject cannot be located.
  - e. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
    - 1) Record traffic stops until the stopped vehicle departs or until officers leave the scene.
    - 2) Officers equipped with the BWC serving as backup for traffic stops will continue to record until the stopped vehicle departs or officers leave the scene.
  - f. **All** requests for consent to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded. Both audio and video recordings will be made of the request and consent when practical.
    - 1) Recording is intended to enhance a documented consent; it does not replace a signed Form 601, Consent to Search Without a Warrant.
  - g. Requests for searches and deployments of drug-detection canines involving vehicles, when practical.
  - h. Recordings of all persons physically arrested and being transported in any Department vehicle to any location.
    - 1) The BWC may be deactivated after the DVR is activated and recording a subject being transported in the police vehicle.



- i. Officers have the discretion to activate the BWC when they believe an event may have evidentiary value.
  - j. Officers are not required to initiate or cease recording an event solely at the request of a citizen.
- 3. Officers will **not** use the BWC to record the following:
  - a. Confidential informants or undercover officers.
    - 1) Officers may record any enforcement action (e.g., traffic or investigatory stop) requested by a plainclothes officer.
  - b. Department personnel during routine, non-enforcement related activities, unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.
  - c. In any place where there is a reasonable expectation of privacy (e.g., restroom, locker room).
  - d. In any detention facility or hospital facility (when confidential patient information may be recorded) **except** during an active incident (e.g., disorderly person).
  - e. During discussions/briefs regarding tactics and/or strategies.
- B. Viewing, Altering and/or Sharing BWC Recordings
  - 1. All access to BWC footage will be automatically logged to create an electronic audit trail.
  - 2. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior approval.
    - a. Requests to delete portions of a BWC recording (e.g., in the event of a personal recording) must be submitted for approval on a Form 17 to the police chief, who will review in accordance with state record retention laws. All requests and final decisions shall be kept on file.
  - 3. Officers may view BWC footage at the district utilizing vendor-approved software and equipment.
  - 4. Officers will inform a supervisor of any recorded sequences that may be of value for training purposes.
  - 5. When an officer is involved in a police intervention shooting, their BWC will be subject to the process outlined in Procedure 12.550, Discharging of Firearms by Police Personnel.
    - a. Review of the BWC footage at Criminal Investigations Section (CIS) will be made according to the investigative process and at the discretion of a Homicide supervisor.
  - 6. Officers shall not use non-agency equipment or devices to record or download video from BWC's.

C. BWC Management

1. TASER BWC systems not in use by officers shall be inserted into its TDS.
  - a. Connect the TASER BWC to the TDS to automatically upload recordings and charge the unit.
2. VIEVU BWC systems not in use by officers shall be connected to the Multi-Dock Network.
  - a. Connect the VIEVU BWC to the Multi-Dock Network to automatically upload and recharge the unit.

D. Court and Evidentiary Video Files

1. When a BWC video file is required for court/evidentiary purposes, the Prosecutor's Office will contact PRS to request the redaction process be initiated.
  - a. PRS will redact the BWC video file(s) according to their Standard Operating Procedure (SOP) and notify the Prosecutor's Office when the files are available for review.
  - b. If no BWC video file exists, PRS will advise the Prosecutor's Office. PRS may contact an administrative supervisor for any questions regarding video file existence.
2. Recording Auto Accidents Involving Police Equipment
  - a. If a BWC-equipped officer is involved in an auto accident, they should activate the BWC if physically able.
    - 1) When activated, the TASER and VIEVU BWC will record 30 seconds of buffered video. (Possibly recording the events prior to the accident)
  - b. The supervisor who completes the Form 90S, Supervisor's Review of Vehicle Crash, will review the officer's BWC video for any footage relevant to the auto accident.
    - 1) If the officer's BWC contains relevant footage, the supervisor will upload **and** make a disc copy of the video file.
  - c. The supervisor will forward a disc copy of the video file with the auto accident paperwork (90S, BMV3303, etc.) through the chain of command to Fleet Management Unit.
  - d. The City Solicitor's Office will have access to these video files as needed for legal purposes.
    - 1) Fleet Management Unit will maintain a computer database and act as liaison with the City Solicitor's Office.



- e. Fleet Management Unit is responsible for the final disposition of BWC video files, submitted as part of an auto accident, which are past their two year retention period.
- 3. When a traffic stop involving an individual arrested for Operating a Vehicle Under the Influence (OVI) is captured by a BWC as well as the DVR:
  - a. Clearly mark the Form 527, Arrest Report, Ohio Multi-count Traffic Tag (MUTT), and the Form 495, Cincinnati Police Department Intoxication Report with "**ACE**" and "**BWC**" in bold letters.
    - 1) If the Prosecutor's Office needs a copy of the BWC for court purposes, they will contact PRS to request redaction.

#### E. Records Requests

- 1. All requests for BWC video files must be made prior to the end of the 90 day retention and availability period. After the 90 day retention period recordings not categorized for retention are automatically deleted.
  - a. Disc copies of video files must be approved by PRS and/or the district/section/unit commander.
- 2. Requests for disc copies of video files originating from within the Department must be submitted on a Form 606 to PRS.
  - a. Requests for "best evidence" for an investigation by Homicide Unit, Professional Standards Section, Inspections Unit, or Traffic Unit may be fulfilled by a supervisor with administrative access.
    - 1) The section/unit taking custody of the disc copy is responsible for its final disposition.
  - b. Officers wishing to obtain a disc copy of their own video files will submit a Form 606 to PRS.
    - 1) PRS will redact the video file and forward a disc copy to the officer.
    - 2) Video files are to be used for official business only.
- 3. Outside requests for video files must be submitted to PRS on a Form 29, Records Unit Public Records Request. The request can be completed online by emailing the Form 29 to [cpdrecords@cincinnati-oh.gov](mailto:cpdrecords@cincinnati-oh.gov) or filling out an online form at <http://cincinnati-oh.gov/noncms/police/records/>.
  - a. PRS will follow their SOP for the completion of record requests.
  - b. OVI recorded events will only be released with the approval of the prosecutor.
  - c. When a request for a video file is made from outside the Department, a second disc copy of the video file will be made by PRS and maintained in a file for one year.

4. Media requests for video files will be referred to and handled by the Public Information Office (PIO). PRS will release a disc copy of video files to PIO upon request.

F. Supervisory Responsibilities

1. All supervisors of officers involved in the pilot program will:
  - a. Ensure officers follow established procedures for the use and maintenance of the equipment.
  - b. Supervisors will note in their rounds if an officer assigned to the pilot program is not able to use a BWC during the shift.
    - 1) The supervisor will notify the BWC program coordinator if the equipment has malfunctioned.
    - 2) Investigate and document on a Form 17 all incidents involving an officer who fails to activate or deactivate the BWC in accordance with procedure, including any disciplinary recommendation.
      - a) A copy of the Form 17 will be forwarded to the BWC program coordinator and the incident will be tracked at the district of occurrence.
  - c. Supervisors are encouraged to review content with officers involved in the pilot program to identify events with training value.
  - d. Random supervisory reviews of the BWC system will not be required during the pilot program.
2. Supervisors will ensure disc copies of BWC footage are made and accompany department reports for all incidents involving:
  - a. Use of Force
    - 1) Form 18F – Supervisor's Use of Force Investigation
    - 2) Form 18TBFP – Use of Taser/Beanbag/40mm Foam Round/Pepperball
    - 3) Form 18C – Use of Canine
    - 4) Form 18CI – Use of Chemical Irritant
    - 5) Form 18I – Injury to Prisoner
    - 6) Form 18NC – Non-compliant Suspect / Arrestee
  - b. Injury to Officers
    - 1) Form 91SP – Supervisory Investigation of Employee Injury



- c. Vehicle Pursuits
    - 1) Form 34 – Vehicle Pursuit
  - d. Citizen Complaints
    - 1) Form 648 – Citizen Complaint
      - a) When applicable, any member of the public, parent or legal guardian of a minor, or a deceased subject's next of kin or legally authorized designee who is a subject of video footage, shall be permitted to review that specific video footage during a citizen complaint investigation.
  - 3. For department investigations, BWC disc copies will be retained for two years or until the administrative investigation is complete.
- G. Biometric Searches
- 1. Stored video and audio from a BWC shall not:
    - a. Be used to create a database or pool of mug shots
    - b. Be used as fillers in photo arrays, or
    - c. Be searched using facial recognition software
      - 1) This does not prohibit CPD from using recognition software to analyze the recording of a particular incident when reasonable suspicion exists that a specific suspect or person in need of assistance may be a subject of a particular recording.

