

12.537 MOBILE VIDEO/DIGITAL VIDEO RECORDING EQUIPMENT

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 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release

Purpose:

Establish a policy regarding the use of Digital Video Recording (DVR) equipment in Department vehicles.

Establish a policy regarding the storage, release, and retention of mobile videotapes, digital discs, and video files.

Policy:

Hard drives and original Digital Video Recorder (DVR) disks will not leave the custody of the Police Department. The Department will retain and preserve discs, and video files for at least 90 days, or as long as necessary for an incident subject to investigation. Discs and video files held as evidence will be held for the required retention period. Requests for duplicates of the held disc or video file will be forwarded to the district/section/unit holding the disc or video file.

The Eyewitness ION DVR system features Clear Comm transmitters which are equipped with a mute function located on the top of the transmitter. Transmitters vibrate indicating the mute function has been activated. Officers are **not** to use this function. All audio will be recorded in its entirety.

Officers who fail to use DVR equipment as required or fail to report damage to the equipment are in violation of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.

Information:

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

DVR discs and video files are the property of the Cincinnati Police Department and are not to be duplicated and/or used without authorization from the Police Chief or his designee.

The DVR relies completely on the police vehicle's battery as its power supply. When the battery goes dead or is disconnected, the date, time, and the disc or hard drive counter may no longer be accurate.

The date and time will also be incorrect for criminal or administrative investigations. The DVR time, date, and counter must be checked for accuracy but should reset on its own.

When the DVR is activated, the thirty seconds prior to activation will be captured on the recording.

A supervisor will set the video resolution on all DVR units to BEST. The BEST setting allows for digital enhancement of captured data when necessary. Steps to complete this setting can be found on the Department Intranet under Manuals; Digital Eyewitness Reference Manual, page 4-9 (4 dash 9).

Incidents exceeding one hour in length will need to be copied to more than one CD.

Officers may use DVR equipment to record the reason for current or planned enforcement action, to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

DVR microphones will not record conversations while stored in the docking station.

The Eyewitness ION DVR system features a hard drive which stores audio/video recordings transmitted from the In-car camera. Hard drives are inserted in the "vault" which is mounted in patrol vehicles between the driver and passenger seat. Hard drives must be removed from the vault and downloaded to the district/section/unit server. The server organizes recordings into video files which can then be duplicated for investigatory and or evidentiary purposes.

Duplicate video files required for external presentations will be created using the "create a CD or DVD Data Disk" feature of the Digital Eyewitness Media Manager. Video files can only be duplicated utilizing the workstation connected to the server. The duplicate video file can be played on any computer using Media Player.

Video files which must be retained for longer than 90 days (i.e., "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit) must be "flagged" for retention purposes.

Steps to complete this process can be found in the Digital Eyewitness Media Manager Operations Manual, section 4.10.

Technology and Systems Section will set the video resolution on all Eyewitness ION DVR systems to MPEG2 at Best Quality. This setting allows for video enhancement and watermarking of the video file to ensure video integrity.

Eyewitness ION DVR systems are equipped with "Clear Comm" wireless transmitters which vibrate once when removed from the docking station indicating the transmitter is recording audio sound. Transmitters vibrate twice indicating the transmitter is out of recording range (during a foot pursuit an officer may not become aware of the vibration). Transmitters vibrate when back in range.

A flashing red LED on the front of the video camera indicates video images are being recorded without audio sound. A solid red LED light indicates recording of both audio and video.

Procedure:

A. Operating and Utilizing DVR Equipment

1. DVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
 - a. All officers operating DVR equipped vehicles will wear the microphone or wireless transmitter supplied with each system.
2. Prior to leaving the district/section/unit, the officer must ensure his/her DVR equipment is working satisfactorily, including date and time.
 - a. The officer will check the DVR by recording himself/herself standing in front of the vehicle and giving a test count.
 - 1) DVR systems have two Sure Talk microphones; both must be checked with a test count to ensure they are functioning properly.
 - 2) Eyewitness ION DVR systems have two "Clear Comm" transmitters; both must be checked with a test count to ensure they are functioning properly.
 - b. After recording, the officer will review the video to verify the audio and video test recorded properly.

- c. Immediately notify a supervisor of any problems.
 - d. The officer will complete the "In-car Camera" portion of the Form 436A, Daily Activity Record.
 - e. The officer will check the amount of space left on the DVR disc, or hard drive to ensure there is an adequate amount of recording time available for the duration of the shift.
 - 1) The disc/hard drive counter in DVR equipped vehicles appears on the overhead console after initial start up and will continue to be displayed while the unit is running. The counter indicates the amount of recording time remaining on the disc/hard drive.
 - a) The maximum amount of space on a DVR disc set to "Best" is 5 hours and 20 minutes (shown as 5.20).
 - 1] When the disc counter shows 30 minutes or less, the officer will notify a supervisor who will change the disc.

NOTE: DVR counters start at the maximum number of hours and minutes available for each disc, i.e., 5.20.
 - b) The maximum amount of space on an Eyewitness ION DVR hard drive is 16 hours when set to MPEG2 at Best Quality.
 - 1] When the hard drive counter shows approximately 1 hour, the officer will notify a supervisor who will change the hard drive (hard drive counter starts at the maximum number of hours).
 - f. If the DVR reaches the maximum count during the shift, the officer will inform a supervisor of any recorded sequences that may be of value for training purposes.
 - g. If during the officer's tour of duty the DVR or audio equipment malfunctions, the officer must notify a supervisor.
3. When turned on, DVR equipment will automatically activate when the vehicle's emergency lights are activated.

- a. The camera must be positioned and adjusted to record events appropriately. On a DVR equipped vehicle, the correct camera position will allow viewing of the push bumpers in the bottom and middle of the screen.
 - b. The wireless microphone/transmitter turns on automatically with a DVR when removed from the docking station.
 - 1) When a second Sure Talk microphone from a DVR system is used to record audio inside a vehicle, the second microphone must be removed from the docking station and manually activated by pressing the ACT button until it remains lit. Place the microphone in a section of the driver's compartment capable of recording audio from the rear passenger compartment.
 - c. Vehicles equipped with an Eyewitness ION DVR system have a third microphone permanently installed in the rear passenger compartment around the rear window. To record audio inside a vehicle, the In-car Microphone (ICM) must be manually activated by pressing the ICM button located on the left panel of the overhead console.
 - d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
 - e. The officer must notify a supervisor if they become aware a traffic stop or pursuit was not recorded.
4. The officer will use DVR equipment to record all portions of the following incidents:
- a. Responding to calls for service in emergency mode.
 - b. Traffic pursuits.
 - c. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
 - 1) The officer on a traffic stop will continue to record until the stopped vehicle departs or until they leave the scene.
 - 2) Officers assisting on a traffic stop will continue to record until the stopped vehicle departs or until they leave the scene.

- d. The transporting of all persons physically arrested and being transported to an appropriate location: district, detention facility, medical facility, etc., until relieved of custody of the prisoner. The camera will be turned to face the rear seat for recording purposes.
 - 1) This includes physical arrests from traffic stops; prisoners requiring transportation which are picked up from districts, outside agencies, private security, etc.; and all original arrests which were not part of an above incident requiring initial recording of the incident.
 - e. **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. Requests involving incidents beyond the camera will still be recorded by audio if within range of the recording device. Recording is intended to enhance a documented consent; it does not replace a signed Form 601, Consent to Search Without a Warrant, when requesting a search.
 - f. Requests for searches and deployments of drug-detection canines involving vehicles, when practical.
- 5. Officers will only use DVR discs, or hard drives issued by the Department.
 - a. Officers will not erase, alter, or tamper with DVR discs, or hard drives.
 - 6. Each DVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises rear seat passenger(s) their actions and conversations will be recorded.
- B. DVR Disc Control and Management
- 1. Except as indicated below, DVR discs will be stored at the district/section/unit.
 - 2. Access to DVR discs is restricted to supervisors only.
 - a. District/section/unit commanders can designate a non-supervisory person to have access to discs only when necessary.

3. All original DVR discs will be stored for 90 days following the last day of use.
4. Duplicates of DVR discs will be made by the district commander's designee.
5. DVR discs will be stored and separated in the following categories:
 - a. Assigned DVR Discs:
 - 1) Each DVR equipped vehicle will have 30 discs assigned to it, labeled with the equipment number and disc number (e.g.: 04300-1.....04300-30). Do not write directly on the disc.
 - 2) Each vehicle will have a Form MVR1, In-car Camera Disc Log, to track disc changes and 90-day retention dates. The log must be kept secured with the discs.
 - 3) Discs will be changed when:
 - a) The DVR disc counter reads 30 minutes or less.
 - c) The disc needs to be removed for viewing or copying purposes.
 - d) There is a malfunction of the disc.
 - e) Battery power is lost or the date and time are incorrect. The DVR time and the Mobile Data Computer (MDC) time will be the same.
 - f) Directed by a supervisor.
 - b. Spare DVR Discs
 - 1) Each district/section/unit will have 20 spare DVR discs available, labeled with the disc number (e.g.: Spare-1 – Spare-20).
 - 2) Spare discs are to be used in place of an "Assigned Disc" when the 90-day retention period has not been met.

- 3) A Form MVR2, In-car Camera Spare Disc Log, will be completed to track the use of spare discs and their retention dates. The log must be kept secured with the discs.

C. Hard Drive Control and Management

1. Hard drives will be retained at the district/section/unit of assignment.
2. Access to hard drives is restricted to supervisors.
 - a. District/section/unit commanders can designate a non-supervisory person to have access to hard drives only when necessary.
3. All video files will be stored for 90 days upon being downloaded to the server.
 - a. Duplicates of the video files will be made by the district commander's designee.
 - b. Spare hard drives.
 - 1) Each vehicle equipped with an Eyewitness ION DVR system has two hard drives assigned.
 - 2) Hard drives will be labeled beginning with the district/section/unit designation, then the corresponding number in sequence.

Example: Hard Drive One assigned to District Two is: 2-1.
Hard Drive Two assigned to District Two is: 2-2.

- a) Hard drives are not assigned to specific vehicles and can be inter-changed among all vehicles assigned to a district/section/unit.
- 3) Form DVR-HD, DVR Hard Drive Log, will be completed each time a hard drive is changed to track the use of hard drives. The log must be secured with the hard drives.

D. Court/Evidentiary Discs or Video Files

1. When DVR discs or video files are held for court/evidentiary purposes, the officer or supervisor will submit a Form 606, Mobile Video/Audio Recording Records Request, before the end of the tour of duty.
 - a. One duplicate of the DVR disc or video file will be made and processed as normal evidentiary material in accordance with Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage and Release.
 - b. Duplicates of DVR discs/video files will consist of the file containing the specific incident.
 - c. Retain the Form 606 at the district/section/unit to track duplicate discs or video files.
 - d. The officer will mark all related documents with Automated Control of Evidence ("ACE") to alert the prosecutor or investigator a duplicate of a DVR disc or video file is available. "ACE" will be indicated only when the officer holds a duplicate disc or video file as evidence.
2. Anytime a DVR equipped police vehicle is involved in an auto accident where the DVR is recording, or a DVR captures a police vehicle involved in an auto accident, the supervisor who completes the 90S, Supervisor's Review of Vehicle Crash, will also complete a Form 606. Forward a duplicate of the disc or video file along with the auto accident paperwork, i.e., 90S, BMV3303, etc., through the chain of command to the Fleet Management Unit. The Solicitor's Office will have access to these DVR discs or video files as needed for lawsuits.
 - a. The Fleet Management Unit will maintain a computer database and act as a liaison with the City Solicitor's Office.
 - b. Fleet Management Unit is responsible for final disposition of DVR discs or video files submitted as part of an auto accident not needed after 2 years.
3. Anytime a DVR equipped police vehicle is involved in a stop where an individual is arrested for Operating a Vehicle Under the Influence (OVI):

- a. A duplicate of the OVI incident captured on discs or hard drives of all units at the scene will be held as evidence. Clearly mark the Form 527, Arrest Report, and Ohio Multi-count Traffic Tag (MUTT), with "ACE". Also, mark "yes" in the specific block on the Form 495, Intoxication Report.
- b. Complete a Form 606 and process the duplicate of the DVR disc or video file as evidence held for court (See Procedure 12.715). Mark duplicate discs with the date and OVI number. Discs must be marked with a label. Do not write directly on the disc.
- c. If the incident is captured on a DVR disc or hard drive, a second duplicate will be made and routed, with the OVI paperwork, to the Prosecutor's Office. This disc will be labeled with the arrestee's name, OVI number, and the incident date/time.

E. Request for Discs or Video Files

1. Any request for a disc or video file must be made prior to the end of the 90-day retention period.
2. Requests for duplicates of discs, or video files originating from within the Department must be submitted on a Form 606 to the district/section/unit where the disc or video file is assigned or stored.
 - a. Original DVR discs must be retained at the district/section/unit of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit. These units will notify the Officer in Charge (OIC) if a disc is taken for evidence.
 - 1) The shift OIC will document discs taken as best evidence on Form MVR3, DVR Disc Custody Log, at the district/section/unit of assignment.
 - 2) A best evidence DVR disc will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
 - 3) Label a blank disc with the same equipment and disc number and put back into rotation.
 - b. Eyewitness ION DVR hard drives will be retained at the district/section/unit of assignment. Video files needed as "best evidence" will be downloaded from the hard drive to the server.

Duplicates of video files from the server will be made by or at the direction of the requesting district/section/unit.

- 1) The district/section/unit receiving the Form 606 will ensure Form DVR-HD, DVR Hard Drive Log, is completed.
 - 2) A best evidence video file will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
- c. Officers requesting duplicates of discs or video files for personal use must submit their request through Records Section.
3. Outside requests must also be submitted on a Form 606 through Records Section to the district/section/unit maintaining the original disc or video file. OVI recorded events will only be released with the approval of the prosecutor.
 - a. When a request for a disc or video file is made from outside of the Department, a second copy of the disc or video file will be made and maintained in a file at the district for one year.
 4. Duplicate discs or video files will be made with the approval of the district/section/unit commander.
 5. Additional blank discs can be obtained at the Supply Unit.
 6. Requests from the Prosecutor's Office for "ACE" Discs or Video Files.
 - a. The Prosecutor's Office will contact the Court Property Unit and request a copy of an "ACE" disc or video file.
 - b. Court Property Unit will complete and file the Form 606, make a copy of the disc or video file and arrange for delivery to the Prosecutor's Office.
 7. Requests from the Prosecutor's Office for duplicates of all other discs or video files.
 - a. The Prosecutor's Office will contact a district/section/unit administrative assistant or supervisor to determine if a disc or video file of the incident in question exists.
 - b. If a disc or video file exists, follow section D.1.a. Make an extra copy for the Prosecutor's Office and arrange for the delivery of the disc.

- 1) Indicate on the Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
 - c. If no disc or video file exists, the administrative assistant or supervisor will notify the Prosecutor's Office and advise them no disc or video file exists.
8. Media requests for discs or video files will be referred to and handled by the Public Information Office (PIO). Districts will release a duplicate of discs or video files to PIO upon request.

F. Supervisory Responsibilities

1. All district supervisors will:
 - a. Ensure officers follow established procedures for the use and maintenance of DVR equipment, discs, and hard drives, and the completion of DVR documentation.
 - b. Ensure the 90-day retention period has been met before installing the next sequential disc.
 - 1) If the DVR disc is available for use, it must be completely erased before re-installing into the recorder.
 - a) Place an entry on the Form MVR1, In-car Camera Disc Log, or Form MVR2, In-car Camera Spare Disc Log, completely and accurately each time a disc or spare disc is changed.
 - 2) If the 90-day retention period has not been met, the next sequential spare disc must be used instead.
 - 3) Hard drives with video files downloaded to the server are automatically available for immediate re-use.
 - a) Video files held in the server are retained for 90 days.
 - c. Ensure hard drive video files are successfully downloaded to the server.
 - 1) Removed hard drives unable to be downloaded before the end of the shift, due to exigent circumstances, must be placed in a property locker.

- a) Make a blotter entry documenting the reason the download could not be performed.
- 2) Place an entry on the Form DVR-DH, DVR Hard Drive Log, completely and accurately each time a hard drive is changed.
- d. Assign police vehicles with faulty or no DVR equipment as a last resort.
 - 1) Supervisors will note in their rounds why equipment without functioning DVR equipment was used.
- e. Each relief OIC will ensure a supervisor randomly selects a DVR disc or video file to review once per week. During that review, a specific incident will be identified and reviewed in its entirety and the results will be documented on Form MVR4, Supervisor's Review of DVR or Video File. These reviews will be conducted for training and integrity purposes.
 - 1) Supervisors will not review incidents known to have been previously reviewed. Supervisors will not include the review of any incident occurring during their current shift which was reviewed in accordance with procedure, e.g., vehicle pursuits, use of force, etc.
 - 2) Supervisors conducting these reviews will file the Form MVR4 in a separate logbook maintained by the affected district/section/unit.
 - 3) Supervisors will conduct periodic and random inspections of DVR equipment to confirm it is in proper working order.
2. Each district/section/unit will designate one supervisor to be in charge of DVR equipment, disc, and hard drive log maintenance. The DVR supervisor will ensure:
 - a. Every 30 days, an audit of the DVR log, spare DVR log, and Hard Drive log is conducted. Ensure all DVR discs, and hard drives assigned to a district/section/unit are accounted for. Bring discrepancies to the attention of the district/section/unit commander.
 - 1) Any DVR disc found during the audit that has been retained for more than 90 days will be manually erased and returned to the disc rotation.

- a) Video files not flagged for review will be automatically erased from the server after 90 days.
 - b. Damaged or nonfunctional DVR equipment is tracked and sent for repair or replacement.
 - c. Assigned DVR discs and hard drives are replaced as necessary to maintain video/audio clarity.
 - 1) If the DVR disc is not clear or causes any malfunction, do not use it. Replace it with a new disc. DVR discs used for more than ten rotation cycles will be checked to ensure video and audio clarity.
3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect DVR equipment to ensure the correct date and time are displayed on the monitor.
 - a. Each January 1 and July 1, email a current list of DVR serial numbers to Fleet Management Unit for tracking purposes. Serial numbers are located on vaults which house the DVR disc, or hard drive (DVR vaults are located in the trunk of the vehicle. ION DVR hard drive vaults are mounted between the driver and passenger seats).
4. Each relief OIC will review one randomly selected DVR disc or video file per week for training issues. A minimum of 3 incidents per DVR disc or video file will be reviewed. Results will be noted in their rounds.
5. Supervisors will review the DVR discs or hard drives in all cars of all officers listed in any Department report regarding any incident involving:
 - a. Injury to Prisoners
 - b. Use of Force
 - c. Injury to Officers
 - d. Vehicle Pursuits
 - e. Police Officer Needs Assistance Runs
 - f. Citizen Complaints

6. All reports submitted that are related to the above incidents should include copies of the DVR or hard drives of all cars in which the incident is captured on video.

G. Maintenance, Repair, and Replacement

1. Take malfunctioning DVR equipment to the Radio Shop at 1106 Bates Avenue for repair. This service is available Monday through Friday, from 0830 to 1630 hours.
2. The Radio Shop is the liaison with the DVR vendors. The Radio Shop will conduct all repair and replacement of DVR equipment.
3. The storage, distribution, tracking, and repair of DVR equipment will be designated in the district/section/unit Standard Operating Procedures.