

## 12.537 MOBILE 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 digital discs and any video files.

### **Policy:**

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

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.

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 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.

Officers may use DVR equipment to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

The Eyewitness G3 Vision 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 behind the rear seat in SUV patrol vehicles. In older patrol vehicles, the vault is located in the trunk. Some older vehicles have the Eyewitness ION DVR system. The vault for this system is located 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 Eyewitness Data Vault (EDV). 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 EDV Operations Manual.

Fleet Management will set the video resolution on all DVR systems to MPEG2 at Best Quality. This setting allows for video enhancement and watermarking of the video file to ensure video integrity.

A flashing red LED on the front of the video camera indicates video images are being recorded without audio sound.

**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 activate their Body Worn Camera (BWC) when the DVR is recording with the exception of transports.
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.
  - b. After recording, the officer will review the video to verify the 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 hard drive to ensure there is an adequate amount of recording time available for the duration of the shift.
  - 1) The hard drive counter in DVR equipped vehicles utilizing the G3 system can be found by pressing the MENU button on the controller after start up. The counter will appear at the bottom of the monitor screen. On the older ION system, the counter appears on the overhead console after initial start and will continue to be displayed while the unit is running. The counter indicates the amount of recording time remaining on the hard drive.
    - a) 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 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. Vehicles equipped with either Eyewitness 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. On the G3 system, the ICM button is located along the bottom of the Mirror Monitor Controller or the left side of the Anywhere Monitor Controller, if equipped. On the ION system, it is located on the left panel of the overhead console.
  - c. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
  - d. 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 in conjunction with a BWC, 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. If the vehicle is equipped with the Eyewitness ION system, the camera will be turned to face the rear seat for recording purposes. The G3 system has a rear mounted camera. The REC2 button activates the rear camera. Officers will ensure the rear camera is recording. On both systems, officers will ensure the ICM is activated. BWC use during a transport is not required.
    - 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.
5. Officers will only use DVR hard drives issued by the Department.
- a. Officers will not erase, alter, or tamper with DVR hard drives.
- B. 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) 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.
- 2) Form DVR-HD, DVR Hard Drive Log (assigned to each vehicle), 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.

### C. Court/Evidentiary Video Files

1. When DVR 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 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 video files will consist of the file containing the specific incident.
    - 1) Any DVR footage that is part of a records request, including internal requests, will be forwarded to Police Records for the completion of redactions required by law.
  - c. Retain the Form 606 at the district/section/unit to track duplicate 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-video file is available. "ACE" will be indicated only when the officer holds a duplicate 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 video file along with the auto accident paperwork, i.e., 90S, BMV3303, etc., through the chain of command to Fleet Management. The Solicitor's Office will have access to these DVR video files as needed for lawsuits.
  - a. Fleet Management will maintain a computer database and act as a liaison with the City Solicitor's Office.
  - b. Fleet Management is responsible for final disposition of DVR 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 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, Impairment Report.
- b. Complete a Form 606 and process the duplicate of the DVR 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 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 Video Files

1. Any request for video file must be made to Police Records prior to the end of the 90-day retention period.
2. Requests for duplicates of video files originating from within the Department must be submitted on a Form 606 to the district/section/unit where the video file is assigned or stored.
  - a. Eyewitness ION and G3 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.
  - b. Officers requesting duplicates of video files for personal use must submit their request online to Police Records for the fulfillment of the request.
3. Outside requests must be submitted online through Police Records Section to the district/section/unit maintaining the original video file. OVI recorded events will only be released with the approval of the prosecutor.
  - a. When a request for a video file is made from outside of the Department, a second copy of the video file will be made and maintained in a file at the district for one year.
4. Duplicate video files will be made with the approval of the district/section/unit commander.

5. Requests from the Prosecutor's Office for "ACE" Video Files.
    - a. The Prosecutor's Office will contact Court Property and request a copy of an "ACE" video file.
    - b. Court Property will complete and file the Form 606, make a copy of the video file and arrange for delivery to the Prosecutor's Office.
  7. Requests from the Prosecutor's Office for duplicates of all other video files.
    - a. The Prosecutor's Office will contact a district/section/unit administrative assistant or supervisor to determine if a video file of the incident in question exists.
    - b. If a video file exists, follow section D.1.a. Make an extra copy for the Prosecutor's Office and arrange for the delivery of the file.
      - 1) Indicate on the Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
    - c. If no video file exists, the administrative assistant or supervisor will notify the Prosecutor's Office and advise them no video file exists.
  8. Media requests for video files will be referred to and handled by the Public Information Office (PIO). Districts will release a duplicate of 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, hard drives, and the completion of DVR documentation.
      - 1) 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.
        - b) Video files not flagged for review will be automatically erased from the server after 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 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 via RMS on Form MVR4, Supervisory Review. These reviews will be conducted for training and integrity purposes. RMS will display all supervisory MVR/DVR reviews per district.
  - 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 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, and hard drive log maintenance. The DVR supervisor will ensure:
  - a. Every 30 days, an audit of the DVR Hard Drive log is conducted. Ensure all DVR hard drives assigned to a district/section/unit are accounted for. Bring discrepancies to the attention of the district/section/unit commander.
  - b. Damaged or nonfunctional DVR equipment is tracked and sent for repair or replacement.
  - c. Assigned DVR hard drives are replaced as necessary to maintain video/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 for tracking purposes. Serial numbers are located on vaults which house the DVR 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. Supervisors will review the DVR 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
5. All reports submitted that are related to the above incidents should include copies of the DVR video files of all cars in which the incident is captured on video.
- G. Maintenance, Repair, and Replacement
1. For malfunctioning DVR equipment contact Fleet Management at 240-0049 to determine the severity of the malfunction.
    - a. Supervisors will ensure an officer with a malfunctioning DVR make a blotter entry. The entry type will be MVR PROBLEM.
    - b. For minor malfunctions Fleet Management will respond to the district of occurrence for repair.
    - c. For major malfunctions the DVR equipment will be taken to Fleet Management at 3425 Spring Grove Avenue for repair. Fleet Management is available Monday through Friday, from 0800 to 1630 hours.
  2. Fleet Management is the liaison with the DVR vendors. Fleet Management 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.