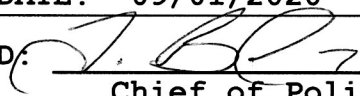


CLEVELAND POLICE DEPARTMENT	POLICY/PROCEDURE
SUBJECT: ELECTRONIC RECORDING DEVICES	PAGES: 5
EFFECTIVE DATE: 08/01/2018	REVIEW DATE: 09/01/2020
AMENDS/SUPERSEDES:	APPROVED:  Chief of Police

I. Purpose

The purpose of this policy is to establish guidelines for electronic recording and the associated use, management, storage, and retrieval of recordings. Further, this policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest-quality evidence possible is obtained.

II. Policy

Electronic recording provides persuasive evidence and defends against civil litigation and allegations of officer misconduct. It is the policy of the Cleveland Police Department that officers utilize squad and wearable audio/video recording systems when investigating, responding to, or self-initiating activity in a vehicle or in person. To maximize the effectiveness of electronic recording and the integrity of audio/video documentation, officers must adhere to the procedures in this policy.

III Definitions

Electronic Recording: A visual and/or audio recording using digital or analog storage format.

Recorded Media: Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, streaming media, cloud media storage, files like MPEG, MP4, AVI, etc.)

Body Camera: A wearable video camera that is capable of recording video and audio. This camera is typically worn on the front of the officer's uniform.

Squad Video Recorder: A system capable of recording audio and visual signals, installed in a vehicle, which generally includes a camera, microphone, remote transmitter, recorder, and monitor.

IV. Procedures

Electronically Recorded Media Is Intended To:

1. Enhance Officer Safety.
2. Accurately capture statements and events during an incident.
3. Assist with the prosecution of violators.
4. Respond to allegations of officer misconduct.
5. Assess officer performance.
6. Provide self-critique opportunities for officers.
7. Facilitate department training.

A. Officers shall audio and video record all juvenile and adult custodial questioning of persons for an offense that could be a crime if prosecuted under state statute. Audio only recordings are acceptable only if audio and video recording is not accessible or feasible.

B. Officers may record all citizen contacts related to complaints, traffic stops, investigations, and any other incidents or situations where the recording may be of value.

C. All recordings should begin at the start of each contact or questioning ends. The officer may stop the recording if they temporarily end the contact, but then have the camera started again prior to re-initiating the contact.

D. Officers are not required to inform adult or juvenile suspects of recording.

E. Lack of consent to recording does not affect the admissibility of a recorded statement.

F. Squad audio/video recorders

1. Shall be activated when the squad is operating in emergency mode.
2. Squad audio/video recorders shall be activated for the duration of all traffic stops.
3. Except in situations specifically required in other parts of this policy squad audio/video recording systems can be deactivated when the officer is reasonably certain nothing of significance would be recorded. Officers shall reactivate the recording system if the situation changes and evidence might be captured on video.
4. If an officer has a body camera recording an event the officer does not have to carry a wireless microphone for the squad recorder also.
5. Except in situations specifically required in other parts of this policy, squad audio/video recorders may be deactivated when a body camera is in use and continued use of the squad audio/video recorder would only result in duplicate recordings.

G. Body Camera

1. A body camera is the preferred method of recording contacts.
2. Officers shall position the camera on their uniform to facilitate optimum recording of field of view.
3. Once activated, the recording should not be intentionally terminated until the conclusion of the encounter unless tactical, safety or practical reasons dictate otherwise.
4. Backup officers with body cameras, who arrive on scene to assist other officers, may activate

their body camera in order to record the event, in its entirety, from their perspective.

V. Operations and Use

- A. It is the responsibility of the Chief or Chief's designee to ensure that audio/video recording equipment is available and properly set up.
- B. Officers are responsible for daily inspection, testing, and general maintenance of audio/video recording equipment. Audio/video recording equipment that is not working or damaged shall be reported to the Chief immediately.
- C. Officers should notify personnel assisting from outside agencies when audio/video recording equipment is in use.
- D. Absent legal cause, lawful order, or as supported by this policy, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.
- E. Operation of Audio/Video Equipment.
 - 1. Officers may review recordings when preparing written reports of events.
 - 2. With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with recordings.
 - 3. Officers shall not erase, reuse, modify, tamper with, or in any manner alter their recordings or the media the recordings are stored on.

4. To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued by the police department or authorized by the Chief.

5. Officers shall only use recorders and media storage devices issued and approved by the department.

F. Post Recording Storage and Duplication of Recorded Media.

1. All recording media, recorded images and audio/video recordings are the property of this department. Unofficial or unauthorized dissemination outside of the agency is strictly prohibited without specific written permission of the Chief or his designee.

2. To prevent damage to, or alteration of, the original recorded media it shall not be copied, viewed or otherwise inserted into any device not approved by the department.

3. All recorded media that contains information that may be of value for case prosecution or in any criminal or civil proceeding shall be safeguarded as other forms of evidence and will be subject to the same security restrictions and chain of evidence safeguards.

G. Storage of Recorded Media

1. When officers capture electronically recorded media, they shall save the media in the appropriate location or folder on the secure video drive of the department server.

2. Only the Chief or Chief's designee will have the authority to remove or duplicate electronic media.

3. The Chief or Chief's designee will designate the recording to be saved according to the

records retention policy or as long as evidentiary rules require.

H. Requests for Copies of Electronically Recorded Media

1. Anyone other than the District Attorney's Office or Village Prosecutor must make a public records request for a copy of any video or other electronic recordings. All public records requests will be forwarded to the Chief for processing. This request for a public record may be oral or in writing per Sec. 19.35 (1) (h), Wis. Stat.

2. In a criminal case a copy of the electronically recorded media shall only be produced after a defendant or his/her attorney files a discovery demand with the District Attorney's Office.

3. The Chief or evidence manager appointed by the Chief will be responsible for retaining all electronically recorded media according to the Records Management Policy.

4. When the request involves information implicating the Federal Driver's Privacy Protection Act, the requestor shall complete the Limited Vehicle/Driver Record Information Request form for disclosure of Personal Information or Highly Restricted Personal Information.