city of
CINCINNATI
Interdepartment Correspondence Sheet

August 10, 2016

FOR YOUR INFORMATION

To: Mayor and Members of Council

From: Harry Black, City Manager HB

Subject: Body Worn Camera Implementation

The Cincinnati Police Department will begin issuing Body Worn Cameras (BWC) to Cincinnati police officers this morning in the Central Business District (CBD).

The City received the initial shipment of Axon Body 2 model cameras from TASER International on Friday, August 5. The shipment included 44 BWCs, necessary docks and related equipment, as well as a series of spare cameras and parts.

The first officers to be outfitted with the BWCs are based at CBD command center at The Banks. Training and subsequent deployment of these cameras will occur over a staggered schedule based on shift assignment.

In total, the CPD will receive 700 BWCs this year. Cameras will be deployed in phases across each of Cincinnati's police districts. All 700 cameras are expected to be operational by the end of the calendar year.

TASER International Contract

The Administration negotiated with TASER over the past few weeks and signed a seven-year contract on Monday, August 2. TASER was one of 12 RFP bids received and reviewed by the City.

The comprehensive contract includes the purchase of 700 cameras as well as docking devices and related equipment, video storage, technology support, all necessary training and additional community outreach resources.

The terms of the deal allow the City to purchase up to 350 additional cameras in 2017, contingent on the availability of funding. The cost of these cameras is included in this contract.

The overall financial terms of the agreement will not exceed $5,998,390.96 over seven years, with Year 1 not to exceed $683,602.96.

The term of the contract is seven years from the day the City receives the final round of the initial 700 camera order. Delivery of cameras for the final district is expected in December 2016.

Background

With direction from the Mayor and City Council, the City Administration initiated the creation of a BWC program in August 2015. The goal was to become a best-in-class model of transparency by involving as many stakeholders in the process as possible.

Over the next year, various City departments including Police and Law worked with the community to establish guidelines regarding the use, management, storage, release, and retention of video and audio files captured by the Body Worn Camera system.

The public outreach effort to date has included participation from the Mayor and City Council, Leadership Cincinnati, Citizen Complaint Authority (CCA), community organizations, local business leaders, clergy, National Association of Black Law Enforcement Executives (NOBLE), Local Judge's Seminar, City Manager's Advisory Group (MAG) and the Defense Attorney's Bar Association.

On July 12, the Administration released the administrative policy and procedure that will govern the BWC program (see attached). While today marks the launch of camera deployment, it does not represent the end. The process remains dynamic and as lessons are learned, and feedback is gained, improvements will be made.

The implementation of the BWC program is a major step forward for Cincinnati, but our work is ongoing. For example, the policy and procedure document will be updated often based on feedback received and lessons learned.

Moving Forward

This BWC program is new and the administration of it will remain dynamic. The City Administration will make every effort to stay up to date with technological advancements in the field of body worn cameras and adapt our policy to align with any future state legislation, judicial rulings, lessons learned and feedback received.

The BWC Policy and Procedure is posted on the City's website and we are asking interested parties to review the document and provide us with feedback via the electronic survey: http://www.cincinnati-oh.gov/cityofcincinnati/news/city-wants-your-input-on-new-body-worn-camera-policy-and-procedure/

As a part of the City's contract with TASER, 13% of the contract fee in year one will be used for an MBE/WBE local professional engagement organization to assist CPD with community outreach and to elicit feedback about the program. This will further the City's goal of continuous improvement and focus on community policing.

Conclusion

I would like to thank Chris Bigham, Capt. Doug Wiesman, Sgt. Ryan Smith, Elizabeth Wetzel, Kristen Eatmon, Patrick Duhaney, Christine Zimmer, the late Ella Topham and countless other

City employees for their work. Their tireless efforts over the past year enabled the City of Cincinnati to develop a BWC program that we hope will serve as the national gold standard.

Mayor Cranley and members of City Council, I would also like to say thank you for your support during this process. Your steadfast commitment to the development of this program, in terms of policy direction and financial support, has been vital.

We will continue to keep you posted on the progress of BWC implementation.

Attachment

city of
CINCINNATI
Interdepartment Correspondence Sheet

July 12, 2016

FOR YOUR INFORMATION MEMO

To: Mayor and Members of Council

From: Harry Black, City Manager HB

Subject: Body Worn Camera Policy & Procedure Development

As discussed at the June 27 Law & Public Safety Committee, the Administration has worked for months to seek feedback and engage with stakeholders as part of the creation of an administrative policy and procedure that will govern the Body Worn Camera Program (BWC) (attached). This is an important document because this policy will determine use, management, storage, release and retention of BWC video and audio files.

Begun in August 2015, with direction from the Mayor and City Council, the BWC goal is to be transparent and inclusive and to become a national gold standard by including as many stakeholders in the process as possible.

The creation of this policy has been a rigorous undertaking. This public outreach effort has included the Mayor and City Council, Leadership Cincinnati, Citizen's Complaint Authority (CCA), community organizations, local business leaders, clergy, National Association of Black Law Enforcement Executives (NOBLE), Local Judge's Seminar, City Manager's Advisory Group (MAG) and the Defense Attorney's Bar Association.

The work is ongoing. Though we have tried to anticipate every possible scenario it is not always possible to address something that may have not occurred. This is why this policy is fluid in nature and will continue to undergo changes and revisions as new lessons are learned.

To this end, this morning the BWC Policy and Procedure is posted on the City's website and we are asking any interested parties to review the document and provide us with feedback via the electronic survey: http://cincinnati-oh.gov/cityofcincinnati/news/city-wants-your-input-on-new-body-worn-camera-policy-and-procedure/

We anticipate this document being updated often based on feedback received and lessons learned. The process for the development and administration of this policy has been established via Administrative Regulation 70 (attached) and requires approval of the City Manager prior to modification.

The Body Worn Cameras will be deployed in phases beginning August 1 with officers in the Central Business District.

To reiterate, we will maintain this as an adaptable process evolving over time and ultimately leading to improvements wherever necessary. In addition, it is also our intention to modify this policy and procedure as necessary to be in alignment with any future state legislation and judicial rulings that may manifest themselves.

Attachments

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: July 7, 2016

To: Mr. Harry Black, City Manager

From: Colonel Eliot K. Isaac, Police Chief

Copies:

Subject: **Body Worn Camera Policy and Procedure**

Pursuant to Administration Regulation No. 70, attached is the Cincinnati Police Department's Body Worn Camera policy and procedure (12.540 Body Worn Camera System) for your review and approval.

Respectfully submitted,

Executive Assistant Chief David J. Bailey, Acting Police Chief

Approved: _____
Mr. Harry Black, City Manager, City of Cincinnati

Attachment

12.540 BODY WORN CAMERA SYSTEM

References:

City of Cincinnati Administrative Regulation No. 70
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

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.

Hyperlink - An electronic link providing direct access from one distinctively marked place (hypertext) in a document to another in the same or a different document.

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.

EVIDENCE.COM – A TASER system used for accessing recorded events. Officers have a unique login to enable viewing or uploading recorded events. The website address is https://cincinnatipdoh.evidence.com.

TASER Docking Station (TDS) – A six-port docking system which uploads video files and charges the TASER BWC. The TDS allows units to transfer recorded events to EVIDENCE.COM via an internet connection.

Purpose:

Establish guidelines regarding the use, management, storage, release, and retention of video and audio files captured by the Body Worn Camera system.

BWC systems promote accountability and transparency for law enforcement by providing a video record of police activity. Police operations become more transparent to the public and help resolve questions following encounters between officers and citizens.

Policy:

The Department will preserve video for at least 90 days after the last recorded event. After the 90 day retention period, recordings not categorized for retention will be automatically deleted by TASER. Recorded events necessary to the investigation and

prosecution of criminal offenses will be uploaded and redacted by Police Records (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 labeled for proper retention by a supervisor and noted in the incident paperwork. The footage will be retained for a minimum of two years, or until the administrative investigation is complete, whichever is greater.

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 (e.g., ambush/assault on a police officer, compromising the tactical advantage of police). When this occurs, officers will report the incident to their supervisor. The supervisor will investigate and document the incident on a Form 17BWC.

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. BWC footage, in conjunction with witness statements, other video files etc., is one component of evidence collection to facilitate a thorough investigation.

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 BWC will record 30 seconds of buffered video when activated. The BWC program coordinator can be reached by phone, 263-8209, or by responding to Technology & Systems, Monday through Friday, 7:00 am to 5:00 pm.

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 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.

         a) The supervisor will check the BWC by following appropriate troubleshooting steps.

         b) If the supervisor is unable to resolve the problem, the BWC will be taken to Technology & Systems, Monday through Friday, 7:00 am to 5:00 pm, for issuance of a spare BWC. After 5:00 pm officers will contact an ECS supervisor for issuance of a spare 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 17BWC, including any disciplinary recommendation.

   d. Officers will upload any metadata from their BWC at the end of their shift.

   e. Five spare mounts will be issued to each district and kept in the district armory.

      1) The spare mount will be documented in the Spare Mount Log when it is issued by a supervisor and when it is returned at the end of the officer's shift.

2. Officers will use BWC equipment to record **all** calls for service and self-initiated activities. The BWC must be activated when the officer arrives on-scene. This includes:

   a. While responding for calls for service in emergency mode.

b. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.

1) Officers equipped with the BWC (primary or backup officers) will continue to record until the stopped vehicle departs or officers leave the scene.

c. During the entirety of traffic or foot pursuits.

1) Activate the BWC before initiating a traffic or foot pursuit.

2) Deactivate the BWC when a vehicle or subject cannot be located.

d. When assisting other officers on any call for service or self-initiated activity.

1) Officers must ensure they are added to the CAD incident when assisting other officers.

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.

1) Recording is intended to enhance a documented consent; it does not replace a signed Form 601, Consent to Search Without a Warrant.

f. Requests for searches and deployments of drug-detection canines involving vehicles, when practical.

g. Recordings of all persons physically arrested and being transported in any Department vehicle to any location.

h. Officers have the discretion to activate the BWC when they believe an event may have evidentiary value.

i. Officers are not required to initiate or cease recording an event solely at the request of a citizen.

3. The BWC may be deactivated after:

a. Clearing the call for service/self-initiated activity, or

b. The DVR is activated and recording a subject being transported in the police vehicle.

4. 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) **except** during an active incident (e.g., foot pursuit that leads into a 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 is 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 the Investigations Bureau commander or their designee.

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. Five spare mounts will be kept in each district's armory. Only supervisors will assign spare mounts to officers.

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 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 the video file and label it for proper retention.

   c. The supervisor will note in the Form 90S that BWC footage is available and forward the auto accident paperwork (90S, BMV3303, etc.) through the chain of command to Fleet Management.

   d. The City Solicitor's Office will have access to these video files as needed for legal purposes.

      1) Fleet Management will maintain a computer database and act as liaison with the City Solicitor's Office.

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 City 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. 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, Police Records Public Records Request. The request can be completed online by emailing the Form 29 to cpdrecords@cincinnati-oh.gov or filling out an online form at http://cincinnati-oh.gov/noncms/police/records/. Ohio Public Records Law does not require requestors to submit requests in writing. Any oral request will be completed on a Form 29 by Police Records or district personnel, as outlined in Procedure 18.120, Public Records Requests.

   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.

5. Personal Privacy Redaction

   a. BWC footage containing sensitive and/or private situations (e.g., interview of a victim of sexual assault; individual who is partially or completely unclothed) will be redacted according to the PRS SOP prior to being released.

F. Supervisory Responsibilities

1. All supervisors will:

   a. Ensure officers follow established procedures for the use and maintenance of the BWC equipment.

   b. Follow the process outlined in Section A for a malfunctioning BWC.

   c. Investigate and document on a Form 17BWC all incidents involving an officer who fails to activate or deactivate the BWC in accordance with procedure, including any disciplinary recommendation.

   d. Supervisors are encouraged to review content with officers to identify events with training value.

2. Supervisors will ensure BWC footage is uploaded and labeled for proper retention 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. Supervisors will create a hyperlink (hypertext) in the narrative of the ETS case file to link the BWC footage to the EVIDENCE.COM case file.

4. BWC footage used in Department investigations 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

   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.