



THE CITY OF SHAKER HEIGHTS DEPARTMENT OF POLICE



GENERAL ORDER: 8303

SUBJECT: Digital Mobile Video Audio Recording Systems (DMVARS)

EFFECTIVE DATE: September 6, 2023

REVIEW: Annually

AMENDS/SUPERSEDES: November 3, 2017

CALEA: 41.3.8

PURPOSE

To establish guidelines for the use, management, storage, and retrieval of audio-visual media recorded by Department issued Digital Mobile Video Audio Recording Systems (DMVARS) equipment.

POLICY

It is the policy of the Shaker Heights Police Department that Officers shall activate and utilize DMVARS equipment in accordance with this written directive to capture contact between the Officer and any citizen or resident, which the Officer serves. It is the Department's philosophy that the use of DMVARS recordings will assist in:

- Improving agency transparency,
- Strengthening police accountability,
- Building trust in the community we serve,
- Resolving officer-involved incidents and complaints,
- Identifying and strengthening officer performance, and
- Improving evidence documentation.

GENERAL

For the purposes of this General Order, DMVARS refer to both Body Worn Cameras (BWC) and Mobile Video Recording (In- Car Camera) Equipment Systems.

This written directive does not govern the use of covert recording devices used in undercover operations.

PROCEDURES

I. Use of DMVARS Equipment

A. Situations that require activation of DMVARS equipment:

1. All contacts with citizens in the performance of official duties;
2. All traffic stops, OVI investigations and field sobriety tests;
3. All investigatory stops, suspicious persons or vehicle calls;
4. All Jail booking of prisoners;
5. Responding to domestic disputes;
6. Vehicle searches and/or inventory search;
7. Miranda Warnings and responses from in custody suspects;
8. Physical or verbal confrontations or use of force situations;
9. Evidence collection/Crime Scene processing;
10. Any other circumstance where the Officer believes that a recording of an incident would be appropriate;
11. While off-duty when in uniform;
12. As ordered by a Supervisor.

B. Prohibited Activations:

1. Unless exercising a law enforcement purpose, areas where there is an expectation of privacy such as locker rooms, patient care facilities, and/or restrooms;
2. Private or administrative/operational interactions and conversations within the Police Department and/or other City buildings without permission of the Chief of Police;
3. Encounters with undercover officers and/or other confidential resources not related to mandatory activations;
4. When on break or otherwise engaged in personal activities;
5. When ordered not to activate by a Supervisor.

C. Activation at Schools and Healthcare Facilities

1. When Officers are on a school's grounds or a healthcare facility, they should not activate their BWC to record ordinary or everyday activities within those facilities. Officers should only activate their BWC when responding to an incident, investigating a criminal case, or any other unusual or extraordinary circumstances that the officer believes should be recorded or is required by law.

D. Explosive Device

1. Many portable recorders, including Body-Worn/In-Car Video cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

E. Other General Guidelines:

1. Whenever possible, Officers should inform individuals that they are being recorded unless unsafe, impractical, or impossible to do so.
2. The DMVARS equipment shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this written directive.

3. If an interruption occurs, the Officer will document the reason for the interruption or termination of the recording. If an Officer feels it is necessary to stop recording (e.g. talking to a victim of sexual assault, confidential informant) within the constraints of this written directive, the Officer will verbally indicate their intent to stop recording before stopping the device, and upon reactivation, state that the camera was restarted. These actions shall be properly documented in an incident report or by other means approved by the Chief of Police.
4. If an Officer fails to activate DMVARS equipment, the Officer will document why a recording was not made in an incident report or by other means approved by the Chief of Police.
5. Civilians shall not be allowed to review the recordings at the scene.
6. Personal use of DMVARS equipment on or off duty is prohibited.
7. While DMVARS equipment can be useful in documenting evidence at crime scenes, they should not take the place of established evidence collection procedures as defined by departmental written directives.
8. Officers are prohibited from editing, altering, erasing, duplicating, copying, and sharing DMVARS recordings without proper approval.
9. Command Staff and Investigative Unit officers issued DMVARS are not required to wear them while on duty. However, they are subject to the same inspection requirements as Uniform Bureau officers, and must have this equipment available at all times.
10. Non-Uniform (plain-clothes) officers taking actions consistent with the provisions set forth in GO0203 Mutual Aid and GO4105 Non-Uniformed Officer Response to Calls for Service are required to activate their DMVARS equipment.

II. Officer's Responsibilities

- A. Prior to, and at the end of their tour of duty, officers will inspect the DMVARS equipment to ensure it is operating properly in accordance with training.
- B. Officers shall notify their immediate supervisor, as soon as possible, when any problems are detected with the DMVARS equipment. In addition, the officer shall send an email to the DMVARS Coordinator describing the problem comprehensively.
- C. Officers who are issued DMVARS equipment and/or vehicles that contain DMVARS equipment will utilize the equipment unless otherwise authorized by the Chief of Police or designee or, otherwise exempt by this written directive.

III. Supervisory Responsibilities

- A. On a quarterly basis, supervisory personnel shall review at least one DMVARS recording for each officer under their command. Supervisors shall document this review on the officer's Monthly Summary Report.

IV. Documentation

- A. Officers may review DMVARS recordings to assist in their report writing and interviews.

- B. Officers may have a recording preserved and/or held in the storage server longer than the retention period by documenting it in the incident report, as well as submitting a “Dear Chief” requesting it.
 - C. There may be an occasion where an officer is unable to or does not activate the DMVARS equipment. That occasion shall be reported to the Chagrin Valley Dispatch (CVD) Communications Center where a notation will be entered in CAD. The Officer shall document the reason for non-recording in the CAD or Incident report.
- V. Training
- A. Officers will receive documented training in the use and maintenance of DMVARS equipment prior to operation, which includes activation and deactivation.
- VI. Security of the Storage Server, Removable Hard Drive, CD/DVD Burner and Wireless Access Points
- A. The archival storage server shall be housed in the Police Department Computer Room with an emergency key retained in the Lock Box within the Sergeant’s Office.
 - B. Only personnel authorized by the Chief of Police will have access to this location.
 - C. No officer of the Shaker Heights Police Department shall tamper with any part of the wireless access points without express authority by the Chief of Police. The Chief of Police and Information Technology Department shall have a key to these access point boxes.
- IV. Storage Server Procedures
- A. The data files are securely stored in accordance with state record retention laws. Data files may be stored longer for purposes of training or use in an investigation or prosecution. These files include, but are not limited, to the following:
 - 1. Video retention times;
 - 2. Event classification;
 - 3. Camera and microphone operations;
 - 4. Pre-event and post-event recordings;
 - 5. Recording triggers;
 - 6. Video and GPS data feeds.
 - 7. Digital video shall be transferred utilizing wireless upload, unless the system is unavailable. In such cases, a Supervisor will remove the hard drive(s) and will ensure it is uploaded to the server and complete a supplemental report.
 - 8. All files shall be securely uploaded.
- V. DMVARS Recordings
- A. The export of digital video from the storage server shall be authorized by the Chief of Police or designee to include, but not be limited to, the following:

1. Criminal/Civil proceedings;
2. Investigations;
3. Internal Affairs/Inspections;
4. Training;
5. Public records requests;
6. Media requests.
7. Public record requests for copies of DMVARS recordings will be subject to Ohio Public Record laws.
8. All requests for copies of DMVARS recordings, which include personal and/or non-job related use, shall be submitted via a DMVARS Video Request Form and forwarded to the Chief of Police via the DMVARS Coordinator and Support Services Bureau Commander.
9. All requests will be considered evidence and will be handled in accordance with GO8301, Collection and Preservation of Evidence and GO8401, Property and Evidence Control unless deemed a Public Record.
10. If legal clarification of content is needed prior to the release of a DMVARS recording, the Law Department will review for final approval before release.
11. All DMVARS recordings are the exclusive property of the Police Department. Therefore, any dissemination or copying of any portion of a DMVARS recording is strictly prohibited without prior approval of the Chief of Police or designee.

Approved by order of:

(Signature on file in The Office of Chief of Police)

Wayne D. Hudson
Chief of Police