

AUDIO/VIDEO MONITORING AND RECORDING, STORAGE, HANDLING, RELEASE, AND DESTRUCTION

Date of Revision : **7/28/2009**

Priority Review : **All OSHP Auxiliaries ; All Sworn Officers ; Other Affected Employees**

Distribution : **All OSP Offices and Facilities**

Summary of Revisions

Revisions are in bold, italicized text.

Policy revised to add paragraph requiring the camera and the audio function need to be off to allow for privacy during attorney and client conversations in the BAC room.

Purpose

To provide guidelines for use of Division audio/video recording equipment.

To provide guidelines for secure and uniform methods of recording, storing, releasing, and recycling audio/video recordings.

Policy

A. USE OF FIXED, MOBILE, AND HANDHELD CAMERAS

1. **Division Equipment** - Division-owned recording equipment should be used by employees. The use of personal or privately-owned recording equipment for documentation purposes should be avoided. Recordings generated on Division equipment are Division property.

2. Division Facilities

a. *At Division facilities equipped with audio/video monitoring/recording equipment for the BAC Room and other locations, the camera in the BAC room is not to be recorded and the audio function needs to be capable of being turned off to allow for privacy during any attorney/client conversations. For all other locations, the equipment will be used for officer safety, post security, or as needed for other purposes.*

b. It is the arresting officer's responsibility to ensure the audio is shut off if a suspect or arrestee is permitted to use an area for privileged conversation in person or by phone.

3. **General Usage** - Maximize the use of audio/video recording.

- **Aim and Focus** - Position and adjust where necessary to record events.
- **Monitor** - Ensure the audio/video equipment is not deactivated until the recorded contact is completed.
- **Wireless Microphone** - When available, use the wireless microphone to provide narration.

4. **Disclosure / Demands to Cease Recording** - Inform those who ask that audio/video recording equipment is in use. It is not Division policy that officers cease recording an event, situation, or circumstance solely at the demand of anyone other than the trooper or his/her supervisor.

5. **Exceptions to Recording** - Occasions and incidents will occur when an officer is unable to or does not activate the camera, or if already activated, must temporarily suspend recording. When exercising this discretion, an officer must be prepared to articulate his/her reasoning, and in the case of temporary suspension of a recording, the officer should declare on the recording the reason for suspension prior to deactivation. Situations when recordings might be inappropriate include but are not limited to:

- Protect the anonymity of an informant or other confidential source of information.
- Officer safety concerns.
- Administrative conversations.
- Conversations involving law enforcement sensitive information.

6. **Privileged Communications** - Privileged communications as defined by Ohio Revised Code 2317.02 shall not be monitored or recorded.

B. IN-CAR CAMERAS <41.3.08a, 83.2.02> a-e

1. Operational Use

a. It is expected that officers operating patrol vehicles equipped with functioning recording equipment record traffic stops, pursuits, and other public contacts occurring within the operating range of the camera. Back-up officers arriving to assist should make a reasonable effort to position audio/video equipment to record events. It is not expected that troopers record all crash investigations. Only evidence at the crash scene necessary for prosecution should be recorded.

b. Officers may also record other events, situations, and circumstances, including, but not limited to, armed encounters, acts of physical violence, felonious activity, and any evidence at a crash or criminal investigation that would be beneficial to have recorded on video.

c. In vehicles equipped with digital camera/DVR combinations, the DVR is programmed to automatically start recording, including a one-minute pre-record, whenever the emergency lights and/or siren are activated.

d. To reduce audio interference during the recording of a traffic stop, pursuit, or incident, non-work-related audio equipment (e.g., AM/FM radio) should be turned off prior to activating audio/video recording equipment.

e. Except for patrol vehicles equipped for K-9 transport, the backseat microphone will default to the 'ON' position. The officer may manually deactivate it when necessary (e.g., privileged conversations).

2. Officer Responsibility - Inspection, Maintenance, and Repair

a. Prior to each work shift ensure the audio/video equipment is functional, then notify the dispatcher for notation on the HP-53B or enter into computer if either functional or non-functional.

b. Audio/Video Recorder (tape) testing includes:

- Activating the belt microphone
- Making a brief audio recording (e.g., testing 1,2,3...)
- Rewinding and playing back recording on monitor to ensure audio/video components are operable.

c. Digital camera/DVR testing includes:

1) Logging on to the DVR using the Division-assigned USB flash drive and confirming the correct unit number appears on the monitor display.

2) Synchronizing the belt microphone with the video system by placing it in the carrier.

3) Making a brief audio recording (e.g., 1,2,3...)

4) Playing back the recording on the monitor to ensure audio/video components are operable.

5) If the NW (Night Watch) feature is available on the camera, use the NW04 setting at night.

6) If the vehicle is to be left on post at the end of the shift, log out of the DVR and confirm the unit number does not appear on the monitor display.

d. It is not necessary to take a vehicle out of service because of a non-functional camera, but the in-car video system will not be used until repaired.

e. Report equipment failure to a supervisor and arrange for repairs. Report equipment failure during a work shift to the dispatcher without delay, who will then record the malfunction on the HP-53B or enter into computer to ensure there is a written record of the inability to use the audio/video recording equipment. Unless otherwise instructed, the equipment should remain in the patrol car. Report equipment failures involving the car

(camera, DVR, etc.) to a DHQ electronic technician. Report equipment failures involving post equipment (servers, card readers, etc.) to LEADS Control for network administrator dispatch.

f. Maintain the in-car video system and perform routine maintenance in accordance with the manufacturer's instructions.

g. Replace videotape cassettes that show signs of wear or degraded images, and maintain a spare videotape in the vehicle.

h. When encountering vehicle or equipment maintenance issues that will require technical or maintenance staff to be engaged to troubleshoot and initiate repairs, the employee leaving or bringing the vehicle for repairs will ensure that any video media installed in the vehicle's recording system is removed and properly stored before taking the vehicle for service. This will include service performed by electronic technicians or network administrators.

i. Upon receiving a patrol vehicle equipped with a video recording system for repair, the ET or NA will check the video recorder to ensure the video media has been removed before power is disconnected or restored to the vehicle / video recorder.

3. **Demonstration Requests** - Division officers should exhibit, display, and demonstrate in-car cameras to interested parties on request, at a convenient time and place.

C. USE OF PORTABLE / HAND-HELD VIDEO / DIGITAL RECORDING SYSTEMS <83.2.02>1,2

1. Portable, hand-held video/digital recording systems are useful in recording events and incidents. However, video/digital recordings should not be used to replace still photography when documenting investigations. Use still photography to document events for evidentiary purposes and process in accordance with Division policy.

2. Minimize use of video/digital to document an unusual incident or incidents such as natural disasters, major investigations, catastrophic crash scenes, etc. Seal video/digital recordings in an HP-12B pouch and forward to the OSP Photo Lab without delay. Document incident number / crash number and the existence of the recording on the OH-2 and/or Incident Report. As a public record subject to disclosure, the recording will be filed in the Photo Lab and retained according to the applicable retention schedule.

D. IDENTIFICATION AND STORAGE OF ALL RECORDED MEDIA <41.3.08b,c> 1-3

1. **Responsibility** - Officers and other employees are responsible for:

- Ensuring audio/video recordings are not altered;
- Maintaining an adequate supply of recording media (videotape / free space on a

- flash card to complete a tour of duty; and
- Using only Division-issued audio/video recording media (flash cards, USB drives, etc.).

2. **Removal of Flash Cards** - The flash card should be electronically downloaded at the end of the shift.

3. **Removal, Identification and Storage of Videotapes** - Remove completely recorded tapes from the recorder.

a. **ID Label** - Place a label on the recording and document the following:

- Name of officer/employee responsible for generating the recording;
- Unit #, post #, and next sequential # assigned by the officer;
- First and last date the media was used; and
- If the media includes the recording of an event that is the subject of an incident or crash report, document the appropriate report number. Do not record arrest numbers.

b. **Storage** - Store used audio/video media not used as evidence in a locked storage area accessible only to post supervisors. Store audio/video media at the post of origin regardless of an officer's duty assignment change.

c. **Re-Use** - Prior to erasing a recording, ensure court proceedings are completed. This includes criminal and civil cases, with emphasis on potential federal or state asset forfeiture cases. When multiple agencies are involved in a joint operational detail (e.g., DEA, FBI, police, sheriff), contact each agency to ensure the recording will not be needed. Erase and re-use erasable media after no less than 30 days and no more than 60 days.

d. **Recording Erasures** - Record each erasure and re-use of media on an DPS 0131, Certificate of Records Disposal. Enter erasure of multiple media recordings as a single entry provided the inclusive dates are listed. Forward completed and signed DPS 0131's to Strategic Services, Central Records through a supervisor.

E. **RECORDINGS USED AS EVIDENCE** <41.3.08b,c> 1-5

1. **Processing** - Process recordings which may be used as evidence in accordance with Policy OSP-103.10, Storage and Disposition of Evidence / Recovered Property.

2. **Control** - Recordings used as evidence and potentially subject to continuing judicial review (e.g., appeals process) shall continue to be governed by the joint control of the Division and the affected prosecuting authority. Patrol facilities are provided with the necessary duplication equipment to permit maintaining the evidentiary chain.

3. **Storage** - Recordings used as evidence (e.g., under subpoena, request of prosecutor,

etc.) shall be retained by the Division. Those recordings on the post video server shall be tagged. The recorded media shall be retained on the post server up to two years or until adjudication. When no longer needed by the court, remove the tag and it will be purged 60 days later. Untagged recordings on the post server will be retained for 60 days before being automatically purged. Tagged videos remaining on the server for two years will be purged automatically by the system. If they are still required, the video must be copied to a DVD prior to the two year deadline and that recording shall be handled as evidence.

4. **Viewing** - Display of evidentiary recording contents shall be limited to Division employees and those specifically designated by the prosecutor. Display and/or duplication of video regarded as evidence shall be limited to Division employees, those specifically designated by the prosecutor, or a person authorized under court order.

5. **Exceptional Incidents** - Unusual or exceptional incidents related to law enforcement activities generate the interest of many. Employees shall not permit un-authorized persons the opportunity to review a video segment without prior authorization of the Superintendent or designee. If allowed, this could constitute pre-trial publicity and inhibit court proceedings.

6. **Challenges to the Evidentiary Value of Recordings**

a. Successful court challenges to the use or propriety of recorded evidence shall be detailed in writing by the officer's immediate supervisor and forwarded through DHQ to the Office of Field Operations.

b. The documentation should include a summary of the court's ruling as well as a notation and discussion of any restriction or sanction levied pursuant to the court ruling.

F. USE OF RECORDINGS FOR PURPOSES OTHER THAN EVIDENCE - Videos generated by the Division (other than those of an evidentiary nature) which are being retained in accordance with the 30-day provision are subject to public records law and Ohio Department of Public Safety policy DPS-400.04. Reproduction of videos generated by the Division without authorization of the Superintendent or designee is prohibited.

1. **Examples:** Video recordings may be saved for reasons other than evidence, including:

- officer safety review
- media requests
- public information
- training
- possible civil litigation
- to protect the officer from unfounded complaints, etc.

2. **Storage and Security** - Any video saved for legitimate law enforcement / administrative use should be stored in a secure area accessible only to authorized

Division employees.

3. **Training Aids** - For recordings that may be of use as a training aid:

a. A supervisor will view the video.

b. If the video might be of value for training and is not needed as evidence, the supervisor should forward the copy of the video to Field Operations for review prior to sending it to the Academy.

c. Academy staff will review and evaluate a video segment to determine its training value and reproduce it if needed.

G. MEDIA / PUBLIC RECORDS REQUESTS

1. Public support for Division operations is enhanced by the public viewing what we see each day. Release of audio/video segments for national and statewide media coverage improves public understanding of our mission and the obstacles we must overcome. Employees are encouraged to send video segments to the Public Affairs Unit (including those used in criminal cases when released by the prosecutor). Copying or reproduction of any video or video segment generated by the Division without authorization of the Superintendent or designee is prohibited. **WITHOUT EXCEPTION**, release of video to the media will only be done by the Public Affairs Unit with approval of the Superintendent or designee. Video segments of the following are examples likely to be released to state and national media:

- Crashes, if recorded
- Dangerous or reckless driving
- Unusual incidents
- Pursuits
- OVI arrests
- Anything which the officer believes is newsworthy and will portray the officer(s) and Division positively.

2. **Forward to the Public Affairs Unit** - Forward all requests for video segments without delay to the Public Affairs Unit. **WITHOUT EXCEPTION**, direct all media requests for recorded segments, except prosecutorial work product, to the Public Affairs Unit.

3. **Request in Writing** - Encourage requesters (although not required) to send their request in writing by fax or email to the Public Affairs Unit.

a. Written requests should be on the letterhead of the requesting organization (if applicable) and indicate mailing address, reporter / producer / requester name, and requested method of how the recorded segment should be sent (FedEX, Airborne Express, UPS, etc.) along with applicable account number.

b. Information from the request is entered into a Public Affairs Unit database that includes at the least: the media organization's name; last name of reporter / producer / requester; date received; date sent; and description.

4. Duplication and Processing by Public Affairs

a. **Digital Master** - All digitally-copied and network downloaded video segments will be archived in the Public Affairs Unit in a locked cabinet accessible only to authorized Strategic Services / Public Affairs Unit staff. Public Affairs will contact the facility for the original video, or to network download a digital copy of the original video. The Public Affairs Unit staff will document the request by recording on the HP-63B, Public Records Request Log.

b. **Digital Media (Network Downloaded)** - Public Affairs staff will complete a DPS duplication request and forward the video to the DPS video production studio. The network downloaded video will be archived in the Public Affairs Unit in a locked cabinet accessible only to authorized staff.

c. **Videotape** - A post supervisor may keep a copy of the recorded segment at the post but shall promptly send the original tape (unless stored as evidence) to the Public Affairs Unit. Public Affairs staff will complete a DPS duplication request and forward the original recorded segment, along with a digitally-mastered tape with available storage space, to the DPS video production studio. Videotapes sent to the Public Affairs Unit will be digitally copied and the original returned to the originating OSP office by the Public Affairs Unit for erasure and re-use.

d. **Digital Overlay of OSP Logo** - The Public Affairs Unit will ensure a digital overlay of the OSP logo is placed on the video. The use of the OSP trademarked logo is prohibited without the approval of a Public Affairs Unit supervisor or designee.

e. **Media Requests** - Public Affairs will forward the requested video segment to the media organization.

f. **All Other Video Requests** - The Public Affairs Unit will forward the duplicated video segment to the Central Records Unit for mailing to the requestor.

Current Form and Supplemental References

Forms available by accessing Central Repository System (CRS):
<http://odpsweb.ps/crs/>

Video Review Checklist
OHP 1299

HP-12E Digital Recording Log

OHP 1300

Certificate of Records Disposal

DPS 0131

Standard References

41.3.08 83.2.02

Policy References

- [DPS-400.04](#) ADMINISTRATION OF PUBLIC RECORDS REQUESTS
 - [OSP-102.01](#) BACKGROUND AND SECURITY CLEARANCE INVESTIGATIONS
 - [OSP-103.06](#) DIGITAL AND FILM PHOTOGRAPHY TECHNIQUE, USE, AND RECORDKEEPING
 - [OSP-103.10](#) STORAGE AND DISPOSITION OF EVIDENCE AND RECOVERED PROPERTY
 - [OSP-200.06](#) PATROL CAR / MOTOR VEHICLE OPERATION BY SWORN OFFICERS
 - [OSP-403.06](#) DIVISION ADMINISTRATIVE FILES, DIRECTIVES, FORMS, READ AND SIGN
 - [OSP-403.22](#) RECORDS MANAGEMENT
 - [OSP-500.10](#) ANNUAL INSPECTIONS - GHQ / DISTRICT / POST OPERATIONS (LINE AND STAFF)
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