



CITY OF AKRON, OHIO
POLICE DIVISION
STEPHEN L. MYLETT, CHIEF OF POLICE

NUMBER P-2023-031	EFFECTIVE DATE May 30, 2023	RESCINDS P-19-031 Issued 4-22-19
SUBJECT Mobile Recording Device Procedure		ISSUING AUTHORITY Chief Stephen L. Mylett

I. PURPOSE

The purpose of this procedure is to provide department guidelines for use, management, storage, and retrieval of digital multimedia recorded by Body Worn Camera (BWC) and In-Car Video System (IVS) or through the use of the Axon Capture mobile application, Evidence.com, and/or Fleet 3 dashboard.

The primary purpose of the BWC is to record both audio and video of interactions with citizens when responding to calls for service and during self-initiated calls for service. The primary purpose of the IVS is to record both audio and video of interactions with citizens when using a police vehicle. The IVS records in front of, and to the front sides of the vehicle. The IVS will also record, using a secondary camera, any person placed in the back of a police vehicle.

II. POLICY

It is the policy of the Akron Police Department that BWC's and IVS shall be utilized to capture and record citizen contacts between APD personnel and members of the community which they serve. When using the Axon Capture mobile application, Evidence.com, and/or the Fleet 3 dashboard, personnel using these devices or related software shall be subject to all related portions of this procedure.

III. DEFINITIONS

- A. Body Worn Camera (BWC) – Equipment worn by an Akron police personnel that captures both audio/video upon activation and includes at a minimum a camera, microphone, and recorder.
- B. In-Car Video System (IVS) – A mobile video recording device installed in a police vehicle.
- C. Buffering Mode – After the BWC/IVS is powered on, it continuously loops/records 30 seconds of VIDEO only.
- D. Record Mode – When the BWC is placed in the record mode, it records both audio and video until the BWC/IVS is turned off or placed into buffering mode. Once placed into the record mode, the 30 seconds of pre-event video captured in the buffering mode will be secured along with the video/audio captured in the record mode.

- E. Blue Mode – Video from an officer’s BWC/IVS that does not record audio.
- F. Citizen Contact – Consensual and non-consensual interactions with the public that involve police service and/or enforcement including but not limited to, Terry stops, traffic stops, field interviews, detentions, requests for service and prisoner transports.
- G. BWC Unit – The detective(s) responsible for inventory, control, operational maintenance, and dissemination of all BWC/IVS requested media.
- H. Multimedia – Audio/Video recordings captured by the BWC/IVS or using the Axon Capture application Evidence.com, or Fleet 3 dashboard on department issued mobile devices. Multimedia recordings could also be any surveillance video, citizen video, photos, or other audio/video recordings used in a criminal investigation from any source.
- I. Evidence.com – The online web based digital storage facility accessed at <https://akronpdoh.evidence.com>. This virtual warehouse stores digitally encrypted data in a secure environment accessible to personnel based on their security clearance.
- J. Axon View XL – Desktop or Mobile Data Browser (MDB) application that allows BWC users to view captured media from their BWC via a USB cable. Officers may also tag, categorize, add notes and/or report numbers to captured media and will allow for upload to their Evidence.com account.
- K. Evidence Transfer Manager (ETM) -- The docking unit used to recharge the BWC and upload the encrypted captured media. The ETM then transfers the encrypted data digitally into Evidence.com.
- L. Axon Capture – A mobile application that allows a user to create digital evidence and transmit it directly to Evidence.com. Digital media obtained using this application is the property of the Akron Police Department and is subject to all provisions of this procedure.
- M. Authorized Detective – Akron Police Department personnel who have direct involvement with a criminal case. Authorized detectives may have the need to require officers with BWC’s to return to Buffering Mode for the integrity and efficiency of their case.
- N. Restricted/Confidential – Evidence labeled “restricted or confidential” shall only be viewed by those given permission by the restricting authority and must be for official business only. Any supervisor and member of the BWC unit is authorized to restrict evidence.
- O. Fleet 3 Dashboard – Desktop icon installed on the MDBs that links directly to the operations of the IVS and Evidence.com.

IV. PROCEDURE

- A. General Information:

1. BWC and IVS recordings enhance our ability to review probable cause for arrest, arrest procedures, suspect/officer interactions, provides valuable officer training, and establishes an impartial view to an officer and citizen contacts. The department has equipped some marked patrol cars with IVS systems. The IVS must be used to record all outdoor encounters in and around the police vehicle that meet this procedure's criteria, either on a dispatched call, or self-initiated activity.
2. BWC and IVS recording systems are not a substitute for a member's reasonable beliefs and perceptions and cannot account for an officer's physiological responses during certain incidents, such as visual tunneling and auditory exclusion. Both BWC and IVS recordings should not be viewed as the only measure of truth because they may show more or less than what an officer sees, hears, and/or observes. These recording systems have an important, but limited use as one of many policing tools.
3. BWC's and IVS allow for additional documentation of police and citizen encounters. BWC's can also assist in documenting property inventories, collecting evidence, and with the prosecution of criminal cases.
4. Officer and citizen safety should always be given priority over activating both BWC and IVS media. Officers may encounter a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should activate the BWC/IVS if doing so does not place them or others in danger; otherwise, officers shall activate the BWC/IVS at the first available opportunity after the immediate threat has been addressed.
5. All captured media from a BWC/IVS is the property of the Akron Police Department (APD). Accessing, copying, or releasing any captured media for any purpose, other than law enforcement related purposes, is prohibited. Officers are prohibited from copying and/or releasing any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video and audio camera) to record media from a BWC/IVS.
6. Officers shall not edit, delete, copy, alter, or destroy captured BWC/IVS media.
7. Officers shall notify their supervisor and the BWC Unit immediately when evidence is uploaded into Evidence.com that may be sensitive in nature including but not limited to, juveniles in a state of nudity or information related to an internal investigation. The notification to the BWC Unit will be made by e-mail to bwc@akronohio.gov.
8. Officers shall successfully complete mandatory training provided by the Akron Police Department to familiarize themselves with the BWC and IVS systems and departmental procedure prior to their use and receive additional training as needed.
9. Officers are responsible for all BWC and IVS equipment assigned to them. Officers shall notify their supervisor and submit a Lost, Damaged, or Inoperable Property BlueTeam report if their BWC or IVS becomes damaged, lost, stolen, or inoperable. For Damaged BWC equipment, officers are to send an email to the BWC Unit at

BWC@akronohio.gov, stating the status of the equipment and the report number. For damaged IVS equipment, officers should notify the Equipment Control Officer.

10. Officers shall notify a supervisor as soon as practicable when a BWC or IVS was not placed into Record Mode in compliance with this procedure.

B. Officer Responsibilities BWC

1. At the start of a tour of duty (and in absence of an emergency or a call that may prevent an officer from doing so) officers shall:
 - a. Inspect the BWC and related equipment to ensure there are no visible or obvious signs of damage.
 - b. Secure the BWC to the approved uniform on the outermost garment. The BWC is not to be covered by a uniform coat or any other part of the police uniform.
 - c. Place the BWC in a location that will capture the officer's field of view.
 - d. Activate the BWC by turning on the power button.
 - e. The driver of the assigned police vehicle shall use the BWC to record the exterior of the vehicle while completing a 360 degree walk around inspection and verbally note any fresh damage discovered. Noted damage is to be reported to their supervisor.
2. During each tour of duty, maintain the BWC in the Buffering Mode so it can easily be placed into Record Mode as required by this procedure.
3. Place the BWC into Record Mode prior to taking any police related action including but not limited to:
 - a. All calls for service that are likely to result in citizen contact. These calls will include both officer callouts and dispatched calls for service.
 - b. Other events, situations, and circumstances, including but not limited to, armed encounters, acts of physical violence, civil disturbances, and criminal or suspicious activity, searching crime scenes and flight paths for physical evidence, and dispatching an animal with a firearm.
 - c. At the onset of a vehicle pursuit, when practicable and safe to do so.
 - d. When transporting any citizen or prisoner, not to include civilian observers.
 - e. Any situation in which an officer believes captured media may be of use.
4. After the BWC unit is placed in Record Mode, officers may advise the citizen(s) that the BWC is on and recording audio and video.

5. Officers are permitted to turn off the Record Mode (and enter back into the Buffering Mode) during the following situations:
 - a. When the citizen contact has concluded.
 - b. When the call has concluded.
 - c. When ordered to do so by a supervisor or authorized detective. The supervisor or authorized detective shall document in an action taken or other document the reason(s), and which officers were required to deactivate their BWC's.
 - d. When entering a private home or building where the consent of the owner or person with authority to give consent to the entrance is required and that person expressly declines to permit video and/or audio recording inside the home or building. If possible, officers shall request that the citizen step outside.
 - 1) This will not apply to entrance where consent is not required or no longer required once inside the home/building, including entrances related to a search warrant, arrest warrant, domestic violence calls, and emergency or extenuating circumstances.
 - e. When interacting with a victim or witness who refuses to cooperate if the BWC is recording. If practicable, the officer shall record the victim or witness requesting the BWC be turned off while still in the Record Mode.
 - f. When requested by a patient, on-scene emergency medical personnel or medical staff to ensure protected health information and/or treatment is not recorded. If practicable, the officer shall record the patient or medical personnel requesting the BWC to be turned off while still in the Record Mode.
 - g. During any investigation when an officer believes the confidentiality of a witness should be protected.
 - h. Officers conducting an investigation may enter into Blue Mode to discuss their investigation, without audio recording. Prior to stopping the audio recording and entering Blue Mode, the officer should indicate that the audio is being stopped. Once the need for muting the BWC video is complete, the officer will come out of Blue Mode and re-activate the audio recording until the completion of citizen contact.
6. When an arrest is made, a citation issued, and/or a warrant signed, officers may make case files in Evidence.com.
7. At the end of a tour of duty:
 - a. Inspect the BWC and related equipment to ensure there are no visible or obvious signs of damage.

- b. Place the BWC into the ETM slot for uploading captured media and charging of the unit.
- c. Ensure all captured media is properly labeled with ID (Case report number), Title (incident location), and category.

C. Officers Responsibilities IVS

1. At the start of a tour of duty (and in absence of an emergency or a call that may prevent an officer from doing so) officers shall inspect the IVS and related equipment to ensure there are no visible or obvious signs of damage.
2. Place the IVS into Record Mode prior to any police related calls likely to occur around the police vehicle, including but not limited to:
 - a. All calls for service that are likely to result in citizen contact. These calls will include both officer callouts and dispatched calls for service.
 - b. Any traffic hazard complaint, crash, disabled motorist, or any police related stop while using the patrol vehicle.
 - c. Other calls/events, situations, and circumstances, including but not limited to, armed encounters, acts of physical violence, civil disturbances, and criminal or suspicious activity.
 - d. At the onset of a vehicle pursuit for any suspected traffic/criminal violation.
 - e. Any situation in which an officer believes captured IVS media may be of use.
3. The IVS system will automatically turn on when cruiser lights and siren are activated. Any Emergency Vehicle Operation (EVO) (as defined in P55 Emergency Vehicle Operations) shall be recorded.
4. Officers may use the IVS to provide evidence, record an incident to document actions and statements of suspects during interviews, or while being placed in custody, or to verify actions taken. When an arrest is made, a citation issued, and/or a warrant signed, officers may make case files in Evidence.com.
5. Officers shall use the rear facing camera in the back of the police vehicle when conducting any prisoner transports, mental health transports, citizen assists or any calls involving placing someone in the back of the police cruiser for transport. The only exception to this would be a civilian observer. Civilian observers or any ride-a-longs are not to be recorded by IVS.
6. Officers are permitted to turn off the Record Mode during the following situations:
 - a. When the citizen contact has concluded.

- b. When the call has concluded.
 - c. When ordered to do so by a supervisor or authorized detective. The supervisor or authorized detective shall document in an action taken or other document the reason(s), and which officers were required to deactivate their IVS.
7. Officers may inform a person(s) who inquires that audio and video equipment is being used and that the audio/video recording may be used as evidence against them.
 8. Officers shall not use the IVS to record routine patrol duties, while working traffic control, or when on any call, where a dash camera recording would not be relevant to the stop or investigation or be captured on the view of the dash camera. If at any time during any police call where a dash camera recording would benefit the call/investigation, the officer may activate the IVS.
 9. Officers are not expected to use the IVS when the call for service or self-initiated activity would not likely take place in and/or around the police vehicle. At any time, during any call for service or self-initiated activity that the citizen/officer encounter would be captured on the dash camera, officers shall record that event using the IVS.
 10. At the end of a tour of duty:
 - a. Inspect the IVS and related equipment to ensure there are no visible or obvious signs of damage.
 - b. Ensure all captured media is properly labeled with ID (Case report number), Title (incident location), and category.
- D. The BWC/IVS will not be used in the Record Mode during the following:
1. Divisional administrative investigations without the expressed consent of the commanding officer of the involved incident.
 2. Internal non-investigative staff meetings, hearings, and encounters with other officers, supervisors, command staff, Police Legal Advisors, or city employed civilians assisting the police.
 3. Conversations of fellow officers or civilian employees without their knowledge during routine, non-enforcement related activities.
 4. Any place where there is a reasonable expectation of privacy (dressing rooms, restrooms, etc.).
 - a. This does not apply to those situations where an individual is in police custody, an officer is making an arrest or conducting an investigation in those areas of privacy.

5. To capture images of confidential informants or undercover officers, unless requested by the undercover officer, their supervisor, or commanding officer.
 6. Conversations of citizens and/or officers (i.e., administrative duties, court, community meetings, etc.).
 7. Sporting events or other entertainment venues (venues or organizations may have prohibitions against recording the event or filming within the facility).
 8. When conducting or present for any portion of a strip or body cavity search as stated in the Strip/Body Cavity Search Procedure (P-40).
- E. Officers are encouraged to use Axon View XL, Evidence.com, and/or Fleet 3 dashboard to categorize and tag captured media.
1. Add the Incident number or APD Case numbers (if applicable), category/retention period and location to captured media. All videos tagged into Evidence.com must have a minimum of these three things. The only exceptions to this are the cruiser walk-around, and/or an accidental recording where a case/report number would not be assigned.
 2. Add notes or flag captured media to assist investigative units with use of the captured media (when applicable).
- F. Axon View XL and Fleet 3 dashboards shall only be used from city-owned computer equipment. Officers shall not install Axon View XL on non-city owned computers or devices.
- G. Alternately, once captured multimedia recordings are uploaded, officers shall, as soon as practicable:
1. Log into their Evidence.com account and add Case numbers (if applicable), category/retention period and location to captured media. If multiple categories apply, place the captured media into the category with the longest retention period (see III R category and retention schedule).
- H. Officers assigned a BWC/IVS are encouraged to review BWC media prior to completing any investigative reports.
- I. Secondary Employment:
1. Use of the BWC while working authorized secondary employment is recommended but not required.
 2. Officers using the BWC at secondary employment shall:
 - a. Adhere to all BWC requirements.

- b. Return the BWC to the ETM after the completion of their secondary employment to immediately upload and tag any captured media; unless authorized by a supervisor to do so at a later time.
 - c. Ensure the BWC is charged, and any captured media is uploaded to Evidence.com prior to the start of their next tour of duty.
- J. Use of the BWC while on a SWAT call or Mobile Field force shall be done under the direction of the Incident Commander.
- K. Media Storage:
 1. All captured media will be uploaded from the ETM, Axon Capture, or Fleet 3 dashboard and stored at Evidence.com according to the City of Akron records retention schedule.
 2. Officers may access BWC/IVS media via Evidence.com and view it to assist with investigations or reports.
- L. Hospital Guard – Officers assigned to hospital guard shall place the BWC into record mode:
 1. When visitors, other than the prisoner’s attorney, as identified by the Hospital Guard Procedure (P-44) are present in the room.
 2. When there is any police interaction with the prisoner other than simple observation.
- M. Supervisor Responsibilities
 1. Ensure officers assigned a BWC or cruiser with an IVS are complying with this procedure.
 2. Keep a BWC/IVS audit for all officers on their shift who are assigned a BWC or working a cruiser equipped with an IVS system.
 3. Document in the BWC non-record log any incident in which an officer notifies the supervisor that a BWC/IVS should have been activated but was not.
 4. Review all captured media related to a complaint or incident resulting in a supervisory investigation.
 5. Ensure all captured media for a Supervisor’s checklist and/or Complaint checklist is uploaded to BlueTeam and includes the following:
 - a. All officers on scene and their ID numbers.
 - b. All captured media reviewed.
 - c. Any discrepancies between the captured media and reports.

6. Make regular and random reviews of recordings created by officers under their command via the BWC audit database.
 - a. Confirm proper use of the equipment.
 - b. Confirm compliance with this procedure.
 - c. Identify areas where additional training or guidance is needed.
 - d. Move captured media into the correct categories, if needed.
7. Ensure officers who complete a Lost, Damaged or Inoperable Property BlueTeam report on their lost or damaged BWC/IVS notify the BWC Unit.
8. When notified that an officer is unable to complete the categorizing or tagging of captured media, determine if immediate attention is required or if the task can be completed at the start of the officer's next workday.
9. Contact the BWC Unit for pick up or drop off of any BWC.
10. Review evidence.com for officers under their purview that have untagged or incorrectly tagged digital evidence.

N. Office of Professional Standards and Accountability Responsibilities

1. Review captured media related to a complaint or incident resulting in a supervisory investigation and forward concerns/violations to the appropriate shift commander.
2. On a monthly basis, conduct documented random reviews of BWC/IVS media of citizen contacts to ensure that they are used in accordance with this procedure and to identify areas in which additional training or guidance is required. These reviews will be shared with the appropriate commanders.

O. BWC Unit Responsibilities

1. Produce BWC/IVS media as required for law enforcement purposes, court purposes, as requested by the Chief of Police or designee, for public records requests and/or for training purposes.
2. Assist with questions about the BWC program and related procedure.
3. Be the point of contact with the BWC vendor.
4. Ensure new accounts are created as needed on Evidence.com, existing accounts are kept up to date, and proper account authority is maintained.
5. Maintain spare BWC's as needed.

6. Review BWC media for any potential changes needed to the BWC program.
 7. Review this procedure annually and make changes as needed.
 8. Review BWC data and conduct a documented annual analysis of the data, frequency, and use.
- P. Requests to view or receive copies of captured media.
1. All captured multimedia recordings needed for law enforcement purposes, FOIA requests, or any other requests shall be completed through the BWC Unit.
 2. Officers are encouraged to flag a video that they feel may have training value to the BWC Unit.
 3. Officers are prohibited from allowing persons outside of law enforcement to view or listen to any media captured by the BWC without prior authorization from the Chief of Police or designee.
 4. Unless otherwise directed by the Chief of Police or designee, all video or audio recordings shall NOT be disseminated outside of law enforcement.
 5. Officers shall direct all public requests for redacted captured media to the Record Room or to **apdrecordsroom@akronohio.gov**.
 6. Officers shall direct all subpoenas to **subpoenas@akronohio.gov**.
- Q. All requests to exhibit, display, or demonstrate the BWC/IVS to outside parties shall be directed to the Chief's Office.
- R. Officers shall use the following categories to assist in maintaining and filing captured BWC/IVS media.
1. Non-Evidentiary/Administrative/Found Property/Pink Slip: 2 Months
 2. Minor Misdemeanor: 5 years
 3. Misdemeanor: 5 years
 4. Firing Log: 5 years
 5. Non-Violent Felony: 6 years, 3 months
 6. Violent Felonies: 21 years
 7. Use of Force Complaints: Until Manually Deleted

- 8. Pending Review: Until Manually Deleted
- 9. Training Use Only: Until Manually Deleted
- 10. Title 29: Until Manually Deleted
- 11. Restricted-OPSA: Until Manually Deleted
- 12. Rape, Murder, Sexual Battery, Sudden Death: Until Manually Deleted
- 13. Uncategorized: Until Manually Deleted
- 14. Sealed Records: Until Manually Deleted

By Order Of,



Stephen L. Mylett, Chief of Police

Date May 30, 2023