

Cleveland Division of Police Body-Worn Camera Policy: Executive Summary

Like many police departments, the City of Cleveland Division of Police (CPD) has started to use body-worn cameras to record officer interactions with the public. Attached is the current CPD policy that governs their use.

This document briefly summarizes how the current policy addresses the key questions surrounding the use of body-worn cameras. They are: (1) activation; (2) notification; (3) deactivation; (4) retention; and (5) public access.

Activation: When Are Officers Required to Record?

One of the key questions for any body-worn camera program is when cameras are turned on. Some departments have decided to record continuously while an officer is on duty. Others only require officers to turn on the cameras in certain circumstances. As with everything there are tradeoffs. An “always on” policy reduces the risk that an officer will forget or be unable to turn on his camera in a fast-moving situation. On the other hand, keeping cameras on at all times raises privacy concerns, and it may be prohibitively expensive given the costs of storing and processing footage.

Under the current CPD policy, officers are required to record:

- All encounters with members of the public that go beyond a casual conversation. This includes investigative stops, traffic stops, citations, or arrests. It also includes interviews with victims or witnesses, as well as searches of people and their belongings, vehicles, and residences.
- Any use of force.
- All vehicle and foot pursuits.
- When interacting with someone who the officer believes may have a mental illness or be experiencing a mental health crisis.
- When a member of the public asks the officer to record their interaction.
- For various other law enforcement matters, like documenting a crime scene.

Officers also are permitted to record whenever they believe that it would be useful for them to do so.

However, officers are prohibited from recording in the following situations (unless they are recording one of the “required” incidents listed above):

- In “private” places, like dressing rooms or restrooms.
- When someone is receiving medical treatment, if either the patient or medical professional asks the officer to turn the camera off.
- When interacting with an undercover officer or confidential informant.
- At a sporting event or entertainment venue.
- Citizen conversations, e.g. in court or at a community meeting.
- Internal law enforcement matters, including staff meetings and internal investigations.

So, for example, if an officer arrests someone in a dressing room or at a sporting event, the policy requires that the officer record the encounter.

Notification: Should Officers Be Required to Tell Citizens When a Camera is Recording?

Under the current policy, officers are required to tell people that the camera is recording, even if people do not ask. Officers must do this at the first reasonable opportunity that it is safe to do so.

Deactivation: When Are Officers Permitted or Required to Turn the Camera Off?

Once an officer starts to record, he or she must continue to record until the encounter is over.

Even if someone does not wish to be recorded, an officer must keep the camera on unless:

- (1) The officer is walking into a private home or apartment with the resident’s permission and they ask that the camera be turned off. (If an officer does not need permission to enter—e.g. because the officer has a warrant—then the officer is not permitted to turn the camera off, even if the resident asks.)
- (2) When speaking with a victim or witness who refuses to speak with the officer on camera.

Retention: How Long Will the Department Keep Recordings?

At the end of each shift, officers must transfer all recordings to a department computer—and then to a remote server where the footage is stored. This process happens automatically. Officers are not permitted to pick and choose which videos to transfer.

The department must then decide how long to keep the footage. Again there are tradeoffs. On the one hand, videos must be kept long enough to ensure that officers or members of the public are held accountable. On the other hand, storing thousands of hours of footage is costly, and there again may be privacy concerns with keeping recordings indefinitely.

Under the CPD policy, a small number of recordings will be kept permanently: those associated with homicide and sexual assault investigations, as well as recordings of K-9 incidents.

For most serious encounters with members of the public—including arrests, searches, investigative stops, and uses of force—video will be kept for 5 years.

For less serious incidents (e.g. a traffic stop where an officer lets someone off with a warning), the CPD will keep the recordings for 180 days.

Public Access: Who Gets to See the Footage?

The final issue is when body-worn camera footage is made available to the public. This is another issue over which there has been extensive public debate—and little agreement on what is the right policy.

Because body-worn cameras are used to record sensitive and often embarrassing incidents—like victim statements or arrests—access to body-worn camera footage must be carefully regulated to protect the privacy of those who are captured on film. At the same time, cameras may capture events—like officer involved-shootings—that the public may wish to see. Likewise, someone who believes an officer was discourteous or used excessive force may wish to see footage of that incident to prove what happened after filing a complaint.

Under the current policy, members of the public can only access footage in two ways:

- With the permission of the Chief of Police.
- By filing a request under the Ohio Public Records Law. Under the law, there may be some circumstances when the CPD can deny the request (for example if the video is part of a criminal investigation).