



December 13, 2016

Via Email and U.S. Mail

Matthew Barge, Monitor
Cleveland Monitoring Team
c/o Lutheran Metropolitan Ministry
4515 Superior Ave., First Floor
Cleveland, OH 44103
matthewbarga@parc.info

Re: Wearable Camera System policy

Dear Matthew,

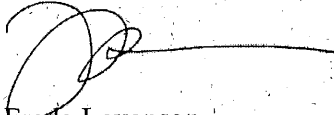
I write to offer our comments on the final proposed draft of the Cleveland Police Department's wearable camera system ("WCS") General Police Order. Though we find the policy generally adequate, it lacks four important protections:

1. The proposed policy provides that use of WCS is only "recommended," rather than required when an officer is engaged in secondary employment (Section V.A). However, if an officer has full police powers while engaged in secondary employment, the WCS policy provisions should apply. In such a situation, use of WCS must be mandatory.
2. The WCS policy should impose a blanket prohibition against recording protected health information or treatment. The policy's current language only exempts such recording "when requested." This is insufficient to safeguard this private information (H C 1 i):
3. There must be a prohibition against recording individuals when they are exercising their First Amendment rights – e.g., at protests, rallies, marches, worship services, etc. Unless an officer is responding to a call or incident, WCS recording is inappropriate and may have a dangerously chilling effect on First Amendment activity.
4. The policy must also include prohibitions against the use of WCSs in schools in order to protect student privacy, unless the officer is responding to a call or incident.

We encourage you to incorporate the above provisions in the policy. If you have any questions, please do not hesitate to contact us.

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Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Freda Levenson
Legal Director

cc: Dr. Rhonda Williams; Mr. Mario Clopton-Zymler; Mr. Charles See