

MVARS DIGITAL MEDIA ADMIN PER SE DISCLOSURE AND USE AGREEMENT

CHP 36M (Rev. 2-13) OPI 006

Read this first before proceeding. This is a request for a copy of a recorded video event captured in a Mobile Video/Audio Recording System (MVARS) used by the California Highway Patrol (CHP). Section A and B of this document shall be completed. Refusal to sign Section B of this document by the requestor will result in denial of this request. The cost for a copy is \$5.00 per Digital Versatile Disc (DVD). A recording may not fit on one DVD. The copy may be shipped via U. S. mail, domestic only, signature required, to the requestor and the address on record. Additional shipping charges may apply. Recordings are filed at the CHP Area handling the case. Requests can be made through any CHP office, however, additional processing and shipping time is required. Requests are only processed during business hours. Please allow ten business days for processing and shipping. The recording copy may be provided on the same day of the request, but it is not guaranteed.

SECTION A-REQUESTOR'S INFORMATION

Only a requesting party with proper interest (defendant) or their legal representative is entitled to request a copy of a recording for use in an Admin Per Se hearing. The requestor shall complete this section. If the requestor is a "Legal Representative" of the defendant, the representative shall complete all of section A. A "Legal Representative" may be the attorney or a representative sent by the attorney. Defendants requesting the copy are not required to complete the legal representative section

DEFENDANT'S NAME <input type="checkbox"/> Requestor	CA DRIVER LICENSE #.	OFFICIAL USE ONLY ID Confirmed <input type="checkbox"/>	DATE REQUIRED
ADDRESS	CITY	STATE/ZIP	CONTACT NUMBER
LEGAL REPRESENTATIVE (NAME) <input type="checkbox"/> Requestor			
ADDRESS	CITY	STATE/ZIP	CONTACT NUMBER
LEGAL REPRESENTATIVE (CONTACT NAME)			DATE REQUIRED
DMV (CASE HANDLING OFFICE) ADDRESS	CITY	STATE/ZIP	CONTACT NUMBER
DMV CONTACT NAME	CASE NUMBER	HEARING DATE	DATE OF REQUEST

SECTION B-DISCLOSURE AND USE AGREEMENT

INSTRUCTIONS: Requestor please read, complete, and sign the end of this section if the requestor agrees with the terms of this agreement. A copy of the requested recording will not be provided if the requestor does not sign the bottom of this section.

This MVARS Digital Media Disclosure and User Agreement (Agreement) shall govern the use and disclosure of California Highway Patrol MVARS digital audio and video recordings produced in response to Respondent's subpoena duces tecum, in the Matter of _____, Department of Motor Vehicles (DMV) Administrative Per Se Hearing. Related Citation or Accident Date: _____.

TERMS

- Under no circumstances shall this MVARS digital media be used in any proceeding other than the instant DMV Administrative Per Se Hearing and any appeal of the disposition of that hearing.
- Respondent shall not use this MVARS digital media in any criminal proceeding unless Respondent first obtains a separate copy from the prosecuting attorney through formal discovery.
- Respondent shall not disseminate this MVARS digital media in any form.
- Respondent's disclosure of the MVARS digital media shall be limited to the individuals and/or personnel listed below:
 - Respondent's attorney of record in this matter;
 - Staff personnel employed by Respondent's attorney of record in this matter;
 - The DMV, its hearing officer and/or hearing board, and any authorized DMV personnel in connection with this administrative hearing; and
 - Experts or consultants retained by Respondent, or on the Respondent's behalf, to work on this matter.
- This Agreement, and the obligations of Respondent hereunder, shall survive the final disposition of this matter.

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By accepting this MVARS digital media, Respondent/Respondent's counsel agree(s) to abide by the foregoing terms. Respondent understands that violation of these terms may result in the imposition of criminal and/or civil penalties.

DATE	RESPONDENT (DEFENDANT)
DATE	RESPONDENT'S COUNSEL (IF APPLICABLE)

OFFICE USE ONLY

SECTION C-EMPLOYEE ACCEPTING REQUEST

INSTRUCTIONS: This section is to be completed by the employee issuing this form. Once this section has been completed, provide a copy of this agreement to the requestor, whether or not a copy of the DVD was provided.

EMPLOYEE NAME	I. D. NUMBER	LOCATION NAME	LOCATION CODE
LOCATION OF INCIDENT	DATE/(APPROX) TIME OF INCIDENT	ARRESTING OFFICER	CASE OR CITATION #

COPY PROVIDED

- SAME DAY
 WILL CALL PICK-UP DATE
 U.S. MAIL (Domestic Only)
 AREA TO AREA (Schedule pick-up date with requestor)
 REQUESTOR (Certified mail/signature required, to requestor and address on record only)

Requestor Refused to Sign Agreement (File CHP 36M with the original
 CHP 36D, MOBILE IN-CAR CAMERA DVD EVIDENCE LOG. A copy should also be filed with the case).
 If this is an out of Area request, forward a copy of this form to the Area handling the case.
 DATE FORWARDED: _____

SECTION D-MVARS COORDINATOR

INSTRUCTIONS: This section shall be completed by the MVARS coordinator of the Area making the duplicate. The copy of the recording shall be made on an MVARS "Certified Copy" DVD(s) only. Each copied DVD shall be marked with "DMV ADMIN PER SE USE ONLY" and the DMV case number, using a fine point permanent marker. All copies shall be placed in a white DVD envelope and sealed. The MVARS coordinator shall initial and date over the seal.

EMPLOYEE NAME	I. D. NUMBER	LOCATION NAME	LOCATION CODE
ARRESTING OFFICER	DATE MVARS ISSUED	MVARS DVD ITEM #	START TIME OF INCIDENT

DATE RELEASED

- FRONT DESK
 U.S. MAIL (Domestic Only)
 AREA #: _____
 REQUESTOR (Certified mail/signature required, to requestor and address on record only)

SECTION E-AREA

Copies on hold for pick-up shall be filed in a locked drawer and may be released by the MVARS coordinator to office personnel on the scheduled pick-up date. Unclaimed DVDs shall be placed in a locked drawer after business hours. The Area shall follow up with the requestor if the DVD is not picked up after five business days beyond the scheduled pick-up date. Copies on "will-call" shall be retained for one month. Unclaimed copies shall be destroyed one month after the first scheduled pick-up date and two weeks after a rescheduled pick-up date. The original signed CHP 36M or a copy of it shall be filed with the CHP 36D. A copy should also be included in the case file.