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## BODY-WORN CAMERAS

Policy 806-R02 (04/17/17)

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*Applies to all staff, except those working certain investigations where covert recording with body-worn cameras is necessary, such as prostitution investigations or narcotics cases. For those cases, staff will follow ORS 133.726 and current case law.*

*Body-worn camera technology increases transparency to our work and improves public confidence that we are doing the right thing. Certain law enforcement assignments may be equipped with a body-worn camera. This system will be used to document events and capture data to be preserved in a digital storage facility. All data will be stored in compliance with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division's (CJIS) security policy that governs access to law enforcement data.*

*The objectives for the WCSO body-worn camera program include:*

- Promoting officer safety*
- Recording certain activities and creating a visual and audio record to supplement a deputy's report*
- Enhancing the deputy's ability to document and review statements and actions for accuracy and consistency for both internal reporting requirements and courtroom preparation and presentation*
- Preserving visual and audio information for use in current and future investigations*
- Providing an impartial measurement for self-critique and field evaluation during officer training*
- Enhancing the public trust by preserving factual representations of deputy interactions with the community in the form of video and audio recordings*

*Recordings will only be used for official law enforcement purposes. The WCSO will not allow the use of facial recognition or biometric matching to analyze recorded data, except pursuant to court order.*

### SCOPE AND PURPOSE

#### **1. The Sheriff's Office Recognizes that Video Images Cannot Always Depict the Entire Scene or Incident in the Way it May Have Been Perceived or Experienced by Any Person Present.**

Video evidence has at least the following limitations:

- Body-worn cameras (BWC) may capture something that the wearer of the camera did not see, conversely, there may be a viewpoint the wearer saw, that was not captured by the camera.
- The focal point of the camera may not be the focal point of the person wearing the camera.
- Such video cannot capture tactile responses such as a subject that tenses their muscles or body on contact.
- Due to environmental factors, body-worn cameras, in some circumstances, may see more than a human eye and yet on other occasions, the video may capture less.

- Video can be slowed down and viewed frame by frame, but this is never how the wearer of body-worn cameras would have perceived or experienced the situation.
- Video cannot capture the physiological or psychological phenomena that a person may experience during a high stress situation. The camera will not experience “tunnel vision,” auditory exclusion, or other physiological reactions.

Body-worn camera video should be considered additional evidence, but it is only one piece of evidence and is not a substitute for a complete investigation of any incident.

## **INITIAL TRAINING REQUIRED PRIOR TO ISSUANCE**

### **2. The Sheriff’s Office Will Issue Body-Worn Camera Equipment Primarily to Uniformed Deputies Who Have Received Initial Training on Proper Use and Maintenance.**

Only deputies who have completed mandatory initial training are authorized to be issued BWC. They must familiarize themselves with the recording system and WCSO procedures prior to its use.

- The camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the WCSO.
- Update training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

## **DEPUTY RESPONSIBILITIES**

### **3. Deputies With Issued BWC Shall Properly Equip Themselves to Record Video and Audio in the Field Consistent with the Law, WCSO Policy, and Training.**

- Body-worn camera equipment is the responsibility of the individual deputy and will be used with reasonable care to ensure proper functioning.
- Deputies who are assigned body-worn camera equipment must use the equipment unless otherwise authorized by supervisory personnel.
- Deputies shall use only cameras issued by the WCSO.
- Deputies shall test and use the equipment according to manufacturer guidelines and testing procedures.
- Deputies shall inspect and test the BWC prior to each shift in order to verify proper functioning.
- Deputies shall report any issues, including insufficient recording media, to their supervisor immediately.

## **REQUIRED ACTIVATION**

### **4. Deputies Will Activate Body-Worn Cameras to Record All Public Demand and Self-Initiated Calls for Service Involving Contact with Community Members.**

- Deputies may also record any other legitimate law enforcement contact where the deputy believes it would be appropriate or valuable to document an incident, taking into account reasonable privacy expectations.

- At the beginning of any encounter, or as soon as reasonable or possible, deputies will verbally advise any person they are communicating with during a call that the conversation is being recorded.
- Body-worn cameras will remain activated until the event is completed in order to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy.
- The BWC may not be used to intimidate any person or to discourage them from observing police activity, making appropriate police inquiries, or making a complaint.
- Deputies shall document related recordings in their incident, arrest, and related reports. However, body-worn camera recordings are not a replacement for written reports.
- Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute BWC recordings in any manner without prior written authorization and approval of a command officer.
- Deputies are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

#### *Exceptions*

- In locations where individuals have a reasonable expectation of privacy, such as a hospital, locker room, or mental health facility.
- In limited circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g., a victim traumatized following a violent assault).
- When the deputy believes use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, the BWC may be deactivated.
- Upon encountering exigent situations requiring immediate action where it is either unsafe or impractical for a deputy to immediately activate a BWC, deputies shall activate the camera at the first available opportunity when the immediate threat has been addressed.
- To protect the privacy or the safety of deputies or others (such as a confidential reliable informant or a crime victim).
- In situations not involving a self-initiated or public demand call, deputies also have discretion on whether to activate a BWC during consensual contacts of a non-criminal nature.
- At the request of a community member, if it does not compromise an investigation.
- Deputies must document on the BWC recording, when possible, and in written reports, the date, time, and reason for any exception to recording.

## **DOWNLOADING AND PRESERVING BWC DATA**

### **5. Body-Worn Camera Files Shall be Downloaded Securely by the End of Each Shift, Except with Supervisor Approval.**

- All digital data will be downloaded as soon as feasible, but no later than the end of each shift.
- All data will be downloaded for storage in a secure WCSO database with access limited to appropriate staff.
- At a minimum, recordings will be catalogued by date, BWC identifier, and the deputy's name or DPSST number.
- After being downloaded, digital data on memory cards will be erased, including from any personal devices.

**6. Deputies Will Process Body-Worn Camera Data That is Evidence in a Criminal Investigation in Accordance With the WCSO Evidence Manual.**

**7. Deputies Will Preserve Body-Worn Camera Data That May be Related to Potential Claims of Liability or other Civil Action.**

Staff should preserve camera data as potential information or evidence that would be useful in investigating a civil claim of liability, even if it appears no future action will be filed, and even if a criminal investigation is not conducted. The BWC Program Manager will assist deputies with preserving this type of data.

## **ACCESS TO RECORDINGS**

**8. Deputies Shall Have Access to View Recordings From Their Own BWC for Any Law Enforcement Related Purpose, Including Training.**

All images and sounds recorded by the BWC are the exclusive property of the Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

If a recording includes multiple deputies on a call, the recording deputy may show the footage to those who appear in the video without program manager approval. This viewing is only allowed on the day of the call and in order to avoid delay in the filing of initial reports. Any additional access must be facilitated by the BWC Program Manager.

**9. Supervisors Shall Have Access to View Recordings Through the BWC Program Manager Only for Approved Purposes.**

Supervisors will not view BWC data of subordinates for performance evaluation purposes.

However, in situations involving allegations of wrongdoing by staff, BWC footage could provide an additional perspective of what actually occurred. A command officer may authorize the BWC System Administrator to grant an investigating supervisor access to view BWC video with the involved deputies for use of force reviews, critical incident reviews, and complaint investigations.

*The Sheriff must approve any exceptions.*

**10. The BWC Program Manager Shall Have Access to View Recordings for Quarterly Audit Purposes.**

The West Enforcement Commander will appoint the BWC Program Manager, normally a lieutenant, to conduct random audits to ensure staff compliance with policy and training. The audits will focus on:

- Appropriate and correct use of BWC (nighttime lighting, recording quality, training needs)
- Customer service
- Deputy safety issues
- Consistent use, such as comparing camera activation times to calls for service data
- Any other issue that could prompt a complaint, a hindrance to prosecution, or liability for staff or the agency

Each audit will be documented, including findings and recommendations, to improve the program, training, or individual use of the BWC system. Audits will be maintained by the accreditation team. Audits are not intended to be punitive to any staff involved; however, clear violations of policy or law will be screened for investigation per policy 551, *Receiving and Screening Personnel Complaints*.

## PROHIBITED RECORDINGS OF EMPLOYEES IN THE WORKPLACE

### **11. The BWC Shall Not be Used to Record Non-Work Related Activity in the Workplace.**

The BWC **shall not** be intentionally activated to record fellow employees during routine non-enforcement related activities without their knowledge or during rest or break periods, or in locker rooms, dressing rooms, restrooms, or designated break areas unless an active investigation is underway.

Requests for deletion of accidental recordings (e.g., in the event of a personal or accidental recording) must be submitted in writing and approved by the Sheriff in accordance with state record retention laws. All requests and final decisions shall be maintained by the BWC System Administrator.

## SYSTEM ADMINISTRATOR RESPONSIBILITIES

### **12. The Sheriff's Law Enforcement Technology Manager Will be the System Administrator Authorized With Full Access to User Rights.**

The System Administrator shall be authorized and assigned with full access to user rights. This position assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video, audio, and sound quality; coordinates with system liaison; and serves as liaison to the BWC manufacturer's representatives on operational and equipment-related matters. Responsibilities include:

- Password control;
- End-user security access rights;
- Quality checks of video and audio as well as sound quality; and
- Coordinating with the System Liaison

The System Administrator shall not edit nor delete any recordings from body-worn cameras without specific written instructions from a division commander. The System Administrator will maintain documentation of changes or deletions to BWC data pursuant to Oregon Public Records Law.

## SYSTEM LIAISON RESPONSIBILITIES

### **13. The West Enforcement Commander Will Appoint a BWC System Liaison Who Shall be Responsible for Coordinating Maintenance or Repair Issues Directly With the BWC System Administrator.**

The System Liaison is a supervisor, or other qualified staff member, responsible for inventory, control, coordinating with the manufacturer, and operational maintenance of the BWC system equipment.

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## **MAINTENANCE, USE AND RETENTION OF RECORDINGS**

### **14. Files Shall be Securely Stored and Maintained in Accordance with Oregon Public Records Law.**

Per HB 2751, BWC data shall be maintained for a minimum of 180 days and no longer than 30 months if it is not evidence in a criminal investigation. This will be the responsibility of the System Administrator.

If the data is evidence in a criminal investigation, it must be maintained in the same manner as other criminal evidence. BWC data involving homicides shall be kept permanently. This will be the responsibility of WCSO evidence officers.

### **15. BWC Recordings May be Exempt from Disclosure Under Oregon Public Records Law.**

Standard exemptions that may apply include those addressing personal privacy, criminal investigatory materials, etc. There are also rules for requests related to audio or video from a body-worn camera. No BWC data may be provided pursuant to a public records request unless the facial features of all participants in the video have been digitally or otherwise obliterated to prevent facial recognition.

*See also ORS 192.501(3) on pending criminal investigations and 192.502(38) on domestic violence records.*

### **16. The BWC Program Manager Will Ensure This Policy is Reviewed When a WCSO Body Camera System is Fully Implemented and then Periodically.**

As more details are known and tested on the selected equipment, this policy should be updated to give further guidance. Operational areas to review should include:

- Camera mounting
- Individual equipment issuance or daily checkout options
- Training content, including use of force reporting
- Additional needs for data access or controls