

41.10-R01 BODY-WORN/VEHICLE MOUNTED CAMERAS

(07-02-26) Position responsible for updates: Chief Deputy
CALEA: 41.3.8, 41.3.10

Supersedes: 806-R06 (03/30/21)

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.

41.10.01 POLICY.

- A. The system will be used to document events and capture data that will be preserved in a digital storage format. 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, and policies will be in compliance with ORS 133.741 Law enforcement agency policies and procedures regarding video and audio recordings.

41.10.02 PURPOSE.

- A. Recognizing that transparency and accountability in the justice system are paramount for a society to feel and be safe, WCSO commits to body-worn camera policies, training, and practices that support the right of all community members to fair and equitable treatment. Body-worn camera technology increases transparency in the work and improves the public's confidence that WCSO is doing the right thing. WCSO uniformed staff (sergeants and below), will be equipped with a body-worn camera and select vehicles will have in-car cams. All digitally recorded data created with BWCs or dash-cams is the property of the Washington County Sheriff's Office. (A 41.3.8.a)

41.10.03 PROGRAM OBJECTIVES. (A 41.3.8.a)

- A. The WCSO commits to a body-worn/vehicle camera program that meets the following objectives:
 - 1. promoting officer safety;
 - 2. enhancing the public trust by preserving audio and video recordings of deputy interactions with the community;
 - 3. creating an audio and visual record to supplement deputy reports and interactions;
 - 4. enhancing the ability to document and review statements and actions for accuracy and consistency for use in both internal reporting requirements, and courtroom preparation and presentation;
 - 5. preserving audio and visual information for use in investigations;
 - 6. providing an impartial measurement for self-critique and field evaluation during officer training, and
 - 7. preserving audio and visual information on the safety and security of persons who have been taken into custody and/or transported by WCSO staff.

41.10.04 USE OF RECORDINGS. (A 41.3.8.b)

- A. Recordings will only be used for official law enforcement purposes to include the following: reviewing BWC footage as it relates to supervisors evaluating employee performance during mandatory reviews, (see 41.10.12 H. 1-5);
 - 1. reviewing and using BWC footage for training purposes with the consent of those staff members that appear in the recording;
 - 2. reviewing BWC footage for positive actions by staff that could merit an agency award for

- actions while on duty; and
3. per ORS 133.741, the WCSO will not allow the use of facial recognition or biometric matching to analyze recorded data, except pursuant to a court order.

41.10.05 ACKNOWLEDGMENT OF AUDIO/VIDEO LIMITATIONS. (A 41.3.8.b)

- A. WCSO recognizes that audio and video images cannot always depict the entire scene or incident in the way it may have been perceived or experienced by any person present. Audio and video footage has at least the following limitations:
1. body-worn cameras (BWC) and in-car cameras may capture something that the wearer/user of the camera did not see, conversely, there may be a viewpoint the wearer/user saw, that was not captured by the camera;
 2. the focal point of the camera may not be the focal point of the person wearing/using the camera;
 3. such video cannot capture tactile responses, such as a subject that tenses their muscles or body on contact;
 4. due to environmental factors, body-worn cameras and in-car cameras, in some circumstances, may see more than a human eye, and yet on other occasions, the video may capture less;
 5. video can be slowed down and viewed frame by frame, but this is never how the wearer of body-worn cameras or users of in-car cameras would have perceived or experienced the situation;
 6. 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;
 7. body-worn camera and in-car video should be considered additional evidence, but it is only one piece of evidence and not a substitute for a complete documentation of an investigation in any incident; and/or
 8. Due to automatic video compression algorithms, the audio file may not track with the compressed video file and unless corrected may be misleading.

41.10.06 INITIAL TRAINING REQUIRED PRIOR TO ISSUANCE. (A 41.3.8.f)

- A. WCSO will issue body-worn camera equipment primarily to uniformed operational deputies and sergeants who have received initial training on proper operation and maintenance. WCSO may install in-car cameras in vehicles as time and funding permit. Only those deputies who have completed mandatory initial training are authorized to be issued a BWC.
1. The camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the WCSO.
 2. Update training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, performance, and to incorporate changes, updates, or other revisions in policy and/or equipment.

41.10.07 DEPUTY RESPONSIBILITIES.

- A. Deputies with issued BWCs shall be properly equipped to record audio and video in the field consistent with the law, WCSO policies, and training.
1. Body-worn camera and in-car equipment are the responsibility of each deputy and will be used in accordance with their training.

2. Deputies who are assigned body-worn camera equipment, and/or use a vehicle equipped with an in-car system, must use the equipment, as trained, unless otherwise authorized by a supervisor.
3. Deputies shall use only cameras issued by the WCSO for recording law enforcement activities.
4. Deputies shall inspect the assigned BWC and/or in-car equipment prior to each shift to verify proper functionality.

41.10.08 REQUIRED ACTIVATION.

- A. Patrol deputies will activate BWCs to record all public demand and self-initiated calls for service involving contact with community members, whether contact is made in-person, servicing a call on the telephone, or other means.
- B. Jail deputies will activate BWCs to record interactions with adults in custody (AIC) that may result in a Use-of-Force incident, to document AIC behaviors, and when responding to back-up calls inside and outside of the facility.
 1. Deputies may also record any other legitimate law enforcement contact where the deputy believes it would be appropriate or valuable to document.
 2. Body-worn cameras will be activated at the beginning of any above-included contact, and remain activated until the event has completed, to ensure the integrity of the recording unless the contact moves into an area restricted by this policy or discretion is applied per sub-section 7 below.
 3. Deputies shall verbally inform individuals at the start of an encounter, or as soon as reasonably possible, that the conversation is being recorded.
 4. BWCs shall never be used to intimidate individuals or to interfere with their right to observe police activity, make inquiries, or lodge complaints.
 5. Deputies are required to document all related recordings in incident, arrest, and associated reports. Body-worn camera recordings shall not substitute for written reports.
 6. Deputies are prohibited from editing, altering, erasing, duplicating, or copying body-worn camera footage without written authorization from a command officer.
 7. **Exception:**
 - a. It is understood that deputies responding from off-duty status as part of a special team may not have BWC equipment with them.
 - b. Deputies shall not share or otherwise distribute BWC or in-car camera footage except for specific investigatory purposes.
 - 1) In these occurrences, the deputy shall note in the system the justification for sharing.
 - c. SLEEP MODE: is intended to be used for short durations for privacy during any of the following:
 - 1) Use of the locker room/restroom facilities;
 - 2) protected conversations such as with association representatives;
 - 3) legal/medical counsels;
 - 4) meal breaks within county properties; and/or wellness time.

***Sleep mode is not to be used during the normal course of daily work assignments.*

41.10.09 DISCRETIONARY USE.

- A. Deputies must document all incidents where discretion is applied to mute, not record, or stop recording a contact.

1. Deputies will dictate on the BWC recordings, when possible, and document in written reports, the date, time, and reason for any exception to recording.
2. **Exceptions:**
 - a. in limited circumstances to protect the safety of deputies or others (such as a confidential reliable informant or a crime victim);
 - b. when exigent circumstances require immediate action and make it unsafe or unreasonable to activate body-worn camera, deputies shall activate the device as soon as practicable once exigency has ended.

41.10.10 PRE-EVENT RECORDING SETTINGS.

- A. Pre-event recording options will be used.
 1. Pre-event settings record *video only* for 30 seconds prior to camera activation.

41.10.11 DOWNLOADING AND PRESERVING BWC DATA. (A 41.3.8.d)

- A. Deputies will ensure that all BWC data downloads by the end of each shift.
 1. BWC data is designed to automatically download from the deputy's camera to cloud storage throughout the deputy's shift. The system will integrate patrol footage with CAD to associate each recording with the appropriate CAD incident number and propose a suitable record retention category. Jail staff are required to manually enter a CAD incident number for recordings related to a patrol incident (such as responding to a disruptive in the sallyport) under the ID field. If a JMS incident number is created (such as a disruptive in a housing unit, use of force, medical event, etc.), the JMS report number shall be entered into the Jail Incident # field in the Axon system.
 2. If recordings are not associated with a CAD call or JMS incident, the system will automatically associate recordings with the time and date of recording and the deputy's name. In such circumstances, deputies must manually associate recordings with a retention category.
 3. If BWC data does not properly download when docking a camera, deputies must notify an on-duty supervisor and email the BWC Manager before the end of shift.
- B. Deputies will preserve BWC data that may be related to potential claims of liability or other civil action.
 1. Staff should preserve camera data as potential information or evidence that would be useful in investigating a civil claim of liability.
 - a. All retention categories, excluding accidental, are set for a retention of at least two years. If an incident or interaction is non-criminal, the category assigned should be "Non-Criminal" or for jail specific "Jail General" and shall be retained for a minimum of two years, but in no event longer than 30 months unless needed as evidence.
 - b. If an incident is recorded that staff reasonably believe has civil liability for themselves, WCSO, or the county, they should notify a supervisor and document the incident as determined by the supervisor.

41.10.12 ACCESS TO RECORDINGS. (A 41.3.8.c)

- A. Deputies shall have access to view recordings from their own BWC that have not been restricted or made confidential.
- B. Deputies may view their footage for a multitude of purposes to include but not limited to the following.

1. preparation prior to writing a report;
 2. preparation for court; and
 3. for self-training/learning opportunities from an incident.
- C. If a recording includes multiple deputies, the recording deputy may share their recording with involved staff and supervisors. This function is managed within the digital evidence system and the staff receiving the footage will have access for thirty days. Additional shares will require supervisor approval, with the name of the approval authority and the need noted within the notes section of the video log.
- D. BWC and/or in-car video recordings that can provide a training component that is beneficial for staff may be used during staff training sessions. This must have Program Manager approval, and approval of those depicted in the recording. If the recording is in criminal processes, the use of the video pre-adjudication will also require approval of the prosecuting D.A.
- E. Deputies should review all recordings from their assigned BWC before writing related police reports and immediately before testifying about a related incident in court. (A 41.3.10.a,b)
- F. Detectives are authorized to review BWC and in-car video recordings for informational purposes specific to an assigned case investigation within the scope of the investigation. After viewing has completed, the detective will make an entry in the notes field with the justification for viewing the video. (A 41.3.10.c,d)
- G. Supervisors shall not use recordings or other e-tech for the purpose of general performance review without giving the employee the opportunity to include incidents of their choosing. Supervisors shall not use recordings or other e-tech for the sole purpose of discovering policy violations. This restriction does not limit the supervisor from uses outlined below.
- H. Supervisors shall have access to regularly view recordings for approved purposes, including but not limited to the following:
1. a supervisor investigating a complaint may view BWC video footage to determine if a supervisory inquiry or internal affairs investigation is appropriate;
 2. crash or property damage reviews;
 3. critical incident reviews;
 4. use of force reviews; and/or
 5. in evaluating if specific performance by staff merits further recognition by the agency in the form of a commendation or award.
 - a. The supervisor should note the purposes for reviewing footage.

Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited. The Sheriff must approve any exceptions and will notify WCPOA prior to granting an access exception.

41.10.13 BWC AND IN-CAR AUDITS.

- A. The BWC Program Manager shall have access to view recordings for audit purposes. The BWC Program Manager will be assigned and will normally be at the rank of lieutenant. This position will conduct preplanned and documented quarterly audits to collect statistical data required for accreditation purposes, proper evidence collection, and training. The BWC Program Manager will review collected data. These audits will focus on the following:

1. number and percentage of deputies using BWC;
 2. number of recordings captured;
 3. number of recordings submitted by category for the set period;
 4. consistent and appropriate use of BWC (i.e. comparing camera activations to CAD calls or JMS incidents); and
 5. to ensure only authorized staff are accessing data for legitimate and authorized purposes.
- B. Each audit will be documented and will include any corrective steps taken. Audits will be shared electronically with the accreditation office and 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 26.02, *Personnel Complaints*:
1. Personnel whose voice or image were captured by E-Tech and are a party to an investigation will be notified and provided copies of all E-tech being used for investigation at least twenty-four (24) hours prior to any IAU interview or disciplinary-type meeting.
- C. The BWC Manager will submit an annual administrative review of the BWC and in-car program to the Sheriff, and a copy sent to the accreditation office. (A 41.3.10.f)

41.10.14 PROHIBITED RECORDINGS.

- A. 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, for example, but not limited to;
1. during rest or break periods;
 2. in locker rooms;
 3. dressing rooms;
 4. restrooms; or
 5. designated break areas unless an active investigation is underway.
- B. Accidental recordings should be assigned an accidental category and are automatically set to delete after six-months. Requests for deletion prior to this timeframe must be submitted in writing and approved by the Sheriff, or designee, in accordance with state record retention laws. All requests and final decisions shall be maintained by the BWC System Administrator.
- C. Additional usages of E-Tech are specifically prohibited to include the following:
1. real-time and covert biometric identification;
 2. emotion analysis, or the use of computer vision techniques;
 3. fully automated decisions; and/or
 4. social scoring, or the use of algorithmic systems.

41.10.15 MAINTENANCE, USE AND RETENTION OF RECORDINGS. (A 41.3.8.e)

- A. Files shall be securely stored, maintained, and released in accordance with the following Oregon Public Records Law:
1. Per ORS 133.741, 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;
 - a. 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. If the District Attorney changes the crimes in court that affect the retention of video; that will be updated in the BWC system to reflect the new retention period. This will be the responsibility of WCSO evidence officers.

- b. Calls for service that are medical in nature or that involve a person suffering from a mental health crisis will be tagged as “restricted” and ineligible for release. However, a deputy or district attorney may be issued a copy of the recording for use in a court proceeding involving the individual or incident.
2. BWC and in-car video recordings will only be released pursuant to ORS 192.345 (3) on pending criminal investigations, and ORS 192.355 (38) on domestic violence.
- a. 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.