



City of Eugene

POLICE COMMISSION

The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Bob Walker, Chair; Tamara Miller, Vice-Chair; Mike Clark; Edward Goehring; Jim Garner; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Juan Carlos Valle; Bill Whalen

Police Commission Meeting
June 12, 2014
5:30 – 8:30

<u>Item</u>	<u>Starting – Ending Time</u>	<u>Minutes</u>
1. Agenda Review	5:30 – 5:35	5
2. Public Comments	5:35 – 5:50	15
3. Commissioner Response	5:50 – 6:05	15
4. Emerging Technology Policy Discussion	6:05 – 7:00	55
5. Minutes Approval	7:00 – 7:05	5
6. Break	7:05 – 7:15	10
7. Questions for Chief Kerns	7:15 – 7:35	20
8. Scope of Constitutional Privacy Discussion	7:35 – 8:00	25
9. Update on Stops Data Collection	8:00 – 8:10	10
10. Commission Comments	8:10 – 8:20	10

Next Police Commission Meeting:
July 10, 2014

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The Future Is Near: Getting Ahead of the Challenges of Body-Worn Video

By Joe Fiumara, Operations Captain, Lake Havasu City, Arizona, Police Department

It's coming and maybe faster than you think. There is nothing you can do to stop it. Depending on your point of view, on-officer or body-worn video (BWV) that integrates into daily operations and the courts may be a great or a not-so-great next big step for law enforcement.

Video recordings of law enforcement actions have been a peripheral but key influence for nearly a half century in one form or another. Video images of police tactics during civil rights protests in the 1960s certainly had profound social and legal impacts. George Holliday's 1991 video capturing the Rodney King beating started a chain of events that reverberate even today. *Cops*, which first aired in 1989, is one of the longest running television shows in America, featuring officers in more than 140 different cities in the United States and in Hong Kong, London, and the former Soviet Union. The newest phenomenon in this regard is the proliferation of video-capable cellphones and the jumpy, mostly low-resolution images being captured by those who possess them. These video images are often uploaded to the web within minutes of capturing the events they depict. Most officers on the street today have been at incidents where more than one cellphone is recording their every movement and word. These are all examples of video cameras pointed toward police activity by the press, by ordinary citizens, and by reality television producers.

But what about when the police point the video cameras on their own activities, from their own perspectives? Aside from crime-scene documentation and video intended to record undercover operations, drug buys, and various types of protests, police self-recording has been limited primarily to in-car applications. In-car video systems spread through various U.S. state police and highway patrols in the early 2000s, supported in part by the Department of Justice's Office of Community Oriented Policing Services In-Car Camera Incentive Program. A 2005 IACP study on in-car video and the impact of video evidence on modern policing identifies some positive results of this technology. Researchers documented that in-car cameras provide a substantial value to agencies using them, including

- enhancing officer safety,
- improving agency accountability,
- reducing agency liability,
- simplifying incident review,
- enhancing new recruit and in-service training through post-incident use of videos,
- improving community and media perceptions,
- strengthening police leadership,
- advancing prosecution and case resolution,
- enhancing officer performance and professionalism,
- increasing homeland security, and
- upgrading technology policies and procedures¹

In-car video systems have obviously had a measurable positive impact for law enforcement but in some respects offer limited value to county and municipal officers whose work often takes place away from the patrol car. The seemingly obvious solution to this problem is to put the video on the officer, but it was not until relatively recently that technology advanced with viable devices. A number of wearable video camera systems have hit the market in varying configurations in the past few years. Most are small, self-contained units that clip to the front of an officer's uniform shirt (VieVu), act as radio speaker-mic substitutes (VidMic), or slip in the shirt pocket disguised as a pen (Spyer). Headworn video systems "look" where the officer looks. Two systems—the Taser International Axon Flex and the Tactical Electronics BWV4—consist of multimount cameras and separate controllers and recorders.

A unique aspect of the Taser system is the company's development of an upload process to redundant, encrypted, off-site data centers via a high-speed Internet connection in a cloud-based service called Evidence.Com. Once video evidence is uploaded to Evidence.Com, it can be accessed—but not altered—by officers, supervisors, administrators, and prosecutors via a secure Internet log-in.

Now that we have briefly reviewed BWV technology, it is important to consider some of the accompanying challenges. BWV creates an opportunity to document all of an officer's investigative or enforcement activities, not just what occurs in front of the patrol car. It also provides an opportunity to affect the way criminal cases proceed through the justice system and the promise of more efficient policing through a reduction in time spent writing reports. With those capabilities come new issues related to privacy, officer acceptance, public records law, and legal admissibility, just to name a few.

Some agencies already have seen an increase in officers' use of self-purchased video devices. This practice brings concerns similar to officers' use of self-purchased audio recording devices. Preservation, chain of custody, retention, and format problems can and will arise without definitive policies and safeguards in place. Similar concerns were identified in both the IACP in-car camera study and a BWV study conducted in the United Kingdom, the latter of which cited among its recommended standard operating procedures, "All recordings have the potential to be used in evidence, even if it appears to the user at the time of the incident that this is unlikely (e.g., a stop and search with a negative result). Therefore it is important that all recordings are treated as evidential in the first instance—until it is confirmed otherwise."² The California Highway Patrol paid a \$2.37 million settlement to the family of an accident fatality victim after digital images from a fatal accident scene made their way to the Internet.³

A group of criminal justice practitioners met in Lake Havasu City, Arizona, to discuss this technology, its opportunities, and its challenges. Police executives, prosecutors, and public and private defense attorneys worked together to examine what obstacles are anticipated and what might be needed to overcome them. The following represents a snapshot of some of the challenges identified:

Redaction and Exclusion

- Confidential informant development
- On-scene officer sidebar discussions
- On-scene tactical planning and decision making
- Victim and in-home privacy concerns

Prosecutorial

- Additional time required reviewing cases and preparing for court
- Disclosure rules
- Additional opportunities for impeachment
- Nonactivation or missing segments

Officer Acceptance and Compliance

- Accidental or intentional nonactivation
- Accidental or intentional deactivation

Technology

- Related, but nonsequential or nonconsecutive event identification and merging
- Equipment failure

Data Storage

Optional offsite evidentiary data storage exists. According to the IACP in-car camera study, "After conducting site assessments throughout multiple jurisdictions, one common problem emerged. The issue of storage and management of audio/video recordings has become one of the largest obstacles agencies have had to overcome. The purchase, acquisition, duplication, and storage of recorded media requires personnel time commitment, space, and resources that the majority of agencies are not prepared to deal with. Maintaining and guarding the integrity of the recorded media was an overarching theme in our assessment."⁴

Funding

A hurdle not yet broached in detail, perhaps for obvious reasons given the current economic climate.

For those, such as the author, who believe that the vast majority of law enforcement officers are dedicated and capable professionals who serve their communities in honorable fashion, BWV holds the promise of better documenting and validating officers' good work. Concerns expressed about unreasonably increasing tort liability or harm to public relations simply do not hold water. Conversely, the author expects that BWV will result in protection of truth and a reduction in actual or claimed acts of unreasonable force and racial profiling. Officers likely will be able to function more efficiently and effectively and criminal cases likely will proceed through the court system with increased efficiency and—of utmost importance—with more accurate information and the fairest outcomes.

It is imperative that law enforcement takes proactive steps to guide policy development, standards, legal processes, and best practices in a manner that will foresee and overcome the anticipated challenges. Failure to do so could easily result in bad case law, unnecessary legal constraints, or a combination of the two that could hamper the many exciting opportunities presented by BWV. ♦

Notes:

¹The International Association of Chiefs of Police (IACP) and Community Oriented Policing Services (COPS), *The Impact of Video Evidence on Modern Policing* (Alexandria, Va.: IACP, 2004), 2, 36, http://www.cops.usdoj.gov/files/ric/Publications/video_evidence.pdf (accessed July 23, 2012).

²Police and Crime Standards Directorate, *Guidance for the Police Use of Body-Worn Video Devices* (London, England: Home Office, July 2007), 18–19, <http://www.revealmedia.com/LinkClick.aspx?fileticket=dH4IOGWh9Zl%3D&tabid=156> (accessed July 25, 2012).

³Rick Rojas, "CHP Settles over Leaked Photos of Woman Killed in Crash," *Los Angeles Times*, January 31, 2012, <http://articles.latimes.com/2012/jan/31/local/la-me-chp-photos-20120131> (accessed July 23, 2012).

⁴IACP and COPS, *The Impact of Video Evidence on Modern Policing*.

LEIM 2013

Mark your calendars now and plan to attend the 37th Annual LEIM Training Conference and Technology Exposition, May 21–23, 2013, in Scottsdale, Arizona. Visit <http://www.theiacp.org/LEIM> in the coming months for more information.

Please cite as:

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Problem-Oriented Guides for Police
Response Guides Series
No. 4

Video Surveillance of Public Places

by Jerry Ratcliffe





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Introduction

The purpose of this guide is to provide an overview of the use of closed circuit television (CCTV) systems as a problem-oriented policing response to a crime problem. This guide explores the benefits and problems associated with CCTV and summarizes the findings of numerous CCTV evaluations (see Appendices A and B).

The public is now used to being watched by surveillance technology in many commercial and semi-public establishments such as banks, casinos, convenience stores, and shopping malls. About three-quarters of small businesses record who comes into their location on CCTV.¹ There are systems that recognize license plates on moving vehicles and systems that monitor traffic flow and catch people violating traffic laws. Although these systems fall under the label of video surveillance technology, they are not included in the discussion, as this guide is intended for the reader considering CCTV as a crime prevention option for a broader range of property and personal crimes in public places. Examples of relevant public spaces include:

- public parks
 - pedestrianized streets in city centers
 - outdoor public parking areas
 - residential neighborhood streets
 - public transport interchanges
 - areas outside public facilities such as sports arenas and subway stations.
-



Although some see CCTV as a panacea to crime and disorder in public places, others view the growth of CCTV as an intrusion, with visions of an Orwellian “Big Brother” invading personal privacy. This guide will help you better understand the effectiveness of CCTV and address some constitutional and privacy concerns. The guide’s two appendices summarize much of the available research about the effectiveness of CCTV as a crime control measure. After you read this guide, you should not only be aware of the strengths and weaknesses of CCTV in a public setting, but also be able to answer many of the public’s concerns.



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Document #: 614087

Title: "Village Surveillance Cameras"

Author:

Attributed To: Chevy Chase Village Police Department

Population: 2772

Sworn: 19

Last Updated: 10/21/2010

Supplemental Resource(s):

 www.ccvillage.org (web)

Summary:

This policy is taken from the Chevy Chase Village, Maryland, Police Department General Orders Manual. The placement of surveillance cameras in the Village Buffer area will contribute to public safety for residents and visitors by employing a system that incorporates modern technology available through video monitoring, storage, and retrieval capabilities. This system will be designed to improve the Department's ability to prevent and detect public safety emergencies, criminal conduct, as well as identify and apprehend participants of such events. This "smart policing" technology, combined with the confidence and trust of our residents, can provide a safer community, a more efficiently run police agency, and greatly enhance our investigative abilities.

Document Text:

Chevy Chase Village Police Department
General Order

Subject: Village Surveillance Cameras
CALEA: 26.1.4-c, 42.2.1-c, 83.2.2, 84.1.2

New:

Amended:

Rescinds:

Approved: Roy A. Gordon, Chief of Police

Effective: 03-24-07

No. Pages: 3

Number: 7-10

I. PURPOSE

The placement of surveillance cameras in the Village Buffer area will contribute to public safety for residents and visitors by employing a system

that incorporates modern technology available through video monitoring, storage, and retrieval capabilities. This system will be designed to improve the Department's ability to prevent and detect public safety emergencies, criminal conduct, as well as identify and apprehend participants of such events. This "smart policing" technology, combined with the confidence and trust of our residents, can provide a safer community, a more efficiently run police agency, and greatly enhance our investigative abilities.

This policy will specify rules of acceptable Department use of the surveillance system and designate system specifications in order to achieve program goals without compromising the public's right to privacy.

II. DESIGN SPECIFICATIONS

A. The system used by the Chevy Chase Village Police Department will utilize multiple fixed and adjustable cameras focused on predetermined public areas in public places. Cameras shall be situated in a manner and location that will maximize the field of view of public areas for public safety purposes only. Camera placement will minimize the potential inadvertent capture of images from areas where there would be a reasonable expectation of privacy.

B. In any location where the view of any camera may compromise a citizen's privacy expectation, a supervisor shall review the camera's location and either make a recommendation to re-locate the unit or to employ window-blanking technology to minimize, if not eliminate, the potential for video intrusion.

C. The system shall be equipped with Pan, Tilt, and Zoom (PTZ) cameras that allow operators to manipulate the framing or focal length of a video image only for the specific purpose of monitoring suspicious persons or activities or as the result of a Call-For-Service (CFS).

III. RACIAL PROFILING/NONDISCRIMINATION

No operator shall select any person for observation in view of this camera system based solely on their race, ethnicity, or sex. The surveillance camera system shall only be used for purposes directly related to public safety or authorized internal or criminal investigations. (CALEA 42.2.1-e) The surveillance camera system shall not be used to track individuals arbitrarily or based on race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.

Operators shall make specific observations of individuals based only on articulable reasonable suspicion that the person may be or may have been involved in criminal activity or as the result of a call for service to law enforcement of criminal activity in the area of the camera's viewing parameters.

IV. STORAGE/RETRIEVAL OF IMAGES

Video images captured by the surveillance system will be automatically recorded over after 31 days unless the Department or another law enforcement agency submits a request to review the captured images for a legitimate criminal investigation.

Authorized users will be limited to those police employees with a specific, ongoing need to access the system for the purpose of crime prevention or detection or identification or apprehension related to public safety emergency response or authorized internal or criminal investigations. All user accounts require approval by the Chief of Police or designee before establishment.

V. IDENTIFYING MONITORED ZONES

The Village surveillance camera system shall be equipped with capabilities that provide an audit trail of system use and user access. The Chief of Police and designated members of the Public Safety Committee will investigate complaints of improper use of the system and report its findings in writing to the Village Manager and the Board of Managers.

VI. USER ACCESS

All persons designated by the Chief of Police as authorized system users shall receive training and a unique user identification in order to access the system. Images stored on servers shall only be accessed and retrieved by authorized system users, with prior approval from the Chief of Police in response to public safety emergencies or authorized internal or criminal investigations.

VII. UNUSED VIDEO DATA

Video data that is not retained for evidentiary purposes or based upon public safety necessity or pursuant to a court order shall not be reproduced, distributed, provided, or shown to other persons without the approval of the Chief of Police.

IX. VIDEO DATA AS EVIDENCE (CALEA 83.2.2, 84.1.2)

Video data retained for evidentiary purposes shall only be reproduced for the purpose of case filing and pre-trial discovery with the approval of the Village attorney. All copies will be accounted for in the Department's Evidence storage system.

The Village surveillance camera system will be randomly audited, to ensure that the system is being used appropriately.

X. PAN, TILT & ZOOM (PTZ) CAMERA USAGE

1. All active observation operations employing PTZ cameras shall be done as the result of specific articulable probable cause.
2. PTZ camera operators are responsible for protecting the public's right to privacy as delineated by Department policies.
3. PTZ camera operators are forbidden from looking at non-public areas and areas in which there is a reasonable expectation of privacy.
4. PTZ camera operations will be audited for misuse violations.
5. PTZ camera images and operators are subject to the same restrictions detailed under "User Access," section VI. of this general order.

XI. POLICY VIOLATIONS (CALEA 26.1.4-c)

Unauthorized access to the Village surveillance camera system, misuse of the camera system, unauthorized reproduction of surveillance camera images, or unauthorized distribution of camera images will result in disciplinary action and termination from Village employment.

Contact Information:

John Fitzgerald

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Document #: 632225

Title: "Facial Recognition Technology"

Author:

Attributed To: Charleston County Sheriff's Office

Population: 357704

Sworn: 230

Last Updated: 04/03/2014

Supplemental Resource(s):

 www.ccsso.charlestoncounty.org/ (web)

Summary:

This policy is from the Charleston County, South Carolina, Sheriff's Office Policy and Procedure Manual. The purpose of this policy is to provide guidelines for the use of facial recognition technology.

Document Text:

Charleston County Sheriff's Office
Policy and Procedure Manual

Procedure 2-16 Facial Recognition Technology

New

CALEA Standards Ref. Numbers: N/A

Approved: Sheriff J. Al Cannon, Jr., Esq.

Date: 3/7/2014

I. Purpose

To provide guidelines for the use of facial recognition technology.

II. Policy

It is the policy of the Charleston County Sheriff's Office to utilize facial recognition technology to provide facial matching by creating a template of mapped geometric points from an existing image. The technology uses an algorithm that maps the facial image and then compares it to those within the comparison database.

III. Procedure

A. General Information

Facial comparisons are performed for a number of reasons and the level of evaluation should be commensurate to the possible consequences to a subject(s) or the community. Facial recognition technology is a versatile tool that may be deployed, but not limited to the following situations:

1. Discovering a person's identity during investigations.
2. Checking images against a comparison database to aid in identifying wanted individuals.
3. Identifying individuals from video surveillance footage.
4. Mobile facial recognition by using agency video equipment.
5. Booking process at the Sheriff Al Cannon Detention Center and the Juvenile Detention Center.
6. Advance crime prevention efforts.

B. Deployment

Facial recognition software provides several different platforms that offer integrated functionality. The technology provides rapid identification for general investigations. The technology can be deployed in the field by using agency owned video equipment at events or situations deemed necessary by the agency. Another application the technology permits is the ability to upload images through the software for identification verification.

When the software locates a possible match, the user will be alerted to that fact. If deployed in the field and the user receives a possible match from the software, the following steps will be followed:

1. A BOLO will be broadcast to all available personnel and provided with the pertinent information.
2. A lawful search of the area will commence.
3. If the individual(s) are located, personnel will make a reasonable effort to confirm the identity of the person and the status of any wants or warrants.
4. Personnel will follow all agency policies with regards to investigating wanted, endangered or missing persons.

If deployed for investigative purposes but not in the field and the user receives a possible match, the following steps will be followed:

1. Utilize other resources to confirm the identity of the person.
2. Confirm the individual(s) is still wanted, endangered or missing.
3. Locate the individual(s) and conduct and/or conclude the investigation.

C. Legal Considerations

1. The facial recognition software and the collected data held for future use shall be used in accordance with agency policy and the manufacture's user manual. The data shall only be used for bona fide public safety purposes.
2. Data obtained through the use of the software shall only be released or disseminated in accordance with the South Carolina Freedom of Information Act, agency policy and processed by the Public Information Officer or designee.

3. If the software is being utilized in the field and the location involves private property the property owner and/or event organizer shall be notified that facial recognition technology is being deployed at that location. The property owner and/or event organizer has the authority to not authorize the use of facial recognition technology at the event location.

4. When the software locates a possible match deputy sheriffs will be deployed to locate and investigate. A match alone does not provide probable cause for arrest; it is merely reasonable grounds to detain. The warrant or want must be confirmed along with the subject's identity before making an arrest.

D. Data Retention

1. Facial recognition software has the capability to store data that is collected for a positive match. The data collected will be stored for investigative purposes. The agency may share this data with other law enforcement agencies in the furtherance of crime reduction and the public service mission.

2. Data collected and entered into the software for comparison will be retained for at least 30 days. The Information Technology Services will be responsible for the disposal of the collected data.

E. Agency Equipment

1. Personnel will only use agency owned equipment to send or receive facial or biometric data. Any violation of this policy may result in corrective or disciplinary action.

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POLICY
446

EFFECTIVE
DATE
Draft 030314

Eugene Police Department



Audio and Video Recordings

446.1 PURPOSE AND SCOPE

The appropriate use of an audio and video recording (In-Car Video, Body-Worn Video, or Video Response Team recordings) can provide valuable documentation of police officer interactions with members of the community. The audio and video recordings made can provide objective evidence to document criminal and traffic violations, enhance officer safety, provide a record of police officer interaction with persons who are stopped, and assist in the timely resolution of inquiries and complaints. Nothing in this policy is intended to require an action that would compromise the safety of an officer or endanger a member of the public. This policy governs only the use of In-Car Video and Body-Worn Video camera systems, audio video recordings captured by the Eugene Police Department's Video Response Team, or any other deliberately captured video by Eugene Police Department members.

446.2 DEFINITIONS

Audio/Video Recording: A term used to describe an audio and/or video image captured through the use of an In-Car Video system (ICV), Body-Worn Video (BWV), or the Eugene Police Department's Video Response Team (VRT).

Activate: To cause a video or audio recording to be made through an ICV, BWV, or VRT system.

446.3 IN-CAR & BODY- WORN VIDEO SYSTEMS

Before going into service any officer equipped with an ICV or BWV system will properly equip him or herself to record audio and video in the field. Ensure the respective system is functioning properly and check to ensure:

- a. Proper power
- b. Correct date and time stamp
- c. Correct camera orientation and freedom of obstruction
- d. System records both audio and video information
- e. Remote microphone is synced with the video screen (ICV systems only)

Obtain permission from your supervisor prior to utilizing a patrol vehicle which does not have a properly functioning ICV system. If two officers are assigned to a single vehicle, the officer who syncs his or her microphone to the video monitor should make contacts during investigations when feasible. If multiple units with ICV systems are on the scene of a contact which is to be recorded, all ICV-equipped vehicles which are in a position to record the incident should do so.

At the end of the officer's assigned shift, he or she will follow the established procedures for uploading the captured video and audio images from their ICV or BWV system and make the images available for Department use. Report any damage to or problems with the equipment promptly to your supervisor. If the ICV system malfunctions during your shift, notify your supervisor. You may not attempt to alter, erase, modify, or tamper with data recorded by the ICV system. Officers should review recordings of enforcement contacts when that review will help you prepare a written report.

446.4 UTILIZATION REQUIREMENTS FOR SYSTEMS

The ICV system is automatically activated when the unit's emergency lights are activated, or may be manually activated by the officer in other circumstances. You must use the ICV or BWV system (whichever is applicable) to record any of the following for its entire duration:

- a. Any operation of the police vehicle while using emergency lights and/or siren, as well as any emergency response as defined in *Policy 316 – Officer Call Response* to a call or situation where emergency lights and/or siren are not used.
- b. Vehicle pursuits.
- c. Stops for violations of the Oregon Vehicle Code (defined by ORS 810.410) whether it is for a vehicle (defined by ORS 801.590) or pedestrian.
- d. Stops (as defined in ORS 131.605) of a person or vehicle for which the officer has reasonable suspicion to inquire of the person(s), or probable cause to arrest the person(s).
- e. Encounters where the officer has a subjective believe that he or she will create a criminal nexus from which to develop a criminal case or arrest a wanted person. An example would be a "Knock and Talk" type of encounter between officer(s) and person(s).
- f. Situations when a person is in custody and is either being detained or transported in the patrol vehicle. *This includes detentions in handcuffs while investigating whether or not a crime(s) have occurred.*
- g. Any contact you are directed to record by a sworn supervisor.

You may, at your discretion, also record:

- a. Other official law enforcement contacts (e.g., non-enforcement-related street encounters).
- b. Transport of a person not in custody.
- c. Stranded motorist assists.
- d. Any other duty-related activity, situation, or event which you believe, based on your experience and training, should be audibly and visually recorded
- e. Officers are strongly encouraged to record any encounter that does not meet the criteria of 446.4(a) thru 446.4(g), but where a person encountered directly alleges the contact, failure to provide police service, or investigation into that person is based upon bias by the officer.

Make every reasonable effort to use the ICV/BWV system to capture events accurately and thoroughly, and always begin the recording as soon as practicable.

Pursuant to ORS 165.540(1)(c), officers are required to provide notice that the recording of voices and visual images are being made as soon as practicable; record this advice when possible. The only exception is when the recording is at a public meeting or rally, provided that the recording device is unconcealed.

Do not turn off the microphone during the contact, except that in certain situations you may elect not to record audio conversations between law enforcement personnel when such discussions involve strategy, tactics, or coaching/counseling. Video recording should not be terminated. Turn the recording function back on the microphone as soon as practicable.

Once recording is initiated, do not terminate video and audio recording until the event is complete, except for the circumstances listed in this policy. For purposes of this policy, an incident is considered complete when a reasonable person would consider the incident to have reached a logical ending. You may terminate the recording before the incident is complete only:

- a. In an extended situation if you reasonably believe there is no value in collecting further data (e.g., traffic control at an accident scene).
- b. To protect the anonymity of a confidential informant, undercover officers, or other confidential information sources.
- c. Under circumstances where technical difficulties render the system inoperable; or
- d. If a supervisor directs that the recording be discontinued.

If no supervisor is on scene, and one is not reasonably available for consultation, the senior officer on scene may authorize that the audio portion of the recording of an incident be discontinued after the incident has concluded, and the post-incident investigative phase has begun. This should only be done in circumstances when the need to discontinue audio recording clearly outweighs the value of continuing the audio recording. The video recording will continue unless a supervisor instructs that it be discontinued.

If you discontinue recording before an incident is complete, verbally record your reason for discontinuing the recording. If the recording is discontinued and you cannot record that fact, send an e-mail to your supervisor prior to the end of your watch outlining the reason the recording was terminated and the incident for which the recording was incomplete (including the date and time of the incident).

Ensure that, when the ICV system is operating, the AM/FM radio and other non-essential electronic devices are turned off to avoid interference with the audio recording.

For video files involving enforcement actions, record the six-digit incident number in the “case number” field. (Do not include the year.) If you choose to enter the actual case number in the second “case number” field in the back office software, include a slash between the year and the sequential number (e.g., 14/00345).

If an ICV recording captures images of a reported incident use the marginal heading of **ICV/**, and include your user ID (e.g., CEPDMRL), and the exact date and time the recording was made, using the time stamp from the video file database in your report. Officers using BWV should use the marginal heading, **BWV/**, for their audio and video recordings. Make every reasonable attempt to list all files recorded if multiple ICV or BWV-equipped units were recording.

446.5 AUDIO & VIDEO RECORDINGS USAGE

446.5.1 COURT PROCEEDINGS AND ADMINISTRATIVE INTERVIEWS

Flag any incident for which you believe all or some of the recorded data should not be released due to its sensitive nature (e.g., sensitive intelligence data, revealing identity of confidential informant) or of any recorded incident which might be valuable for training purposes.

Prior to testifying in a court case where recorded data will be offered as evidence, you are encouraged to review the recording to ensure that it represents a true and accurate depiction of the incident (or portion thereof) which was recorded.

An employee who is to be interviewed by a supervisor about an incident which has been recorded by in-car video will be afforded the opportunity to review applicable video files prior to being interviewed.

446.5.2 TRAINING AND PUBLIC RELEASES

If recorded data is to be used for training purposes beyond a review by the involved employee(s), the person intending to use the data will ensure that any involved employee is notified of the intent to use the data for that purpose, and given the opportunity to raise an objection to such use. If an objection is raised by an involved employee, the ultimate decision as to whether or not to use the involved data will rest with the Chief of Police or designee. For purposes of this policy, "involved employee" means an employee who is individually identifiable.

If public records request for recorded data is received, the department Public Records Coordinator or designee will follow release guidelines in the Oregon Public Records Law, conferring as necessary with the Chief of Police. A reasonable attempt will be made by the releasing person or designee to notify any involved employee(s) prior to release of the information.

If the release of the recorded data is initiated by the department, these guidelines will be followed:

- a. If the release is being made to enlist the public's assistance in an ongoing investigation, the decision to release will normally be made by the lead investigator. A reasonable attempt will be made by the lead investigator or designee to notify any involved employee(s) prior to the release.
- b. If the release is being made for another reason (e.g., as an example of exemplary work), the PIO or designee will ensure that any involved employee is notified of the intent to use the data for that purpose, and given the opportunity to raise an objection to such use. If an objection is raised by an involved employee, the ultimate decision as to whether or not to use the involved data will rest with the Chief of Police or designee.

446.6 AUDIO AND VIDEO DATA MANAGEMENT

Video and audio recordings made using the ICV or BWV system will be safeguarded to ensure their integrity. Only designated department personnel will have access to the original ICV/BWV system digital file.

Any recording which is flagged as containing information relevant to a crime, violation, or actual or potential allegation of misconduct will be treated as evidence.

Recordings made are the property of this agency, and will not be released outside this agency except as authorized by Oregon Public Records Law, required by court order, otherwise provided for in this policy, or authorized by the Chief of Police or designee.

Recorded data will be maintained for at least the minimum length of time required by **OAR 166-200-0100**, and we will normally retain data for seven months. Data from certain types of incidents will be retained for a longer period of time when needed.

Data recorded and submitted by the Video Response Team will be retained for 6 months if the recording contains observation of an event or situation where no police action was taken.

446.7 SUPERVISORY RESPONSIBILITIES

446.7.1 PATROL SUPERVISORS

A supervisor has the authority to review recorded video of an incident involving an employee in his or her chain of command, or of an incident that he or she supervised, for purposes outlined in this policy. Field Training Officers may review recordings of their assigned recruit officer for training requirements and development.

If an incident discovered during video review is to be used as part of a formal evaluation of the employee, the video should be retained until the evaluation period is complete and used as part of the evaluation process.

Do not direct that the recording of an incident be discontinued, under the authority given in section 446.4 of this policy, except at a point after the post-incident investigation has begun. (For purposes of this policy, this point is the point at which the incident in chief has concluded, and department personnel have begun to perform follow-up or investigative activities relevant to the incident.) This should be done only in an exceptional situation where the value of continuing the recording is clearly outweighed by other factors in the particular situation.

When an incident arises requiring the immediate retrieval of recorded data, remove (or oversee removal of) the recorded media and ensure that it is submitted to evidence or turned over to authorized investigative personnel.

446.7.2 INVESTIGATIONS SUPERVISORS

Investigations supervisors may review audio or video recordings relevant to an investigation being conducted. An investigations supervisor may also authorize a detective to review audio and video relevant to that detective's investigation.

446.7.3 ICV/BWV PROGRAM SUPERVISOR

The Program Supervisor will be assigned by the Patrol Division Manager and will ensure that procedures are in place and followed to ensure integrity of the original data submitted. He or she will stay abreast of changes in law, policy, and technology and will recommend changes when applicable. The program supervisor will also ensure that program technical staff complete the following:

- a. That authorized copies of recorded data are provided in a timely manner.
- b. Ensure that data is purged after they have surpassed their retention periods.
- c. That ICV and BWV equipment is repaired and serviced in a timely manner.

City of Eugene Police Commission

May 8, 2014

DRAFT Meeting Minutes DRAFT

*Please note the official full record is contained in the video recording at
<http://eugene-or.gov/index.aspx?NID=1344>*

The meeting convened at 5:30.

Members in attendance: Tamara Miller, vice chair; Mike Clark; Jim Garner; Edward Goehring; Jesse Lohrke; James Manning; George Rode; Claire Syrett; Joe Tyndall; Juan Carlos Valle; Bill Whalen

Members absent: Bob Walker

Minutes

Mr. Garner noted two corrections:

P 1, Commissioner comments – Mr. Manning comments, should read: The ~~concerned concerns~~ raised . . .

P 3 half way down page, the sentence beginning “~~Protected class status~~”, should read ~~non~~ none of the causes”.

MOTION AND VOTE: Mr. Valle moved and Mr. Rode seconded approval of the minutes as amended.
The motion was approved unanimously.

Public Comments

Carol Berg Caldwell – Expressed appreciation for the public forums. She expressed concern that people are being cited for obstructing the roadway despite being on the sidewalk, and has filed a third party complaint on this practice with the Auditor’s Office. Hopes that socio-economic status is included in the definitions for bias based policing.

Sterling Rand – Concerned about militarized police departments. Homeland Security needs domestic military and militarizing municipal departments is the way this is being accomplished.

Deb Frisch – Expressed concern about the alleged gang rape of a student by UO basketball students.

Commissioner Comments

The commissioners thanked the members of the public for attending and providing comments.

Cpt. Durr responded and expressed that militarization is a concern for the department. Regarding pan handling, there have been complaints about people approaching cars in the streets to panhandle, and officers have been asked to respond if this occurs.

Budget Presentation

Mr. Greg Gibson, Finance Manager made a presentation about the FY 15 budget.

Mr. Clark – Asked about the details of the proposed reduction of 4 detectives, and what the impact of the reduction.

Mr. Valle – Do you know what the total overtime? Mr. Gibson responded that the budget is approximately \$1.5 million, and actual expenditures will be shared later. How would you spend \$1 million? Cpt. Durr responded that Eugene is understaffed compared to all of Oregon, and he’d recommend adding to patrol, and possibly investigations. Is EPD funding positions at DA? No.

Mr. Tyndall – Asked for a budget summary. Ms. Hawley agreed to put that in an upcoming packet.

Mr. Lohrke – Asked for an additional agenda item to discuss more details.

Mr. Clarke – Can EPD do training cheaper than DPSST? Cpt. Durr responded that he was unsure.

Mr. Whalen – How does EPD compare on an officer per thousand?

Mr. Valle – Asked if EPD has been audited. Looking forward to hearing about the result of next employee survey.

Mr. Goehring – Asked for more information, and pie charts.

MOTION: Mr. Tyndall moved and Mr. Valle seconded adding 20 minutes to the June meeting to discuss budget.

Discussion ensued about the motion.

MOTION: Mr. Clark moved to amend the motion to change the date to October. Mr. Manning seconded.

Discussion ensued about the amendment.

VOTE: The substitute motion passed with 7 ayes (Miller, Garner, Manning, Rode, Clark, Goehring) and 3 nays (Tyndall, Valle Lohrke).

VOTE: The motion passed unanimously.

Chief's Report

Mr. Valle – Asked about hiring bicultural bilingual – Cpt. Durr said there is no quota for hiring specific categories. Asked if EPD is not allowed to advertise bilingual? EPD will provide a response.

Mr. Manning – Commended Cpt. Kamkar on his completion of the FBI academy. Suggested Human Resources might attend and provide an update on hiring practices. Appreciated the friendliness of officers. Supported the reintroduction of National Night Out.

Break

Review of Bias Free Police Contacts Policy

Mr. Garner – Correct “As determined” in Section 402.2.

MOTION: Mr. Tyndall moved and Mr. Goehring seconded: Amend section 402.1.1 to read:

Protected Class – As defined by Eugene Code 4.613, this currently includes: race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability. For this policy, protected class also includes: religion, economic status and any other identifiable characteristic not directly related to a criminal act.

Discussion ensued about the motion.

Friendly amendment – to strike ~~and any other identifiable characteristic not directly related to a criminal act.~~
Agreed upon by maker and second.

Mr. Valle – offered a friendly amendment to change it to read: perceived socio-economic status.

Including the friendly amendments, the motion was to change section 402.1.1 to read:

Protected Class – As defined by Eugene Code 4.613, this currently includes: race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability. For this policy, protected class also includes perceived socio-economic status.

VOTE: The motion was approved 9 aye (Valle, Goehring, Garner, Whalen, Clark, Manning, Syrett, Lohrke, Tyndall) to 2 nay (Rode, Miller).

MOTION AND VOTE: Mr. Manning moved and Mr. Rode seconded approval of the amended policy. The motion was approved unanimously.

MOTION: Mr. Valle moved, and Mr. Garner seconded a motion to add a discussion about recommending a change to the City Council in the definition of protected class.

Discussion ensued about the motion.

MOTION AND VOTE: Ms. Syrett moved and Mr. Clark seconded to table the discussion until after a discussion about the Commission's work plan. The motion was approved ten aye (Miller, Lohrke, Garner, Manning, Rode, Syrett, Clark, Goehring, Whalen, Tyndall) and one nay (Valle).

Community Issues to be Considered

The Commissioners discussed various options to as their next discussion.

Chief Kerns supported the idea to discuss constitutional privacy, and added that the review of policies related to closed circuit television and body cameras would be timely.

MOTION: Mr. Manning moved and Mr. Rode seconded adding body cameras and closed circuit television policy.

Discussion ensued about the motion.

ACTION: Mr. Manning withdrew his motion.

MOTION AND VOTE: Mr. Lohrke moved and Mr. Goehring seconded to work on emerging technologies over the summer. The motion was approved unanimously.

Commissioner comments

Mr. Garner – Commended Cpt. Kamkar for graduating from the FBI academy. Noted that drones might be used positively.

Mr. Lohrke – Did a good job on the bias policy, despite the delay

Mr. Rode – Thanked Ms. Miller, and commended the commission for the hard work.

Mr. Manning – Noted that emerging technology is here.

Mr. Whalen – Commended the group for the discussion on the bias policy

Mr. Goehring – Thanked the group for working well together.

Ms. Syrett – Thanked the group.

Ms. Tyndall – Commended the group for the policy

Mr. Valle – Thanked the Commission and Committee for the work on bias based policing.

Ms. Miller – Thanked the committee. Thanked Sgt. Lowen for assistance.

Meeting adjourned at 8:35

Notes taken by Carter Hawley

Chief's Report to the Police Commission



June 2014

Chief's Activities

- EPD Retirees' Dinner
- KUGN morning Show
- KEZI Morning Show
- Employee Awards Ceremony
- Delta Rotary Annual Law Enforcement Recognition
- Police Captain Hiring Process
- Ride of Silence
- Public Safety Coordinating Council monthly meeting
- Police Executive Research Forum annual meeting
- In-Service presentation
- Peace and Conflict class discussion at LCC
- Recruit Swearing In Ceremony
- MADD Appreciation Breakfast

In the News



U of O Sexual Assault Case

EPD Scanner Encryption

Coburg Rd and MLK Blvd traffic enforcement

Robbery on an LTD Bus

Fight at Cal Young Middle School

Residential Explosion on N. Danebo



Looking Ahead

- Finance Manager Hiring Process
- Captain Hiring Process
- Downtown Activity Zone Amendments
- Illegal Fireworks mitigation
- June 12 Town Hall Meeting with Val Hoyl and Pat Farr
- Street Crimes Team



America's Safest City

The Most Professional Agency

Policing and Constitutional Privacy
Police Commission Scope
DRAFT - FOR DISCUSSION PURPOSES ONLY - DRAFT

Scope

The Commission will focus on the following components of constitutional privacy and policing:

Purpose

1. Understand...
2. Educate...
3. Inform...
- 4.

Process Overview

The Commission will discuss this topic for _____ meetings.

Desired Outcomes

At the end of this project, the Commission will: