

**POLICY
1202**

**EFFECTIVE
DATE
6-7-17**

Eugene Police Department



Audio and Video Recordings

1202.1 PURPOSE AND SCOPE

The appropriate use of an audio and video recording (In-Car Video, ~~Body Worn Video~~) can provide valuable documentation of police officer interactions with members of the community. Audio and video recordings can be objective evidence to document criminal and traffic violations, enhance officer safety, provide a record of police officer interaction with persons who are stopped, and can 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 by Eugene Police Department members.

1202.2 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)~~.

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

1202.3 ~~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.

Report any damage to or problems with the equipment promptly to your supervisor. If the ICV system malfunctions during your shift, notify your supervisor, and complete a report using the, "Report a Problem," system on the EPD Resources intranet page.

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.

1202.4 UTILIZATION REQUIREMENTS FOR SYSTEMS

The ICV system is automatically activated when the vehicle'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 416 – 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.
- ~~e. Investigative encounters.~~
- 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 1202.4(a) thru 1202.4(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 all ICV files, record the six-digit incident number in the "case numbers #1" field. (Do not include the year.) If you choose to enter the actual case number in the "Case Numbers #2", follow the same format and only enter the six digit case number.

If an ICV recording captures images of a reported incident use the marginal heading of **ICVI**, 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, BWVI, for their audio and video recordings.~~ Make every reasonable attempt to list all files recorded if multiple ICV or ~~BWV~~-equipped units were recording.

1202.5 AUDIO & VIDEO RECORDINGS USAGE

1202.5.1 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.

1202.5.2 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.

1202.6 VIDEO UPLOADING

Anyone with an ICV ~~or BWC~~ system must follow the established procedures for uploading captured recordings from their ICV ~~or BWC~~ system and make the recordings available for department use.

Any recording capturing the following events must be uploaded by the end of the shift:

- a. Any incident requiring a Blue Team entry
- b. Any Probable Cause based arrest
- c. Any call where an individual alleges biased treatment by an officer or makes a complaint
- d. Anytime directed by a supervisor

Absent exigent circumstances (e.g., on-duty injury, etc.) all other recordings must be uploaded by the end of the employee's work week.

No recording may be held over the weekend without supervisor approval.

1202.7 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 190 days. Data from certain types of incidents will be retained for a longer period of time when needed.

1202.8 SUPERVISORY RESPONSIBILITIES

1202.8.1 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 §1202.4 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 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.

1202.8.2 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.

1202.8.3 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.