

Beaverton Police Department Body-Worn Camera Program Frequently Asked Questions (FAQs)



The Beaverton Police Department (BPD) was awarded a Body-Worn Camera Pilot Implementation Program Grant in the amount of \$150,000 for 100 cameras through the U.S. Department of Justice. This grant will help advance and expand the department's efforts to develop a comprehensive Body-Worn Camera (BWC) program. BPD will serve as a pilot program for other law enforcement agencies and will forward findings and best practices to the U.S. Department of Justice as part of the two year grant. The pilot program includes community engagement; development/ refinement of body-worn camera policy and procedures; researching, testing, and procuring equipment; deployment of cameras, and program evaluation.

Following are questions/concerns community members often have about body-worn camera programs. Oregon House Bill 2571 went into effect in June 2015 and addresses many issues, including privacy concerns, records requests, and equipment operation. Please note that responses to some FAQs are subject to change as the BPD develops its policies and procedures.

1. PUBLIC INPUT AND INFORMATION

How is BPD seeking community input?

Chief Spalding presented information about the BWC grant and BPD's proposed pilot program at the November 10, 2015, City Council meeting. Open houses are also scheduled on January 21 and February 18, 2016. BPD members are sharing information with various community groups, Neighborhood Association Committees (NACs), and other agencies. The BPD will also be conducting an online survey and information will be shared on the department's website and through social media.

How can I get involved in the discussion?

The BPD welcomes your input and participation in developing our body-worn camera program. BPD representatives are available to attend meetings to share information with your group. For more information, please send an e-mail to beavertonpolice@beavertonoregon.gov.

Who can I contact if I have questions about BPD's BWC pilot program?

Please contact Michelle Harrold at mharrold@beavertonoregon.gov or call (503) 526-2517.

Where can I get more information about the body-worn camera topic?

The U.S. Department of Justice's Bureau of Justice Assistance's Body-Worn Camera Toolkit website is a comprehensive resource. Use the Internet search term, "Body-Worn Camera Toolkit."

Does the Beaverton Police Department have information about the BWC program on their website?

Information will soon be posted on BPD's website. Please visit www.beavertonpolice.org.

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2. POLICY AND PROCEDURES

Does the BPD have written policy and procedures on body-worn cameras?

Yes. Many of the responses included in the FAQs are cited from BPD's Policy 421 Body-Worn Cameras. BPD is in the process of updating the policy to reflect Oregon's new laws as well as changes that may occur resulting from solicited internal and external input. BPD's Policy 421 Body-Worn Cameras will be posted on the department's website once the updates are adopted.

Will all officers wear the cameras (e.g., patrol officers, detectives, sergeants)?

BPD is currently evaluating which police divisions and ranks will wear BWCs. It is expected that front line employees, including patrol and traffic officers, as well as school resource officers, will be issued cameras.

Are patrol officers required to wear BWCs?

BPD has not yet made a policy decision on which divisions will be required to wear a BWC.

Will BPD still use in-car video cameras?

Yes. BWCs will complement the use of in-car video equipment installed in some BPD vehicles.

3. PRIVACY CONCERNS

By Oregon law, law enforcement agencies who use body worn cameras must continuously record from the time a police officer has reasonable suspicion or probable cause that a person they are about to contact has committed or is about to commit a crime/violation. The camera must remain on until the contact has concluded. However, the law allows for exceptions as long it is for officer safety, the safety of the public, or to protect the privacy of a community member.

Does the officer have to tell me when I'm being recorded?

Yes, in most cases. Officers are required to announce at the beginning of interactions that a recording is occurring unless the announcement cannot be made without jeopardizing officer safety, the safety of any other person, and/or impair a criminal investigation.

What if I don't want to be recorded?

It depends on the situation. In locations where individuals have a reasonable expectation of privacy, such as a residence, individuals may decline to be recorded or request that an officer not record them. Officers will evaluate each situation and when appropriate, honor the individual's request. However, officers have no obligation to stop recording in response to the request if the recording involves an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary.

Can I record the officer with my mobile device?

By federal and state laws, the public is allowed to record videos in a public area as long as the operation does not interfere with the officer's work (whether it's direct contact with the officer or as a bystander).

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3. PRIVACY CONCERNS, CONTINUED

Will cameras be turned off for calls involving sensitive situations? (e.g., domestic violence, sexual assaults, hospital visits, mental health crisis situations, etc.)

It depends on the situation. Cameras will be activated when officers are responding to an active call for service, such as an incident involving a domestic disturbance. However, officers will have the discretion to turn off cameras in certain situations, such as a conversation with a victim if the victim does not want to be recorded. Body-worn cameras will generally be turned off if the officer's camera would record a patient during a medical or psychological evaluation (unless the officer is responding to a call involving a suspect who is thought to be present in the facility).

Can an officer record inside my home?

Yes. In locations where individuals have a reasonable expectation of privacy, such as a residence, individuals may decline to be recorded or request that an officer not record them. Officers will evaluate each situation and when appropriate, may honor the individual's request. However, officers have no obligation to stop recording in response to the request if the recording involves an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary.

Will interviews with victims and witnesses be recorded?

It will depend on the situation. Individuals may decline to be recorded or request that an officer not record them. Officers will evaluate each situation and when appropriate, may honor the individual's request. However, officers have no obligation to stop recording in response to the request if the recording involves an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary.

Will officers use body-worn cameras to record casual conversations with community members?

Generally, no. BPD's primary use of the cameras will be in situations when officers are responding to calls for service and during law enforcement-related activities, such as traffic stops, arrests, searches, interviews, and pursuits.

What happens when a bystander is recorded on video?

Oregon Law requires that all faces contained in a video recording must be blurred/made unidentifiable prior to public release.

Who will have access to the video?

Oregon law requires certain criteria for public records requests, including the release of videos. The request must be for an event for which there is "public interest." The request must be for an approximate time or event and tailored to the relevant video. All faces must be rendered unidentifiable (blurred) prior to release. Video evidence would also be provided to the District Attorney and City Attorney.

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4. JUVENILE/YOUTH CASES

How will video of juvenile offenders be handled?

Juvenile criminal records and photos are handled differently than adult criminal records. BPD will treat juvenile video criminal records in accordance with federal, state, and local laws.

What happens if an officer records my child(ren)?

Oregon Law requires that faces of all individuals captured on video are made unidentifiable/blurred prior to public release of the records.

5. OFFICER OPERATION

When will the cameras be turned on?

The BWCs will be turned on when a police officer has reasonable suspicion or probable cause that a person they are about to contact has committed or is about to commit a crime/violation. Examples include: responding to calls for service and during law enforcement-related activities, such as traffic stops, arrests, searches, interviews, and pursuits.

Will the cameras be on if an officer is not on a call for service?

Typically, no. BPD's primary use of the cameras will be in situations when officers are responding to calls for service and during law enforcement-related activities, such as traffic stops, arrests, searches, interviews, and pursuits. However, officers have the discretion to activate cameras when appropriate.

Does the officer have to tell someone if they're being recorded?

Yes, officers are required to inform individuals they are being recorded at the beginning of the contact unless the announcement could jeopardize the safety of the officer or others, or harm a criminal investigation.

Can officers edit, duplicate, share, or delete their video?

No. Officers are prohibited from editing, altering, erasing, duplicating, copying, sharing, or distributing body-worn camera images and information. BWC software systems will not allow editing and the video data is electronically date and time stamped.

Can officers view video recordings before writing reports?

Yes. With the exception of critical incidents, officers are allowed to review the recordings from their body-worn cameras.

Can officers immediately view recordings after an officer-involved shooting/critical incident?

No. BPD's current policy does not allow officers to review video footage immediately following an officer-involved shooting or critical incident. After a critical incident, body-worn camera(s) worn by involved and witness officers will be retrieved by designated personnel. Recordings may only be viewed by authorized personnel assisting with the investigation of the incident unless critical information is needed, such as help to identify and locate suspect(s). (Note: BPD's policy is being reviewed and a final decision is pending on this issue.)

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6. PUBLIC RECORDS REQUESTS/USE OF VIDEO

Can the media get copies of any video?

Oregon law requires certain criteria for public records requests and releasing videos. The request must be for an event for which there is "public interest." The request must be for an approximate time or event and tailored to the relevant video. All faces must be rendered unidentifiable (blurred) prior to release. Public records requests are subject to approval by the Records Division Manager and/or City Attorney.

How do I request a copy of a video?

Requests for videos are subject to the Oregon Public Records Law. Records requests are administered through the Records Division.

Will attorneys have access to video evidence?

Yes. All types of evidence, including video is available to the District Attorney and City Attorney's offices to prosecute or defend court cases.

Will you use facial recognition technology to obtain evidence or search for suspects?

No. Many body-worn camera software systems use facial recognition capabilities as a tool to blur out faces or make them unidentifiable. However, Oregon law prohibits the use of facial recognition or other biometric match technology to analyze recordings obtained through the use of cameras.

Will video be used to evaluate an officer's performance?

Video will not be used for the purpose of general performance review or to discover policy violations unless it is part of an investigation of a specific complaint against an employee.

Will officers be disciplined if the video records them doing something wrong?

Video will not be used for the purpose of general performance review or to discover policy violations unless it is part of an investigation of a specific complaint against an employee. BPD's Professional Standards Division, which handles officer complaints, may use video as part of an investigation, depending on the type of complaint.

Will BPD review BWC video when investigating a citizen complaint against an officer?

Yes, in most cases. Law enforcement agencies who use BWCs report the use of video evidence is an effective tool when investigating complaints.

Can videos be used for law enforcement training?

Yes. Video recordings may be used for law enforcement training purposes once the case has gone through the criminal justice process, and if approved by a Senior Command member.

Will the police department post the video online?

BPD does not plan to post videos online unless it's for a law enforcement purpose (e.g., to help identify a crime suspect). The video's release is subject to Oregon laws.

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7. STORAGE/RECORDS RETENTION

Where is the video stored?

The BPD is currently exploring data storage options. Data will either be stored on a local server or a cloud-based server.

When is the video data downloaded?

Video data will generally be downloaded at the end of the officer's work shift.

How long is the video kept?

The length of time video evidence is maintained depends on the type of incident and how long it takes to go through the criminal justice process. For example, records of more serious crimes are maintained for a longer period of time than a traffic infraction. Retention schedules are set by Oregon records retention laws. Oregon law requires all video be retained for a minimum of 180 days.

How secure is the video?

All files will be securely stored in accordance with Oregon records retention laws. Law enforcement agencies are required to comply with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division's (CJIS) security policy that governs access to law enforcement data. Consideration will be given on the system BPD selects to ensure it is CJIS compliant. Oregon law requires that body worn camera video hosted by a third party (cloud) remain the property of the law enforcement agency and can only be used for legitimate law enforcement purposes.

8. COST

How much do the cameras cost?

The cost of implementing a body-worn camera program varies depending on the type of camera, type of storage, IT support, and use of video. BPD is in the process of considering various systems and vendors, and the cost is yet to be determined. The City of Beaverton's initial costs will be covered by a \$150,000 U.S. Department of Justice grant.

How much is this going to cost Beaverton residents?

The initial equipment costs (excluding data storage) to implement a BWC program is covered by a federal grant. Cost estimates to operate and maintain a BWC program will be determined once a vendor and system is selected.

What's the long term expense to maintain the program?

The long term costs will be calculated once a BWC system has been selected. BPD anticipates the greatest expense will be related to the cost of data storage.

What does it cost to store video data?

Storage costs will vary depending on several factors, including if the city chooses to store data locally (on a server) or off-site (cloud-based); the volume of data collected, and the length of time the data is stored. Estimated costs will be determined once a system has been selected.

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9. EVIDENCE/COURT/PROSECUTION

Can the video be used as evidence in court?

Yes. BWC video will be processed like other pieces of court evidence, such as photographs, victim and witness statements, etc.

How can I be sure the video isn't edited?

Officers are prohibited from editing, altering, or erasing body-worn camera images and information. BWC systems electronically date and time stamp video data, and software will not allow edits or alterations.

10. EQUIPMENT SELECTION/CONSIDERATIONS

What BWC system is the BPD going to use?

BPD is in the process of vetting and testing various vendors and systems. The department is scheduled to choose a vendor by June 2016.

How will BPD choose its camera system?

A project team made up of a cross section of department members was created for the BWC Pilot Program. The project team is developing minimum equipment specifications and requirements for effective BPD operations. Vendor product demonstrations are scheduled in January. BPD will wear test two or three of the top ranked vendors' BWC systems. Once the systems have been tested and evaluated, the project team will make a recommendation to BPD's leaders. Procurement of a BWC system is subject to the City of Beaverton's and State of Oregon's purchasing laws and regulations.

What are the limitations of body-worn camera recordings and evidence?

While BWCs can be a useful tool and can provide a unique perspective on police encounters, there are limitations:

1. A camera doesn't follow officers' eyes or see as they see.
2. Some important danger cues can't be recorded.
3. Camera speed differs from the speed of life.
4. A camera may "see" different than a human does in various lighting situations.
5. An officer's body may block the view.
6. A camera only records in 2-D.
7. The absence of sophisticated time-stamping may prove critical.
8. One camera may not be enough.
9. A camera encourages second-guessing.
10. A camera can never replace a thorough investigation.

When is the BPD going to start using BWCs?

BPD expects to have the cameras in use by mid-year 2016.

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11. TRAINING

What training will officers receive on how to use the body-worn cameras?

Prior to using a body-worn camera, officers will receive training on the proper operation and care and the department's policy and procedures with respect to the use of the body-worn camera. Additional periodic training will also be provided to ensure the continued effective use and performance of the equipment.

12. OTHER AGENCIES

What other agencies use them?

The U.S. Department of Justice (DOJ) is currently conducting a survey to learn the number of agencies nationally that have implemented a BWC program. According to the U.S. DOJ's Bureau of Justice's website, one expert estimated between 4,000 and 6,000 law enforcement agencies are planning to adopt or have already adopted BWCs. Multiple local agencies are using or considering the use of BWCs.