
Body Worn Cameras

421.1 PURPOSE AND SCOPE

- (a) Body-worn cameras are an effective law enforcement tool that can enhance the understanding of interactions between officers and the public. Body-worn cameras provide additional documentation of police-public encounters and can be an important tool for collecting evidence and maintaining public trust.
- (b) This policy is intended to provide officers direction on when and how to use body-worn cameras.
- (c) The Department has adopted the use of body-worn cameras to accomplish several objectives, including:
 - (a) Body-worn cameras allow for additional documentation of police-public contacts, encounters, arrests, and critical incidents. They also serve as a supplement to and/or can enhance the accuracy of officer reports and testimony.
 - (b) Audio and video recordings can enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
 - (c) Audio and video recording will be useful for Professional Standards review and investigation in resolving citizen complaints and potential civil actions related to the Department.
- (d) The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene, the environmental conditions, surrounding circumstance, and safety concerns that officers constantly assess. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

421.2 DEFINITIONS

Body-worn cameras are camera systems designed to be worn by police officers to capture Digital Multimedia Evidence (DME). DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

421.3 LEGAL CONSIDERATIONS

- (a) Department-owned body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. The personal use of information recorded by body-worn cameras shall only be used with the written approval of the Chief of Police or authorized designee.
- (b) Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or his/her designee.

Beaverton Police Department

Policy Manual

Body Worn Cameras

- (c) All data, images, video and metadata captured by body-worn cameras are subject to state statutes and City policies regarding retention of records.
- (d) Audio and Video recordings from body-worn cameras may be viewed by an involved employee and/or their legal representative during their representation of an employee. Copies of audio and video recordings associated with the legal representation matter will be provided to an involved employee or their legal representative during their representation of an employee in accordance with the collective bargaining agreement.

421.4 PROCEDURES

- (a) Prior to using a body-worn camera, officers shall receive Department-approved training on the proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.
- (b) Body-worn cameras and equipment shall be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.
- (c) In the event that a body-worn camera is lost, upon discovery, the officer shall immediately notify his/her supervisor.
- (d) Officers shall wear body-worn cameras at or above the chest-level and in a position designed to produce an effective recording.
- (e) Officers shall not use personally-owned body-worn cameras, except with the written approval of the Chief of Police or his/her designee.
- (f) Officers assigned a body-worn camera may use the camera at all Department related employment activities, but only in connection with their Department duties. When practical, officers shall download all DME at the end of their on-duty work shift.

421.5 OPERATION

- (a) Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.
- (b) Unless the interaction with a citizen is an undercover assignment or a covert action, whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, citizens may decline to be recorded or request that an officer not record them. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's request. The request to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative.
- (c) Deactivation of the body-worn camera shall occur when:

Beaverton Police Department

Policy Manual

Body Worn Cameras

- (a) The event has concluded.
- (b) Victim and/or witness contact has concluded.
- (c) All persons stopped have been released.
- (d) Once an arrestee has been placed into a vehicle to be transported to a detention facility.
 - 1. At the option of the officer who has an arrestee in their vehicle, the officer may choose to keep the officer's body-worn camera activated until custody of the arrestee is transferred to the detention facility.
- (d) If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons.
- (e) Except as set forth in this policy, or as allowed by state or federal law, non-Department personnel shall not be allowed to review the recordings without the written consent of the Chief of Police.
- (f) Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information. Requests for any of these shall be made through the System Administrator, Chief of Police or the authorized designee.
- (g) Generally, officers are allowed to review the recordings from their body-worn cameras. To help ensure accuracy and consistency, officers are encouraged to review recordings prior to preparing reports.
 - 1. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:
 - (a) have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and
 - (b) have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident and/or events that are the subject of the investigation.

421.6 CESSATION OF RECORDING

- (a) Body-worn cameras should not be used in the following circumstances:
 - 1. Casual communications with other police personnel.
 - 2. Encounters with undercover officers or informants.
 - 3. When an officer is on break or is otherwise engaged in personal activities.
 - 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.
 - 5. When an officer would be recording a patient during a medical, health care provider or psychological evaluation by a clinician or similar health care professional, or during treatment. When recording in hospitals or other health care facilities, officers shall be careful to avoid recording persons other than the suspect or witnesses that are deemed relevant to the matter being investigated by the officer.

Beaverton Police Department

Policy Manual

Body Worn Cameras

6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.
7. Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, clergy, health care provider, etc.).

421.6.1 JUVENILES

It is recognized that recordings of juvenile offenders will occur by the use of body-worn cameras when officers are responding to calls for service or during the course of an investigation. Officers shall protect recordings of juveniles captured with the body-worn cameras the same as still photographs of juveniles. If an officer has a need to use body-worn camera recordings of juvenile offenders as part of an investigation, the officer shall comply with state or any other applicable law.

421.7 HANDLING OF DIGITAL MEDIA EVIDENCE

- (a) When practical, all files from body-worn cameras shall be securely downloaded no later than the end of the officer's on-duty work shift. Each file shall be categorized and contain information related to the date, body-worn camera identifier, and assigned officer.
- (b) The Records Manager and/or the assigned Police IT Tech will be the Systems Administrator(s) for the data storage system. All access and activity on the data storage system is logged and subject to audit at any time. Access to the data stored in the Department-approved storage medium is permitted on a right to know, need to know, or as set forth in this policy. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the Systems Administrator(s), the Chief of Police or authorized designee.
- (c) All files from body-worn cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.
- (d) It is not the intent of the Department to review DME for the purpose of general performance review, or to discover policy violations. Supervisors and Professional Standards personnel and legal representatives of employee's subject to Professional Standards investigations may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
- (e) Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case or administrative case, if there is no pending criminal case. All such use shall be pursuant to the written authority of the Administrative Bureau Captain. Officers shall be provided with at least 14 days written notice if recordings intended for use for training purposes were either made by them or captured their image or voice.

Beaverton Police Department

Policy Manual

Body Worn Cameras

- (f) After a critical incident, when safe and practical to do so, a supervisor shall retrieve the body-worn camera(s) from involved and witness officers at the scene. The supervisor will be responsible for assuring the DME is uploaded. Following an officer involved shooting, use of deadly force or other critical incident, body-worn camera recordings may only be viewed prior to being uploaded when exigent circumstances exist, such as an officer being injured and in order to obtain identifying suspect information or other pertinent information from the body-worn camera recordings. Recordings may be viewed by only those personnel authorized in order to assist in an investigation.

421.8 RETENTION AND DESTRUCTION OF DIGITAL MEDIA EVIDENCE

- (a) The retention and destruction of DME shall be pursuant to state public records retention laws. The retention period begins from the date the body-worn camera recording was labeled or categorized. Department administrators, in addition to the recording officer, may label or categorize recordings for retention. Officers will periodically be directed by the System Administrator(s) or designee to label or categorize any DME which had not previously been labeled or categorized.
- (b) Officers shall be provided with at least seven (7) calendar days written notice of any public requests made to review DME from their body-worn cameras.