

**CCSO Body Worn Camera
Written Directive
(Draft Operating Procedure)**

January 2016

TABLE OF CONTENTS

1. BODY-WORN CAMERAS - INTRODUCTION	1
2. HB 2571	4
3. BODY-WORN CAMERA – WRITTEN DIRECTIVE	5
4. BWC EQUIPMENT CONSIDERATIONS	14
5. RESOURCES	15

1. BODY-WORN CAMERAS - INTRODUCTION

Body worn cameras (BWC) are becoming more prevalent in Law Enforcement. While there are benefits to implementing a BWC program that include increased accountability, every law enforcement agency must find a way to preserve the informal and unique relationships between Sheriff's Deputies and community members, and should not view BWC as a panacea for professional law enforcement.¹

Early adopters of BWC systems have cited the following:²

Benefits:

- Evidentiary Value – BWC proved evidentiary benefits, including expedited resolution of complaints.
- Training Value – BWC capture behavior and action, presenting training and coaching opportunities.
- Tempering police-citizen encounters – BWC have been shown to improve both police and citizen behavior when worn in a visible location.
- Increasing accountability – BWC can improve accountability and performance – increasing the level of transparency of law enforcement actions.

Concerns:

- Citizen privacy – BWC need to balance privacy considerations associated with traumatized crime victims, witness and informants with evidentiary and accountability obligations.
- Community Relations – BWC will impact the conduct of open and candid discussions with community members and other law enforcement partners, which require BWC procedures that are open and protective of these relationships.
- Compliance – BWC must comply with statutory (Oregon HB 2571) and regulatory (FBI/CJIS Security Policy) requirements.
- Logistical – BWC system and number of units deployed, data storage, retention, disclosure and redaction and their associated costs are key issues that must be addressed in any program.

The intent of this document is to provide a CCSO specific body-worn camera (BWC) operating procedure. By no means is the document all inclusive as BWC procedures and technology are in their early stages of development and usage throughout the United States; however, it attempts to capture the basic tenants in addressing the practical procedural requirements which are consistent with the principles of the Clackamas County Sheriff's Office (CCSO) and current analysis.

¹ CBS, SF Bay Area, "Oakland Mayor Says Police Body Cameras Have Cut Use-of-Force Incidents Significantly in 5 Years," December 17, 2014. Michael D. White, PhD, "Police Officer Body-Worn Cameras: Assessing the Evidence," Washington, DC: Office of Community Oriented Policing Services, 2014.

² Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned. Police Executive Research Forum and COPS, U.S. Dept. of Justice

2. HB 2571

The Oregon Legislature passage of HB 2571 in 2015 imposed regulatory requirements for any law enforcement agency deploying BWC. The impacts of HB 2571 on the development of a BWC program are summarized as follows:


- Section 1 (1) (a) - Requires law enforcement agencies **establish a written directive** for the use of BWC.
- Section 1 (1)(b)(A) - Requires all **video be retained for a minimum of 180 days**, but no more than 30 months if not related to either a court proceeding or criminal investigation.
- Section 1 (1) (b) (B) - Requires **continuous recording, beginning when the deputy develops reasonable suspicion or probable cause and begins to make contact with the person**. The BWC must remain on until no sooner than the termination of the deputy's participation with the person.
 - Section 1 (1)(c) – Notwithstanding (1)(b)(B), **exceptions to the recording requirement may be provided for in written directives**, provided the exception is based on reasonable privacy concerns, exigent circumstances or the safety of the deputy or other person.
- Section 1 (1)(b)(C) - Requires **BWC data hosted by a third party** (i.e. cloud-based storage) **to remain the property of the law enforcement agency** and can only be used for legitimate law enforcement purposes.
- Section 1 (1) (b) (D) – **facial recognition or biometric matching technology are prohibited** from analyzing BWC data.
- Section 1 (1) (b) (E) – Requires BWC data to only be **used for a legitimate law enforcement purpose**.
- Section 2 (5)(c)(B) – amends ORS 165.540 and **requires the deputy to “announce”** at the beginning of an interaction and recording with a BWC **that the conversation is being recorded**, unless the announcement cannot be made without jeopardizing officer safety or the safety of any other person or impairing a criminal investigation.
 - Section 3 – amends ORS 41.910 – **Provides an exception to an unlawful interception** of evidence obtained from a BWC provided the deputy either substantially complied with or attempted in good faith to comply with ORS 165.540 (5)(c)(B).
- Section 5 (39) and Section 6 (38) - Requires **specific criteria for the public records disclosure** of BWC:
 - sealed court records may not be disclosed;
 - request must **identify the approximate date and time of an incident** recorded by a BWC;
 - request must be **reasonably tailored to include only that material for which the public interest requires disclosure**;
 - BWC video recording (audio was not included) must, prior to disclosure, **be edited to render the faces of all persons within the recording unidentifiable**.

3. BODY WORN CAMERA – WRITTEN DIRECTIVE

Prior to deployment of a BWC, the Sheriff’s Office is required to develop a set of written directives and training of deputies to adhere to the requirements of HB 2571. Furthermore, the Oregon Accreditation Alliance has issued a new standard in 2016 to all accredited agencies to have in place clear procedural guidelines if that agency utilizes an audio/video recording system.

The Oregon Association of Chiefs of Police and Oregon State Sheriff’s Association on January 18th, 2016 published a **Body-Worn Camera Policy Framework for Oregon Law Enforcement Agencies**, which was used as a guide in development of the following CCSO BWC draft operating procedure.

The draft procedure is accompanied by a comments section on the right hand side identifying either the rational for the specific section of the procedure or suggestion for further examination and discussion.

Comments	Draft Operating Procedure
<p><i>Procedure to be inserted as a Section of the Law Enforcement Manual</i></p> <p><i>Preamble/Purpose There exists numerous advantages in using BWC for law enforcement; however, there are also limitations. A preamble is recommended to explain both intent to use BWC and operational limitations.</i></p> <p><i>Should identify MVR procedure (as it is currently separate); however, future technical linkage of BWC and MVR should be</i></p>	<div style="text-align: center;">  <p>Law Enforcement Manual Section 9.10</p> </div> <p>Body-Worn Camera (BWC)</p> <p>General</p> <p>1. BWC is an effective law enforcement tool that can enhance the understanding of interactions between Sheriff’s Deputies and the public. The appropriate use of BWC can provide valuable documentation of law enforcement activity, including objective evidence to document criminal conduct, enhance deputy safety, provide a record of deputy interaction with persons stopped, and may assist in the timely resolution of inquiries and complaints. However, use of BWC shall not require an action that would compromise the safety of a deputy or endanger a member of the public:</p> <ul style="list-style-type: none"> a. the safety of the deputy and the public are always the primary considerations when contacting people, vehicles or investigating suspicious behavior and/or conditions. The ability to record actions is based upon the totality of the circumstances that a law enforcement deputy may encounter; and b. deputies will not provide narration or dictation of their actions to the BWC. Detailed general offence reports are still required, even when a BWC witnesses the event. General Offence (G.O.) reports are the appropriate place to document the totality of the circumstances as the deputy sensed and observed at the time of the interaction or incident. <p>2. It is the policy of the Sheriff’s Office to utilize BWC consistent with Oregon Law and outlined in this written directive. For In-Car Video systems, see LEM Chapter 9.4 MVR - Mobile Video Recording Equipment.</p>

considered (see paragraph 11). Also, OAA LE standard does not differentiate between the two systems.

Assignment of BWC – who is normally assigned and who is not.

Importance of training should not be underestimated and should include key protocols. Could be conducted in-house or through contract.

Deputy Responsibility for the BWC system and its wear should be outlined.

BWC activation could be impacted by the type of system used and this section may require additional guidance for the deputy, such as power button vs. activation procedure (i.e. recognition the unit is on/off) – or covered in training.

BWC PROCEDURES

BWC Assignment

3. BWC will normally be assigned and utilized by patrol deputies who have been trained in the use of the BWC and these procedures. Detectives, Command Staff and SWAT team members on active call-out are not assigned a BWC. Deputies shall not use personally-owned BWC, except with the written approval of the Undersheriff. All recordings from a personally-owned BWC are public record and subject to legal and procedural requirements outlined in this procedure.

4. All deputies issued a BWC shall be trained in its use and compliance with this procedure. The BWC Program Coordinator shall ensure, in coordination with the CCSO Training Coordinator, that deputies receive documented instruction as a minimum on the following:

- a. BWC legal and procedural requirements;
- b. BWC video and audio capture (activation, deactivation, announcement and consent);
- c. BWC viewing and use (incident review, evidence, custodial interviews, intelligence, training);
- d. BWC release (prohibited use, public release);
- e. BWC data storage (downloading, chain of custody, retention); and
- f. BWC audit and controls (compliance monitoring, security, breaches).

BWC System

5. Before going into service any deputy equipped with a BWC system will properly equip him or herself to record audio and video in the field. Ensure the BWC system is functioning properly and check to ensure:

- a. proper power;
- b. correct date and time stamp;
- c. correct camera orientation, placement at or above the chest-level; and
- b. system records both audio and video information (free from obstruction).

6. Damage to the BWC system that prevents or encumbers its intended usage or capabilities will be reported to a supervisor who will report the damage through *CCSO IT* and ensure the system is turned in for maintenance and returned to full function. If the BWC system malfunctions during a shift, the deputy will notify a supervisor as soon as possible. A deputy shall not attempt to alter, erase, modify, or tamper with data recorded by the BWC system.

Privacy Expectations – listing of general exceptions should be provided.

Awareness of HIPPA regulations should be covered in training.

Announcement requirement if using a BWC – HB2571 mandates public notification of being recorded at the beginning of the encounter. The law does not specify the type of warning given.

Provide guidance on using the BWC and MVR.

7. At the end of the deputy's assigned shift, he or she will follow the established procedures for uploading the captured video and audio images from their BWC system, making them available for CCSO use. Upload will be conducted unless a supervisor approves of holding the upload until the next work period. Deputies should review recordings of enforcement contacts when that review will help in the preparation of a written report.

Privacy and Announcement of Recordings

8. Community members *do not* have a reasonable expectation of privacy when speaking with a law enforcement deputy during the scope of the deputy's official duties, even when contact occurs in a private residence. However, when a deputy is in possession and uses a BWC, a recording should be maintained in accordance with this procedure and will not be terminated simply at the demand of a community member.

9. BWC should not be used in the following circumstances:

- a. during casual communications with other law enforcement or CCSO employees;
- b. during encounters with undercover law enforcement or informants;
- c. in any location where either the deputy or another person has a reasonable expectation of privacy (e.g. restroom, locker room, or break room, etc.);
- d. when in a medical facility during medical, healthcare provider or psychological evaluation by a clinician or similar health care professional, or during treatment. When in a medical facility, deputies shall be careful to avoid recording persons or communications other than the suspect or witnesses that are deemed relevant to the matter being investigated by the deputy; and
- e. when engaged in conversations with individuals with whom the deputy is in a privileged relationship (e.g. spouse, attorney, peer counselor, labor representative, clergy, health care provider, etc.).

10. Pursuant to ORS 165.540(1) (c), deputies are required to announce that the recording of voices and visual images are being made as soon as practicable; record this advice when possible. The exact verbiage will be left to the discretion of the deputy, however, a recommended notification may be: *"please be advised that I am recording this conversation"*. The only exception is when the recording is at a public meeting or rally, provided that the recording device is unconcealed.

Redundancy of BWC and MVR systems

11. BWC and its complimentary MVR system, capture the most information available for investigators and the courts when they are used in combination. However, there are times when not at the end of an incident whereby one of the two systems is recording superfluous information and may be turned off. There are no clear and bright lines dictating all circumstances when one system may be shut off; however, deputies are allowed to select one of the two systems in situations where the camera view or information the camera

Deputy discretion to use or not to use a BWC is should be articulated.

HB 2571 limits the discretion on the use of a BWC as a result of reasonable suspicion or probable cause that the person they are about to contact has committed or is about to commit a crime/violation. The BWC must remain on until the contact has concluded.

Should also outline other situations when a BWC should be activated.

Exceptions are permitted - provided they are articulated by the agency in their procedures.

would capture will not assist in the investigation or recreation of the incident. Examples would be a deputy shutting of his or her MVR after the contact has made it well away from the patrol vehicle and all the MVR camera would capture is an uninvolved street scene or wall, or deputy temporarily turning off his or her BWC to drive a custody to jail and all the BWC system would capture is the deputies view of the steering column and traffic.

BWC Operational Requirements

12. Deputies issued BWC should make every reasonable effort to use the BWC to capture events accurately and thoroughly, and always begin the recording as soon as practicable.

13. Deputies must use the BWC system to record any of the following for its entire duration:

- a. situations which the deputy develops either reasonable suspicion or probable cause that a person they are about to contact has committed or is about to commit a crime or violation. The BWC must remain on until the contact has concluded;
- b. stops for violations of the Oregon Vehicle Code (defined by ORS 810.410) whether it is for either a vehicle (defined by ORS 801.590) or a pedestrian;
- c. investigative encounters with suspects, victims or witnesses;
- d. consensual encounters, where a deputy reasonably knows he or she will attempt to develop a reasonable suspicion of criminal activity about the person encountered;
- e. 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) has occurred;* and
- f. any contact you are directed to record by a supervisor.

14. Deputies may, at their 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 the deputy believes, based on experience and training, should be audibly and visually recorded; and
- e. deputies are encouraged to record any encounter that does not meet the criteria in paragraph 13 above, where a person encountered directly alleges the contact, failure to provide police service, or investigation into that person is based upon profiling by the deputy.

HB 2571 requires continuous recording, however, exceptions are permitted and should be articulated in the procedure.

If a BWC recording is either not started or continuous recording of an event cannot be completed, the circumstances should be documented.

Prohibited Conduct – CCSO Policies (Oath of Office, Code of Conduct, Performance of Duty) apply – no need to restate.

A BWC is but one tool in the deputies toolbox to document events – ensure data is cross-referenced to general officence report.

The method for uploading will be determined by the system utilized (will it be wireless or wired, specific upload procedures and data tagging/retrieval should be mentioned) – this will need to be covered in

15. Once BWC recording is initiated, do not terminate the recording until the event is complete. An incident is considered complete when a reasonable person would consider the incident to have reached a logical ending. Termination of a recording either before the incident is complete or not turned on at all should only occur:

- a. when a reasonable expectation of privacy exists;
- b. when exigent circumstances or the safety of the deputy or other person before a recording can be made;
- c. in an extended situation when there is a reasonably believe there is no value in collecting further data (e.g., traffic control at an accident scene);
- d. under circumstances where technical difficulties render the BWC system inoperable; or
- e. if a supervisor directs that the recording be discontinued.

16. A deputy who is issued a BWC and develops reasonable suspicion or probable, but does not activate his/her BWC to record a contact with a person shall advise his/her supervisor prior to end of shift outlining the reason and ensure the circumstances are recorded in the applicable G.O. report. If a recording is discontinued before an incident is complete, the deputy shall verbally record the reason for discontinuing the recording, for example: *“I’m turning off the camera to protect the privacy of the witness/victim.”* If the recording was terminated and the incident for which the recording was incomplete (including the date and time of the incident), the deputy shall ensure the circumstances are recorded in the applicable G.O. report.

17. The BWC data file shall not be edited, altered or deleted by any person. Deputies are prohibited from using BWC data inconsistent with CCSO Policies.

BWC Recordings and Use

Viewing of BWC Recordings by Deputies

18. The accuracy of police reports, deputy statements, and other official documentation is essential for the proper administration of justice and complying with the Sheriff’s Office obligation’s to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Deputies are therefore required to review BWC recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, non-categorical use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

19. For each incident recorded on a BWC and unless involved in a lethal use of force incident or directed by a supervisor deputies shall:

training.

- a. identify applicable category (G.O number, date/time of recording, list of all files recorded if multiple BWC or MVR-equipped patrol units were recording a scene or event;
- b. upload BWC recordings at end of shift (any delay to be authorized by a supervisor) and review (read only access) the content of the BWC data, via approved and related software installed on the laptop computer in preparation of any report;
- c. review their video to ensure it is tagged with the proper classification and G.O. number and or citation number when these numbers exist; and
- d. review their video to ensure sensitive or confidential data is tagged to restrict access (i.e. recordings of juvenile offenders).

The MCT protocol should be reviewed to ensure County-wide agreement on the handling of investigations and the viewing of BWC. Consistency across the County should be discussed and agreed upon.

The importance of the deputy/officers perception (not influenced by 20/20 hindsight of the camera) should be an important factor in any investigation (Ref: DLG Law Group article).

Viewing of BWC data prior to court.

View of BWC data if the subject of an administrative investigation resulting from a complaint.

View of BWC data if subject of an

Viewing of BWC Recordings in Categorical Use of Force Incidents

20. If a deputy is involved in a Categorical Use of Force (CUOF), or circumstances that cause the activation of the Major Crimes Team (MCT) in accordance with the Inter-agency investigative agreement, that deputy shall not review his or her BWC until authorized by either the assigned MCT team coordinator or lead investigator. Once authorized, the deputy shall review his or her BWC recording, and any other relevant BWC footage, as deemed necessary and appropriate by the assigned MCT supervisor or lead investigator prior to making a voluntary statement. A deputy may have an employee and/or legal representative present during the review of the BWC recordings without the MCT investigator or supervisor present, and prior to providing a statement. In deadly force incidents, it is important for the deputy to provide his or her perceived version of the events. The separating and monitoring of deputies involved in CUOF shall be maintained during the review of BWC recordings and a review shall not occur jointly among involved employees.

Court Proceedings

21. Deputies should flag any incident for which 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).

22. Prior to testifying in a court case where BWC 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.

Professional Standard or Service Investigation

23. An employee who is to undergo an Investigatory Interview resulting from a complaint about an incident recorded by their BWC shall be afforded the opportunity to review applicable video files prior to being interviewed.

24. If a deputy is required to provide a formal statement as a result of a Professional Standards Investigation, the deputy shall:

investigation on the use of force.

Provide guidance on when BWC data can be used for training.

Public records requests to use BWC data must comply with specific HB 2571 guidelines.

Public interest is not specifically defined, however, situations that are not obvious should be reviewed by legal council and chain of command.

The legal requirement to blur faces will impact the type and cost of BWC system.

Ultimately, the Sheriff may have to determine what is or is not in the public interest. The PIO should be involved when BWC data is released to address any questions on behalf of the CCSO.

In some situations, release may be initiated by the Sheriff's Office, release should be coordinated with the

- a. have the option of reviewing the BWC recordings in the presence of the deputies attorney or labor representative; and
- b. have the right to review recordings form other BWC capturing the deputy's image or voice during the underlying incident and/or events that are subject of the investigation.

Training

25. BWC data may be used for evaluation/assessment of an employee undergoing FTEP training. Supervisors and Field Training Officers may review BWC data recordings of their assigned recruit deputy for training requirements and development.

26. 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 employees (i.e. employees individually identifiable) are 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 Undersheriff.

Public Release

27. If public records request for recorded data is received, the CCSO Records Manager or designee will follow release guidelines in the Oregon Public Records Law, including changes made to Oregon law by HB 2571, which requires that:

- a. the request must identify the approximate date and time of an incident recorded by the BWC;
- b. the request must be reasonably tailored to include only that material for which a public interest requires disclosure; and
- c. the request must have all faces rendered unidentifiable (blurred) prior to release.

28. The CCSO Records Manager shall confer with as necessary with the Chain of Command and CCSO legal council should there be a question concerning what is in the public's interest. The final decision of what is in the public's interest rests with the Sheriff. A reasonable attempt will be made by the Records Manager or designee to notify any involved employee(s) and the PIO prior to release of BWC video.

29. If the release of the BWC data is initiated by the Sheriff's Office, 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. The lead investigator shall coordinate any

PIO.

Extraction of BWC data files and redaction (blurring of faces required by HB2571) may be labor intensive and will require specialized software – costs may be impacted by the type of system employed by the office.

BWC and storage of other digital evidence requires the examination of a long-term sustainable solution, as well as, solid evidence continuity standards.

HB 2571 requires BWC data to be retained for at least 180 days – The office will need to identify a solution for data management (either utilizing internal IT resources or contract with a third party that meets HB 2571 and FBI/CJIS security requirements).

Procedure should outline supervisors responsibilities.

release with the PIO; and

- 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 rests with the Sheriff or designee.

30. The Records Manager shall charge the true cost to produce a public record from a BWC. General cost calculations will be listed on the Sheriff's Office web-site.

BWC Data Management

31. The CCSO IT Manager will be responsible for BWC Data Management and will ensure all BWC recordings remain the property of the CCSO and will not be released outside the CCSO except as authorized by Oregon Public Records Law, required by court order, or otherwise provided for in this procedure, or authorized by the Sheriff or designee.

32. The CCSO IT Manager will be responsible for the technical and data storage requirements of the BWC program, and will ensure:

- a. technical support and guidance to the BWC Program Supervisor;
- b. BWC video and audio recordings are safeguarded to ensure their integrity. Any BWC data, which is flagged as containing information relevant to a crime, violation, or actual or potential allegation of misconduct, shall be treated as evidence;
- c. authorized copies of recorded data are provided in a timely manner to persons who are authorized to access BWC system digital files;
- d. ensure that data is purged after it has surpassed their retention periods; and
- e. ensure BWC equipment is repaired and serviced in a timely manner to meet the requirements of law enforcement operations.

33. All BWC data shall be retained in accordance with the video file retention time periods established pursuant to Oregon Revised Statutes and Oregon Administrative Rules. All BWC data recordings shall be retained for at least 180 days, but no more than 30 months for a recording not related to a court proceeding or ongoing criminal investigation, or for the same period of time that evidence is retained in the normal course of the court's business for a recording related to a court proceeding, or for at least the minimum length of time required by **OAR 166-200-0100**.

Patrol Supervisor Responsibilities

34. Patrol supervisors shall review BWC data recordings of an incident involving an employee in their chain of command, or of an incident that he or she supervised, for purposes outlined

in this procedure. 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. However, supervisors shall not use BWC recordings as a disciplinary tool in the absence of a legitimate performance of duty complaint.

35. Do not direct that the recording of an incident be discontinued, under the authority given in paragraph 15 above, except at a point after the post-incident investigation has begun (i.e. at the point at which the incident has concluded and law enforcement employees 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.

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

Procedure should outline review of BWC by Investigation/Detectives.

Investigations Supervisors

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

Procedure should identify who is ultimately responsible for the BWC program.

BWC Program Supervisor

38. The Patrol Division Commander will supervise or assign a designee to supervise the BWC program, ensuring coordination with the Support Service Commander (Records and IT Manager) in the provision of equipment, data management and program objectives. The BWC Program Supervisor shall stay abreast of changes in law, operational procedures and technology – recommending changes when applicable.

4. BWC EQUIPMENT CONSIDERATIONS

There are a large variety of BWC available for use by law enforcement. They vary by a number of things, including battery life length, event marking, weight, camera placement, camera size, quality of video, vision type (day or day/night), field of view, playback capacity, charge time, pre-event recording, law enforcement radio interface, video and audio format, video safeguards, download capability (wired/wireless), storage options, staff support considerations, and cost³. The National Body-Worn Camera Toolkit: <https://www.bja.gov/bwc/> is intended to be a clearinghouse of the latest available research, reports, and knowledge on the technology.

The International Association of Chiefs of Police (IACP) has developed specific guidelines to consider when contracting with third-party vendors for cloud-based data storage. Selected key issues include: the vendor's system should be compliant with the FBI's Criminal Justice Information Services Policy (CJIS); the law enforcement agency should retain ownership of the data; the vendor should be prohibited from mining or sharing data without consent from the agency; and the agency should be permitted to conduct audits of the vendor's cloud system.

The Portland Police Bureau⁴ has outlined some equipment considerations when selecting a BWC system:

- **Frame rate** - 30 Frames per Second (FPS) is the recommended industry standard. (Less than 30 FPS will result in choppy video similar to older security cameras.)
- **Pre-event or "buffering"** - Pre-event recording will help capture what caught the officers/deputies attention and their reaction. The pre-event feature records a video segment 10 to 30 seconds prior to the activation of the record button.
- **Image quality** - 720p is becoming the industry standard. Because the frame size is larger, it is more likely to capture relevant video from an officer in a bladed stance with a chest mounted camera. Higher resolution video produces higher quality images; however, storage costs are more expensive because the video has more data.
- **File transfer and in-field video "tagging"** - some camera systems have the ability to download data (video files) over WIFI, some require docking stations (either at a police station or in-car), and others require an USB connection. Some cameras allow viewing the video in the field and to enter metadata, such as a case number or citation number, while others require a return to the station to add the data. Some pair with smart phones, while others have only a small LED field to enter the type of call.
- **Camera hardware and software selection** - camera quality is just one facet in a BWC selection. Back-end software is equally important and can require significant resources. Considerations

³ For example: the advertised Axon (Taser) Officer Safety Plan has a 5-year term (includes one Smart Weapon upgrade, two Axon camera upgrades, full warranty, repair and replacement coverage, and unlimited Evidence.com storage for \$99 per month per officer (estimated as 100 deputies = \$60,000/yr. or 250 deputies = \$150,000/yr.).

⁴ Capt. John Scruggs, Portland Police Bureau, *Body Worn Camera Policy Framework for Oregon Law Enforcement*, September 30, 2015.

will need to include ease of use, video data sharing (RegJIN G.O. and DA office) and case management of digital evidence.

5. RESOURCES

Body-Worn Camera Policy Framework for Oregon Law Enforcement Agencies – OACP & OSSA,
Published January 18th, 2016

Oregon Accreditation Standard 2.5.4 – Use of Audio/Video Recorders (New 01/31/16) – If the agency utilizes wearable or in-car audio/video recording systems, a written directive outlines the requirements for use. Policies shall include at least the following:

- a. Member responsibilities;
- b. Supervisory responsibilities;
- c. Criteria for activation and deactivation;
- d. Exceptions;
- e. Public Records Act requests;
- f. Documentation;
- g. Retention;
- h. Privacy considerations; and
- i. Restrictions.

The U.S. Department of Justice has developed a comprehensive clearinghouse for criminal justice practitioners interested in planning and implementing a body-worn camera program in an effort to strengthen community trust and confidence in the justice system and improve officer and community safety. The BJA Body-Worn Camera Toolkit can be found at: <http://www.bja.gov/bwc>

IACP BWC Model Policy, Concepts & Issues Paper (April 2014)

Oregon State Accredited Agencies

Beaverton Police Department – Policy 421

Medford PD – Policy 450 (draft)

Newport PD – Policy 447

Prineville PD – Policy 452