

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.



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Title: "Downtown Safety Cameras"
Author:
Attributed To: City of Columbia
Population: 113225
Sworn: 103
Last Updated: 07/24/2014

Supplemental Resource(s):

 www.gocolumbiamo.com/ (web)

Summary:

This ordinance is from the Columbia, Missouri, Municipal Code. This ordinance outlines the rules and regulations regarding downtown safety cameras.

Document Text:

Columbia, Missouri
Code of Ordinances

Chapter 24 Streets, Sidewalks and Public Places

Article VIII. Downtown Safety Cameras

Sec. 24-130. Definitions.

Downtown safety cameras means any digital recording surveillance system installed in an open and obvious manner by the City of Columbia to film public streets, sidewalks or alleys within the boundaries of the central business district. It does not include surveillance cameras installed in municipal parking garages and it does not include surveillance cameras installed at street intersections for the purpose of monitoring vehicular traffic and it does not include surveillance cameras designed to record any regular operations of city departments.

Exigent circumstances means unanticipated situations that threaten the immediate safety of individuals or property within the central business district.

Public notice shall at a minimum include posting notice on a bulletin board or other prominent place which is easily accessible to the public at the office building housing the city council chambers, together with notice published on the internet website for the City of Columbia.

Sec. 24-131. Authorization to deploy cameras.

(a) The chief of police for the City of Columbia is authorized to deploy or move downtown safety cameras for the purpose of enhancing public security.

(b) Before deploying or moving an existing downtown safety camera, the chief of police shall provide public notice of such deployment or proposed movement. The notice shall identify the public security concerns that have been considered in the decision to deploy or move the downtown safety camera as well as the general capabilities and viewing area of the downtown safety camera. The public shall have thirty (30) days to submit comments to the chief of police regarding a proposed deployment or movement, and the chief of police shall provide public notice of the chief's decision regarding deployment or movement in light of public comment.

(c) In exigent circumstances, the chief of police is authorized to deploy or move downtown safety cameras without the public notice or comment periods referred to in subsection (b), but only for so long as such exigent circumstances justify deployment or movement.

(d) Video recordings shall be indexed, stored and maintained for sixty (60) calendar days after which time they will be recorded over or destroyed. Recordings may be retained beyond sixty (60) calendar days upon written order from the chief of police and only because the recordings contain evidence of criminal activity, because the recordings capture an occurrence that may subject the Columbia Police Department to civil liability, or because the recordings will be used for training purposes.

Recordings that contain evidence of criminal activity or recordings that capture an occurrence that may subject the Columbia Police Department to civil liability shall be maintained only for so long as the recordings have evidentiary value. Recordings that will be used for training purposes may be maintained only for so long as they are actively used for training purposes.

(e) The city manager is authorized to enter into agreements with private contractors who supply and operate and maintain downtown safety cameras and related tapes and equipment and who agree to operate the downtown safety cameras pursuant to the provisions of this chapter.

Sec. 24-132. Limitations on deployment and use of downtown safety cameras.

(a) Downtown safety cameras may only be deployed so as to be conspicuous and only within the boundaries of the central business district, and may be in fixed or mobile locations.

(b) Downtown safety cameras shall only record areas perceptible to the human eye from public streets and sidewalks and alleys within the central business district where there is no reasonable expectation of privacy.

(c) Downtown safety cameras shall only capture video images and shall not capture audio recordings of any type without court authorization.

(d) Downtown safety cameras shall not target/observe individuals solely because of their race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.

(e) Downtown safety cameras shall not be used to infringe upon First Amendment rights.

(f) Access to the recording equipment for downtown safety cameras or the images captured by downtown safety cameras shall be limited to any private contractor under agreement with the City of Columbia to operate or maintain downtown safety cameras, or to criminal justice agencies and their personnel, but only for official purposes. Other access shall be limited to individuals or agencies given a court order granting access.

Sec. 24-133. Savings clause.

If any section, clause, sentence or part of this article be declared unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such section, clause, sentence or part of this article and shall not affect or impair any of the remaining sections, clauses, sentences or parts of this article.

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Eugene Police Department



Emerging Technology Considerations

000.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to EPD on when and how to consider implementing new technology. Each technology will be assessed separately, and may require its own policy. This policy is designed to assist in the decision making and public input process about using policies.

000.2 DEFINITIONS

Emerging Technology - Emerging technology is a relative term; however, for the purposes of this policy it is any technology that is not currently fielded or implemented, and is in the development or market-widening phases of business; furthermore, it is anticipated that the technology has the potential to substantially alter the business or operating environment of the department. Examples of once-emerging technology are In-Car Video systems, Computer MDT's, and cellular phones.

000.3 POLICY

The Eugene Police Department will always endeavor to provide the most comprehensive and capable service to the community. Our department leverages technology to multiply the efficiency of officers and deliver outstanding customer service. The department will closely monitor emerging law enforcement-based technology and will only ever select new technology that has been evaluated against constitutional protections of the community. The department will never select technology that cannot be used in a manner that does not protect the constitutional rights of the entire community. *(An example would be that the department would not equip officers with the latest bionic-listening devices if it was not possible that the device could be used in a manner that protected the constitutional rights of the persons law enforcement is attempting to listen to, and also protected any passersby or uninvolved persons from having their expectations of privacy violated.)*

000.4 CONSIDERATIONS BEFORE NEW TECHNOLOGY ADOPTED

Before any new technology is secured, an assessment should be completed which addresses the following:

- a. Description of the technology
- b. Description of how the technology is designed to prevent or respond to crime
- c. Unintended consequences
- d. Summary of public concerns where technology has been implemented
- e. Plan to address public concerns
- f. Plan to solicit public input. If no input is sought, explanation as to why no input is sought.

000.5 GENERAL GUIDELINES

The department will never utilize an emerging technology in a manner or for a purpose that knowingly violates the reasonable expectations of privacy of community members unless a valid search warrant has been signed by a magistrate authorizing its use.

Eugene Police Commission Outreach Toolkit

In 2011, the Eugene Police Commission embarked upon a comprehensive outreach effort to gauge the community needs and concerns related to a proposal by the Eugene Police Department to close a community police station. A committee of the Commission spent several months meeting with members of the community, neighborhood groups, business leaders, non-profit organizations and staff directly affected by the closure. The result was a set of recommendations rooted firmly in the expressed concerns of the public. In addition to developing the recommendations, the Commission sought to capture the steps taken and documents produced, to begin to create a toolkit to help the Commission or the Department on subsequent important outreach efforts. While every step does not need to be taken in every situation, this can serve as a check list of items to consider in every case.

1. Define the project
Clearly define the decision or options known
Clearly define the timeline consistent with externally established deadlines
2. Identify all possible affected parties
Who are the people affected by this?
3. Identify unique strategy to communicate with each segment of the community
What are the specific tools that can be used with each segment? Social media? Public meetings?
Small discussions? Flyers?
Use multiple formats throughout the process, noting what is successful
4. Document all media efforts
Create running tally of meetings, comments, media pieces
5. Document and report back all comments received
Indicates and documents that all comments were heard, and considered. Helps capture breadth of comments, both the loudest and last, as well as the quiet and first comments
6. Consider Triple Bottom Line
Evaluate and provide the public with the analysis of the fiscal impact of any proposal, as well as the sustainability and social impacts.
7. Share findings
Share information throughout the process with others, to gain and maintain credibility and support for project
8. Seek status reports on results
Obtain periodic status reports for the work and recommendations of the public, until the project is complete.
9. Report back to all who provided comments
Provide feedback to people who invested their time, to let them know what happened with their comments.
Check back with the stakeholders after the project is complete to gather their perceptions after the project is complete.
10. Debrief the process, document what worked well and what could be improved

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

Purpose (Why you want to address this topic)

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

Desired Outcomes (What you want to achieve)

At the end of this project, the Commission will:

Process Overview (How you want to accomplish the work)

The Commission will discuss this topic for _____ meetings, and would like to _____.

Scope (Quickly summarizes what and why and how)