

## Body Worn Cameras

### 447.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

The Newport Police Department has equipped Officers with body-worn cameras (BWCs) to provide records of events and assist officers in the performance of their duties. BWCs include all recording systems, whether body-worn, hand held, or integrated into portable equipment. This policy provides guidance on the use of these systems.

BWCs allow accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

Audio and video recordings also enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes and additional information for officer evaluation and training.

#### 447.1.1 DEFINITIONS

Definitions related to this policy include:

**Officer** – Defined as a sworn Police Officer and/or a Community Service Officer

**Activate** - Any process that causes the BWC to transmit or store video or audio data in an active mode.

**BWC technician** - Personnel certified or trained in the operational use and repair of BWCs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

**Evidence.com Dock** – Uploads data from the BWCs to the Evidence.com cloud computing website as well as simultaneously recharges the BWC and ensures evidence handling is secure and not altered.

**Evidence.com** – An online, web-based digital media storage facility that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a security clearance.

**File** – For the purpose of this policy, the term "file" refers to all sounds, images, and associated metadata.

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#### **447.2 POLICY**

It is the policy of the Newport Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

#### **447.3 PROCEDURE FOR BWC USE**

- (a) Only officers that have completed approved training will be allowed to operate the BWC.
- (b) Officers shall inspect the BWC system for any physical damage, and ensure the device is in working order at the beginning of their shift. Any problems will be reported immediately to their
- (c) Officers who are assigned BWC equipment must use the equipment, unless otherwise authorized by a supervisor.
- (d) Officers shall activate the BWC to record all contact with citizens in the performance of official duties as they relate to section 447.4.1 REQUIRED ACTIVATION OF BWC in this policy.
- (e) If an Officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the Officer shall document why a recording was not made, was interrupted, or was
- (f) Police personnel shall use only BWCs issued by this Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is
- (g) Care of BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of
- (h) Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police, or
- (i) Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- (j) If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious Force Response, the Department reserves the right to limit or restrict Department members from reviewing the video file.
- (k) Officers shall not in incidentarresandelatedeports that recording were made during the incident in question. However, BWC recordings are not a replacement for written reports
- (l) Civilians shall not be allowed to review the recordings at a scene.

#### **447.4 ACTIVATION OF BWCS**

This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate. An Officer may activate the BWC any time the employee believes it would be appropriate or valuable to document an incident.

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Officers shall notify all parties to the conversation that a recording is being made unless, pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7), and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasoned, certain felony drug offenses, felonies that endangers human life (ORS 165.540))

Officers should remain sensitive to the dignity of all individuals being recorded, and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the Officer that such privacy may outweigh any legitimate law enforcement interest in recording.

Requests by members of the public to stop recording should be considered using the same criterion. Recording should resume when privacy is no longer at issue, unless the circumstances no longer fit the criteria for recording.

At no time is an Officer expected to jeopardize his or her safety in order to activate a BWC or change the recording media. However, the recorder should be activated as soon as practicable in situations described in section 447.4.1.

#### **447.4.1 REQUIRED ACTIVATION OF BWCS**

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the situation. However, the audio portion of BWC recording may be valuable evidence.

The BWC should be activated in any of the following situations:

- (a) All field contact involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or Force Response
  - 8. Pedestrian checks or Field interviews
  - 9. DWI/DUI investigations including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Response to an in-progress call
- (b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Domestic violence calls
  - 2. Disturbance of peace calls
  - 3. Offenses involving violence or weapons

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- (c) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- (d) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

#### **447.5 OFFICER RESPONSIBILITIES**

Prior to going into service, each officer assigned BWC equipment will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for downloading any recordings, used media, and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Newport Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the BWC's operation in accordance with manufacturer specifications and Department operating procedures and training. Each BWC has as a unique serial number that is registered to each Officer during the initial setup phase. This unique serial number is logged into Evidence.com each time the Officer uploads the BWC data at the conclusion of his/her patrol shift. If the system is malfunctioning, the officer shall take the BWC out of service and notify their supervisor.

#### **447.6 CESSATION OF RECORDING**

Once activated, the BWC should remain on until the Officer's direct participation in the incident has concluded, or the situation no longer fits the criteria for activation. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

#### **447.7 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 154.543.

##### **447.7.1 RESTRICTIONS ON USING THE BWC**

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

- (a) Communications with other police personnel without the permission of the Chief of Police or his/her designee;
- (b) Encounters with undercover officers or confidential informants;
- (c) When on break or otherwise engaged in personal activities; or
- (d) In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

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#### **447.8 STORAGE OF BWCS DATA**

- (a) All files shall be securely downloaded periodically, and no later than the end of each shift. Each file shall contain information related to the incident date, BWC identifier, and assigned officer;
- (b) All images and sounds recorded by the BWC are the exclusive property of this Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited;
- (c) All access to BWC files must be specifically authorized by the Chief of Police or his/her designee; and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes;
- (d) Files should be securely stored in accordance with Oregon Revised Statute 131.125, and Oregon Secretary of State Archives Division records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

#### **447.9 REVIEW OF BWCS RECORDINGS**

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department BWC technician. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) When preparing reports or statements
- (b) By a supervisor investigating a specific act of conduct
- (c) By a supervisor to assess performance
- (d) To assess proper functioning of BWC systems
- (e) By a Department investigator after approval by a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By Department personnel who request to review recordings
- (g) By whomever is captured on, or referenced, in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process, or with permission of the authorized designee
- (i) By the media through proper process, or with permission of the authorized designee
- (j) To assess possible training value

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- (k) If a recording is to be shown for training purposes, the involved Officer shall be notified. If the involved Officer objects to showing a recording, his/her objection will be submitted to the Chief of Police (or his/her designee) to determine if the training value outweighs the officer's objection. Employees desiring to view any previously uploaded or archived BWC recordings will submit a written request to the Shift Supervisor. Approved requests will be forwarded to the BWC technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

#### **447.10 SUPERVISOR RESPONSIBILITIES**

Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

At reasonable intervals, supervisors will randomly review BWC recordings to ensure the equipment is operating properly, and that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, Department-involved collisions), a supervisor shall respond to the scene to ensure that the appropriate supervisor, BWC technician, or crime scene investigator properly retrieves the recorded media. The recorded media may need to be treated as evidence, and should be handled in accordance with current evidence procedures for recorded media.

#### **447.11 DOCUMENTING BWC USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the Records copy of the citation indicating that the incident was recorded.

#### **447.12 RETENTION OF RECORDINGS**

Any time an Officer records any portion of a contact the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number, transfer the file in accordance with current procedure for storing digital files, and document the existence of the recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

#### **447.13 COPIES OF ORIGINAL RECORDING MEDIA**

Copies of original recording media shall not be used for any purpose other than initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

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Copies of original recording media may only be released only in response to a court order, or upon approval by the Chief of Police, or his/her designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

#### **447.14 TRAINING**

All Department members who are authorized to use the BWC system shall successfully complete an approved course of instruction prior to use.

#### **447.15 ADOPTION / REVIEW / ACCREDITATION**

Adopted: D-15-003 -- 3-18-2015		Effective: 4-2-2015
Review: As needed		
Accreditation Standards: None		

