

**SALEM POLICE DEPARTMENT
BODY-WORN CAMERA SYSTEM**

Directive: 3.16
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Division of Primary Responsibility: Support

I. PUPRPOSE:

Body-worn cameras (BWC) are an effective law enforcement tool that can enhance the understanding of interactions between officers and the public. BWC provide additional documentation of police-public encounters and can be an important tool for collecting evidence, increasing transparency, and enhancing public trust.

II. DEFINITIONS:

- A. **Body-Worn Camera (BWC):** An electronic recording device individually worn by officers that can capture audio and video digital evidence when activated.
- B. **Digital Evidence Management System (DEMS):** A management system designed to digitally collect, store, disseminate, and purge recorded media. The digital recordings are accessible to authorized personnel and maintain an audit trail of user activity.
- C. **Metadata:** Any digital identifiers captured as part of the actual recording (e.g., date/time, GPS coordinates, incident category, etc.) including data entered by the officer.
- D. **Activate:** Cause a video or audio recording to be made through the BWC system.
- E. **Exigent Circumstance:** A circumstance where an officer must act immediately to prevent injury or death, to prevent the escape of a suspect. This may also include situations involving a victim or witness spontaneously providing information that in the officer's judgment should be recorded.

III. POLICY:

This policy is intended to provide direction on when and how to use BWC's and related video evidence. Use of BWC for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or

authorized designee.

The Department and officers will use BWC's consistent with this policy, state and federal law.

IV. OFFICER RESPONSIBILITIES

- A. BWC shall be worn by sworn staff working in a uniformed patrol operations capacity, and by investigators while responding to calls for service or involved in enforcement activities.
- B. Prior to using a BWC, officers shall receive department approved training on the proper operation, care, and applicable policies. Training shall be provided as necessary 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.
- C. Officers shall wear BWC's on the torso and in a position designed to produce an effective recording. Motorcycle officers may wear the camera in a different location based on performance or camera view.
- D. Officers shall only use BWC equipment issued by the Department. Personnel shall not remove, dismantle, or tamper with any hardware/software components. Officers may not use privately owned BWC's while on duty.
- E. If a BWC is lost, the officer shall immediately notify his/her supervisor and submit a memo as outlined in directive 3.02.
- F. Officers shall only use BWC's in conjunction with official Department duties.
- G. Equipment inspection and function check will be addressed in training and outlined in the BWC procedure manual.
- H. During the initial 60-day training period, officers will not be subject to discipline for any unintentional or inadvertent failure to follow this policy.

V. SUPERVISOR & POLICE DIGITAL EVIDENCE TECHNICIAN (IT) RESPONSIBILITIES

- A. Supervisors shall ensure officers are equipped with BWC devices prior to taking calls for service.

- B. In the event an officer fails to properly tag and categorize a video, the Digital Evidence IT Technician shall compare the video meta-data to the computer-aided dispatch (CAD) data to determine the appropriate categorization with regards to State-mandated retention requirements.
- C. In the event of a BWC technical issue or malfunction, officers shall notify a supervisor as soon as practical. The BWC should be exchanged with a functioning device as soon as possible. The nonfunctioning device will be sent to the Digital Evidence IT Technician to inspect the equipment, view the relevant footage, and troubleshoot or resolve the problem.

VI. ACTIVATION

Oregon requires BWC be set to record when the officer wearing the camera develops reasonable suspicion or probable cause to believe a crime or violation has occurred, is occurring or will occur, and the officer begins to make contact with person(s) suspected of committing the offense. The officer will not cease recording until the termination of the officer's participation in the contact.

- A. The BWC shall be activated in the following situations.
 - 1. All enforcement and investigative contacts including stops and fieldinterview (FIR) situations.
 - 2. Traffic stops including, but not limited to, traffic violations, strandedmotorist assistance, and all crime interdiction stops.
 - 3. Any contact which becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - 4. BWC's are required to be activated when taking reports from victims or witnesses unless there is a documented privacy concern.
 - 5. Other circumstances the officer believes video recording may add value or clarity to an incident.
 - 6. Transport of any person.

At no time is an officer expected to jeopardize their safety or impair a criminal investigation to activate the BWC. However, the camera should be activated in situations described above as soon as practicable.

If an officer fails or is unable to activate a BWC upon initial contact, the officer shall verbally record the reason once the BWC recording is activated. The officer shall also document the reason(s) in their report.

B. Special Teams Activation:

Officers participating in a SWAT or Crisis Negotiations Team (CNT) operation shall activate their BWC and continuously record while conducting the following, activities:

1. Actively covering a location or person.
2. Making an approach to a location or person.
3. Clearing property, to include open spaces, buildings, outbuildings, or other objects needing to be cleared.

Exceptions to the continuous recording requirements include deactivation of the BWC during SWAT operations such as:

1. Conversations regarding tactics or planning.
2. Deactivation or delayed activation of the BWC during prolonged events in order to maximize battery life if approved by a SWAT or CNT Supervisor.

Officers participating in an MRT operation shall activate their BWC while conducting the following activities:

1. When actively deployed and engaging a crowd.
2. When actively engaged with a person.
3. During a use of force or while taking a person into custody.

Exceptions to the continuous MRT recording requirements include deactivation of the BWC during operations such as:

1. Conversations regarding tactics or planning.
2. Deactivation or delayed activation of the BWC in order to maximize battery life if approved by an MRT Supervisor

VII. NOTIFICATION OF RECORDINGS

At the beginning of an interaction (or as soon as safe and practicable), officers shall notify all parties to the conversation that a recording is being made unless

the situation is exempt from notification pursuant to a court order under ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses) or the limited exception in ORS 165.540 (felonies that endanger human life). This notification should be included in the recording when possible. Exceptions can be made when the announcement may impair a criminal investigation or jeopardize the safety of an officer or any other person.

VIII. PRIVACY CONSIDERATIONS

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 outweighs any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using these same criteria.

Requests to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative. If no report is generated, the officer shall ensure documentation is made in the CAD incident and such documentation shall include the reason for deactivation.

Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording. Officers have no obligation to stop recording in response to a citizen request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary.

Examples and situations where it would be appropriate to turn off a BWC could include, but are not limited to:

- A. A witness or victim who wishes to remain anonymous or refuses to provide a statement if recorded and the encounter is non-confrontational
- B. Recordings that would jeopardize safety planning for victims
- C. Recordings that would disclose private security measures of residences or businesses
- D. Recordings that could interfere with the ability to conduct an investigation due to sensitive circumstances (e.g., nudity, sexual abuse, child exploitation).

IX. JUVENILES

Recordings of juvenile offenders will occur using BWC when officers are responding to calls for service or during the course of an investigation. Recordings of juveniles captured with the BWC will be handled and protected in the same manner as still photographs of juveniles.

X. DEACTIVATION OR FAIL TO RECORD

Officers shall continue recording until the incident is complete.

A. Deactivation

If the recording is discontinued before the incident is complete, the officer will verbally record the reason for deactivating the device. Additionally, the officer will document the reason for the deactivation in their report narrative, if a report is written. If no report is generated, the officer shall ensure documentation of deactivation is made in the CAD incident.

For purposes of this policy, an incident is considered complete when an objectively reasonable officer would consider the incident to have reached a logical ending, up to and including the transfer of an arrestee into the custody of another agency.

The camera must remain on continuously until:

1. The officer's direct participation in the incident is complete or there is a significant period of inactivity or other breaks from direct participation in the incident.
2. All persons stopped have been released.
3. An arrestee has been transported to a detention facility. The BWC shall remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room, or until custody of the arrestee has been transferred to appropriate jail personnel in the booking area and the officer no longer has contact with the arrestee. Officers shall comply with applicable BWC policies when booking an arrestee into any detention facility.
4. A supervisor has authorized (on camera) that the recording may cease.

B. Fail to Record

If an officer fails to activate a BWC or fails to record the entire contact

the officer shall document the reason(s) in their report. If no report is generated, the officer shall ensure documentation of deactivation is made in the CAD record.

XI. RECORDING RESTRICTIONS

The purpose of a BWC is to obtain evidence and information relevant to an incident. However, there are times when recording may be inappropriate for a given situation.

BWC's should generally not be used in the following circumstances.

- A. Interviews with child abuse victims, except in exigent circumstances.
- B. Interviews with sexual assault victims, except in exigent circumstances.
- C. In any location where individuals have a reasonable expectation of privacy (such as a restroom, locker room, break room, fitness room, etc.); or during training, briefings, incident debriefings, or departmental meetings.
- D. Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers should be careful to avoid recording persons other than the suspect(s) or witness(es) deemed relevant to the matter being investigated.

Patients undergoing medical, health care, or psychological evaluation by a clinician or in a similar health care facility setting during treatment should not be recorded, unless necessitated by investigatory or safety concerns, or unless there is reason to believe the suspect is present.

The BWC should remain activated inside a hospital/medical treatment setting only if the officer is conducting a criminal investigation and the individual being recorded is being interviewed or otherwise presenting evidence relevant to the investigation (including behavior of the suspect that is germane to the state of mind and criminal culpability of the suspect).

- E. Communications made in a psychiatric facility, unless otherwise permissible under this policy.
- F. Encounters with undercover officers or confidential informants.
- G. When an officer is engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney), or one which the officer may claim is confidential (e.g., police peer support,

labor representative).

- H. Clergy, health care provider, etc.
- I. Casual communications with other police personnel.
- J. When an officer is on break or is otherwise engaged in personal activities.
- K. Places of worship and/or religious ceremonies.
- L. Community policing activities.
- M. Routine, or strategic tactical planning communications with other police personnel, or other communications which do not fall within the recording guidelines outlined within this policy.
- N. 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.

XII. EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

XIII. DOWNLOADING AND TAGGING VIDEO

Officers shall be responsible for downloading recorded data from their BWC at the end of their shift unless a supervisor approves the delay of downloading until the next work shift. In situations involving officer involved shootings, or other incidents involving the officer that result in a person's serious bodily harm or death, the supervisor will immediately take physical custody of the camera and be responsible for downloading the data.

Each file shall be accurately categorized, tagged, and contain information related to the date and time of incident, case number, citation number or CAD incident number if video is tagged as something other than 'non-event'.

Members should flag any incident in 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, a victim advocate is recorded, sensitive victim cases) or of any recorded incident which might be valuable for training purposes.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

XIV. REPORTING REQUIREMENTS

Officers are still required to provide thorough written documentation of an incident and should document the existence of a recording in any report or other official record of the contact (i.e. CAD incident if no report is written), including any instance where the recorder malfunctioned, or the member deactivated the recording.

Refer to section V. Deactivation or Failure to Report for additional reporting requirements.

XV. REVIEW AND USE OF RECORDINGS

Officers conducting criminal investigations may review recordings from relevant BWC at any time, except where otherwise prohibited by policy.

Court personnel, prosecutors, city attorneys or their designee are authorized to access and manage recordings pursuant to their official duties.

Prior to testifying in a court case where recorded data will be offered as evidence, officers should, whenever possible, review the recording.

BWC's may only be used consistent with department training and equipment specifications.

Employees are prohibited from using body-worn cameras and the recordings for personal use. Employees are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Employees shall not duplicate or distribute recordings, except for an authorized legitimate Department business purpose. All such recordings shall be retained by the Department.

Officers shall not edit, alter, erase, duplicate, copy, share (other than individuals with a right to know), or otherwise distribute in any manner BWC recordings, images, and information. Requests to duplicate, copy, or share information for any of these will be made through the Police Digital Evidence Technician (IT), Chief of Police, or authorized designee.

- A. Except for official use in an investigation, officers will not take "screen shots" or make any reproduction of any video or audio content unless

approved by the Chief of Police or authorized designee.

- B. Viewing of video shall be limited only to individuals on a need-to-know and right-to-know basis, and only for the purpose of processing a case or when related to a Department matter.

Recordings shall not be used by an employee for the purpose of harassment, embarrassment, intimidation, or ridicule.

XVI. ADMINISTRATIVE INVESTIGATIONS

Unless prohibited by law, audio and video recordings from body-worn cameras shall be provided upon request to officers, their attorneys, and/or their union representatives during any internal investigation in accordance with the collective bargaining agreement and/or as allowed by law.

Prior to providing a formal statement in an administrative investigation, the officer shall have the option to review any of their own related BWC recordings in the presence of counsel and/or labor representative.

Such review(s) will not be allowed if the Chief of Police or his/her designee determines the review would interfere with an ongoing criminal investigation.

Supervisors and Professional Standards personnel are authorized to review relevant recordings under the following circumstances:

- A. After receiving a complaint from the public or another officer regarding general misconduct or policy violation(s). The supervisor or Professional Standards personnel shall limit such review to the incident specified within the complaint. Any additional review by the supervisor or Professional Standards personnel shall be limited in scope to the context of the original complaint and shall occur only to the extent warranted under the original complaint. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
- B. After receiving a report from the public or another officer regarding meritorious conduct or actions by an officer.
- C. If there is an allegation(s) of criminal misconduct by an officer(s), or if upon review of recordings, a criminal event is observed, the supervisor or Professional Standards personnel may investigate and review additional recordings.
- D. If an officer(s) is involved in what would be considered a "Critical Incident"

or of a serious nature to the public interest, the supervisor or Professional Standards Personnel may review the recordings to evaluate the situation.

- E. If an officer(s) is involved in or witnesses an event that requires a supervisor review.
- F. When an officer has been previously disciplined and/or placed on a “work plan” and employee notice of review is a component of the specified work plan. It is understood the supervisor or Professional Standards Personnel will limit the scope of their review to conduct of topics relevant to the discipline and/or “work plan”.
- G. Any probationary employee may have their recordings reviewed by a supervisor or the employee’s Field Training Officer to assist in the evaluation of the said employee if necessary, to address specific training deficiencies.
- H. If the supervisor or Professional Standards personnel believes a specific incident recording(s) may be a valuable training tool for the rest of the department.

XVII. USE OF BWC RECORDINGS FOR THE PURPOSE OF TRAINING

Recordings from BWC’s may be shown for training purposes with authorization from a Command Staff member.

Officers shall be provided with written notice if recordings intended for use for training purposes were either made by them or captured their image or voice. If an involved employee/individual objects to the release of the video, a determination of whether to release the video will be made by the Chief of Police or authorized designee.

XVIII. CRITICAL INCIDENTS

Following an officer-involved shooting, use of deadly force, or other critical incident, and when safe and practical to do so:

- A. BWC’s will be collected by the on-scene sergeant or designee and immediately powered off.
- B. Sergeants or Command Staff may review the BWC recording(s) to obtain identifying suspect information or other pertinent information necessary to provide a framework for the investigation such as the suspect(s) location and description; Injuries to officer or suspect; potential witnesses;

location of evidence; direction and estimated number of rounds fired; and overall scope of the scene.

- C. Involved officers' cameras will be turned over to a supervisor for processing. The Police Digital Evidence Technician (IT) will work with the investigating agency selected by the respective county's District Attorney's Office to provide the video footage.
- D. All BWC recordings that contain video of a critical incident or officer-involved shooting shall be immediately categorized as "restricted" by the System Administrator once the recording is downloaded.
- E. Officers involved in an intentional use of deadly force will have the opportunity to review any SPD BWC video that captures their actions, images, or words before giving a formal statement, unless prohibited by the lead investigating agency.

XIX. HANDLING OF DIGITAL MEDIA EVIDENCE

BWC equipment and all data, images, video and metadata captured and recorded are property of the Salem Police Department and cannot be used by any vendor for any purpose inconsistent with the above-mentioned directives. Recordings will be stored in a manner recommended by the approved vendor and agreed upon by the City of Salem Information Technology (IT) Department in accordance with all applicable laws and policies.

Evidentiary BWC recordings will be stored in digital evidence storage, like all other digital evidence. The Chief of Police will appoint a System Administrator who will manage the storage, retention and distribution of all BWC recordings.

The Police Digital Evidence Technician (IT) and/or Records Section will maintain electronic record of all BWC footage access.

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 consent of the Chief of Police or authorized designee.

All access and activity on the data storage system is logged and subject to audit at any time. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the System Administrator(s), the Chief of Police or authorized designee.

Any contract with a third-party vendor for data storage of recordings from body-

worn cameras must state that all recordings are the property of the Salem Police Department, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Salem Police Department.

Recordings from BWC's shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

XX. RETENTION REQUIREMENTS

All files from BWC's 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.

All data, images, video and metadata captured by the Department cameras are subject to State statutes and City policies regarding use and records retention. Recordings from body-worn cameras 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 investigation. Recordings that are evidence for an ongoing criminal investigation or court proceeding shall be kept in accordance with current records retention laws.

The retention period begins from the date the BWC recording was labeled or categorized. System Administrators, the Police Digital Evidence Technician, or 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 video which had not previously been labeled or categorized.

A BWC recording evidence retention schedule will be maintained in accordance with Oregon Revised Statutes.

XXI. PUBLIC RECORDS REQUESTS AND RELEASE

All public requests for BWC records should be made in writing utilizing the City of Salem Public Records Portal. Any department member who receives a public records request (PRR) for BWC recordings shall route the request to the Records Unit or the authorized designee. Requests will be reviewed and processed pursuant to ORS 132.345(40), City of Salem APP 2.5, SPD Directive 7.02, and Records Unit policy. At a minimum the following guidelines apply:

- A. Records related to an active criminal investigation/prosecution (including pending appeals) will not be released without the consent of the

appropriate District Attorney.

- B. Records related to a pending civil litigation matter (including pending appeals) will not be released without the consent of the Salem City Attorney's Office. A "pending civil litigation matter" includes incidents for which the City has received a Tort Claim Notice ("TCN"), but for which no complaint has yet been filed.
- C. The request must reasonably identify how release of the recordings would fill a specific public interest.
- D. The request must identify the approximate date and time of the incident.
- E. The request must be reasonably tailored to include only the material relevant to the identified public interest.
- F. Consideration given to preserving all person's privacy and sense of dignity.
- G. If a recording is released, it must be edited to render all faces of all persons within the recording unidentifiable.
- H. If a recording is determined to be releasable, the Records Unit will make a reasonable attempt to notify involved employee(s) prior to release.

XXII. ANNUAL REVIEW

The Support Services Division commander will ensure an annual written assessment of the BWC program, to include a policy review, occurs. The review will be routed to the Chief of Police for concurrence and appropriately filed.

RELATED DOCUMENTS:

Directive 3.02 – Uniform and Personnel Equipment

Directive 7.02 – Release of Information