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|  | LANE COUNTY SHERIFF'S OFFICE POLICY | Number: G.O. 7.27 |
| | | Issue Date: June 30, 2009 |
| | | Revision Date: |
| CHAPTER: Patrol | | Related Policy: |
| SUBJECT: In-Car Video Recording System | | Related Laws: |

POLICY: The use of an in-car video/audio recording system (ICV) can provide valuable documentation of police officer interactions with members of the community that originate from vehicles equipped with ICV systems. The video and audio recordings 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.

RULE: The use of an ICV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Deputies assigned the use of ICV devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the ICV and the integrity of evidence and related video documentation.

PROCEDURE:

- I. Program Objectives – The Lane County Sheriff’s Office has adopted the use of ICVs to accomplish the following objectives:
 - A. To enhance officer safety
 - B. To accurately capture statements and events during the course of an incident
 - C. To enhance the officer’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
 - D. To provide an impartial measurement for self-critique and field evaluation during new deputy training
 - E. To capture visual and audio information for use in current and future investigations

II. Deputies Will Adhere to the Following General Procedures

- A. Deputies may only use the ICV equipment after being trained in its use.
- B. The ICV equipment will be utilized in a manner consistent with this policy and the department training regarding its use.
- C. The following ICV system checks should be performed at the beginning of each shift:
 - 1. Proper power-up
 - 2. Correct date and time on monitor
 - 3. Camera(s) facing intended direction(s) with no obstructions
 - 4. System records both video and audio information
 - 5. Remote microphone and remote activation are working properly
- D. Report any damage to or problems with the equipment promptly to a supervisor. The supervisor should also be notified if the ICV system malfunctions during the shift.
- E. Wear the microphone in a location and manner that will facilitate clear audio recording. If multiple deputies are assigned to a single patrol unit, the deputy wearing the microphone should make the contacts during incidents to be recorded to the extent feasible.
- F. 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.

III. Deputies Will Adhere to the Following Utilization Guidelines

- A. The ICV system is automatically activated when the unit's emergency lights (forward and rear/ position two) are activated or may be manually activated by the officer in other circumstances.
- B. Use the ICV system to record any of the following:
 - 1. Any operation of the police vehicle while using the emergency lights and/or siren, as well as any emergency response to a call or situation where emergency light and/or siren are not used.
 - 2. Vehicle pursuits (required for all vehicles directly involved for the duration of involvement).

3. Vehicle stops.
 4. Any portion of a stop (as defined in ORS 131.605[6] of a person initiated stop) by the deputy that is made within range of the ICV.
 5. Situations when a person is in custody and is either being detained or transported in a patrol vehicle.
- C. A discretionary record may be made of:
1. Other official law enforcement contacts (e.g., enforcement-related street encounters).
 2. Transport of a person not in custody.
 3. Stranded motorist assists.
 4. Any other duty-related activity, situation, or event which the deputy believes, based on experience and training, should be audibly and visually recorded.
- D. Make every reasonable effort to use the ICV system to capture events accurately and thoroughly.
1. Begin the recording as soon as possible;
 2. Select the appropriate camera to record events (i.e., forward camera or rear seat camera);
 3. Position the camera in the most reasonable manner to record events (e.g., DUII field sobriety tests).
- E. Advise the person(s) being contacted that the contact is being recorded as soon as it is feasible to do so, recording that advisement when possible.
- F. Do not turn off the microphone during the contact, except that in certain situations the deputy 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.
- G. 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. The deputy may terminate the recording before the incident is complete only:

1. In an extended situation, if the deputy reasonably believes there is no value in collecting further data (e.g., traffic control at an accident scene);
 2. To protect the anonymity of a confidential informant, undercover officers, or other confidential information sources;
 3. Under circumstances where technical difficulties render the system inoperable; or
 4. If a supervisor directs the recording to be discontinued.
- H. If no supervisor is on scene, and one is not reasonably available for consultation, the senior officer on scene can authorize the audio portion of the recording of an incident be discontinued after the incident in chief 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 it to be discontinued.
- I. If the recording is discontinued before an incident is complete, the reason for the discontinuance should be verbally recorded. If the recording is discontinued and the deputy cannot record that fact, he/she should send an email to the supervisor prior to the end of his/her shift outlining the reason the recording was terminated and the incident for which the recording was incomplete (including the date and time of the incident.)
- J. 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.
- K. For video files involving enforcement actions, or videos of high profile or possible complaints one number is needed and, in this order, a case number, a citation number or a CAD number.
- L. **Record in any report prepared or notes made regarding the incident, that an ICV recording was made.** In reports and on citations, use a marginal heading on ICV/ and include the deputy's user ID (e.g., LCSOxxx), and the exact date and time the recording was made, using the time stamp from the video file database. The report must list the files recorded, if multiple ICV equipped units were recording.
- M. Transfer data to central data storage at least once per week, preferably at the end of the shift.

IV. Recorded Data

- A. The deputy is encouraged to review recordings of enforcement contacts when that review will assist him/her in preparing a written report.
 - B. Flag any incident for which the recording should be retained as evidence of a crime or violation, or where the recording may be useful in resolving an actual or potential allegation of misconduct.
 - C. Flag any incident for which it is believed all or some of the recorded data should not be released due to its sensitive nature (e.g., sensitive intelligence data, revealing identity of a confidential informant). This will ensure that careful review is done in evaluating any request to release these files.
 - D. The deputy is encouraged to notify his/her supervisor of any recorded incident which might be valuable for training purposes.
 - E. Ensure that recorded data is uploaded at least once during the work week, or at any other time when uploading may be needed to preserve or provide access to the information.
 - F. No one may attempt to alter, erase, modify, or tamper with the data recorded by the ICV system.
 - G. Prior to testifying in a court case where the recorded data will be offered as evidence, the deputy should review the recording to ensure that it represents a true and accurate depiction of the incident which was recorded.
 - H. An employee who is to be interviewed by a supervisor about an incident which has been recorded by the ICV system will normally be afforded the opportunity to review applicable video files prior to being interviewed.
- V. Use and Release of Recorded Data
- A. Requests for copies of recorded data will be forwarded to the Support Services Manager or the Records Specialists. Because the system records in real time and because of other records duties, at least 10 days advanced notice is required. Records has very limited ability to handle “rush” requests.
 - B. If recorded data are 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 the involved employee(s), the ultimate decision as to whether or not to use the involved data will rest with the Sheriff or designee. For purposes of this policy, “involved employee” means an employee who is individually identifiable.

- C. If public records request for recorded data is received, the Support Services Manager or designee will follow release guidelines in the Oregon Public Records Law, conferring as necessary with the Sheriff. A reasonable attempt will be made by the releasing person or designee to notify any involved employee prior to the release of information.
- D. Recording of ICV is subject to the space constraints of current DVR technology. Because the system automatically downloads a viewer on each recording, there is approximately one hour of actual recording time available. If the duration of a recorded incident exceeds 60 minutes, LCSO personnel will be forced to edit recordings. In performing this duty, staff will exercise due diligence in omitting inconsequential beginning or ending footage.
- E. If the release of the recorded data is initiated by the department, these guidelines will be followed:
 - 1. 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 a supervisor in consultation with the lead investigator. A reasonable attempt will be made by a supervisor or designee to notify any involved employee(s) prior to release.
 - 2. If the release is being made for another reason (e.g., an example of exemplary work), a supervisor 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 to use the data will rest with the Sheriff.

VI. Data Management

- A. Video and audio recordings made using the ICV system will be safeguarded to ensure their integrity. Only designated department personnel will have access to the original ICV system digital file.
- B. 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. This includes the preparation of an LCSO property/evidence form.
- C. Recordings made are the property of this agency, and will not be released outside except as authorized by law (e.g., Oregon Public Records Law), required by court order, otherwise provided for in this policy, or authorized by the Sheriff or designee.

- D. Recorded data will be maintained for at least the minimum length of time required by OAR 166-200-0100, and normally retained for seven months. Data from certain type of incidents will be retained for the time periods listed below. Files may be retained for a longer period of time when needed.
1. Data which is evidence of a crime or violation will be retained until the case reaches final disposition or through the appeal/post conviction relief period.
 2. Data which contains information relevant to an allegation of misconduct will normally be retained for the same length of time as the associated investigative file.
 3. Data involving any use of force reportable under our General Orders, and which does not involve an allegation of misconduct, will be retained for 30 months.
 4. A recording which is the subject of a denied public records request will be maintained until the disagreement about the release of the recording is resolved.
 5. Data regarding an incident which is the subject of a tort claim notice or other legal action will be retained until that action is resolved.
 6. Recorded data upon which a performance evaluation is based will be retained at least until the evaluation is given to the employee.

VII. Responsibilities and Procedures for Supervisors and Command Personnel

- A. A supervisor has the authority to review recorded video of an incident involving an employee in his/her chain of command, or of an incident that he/she supervised, for purposes outlined in this policy.
- B. The supervisor of a probationary deputy should periodically review recordings of contacts made by that probationary deputy to assist in better evaluating his/her performance.
- C. Supervisors of non-probationary officers are expected to conduct periodic reviews of data recorded by the ICV system of each deputy. The intent of the review is to evaluate deputy performance, ensure that the equipment is functioning properly, and to identify material which may be appropriate for training.
 1. A bi-weekly review should be made of data recorded by a deputy newly trained on the equipment.

2. Once the supervisor is satisfied that the officer is properly using the ICV equipment, he/she may then conduct quarterly reviews.
 3. Minor performance issues or minor policy violations (not criminal in nature) discovered during routine review of recorded material should be used as training opportunities, and not routinely handled as disciplinary issues. However, should the behavior or action be significant, or continue after being formally addressed, appropriate disciplinary or corrective action may be taken.
 4. 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 and used as part of the evaluation process.
- D. A Field Training Officer may review recordings of contacts involving his/her assigned recruit officer.
- E. Do not direct that the recording of an incident be discontinued, under the authority given in section III, G, 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 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.
- F. A supervisor investigating an allegation of misconduct or an inquiry should determine whether an ICV recording was made of the incident which might contain relevant information and, if so, review that recording as part of his/her investigation.
- G. 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 the authorized investigative personnel.
- H. Determine, in consultation with the PSD Commander, whether recordings of incidents identified as having potential training value should be retained for that purpose.

VIII. Investigations Supervisors

- A. An investigations supervisor may review data relevant to an investigation being conducted by his/her unit.
- B. An investigations supervisor may authorize an investigator to review and/or obtain a copy of recorded data relevant to an investigation the investigator is conducting

IX. ICV Program Supervisor

- A. Ensure that procedures are in place and followed to ensure the integrity of the original data.
- B. Recommend any changes in this policy which should be made due to changes in technology, laws, or other factors.

X Patrol Division Commander

The Patrol Division Commander will assign a supervisor to be the ICV Program Supervisor.