



## CLACKAMAS COUNTY SHERIFF'S OFFICE

### POLICY # 41

**Printed copies are for reference only.  
Please refer to the electronic copy for the latest version.**

ORIGINATING POLICY: PUBLISHED 11/10/2021

**References:** [LEM # 117](#) Body Worn Camera Procedures; [ORS 133.741](#), Law enforcement agency policies and procedures regarding video and audio recordings, requirements, exceptions; [ORS 165.540](#), Obtaining contents of communications; [ORS 192.345\(40\)](#), Public records conditionally exempt from disclosure; [ORS 133.402\(1\)\(b\)](#), Recording of custodial interviews of juveniles; [ORS 181A.250](#), Specific information not to be collected or maintained.

## BODY-WORN CAMERA

### Purpose and Scope

1. This policy establishes standards for the use, storage, and retention of video and audio recordings resulting from the operation of a Body-Worn Camera (BWC). Recordings will only be used for official law enforcement purposes in accordance with this policy and Law Enforcement Manual (LEM) # 117 *Body-Worn Camera Procedures*. This policy does not apply to mobile audio/video recordings, authorized undercover operations, or the use of concealed listening devices regulated by ORS 133.721 to 133.739.

### Policy Considerations

2. **Public Interest.** BWC cameras are an effective law enforcement tool that aids evidence collection and assists deputies in the performance of their duties by providing a record of enforcement and investigative contacts. The Sheriff's Office also may use BWC recordings to inform best practices, deputy training and community policing objectives.

3. **Evidentiary Limitations.** While BWC video can provide additional information, video recordings do not necessarily reflect the experience or state of mind of a deputy or other persons present. Differences between human and mechanical processing of information prevent a video from exactly matching what a person sees and hears during a critical confrontation. It is understood that the BWC may capture information that may not have been heard and/or observed by the deputy and other persons present, and likewise may not capture information observed. In view of these limitations, when evaluating the content of BWC video, it must be considered with all other available evidence as one piece of evidence, and not a substitute for a complete investigation of any incident.

### BWC Operational Requirements

4. **CCSO Equipment.** Deputies will wear the BWC in a manner determined by the Sheriff's Office. Deputies may only use a CCSO assigned BWC. No personally owned BWC's may be used.



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5. **Official Use.** Deputies will only use a BWC in conjunction with official duties and must be in uniform, displaying a badge while operating a BWC.
6. **Training.** Prior to using a BWC, deputies will receive CCSO approved training on proper operation and care, this policy and Law Enforcement Manual procedures (LEM # 117). Periodic training will occur as necessary to ensure the continued effective use and operation of equipment, and to address updates to policy or procedures.
7. **Operation.**
  - a. **Activation:**
    - (1). **Mandatory.** The BWC will be activated beginning when the deputy develops reasonable suspicion or probable cause that a crime or violation has occurred, is occurring, or will occur and the deputy begins to contact the person suspected of committing the offense. The BWC must remain on and continuously record at least until termination of the deputy's participation in the contact;
    - (2). **Exceptions to Mandatory Activation.** A deputy has discretion to not record or stop recording a contact when there are exigent circumstances, for the safety of the deputy or other persons, and for reasonable privacy concerns. Deputies will document in their report narrative the reason for any exception to recording:
      - (a). **Exigent Circumstances.** When a deputy encounters exigent situations requiring immediate action and where it is either unsafe or impractical for a deputy to immediately activate a BWC. Deputies will activate the camera at the first available opportunity after the exigency has been addressed, unless the circumstances no longer require recording;
      - (b). **Safety.** A deputy is not expected to jeopardize the safety of themselves or another to activate the BWC, when a deputy or another person is under immediate threat of harm and activation would delay immediate action. Deputies will activate the camera when it is safe to do so, unless the circumstances no longer require recording; or





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- (5). In a situation where the deputy has reason to believe there is no value in collecting further data (e.g., traffic control at a crash scene).
- c. **Notification of Recording.** A deputy will “announce” at the beginning of an interaction that the conversation is being recorded when the announcement can be made without jeopardizing the safety of the deputy or any other person, and without unreasonably impairing a criminal investigation. The notification will be included in the recording when possible.

### BWC Program Administration

8. **System Administrator.** The CCSO Technology Systems Manager is the System Administrator of the BWC Program and is authorized and assigned full access to user rights. This position controls passwords and end-user security access rights; oversees data storage; supervises the BWC Program Administrator; and, serves as liaison to the BWC manufacturer’s representatives on operational and equipment-related matters.
9. **Program Administrator.** Among other assigned duties, coordinates daily BWC program operations and is responsible for assigning and tracking inventory of equipment; periodic checks of equipment functioning; equipment maintenance; informs training; conducts program analysis; and, completes an annual program report to the Sheriff.
10. **BWC Field Manager.** This position is typically staffed at the command level rank and acts as liaison between field operations and CCSO Information Services to address immediate matters in the field, and ensures daily operations and training are consistent with statutory requirements.
11. **Retention/Storage.** All BWC video is retained for a minimum of 180 days, but no more than 30 months if not related to either a court proceeding or ongoing criminal investigation. All data, images, video and metadata captured by BWC are subject to Oregon laws and CCSO policies regarding retention and distribution of law enforcement records. All data is stored in compliance with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division’s (CJIS) security policy that governs access to law enforcement data.



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12. **Third Party Vendor Restrictions.** Any contract for services with a third-party vendor for data storage of BWC recordings, will state that all recordings are the exclusive property of the Sheriff's Office, are not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Sheriff's Office.

13. **Facial Recognition Technology Prohibited.** The use of facial recognition or other biometric matching technology to analyze recordings obtained by use of a BWC is prohibited.

14. **Public Records.** The CCSO Records Manager is responsible for the administration of public records requests. BWC recordings may be exempt from disclosure under Oregon Public Records law. No BWC data will be provided in response to a public records request, unless the facial features of all participants in the video are edited to render the faces unidentifiable. A public records request must identify the approximate date and time of an incident recorded by a BWC in accordance with [ORS 192.345 \(40\)](#).

15. **Review of Recordings.** BWC recordings will only be used for law enforcement purposes. Generally, employees are allowed to review BWC recordings to assist the following:

- a. report writing;
- b. training and education;
- c. investigation of a complaint;
- d. preparation before giving a formal statement about a use of force incident;
- e. preparation before giving a statement when a deputy is the subject of a disciplinary action; or
- f. system administration.



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16. **Annual Report.** The program manager provides an annual report to the Sheriff on program operations.