



CONSERVING THE PEACE THROUGH VALUES DRIVEN SERVICE / SHERIFF PAT GARRETT

## **Body Worn Camera (BWC) Program Frequently Asked Questions**

### **When will the BWCs be recording?**

Deputies activate BWC to record all public demand and self-initiated calls for service involving contact with community members.

### **How do I know if I am being recorded?**

At the beginning of any encounter or as soon as reasonably possible, deputies verbally advise any person they are communicating with that the conversation is recorded.

### **Can the cameras be turned off for sensitive situations?**

It depends. Deputies activate BWC to record all public demand and self-initiated calls for service involving contact with community members. However, deputies have the discretion to turn off cameras in certain situations, such as a conversation with a traumatized victim. The camera may also be turned off in locations where individuals have a reasonable expectation of privacy, such as a hospital, mental health facility or courtroom.

### **Are there limitations?**

Yes, while BWCs are a useful tool and provide a unique perspective, there are several limitations. A camera only gives a two-dimensional account of a three-dimensional environment and cannot provide depth of field. Distance is difficult to judge from BWC footage.

### **Can footage be edited or deleted?**

Deputies cannot edit or delete their own camera footage. The systems administrator is the only one who can edit footage, activate or deactivate features deputies can use.

### **What are the requirements for release of BWC video from a public records request?**

The Oregon Legislature established laws to regulate this process. Per Oregon Revised Statutes (ORS) 192.345(40) BWC recordings are conditionally exempt from disclosure unless the public interest requires disclosure. Assuming that the public interest requires disclosure, ORS 192.345(40) also requires that the person making the request must identify the approximate date and time of the incident for which recordings are requested. The request must also be tailored to include only that material for which public interest requires disclosure. The statute also requires that the faces of everyone in the video be edited in a manner as to render the faces of all persons in the recording unidentifiable.

There are other exemptions that may make all or part of body camera footage exempt from disclosure. For example, an interview with a victim would likely be exempt under ORS 192.355(2) because the personal information would be an unreasonable invasion of privacy.

**How long will the videos be kept?**

Per HB 2571 of 2015 and ORS 192.345 (40), BWC data shall be maintained for a minimum of 180 days and no longer than 30 months if it is not evidence in a criminal investigation. Managing the records will be the responsibility of the system administrator. If the data is evidence in a criminal investigation, it must be maintained in the same manner as other criminal evidence. BWC data involving homicides shall be kept permanently.

**Have BWCs decreased the use of force incidents in those who use them?**

WCSO sees no measurable change in deputies use-of-force or in incident outcomes. However, WCSO has quickly cleared several official complaints where the video contradicted accusations of misconduct. Decreased litigation through improved complaint response, and from improvements when video reveals mistakes, lowers overall costs.

**What is the cost of one BWC?**

The estimated cost is about \$5,000 per deputy for five years. After five years, WCSO will have to enter a new contract and cost will differ then. Additionally, there is an estimated cost of \$3,000 per vehicle to be upfitted with a vehicle mounted hotspot that transmits the BWC data to the cloud.

**How secure is the server?**

A separate data storage system is used to document events and capture data to be preserved in a digital storage facility. 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.

**What are the consequences or reprimands if policy is not followed by a deputy?**

Policy violations result in corrective action that range from counseling to employee discipline, depending on the specific circumstances.

**What will you do if you find out deputies are not behaving as expected?**

If video reveals a deputy does something out of policy, inappropriate, or illegal, then the appropriate level/type of investigation is initiated.

**What about my privacy?**

The courts have long held that an individual has no expectation of privacy in a public place. If a deputy has a legal right to be somewhere, they can also capture video. This includes private property. Concern for privacy is why WCSO carefully guards the release of captured video.

**Questions?**

Please call Public Affairs at 503-846-2773.