

IN-CAR VIDEO SYSTEMS

Directive 3.09
Date Issued 07-25-02
Date Revised 04-18-12

Office of Primary Responsibility:
OPERATIONAL SUPPORT SECTION

I. PURPOSE

To establish a procedure on the use, management, storage, and retrieval of audio-visual media for the In-Car Video Systems. This policy applies only to the In-Car Video Systems permanently mounted in marked patrol cars.

II. POLICY

In-Car Video Systems (ICVS) provides officers the ability to record video and audio field incidents. The ICVS system is limited to recording that portion of the field incident within the visual field of the camera's capability and within range of the fixed and remote microphones.

III. OPERATION OF THE ICVS

- A. Officers shall operate the ICVS pursuant to training, written instructions, and directives.
- B. The ICVS will automatically start when the overhead lights are activated, the vehicle is involved in a collision, or the vehicle reaches a set speed. The set speed activation will be reviewed on an as needed basis and may be altered by the Chief or a designee.
- C. Officers should manually activate the ICVS system, if tactically feasible, in the following situations:
 - 1. Arrests within view of the camera
 - 2. At the discretion of the officer
- D. Exceptions to manual activation of the ICVS system are if officer safety issues exist.
- E. Upon initiating citizen contacts, if safe to do so, the officer shall advise the contacted parties of the recording. Examples of such notification include, but are not limited to "For your information, we're being recorded right now", or "I'm advising you our conversations are being recorded." Participants need not consent to the recording. (Note: ORS 165.540(5) (c) specifically prohibits the recording of the whole, or part of any, conversation if all participants in the conversation are not specifically informed that their conversation is being obtained.)

Directive 3.09 – Revised 04-18-12 SPEU

- F. An officer may delay advising the involved parties of the recording, for safety reasons, if impractical to do so. The officer shall advise the involved parties of the recording as soon as practical to do so.
- G. Unless directed by a supervisor, once the ICVS is activated, it shall remain on and shall not be turned off until the contact or situation has concluded. Officers will be required to activate the wireless microphone at all times when recording equipment is in operation.
 - 1. Officers shall document in their reports when the ICVS was activated, and when the system was deactivated.
 - 2. Officers shall use ICVS when transporting an arrestee.
 - 3. ICVS may be manually deactivated during non-enforcement activities such as when the officer is waiting for a tow. Whenever the equipment is manually deactivated, officers shall properly document the justification for the deactivation.
- H. Officers shall not un-plug, disconnect, or otherwise tamper with the hardware or software of any ICVS system.
- I. Officers should review ICVS recordings to ensure and verify details of an event prior to documenting the event or incident in a written format.

IV. DOWNLOADING DATA

- A. Audio and video recordings from the ICVS are automatically downloaded to a city server via a wireless connection. Officers shall allow time at the end of shift for all ICVS data to download prior to signing off.
- B. If a vehicle containing an ICVS is disabled, data may be retrieved manually by notifying the department's Fleet Officer.

V. EVIDENCE

- A. ICVS files determined to be evidence shall be recorded onto a DVD by a Property Control Technician. Officers are responsible for notifying Property Control of the need to record the evidence onto a DVD.
- B. ICVS audio and visual recordings are evidence and subject to chain of custody procedures.
- C. Officers shall complete a 4-part detail page with instructions indicating which files need to be stored onto a DVD. The completed form shall be placed into the F-Locker.
- D. Evidence technicians shall be responsible for the storage, distribution and retention of

the DVD.

VI. MANAGEMENT OF RECORDINGS

- A. ICVS recordings are the property of the City of Salem. Audio and video recording shall be used for official law enforcement/investigative purposes only.
- B. Disclosure and viewing of the recordings by any involved or outside parties shall be subject to the appropriate legal process. ICVS recordings shall not be shown to any unauthorized person and in no event shall it be used to embarrass or ridicule any employee.
- C. ICVS recordings used in any disciplinary investigative process shall be provided to the involved officer and/or the officer's legal representative at the time notice is given to the officer that an investigation has begun.
 - 1. ICVS recordings involving vehicle speeds are not always the same or accurate as to the actual speed of the vehicle. This inaccuracy is due to the collection rate of the ICVS GPS system. For this reason, ICVS speed readings will not be used as a stand-alone determination of vehicle speed.
- D. Recordings may be used for the purpose of training following final disposition of the criminal case or administrative investigation. If an involved officer objects to the use of the recording, the officer's objection will be submitted to their supervisor in writing. Command staff will evaluate the officer's objection to determine if the training value outweighs the objections.

VII. RETENTION

- A. At the conclusion of any court case, all copies of the media required for the case shall be returned to Property Control for further storage and/or disposal.
- B. Recordings shall be retained as follows, pursuant to Oregon Administrative Rules 166-200-0005 and 166-200-0100:
 - 1. Recordings used as evidence shall be retained until disposed of in accordance with state law and department policy.
 - 2. Recordings used for internal investigations shall be retained in accordance with state law and department policy.

3. All other recordings shall be retained for a minimum of 190 days to ensure the recording is available in the event of litigation.

VIII. REPAIR

- A. At the beginning and end of each shift, officers shall ensure the ICVS is operating properly.
- B. Damage or equipment failures with the ICVS system shall be documented on a Radio Failure Report (Form 117) describing the problem in detail. The form will be placed in the holder next to the department key board or submitted to the Fleet Officer.
- C. If problems occur after regular business hours, the vehicle may continue to be used without the ICVS operating.

F:\OPERATIONS MANUEL\DIRECTIVES\3.09 In-Car Video Systems.wpd