



## CITY OF PORTLAND, OREGON



### Bureau of Police

Sam Adams, Mayor

Michael Reese, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

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### EXECUTIVE ORDER

DATE: July 10, 2012

TO: All Bureau Members

RE: New directive – 630.70 Mobile Audio Video Procedure

**ACTION:** This is a new directive that replaces the previous version DIR 446.00. Please note that this includes the Standard Operating Procedures for this new directive. Please read all information carefully.

### POLICY (630.70)

The Portland Police Bureau equipped some marked patrol cars with a recording system called Mobile Audio and Video (MAV). The MAV is designed to assist and complement patrol officers in the performance of their duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide a visual/audio record of the incident and to supplement the officer's report.

### PROCEDURE (630.70)

The MAV system is designed to turn on automatically whenever the patrol car emergency lights are activated, patrol car speed reaches 80 MPH, or a detectable collision occurs. The MAV can also be manually activated by the officer. The system remains on until turned off manually.

When the MAV is activated, officers should, as soon as possible, advise all persons present they are being recorded in accordance with Oregon Revised Statutes 165.540(5)(b).

### Required Activation of MAV (630.70)

This policy is not intended to describe every possible situation where the system may be used. However, there are many situations where the use of the MAV system is appropriate.

In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances, it is not possible to capture images of the incident due to conditions or location of the camera; however, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV.

The activation of the MAV system is required in any of the following situations:

- a. All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
  1. Vehicular pursuits.
  2. Suspicious vehicles.
  3. Arrests.
  4. Pedestrian checks.
  5. DUII investigations.

6. Consensual encounters.
  7. Responding to an in-progress call.
  8. Traffic enforcement.
- b. Any call for service involving a crime where the recording may aid in the apprehension and/or prosecution of a suspect, such as:
    1. Domestic violence calls.
    2. Disturbance of peace calls.
    3. Offenses involving violence or weapon.
  - c. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
  - d. Any other circumstances where the officer believes that a recording of an incident would be appropriate.

Once the MAV system is activated, it shall remain on and shall not be turned off until the officer has cleared the scene of the incident or the transport is concluded. For purposes of this section, conclusion of an incident includes, but is not limited to, when all arrests have been made, arrestees have been transported, all interviews of citizens have been conducted, and all contact with the subject has ended. Audio and video recording may cease if an officer is simply waiting for tow truck or a family member to arrive or other similar situations or during the after action review process.

#### **When Activation Is Not Required (630.70)**

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or not actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the express knowledge and consent of all parties.

#### **Review of MAV Recordings (630.70)**

Recordings may be reviewed in any of the following situations:

- a. By a supervisor investigating a specific act of officer conduct.
- b. By an investigator or supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- c. By bureau personnel who were on scene and either directly involved, or witnessed the incident, or with consent of the member, their collective bargaining representatives.
- d. By court personnel through proper process or with permission of the Chief of Police or his/her designee.
- e. By media personnel in accordance with current public records rules.
- f. Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to the appropriate Branch Chief to determine if the training value outweighs the officer's objection for not showing the recording.

All reasonable accommodations will be made to limit the impact of the incident on the member.

In no event shall any recording be released, used or shown for the purpose of ridicule or embarrassing any employee.

#### **Documenting MAV Use (630.70)**

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

#### **Video Media Storage and Integrity (630.70)**

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of six months after which time they may be erased, destroyed, or recycled.

### **Copies of Video Recordings (630.70)**

A copy of the original video recording will be made upon proper request for any person authorized in this directive.

Audio and video records may only be released in response to a valid court order, approved public record request, or upon approval by the Chief of Police or his/her designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

### **MAV Recordings As Evidence**

MAV recordings shall remain on the video evidence server and copies can be produced upon request, as stated in this directive.

### **Retention Of Recordings**

MAV recordings shall be retained as follows:

- a. Recordings used as evidence shall be retained until disposed of in accordance with the Release of Evidence protocol in the Property Procedures Policy.
- b. Recordings used for internal investigations shall be retained in accordance with the Purging of Files protocol in the Personnel Files Policy.
- c. All other recordings shall be retained for a minimum of six months to ensure the recording is available in the event of litigation.

## **RESPONSIBILITY, ACCOUNTABILITY AND CONTROL (630.70)**

### **Sworn officer responsibilities (630.70)**

The officer shall test the MAV system by logging in with his/her name at the start of each shift. The officer shall also test the system at the end of his/her shift and log out of the system. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

The MAV automatically stores the vehicle number, location, and time on each recording on the internal hard drive in the patrol car. When the patrol car reaches a wireless offload station, the video is automatically transferred to a server. In the event of a wireless offload failure, the officer will use the Universal Serial Bus (USB) drive attached to the MAV to offload the video.

### **DIR 630.70 Mobile Audio Video**

Standard Operating Procedures

Exhibit A

### **Policy Specific Definitions (630.60)**

Recorded media: Refers to audio-video signals recorded on any network server, computer hard drive, portable hard drive, memory card, DVD or CD.

### **Members' Responsibilities (630.60)**

- a. All officers shall successfully complete a Mobile Audio Video training course before being deployed in an operational setting.
- b. Prior to going into service, officers will ensure that all MAV equipment is working properly. If there are operating problems with any component of the system (video or audio) at any time prior to or during the shift, the system will not be used. The problem will be

documented in the officer's notebook and/or MDC, and a supervisor notified. If the MAV is determined to be nonfunctional, a written service request shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.

- c. When two or more MAV-equipped units respond to the same incident, all units should record the incident. The primary unit, as determined by the responding officers along with the disposition, will be responsible for appropriately documenting that the incident was recorded. Other responding MAV units will note on the MDC call history that they also recorded the incident.
- d. Members are encouraged to narrate events, when practical using the audio recording and obtain video of crime scenes and recorded statements from suspects, victims and witnesses in accordance with the ORS. The video, however, is a supplement to and not a replacement for a written report.
- e. When an incident covered by DIR 1010.10, or a use of force review has been initiated under DIR 940.00 when force is used, and a review of that incident has begun, a supervisor will ensure the audio and video recordings are turned off. In addition to the termination of the audio and video recordings under these situations, members who were involved or witnessed these incidents will under most circumstances have the ability to view the audio and video recordings during their investigative or administrative interview. However, when an overriding investigative need exists, the Professional Standards Internal Investigation Unit or the Detective Division RU Manager or designee may preclude a member from viewing audio and/or video recordings of an incident, depending on the circumstances.

### **Operational Protocols (630.60)**

For each recording, the member will select the category and will enter the case, incident, or citation number(s) for the incident after the recording has been terminated, or directly after the recording has been downloaded to the MAV Server.

Members:

- a. Shall not delete, alter, reuse, modify or tamper with MAV recordings with the exception of the MAV technician pursuant to the provisions of this policy.
- b. Shall not make copies of any recording for personal use, except for use in any criminal or disciplinary proceedings.
- c. May review the recordings when preparing written reports, except during investigations involving the use of deadly force or in an in-custody death, where the officer was neither a witness nor directly involved in the incident.
- d. Shall include copies for discovery when applicable.

When exporting MAV files to create copies to disc or other media, the member will note in the MAV Server application the reason for the video export. (i.e., evidence, traffic court, DMV hearing, media release, etc.) Disks created shall be marked with the case number, recording officer's name and DPSST number.

### **Supervisors' Responsibilities (630.70)**

Supervisors will:

- a. Ensure the division administrative supervisor is promptly notified when the supervisor reasonably believes that repairs are needed.

- b. Ensure the Training Division is notified when recordings contain material that the supervisor reasonably believes would assist in training.
- c. When an incident arises that requires the immediate retrieval of the audio and video recording a supervisor shall respond to the scene and ensure that the appropriate MAV technician, or other designee, removes the recorded media. The technician or designated person shall then:
  - 1. Upload the recorded media to the MAV server; and
  - 2. Make copies of the incident for investigative personnel.
- d. When an incident has concluded and a review of that incident has begun, a supervisor will ensure the audio and video recordings are turned off.

**Media Duplication (630.70)**

- a. All recordings are the property of the Portland Police Bureau. Dissemination outside of official Bureau business is prohibited without specific authorization from a supervisor.
- b. Recorded media shall not be copied, viewed, or otherwise inserted into any device not approved by the Bureau.

**Public Records and Discovery Requests (630.70)**

Requests for copies or viewings will be referred to the Records Division. Fees will be charged in accordance with Appendix A. Requests for viewing a recorded “crime” and any companion “violation” tracking with the case will be referred to the district attorney’s office. Requests for viewing a recorded “violation” will be conducted by the Records Division as follows:

- a. Citizen requesting to view traffic “violations” will be facilitated by the MAV Technician.
- b. A fee will be collected at the time of appointment before the viewing, a receipt will be issued and the payment will be forwarded to the Records Division for deposit.

A fee will not be charged for a copy of a MAV file to a governmental agency.

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For information, please contact Marsha Palmer, Chief’s Office, at 503-823-0264.

*Michael Reese*

MICHAEL REESE  
Chief of Police

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