

## **445 Bellingham Police Department**

### Policy Manual

## **Body Worn Video Recorder (DRAFT POLICY ONLY)**

### **445.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of body-worn video cameras (BWC) by members of the Bellingham Police Department while in the performance of their duties. This policy does not apply to the interception of conversations for lawfully authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230 .

### **445.2 DEFINITIONS**

Body-worn video cameras (BWC): System that captures audio and video signals that is capable of being worn on an officer's person, and that includes at minimum, a camera, microphone, recorder and monitor.

### **445.3 POLICY**

The Bellingham Police Department may provide officers with access to body-worn video cameras for use during the performance of their duties. The use of BWC under this policy will be on a trial basis. This policy is intended to more effectively fulfill the Department's mission and to ensure these systems are used properly, safely, securely and efficiently.

### **445.4 OFFICER RESPONSIBILITIES**

1. Prior to going into the field, each officer who uses a BWC will properly equip himself with a BWC to record audio and video in the field. At the end of each shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.
2. At the start of his or her shift and before going into the field, the officer should test the BWC in accordance with manufacturer specifications and Department operating procedures

and training prior to going into the field with the BWC. If the BWC is malfunctioning or not working the officer shall notify his or her sergeant.

3. The officer shall inform any person being recorded that a recording is being made and shall ensure said advisement is recorded (RCW 9.73.090(1)(c)). The officer orally advise the subject they are being audio and visually recorded.

4. Prior to the end of their shift, officers using BWC shall download the data at designated computers /docking stations as determined by the Department. After download, the officer should ensure the BWC system is available to be recharged.

5. Officers should document the use of BWC during an incident in their police report and include the recording in the evidence tab in Longarm under the corresponding incident number. 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.

#### **445.5 ACTIVATION OF THE BWC**

This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate.

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The officer should activate the BWC in any of the following situations:

(a) Field contacts involving actual or potential criminal conduct, including:

1. Traffic stops
2. Priority responses
3. Vehicle pursuits

4. Suspicious vehicles and suspicious persons
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. DUI investigations including field sobriety tests
9. Crimes in progress
10. Responding to an in-progress call
11. Domestic violence calls
12. Offenses involving weapons

(b) self-initiated activity in which the officer believes there may be evidentiary value in activating the BWC;

(c) Any contact that becomes adversarial after the initial contact in a situation that would otherwise not be recorded

(d) Any other circumstance that the officer reasonably believes that a recording of a contact or event would be appropriate.

Once started, recordings should continue without interruption until the contact ends.

At no time is an officer expected to jeopardize his or her safety in order to activate a BWC or change the recording media. However, the BWC should be activated in required situations as soon as practicable.

#### **445.6 SURREPTITIOUS RECORDING**

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090, RCW 9.73.210, and RCW 9.73.230.

#### **445.7 PROHIBITED USE**

Officers should not activate or use the BWC to record when exchanging information with other officers, during breaks, preparing written documents, and when not in service

or actively on patrol. When in any law enforcement facility, to include the Bellingham Police Department, the BWC shall be deactivated or disabled, left in the officer's vehicle, or placed in a charger to attempt to prevent an inadvertent recording of operational or personal conversations. The exception is when the officer is engaged in law enforcement activity and interacting in person with a suspect or member of the public.

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No officer or member of the Department may surreptitiously record any conversation of any other member of this Department except with a court order and when authorized by the Chief of Police or authorized designee for the purpose of conducting a criminal investigation. Officers and members of the Department are prohibited from using a Department BWC for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

All recordings shall be retained by the Department.

#### **445.8 RECORDING IN A PRIVATE RESIDENCE**

Officers who are equipped with BWC should not activate the camera in a private residence unless the resident consents to the recording. If the resident consents the officer should record the consent and the advisement that persons present are being recorded.

#### **445.9 RETENTION OF RECORDINGS**

All recorded imagery will be stored and retained by the Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended at the request of an officer or supervisor and should be extended if the

officer the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a non-criminal matter.

Any time an officer records a contact that constitutes evidence in a criminal case, the officer shall record the related case number, download the file in accordance with Department procedures to ensure the recording is retained for evidentiary purposes, and document the existence their Longarm case report.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter the member should promptly notify a supervisor of the recording's existence, download the file in accordance with Department procedures ensure the recording is retained, and document the existence in their Longarm case report.

Members should upload the files at the end of their shift and any time the storage capacity is nearing its limit.

#### **445.10 REVIEW OF BWC RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside the agency is strictly prohibited, except to the extent permitted by or required by law.

BWC recordings will not be routinely or randomly reviewed to monitor officer performance.

A supervisor may conduct a review of a specific incident. Reasons for reviewing a specific incident include but are not limited to: (1) capturing specific evidence for use in a criminal prosecution, (2) a civil claim has been filed or for a potential civil claim that could be filed against the City involving the incident, (3) a citizen complaint has made against an officer regarding the incident, (4) the incident included use of force, (5) the included a vehicle pursuit, (6) the incident included a vehicle collision, or (7) the incident involved serious injury or death.

Recordings may also be viewed in any of the following situations:

a. By a recording officer for use when preparing reports and statements;

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b. To assess properly functioning BWC systems;

c. By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation;

d. By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to his or her employment;

e. To assess possible training value;

f. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his or her objection shall be submitted to the staff to determine if the training value outweighs the officer's objection;

g. By an employee's legal representative and/ or bargaining unit representative who is involved in representing the employee in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation;

h. By the City Attorney's Office or other legal representative of the City by request.

When preparing written reports, officers should only review their recordings as a resource.

Members should not use the fact that a recording was made as a reason to write a less detailed report.

In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing an officer or Department employee.

Recordings will be provided to the City and County prosecutor's office when requested as

part of discovery for a criminal case.

#### **445.11 PUBLIC DISCLOSURE OF BWC RECORDINGS**

The release of BWC recordings in response to a request from a member of the public shall be governed by state law.

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