

MOBILE AUDIO VIDEO POLICY DIRECTIVE

Effective April 1, 2013, the following will be an interim policy and will replace, and is intended to supersede, the Mobile Video Recording Policy, Chapter 9, Section 3.1.

Reviewed March 22, 2013
Gary Jenkins, Chief of Police
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Mobile Audio Video

446.1 PURPOSE AND SCOPE

The Pullman Police Department has equipment that allows officers, to include Code Enforcement Officers, to be equipped with body-worn camera recording systems and the Department has equipped some marked patrol cars with In-car camera recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

Both of these recording systems may be commonly referred to as Mobile Audio Video (MAV) recordings systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system being used to transmit or store video or audio data in an active mode.

Body-worn camera recording system (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, and recorder.

In-car camera recording system (ICC) - System that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the Pullman Police Department to use mobile audio and video technology to fulfill the Department's mission and to ensure the systems are used safely, securely and efficiently.

446.3 OFFICER RESPONSIBILITIES

- (a) Prior to going into the field, each officer, to include Code Enforcement Officers, will properly equip him/herself to record audio and video in the field. Prior to the end of their shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.

- (b) Officers will test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training prior to going into the field with the MAV.

If the MAV is malfunctioning, the officer shall notify their supervisor.

- (c) Each officer shall read and adhere to RCW 9.73 in its entirety, with particular attention to RCW 9.73.090 (1)(c). Each officer is responsible to comply with current case law pertaining to audio/video recordings. The Department will provide on-going training and information to each officer as to current case law pertaining to audio/visual recording laws effecting law enforcement in the state of Washington.
- (d) Each officer is responsible for the proper care and maintenance of the MAV equipment used by and/or issued to the officer.
- (e) Prior to going into the field with a MAV system, each officer will ensure that the equipment is charged and working properly. Any problems should be brought to the supervisor's attention. Officers are encouraged to place the camera (either in the patrol car or on their uniform) in a position that will allow the recording of traffic stops, citizen contacts, arrests or any other police contact.
- (f) Prior to the end of their shift, officers will download the data using the prescribed hardware. After download, an officer will ensure that the MAV system is available to be recharged.
- (g) Once the data is downloaded, data can only be retrieved from the storage system.

446.4 ACTIVATION OF THE MAV

The BWC is designed to record audio and video simultaneously and is manually turned on by the officer

The ICC is designed to turn on whenever the vehicle's emergency lights are activated, when the vehicle's speed exceeds 35 MPH, or manually by the officer. The ICC remains on until the emergency lights are turned off, a timer expires, speed is reduced, power is removed, storage is filled, or it is turned off manually. The audio portion outside the vehicle is independently controlled and should be activated manually by the officer whenever appropriate.

446.4.1 ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the event due to conditions or the location of the camera. However, the audio portion can be valuable evidence and should be activated if safe to do so. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction 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. DWI/DUI investigations including field sobriety tests
 - 9. Crimes in progress
 - 10. Responding to an in-progress call
- (b) Self-initiated activity in which the officer believes that there may be evidentiary value in activating the MAV system
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disorderly conduct calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise be recorded
- (e) Any other circumstance where the officer believes that a recording of an event would be appropriate

446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until, in the opinion of the officer, the incident has concluded. Exceptions are purposes of officer safety and if the officer believes MAV activation will impede an interview.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, dictating reports, preparing written documents, when not in service or actively on patrol. When in any law enforcement facility, to include the Pullman Police Department, Whitcom, etc., the camera will be disabled, left in the officer's vehicle, or placed in a charger to attempt to prevent 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. The MAV will be re-activated before resuming normal patrol duties.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification to the Operations Commander.

At reasonable intervals, supervisors should validate that beginning and end-of shift and required activation of MAV procedures are being followed.

446.5 REVIEW OF MAV RECORDINGS

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

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- (i) By the media personnel through proper process or with permission of the Chief of Police or his/her the authorized designee.
- (j) To assess possible training value.
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.
- (l) 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.
- (m) By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as a personnel complaint, administrative inquiry, lawsuit, or a criminal investigation.

No sound or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises from the event or events that were recorded (RCW 9.73.090(1)(c)).

An employee's legal representative and/or bargaining unit representative will be provided copies of all recordings relevant to any official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation, relevant to or associated with a Department employee

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

446.6 DOCUMENTING MAV USE

If any incident is recorded with the video or audio system, the existence of the recording shall be documented in the officer's report. If a citation/infracton is issued, the officer shall make a notation on the back of the records copy of the citation/infracton indicating that the incident was recorded.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

All recordings that are not identified as evidence will be retained for as long as any crime may be charged based on the events, communications or conversations recorded, and disposed of in compliance with the established records retention schedule (RWC 9.73.090(2)).

446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Pullman Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.8 PROHIBITED USE

- (a) Members are prohibited from using department-issued MAV recording equipment or media, or viewing recordings, for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
- (b) Except as obtained by lawful process, members are prohibited from retaining recordings of activities or information obtained while on-duty. Except as obtained by lawful process, members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. Representation of an employee in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation is legitimate Department business. All such recordings shall be retained at the Department.
- (c) Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.
- (d) Recordings shall not be used by any member for the purpose of embarrassment or ridicule. Any member who may have questions regarding the application is encouraged to seek clarification from supervisory personnel.

446.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

446.10 INTERNAL INVESTIGATIONS

MAV recordings will not be reviewed by the Department solely for the purpose of initiating internal investigations against members of the Department. If a MAV recording is reviewed by the Department in response to a complaint and/or allegation of misconduct by a member of the Department, at the time the Department notifies the involved-employee(s) of the complaint/allegations, the Department shall provide the involved-employee(s) a copy of the complaint and/or allegations. At least seventy-two (72) hours prior to interviewing any involved-employee(s) about their conduct, which is part of a MAV recording, the applicable MAV recording will be provided to the involved-employee(s) and their legal a/or collective bargaining representative.