

## BODY CAMERAS

### 703.1.0 PURPOSE AND SCOPE

Body cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contacts with police officers. The Spokane Police Department employs body cameras for the purpose of contemporaneously and objectively documenting information about the details of such contacts. Video footage produced by body cameras may be used as evidence in civil or criminal investigations, reviewed administratively for officer compliance with department policies, used as a tool in law enforcement training, or utilized as a reference in incident documentation.

#### POLICY

It is understood that this is the draft policy for the pilot body worn camera test phase. The pilot test phase will be from 09/01/2014 – 12/31/2014. At the conclusion of the pilot a comprehensive review will be conducted prior to full implementation. It is the policy of the Spokane Police Department that job related interactions between patrol officers and citizens shall be recorded by use of body worn cameras during contacts in which an incident number is generated or maybe generated.

### 703.1.1 DEFINITIONS

- A. **ADVISEMENT** – Statement made by an officer at the outset of using a body camera to record a communication, conversation or interaction with a citizen. This statement is made for the specific purpose of informing the citizen that the communication or conversation is being recorded.
- B. **CONSENT** - Consent to record shall be considered obtained when the recording party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is being recorded. The announcement also must be recorded.
- C. **ACTIVATION** - Any process that causes the body camera to transmit or store video and audio data in an active mode.
- D. **BODY CAMERA** – Camera system that captures audio and video signals, capable of being worn on an officer's person that includes at minimum a camera, microphone, and recorder.
- E. **BODY CAMERA TECHNICIANS**- Personnel certified or trained in the operational use and repair of Body Cameras, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of

video forensics and evidentiary procedures.

F. **RECORDED MEDIA** - Audio-video signals recorded and digitally stored on a storage device or portable media.

### **703.1.2 ACTIVATION OF THE BODY CAMERA**

Patrol officers shall activate the body camera at the outset of each contact that is associated with an incident number, whether or not the contact documents a significant incident, forms part of a criminal investigation or has any perceived evidentiary value to the officer. Unless an officer holds a legitimate belief that activating the body camera would be unsafe given the facts and circumstances, the body camera shall be activated. If a safety issue has prevented activation of the body camera, the officer shall document the details in an incident report and report it to the shift supervisor. At no time should officers jeopardize their safety in order to activate a body camera. It is understood that rapidly evolving and complicated situations may delay camera activation due to incident priority. Officers will document this situation in their incident report. During the ***pilot body worn camera test phase*** no discipline will be administered for forgetting to activate the camera.

### **703.1.3 COMMUNICATIONS WHICH DO NOT NEED TO BE RECORDED**

It should be recognized that not all contacts between officers and citizens need to be recorded; officers should use discretion in determining whether it is appropriate to record. Officers are encouraged to consult with their supervisor whether or not to activate body worn camera in sensitive situations (eg. Persons in mental health or other crisis situation).

### **703.1.4 CESSATION OF THE BODY CAMERA**

Once activated, the body camera system shall remain on until the contact has concluded.

Some situations may warrant de-activation of the camera; in these instances the officer shall document in a written report the reason for the deactivation.

### **703.1.7 ADVISEMENT**

All body camera recordings shall comply with the provisions of the Washington Privacy Act, Chapter 9.73 RCW, which requires the officer recording private conversations, to announce to all parties engaged in the communication or conversation, that such communication or conversation is being recorded.

#### **A. Out of Custody Advise ment**

The officer recording the interaction shall advise an individual who is not in custody as follows:

1. Announce to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such

communication or conversation is being recorded.

2. The announcement shall be recorded.

**B. In Custody Advisement**

The arresting officer recording the interaction will advise the individual being taken into custody as follows:

1. Announce to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is being recorded.
2. The announcement shall be recorded.
3. If a person(s) is informed of their Miranda rights, such statements informing them shall be included in the recording.

**703.1.8 OFFICER RESPONSIBILITIES**

- A. All officers authorized to use body cameras shall successfully complete an approved course of instruction prior to their use.
- B. Officers are responsible for the proper care of the body camera used by and/or issued to them.
- C. Prior to each shift, the officer will perform the following steps:
  1. TEST - Ensure that the equipment is charged and working properly.
  2. REPORT - If the body camera is malfunctioning, officers shall notify their supervisors immediately. Will there be spares available?
  3. EQUIP - Properly equip themselves to record audio and video in the field. Officers are to attach the camera onto their body/uniform of the day, so as to allow the recording of job related police contacts.
- D. Prior to the end of their shift, officers will perform the following steps when uploading to Evidence.com (a cloud based data warehouse):
  1. Note the SPD case number in the case ID field.
  2. Enter a title. The title should include sufficient information to identify the file, such as by crime title, suspect name, location or the event.
  3. Select the appropriate category, i.e. traffic stop, DV etc.
  4. Enter via either a hand held device, MDC, or SPD computer work station to the evidence.com website.

- E. Upload and charge - Follow established procedures as outlined in this policy for recorded media and equipment, including placing the body camera in its docking station to upload the data from the body camera and charging the body camera using the prescribed hardware.

## **703.2 SYSTEM ADMINISTRATOR**

The Systems Administrator is the Director of Strategic Initiatives or his/her designee, and has oversight responsibilities to include, but not limited to:

- A. Operation and user administration of the system.
- B. System evaluation.
- C. Coordination with TARU (Technical Assistance Response Unit) regarding system related issues.
- D. Standard maintenance of body camera videos, to include procedures that ensure proper review, retention and release of body camera videos.
- E. Release of recorded media pursuant to media requests, public records requests and subpoenas duces tecum as allowed by law.

### **703.2.1 INFORMATION TECHNOLOGY**

TARU responsibilities shall include:

- A. Consulting with the Administrative Captain and Director of Strategic Initiatives regarding technology issues.
- B. Assisting with program management for body cameras.

### **703.2.2 REVIEW OF BODY CAMERA VIDEO**

- A. Officers may view all of their own audio/video data at any time.
- B. Recordings may be reviewed by individuals other than the recording officer in any of the following situations:
  - 1. By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct.
  - 2. By technical support staff for purposes of assessing proper functioning of body cameras.
  - 3. By an Internal Affairs investigator who is participating in an official IA investigation investigating a specific act of officer conduct alleged in a complaint of misconduct.
  - 4. By a department investigator who is participating in a criminal investigation.

5. By legal counsel and/or union representation representing an officer in a Critical Incidents prior to providing a statement pursuant to an administrative inquiry.
6. By officers of video from other officers on scene prior to providing a statement pursuant to a Spokane Police Department internal administrative inquiry, including officer involved shooting investigations.
7. By employees assigned to the training division for assessing possible training value, recordings may be shown for training purposes. Prior to any recordings being used for training purposes all involved officers will be notified. If an involved officer objects to showing a recording, his/her objection will be submitted to the training Captain to determine if the training value outweighs the officer's objection.
8. By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.
9. By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
10. By court personnel through proper process.
11. By the Ombudsman investigating a specific complaint.

### **703.2.3 RETENTION OF BODY CAMERA FOOTAGE**

- A. Recorded media stored in Evidence.com from which litigation, criminal prosecution or an administrative investigation is reasonably possible will be retained until all pending litigation, administrative investigations or criminal prosecution is resolved, including exhaustion of the appeals process. Thereafter, they will be maintained and destroyed in accordance with the Washington State Law Enforcement Retention Schedule.

All other recordings will be deleted or destroyed after 45 days.

- B. In the event of an accidental activation of the body camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the body camera video file in question be deleted by submitting a written request to the Division Captain or designee who shall review the video file, approve or deny the request and forward the decision to the Administrator for action.

### **703.2.4 PUBLIC DISCLOSURE OF RECORDED MEDIA**

Video/audio recordings from body cameras will be released in accordance with Washington State law regarding public disclosure.

### **703.2.5**

#### **UNAUTHORIZED USE**

- A. All body camera video footage, recorded media, recorded images and audio recordings are the property of the Spokane Police Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.
- B. No member of this department may surreptitiously record a conversation of any other member of this department except with a court order for the purpose of conducting a criminal or administrative investigation.
- C. Body cameras shall not be used to record non-work related activities (see Disciplinary Policy) .