

## BODY CAMERAS

### 703.1.0 PURPOSE AND SCOPE

Body cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contacts from 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. 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.

### 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 should activate the body camera at the outset of each contact, 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 should 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. Documenting officers will describe 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.

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

It should be recognized that not all contacts between officers and citizens need to be recorded. Certain interactions may be sensitive in nature and 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

### **703.1.2 CESSATION OF THE BODY CAMERA**

Once activated, the body camera system should remain on until the incident has concluded.

Some situations may warrant de-activation of the camera; in these instances the officer must 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 will 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 must 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 must be recorded.
3. The arrested person shall be informed of his Miranda rights, and such statements informing him 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. Officers will test the body camera's operation in accordance with manufacturer specifications and department operating procedures and training.
  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:

1. Operation and user administration of the system.
2. System evaluation.
3. Coordination with TARU (Technical Assistance Response Unit) regarding system related issues.
4. Standard maintenance of body camera videos, to include procedures that ensure proper review, retention and release of body camera videos.
5. 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:

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

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

- A. Officers may view their own audio/video data. Recordings may be reviewed in any of the following situations:
  1. Preparing reports or statements, to include critical incidents and preparation of a voluntary statement in a criminal investigation of a critical incident.
  2. Refreshing memory prior to courtroom testimony or for courtroom presentation.
  3. By a supervisor investigating a specific act of officer conduct stemming from a complaint or an allegation of misconduct.

4. Assessing proper functioning of body cameras.
5. By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or criminal investigation.
6. Critical Incidents: officers may consult with legal counsel and/or union representation and may review recorded media prior to providing a statement pursuant to an administrative inquiry.
7. Providing a statement pursuant to a Spokane Police Department administrative inquiry, including officer involved shooting investigations.
8. Releasing to the media through proper process or with permission of the Chief of Police or his/her authorized designee.
9. Assessing possible training value, recordings may be shown for training purposes. 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.
10. 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.
11. 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.

### **703.2.3**

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

- A. Recorded media stored in Evidence.com which has captured a unique or unusual action from which litigation or criminal prosecution is reasonably possible will be retained until all pending litigation 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 the end of the pilot project.
- 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.

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