

**Chief's Advisory Committee for
Development of Body Worn Camera Policy
March 20, 2023, at 1:00 p.m.
Fulton Community Conference Room**

Meeting Participants: Chief Buttice, Robert Dixon, Sandy García, Earl Gooding Jr., Kanasha (Henderson) Johnson, Captain Knudson, Noah Leavitt, Steve Moss

Absent: Mark Higgins, Dick Morgan

Chief's Welcome and Participant Introductions

Body Worn Camera Program

On March 8 the City Council approved the resolution to move forward with drafting a body worn camera (BWC) policy. Chief Buttice stated the intent of this policy group is to move closer to a policy that meets the requirements of achieving the goals of accountability, transparency, and safety. The first draft of *Policy 421 Body Worn Camera* was distributed and reviewed.

The draft BWC policy incorporates:

- The Revised Code of Washington (RCW),
- The Bureau of Justice Assistance Small, Rural, and Tribal Body-Worn Camera (SRT BWC) micro-grant requirements,
- Approved BWC policies being utilized in the state to pinpoint best practices. Captain Knudson surveyed other agencies in our state that have a BWC policy. For example, Seattle has used BWC's for years and their policy has evolved through lessons learned.
- As community feedback is obtained it also will be taken into consideration.

In addition, many resources were utilized to build this policy.

- Lexipol manages the Walla Walla Police Department's policy manual.
- The City of Walla Walla was awarded a \$90,000 grant from SRT for BWC (split into three years of \$30,000 reimbursement per year). To comply with the terms of the grant, SRT must approve our BWC policy.
- SRT provides a Policy Creator to assist with compliance.

On a side note, with the retiring of Captain Kevin Braman on April 19, Sergeant Kevin Bayne was promoted to Captain effective April 1. Captain Bayne will oversee the Patrol division. Megan Wright in Records was offered the BWC Records position.

Section 421.4 Patrol Officer BWC Assignment explain outline that officers while in uniform must use the equipment while in uniform during all citizens contacts.

Section 421.5 Non-Patrol Officer BWC Assignment outlines that non-uniformed detectives should wear a camera when useful and worn in a conspicuous manner.

Section 421.6 When to Activate BWC – Timing of Activation through *Section 421.9 Citizen Notification* outline the activation rules and citizen notification requirement.

- The BWC is activated by touching it twice.
- The camera beeps or vibrates when activated. It will beep an alert every two minutes to indicate the system is still recording.
- The BWC should be activated as soon as practical following a call, unless the situation in which activating the camera would be unsafe, impossible, or impractical.
- The camera is automatically activated when the officer's gun is pulled from the holster.
- There is mandatory activation for all contacts with citizens in the performance of official duties. The officer will notify people they encounter they are being recorded.
- The camera has a 30-second buffer. It will capture what happened 30 seconds prior to the camera activation. It provides video only and no audio during those 30 seconds.
- The officer is accountable to turn off the camera unless the battery runs out.
- The camera is designed to provide 12 hours of constant camera recording.
- There is a low-power warning notice. There is one spare BWC available for use. The sergeants can re-assign the cameras if needed.

Section 421.10 Deactivation General Statement through *Section 421.12 Circumstances for Temporary Deactivation – Discretionary Temporary Deactivation* outline the rules for BWC deactivation.

- Axon (our BWC vendor) replaces the body worn cameras in 2 ½ years.
- Officers can be working at a scene for hours and need to take a break or use the bathroom. The policy is worded in a way that allows for them to turn off their BWC while on a break.
- Prohibited activation of the camera includes when the officer goes on a break, or encounters other police personnel and records without permission, or in places of expected privacy like in a bathroom.
- Temporarily deactivation to respect individual's rights or dignity. This is a SRT BWC grant wording. When respect to their privacy outweighs law enforcements interests. Two examples include to respect a victim of domestic violence and when a victim/witness requests the camera be shut off in order to provide a statement.

Section 421.13 Data Transfers/Download – General Statement and *Section 421.14 Data Transfer/Download – When to Dock and Download* outline the rules for data transfer and downloading videos. Sandy García found *Section 421.13* wording confusing since it seems to be tied to *Section 421.14*. Chief Buttice explained the difference in the sections. Compiled records and videos turn into a case. A single video maybe tagged as a citizen contact and the video being purged in thirty days.

- Redaction laws have a legal impact on recorded BWC videos, especially regarding minors.
- Much of the data transfer is set up by the device. Download, tag, and mark the video in accordance with procedure document. This sets the archive retention requirements. Evidence.com will provide a cloud-based storage for WWPDP use only.

Section 421.15 Misuse of BWC – Prohibited Use of BWC through Section 21.20 BWC Viewing: External – Process for Review and Redaction outline there will be:

- No personal copies.
- Legitimate law-enforcement related use only.
- No privately owned BWC while on duty.
- Officers and sergeants cannot delete videos. If a video is deleted by the Chief or one of the two Captains, then there is an audit trail of why, who, and when it was deleted. There should be no need to delete video.
- Officers can review their own BWC footage prior to writing their report to refresh their memory.
- Insurance companies and the media may request a BWC video. Family members may possibly be given a copy of the video; however, this is on a case-by-case basis. People who were not involved in the recording are not usually allowed a copy of the event.
- BWC disclosure rules outline that within a week of receiving a redaction request we give the requestor an estimated release date of the requested video. Still, it takes awhile to get the video redacted, so it may take a while to get the requestor the redacted video. The delay is dependent on the number of redaction requests in front of this one and how long the video(s) are needing redacted.
- We plan to adopt the fee schedule that Seattle set up for video redaction, still it does not cover the full cost. There is a minimal fee to start the redaction process, and the remainder due to be given the redacted video. We will redact as the law allows and try to protect the identity of witnesses by only redacting videos as required.
- There is a separate Records policy. This is different than the BWC policy being drafted.
- Personnel will receive training prior to being issued a BWC and using it.

Sandy García asked for clarification on *Section 421.17 BWC Viewing: Internal – Supervisory Review of Investigations, Complaints*. Captain Knudson explained this language was proposed by the Walla Walla Police Guild Union’s attorney for transparency. It keeps city leadership from constantly reviewing videos to catch an officer in a policy issue. It is acceptable to follow-up if we find an issue when doing a random audit or when a citizen complaint is raised. A supervisor may review the recording 1) on a monthly basis for compliance, and 2) do a random review of audio and video files to ensure the equipment is working and being used properly.

All policies affecting WWPDP law enforcement personnel need to be shared with the Walla Walla Police Guild Union. Use-of-force related policies are especially important to both the guild and city due to the liability and risk. If the guild does not approve of the BWC policy or any other policy *and* the city puts the policy into effect anyway, it can create an unfair labor practice. Complaints of unfair labor situation can lead to litigation. We cannot negotiate the language of

the RCW or WAC; however, the internal interpretations can create issues. Additional terms and requirements are added by the city; these can be negotiated with the WWPDP Police Guild Union.

The Walla Walla County Sheriff's Office (WWSO), College Place Police Department (CPPD), and Washington State Patrol already have BWC's and use the same vendors (Axon and Evidence.com) that we will be using for BWC related services. That is part of the reason we selected these vendors. In addition, we also believe these vendors offer excellence in their business. Even though the law enforcement agencies in our area use Axon BWC systems and an Evidence.com cloud depository, each agency's videos are kept separate. If multi-agencies are responding to the same event and an officer/deputy triggers their camera, then all the cameras should trigger as well. We can email a video link to our video for their case. That way all pertinent videos are compiled together for a case.

The WWPDP is working on ways to improve our service to the community.

- We extended a conditional job offer to fill the vacant Records Clerk position. This individual comes with sign language interpreter skills.
- The Miranda rights cards the officers use have the words written in English on one side and Spanish on the other side.
- While there are some WWPDP officers who are bilingual/bicultural, they are not always available, so Dispatch and WWPDP officers have Language Line available to assist with language translation.

The video retention schedule for BWC footage is dictated by the State. In addition, the Washington State Criminal Justice Training Commission (CJTC) outlines videos related to an allegation of officer misconduct requires the video is kept for ten years after the officer retires or resigns. In addition, the Municipal Research and Services Center (MRSC) helps clarify best practices for video retention. (MRSC is a nonprofit organization that helps local governments find reliable guidance to rapidly changing laws and issues.)

Robert Dixon inquired if night enhancement was offered with the cameras. Captain Knudson responded night enhancement is not utilized. The recording needs to be true to the officer's vision.

Keep in mind while reading the draft policy that "should" versus "shall" is different from the legal perspective.

The *Chief's Advisory Committee for the Development of a BWC Policy* is the initial community involvement process. Some of you already have community members providing their questions and concerns regarding the draft BWC policy. Chief Buttice asked if the committee members were comfortable having their email made public so the community could send them their feedback and questions. He requested each member send him an email with their response and, if they are agreeable, what email to provide.

Brenden Koch will post the contact information on the city website. Later in the process we will release the draft BWC policy for public comment.

Chief Buttice's estimated timeline for the BWC process:

- On April 1 post the draft BWC policy and gather public comments for two weeks.
- During mid-April negotiate the impacts of the BWC policy with the Walla Walla Police Guild Union, and
- On May 1 implement the BWC's.

Next Meeting

The next Chief's Advisory Meeting is scheduled for March 28 at 2:30pm.

The March 20, 2023, meeting adjourned at 3:59 p.m.
Submitted by Deborah Minter