

**Chief's Advisory Committee for
Development of Body Worn Camera Policy
March 28, 2023, at 2:30 p.m.
Administrative Conference Room**

Meeting Participants: Chief Buttice, Sergeant Bayne, Captain Braman, Sandy García (via Zoom), Earl Gooding Jr., Mark Higgins (via Zoom), Captain Knudson, Noah Leavitt, Dick Morgan (via Zoom), Steve Moss, City Clerk Lisa Neissl

Absent: Robert Dixson, Kaneshia (Henderson) Johnson

Chief's Welcome

Body Worn Camera Program

The second draft of *Policy 421 Body Worn Camera* was distributed. Chief Buttice noted the clarification recommended by Sandy García was incorporated into it. In reviewing each section, the following was discussed.

Section 421.1 Purpose and Scope

No comments or changes were requested.

Section 421.2 Definitions

No comments or changes were requested.

Section 421.3 General Statement

With the current wording we would be required to wear a BWC even for a private event. Outside law enforcement personnel already have their own authorized BWC to utilize at events. Amended wording was requested in the first sentence.

Section 421.4 Patrol Officer BWC Assignment

No comments or changes were requested.

Section 425.5 Non-Patrol Officer BWC Assignment

WWPD officers will clip the BWC in a conspicuous location on their clothing, so it's readily seen.

Section 421.6 When to Activate BWC – Timing of Activation

No comments or changes were requested.

Section 421.7 When to Activate BWC – Mandatory Activation

Noah Leavitt was pondering the space between the title being worded “when to activate” in strong mandatory language and the body of the section addresses a less firm “appropriate” activations. Chief Buttice responded it is not possible to write a policy that addresses every situation. Sandy García recommended wording be added to the “timing of activation” to give the officer judgment leeway. Mark Higgins pondered how “mandatory” and “shall” are connected in this section. The group thought it would be good to list which calls where it is mandatory to turn on the BWC. Sandy García further recommended adding wording that this is not an all-encompassing list. After a lengthy discussion the group recommended the first sentence of *Section 421.7* be moved to *Section 421.3*, and the rest of the wording in *Section 421.7* be removed since it is covered in *Section 421.8 When to Activate BWC*. In addition, the word “appropriate” then gets moved to the end of the section.

Section 421.8 When to Active BWC – Prohibited Activation

Steve Moss asked if an officer may interview someone in the hospital. Captain Knudson agreed this could happen. Earl Gooding Jr. looked up the BWC Policy for the Seattle Police Department and found it lists the exception “unless it’s for a direct law enforcement purpose” such as a crime in progress or part of a material event in progress. Earl Gooding Jr. inquired if the group wanted to include a similar exception. The group expressed interest in doing so. Dick Morgan voiced concern about an officer triggering the BWC and forgetting to turn off the camera, unintentionally creating a video that conflicts with this policy. Inadvertent recordings are still open to public disclosure, it can be redacted but not deleted. Lisa Neissl liked the wording of the Seattle Police Department’s policy for the exceptions. If it’s unintentional then it’s not a policy violation. Captain Knudson will review the Seattle Police Department’s policy in this area.

Section 421.9 Citizen Notification

We are not required to get consent for BWC use. By law an officer simply must notify a person their conversation was being recorded. If we are investigating, then we need a court order and it’s all admissible. In that situation, an officer does not have to notify the person they are being recorded. Court rules for evidence are different. Officers do not have to notify people joining the event that we are recording with BWC if he/she has already done so.

Section 421.10 Deactivation General Statement

No comments or changes were requested.

Section 421.11 Circumstances for Temporary Deactivation – Temporary Deactivation

A sexual assault victim would find being recorded traumatic; therefore, interviews will often be conducted at the station in a protected environment. The group considered joining policy sections 421.11 and 421.12. They found some of the language in the two sections redundant. There was a discussion on whether to use “should” or “may” rather than the “shall” listed on the last sentence in 421.11. Steve Moss recommended asking the City Attorney to review the language of this section. Chief Buttice stated the intent of this section is to preserve the dignity of witnesses and victims. It is not to protect the dignity of the suspect; we are more likely going

to need to record interactions with suspects. There was concern with the vagueness of policy 421.11, and there was a discussion about using the words “should” or “shall.” Get rid of 421.11 completely and simply keep 421.12—would this accomplish what we are trying to do per Captain Knudson. The group recommended removing Section 421.11, and only keeping section 421.12.

Section 421.12 Circumstances for Temporary Deactivation – Discretionary Temporary Deactivation

This section was updated to include the wording Sandy García previously recommended to improve the clarity of this section. No further edits were requested here.

Section 421.13 Data Transfer/Download – General Statement

No comments or changes were requested.

Section 421.14 Data Transfer/Download – When to Dock and Download

No comments or changes were requested.

Section 421.15 Misuse of BWC – Prohibited Use of BWC

In another section the policy already outlines that officers will not use any other camera other than the official one, so the last sentence of section 421.15 can be removed. Earl Gooding Jr. recommended ending the first sentence at “copies of recordings” to simplify the sentence. The only time a video can be used is for a training moment on what not to do.

Section 421.16 BWC Viewing: Internal – Routine Review by Officers

This section allows officers to review the recording prior to court. No changes were recommended.

Section 421.17 BWC Viewing: Internal – Supervisory Review of Investigations, Complaints

Recordings shall not be reviewed for employee evaluation purposes. If a supervisor observed the officer being unprofessional misconduct, then the supervisor could review the body camera footage. Captain Knudson would consider adding wording that we will not do mandatory reviews on city-owned vehicles.

Section 421.18 BWC Viewing: Internal – Supervisory Review for BWC Policy Compliance

Chief Buttice articulated monthly audits need to be done to ensure the cameras work.

Section 421.19 BWC Viewing: External – Process for Public Release Requests

Chief Buttice and Lisa Neissl agreed the RCW’s outline some things can be released and some that cannot.

Section 421.20 BWC Viewing: External – Process for Review and Redaction

No comments or changes were requested.

Section 421.21 BWC Training – General Statement

No comments or changes were requested.

Section 421.22 Policy and Program Evaluation – BWC Program Review

The Special Investigations Unit (SIU) and the laws determine what body camera footage is released. (NOTE: The SIU investigates officer-involved incidents occurring within Benton, Franklin, and Walla Walla Counties.)

The Next Steps

The next step is to complete the following:

- 1) Revamp the draft policy and issue this once more to the committee for review.
- 2) City Attorney Tim Donaldson will again review the draft policy.
- 3) We will send the policy to the committee again with any noted changes. Chief Buttice will ask Ruben to change the draft Spanish version to reflect the changes.
- 4) Negotiate the policy with the Walla Walla Police Guild Union.
- 5) Implement the BWC's.

Next Meeting

While an additional meeting may be scheduled to review the policy draft, the next “regular” Chief’s Advisory Meeting is scheduled for Tuesday, April 18 at 2:30pm.

The March 28, 2023, meeting adjourned at 4:08 p.m.
Submitted by Deborah Minter