

## Body Worn Cameras

### 421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn video cameras (BWC) by members of the Department while in the performance of their duties. This policy does not apply to the interception of conversations for lawfully authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230.

### 421.2 DEFINITIONS

Body-worn video cameras (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, recorder, and monitor.

### 421.3 GENERAL STATEMENT

BWC equipment is issued to personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel and wear it in a conspicuous manner. This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate.

### 421.4 PATROL OFFICER BWC ASSIGNMENT

Officers who are assigned BWC equipment must use the equipment while in uniform during all citizen contacts unless otherwise authorized by their immediate supervisor. Each officer shall ensure that the BWC is in good working order prior to use.

### 421.5 NON-PATROL OFFICER BWC ASSIGNMENT

Any member assigned to a non-uniformed position should wear a body-worn camera at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the body worn camera in a conspicuous manner when in use.

### 421.6 WHEN TO ACTIVATE BWC - TIMING OF ACTIVATION

Personnel will make every effort to place the BWC in the "activated" record mode as soon as practical following a call for service and when involved in any official law enforcement matter as defined in this policy unless the situation in which activating the camera would be unsafe, impossible, or impractical.

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RCW 10.109.010(1)(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

#### **421.7 WHEN TO ACTIVATE BWC -**

Officers shall activate the BWC to record all contacts with citizens in the performance of official duties, including calls for service, motor vehicle stops, field interviews, investigative detentions, and for any other action/incident where the officer believes it is necessary or prudent to create a recording.

The Axon Signal Sidearm will send a signal to activate the BWC to event mode recording when the handgun is drawn from the holster and will activate any BWC in range of the signal. Axon Signal Sidearm "mute mode" may be activated when the firearm is removed from the holster for inspection purposes or when being temporarily stored.

The Axon Taser 7 CEW will send a signal to activate the BWC to event mode recording when the CEW is armed; when an ARC is initiated; and when the trigger is pulled. The CEW signal will activate any BWC in range of the signal. The CEW signal is disabled when the CEW is in function test mode.

Officers should document circumstances where a BWC failed to activate due to equipment malfunction in their case report. Equipment malfunction shall be reported to a supervisor as soon practical, following the incident.

RCW 10.109.010(1)(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

#### **421.8 WHEN TO ACTIVATE BWC - PROHIBITED ACTIVATION**

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record: a. Communications with other police personnel without permission; b. Encounters with undercover officers or confidential informants; c. When on break or otherwise engaged in personal activities; or d. In any location where individuals have a reasonable expectation of privacy, such as a locker room, or administrative meetings.

Personnel will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities unless for direct law enforcement purpose. Examples of law enforcement purposes include: Crime(s) in progress, taking resistant arrestees into custody, Ongoing or impending use(s) of force, supervisor interviews of arrestees for use of force investigations and arrest.

Personnel will not use a BWC to record any privileged communications such as: spouse, attorney, peer counselor, clergy or labor representative.

RCW 10.109.010(1)(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

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### 421.9 CITIZEN NOTIFICATION

When the BWC is activated for an official law enforcement duty or action, officers making initial contact with the involved party/parties on-scene shall inform them, upon arrival, that the situation is being recorded unless circumstances exist which jeopardize member safety upon arrival (i.e., a fight in progress, tactical operations, armed subject, etc.). In such cases, the party/parties should be informed as soon as practical.

Situations may be encountered where the person being notified is non-English speaking, has limited English proficiency, or where the person is deaf or hard of hearing. Notification may be accomplished simply by pointing at the camera while giving the advisement or providing the advisement in multiple languages from a reference card.

RCW 10.109.010(1)(d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

### 421.10 DEACTIVATION GENERAL STATEMENT

Once activated, the BWC should remain on continuously until the officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

RCW 10.109.010(1)(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

### 421.11 CIRCUMSTANCES FOR TEMPORARY DEACTIVATION -

Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording. Should a member of the public request an officer not record them, it shall be documented on the BWC and their reasoning for not being recorded.

Recording may be stopped during breaks from direct participation in the incidence, such as side-bar discussions with other members or a supervisor about strategies, tactics, or how to handle the contact.

RCW 10.109.010(1)(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

RCW 10.109.010(1)(b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a

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body worn camera;

RCW 10.109.010(1)(c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;

#### **421.12 DATA TRANSFER/DOWNLOAD - GENERAL STATEMENT**

Each officer shall take the appropriate measures to ensure all recordings are downloaded and stored within the designated video storage system. To assist with identifying and preserving data and recordings, officers should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

RCW 10.109.010(1)(f) Security rules to protect data collected and stored from body worn cameras.

#### **421.13 DATA TRANSFER/DOWNLOAD - WHEN TO DOCK AND DOWNLOAD**

Each officer will return the body-worn camera to the charging docking station at the conclusion of their shift. Officers shall download their BWC at the end of every shift, or when reasonably possible as approved by a supervisor. When necessary, it may be downloaded during their shift, to ensure storage capacity is not exceeded. Each file will be recorded as or tagged with a default descriptor and shall contain information related to the date, BWC identifier, and assigned officer.

RCW 10.109.010(1)(f) Security rules to protect data collected and stored from body worn cameras.

#### **421.14 MISUSE OF BWC - PROHIBITED USE OF BWC**

Officers are prohibited from using agency-issued BWCs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Officers are also prohibited from retaining recordings. Officers shall not duplicate or distribute such recordings, except for authorized legitimate agency business purposes. All such recordings shall be retained at the Agency. Recordings shall not be used by any officer for the purpose of embarrassment, harassment, or ridicule.

Officers are prohibited from using privately-owned body-worn video cameras while on duty.

#### **421.15 BWC VIEWING: INTERNAL - ROUTINE REVIEW BY OFFICERS**

Officers should use recordings from the BWC to assist with investigations, aid in completing reports, and preparing for court hearings. When completing reports and/or citations that a recording took place, the officer should include a brief description of what was captured by the BWC.

#### **421.16 BWC VIEWING: INTERNAL - SUPERVISORY REVIEW OF INVESTIGATIONS, COMPLAINTS**

A supervisor may conduct a review of a specific incident on an officer's BWC when there is an articulable reason justifying such review. Articulable reasons for reviewing an officer's BWC include, but are not limited to: (1) capturing specific evidence for use in a criminal prosecution,

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(2) a civil claim has been filed against the City involving the incident, (3) a citizen complaint has been made against an officer regarding the incident, (4) the incident included a use of force, (5) the incident included a vehicle pursuit, (6) the incident included a collision of a City owned vehicle, or (7) the incident involved a serious injury or death. Notwithstanding the other provisions of this section, Field Training Officers may review the BWC of probationary trainees in the Field Training Program.

BWC recordings will not be reviewed by the Department solely for the purpose of initiating internal investigations against officers of the Department. Recordings will not be used for the auditing of routine activity not related to criminal investigations or allegations of misconduct. Recordings shall not be reviewed for employee evaluation purposes.

#### **421.17 BWC VIEWING: INTERNAL - SUPERVISORY REVIEW FOR BWC POLICY COMPLIANCE**

On at least a monthly basis, supervisors should randomly review audio and video files to ensure that equipment is functioning properly, officers are using the equipment properly and in accordance with this general order and applicable law and to identify areas where additional training may be necessary.

*RCW 10.109.010(1)(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed*

#### **421.18 BWC VIEWING: EXTERNAL - PROCESS FOR PUBLIC RELEASE REQUESTS**

All digital video and audio files are subject to open records request as allowed by state law, with redaction as necessary. Such requests should include the date, time, and location of the recording and the names of the parties involved. Recordings that are the subject of a denied open records request must be maintained until the dispute between the agency and the person or entity requesting the recordings is resolved.

#### **421.19 BWC VIEWING: EXTERNAL - PROCESS FOR REVIEW AND REDACTION**

With some incidents, we may recognize the need of redaction of some recordings before release if the recording contains information that is confidential or exempt from disclosure or release under State or Federal law. If a recording shall be in need of redaction the reason and brief explanation of what was redacted shall be documented. Our agency will handle each request and incident on a case-by-case basis.

*RCW 42.56.240(14) Investigative, Law Enforcement, and Crime Victims relates to Washington State Law regarding redaction and public disclosure of body worn cameras.*

#### **421.20 BWC TRAINING - GENERAL STATEMENT**

Officers who are issued a BWC must receive training in the use of the BWC and this policy by an authorized department employee, and only those officers who have been issued a BWC and have received the department-authorized training may operate a BWC. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other

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revisions in Directive and equipment.

RCW 10.109.010(1)(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed

### **421.21 POLICY AND PROGRAM EVALUATION - BWC PROGRAM REVIEW**

To ensure that this policy is in compliance with applicable local, state, and federal laws, court rulings, and that it meets the needs of the Department, the BWC program manager will annually review and evaluate the Body Worn Camera policy and program.

RCW 10.109.010(1)(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed

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