

Redmond Police Department
Redmond PD WA Policy Manual

DASHBOARD AND BODY-WORN CAMERAS

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras by members of the Redmond Police Department while in the performance of their duties (RCW 10.109.010). 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.

Body worn camera systems will be used to enhance officer safety and are not intended to replace effective first-level supervisory practices. Body camera and dashboard camera use shall be in accordance with applicable law. In the event of future changes to applicable law, this policy may be reviewed and revised following standard department procedure.

422.1.1 DEFINITIONS

Body-worn video camera (BWC) - System that captures audio and video signals that is capable of being worn on a member's person which includes at minimum, a camera, microphone, recorder and monitor.

Dashboard Camera (Dash Cam) - A system mounted within a patrol vehicle that captures audio and video signals. This may include video and audio from ahead, behind, or within the passenger compartment of the vehicle.

422.2 OBJECTIVES OF BODY WORN VIDEO

The following provisions are intended to provide members with instructions on when and how to use BWC to ensure reliable recording of enforcement and investigative contacts with the public. "Members," as referenced below, includes all sworn personnel. The Department has adopted the use of BWC by uniformed personnel to:

- (a) Collect evidence for use in criminal investigations and prosecutions.
- (b) Deter criminal activity and uncooperative behavior during police-public interactions.
- (c) Assist members with completing reports and providing testimony in court.
- (d) Promote accountability.
- (e) Assist in resolving complaints against members including false allegations by members of the public; and,
- (f) Provide additional information for member evaluation, training, and continuous improvement.

Body Worn Video provides additional information regarding an investigative or enforcement contact with a member of the public. Body Worn Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, member interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of a member's actions.

422.3 POLICY

The Redmond Police Department provides members with access to body-worn video cameras for use during the performance of their duties. All who are provided with a BWC by the department shall use and wear it consistent with this policy. Members are prohibited from using privately-owned BWCs while on duty. This policy is intended to fulfill the department's mission more effectively and to ensure these systems are used properly, safely, securely, and efficiently.

422.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.5 GENERAL OPERATING PROCEDURES

Prior to going into service, each uniformed member will be responsible for making sure that they are equipped with a BWC issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Members are responsible to ensure the BWC remains charged and operational during their entire shift. Members will wear the BWC securely on their outer uniform positioned to capture interactions from a forward-facing direction.

The member shall orally inform any person being recorded that an audio and video recording is being made and shall make the attempt to ensure said advisement is recorded. Members conducting traffic stops while equipped with a BWC shall notify the occupants that there is an audio and video recording occurring. Members shall make a reasonable effort to ensure that non-English speaking persons, those with limited English proficiency, or hearing-impaired persons understand that they are being recorded.

A member may encounter a situation in public that is rapidly evolving, dynamic, and involving a group of persons. In these situations, it may not be feasible to advise all parties present that they are being audio and video recorded because of the dynamic environment. In a group, public setting, where the law recognizes minimal expectation of privacy, the member should advise the primary contact and all other parties as time and circumstances allow.

Any member assigned to a non-uniformed position may carry a BWC 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 recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever

reasonably practicable.

Video will be automatically uploaded from the patrol car to the video storage system. Members shall ensure video from a BWC is uploaded regularly by inserting the BWC into the in-car docking station. Members shall classify each video in the manner prescribed during their training.

Members shall document the use of BWC during an incident in which they write a police report. If a citation was issued, the proper notation shall be made in the SECTOR citation that the incident was recorded. Members shall also document in a report anytime the recording device malfunctions, or the member deactivated the recording.

422.6 ACTIVATION OF THE BODY-WORN CAMERA

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members are required to activate the recorder on all calls for service and law enforcement encounters and activities. Or, any time the member believes it would be appropriate or valuable to record an incident. When in doubt, members should consider recording.

The BWC shall be activated on any dispatched or self-initiated activity. While not all-inclusive, the following situations require activation of the BWC:

(a) Field contacts involving actual or potential criminal conduct, including:

1. Traffic Stops
2. Priority Responses
3. Vehicle Pursuits
4. Suspicious vehicles and suspicious persons
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. DUI investigations, including sobriety tests
9. Crimes in progress
10. Responses to an in-progress call
11. Domestic violence calls
12. Offenses involving weapons

(b) Self-initiated activity in which the member believes there may be evidentiary value in activating the BWC.

(c) Any contact that becomes adversarial after the initial contact in a situation that would

otherwise not be recorded; and

(d) Any other circumstance that the member reasonably believes that a recording of a contact or event would be appropriate

At no time is a member expected to jeopardize his or her safety in order to activate a BWC. The BWC should be activated in required situations as soon as practicable.

The dash camera is designed to turn on automatically whenever the emergency lights are activated to the second (emergency lights) position on the emergency equipment controller or when the remote microphone is activated. No adjustment of this setting is permitted.

Members 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 at issue unless the circumstances no longer fit the criteria for recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

Members recording law enforcement activity who inadvertently turn off their BWC shall not be subject to discipline, unless the member has been previously counseled for turning off or failing to activate their BWC.

422.7 RECORDING SUSPECT AFTER ARREST

Consistent with RCW 9.73.090, before a member records an arrested suspect with a BWC, the member shall

- (a) Inform the suspect that they are being recorded.
- (b) State the time the recording begins and ends.
- (c) Record the reading of the Miranda warnings

422.8 DEACTIVATING THE BWC DURING AN INCIDENT

Consistent with this policy, once started, BWC recordings should continue without interruption until the contact ends. However, members may de-activate or turn off the BWC during an incident in the following circumstances:

- (a) Members have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood,
- (b) Members have the discretion to keep their cameras turned off in situations involving rape, abuse, nudity, or other sensitive matters. Members should consider the evidentiary value of recording and the willingness of the victim to speak on camera.

- (c) Consistent with this policy, members may deactivate the BWC during an incident when exchanging information with other members or when engaged in an operational or tactical discussion with other members. If the BWC is de-activated during a contact to exchange information or discuss operation details with another member, the member shall state the reason the BWC is being turned off and the member should promptly re-activate the BWC before resuming duties related to the incident.

Anytime a member turns off the camera prior to the conclusion of an interaction or contact, the member shall document the reason for turning the BWC off on camera and in his or her police report.

422.9 RECORDING IN A PRIVATE RESIDENCE AND RESPONDING TO CIRCUMSTANCES WHERE A PERSON IS OR MAY BE UNWILLING TO COMMUNICATE WHILE BEING RECORDED

It is permissible to record in a private residence and, absent exigent circumstances or when a contact becomes adversarial, members shall verbally inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

If a victim or witness requests that their identity and/or communications remain confidential for public records purposes, the officer shall reflect this in their general report. There is no guarantee that these recordings will be exempt from disclosure, but these criteria will be evaluated at the time a public records request may be received.

If a citizen objects to being recorded, the member may elect to record the encounter despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.

422.10 RECORDING IN A MEDICAL FACILITY

Whenever practical, recording in a medical facility shall consist only of those persons pertinent to the investigation. It is highly recommended that victim interviews be conducted in an area where personal privacy can be protected and, if appropriate, should have a victim advocate present.

422.11 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member 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.

422.12 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously or secretly recording any

conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

422.13 REVIEW OF BWC RECORDINGS

All recording media, recorded images and audio recordings are the property of the Redmond Police Department. Dissemination outside the agency is strictly prohibited, except to the extent permitted or required by law.

Agency personnel shall not access recorded data for personal use. Agency personnel shall not upload recorded data onto public and social media websites without expressed permission from the Chief of Police or unless that data was obtained by other legal means, such as Public Disclosure Request.

BWC recordings will not be routinely or randomly reviewed to monitor member performance. A supervisor may conduct a review of a specific incident when there is an articulable reason justifying such review. Articulable reasons for reviewing a specific incident include but are not limited to:

- (a) capturing specific evidence for use in a criminal prosecution,
- (b) a civil claim has been filed or threatened against the City involving the incident,
- (c) a citizen complaint has been made against a member regarding the incident,
- (d) the incident included use of force,
- (e) the incident included a vehicle pursuit,
- (f) the incident included a vehicle collision,
- (g) the incident involved serious injury or death; or
- (h) with the involved member present to address a training or coaching issue in a private setting (such as Field Training or recurring performance issue). Supervisors shall not routinely or randomly review videos to find training or coaching issues.

Recordings may also be viewed in any of the following situations:

- (a) To assess properly functioning BWC systems when there is reason to believe that the system is not functioning properly.
- (b) By a department investigator who is participating in an official investigation, such as a personnel complaint or a criminal investigation.
- (c) By a member who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to his or her employment.
- (d) To assess possible training value at the suggestion of the involved member and approved by the Chief of Police or designee.
- (e) Recordings may be shown for training purposes. If an involved member objects to showing a recording, his or her objection shall be submitted to the Chief of Police or designee to determine if the training value outweighs the member's objection.
- (f) 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 or a criminal investigation.
- (g) By the City Attorney's Office or other legal representative of the City consistent with the

articulable reasons above.

- (h) As part of any Public Disclosure Request; or,
- (i) In connection with any incident that garners unusual media or citizen inquiry consistent with the articulable reasons above.

Members are permitted to review their BWC or In-Car camera recording prior to writing reports but when preparing written reports, members should only review their recordings as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

In situations where an member has not reviewed relevant BWC video prior to preparing a written report, providing a statement, or answering questions as part of a formal interview, or informal questioning; the Department recognizes that in those situations, the potential for accuracy may be diminished. As such, a member may not receive any discipline based solely upon a difference between the member's report and the video evidence.

In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing an officer or Department employee.

Recordings will be provided to the City and County prosecutor's office when requested as part of discovery for a criminal or civil case.

An electronic log of all times a recording is viewed or transmitted shall be maintained and will be accessible to the exclusive bargaining representative of represented members. The log will include the date, time, and reviewer.

422.14 ACTIVATION OF LIVE VIEW

The BWC has a feature enabling authorized personnel to activate the camera system remotely. The use of the "live view" feature can be activated by another department member when there is an extreme emergency involving the member and where the use of this feature is beneficial in locating or providing aid to the member. "Live View" may also be activated during responses to extremely serious situations such as mass casualty incidents, active shooters, and natural disasters. The use of live view will be included in the electronic log referenced below.

422.15 RETENTION OF RECORDINGS

All recorded imagery will be stored and retained by the Redmond Police Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended at the request of a member or supervisor and should be extended if the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a noncriminal matter.

Any time a member records a contact that constitutes evidence in a criminal case, the member shall mark the file within the video software program in accordance with Department procedures to ensure the recording is retained for evidentiary purposes, and document the existence of the video their case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non- criminal matter, the member should mark the file in accordance with Department procedures, ensure the

recording is retained, and document the existence in their case report.

Members should upload the files by the end of their shift and any time the storage capacity is nearing its limit. If the upload is going to incur overtime, the officer shall report the issue to their supervisor.

422.16 RETENTION PARAMETERS

All recordings shall be retained for a period consistent with the requirements of the State's records retention schedule.

- (a) Videos related to internal investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.
- (b) Records labelled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed.
- (c) Videos labeled as non-evidentiary shall be retained on the secure video server for 60 days and thereafter may be destroyed in accordance with the applicable records retention schedule (RCW 42.56.240)
- (d) Videos redacted for a public disclosure request shall be retained for 24 months after the request and then deleted.
- (e) In the event of an accidental activate of the BWC where the resulting recording is of no perceived investigative or evidentiary value, the recording member may request that the BWC video in question be deleted by submitting a written request to the Administrative Captain

422.17 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover member or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

421.18 PUBLIC DISCLOSURE AND REDACTION OF BWC RECORDINGS

Public disclosure of BWC recordings, including the redaction of video prior to release is governed by the Public Records Act, Chapter 42.56 RCW. The Public Records Program Coordinator will ensure that a copy of the recording is made and delivered in accordance with a lawful request.

422.19 RECORDING SECURITY

Recordings made by members shall be stored and secured on a city owned server maintained by the city's IT department or with a contractor capable of providing secured cloud or off-site storage. Recordings will only be accessible by those members with access rights or others granted limited or specific access rights.

Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWC recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

422.20 TRAINING

The Training Sergeant should ensure that those members issued a portable recorder receive initial training upon issue and periodic training thereafter (RCW 10.109.010).

422.21 COORDINATOR

The Chief of Police or the authorized designee should appoint a coordinator responsible for (RCW 10.109.010):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for transferring, downloading, tagging or marking events.
- (c) Establishing procedures for members communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a portable recorder is being used.
- (d) Establishing procedures for accessing data and recordings.
- (e) Establishing procedures for logging or auditing access.

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