

## SEATTLE POLICE DEPARTMENT MANUAL

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# 16.091 - BODY-WORN VIDEO PILOT PROGRAM

Effective Date: 04/01/2015

## 16.091 POL-1

This policy applies to officers who have volunteered to participate in the Body-Worn Video (BWV) Pilot Program and all employees that view recorded videos. The pilot program's primary focus is to evaluate the business process of recording, storing, and public disclosure of body-worn video.

The Memorandum of Agreement between the City of Seattle and the Seattle Police Officers' Guild outlines the scope of the program. Pursuant to that agreement, there will be no discipline that follows from not recording a particular incident with BWV. However, the Department may remove volunteer officers from participation in the pilot program for failure to record events as outlined in this policy.

Officers must also continue to follow the ICV policies if they are sworn employees who operate In-Car Video (ICV) systems (including Patrol, Traffic, Gang Unit, Canine, SWAT, etc.).

### 1. All Officers Operating BWV Must Have Completed BWV Training

Before officers deploy with a BWV camera, they will complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- \* Objectives of the BWV Pilot Program
- \* Camera operation
- \* Proper placement of the camera
- \* Department policy on camera usage
- \* Recording advisements

### 2. Officers Operating BWV Must Wear the Camera Properly

Officers will wear the camera in a location consistent with the training that allows the camera to record events.

### 3. Officers Will Perform Pre-Shift Function Checks and Note Malfunctions

At the start of the shift, officers will perform a check, as outlined in the BWV training, for issues with any of the following:

- \* Damage
- \* Camera mounting
- \* Recording functionality
- \* Previous uploads
- \* Battery charging

Any time the officer is aware of equipment malfunctions, the officer will:

- \* Notify a sergeant,
- \* Note the malfunction on the MDC/CAD log including the screening sergeant's name
- \* Notify IT staff for troubleshooting

#### **4. Officers Will Record Police Activity**

Officers will record the following police activity:

- \* Response to 911 calls, starting when the officer begins travel to the call and ending consistent with paragraph 5 below
- \* Terry stops
- \* Traffic stops
- \* On-View Criminal Activity
- \* Arrests and seizures
- \* Searches and inventories of vehicles or persons
- \* Transports (excluding ride-alongs and passengers for meetings)
- \* Vehicle Eluding/Pursuits
- \* Questioning suspects or witnesses

If circumstances prevent recording with BWV at the beginning of an event, the officer shall begin recording as soon as practical.

Employees will activate the BWV to record the above, even if the event is out of view of the camera.

Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, employees shall not intentionally record:

- \* People who are lawfully exercising their freedom of speech, press, association, assembly, religion, or the right to petition the government for redress of grievances. (Protected activity which is unintentionally captured while recording an event as otherwise required by this policy is not a violation.)
- \* Places where a heightened expectation of privacy exists, such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.

#### **5. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded**

Once BWV recording has begun, officers will record the entire event. An event has concluded when all of the following apply:

- \* The employee has completed his or her part of the active investigation;
- \* There is little possibility that the employee will have further contact with any person involved in the event; and
- \* The employee is leaving the area of the event

For transports, the event has concluded when the officer reaches the transport destination, such as the jail, hospital, or precinct, and is exiting the vehicle.

**Exception:** For residences or other private areas not open to the public, officers will ask for consent to record with BWV. The request and any response will be recorded. If the request is denied, officers will stop recording with BWV during the time that they are in the private area.

This exception does not apply to crimes in progress or other circumstances that would allow the officer to be lawfully present without a warrant.

Officers who stop recording with the BWV during an event must document the reason(s) for doing so in the GO report. If there is no GO created, the officer will document the reason(s) in an update to the call.

## 6. Officers Shall Notify Persons of Recording

Officers using BWV shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording.

Officers shall repeat the notification, if practical, for additional people that become involved in the recording.

## 7. Officers Will Document the Existence of Video or Reason for Lack of Video

Employees will document the existence of video, lack of video, or delay of the start of video in a call update and any related GO report, Street Check, Notice of Infraction, Criminal Citation, or Traffic Contact Report (TCR).

Employees who are not logged to a call or event but capture video of the event will log to the call and note that the event was recorded in a call update.

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.

## 8. Officers Will Enter Data for Recorded Events

Employees will assign the appropriate event type for all recordings and enter any related GO or event number(s) in the proper format. (YYYY-#####)

Officers will "flag" videos if any portion of the videos may contain images or audio of any of the following:

- \* Complainant/victim/witness requesting non-disclosure
- \* Complainant/victim/witness not requesting nondisclosure but disclosure would endanger life, physical safety, or property
- \* Information that if disclosed, would be highly offensive to a reasonable individual and of no legitimate interest to the public
- \* Medical information or treatment
- \* Mental Health information or treatment
- \* Any identifiable juveniles
- \* Confidential informants
- \* Entry into a private residence

## 9. Officers Shall Upload Recorded Video Before Going Out of Service

Officers will upload recorded video according to the training guidelines for the relevant unit model. If this is not completed before the end of shift, officers will notify a sergeant.

## 10. Officers Will Wear Only BWV Equipment Issued by the Department

Officers may not wear any personally-owned camera device for the purpose of recording enforcement activity. Only those camera units issued by the Department are authorized.

## 16.091-POL-2 Reviewing Body-Worn Video

This policy applies to all employees who review body-worn video recordings.

### 1. All Body Worn Videos and Related Data are the Property of the Seattle Police Department

Department policy governs all access, review, and release of body-worn video.

### 2. Employees May Review Recorded Video

Employees may view body-worn video for the following purposes:

- \* Complaint
- \* Criminal investigation
- \* Officer-involved collision, including Collision Review Board investigations
- \* Vehicle Pursuit investigation or review
- \* Force Review Board
- \* Public Disclosure request
- \* Use of Force review or investigation
- \* Performance appraisal
- \* As part of the Early Intervention System (EIS)
- \* Training purposes, with the permission of the involved officers.
- \* Audit and Quality Control/Troubleshooting

### 3. Minor Misconduct Discovered During BWV Review Will Not Result in Discipline

If, in the course of viewing BWV, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline or a sustained finding. However, such acts may result in a training referral or career counseling and may be included in an employee's performance evaluation.

In the context of BWV review, minor acts of misconduct will be handled either through mediation or the named officer's chain of command for appropriate follow up. In the context of BWV review, examples of minor misconduct include but are not limited to uniform violations, rudeness, and profanity.

**Exception:** Profanity and slurs that disparage a protected class under city, state, or federal law are not considered minor misconduct.

### 4. Users Shall Note the Purpose for Viewing Video

Any employee viewing a video shall manually make an entry in the application stating the purpose for viewing the video.

Each vendor's viewing application automatically logs the identity of a user who accesses a particular video, as well as the date and time of access.

## **5. Employees Shall Not Make Copies of Recorded Video Without Written Authorization From a Captain**

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