

20.00.120 BODY-WORN CAMERAS Bellevue Police Department

PURPOSE AND SCOPE

Audio and video recordings are an effective law enforcement tool that can be useful in case investigations and prosecutions as well as documenting police interactions with the public. This policy provides guidelines for the proper use, management, storage and retrieval of video and audio data recorded by body-worn cameras. 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.

POLICY

It is the policy of the Bellevue Police Department that all employees issued a body-worn camera shall use and wear it consistent with this policy. This policy applies to all employees authorized to operate the Body Worn Camera system and all employees with authority to view the recordings from the BWC system.

DEFINITIONS

Body Worn Camera (BWC) – system that captures audio and video signals that is capable of being worn on an officer's uniform or eyewear, and that includes at minimum, a camera, microphone, and recorder.

Body Worn Camera recording/BWC recording - a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of an officer while in the course of their official duties.

Body Worn Camera evidence system/BWC system – digital evidence management system used to store, retain, and access body worn camera recordings and data.

OFFICER RESPONSIBILITIES

All Officers Operating BWC Must Have Completed BWC Training

Before officers are issued and deploy with a BWC, 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 BWC Program
- Proper camera operation and placement
- Department policy on camera usage & state law
- Recording advisements

Additional training should be scheduled at periodic intervals to ensure the continued effective operation, and to incorporate changes, updates, or other revisions in policy and equipment.

Officers Operating BWC Must Wear the Camera Properly

Officers will wear the camera consistent with department training. Except where otherwise permitted by policy, officers shall not intentionally obstruct the camera for the sole purpose of blocking the recording while recording is in progress. The department recognizes that during the course of wearing a camera that is placed consistent with department training that the camera may become obstructed.

Officers Will Perform Pre-Shift Function Checks and Note Malfunctions

At the start of the shift, officers will perform a check for issues or damage with any of the following:

- Camera mounting
- Recording functionality per instruction and training
- Previous uploads
- Battery charging.

Any time the officer is aware of equipment malfunction or failure, the officer will as soon as feasible:

- Notify a supervisor (supervisor will notify a Captain of the malfunction/failure),
- Note the malfunction on the MDC/CAD log including the screening supervisor's name, and
- Check-out a spare body worn camera for assignment.

Officers Shall Upload Recorded Video Before Going Out of Service

Officers will upload recorded video to the BWC evidence system according to the training guidelines for the relevant unit model prior to the end of their shift. If this is not completed before the end of shift, officers will notify their supervisor and provide the reason why it could not be completed, and complete upload at the beginning of their next regular or overtime shift, whichever occurs first. Officers with assigned take home vehicles that capture video during the period between regular scheduled shifts, will upload any BWC videos captured during this period by the end of their next scheduled regular or overtime shift. All recorded video shall be uploaded prior to an officer leaving work if they are not scheduled to return to work for more than 24 hours. If the officer is unable to upload the recorded video prior to leaving work, they will notify the on-duty supervisor to confirm the on-duty supervisor can ensure the recorded video is uploaded.

Additionally, officers shall upload BWC footage as soon as practicable after a serious incident or when storage capacity is reaching its limit.

If an officer is involved in a shooting, critical incident, other serious use of force, or is suspected of wrongdoing that requires the immediate relinquishment of the officer's police powers, the officer's supervisor should take physical control of the BWC and will be responsible for uploading the data. The supervisor will take custody of the BWC out of public view. When an officer uses deadly force, the investigating agency may supervise the uploading of the video. In these circumstances the decision as to when the videos are uploaded shall be determined by the Chief of Police or designee.

Officers Will Wear Only BWC Equipment Issued by the Department

Officers may not wear any other camera device as a body worn camera for the purpose of recording police activity. Only those body worn camera units issued by the Department are authorized.

Audio/Video Interference

When safe to do so, employees will turn off the AM/FM radio and/or entertainment devices inside their vehicle before the audio recording is set to begin. If the radio/device was not turned off before the start of the recording, employees will turn off the radio/device as soon as feasible after the start of the recording. The radio/device must remain off during the entire recording of the incident, including the transport of any person.

ACTIVATION OF BODY-WORN CAMERA

Officers Will Record Consistent with this Policy

All commissioned personnel, uniformed personnel or non-uniformed, and Police Support Officers are required to wear a body worn camera consistent with this policy and their assignment.

Commissioned Uniformed Personnel

Uniformed personnel shall activate the BWC to record law enforcement action prior to making contact or arriving on the scene of a call, even if the event is out of view of the camera. Nothing in this policy prohibits the officers from activating the camera earlier or in situations where the officer reasonably believes law enforcement action will be taken or there may be value in activating the BWC for law enforcement purposes.

Specific situations of law enforcement action that shall be recorded by uniformed officers include, but are not limited to:

- 911 and dispatched calls
- Terry stops
- Traffic stops
- On-View Criminal Activity
- Arrests and seizures
- Searches and inventories of vehicles or persons, recognizing that there will be situations where an officer may use discretion due to the circumstances of the search of a person to not record.
- Service of search warrants
- Transports (excluding ride-along and passengers for meetings)
- Vehicle Eluding/Pursuits
- Questioning suspects or witnesses outside of an interview room that is audio and video recorded
- Custodial interrogations of felony or juvenile suspects outside of an interview room that is audio and video recorded
- Documenting reported or observed injuries of involved parties, including officers. Photography should still be the primary form of documenting these incidents.
- Self-initiated activity in which the officer believes there may be evidentiary value in activating the BWC
- When counting/collecting money, jewelry or other valuables for evidence
- When packaging narcotics for evidence

Any in-person contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording, as soon as feasible.

If circumstances prevent recording with BWC at the beginning of an event (due to level and/or immediacy of a threat), the officer shall begin recording as soon as practical.

This policy is not intended to require all activity during an officer's day to be recorded. For example, officers are not required to record while they are on routine patrol, engaging in citizen contacts that are community policing oriented, flagging traffic, or special events.

Commissioned Non-uniformed Personnel

Non-uniformed personnel will wear a BWC on their person and activate during planned operations such as the planned execution of a search warrant or a planned arrest for the portion of the operation that is the entry and/or arrest, the initial walk through of a search warrant execution, and the exit walk through at the conclusion of the search warrant. Non-uniformed personnel will wear on their person and activate BWC when responding to a crime in progress if bringing the camera does not delay the response to the crime. Non-uniformed officers may wear a BWC any time the officer believes that it may be useful.

Police Support Officers

Police Support Officers will be subject to the same requirements as a uniformed officer with regard to BWC use where applicable.

Exemptions (which apply to Uniformed, Non-uniformed, and PSO):

The sensitivity or exigency of a situation may warrant turning off, or not activating, the body worn camera. The decision not to record, to delay starting the recording, and/or turning off the recording, shall be based upon the facts and circumstances of the situation which the officer will document in the case report.

Officers who stop recording with the BWC during an event must document the reason(s) for doing so in the case report and on the recording prior to deactivating the recording device. If recording the reason prior to deactivating the device is not feasible, the officer's recording of the reason(s) must be made as soon as practicable after the device is re-activated. If there is no case created, the officer will document the reason(s) in an update to the call(CAD log).

A supervisor can authorize an officer to not record a specific event or activity. The justification for the authorization shall be documented in the case report.

Medical Facilities

Officers shall not intentionally record inside a medical facility unless for a direct law enforcement purpose such as a crime in progress, other incident in progress when the officer believes there is a reasonable likelihood of law enforcement action, the recording of the location is material to a criminal investigation, or of a person pertinent to the investigation. Any recording in a medical facility should consist only of those persons pertinent to the reason for recording. It is recommended that victim or witness interviews inside a medical facility be conducted in an area where personal and medical privacy can be protected.

Private Residences

Absent exigent circumstances or when a contact becomes adversarial, officers shall orally inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

If a person objects to being recorded, the officer may elect to record the encounter despite the objection. There is no legal requirement that an officer turn off the camera for a person who objects to having the interaction recorded.

Victim/Witness/Community Member Confidentiality

Officers have the discretion to not record or to stop recording during conversations with crime victims, witnesses, and members of the community who wish to report or discuss criminal activity confidentially without being recorded where the officer reasonably believes that recording would inhibit the

individual's willingness to provide information, disclose the identity of a confidential informant or jeopardize the safety of the individual being recorded, or another individual.

Tactical Planning or Incident Command Post Discussions

With supervisor approval, unless under exigent circumstances, officers have the discretion to deactivate the BWC during an incident when engaged in a tactical discussion planning or coordination that consists of law enforcement sensitive tactics, the disclosure of which would enable persons to undermine or overcome a law enforcement response during a future similar event or could reasonably be expected to risk circumvention of the law. If the BWC is de-activated during a contact to discuss operation details with another officer, the officer shall state the reason the BWC is being turned off and the officer should promptly re-activate the BWC before resuming duties related to the incident.

Confidential Informant/Undercover Officer

Unless there is an exigent circumstance, employees shall not intentionally record conversations with confidential informants and undercover officers to protect confidentiality and officer safety. Uniformed officers providing assistance to undercover officers should not activate BWC unless effecting an arrest or rescue operation.

Desks or Workspaces in City Hall

Officers shall not record incidents which occur at their desks or immediate work area at Bellevue City Hall unless there is exigency, or it falls in the list below:

- When counting/collecting money, jewelry, or other valuables for evidence outside of a room that is video recorded,
- When packaging narcotics for evidence outside of a room that is video recorded,
- Uniformed officers questioning suspects or witnesses outside of an interview room that is audio and video recorded, or
- Custodial interrogations of felony or juvenile suspects outside of an interview room that is audio and video recorded.

Handling/Investigating Explosive Device(s)

Body-worn cameras emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present. If a BWC is already active when the explosive device is encountered, the officer should back at least 300 feet away from the suspected device as soon as possible in order to turn off the BWC.

2. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded

Once BWC recording has begun, officers will record the entire event. An event has concluded when one of the following occurs:

- The uniformed officer has completed their part of the active investigation and there is little possibility that the officer will have further contact with any person involved in the event;
- The uniformed officer is leaving the area of the event;
- The non-uniformed officer has completed the portion of the planned operation where a BWC must be worn and activated pursuant to this policy/. For transports, the event has concluded when the officer reaches the transport destination, such as the jail, hospital, or station, and the person they are transporting has exited the vehicle. In facilities where recording is prohibited, the event concludes upon arrival at the prohibited location; or
- An exemption applies.

3. Officers Should Notify Persons of Recording

Officers using BWC should notify those people that are in direct contact with the officer that they are being audio and video recorded as soon as practical and safe to do so. The notification should be on the recording.

If a notice is given, Officers shall make reasonable effort to ensure non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing understand that they are being recorded.

Officers should repeat the notification, if and when safe and practical, for additional people that come into direct contact with the officer that become involved in the recording after a notification has been given.

When interviewing crime victims, officers shall ask the individual if they want their identifying information to remain confidential for public records purposes. The question and answer should be recorded.

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

4. Officers Shall Notify Suspect of Recording When Conducting a Traffic Stop, After Custodial Arrest, and Before a Custodial Interrogation

Officers conducting traffic stops should notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer's narrative report if enforcement action is taken.

Consistent with RCW 9.73.090, recordings may be made of any arrested suspect with a BWC; the officer shall:

- Inform the suspect that they are being recorded;
- State the time the recording begins;
- Record the reading of the Miranda warnings; and
- State the time the recording ends.

Consistent with the Uniform Electronic Recordation of Custodial Interrogations Act, the officer shall notify felony and juvenile suspects of the recording of custodial interrogations in line with BPD Policy 21.00.070.

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

Officers will document the existence of video, lack of video, or delay of the start of video in a call update and at the top of the narrative of any related police report, Notice of Infraction, Criminal Citation, or Contact Report.

Officers who are not logged to a call or event but capture video of the event will log to the call, note that the event was recorded in a call update, and tag the captured video with the corresponding incident number.

6. Officers Are Encouraged To Enter Data for Recorded Events

Officers are encouraged to “flag” videos in the BWC system software if any portion of the video may contain images or audio of any of the following:

- Complainant/victim/witness requests non-disclosure
- Complainant/victim/witness not requesting non-disclosure, but the officer believes that the 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 areas of a medical facility, counseling, or therapeutic office
- Any identifiable juveniles
- Confidential informants
- Entry into a private residence
- The body of a deceased person
- Victim of sexual assault
- A community-based domestic violence program or emergency shelter
- Location information of a community-based domestic violence program or emergency shelter
- Tactical information/law enforcement sensitive information

7. Live or Remote Activation

The BWC system has two emergency features that enable authorized personnel to activate the camera system remotely or to “live view” video being streamed from already activated BWC.

The use of the remote activation feature can be activated by a supervisor when there is an emergency involving the officer and where the use of this feature is beneficial in locating or providing aid to the officer. An emergency for purposes of activating these features are scenarios where there are articulable facts and circumstances to believe the officer's safety is in jeopardy and the officer is unreachable by other means of communication. The “live view” function will start when remote activation is activated.

Remote activation of BWCs will only be done with authorization from the Section Commander or next in line of command in the Commander's absence. The basis for the authorization shall be documented in writing as soon as it is practical after the decision is made via memo to the Chief of Police. The unions shall also receive a copy of this notification. A verbal warning from the command staff to the officers will be given prior to the remote activation except in exigent circumstances.

The “live view” feature may be used on already activated BWCs by a supervisor during responses to serious situations such as critical incidents, complex planned operations, mass casualty incidents, active shooters, and natural disasters. The use of “live view” and the basis for the use will be included in the call notes, case report, or after-action report. A verbal warning from the command staff to the officers will be given prior to the live view activation except in exigent circumstances.

When observations made during live or remote activations lead to discovery of minor acts of misconduct, a referral shall be made to the employee's supervisor for review. The referral should not result in discipline unless the minor misconduct is a continuance of a previously documented pattern of similar misconduct or unsatisfactory performance. Minor acts of misconduct or unsatisfactory performance, that are not part of a previously documented pattern of behavior, shall be handled at the lowest reasonable level, which could include counseling, mentoring, coaching, and/or a training referral.

8. Activation Amnesty

No officer will be subject to discipline for unintentionally failing to activate a camera for the first month after they are assigned to wear a BWC. After the amnesty period, intentional or repeated failures to activate may subject an officer to discipline; any such discipline is subject to just cause. When reviewing an officer's failure to activate a BWC, the Department will take into consideration the potential impact of time periods where the BWC was not used as part of their job due to extended absence from work or assignment without consistent body worn camera use.

PROHIBITED USE & SURREPTITIOUS RECORDING

Officers shall not activate or use the BWC when in a secure law enforcement facility, bathroom, or locker room, except in emergency situations, or as previously detailed above in the Exceptions section of this policy.

Officers shall not intentionally use BWC to record other employees not involved in a law enforcement action unless instructed to as part of training.

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090, RCW 9.73.210, and RCW 9.73.230. A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation or communication and is in violation of the Washington Privacy Act, Chapter 9.73 RCW. The purposeful activation of a BWC during employment performance-related personnel conversations involving counseling, guidance sessions, or personnel reviews/evaluations is prohibited unless all parties present agree to be recorded.

BWC recordings will not be created solely for the purpose of surveillance of, or gathering intelligence information on individuals involved in, activities protected by the U.S. Constitution that are conducted in a lawful manner, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations) without (1) a compelling state interest or (2) a reasonable suspicion of criminal activity. Officers shall not record a particular person based solely on membership in a listed protected class (e.g., race, religion, political affiliation, gender, sexual orientation, etc.) unless there is a justifiable law enforcement purpose.

REVIEWING BODY-WORN CAMERA VIDEO

This policy applies to all employees who review body-worn video recordings. Employees are prohibited from accessing the BWC system or body worn camera footage except for legitimate law enforcement purposes, including authorized review as described in this policy, or otherwise for work related to their job assignment. Employees shall not access video recordings for personal use.

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

Department policy governs all access, review, and release of body-worn video. All data shall be protected per Department and City technology policies. Only authorized personnel shall access the BWC system portal and digital evidence management systems housing body worn camera footage.

2. Employees May Review Recorded Video

Employees may view body-worn video for any of the following purposes and only for a reasonable amount of time necessary for the below business purposes.

Officers may view their own camera video through the BWC evidence system for purposes related to their position in law enforcement including preparing reports, statements, or preparation for court testimony. When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

3. Recordings May Be Reviewed by Individuals Other Than the Recording Officer In Any Of The Following Situations:

1. By officers prior to completing police reports, statements, or interviews connected to a call they were attached to, or by officers investigating cases where the video review has potential value to the investigation, or by civilian crime analysis employees where they are gathering video to support an investigation .
2. By officers prior to providing a statement pursuant to an administrative investigation or criminal investigation, subject to the following:
 - 1) All officers in any administrative investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to any administrative investigation.
 - 2) Involved and witness officers in an Independent Force Investigation Team Investigation (IFIT) deadly force or critical incident investigation will be provided with and allowed to review potentially relevant body worn camera footage prior to any interview or answering any questions. Potentially relevant body worn camera footage includes the footage captured from similar vantage points, includes information that could have been used in making a determination to use force against an individual or individuals, or that captures information used in their decision-making process.
 - i. In the event there is a dispute over which body worn camera footage should be viewed by the involved or witness officer(s) as potentially relevant, the legal or bargaining representative of the officer, the lead independent investigator, and the prosecutor or their designee may consult with one another prior to the officer making a determination about providing a statement.
 - ii. In IFIT investigations, the Major assigned or the Administrative Services Manager or their designee will lock any involved or witness officer's ability to view body worn camera video of these incidents pending notification from an authorized investigative supervisor.

The independent force investigation team (IFIT) investigating the critical incident shall have access to all BWC video related to the critical incident involving Bellevue employees. Due to the sensitivity of such investigation and to maintain the independence of the investigation, the BWC video(s) related to the critical incident will be locked so that only authorized investigators and personnel will have access to the videos.

Body worn video capturing another agency involved in a critical incident will be handled in accordance with the rules and laws around independent investigations and the policies of the employing agency of the involved officers. The Chief may request the IFIT investigating a BPD involved critical incident release the body cam video that is of urgent public interest pursuant to IFIT protocols and procedures.

3. By any supervisor conducting an administrative review including use of force, firearms, vehicle collision, vehicle pursuit, or critical incidents. Review of video shall be related to the specific incident being reviewed and not used as the basis to randomly search for other possible violations. Discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope of the review.
4. By a supervisor if they are capturing specific evidence for prosecution, civil claim against the City, or if the incident resulted in serious injury or death.
5. By a supervisor or a training officer to address a training or coaching issue in a private setting (such as Field Training or a recurring performance issue).
6. By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations. Supervisors are authorized to review recordings to investigate the merits of a specific complaint prior to a formal complaint being filed. If appropriate, the supervisor may allow the complaining party to review the footage with the supervisor as a means of addressing the concerns without a formal complaint being taken.
7. By an Office of Accountability or other assigned investigator who is participating in an official investigation investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations.
8. Where a video is part of an OA investigation, by the chain of command in reviewing the OA case to make recommendations and determinations regarding the case findings.
9. By a department investigator, or officer with the approval of a supervisor, who is participating in a criminal, civil, or administrative investigation provided the requested recording is specific to that investigation.
10. By a department review board for use of force, firearms, vehicle collision, vehicle pursuit, or critical incident.
11. By the City and County prosecutors or City Attorney's Office when requested as part of discovery for a criminal or civil case.
12. By Risk Management for purposes of addressing an actual or incurred but not reported claim against the City.
13. By legal counsel and/or union representation representing an officer prior to providing a statement pursuant to an administrative inquiry.
14. By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation, including prior to an officer providing a statement in an officer involved use of force.

15. By the City's legal representative and/or legal support staff who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation and may review BWC recordings of that matter.
16. By the City Attorney's office or other legal representative of the City consistent with the articulable reasons in this section, in the course of providing legal advice related to a specific video, or in reviewing risk to the City.
17. By City and department staff specifically trained to review and release records as part of processing any public disclosure request
18. By the Chief of Police or designee in connection with any incident that garners media attention or community inquiry consistent with articulable reasons in this section
19. Recordings may be reviewed and shown for training purposes. Permission from involved employees, if still employed by the City of Bellevue, must be obtained from the employee prior to the use of the Recorded Video.
20. By technical support staff for purposes of assessing proper functioning of body worn cameras.
21. Specific acts showcasing the Department that reflect positively on BPD, may be of Interest to the public and are to be made available to the media upon approval of the Chief of Police or designee, or through the Public Records Act process. If the Department Public Information Officer intends to release a video showcasing the Department that reflects positively on BPD, all involved officers currently employed with the department will be notified. Permission from involved employees, if still employed by the City of Bellevue, must be obtained from the employee prior to the use of the Recorded Video. Recorded Video to reflect positively on BPD shall not be released without permission of the involved employee(s).
22. To provide proofs for CALEA (or similar successor company) Accreditation body worn camera footage may be subject to periodic audits for proof selection. The audits will be performed by the professional standards sergeant or the designee of the Chief of Police.
23. By a team of supervisors to conduct once a quarter reviews of randomly selected videos for the purpose of ensuring proper BWC equipment operations and effectiveness of the BWC policy and training. A team of two Sergeants and one Captain will review (as a team) twenty-five videos per quarter; the videos to be reviewed will be randomly generated by AXON from all videos captured in the previous three months. The videos will be between three and thirty minutes long. The two Sergeants and one Captain who make up the team will rotate each quarter. There will be a BPOG representative present for meetings of the team who may provide information to the team. If during the review a BPSG member's video is reviewed, a BPSG representative will be notified and may be present for that portion of the meeting and may provide information to the team. The purpose of the review is to assess the overall effectiveness of policy and training related to the BWC program and ensure organization wide culture of compliance. It is not intended to search for individual policy violations.

4. Minor Misconduct Discovered During BWC Review Will Not Result in Discipline.

If in the course of viewing BWC minor acts of misconduct are discovered, a referral shall be made to the employee's supervisor for review. The referral should not result in discipline unless the minor misconduct is a continuance of a previously documented pattern of similar misconduct or unsatisfactory performance. Minor acts of misconduct or unsatisfactory performance that are not part of a previously documented pattern of behavior shall be handled at the lowest reasonable level, which could include counseling, mentoring, coaching, and/or a

training referral. The Department shall not randomly review or search through BWC recordings for the sole purpose of discovering misconduct.

5. The Department Recognizes There May Be Difference Between a Video Recording and an Officer's Memory.

In situations where an officer 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, an officer should not receive any discipline based solely upon a difference between the officer's report and the video evidence unless other evidence proves deception. The Department also recognizes BWC recordings may not capture all aspects of an encounter, and differences may exist between BWC recordings and an officer's perceptions.

6. A Recording Shall Never Be Used or Shown For The Purpose Of Ridiculing Or Embarrassing An Officer, Department Employee Or Member Of The Community.

7. Users Shall Note the Purpose for Viewing Video

The BWC evidence system viewing application automatically logs the identity of a user who accesses a particular video, as well as the date and time of access.

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

8. Employees Shall Not Tamper With, Alter, or Delete Video.

Employees shall not tamper with, alter, or delete video. However, an officer may inadvertently/accidentally record themselves, or others, when on break or during non-police activity. These particular inadvertent/accidental recordings do not meet the statutory definition of a public record (as described in RCW 40.14.010) because they are not made "in connection with the transaction of public business" and as such may be deleted by following this protocol. The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

1. The recording officer shall notify the on-duty patrol supervisor, via email, that:
 - a. an inadvertent/accidental recording was made; and
 - b. the recording date and time; and
 - c. a request that the recording be reviewed for deletion.
2. The on-duty patrol supervisor will review the recording and if he/she agrees that the video should be deleted, shall forward the request to the Records Supervisor.
3. As soon as possible, the Records Supervisor, or BWC Program Manager in the Records Supervisor's absence, shall review the video and shall immediately delete the video or section of the video if the recording is determined, in consultation with the Police Records Legal Advisor, to not meet the definition of a "public record" and was created accidentally or inadvertently.

9. Employees Shall Not Make Copies of Recorded Video Without Written Authorization From a Captain or Higher, or of an Authorized Employee for Purposes of Disclosure or Discovery

Dissemination outside the agency is strictly prohibited, except to the extent permitted by or required by law. Employees shall not upload recorded data to any public or social media websites without express permission from the Chief of Police.

RETENTION & DISCLOSURE

1. Recordings Shall be Retained Pursuant to State Retention Laws

All recorded imagery and audio will be stored and retained for at least the amount of time required by law and City records retention policy and destroyed after completion of the retention period. The retention period may be extended when the recording constitutes evidence in a criminal case or may be beneficial in a non-criminal matter. Any time an officer reasonably believes a recording may be beneficial in a non-criminal matter the officer should promptly notify a supervisor of the recording's existence and tag the file in accordance with Department procedures to ensure the recording is retained.

2. Public Disclosure of BWC Recordings

Public disclosure of BWC recordings is governed by the Public Records Act, Chapter 42.56 RCW. Upon receipt of a public records request for BWC recordings, the PD records staff will take immediate steps to flag the requested recording(s) in the BWC system as "Public Record" in order to preserve the recording(s). Public requests for BWC recordings will be processed by the PD records staff who have been trained on the statutory exemptions applicable to BWC recordings.

A public request for BWC recordings must meet the statutory requirements for persons eligible to receive BWC recordings under the Public Records Act or else the request may be denied in whole or in part. Prior to release, BWC recordings will be processed, reviewed for exemptions, and redacted by the PD records unit.

3. Disclosure for Criminal Justice Purposes

BWC recordings may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account through the BWC system. Prosecutors will be able to locate the existence of a BWC recording by its reference in the police report and/or CAD report. Discovery of BWC recordings to the defense bar representing the subject of the recording shall be made through the prosecutor's offices. Disclosure to other criminal justice agencies for investigative purposes will be processed by the PD records unit. Disclosure to the City Attorney's Office and County Prosecutor's Office when requested as part of discovery for a civil case or non-criminal justice purpose, will be processed by the Court Liaison Administrator(s).