

Seattle Police Manual

16.090 – In-Car and Body-Worn Video

Effective Date 03/30/2016 DRAFT

This policy section applies to all sworn employees who operate In-Car Video (ICV) or Body-Worn Video (BWV) systems (including Patrol, Traffic, Gang Unit, Canine, SWAT, etc.).

The Department will continually review this manual section, taking into consideration changes in best practices, technology and legal standards. Any recommended revisions will follow the policy approval process in place.

16.090-POL 1 ICV and BWV – Common (working title)

1. All Employees Operating ICV-Equipped Vehicles and BWV Cameras Must Have Completed Training

Before employees deploy with BWV or a vehicle equipped with ICV, they will complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- Camera operation
- Placement of the BWV camera or pointing of the ICV camera
- Department policy on camera usage
- Recording advisements

2. All Employees Operating ICV and/or BWV Must be in Uniform

Operation of ICV includes a portable microphone.

Exception: Field Training Officers in plainclothes need not wear a portable ICV microphone.

See also [RCW 9.73.090\(1\)\(c\)](#)

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

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

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

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

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

See 16.090-TSK-1 and TSK-2

4. Employees Shall Notify Persons of Recording

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

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

5. Employees Will Record Police Activity

Employees will record the following police activity, even if the event is out of view of the camera:

- Response to dispatched calls, starting before the employee arrives on the call and ending consistent with paragraphs 6 and 7 below
- Terry stops
- Traffic stops
- On-View Infractions and Criminal Activity
- Arrests and seizures
- Searches and inventories of vehicles or persons

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- Transports (excluding ride-alongs and passengers for meetings)
- Vehicle Eluding/Pursuits
- Questioning suspects or witnesses (This does not include conversations with persons wishing to pass on information about general criminal activity.)

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

6. Once Recording Has Begun, Employees Will Not Stop Recording Until the Event Has Concluded

Employees will record the entire event unless specifically instructed otherwise by this manual section.

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 to a King County jail facility, the event concludes just before the employee enters the sally port of the facility.

For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the employee is exiting the vehicle.

For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.

7. Employees Will Not Record or May Stop Recording in Certain Situations During an Event

Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, employees will 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. However, protected activity which is unintentionally captured

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while recording an event as otherwise required by this policy is not a violation.

Unless for a direct law enforcement purpose, such as a crime in progress, or when the recording of the location is material to a criminal investigation, employees will not record in places where a heightened expectation of privacy exists. These places include restrooms, jails, and medical facilities, including counseling or therapeutic program offices.

As safety allows, employees may stop recording for portions of events so as to not capture:

- Images of the body of a deceased person
- Death notifications
- An "intimate image" as defined in [RCW 9A.86.010](#)
- The identifiable location of a community-based domestic violence program, or emergency shelter, both as defined in [RCW 70.123.020](#)

If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor may authorize recording to be stopped.

Where FIT has been notified, the FIT commander may authorize recordings to be stopped.

8. Employees Who Stop Recording During an Event Must Document the Reason(s) for Doing So

Employees will document the reason(s) in the GO report. If there is no GO created, the employee will verbally state the reason(s) prior to ending the recording or document the reason(s) in a CAD update.

9. Employees Will Document the Existence of Video or Reason for Lack of Video

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

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, employees must

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explain in writing why it was not recorded or why the start of the recording was delayed.

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.

10. Employees 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-#####)

Per Department training in the use of the video management system, employees 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

11. Employees Shall Initiate Upload of Recorded Video and Deposit Equipment Before Going Out of Service

Before going out of service, employees will initiate upload of recorded video according to the training guidelines. If this is not completed before the end of shift, employees will notify a supervisor.

Each precinct will create a portable microphone collection point. At the end of shift, employees will deposit their microphones at the collection point for recharging.

At least once during each shift, assigned personnel will take the microphones from the collection point and place them in the

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appropriate chargers. Each watch lieutenant will decide who will perform this task.

12. Specialized Units May Request Exceptions

The department recognizes that units may perform specific tasks during their normal duties that make using the ICV or BWV impractical. Units may request exceptions to recording with ICV and/or BWV, for those specific tasks, from the Chief of Police. Any exceptions granted are valid for a term not to exceed one year and may be renewed annually at the discretion of the Chief of Police.

Units will request the exceptions by department memorandum outlining the specific tasks and justification. The Chief of Police and affected section commanders will maintain a file of approved exceptions. Section commanders may provide copies of the exceptions to the affected personnel under their command.

13. Employees Will Turn Off the AM/FM Vehicle Radio During Recordings

If employees are operating a vehicle that does not have an AM/FM radio inhibitor installed, then when safe to do so, employees will turn off the AM/FM radio before the audio recording is set to begin.

If the radio was not turned off before the start of the recording, employees will turn off the radio as soon as feasible after the start of the recording.

The radio must remain off during the entire recording of the incident, including the transport of any person.

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16.090-POL-2 ICV Specifics (working title)

1. Each Precinct Assigns ICV Microphones to Squads and Places Chargers for Equipment

Each precinct will assign ICV microphones to squads and label them accordingly. Each squad will receive at least one microphone per officer and at least one spare. Sergeants may assign specific microphones from their allotment to individual officers.

Each precinct will position ICV microphone chargers in a way that allows employees to access their equipment.

2. Sergeants Issue Portable ICV Microphones at the Beginning of Shift

At the beginning of shift, each sergeant will issue ICV microphones to the employees coming on duty. Sergeants will only issue a microphone that shows that it is fully charged with a green indicator light and has an antenna in good repair.

If the microphone is not charging fully after 6 hours, the sergeant will create a "HEAT" ticket with the IT section by:

- Sending an email to DoIt_Help@seattle.gov

OR

- Calling 206-386-4011

The sergeant will remove the battery and send it to the IT section for testing under the assigned "HEAT" ticket number via Department mail.

If the antenna on the microphone is broken, the sergeant will replace it with one that is in good repair. Each stationmaster will have a supply of replacement antennas.

3. Both Employees in Two-Officer Cars Must Log Into COBAN and Sync Their ICV Microphones

4. Employees Will Make an Effort to Position Vehicles to Capture an Event

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As public and officer safety considerations permit, employees will make an effort to position the vehicle and camera to obtain useful recordings.

16.090-POL-3 BWV Specifics (working title)

1. The department issues BWV cameras to individual employees.

Each precinct will position BWV docking stations in a way that allows employees to access their equipment.

2. Employees Will Wear Only BWV Equipment Issued by the Department

Employees may not wear any personally-owned camera device for the purpose of recording enforcement activity. The Department only authorizes those camera units issued by SPD.

3. Employees Operating BWV Must Wear the Camera Properly

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

4. Employees Will Ask for Consent Before Recording With BWV in Private Areas

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

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

16.090-POL-4 Reviewing Department Video

This policy applies to all employees who review ICV and BWV recordings.

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1. All ICV and BWV Recordings and Related Data are the Property of the Seattle Police Department

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

2. Employees May Review Recorded Video

Employees may review their own recorded video to refresh recollection, determine the appropriate category, and similar reasons.

The Department may view in-car and 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 employees.
- Audit and Quality Control/Troubleshooting

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

If, in the course of viewing in-car or body-worn video, 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.

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In the context of in-car and/or body-worn video review, minor acts of misconduct will be handled either through mediation or the named employee's chain of command for appropriate follow up. In the context of this policy, 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

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.

Any employee viewing a video shall manually make an entry in the application, according to the training guidelines, stating the purpose for viewing the video.

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

16.xxx-TSK-1 Operating the In-Car and Body-Worn Video Systems

When deploying with body-worn video (BWV) or a vehicle equipped with an in-car video (ICV) system, an **employee**:

1. **Checks** the system at the beginning of shift to ensure it is functioning properly by:

- **Synchronizing** the ICV portable microphone of the primary and secondary employee (if applicable) with the system
- **Making** a test recording with sound (For ICV, while standing in view of the camera)
- **Verifying** the audio and video are captured
- **Selecting** the System Check event type

2. If the system malfunctions, **troubleshoots** using steps included in the initial training such as system reboot, re-

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synching of the portable microphone(s), and “check out” of the hard drive.

3. If the initial troubleshooting does not fix the problem, **contacts** the IT Section and follows their instructions.
4. If the problem is resolved, **makes** an entry in the MDC log of the malfunction and steps taken to resolve it.
5. If the problem is not resolved, **notifies** supervisor of the malfunction. (See 16.090-TSK-2) and
 - a. **Moves** to a vehicle with a functioning ICV system, if one is available. If not,
 - b. With a supervisor’s permission, **uses** a vehicle without a functioning ICV system and notes on the MDC/CAD log that the ICV system is not functioning and the name of the screening supervisor.
6. **Records** activity during the shift as specified by 16.090-POL-1.
7. **Documents** that an event was recorded or reason for the lack of a recording if one should have been made per policy.
8. **Selects** event type for the video and enters event number, as specified by 16.090-POL-1.
9. **Uploads** video prior to going out of service.
 - a. **Notifies** supervisor if upload not completed.

16.090-TSK-2 Supervisor Responding to a Malfunction of ICV or BWV

After receiving a report that a BWV camera or an ICV system has malfunctioned, a **supervisor**:

- 1a. **Arranges** for the employee to get a replacement BWV camera.

or

- 1b. **Arranges** for the affected employee(s) to switch to a vehicle with a functioning ICV system, if one is available.

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- a. If there are no vehicles with a functioning ICV system, **approves** the use of a vehicle without a functioning ICV system.
2. **Flags** the vehicle with the malfunctioning ICV system as "out-of-service".
3. **Requests** repair of the malfunctioning system by SPD ITS.

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