

Seattle Police Department

DIRECTIVE

December 18, 2013

Directive Number 13-XXXXX

Policy Revision: 16.090-In-Car Video System

Seattle Police Manual Section 16.090-In-Car Video System has been revised. Key changes to the policy are:

- Employees will record all enforcement-related activity, not just activity occurring within camera range.
- Addition of the requirement to activate the ICV as soon as practical if it was not activated at the beginning of the event.
- Employees no longer turn the camera around to record prisoner transports. It is not necessary with the new hardware that has a separate rear camera.
- Employees may no longer mute the ICV microphone for conversations with fellow employees or personal conversations. The audio must remain on.
- Addition of the requirement to turn off the AM/FM radio during ICV recordings.
- Addition of requirement to enter the event number into COBAN for videos.
- Addition of requirement to document a reason for lack of video when a recording of the event is required.
- Addition of specifics to the task list for the system check at the beginning of the shift.

Please read the attached policy.

Questions may be directed to the Audit, Policy & Research Section:

- IdeaScale (<https://seattlepolice.ideascale.com/>)
- email (SPD_aprs@seattle.gov)
- Phone (206-684-4116)

16.090 – In-Car Video System

Effective Date: DRAFT

16.090-POL-1 Using the In-Car Video System

This policy applies to all sworn employees who operate vehicles with In-Car Video (ICV) systems (including Patrol, Traffic, Gang Unit, Canine, SWAT, etc.).

1. All Sworn Employees Operating ICV-Equipped Vehicles Must Be Trained

This includes officers, detectives, sergeants, and lieutenants who operate vehicles equipped with ICV systems.

2. All Sworn Employees Operating ICV-Equipped Vehicles Must Be In Uniform and Wear a Portable Microphone -See RCW 9.73.090(1)(c)

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

3. Employees Will Perform a System Check -See 16.090-TSK-1 and TSK-2

At the start of a shift, employees will check to ensure that the ICV is working properly. If at any point during the shift the system malfunctions

- Notify a supervisor, and
- Note on the MDC/CAD log

4. Employees Will Record Enforcement-Related Activity

Employees will activate the ICV to record enforcement-related activity, unless doing so would jeopardize officer or public safety.

If an employee is prevented from immediately activating ICV, the officer shall activate it as soon as practical.

Enforcement-related activity includes (but is not limited to) the following:

- Traffic stops
- Terry stops
- Vehicle eluding/pursuits
- Vehicle searches
- Emergency responses
- Onview criminal activity
- Arrests
- Prisoner transports

5. Employees Shall Notify Persons of Recording

Employees shall notify others that they are being recorded as soon as practical.

6. Employees Shall Not Intentionally Record Persons Who Are Lawfully Exercising a Constitutional Right or Civil Liberty

Particular attention should be paid to SMC 14.12.010, 14.12.020.A, and 14.12.030.K, which prohibit employees from intentionally recording people who are lawfully exercising their freedom of speech, press, association, assembly, religion, or the right to petition the government for redress of grievances.

Exception: Employees may record if there is reasonable suspicion to believe that criminal activity has occurred or will occur (SMC 14.12.010).

Exception: Protected activity which is unintentionally captured while enforcement-related activity is being recorded is not a violation of this policy (SMC 14.12.080).

7. Video and Audio Must Operate at the Same Time

The audio recording must operate simultaneously with the video camera when the ICV system has been activated to record an event, even if the event itself is no longer within view of the camera.

Exception: Conversations with confidential informants need not be recorded.

8. Once Activated, Employees Shall Not Deactivate the ICV System Until the Event Has Concluded

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

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.

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

Employees will enter the event number(s) associated with videos, into COBAN, on the MDC.

If this policy requires that an event be recorded, and there is no recording, employees must note why it was not recorded. Employees will note the existence or lack of video in an update on the MDC 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 an update on the MDC.

11. Employees Shall Flag Videos of Certain Events

If any of the following events are captured on an employee's ICV system, the employee shall flag the video:

- Arrests
- Collisions involving police vehicles
- Eluding Vehicles / Pursuits
- On-view criminal activity
- Prisoner transports
- Uses of force
- Any other video the employee believes should be flagged

12. Employees Shall Upload Recorded Video Before Going Out of Service

If the upload is not completed before the end of shift, employees will notify a supervisor.

16.090-POL-2 Reviewing In-Car Video

This policy applies to all employees—non-sworn and sworn—who review in-car video (ICV).

1. Recorded Video May Be Viewed For Appropriate Purposes Only

Video recorded by an ICV system may be viewed for the following purposes:

- Complaint
- Criminal investigation
- Officer-involved collision/Collision Review Board
- Pursuit
- Firearms Review Board
- Public Disclosure Request
- Use of Force review/investigation
- Performance appraisal
- As part of an Early Intervention System (EIS) plan for a specific officer

2. Users Shall Note the Purpose for Viewing Video

Any person viewing an ICV recording shall note the reason in the “Notes” field (Located Under the “Data Entry” Icon) in the COBAN viewer application.

The system automatically logs the identity of the user who accesses a particular video and the date and time of access. The user must still manually enter the purpose for viewing the video.

3. Recorded Video Shall Not Be Used for Training Purposes Without Permission of the Involved Employee

4. Employees Shall Not Make Copies of Recorded Video for Personal Use

16.090-TSK-1 Operating the In-Car Video System

When operating 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 portable microphone with the system,
 - Making a test recording with sound, using standardized language outlined in training.
 - Verifying the audio and video are captured.
2. If the system malfunctions, **troubleshoots** using steps included in the initial training.

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. **Positions** camera to capture events.
7. **Records** activity as specified by 16.090-POL-1
8. **Documents** that an event was recorded or reason for the lack of a recording if one should have been made per policy.
9. **Flags** video as specified by 16.090-POL-1
10. **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 the In-Car Video System

After receiving a report that an in-car video (ICV) system has malfunctioned, a **supervisor**:

1. **Arranges** for the affected employee to switch to a vehicle with a functioning ICV system, if one is available.
 - a. If there are no vehicles with a functioning ICV system, **approves** the employee's 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.