

Body Worn Cameras

427.1 PURPOSE AND SCOPE

This policy applies to the use of Body Worn Cameras (BWC) by department personnel while on duty. Personnel that will be required to wear BWC will be designated by the Chief of Police or his designee.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Procedure Policy).

427.2 POLICY

It is the policy of this department that personnel should activate the BWC when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and law.

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

- (a) BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- (b) Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- (c) The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

427.3 BWC PERSONNEL RESPONSIBILITIES

- (a) A designated City Technology Services Technician, in association with contracted vendors, shall be responsible for BWC system maintenance, upgrades, updates, and repairs.
- (b) The Support Operations Senior Manager is the overall system administrator responsible for system management, file retention, distribution, public disclosure, redaction, and deletion.
- (c) Supervisors will be responsible for ensuring that the BWC users on their shift use and maintain their BWC equipment. If an officer's equipment is not working, he/she will be responsible for documenting this in CAD, and will ensure that the equipment is promptly turned in to the appropriate person for repair.
- (d) The Police Department IT technician or City Technology Services Technician shall be responsible for system maintenance, upgrades, updates, and repair.

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427.4 BWC USER RESPONSIBILITIES

- (a) BWCs are for use primarily by uniformed officers.
- (b) Officers should activate the BWC to record all contacts with citizens in the performance of their official duties.
- (c) Officers should inform individuals that they are being recorded as soon as practicable.
- (d) In locations where individuals have a reasonable expectation of privacy, and the officer is not there to effect an arrest or serve a warrant, the BWC may be turned off upon request of an involved party.
- (e) Once activated, the BWC should remain on until the incident has concluded (audio may be muted for conversations with other officers or people not involved with the call). The officer should cease recording when his or her involvement with the call has been completed.
- (f) Officers shall indicate in their report that a BWC recording was made. If an officer fails to activate the BWC, fails to record the entire contact, mutes the recording, or interrupts the recording, the officer shall document why a recording was not made, was muted, was interrupted, or was terminated.
- (g) Civilians should not be allowed to review the recordings at the scene. They should be advised to seek a copy through discovery or to file a public records request through the Support Operations.
- (h) Unless specifically authorized by the Chief of Police, the BWC shall not be used to record:
 - (a) Anything not involved with official duties
 - (b) Communications with other police personnel while not on a call
 - (c) Communications with undercover officers or confidential informants
 - (d) When on break or otherwise engaged in personal activities

427.5 BWC EQUIPMENT

- (a) Officers shall be trained on the proper use of the BWC's before their use.
- (b) Only BWCs issued by the Tukwila Police Department are authorized. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Tukwila Police Department.
- (c) BWC equipment is the responsibility of the individual officers to whom it the equipment is assigned, and it shall be used with reasonable care. Officers shall inspect BWC equipment daily to ensure it functions properly. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible.
- (d) Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief or his designee.

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- (e) Officers should inform their supervisor if they used the BWC to record an incident that may
 - 1. Result in a complaint
 - 2. Be used for training
 - 3. Anything else that is unusual or high profile
- (f) If an officer is involved in an officer-involved shooting or other serious use of force and/or is suspected of wrongdoing, the Chief or his designee may limit or restrict an officer from viewing the video file.

427.6 STORAGE

- (a) BWC users should download camera footage at least once per shift, and as soon as practicable after a serious incident.
- (b) Any time an officer records any portion of a contact that the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and transfer the file in accordance with current procedure for storing digital files, and shall document the existence of the recording in the related case report. Transfer should not occur at the end of the members shift, or at any time when the storage capacity is nearing its limits. Any time a member reasonably believes a recorded contact may be beneficial in a noncriminal matter, the member should promptly notify a supervisor of the existence of the recording.
- (c) BWC recordings should be stored, retained, released, and deleted in accordance with state records retention and public records disclosure laws. All recordings shall be retained for a period consistent with the requirements outlined by state law, or TPD records retention schedule if more stringent, but in no event for a period less than 60 days.
- (d) Recordings not related to a case should be deleted in 60 days, unless retained by a commander or above for training, pursuant to an administrative or internal review, or a recording of a significant event that should be retained for reasons approved by the Chief.
- (e) The Senior Manager shall be responsible for the deletion of recordings that do not need to be retained.

427.7 REVIEW OF RECORDINGS

- (a) When preparing written reports, officers should review and utilize their BWC recordings as a resource. However, officers shall not retain personal copies of recordings, and officers should not use the fact that a recording was made as a reason to write a less detailed report.
- (b) Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, as a part of a follow-up to corrective action, or whenever such recordings would be beneficial in reviewing the officer's performance. However, the department shall not use such

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recordings without cause for disciplinary investigations or actions. BWC recordings or equipment will not be randomly used to monitor employee performance without cause.

- (c) Recorded files may also be reviewed:
 - (a) By any member of the department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation, upon approval of a command level supervisor.
 - (b) Pursuant to a lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - (c) By a supervisor for the purpose of reviewing performance, and for use with training and mentoring.
 - (d) Review of incidents that adhere to mandatory review or reporting per department policy, examples would be canine application, pursuits, etc.
 - (e) By media personnel with the permission of the Chief of Police or his or her authorized designee.
 - (f) In compliance with a Public Records Request, if permitted and in accordance with the records maintenance and release policy, state and federal law.
- (d) All recordings should be reviewed by the Senior Manager or designee prior to public release. Redactions will be completed as outlined in RCW 42.56.240 (14). Redactions of recordings will be paid for by the requestor at the current rate established in the City of Tukwila Master Fee schedule.