

## Body-Worn and In-Car Camera Systems

### 423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn and in-car cameras by members of the Redmond Police Department while in the performance of their duties (RCW 10.109.010). 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.

Camera systems will be used to enhance officer safety while promoting community trust and transparency. They are not intended to replace effective first-level supervisory practices. Camera use shall be in accordance with applicable law. In the event of future changes to applicable law, this policy may be reviewed and revised following standard department procedure.

#### 423.1.1 DEFINITIONS

**Body-worn video camera (BWC)** - System that captures audio and video signals that is capable of being worn on a member's person which includes at minimum, a camera, microphone, and recorder.

**In-Car Camera (Dash Cam)** - A system mounted within a patrol vehicle that captures audio and video signals. This may include video and audio from ahead, behind, or within the passenger compartment of the vehicle.

**Cameras / Recorders** - Refers to both body-worn and in-car Camera systems.

### 423.2 POLICY

The Redmond Police Department provides members with access to in-car and body-worn cameras for use during the performance of their duties. All who are provided with a camera by the department shall use and wear it consistent with this policy. Members are prohibited from using privately-owned cameras while on duty. This policy is intended to fulfill the department's mission more effectively and to ensure these systems are used properly, safely, securely, and efficiently.

### 423.3 OBJECTIVES OF CAMERA SYSTEMS

The following provisions are intended to provide members with instructions on when and how to use cameras to ensure reliable recording of enforcement and investigative contacts with the public. "Members," as referenced below, includes all sworn personnel. The Department has adopted the use of cameras by uniformed personnel to:

1. Collect evidence for use in criminal investigations and prosecutions;
2. Deter criminal activity and uncooperative behavior during police-public interactions;
3. Assist members with completing reports and providing testimony in court;
4. Ensure accountability for policy and law violations;
5. Assist in resolving complaints, not limited to showing that an officer acted properly and evidence does not support citizen's allegation; and,

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6. Provide additional information for member evaluation, training, and continuous improvement.

Cameras provide additional information regarding an investigative or enforcement contact with a member of the public. However, cameras provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, member interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of a member's actions.

### **423.4 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### **423.5 GENERAL OPERATING PROCEDURES**

Prior to going into service (for all types of work including regular, extra-duty, or overtime), each uniformed member will be responsible for making sure that they are equipped with an individually assigned BWC and/or in-car camera as issued by the Department, and that the cameras are in good working order. If a camera is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain an approved functioning device as soon as reasonably practicable. Spare BWCs will be available to supplant non-functioning units. Members are responsible to ensure the BWC remains charged and operational during their entire shift. Members will wear the BWC securely on their outer uniform positioned to capture interactions from a forward-facing direction.

There are certain circumstances when recording is prohibited within the police building. Examples include while in the locker room, during conversations between a member and their supervisor, strip searches, briefings, and privileged conversations with a prosecutor

The member shall verbally inform any person being recorded that an audio and video recording is being made and shall make the attempt to ensure said advisement is recorded. Members conducting traffic stops while equipped with a camera shall notify the occupants that there is an audio and video recording occurring. Members shall make a reasonable effort to ensure that non-English speaking persons, those with limited English proficiency, or hearing-impaired persons understand that they are being recorded. This may be accomplished simply by pointing at the camera while giving the advisement or providing the advisement in multiple languages on a reference card.

A member may encounter a situation in public that is rapidly evolving, dynamic, and involving a group of persons. In these situations, it may not be feasible to advise all parties present that they are being audio and video recorded because of the dynamic environment. In a group, public setting, where the law recognizes minimal expectation of privacy, the member should advise the primary contact and all other parties as time and circumstances allow.

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Any member assigned to a non-uniformed position may carry a BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable. Field Training Officers working in plainclothes do not need to wear a BWC.

Video will be automatically uploaded from the patrol car camera to the video storage system. Members shall ensure video from a BWC is uploaded regularly (at minimum by the end of each shift) by inserting the BWC into the designated docking station. Members shall classify each video in the manner prescribed during their training. Members will make reasonable efforts to position the vehicle and cameras to obtain useful recordings and capture critical evidence. Members will not position vehicles or cameras to avoid recording an event.

Members shall document the use of cameras during an incident in which they write a police report. If a citation was issued, the proper notation shall be made in the SECTOR citation that the incident was recorded. Members shall also document in a report anytime the recording device malfunctions, or the member deactivated the recording.

#### **423.6 ACTIVATION OF THE CAMERAS**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members are required to activate the camera(s) on all calls for service and law enforcement encounters and activities. Or, any time the member believes it would be appropriate or valuable to record an incident. When in doubt, members should record the incident or contact.

Recorders shall be activated on any dispatched or self-initiated activity. While not all-inclusive, the following situations require activation of the cameras:

1. Field contacts involving actual or potential criminal conduct, including:
  - (a) Traffic Stops
  - (b) Priority Responses
  - (c) Vehicle Pursuits
  - (d) Suspicious vehicles and suspicious persons
  - (e) Arrests
  - (f) Vehicle searches
  - (g) Physical confrontations or use of force
  - (h) Verbal confrontations
  - (i) DUI investigations, including sobriety tests
  - (j) Crimes in progress
  - (k) Responses to an in-progress call
  - (l) Domestic violence calls

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- (m) Offenses involving weapons
- (n) Mental health contacts and welfare checks
- 2. Self-initiated activity in which the member believes there may be evidentiary value in activating the camera;
- 3. Handling and counting currency up to the point it is sealed in an evidence bag and submitted;
- 4. Any contact that becomes adversarial after the initial contact in a situation that would otherwise not be recorded;
- 5. Transports of in-custody suspects or persons;
- 6. Any other circumstance that the member reasonably believes that a recording of a contact or event would be appropriate; and
- 7. When directed by a supervisor.

At no time is a member expected to jeopardize his or her safety in order to activate a camera. The camera(s) should be activated in required situations as soon as practicable.

The in-car camera is designed to turn on automatically whenever the emergency lights are activated to the second (emergency lights) position on the emergency equipment controller or when the remote microphone is activated. No adjustment of this setting is permitted.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Prior to stopping the recording, members shall verbally state that the camera is being turned off and the reason. When recordings resume, the member shall state the camera is now recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

Members recording law enforcement activity who inadvertently turn off their cameras shall not be subject to discipline. Members who repeatedly fail to activate the cameras when required or intentionally stop recording without articulable reasons may be subject to discipline for just cause.

Consistent with RCW 10.122.030, members are required to activate the BWC and record custodial interrogations involving juveniles or if the interrogation relates to a felony crime. This includes the giving of any required warning, advisement of rights, and waiver of rights by the person being interrogated.

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### **423.7 RECORDING SUSPECT AFTER ARREST**

Consistent with RCW 9.73.090, before a member records an arrested suspect, the member shall

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

### **423.8 DEACTIVATING THE CAMERA(S) DURING AN INCIDENT**

Consistent with this policy, once started, recordings should continue without interruption until the contact ends. However, members may de-activate or turn off the camera during an incident in the following circumstances:

1. Members have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.
2. Members have the discretion to keep their cameras turned off in situations involving rape, sexual abuse, nudity, or other sensitive matters. Members should consider the evidentiary value of recording and the willingness of the victim to speak on camera.
3. Consistent with this policy, members may deactivate the camera during an incident when exchanging information with other members or when engaged in an operational or tactical discussion with other members. If the camera is de-activated during a contact to exchange information or discuss operation details with another member, the member shall state the reason the camera is being turned off and the member should promptly re-activate the camera before resuming duties related to the incident.

Anytime a member turns off the camera prior to the conclusion of an interaction or contact, the member shall record the reason on-camera and in their police report.

### **423.9 RECORDING IN A PRIVATE RESIDENCE AND RESPONDING TO CIRCUMSTANCES WHERE A PERSON IS OR MAY BE UNWILLING TO COMMUNICATE WHILE BEING RECORDED**

It is permissible to record in a private residence and, absent exigent circumstances or when a contact becomes adversarial, members shall verbally inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

If a victim or witness requests that their identity and/or communications remain confidential for public records purposes, the officer shall reflect this in their general report. There is no guarantee that these recordings will be exempt from disclosure, but these criteria will be evaluated at the time a public records request may be received.

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

#### **423.10 RECORDING IN A MEDICAL FACILITY**

Whenever practical, recording in a medical facility shall consist only of those persons pertinent to the investigation. It is highly recommended that victim interviews be conducted in an area where personal privacy can be protected and, if appropriate, should have a victim advocate present.

#### **423.11 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

#### **423.12 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER**

Washington law prohibits any individual from surreptitiously or secretly recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

#### **423.13 RECORDING OF DEMONSTRATIONS**

Employees who have been issued cameras and who have been assigned to work demonstrations where they will have contact with the public will record with body-worn video during demonstrations when they have public contact.

When an imminent risk to public safety or large-scale property destruction appears likely, supervisors at the squad level and/or the incident commander of an event may order employees to record. Under such direction, employees will record until ordered to cease recording.

#### **423.14 REVIEW OF RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Redmond Police Department. Dissemination outside the agency is strictly prohibited, except to the extent permitted or required by law.

Agency personnel shall not access recorded data for personal use. Agency personnel shall not upload recorded data onto public and social media websites without expressed permission from the Chief of Police or unless that data was obtained by other legal means, such as Public Disclosure Request.

A supervisor may conduct a review of a specific incident when there is an articulable reason justifying such review. Articulate reasons for reviewing a specific incident include but are not limited to:

1. Capturing specific evidence for use in a criminal prosecution,

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2. A civil claim has been filed or threatened against the City involving the incident,
3. A citizen complaint has been made against a member regarding the incident,
4. The incident included use of force,
5. The incident included a vehicle pursuit,
6. The incident included a vehicle collision,
7. The incident involved serious injury or death; or
8. With the involved member present to address a training or coaching issue in a private setting (such as Field Training or recurring performance issue). Supervisors shall not routinely or randomly review videos to find training or coaching issues.

Recordings may also be viewed in any of the following situations:

1. To assess properly functioning camera systems when there is reason to believe that the system is not functioning properly.
2. By a department investigator who is participating in an official investigation may conduct a review of a specific incident when there is an articulable reason justifying such review, such as a personnel complaint or a criminal investigation.
3. By a member who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to his or her employment.
4. To assess possible training value at the suggestion of the involved member and approved by the Chief of Police or designee.
5. Recordings may be shown for training purposes if an involved member agrees and is notified.
6. By an employee's legal representative and/ or bargaining unit representative who is involved in representing the employee in an official investigation, such as a personnel complaint or a criminal investigation.
7. By the City Attorney's Office or other legal representative of the City consistent with the articulable reasons above regarding a specific incident.
8. By the Records Unit for routine records management tasks or as part of any lawful Public Disclosure Request.

Members are permitted to review their camera recordings before or after writing reports. When preparing written reports, members should only review their recordings as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

After being involved in a critical incident resulting in death or serious injury, members shall not review the video until after completing their report, or when directed to do so by the supervisor of the Independent Force Investigation Team, or in accordance with established department procedures.

The Department recognizes that potential for accuracy may be diminished in situations where a member has not reviewed relevant video prior to preparing a written report, providing a statement, or answering questions as part of a formal interview, or informal questioning. As such, a member

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may not receive any discipline based solely upon a difference between the member's report and the video evidence. In instances when video footage was reviewed after the initial report was written, members shall produce a supplemental report to articulate any changes from their independent recollection.

In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing a member, department employee or member of the community.

Recordings will be provided to the City and County prosecutor's office when requested as part of discovery for a criminal or civil case.

An electronic log of all times a recording is viewed or transmitted shall be maintained and will be accessible to the exclusive bargaining representative of union members. The log will include the date, time, articulable reason for the viewing, and reviewer.

For quality control purposes and to ensure compliance with recording policies and procedures, member's camera footage will be subject to periodic audits. The audits will be performed by the professional standards sergeant or their designee.

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, may not result in discipline or a sustained finding. However, such acts may result in a training referral or counseling/mentoring/coaching and may be included in an employee's performance evaluation.

#### **423.15 ACTIVATION OF LIVE VIEW**

The cameras have a feature enabling authorized personnel to activate the camera system remotely. The use of the "live view" feature can be activated by another department member when there is an extreme emergency involving the member and where the use of this feature is beneficial in locating or providing aid to the member. "Live View" may also be activated during responses to extremely serious situations such as mass casualty incidents, active shooters, and natural disasters. The use of live view will be included in the electronic log referenced below.

#### **423.16 RETENTION OF RECORDINGS**

All recorded audio and video will be stored, retained, and purged in accordance with the law. The retention may be extended at the request of a member or supervisor and should be extended if the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a noncriminal matter.

Any time a member records a contact that constitutes evidence in a criminal case, the member shall mark the file within the video software program in accordance with Department procedures to ensure the recording is retained for evidentiary purposes and document the existence of the video their case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter, the member should mark the file in accordance with Department procedures, ensure the recording is retained and document the existence in their case report.

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Members should upload the files by the end of their shift and any time the storage capacity is nearing its limit. If the upload is going to incur overtime, the officer shall report the issue to their supervisor.

### **423.17 RETENTION PARAMETERS**

All recordings shall be retained for a period consistent with the requirements of the State's records retention schedule

### **423.18 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

1. The recording contains evidence relevant to potential criminal, civil or administrative matters.
2. A complainant, victim or witness has requested non-disclosure.
3. A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
4. Disclosure may be an unreasonable violation of someone's privacy.
5. Medical or mental health information is contained.
6. Disclosure may compromise an undercover member or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### **423.19 PUBLIC DISCLOSURE AND REDACTION OF BWC RECORDINGS**

Public disclosure of camera recordings, including the redaction of video prior to release is governed by the Public Records Act, Chapter 42.56 RCW. The Public Records Program Coordinator will ensure that a copy of the recording is made and delivered in accordance with a lawful request.

### **423.20 RECORDING SECURITY**

Recordings made by members shall be stored and secured on a city owned server maintained by the city's IT department or with a contractor capable of providing secured cloud or off-site storage. Recordings will only be accessible by those members with access rights or others granted limited or specific access rights.

Officers shall not copy, edit, alter, erase, or otherwise modify in any manner recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

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### **423.21 TRAINING**

The Training Sergeant should ensure that those members issued a portable recorder receive initial training upon issue and periodic training thereafter (RCW 10.109.010). The initial training shall, at a minimum consist use of the equipment to include charging the battery, storage, positioning on the body, downloading, and tagging videos. The initial training of four hours includes the operation and use of the body worn camera and this policy. Members shall additionally receive mandatory refresher training on an annual basis.

### **423.22 COORDINATOR**

The Office of Professional Standards (OPS) is responsible for coordinating camera systems (RCW 10.109.010):

1. Establishing procedures for the security, storage and maintenance of data and recordings.
2. Establishing procedures for logging or auditing access.
3. Establishing procedures for accessing data and recordings.
4. Establishing procedures for members communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a portable recorder is being used.
5. Establishing procedures for transferring, downloading, tagging or marking events.