

Body Worn and Vehicle Camera Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of vehicle and body worn cameras (BWC) by members of this department while in the performance of their duties. This policy does not apply to lawful surreptitious audio/video recording or the interception of communications for authorized investigative purposes.

450.1.1 DEFINITIONS

Advisement – Statement made by a member that a communication, conversation or interaction with a citizen is being recorded.

Activation – The process that turns on the body camera and causes it to record or to store audio and video data.

Body Worn Camera (BWC) – Camera system that captures audio and video signals, capable of being worn on a member's person that includes at minimum a camera, microphone, and recorder. This system may be integrated with a vehicle camera(s).

Vehicle and Body Worn Camera Videos - Recorded media consisting of audio-video signals, recorded and digitally stored on a storage device or portable media.

Category - Term used to classify or identify video recordings.

Vehicle Camera - Camera System that captures audio and video signals, installed in or on a vehicle that includes at a minimum a camera, microphone and recorder. This system may be integrated with a BWC.

Camera System-Means a body worn camera BWC or vehicle camera.

Labeling of Video – Marking a video with the incident (ID) number and category or other identifying information.

Marker – Digital indicator placed on the video by original officer or reviewer for the purposes of marking key moments in time. This marker is an overlay feature and does not jeopardize the integrity of the original recording.

Evidence.com – A cloud based data warehouse where body camera video footage is stored and retained.

Retention Period – Retention Period refers to how long a video captured on a vehicle or body camera is kept or retained by the Pierce County Sheriff's Department. A video is retained based on the longest retention category.

Sleep Zone – Authorized location where vehicle and BWCs can be placed into "sleep" mode to prevent unintentional or accidental recordings. This allows the camera to avoid auto activations without turning the device off. Members must remember to "wake up" their cameras when leaving "sleep zones."

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

Surreptitious Recording – A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation or communication and is a violation of the Washington Privacy Act, Chapter 9.73 RCW.

Functional- Meaning the BWC turns on/off, appears to be recording audio and video, and the battery is charged.

450.2 POLICY

The Pierce County Sheriff's Department may provide members with access to vehicle and/or body worn cameras, either audio or video or both, for use during the performance of their duties. All members provided with a BWC shall use and/or wear it consistent with this policy and department training. Members are prohibited from using personally owned BWCs, or other personally owned audio/video recording devices, during the performance of their official duties.

The use of recorders is intended to enhance the mission of the Department and promote transparency in law enforcement by accurately recording contacts between members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Pierce County Sheriff's Department regardless of whether those recordings were made with department-issued or personally owned recorders, the latter of which are prohibited. Members shall have no expectation of privacy or ownership interest in the content of these recordings. Any device used for recording may be seized as evidence. Dissemination of these recordings outside of the Pierce County Sheriff's Department is strictly prohibited, except as required by law and pursuant to the provisions of the Pierce County Sheriff's Department policy.

450.4 RESPONSIBILITIES

450.4.1 VEHICLE AND BWC PROGRAM MANAGER RESPONSIBILITIES

The Vehicle and Body Worn Camera Program is managed by the Administrative Services Lieutenant or his/her designee and he/she has oversight responsibilities to include, but not limited to:

1. Training, operation, and user management of the system. This includes establishing procedures for the marking of recordings, security, storage, and maintenance of data and recordings.
2. System evaluation.
3. Coordination with Information Technology Unit regarding system related issues.
4. Standard maintenance of vehicle and body camera videos, to include procedures that ensure proper review, retention, and release of videos.
5. Coordinating the release of recorded media pursuant to media requests, public records requests and subpoenas duces tecum with the Public Disclosure Unit.

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

6. Coordinating a periodic random review of the recordings in the system for the sole purpose of ensuring the system is functioning, the devices are being used in accordance with this policy, and identifying any areas where additional training is required regarding the proper use of the BWC. If the review reveals potential violations of law, excessive / unauthorized use of force, retaliation, discrimination, incidents of racial, sexual, gender, or other types of protected status harassment or biased base policing the County/Department will initiate a complaint and start an investigation if necessary.

450.4.2 INFORMATION TECHNOLOGY UNIT RESPONSIBILITIES

The IT Unit shall have responsibilities to include:

1. Consult with the Vehicle and Body Worn Camera Program Manager regarding technology issues.
2. Assist with program management for vehicle and body cameras.
3. Maintain appropriate accountability of equipment & issuing of equipment
4. System Maintenance, upgrades, updates, and repairs.

450.4.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for ensuring the following:

1. That members follow established policies and procedures for the use and maintenance of the equipment, handling of the recordings, and the completion of all necessary documentation.
2. That notification of required repairs of damaged equipment or non-functional equipment is provided as soon as practical, to the Department IT unit.
3. That equipment is adequately secured to prevent it from being misplaced or misappropriated.
4. Oversight of the categorization of recorded media for proper retention by assisting members in identifying and categorizing recorded media.
5. Ensuring classifications are appropriately entered into the system so that they can be tagged for retention according to classification.

450.4.4 MEMBER RESPONSIBILITIES

1. Prior to going into service, each uniformed member assigned a Vehicle or BWC will be responsible for making sure the recorder(s) is/are functional. If the recorder is not functional or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practical. Uniformed members shall wear the recorder unobstructed and, in a manner, consistent with department training and notify persons they are being recorded, as soon as feasible.
2. Non-uniformed personnel shall carry an approved BWC when engaged in planned warrant services, planned arrests, or at any time the member believes such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members

Body Worn and Vehicle Camera Recorders

should wear the recorder in a manner consistent with department training and notify persons they are being recorded, when feasible.

3. When using a Vehicle or BWC, the assigned member shall record his/her name, Pierce County Sheriff Department 5-digit identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software is intended to capture the user's unique identification and the date and time of each recording.

450.4.5 DOCUMENTATION OF VEHICLE OR BWC

Members shall document the existence of a Vehicle or BWC recording in their report or other official record of the contact (for example, CAD or Officer's Notebook) if no report is written. This also includes any instance where the member was aware the BWC malfunctioned or the member delayed/deactivated the recording prior to the conclusion of an incident. Members shall include the reason for delay/deactivation in their report or other official record of the contact if no report is written.

450.5 ACTIVATION OF THE VEHICLE OR BWC

This policy is not intended to describe every possible situation in which the Vehicle or BWC should be used, although there are many situations where its use is appropriate.

The Vehicle or BWC should be activated in any of the following situations:

- (a) Law Enforcement and investigative contacts including domestic violence calls, custodial arrests, uses of force, in progress crimes, suspect contacts, mental health or suicidal person, searches that are done with consent or exigency, and field interview (FI) situations. It is not intended that the BWC be activated during the investigation of routine property crimes which are not in progress.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance, vehicle or foot pursuits, and all investigatory stops.
- (c) Self-initiated activity in which a member would normally notify South Sound 911
- (d) Any in-person contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording, as soon as feasible.

Members have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or circumstances clearly dictate continued recording is necessary.

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 and a subject of the recording agrees to such a request. The request to turn off the BWC should be recorded, as well as the member's response. Recording may resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

No member of this department may record a face-to-face conversation without announcing to everyone who is engaged in the conversation that it is being recorded and said announcement shall be recorded. Exceptions are the existence of a warrant, the communication is of an emergency nature, or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030). The announcement should be made as soon as reasonably practical considering the circumstances of the incident, after any exigent circumstances have elapsed. The announcement must be repeated to each new person the member has a face-to-face conversation with during the incident.

Members must attempt to ensure Non-English-speaking persons, those with limited English proficiency, or persons who are hearing impaired understand they are being recorded (for example, implied consent such as using hand signals to point at the Vehicle or BWC). Members should review Policy 370 – Communications with Persons with Disabilities and Policy 368 – Limited English Proficiency Services.

Vehicle or BWC systems will only be activated by a member manually activating the system, or automatically, by activating the vehicle's emergency lights, sidearm draw, vehicle collision and vehicle speed at 80 MPH or greater. At such point the technology permits vehicle speed automatic activation will be adjusted to 20 MPH over the posted speed limit.

In emergency situations, remote live viewing may be authorized. Remote live viewing is intended only for emergency situations where the member has requested emergency assistance, or the member cannot be reached via radio or other means.

At no time is a member expected to jeopardize his/her safety in order to operate a BWC, however, the BWC should be activated in situations described above as soon as practical.

450.5.1 SURREPTITIOUS USE OF THE VEHICLE OR BWC

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

Members shall not surreptitiously record another department member or any other person without a court order unless lawfully authorized by the Sheriff or the authorized designee.

450.5.2 PATROL RESPONSE TO HAZARDOUS DEVICE

Many BWCs emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present. If already active, the member should back at least 300 feet away from the suspected device as soon as possible and turn off the BWC.

450.5.3 RECORDING IN A MEDICAL/PSYCHIATRIC FACILITY

When recording in hospitals or other medical facilities, members shall be careful to record only those persons/information pertinent to the investigation. It is highly recommended victim interviews be conducted in an area where personal privacy can be protected.

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

450.5.4 INADVERTENT/ TRANSITORY RECORDINGS

A member may inadvertently/accidentally record themselves, or others, while the Vehicle or BWC is activated. These particular inadvertent/accidental recordings do not meet the statutory definition of a public record as defined in RCW 42.56.100(3) because they are not information relating to the conduct of government or the performance of any governmental function and as such may be deleted. These videos shall be marked with the appropriate category by the uploading member and reviewed for deletion.

The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

(a) The recording member shall notify the BWC Program Manager or designee, via email, that:

1. An inadvertent/accidental recording was made; and
2. The recording tracking number with date and time; and
3. A request that the recording be reviewed for deletion.

(b) As soon as possible, the Vehicle and BWC Program Manager or designee shall review the video and shall delete the video if he/she determines it to be accidental, inadvertent or transitory.

The Vehicle and BWC Program Manager or designee will advise the recording member by e-mail of the determination.

450.5.5 RECORDING INTERVIEW OF SUSPECT AFTER ARREST

Consistent with RCW 9.73.090, before a member utilizing a Vehicle or BWC interviews an arrested suspect, the member must:

- (a) Remind the suspect they are being recorded.
- (b) State the time the interview begins and ends.
- (c) Record the reading of the Miranda warnings.

450.5.6 "SLEEP" ZONE DESIGNATION AND USE

Members may place their vehicle and BWC into "sleep" mode when at an approved or designated area. This may prevent unintentional and accidental recordings. Examples could include: Members homes, Precincts, Correctional Institutions, Established Command Posts and Medical Facilities.

450.6 TURNING OFF THE VEHICLE OR BWC DURING AN INCIDENT

Consistent with this policy, once started, Vehicle or BWC recordings should continue without interruption until the incident has concluded. Generally, the incident has concluded when the member has completed his/her part of the investigation and is leaving the area and no further law enforcement role, or there is little possibility that the officer will have further contact with any person involved in the event.

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

For transports, the incident concludes when the member reaches the transport location and the subject has been taken into the destination. For detention facilities, the camera will be deactivated just prior to entering the facility.

Members have the discretion to stop recording during conversations with crime victims, witnesses, and community members who wish to report or discuss criminal activity in confidence.

Members are permitted to turn off Vehicle or BWCs once a crime scene is secure and there is no longer any interaction with the public. This provision must be approved by an on-scene supervisor or the assigned lead detective of the investigation. If circumstances dictate a member should reactivate their Vehicle or BWC, then members shall reactive their BWCs in accordance with this policy.

A member assigned to the Warrant Unit, or other specialized units, and assigned to extraditions may turn off their Vehicle or BWC during long duration transport details that require a transport that originates or terminates outside of King, Pierce, or Thurston County.

A member assigned to the Hazardous Devise Squad/Team may turn off or not activate their Vehicle or BWC when engaged in activities related specifically to duties involving hazardous devises.

A member assigned to the Dive Team is not required to utilize or wear a BWC when actively engaged in underwater dive activities. These duties include shoreside preparations to engage in dive activities and the shoreside recovery from dive activities.

A member assigned to the Swift Water Rescue Team is not required to utilize or wear a BWC when actively engaged in water rescue activities. These duties include shoreside preparations to engage in rescue activities and the shoreside recovery from rescue activities.

When recording crime victims or witnesses, members shall ask the individual if they want their identity to remain confidential for the purposes of public disclosure. This question and subsequent answer should be recorded. When a crime victim or witness does wish their identity to remain confidential the member shall mark the Public Disclosure field as, "Yes" in the report for that person, and note the reason for the confidentiality in the narrative of the report.

If the recording is delayed or deactivated prior to completion of the incident, the member will document the reason in their report or other official record of the contact (for example, CAD or Officer's Notebook) if no report is written.

If a member does not record an incident that should have been recorded, the member will document the reason in their report or other official record of the contact (for example, CAD or Officer's Notebook).

450.7 PROHIBITED USE

Members are prohibited from using department-issued Vehicle or BWCs and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity or with Department equipment. This includes making copies

Body Worn and Vehicle Camera Recorders

for the purposes of writing reports. Members may not use Vehicle or BWCs for non-work related purposes or otherwise operate the BWC outside their legitimate law enforcement duties. This prohibition does not apply to Department authorized law enforcement off duty employment. Note: Members must use Vehicle or BWCs while engaged in off duty Law Enforcement work.

Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner Vehicle or BWC recordings and information without the prior written approval of the Sheriff or the Sheriff's designee unless otherwise authorized in this policy. All such recordings shall be retained by the Department.

Members may share Vehicle or BWC recordings for investigative or training purposes only when authorized in advance by a supervisor or the assigned lead detective of the investigation.

Vehicle or BWC's shall not be used to record when a member is:

1. On break or is otherwise engaged in personal activities.
2. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or dressing room unless it reasonably appears to the member that the legitimate law enforcement interest in recording may outweigh the expectation of privacy or as otherwise required by policy.
3. Involved in a legally recognized privileged conversations, such as attorney-client, clergy, spousal, or peer-support conversation.
4. Inside established command posts where planning, scenarios and intelligence information is discussed.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation, political purpose, or ridicule.

450.8 TRANSFER OF RECORDINGS

Transfers or uploading can occur anytime during the member's shift or any time the storage capacity is nearing its limit. Transfers should occur by the end of the member's shift but can be delayed until the members next shift with supervisor's approval.

Transfers or uploading of videos designated with a category, which include: Use of Force, Arrest, Pursuit, or Law Enforcement Injury shall be uploaded by the end of shift. This may be delayed in a specific situation and with supervisor's approval.

Recordings related to Policy 450.13 must be transferred prior to the member going out of service; unless the recording device is taken as evidence or the transfer has been assigned to another person to accomplish.

Body Worn and Vehicle Camera Recorders

450.9 RETENTION REQUIREMENTS

All recordings that qualify as public records shall be retained for a period consistent with the requirements of the records retention schedule set by the Washington State Archives (no less than 90 days).

450.10 PUBLIC DISCLOSURE OF VEHICLE AND BWC RECORDINGS

Public disclosure of Vehicle and BWC recordings are governed by the Public Records Act, Chapter 42.56 RCW. Upon receipt of a PRA request, the department member will email the request to the Public Records Officer and the Vehicle and BWC Program Manager or designee. The Public Records employee will add the appropriate category to the video, which will flag the requested recording(s) as a "Public Record" to preserve the recording(s). The Public Records Officer will coordinate and process the request as appropriate.

450.11 REVIEW OF VEHICLE AND BWC RECORDINGS

When preparing written reports or preparing for court testimony members may review their recordings as a resource. Members may view their own body worn camera video at any time in accordance with this policy. Members may use "markers" as defined within this policy to mark key moments in time for court or review reference points.

All members in any administrative investigation shall be allowed to view their footage of the incident prior to any interview or answering questions related to any administrative investigation

Members shall not make copies of or retain personal copies of recordings nor use the fact that a recording was made as a reason to write a less detailed report.

Vehicle and BWC recordings will not be routinely or randomly reviewed to monitor member performance or solely for evaluation purposes, except for members who are in a probation status.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

Each time a video is reviewed, the member will indicate the purpose of the review in the appropriate note section. Each time a video is reviewed, an automatic digital stamp will be created by the system documenting the reviewer, date, and time of the review.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

Body Worn and Vehicle Camera Recorders

- (c) By members of the Prosecuting Attorney's Office as part of case preparation or other official duties.
- (d) By Department members tasked with management or distribution of recorded files.
- (e) By a supervisor as part of the review of a Blue Team Use of Force or Pursuit report.
- (f) By media personnel with permission of the Sheriff or the authorized designee.
- (g) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Public Records Officer prior to public release (see the Records Maintenance and Release Policy). Recording(s) should not be publicly released unless disclosure is required by law, order of the court, or at the direction of the Sheriff or his/her designee.

450.12 USE OF VEHICLE OR BWC RECORDING IN DISCIPLINE

The existence of a Vehicle or BWC recording that captures a member making a mistake or not in compliance with a policy or rule shall not be the basis for enhanced discipline. The Department recognizes members encounter stressful and rapidly evolving situations in an unpredictable and sometimes hostile environment. As such, the Department understands members will on occasion make mistakes when dealing with the public. The Department acknowledges Vehicle or BWC recordings which capture such mistakes should not be used to levy additional discipline to members than would be levied if said mistakes were not recorded.

Vehicle or BWC recordings shall not be reviewed by the Department solely for the purpose of initiating internal investigations against members of the Department. The Vehicle and/or BWC recording may be used for an Internal Affairs investigation as a tool in the fact-finding procedure as evidence to prove or disprove allegations of misconduct made against members. If the Vehicle or BWC recording is relevant to an investigation, the data shall be provided to the accused member and their legal representative and/or guild representative in the same manner as other evidence used in an Internal Affairs investigation.

In the event a recording is inadvertently reviewed or viewed during the normal course of business and concerning behavior is observed, a supervisor may review the Vehicle or BWC recording with the member to assist in coaching for improved performance. If the review reveals potential violations of law, excessive / unauthorized use of force, retaliation, discrimination, incidents of racial, sexual, gender, or other types of protected status harassment or biased base policing the County/Department will initiate a complaint a start an investigation if necessary.

450.13 OFFICER INVOLVED SHOOTINGS/CRITICAL INCIDENTS

State Law asserts that, "Independence is essential to the integrity and objectivity of the investigation. Maintaining independence is achieved through compliance with rules and regulations designed to prohibit undue influence, and the appearance of undue influence, by the involved agency in the investigation." Furthermore, State Law reads, "In order for investigations to be viewed as credible it is critical to demonstrate that the procedures followed are consistent,

Body Worn and Vehicle Camera Recorders

known to the public, and rooted in best practices for homicide investigations, with particular attention focused on those unique areas of evidence relevant to the officer's decision-making process." Therefore, in order to comply with the intent of the law, the decision on whether or not to allow the involved officer(s) to view vehicle or BWC recordings will be determined by the agency(ies) conducting the independent investigation. The Department supports the investigating agency(ies) allowing the member to view BWC or Vehicle Camera video if those agencies determine it is appropriate.

The Department recognizes Vehicle or BWC recordings may not capture all aspects of an encounter, and differences may exist between Vehicle or BWC recordings and a member's perceptions.

450.14 TRAINING

The Vehicle and BWC Program Manager or designee, along with the Training Division, will oversee training members on the use of the BWC and the BWC policy.

Members shall not use Vehicle or BWC systems unless they have successfully completed training in the proper use of such equipment. A written record of the training provided will be completed by the trainer and maintained in the member's training file or appropriate database.

Upon first issuance of a Vehicle or BWC members will enter an initial, "Training Period" of 30 days in where the Department recognizes that errors will occur as members navigate new technology.

During the Training Period the Department will give consideration to members for inadvertent violations of this policy as they learn how to use Vehicle and/or BWCs. No officer will be subject to discipline for inadvertently failing to activate a camera for the first 30 days after he or she is assigned to wear a BWC or use a Vehicle Camera. Evidence of inadvertently failing to activate a BWC during the training period shall not be used or considered for performance evaluations or discipline after this training period. Continuous

Members will re-enter a 14-day Training Period (commencing upon primary duty assignment), with the same parameters of the initial Training Period, in the following circumstances:

- (a) Returning from one of the following leave statuses that that was one (1) continuous year or more in duration:
 - 1. FMLA / PFML
 - 2. Medical Leave
 - 3. Leave of Absence (Personal/Sabbatical/Run for Office)
 - 4. Military Leave / Assignment
- (b) Returning to a primary assignment from one of the following Career Development positions that that was one (1) year or more in duration:
 - 1. Range Master

Pierce County Sheriff's Department

Pierce County SD Policy Manual

Body Worn and Vehicle Camera Recorders

2. Principle Firearms Instructor
3. Background Investigator / Supervisor
4. Recruiter
5. Training Deputy / Sergeant
6. Sex Offender Registration Supervisor (Sergeant)

Additional training may be required at periodic intervals to ensure the continued effective use, operations, and performance of the BWC. Training may also be required to incorporate changes, updates, or other revisions in policy and equipment.

450.15 VEHICLE OR BWC VIDEO USED FOR TRAINING

A Vehicle or BWC recording may be used for training purposes when approved by the Training Division. Involved member(s) shall be notified by the Training Division prior to the Vehicle or BWC recording being used. If an involved member(s) objects to the showing of a recording, his/her objection will be submitted to the Administrative Services Captain to determine if the member(s) objection outweighs the training value.

In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing a Department member.