

MEMORANDUM

To: Gender Equity, Safe Communities and New Americans Committee
From: Amy Tsai, Council staff
Date: February 22, 2017
Subject: Body-Worn Video Proviso (GS-207-1-B-1-2017) and BWV Proviso Lift (CB 118904)

Green Sheet 207-1-B-1-2017 (Attachment 1) imposed a proviso in the 2017 Adopted Budget (“2017 BWV proviso”) that placed limits on body-worn video (BWV) spending until the Council passes an ordinance lifting the proviso. CB 118904 is the proposed ordinance that would lift the proviso.

Under GS 207-1-B-1-2017, the requirements for lifting the proviso were envisioned as follows:

- (1) SPD reconvenes a stakeholder workgroup from a 2016 BWV proviso to discuss outstanding issues or community concerns related to BWV protocols and policies;
This occurred.
- (2) SPD develops a detailed action plan for community engagement by Dec. 2, 2016;
Plan submitted Dec. 2, 2016.
- (3) SPD submits a report summarizing results of community outreach, how the draft BWV policy is responsive, and unresolved issues related to the BWV policy; and
Report submitted Feb. 17, 2017.¹
- (4) SPD identifies how it will continue to engage the stakeholder workgroup.
Included in Feb. 17 report.

The purpose of the proviso was to foster greater community engagement on the BWV policy. This staff memo analyzes the extent to which that occurred and evaluates SPD’s plan for continued community engagement.

Background

In November 2015, the Council placed a BWV proviso in the 2016 Adopted Budget calling for, among other things, an extensive community engagement process on the BWV policy (Attachment 2). SPD submitted a report in October 2016 describing its community engagement (Attachment 3) and requested that the proviso be lifted as part of the 2016 3rd quarter supplemental.

The Council declined to lift the 2016 proviso. Instead, it continued the 2016 proviso through the end of the year and instituted a new 2017 proviso, GS 207-1-B-1-2017. The purpose of the new

¹ The proviso contemplated completion of steps by February 1, 2017. SPD requested an extension to February 17, 2017, in order to further engage with the community and officer stakeholders (Attachment D to SPD report). Chair González granted an extension to February 17 (Attachment E to SPD report). SPD’s report was submitted on time on February 17.

proviso was to provide further opportunity for the extensive community engagement that had been called for in the 2016 proviso.

The 2017 BWV proviso allowed some limited spending to occur on preliminary activities related to acquiring BWV equipment, and it also allowed spending related to deployment of BWV on downtown bicycle officers, but restricted spending of any other funds on BWV equipment acquisition until the Council lifts the 2017 BWV proviso by ordinance. At the end of 2016, SPD began limited deployment of BWV on some bicycle officers in the West Precinct. SPD filed its proviso response with a new BWV draft policy on February 17, 2017 (Attachment 4).

The BWV policy was due to be submitted to the federal consent decree Monitoring Team on February 17, and will be filed with the Federal Court on March 3, 2017. That policy will then be used in training officers for BWV precinct deployment, with implementation contingent on lifting of the proviso and also subject to labor negotiations (Attachment D to SPD report).

The issues surrounding BWV deployment – community trust, accountability vs. evidentiary uses, privacy concerns and state public disclosure law (which differs in significant ways from the public disclosure laws of other states), to name a few – are exceedingly complex. It is expected that the BWV policy will continue to evolve as the BWV rollout continues and more lessons are learned. Toward that end, *“SPD feels strongly that community engagement on the BWV program should continue after the proviso has been lifted and that changes to the SPD BWV policy can be made as part of that ongoing effort.”* (p. 3)

Analysis

At the heart of the 2017 BWV proviso was the Council’s desire for extensive community engagement to inform BWV policy. The community engagement plan (Attachment A to SPD report, filed Dec. 2, 2016) consisted of two layers of engagement: (1) reconvening of the BWV stakeholder group to recommend policy and protocol issues for consideration by SPD, and (2) group sessions with representative community members to solicit community feedback to inform the work of the stakeholder workgroup and SPD. Looking forward, the report also contains a plan for continued community engagement with the stakeholder group and community at large.

It is worth noting that there was a previous body of work examining in-car video and then BWV policies over the years, including work of the original stakeholder group in 2016 and recommendations from the Community Police Commission and OPA Auditor on previous drafts of the BWV policy. The community concerns addressed in the BWV policy thus far are a culmination of all of these community engagement efforts, with added impetus from the provisos imposed by the Council.

Community Groups

A total of 33 community members out of 80 invitees participated in three 90-minute roundtable discussions held in mid-January. The organizational memberships of the community participants can be found on pages 56, 59 and 63 of the report. They included representation of various races/ethnicities, victim advocates, civil rights defenders, immigrant/refugee, low income, LGBTQ, youth, veteran, health, behavioral health, social services, public policy, and other community voices. Participants spoke from their individual perspectives and experiences, as well as from the perspective of their organizations as touchpoints with various segments of the community.

The roundtable participants were recommended by the stakeholder group, with significant contributions to the invite list by the Community Police Commission in particular. However, it is unclear whether there was a methodology employed to ensure a representative sample of community voices. While the participants raised good points related to their constituencies, it would be useful to know what voices were not at the table. This could help inform the make-up of any future roundtables. For example, there was discussion around people's ability to provide consent based on factors such as language, age, and cognitive capacity, but it does not appear that persons who are hard of hearing shared their perspective.

Stakeholder Group

The invited stakeholder group from the 2016 BWV proviso consisted of the Community Police Commission, Seattle Police Department, Mayor's Office, Seattle City Council, Seattle City Attorney, American Civil Liberties Union, federal consent decree Monitoring Team and Department of Justice, King County Coalition Ending Gender-Based Violence, Somali Community Services of Seattle, King County Sheriff's Office, King County Department of Public Defense, King County Executive, and experts in constitutional and municipal law (Attachment A to SPD report).

The reconstituted group had an initial teleconference in November 2016 and three meetings (Dec. 14, Jan. 25, and Feb. 10). The SPD report did not provide minutes of the stakeholder meetings or identify who attended. However, attendance at the final meeting was low. SPD plans to solicit ideas for possible new group members (p. 4). The make-up of this group is critical given its central role in informing BWV policy refinements.

Policy Issues

Some of the potential benefits of BWV identified by the roundtable groups include increased police accountability, better behavior by officers and the public when on camera, and creating a clearer record.

Much more time, however, was spent discussing concerns about unintended consequences. Some themes included:

- Chilling effects on people's willingness to talk to police,
- When to turn cameras on or off, and
- Race and social justice impacts.

The most frequently raised concern was the potential deterring effect of recording on the public's willingness to contact or interact with police. This comment came up multiple contexts, such as for undocumented individuals, the African American community, domestic violence victims, cultures that do not want to be filmed, peaceful protest participants, LGBTQ youth, LGBTQ victims of hate crimes, victims who are drunk, and people who are already nervous about talking to the police. Given the current federal context, these concerns may be even more heightened in the future.

The BWV policy at least partially speaks to this concern in 16.090(5)(f): Protecting Privacy and Dignity, which states:

There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and **when the use of BWV would impede or limit the cooperation of a victim or witness**. When an employee believes such circumstances exist, the employee **may deactivate** the BWV.² (emphasis added)

This discretionary power to turn the camera off may help put a victim or witness at ease in the presence of police, but would not necessarily address the issue of people not being willing to come forward in the first place. In fact, under Section 5(b), the default policy is that officers are required to record the questioning of victims, suspects, or witnesses. (This is a point of disagreement between SPD and stakeholders who felt that the questioning of victims and/or witnesses should not be recorded.) Officers under section 5(c) are also given discretion to initiate a recording any time they determine it would be beneficial to capture an event or activity, unless otherwise prohibited by the policy.

Officer authority to turn cameras on or off was a central concern of the roundtables, as it has a direct impact on accountability, good officer behavior, and community trust. Discretionary on/off provisions have the potential to result in inconsistent and/or inequitable recording of some segments of the community more than others and should be accompanied by strong training measures, documentation, and supervisory controls. It was also noted in the roundtables that communities that are over-surveilled will have more video footage, and it was felt that surveillance is not likely to build trust. One participant observed that the technology

² Under Section 5(h), employees who stop recording during an event must state their intention to stop recording and the basis. They also must document the reasons in their report. This is important to allow supervisors to adequately review the officers' use of discretion.

will expand or exacerbate what is already there. To be effective, BWV policy must be addressed in conjunction with the culture, training, and accountability controls that exist outside of and around the policy.

Given the strong community concerns expressed about officer discretion to turn cameras on or off, victim and witness filming, and chilling effects on people coming forward, these topics would be good candidates for the continued community engagement planned by SPD.

Plan for Continued Engagement

As required by the proviso, SPD's report includes a plan for continued community engagement. The plan includes three components: (1) continued community and stakeholder engagement, (2) educational outreach, and (3) regular reporting to GESCNA.

SPD recognizes that new issues will continue to arise as deployment expands, but it should be noted that there are also existing issues that bear further discussion, including but not limited to the ones discussed in this memo. The stakeholder group will continue to act as the main consultative body (quarterly meetings beginning April 2017). SPD will continue to engage additional members of the community with CPC's help, develop a survey to evaluate individuals involved in BWV interactions (Q3 2017), and develop a comprehensive engagement plan with the assistance of the stakeholder group (May 2017).

SPD's strategy builds on the community engagement work to date, with the positive addition of an evaluation mechanism to tap into the experiences of the public with BWV. Between the 2016 and 2017 proviso efforts, SPD now has a considerable body of community feedback. One challenge for SPD will be how to make use of the existing information to hold more in-depth, advanced community conversations.

From the questions raised in the roundtable discussions, the community is still unclear about BWV rights and how the cameras will be used. SPD will develop and disseminate an FAQ about when recordings will happen, victim rights, how to request videos or non-disclosure, and other issues (April 2017). SPD will also leverage the SPD Advisory and Demographic Councils to reach the community.

The final component of SPD's continued community engagement plan is to report quarterly to GESCNA on stakeholder work, educational efforts, updates on state laws and work in other jurisdictions, and deployment status.

Next Steps

SPD is requesting approval of CB 118904, which would indicate its satisfaction of the requirements of the 2017 BWV proviso and lift the proviso. If the proviso is lifted, SPD will begin acquiring equipment for a staged roll-out of BWV by precinct, beginning with the West Precinct.

According to SPD's community engagement timeline, significant engagement will occur in April and May, including reconvening of the stakeholder group, development of an FAQ that will be used in SPD's public education campaign, and creation of a new comprehensive engagement plan that builds on the work to date. Thus, if the proviso is lifted it would signal a continuation, not the completion, of community engagement.

Attachments

1. GS 207-1-B-1-2017
2. GS 81-1-A-2-2016
3. SPD community engagement report dated Oct. 3, 2016
4. SPD proviso response dated February 17, 2017

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst

ATTACHMENT 1 – GS 207-1-B-1-2017**2017 - 2018 Seattle City Council Green Sheet****Approved**

Tab	Action	Option	Version
207	1	B	1

Budget Action Title: Proviso on 2017 Body-Worn Video funds in SPD and Sea-IT

Ongoing: Yes

Has CIP Amendment: No Has Budget Proviso: Yes

Primary Sponsor: González, M. Lorena

Councilmembers: Burgess; Herbold; O'Brien

Staff Analyst: Amy Tsai

Council Bill or Resolution:

Budget Committee Vote:

Date	Result	SB	TB	LG	BH	LH	RJ	DJ	MO	KS
11/16/2016	Pass 9-	Y	Y	Y	Y	Y	Y	Y	Y	Y

Budget Action description:

This budget action would impose the following proviso:

"No money may be spent by the Seattle Police Department (SPD) or Seattle Information Technology Department (SeaIT) in 2017 on the acquisition of body-worn video (BWV) equipment until the Council passes a future ordinance lifting this proviso. It is envisioned that such ordinance will not be passed unless the following steps are completed by February 1, 2017:

- (1) SPD reconvenes the stakeholder workgroup formed under Green Sheet 81-1-A-2-2016 and seeks their advice regarding any outstanding issues or community concerns related to BWV protocols and policies;
- (2) SPD, in consultation with the stakeholder workgroup and Council, develops a detailed action plan for community engagement on body-worn video by December 2, 2016, that includes a plan for regularly sharing with the Gender Equity, Safe Communities, and New Americans Committee a status update on community engagement efforts;
- (3) SPD submits to the Council a final report that summarizes the results of the Department's community outreach, describes how the draft BWV policy is responsive to community input and the operational needs of the department, and identifies unresolved questions or issues related to the BWV policy and implementation protocols; and,
- (4) SPD documents how the Department will continue to engage and seek the advice of the stakeholder workgroup on the use of BWV equipment.

<i>Tab</i>	<i>Action</i>	<i>Option</i>	<i>Version</i>
207	1	B	1

This proviso shall not apply to funds spent on preliminary activities related to acquisition of body-worn video equipment, including the following: (1) funds supported by the federal body-worn video grant received by the Seattle Police Department or the City's matching funds for that grant and (2) funds expended for preliminary activities under a contract for the acquisition of body-worn video equipment. This proviso also shall not apply to costs associated with the deployment of body-worn cameras on downtown bicycle officers."

Background:

There is a proviso on \$1.8 million in the 2016 adopted budget for body-worn video (BWV). The proviso states that none of the money appropriated in the 2016 budget in the Finance General Police Accountability Reserve may be spent for body-worn cameras for police officers until the City Council passes an ordinance lifting the proviso. The proposed 3rd quarter supplemental ordinance contains language that would lift the proviso and release the funds; a proposed amendment that would partially release the funds in order to allow some work to proceed is included in Green Sheet 368-1-C-1-2017.

The stated purpose of the proviso is (1) to ensure that the Council has "adequate time to review and approve City policies for use of body-worn cameras" and (2) to consider public comment on those policies. In describing the public outreach, the proviso description identifies a workgroup of named stakeholder entities from the community, state, federal, and local governments. Those entities were to conduct "an extensive engagement process with the community" and provide the Council with a "detailed written report on the community engagement process and a draft policy for review." A proviso response report dated Oct. 3, 2016 was filed on Oct. 7 (see Attachment 1).

While SPD conducted meetings with some of the stakeholders named in the 2016 BWV proviso, there does not appear to have been an extensive engagement process with the community. Members of the community may still have questions about the policies and privacy impacts governing the use of body-worn videos.


This budget action is intended to ensure that there has been adequate public comment and outreach and engagement to the satisfaction of the Council, as originally contemplated in the 2016 proviso, prior to the acquisition of body-worn video equipment. It is expected that planning and other preparatory work may be occurring in the meantime.

<i>Tab</i>	<i>Action</i>	<i>Option</i>	<i>Version</i>
<i>81</i>	<i>1</i>	<i>A</i>	<i>2</i>

Team, Washington State Coalition against Domestic Violence, Somali Community Service of Seattle, King County Sheriff's Office, Seattle City Attorney, King County Executive, United States Department of Justice, and Seattle Police Officers Guild, as well as experts in constitutional and municipal law, will begin meeting in November 2015. The work group will conduct an extensive engagement process with the community and will provide Council with a detailed written report on the community engagement process and a draft policy for review.

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Council President Bruce Harrell

FROM: Brian Maxey, Chief Operating Officer 

SUBJECT: BODY-WORN VIDEO POLICY AND ENGAGEMENT

DATE: 10/3/2016

The 2016 Adopted Budget appropriated \$1.8M to Finance General Reserves for implementation of body-worn cameras for the Seattle Police Department (SPD). During the 2016 budget process, the City Council imposed a Budget Proviso (81-1-A-2-2015) on Finance General. It reads:

“None of the money appropriated in the 2016 budget in the Finance General Police Accountability Reserve may be spent for body-worn cameras for police officers until the City Council passes an ordinance lifting this proviso.”

The proviso requests a written report on the work group’s engagement process in addition to a draft policy for SPD’s use of body-worn video. This memorandum serves as the Department’s response to the Proviso. The 2016 3rd Quarter Supplemental Budget Ordinance submitted to City Council on September 26, 2016 lifts the proviso.

Introduction

The Statement of Legislative Intent (SLI) specified a group of community stakeholders to be included in a work group and directed the meetings to begin in November of 2015. The noted stakeholders included the Community Police Commission, Seattle Police Department, Mayor’s Office, City Council, American Civil Liberties Union, Department of Justice Settlement Monitoring Team, Washington State Coalition against Domestic Violence, Somali Community Service of Seattle, King County Sheriff’s Office, Seattle City Attorney, King County Executive, United States Department of Justice, and Seattle Police Officers Guild, as well as experts in constitutional and municipal law. The SLI requested a written report of this engagement as well as a draft policy for SPD’s use of body-worn video.

Enhancing or creating the record of officer-public interaction in the form of body-worn video is expected to improve public trust in the department, as well as increase transparency. Seattleites have expressed a strong preference for equipping officers with body cameras – a 2015 public survey performed by Monitoring Team overseeing SPD’s Department of Justice (DOJ) Consent Decree found that 89% of the public supports the use of body cameras in Seattle. The survey did not find a statistically significant population in the city who supports body-cameras by less than 80%. This is similar to the 87% of people who support body-cameras nationally, according to a 2014 Pew Research poll.¹

¹ Assessments of Community Perceptions: September 2015 Survey Executive Summary. Seattle Monitor. Retrieved from: www.seattlemonitor.com

The Monitoring Team's Fifth Semi-Annual Report states that the "Monitor strongly believes that body cameras should be rolled out to all SPD officers on a permanent basis as rapidly as possible. If adjustments to policy, training, or internal processes are necessary in the area, they should be based on lessons learned from the field going forward. In this era of heightened scrutiny on law enforcement accountability, the stakes are far too high to engage in abstract discussions or mere conjecture uninformed by real-world experience."²

A community perceptions survey of body-worn cameras, developed by the Community Police Commission and the Seattle Police Department, was completed in late 2015. The survey was administered to eighty community members who interacted with police officers wearing body cameras during the department's proof of concept in 2015 to assess experiences with and opinions of body-worn cameras. The survey found that:

- Community members were highly satisfied with this experience with police officers wearing body cameras and had very positive opinions of the officers who assisted them;
- When the experience with an officer wearing a body camera changed community members' opinions of body cameras, it typically made community members' opinions more favorable.
- Community members were comfortable with body cameras being used by police and the body cameras neither made them nervous nor caused them to change their behavior.
- Community members have favorable opinions of body cameras being used by the Department.
- Seventy-three percent of the community members whose conversations were recorded by body cameras said that they "agree" or "strongly agree" that "The body camera helped the officer do police work more effectively," and 55 percent said that they "agree" or "strongly agree" that "Because of the body camera, [they] felt that the officer was more fair."
- Most community members (87% to 98%) whose conversations were recorded by officers' body cameras said that they were comfortable, were able to tell the officer everything they wanted, and did not change their behavior when the body camera was turned on.

Releasing funding for the implementation of the body-worn video program will allow SPD and Seattle to move forward with the project and continue to build trust between the community and the police department, as well as increase the level of transparency of office-public interaction.

This memorandum provides a response to the two elements of the SLI, as well as supplementary information including a brief overview of the project status and an overview of proposed future public engagement.

Response to SLI-81-1-A-2-2015

1) Stakeholder Engagement

As noted in the SLI, the Seattle Police Department conducted multiple Body-Worn Video Outreach Meetings with community stakeholders. While there were discussions about all aspects of body-worn video, the meetings were largely framed in the context of the State's (then proposed) new body-worn video (BWV) legislation.

² Fifth Semiannual Report (June 2015). Seattle Monitor. Seattle Monitor. Retrieved from: www.seattlemonitor.com

At the time of the meetings in late 2015, SPD already had a BWV policy as part of the proof of concept program, which was completed in 2015. The stakeholders and meetings provided feedback on the pilot policy which was incorporated into the current working draft. The current draft of the BWV policy is currently being reviewed by multiple stakeholders including the Department of Justice, the Monitoring Team, the Bureau of Justice Assistance, and the Community Police Commission.

Operational considerations identified at the meeting could not always be addressed, due to the fact that a vendor and solution had not yet been selected for the project.

The meetings consisted of:

- Large group meetings: November 6, 2015 and December 16, 2015.
- Subcommittee meetings: Public Records (12/2/15), Privacy (12/10/15), and Operations (12/15/15).

Attached you will find meeting agenda's and minutes for all meetings except the introductory November 6, 2015 meeting for which no materials were created.

Participants

The meeting participants invited included City, County, State, and federal agencies, as well as community groups, legislators, legal experts, and the court-appointed Monitor.

State legislative representatives were included with the expectation that they would work with their constituents to identify issues and bring them forward to the meetings. In addition, the State Legislature was considering changes to the Revised Code of Washington (RCW) in regard to body cameras in the 2016 legislative session. The state passed EHB 2362 in June of 2016.

The Community Police Commission (CPC) also participated in the meetings, bringing a broad range of community perspectives to the table.

Specific attendees included:

City of Seattle:

- *City of Seattle Mayor's Office:* Kate Joncas, Ian Warner
- *City of Seattle Office of Intergovernmental Relations:* Scott Plusquellec, Lyset Cadena
- *Seattle Police Department:* Chief O'Toole, COO Brian Maxey, Police Counsel Rebecca Boatright, Strategic Advisor Virginia Gleason, CIO Bill Schrier, Lt. Ross Bartley, Sgt. Brendan Kolding, Det. Dave Puente, Video Supervisor Karim Miller, Video Tech. Jesus Valenzuela, DV Det. Mooney
- *Seattle City Council:* Councilmember Bruce Harrell, Vinh Tang (CM Harrell's office), Amy Tsai (Council central staff)
- *Community Police Commission (CPC):* Fé Lopez, Rev. Harriett Walden, Lisa Daugaard, Melinda Giovingo
- *City Attorney's Office:* Mary Perry

State Legislature:

- Sen Jamie Pederson
- Sen Pramila Jayapal
- Rep Drew Hansen
- Rep Brady Walkinshaw

- Rep Cindy Ryu
- Jillian Kilby - from Rep. Hansen's office

US Attorney's Office:

- Asst. US Attorney Michael Diaz
- Asst. US Attorney Christina Fogg

King County:

- Sheriff John Urquhart
- Public Defender Lorinda Youngcourt
- Public Defender Policy Advisor Lisa Daugaard
- Gail Stone, Public Safety Advisor for Dow Constantine
- Senior Deputy Prosecuting Attorney Howard Schneiderman
- April Putney and Gail Stone, KC Executive's Office

Other:

- Jared Friend, ACLU
- UW Law Professor Hugh Spitzer
- Monitor Merrick Bobb

Invited but Not Present:

- Somali Community Service of Seattle
Washington State Coalition Against Domestic Violence

Agenda/Issues

Issues discussed by the large group and subcommittees included:

- Complexities and costs of complying with Public Disclosure Act requests for body-worn video;
- Privacy issues - related to video being taken, and also when made available to the public;
- Issues related to the operation of the cameras - when on/off, how used by police; and
- Technology and cost - redaction, storage, management.

The primary area of discussion was the balance between police accountability, privacy and the practicalities of public disclosure. The discussions were broken into two sets: one describing issues of police wearing body-worn video under then existing law; the other if Sen. Hansen's bill became law. Senator Hansen's bill (EHB 2362) did eventually become law in the 2016 State Legislative Session.

Use of body-worn video under (then) existing law:

- It takes approximately 10 minutes of staff time to manage every 1 minute of video requested in a public disclosure request.
- Costs and potential liability is very large for handling public disclosure requests for video.
- Even with the existing PDA exemptions, many very disturbing and private events that are captured on body-worn video have to be disclosed if requested.
- Committee attendees expressed concern for vulnerable individuals, in particular, domestic violence victims, stalking victims, the LGBTQ community, and immigrant communities. There were concerns that the fears of the body-worn footage becoming public could cause victims to be reluctant to call police in an emergency, or later become more victimized by the video footage if it becomes public.

How Senator Hansen's Bill (now HB 2362) impacts body-worn video law:

- The bill limits (but does not prohibit in all cases) disclosure of video that captures the interior of one's home, nudity, sexual activity, identifiable juveniles, medical treatment facilities.
- The bill does not dictate operational details of how a department should operate the cameras, and only requires that departments have a policy to address the key operational issues. Some would like the bill to address whether officers can view footage before writing reports.
- The bill does not limit the use of the video footage by the criminal justice system. Some would prohibit the use of the video as evidence that could be used for misdemeanor crimes. The Public Defenders and other believe there could be constitutional problems with this limitation.
- The bill reduces potential liability to cities if PDA errors are made in good faith.
- The bill requires requests with specificity and prohibits large blanket video requests.
- The bill requires requestors to pay for video redaction costs.
- The limitations and costs do not apply to the criminal justice system or official and/or recognized accountability bodies.
- The bill creates a taskforce that will deliver a report by December 1, 2017.
- The law expires July 1, 2018.

Stakeholder feedback Incorporated:

The attached draft policy incorporates feedback received from the work group. In addition, the State included recommendations by stakeholders in EHB 2362.

- The draft policy allows for the turning off of camera if an officer is going into a private residence and they are asked to stop recording.
- The draft policy states that if an officer stops recording, they must verbally state the reason for doing so prior to ending.
- The draft policy states that officers will not 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 unless there is reasonable suspicion of criminal activity.
- Representative from the immigrant and refugee community included in State Legislative Taskforce on Body Cameras created by the State Legislature.
- State legislation includes provisions requiring privacy for juveniles, domestic violence, and sexual assault victims.

2) Draft Policy for Review

Please see attached draft policy. The draft policy is currently under review with the DOJ Monitoring Team and the Community Police Commission. The policy will undergo another round of revisions after a vendor is chosen, with an expected final draft complete by December, 2016.

Supplementary Information

Current Project Status

The Seattle Police Department has been moving forward with planning for the Body-Worn Video program since the proviso was enacted. A Project Manager was hired and a Policy Steering Committee, comprised of SPD, Mayor's Office, Council Central Staff, City Budget Office, Seattle IT, the City Attorney's Office, and King County Prosecuting Attorney's Office representatives have been meeting regularly to provide direction to the Project Team. Other operational stakeholders that have been involved in the project include the King County Office of Public Defense, Seattle Municipal Court, and the King County Department of Judicial Administration. The project's Business and Technical Project Team meets regularly to plan for implementation. The project also includes Gartner Consulting, who have been contracted to provide external project quality assurance. Gartner has extensive public safety experience; they have worked with SPD on other projects and also have experience with body-worn camera programs in other jurisdictions.

The project is a partnership between SPD and SeattleIT and has been included in the SeattleIT "Stage Gate" project-review process. Included in the process is an internal IT security review, a privacy review by outside counsel, and a Project Racial and Social Justice Initiative Toolkit.

The Request for Proposal (RFP) was released on September 10th for a vendor body-worn video solution. December 2016 has been targeted for a limited deployment of 20 bike officers. Following the initial deployment, there will be an assessment period where the vendor solution is reviewed and the impact on public disclosure and the legal system is analyzed. Following this review, SPD will begin wide-spread deployment to first-responder officers; SPD anticipates this will begin in February 2017, with implementation complete in late 3rd Quarter 2017.

Future Engagement

In early 2017, SPD and SeattleIT plan to conduct additional outreach to provide information on the technology solution and policies and procedures surrounding body-cameras. Once a technology solution has been selected and deployed to a small subset of officers, SPD will be able to provide more specific information to stakeholders and the public about how the cameras operate and the policies that will govern their use. Many of the questions SPD has received about the operations to date of body-worn cameras have been directly related to the operations of the cameras and cannot easily be answered prior to selecting a technology solution. Commonly asked questions include:

- Will there be a light on when the video is recording?
- What will happen if a battery does not last the whole shift – will there be interactions that are not recorded?
- Will there be facial recognition capabilities? And if so, under what circumstances will it be utilized?
- Can cameras be turned on automatically?

SPD believes that conducting additional engagement in early 2017 will allow for robust and detailed discussions with community members and stakeholders about the technology solution and policies. This

timing will allow SPD to receive feedback and make modifications to training or outreach materials prior to wider roll-out of body-worn cameras.

The public communication plan moving forward includes outreach in public forums to educate the public on how the cameras work, what the policies surrounding them are, and how they may be impacted as individuals.

In addition to future public communication, SPD has drafted the following non-exclusive questions to help frame engagement with the Office of Civil Rights in order to utilize their expertise on the City's Race and Social Justice Initiative. The proposed engagement will occur concurrently with SPD's review of the technology solution and vendor prior to expanded roll-out of the body-worn cameras.

- Increased transparency with regard to officer-public interaction means that the members of the public will also be present in videos that may widely circulated on-line and in the media – will this result in potential negative impacts for the public?
- The public may request copies of videos per State law. While there are protections that restrict disclosure of domestic violence and sexual assault, are there potential issues for other types of victims of criminal activity?
- Will the availability of video have a potential chilling effect on witnesses of criminal activity?
- A public records search could allow a member of the public to find and view a video of an individual's interaction with law enforcement that may show seemingly troubling behavior despite a dismissal of the case in a court of law. Would this scenario have potential to impact an individual's ability to acquire housing, employment, and/or other services/needs?
- There will likely be videos that can be released that show members of the public in potentially embarrassing situations (intoxication, infidelity, erratic behavior, etc.) that may end up in the broader public sphere. What impact will that have on these individuals? Will it have downstream effects on employment and/or personal and family relationships?
- Body-worn video does not always provide a clear view of an incident due to lighting conditions, placement on the body, physical activity (such as running), and proximity to an individual. If a video of suspected officer misbehavior is not clear enough to present a definitive account of the incident, what might the result be in the community?

Finally, it is critical that the department strike the proper balance between privacy, transparency, and accountability as this project moves forward. Indeed, the department recognizes that the policy, technology, and utilization of body worn cameras must be critically examined on a regular basis to ensure that the tool is meeting the expectations of the community and the department. As such, there is no end date for community engagement.

SPD and SeattleIT have been working with Council staff on the Body-Worn Video Steering Committee and look forward to continuing to work collaboratively on this project.

<i>Tab</i>	<i>Action</i>	<i>Option</i>	<i>Version</i>
<i>81</i>	<i>1</i>	<i>A</i>	<i>2</i>

Team, Washington State Coalition against Domestic Violence, Somali Community Service of Seattle, King County Sheriff's Office, Seattle City Attorney, King County Executive, United States Department of Justice, and Seattle Police Officers Guild, as well as experts in constitutional and municipal law, will begin meeting in November 2015. The work group will conduct an extensive engagement process with the community and will provide Council with a detailed written report on the community engagement process and a draft policy for review.

Oct. Memo Attachment 1b: Body-Worn Video Stakeholder Meeting Notes

SEATTLE POLICE DEPARTMENT BODY-WORN VIDEO STAKEHOLDER MEETING DECEMBER 16, 2015

Attending: Kate Joncas, Deputy Mayor; Brian Maxey, SPD COO; Mike Diaz, US Attorney's Office; Christina Fogg, US Attorney's Office; John Urquhart, King County Sheriff; Councilmember Bruce Harrell; Representative Drew Hansen, Senator Jamie Pederson (by phone); Rev. Harriet Walden, CPC; Lisa Daugaard, CPC; Professor Hugh Spitzer, UW Law School; Gail Stone, KC Executive's Office; Bill Schrier, SPD CIO; Lt. Ross Bartley, SPD Policy Unit; Det. Dave Puente, SPD Policy Unit; Jillian Kilby; Rep. Hansen's Office; Amy Tsai, Seattle Council Staff; Vinh Tang, CM Harrell's Office; Virginia Gleason, SPD, Dan Dueball, SPD.

Discussion of the four subcommittee meetings: (committee reports attached)

SHB 2975:

Rep. Hansen gave a short overview of the bill, and stated that he is interested in feedback on how to improve it to more effectively protect privacy interests and to provide some relief from public disclosure risks to agencies who choose to move forward with body cameras. The next session is a short one and there will be very short timelines to move the legislation forward. It is not impossible that the bill could pass in the upcoming session but it will require concerted effort from those who support it.

AWC, WSAC, the Governor, Allied Newspapers and others have agreed to support the bill in its current form. His goal was to require agencies using body-worn cameras to have a policy that covered certain points, but to leave the specific details to each agency.

Body-worn video procurement and implementation timeline:

Question was raised whether there is time put in the schedule for presentation and approval of SPD policy to the city council.

General Discussion:

- Mass export of data: Lisa Daugaard raised the question about mass export of body-worn video footage to other police or governmental agencies and requested information for the last meeting about whether SPD has any such agreements.
- Lack of input from certain marginalized communities: Subcommittee discussions did not specifically address concerns that members of marginalized communities (such as non-citizens) may have about being videotaped by authorities.
- Use of video: There is some desire locally to prevent use of body-worn video for any misdemeanor prosecutions. If used for prosecution; the video could only be used to prosecute felonies. Sheriff Urquhart pointed out that this is contrary to the National ACLU policy, which specifically allows for footage to be used when it contains evidence of a crime. Lisa Daugaard mentioned that many

felony crimes are moved down to misdemeanors and that the felony/misdemeanor distinction would be difficult to implement.

- Use caution: Professor Spitzer advocated for continuing to work on the body-worn video program, but to hold off implementation until there was some relief on the public disclosure issues. Based on what he has heard during this process, the risks of public disclosure costs and penalties and privacy invasions are so large, that the program should not be implemented until there is some legislative relief.

Next Meeting:

The next and last meeting of the group will be in mid to late January. The subject will be SPD's proposed body worn video policy. The policy will be distributed in advance of the next meeting to give participants an opportunity to review it.

BODY WORN VIDEO
PUBLIC RECORDS SUBCOMMITTEE MEETING
December 2, 2015

Attending: Sen Jamie Pederson, Rep. Drew Hansen (by phone), Mary Perry (City Attorney's Office), Howard Schneiderman (King Co. Prosecuting Attorney's Office), Fè Lopez (CPC), Harriet Walden (CPC), Ian Warner (Mayor's Office), Mike Diaz (US Attorney's Office), Virginia Gleason (SPD), Karim Miller (SPD Video Unit), Jesus Valenzuela (SPD Video Unit.)

Discussion:

Complex Web of Public Request Laws: Asst. City Attorney Mary Perry discussed some of the details about the complicated overlay of laws that apply to records held by law enforcement agencies. This web of caselaw and statutes results in a complicated and time consuming processes for managing public disclosure requests. Using information gathered for an upcoming State Auditor study, Seattle found that the costs to the city of providing records (searching, redacting, copying) are significantly more than what is collected in the charges allowed by the state. The complications of producing and properly redacting video records for public disclosure requests are even more complicated and time consuming.

Video Redacting: Karim Miller and Jesus Valenzuela from the SPD Video Unit gave a demonstration and discussed the time involved in redacting video to meet the public disclosure rules. In general, every minute of video that must be reviewed and redacted takes 10 minutes of staff time. Body worn video is more complicated to view and redact because the officer is moving and the images change rapidly (compared to the fix-mounted in-car video), and situations where multiple officers wearing cameras are involved in an event. Each frame of the video needs to be viewed and the redacted items marked. There are some emerging technologies regarding redaction but none of them are practical at this time. Exactly what needs to be redacted is also not clear – they redact “identifying information” about a person, but sometimes it is the face of the person, but in some cases other images may also need to be redacted. Karim Miller described his unit's workload and that he has the equivalent of 3 FTEs in his unit just preparing video in response to public disclosure requests. His unit's work is in addition to the Public Records Unit's up-front work identifying specific details about the request and corresponding with the requestor.

Legislative Options: Rep. Hansen provided a copy of the most recent proposal for SHB 1917 (attached). Specific details of the proposed bill were discussed. The bill adds a specific exemption to the Public Records Act related to Body Worn Video. Brief overview of the key points to the proposed law:

Section 2:

- Adds an exemption to public disclosure law for body worn video in the following instances:

- If non-disclosure is essential for the protection of privacy as described in 42.56.050¹
- The following are presumed to be private (but can be rebutted in an individual case):
 - Interior of private residence
 - Nudity or sexual activity
 - Identifiable minor
- No attorney fees/fines if agency did not act in bad faith or with negligence.
- Request for video must state:
 - Name of person(s) involved in incident
 - Incident or case number
 - Date/time/location of the incident
 - Officer involved
- Copies of the video can go to:
 - A person recorded and/or their attorney
 - Executive director of certain commissions of special interest groups
 - Those listed above do not have to pay costs of redaction etc.
- Unless noted in the statute, requesters must pay:
 - Reasonable cost of redaction
- This bill only applies to jurisdiction that has deployed body worn cameras as of the effective date of the section
- Official civilian and accountability bodies may still get video.

Section 5:

- Agencies that deploy body worn cameras must have policies that address:
 - When the camera is on or off, and what discretion the officer has.
 - How an officer communicates with someone unwilling to speak to the officer,
 - How officer documents recording
 - How officer notifies person that he or she is being recorded

Section 6:

- Legislature shall convene a taskforce to examine body worn camera use comprised of:
 - One member from each of the two largest senate caucuses
 - One member from each of the two largest house caucuses
 - Representative from governor's office
 - Representative from Wa. Assoc. of Prosecuting Attorneys
 - Representative from Wa Assoc. of Criminal Defense Lawyers
 - Representative from ACLU-Washington

¹ **42.56.050 - Invasion of privacy, when.**

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. . . .

- Representative from Wa. Assoc. of Sheriffs and Police Chiefs
- Two chiefs from agencies using body cameras*
- Two chiefs from agencies not using body cameras *
- One law enforcement officer*
- One representative from the Washington Coalition for Open Government
- One representative from the news media*
- A representative of a victim advocacy groups*
- Two representatives from the Washington State Commission on African-American Affairs,
- Two representatives from the Washington State Commission on Asian Pacific American Affairs
- Two representatives from the Washington State Commission on Hispanic Affairs;
- Two representatives of the tribal communities*
- A citizen member*

*(appointed jointly by House Speaker and Senate President)

- The taskforce will report its findings and recommendations to the governor and appropriate legislative committees by December 1, 2017.

Fè Lopez recommended that an individual from the immigrant community be included in the taskforce.

Rep. Hansen explained that several many provisions in the current version were negotiated with the ACLU and with Allied Newspapers. He believes that although it does not address all concerns brought forth by cities, it is a substantial improvement from the status quo and would give an opportunity for cities to experiment with a body worn camera process without concern about significant PRA costs or liability.

Sen. Pederson explained some of the process the legislation might go through in the upcoming short session.

BODY WORN VIDEO PRIVACY SUBCOMMITTEE
MEETING SUMMARY
DECEMBER 10, 2015

Attendees:

Rev. Harriett Walden (CPC), Jared Friend (ACLU), Jillian Kilby (Rep. Hansen's Office), Melinda Giovingo (CPC), Mary Perry (City Attorney's Office), Ian Warner (Mayor's Office), Councilmember Bruce Harrell, Vinh Tang (CM Harrell's office), Christina Fogg (US Attorney's Office), Det. Jay Mooney (SPD – DV Unit), Det Puento (SPD – Policy Unit), Sgt. Kolding (SPD – Policy Unit), Brian Maxey (SPD-COO), Rebecca Boatright (SPD Counsel), Virginia Gleason (SPD)

Discussion of privacy issues identified at December 5 meeting:

- Juveniles
 - Concern was raised about comments made by juveniles being captured on video – if they were to implicate someone who was exploiting them it might be used against them at a later date.
 - Many juveniles who come into contact with the police are vulnerable and video that would be available to the public that could show their location or their activities could place them at risk.
 - This concern is especially important for LGBTQ juveniles.
 - Although “identifiable juveniles” generally have identifying information redacted before a video is released, it’s not always easy to know who is a juvenile when a video is being taken that involves a number of people.
- Domestic violence and stalking victims
 - Det. Mooney stated that generally video does not substantially aid investigation or prosecution. In most cases sufficient evidence can be obtained without video and the downside to the victims is so significant that he could manage cases without its use.
 - It can be difficult to get DV victims to report crimes – even without body cameras. In particular, the victims are concerned about having video that would identify their location if they are trying to stay away from someone. The video metadata may give a precise location, or images on the video may reveal where they are hiding.
 - If there is widespread use of body cameras, it is possible that victims will be even more reluctant to report.
 - There is a “dignity consideration” that is significant when video is running. At the time they call the police these victims are often at a low point in their life, injured, disheveled, scared and not at their best. Having video of them available to family, friends or neighbors could make the situation even worse.

- Sex-crime victims
 - In addition to the privacy and safety concerns listed above for DV victims, there were some additional concerns for sex crime victims and/or trafficked individuals. Currently there are no automatic exemptions in the public disclosure act that would limit the disclosure of this information.
- In one's home
- Individuals in a mental health crisis
 - There is no public disclosure exemption for someone who is video recorded while undergoing a mental health crisis.
- Calls that involve protected health information – having video running while medics or other health professionals treat officers, suspects or victims

Discussion of Rep. Hansen's new legislation, SHB 2976:

- It adds procedural hurdles to someone gaining access to video, but does not necessarily prevent someone receiving the video.
- There are no restrictions on what can be done with the video once legally obtained – for example it can be put on the internet.
- Unclear whether this legislation would apply only to cameras mounted on the uniform, or those mounted on glasses, helmet, or K9.

Summary comments: (not attributed to any individual – were part of discussion)

- Information and images recorded on video are materially different from paper documents. Video captures movement, dialogue, facial expressions, and consequently, more emotional character.
- The group generally agreed that if a person does not want to be recorded in the following situations that the officer should not record:
 - DV victims
 - Sex crime victims
 - Stalking victims
 - Juveniles
 - In someone's home
 - Suicides
 - Administration of medical treatment
 - Situations/searches when the subject is unclothed

There may be legitimate reasons to record in these instances and if so, those reasons should be documented.

- "Identifying information" is easier to redact in a paper document; it is more difficult to determine what "identifying information" is in a video.

- Some group members advocated for clear principles on how video would be used – e.g. only used in relation to specific accountability inquiries, not to be used for a general informational or intelligence databases.
- Some group members expressed concern that other tools could be used in conjunction with the videos (e.g. facial recognition software), which would inappropriately expand the purpose for using the video cameras from accountability to intelligence and surveillance.
- Under the current state of public disclosure law, the privacy risks may outweigh the accountability and evidentiary benefits.
- Even though there are public disclosure redactions, the un-redacted video would be available to a suspect's defense attorney and likely to the suspect.

BODY WORN VIDEO
OPERATIONS SUBCOMMITTEE MEETING
December 15, 2015

Attending: Sheriff John Urquhart, Rep. Drew Hansen, Ian Warner (Mayor's Office), Brian Maxey (SPD COO), Prof. Hugh Spitzer (UW Law School), April Putney (KC Executive's Office), Vinh Tang (CM Harrell's Office), Jillian Kilby (Rep. Hansen's Office), Amy Tsai (City Council - Central Staff), Det. Dave Puente (SPD – Policy Unit), Virginia Gleason (SPD – Chief's Office)

Discussion of operational identified at the kick-off meeting¹

- How should subject be notified of recording?
 - It would be helpful if there was a light or other marking on the camera showing the recording was taking place.
 - Should there be a script for letting someone know they are being recorded – and that the recording is subject to public disclosure?
- When should consent be obtained before recording?
 - The Washington AG has stated that consent is not required.
 - Consent should be requested when coming into a private residence – except in the situation when the officer is entering with exigent circumstances or with a warrant.
 - In many types of confrontations it would be impractical to ask for and receive consent.
- When should officers have discretion on turning camera on/off?
 - It may not be practical to keep the camera on for most of a patrol shift. The storage and video management costs would be substantial.
 - Cameras have a limited battery life that may not last if kept on for an entire shift so there needs to be some encounters that are not recorded.
 - The department policy that gives guidance on when an officer can use discretion to turn the cameras on and off needs to be clear and simple. Often, when these decisions need to be made there will be chaos – officers should not need to refer to a complicated matrix to know when the camera should be on or off or be subject to discipline if they make an honest error.
- In those situations that an officer has discretion on when to operate the camera, what sort of documentation should be required to memorialize reason?
 - The reason should be stated on camera if possible and in the written report.

¹ These are comments/discussion from the group, not consensus or recommendations.

- Situations can be fluid and so there may be situations where it is not feasible to state the reason on camera.
- Should officers be able to review video before writing reports?
 - One option is a two-stage process – officer writes report/gives statement first without viewing video, and then has an opportunity to review their own video and make any necessary amendments.
 - Officers may be concerned about being labeled as dishonest and/or being accused of misconduct if there are two reports that differ, or if their statement then differs from the video.
 - There would need to be a cultural expectation and trust within an agency and between the department and the public to understand that the statements may be amended after viewing video evidence without it being a cover-up. The camera view and the officer view are not always the same.
 - The goal is to have the report be an accurate reflection of what happened, viewing the video will make the report the most accurate.
 - If the goal is for statements to be most reflective of what actually happened – all witnesses and suspects should be able to review video before giving a statement. There should not be a double standard for gathering evidence.
- How should confidential informants/members of the public giving tips be handled?
 - Important crime prevention information could be missed if cameras were required to be on when members of the public want to give information to an officer. Policy should allow officer discretion so these encounters not be recorded.
 - Confidential informants are not likely much of an issue because they rarely are talked to by patrol officers.
- How will video be used?
 - Concerns were expressed about creation of large databases that would be scanned with facial recognition or other software.
 - Seattle's intelligence ordinance would likely address some of those concerns.
- What about officers working off duty? Should cameras be required for off duty work?
 - The public does not know whether a uniformed officer is on-duty or off-duty and their authority is the same whether they are on or off duty.
 - Off duty encounters can develop into situations that are likely to be within the policy when recording would be required.
 - Requiring cameras for all off duty work would substantially increase the cost of the program.
 - Who would pay for the cost of additional storage, upload, review and public disclosure expense of video taken at off duty jobs? Should this be paid for by the off duty employer?

- What about recording during protests?
 - Protests have led to complaints about officer conduct and it would be difficult to explain why there is no video
 - There is concern about intelligence gathering at protests using body worn cameras.
 - There is already a lot of private video (cell phone video, social media, you tube, TV, private business) that would show the identity of individuals at protests.

General comments:

- As the issues related to public disclosure are discussed in more detail, the tension between having video running a lot of the time to capture a noteworthy event (e.g. use of force, officer performance issue, citizen behavior that would be relevant etc.) and privacy issues become more apparent.
- More on the tension between accountability and privacy: The public will want cameras on for accountability, off for privacy, on to gather evidence to solve crimes, but off if the information on the video would be available for voyeuristic purposes.
- Often, social contacts escalate into situations where the body camera footage would be helpful, but it could be awkward during the course of an escalating encounter to turn on video, explain why it is being turned on etc. There needs to be some leeway for the officers in these situations.
- It will be difficult to balancing the desire to capture all contacts between the police and the public on video and the practicality of managing the video, privacy and public disclosure requests.

Materials provided at meeting:

- Summary from Public Disclosure Act Subcommittee
- Summary from Privacy Subcommittee
- COPS/PERF Policy Recommendations Matrix
- Excerpt from the National BJA Toolkit "Should an officer be able to review the video prior to making a statement"
- Sample policies: San Diego PD, Bellingham PD

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16.090 – In-Car and Body-Worn Video

Effective Date 08/31/2016 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 both in-car and body-worn video programs, including 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

[Officers shall comply with training regarding camera placement or pointing, operation and 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

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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:

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

Any time the employee is aware of equipment malfunctions, the employee will, [as soon as practicable](#):

- 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

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- Arrests and seizures
- Searches and inventories of vehicles or persons
- Transports (excluding ride-alongs and passengers for meetings)
- Vehicle Eluding/Pursuits
- Questioning [victims](#), suspects, or witnesses [\(This does not include conversations with persons merely wishing to pass on information about general criminal activity that is not tied to a specific event.\)](#)

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

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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 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, or FIT commander where FIT has been notified, may authorize recording to be stopped when he or she determines:

- There is no reasonable basis for believing the recording will capture pertinent audio/visual evidence regarding the incident or enforcement efforts, and
- Continued recording presents a strain on Department resources.

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

Unless doing so would jeopardize officer safety or undermine on-going investigative efforts, employees who stop recording shall state on the recording their intention to stop recording and explain the basis for that decision.

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[Employees will also document the reason\(s\) in the GO report and/or CAD update.](#)

[Supervisors who direct that recordings cease shall also document the basis for their actions in the GO report and/or 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 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 who requests non-disclosure
- Complainant/victim/witness who has not requested nondisclosure but disclosure would endanger life, physical safety, or property

[- Interior of a private residence](#)

[- Interior of a medical, mental health, counseling, or therapeutic facility](#)

- Medical information or treatment

- Mental Health information or treatment

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- Any identifiable juveniles
- Confidential informants
- Identifiable location of a domestic violence program facility, emergency shelter, or transitional housing program
- Sexual activity, nudity, or images of intimate body parts
- Body of a deceased person or other death-related images
- Other information that if disclosed would be highly offensive to a reasonable individual

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

12. Specialized Units May Request Exceptions

The department recognizes that in relatively rare circumstances units may perform specific tasks during their normal duties that make using the ICV or BWV impractical. For example, BWV may jeopardize the safety of undercover officers. 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 for good cause shown.

Units will request the exceptions by department memorandum outlining the specific tasks and good cause justification. All approvals shall be for good cause, which shall be set forth in a writing signed and dated expressly by the Chief of Police. The Chief of Police and affected section commanders will maintain a

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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

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 reasonable efforts to position the vehicle and camera to obtain useful recordings. Willful positioning to avoid recording may be subject to discipline.

Officers investigating suspected impaired drivers or impaired driving crashes shall make reasonable attempts to capture critical evidence, including field sobriety tests, with the ICV system.

16.090-POL-3 BWV Specifics

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.

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16.090-POL-4 Reviewing Department Video

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

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

In some circumstances, it may be appropriate for employees to review their own recorded video to refresh recollection, determine the appropriate category, and similar reasons.

The Department, including supervisors, CPA, Training, Audit, and investigatory personnel) 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 (See also FIT Manual)
- 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

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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.

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

[The BWV](#) 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.

[Showing a video to a member of the public is not an acceptable purpose for playing video. Employees will refer members of the public who wish to view video in the field to file a public disclosure request.](#)

5. Employees Shall Not Tamper With, Alter, or Delete Video

[Exception: This does not apply to personnel tasked with system maintenance who purge videos in accordance with established retention guidelines.](#)

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

16.090-TSK-1 Operating the In-Car and Body-Worn Video Systems

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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-synchronizing 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.

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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.

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.

08/31/2016 DRAFT

ATTACHMENT 4 - SPD PROVISIO RESPONSE DATED FEBRUARY 17, 2017

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Body-Worn Video Program Community Engagement

Proviso Response Final Report

In the 2017 Adopted Budget, the City Council imposed a budget proviso (Green Sheet 207-1-B-1-2017) around funding for the Body-Worn Video (BWV) program. The proviso specifically required continued community engagement for the BWV program and tasked the Department with completing several items before releasing funds for full BWV roll-out to SPD front-line officers.

This report responds to the proviso section that states: “(3) SPD submits to the Council a final report that summarizes the results of the Department’s community outreach, describes how the draft BWV policy is responsive to community input and the operational needs of the department, and identifies unresolved questions or issues related to the BWV policy and implementation protocols; and (4) SPD documents how the Department will continue to engage and seek the advice of the stakeholder workgroup on the use of BWV equipment.”

Proviso Progress to Date

Prior to this final report, SPD accomplished several tasks that were directed in Green Sheet 207-1-B-1-2017. Progress to date on items in the Green Sheet include:

1. *SPD reconvenes the stakeholder workgroup formed under Green Sheet 81-1-A-2-2016 and seeks their advice regarding any outstanding issues or community concerns related to BWV protocols and policies*

Members of the BWV Stakeholder Group were contacted on November 23rd and invited to comment on a draft community engagement plan, as well as invited to attend a teleconference on November 30th to discuss that plan. A full meeting of the Group was held on December 14th.

2. *SPD, in consultation with the stakeholder workgroup and Council, develops a detailed action plan for community engagement on body-worn video by December 2, 2016, that includes a plan for regularly sharing with the Gender Equity, Safe Communities, and New Americans Committee a status update on community engagement efforts*

SPD submitted the detailed action plan for community engagement on December 2nd (Attachment A). The BWV Community Engagement Plan was accepted by Councilmember González. The Plan started in December of 2016, and concludes with this report. However, as set forth below, the BWV program requires regular community engagement and input to be successful.

Community Outreach

With the BWV Community Engagement Plan in place, the BWV Stakeholder Group met on December 14th to discuss the BWV program and help develop the participation, content, and structure of the focus groups outlined in the plan. As a result of that meeting, a focus group subcommittee was formed and met on December 19th to work out the specifics for the community focus groups. The subcommittee developed a structure for the groups, outlined in Attachment B.

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The subcommittee changed the name of the small community groups from “focus groups” to “roundtables” to account for the more informal, but inclusive nature of the groups. Additionally, the term “focus group” invoked a process of product testing; the Roundtables were designed to gather community input without putting a specific product before them. With the Roundtable structure developed, over 80 individuals representing a variety of communities in Seattle were invited, including members of domestic violence survivor support organizations, community organizers, mental health advocates, health care professionals, student leaders, and veterans support professionals. Most of the invitees were identified by the Community Police Commission (CPC), with other members of the BWV Stakeholder Group adding individuals they felt should be included. The full invitee list was approved by the subcommittee.

The Community Roundtables were held on January 10th, 12th, and 17th of 2017. The Roundtables were facilitated by Fé Lopez, Executive Director of the CPC. The Roundtables included a briefing on state law and SPD policy regarding public disclosure of body-worn video. Participants were also shown a brief video that simulated a domestic violence investigation in which officers equipped with body cameras responded. The video was redacted in a manner consistent with state law and SPD practice. This portion of the meeting took approximately 30 minutes. The remaining 60 minutes were dedicated to collecting input from participants using the following four questions developed by the subcommittee of the BWV Stakeholder Group.

- **What are the pros and cons of BWV?**
- **How will officers wearing body-cameras impact you and/or those who you work with?**
- **How will officers wearing body-cameras affect the relationship between SPD and the communities they serve?**
- **Other issues/concerns?**

The purpose of the roundtables was to gather information that could inform the Stakeholder Group of the benefits, issues, and concerns related to the BWV program. Participants’ questions were treated as issues/concerns, in that they demonstrated gaps in community members’ understanding of the BWV program, technology, policy, and state law. Because of significant time constraints and need to collect information consistently on the predetermined questions, SPD employees were asked by the facilitator not respond to questions. Rather, although present, SPD employees served as passive observers and listeners, except for the end of the meetings where they responded to some concerns, time permitting. SPD intends to follow up with the participants by providing this final report and an FAQ document to address some of the questions and concerns raised.

In total, 33 of the 80 invited participants attended the meetings, which the CPC stated was roughly the same RSVP rate as other forums they have conducted.

Meeting summaries were prepared by an outside vendor who was taking notes at the meetings (Attachment C). These notes were distributed to the BWV Stakeholder Group prior to the January 25th meeting.

BWV Stakeholder Group Recommendations

With the BWV Stakeholder Group informed of the input from the Community Roundtables, the January 25th meeting solicited Stakeholder Group input to inform SPD of recommended changes to SPD policy and procedures. The CPC also presented the Group and SPD with a copy of their proposed changes to SPD BWV policy. The general sentiment of the Group was that additional time was needed to review the CPC changes and SPD policy and then formulate specific policy recommendations to present to SPD. To that end, SPD requested an extension for the final report deadline, which was granted by Councilmember González. (Attachments D and E).

SPD has taken the community input, as well as the CPC suggestions, and outlined how the current draft of the BWV policy and BWV procedures are responsive to community concerns. The report also notes if resolution on the items has been reached. SPD feels strongly that community engagement on the BWV program should continue after the proviso has been lifted and that changes to the SPD BWV policy can be made as part of that ongoing effort.

Plan for Continued Community Engagement

There was not a consensus among the community representatives on the stakeholder group as to desired next steps. Some felt that the BWV program should at least be paused until there is more opportunity to get community perspective on the pros and cons of body cameras, particularly in light of shifts in federal policy on immigration enforcement. All participants expressed that their perspectives on the value of cameras versus offsetting concerns about unintended and undesirable impacts had shifted the more they learned about the scope of likely use and about public disclosure.

It is SPD's view that there are legitimate and weighty community concerns, but that these concerns cannot all be simultaneously addressed in *any* BWV program policy without compromising other principles and community values and goals. The Department has made every effort to see that the current draft policy is well-designed and nuanced, even if it cannot ultimately resolve all competing interests and community perspectives.

SPD is committed to continue the engagement process with the community around BWV.

SPD's plan for continued engagement includes three elements: 1) continued engagement with the community on concerns and feedback related to BWV policies and procedures, 2) educational outreach focused on goals, rights, and BWV operations and 3) frequent updates to the Gender Equity, Safe Communities, and New Americans (GESNA) Committee. Each of these elements are discussed in more detail below.

1. Continued Engagement on Concerns and Feedback. SPD's expectation on policy development for this new program is that concerns and feedback will continue to surface as cameras are deployed throughout the City and public encounters with officers wearing cameras increases. To that end, SPD is committed to a process that brings these concerns and feedback to light and considers them in making future changes to the BWV policy and procedures. The current plan for continued engagement includes:

- The BWV Stakeholder Group will continue to meet and act as the main consultative body relating to all engagement around BWV. SPD is open to changing the composition of the BWV Stakeholder Group and will solicit ideas for possible new members of the Group.
 - Quarterly meetings with the Stakeholder Group starting in April of 2017 will help guide the engagement process and inform recommendations to SPD on policy and procedure changes that would benefit both the community and SPD.
 - The partnership between SPD and the Community Police Commission will continue with a focus on identifying additional community members to take part in engagement and assisting with the overall effort. The department understands that the CPC is willing and able to assist with this effort.
 - Alternative mechanisms for feedback will be developed in addition to in-person dialogue in the 3rd Quarter of 2017. For the BWV Proof of Concept in 2015, a survey was developed by a researcher that focused on individuals who made calls for service and were present at incidents where body-worn cameras were involved. While it may not be possible to exactly duplicate the 2015 survey, SPD will engage an independent researcher to develop a rigorous methodology for evaluation in the future, with input from the BWV Stakeholder Group.
 - A comprehensive engagement plan will be discussed and developed with the BWV Stakeholder Group. The plan will be developed in April of 2017 when the Stakeholder group is re-convened and will be finalized for the Council in May of 2017.
2. Educational Community Outreach. Several items identified in the Community Roundtables were related to educating the community on their rights under the BWV program, how the planned policy will attempt to address certain goals and concerns, and the need for the community to better understand the framework in which the cameras will be used. SPD is committed to conducting educational outreach so the community can better understand the program and their rights with regard to being recorded by body-worn cameras. Efforts will include, but not be limited to:
- Developing a BWV FAQ, program description, and other materials by mid-April of 2017. The materials will address concerns such as BWC operations, policies about when recording will happen, victim rights, how to request videos and/or non-disclosure (and the limits of what that means), and other identified issues. These materials will be a central piece to community discussions on body-worn video. Questions to be addressed will include the main points that arose during the recent focus groups.
 - Distribute program materials and FAQ through the SPD website, via printed documents and department social media.
 - Directly engage the community through SPD Advisory and Demographic Councils, Roundtable members, the Stakeholder Group, and CPC. The materials developed in conjunction with the BWV Stakeholder Group will help guide and inform this outreach.
 - The BWV Stakeholder Group will remain apprised of these outreach efforts and asked for feedback on content and distribution.

3. GESCNA Committee Briefings. SPD is proposing that the GESCNA Committee receive quarterly reports on all engagement activities. Key staff will be available for briefings at the Committee Chair’s request. Reports will include, but not be limited to:
 - Updates on the results of the BWV Stakeholder Group, including summaries of key themes discussed at each meeting and any outcomes or action items that may result;
 - Updates on educational efforts including progress towards the BWV website, FAQ, and discussions with Demographic Councils, CPC, or other groups;
 - Updates on State laws surrounding BWV and work in other jurisdictions that may assist the City fine-tune the program;
 - Status on BWV use at SPD including number of cameras deployed, surfacing issues, and other statistics that the Council may find useful.

BWV Outreach Timeline

The table below provides an overview of engagement activities to date, as well as proposed dates for future engagement.

<p><u>Initial BWV engagement</u></p> <ul style="list-style-type: none"> • Roundtable discussions with the CPC, ACLU, and City Council in 2014. • In 2015, SPD conducted body-worn video outreach with the CPC, inviting groups such as Asian Counseling and Referral Service, Chief Seattle Club, Disability Rights Washington, Downtown Emergency Service Center, El Centro de la Raza, El Rey 1360; Entre Hermanos, Helping Link/Một Dấu Nối, Ingersoll, LGBTQ Allyship, Loren Miller Bar Association, Mothers for Police Accountability, OneAmerica, Outside Agitators 206, Payment Management Technology Solutions, Public Defender Association/Racial Disparity Project, Seattle Chinatown International District Preservation and Development Authority, Seattle Commission for People with Disabilities, Seattle Counseling Services, Seattle Department of Neighborhoods, Seattle Human Rights Commission, Seattle LGBT Commission, Seattle Office for Civil Rights, and the Seattle Women’s Commission. 	<p>2014-2015</p>
<p><u>Proof of Concept deployment</u></p>	<p>Summer 2015</p>
<p><u>Community Perceptions Survey</u></p> <ul style="list-style-type: none"> • Administered to 80 community members who interacted with police officers wearing body cameras during the Proof of Concept to assess experiences and opinions of body-worn cameras. 	<p>Completed late 2015</p>
<p><u>BWV Stakeholder Group Meetings</u></p> <ul style="list-style-type: none"> • Issues discussed include: complexity and cost of complying with Public Disclosure Act requests for BWV; Privacy issues related to video being taken and when made available to the public; issues related to the operation of the cameras; and technology costs. • Feedback from the Stakeholder Group was incorporated into the 10/6/2016 draft of the policy including: allowing the cameras to be 	<p>November – December 2015</p> <p>Large group meetings: November 6, 2015 December 16, 2015</p>

turned off if an officer is going into a private residence and they are asked to stop recording; if an officer stops recording they must verbally state the reason prior to ending the recording; officers will not record people who are lawfully exercising their freedom of speech, press, association, assembly, religion or right to petition the government for redress of grievances unless there is a reasonable suspicion of criminal activity; representations from the immigrant and refugee community were included in the State Taskforce on BWV and the state legislation includes provisions requirement privacy for juveniles, domestic violence, and sexual assault victims.	Subcommittee meetings: December 2, December 10 and December 15, 2015
Participation in Washington State’s 2016 Task force on the Use of Body-Worn Video.	2016
2016 Policy and Engagement Report submitted to City Council.	October 6, 2016
Convened body-worn video stakeholder engagement group.	November 23, 2016
Members of the BWV stakeholder group were contacted on November 23rd and invited to comment on the draft engagement plan.	November 23, 2016
Teleconference held for Stakeholder Group.	November 30, 2016
Body-worn video engagement plan submitted to City Council.	December 2, 2016
Full meeting of the BWV Stakeholder Group held with a primary focus on developing participation, content and structure of focus groups.	December 14, 2016
Subcommittee formed to work on specifics of community focus groups.	December 19, 2016
Initial deployment of BWV to bicycle officers.	December 29, 2016
Conducted community Roundtables, 33 individuals representing a variety of communities in Seattle were attended.	January 10, 2017 January 12, 2017 January 17, 2017
Presentation to African American Advisory Council	January 19, 2017
Stakeholder Group meeting to summarize community Roundtables and receive input on changes to SPD policy and procedures.	January 25, 2017
BWV project update provided to Court.	January 30, 2017
Request granted for extension of timeline for final report from February 1 to February 17, 2017.	February 1, 2017
Transmit Final Report to Gender Equity, Safe Communities and New Americans.	February 17, 2017
Draft BWV Policy Submitted to the Monitoring Team.	February 17, 2017
Distribute FAQ in print and online.	April, 2017
Update SPD website content with FAQs, contact information.	April, 2017
Begin outreach via SPD website and social media.	Beginning, April 2017 (continuous updates)
Continue partnership with the CPC with a focus on identifying additional community members to take part in engagement.	Beginning in March, 2017 (continuous)
Conduct quarterly meetings with BWV Stakeholder Group.	Beginning in April, 2017 (continuous)
Meet with SPD Demographic Advisory Councils with a focus on education.	Beginning in April, 2017 (continuous, as there is time available in DAC agendas)

Submit quarterly reports to GESCNA Committee; SPD will be available for briefings as requested.	Beginning in May, 2017
Evaluate community experiences with BWV.	Late 2017

Community Input and the BWV Policy/Procedures

The amount of feedback received was quite varied and prolific. SPD has grouped the feedback into eight main themes, detail on each theme can be found on Pages 9-58:

- Accountability
- Behavior Change
- Community Trust
- Evidentiary Uses
- Information Needed/Questions to be Answered
- Other
- Privacy
- Unintended Consequences

SPD weighed the feedback and made changes to the body-worn video policy in response to community concerns both from the community engagement and prior CPC recommendations. Some of examples include, but are not limited to:

- Recording in hospitals and other medical facilities/sensitive areas. SPD added language that included therapeutic facilities and restrooms as places that the officers should turn off their cameras: *Unless for a direct law enforcement purpose, such as a crime in progress, or when recording the location is material to a criminal investigation, employees will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities.*
- Goals of the body-worn video program. SPD added a section to the policy, drawn from the project charter, that clearly states the goals for the program: *The goal of these systems is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.*
- Clear policies on when to turn the camera on and off. While there was disagreement between the BWV Stakeholder Group and SPD on policies surrounding the interviewing of witnesses, victims, and suspects, SPD has clarified when officers must turn the cameras on and off – please see the matrix below for more specifics on these policies.
- Providing officers discretion about recording incidents that may affect privacy or dignity. SPD added language that gives officers discretion in certain incidents: *There may be limited circumstances when the respect for an individual’s privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWV would impede or limit the cooperation of a victim or witness. When an employee believes such circumstances exist, the employee may deactivate the BWV.*

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- Notifying persons that they are being recorded. The following language was added to the BWV policy: Employees shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording. Employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded.

In order to show a more complete picture of feedback and SPD responses, the matrices below are broken out into general areas that were identified by the community. Each matrix contains the issue raised by the community roundtables, the CPC / BWV Stakeholder Group recommendation, the SPD policy and/or procedure related to that item, notes on the items, and a note if the issue has been sufficiently resolved. A copy of the draft policy is contained in Attachment F.

Accountability

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
<p>Concerns that an officer may be turning off their cameras when they are doing something they should not be doing.</p>	<p>CPC BWV policy suggestion: <i>Employees will record the entire event unless specifically instructed otherwise by this manual section. An event has concluded when all of the following apply:</i> - <i>The employee has completed his or her part of the active investigation;</i> - <i>There is little possibility that the employee will have further contact with any person involved in the event; and</i> - <i>The employee is leaving the area of the event</i> <i>For transports to a King County jail facility, the event concludes just before the employee enters the sally port of the facility.</i> <i>For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the employee is exiting the vehicle.</i> <i>For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.</i></p>	<p>SPD BWV policy states: <i>An event has concluded when both of the following apply:</i> - <i>The employee has completed his or her part of the active investigation; and</i> - <i>There is little possibility that the employee will have further contact with any person involved in the event</i> <i>For transports to a King County jail facility, the event concludes just before the employee enters the sally port of the facility.</i> <i>For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the employee is exiting the vehicle.</i> <i>For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.</i></p>	<p>SPD</p>	<p>The BWV Stakeholder Group had no issues with the omission of the language “The employee is leaving the area of the event” regarding when an event has concluded that appeared in the CPC redlines.</p>	<p>SPD feels that this issue has been addressed by language in the SPD BWV policy.</p>
<p>Comments that body-worn cameras may hold the</p>		<p>SPD Manual 5.001(4) states:</p>	<p>SPD</p>		<p>SPD feels that this issues has been</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
officers more accountable for misconduct.		<p><i>Employees are responsible for adhering to the following:</i></p> <ul style="list-style-type: none"> <i>Federal laws</i> <i>State laws</i> <i>Laws of the City of Seattle</i> <i>City of Seattle policies</i> <i>The Seattle Police Manual</i> <i>Published Directives and Special Orders</i> <i>Department Training</i> <p><i>Applicable collective bargaining agreements and relevant labor laws</i></p>			addressed by language in the SPD policies.
Comments that the goal of accountability gets lost with all of the work that needs to be done to support the program.		SPD continues to stress accountability through its internal systems of critical self-analysis on force, bias, stops and detentions, and a wide variety of other checks and balances. Additionally, SPD employees are subject to discipline for failure to adhere to the department manual. The disciplinary process is conducted primarily by the Office of Professional Accountability.	SPD		Employees must follow the SPD Manual.
Concerns that the body-cameras face out, which does not help the goal of officer accountability, since it does not record them directly.		While the cameras do face outward, they do provide another perspective of officer/public interaction that is not currently accessible on ICV. Additionally, as training guides officers to wait for backup prior to engaging unless the situation is emergent, it will be typical to have multiple officers on scene with BWV, providing views of other officers.	SPD		There are no specific SPD policies that deal with this issue.

Behavior Change

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Comments that the presence of cameras that are recording may escalate situations for those undergoing a mental health crisis.		The BWV Project Team is engaging with the SPD Crisis Intervention Team to determine how best to train officers equipped with cameras when they are dealing with members of the public who are experiencing behavioral health issues. However, neither the BWV proof of concept or pilot has demonstrated that this is a pervasive issue.	SPD	SPD is consulting with the Crisis Intervention Team to discuss how best to handle these situations.	There are no specific SPD policies that deal with this issue.
Comments that officers and the public are more likely to behave well while being recorded on camera.			SPD Community	While research is mixed, there have been studies that show decreased use of force and complaints in departments using body-worn cameras	There are no specific SPD policies that deal with this issue.
Concerns that cameras may result in nervousness or discomfort at being filmed, for victims and other members of the community.	The stakeholder group felt that the language in the BWV policy “employees acting in good faith to exercise discretion in these cases will not be subject to discipline for failure to record those portions of an event” is appropriate and should be included in all areas related to officer discretion in recording to encourage a more flexible and thoughtful approach.	<p>SPD BWV policy states: <i>There may be limited circumstances when the respect for an individual’s privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWV would impede or limit the cooperation of a victim or witness.</i> <i>When an employee believes such circumstances exist, the employee may deactivate the BWV.</i></p> <p>Nondisclosure is in SPD Manual 12.080: <i>When gathering information at the time of reporting, officers and detectives must ask victims, witnesses and complainants if they</i></p>	SPD		SPD feels that this issues has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>want their identifying information disclosed or not disclosed. This decision supersedes any disclosure requests made by another person. When a victim, witness or complainant is unable to discuss disclosure due to incapacity, the reporting officer shall: Document the incapacity in the entity portion of the General Offense Report, and Document any specific evidence that disclosure of the identity of the victim, witness or complainant would threaten life, safety or property.</i></p>			

Community Trust

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
<p>Concerns that some cultures in the community may experience discomfort with being filmed/photographed.</p>	<p>The stakeholder group felt that the language in the BWV policy “employees acting in good faith to exercise discretion in these cases will not be subject to discipline for failure to record those portions of an event” is appropriate and should be included in all areas related to officer discretion in recording to encourage a more flexible and thoughtful approach.</p>	<p>SPD BWV policy states: <i>There may be limited circumstances when the respect for an individual’s privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and</i></p>		<p>Educational outreach on the goals of the program may alleviate some of these concerns in addition to officer discretion around this issue.</p>	<p>SPD feels that this issues has been addressed by language in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>when the use of BWV would impede or limit the cooperation of a victim or witness. When an employee believes such circumstances exist, the employee may deactivate the BWV.</i></p>			
<p>Feelings that body-worn cameras will increase community trust in the Department.</p>		<p>SPD BWV policy states: <i>The goal of these systems is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.</i></p>	<p>SPD</p>		<p>SPD feels that this issues has been addressed by language in the SPD BWV policy.</p>
<p>Concerns that SPD will edit videos to show themselves in a favorable light.</p>	<p>CPC BWV policy suggestion: 5. Employees Shall Not Tamper With, Alter, or Delete Video <i>Exception: This does not apply to personnel tasked with system maintenance who purge videos in accordance with established retention guidelines.</i></p>	<p>Department policy governs all access, review, and release of in-car and body-worn video:</p> <p>SPD BWV policy states: <i>Any employee viewing a video after it has been uploaded will manually make an entry in the viewer application at the beginning of the viewing session stating the purpose for viewing the video. Employees will refer members of the public who wish to view video to file a public disclosure request.</i></p> <p>Employees Shall Not Tamper With, Alter, or Delete Video</p>	<p>SPD</p>		<p>SPD feels that this issues has been addressed by language in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<i>Exception: This does not apply to personnel tasked with system maintenance who purge videos under established retention guidelines.</i>			
Comments that the truth will come out when officers wear body-worn cameras.			SPD Community	While BWV is open to interpretation and may not capture incidents due to technical limitations, there will be footage of officer-public interaction that was not available before.	SPD feels that this issues has been addressed by language in the SPD BWV policy.
Concerns that the cameras will lead to continued distrust of SPD, since surveillance does not equal trust.		SPD plans to conduct public outreach, which will include goals of the program, explanation of the use of cameras, and policies which bound the use of video footage.	SPD		There are no specific SPD policies that deal with this issue.
Concerns that the cameras will be a barrier to communities interacting with SPD informally due to fear of being recorded.	CPC BWV policy suggestion: <i>Employees will record the following police activity, even if the event is out of view of the camera:</i> - 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, persons or premises	SPD BWV Policy: <i>When safe and practical, employees will record the following police activity, even if the event is out of view of the camera:</i> - Dispatched calls, starting before the employee arrives on the call - Traffic and Terry stops - On-view infractions and criminal activity - Arrests and seizures - Searches and inventories of vehicles, persons, or premises - Transports (excluding ride-alongs and passengers for meetings) - Vehicle eluding/pursuits	SPD	Policy states when they will record (see below). This type of interaction is excluded by implication rather than explicitly stated	SPD feels that this issues has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p>-Transports (excluding ride-alongs and passengers for meetings) - Vehicle Eluding/Pursuits - Supervisor or Command response to a scene for purposes of direction or review If circumstances prevent recording at the beginning of an event, the employee shall begin recording as soon as practical.</p>	<p>- Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event.) If circumstances prevent recording at the start of an event, the employee will record as soon as practical. Employees will record the entire event to its conclusion unless specifically instructed otherwise by this manual section. If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, or FIT commander where FIT has been notified, may authorize ICV and BWV recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or enforcement efforts.</p>			
<p>Comments that there may be overly high expectations that officers cannot meet, leading to community distrust.</p>		<p>SPD community outreach focused on the goals of the programs and limitations of the technology may help temper unrealistic expectations.</p>	<p>SPD</p>		<p>There are no specific SPD policies that deal with this issue.</p>
<p>Concerns that there are lots of things you will not be able to see with BWV – this may lead to increased community distrust if</p>		<p>SPD community outreach focused on limitations of the technology may help shape community expectations.</p>	<p>SPD</p>		<p>There are no specific SPD policies that deal with this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
cameras do not clarify an incident.					
Comments that technology will just exacerbate the negativity and mistrust between the community and the police.		SPD is continuing its efforts to increase community trust in other areas, as well as conduct continuing outreach on BWV to help temper expectations.	SPD		There are no specific SPD policies that deal with this issue.
There are concerns that the community did not have input on whether to have the program at all.	CPC has expressed similar concerns.	The BWC program has long been favored by some members of council and is a priority for Mayor Murray. Additionally, the Federal Monitor and the Court have endorsed the idea of BWV. SPD believes that BWV will increase public trust and provide transparency into the actions of officers. Throughout the development of the program, SPD has engaged in a variety of community outreach activities to include as many perspectives as possible.	SPD		There are no specific SPD policies that deal with this issue.

Evidentiary Uses

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Concerns that using videos as evidence will have disproportionate effect on vulnerable and communities of color and increase criminal prosecution and incarceration.	CPC has expressed concerns over this issue. Some Stakeholder Group members have suggested that SPD policy contain a limitation on the use of video footage for police accountability purposes only.	The goal of the program is to promote public trust. Accountability and transparency are the driving ideals, but practical and Constitutional issues do not allow the video to	SPD City and County Prosecutors State RCW	Generating evidence is a result of most all police work. The goal of the BWV program is not to gather evidence, but SPD will send that evidence to prosecutors/defense attorneys like any other available evidence.	There are no specific SPD policies that deal with this issue.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		be used <i>solely</i> for accountability purposes.			
<p>Comments that BWV will capture nuance and detail from witnesses not previously available, especially for domestic violence cases.</p>	<p>CPC BWV policy suggestion: <i>As safety allows, employees shall stop recording for portions of events so not to capture:</i></p> <ul style="list-style-type: none"> - <i>Images of the body of a deceased person (unless the death resulted from or occurred during police contact)</i> - <i>The questioning of victims, suspects, or witnesses</i> - <i>Death notifications</i> - <i>An image or information that if disclosed would be highly offensive to a reasonable individual</i> - <i>The identifiable location of a community-based domestic violence program, or emergency shelter, both as defined in RCW 70.123.020</i> <p><i>If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, or FIT commander where FIT has been notified, may authorize recording to be stopped when he or she determines:</i></p> <ul style="list-style-type: none"> - <i>There is no reasonable basis for believing the recording will capture pertinent audio/visual evidence regarding the incident or enforcement efforts, and</i> - <i>Continued recording presents a strain on Department resources.</i> <p>The Stakeholder Group had concerns about the BWV policy section that deals with the “flagging” of sensitive videos in that it may give an</p>	<p>While the CPC recommends that officer stop recording victims, witnesses, and suspects while giving statements, SPD policy states that officers will continue to record for these actions.</p> <p>SPD removed the section of the policy pertaining to the “flagging” of videos for sensitive content, since the Public Disclosure Unit will be reviewing all videos for this type of content before disclosure.</p>			<p>SPD and the CPC / Stakeholder Group disagree with the approach to this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	inaccurate sense that concerns in this area have been “solved.” They also stated their desire to add language as to why the video was flagged, in addition to adding it should be added after the report has been written.				
Comments that videos may show incriminating evidence after the fact, leading to more prosecutions and incarcerations.			SPD City and County Prosecutors		There are no specific SPD policies that deal with this issue.

Information Needed / Questions to be Answered

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Comments that education needed for the community on their rights while/before being recorded.		<p>SPD BWV policy states: <i>Employees shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording. Employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded. Employees will make reasonable efforts to repeat the notification, if practical, for additional people that become involved in the recording.</i> Consistent with RCW 9.73.090(1)(b), employees will again notify persons placed</p>	SPD	Education on rights while being recorded will also be included on outreach materials.	SPD feels that this issue has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<i>under arrest they are being recorded and verbally give Miranda warnings on the recording.</i>			
<p>Comments that the public needs to know rights during police encounters:</p> <ul style="list-style-type: none"> • Right to ask not to be recorded • Right to record police • Right to deny entry to residence • Right to request nondisclosure of identity 		<p>SPD Policy 5.160, Citizen Observation of Officers (currently under revision) sets forth guidance on recording officers, specifically noting that bystanders have a right to record. It states:</p> <p>Bystanders have the right to record police officer enforcement activities, except when:</p> <ol style="list-style-type: none"> 1 The safety of the officer or the suspect is jeopardized. 2. Persons interfere or violate the law. 3. Persons threaten others by words or action, or they attempt to incite others to violate the law. <p>SPD BWV policy states: <i>Employees will ask for consent to record with BWV in residences or other private areas not open to the public unless there is a crime in progress, or other circumstances exist that would allow the employee to be lawfully present without a warrant. The request and any response will be recorded.</i> <i>If any person with legal standing denies permission to record, employees will stop recording with BWV while they are in the private area. However, employees will</i></p>	<p>SPD State RCW Federal Regulations Case Law</p>		<p>SPD feels that most of these issues has been addressed by language in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>continue to record ICV audio, if equipped, and notify the persons involved of the continued audio recording.</i></p> <p>Nondisclosure is in SPD Manual 12.080: <i>When gathering information at the time of reporting, officers and detectives must ask victims, witnesses and complainants if they want their identifying information disclosed or not disclosed. This decision supersedes any disclosure requests made by another person.</i></p> <ul style="list-style-type: none"> • <i>When a victim, witness or complainant is unable to discuss disclosure due to incapacity, the reporting officer shall:</i> • <i>Document the incapacity in the entity portion of the General Offense Report, and</i> • <i>Document any specific evidence that disclosure of the identity of the victim, witness or complainant would threaten life, safety or property</i> 			
<p>Comments that there needs to be increased trust with police without videos.</p>		<p>BWV is only one of many projects directed at increasing trust and transparency: policies and training around force, bias, stops and detentions, analysis and public release of force data, increased crisis intervention. SPD engages in a wide variety of public engagement efforts, including the development of micro-community policing plans, SeaPAL, advisory councils, etc.</p>	<p>SPD</p>		<p>There are no specific SPD policies that deal with this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Comments that SPD needs to acknowledge police bias.		SPD’s implicit bias training incorporates and trains officers that every person has bias – it is the recognition that bias exists and how it is managed that makes for effective policing. Bias is not unique to police.	SPD		There are no specific SPD policies that deal with this issue.
Comments that there needs to be a clear policy on turning cameras on and off.	<p>CPC BWV policy suggestion:</p> <p>5. Employees Will Record Police Activity <i>Employees will record the following police activity, even if the event is out of view of the camera:</i></p> <ul style="list-style-type: none"> - 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, persons or premises - Transports (excluding ride-alongs and passengers for meetings) - Vehicle Eluding/Pursuits - Supervisor or Command response to a scene for purposes of direction or review <p><i>If circumstances prevent recording at the beginning of an event, the employee shall begin recording as soon as practical.</i></p> <p>6. Once Recording Has Begun, Employees Will Not Stop Recording Until the Event Has Concluded</p>	<p>SPD BWV policy states:</p> <p>b. When Employees Record Activity <i>When safe and practical, employees will record the following police activity, even if the event is out of view of the camera:</i></p> <ul style="list-style-type: none"> - Dispatched calls, starting before the employee arrives on the call - Traffic and Terry stops - On-view infractions and criminal activity - Arrests and seizures - Searches and inventories of vehicles, persons, or premises - Transports (excluding ride-alongs and passengers for meetings) - Vehicle eluding/pursuits - Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event.) <p><i>If circumstances prevent recording at the start of an event, the employee will record as soon as practical.</i></p> <p><i>Employees will record the entire event to its conclusion unless specifically instructed otherwise by this manual section.</i></p>	SPD		SPD and the CPC / Stakeholder Group agree with a large portion of this issues, except for disagreement over recording statements made by victims, witnesses, and suspects.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p><i>Employees will record the entire event unless specifically instructed otherwise by this manual section.</i></p> <p><i>An event has concluded when all of the following apply:</i></p> <ul style="list-style-type: none"> <i>- The employee has completed his or her part of the active investigation;</i> <i>- There is little possibility that the employee will have further contact with any person involved in the event; and</i> <i>- The employee is leaving the area of the event</i> <p><i>For transports to a King County jail facility, the event concludes just before the employee enters the sally port of the facility.</i></p> <p><i>For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the employee is exiting the vehicle.</i></p> <p><i>For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.</i></p> <p>7. Employees Will Not Record or May Stop Recording in Certain Situations During an Event</p> <p><i>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 while recording an</i></p>	<p><i>If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, or FIT commander where FIT has been notified, may authorize ICV and BWV recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or enforcement efforts.</i></p> <p>c. Discretion in Recording</p> <p><i>Employees acting in good faith to exercise discretion under policy subsections 5c – 5g will not be subject to discipline for the decision to record or not record those portions of an event.</i></p> <p><i>Unless otherwise prohibited by this policy, employees may initiate recording any time they determine it would be beneficial to capture an event or activity.</i></p> <p>d. Recording in Sensitive Areas</p> <p><i>Employees will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities unless for a direct law enforcement purpose, such as a crime in progress.</i></p> <p>e. Recording in Residences and Private Areas</p> <p><i>Employees will ask for consent to record with BWV in residences or other private areas not open to the public unless there is a crime in progress, or other circumstances exist that would allow the employee to be lawfully</i></p>			

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p>event as otherwise required by this policy is not a violation.</p> <p>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.</p> <p>As safety allows, employees shall stop recording for portions of events so as to not capture:</p> <ul style="list-style-type: none"> - Images of the body of a deceased person (unless the death resulted from or occurred during police contact) -The questioning of victims, suspects, or witnesses - Death notifications - An image or information that if disclosed would be highly offensive to a reasonable individual - The identifiable location of a community-based domestic violence program, or emergency shelter, both as defined in RCW 70.123.020 <p>If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, or FIT commander where FIT has been notified, may authorize recording to be stopped when he or she determines:</p> <ul style="list-style-type: none"> - There is no reasonable basis for believing the recording will capture pertinent audio/visual evidence regarding the incident or enforcement efforts, and 	<p>present without a warrant. The request and any response will be recorded.</p> <p>If any person with legal standing denies permission to record, employees will stop recording with BWV while they are in the private area. However, employees will continue to record ICV audio, if equipped, and notify the persons involved of the continued audio recording.</p> <p>f. Protecting Privacy and Dignity</p> <p>There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event.</p> <p>Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWV would impede or limit the cooperation of a victim or witness.</p> <p>When an employee believes such circumstances exist, the employee may deactivate the BWV.</p> <p>g. Recording Protected Activity / Demonstrations</p> <p>Employees will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor, as provided below.</p>			

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p>- Continued recording presents a strain on Department resources.</p> <p>The main concern of the Stakeholder Group in this area was that the SPD policy should contain clear direction to turn off the cameras when questioning victims, suspects, or witnesses, due to potential concerns that the video could create issues with Washington’s current public disclosure laws.</p> <p>The stakeholder group felt that the language in the BWV policy “employees acting in good faith to exercise discretion in these cases will not be subject to discipline for failure to record those portions of an event” were appropriate and should be included in all areas related to officer discretion in recording.</p>	<p><i>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 with BWV. Under such direction, employees will record until ordered to cease recording.</i></p> <p><i>Protected activity unintentionally captured is not a violation.</i></p> <p><i>h. Employees Stating the Reasons for Stopping BWV</i></p> <p><i>Employees who stop recording during an event will state on the recording their intention to stop recording and explain the basis for that decision. Employees will also document the reason(s) in the GO report and/or CAD update.</i></p> <p><i>Supervisors who direct that recordings cease will direct employees to document the order in the GO report and/or CAD update.</i></p> <p><i>i. Determining the Conclusion of an Event</i></p> <p><i>An event has concluded when both of the following apply:</i></p> <ul style="list-style-type: none"> <i>- The employee has completed his or her part of the active investigation; and</i> <i>- There is little possibility that the employee will have further contact with any person involved in the event</i> <p><i>For transports to a King County jail facility, the event concludes just before the employee enters the sally port of the facility.</i></p>			

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the employee is exiting the vehicle.</i></p> <p><i>For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.</i></p>			
<p>Comments that there needs to be information and officer training on how officers will inform people that they do not need to be recorded.</p>	<p>CPC BWV policy suggestion: 4. Employees Shall Notify Persons of Recording <i>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.</i></p>	<p>SPD BWV policy states: Notification of Recording <i>Employees shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording. Employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded. Employees will make reasonable efforts to repeat the notification, if practical, for additional people that become involved in the recording. Consistent with RCW 9.73.090(1)(b), employees will again notify persons placed under arrest they are being recorded and verbally give Miranda warnings on the recording.</i></p> <p>If any person with legal standing denies permission to record, employees will stop recording with BWV while they are in the</p>	<p>SPD</p>		<p>SPD feels that this issue has been addressed by language in the SPD BWV policy.</p>

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		private area. However, employees will continue to record ICV audio, if equipped.			
<p>Comments that there needs to be information on how videos with public disclosure concerns are “flagged.”</p>	<p>CPC BWV policy suggestion: 10. Employees Will Enter Data for Recorded Events <i>Employees will assign the appropriate event type for all recordings and enter any related GO or event number(s) in the proper format. (YYYY-#####)</i> <i>Per Department training in the use of the video management system employees will “flag” videos after writing their initial report if any portion of the videos may contain images or audio of any of the following:</i></p> <ul style="list-style-type: none"> - Complainant/victim/witness who requests non-disclosure - Complainant/victim/witness who has not requested nondisclosure but disclosure would endanger life, physical safety, or property - Interior of a private residence - Interior of a medical, mental health, counseling, or therapeutic facility - Medical information or treatment - Mental Health information or treatment - Any identifiable juveniles - Confidential informants - Identifiable location of a domestic violence program facility, emergency shelter, or transitional housing program - Sexual activity, nudity, or images of intimate body parts 	<p>SPD removed the section of the policy pertaining to the “flagging” of videos for sensitive content, since the Public Disclosure Unit will be reviewing all videos for this type of content before disclosure.</p>	<p>SPD</p>		<p>This issue has been addressed in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p>- <i>Body of a deceased person or other death-related images</i> - <i>Other information that if disclosed would be highly offensive to a reasonable individual</i></p> <p>The Stakeholder Group had concerns about the BWV policy section that deals with the “flagging” of sensitive videos in that it may give an inaccurate sense that concerns in this area have been “solved.” They also stated their desire to add language as to why the video was flagged, in addition to adding it should be added after the report has been written.</p>				
<p>Comments that there needs to be effective training on how to interact with the public while wearing cameras.</p>	<p>CPC BWV policy suggestion: 1. All Employees Operating ICV-Equipped Vehicles and BWV Cameras Must Have Completed Training <i>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:</i> - <i>Camera operation</i> - <i>Placement of the BWV camera or pointing of the ICV camera</i> - <i>Department policy on camera usage</i> - <i>Recording advisements</i> <i>Officers shall comply with training regarding camera placement or pointing, operation and advisements.</i></p>	<p>SPD BWV policy states: All Employees Operating ICV-Equipped Vehicles and BWV Cameras Must Have Completed Training <i>Before employees deploy with an ICV-equipped vehicle or BWV camera, they will complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:</i> - <i>System preparation and operation</i> - <i>Department policy on camera usage</i> - <i>Pointing of the ICV camera and placement of the BWV camera</i> <i>As public and officer safety considerations permit, employees will make reasonable efforts to position the vehicle and camera to obtain useful recordings and capture critical</i></p>	<p>SPD</p>		<p>Most of these issues have been addressed by language in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	There were comments from the Stakeholder Group that the policy needs to talk about effective training in dealing with the public re: body cameras.	<i>evidence. Employees will not position vehicles to avoid recording an event. Employees will wear the BWV camera on the upper torso.</i>			
Comments that there needs to be accountability regarding the violation of BWV policies		SPD Manual 5.001(4) states: <i>Employees are responsible for adhering to the following:</i> <i>Federal laws</i> <i>State laws</i> <i>Laws of the City of Seattle</i> <i>City of Seattle policies</i> <i>The Seattle Police Manual</i> <i>Published Directives and Special Orders</i> <i>Department Training</i> <i>Applicable collective bargaining agreements and relevant labor laws</i>	SPD		SPD feels that this issue has been addressed by language in the SPD BWV policy.
Comments that information is needed on the retention policy for videos.	Some Stakeholder Group members have suggested that SPD delay deployment until the State legislature addresses retention policies around BWV in 2018 to mitigate impact on privacy concerns	SPD has a detailed retention policy that has been approved by the federal court and will be implemented shortly.	SPD Washington Sec. of State Law Enforcement Records Retention Schedule v.7.2 (January 2017)		There are no specific SPD policies that deal with this issue.
Comments that information is needed on how videos are being stored.		The storage of videos is located on the vendor's cloud storage account. The BWV vendor, Taser, uses Microsoft Azure, which	SPD Vendor		There are no specific SPD policies that deal with this issue.

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		has received FBI certification for CJIS (Criminal Justice Information Systems) compliance. All data is encrypted in transit and at rest on the cloud.			
Comments that information is needed on what causes a body-worn camera to malfunction.	The Stakeholder Group felt that there needed to be a time frame included in the section for addressing malfunctions – they suggested “as soon as practicable” or something similar.	<p>SPD’s body-worn cameras notify the user if there is an internal error. The Ingress Protection rating (IP) is 67, meaning the camera has been tested to survive submersion in up to one meter of water for 30 minutes, as well as high protection against dust entering the camera.</p> <p>The SPD BWV policy states: <i>If an employee discovers an operational issue with ICV or BWV at any time during the shift, the employee will contact ITS for troubleshooting (if applicable), note the issue in a CAD update, and notify a supervisor as soon as practicable.</i></p>	SPD Vendor		SPD feels that this issue has been addressed by language in the SPD BWV policy.
Comments that an education plan for the public.		Please see the “Continuing Community Engagement” section in this report	SPD		There are no specific SPD policies that deal with this issue, but there is a plan in this report for community engagement moving forward.
Comments that information is needed on program statistics and BWV use in other cities.		SPD has consulted with numerous other cities on BWV programs including Los Angeles, San Diego, Miami, Cincinnati, San Jose and Milwaukee.	SPD		There are no specific SPD policies that deal with this issue., but SPD has and will continue to communicate with

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		SPD will provide available statistics as part of its ongoing community outreach.			other jurisdictions and provide statistics as appropriate.
Comments that SPD needs to develop and articulate goals to the public.		<p>As set forth in the project charter, the two primary goals for the program are: 1) improve community trust in SPD and 2) increase transparency of officer – public interaction.</p> <p>These goals will be incorporated in outreach materials in the continued engagement effort.</p> <p>SPD BWV policy states: <i>The goal of these systems is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.</i></p>	SPD		This issue has been addressed by language in the SPD BWV policy and will be addressed in community engagement moving forward.
Comments that communities need to surveil themselves rather than have the police do the surveilling.		SPD fully recognizes that the best “surveillance” is community self-reporting of crimes and other issues. To increase such collaboration, SPD is engaged in a wide variety of activities to promote public trust. BWV is one of those activities.	Community		There are no specific SPD policies that deal with this issue.
Comments that the City needs to create a civilian review board to review videos.		There are currently no plans for a civilian review board. The Office of Professional Accountability may review video for disciplinary investigations.	SPD City		There are no specific SPD policies that deal with this issue.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
<p>Comments that the public needs to be able to tell officers when to turn the cameras off.</p>	<p>CPC suggests that SPD add language that clarifies how an employee should proceed if consent for recording is not given by all persons present in a private residence.</p>	<p>SPD BWV policy states: <i>Employees will ask for consent to record with BWV in residences or other private areas not open to the public unless there is a crime in progress, or other circumstances exist that would allow the employee to be lawfully present without a warrant. The request and any response will be recorded. If any person with legal standing denies permission to record, employees will stop recording with BWV while they are in the private area. However, employees will continue to record ICV audio, if equipped, and notify the persons involved of the continued audio recording.</i></p>	<p>SPD</p>		<p>Most of these issues have been addressed by language in the SPD BWV policy.</p>
<p>Concerns that the officers should not be able to view any video until after they write their report.</p>	<p>Employees shall not review their own recorded video prior to writing a report <i>Employees may review recorded video only after submitting their initial report(s). If, after watching the video, employees update or amend their initial report (s), they must do so by submitting an amended report, not altering the original report (s). Both the initial and amended reports shall be retained.</i> <i>The Department, including supervisors, OPA, Training, Audit, and investigatory personnel) may view in-car and body-worn video for the following purposes:</i> <ul style="list-style-type: none"> - Complaint - Criminal investigation - Officer-involved collision, including Collision Review Board investigations </p>	<p>SPD BWV policy states: <i>Employees May Review Recorded Video</i> <i>Employees may review their own recorded video except in instances of FIT investigations. The FIT manual outlines when employees may view video in those cases. The Department, including supervisors, OPA, Training, Audit, and investigatory personnel may view ICV and BWV recordings for these purposes:</i> <ul style="list-style-type: none"> - Complaint - Criminal investigation - Officer-involved collision - Vehicle pursuit investigation or review - Public disclosure request - Use of force review or investigation (See FIT Manual if applicable) </p>			<p>SPD and the CPC / Stakeholder Group disagree with the approach to this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<ul style="list-style-type: none"> - Vehicle pursuit investigation or review - Use of force review or investigation (See also FIT Manual) - Public disclosure request - Performance appraisal - As part of the Early Intervention System (EIS) As part of department training, with the permission of the involved employees to those conducting the training. - For supervisory mentoring and coaching - Audit and Quality Control/Troubleshooting <p>The Stakeholder Group felt that the SPD policy on this issue was contrary to using the video for accountability concerns.</p>	<ul style="list-style-type: none"> - Performance appraisal - As part of the Early Intervention System (EIS) - Training purposes, with the permission of the involved employees - Audit and Quality Control/Troubleshooting 			

Other

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Concerns that additional time and resources may be needed for SPD, prosecutors, and other City staff to deal with large amount of video.		No specific policy/procedures at this time.	SPD City	Additional resources have been identified and budgeted for accordingly. Resources will be phased in as the program advances.	There are no specific SPD policies that deal with this issue.
Comments that BWV will provide a different perspective than in-car video.		One of the main objectives of the BWV is to provide a record of officer-public interaction where none currently exists.	SPD		SPD feels that this issues has been addressed by

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p>SPD BWV policy states: <i>The goal of these systems is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.</i></p>			<p>language in the SPD BWV policy.</p>
<p>There are concerns that non-native English speakers may not fully comprehend officer instructions/statements on being recorded.</p>		<p>SPD BWV policy states: <i>Employees shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording. Employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded. Employees will make reasonable efforts to repeat the notification, if practical, for additional people that become involved in the recording.</i></p>	<p>SPD</p>		<p>SPD feels that this issues has been addressed by language in the SPD BWV policy.</p>
<p>Comments that videos could be used for training purposes, especially for incidents that contain interaction with those that have behavioral health issues.</p>		<p>BWV may be used for training purposes with the consent of the officers appearing in the video. Currently, ICV is used regularly for such trainings.</p>	<p>SPD</p>		<p>There are no specific SPD policies that deal with this issue.</p>
<p>Comments that some studies show increased use of force in departments that use body cameras.</p>	<p>Some Stakeholder Group members have stressed the importance of removing broad discretion for officer around BWV policies to potentially</p>			<p>While some studies do show increased use of force, other studies show the opposite.</p>	<p>There are no specific SPD policies that deal with this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	reduce increased use of force resulting from body-worn cameras				
Comments that it is difficult to get good statements with the way SPD currently interviews witnesses/ victims.			SPD		There are no specific SPD policies that deal with this issue.
Concerns that video is open to interpretation.		<p>The department shares this concern and is attempting to ensure that its review of video is mature.</p> <p>The approved SPD FIT Manual (which is still being negotiated with the unions) states:</p> <p>Differences between perception and “objective” sources such as video may be explicable due to the limits of human perception and memory (e.g., selective focus, influence of adrenaline, fight or flight response, tunnel vision) and expanded capacity of video sources (e.g., wider field of vision and consistent focal range). An officer may only be disciplined for a discrepancy between his or her perceptual statement and objective evidence if the department finds that the officer made intentional misrepresentations or where the officer fails to fully cooperate with a perceptual interview.</p>	SPD Community	Video is open to personal interpretation by all who view	There are no specific SPD policies that deal with this issue.
Concerns that, in many instances, it is difficult to know who the victim and who the perpetrator is at the scene of an incident.		This is a determination regularly made by trained police officers.	SPD		There are no specific SPD policies that deal with this issue.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
There were concerns about the security of videos in regards to being able to hack into the system.		The storage of videos is located on the vendor's cloud storage account. The BWV vendor, Taser, uses Microsoft Azure, which has received FBI certification for CJIS (Criminal Justice Information Systems) compliance and has gone through the City's security review. All data is encrypted in transit and at rest on the cloud.	SPD Vendor		There are no specific SPD policies that deal with this issue, but the BWV vendor is CJIS compliant.
Concerns that SPD is not using different camera options, such as head / eyeglass mounted cameras.		The BWV vendor, Taser, has a head/eyeglass mounted camera. After consulting with jurisdictions that use head-mounted systems, SPD declined to use this to provide a consistent viewpoint, as well as to provide a durable camera for the officers.	SPD		There are no specific SPD policies that deal with this issue, but SPD has researched the concern.

Privacy

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Concerns about surveillance focusing on undocumented individuals.		SPD Manual 6.020 <i>It is the policy of the Department that officers will not request specific documents for the sole purpose of determining someone's immigration or alien status. If offered by a person and not specifically requested by the officer, it is permissible to rely on immigration documents to establish</i>	SPD Policy Federal Guidelines	While body-worn cameras may record video of undocumented individuals as part of normal police work, officers will not be asking for status of citizenship per SPD policy.	SPD feels that the issue is addressed via parts of the SPD policy that address immigration issues.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>someone's identity in response to a general request for identification.</i></p> <p><i>Officers will not initiate police action based solely on an individual's immigration or alien status, nor shall they ask for identification or documents to establish the person's immigration or alien status.</i></p>			
<p>There will be less reliance on surveillance from private property owners when officers wear body-worn cameras.</p>		<p>While BWV will provide additional video footage of officer-public interaction, SPD will continue to request private video from property owners, where applicable.</p>	<p>SPD</p>		<p>There will likely be similar amounts of private property surveillance after BWV deployment.</p>
<p>Questions and concerns about federal and other agency access to videos – will video be shared and how?</p>	<p>CPC has expressed concerns over this issue.</p>	<p>Non-SPD agencies do not have direct access to stored videos. The King County Prosecuting Attorney's Office and Seattle City Attorney's Office have access to videos related to specific cases that have been released by SPD to those agencies in Evidence.Com. KCPAO and SCAO access is permissions-based and limited to those videos relevant to cases as provided by SPD.</p>	<p>State RCW Federal regulations</p>	<p>BWV will be shared with federal and other agencies as part of active investigations. Videos that are not part of an active investigation may be requested by other agencies as part of the public disclosure process</p>	<p>There are no specific SPD policies that deal with this issue.</p>
<p>Concerns that video will be used against public by SPD for reasons other than outlined in SPD policy.</p>	<p>CPC BWV policy suggestion: <i>This policy applies to all sworn employees who operate In-Car Video (ICV) or Body-Worn Video (BWV) systems (including Patrol, Traffic, Gang Unit, Canine, SWAT, and others required</i></p>	<p>SPD officers and staff are governed by SPD policy. The BWV policy states: <i>This policy section applies to all sworn employees who operate In-Car Video (ICV) or Body-Worn Video (BWV) systems.</i></p>	<p>SPD Policy</p>		<p>SPD feels this input has been adequately addressed.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<i>pursuant to this policy.), whether on-duty or in a secondary employment capacity.</i>	Violations of the BWV policy will face disciplinary action.			
Worries that videos will be used with facial recognition tools for identification.	CPC has expressed concerns over this issue	<p>Booking Photo Comparison Software Policy applies:</p> <p>SPD 12.045: <i>This policy applies to the usage of Booking Photo Comparison Software (BPCS) for biometrics processing. The intent is to regulate the use of this technology to allow for legitimate law enforcement purposes while protecting privacy.</i></p> <p>1. Usage of BPCS is Limited to the Comparison of Unidentified Images to Booking Photos <i>BPCS may only be used in an attempt to identify a person whom an officer reasonably suspects may be involved in criminal activity.</i></p> <p>2. Only Department-Trained Photo Unit Personnel Will Use BPCS</p> <p>3. Any Agency Requesting SPD Assistance with an Investigation Must Satisfy all Criteria in this Manual Section</p> <p>4. BPCS may Not be Used to Connect with ‘Live’ Camera Systems</p>	SPD policy	Once videos have been released to the public or other agencies, SPD has no control over how the videos are used.	SPD’s position in that the Booking Photo Comparison Software Policy covers facial recognition tools and that this issue has been addressed.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p>5. The Photo Unit Maintains BPCS Statistics and Data <i>All data governing the usage of this system is retained for a period of 42 months. See 12.045-PRO-2</i></p> <p>6. No Personnel may use BPCS to Identify Individuals for Identification Purposes who do not Meet the Listed Criteria</p> <p>12.045-PRO-1 Procedures for Using BPCS to Identify a Possible Suspect The Officer/Detective <i>1. Establishes a reasonable suspicion that there is a suspect involved in criminal activity</i> <i>2. Contacts the SPD Photo Unit with the GO Number, if applicable</i> <i>3. Presents the captured image of a possible suspect to Photo Unit personnel</i></p> <p>Photo Unit Personnel <i>4. Download the image into BPCS</i> <i>5. Using the software, compare this captured image to those stored in a booking photo database</i> <i>6. Present the images of any possible suspect(s) to the investigating officer/detective</i> <i>7. Retain certain BPCS data</i> <i>See 12.045-PRO-2</i></p>			

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p>The Officer/Detective: 8. Uses the possible suspect image(s) to further an investigation 12.045-PRO-2 Procedures for Retention and Auditing of BPCS Data Photo Unit Personnel 1. Retain all data associated with BPCS for a period of 42 months 2. Maintain a log at the BPCS workstation which records the following information:</p> <ul style="list-style-type: none"> • Date of inquiry • Name of operator making inquiry • Name of officer requesting inquiry • Description of incident that satisfies all the criteria in this manual section • GO Number, if applicable <p>Compliance Section Personnel 3. Audit all usage of BPCS on an annual basis</p>			
<p>Concerns that there will be more video footage created in some communities than in others.</p>		<p>No specific policy/procedures at this time.</p>	<p>SPD</p>	<p>All front-line officers will be wearing body-worn cameras once full deployment has been reached.</p>	<p>There are no specific SPD policies that deal with this issue.</p>
<p>Immigrant communities may feel SPD is spying on them with body-worn cameras.</p>		<p>SPD plans to conduct public outreach, which will include goals of the program, explanation of the use of</p>	<p>SPD</p>		<p>There are no specific SPD policies that deal with this issue.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		cameras, and policies which bound the use of video footage.			
Concerns about the difficult process in which a victim/witness gets an injunction against public release of a video - what about the cost of the process? What if there is no physical address to send notification to? What if a minor wishing non-disclosure has a parent that does not agree that video should not be released?		Developing policy/procedures at this time.	State RCW	Often the images presumed to be highly offensive mirror the State exemptions that allow redaction. There will videos that contain images presumed to be highly offensive that are not explicitly exempt from disclosure under the PRA. If so, the agency may provide third-party notice to the subject of the image. The subject could seek an injunction to prevent disclosure. The court would grant the injunction unless the requestor can show that the video content is of legitimate interest to the public.	There are no specific SPD policies that deal with this issue.
Worries that the level of redaction will not be sufficient to properly cover identities of individuals.		Not in policy. SPD is working on checklists and other protocols for redaction.	SPD		There are no specific SPD policies that deal with this issue.
Concerns that body-worn cameras will be used to capture images of individuals at protests, which will result in potentially first-amendment chilling effects.	The Stakeholder group wanted to make sure that the sections of the BWV policy aligned with the intelligence gathering ordinance.	SPD BWV Policy: <i>Employees will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor, as provided below.</i>	SPD policy		SPD feels that this issues has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>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 with BWV. Under such direction, employees will record until ordered to cease recording. Protected activity unintentionally captured is not a violation.</i></p>			
<p>Concerns that cameras in health care and treatment facilities may result in release of federally protected health information, as well as compromise privacy of individuals receiving treatment.</p>	<p>CPC BWV policy suggestion: <i>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.</i></p> <p>AND</p> <p><i>Per Department training in the use of the video management system employees will “flag” videos after writing their initial report if any portion of the videos may contain images or audio of any of the following:</i></p>	<p>SPD policy states: <i>Employees will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities unless for a direct law enforcement purpose, such as a crime in progress.</i> SPD removed the section of the policy pertaining to the “flagging” of videos for sensitive content, since the Public Disclosure Unit will be reviewing all videos for this type of content before disclosure.</p>	<p>SPD Policy</p>	<p>If a video exists were non-disclosure is requested or required by state law, the SPD Public Disclosure Unit will redact (blur/box-out) all identifying information if the video is requested by someone other than the victim/witness.</p>	<p>SPD feels that this issues has been addressed by language in the SPD BWV policy.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<ul style="list-style-type: none"> - Complainant / victim / witness who requests non-disclosure -Complainant / victim / witness who has not requested nondisclosure but disclosure would endanger life, physical safety, or property Interior of a private residence - Interior of a medical, mental health, counseling, or therapeutic facility - Medical information or treatment - Mental Health information or treatment - Any identifiable juveniles - Confidential informants - Identifiable location of a domestic violence program facility, emergency shelter, or transitional housing program - Sexual activity, nudity, or images of intimate body parts - Body of a deceased person or other death-related images - Other information that if disclosed would be highly offensive to a reasonable individual <p>The Stakeholder Group had concerns about the BWV policy section that deals with the “flagging” of sensitive videos in that it may give an inaccurate sense that concerns in this area have been “solved.” They also stated their desire to</p>				

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	add language as to why the video was flagged, in addition to adding it should be added after the report has been written.				
Concern that perpetrators may have access to footage of victims.	The Stakeholder Group had concerns about the BWV policy section that deals with the “flagging” of sensitive videos in that it may give an inaccurate sense that concerns in this area have been “solved.” They also stated their desire to add language as to why the video was flagged, in addition to adding it should be added after the report has been written.	SPD removed the section of the policy pertaining to the “flagging” of videos for sensitive content, since the Public Disclosure Unit will be reviewing all videos for this type of content before disclosure. SPD Manual Section 12.080 – Retention and Disclosure of Department Records addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.	SPD policy State Law	If a video exists were non-disclosure is requested or required by state law, the SPD Public Disclosure Unit will redact (blur/box-out) all identifying information if the video is requested by someone other than the victim/witness.	SPD feels that this issues has been addressed by language in the SPD BWV policy.
Videos will be readily available to public	The Stakeholder Group had concerns about the BWV policy section that deals with the “flagging” of sensitive videos in that it may give an inaccurate sense that concerns in this area have been “solved.” They also stated their desire to add language as to why the video was flagged, in addition to adding it should be added after the report has been written.	SPD removed the section of the policy pertaining to the “flagging” of videos for sensitive content, since the Public Disclosure Unit will be reviewing all videos for this type of content before disclosure. SPD Manual Section 12.080 – Retention and Disclosure of Department Records addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.	State RCW	If a video exists were non-disclosure is requested or required by state law, the SPD Public Disclosure Unit will redact (blur/box-out) all identifying information if the video is requested by someone other than the victim/witness.	SPD feels that this issues has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Concerns that media may have access to videos and publish them, leading to people becoming unwitting public figures.		SPD Manual Section 12.080 – Retention and Disclosure of Department Records addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.	SPD State RCW		There are no specific SPD policies that deal with this issue.

Unintended Consequences

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
Concerns that BWV could have a chilling effect on reporting of crimes due to public unease with cameras, particularly in vulnerable communities.		<p>RCW 42.56.240(2) exempts from disclosure: <i>Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern</i></p> <p>SPD Manual Section 12.080 (4) states <i>When gathering information at the time of reporting, officers and detectives must ask victims, witnesses and complainants if they want their identifying information disclosed or</i></p>	SPD policy State RCW		SPD feels that this issues has been addressed by language in the SPD BWV policy.

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
		<p><i>not disclosed. This decision supersedes any disclosure requests made by another person.</i></p> <ul style="list-style-type: none"> • <i>When a victim, witness or complainant is unable to discuss disclosure due to incapacity, the reporting officer shall:</i> • <i>Document the incapacity in the entity portion of the General Offense Report, and</i> <p><i>Document any specific evidence that disclosure of the identity of the victim, witness or complainant would threaten life, safety or property.</i></p>			
<p>Concerns that BWV will have a chilling effect on witness or victim statements due to possible retaliation from perpetrator.</p>	<p>CPC BWV policy suggestion: <i>As safety allows, employees shall stop recording for portions of events so as to not capture:</i></p> <ul style="list-style-type: none"> - <i>Images of the body of a deceased person (unless the death resulted from or occurred during police contact)</i> - <i>The questioning of victims, suspects, or witnesses</i> - <i>Death notifications</i> - <i>An image or information that if disclosed would be highly offensive to a reasonable individual</i> - <i>The identifiable location of a community-based domestic violence program, or emergency shelter, both as defined in RCW 70.123.020</i> 	<p>SPD BWV policy states: <i>There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWV would impede or limit the cooperation of a victim or witness.</i> <i>When an employee believes such circumstances exist, the employee may deactivate the BWV.</i></p> <p>Nondisclosure is in SPD Manual 12.080: <i>When gathering information at the time of reporting, officers and detectives must ask victims, witnesses and complainants if they</i></p>	<p>SPD policy State RCW</p>	<p>If a video exists were non-disclosure is requested or required by state law, the SPD Public Disclosure Unit will redact (blur/box-out) all identifying information if the video is requested by someone other than the victim/witness.</p>	<p>SPD and the CPC / Stakeholder Group disagree with the approach to this concern.</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
	<p>The stakeholder group felt that the language in the BWV policy “employees acting in good faith to exercise discretion in these cases will not be subject to discipline for failure to record those portions of an event” were appropriate and should be included in all areas related to officer discretion in recording.</p>	<p><i>want their identifying information disclosed or not disclosed. This decision supersedes any disclosure requests made by another person. When a victim, witness or complainant is unable to discuss disclosure due to incapacity, the reporting officer shall: Document the incapacity in the entity portion of the General Offense Report, and Document any specific evidence that disclosure of the identity of the victim, witness or complainant would threaten life, safety or property</i></p> <p>SPD Manual Section 12.080 – Retention and Disclosure of Department Records addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.</p>			
<p>Concerns that videos will be used in Child Protective Services and custody cases.</p>		<p>No specific policy/procedures at this time.</p>	<p>State RCW</p>	<p>Videos may be requested through the public disclosure process and will be released, barring any conflict with State law</p>	<p>There are no specific SPD policies that deal with this issue.</p>
<p>LGBTQI community concerned about footage being released that may have negative personal impact.</p>		<p>No specific policy/procedures at this time.</p>			<p>There are no specific SPD policies that deal with this issue.</p>
<p>Concerns that the need for officers to turn on cameras in crucial</p>		<p>BWV policy requires officers to turn on cameras before arriving at a scene to eliminate interference with necessary actions on-scene.</p>	<p>SPD</p>		<p>There are no specific SPD</p>

Community Input	CPC Redlines/Stakeholder Group Input	SPD Policy/Procedure	Governed By	Notes	Alignment between Input and Policy
incidents may impact officer and/or public safety.		For rapidly evolving events, policy only requires use of a camera <i>when feasible</i> . Public/officer safety comes first.			policies that deal with this issue.
Concerns that the presence of cameras may affect participation in LEAD and other diversion programs.		No specific policy/procedures at this time.	SPD		There are no specific SPD policies that deal with this issue.
Concerns that it is unclear how the presence of BWV will affect minority communities.		Continued SPD community engagement will allow SPD to hear feedback about how cameras are impacting specific communities and make appropriate policy changes to mitigate negative impacts.	SPD		There are no specific SPD policies that deal with this issue.



ATTACHMENT A

Body-Worn Video Community Engagement Plan

In November of 2015, a Body-Worn Video (BWV) Stakeholder Group took part in discussions about the use of body-worn cameras by the Seattle Police Department (SPD). The information that was collected in those meetings were valuable for the City in developing draft policies and protocols for a body-worn video program. A large portion of the meetings a year ago was spent discussing possible approaches to State legislation regarding body-camera footage. We now know what passed the State Legislature (a modified version of the bill introduced by Rep. Drew Hansen), and are in a better position to assess what material will need to be released in response to public records requests, providing some additional clarity and context around the issue that was not present in previous stakeholder discussions.

As part of the 2017 City budget, the Seattle City Council has requested that the Seattle Police Department submit a plan for continued community engagement around the Body-Worn Video Program by December 2nd, 2016. This plan identifies who will be involved, the expected deliverables, and the process and timeline for the engagement.

Groups

BWV Stakeholder Group (Invited): Community Police Commission, Seattle Police Department, Mayor's Office, City Council, American Civil Liberties Union, Department of Justice Settlement Monitoring Team, King County Coalition Ending Gender-Based Violence, Somali Community Services of Seattle, King County Sheriff's Office, Seattle City Attorney, King County Department of Public Defense, King County Executive, United States Department of Justice, and Seattle Police Officers Guild, as well as experts in constitutional and municipal law

Focus Groups: In collaboration with SPD and the BWV Stakeholder Group, the Community Police Commission will take the lead to assemble 2-3 focus groups of representative community members to discuss implementation of BWV and related policy.

Deliverables

Stakeholder Issues/Proposals: After the focus group conversations, the BWV Stakeholder group will reconvene to consider insights derived from those meetings in addition to questions and concerns from their respective constituencies. The Group will produce a list of key policy and protocol issues and proposals for the Body-Worn Video Program for consideration by SPD – that list will be included in the final report.

FAQs: A document outlining the frequently asked questions around the use and operation of body-worn camera equipment and policy will be produced. Developed by the BWV Stakeholder Group using information gathered from the Focus Groups, this document can be used by SPD for use in public communication about the program.

Final Report: The report summarizes the results of the Department’s community outreach, describes how the draft BWV policy is responsive to community input and the operational needs of the department, identifies unresolved questions or issues related to the BWV policy and implementation protocols, and documents how the department will continue to engage and seek the advice of the BWV Stakeholder Group on the use of BWV equipment or implement an alternative structure for on-going community collaboration.

Process and Timeline

Timeline	Action	Details
November 2016	Convene BWV Stakeholder Group	<ul style="list-style-type: none"> Solicit input for the development of BWV Community Engagement Plan
December 2016	1 st Stakeholder Group Meeting	<ul style="list-style-type: none"> Identify focus group membership Develop focus group structure and timelines Identify policy/issue areas to discuss with focus groups Receive State legislative update
January 2017	Conduct 2 – 3 Focus Groups	<ul style="list-style-type: none"> Solicit feedback on policy/issue areas Receive legal update from ACLU and Mary Perry (SPD Director of Privacy and Transparency)
	2 nd Stakeholder Workgroup Meeting (and additional meetings, as needed)	<ul style="list-style-type: none"> Discuss results of focus groups Identify operational issues and concerns from focus groups for consideration by SPD Identify policy and protocol concerns from focus groups and/or SPD for report to Council Develop Frequently Asked Questions

February 17, 2017

Timeline	Action	Details
	Draft Final Report	(FAQ) for SPD public communication <ul style="list-style-type: none">• SPD drafts final report including issues and proposals from Stakeholder Group• Contains schedule for Council updates on program and outreach
February 2017	Transmit Final Report to Council Gender Equity, Safe Communities, and New Americans Committee	<ul style="list-style-type: none">• Due February 1st



ATTACHMENT B

Body-Worn Video Community Roundtables

Proposed Structure and Logistics

Number of Roundtables: Three

Length of Roundtables: One and a half hours

Facilitators: Fe Lopez (CPC), Anne Bettsworth (CPC), and Nick Zajchowski (SPD)

Roundtable Support: Contracted support to provide note-taking, produce Roundtable summaries, and provide food.

Number of Participants: Target of 10 – 12 per session. Typically, 30% RSVP rate, so initial invite would go to about 90 people total.

Invitation Method: Email invitations will be sent this week, reminders will be sent next week, and individual follow up will occur the week prior to the sessions. All invitees will be asked to choose the session with their preferred date and time.

Dates, Times, Locations:

- January 10th, 10:00 AM – 11:30 AM, Boards and Commissions Room, City Hall
- January 12th, 3:00 PM – 4:30 PM, Room 1600, Seattle Municipal Tower
- January 17th, 1:30 PM – 3:00 PM, Room 4070, Seattle Municipal Tower

Attendees: See attached invitation list.

Agenda:

1. Welcome and Introductions (5 Minutes)
 - a. Thank you for your time
 - b. Facilitator introductions
 - c. Explanation of process: Collecting community feedback on BWV to take to City Council and SPD leadership
 - d. Attendee introductions
 - e. Meeting agenda review
 - f. The report will list the names of meeting attendees, but specific comments won't be attributed to names.
2. Ground Rules (2 minutes)
 - a. When you speak, please tell us if you are speaking on behalf of yourself or the communities you represent.
 - b. If you have personal experiences interacting with officers with body cameras and would like to share, we would appreciate it.
 - c. In the interest of time and inclusive participation, we may put some issues in a "parking lot" for future discussion.

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3. Presentation (15 Minutes) – with Video
 - a. Washington State BWV Public Disclosure Laws
 - b. SPD Policy
 - i. When to Turn Camera On/Off
 - ii. Disclosure of Video
 - iii. Public
 - iv. Other Agencies
 - c. Redaction
4. Discussion Questions (60 Minutes)
 - a. What do you see as the pros and cons of SPD officers wearing body-worn cameras?
 - b. How will officers wearing body-worn cameras impact you and/or those who you work with?
 - c. How will body-worn cameras affect the relationship between SPD and the communities they serve?
 - d. Do you have any other issues/concerns?
5. Parking Lot
6. Thank you and next steps
 - a. Thank you for your time and input
 - b. Feel free to submit additional feedback by January 24th in any way you'd like
 - c. We will be meeting with more community members to ask these same questions
 - d. We will submit a report in early February to City Council and SPD summarizing what we heard.
 - e. We will send you a copy of that report electronically shortly thereafter.

Invitation Language:

Greetings:

The Seattle Police Department (SPD) and the Seattle Community Police Commission (CPC) invite you to participate in an important discussion about our city's new police body-worn video program. You were selected because of your value in and connection to communities that may be affected by the introduction of this program. We would like to hear your thoughts on the pros and cons of body-worn cameras, the potential impact of this program on the community, and how the program's implementation will impact community trust in SPD.

We are hosting these meetings in direct response to the Seattle City Council's request that SPD engage in continued discussions with the community about the potential impacts of body-worn cameras. We will be taking community feedback and developing recommendations on this topic, guided by the voices of respected community leaders like you, to help shape policies and protocols around this topic.

Please go to this link to sign up for a one-and-a-half-hour session in January. Multiple dates and time slots are available to accommodate you, and refreshments and parking reimbursements will be provided.

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If you are interested, you can find a summary of the Washington State Legislature's changes to state law for body-worn cameras [here](#). If you would like a copy of the draft of SPD's policy for body-worn cameras, please let me know.

We look forward to hearing from you.

Community Roundtable Meeting Notes SPD Body-Worn Video

The Seattle Police Department (SPD) and the Community Police Commission (CPC) conducted a series of three “roundtables” with the community on January 10, 12, and 17 of 2017. The roundtables were part of a community engagement effort directed by the City Council as part of the 2017 Budget. Prior to the roundtables, the Body-Worn Video Stakeholder Group convened to discuss themes, content, and structure for the listening sessions.

Participation: Over 80 individuals representing a variety of communities in Seattle were invited, including members of domestic violence survivor support organizations, community organizers, mental health advocates, health care professionals, student leaders, and veterans support professionals. Most of the invitees were identified by the CPC, with other members of the BWV Stakeholder Group adding individuals they felt should be included. The full invitee list was approved by an ad-hoc subcommittee of the BWV Stakeholder Group.

Structure: The roundtables were facilitated by Fé Lopez of the CPC and followed a format agreed upon by the stakeholder group. That format included a briefing on state law and SPD policy regarding public disclosure of body-worn video (see Attachment A for an outline of that briefing). Participants were also shown a brief video that simulated a domestic violence incident in which officers equipped with body cameras responded. The video was redacted in a manner consistent with state law and SPD practice. This portion of the meeting took approximately 30 minutes. The remaining 60 minutes were dedicated to collecting input from participants using the following four questions developed by the ad-hoc subcommittee of the BWV Stakeholder Group.

- **What are the pros and cons of BWV?**
- **How will officers wearing body-cameras impact you and/or those who you work with?**
- **How will officers wearing body-cameras affect the relationship between SPD and the communities they serve?**
- **Other issues/concerns?**

The purpose of the roundtables was to gather information that could inform the Stakeholder Group of the benefits, issues, and concerns related to the BWV program. Participants’ questions were treated as issues/concerns, in that they demonstrated gaps in community members’ understanding of the BWV program, technology, policy, and state law. The topics of these questions may help SPD draft a policy and community engagement plan that provide community members with clarity around these issues. Because of significant time constraints and need to collect information consistently on the predetermined questions, SPD employees were asked to not respond to questions; rather, they served as passive observers, except for the end of the meetings where they responded to some concerns, time permitting. SPD intends to follow up with the participants by providing the final report and an FAQ document to address some of the questions and concerns raised.

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Meeting Summaries: The meeting summaries were prepared by an outside vendor who was taking notes at the meetings. The notes were then reviewed by SPD and the CPC.

**Community Roundtable Meeting Notes
SPD Body-Worn Video
Roundtable #1, January 10, 2017**

Logistics:

- BWV roundtable #1
- January 10, 2017
- *Community Member Attendees: 9*
 - Anthony Shoecraft, Mayor's Office
 - Caedmon Cahill, Office of Civil Rights
 - Connie Burk, NW Network
 - Greg Garcia, United Way of King County
 - Hodan Hassan, Got Green
 - Kevin Devin, Veterans Affairs
 - Mohamud Yussuf, Runta News
 - Roxana Pardo Garcia, Community Member
 - Shaun Knittel, Social Outreach Seattle
- SPD: Caesar Hidalgo-Landeros, Johnny Fong, Brian Grenon, Brian Maxey, David Puente, Nick Zajchowski, Mary Perry
- Other Staff: Amy Tsai, Christina Fogg, Anne Bettsworth, Fé Lopez, Brett Houghton (PRR)

Feedback:

Pros of BWV:

- Holds the police accountable for possible misconduct.
- People are more likely to behave well when they believe they are on camera. One participant noted a change in behavior for the positive when placing cameras at their business.
- Video will provide clarity about how everyone involved behaved

Cons of BWV:

- Increases surveillance of already over-policed communities, making every interaction with law enforcement an opportunity to have evidence collected against community members
- The video will be in the hands of the police, not the public.
- The ability for officers to turn off the cameras.
- Cameras may have a chilling effect on talking to police, even if in non-enforcement situations.

How officers wearing body-worn cameras impact you and/or those who you work with:

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- People without documentation may be even less likely to interact with police, for fear that video of them will be shared with immigration enforcement.
- LGBTQ violence survivors are already more likely to be arrested and there is more confusion about who is the victim and who is the perpetrator. Having officers wear BWV is likely to exacerbate this problem.
- Members of the LGBTQ community have frequent encounters with law enforcement, though not usually leading to arrest. There will be more LGBTQ people surveilled with police wearing cameras. Community members may feel concerned about the police having those, waiting to be used against them, especially in the current political climate. (The current political discourse including internment camps, LGBTQ people being fundamentally disordered, etc.)
- The presence of a camera may escalate someone having a mental health crisis or with significant mental health issues. Even with all the information laid out at the beginning of the interaction, there will be interactions that will be negatively impacted by the presence of the camera. This will certainly be an issue for veterans with PTSD (includes the beeping sounds every 2 minutes).
- Women in the Somali community are afraid of cameras and don't want their bodies shown on video. Having BWV on officers might scare them. There is a lot of stigma about being photographed or videotaped.
- This may just be another tool for vulnerable people to be held accountable for being victims.
- Concerns about the impact of BWV on poor people, especially people who are homeless.

How body-worn cameras affect the relationship between SPD and the communities they serve:

- BWV may increase trust as community members will know that police behavior is being monitored by the camera. Being videotaped may motivate the police to control their use of power.
- BWV may increase distrust as community members feel more surveilled. There may be a chilling effect, where individuals are less likely to call 9-1-1 and less likely to engage with officers openly when they interact with them.
- Surprise at how an innocuous police interaction made them feel nervous and felt a camera would have exacerbated that feeling.

Other issues/concerns:

- Privacy
 - How will the video be redacted? Will the audio be redacted as well?
 - If someone files an injunction, will that preclude making the video public?
 - Are these videos subject to sunshine laws?
- Civil liberties
 - How will police or other government actors use the video?
 - Can the police take video at a protest or other public action and then target individuals, like organizers, who are community activists?

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- If this is about evidence gathering, it seems like it might just be another tool against defendants who are poor, young, and/or of color. Who will be allowed to present this in court? The defense? Or just the prosecution?
- Government accountability / abuse of power
 - Will it be possible for the video to be used in custody or CPS cases?
 - For community members who already distrust the police, there may be suspicion about the police having control of the video, including concern that the police will edit the video later to distort the truth.
- Other
 - There needs to be significant public education about redaction and the opportunity for injunctions. People need to understand what they can do if something they consider “personal” is on camera.
 - It is important that officers are clear that individuals have a right not be recorded and that be conveyed at the beginning of the interaction, at initial contact.
 - There needs to be trust built with the police before something bad happens. More positive interactions, along with the police admitting that racism exists and that we all have implicit biases, would help make the situation more real.
 - Are the police willing to be video recorded? What kind of reactions do they have when the community’s cameras are pointing at them?

Noteworthy Quotes:

- *“The concern is that you multiply surveillance of communities and make every interaction with law enforcement an opportunity to have evidence collected against you that you can’t control or understand.”*
- *“In a recent interaction with an officer responding to my car break-in, the officer arrived wearing a camera. Instead of feeling like the officer was there to help me, I felt surveilled. They were kind and I was still taken aback.”*
- *“We are naïve, if, in the current political climate we assume the captured video will be used only in benign or positive ways.”*
- *“With this new political climate where registering Muslims and internment camps are part of the conversation, the prospects of being recorded is really scary. We should consider how we use the video in that context.”*
- *“If the camera is on me, who has the power? Does it really hold the police accountable? The camera is outfacing and not facing them so we can’t see their gestures or body language. Who has the power to create the storyline about what is in the videos?”*

**Community Roundtable Meeting Notes
SPD Body-Worn Video
Roundtable #2, January 12, 2017**

Logistics:

- BWV roundtable #2
- January 12, 2017
- *Community Member Attendees: 12*
 - Anita Khandelwal, King County Department of Public Defense
 - Arsalan Bukhari, Council on American-Islamic Relations
 - Dana Lockhart, SPD Victim Support Team
 - Felicia Cross, African American Advisory Committee
 - Iris Friday, Native American Network
 - Jim Vollendroff, King County Behavioral Health and Recovery Division
 - Jorge L. Baron, Northwest Immigrant Rights Project
 - Marc Taylor, Seattle Indian Health Board
 - Mergitu Argo, OneAmerica
 - Monisha Harrell, Equal Rights Washington
 - Shankar Narayan, American Civil Liberties Union of Washington
 - Zosia Stanley, Washington State Hospital Association
- SPD: Brendan Kolding, Johnny Fong, Brian Maxey, Mary Perry, David Puente, Nick Zajchowski
- Other Staff: Christina Fogg, Ron Ward, Anne Bettesworth, Fé Lopez, Brett Houghton (PRR)

Feedback:

Pros of BWV:

- The truth may come out.
- The public and police officers will likely behave better when they know they are being recorded.
- Access to these videos may reduce reliance on video surveillance from private property owners.
- Officers can collect video of activity that is outside the field of the in-car video.
- BWV can capture nuance and detailed information shared during an interview, especially important for domestic violence victims.
- BWV footage may be valuable for behavioral health training purposes, particularly motivational interviewing. It could help offices understand how to escalate/deescalate a situation.

Cons of BWV:

- Even by redacting individuals in the videos with black circles, identities are not adequately obscured. People familiar with a neighborhood can recognize a home. People familiar with an individual may recognize personal aspects other than the face (e.g., nails, tattoos, etc.)

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- Someone who views the video be share information not central to the case (e.g., someone discloses their immigration status during an interview and that is then shared with others).
- Staff at health care facilities will need to learn rules for BWV and monitor officers in their facilities. This will require time and resources that would be otherwise spent on health care.
- Officer control over turning cameras on and off may deepen community mistrust and thus lead to more police violence.
- Additional time and cost across the criminal justice system. Police officers will spend time reviewing and submitting video, attorneys will spend hours viewing video, city staff will spend time tracking, processing, and releasing video.
- An officer turning on a camera in a dangerous situation may negatively affect their safety and/or the community's safety since they need to turn it on and may be distracted.

How officers wearing body-worn cameras impact you and/or those who you work with:

- The BWV itself will not impact people with behavioral health conditions. Depending on the implementation, it may escalate or de-escalate the situation.
- BWV might have a chilling effect on community members' willingness to share information.
- The African American community has an unspoken "no snitch" code. If someone knows the police have body cameras on they may be less likely to call the police and be forthcoming with information.
- Domestic violence victims may be less likely to report for fear of their abuser seeing the video.
- Domestic violence victims may fare better if the video can be used to tell their story and capture accurate information instead of having to retell it over and over themselves.
- The recordings themselves may further victimize domestic violence victims. They may be discredited if their stories change over time, which can happen in traumatic instances. They may be traumatized by seeing the video of their interviews.
- People without documentation may stop calling the police or talking to the police for fear of their information being captured and possible deportation.
- People may be less likely to engage in peaceful protest if they are concerned about their image being captured and the possibility of retaliation.
- LGBTQ community members who are victims of hate crimes may not be willing to talk to police if they will be recorded in the aftermath of the crime, as they won't want to present an unflattering image of themselves that others might see.
- Individuals may not want to report a crime when they are drunk or otherwise impaired for fear of seeming to have made bad decisions that led to their victimization.
- BWV will make DUI charges much more expensive because attorneys will then have to watch multiple videos which will add hours to the fees.

How body-worn cameras affect the relationship between SPD and the communities they serve:

- This may build distrust among community members. Community-captured video of police activity has fostered distrust of police by community members.

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- BWV may be a barrier to community members engaging informally with officers at community-building activities and events.
- If community members, especially members of vulnerable groups, are effectively educated on the way cameras will be used, the policies regarding video, and their rights, this could be an opportunity to build trust.
- Victims may not feel comfortable in front of a camera.

Other issues/concerns:

- Privacy
 - How will an officer communicate to a victim that he/she can choose not to be recorded?
 - How does the officer flag the video to indicate the person asked to be redacted or to indicate “offensive” content? Do they mark it “do not disclose?”
 - There is personal health information everywhere in hospitals, on white boards, in hallway conversations, people in actual health care situations. The cameras might collect information that is protected by the Health Insurance Portability and Accountability (HIPAA). That information might later be released through a public records request. Examples:
 - If an officer comes in to a hospital with a DV victim or a DUI suspect.
 - If a crime happens inside a health care facility.
 - How will BWV policies mesh with federal confidentiality laws RE: substance use facilities?
 - Will the press have access to the videos? Do press have more access, by statute or by virtue of additional resources? Will they be allowed to publish footage?
 - Can perpetrators get access to the video of a victim?
 - Someone may become an unwitting “public figure” by showing up in videos.
- Policies and implementation
 - Training officers to engage with the public with the cameras will be very important to the program’s success.
 - How will the department ensure the spirit of the policies are upheld? Training and ongoing correction and accountability in implementation are important.
 - It is important that officers ask for consent and not simply report that they are recording. Police officers are in a position of power so they need to take care to let people know they can ask for the cameras to be turned off.
 - How do police officers manage consent with interviewees who are limited-English proficient? Do they wait for an interpreter to arrive before they start videotaping?
 - How long are the videos being retained?
 - How is the information being saved?
 - What causes cameras to malfunction?
 - The primary use of BWV footage will likely be for prosecution. It’ll be a criminal justice system tool.
 - Is there a plan in place to educate the public about BWV?
- Civil liberties
 - Getting an injunction is difficult and expensive.

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- How will these videos interface with emerging technologies, like facial recognition software? What kind of analytics are being run on the videos? How much can be mined for other purposes?
- Will other agencies have access to the footage or the information from the videos? Will the information from the videos be shared proactively, or will other agencies need to request specific video? Will it be shared redacted or whole?
- Other
 - Regular community members don't know their rights and the laws surrounding body worn video. There is fear in not knowing. Maybe there should be something similar to a "know your rights" campaign.
 - How will BWV affect drug offenders, drug dealers, and prostitutes' willingness to participate in Law Enforcement Assisted Diversion and similar programs? Will conversations with potential participants be video recorded?
 - There's a desire to see more statistics from the SPD pilot and more research on implementation of BWV in other places.
 - Will BWV affect officer response time? Will officers need to stop what they are doing to turn on the camera instead of responding immediately to a crime in progress?
 - Will innocuous situations like Det. Cookie playing chess with youth be recorded?

Noteworthy Quotes:

- *"In the African American community there is an unspoken no snitch code. If someone knows the police have body cameras on they may be less likely to call the police and be forthcoming with information."*
- *"I would not take false comfort in the injunction process. Getting an injunction is hard and costs a lot of money. It will not be meaningfully accessible to the most vulnerable members of the community."*
- *"We must be careful what rules we put into place with the deployment of body worn videos. Research has shown that the policies, procedures, and practices put into place regarding body worn videos affect what 'truth' comes out through their use."*
- *"Will people want to go to the mosque if there is an officer there "for their own protection" who is wearing a video camera, especially in the current political climate?"*
- *"Are we creating a world where you can't leave your worst moments behind because everything is being documented? How will this affect the long-term opportunities of today's youth?"*
- *"It is hard to say how body worn videos will affect relationships. It depends on how they are used. I can see ways it might improve police accountability, but we already capture many things on video and that hasn't resulted in the kind of accountability I would like to see."*

**Community Roundtable Meeting Notes
SPD Body-Worn Video
Roundtable #3, January 17, 2017**

Logistics:

- BWV roundtable #3
- January 17, 2017
- *Community Member Attendees: 12*
 - Andrew Taylor, UW Evans School of Public Policy
 - Benita R. Horn, Benita R. Horn & Associates
 - Edith Elion, Atlantic Street Center
 - Emma Catague, Filipino Community Center
 - Enoka Herat, OneAmerica Board Member and Washington Defender Association's Immigration Project
 - Ross Braine, wə'təb'altx^w – Intellectual House
 - Joanne Alcantara, API Chaya
 - Kelsie Malyon, Dawn
 - Laurel Snow, YouthCare
 - Monserrat Jauregui, Latino Community Fund of Washington
 - Shannon Perez-Darby, NW Network
 - Susan Schoeld, King County Behavioral Health and Recovery
- SPD: Brian Maxey, Nick Zajchowski, Mary Perry, SPD consultant Brian Avants (Gartner)
- Other Staff: Brittany Cirinio, Anne Bettsworth, Fé Lopez, Kate Gunby (PRR)

Feedback:

The group mostly rejected the pro/con question structure and focused the first part of the discussion on SPD's goals and their own questions and concerns about BWVs.

Pros of BWV:

- Accountability, as BWV could provide a better ability to see what officers are doing and allow the community to better police the officers.

Cons of BWV:

- If police can turn off the BWV when they think that what they're doing isn't good.

How officers wearing body-worn cameras impact you and/or those who you work with:

- It is unclear how BWV will help minority communities.

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- There are concerns about impacts to people who don't primarily speak English, since they are already over-surveilled. As a result, police should receive training for about how to help immigrants and communities of color.
- Crime is already underreported in the immigrant community, and the idea of immigrants being filmed would have a chilling effect. A participant said they know an immigrant who witnessed a crime and was already unwilling to go to the police without the presence of cameras. The idea that their interaction with the police would be filmed would make the idea of going to the police even scarier.
- Sharing of video footage with any federal agencies (e.g., ICE) raises concerns about deportations, especially if people disclose where they are from in the video.
- The redaction process could disproportionately affect people who are homeless because they are a hard-to-reach population. The disproportionality will depend on the specific process for attempting to contact people who are in the video prior to its release.
- It is harder for people who are experiencing homelessness to engage the court system.
- For minors, there are concerns about the role of parents in the process of contacting people for the redaction process.
- For many victims there is an increased fear of retaliation from the offender if the offender is able to see exactly what the victim told the officers.
- Communities in South Seattle are already over-surveilled, so this could result in more video footage in those communities compared to others.
- Queer bodies and sexualities are policed and understood in a way that creates a different standard of intimacy compared to what is generally considered intimate for people who are cis and/or straight. There is external bias about what is considered a "normal" thing to do.

How body-worn cameras affect the relationship between SPD and the communities they serve:

- BWV will create a high expectation of what the videos will do that will likely not be met by the officers.
- The relationship between officers and the community is important and we need to build trust, but surveillance is not likely to build trust.
- In immigrant communities there are already negative connotations with the police, they may think that the police with cameras are spying on people.
- There are a lot of things you can't see in the video, and what we can see in the video won't fix the community's relationships with law enforcement.

Goal of program and public input process:

- Participants wanted to know what SPD's goals are for using BWV. They did not feel comfortable discussing pros and cons without having more information about the end goals. SPD needs to state a clear goal, and make policies and practices transparent to get community buy-in.

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- Technology will expand or exacerbate what's already there: if the goal is accountability, the videos will show a gap; if the goal is relationship building, the videos will show it's not working.
- It seems fair for the goal to be both evidentiary or accountability. But there are concerns about how well BWVs will work to achieve both goals.
- The group raised concerns that they were not asked about whether SPD should have BWV, but simply asked to inform the process. Some people in the room were not ok with the program moving forward.
- There were concerns that there are already a lot of resources in play to push BWV forward when the SPD hasn't done due diligence up front.

Government accountability / abuse of power:

- The goal of accountability gets lost in the massive amount of video, work, and money.
- Accountability would be the primary goal of LGBTQ DV community, but they are very nervous about evidentiary goals.
- There are so many other strategies to increase accountability among police officers, video is not the best way to do that.
- If the goal is accountability, allowing the public to use cameras to surveil their own communities would put the power in the community rather than on the officers' bodies.
- One of the current challenges to bodycams is that they face out, so you can't see what the officer is doing. The officers are collecting info "out there" which challenges the idea that the cameras will increase accountability.
- There have been many cases where there was video and yet the police weren't held accountable, and that increases distrust of these cameras and the idea that they are truly meant to increase accountability. If the goal is accountability, police need to be held accountable by what they do on video.
- Having a camera increases the use of police force: a participant provided this link to this: [Study Links Police Bodycams to Increase in Shooting Deaths](#).
- Just having a camera doesn't change what happened in that moment, doesn't speak to the negative relationships, distrust, or the officer's decision-making process. It cannot show the full picture.
- Will there be a civilian review board with access to BWV tapes? Does SPD intend to create something like this to increase accountability?

Evidence

- The way that police interview people does not guarantee good evidence. You will not get good information if the strategy is wearing a camera and interviewing a DV victim in their home with their partner in the other room.
- The evidence generated may have potential negative effects on the victim's credibility. Specifically, trauma can impact people's ability to quickly and accurately recall the details of

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what happened, and people who just experienced a crime are likely to come across in a way that is different than their intent. When those moments are videotaped, it can work against the victim's credibility.

- Minors and other vulnerable populations are more likely to say what they're thinking, which again can decrease credibility and increase the chance that Child Protective Services and other systems may intervene.
- Video could show unrelated incriminating evidence in the background (e.g., guns, drugs) that police may not observe in the moment but could see when looking back in the video. That could lead to increased prosecution and incarceration based on evidence in the video that was not the original intent of the police involvement.
- The interpretation of the video matters, and different people will have different interpretations of the same video, which will be different from the officer's interpretation of the situation.

Identification concerns

- It is hard to know who the victim is in a situation, especially when working with LGBTQ survivors of DV. Police can't possibly know who is surviving and who is battering.
- Human- and sex-trafficking is another concern. It's an organized crime and there are concerns about safety for victims; however, since their behavior is criminal they are not always treated in a way that promotes their safety.

Data

- Who is doing the redacting is very important.
- There are many questions about the data, such as: Who gets to know what happened? What's available for public consumption? Who owns the data? Who has access to that data? Where is it housed? Can police go in and change footage? What is SPD doing about security, since hacking is a major concern? If there is a third party, what are they doing? One participant recommends having an off-site cloud based system where the company shares the risk. What are security protocols? What's the statute of limitations? How long does the data stay around?
- There are concerns about the redaction being thorough – it only takes an instant to get a still shot and to get an image of the redacted information. What are the redaction protocols and training? How can SPD ensure proper redaction? Who owns the equipment, the responsibility, who does the redacting?

Privacy

- Collateral data is concerning. When you're collecting metadata at random it's something you can sell and profit on.
- Has SPD considered other camera options (such as glasses)? Seems like we need more research on the technology.

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- There are privacy concerns about collecting collateral data – what if the teens in the background of a video are runaway teens who have been sexually abused by parents?
- Especially for LGBTQ individuals, people have unique identifiers beyond faces. These can include tattoos, attire, and personalized nail art. Can other characteristics be redacted?
- With the increase in use of Facial Recognition software by law enforcement agencies, and the fact that 50% of adults' faces are available in FR databases, there are concerns that the software will be used in conjunction with the body cameras resulting in over-surveillance in our communities. Crafting policies that limit the use of FR technology upfront is critical in maintaining privacy.
- Language barriers, age, cognitive capacity, and psychological impairment can impact a person's ability to provide consent for how the film is used or if their images are redacted. How does capacity to consent play into the law?

Civil liberties

- In the example video, the officer said that they have a camera, but didn't provide the person being filmed with an option to turn it off. The public should have a clear right to say no to being filmed.
- Who has control over whether the camera is on? What is the decision-making process? Who gets to say no and who gets to say yes?
- Would cops be allowed to videotape protesters? We have a right to protest and march, and cameras raise concerns about our First Amendment rights.

Other

- The cost is a big issue.
- SPD should talk to other places that already have these programs and learn from them. There is no perfect answer, but they should research and learn what's already out there to inform their decisions.

Noteworthy Quotes:

- *"It feels ass backwards to get input when there isn't a goal."*
- *"Our whole lives shouldn't be played out on camera."*
- *"If we're relying on video to do that [fix the relationship with police], it's going to fall short, there's so much that won't come across in a video."*
- *"We're not all at our best in moments of crisis. We don't want that in court, on a screen--that can be damning."*

BODY WORN VIDEO AND PUBLIC DISCLOSURE

Mary Perry

Seattle Police Department Director of Transparency and Privacy

January 2017

Public disclosure ground rules

The following rules apply to all public records including body worn video (BWV).

Records including videos generally will not be withheld in their entirety.

A record that is part of an ongoing criminal investigation that hasn't been referred for prosecution may be withheld in its entirety. Otherwise, an agency may redact only exempt content and must disclose the remaining substance of the record.

What may be redacted?

Most common exemptions are:

- Identifying information of victims/witnesses who are endangered or request nondisclosure
- Identifying information of juvenile victims/witnesses
- Medical/mental health/drug treatment information
- Images of an identifiable dead body
- SSNs, driver's license numbers
- Highly offensive information of no legitimate interest to public

What about privacy?

Information is private under the PRA if disclosure: (1) would be highly offensive to a reasonable person, **AND** (2) is not of legitimate concern to the public. An agency must meet both prongs-- it must disclose even highly offensive records if they are of legitimate public concern. When a privacy exemption applies, an agency may redact only the individual's identity and must disclose the rest of the record. Under this standard, an agency may redact identity in a video by blurring the individual's image and/or editing audio where the individual's identifying information is mentioned.

Recent legislative changes:

The Washington Legislature attempted to address concerns about public disclosure of BWV by adopting legislation that establishes request requirements, allows agencies to charge redaction costs, and creates a presumption that certain images are highly offensive. The changes also establish minimum policy provisions for agencies with BWV, limit PRA liability in certain instances for agencies, and create a Body-Worn Task Force to make recommendations regarding BWV. The legislative changes expire July 1, 2019.

Request Requirements

A request for BWV must specifically identifying a name of a person or persons involved in the incident, provide the incident or case number, provide the date, time, and location of the incident; or identify a law enforcement or corrections officer involved in the incident. Although intended to limit large requests, the provision does not limit them in practice. For example, a requestor could ask for all video made by Officer X, and SPD has already received a request for the list of body-worn videos recorded so far. This list can be used to identify which videos to request.

Redaction cost recovery

Agencies are allowed to charge redaction costs to requestors who do not fall into one of the following categories:

- A person directly involved in the incident recorded
- An attorney representing a person directly involved in the incident recorded
- A person or his/her attorney who requests a body worn camera recording relevant to a criminal case involving that person;
- An executive director from either the Washington state commission on African-American affairs, Asian Pacific American Affairs, Hispanic affairs;
- An attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution or a violation of a U.S. D.O.J. settlement (The attorney must explain the relevancy and request relief from redaction costs).

Recovering redaction costs from requestors not specified in the statute may reduce voluminous requests; however, not all videos contain exempt images.

Presumption that certain images are highly offensiveness

Images in a video that depict the following are presumed highly offensive to a reasonable person:

- Any areas of a medical facility, counseling, or therapeutic program office where
 - A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment;
 - Health care information is shared with a patient;
- Information that meets the definition of protected health information for purposes of HIPAA or 70.02 RCW;
- The interior of a place of residence where a person has a reasonable expectation of privacy;
- An intimate image as defined in RCW 9A.86.010¹;
- A minor;
- The body of a deceased person;

Often the images presumed to be highly offensive mirror the exemptions that allow redaction. There will videos that contain images presumed to be highly offensive that are not explicitly exempt from disclosure under the PRA. If so, the agency likely would provide third-party notice to the subject of the image. The subject could seek an injunction to prevent disclosure. The court would grant the injunction unless the requestor can show that the video content is of legitimate interest to the public.

¹ “Intimate image” means any photograph, motion picture film, videotape, digital image, or any other recording or transmission of another person who is identifiable from the image itself or from information displayed with or otherwise connected to the image, and that was taken in a private setting, is not a matter of public concern, and depicts: (i) Sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation; or (ii) A person's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or post-pubescent female nipple.



January 27, 2017

Councilmember Lorena Gonzalez
Position 9 / Citywide
600 Fourth Avenue, Floor 2
Seattle, WA 98124-4025

Dear Councilmember Gonzalez:

I write to follow up on my letter of January 20, 2017, which proposed a path for engaging with your committee and the City Council to satisfy the conditions of the 2017 BWV Proviso. I am pleased to report that the department has completed the engagement set forth in the Proviso and, as of today, 21 bicycle officers are wearing body cameras, with many more trained.

Pursuant to the direction set forth by Council in the Proviso, SPD reassembled the original stakeholder group (participants included the Community Police Commission, Seattle Police Department, Mayor's Office, City Council, American Civil Liberties Union, Department of Justice Settlement Monitoring Team, Washington State Coalition against Domestic Violence, Somali Community Service of Seattle, King County Sheriff's Office, Seattle City Attorney, King County Executive, United States Department of Justice, and Seattle Police Officers Guild) on December 14, 2016, to provide guidance for community engagement consistent with the timelines set forth in the Proviso. A subcommittee of the stakeholder group reviewed and approved the form and questions for roundtable sessions. Three BWV roundtable sessions were held, each involving a diverse range of community voices were held, organized and facilitated by the Community Police Commission.¹ An external consultant took notes and provided good summaries of the feedback from the roundtables, which were circulated to the stakeholder group and provided back to the participants of the roundtables. On January 25, 2017, the stakeholder group came together to provide feedback on the issues raised at the roundtable sessions and to discuss the draft SPD policy. In short, other than providing the final report to Council that is currently scheduled for February 1, 2017, SPD has met (in fact, exceeded) the terms of the 2017 BWV Proviso.

Further, SPD has embraced the spirit of the Proviso, which leads me to write today. As you are well aware (having spoken out forcefully about this), on January 25, 2017, the President issued an Executive Order that has exacerbated fears in our immigrant, refugee, and undocumented communities and will undoubtedly do nothing to help SPD assuage concerns about the role of law enforcement in those communities. Chief O'Toole has made clear that SPD will not waiver in its commitment to protecting and respecting all communities in Seattle, but the department acknowledges the changing dynamic and appreciates the understandable fears of many in our community. During the roundtables, SPD heard concerns from many participants about potential unintended collateral effects of body worn cameras, specifically including the potential impact on undocumented persons. Some voiced concerns about the use of facial recognition (SPD policy only permits use of biometric technology on still photos, against booking photos, with reasonable suspicion), sharing video with federal agencies (SPD only shares information on specific investigations, although BWV video are mostly public records), and generally how video may be used in child protective cases or other civil matters, including immigration cases. Roundtable members also voiced concerns that BWV could have a chilling effect on crime

¹ Although said in my January 20, 2017, letter, it bears repeating that SPD is grateful for the organization and facilitation provided by the CPC.

Councilmember Lorena Gonzalez

January 27, 2017

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reporting, could lead to retaliation against witnesses, and that vulnerable communities, such as undocumented persons or human trafficking victims, might completely avoid interactions with police.

To be clear: many roundtable participants expressed their strong support for BWV to promote accountability and transparency. The purpose of the forums, however, was to sunlight community concerns in order to ensure a policy that appropriately balances the concerns of all, and SPD has been working to incorporate the roundtable feedback into the policy.

One additional point that has become clear through this work is that, in order to achieve the flexibility in policy necessary to respond to the nuances of community interactions, it will also be necessary to build in greater flexibility around officer discretion – a point that then must be balanced with accountability and transparency considerations. To ensure that the policy sufficiently and practically addresses all of the concerns that have been raised, I am respectfully requesting an extension to the February 1, 2017 filing deadline until February 17, 2017, in order to further engage with community and officer stakeholders. This short extension of time to conduct additional engagement would not slow down the overall deployment plan. The BWV policy is due to the Monitoring Team on February 17, 2017, and will be filed with the Federal Court on March 3, 2017 – meaning that SPD would not have an implemented policy on which to commence training until March 3, 2017, at the earliest. I also note that the City has an ongoing obligation to negotiate with SPOG over the terms of the BWV implementation. The union has been extremely cooperative thus far by giving SPD the flexibility to move forward with the current pilot program, as have the officers who have volunteered to wear the cameras.

I propose that SPD present to the GESCNA committee on February 22, 2017, and then again at the full council session on February 27, 2017. Please let me know if these timelines and processes meet your expectations and thank you for your continuing support for the BWV program.

Sincerely,



Brian G. Maxey
Chief Operating Officer

BGM:tc

cc: Council President, Bruce Harrell
Councilmember Tim Burgess, Vice Chair of the GESCNA Committee
Councilmember Sally Bagshaw, Member of GESCNA Committee
Councilmember Debora Juarez, Alternate to GESCNA Committee
Ian Warner, Legal Counsel to Mayor Ed Murray
Nick Zajchowski, SPD BWV Project Manager



SEATTLE CITY COUNCIL | POSITION 9

COUNCILMEMBER M. LORENA GONZÁLEZ**VIA ELECTRONIC MAIL ONLY**

February 1, 2017

Brian Maxey
Chief Operating Officer
Seattle Police Department
610 Fifth Avenue
Seattle, WA 98124

Re: Body Worn Video Proviso

Dear Mr. Maxey:

Thank you for your letter dated January 27, 2017, regarding the conditions of the 2017 body-worn video (BWV) proviso (Green Sheet 207-1-B-1-2017) and related timelines. I appreciate your ongoing efforts to keep me, the Council President and members of my committee apprised of the stakeholder engagement process.

I want to commend the Seattle Police Department for its thoughtful approach on a BWV policy and community engagement in the aftermath of the Trump Administration's Executive Orders related to federal immigration policies and local law enforcement initiatives.

As you know, the City Council unanimously adopted the Welcoming City Resolution 31730 on Monday, January 30, 2017. That resolution, in part, affirmed SPD's and Chief O'Toole's ongoing commitment to providing public safety services to our residents, without regard to immigration status. The resolution went further to affirmatively state that SPD will not participate in federal 287(g) agreements that would permit our officers to act as immigration agents by enforcing the Immigration and Nationality Act. Because there are many aspects of Resolution 31730 that impact the operations of SPD, I'm attaching a copy of the final resolution for your convenience.¹

My request is that you keep the principles and terms of the attached resolution in mind as you take additional time to understand the implications of Trump's Executive Orders on SPD's final BWV policy.

As to your request for an extension, for purposes of doing additional front-end community stakeholder engagement, that request is granted contingent on my understanding that acquisition (the ordering of additional cameras, as opposed to deployment), will also be delayed until the further engagement work

¹ I will take this opportunity to request that your office reach out to my office to coordinate a time for us to fully discuss the provisions relevant to SPD operations.

and policy analysis is completed and the proviso is lifted by ordinance. With that understanding, the new Council-related, reporting timelines are as follows:

	Original Deadline	New Deadline
Report Submission	February 1, 2017	February 17, 2017
Council/Committee Briefing	February 6, 2017	February 22, 2017

Please work with Amy Tsai from Council Central Staff to identify City Clerk deadlines for submission of any revised legislation related to the BWV proviso. Please work with Brianna Thomas in my office to coordinate submission of the final report and presentation materials for the February 22, 2017, GESCNA Committee Hearing.

I look forward to receiving your final report and continuing to work together to ensure that SPD's BWV policy does not have the unintended consequences of compromising our collective commitment to protecting and serving our immigrant, refugee and Muslim residents.

Very truly yours,



M. Lorena González
Chair, GESCNA Committee
Position 9, Citywide

cc: Council President Bruce Harrell
Councilmember Tim Burgess
Councilmember Sally Bagshaw
Councilmember Debora Juarez
Ian Warner, Legal Counsel to Mayor Ed Murray
Nick Zajchowski, SPD BWV Project Manager

16.090 – In-Car and Body-Worn Video

Effective Date 02/16/2017 DRAFT

This policy section applies to all sworn employees who operate In-Car Video (ICV) or Body-Worn Video (BWV) systems. The goal of these systems is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.

The Department will continually review both in-car and body-worn video programs, including this manual section and related training, considering changes in best practices, technology, and legal standards.

16.090-POL 1 Recording with ICV and BWV

1. The Department Assigns ICV Microphones and BWV Cameras and Installs Chargers

Each precinct will position ICV microphone and BWV camera docks in a way that allows employees to access their 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.

The department will assign BWV cameras to employees individually. Employees may not wear any personally-owned camera device. The Department only authorizes those camera units issued by SPD.

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

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

- System preparation and operation
- Department policy on camera usage
- Pointing of the ICV camera and placement of the BWV camera

As public and officer safety considerations permit, employees will make reasonable efforts to position the vehicle and camera to obtain useful recordings and capture critical evidence. Employees will not position vehicles to avoid recording an event.

Employees will wear the BWV camera on the upper torso.

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

Field Training Officers in plainclothes need not wear a portable ICV microphone or BWV camera.

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

4. Employees Address and Note System Malfunctions

At the start of the shift, employees will prepare ICV and BWV systems as outlined in the training and 16.090 TSK-1.

Both employees in two-officer cars must log into the ICV system and sync their ICV microphones.

If an employee discovers an operational issue with ICV or BWV at any time during the shift, the employee will contact ITS for troubleshooting (if applicable), note the issue in a CAD update, and notify a supervisor as soon as practicable.

5. Employees Recording Police Activity

a. Notification of Recording

Employees shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording. Employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded.

Employees will make reasonable efforts to repeat the notification, if practical, for additional people that become involved in the recording.

Consistent with [RCW 9.73.090\(1\)\(b\)](#), employees will again notify persons placed under arrest they are being recorded and verbally give Miranda warnings on the recording.

b. When Employees Record Activity

When safe and practical, employees will record the following police activity, even if the event is out of view of the camera:

- Dispatched calls, starting before the employee arrives on the call
- Traffic and Terry stops
- On-view infractions and criminal activity
- Arrests and seizures
- Searches and inventories of vehicles, persons, or premises
- Transports (excluding ride-alongs and passengers for meetings)
- Vehicle eluding/pursuits
- Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event.)

If circumstances prevent recording at the start of an event, the employee will record as soon as practical.

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

If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, or FIT commander where FIT has been notified, may authorize ICV and BWV recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or enforcement efforts.

c. Discretion in Recording

Employees acting in good faith to exercise discretion under policy subsections 5c – 5g will not be subject to discipline for the decision to record or not record those portions of an event.

Unless otherwise prohibited by this policy, employees may initiate recording any time they determine it would be beneficial to capture an event or activity.

d. Recording in Sensitive Areas

Employees will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities unless for a direct law enforcement purpose, such as a crime in progress.

e. Recording in Residences and Private Areas

Employees will ask for consent to record with BWV in residences or other private areas not open to the public unless there is a crime in progress, or other circumstances exist that would allow the employee to be lawfully present without a warrant. The request and any response will be recorded.

If any person with legal standing denies permission to record, employees will stop recording with BWV while they are in the private area. However, employees will continue to record ICV audio, if equipped, and notify the persons involved of the continued audio recording.

f. Protecting Privacy and Dignity

There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event.

Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWV would impede or limit the cooperation of a victim or witness.

When an employee believes such circumstances exist, the employee may deactivate the BWV.

g. Recording Protected Activity / Demonstrations

Employees will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor, as provided below.

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 with BWV. Under such direction, employees will record until ordered to cease recording.

Protected activity unintentionally captured is not a violation.

h. Employees Stating the Reasons for Stopping BWV

Employees who stop recording during an event will state on the recording their intention to stop recording and explain the basis for that decision. Employees will also document the reason(s) in the GO report and/or CAD update.

Supervisors who direct that recordings cease will direct employees to document the order in the GO report and/or CAD update.

i. Determining the Conclusion of an Event

An event has concluded when both of the following apply:

- The employee has completed his or her part of the active investigation; and
- There is little possibility that the employee will have further contact with any person involved in 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.

6. 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-#####)

7. 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 the employee is aware that there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.

Employees 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.

8. Employees Shall Initiate Upload of Recorded Video and Recharging of Equipment Before Going Out of Service

Before going out of service, employees will initiate ICV video upload from vehicles and dock their BWV cameras to initiate upload of BWV video and recharging. If the video upload process is not initiated before the end of shift, employees will notify a supervisor.

Employees will also dock their ICV microphones for recharging.

9. Specialized Units May Request Exceptions

The department recognizes that in relatively rare circumstances units may perform specific tasks during their normal duties that make using the ICV or BWV impractical. For example, BWV may jeopardize the safety of undercover officers. 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 for good cause shown.

Units will request the exceptions by department memorandum outlining the specific tasks and good cause justification. All approvals will be for good cause, which will be set forth in a writing signed and dated expressly by the Chief of Police. The Chief of Police and affected section commanders will maintain a file of approved exceptions. Section commanders will provide a copy to the Office of Professional Accountability and may provide copies of the exceptions to the affected personnel under their command.

16.090-POL-2 Reviewing Department Video

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

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.

[SPD Manual Section 12.080 – Retention and Disclosure of Department Records](#) addresses video retention periods and release of video to the public, including persons wishing to file misconduct complaints.

[SPD Manual Section 12.045- Booking Photo Comparison Software](#) addresses the use of biometric searching of footage.

Employees will not make copies of videos, by any means, for personal use.

2. Employees Shall Not Tamper With, Alter, or Delete Video

Exception: This does not apply to personnel tasked with system maintenance who purge videos under established retention guidelines.

3. Employees May Review Recorded Video

Employees may review their own recorded video except in instances of FIT investigations. The FIT manual outlines when employees may view video in those cases.

The Department, including supervisors, OPA, Training, Audit, and investigatory personnel may view ICV and BWV recordings for these purposes:

- Complaint
- Criminal investigation
- Officer-involved collision
- Vehicle pursuit investigation or review
- Public disclosure request

- Use of force review or investigation (See FIT Manual if applicable)
- Performance appraisal
- As part of the Early Intervention System (EIS)
- Training purposes, with the permission of the involved employees
- Audit and Quality Control/Troubleshooting

4. 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.

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.

5. Users Shall Note the Purpose for Viewing Video

Any employee viewing a video after it has been uploaded will manually make an entry in the viewer application at the beginning of the viewing session stating the purpose for viewing the video.

Employees will refer members of the public who wish to view video to file a public disclosure request.

16.090-TSK-1 Preparing 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. **Verifies** that all indicators show that the ICV microphone, and BWV camera are fully charged.
2. **Positions** cameras correctly.
3. **Synchronizes** the ICV microphone of the primary and secondary employee (if applicable) with the ICV system.
4. If the system malfunctions, **troubleshoots** using steps included in the initial training such as system reboot, re-synching of the portable microphone(s), and "check out" of the hard drive.
5. If the initial troubleshooting does not fix the problem, **contacts** the IT Section and follows their instructions.
6. If the problem is resolved, **makes** an entry in the MDC log of the malfunction and steps taken to resolve it.
7. If the problem is not resolved, **notifies** supervisor of the malfunction. (See 16.090-TSK-2)

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

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

1. For BWV, **arranges** for the employee to get a replacement BWV camera, if one is available.
2. For ICV, **assigns** the employee(s) to visit ITS, or **switches** the employee(s) to a vehicle with a functioning ICV system, if one is available.
3. **Approves** the employee working without use of ICV and/or BWV if there are no vehicles with a functioning ICV system or spare body cameras available.
4. **Flags** the vehicle with the malfunctioning ICV system as "out-of-service".
5. **Requests** repair of the malfunctioning system by ITS.