

## Budget Deliberations

### SEATTLE POLICE DEPARTMENT

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The Seattle Police Department (SPD) provides law enforcement services in five geographical areas, including the East, West, North, South, and Southwest precincts. Primary duties include patrol, harbor patrol, criminal investigations, 911 Communication Center answering calls for police, fire and medical emergencies in the City, traffic and parking enforcement, homeland security and specialty units (e.g., SWAT, Gang Unit).

**Table 1. Budget Summary (\$ in 1,000's)**

|                                       | 2015<br>Adopted  | 2016<br>Adopted  | 2017<br>Proposed | %<br>Change<br>2016<br>-2017 | 2018<br>Proposed | %<br>Change<br>2017<br>-2018 |
|---------------------------------------|------------------|------------------|------------------|------------------------------|------------------|------------------------------|
| Chief of Police                       | \$9,510          | \$5,774          | \$9,962          | 72.5%                        | \$10,083         | 1.2%                         |
| Full-time Equivalents (FTEs)          | 71.00            | 53.50            | 57.50            | 7.5%                         | 58.50            | 1.7%                         |
| Chief Operating Officer               | \$24,882         | \$27,164         | \$28,073         | 3.3%                         | \$27,971         | (0.4%)                       |
| FTEs                                  | 108.60           | 113.10           | 113.10           | 0%                           | 113.10           | 0%                           |
| Compliance                            | \$13,545         | \$15,423         | \$18,346         | 19.0%                        | \$18,623         | 1.5%                         |
| FTEs                                  | 106.00           | 106.00           | 106.00           | 0%                           | 106.00           | 0%                           |
| Administrative Operations             | \$34,590         | \$36,688         | \$38,554         | 5.1%                         | \$39,131         | 1.5%                         |
| FTEs                                  | 221.25           | 233.25           | 287.25           | 23.2%                        | 337.25           | 17.4%                        |
| <b>Patrol Operations Roll-Up</b>      | <b>\$127,963</b> | <b>\$124,611</b> | <b>\$129,348</b> | <b>3.8%</b>                  | <b>\$135,340</b> | <b>4.6%</b>                  |
| FTEs                                  | <b>967.00</b>    | <b>936.00</b>    | <b>937.00</b>    | <b>0.1%</b>                  | <b>937.00</b>    | <b>0%</b>                    |
| Patrol Operations                     | \$1,631          | \$3,090          | \$9,261          | 199.7%                       | \$13,460         | 45.3%                        |
| FTEs                                  | 26.00            | 29.00            | 30.00            | 3.4%                         | 30.00            | 0%                           |
| East Precinct                         | \$25,073         | \$23,780         | \$23,547         | (1.0%)                       | \$23,922         | 1.6%                         |
| FTEs                                  | 188.00           | 178.00           | 178.00           | 0%                           | 178.00           | 0%                           |
| North Precinct Patrol                 | \$34,298         | \$32,986         | \$32,771         | (0.7%)                       | \$33,253         | 1.5%                         |
| FTEs                                  | 254.00           | 245.00           | 245.00           | 0%                           | 245.00           | 0%                           |
| South Precinct Patrol                 | \$18,295         | \$17,537         | \$17,925         | 2.2%                         | \$18,192         | 1.5%                         |
| FTEs                                  | 138.00           | 132.00           | 132.00           | 0%                           | 132.00           | 0%                           |
| Southwest Precinct Patrol             | \$16,658         | \$16,094         | \$15,824         | (1.7%)                       | \$16,008         | 1.2%                         |
| FTEs                                  | 127.00           | 124.00           | 124.00           | 0%                           | 124.00           | 0%                           |
| West Precinct Patrol                  | \$32,010         | \$31,124         | \$30,020         | (3.5%)                       | \$30,505         | 1.6%                         |
| FTEs                                  | 234.00           | 228.00           | 228.00           | 0%                           | 228.00           | 0%                           |
| <b>Criminal Investigation Roll-Up</b> | <b>\$33,019</b>  | <b>\$39,314</b>  | <b>\$40,996</b>  | <b>4.3%</b>                  | <b>\$41,628</b>  | <b>1.5%</b>                  |
| FTEs                                  | <b>243.50</b>    | <b>294.50</b>    | <b>294.50</b>    | <b>0.2%</b>                  | <b>294.50</b>    | <b>0%</b>                    |
| Criminal Investigation Admin.         | \$8,715          | \$11,082         | \$11,665         | 5.3%                         | \$11,974         | 2.6%                         |
| FTEs                                  | 76.50            | 93.50            | 93.50            | 0%                           | 93.50            | 0%                           |

|                                |                  |                  |                  |             |                  |             |
|--------------------------------|------------------|------------------|------------------|-------------|------------------|-------------|
| Narcotics Investigations       | \$4,999          | \$4,940          | \$5,202          | 5.3%        | \$5,251          | 0.9%        |
| FTEs                           | 32.00            | 32.00            | 32.00            | 0%          | 32.00            | 0%          |
| Special Investigations         | \$4,692          | \$8,721          | \$9,177          | 5.2%        | \$9,278          | 1.1%        |
| FTEs                           | 31.00            | 65.00            | 65.00            | 0%          | 65.00            | 0%          |
| Special Victims                | \$6,702          | \$6,756          | \$6,772          | 0.2%        | \$6,865          | 1.4%        |
| FTEs                           | 52.00            | 52.00            | 52.00            | 0%          | 52.00            | 0%          |
| Violent Crimes Investigation   | \$7,911          | \$7,815          | \$8,180          | 4.7%        | \$8,260          | 1.0%        |
| FTEs                           | 52.00            | 52.00            | 52.00            | 0%          | 52.00            | 0%          |
| Special Operations             | \$47,003         | \$47,919         | \$52,439         | 9.4%        | \$53,289         | 1.6%        |
| FTEs                           | 287.00           | 281.00           | 282.00           | 0.4%        | 282.00           | 0%          |
| Office of Prof. Accountability | \$2,561          | \$2,945          | \$3,139          | 6.6%        | \$3,183          | 1.4%        |
| FTEs                           | 15.00            | 16.00            | 18.00            | 12.5%       | 18.00            | 0%          |
| <b>TOTAL</b>                   | <b>\$293,072</b> | <b>\$299,838</b> | <b>\$320,858</b> | <b>7.0%</b> | <b>\$329,248</b> | <b>2.6%</b> |
| <b>FTEs</b>                    | <b>2,019.35</b>  | <b>2,033.35</b>  | <b>2,095.35</b>  | <b>3.0%</b> | <b>2,146.35</b>  | <b>2.4%</b> |

Totals may not exactly reflect sum of line items due to rounding.  
Dollars rounded to nearest \$1,000; percentages to nearest 0.1%.

Interactive Budget Page Link:

<http://www.seattle.gov/city-budget/2017-18-proposed-budget/police>

## BUDGET & POLICY CONTEXT

A Seattle Police Department budget overview was presented by Central Staff on October 10, 2016, in the Budget Committee with Councilmember discussion. The Central Staff memo is available [here](#). The present paper focuses on specific issues and budget actions for Council consideration.

As stated during the overview, Chair González, in setting the 2016 work plan for the Gender Equity, Safe Communities and New Americans Committee (GESNA), identified three hallmarks for building an effective, trustworthy police department: **(1) community trust and engagement, (2) operational efficiency and effectiveness in service delivery, and (3) accountability and police reform.**

In regards to accountability and police reform, the City is currently operating under a federal consent decree. Draft accountability legislation was filed with the federal Court on October 7, 2016. The draft legislation lays out the structure, powers and duties of accountability entities for SPD. Legislation will be transmitted to Council for deliberation and action after the Court's review.

This staff memo provides a more in-depth look at select areas of the proposed budget for SPD on community engagement and operational issues, including the following budgetary requests:

- Community outreach program
- Body-worn video
- Patrol staffing
- Overtime

## **COMMUNITY OUTREACH PROGRAM, \$377,000**

A proposed budget of \$377,000 General Subfund (GSF) includes new ongoing funding for two Crime Prevention Coordinators (\$251,000) proposed in the 3<sup>rd</sup> quarter supplemental ordinance and one term-limited community engagement position (\$126,000) added in the 2<sup>nd</sup> quarter supplemental budget related to Chinatown-International District (CID) public safety task force recommendations.

The CID public safety task force was a prime example of community engaging with government, and government engaging with community, on public safety issues. Following the murder of Donnie Chin, a respected community leader in the CID, many members of the community sent letters on their public safety priorities to the Mayor and Council. The Mayor convened the CID public safety task force in late 2015, and the Council passed a Statement of Legislative Intent (SLI 80-1-A-4, 2016), asking for a report from the task force with public safety recommendations on policing strategies and strategies for a culturally and linguistically responsive, data-driven approach to the City's relationship with the CID neighborhood.

The CID public safety task force report was presented in GESCNA on July 27, 2016. The task force issued 19 recommendations and 107 accompanying action steps centered around three main categories: (1) improving communication and coordination between the CID and the City, (2) targeting criminal activities and related environmental factors, and (3) fostering public safety through building a vibrant and healthy neighborhood.

### ***Identified Issue***

- 1. Sustainability of CID task force recommendations.** It is unclear how work on task force recommendations will be sustained. The task force's recommended actions for improving City-community communication and coordination included creating a Community Engagement and Outreach Specialist within SPD and a community-based Public Safety Coordinator, both serving as co-chairs of a steering committee to develop and implement recommended programs. In the 2017 proposed budget the City-based liaison position would be a term-limited position and be funded at \$126,000 through 2017. The Public Safety Coordinator received one-time funding of \$50,000 in the Department of Neighborhoods in the 2<sup>nd</sup> quarter supplemental. There is no funding in the proposed 2017 budget for the steering committee beyond the funding of the co-chair positions.

### ***Options:***

- A. Endorse funding for the Community Engagement and Outreach Specialist position for 2018 or beyond.
- B. Provide funding support for the Steering Committee.
- C. Require the steering committee to produce a sustainability plan, with or without funding for steering committee work.
- D. Adopt funding as proposed.

## ***Councilmember Proposals***

### ***1. Fund CID Public Safety Coordinator – Councilmembers Harrell, González***

In June 2016 the CID Public Safety Task Force issued a report recommending as one of its top priorities the funding of a community-based public safety coordinator to act as a community liaison with the City, to advocate for the community, help determine appropriate action for daily public safety/human service situations, and build trust between non/limited English speaking residents, small businesses, community organizations and the police. The task force envisioned that, funded by the City as a full-time position of a CID community organization, the Public Service Coordinator would be empowered to act on behalf of the CID while having communication access to the SPD and other city department leaders to ensure effective collaboration. The Council approved \$50,000 in the 2016 second quarter supplemental as match funding for the position. This budget action would increase support for the position to \$75,000 total in 2017 and an additional \$75,000 in 2018. The 2016 funding support resides in the Department of Neighborhoods budget.

### ***2. Fund CID Public Safety Survey – Councilmember González***

This budget action would provide \$20,000 in 2017 and in 2018 to contract with a local community-based organization and partner with an academic institution to perform culturally competent public safety surveys in the Chinatown-International District (CID) including Little Saigon. Ongoing results from the surveys would provide data to help policymakers make informed decisions on public safety matters facing these neighborhoods and SPD allocation of resources. For example, a similar study conducted in early 2016 by two local community development associations found that respondents did not report witnessing a crime to the police 73 percent of the time for non-violent crimes and 60 percent of the time for violent crimes. Conducting an annual community public safety survey was a recommendation of the June 2016 CID Public Safety Task Force report. Although the funding might eventually reside in the Department of Neighborhoods, it is discussed in the SPD memo due to its nexus with public safety.

### ***3. Reinstate 26 FTE Community Service Officer Program – Councilmember O'Brien***

This budget action would reinstate the Community Service Officer Program with 26.0 FTEs. Staffing costs would be about \$2,700,000. There would be a total of \$1,000,000 funded in 2017 to develop program scope, update duties, establish a training protocol, operations management, and an initial rollout in the North Precinct. Funding of \$4,000,000 in 2018 would support full program implementation. Before the program was defunded in 2003, Community Service Officers were responsible for a variety of law enforcement-related community services work that did not require the enforcement authority of a sworn police officer. As identified in the CSO job description, they patrolled areas serving populations such as unsheltered individuals, disabled, runaway youth, and the elderly. They mediated neighborhood disputes; provided basic counseling and social services referrals; participated in crime prevention activities, and prepared a variety of incident reports, among other

things. Many of their duties have since been absorbed with the rest of the SPD or other departments. However, CSOs as unsworn personnel were able to achieve a different community dynamic and place an emphasis on social services over law enforcement functions. The community felt the loss of the program, as evidenced by the CID public safety task force's call to reinstate the program.

#### **4. *Explore reinstatement of the Community Service Officer Program – Councilmember Herbold***

The CSO program under SMC 3.28.420 allowed for the hiring of unsworn officers with distinctive uniforms to assist regular police officers by performing community services associated with law enforcement, conducting crime prevention activities, improving relations, and developing potential police officers. This budget action would provide \$100,000 in 2017 to develop a Community Service Officer program for 2018 implementation, including determining the purpose, goals, and scope of the program and an analysis of what functions and community connections were lost when the original CSO program was discontinued.

#### **BODY-WORN VIDEOS, \$2,371,000 (Sea-IT project)**

The proposed budget includes \$2,371,000 in 2017 and \$2,240,000 in 2018 for a total 2017-2018 appropriation request of about \$4.6 million for body-worn video (BWV) procurement, implementation and ongoing costs, including the back-end video management solution for video review, redaction, and data dissemination. The Seattle Police Monitor in his June 2015 semiannual report strongly recommended the use of body-worn cameras. An RFP was issued on September 11, 2016. Vendor selection for camera equipment and video management is expected within the next two weeks.

The project cost estimate takes into account equipment, training, project personnel, data subscriptions, redaction and other costs. Body-worn cameras are a complex evolving field. The unknowns all may impact the success and cost of implementation. For instance, it will impact the criminal justice system with a large volume and new form of evidence. Technology is still evolving; equipment, storage and redaction needs are affected by state public disclosure law requirements as well as by policy choices on BWV usage and deployment. Complicating the issue for the City of Seattle, state law public disclosure exemptions for body worn camera recordings only extends to recordings made before July 1, 2019. If there are future changes in state law, the policy and technology needs may change.

#### **Proviso in 3<sup>rd</sup> Quarter Supplemental**

There is a proviso on \$1.8 million in the 2016 adopted budget for body-worn cameras. 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 3<sup>rd</sup> quarter supplemental ordinance contains language that would lift the proviso and release the funds.

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).

- (1) In regards to ensuring adequate time for Council review and approval of City policies, a draft policy is currently under review with Community Police Commission and the U.S. Department of Justice (DOJ) Monitoring Team. The draft policy is included in the proviso response report in Attachment 1.
- (2) In regards to conducting extensive community engagement, at the Budget Committee SPD departmental overview on Oct. 10, Councilmembers discussed body-worn video and a concern was raised with regard to the completeness of the proviso response in identifying how the stakeholders engaged with the community. SPD stated that they would be providing a supplemental response. The response is pending.

Lifting the proviso would indicate a determination by the Council that adequate time for review and approval had been provided and that the community engagement process was adequate. The policy does not need to be final in order for the proviso to be lifted; it will be reviewed by the Court and may be impacted by pending accountability legislation, so cannot be finalized at this time.

### *BWV Draft Policy*

The BWV draft policy (Seattle Police Manual 16.090) covers training, operating cameras including system checks, when to record, documentation and data entry, consent, and review of video.

A new state law passed in the 2016 State Legislative session (Chapter 163, 2016 Laws) creates body-worn camera recording exemptions in the state Public Records Act for recordings made up until July 1, 2019. Exemptions from disclosure include things such as recordings of certain areas of medical, counseling or therapeutic offices, inside a residence where a person has a reasonable expectation of privacy, minors, intimate images, and other situations.

The new state law requires law enforcement or corrections agencies deploying body worn cameras to establish policies regarding the use of the cameras in five areas. These requirements and how the SPD draft policy addresses them are presented in Table 2.

**Table 2. State Law Body-Worn Camera Policy Requirements and Corresponding SPD Policies**

| Policy required by state law through 7/1/19  | SPM 16.090 section   |
|--|--|
| 1. When to turn it on or off, and when the officer has discretion  | POL-1-5 to -7 and -12; POL-3-4   |
| 2. How an officer is to respond when it appears a person may be less willing to communicate with a camera on   | POL-1-10 addresses a person requesting non-disclosure, but not specifically persons less willing to communicate.   |
| 3. How an officer will document turning it off while still conducting law enforcement business   | POL-1-8  |
| 4. How and when a law enforcement will provide informed consent, including to persons with limited or no English proficiency or is deaf or hard of hearing | POL-3-4, but not specifying how to address language or hearing difficulties.                                       |
| 5. How officers will be trained and frequency of training  | POL-1-1, frequency is not addressed so appears to be one-time.   |
| 6. Security rules to protect body-worn camera data   | Does not appear covered by draft policy. If it is elsewhere in SPD policy, it is not part of the proviso response. |

As presently drafted, the BWV policy appears incomplete, particularly with respect to #2, 4 and 6 in Table 2. Of note, the draft accountability legislation filed with the federal Court on October 7 contains potential language regarding body-worn video policy requirements; that language is currently under Court review.

Besides the issue of what to cover in policy, there is also the issue of what those policies should be and what constitutes appropriate use of body worn video. The proviso-related stakeholder group met five times between November and December of 2015 to debate these issues. The Community Police Commission has been grappling with privacy protections and other concerns in its review of the draft as well.

The BWV project is currently on a planned implementation timeline of initial deployment by the end of 2016 or early 2017, with full implementation occurring in 2017. Although action on the 3<sup>rd</sup> quarter supplemental is not expected until November 21, if the Council wishes to provide direction on any matters related to the proviso, providing direction sooner would minimize impacts on BWV implementation timelines.

### **Identified Issues**

- 1. Timing of Council input on policy content.** The BWV draft policy will be reviewed by the federal Court and it is also referenced in the draft accountability legislation presently being reviewed by the Court. Thus, the policy will likely not be finalized for some time, and may ultimately be affected by the Council's review and consideration of the accountability legislation after it comes back from the Court. The timing difficulty is that the proviso, which was imposed in order to provide opportunity for Council review and acceptance of the policy, holds money that is needed by SPD if the project is to move forward this year. Since

the 3<sup>rd</sup> quarter supplemental is being considered at the same time as the 2017 budget request, if the Council wishes the project to move forward but desires to continue to maintain a strong voice in the shaping of the BWV policy, the Council could lift the proviso on 2016 funds and place a similar new proviso on the 2017 funding request.

***Options:***

- A. Lift the 2016 proviso and place a proviso on 2017 BWV funding directing SPD with the assistance of OCR to prepare and report to Council on a community engagement plan for the initial roll-out of the BWV, including plans for engaging the community prior to and immediately after roll-out of the first BWVs.
- B. Request SPD to conduct further community engagement immediately this fall in anticipation of BWV initial implementation in late 2016 or early 2017.
- C. Place a proviso on 2017 BWV funding requiring adequate opportunity for Council review of the BWV draft policy.
- D. In November, lift the 2016 proviso as proposed with no conditions, having determined that the requirements of the 2016 proviso have been met.
- E. In November, amend the 3<sup>rd</sup> quarter supplemental to not lift the proviso.

- 2. *Implementation monitoring.*** There will be multiple avenues to assess the success of implementation. SPD has a steering committee on BWV that will continue to meet as roll-out of BWV occurs. The Community Police Commission is participating in BWV policy review and can be expected to continue to have a presence on this issue. There is currently no formal reporting mechanism by which Council would be apprised of the success of the roll-out and issues that arise as the City begins to undertake this new technologically and socially complex endeavor.

***Options:***

- A. Direct SPD to report in GESCNA regularly in 2017 on issues of concern.
- B. Direct a study of BWV impacts.
- C. Rely on existing mechanisms for BWV monitoring and reporting.

**PATROL STAFFING, \$4.3 million, 35.0 FTE**

The proposed budget includes 35.0 FTE in 2017 and 37.0 FTE in 2018 (\$4.3 million in 2017 and cumulatively \$8.7 million in 2018), for new patrol officer positions. This proposal is part of an ongoing hiring plan that has been the subject of prior Council actions and mayoral commitments dating back to 2014.

At the beginning of his term in 2014, the Mayor expressed a commitment to hire 100 net new police officers to be fully trained by the end of 2018. In his 2016 State of the City speech, the



Mayor called for an expansion of the City's police force to a total of 200 new officers fully trained and in service by early 2020. Over the six-year span from 2014 to 2020, this would represent an average increase of about 33 new hires per year through 2019. Since the beginning of 2014, the Council has approved the addition of 109 police officer FTEs. This represents a net gain of 85 new patrol officers on the street since the beginning of 2014, after taking recruitment rates (number of new hires), training time, and retirements and other separations into account. Table 3, updated May 2016, shows the progression of new hires since the beginning of 2014.

**Table 3. Actual and Estimated Net Addition of Officers from 2014 through 2018 (Proposed)**

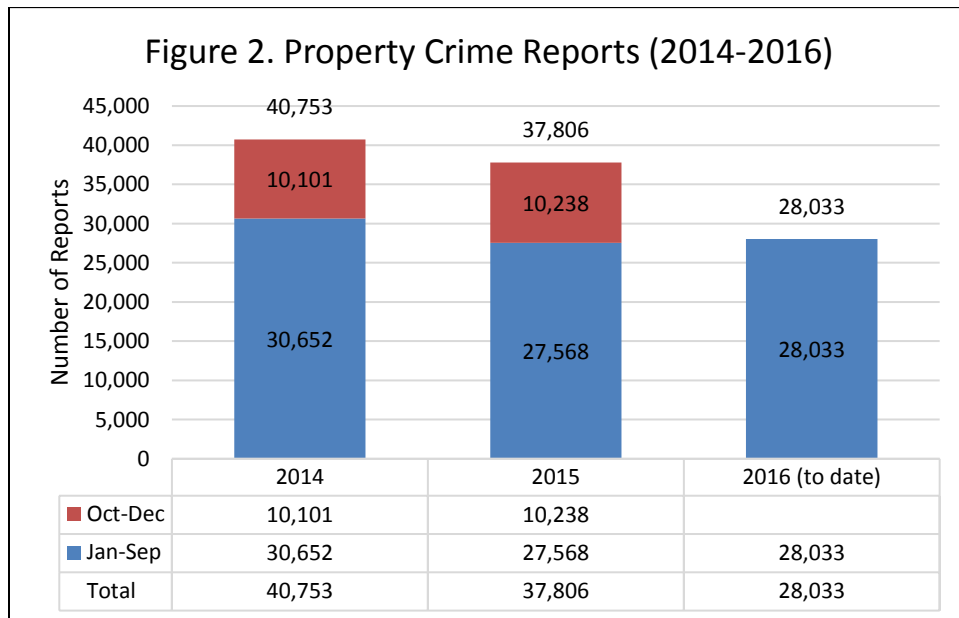
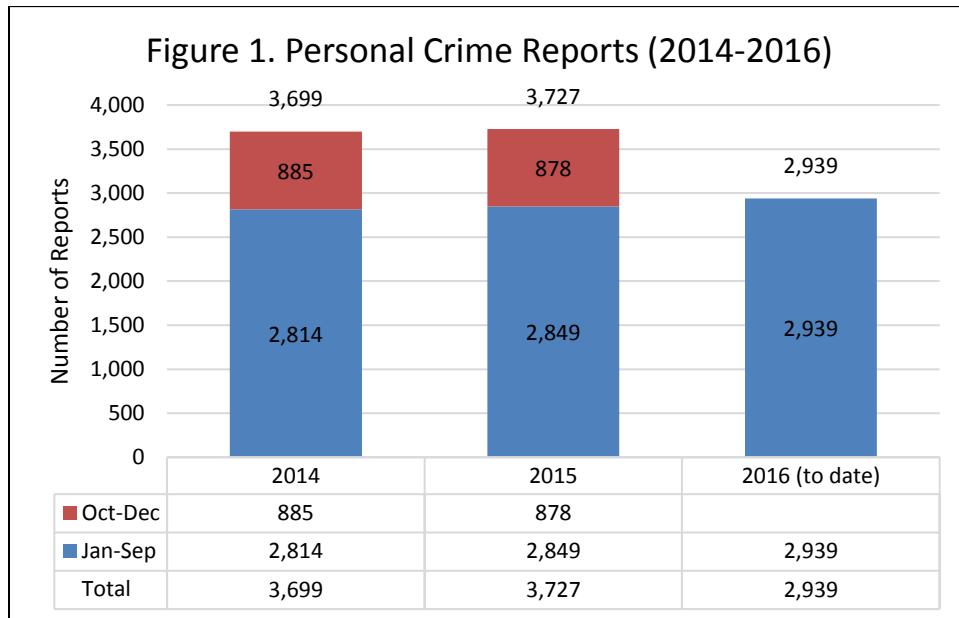
|                           |                            | 2014<br>(act.) | 2015<br>(act.) | 2016<br>(est.) | 2017<br>Proposed<br>(est.) | 2018<br>Proposed<br>(est.) | Total       |
|---------------------------|----------------------------|----------------|----------------|----------------|----------------------------|----------------------------|-------------|
| <b>Budget<br/>Summary</b> | Sworn Position Adds        | 46             | 16             | 47             | 35                         | 37                         | <b>181</b>  |
|                           | Funded FTE                 | 1,359          | 1,375          | 1,422          | 1,457                      | 1,494                      | <b>n/a</b>  |
| <b>Hiring</b>             | New Hires                  | 81             | 96             | 99             | 102                        | 100                        | <b>478</b>  |
|                           | Separations                | -59            | -71            | -60            | -63                        | -63                        | <b>-316</b> |
| <b>Net Gain</b>           | New Hires Less Separations | 22             | 25             | 39             | 39                         | 37                         | <b>162</b>  |
|                           | Fully Trained Adds         | <b>33</b>      | <b>12</b>      | <b>40</b>      | <b>30</b>                  | <b>37</b>                  | <b>152</b>  |

As shown in Table 3, the proposed officer additions would result in a net increase of an estimated 152 new officers on the street by the end of 2018 compared to early 2014 levels. The projected staffing levels take into account the time it takes to train a new officer and anticipated retirements and other separations from service. The onboarding time for a new hire is approximately 12 to 14 months from the point of taking the Public Safety Civil Service Commission entrance exam to the point of being fully trained and operational due to state academy training, SPD training and field training.

The rationale for increased staffing is in part based on the results of a consultant study by Berkshire Advisors, Inc., on sworn staffing needs that was the result of a Council proviso. Compared to June 2015 staffing levels, the Berkshire study concluded that an additional 175 staff plus overtime would be needed to achieve a seven-minute response time to Priority One calls 90 percent of the time while also providing the resources to devote equal resources to proactive and responsive activities. Average 90<sup>th</sup> percentile response times showed an average response time of 11.8 to 14.4 minutes across precincts. If the goal were to have a response time that is something longer than 7 minutes, or to spend less than 50 percent of officer time on proactive policing, then the staffing need would be less than recommended by the report. However, the report illustrates that in order to significantly impact response times or invest in more proactive policing, significantly more resources are required.

The Berkshire study as part of its methodology examined patrol staffing needed to respond to calls-for-service using call response data from January 1, 2014 to December 31, 2014. An examination of person and property crime as reported in the SPD Crime Dashboard since 2014

shows relatively stable crime rates overall since then (see Figures 1 and 2), although there have been both increases and decreases in specific crime categories over that time period.



## Deployment

The proposed new patrol officers will be used to provide increased patrol services. The impacts of patrol officer presence are incremental over time. The hiring of 35 officers represents the staffing equivalent of about six more officers on the street if they were distributed equally across a 24-hour day, 7 days per week (officers work four days a week, so it essentially takes two officers to cover a watch for one week, with three watches per day).

Table 4 shows the deployment of officers across precincts as of June 2016. As new officers are added, they would be deployed based on factors such as recent separations from service and the staffing needs of the precincts.

**Table 4. Deployment of Officers by Precinct as of June 2016**

| Precinct                   | East |     | North |     | South |     | SW  |     | West |     | Total |       |
|----------------------------|------|-----|-------|-----|-------|-----|-----|-----|------|-----|-------|-------|
| % of total 911 call hours  | 18%  |     | 32%   |     | 17%   |     | 12% |     | 21%  |     | 100%  |       |
| Sergeants and Officers     | Sgt  | Off | Sgt   | Off | Sgt   | Off | Sgt | Off | Sgt  | Off | Sgt   | Off   |
| Assigned to 911 response   | 14   | 90  | 22    | 154 | 12    | 97  | 9   | 73  | 16   | 106 | 73    | 520   |
| % of total assigned to 911 | 19%  | 17% | 30%   | 30% | 16%   | 19% | 12% | 14% | 22%  | 20% | 100 % | 100 % |

## Identified Issue

1. **Performance measures.** While reports of response times and crime rates are generally readily available, the Council may wish to request more specific information about the impacts of staffing increases and provide direction for assessing future hiring need.

### Options:

- A. Require an SPD report on performance outcomes and performance objectives over the 2014-2020 hiring period prior to the 2018 budget transmittal.
- B. Require an external staffing need analysis that is based on criteria such as response time targets and proportion of time spent on proactive policing that are determined by the Council.
- C. Defer or reduce some portion of the proposed hiring.
- D. Approve as proposed.

## Councilmember Proposals

### 1. Preference points in hiring – Councilmember Herbold

At the Oct. 10 departmental overview, Councilmembers engaged in a discussion of the value of assigning preference points in hiring to applicants with demonstrated expertise in mental health counseling or other social service background. This budget action imposes a proviso on funds used to hire additional police officers, requiring that a preference points system be used for initial hiring of officers that takes into account work experience reflective of the types of skills needed in policing, such as mental health or other expertise. This would be done by the Public Safety Civil Service Commission, possibly under the direction of the Council by legislative action. The draft accountability legislation under Court review contains the following provision: “SPD shall use preference points in hiring sworn

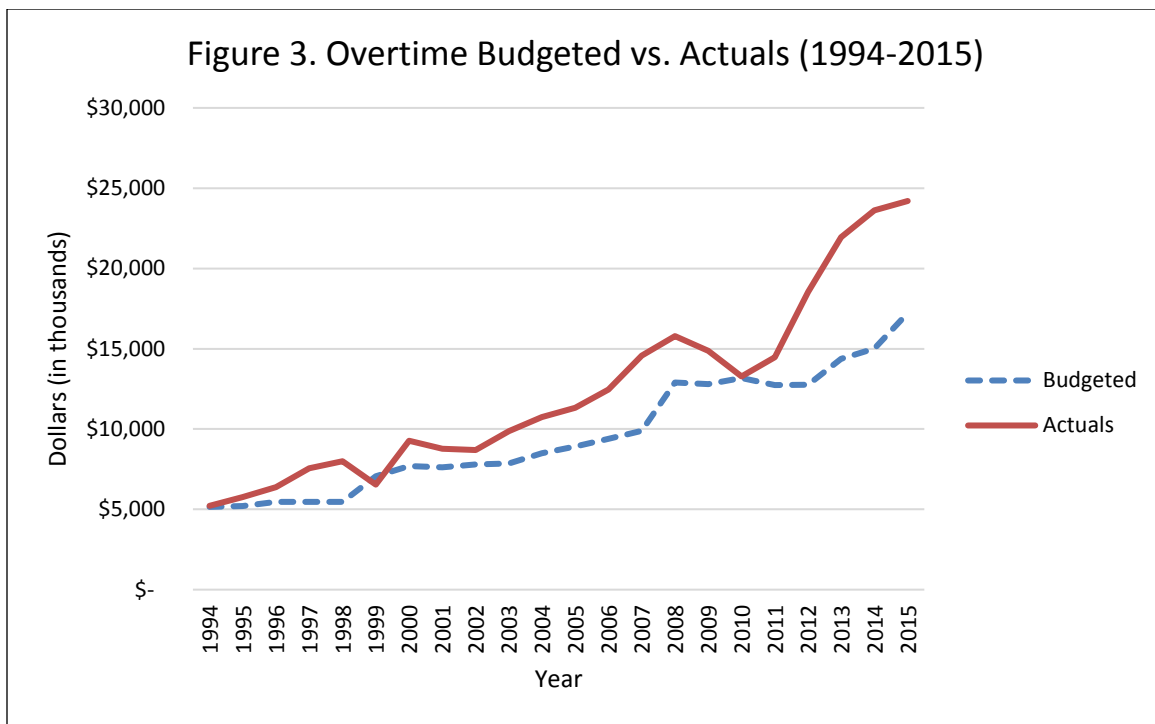
employees who are multi-lingual and/or have work experience or educational background providing important skills needed in modern policing, such as experience working with diverse communities, and social work, mental health or domestic violence counseling, Peace Corps, AmeriCorps, or other similar work or community service backgrounds.” The benefits of using preference points to address disparities in hiring and to draw candidates with skills needed by SPD have been previously highlighted by the Office of Professional Accountability Auditor (July-Dec 2013 Semi-Annual Report), the Gender Equity in Pay Task Force (2014 report on Gender Equity in Pay at the City of Seattle), and the Community Police Commission (Accountability System Recommendations adopted April 23, 2014).

## **OVERTIME, \$2,000,000**

SPD overtime expenditures have exceeded initial budget appropriations for decades, as shown in Table 5.

**Table 5. SPD Overtime Budget vs. Expenditures (1994-2015)**

| <b>Year</b> | <b>Total Budget Dollars</b> | <b>Expenditure</b> | <b>(Over)/Under Budget</b> | <b>% Expended</b> |
|-------------|-----------------------------|--------------------|----------------------------|-------------------|
| 1994        | \$5,153,823                 | \$5,219,743        | (\$65,920)                 | 101.3%            |
| 1995        | \$5,214,823                 | \$5,764,175        | (\$549,352)                | 110.5%            |
| 1996        | \$5,462,768                 | \$6,385,075        | (\$922,307)                | 116.9%            |
| 1997        | \$5,473,771                 | \$7,555,588        | (\$2,081,817)              | 138.0%            |
| 1998        | \$5,474,101                 | \$7,991,103        | (\$2,517,002)              | 146.0%            |
| 1999        | \$7,052,200                 | \$6,542,077        | \$510,123                  | 92.8%             |
| 2000        | \$7,702,950                 | \$9,271,509        | (\$1,568,559)              | 120.4%            |
| 2001        | \$7,612,056                 | \$8,775,246        | (\$1,163,190)              | 115.3%            |
| 2002        | \$7,807,023                 | \$8,688,962        | (\$881,939)                | 111.3%            |
| 2003        | \$7,864,998                 | \$9,875,611        | (\$2,010,613)              | 125.6%            |
| 2004        | \$8,492,700                 | \$10,755,660       | (\$2,262,960)              | 126.6%            |
| 2005        | \$8,910,948                 | \$11,331,390       | (\$2,420,442)              | 127.2%            |
| 2006        | \$9,393,671                 | \$12,456,160       | (\$3,062,489)              | 132.6%            |
| 2007        | \$9,886,346                 | \$14,576,845       | (\$4,690,499)              | 147.4%            |
| 2008        | \$12,902,601                | \$15,797,836       | (\$2,895,235)              | 122.4%            |
| 2009        | \$12,804,869                | \$14,867,684       | (\$2,062,815)              | 116.1%            |
| 2010        | \$13,176,675                | \$13,277,444       | (\$100,769)                | 100.8%            |
| 2011        | \$12,729,773                | \$14,468,063       | (\$1,738,290)              | 113.7%            |
| 2012        | \$12,754,177                | \$18,537,785       | (\$5,783,608)              | 145.3%            |
| 2013        | \$14,369,409                | \$21,939,649       | (\$7,570,240)              | 152.7%            |
| 2014        | \$15,004,626                | \$23,625,263       | (\$8,620,637)              | 157.5%            |
| 2015        | \$17,223,307                | \$24,202,426       | (\$6,979,119)              | 140.5%            |



The over-expenditure of overtime in SPD can be caused by a number of factors, including but not limited to:

- Overtime usage – decisions on how work is allocated between sworn and civilian staff, what types of staffing needs will be met with overtime, etc. all have a bearing on overtime need and expenditure
- Overtime controls – the ability of management to properly track, schedule and manage overtime usage
- Under-budgeting – the historical over-expenditure by SPD to some extent reflects under-budgeting of legitimate overtime needs.
- Outside events – special events are one of the prime drivers of overtime, but it is something the City does not have complete control over. A separate audit on special events is being conducted in 2017.

The challenge in address the historic over-expenditure of overtime is that it is difficult to determine how much of the over-expenditure is due to legitimate under-budgeted need versus poor controls versus other factors outside of the City's control.

A 2016 City audit of SPD overtime was presented in GESCNA in April 2016. The City Auditor issued 30 recommendations to improve SPD's overtime controls in six major areas, as follows:

1. Overtime policies and procedures – providing management guidance on the appropriate uses of overtime

2. Overtime budget – establishing a more realistic budget but taking into account reductions from implementing improved controls
3. Operational controls for overtime processes – improving processes related to approvals and recordkeeping
4. Overtime management controls – improving monitoring of signs of unnecessary or abusive overtime
5. Overtime for special events – improving special events billing and other procedures
6. Off-duty police work – tracking off-duty hours worked to ensure officers are adhering to work hour limits.

In GESCNA, Councilmembers expressed concern that accountability on overtime be tracked with regard to near-term results rather than waiting another full year for any standard City auditor follow-up. Resolution 31675 requested regular SPD briefings to the GESCNA Committee on the status of implementing the City Auditor's overtime recommendations from the audit, beginning in 2016 and continuing through the end of 2017. The first status update occurred in GESCNA in September. Since then, SPD has supplemented its response with a more detailed accounting of actions taken to date on the City Auditor's recommendations. That additional detail is attached as Attachment 2.

The City audit recommended that SPD should "establish a more realistic overtime budget to better fund its actual overtime need but that also takes into account the likely reduction in overtime usage due to implementing improved controls." Consistent with this recommendation, the proposed budget realigns SPD's overtime budget in three ways:

1. Adds **\$2 million** of new funding to budget;
2. Adds **\$1.4 million** for overtime related to the DOJ Settlement Agreement that has historically been held in a Finance General reserve; and
3. Transfers approximately **\$2.7 million** of existing funding from existing salary accounts to overtime to better align budget with expenditures. SPD has exceeded its overtime appropriation for the past 10 years but has mitigated the difference between the overtime budget and expenditures with savings in other accounts such as salary. The proposed budget transfers funding to better reflect the department's vacancy rate and more closely align SPD's budget with historical spending.

As a result of these proposed changes, the overtime budget has increased to \$22.3 million, of which \$2 million is new money. The \$22.3 million budget was derived by a combination of examining historical overtime expenditure ranges and averages, as well as usage and availability of funding (such as salary savings).

The proposed budget also provides funding for implementation of a work scheduling and timekeeping system. The City Auditor overtime audit recommended "SPD should either (a) implement new scheduling and timekeeping systems or (b) enhance existing systems to include automated controls and to facilitate tracking and monitoring of overtime." (Recommendation

#13). Proposed funding of \$900,000 in the Sea-IT budget would provide funding for the procurement, implementation, and maintenance of a new scheduling and timekeeping system. According to SPD, the system's improved tracking and management functions will enable SPD to address other recommendations within the audit, including but not limited to:

- Recommendation #6: SPD should implement a process to ensure that overtime costs are accurately recorded and tracked by employee assignment.
- Recommendation #7: SPD should establish a central recordkeeping location for all overtime-related documents.
- Recommendation #8: SPD should develop automated controls or processes for detecting payroll errors or non-compliance with key policies, such as duplicate payments for overtime, entry of more than 24 hours in a single day, and accrual of comp time in excess of maximum allowed.

Understanding overtime and holding SPD accountable to improvements and outcomes will continue to be challenges that will be addressed in GESCNA in the upcoming year.

#### **OTHER COUNCILMEMBER PROPOSALS**

**1. *Fund 17 FTEs for 911 Communications Center Dispatchers – Councilmember González***

This budget action would add 17.0 FTEs funded with \$1,396,000 GSF in 2017 and \$1,440,000 GSF in 2018 for police communications call takers in the 911 Communications Center. Since 2010, SPD reports an increase of 43 percent in Priority 1 calls for service and a 31 percent increase in overtime due to the additional demand for service. SPD reports that the call center failed to meet the State's call answering standards in one quarter of 2014 which jeopardized state funding. The call center then used 29,500 hours of overtime for shift backfill to meet the state standards in 2015. According to SPD, preliminary results from a departmental workload analysis appear to support the addition of at least 30 new positions. This proposal would increase call taker FTEs added in 2017 from 9 to 26. The Mayor's proposed budget also includes a request for 10 call takers and 3 supervisors in 2018.

#### **ATTACHMENTS**

1. Memorandum: Body-Worn Video Policy and Engagement - Proviso Response Report (dated Oct. 3, 2016 and filed Oct. 7, 2016)
  - a. Green Sheet 81-1-A-2-2015
  - b. Body-Worn Video Stakeholder Meeting Notes
  - c. Draft Changes – Seattle Police Manual
2. SPD Overtime Status Update






**Attachment 1:**

**Memorandum: Body-Worn Video Policy and Engagement - Proviso Response Report  
(dated Oct. 3, 2016 and filed Oct. 7, 2016)**

|   |
|---|
| <b>SEATTLE POLICE DEPARTMENT MEMORANDUM</b> |
|---|

TO: Council President Bruce Harrell

FROM: Brian Maxey, Chief Operating Officer 

SUBJECT: BODY-WORN VIDEO POLICY AND ENGAGEMENT

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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 3<sup>rd</sup> 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.<sup>1</sup>

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<sup>1</sup> Assessments of Community Perceptions: September 2015 Survey Executive Summary. Seattle Monitor. Retrieved from: [www.seattlemonitor.com](http://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."<sup>2</sup>

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.

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<sup>2</sup> Fifth Semiannual Report (June 2015). Seattle Monitor. Seattle Monitor. Retrieved from: [www.seattlemonitor.com](http://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 10<sup>th</sup> 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 3<sup>rd</sup> 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.

**ATTACHMENTS:**

- a. Green Sheet 81-1-A-2-2015**
- b. Body-Worn Video Stakeholder Meeting Notes**
- c. Draft Changes – Seattle Police Manual**



## 2016 Seattle City Council Green Sheet

Approved

| Tab | Action | Option | Version |
|-----|--------|--------|---------|
| 81  | 1      | A      | 2       |

**Budget Action Title:** Place a proviso on the Police Accountability Reserve in FG reserve funding for body-worn cameras for police officers

Has CIP Amendment: No Has Budget Proviso: Yes

Councilmembers: Harrell; Licata; O'Brien

Staff Analyst: Rebecca Herzfeld

Council Bill or Resolution:

**Budget Committee Vote:**

| Date       | Result           | SB | BH | JO | TR | NL | TB | JG | MO | KS |
|------------|------------------|----|----|----|----|----|----|----|----|----|
| 11/16/2015 | Pass 8- 1-Absent | Y  | -  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |

**Budget Action description:**

This budget action would impose the following budget proviso:

“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 Seattle Police Department (SPD) has conducted a pilot project in the use of body-worn cameras, and the 2016 Proposed Budget includes \$1.8 million in a Finance General (FG) reserve for full implementation of body-worn cameras for patrol officers. In addition, SPD has received a federal grant for \$600,000 for this purpose.

Imposing this proviso ensures that the Council has adequate time to review and approve City policies for use of body-worn cameras and to consider public comment on those policies.

A work group including stakeholders from the Community Police Commission, Seattle Police Department, Mayor’s Office, City Council, American Civil Liberties Union, Department of Justice Settlement Monitoring

| <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.

## 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 42.56.050<sup>1</sup>
- 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

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<sup>1</sup> 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 Puente (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 meeting<sup>1</sup>

- 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.

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<sup>1</sup> 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



# Seattle Police Manual

## 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.

08/31/2016 DRAFT

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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](mailto: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-synching 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.



## Attachment 2 - SPD Overtime Status Update

| Topic/Recommendation  | Description  | September 2016 Update  | Status               |
|---|--|--|----------------------|
| <b>I. Overtime Policies and Procedures - SPD should establish policies and procedures for all overtime functions, including a high-level policy to provide management guidance on the appropriate uses of overtime.</b>   |  |  |                      |
| 1   | SPD should develop an overtime usage policy that provides (a) management guidance on the appropriate uses of overtime, including compensatory time, and (b) direction on the proper recording and coding of overtime in the City's payroll system  | New Draft Overtime policy has been written. It has been reviewed by several chiefs, APRS, HR, Legal, and there were informational meetings with labor groups. Input from those meetings was incorporated into the draft. There is additional interest by several labor groups who have requested another opportunity to discuss the policy. The draft was again sent to the groups and there are upcoming meetings scheduled.  | In progress          |
| 2   | SPD should develop policies and procedures that address all overtime administrative processes.   | Overtime processes associated with special events and any billing that SPD does independent of the special events permitting process is discussed in an upcoming recommendation related to special events. Last year, payroll initiated a process that analyzes overtime records, identifies potential double-payment situations, and reconciles them.   | Completed & on-going |
| <b>II. Overtime Budget - SPD should establish a more realistic overtime budget to better fund its actual overtime needs. This budget should eventually take into account the likely reduction in overtime usage due to implementing improved controls for overtime functions.</b>   |  |  |                      |
| 3   | SPD should develop a realistic overtime budget to fund its overtime needs. The overtime budget should reflect the input of SPD section leaders (i.e., primarily captains) who spend against the budget, the number of department vacancies, planning for special events, and it should eventually factor in reductions in overtime costs that result from improved controls, as outlined in this audit report. | The proposed budget provides additional funding for overtime. The budget includes three transactions:<br>1. Adding \$2 million of new funding.<br>2. Adding \$1.4 million for overtime related to the DOJ Settlement Agreement that has historically been held in a Finance General reserve.<br>3. Transferring approximately \$2.7 million of existing funding from existing salary accounts to overtime to better align budget with expenditures. The proposed budget transfers funding to better reflect the department's vacancy rate and more closely align SPD's budget with historical spending.<br><br>With these changes, the proposed overtime budget is \$22.2 million, which is based on analysis of actual overtime usage from 2012-2015. Both parties will continue to analyze overtime use. | Completed & on-going |
| 4   | SPD section management should explain and document any significant variances from the overtime budget. Additionally, SPD should work with the City Budget Office and the City's Office for Special Events to develop and implement strategies for adhering to the overtime budget.   | The department reviews overtime spending each month when the data become available at biweekly at fiscal meetings that began in August of 2015; captains and civilian equivalent and above are required to attend these meetings. The group reviews overtime use and allocation balances, and crafts strategies for reducing any overages and adhering to allocations. Overtime data are provided to CBO each month and the SPD Budget Section frequently discusses overtime use, areas of concern, and strategies with CBO personnel on a regular basis. Overtime data is also submitted monthly to Council central staff.  | Completed & on-going |
| <b>III. Operational Controls for Overtime Processes - SPD should review all of its overtime-related processes, improve and/or implement internal controls, and establish methods to monitor and enforce compliance with these controls. SPD should also consider implementing an improved automated staff scheduling and timekeeping system and staffing some job functions with civilians that are currently staffed with sworn personnel.</b> |  |  |                      |
| 5   | Each SPD section leader should periodically reconcile overtime charged to his or her section with the supporting overtime documentation (i.e., Overtime Request forms or Event Summary forms). Each section leader should be responsible for verifying that all overtime charged to the section is appropriate and supported with documentation.   | SPD Payroll is employing a process that audits overtime that started near the end of last year. This process looks for timesheet anomalies (e.g., overtime hours during regular hours) and opportunities that could lead to double-payment (e.g., a paper timesheet and hours listed on one's electronic timesheet).   | Completed & on-going |
| 6   | SPD should implement a process to ensure that overtime costs are accurately recorded and tracked by employee assignment.   | SPD Payroll is employing a process that audits overtime, this process started in the fourth quarter of 2015. This process looks for timesheet anomalies (e.g., overtime hours during regular hours) and opportunities that could lead to double-payment (e.g., a paper timesheet and hours listed on one's electronic timesheet).  | Completed & on-going |
| 7   | SPD should establish a central recordkeeping location for all overtime-related documents.  | Overtime reports remain at the location of their origin. This recommendation was discussed but it was decided to keep them local.  | Completed            |
| 8   | SPD should develop automated controls or processes for detecting payroll errors or non-compliance with key policies, such as duplicate payments for overtime, exceeding compensatory time thresholds, and entry of more than 24 hours in a single day.   | SPD now has a manual, human process for reviewing payroll records to detect opportunities for errors that began in Q4 2015. These are individually researched and resolved. The proposed budget provides funding for an automated work scheduling and timekeeping system that will allow for better automation of thresholds and controls.   | In progress          |

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| 9  | SPD needs to enforce current overtime and compensatory time policies and procedures, including those related to the proper documentation of overtime authorization and approval, accurate activity and assignment coding of overtime, compensatory time thresholds, and accurate recording of overtime and standby time. | SPD is committed to enforcing its policies related to overtime and compensatory time. The department will use the issuance of its new overtime policy and the training that will accompany it to reinforce this effort and stress the importance of these policies and the procedures that go with them. The work scheduling and timekeeping system included in the proposed budget will allow for more accurate and more timely oversight of overtime coding and use.  | In progress                |
| 10   | SPD should develop a way to record supervisory approval of all overtime in the payroll system and not allow payment without proper approval.   | The new draft overtime policy will require the documentation of pre-authorization for overtime. The new work scheduling and timekeeping system, included in the proposed budget will also improve SPD's tracking of supervisory approval.   | In progress                |
| 11   | SPD should track all work time, including off-duty time, and require management approval for hours beyond the maximum allowable level.   | SPD is working towards gaining visibility into all secondary employment hours worked by department employees. The solution may be the use of a third party (e.g., Cops for Hire) to create the marketplace for department-approved customers to go to hire SPD police officers for various tasks. The department would have full visibility into the activities of officers and have complete approval authority for any work officers do off-duty. This information could be imported into scheduling/timekeeping software to provide a complete picture of how much officers are working per week and month. The marketplace could have maximum allowable hours set into it and not allow an officer to sign up for work that causes them to exceed the max. SPD has not yet selected a third party solution, but is evaluating potential solutions. It is looking at possibly testing some processes in Q3 2016. | In progress                |
| 12   | SPD should ensure that all overtime hours are properly coded to specific activities to provide management with adequate information on the overtime worked for the department.   | Part of the department's regular review of overtime pertains to the proper coding of its use. Fiscal discussions often include this topic. Codes and their use are reviewed to ensure that there is consistent use throughout the department. The new overtime policy requires that all overtime be properly coded. This coding will be part of the policy training. The new work scheduling and timekeeping system, included in the proposed budget, will also provide greater insight into overtime coding.   | In progress                |
| 13   | SPD should either (a) implement new scheduling and timekeeping systems or (b) enhance existing systems to include automated controls and to facilitate tracking and monitoring of overtime.  | The proposed budget provides funding for a work scheduling and timekeeping solution for the department. SPD is currently involved in the procurement process for such a system. The plan is to deploy in the Communications Center and evaluate its performance before moving forward with the rest of the department.  | In progress                |
| 14   | SPD should consider staffing some positions with civilians, rather than sworn officers, to reduce overtime expenses. SPD should consider civilian staffing in the Background Unit, the Office of Professional Accountability, and the Education and Training Section.  | The department is also interested in this. It is a subject of bargaining with the relevant union. There has been minimal progress to date.  | Outside Department Purview |
| <b>IV. Overtime Management Controls - SPD should implement consistent management monitoring procedures for overtime and establish requirements for section leaders' monitoring responsibilities. SPD should establish regular independent monitoring of overtime and implement a program to regularly look for potentially abusive or unnecessary use of overtime.</b> |  |   |                            |
| 15   | SPD should develop a report that provides a department-wide, comprehensive summary and breakdown of overtime use for all work activities.  | Though retrospective, the department has been producing and distributing this information since August of 2015. Managers receive a breakdown – in hours and dollars – of their section's overtime use each month. Supervisors have monthly access to their staff's individual hours worked. An overall analysis of monthly overtime is also published to the Budget Section on the department's EmWeb page (internal webpage). Budget and overtime use are standing topics on the weekly Command Staff agenda.  | Completed                  |
| 16   | We recommend that SPD Finance develop and regularly review (e.g., quarterly) the following types of reports to expand its current scope of overtime review and analysis.   | The Budget Section completes these analyzes each month. The results are shared with the COO and CBO. Individual issues are discussed with the relevant chief. Overall issues are also discussed at biweekly fiscal meetings and Command Staff meetings.   | Completed & on-going       |
| 17   | SPD should re-visit its overtime coding structure and provide regular training to all staff on how to code their overtime.   | The Budget Section reviews overtime and looks at how overtime is coded. Anomalies are elevated to the appropriate chief for review. Coding overtime correctly is part of the fiscal meeting conversation. It will also be part of the new overtime policy training.   | Completed & on-going       |

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| 18  | SPD should increase the level and frequency of overtime monitoring required of section leaders and should ensure such monitoring is documented. To do this, SPD senior management should set clear expectations for how and when section leaders should monitor overtime (e.g., monthly, quarterly, bi-annually, annually). At a minimum, section leaders should conduct monthly reviews of overtime use by individual and activity. SPD should also develop a one-page monthly overtime monitoring sign-off sheet that identifies the information each section leader is responsible for reviewing, and section leaders should use these forms to document their monthly reviews. | Clear expectations are outlined in the new overtime policy. These will be emphasized during training of the new policy. The Budget Section provides overtime information monthly to section leaders and Captains and above. These commanders also participate in biweekly fiscal meetings (see Recommendation #4).  | Completed & on-going       |
| 19  | SPD should ensure usable reports exist to perform the required overtime monitoring activities described in Recommendation 18.  | The Budget Section has developed reports based on input from elements of the department. It continually solicits information on how to make them better for supervisors and managers.   | Completed & on-going       |
| 20  | SPD should consider assigning an analyst within SPD Finance or another area outside of SPD operations to monitor and research overtime. This proposed independent monitoring of overtime should supplement our recommended management reviews by section leaders. This monitoring should assess whether overtime is being worked and paid in compliance with policies and procedures, and it should also be designed to prevent and/or detect unnecessary or abusive overtime. Any exceptions identified by the independent monitor should be followed up on by an administrative sergeant.  | The Budget Section currently does this. All of our overtime analysis comes from payroll records. Additionally, we analyze the variance between the weekly overtime. Payroll conducts overtime documentation checks. the 2016 Q1 Supplemental Budget Ordinance added a new position to the Budget Section. Once hired in Q4 2016, the position will primarily focus on special events overtime. This individual will also do "deep dive" analyses of several areas that traditionally use significant amounts of overtime; analyses will range from focus on the individual level to analyses of larger patterns or systemic issues. Once secondary employment numbers are available to the department this analysis will be even more valuable – as it will include all hours worked. | In progress                |
| <b>V. Overtime for Special Events - The City should improve internal controls for special events functions.</b> |  |   |                            |
| 21  | The City's Office for Special Events and/or SPD should work with the appropriate City entities to develop a policy that identifies which types of special events will be charged for police services, which will not, and the amount of costs to be recovered (i.e., full cost recovery or partial).   | The recovery of costs associated with SPD's services for special events are codified in City Ordinance. As written, the department is unable to utilize a total cost recovery model for special events.   | Outside Department Purview |
| 22  | SPD should develop a consistent approach and criteria for planning event staffing and managing risk at special events.   | All event staffing is done and/or reviewed during weekly special events meetings at the Seattle Police Operations Center (SPOC). Staffing plans for each event are saved (as they have been for years) for future review. After action reviews are also assessed and saved for use the next time the event or a similar event is permitted in the City. SPD Budget staff began participating in weekly SPOC meetings in 2016.   | Completed & on-going       |
| 23  | SPD should identify a central entity that is responsible for conducting an in-depth review and evaluation of all special event plans.  | See Recommendation #22.   | Completed & on-going       |
| 24  | SPD should compare actual hours worked to hours planned for all special events, and significant variances should be explained and evaluated.   | The Budget Section does compare actual hours worked versus the planned hours for events that require detailed staffing plans. In many cases (e.g., Chinese President's Visit, Figgy Pudding, and May Day) the actuals come in lower than the original plan. This analysis can be difficult to do because of operational conditions. Greater input from patrol and special operations can help with this. Special events after action reports also provide information related to this type of comparison. As stated in #22 above, staffing plans and after action reviews are reviewed each week at SPOC.   | Completed & on-going       |
| 25  | SPD should improve documentation of time worked at special events by adding Roll Call time, Event time, and Secure time to Event Summary Forms. Additionally, SPD officers working events should be required to sign in and out on Event Summary forms, and SPD should ensure that these forms are signed by the approving sergeant.   | Part of the roll call's purpose is to have those working sign in on the overtime sheets.  | In progress                |

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| 26   | SPD should revise its billing practices so that it either (a) bills event organizers for estimated policing costs in advance of the event, and then bills for or refunds any variance of actual costs from estimated costs, or (b) at a minimum, checks organizers' credit histories before entering into an agreement for reimbursable police services.  | Events that require a City special events permit are handled in accordance with the City Ordinance through the Office of Economic Development.<br><br>For events that are contracted directly with SPD, SPD bills for actual costs – consistent with any MOU that the department has with an entity. Those who have not paid in the past are being asked to pay upfront (in the form of a deposit or estimated costs). In any case where the department has control of the event planning through MOUs or other arrangements SPD is billing for 100% of the actual cost. | Outside Department Purview |
| 27   | For reimbursable events, SPD should reconcile all overtime hours on Event Summary forms with hours recorded into SPD's payroll system to ensure all overtime is accurately billed.  | SPD works to ensure that it is billing its customers correctly.  | Completed & on-going       |
| 28   | SPD should contact event organizers to collect payment before debts are 30 days delinquent.   | SPD bills organizers monthly up to 90 days. After 90 days, the invoice is sent to FAS who oversee the collections process for all City departments. The department has started making personal contact – primarily through phone calls – each month as well. Typically, SPD finds that bills have not made it to the proper entity for payment. As a result, we have added a place on our MOUs to collect the proper contact information for billing.  | Completed & on-going       |
| 29   | SPD should write off delinquent accounts for special event reimbursements in a timely manner.   | This is a city-wide process run by FAS.  | Outside Department Purview |
| <b>VI. Off-Duty Police Work - SPD should consider requiring off-duty employers of SPD officers to contract directly with SPD. At a minimum, SPD should establish a mechanism to track off-duty hours worked by its officers.</b> |   |  |                            |
| 30   | SPD should consider requiring off-duty employers of SPD officers to contract directly with SPD. At a minimum, SPD should implement a process for tracking off-duty work hours so SPD management can monitor whether officers are a) complying with the department's maximum weekly and daily hours thresholds, b) taking high amounts of sick or other paid leave while also working a lot of off-duty hours, or c) underperforming for SPD work due to high amounts of off-duty time. SPD Policy 5.120 states personnel are required to log in and out by radio when working off duty, so this might be one option to consider for tracking off-duty time. | SPD is working to bring this information into the department to allow this type of analysis. See Recommendation #11.   | In progress                |