

TACOMA POLICE DEPARTMENT PROCEDURES MANUAL

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BODY WORN CAMERAS

Body worn cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contact with police officers. The Tacoma Police Department (TPD) uses body worn cameras to contemporaneously and objectively document citizen contacts. Video footage produced by body worn cameras may be used as evidence in civil or criminal investigations, reviewed administratively for officer compliance with department policies (as set forth below), used as a tool in law enforcement training, and utilized as a reference in incident documentation.

It is the policy of the Tacoma Police Department that commissioned personnel working in a patrol function shall wear body worn cameras to record their encounters on duty.

A) Definitions

- 1) Advisement
Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.
- 2) Activation
The process that turns on the body worn camera and causes it to record or to store audio and video data.
- 3) Body Worn Camera
Camera system that captures audio and video signals, capable of being worn on an officer's person that includes, at minimum, a camera, microphone, and recorder.
- 4) Body Worn Camera Videos
Recorded media consisting of audio-video signals recorded and digitally stored on a storage device or portable media.

5) Labeling of Video

Marking a video with the incident (ID) number and category.

6) Evidence.com

A cloud based data warehouse where body worn camera video footage is stored and retained.

7) Involved Officer

Any officer who employed, or attempted to employ, force contemporaneous to the use of deadly force.

8) Retention of Video

Retention of video refers to how long a video captured on body worn camera is kept or retained by the Tacoma Police Department. A video is retained according to its category.

9) Surreptitious Recording

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

10) TARU

Technical Assistance Response Unit (TARU), a unit within the Tacoma Police Department comprised of civilian employees, Public Disclosure Specialists trained in the operations, use and deployment of the body worn of body worn cameras and related systems. TARU personnel are responsible for the storage, retention, release, and deletion in accordance with State records retention and public records disclosure laws. Recordings shall be retained for a period consistent with the requirements outlined by state law, or TPD's own records retention schedule if more stringent. Public Disclosure Specialists will have a working knowledge of the methods and procedures related to the duplication, storage and retrieval of body worn camera videos as well as video forensics and evidentiary procedures.

B) Officer Responsibilities

1) Training

Prior to wearing and operating a body worn camera, officers are required to successfully complete department authorized body worn camera training.

2) Inspection

Officers shall inspect their BWC equipment at the start of every shift. If an officer discovers that the BWC equipment is not fully charged or not functioning, he/she will be responsible for documenting this in CAD, and will ensure that the equipment is submitted to the Computer Support Technician for repair and/or charging. Officers will obtain a spare BWC from their sergeant or patrol operations desk officer when their BWC is being repaired or replaced.

CPAC recommends adding requirement for officer to ensure camera is fully charged prior to shift that the camera won't die during the shift

3) Requirement to Wear the Body Worn Camera

All uniformed officers assigned a body worn camera are required to wear the camera while on duty. Officers shall affix their camera to the chest area of their uniforms where it is unobstructed by the uniform itself or equipment. This does not include circumstances in which the camera becomes unintentionally obstructed during police activity. Officers working in an off-duty assignment should only activate their BWC during enforcement and investigative contacts with civilians. Privately owned body worn camera are not permitted.

4) Requirement to Use the Body Worn Camera

Officers are required to use their body worn cameras to record their law enforcement activity, to do so consistently and in accordance with department policy. Officers should default to recording all encounters with residents and enforcement activities in their entirety, unless there is a legitimate law enforcement or legal reason not to.

CPAC recommends default should record all law enforcement activities before and after each contact unless there is a legal or law enforcement reason not too such as confidential informants, citizens wanting to maintain anonymity in reporting a crime, citizens not wanting to be recorded, or statutory reasons not to record like domestic violence scenes.

5) Procedures on Use of Body Worn Camera

- Activation of the Body Worn Camera

- a) Starting and Ending the Recording

- i. Officers shall activate the body worn camera prior to exiting the vehicle to any dispatched law enforcement activity. Nothing in this policy prohibits the officers from activating the camera earlier, and officers are encouraged to do so earlier.
- ii. Officers shall activate the body worn camera when involved in any madder in a police pursuit, vehicle follow, fail to yield and active police perimeter.
- iii. Officers shall activate the camera as soon as practical upon making the decision to engage in any self-initiated law enforcement activity.
- iv. Once the camera is activated, the officer shall leave it on until the incident has concluded. Officers should cease recording when his/her part of the active investigations is completed and they have left the scene, and there is little possibility that the officer will have further contact with any person involved in the event.

- v. In an officer involved shooting, officers shall turn their cameras off prior to giving their public safety statements.
- vi. Officers should record on the body worn camera reasons for turning off the body worn camera if the recording is stopped by the officer prior to the conclusion of the law enforcement activity for any reason.
- vi. Officers may, at their discretion, activate their BWC any time they determine it would be beneficial to capture an event or activity.
- vii. TPD will track any known incidents of failure to record or improperly ending a BWC recording.

b) Activation Amnesty

- i. No officer will be subject to discipline for failing to activate a camera for any reason for the first month or 16 shifts, whichever occurs later, after he or she is assigned to wear a BWC. The amnesty period will apply again anytime an officer is reassigned to an assignment without a BWC for a period of six months or more, and then returns to an assignment with a BWC.
- ii. Notwithstanding the above paragraph, during the amnesty period any knowing and intentional failure to record will not be subject to amnesty.
- i. The department will track any known incidents of failure to record or improperly ending a BWC recording

CPAC recommends the documentation of failure to record during any amnesty period for review regarding personnel and trends, and recommends language making clear intentional failure to record is not subject to amnesty.

c) Decision to Not Record

- i. Officers are required to record as much of the law enforcement activity as possible, but the sensitivity or exigency of a situation may warrant turning off, or not activating, the body worn camera. The decision to not record law enforcement activity shall be made by the officer wearing the camera and shall be determined by facts and circumstances which must be justified. Facts supporting such a decision may include the following:

- When unsafe or impractical – Law enforcement activity requiring a response that physically prevents an officer from

activating the camera. Officers are advised to put safety ahead of the requirement to record the encounter. The amount of time driving to the call shall be a factor considered in determining if this section applies.

- Sensitive communications – Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.
- When a citizen objects to being recorded – If a citizen objects to being recorded, the officer may elect to record despite the objection. Since conversations with police officers are not considered private under Washington law this is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.

~~b)~~ Officers shall document by written report or CAD any decision to not activate the camera or to turn off the body camera prior to the conclusion of the law enforcement activity, and their reasons for doing so.

- Advisement – When Required

a) Conversations between uniformed police officers and citizens that occur during the performance of official police duties are not recognized as private conversations under Washington law and therefore generally do not require an advisement that the interaction is being recorded. The exceptions are traffic stops and custodial interrogations.

- i. Officers conducting traffic stops while equipped with a body worn camera shall notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer's report if enforcement action is taken.
- ii. Prior to a custodial interrogation, officers shall inform arrested persons that they are being audio and video recorded with a body worn camera. This statement, along with the Miranda advisement, shall be included in the recording.

6) End of Shift Responsibilities

Officers shall prior to the end of their shift or as soon as practical, will follow the protocol to label, categorize, and upload videos to Evidence.com. Additionally officers shall download

BWC footage as soon as practicable after a serious incident or when storage capacity is reaching its limit.

- Officers unable to categorize body camera video prior to the end of their shift shall notify a supervisor prior to securing and complete categorization at the beginning of their next regular or overtime shift, whichever occurs first; video footage shall be downloaded prior to going on days off.
- Officers with take home vehicles who have to transfer videos at the end of shift, can dock their BWC at police operations ensuring that the upload process has begun on Evidence.com. Due to the length of time that it takes for videos to upload, it is not practical for officers to monitor the upload process. If a use of force or other significant incident was recorded, officers will contact a supervisor for direction. At the beginning of their next shift, officers will retrieve their BCW and confirm the upload process was completed. If the process did not complete, they will restart the upload process immediately at the beginning of their shift.
- Officers shall not access BWC or evidence.com from non-departmental issued personal devices. BWC recordings should not be uploaded or downloaded anywhere other than an authorized TPD facility.

CPAC Recommends that officers be prohibited from uploading videos from home, and in cases where an officer may need to access evidence.com to view footage that they only do so from secure department issued devices.

- If an officer is involved in a shooting or other serious use of force and/or is suspected of wrongdoing, the officer's supervisor should take physical custody of the BWC and will be responsible for downloading the data. The supervisor will take custody of the BWC out of public view. When an officer uses deadly force, the investigating agency may supervise the downloading of the video.

7) Document Use of the Body Worn Camera

Officers shall document in their police reports that they operated a body worn camera. In situations where no police report is written, officers shall indicate through CAD that they operated a body camera.

8) Video Not a Substitute for Report

An incident captured on the body worn camera is not a substitute for a complete and thorough written police report. Officers must write a police report, if the situation requires, and may not use the body worn camera video as a substitute for, or basis to abbreviate, their documentation of the incident.

9) Report Problems

Officers shall promptly report to supervisor and/or computer support technician any problems they may encounter with the body worn camera or its operation.

10) Use of Spare Camera

Officers using a spare camera will contact supervisor for proper camera assignment.

C) Unauthorized Use of Body Worn Cameras and Video

All employees of the Tacoma Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to body worn cameras and body worn camera videos as set forth in this policy.

Employees of the police department are prohibited from surreptitiously recording any other employee of the department or any other person.

- 1) Employees may not use body worn cameras for non-work related purposes or otherwise operate the body worn camera outside their legitimate law enforcement duties.
- 2) All body worn camera videos are the property of the Tacoma Police Department. Dissemination outside of the agency is strictly prohibited, except as required by law and pursuant to the provisions of Tacoma Police Department policy.
- 3) Employees are prohibited from accessing the cloud storage site Evidence.com except for legitimate law enforcement purposes, including authorized review as described in subsection G (Review of Body Camera Video) of this policy, or otherwise for work related to their job assignment.

D) Downloading of Videos

The only personnel allowed to download videos will be the public disclosure specialists, body worn camera supervisors and Administrators, Criminal Investigations Division, selected training staff, Internal Affairs, and specially trained department employees. Video downloads will be done for law enforcement purposes and/or public records requests only.

If any downloads are needed from anyone not listed above, a request will be sent to public disclosure support specialist.

E) Operation and Oversight of the Body Worn Camera Program

Operation and oversight of the body worn camera program is the responsibility of the Administrative Support Bureau, body worn camera supervisor.

F) Review of the Body Worn Camera Program

The body worn camera program shall be subject to ongoing review and evaluation by the

Tacoma Police Department. The Chief of Police shall designate a committee to serve on a Body Worn Camera Review Board (BWCRB), which shall convene annually, to review the body worn camera program and the body worn camera policy and to make recommendations for the Chief's consideration. The committee shall include representatives from department BWC supervisor, computer support

technician, public disclosure specialist, and department administrative support specialist, Training, Investigations, Patrol, accreditation, ~~and the collective bargaining units, and members from the Community's police Advisory Committee.~~ A report documenting any recommendations and changes made to the program should be provided to CPAC after the Chief's consideration.

CPAC Recommends that members from the committee be included on the BWCRB, and that a report be provided to CPAC each year detailing recommendations and changes to the program.

G) Review of Body Worn Camera Video

~~1) Officers may view their own body worn camera video at any time in accordance with this policy. Employees may review their own recorded video except in instances of deadly force investigations.~~

2)1) Recordings may be reviewed by individuals other than the recording officer in any of the following situations:

- By officers prior to completing their police reports or providing a statement pursuant to an internal affairs or SIRR investigation, subject to the following:

All officers in an internal affairs investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to an internal affairs investigation.

Involved officers in a deadly force investigation will be permitted to review only video that shows information available from the officer's vantage point and that was information the officer could have used in making a determination to use force provided relevant body worn camera footage. ~~The body worn camera footage viewed by the involved officer(s) should show actions, items or other relevant factors the officer could have seen from their vantage point and that could have been used in making a determination to use deadly force against an individual or individuals.~~

CPAC recommends that TPD adopt policies similar to Seattle and Spokane where officers are limited in their review of body worn camera footage in deadly force incidents. TPD staff should push for the strictest version of these policies.

- a) In the event there is a dispute over which body worn camera footage should be viewed by the involved officer(s), the legal representative of the officer, the lead deadly force investigator, and the prosecutor or their designee can consult prior to the officer making a determination about providing a statement.
- b) Involved officers in a critical incident resulting in the activation of the deadly force investigation will not be authorized to view any body worn camera footage unless and until authorized by the deadly force lead investigator. In addition, BWC supervisor will lock any involved officer's ability to view body worn camera video of these incidents pending notification from an authorized investigative supervisor.

- By any supervisor conducting a Blue Team administrative review. Review of video shall be related to the specific complaint (s) and not used as the basis to randomly search for other possible violations. Other significant violations noted during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level. Any disagreements about the processing of these violations shall be handled between the Chief's office and the collective bargaining units president or representative.
- By the Use of Force Review Board
- By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations. Supervisors are authorized to review recordings to investigate the merits of a specific complaint prior to a formal complaint being filed. If appropriate the supervisor may allow the complaining party to review the footage with the supervisor as a means of addressing the concerns without a formal complaint being taken.
- By technical support staff for purposes of assessing proper functioning of body worn cameras.
- By the City and County Prosecutors.
- By an Internal Affairs investigator who is participating in an official IA investigation investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations.
- By a department investigator, or officer with the approval of a supervisor, who is participating in a criminal investigation providing the requested recording is specific to that investigation.
- By legal counsel and/or union representation representing an officer in a critical incident prior to providing a statement pursuant to an administrative inquiry.
- Training – Recordings may be reviewed for training purposes. Prior to any recordings being used for training purposes all involved officers will be notified. If an involved officer objects to showing a recording, his/her objection will be submitted to the training Director to determine if the training value outweighs the officer's objection. Inadvertent discovery of minor policy violations shall not be the basis of disciplinary action.
- By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.
- By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
- Pursuant to a subpoena or public records request.
- Specific acts showcasing the Department that reflect positively on TPD, may be of interest to the public, and are to be made available to the media upon approval of the Chief of Police or designee.
- Body worn camera video may not be randomly reviewed for any reason.

- The Tacoma Police Department acknowledges that video recordings provide only a two dimensional perspective with limited vantage points) of an incident. Consequently, no department member will ever rely solely upon the review of video recordings as the basis for discipline against an officer. Instead, the department shall review and consider all available evidence, prior to imposing discipline against an officer.

G) Retention of Body Worn Camera Videos

1) General

Videos related to officer-involved shootings critical incidents, homicides, serious sexual assaults, and cases in which TPD has received a notice to preserve evidence shall be retained in Evidence.com until all trial and appellate litigation has been completed. The TPD Investigations Bureau shall be responsible for notification to TARU under these circumstances. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the department policy for records retention.

- 2) Videos related to internal affairs investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.
- 3) All other body worn camera videos shall be retained in Evidence.com for 12 months, then deleted.
- 4) Videos redacted for a public records request shall be retained for 24 months after the request and then deleted.

5) Inadvertent/Accidental Activation

In the event of an accidental activation of the body worn camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the body camera video in question be deleted forthwith by submitting a written request and memorandum, by email, including the date and time of the inadvertent/accidental recording through their chain of command to the Bureau Commander or designee. The Bureau Commander shall approved or deny the request and forward the decision to the TARU Administrator for action. All memorandums of deletions should be kept on file from 1 year in accordance with RCW 40.14.070 as identified in WA SOS Records Management Advice.

CPAC Recommends that evidence retention schedules be made clear when referencing state law, and highlight when department policy may have longer retention times.

- 6) Employees shall not tamper with, alter, or delete video.

- Exception: This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.
- Tampering with BWC video is evidence tampering and will be treated no differently for disciplinary purposes. Appropriate disciplinary action will be taken against employees found to have tampered with videos.

CPAC Recommends making clear that intentional or negligent tampering of BWC video is evidence tampering, and will be treated as such.

H) Release of Body Worn Camera Videos

1) For Criminal Justice Purposes

Body worn camera videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account through Evidence.com. Prosecutors will be able to locate the existence of a body camera video by its reference in the police report and/or CAD report, and may search for videos related to pending cases by inputting the law enforcement incident report number into Evidence.com. Discovery of body worn camera videos to the defense bar shall be made through the prosecutor.

2) To the Public

Body worn camera videos will be made available to the public through public records requests pursuant to [Chapter 42.56 RCW](#). Public records requests for body worn camera videos may be directed to the City Clerk's Office or to the Tacoma Police Department and will be processed by the Public Disclosure Police Administrative Specialist. Prior to release, videos from body cameras will be reviewed and redacted by a Public Disclosure Specialist. Redactions will be consistent with statutory exemptions under Washington law, including the following:

- The image of any witness who expresses safety concerns or who requests that their identity not be disclosed;
- The image of domestic violence, sexual assault, trafficking or stalking victims;
- Child victims, child witnesses and juveniles in the court system;
- Persons experiencing a medical emergency or receiving medical treatment;
- Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured persons;
- Persons with apparent mental illness in crisis or who are detained for a mental health evaluation; or
- The image of anything which reveals personal identifying information.

3) The Public Disclosure Police Administrative Specialist may provide third party notification to allow any person whose privacy may be impacted by the release of a body worn camera video time to file a petition for injunctive relief.

4) Citizens shall not be allowed to view body worn camera recordings except in the instances listed above.

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