



SPOKANE POLICE DEPARTMENT

Office of Professional Accountability

Timothy B. Schwering



Body Worn Camera Pilot Program Audit

Office of Professional Accountability

Sergeant David Staben



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I. Executive Summary

Director of Strategic Initiatives, Tim Schwering, requested the Office of Professional Accountability conduct an audit of the Body Worn Camera (BWC) pilot program period that spanned from Sept. 1, 2014 - Dec.31, 2014.

The objectives of this audit were to:

- Conduct a BWC user survey
- Conduct a review of the camera hardware and video storage
- Review public records requests for BWC footage and their associated costs
- Review video requests related to the prosecution and defense of criminal acts
- Conduct a citizen survey
- Review Use of Force (UOF) incidents involving officers equipped with BWCs
- Make recommendations for improving the BWC program moving forward

At the conclusion of the pilot program, all participating officers completed a survey consisting of 26 questions. Most officers believed the initial training was sufficient to operate their issued body cameras. However, some reported difficulty in remembering to activate the camera when encountering stressful situations. Most officers said the camera had a de-escalating effect or no effect on the behavior of the people they encountered. Participants estimated it took an hour or more per shift to perform the tasks associated with wearing a body camera to include reviewing footage, uploading recordings, and categorizing video. The greatest concern expressed by officers during the survey was a lack of clear guidance regarding the privacy rights of citizens who were captured on body camera footage. As a result, many officers who volunteered to wear a body camera during the pilot program ceased wearing their issued camera at some point after the pilot program completed. Despite this initial concern, 92% of officers had a favorable opinion of police body worn cameras as a law enforcement tool. Members of the public who were polled had a substantially positive impression of police body cameras with little to no negative responses.

The participating officers recorded 3,285 unique events by officer-worn cameras during the pilot study. These video recordings consumed approximately 5% of the total digital storage space purchased by the Spokane Police Department through Evidence.com for the storage of body camera footage. Participating officers were trained in the process of uploading and classifying BWC video prior to deploying their cameras. Despite this training 309 videos (9.4%) were not properly classified within the 45-day retention period. This resulted in videos which were inadvertently deleted. Officers were also instructed to make a notation in their CAD incident history anytime body worn camera footage was recorded. During the pilot program, this occurred only about 57% of the time.



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The camera hardware functioned properly with only minor problems reported during the pilot program.

There were 21 total public records requests. The cost associated with producing these records was \$2,489.77.

Defense Attorneys requested videos on five occasions in preparation for trial. The prosecutor's office used one video in a Possession of Controlled Substance case. Most Prosecutors were unaware of the times defense counsel requested videos or even the possibility BWC footage may exist in their cases. Many of the criminal cases arising out of the timeframe of the BWC pilot are still pending adjudication. There is at least one pending case where a Prosecutor plans to use BWC footage as part of his case.

The public reported overwhelming support for SPD officers wearing BWCs as expressed by the 348 citizens polled on the issue. While those contacted expressed some concerns about privacy issues, most do not think an officer should have discretion to stop recording during an incident. The majority of citizens polled also believes officer and suspect behavior during police interactions will be improved when officers use body worn cameras to record the interaction.

There were 13 Use of Force incidents during the pilot that involved eight officers. Due to the low number of incidents, no meaningful analysis could be derived from the available data regarding the relationship between BWC usage and Use of Force.

This final report contains several recommendations based upon lessons learned during the pilot program. Some issues, including those involving compliance with procedures and storage of video, were addressed while the pilot program was underway.

No complaints were filed against officers participating in the BWC pilot program during the duration of the study. One officer, who was equipped with a body camera, was involved in a shooting incident. The camera was not activated by the officer prior to the shooting. This incident remains under investigation at the time of this report.

Special Thanks to: Officer Dale Harvey, Officer Ryan Snider, Records Supervisor Mardee Ellis Sergeant Steve Braun, and Michelle Reiner.



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II. Background

The Spokane Police Department began exploring the use of body cameras in January 2012. The initial project report outlined the hardware testing and some recommendations for a pilot program. The initial cost estimate to process public records requests for BWC footage was \$335,873 annually.

During the spring of 2012, the Spokane Police Department completed testing, evaluation, and policy development for the pilot program. After extensive testing of a variety of cameras using reality-based scenarios the Axon body worn camera was chosen. The Spokane Police Department purchased 220 cameras in March of 2014. The Training Center developed a pilot policy and provided Use of Force Report Writing training for all participating officers prior to the launch of the pilot in September of 2014.

Pilot Policy

703.1.2 ACTIVATION OF THE BODY CAMERA

Patrol officers shall activate the body camera at the outset of each contact that is associated with an incident number, whether or not the contact documents a significant incident, forms part of a criminal investigation or has any perceived evidentiary value to the officer. Unless an officer holds a legitimate belief that activating the body camera would be unsafe given the facts and circumstances, the body camera shall be activated. If a safety issue has prevented activation of the body camera, the officer shall document the details in an incident report and report it to the shift supervisor. At no time should officers jeopardize their safety in order to activate a body camera. It is understood that rapidly evolving and complicated situations may delay camera activation due to incident priority. Officers will document this situation in their incident report. During the pilot program no discipline was administered for not activating a body camera.

703.1.3 COMMUNICATIONS WHICH DO NOT NEED TO BE RECORDED

It should be recognized that not all contacts between officers and citizens need to be recorded; officers should use discretion in determining whether it is appropriate to record. Officers are encouraged to consult with their supervisor whether or not to activate body worn camera in sensitive situations (e.g. persons in mental health or other crisis situation).

703.1.4 CESSATION OF THE BODY CAMERA

Once activated, the body camera system shall remain on until the contact has concluded. Some situations may warrant de-activation of the camera; in these instances the officer shall document in a written report the reason for the deactivation.



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III. Costs and Information related to Hardware, Storage, and Technical Support

Cost of Cameras:

(220) TASER Axon Cameras	@ \$474.95 each	\$104,489
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Cost of Repairs:

(1) Three Year Warranty for Cameras	@ \$58,498	
(1) Three Year Warranty for ETM docks	@ \$15,536	\$ 74,034

Camera Failures, Damage, Loss:

None of the cameras failed during the pilot project. Some officers reported limited issues with the camera LED light, speaker, and/or charging system. No cameras were damaged or lost during the pilot program.

Storage:

(20) Terabytes of Storage	@ \$61,380	\$ 61,380
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20 TBs of storage was initially purchased and the 4,195 videos recorded during the pilot consumed approximately 1.04 TB ($\approx 5\%$) of the available space.

Cost of Evidence.com:

Evidence.com Subscription	@ \$898 per camera	\$197,736
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Total:		\$437,639
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Storage Concerns:

Each officer must classify and label their videos after uploading to set the appropriate retention level. Unclassified video is automatically deleted 45 days after upload. Evidence.com sends the Technical Assistance Response Unit (TARU) a list of unclassified videos about twice a month. TARU personnel review the videos scheduled for deletion to ensure no video is unintentionally deleted. The process of viewing and attempting to identify an unlabeled video is extremely time consuming. It is also often not easy for TARU personnel to determine if a video has evidentiary value without conducting substantial research. This often entails watching the video, identifying officers, and comparing the incident times to the officer's unit history.



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Approximately 309 videos were ultimately deleted during the pilot program. Many of these deletions consisted of unclassified video and most were traffic stops. To reduce the likelihood of unintentional video deletion, the retention period for unclassified videos was changed to 365 days. TARU also sent out a department wide email reminding officers of the importance of classifying video. Officers do not have the ability to erase their BWC video from the system.

Technical Support:

One officer is assigned to manage the BWC program. He spent two to three hours a day on this task during the pilot program.



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IV. Public Records Requests

The total cost of satisfying public records requests is detailed in the chart below. The table includes the videos by incident number and the total time to research and prepare the video for release.

Request	Date	Requester	Action Taken	Video Length	Research	Prep	Total	Cost
14-294299	09/23/14	XXXX	Released	0:33:23	0:05:00	0:19:00	0:57:23	\$21.81
All BCV	09/23/14	Anon	Released	37:48:37	0:30:00	0:00:00	38:18:37	\$876.51
14-301283	10/07/14	XXXX	Released	0:24:18	0:05:00	0:17:00	0:46:18	\$17.59
14-350059	10/21/14	KXLY	Released	0:11:20	0:05:00	0:11:00	0:27:20	\$10.39
14-340341	10/21/14	KXLY	Released	0:18:36	0:05:00	0:15:00	0:38:36	\$14.67
14-300555	10/21/14	KXLY	Released	0:50:25	0:05:00	0:33:00	1:28:25	\$33.68
14-294299	10/21/14	KXLY	Released	0:33:23	0:05:00	0:19:00	0:57:23	\$21.81
# of BCV Req.	11/10/14	XXXX	Released	0:00:00	0:15:00	0:10:00	0:25:00	\$9.50
14-378440	11/10/14	XXXX	No video	0:00:00	0:05:00	0:05:00	0:10:00	\$3.80
14-350059	11/11/14	Spokesman	Released	0:11:20	0:05:00	0:11:00	0:27:20	\$10.39
14-340341	11/11/14	Spokesman	Released	0:18:36	0:05:00	0:15:00	0:38:36	\$14.67
14-300555	11/11/14	Spokesman	Released	0:50:25	0:05:00	0:33:00	1:28:25	\$33.68
14-294299	11/11/14	Spokesman	Released	0:33:23	0:05:00	0:19:00	0:57:23	\$21.81
Copy BCV Req.	11/13/14	Spokesman	Released	0:00:00	0:15:00	0:10:00	0:25:00	\$9.50
3 BCV per Officer	09/23/14	Anon	Released	14:00:32	42:00:00	1:42:00	57:42:32	\$1,320.32
14-335545	12/01/14	Defense	TARU	0:00:00	0:05:00	0:02:00	0:07:00	\$2.66
14-124107	12/01/14	XXXX	No Camera	0:00:00	0:05:00	0:05:00	0:10:00	\$3.80
14-314855	12/09/14	Defense	TARU	0:00:00	0:05:00	0:02:00	0:07:00	\$2.66
14-362309	12/08/14	Defense	TARU	0:00:00	0:05:00	0:02:00	0:07:00	\$2.66
14-350273	12/15/14	Defense	Released	1:21:19	0:05:00	0:45:00	2:11:19	\$50.06
14-399058	11/28/14	XXXX	Released	0:04:31	0:05:00	0:11:00	0:20:31	\$7.80
<u>Total Cost</u>								<u>\$2,489.77</u>



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There was one public request for every BWC video. The Department negotiated with the requestor who agreed to request only three videos per officer participating in the pilot study. Under current Washington State law, body camera videos are considered a public record and the requestor need not have any affiliation to the video he/she is requesting to be granted access to a copy. If the video contains any content exempt from disclosure, the department must manually redact the protected content.

If the SPD had fulfilled the public records request for all video collected during the pilot program, it would include the following:

9/1/14 - 12/31/14

Number of Active Videos	4,188
Hours of Active Videos	857

Each video would require an employee to research the incident for approximately two minutes and access the specific file in evidence.com. Every video would need to be viewed in its entirety, to determine if redaction is needed. Approximately 10%-25% of the video would require some amount of redaction. With the current technology available to SPD, redaction is done on a frame-by-frame basis. Each second of video contains 30 individual frames of data. A conservative approximation is it takes 5 minutes to redact each minute of live video. This is with the understanding that extensive redaction takes much longer and videos requiring minimal redaction can be done more quickly than 5 min/min.

Total Videos	4,188
Research (hours)	140 (2 min ea.)
Video Length Total (hours)	857
Video Hours Requiring Redaction (10-25 % of total hrs.)	86-214
Redaction (hours)	430-1071
Preparation Time (hours)	140 (2 min ea.)
Total Time (hours)	1,567-2208
Total Paid Time (hours)	1,925-2713
Total Cost (salary only)	\$63,636-89,692



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To put this into perspective, it would require one full time employee between 48-68 weeks to fulfill the request. This timeframe accounts for absences due to vacation, holidays, illness leave, etc. and for two paid breaks per shift.

This is a new responsibility placed upon the Spokane Police Records Unit. With current staffing levels, the SPD Records Unit will need to add FTEs just to process body camera requests. Four to six full-time employees, working exclusively on this one project, could accomplish this PRR within a three month (90 day) turn around.

As we move toward department-wide implementation, up to six full-time Records employees would be required to keep up with the real-time demands of each 25 officers carrying BWCs assuming all videos were requested and Records personnel were utilizing the existing redaction software. There are presently 118 officers in patrol. By extension, this would require 19-28 full time employees to process all video for the patrol division at this time if all were equipped with body cameras.

TARU is currently researching video editing software that would make the editing process quicker and more efficient. Better software could conceivably reduce the number of employees required to 16-19. (It should be noted it would take 12 full time employees to simply watch, research, and prepare a public record request for 118 officers' video without performing any redaction.)



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V. Court Records Requests

As previously noted, there were only six total requests for videos associated with court proceedings: defense counsel made five of the six requests.

There were three survey questions asked of Prosecutors:

- 1) Did BWC evidence assist in prosecution, settlement, or dismissal? If so how?
- 2) Are you aware of anything captured on video that would be of concern to you in this case?
- 3) Were there any privacy concerns due to body camera(s) in this case?

Case descriptions as reported by the Deputy Prosecutors:

Case #14-383096

Both the defense and prosecution requested the video. This was a Possession of Controlled Substance arrest that stemmed from a call to 911 reporting a domestic disturbance or unknown trouble. The video was used primarily in the defense's motion to suppress evidence and dismiss the case based upon what they perceived as a lack of legal grounds to enter the residence. The motion was denied.

- (1) The body camera aided in the prosecution. The video was clear and the audio was good. At the suppression hearing, the court made findings that the officers had exigent circumstances to enter the residence and the video supported those findings. The defendant was later convicted as charged at trial.
- (2) The video in this case was roughly 1 hour long. There was nothing from this video that caused me any concern from a prosecution standpoint. The court in reviewing the video as evidence stated that the officers seemed to be patient and under control, calm and non-threatening when dealing with the situation and the defendant. In turn, the defendant acted the same way with them and everything worked out smoothly.
- (3) I do not/did not have any privacy concerns as a result of this body camera video.

Case #14-417795

“The body camera did assist in the prosecution & settlement of this case because it provided the defense with a clear corroboration of the witness accounts of the event. The only concern is that the video captured some of the interaction between the officers once the suspect was detained and they were awaiting the arrival of an officer from the next shift to transport. There were no noted privacy concerns in this video. Officer advised each subject that they were being recorded. No one objected once they were placed on notice. Overall, the video was very helpful because it provides corroboration of the witness's perspective and circumstances in which they witnessed the event.”



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VI. Officer User Survey Results

Body camera user survey:

1) Did you believe your training was sufficient to start the pilot program? If not why?

The majority of officers agreed the training was sufficient. Several did not. Those that did not agree either had a brief 5-10 minute training session, or believed there was not enough training and clarity regarding policy, procedure, and/or case law concerning the appropriate circumstances for activating and de-activating the camera. Some Officers requested additional BWC training. One potential topic was in regard to activating the camera during high stress/rapidly evolving situations. An idea suggested by officers polled was to have repetitive training that would make activating the camera more instinctive like drawing a gun. Despite the concerns of some officers, many responding officers commented additional BWC training was not necessary. This included an additional Use of Force Report writing class for officers wearing body cameras.

2) How long did it take you to feel comfortable with the process of reviewing video, uploading? Was there any part of the process that was difficult?

The majority of officers felt comfortable with the process of reviewing and uploading videos within the first couple weeks of using the camera. Several officers took only a day or two to become acclimated. One officer commented that they never became comfortable with the process, but that officer also commented that he was uncomfortable with electronics and computers in general. Difficulty was mostly associated with the use of Evidence.com, though many officers stated the mobile app was effortless and easy to use.

3) What was the reaction of the public to the notification of recording?

Officers indicated the reaction of the public was positive. Many officers had the impression that the public didn't care about the cameras or the notification. There were no stated negative reactions, however one member of the public had commented to an officer that he did not want to appear on YOUTUBE.

4) Did you ever turn the video off at the request of a citizen? How many times, (Estimate), why?

The majority of officers never turned off their camera at the request of a citizen. Two officers stated they did at least once, and both circumstance took place inside someone's residence where there was a requirement by policy to shut them off. One officer stated he shut his camera off 8-10 times because on each occasion he felt the person was hesitant to talk with him because of the camera.



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5) Did you ever turn the video off of your own choosing? Why? How many times?

Nearly half the officers never turned their cameras off. When officers did turn their camera off it was due to a variety of reasons. Some of the reported concerns were about filming: in a medical center or hospital setting, during sensitive cases (like those involving sexual assault), while talking with informants, and while investigating cases involving the death of a citizen. Officers also reported shutting off their cameras to avoid recording personal information (i.e. on the officer's computer screen) and while completing supervisory administrative details.

6) Was it difficult to remember to turn the video on?

The majority of officers indicated at least occasional difficulty remembering to activate the camera. Those reporting difficulty mentioned that it mostly occurred during high stress situations, rapidly evolving critical incidents, or unexpected circumstances.

7) Was it difficult to remember to give the notification? If so what would make it easier?

A little more than half of the officers had difficulty, at times, remembering to give notification to the public when activating their body camera. Of those officers, most commented it was a disruption to the flow of their interaction with the public. Some recommended not giving a notification for that reason.

8) Is there any particular way of giving the notification that improved citizen acceptance?

Most officers said that there was no particular method that improved citizen acceptance. A simple initial statement was recommended.

9) What effect did the camera have on interactions with the public?

Most officers reported either there was no effect on the public or it had a temporary effect initially that subsided during the course of the interaction. A number of officers felt the public was more cooperative during interactions and the camera had a de-escalating effect on the situation. Several officers also commented that it improved the bad behavior of some people they encountered, but felt that because of this the video would not reflect the suspect's true behavior, which could help in certain circumstances. A few officers reported people ceased talking when contacted by an officer using a BWC.



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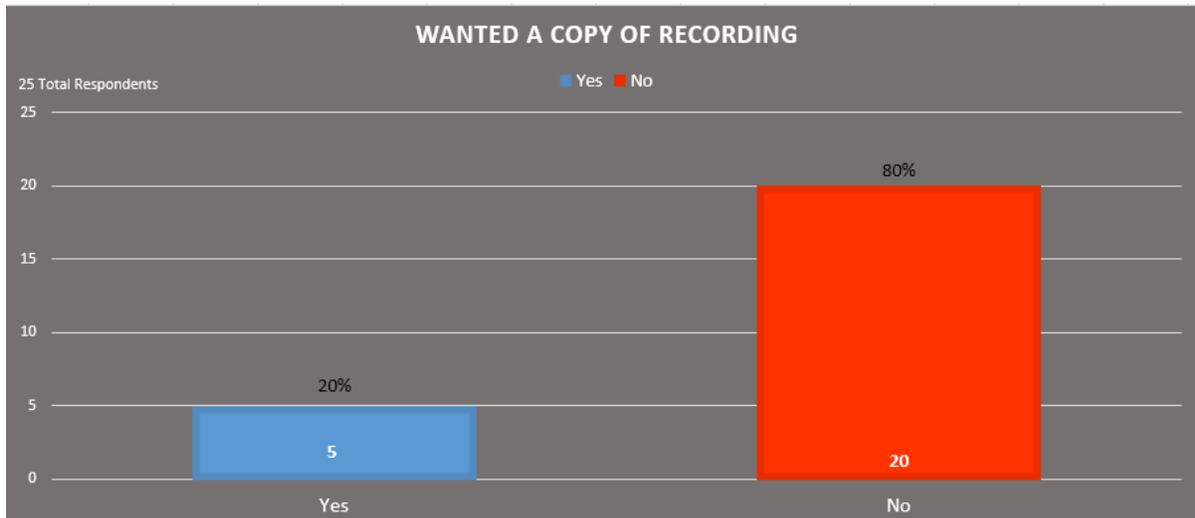
10) Do you believe the camera had a de-escalation effect or escalation effect? (Example)

A little more than half of officers believed the camera had a de-escalating effect or that it made people's behavior more cooperative. A little less than half believed the camera had neither an escalating nor de-escalating effect. No officers believe the camera had an escalating effect during the situations they encountered.

11) Did anyone ever want to make a complaint about being recorded?

Officers reported no citizens wished to file a complaint on the basis of being recorded.

12) Did anyone say they were going to request a copy of your recording?



13) Did you ever remind someone that they were being recorded and it resulted in a de-escalation?

More than half of the officers believed that reminding people they were being recorded did not work to de-escalate a subject's behavior. Some commented that reminding a subject that he/she was being recorded sometimes resulted in a temporary improvement. Thirty eight percent of the officers did witness a de-escalating effect in someone's behavior when they were reminded of the recording.

14) How much time do you believe wearing the camera added to your work day? (Average)

The majority of officers stated the camera added anywhere from 30 minutes to 1 hour of extra work. The remaining group was divided evenly between adding less than 30 minutes



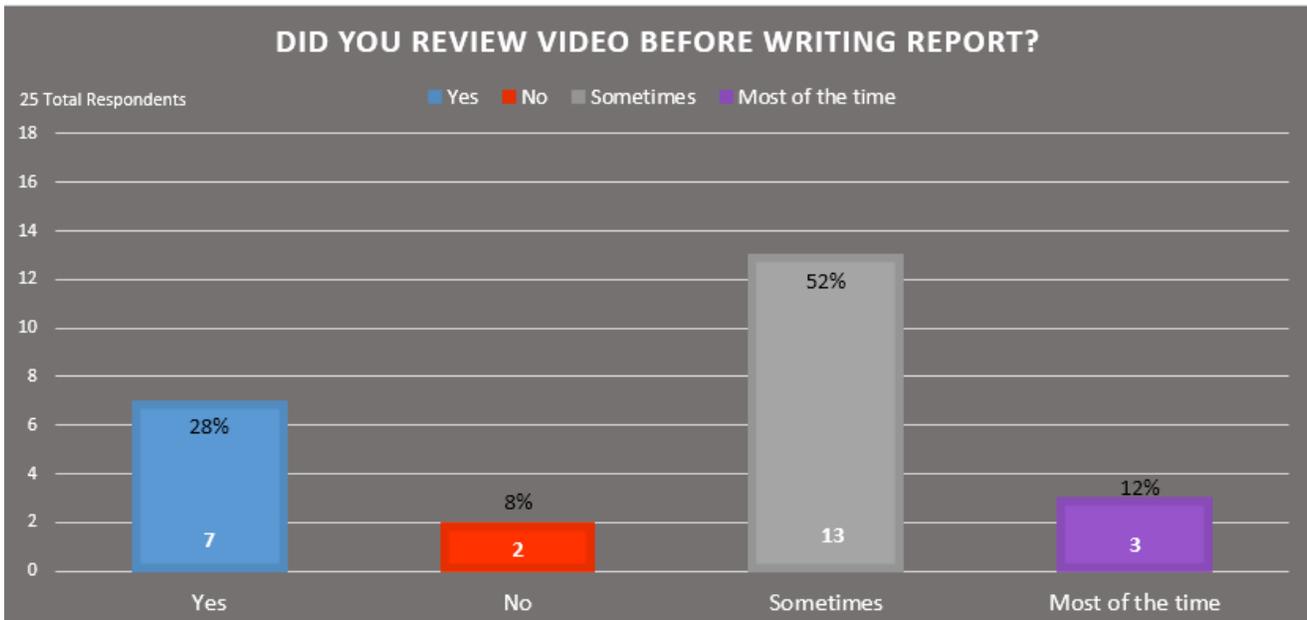
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and adding at least 1 hour of work. Twenty five percent of the officers commented that the amount of time added was dependent upon the type of incidents handled and police reports written. If it was necessary for an officer to review a video prior to writing their report it added a significant amount of time to the process.

15) Did you review video before writing a report?



16) Did you have a use of force that was recorded on video?

Half of the officers indicated their camera captured a use of force incident involving them or another officer.

17) Did you have a case that went to court where video was used? Report #?

Only two officers were aware of a situation where one of their BWC videos was used in court.

18) Did anything change in your perception of body cameras after the pilot?

Most officers said no to this question. Two officers reported that it took too much time. Two officers reported that they had questions about the issues of public disclosure. Two officers commented on the limitations on the camera system, such as the inability to record in low light situations.



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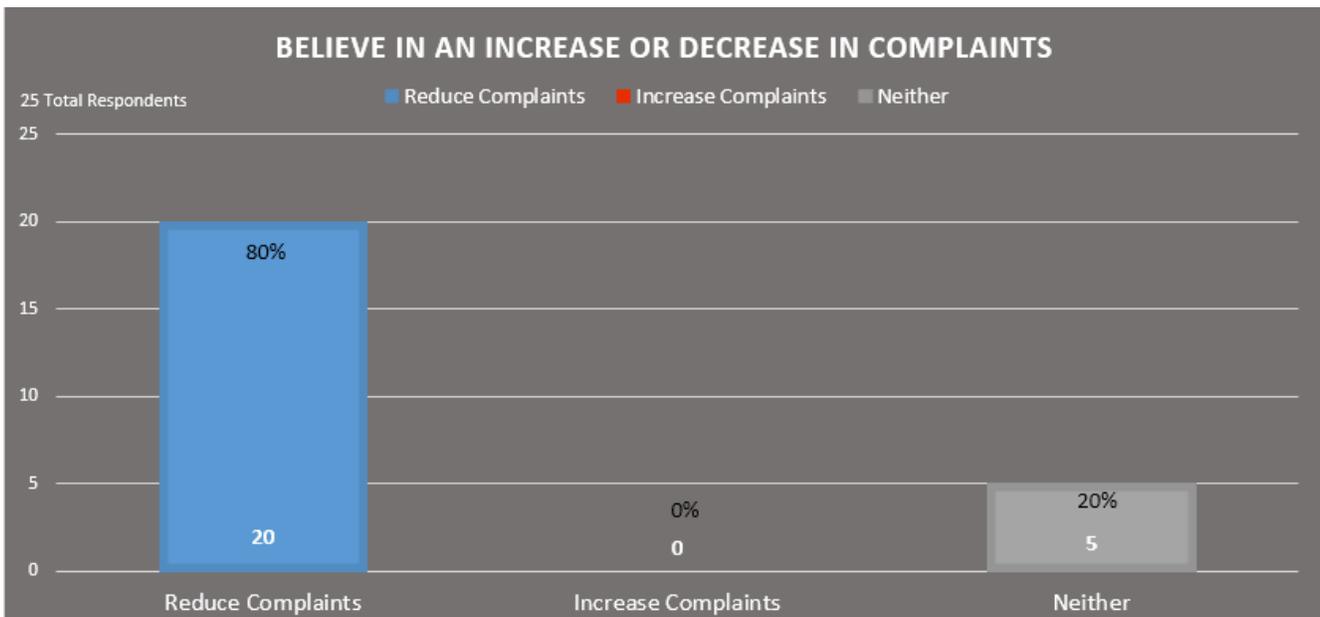
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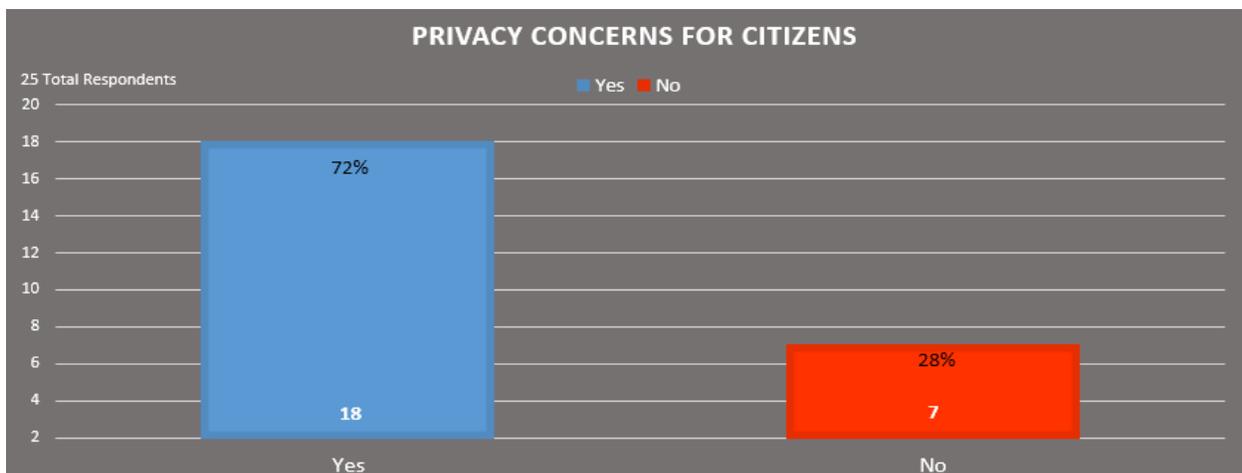
19) Are you in favor of body cameras why or why not?

Only two officers reported not being in favor of body cameras. One was concerned with the policy and felt it needed clarification. The other had issues with the use of the equipment.

20) Do you believe body cameras will reduce complaints or increase complaints?



21) Do you have privacy concerns for citizens during the pilot?





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22) Did you have any other comments or concerns?

Most officers did not express any comments or concerns; of the concerns expressed, officers involved wanted clarification of the policy and issues concerning the public's access to video.

23) Do you have any other training recommendations for implementing a camera program?

Officers again cited concerns about the policy. Some officers reported they liked the Use of Force Class that was a prerequisite for participating in the pilot program.

24) Did a significant event occur that was not captured on video?

Three officers had significant events that were not captured on video. The events involved a foot pursuit, collision, and important interview.



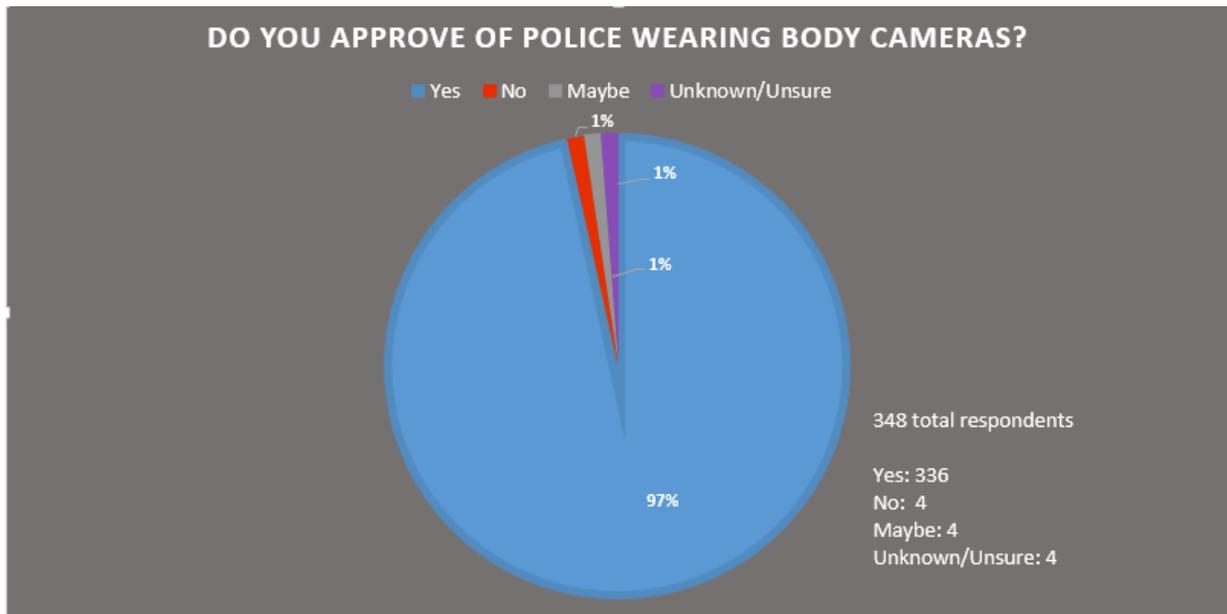
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VII. Citizen Survey Results

A citizen survey was also conducted. The goal of the citizen survey was to have a representative sample of those persons contacted during the BWC pilot with a confidence level of 95% and a confidence interval of 5. We generated a sample of the pilot program videos stored in evidence.com. consisting of 3,285 unique events. We randomly selected the videos with an online randomization tool and researched contact information in CAD, OnBase, and Coplink for the citizens involved. We primarily contacted victims or complainants associated with the incidents filmed. However, we did talk to witnesses in some cases and suspects were contacted in a small number of incidents. We discovered traffic stops and other self-initiated contacts rarely had adequate information to follow up for the survey. The contact information for those involved was not normally contained in the CAD Incident History. It was also discovered there was little chance of locating accurate contact information by researching other databases either. Ultimately, we contacted 348 individuals and asked each the same nine survey questions. The questions were designed to be answered yes or no. Most people were happy to participate, though a small number refused.





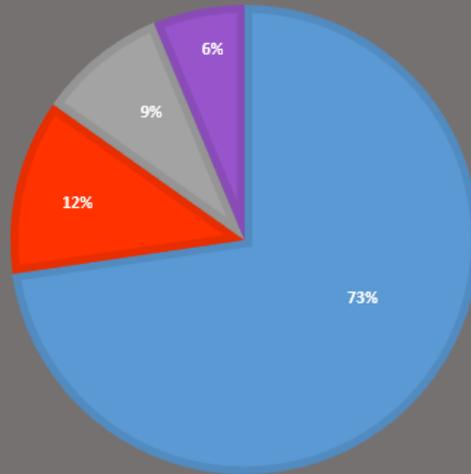
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SHOULD OFFICERS RECORD INSIDE PRIVATE RESIDENCES?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure

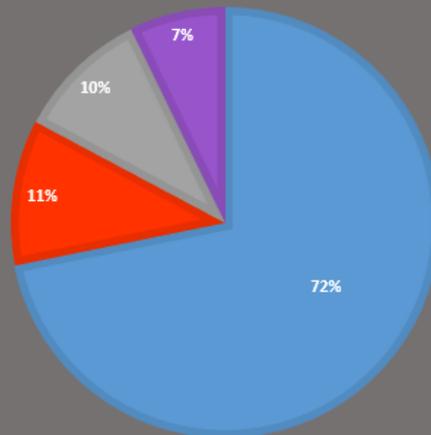


348 total respondents

Yes: 253
No: 42
Maybe: 31
Unknown/Unsure: 22

SHOULD OFFICERS RECORD SENSITIVE INVESTIGATIONS (EX. DEATH & SEXUAL ASSAULT CASES)?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure



348 total respondents

Yes: 250
No: 38
Maybe: 35
Unknown/Unsure: 25



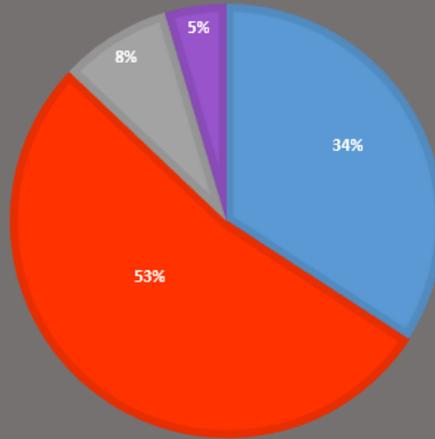
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DO YOU BELIEVE ALL BODY CAMERA FOOTAGE SHOULD BE AVAILABLE TO THE PUBLIC?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure

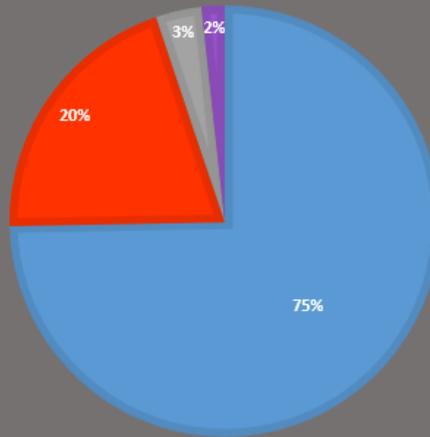


348 total respondents

Yes: 119
No: 184
Maybe: 29
Unknown/Unsure: 16

DO YOU BELIEVE YOU SHOULD BE WARNED PRIOR TO POLICE RECORDING?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure



348 total respondents

Yes: 260
No: 70
Maybe: 12
Unknown/Unsure: 6



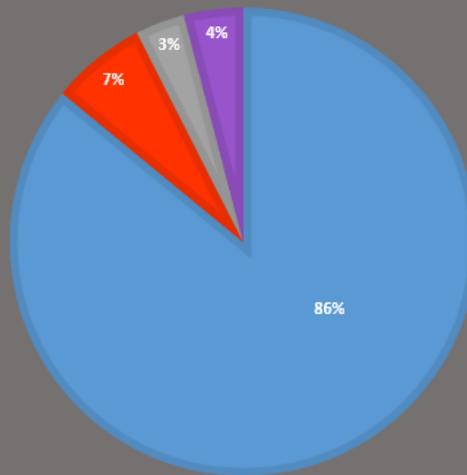
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DO YOU BELIEVE BODY CAMERAS WILL IMPROVE POLICE SERVICE?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure

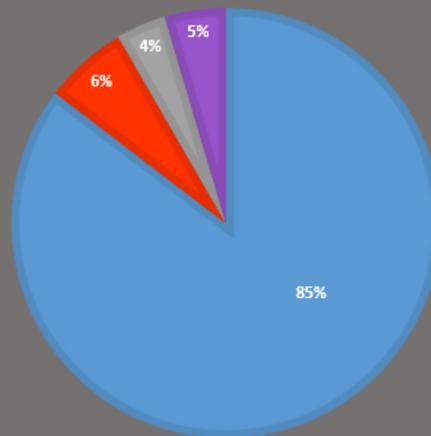


348 total respondents

Yes: 299
No: 23
Maybe: 12
Unknown/Unsure: 14

DO YOU BELIEVE VIDEO RECORDING WILL IMPROVE THE BEHAVIOR OF OFFICERS?

■ Yes ■ No ■ Maybe ■ Unknown/Unsure



348 total respondents

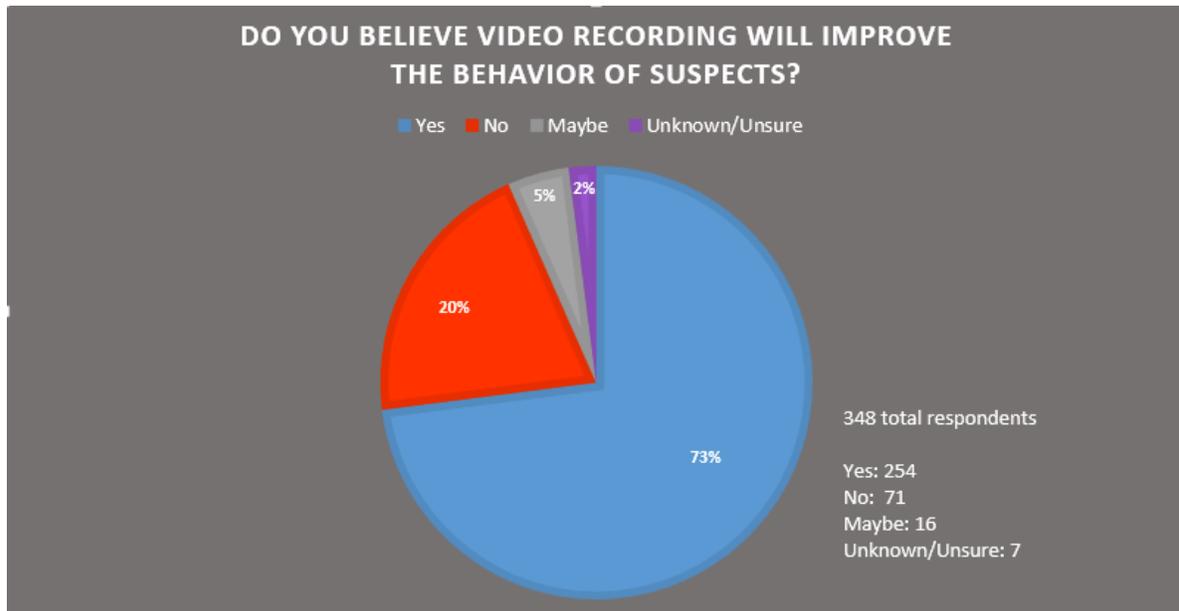
Yes: 297
No: 22
Maybe: 13
Unknown/Unsure: 16



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Conclusions from the citizen survey:

The majority of people were in favor of the police wearing body cameras. Many people made the comment that it would help protect the police and capture valuable evidence. Many thought it would help show the reality of police work and what police officers deal with on a daily basis. Some respondents also thought it would be a great way to show what actually took place in circumstances where witness accounts differ from those of the police.

The majority of people agreed that police should record inside of private residences, however they expressed some concerns about their privacy. A majority of people polled wanted to be warned prior to being recorded as a courtesy. Some expressed the belief Washington State law *requires* officers to always tell people when they are being recorded.

Respondents felt if they called the police to report a crime which was no longer in progress and they invited the officers into their home they would like to be advised prior to recording. However, if the police responded to an in-progress crime, such as an active domestic dispute, they believed police should not be required to advise the suspect that he/she was being recorded. Many of those polled cited their belief the suspect's true behavior would more likely be captured if he/she was unaware of the camera recording the interaction. This opinion was also shared by many in the officer's survey. Officers added their additional concerns that suspects would be less likely to speak about a crime or confess and victims may feel it necessary to embellish their account of an incident when placed before a camera. The majority of people also agreed that sensitive



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investigations should be recorded. Some thought it should be up to the victim to consent to the recording. Others polled thought that it would be a vital tool to collect statements that might later be forgotten.

About half of those polled believed not all body camera footage should be available to the public. It should be noted several of those surveyed did not seem to understand the question. When asked for clarification, we explained current state law which allows anyone to request any recording regardless of the reason for the request. With this clarification, most quickly concluded some video should not be available to the public. Most people believed video should be made available only for the purpose of investigation, legal proceedings, or for the review of those involved. Many polled were strongly opposed to people obtaining BWC recordings and posting them on internet sites like YOUTUBE.

A little over half of citizens polled believed officers should not turn their cameras off once they have been activated during an incident. They stated it may defeat the purpose of wearing the camera and would possibly put the officer at risk. Some cited examples of potential issues such as a use of force by an officer during an incident where he/she had previously turned off the camera. They thought the officer's actions may be called into question regarding his/her decision to use force even if the force was necessary.

Others believed officers are frequently required to make discretionary decisions and this should extend to using the body camera system as well. The officer survey showed the majority of officers were already using discretion in some instances by turning their cameras off in situations when they were concerned for a citizen's privacy. Those polled were asked to consider circumstances where they themselves could be recorded by a police BWC creating a video releasable to the general public. With this in mind, the overwhelming majority stated they would prefer officers to have some discretion to turn off their cameras under certain circumstances.

The members of the public polled tend to generally disagree with officers having broad discretion to deactivate their cameras once recordings have begun. However, they also tended to disagree with the current law allowing for all BWC videos to be available (with redaction when appropriate) to any requestor regardless of the circumstances. Officers too had some concerns about being granted the discretion to deactivate their BWC. Some felt they may keep the camera recording in a situation when they should have turned it off (i.e. at a medical treatment facility) and expose themselves to possible civil liability.

The majority of people contacted ($\approx 80\%$) agreed cameras will help improve the behavior of suspects contacted by police. For the most part, those who disagreed had the belief that a suspect would continue his/her behavior while being recorded especially if under the influence of drugs or alcohol. The majority of people surveyed believed police service and the behavior of officers would improve when an officer was equipped with a BWC. A small percentage of respondents stated they were already satisfied with the behavior and level of service of the officers. Some



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others thought the cameras would have no impact, positive or negative, on the behavior of police officers.

While conducting the citizen survey many people had questions related to their police cases, requested additional assistance, or requested a referral. One person wanted to make a complaint against an officer. Several referrals were made to Police Records so those being polled could request a copy of the video(s) associated with their incident.



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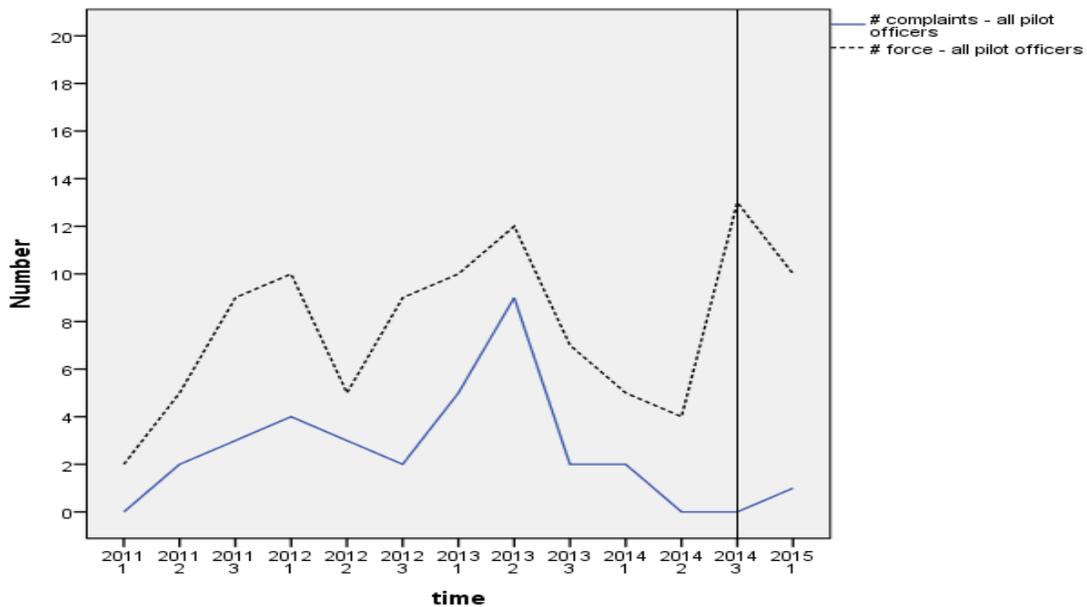
VIII. Use of Force Analysis

There were 13 Use of Force (UOF) incidents involving officers participating in the BWC pilot program. One officer was involved in four UOF incidents, a sergeant was involved in two, and all others who had a UOF were involved in only one. Most officers were not involved in a single UOF incident during the pilot program. The data set and timeframe were too small to draw any conclusions about the relationship between officers wearing BWCs and any resulting impact on their use of force.

IA14-057

One of the pilot program Officers was involved in a shooting during the pilot period. The incident was rapidly evolving and the BWC was not activated by the officer. This incident was still under investigation at the time of this audit.

Arizona State University completed the graph below and trends on the following page.





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Trends in Outcomes for Officers Involved in BWC Pilot Study Officers Received Camera between September and December 2014

Year	Months	# Citizen Complaints	# Sustained Cit. Complaints	# Uses of Force	# of Internal Complaints
2011	Jan 1 - April 30	0	0	2	1
2011	May 1 - Aug 31	2	0	5	0
2011	Sept 1 - Dec 31	3	1	9	0
2012	Jan 1 - April 30	4	0	10	0
2012	May 1 - Aug 31	3	0	5	0
2012	Sept 1 - Dec 31	2	0	9	0
2013	Jan 1 - April 30	5*	0	10	0
2013	May 1 - Aug 31	9*	3	12	0
2013	Sept 1 - Dec 31	2*	0	7	0
2014	Jan 1 - April 30	2	0	5	0
2014	May 1 - Aug 31	0	0	4	0
2014	Sept 1 - Dec 31	0	0	13	0
2015	Jan 1 - April 15	1	0	10	1

Pilot Study Period: September 1 - December 31, 2014

* 1 complaint was deemed "training/policy failure"

Force and Citizen Complaints



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IX. Findings and Recommendations

Finding One:

The automatic deletion of 309 uncategorized videos after 45 days on evidence.com created an issue whereby potentially important video was permanently deleted. Some officers failed to categorize videos that contained footage of value to their incident. Additionally, citizen complaints may be filed against an officer for up to 365 days following an incident. Any video captured during these complaint-related incidents could be potentially destroyed after 45 days. Videos from these incidents are of critical importance in investigating alleged misconduct.

Recommendation one:

Change the auto-retention settings from 45 to 365 days. Develop and enforce a specific retention policy and allow officers the discretion to not categorize video that they deem to have no value. The uncategorized video will be retained for 365 days; that coincides with the maximum length of time a citizen can file a complaint against an officer and the statute of limitations for gross misdemeanors in Washington. This additional time will provide a safeguard against destroying video unintentionally simply because it was categorized incorrectly. This recommendation will eventually require the acquisition of additional storage space from Evidence.com, as needed, to support this longer retention period.

Outcome:

The auto retention time period was changed to 365 days. A BWC policy revision is pending.

Finding Two:

Officers in the pilot study did not always include the report number associated with a video during the categorization process. The incident number is needed to identify the incident and determine the appropriate retention period for the video. Without an incident number, a Records employee would need to watch the video, identify the officers, and attempt to locate the incident by searching those officers' incident histories. This method is time-consuming and inefficient. To add to the problem, officer's unit histories are only readily accessible for 30 days following their shift and officers frequently forgot to put a comment in their unit history to indicate video was available.

Recommendation Two:

Supervisors should periodically audit the unit histories of all officers on their teams to ensure comments are being recorded to indicate video was captured, when appropriate. TARU should



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compile a weekly list noting all videos that are not categorized. The list should be distributed to all officers equipped with a BWC and their supervisors.

Outcome:

TARU began issuing a weekly report listing all uncategorized video. The list is sent to all users of BWCs. The supervision function will be reviewed during full implementation of the BWCs.

Finding Three:

Currently one line-level officer manages the BWC program. The position involves a substantial level of responsibility. He controls and oversees the SPD video account on Evidence.com. He has the authority to review, categorize, and delete video as a system administrator.

Recommendation Three:

Controls should be implemented to manage the level of autonomy the system administrator has in the handling of video. The addition of a commissioned supervisor (preferably a Lieutenant who has the authority to direct Patrol Supervisors in matters pertaining to BWCs) to oversee the program is advised. Along with providing supervision for the assigned officer, he/she would be responsible for conducting compliance checks to ensure officers are following proper protocol in the categorization and handling of BWC video evidence. The supervisor would take action to correct any compliance issues dealing directly with the officer's chain of command. Regular compliance checks and/or random audits are necessary to ensure compliance with policy.

Outcome:

Pending

Finding Four:

One area of interest for both officers and citizens was the issue of respecting the privacy of citizens while using BWCs. The Washington State Attorney General authored an opinion in November 2014 which declared that conversations between the public and law enforcement were not generally considered to be private (link attached below.) By extension, this meant that officers need not request prior consent to record nor cease the recording upon request. Officers felt the guidance provided by SPD during the pilot program was not sufficient for navigating some of the situations they encountered when it came to privacy.

<http://www.atg.wa.gov/ago-opinions/video-and-audio-recording-communications-between-citizens-and-law-enforcement-officers>



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Recommendation Four:

The SPD should develop a matrix or training memo that addresses the privacy concerns expressed by officers and citizens.

Outcome:

The SPD legal advisor, Mary Muramatsu, completed an extensive training document providing specific guidance on the legal issues associated with the use of BWCs.

Finding Five:

The initial policy for SPD body worn cameras placed certain restrictions upon the circumstances when video may be reviewed by people other than the officer involved. This portion of the policy should be revised prior to the implementation of a final policy.

Recommendation Five:

Supervisors should be allowed to watch all BWC footage associated with a subordinate's use of force, vehicle pursuit, officer-involved collision, or any other administrative action. Additionally, supervisors should be allowed to watch video directly associated with a specific complaint or any criminal complaint. However, to maintain consistent practices and defend against disparate treatment complaints, supervisors should not be granted broad access to a subordinate's BWC video without cause.

In order to verify adherence to the processes outlined in the BWC policy periodic audits should be conducted to verify video is being uploaded, classified, and handled correctly. The BWC program supervisor as noted above in Recommendation Three should carry out this responsibility.

Outcome:

Pending

Finding Six:

The Spokane County Prosecutors Office was largely unaware of the existence of BWC footage during the pilot program as it pertained to their individual cases. Prosecutors also were not aware when video requests were submitted by defense counsel.



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Recommendation Six:

TARU should notify the prosecutor's office when defense counsel requests video and a record should be kept of all court-related video requests. Training should be developed for the prosecutor's office to provide them with a familiarization with the SPD body worn camera program and the process for obtaining video.

Outcome:

Pending