



Body-Worn Cameras

Kirkland Police Department
September 2020

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EXECUTIVE SUMMARY

Recent high-profile cases involving police use-of-force have fueled a national conversation about police reform. A central topic and proposed solution to increasing police accountability and transparency is the use of body-worn cameras (BWCs). Implementing BWCs can demonstrate that a police agency is willing to be transparent and accountable for its actions. Research provides support that BWCs can lead to reductions in use-of-force incidents and citizen complaints. Because BWCs provide an audio-visual recording of encounters between police and the public, BWCs may encourage officers and community members to maintain a higher standard of behavior during an incident, ultimately leading to an increase in mutual respect and safety. While a BWC cannot replace an Officer's "perception" it may enhance their memory particularly in complex and stressful interactions.

Along with the perceived benefits of a BWC program, research studies have stressed the importance of expertly navigating the many concerns associated with a BWC program before implementation. The cost of deploying a BWC program agency-wide can be substantial. In addition to the costs associated with purchasing the cameras, there are significant on-going costs involved in managing and storing BWC video data. The most significant obstacle to implementing a BWC program is the cost. This report provides a high-level overview of BWCs. If the decision is made to proceed with a Kirkland Police BWC program, the recommendation is to develop a three-phased project with the initial phase focused on concept development, stakeholder engagement, and a feasibility study.

HISTORY

Following the events in Ferguson, Missouri, approximately five years ago, the City first looked at deploying BWCs for police officers. Experience, best practices, and the legal environment concerning BWCs was under-developed and not well-defined at that time. Staff's recommendation was to defer consideration of body cameras in Kirkland until the legal environment stabilized and matured, and more experience was gained across the state and nation to identify best practices for the use of body cameras. With the passage of Resolution 5434 in August 2020, the City Council has affirmed their commitment to increasing transparency through a BWC pilot program.

OVERVIEW BODY-WORN CAMERA PROGRAM

Nationally, according to the Bureau of Justice Statistics¹ published in November 2018, based on data collected in 2016, 47% of general-purpose law enforcement agencies had acquired BWC. Of

¹ *Body-Worn Cameras in Law Enforcement Agencies, 2016*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/bwclea16.pdf>

those, 80% of agencies listed the main reasons for BWC were improving officer safety, increasing evidence quality, reducing civilian complaints, and reducing agency liability.

Accountability and Transparency

Body-worn camera deployment focuses on accountability and transparency for both police officers and the community. In 2012, two agencies (Rialto Police, CA, and Mesa Police, AZ) conducted studies² on the deployment of BWCs in their agencies. Both agencies saw a reduction of citizen complaints and use of force incidents with officers that had BWCs. In these studies, police and city officials remarked that BWCs encouraged improved behavior from both citizens and officers. The ability to record interactions between police and the community is thought to hold officers more accountable for their behavior and promote professionalism in their actions.

Identifying and Correcting Internal Agency Issues

Body-worn cameras can also assist with the identification and correction of internal agency issues. Phoenix Police (AZ)³ and Daytona Beach Police (FL) publicly spoke about officers' dismissal after BWCs uncovered behavior contrary to their department policies. The use of BWCs can lead to greater transparency in department actions while quelling unfounded community complaints.

Reducing Complaints

A National Institute of Justice Study on the Las Vegas Metropolitan Police Department⁴ published in December 2017 found that officers with BWCs generated fewer use-of-force reports and complaints from citizens than officers without BWCs. Additionally, officers with BWCs had higher numbers of arrests and citations than officers without BWCs.

Evidentiary Outcomes

Body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. BWCs record victim, witness, and suspect statements, use of force incidents, crime scene filming, and other interactions with the community. BWC also captures law enforcement contacts in recordings that can assist in complaint investigations, lawsuits, or other alleged police behavior claims.

² *How police body cameras can improve behavior, ease tension.* (2016, October 21). San Diego Union Tribune. <https://www.sandiegouniontribune.com/opinion/commentary/sd-policy-body-cameras-20161021-story.html>

³ *Body-Worn Camera Toolkit, Bureau of Justice Assistance.* https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BWC_FAQs.pdf

⁴ *The Benefits of Body-Worn Cameras: new findings from a randomized controlled trial at the Las Vegas Metropolitan Police Department.* <https://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf>

CONSIDERATIONS

Privacy Concerns

Body-worn cameras raise many privacy concerns caused by the placement and mobility of BWCs. BWCs can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. Due to the fluidity of law enforcement work, BWCs record more than the public space stationary cameras. Officers could potentially record inside private residences and other non-public areas, and film sensitive situations that might emerge during calls for service. Significant privacy concerns can also arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. When implementing BWCs, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. Research has shown that law enforcement agencies have taken many different approaches to address privacy concerns. Developing formal, comprehensive BWC policies specific to the City of Kirkland's unique needs will be essential in building the foundation that supports all aspects of a BWC program.

When to Record

A forefront question is when should BWCs be activated and deactivated. Certain situations encountered by officers may not be suitable or socially acceptable for recording. Community members may not accept being recorded during community contacts by police, such as bicycle patrol or foot patrol officers talking to neighborhood residents or park-goers.

It is generally up to each police department within Washington State to determine their BWC policy when cameras are activated/deactivated. However, RCW 10.109.010⁵ lays out what policy needs to speak to concerning BWCs:

(1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

(b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less

⁵ RCW 10.109.010 <https://app.leg.wa.gov/RCW/default.aspx?cite=10.109.010>

willing to communicate with an officer who is recording the communication with a body worn camera;

(c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;

(d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

(f) Security rules to protect data collected and stored from body worn cameras.

RCW 42.56.240(14)(a)⁶ implies that cameras may be activated in places where one has a reasonable expectation of privacy, including a person's home, by exempting such BWC footage from public disclosure. It is up to the department to decide whether to generally have BWCs activated in someone's home, whether to inform the person or request consent from them, and whether to activate or deactivate the BWC based on the individual's requests. One approach is to have officers record every encounter with the public. This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013⁷, "If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public." A more common approach requires officers to activate BWCs during any law enforcement activity, such as traffic stops, Terry stops, arrests, searches, etc. This approach would require defining a "law enforcement activity" and what should and should not be recorded. Limiting officer discretion would also need to be defined and discussed, as broad or unclear guidelines on officer discretion for recording could lead to community inquiries and mistrust.

⁶ RCW 42.56.240 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

⁷ Jay Stanley, ACLU Senior Policy Analyst, *Police Body-Worn Mounted Cameras: With Right Policies in Place, a Win for All* (October 2013). https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf

Consent

As Washington State is a two/all-party consent state when it comes to recordings, RCW 9.73.030(3)⁸ defines that advising a person they are being recorded is considered obtaining consent:

“Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.”

This RCW also addresses that recordings “of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster,” does not require all-party consent. BWCs may have a disproportionate impact on those with disadvantaged positions, such as people with mental illness, who are homeless, or who are otherwise in crisis. Their ability to acknowledge or consent to filming in personal situations may be hampered. In addition to comprehensive policies, effective BWC training programs prior to implementation are critical and cannot be understated.

Health Care Facilities

While Washington State law prohibits the disclosure of BWC recordings from medical facilities where an individual is receiving treatment or health care information, consideration should be made to record non-law enforcement action in medical facilities and officers’ BWCs recording medical treatment on-scene of a call for service.

Retention

The retention of BWC recordings is an essential factor for the privacy of those recorded. The longer recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. Community members’ concerns about police departments collecting their personal data can be lessened if the videos are not retained for long periods of time.

The City of Kirkland currently follows all State of Washington retention schedules. The Washington State Office of the Secretary of State provided clarification for BWC footage retention in accordance with RCW 40.14.070⁹:

If an incident (defined as a unique or unusual action from which litigation or criminal prosecution is expected or likely to result) is captured on a BWC, then any recording(s) must be retained until the matter has been resolved and the appeals process has been

⁸ RCW 9.73.030 <https://apps.leg.wa.gov/rCW/default.aspx?cite=9.73.030>

⁹ RCW 40.14.060 <https://apps.leg.wa.gov/rcw/default.aspx?cite=40.14.070>

exhausted. Once the matter is resolved and there can be no further appeals, then the recording(s) must be destroyed. LE09-01-08 Rev. 3.¹⁰

If an incident as defined above is not captured on a BWC, then any recording(s) must be retained for 60 days from the date of recording. After 60 days from the time the footage was captured, the recording(s) can be destroyed. LE2016-001 Rev. 1.¹¹

Disclosure

Disclosure of BWCs can promote transparency and accountability but can also create privacy concerns for recordings of victims, sensitive incidents/investigations, or from private areas. BWC recordings, once released, may be posted online and circulated on social media by members of the public.

Washington State has RCWs speaking directly to the release of BWC recordings.

RCW 42.56.240 (14)¹² Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050¹³, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050¹⁴ to the extent it depicts:

- Any areas of a medical facility, counseling, or therapeutic program office where:
- A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or
- Health care information is shared with patients, their families, or among the care team; or
- Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

¹⁰ *How Long Do Police Body Cam Recordings Need to Be Kept?* (2018, October). Office of the Secretary of State Washington State Archives. [https://www.sos.wa.gov/assets/archives/recordsmanagement/advice-sheet-how-long-do-police-body-cam-recordings-need-to-be-kept-\(october-2018\).pdf](https://www.sos.wa.gov/assets/archives/recordsmanagement/advice-sheet-how-long-do-police-body-cam-recordings-need-to-be-kept-(october-2018).pdf)

¹¹ *Id.*

¹² RCW 42.56.240 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

¹³ RCW 42.56.050 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.050>

¹⁴ *Id.*

- The interior of a place of residence where a person has a reasonable expectation of privacy;
- An intimate image;
- A minor;
- The body of a deceased person;
- The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or
- The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

The presumption of privacy in the above-listed cases may be rebutted by specific evidence in individual cases. See RCW 42.56.240(14)¹⁵(a) and (b) for full details.

The Joint Legislative Task Force on the Use of Body-Worn Cameras¹⁶ states “invasion of a person’s right to privacy under the Public Records Act is defined to mean disclosure of information that would be both highly offensive to a reasonable person and not of legitimate concern to the public.”

RCW 42.56.240(14)(d)¹⁷ -A request for BWC recordings must:

- Specifically identify a name of a person or persons involved in the incident;
- Provide the incident or case number;
- Provide the date, time, and location of the incident or incidents; or
- Identify a law enforcement officer involved in the incident(s).

Any member of the public may request the BWC footage.

RCW 42.56.240(14)(e)¹⁸, the following people can rightfully make a public records request for BWC footage:

- A person directly involved in an incident recorded by the requested footage
- An attorney representing a person directly involved in an incident recorded by the BWC

¹⁵ [RCW 42.56.240](https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240). <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

¹⁶ WA State Joint Legislative Task Force on the Use of Body Worn Cameras(2017) <http://leg.wa.gov/JointCommittees/Archive/UBWC/Documents/UBWC-FinalRpt.pdf>

¹⁷ *Id.*

¹⁸ *Id.*

- An attorney representing a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a US department of justice settlement agreement
 - To obtain the footage, the attorney must explain the relevancy of the requested BWC recording to the cause of action and specify that they are seeking relief from redaction costs under subsection (14)(e).
- The executive director from either the Washington state commission on African American Affairs, Asian Pacific American affairs, or Hispanic affairs

Any other member of the public may request the footage as well, as long as they comply with the requirements listed above. However, the police department may charge the individual for reasonable costs of redacting the video in that case; redaction may be necessary, as a member of the public who was not directly involved in the incident (or their attorney) does not automatically have the right to unedited footage, as that could violate the involved individuals' privacy. RCW 42.56.240(14)(e)¹⁹.

Data Storage and Management

Body-worn camera recordings are stored digitally and record a significant amount of footage requiring a large amount of digital media storage space. In addition to a comprehensive, secure digital media storage solution, direct media management and oversight is needed. Consideration for additional personnel to categorize recordings, determine retention schedules, perform redaction and transcription, and destroy media in a timely manner is imperative.

Community Input

The implementation of BWCs has led to concerns regarding the ability of police to build relationships while community members are being recorded. There are fears that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

Certain community groups may experience a disproportionate impact from BWCs, such as those with mental illness, who are homeless or are otherwise in crises. Depending on how data sharing policies are implemented, BWCs may be perceived as being used to target immigrant/non-citizen community member populations. BWCs may put victims or reporting parties at risk for identification, which could lessen the incentive to report criminal activity.

¹⁹ RCW 42.56.240. <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

Per RCW 10.109.020²⁰ “a legislative authority of a city or town is strongly encouraged to adopt an ordinance or resolution authorizing the use of BWCs prior to their use by law enforcement or a corrections agency. Any ordinance or resolution authorizing the use of BWCs should identify a community involvement process for providing input into the development of operational policies governing the use of BWCs.” RCW 10.109.020 encourages community involvement for the implementation of BWCs. Transparency about the agency’s camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable.

Community involvement as stakeholders prior to the implementation of a BWCs program is strongly encouraged. Engaging the community can help secure support for the program and increase the perceived legitimacy of the program in the community.

Officer Concerns

Any BWC program implementation will require discussions/collective bargaining with the Kirkland Police Guild. To be successful, officer support for a BWC program is needed. Officer concerns can include the additional level of scrutiny of their actions, the ability to review footage prior to writing reports, understanding policies on what is recorded and released, and the effects of public disclosure requests.

One of the factors that will need to be addressed is how the Department and City will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program. However, whether supervisors should also periodically and randomly review videos to monitor officer performance may be a point of contention for officers. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period, or after an officer has received a certain number of complaints.

Body-worn cameras would be considered a change in working conditions and would be subject to the collective bargaining agreement.

COST

A City of Kirkland Request for Information (RFI) for BWCs was opened August 19, 2020 – August 31, 2020. The RFI requested information in the following areas:

²⁰ RCW <https://app.leg.wa.gov/RCW/default.aspx?cite=10.109.020>

- General Body Camera Information
- Video and Optics
- Audio
- Data Upload
- Battery Information
- GPS
- Safeguards
- Video Data Storage Management
- Warranty and Maintenance Plans
- Costs

While eight BWC vendors responded to the RFI and provided valuable equipment and storage information, a Request for Proposal (RFP) would yield more detailed cost options specific to the Kirkland Police Department.

A BWC program's cost can be divided into three general cost categories, equipment, storage, and personnel.

Equipment

Although equipment costs appear to be relatively straightforward, there is a wide variety of camera options and camera components. Camera components include different mounts, adapters, docking stations, and portable chargers. And along with each piece of equipment comes a variety of warranty and technical support options.

Storage

Research suggests that many police departments have discontinued their BWC programs due to the on-going high cost of data storage. The eight RFI responses included a variety of different storage options. Some of the options included paying per terabyte of storage, paying storage per officer, free unlimited storage for a time period (90 days, one year), and unlimited storage per camera. The cost of data storage depends on how many videos are produced, how long the videos are kept, and where the videos are stored. To compound the issue of storage costs, retention requirements for BWC video are evolving and could directly impact the amount of video data required to be retained, increasing costs associated with storage. Unlimited storage per camera is recommended; however, the costs for unlimited storage per camera is dependent on the department's retention and Freedom of Information Act policies. Careful analysis of proposed contract storage costs and options, as well as assessing and reassessing the future storage needs of the department, will be crucial to the success of the program.

Personnel

Administering a BWC program requires ongoing financial and staffing commitments. Research suggests two of the most significant administrative costs associated with a BWC program are the program's overall management including reviewing and categorizing thousands of hours of video and the increase in disclosure requests from the public and the news media for BWC videos. An additional Evidence Technician FTE for managing the BWC program and an additional Public Records Analyst FTE are recommended as the current staff could not absorb this work (1 Public Records Analyst & 2 Evidence technicians).

A BWC program needs to be designed to meet the department's long-term goals beyond the initial five-year contract. Conceptual cost planning without detailed analysis and accurate forecasting is not an option. Careful consideration and scrutiny of vendor proposals is imperative.

Below is an initial high-level estimate of the cost associated with a BWC program that includes unlimited storage per camera for 130 cameras.

	Year 1	Year 2	Year 3	Year 4	Year 5
Equipment and Storage	\$ 350,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
FTE Evidence Technician	\$ 97,332	\$ 103,768	\$ 110,513	\$ 117,696	\$ 125,347
FTE Public Disclosure Analyst	\$ 108,288	\$ 115,656	\$ 123,174	\$ 131,180	\$ 139,707
Total Estimated Costs	\$ 555,620	\$ 419,424	\$ 433,687	\$ 448,876	\$ 465,053
Total Five Year Contract Estimate	\$ 2,322,660				

REGIONAL BODY-WORN CAMERA PROGRAMS

Auburn

- Every patrol vehicle has in-car camera.
- Officers who do not operate patrol vehicles with in-car cameras (traffic, parking enforcement, bicycle officers) are equipped with body cameras.

Bainbridge Island

- Began equipping some officers with BWCs in 2013 on a nonmandatory basis
- All officers are now required to wear BWCs.
- BWCs automatically activate when an officer draws a firearm, taser, or turns on emergency lights on a vehicle.

Bellevue Police Department

- Completed a pilot program
- Program was discontinued due financial cost and issues raised during collective bargaining

Bellingham Police Department

- Completed a limited pilot program
- Voluntary wear of BWC's began in early 2014
- Made BWCs mandatory for all uniformed patrol officers in 2016

Bothell Police Department

- Recently declined to implement BWC program due to financial cost

Bremerton

- Some officers began voluntarily wearing BWCs in 2011
- 6-week pilot program in 2014

Everett Police Department

- Completed a limited pilot program with 10 officers wearing BWCs for a 6-month trial period (period began December 2019, so it just concluded)
- City budgeted \$400,000 in 2020 for purchase of BWCs

Gig Harbor

- 3 BWCs deployed in 2016

Kent Police Department

- Completed a limited pilot program with 11 officers wearing BWCs for a 6-month trial period
- Now over 100 officers have BWCs

Lake Forest Park

- Certain Lake Forest Park officers have been wearing BWCs off and on since 2010

Mill Creek

- Started with a trial period in 2016
- Officers do not currently wear BWCs, but a BWC proposal will be made to the City Council on September 1, 2020.

Monroe

- Started with a 6-month trial period in 2016 using two BWCs
- As of 2017, they have five BWCs.
- The officers who wear the devices volunteer.

Redmond Police Department

- On June 16, 2020, the City Council declined to implement BWC program due to financial cost

Renton

- Pilot program in 2016

- Per the Renton Police Department policy, the “Renton Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties.”

Seattle Police Department

- Implemented a pilot BWC program in 2014
- Currently deploy both BWCs and in-car cameras

Spokane Police Department

- Instituted BWCs in 2015 after the Spokane City Council approved the purchase in 2013
- All officers wear BWCs, approximately 230 BWCs deployed daily
- Storage of approximately 137 TB of video on Axon’s website evidence.com (over 380,000 BWC videos)

Tacoma Police Department

- Expected to launch BWCs in 2021 and complete implementation in 2022

Tukwila Police Department

- Completed a limited pilot program first with 5 officers wearing BWCs
- Now over 70 officers with BWCs

Vancouver Police Department

- Considering a BWC program (per current timeline on website), but efforts have been paused due to COVID
- Pilot program in 2016

WASHINGTON LEGISLATIVE REPORT

Joint Legislative Task Force on the Use of Body Worn Cameras (BWCs) – 2017 Report²¹

Task Force Concerns and Recommendations

1. Purpose of BWCs
 - a. Accountability
 - i. Minimize officer discretion on when to activate/turn off BWC in policy
 - b. Transparency
 - i. Seek community feedback and provide community education prior to implementing a BWC program
 - ii. Provide mechanisms for community questions and feedback during BWC program
 - c. Evidence

²¹ *Joint Legislative Task Force on the Use of Body Worn Cameras*. (2017). Washington State Legislature. <http://leg.wa.gov/JointCommittees/Archive/UBWC/Documents/UBWC-FinalRpt.pdf>

- i. Do not allow BWC manufacturers to use and sell BWC data for potentially unfair purposes; do not contribute to biased input in algorithms [note: Axon intends to automate the function of policing, which could have impacts on future facial recognition software and predictive AI software]
 - ii. It may be helpful to have the BWCs default to on, rather than being turned on manually at the officer’s discretion
 - d. Enhancement to public safety
 - i. Actively seek feedback from impacted communities
 - ii. It would be helpful if there were more concrete statewide rules to promote consistency and trust
- 2. Privacy
 - a. Concerns
 - i. The body worn cameras may have a disproportionate impact on those with mental illness (can they consent to filming in personal situations?)
 - ii. BWCs may be used to target immigrant populations (including data sharing)
 - iii. BWCs may put victims at risk for identification, which could lessen incentive to report criminal activity
 - iv. Ensure that BWCs do not enable voyeurism or commercialism
 - v. BWCs should not be used for general surveillance or private sector
 - b. Health information
 - i. An explicit presumption against disclosure of footage from within a healthcare facility strongly and specifically protects patients and families and provides guidance to law enforcement and those requesting records
 - ii. Officers should be careful with BWCs in situations where emergency medical services are being provided on a crime scene
- 3. Note on WASPC
 - a. WASPC was a part of this task force. A model policy was proposed by WASPC initially, but WASPC withdrew that policy from consideration prior to voting on recommendations, so that proposal was not included in this task force report.

SPECIFIC BWC STUDIES

University of Cambridge’s Institute of Criminology Study (2016)²²

- 1. What was recorded?
 - a. Citizen complaints

²² Ariel, B., Sutherland, A., Henstock, D., Young, J., Drover, P., Sykes, J., Megicks, S., & Henderson, R. (2016). “Contagious Accountability.” *Criminal Justice and Behavior*, 44(2), 293–316. <https://doi.org/10.1177/0093854816668218>

2. Method
 - a. The University of Cambridge's Institute of Criminology studied seven police departments from 2014-2015 in the United Kingdom and the United States. The study included over one million officer hours across over 4,000 shifts in jurisdictions that cover a total population of two million residents. Officers were randomly assigned into treatment (wearing BWCs) and control (not wearing BWCs) groups.
3. Results
 - a. Citizen complaints against the police decreased 93% when police wore BWCs.
4. Additional notes
 - a. Interestingly, post-test complaints (after the police had worn BWCs for a period and then stopped wearing them) remained lower than the pre-test level of complaints (before police had ever worn BWCs). The authors of the study theorize that this may be because the officers were better able to reflect on their actions after seeing the BWC footage, even when they were no longer wearing the BWC.

Rialto, CA study (2012 – one of the earliest major BWC studies)²³

1. What was recorded?
 - a. Police use of force
 - b. Civilian complaints
2. Method
 - a. Each week, all shifts were randomly assigned to treatment or control
 - b. On a treatment shift, all officers had to wear cameras, had to keep the cameras turned on for their whole shift and had to give verbal warnings to anyone they encountered that they were wearing a camera. On control shifts, no one wore cameras
 - c. The study then compared those shifts where cameras were being used to those where they weren't
3. Results
 - a. When officers were wearing cameras on shifts, police use of force against suspects was 50 percent lower.
 - b. Complaints against the police decreased 90% in the 12 months after the cameras were introduced.
 - i. Specifically, complaints went from 0.7 complaints per 1,000 contacts without BWCs to 0.07 per 1,000 contacts with BWCs.

²³ *How police body cameras can improve behavior, ease tension.* (2016, October 21). San Diego Union Tribune. <https://www.sandiegouniontribune.com/opinion/commentary/sd-policy-body-cameras-20161021-story.html>

- c. When officers used their discretion to turn cameras on and off during their shifts, this was associated with an increased use of force.
- 4. Additional notes
 - a. It cannot be left to the officers to determine the shifts during which they will wear the cameras.
 - i. This assertion is supported by a 2016 study, which noted that use of force rates were 37% lower when officers had no discretion of when BWCs were turned on, as compared to a 71% increase in use of force rates when officer had full discretion of when to turn on/off BWCs.²⁴
 - b. Cameras must stay turned on for the entire shift

Proceedings of the National Academy of Sciences of the United States of America (PNAS) Study (2019)²⁵

1. What was recorded?
 - a. Police use of force
 - b. Civilian complaints
 - c. Policing activity category (traffic tickets, warnings, arrests, etc.)
 - d. Judicial outcomes
2. Method
 - a. Metro Police of Washington, D.C. had half of their patrol and station officers randomly assigned to wear BWCs, while the other half were not assigned to wear BWCs.
3. Results
 - a. There were no statistically significant effects of wearing in any of the four categories measured.
4. Additional notes
 - a. The authors of the study hypothesize that so many nonpolice cameras record incidents in D.C. (and in most large cities) now that BWCs may not make a huge difference, since police often have to assume, they are being filmed whether or not they wear a BWC.

²⁴ Ariel, B., Sutherland, A., Henstock, D. et al. Report: increases in police use of force in the presence of body-worn cameras are driven by officer discretion: a protocol-based subgroup analysis of ten randomized experiments. *J Exp Criminol* 12, 453–463 (2016). <https://doi.org/10.1007/s11292-016-9261-3>.

²⁵ Yokum, D., Ravishankar, A., & Coppock, A. (2019). A randomized control trial evaluating the effects of police body-worn cameras. *Proceedings of the National Academy of Sciences*, 116(21), 10329–10332. <https://doi.org/10.1073/pnas.1814773116>

1. What was recorded?
 - a. Officer behavior
 - b. Officer perceptions
 - c. Citizen behavior
 - d. Citizen perceptions
 - e. Police investigations
 - f. Police organizations
2. Method
 - a. 70 empirical studies of BWCs were examined.
3. Results
 - a. Citizen complaints
 - i. Officers who wear BWCs typically have fewer complaints lodged against them.
 - b. Officer use of force
 - i. Mixed findings
 - ii. Study findings do not show definitively that BWCs can reduce officers' use of force.
 - c. Officer decisions to arrest or cite
 - i. Mixed findings
 - d. Officer proactivity
 - i. Wearing BWCs did not have a significant impact on officer levels of proactivity.
 - e. Effect on disparate outcomes
 - i. Not enough data to determine at this point
 - f. Officers' attitudes toward BWCs
 - i. Officers tend to feel more positive about BWCs over time
 - ii. Common concerns about technical difficulties adding time to duties (downloading footage, reviewing footage when writing reports, etc.)
 - g. Citizen compliance
 - i. Mixed findings
 - h. Citizen willingness to call and cooperate with the police
 - i. Not enough data to determine at this point
 - i. Crime deterrence
 - i. BWCs do not appear to have a general deterrent effect.
 - j. Impact of BWCs on specific citizen-police encounters
 - i. Behavior of officer has more effect on citizens' impressions than the presence of a BWC.

²⁶Lum, C., Stoltz, M., Koper, C. S., & Scherer, J. A. (2019). Research on body-worn cameras. *Criminology & Public Policy*, 18(1), 93–118. <https://doi.org/10.1111/1745-9133.12412>

- k. Citizen attitudes toward BWCs re. privacy and fear
 - i. Not enough data to determine at this point
- l. Impact of BWCs on criminal investigations
 - i. BWCs can have positive investigative effects
 - ii. Particularly useful in DV cases when victim is uncooperative
- m. Effect of BWCs on police organizations
 - i. Training can be improved by using BWC footage for actual examples
- 4. Additional notes
 - a. Consider the community context when implementing BWCs.
 - b. Consider using BWCs internally in training, management, and internal investigations to promote internal systemic improvements throughout the agency.

STATEMENTS FROM SOCIAL JUSTICE ORGANIZATION

ACLU²⁷

- 1) Cameras alone do not improve accountability
- 2) A solid BWC program is most important
 - a) Need strong policies and institutional practices
- 3) Cameras should be used to increase transparency and oversight, NOT used to simply increase surveillance
- 4) Filming should start at the beginning of any law enforcement encounter
 - a) Peaceful protests should not be filmed
 - b) A protester arrested at a protest should be filmed. If tear gas is deployed, that should be filmed.
 - c) Test: is officer asserting their authority beyond just standing somewhere on standby? If so, then camera should be on.
- 5) Calls for a presumption against officers in litigation in cases where police should possess BWC footage but don't
- 6) Don't give officers discretion on when to record or release footage

Campaign Zero²⁸

- 1) BWCs (and dashboard cameras) should be mandatory for police
- 2) Establish BWC policies covering:
 - a) record all interactions with subjects who have not requested to be kept anonymous

²⁷ American Civil Liberties Union. (2020, June 25). *ACLU News & Commentary*. <https://www.aclu.org/news/privacy-technology/body-cameras-and-the-george-floyd-protests/>

²⁸ *Body Cams/ Film the Police*. (2020). Campaign Zero. <https://www.joincampaignzero.org/film-the-police>

- b) notify subjects that they have the option to remain anonymous and stop recording/storing footage if they choose this option
- c) allow civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years
- d) require body and dash cam footage to be stored externally and ensure district attorneys and civilian oversight structures have access to the footage
- e) require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption (Ex: Illinois House Bill 4355)
- f) permanently delete footage after 6 months if this footage hasn't been specifically requested to be stored
- g) include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.
- h) consider whether cameras or mandated footage are tampered with or unavailable as a negative evidentiary factor in administrative and criminal proceedings
- i) prevent officers from reviewing footage of an incident before completing initial reports, statements or interviews about an incident
- j) prohibit footage from being used in tandem with facial recognition software, as fillers in photo arrays, or to create a database or pool of mugshots. (Ex: Baltimore PD Body Cam Policy)
- k) update privacy laws to protect civilians from having video or audio recordings released publicly that do not contain potential evidence in a use-of-force incident, discharge of a weapon or death.

NAACP²⁹

- 1) The NAACP calls for the use of BWCs for all officers.

Joint statement by Women Leaders of 13 African American Organizations³⁰

- 1) Require all police officers to wear body cameras.
- 2) Terminate officers who intentionally turn off their cameras.

²⁹ N. (2020, June 3). *NAACP | Joint Statement by NAACP and The Links, Incorporated on Collective Outrage Regarding the Police Murder of George Floyd and other Victims of Law Enforcement*. NAACP. <https://www.naacp.org/latest/joint-statement-naACP-links-incorporated-collective-outrage-regarding-police-murder-george-floyd-victims-law-enforcement/>

³⁰ Links, T. (2020, June 10). *Joint Statement by Women Leaders of 13 African-American Organizations*. Links. <https://linksinc.org/joint-statement-by-women-leaders-african-american-organizations/>

FEDERAL BILL

The George Floyd Justice in Policing Act of 2020³¹ (H.R.7120) was introduced in the U.S. House of Representatives in early June 2020. The bill passed in the House in late June 2020 and is now in the Senate. If enacted, the “Federal Police Camera and Accountability Act” section of the bill (Subtitle C, Part 1) would require federal law enforcement officers to wear a body camera. While this bill as currently written would not require city police officers to wear BWCs, this bill is worth noting in case states begin enacting similar bills.

RECOMMENDED NEXT STEPS

Using the DOJ Bureau of Justice Assistance Body-Worn Camera Implementation Checklist³² as a guide, develop a three-phased project using a hybrid of adaptive and predictive methodologies. An Initiation Phase (outlined below), a Planning and Procurement Phase, and an Execution/Implementation Phase. Deliverables from each phase would be reviewed and approved before starting the next stage. The focus of the Initiation Phase would be concept development and feasibility. The estimated timeline for the Initiation Phase is 6-8 months.

Initiation Phase

- Identify initiation phase workgroups
- Identify key project stakeholders
- Plan and implement a community engagement strategy
- Develop an ordinance or resolution proposal for adoption
- Open a dialog with the Kirkland Police Department Guild
- Develop a communication system to inform officers and solicit input
- Perform a feasibility study to determine alignment with organizational strategic goals
- Document and monitor on-going environmental and organizational factors
- Prepare project charter
- Identify project objectives
- Develop project scope
- Research and develop policies for approval
- Identify risks and mitigation strategies
- Continue data collection from similar departments with BWC programs
- Further cost-benefit analysis and identify preliminary funding options
- Product vendor discussions and demonstrations
- Identify training program options
- Phase gate review and approval

³¹ H.R.7120 - George Floyd Justice in Policing Act of 2020. <https://www.congress.gov/bill/116th-congress/house-bill/7120/actions>

³² Add

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I. Purpose

No external sources referenced.

II. Background

No external sources referenced.

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2. Retention for recordings
 - a. WA Office of the Secretary of State retention guidelines
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 - ii. RCW 10.109.020
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- b. Seattle Guidelines
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- a. Washington State RCWs
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 - ii. RCW 10.109.010
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