

***Body-Worn Camera and In-Car Camera System Pilot Report***

September 2022



**King County**

<b>I. Contents</b>	
II. <b>Proviso Text</b> .....	3
III. <b>Executive Summary</b> .....	4
IV. <b>Background</b> .....	5
V. <b>Report Requirements</b> .....	6
<b>Requirement 1:</b> A description of the proposed policies and procedures for the use of body worn camera and in-car camera systems by sheriff's office personnel.....	6
<b>Requirement 2:</b> A description of the work performed by the King County Department of Information Technology program manager to evaluate and assess body-worn camera and in-car camera systems; .....	7
<b>Requirement 3:</b> A description of the sheriff's office's community engagement efforts .....	8
<b>Requirement 4:</b> A description of the pilot program's outcomes and lessons learned .....	9
VI. <b>Conclusion/Next Steps</b> .....	10
Appendix A. Body Worn Camera/In Car Video Pilot Program Memo of Understanding .....	11
Appendix B: 4Body Worn Camera/In Car Video Pilot Program Policy .....	11
Appendix C: Body Worn Camera Policy Outreach.....	24

## II. Proviso Text

### 2021-2022 Biennial Budget Ordinance, Ordinance 19210, Section 20, Proviso P2

P2 PROVIDED FURTHER THAT<sup>1</sup>:

Of this appropriation, \$150,000 shall not be expended or encumbered until the sheriff transmits a report describing its body-worn camera and in-car camera systems pilot program and a motion that should acknowledge receipt of the report and a motion acknowledging the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

- A. A description of the proposed policies and procedures for the use of worn camera and in-car camera systems by sheriff's office personnel;
- B. A description of the work performed by the King County department of information technology program manager to evaluate and assess body-worn camera and in-car camera systems on behalf of the sheriff's office for the pilot project. The description shall include the list of all vendors reviewed by the program manager and an explanation for why the awarded vendor was selected for the pilot program;
- C. The frequency and location of patrols by sheriff's office personnel equipped with body-worn cameras and in-car cameras;
- D. A description of the sheriff's office's community engagement efforts, particularly as they relate to efforts to engage with Black, Indigenous and people of color communities, regarding the use of body-worn camera and in-car camera systems by sheriff's office personnel in the geographic areas selected for the pilot program and across the county as a whole. The description shall include a summary of the comments and general feedback provided by communities regarding the use of body-worn camera and in-car camera systems by sheriff's office personnel; and
- E. A description of the pilot program's outcomes and lessons learned.

The sheriff should electronically file the report and motion required by this proviso no later than April 30, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice, or its successor

---

<sup>1</sup> STRIKING AMENDMENT TO PROPOSED ORDINANCE 19120 VERSION 1, Section 20, KCSO [\[LINK\]](#)

### **III. Executive Summary**

#### **Background**

This report is provided in response to Ordinance 19210, Section 20, Proviso P2, requesting a report describing the King County Sheriff's Office body-worn camera and in-car camera systems pilot and a proposed motion acknowledging receipt of the report.

In 2021, the King County Sheriff's Office (KCSO) carried out a 90-day pilot of Body Worn Camera (BWC) and In Vehicle Camera (IVC) technology to determine the suitability and potential use by KCSO deputies.

#### **Policies and Procedures for Camera Use**

As part of the 90-day pilot, KCSO, together with the King County Police Officer's KCPOG (KCPOG) created a policy document outlining BWC/IVC's use. Per the agreement, KCPOG participating deputies were off probation; volunteered to wear the BWC; and be assigned to unincorporated King County. Nine KCSO officers volunteered to participate in the pilot with two of the officers also having cameras installed in their vehicles. The pilot policy MOU is attached as Appendix A. The policy document is Appendix B.

Additionally, KCSO assembled a team to review video from each deputy to determine video quality and identify incident types. By the end of the pilot, this allowed the team to make recommendations on future video policy as well as highlight training needs.

At its conclusion, the pilot resulted in sufficient information from both participating deputies and community members to create an effective, revised BWC/IVC policy. This revised policy is near completion, subject to final review and approval by both KCSO leadership and KCPOG.

#### **Details of Camera Pilot Location**

As identified above, the BWC/IVC pilot occurred in unincorporated King County, with the majority of BWC/IVC videos occurring in southwest King County (North Highline, Skyway, and Burien).

During the 90-day pilot, KCSO recorded 1,080 BWC videos and 359 IVC videos. Nine deputies wore cameras and KCSO deployed IVCs in two vehicles.

#### **Community Engagement Efforts**

KCSO, together with the King County Executive's office, held a series of meetings in early 2022 with local community groups to discuss the potential use of BWC/IVCs. Representing a diverse set of community partners from throughout King County, the groups had the opportunity to ask questions and comment on the draft BWC/IVC policy. KCSO will use feedback from the groups to modify the final policy document.

#### **Outcomes and Lessons Learned**

The 90-day pilot provided for the successful evaluation of camera technology, identification of community concerns, and policy issues for KCSO leadership to consider. Feedback from both officers and community members was generally positive. Deputies commented on the ease of use and the creation of an accurate record of events, while expressing some limited concern regarding technical issues. Similarly, community groups praised the increase in transparency and accuracy of events. Groups did highlight the need for strong policies to ensure accurate recording and video retention.

Lessons learned included the complexity of drafting effective BWC/IVC policies, the need for technical upgrades as BWC/IVC systems are deployed over time, and the need to explore the potential of using videos for future training. Finally, with over 1,400 separate videos recorded by only 9 deputies in 90 days, the need for additional public record and video forensic staff is clear.

#### IV. Background

**Department Overview:** The King County Sheriff's Office (KCSO) ensures the safety of people in King County and aims to do this in a respectful manner based on core values of leadership, integrity, service, and teamwork. Every KCSO employee is expected to provide the best customer service by working with citizens to address public safety concerns.

With over 1,000 employees, the KCSO serves the law enforcement needs of over half a million people in unincorporated areas and twelve contract cities. KCSO also provides police departments for the Muckleshoot Tribe, Sound Transit, Metro Transit, and the King County International Airport. KCSO's commitment to meeting the needs of all residents means that services such as helicopters and bomb disposal are available to 1.6 million residents in King County.

In January 2022, KCSO transitioned from an elected sheriff to a sheriff appointed by the King County Executive. With this transition, KCSO functions like other King County executive departments. The Sheriff serves as the department director with the Undersheriff serving as the deputy director.

**Body Worn Cameras - Historical and Current Conditions:** For a number of years, law enforcement leaders and elected officials have sought ways to increase transparency between law enforcement and community. Body worn cameras are one such technique and at least seven states now mandate their use<sup>2</sup>. Although body worn cameras are used by several police agencies in King County (including Seattle, Bellevue, and Kent), KCSO does not currently use this technology.

BWCs capture both visual and audio recordings of interactions, environments, and incidents. The technology has been shown to improve transparency for police actions, increase trust with local communities, and allow for enhanced oversight. Evidence from the BWC pilot suggests recordings impact behaviors. For example, when individuals are advised they are being recorded, helping prevent situations from escalating to levels where force may be needed.<sup>3</sup> Anecdotal evidence also suggests that body worn cameras encourage thoughtful engagement from law enforcement.<sup>4</sup> Finally, BWCs lead to faster resolution of use of force or officer misconduct and help identify training needs as video allows for additional perspective on an event and provides the ability to replay specific situations.

Additionally, state legislation (HB1223) now requires either audio or audio and video recording of any custodial interrogation of any minor or any interrogation related to a felony crime (Section 3). BWC technology simplifies compliance with this requirement.

**Report Methodology:** KCSO drafted this report, and it includes material developed by KCIT detailing work done in preparation of the BWC pilot and during the pilot itself. The report includes information

---

<sup>2</sup> <https://www.ncsl.org/research/civil-and-criminal-justice/body-worn-cameras-interactive-graphic.aspx>

<sup>3</sup> <https://www.ojp.gov/pdffiles1/nij/252035.pdf>, pg 2

<sup>4</sup> <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

gathered from community outreach meetings; deputies who participated in the pilot; Radio Shop personnel; and the video review team. The video review team consisted of supervisors, legal counsel, information technology, and a union representative.

*Community Engagement:* Prior to and during the BWC pilot, KCSO regularly met with community groups in the southwest King County / Burien area. KCSO's Chief of Technical Services and the Community Liaison held several meetings with community groups on the pilot and reached over 200+ community members and community leaders.

Additionally, KCSO used the following media outlets to convey information.

- An article written in White Center Now covering a BWC presentation and notes from a North Highline meeting.
- Social media efforts by Skyway and White Center storefront deputies.

Please refer to Page 7 as well as Appendix C for additional detail on community outreach efforts.

## V. Report Requirements

The following response is organized to align with the proviso requirements identified in Ordinance 19210, Section 20, Proviso P2.

### **Requirement 1: A description of the proposed policies and procedures for the use of body worn camera and in-car camera systems by sheriff's office personnel.**

Guided by Washington State statute, the Revised Code of Washington (RCW),<sup>5</sup> and informed by the review of BWC policies of other law enforcement agencies, KCSO created a draft BWC policy. Following review and approval by KCSO command staff, KCSO and KCPOG met to develop a Memo of Understanding (MOU) for the BWC/ICV pilot. The MOU established policies, procedures, and guidelines for BWC/ICV pilot.

The following policies and procedures are included in the KCSO Pilot Policy MOU (Appendix A; Appendix B is the BWC/ICV pilot policy, which was included as an addendum to the MOU).

- When to activate/deactivate the cameras;
- When to provide verbal notification(s) of recording an incident when first arriving on the scene as well as when new people arrive on the scene;
- Prohibitions and exceptions to recording;
- Documentation of recording in police reports;
- Downloading and storage of recordings;
- Reviewing recordings;
- Notifications to supervisors;
- How to handle inadvertent/accidental recordings;
- Departmental responsibilities;
- Video storage, retention, and disclosure; and
- Training and violations of policy.

---

<sup>5</sup> Washington State Chapter 10.109 RCW ([LINK](#))

As agreed to with the KCPOG, these policies and procedures will be reviewed and re-negotiated prior to full BWC/IVC deployment.

**Requirement 2: A description of the work performed by the King County Department of Information Technology program manager to evaluate and assess body-worn camera and in-car camera systems on behalf of the sheriff's office for the pilot project. The description shall include the list of all vendors reviewed by the program manager and an explanation for why the awarded vendor was selected for the pilot program;**

The following is a summary of the work performed through the KCSO BWC / IVC Pilot, including a summary of the work of KCIT staff.

**Ongoing Work with the Criminal Justice Digital Evidence Sharing Project.** Prior to the start of the BWC/IVC Pilot, KCSO and KCIT were already working on the Criminal Justice Digital Evidence Sharing Project (CJDES). This project included the adoption of the Axon evidence.com information management system and included KCSO, PAO, and Department of Public Defense. With the CJDES project ongoing, KCSO and KCIT chose to add the BWC/IVC Project to CJDES to evaluate how evidence.com integrated information from the BWC/IVC Pilot.

**Vendor Selection.** Since King County already used evidence.com and KCSO already used Axon for Tasers and other digital evidence, KCIT and KCSO evaluated Axon's BWC and IVC technology for the pilot. Prior to making the final decision to use Axon for the pilot, the County contacted local police agencies currently using Axon's BWC/ICV cameras, asking how they chose the system, why they chose the system and any issues/lessons learned. All parties recommended moving forward with evidence.com and shared information on their selection process. Additionally, Seattle Police Department uses evidence.com to send camera videos to King County Prosecutors and recommended it would benefit the county to use the same system.

For the 90-day pilot, Axon provided the equipment and support of the pilot at no-charge. Axon came on-site on August 18<sup>th</sup>, 2021, to install the cameras in the vehicles and to train the users on the body and vehicle cameras. These users were already using evidence.com for uploading other digital evidence, so no training was needed on the use of evidence.com itself.

### **Components of the BWC/IVC Pilot**

1. **BWC/IVC Configurations.** The project worked with Axon to understand the different configurations for the cameras including buffering (pre-recording), automatic camera activation (at point of use of sidearm and vehicle light bar), integration with existing Computer Assisted Dispatch, and remote camera use by command staff.
2. **Training and Distribution of the Cameras.** Axon provided a product demonstration to participating deputies as well as installed the cameras in the two vehicles participating in the pilot. Radio shop staff participated in vehicle installation.
3. **Pilot Monitoring.** KCSO, KCIT, and the vendor actively monitored the 90-day pilot, providing tech support as needed.

4. **Video Review Team.** During the last month of the pilot, a video review team met twice a week to review randomly selected videos as well as those recommended by deputies. The review team made a point of reviewing different types of calls as well as different weather conditions (e.g., sunlight, night, rain, etc.).
5. **Pilot Feedback and Final Considerations.** At the completion of the pilot, the nine deputies and two vehicles that were part of the pilot recorded 1,080 body worn camera videos and 359 vehicle videos. During the pilot, the project sent bi-weekly surveys to the deputies who were wearing the cameras. pilot managers gathered feedback on the ease of use, uploading videos using the docking stations, the policy as well as any feedback on challenging areas for future training.

Deputies provided generally positive feedback, with some saying they didn't want to return the cameras at the end of the pilot. Top benefits cited by deputies included creating an accurate record of what occurred during an event, behavior modification due to knowing the event was recorded, creation of additional evidence, and ease of recording interviews. Concerns included technical difficulties and public release of recorded videos.

Following completing of the pilot, KCIT and KCSO chose to recommend proceeding with the Axon product for full roll out. The product worked well and is designed to integrate with the evidence.com system already adopted by KCIT for KCSO, PAO, and DPD.

**Requirement 3: A description of the sheriff's office's community engagement efforts, particularly as they relate to efforts to engage with Black, Indigenous and people of color communities, regarding the use of body-worn camera and in-car camera systems by sheriff's office personnel in the geographic areas selected for the pilot program and across the county as a whole. The description shall include a summary of the comments and general feedback provided by communities regarding the use of body-worn camera and in-car camera systems by sheriff's office personnel**

As part of the outreach efforts, staff from both KCSO and the King County Executive Office held a number of meetings with a broad range of community groups, including the following:

- Urban League of Metropolitan Seattle
- Not This Time
- West Hill Community Association
- North Highline Unincorporated Area Council
- Vashon Maury Island Community Council
- WA People Power Group
- Public Safety Advisory Committee (PSAC)
- Office of Law Enforcement Oversight (OLEO)

King County representatives held a total of eight meetings between late February and early March 2022. The meetings occurred over video conference and provided a briefing on the draft policy and an opportunity for groups to provide feedback on potential improvements.

In general, comments from participants were supportive of KCSO adopting the use of BWC/IVC technology. Specific feedback focused on supervisor follow up, ability and timing for deputies to review



videos, retention period for videos, and when cameras are activated. For a complete list of meetings and summary comments, please refer to Appendix C

For the full implementation, KCSO will undertake additional communications and outreach throughout areas where cameras will be deployed. This outreach will include not only the community groups that regularly meet with KCSO, but others in the community as well. KCSO plans to work with the executive team on expanding the sphere for communications once the BWC/IVC program is fully funded.

#### **Requirement 4: A description of the pilot program's outcomes and lessons learned**

The participants in the BWC Pilot included nine deputies who volunteered for the pilot. The deputies worked throughout unincorporated King County. Three deputies were on dayshift (6am – 2pm), four on swing shift (2pm – 10pm), and two deputies on graveyard (10pm – 6am).

**Project Outcomes.** The 90-day pilot provided for a successful evaluation of how well the cameras worked in various conditions, the ease of use, the ability to find and view the videos, transcription, as well as identifying policy areas for review and future training needs.

At the completion of the pilot, the nine deputies and two vehicles that were part of the pilot recorded 1,080 body worn camera videos and 359 vehicle videos.

Based on feedback from officers as well as community members, the overall response to the pilot was positive. Top benefits cited by deputies included creating an accurate record of what occurred during an event, behavior modification knowing the event was recorded, creation of additional evidence, and ease of recording interviews. Concerns included technical difficulties and public release of recorded videos. Highlights of deputies' comments include:

- Cameras were easy to configure and use;
- Cameras worked well in adverse weather conditions and were durable and high quality;
- Cameras provided useable audio and video footage of an event;
- Uploading videos was straightforward and automated and users were able to successfully use search/find/view video tools;
- PDU/Legal were able to redact videos as needed; and
- Drafted policy was easy to follow by the users.

Community comments include:

- The need to clearly document in policy whether deputies may review video before or after making a statement about an incident;
- The need for a clear definition of “Serious Use of Force”;
- Define in policy process for downloading and storing videos; and
- The need to better understand full deployment process.

**Lessons Learned.** The top lessons learned by the project are outlined below.

1. Developing BWC policy is complicated, requiring time and collaboration to work through questions and concerns with labor partners.

2. Technical upgrades to new systems must be tested in advance of roll out. During the pilot, Axon released a new version of their fleet technology and updating to the new system was complex.
3. BWC video is useful in inform policy updates and training. When fully implemented, KCSO should retain certain videos for policy development and training purposes.
4. While the 90-day BWC Pilot proved invaluable for testing technology and policy, it was too short for full analysis of the impact on the KCSO's Public Disclosure Unit (PDU). Even with only nine deputies, PDU needed to review hundreds of videos, taking dozens of staff hours to complete. Rolling out the video technology to over 400 deputies will have a substantial impact on workload for PDU, other KCSO units such as Internal Investigations, the Prosecuting Attorney's Office, and the Department of Public Defense.

## **VI. Conclusion**

The BWC/IVC 90-day Pilot allowed KCSO to test the cameras, configurations, and the associated software used with videos, while also providing opportunities to evaluate deployment configurations and policy changes. Additionally, the pilot enabled KCSO to connect with a number of community leaders and neighborhood groups, improving pilot outcomes while simultaneously strengthening KCSO connections to community.

Based on pilot results and feedback, KCSO is prepared to move forward with full deployment should resources be provided. Next steps include finalizing program budget and technology roll out and negotiation with the KCPOG. Following completion of negotiations with KCPOG and the development of an implementation plan, KCSO will request appropriation for implementation. Under this approach BWC/IVC will be deployed to approximately 50 deputies/vehicles at a time within a specific geography (such as a precinct). This will allow KCSO to continue to learn and adapt during roll out while simultaneously addressing technology and/or policy issues that arise.

**Appendix A.**  
**Body Worn Camera/In Car Video Pilot Program Memo of Understanding**  
**Memorandum of Agreement**  
**By and Between**  
**King County and**  
**King County Police Officers KCPOG**  
**Representing Employees in the King County Sheriff's Office**

**Subject: Body Worn Camera/In Car Video Pilot Program**

**Background:**

King County (the County) and the King County Police Officers KCPOG (the KCPOG) are parties to a collective bargaining agreement for the term of January 1, 2017, through December 31, 2021.

The King County Sheriff's Office (KCSO) wishes to conduct a pilot program to test and evaluate the operational and technical aspects of deploying a body-worn camera (BWC) and in car video (ICV) system across the KCSO.

This Memorandum of Agreement memorializes the parties' agreement for that pilot program.


**Agreement:**

1. This Agreement shall be effective upon signature of the parties.
2. A BWC/ICV pilot program shall be created in which ten non-probationary deputies currently assigned to Precinct 4, or other location as may be needed, who voluntarily agree to participate, will wear BWC devices attached to their uniforms and at least two of those deputies will also have their assigned patrol vehicle equipped with an in-car video system for a 90-day field-test period while working assigned patrol duties in Precinct 4. During the course of the pilot program, BWC/ICV will not be used if a volunteer is working for a secondary employer and the volunteer should not wear the BWC except when working assigned patrol duties in Precinct 4.
3. Consistent with the participants' volunteer status, no discipline shall result from not using or failing to activate a camera system in a particular instance as may be required pursuant to the attached Addendum regarding the BWC/ICV pilot program.
4. The parties agree that the Addendum shall apply only during the pendency of the pilot program, inclusive of the 90-day field test and the BWC/ICV committee's work.
5. The volunteers will be required to keep a digital logbook, in a form provided by the

County, that shall document time spent on the care, maintenance, and uploading of BWC/ICV content. Volunteers should also document any other concerns, problems, or observations with the camera systems for purposes of the pilot program evaluation. Issues requiring immediate attention, such as in operable or malfunctioning equipment, should be promptly brought to the attention of Chief Howard for resolution.

6. Volunteers may be provided with department issued docking stations for purposes of downloading content and charging BWCs, though volunteers will need to provide an internet connection for downloading from a docking station. In no event shall a volunteer be required to use a docking station in their home.
7. The field test portion of the pilot program will run for 90 days, unless the parties mutually agree in writing to extend the field test portion of the pilot program. The KCSO shall notify the KCPOG of the start and end dates of the field test portion of the pilot program. Use of BWC/ICV systems while on patrol shall cease at the end of the field test portion of the pilot program.
8. The BWC/ICV Addendum, this MOA, or any practice(s) established during the pilot program shall not be used by either party as precedent nor past practice for any aspect of a permanent BWC/ICV camera program or policy, or be considered the status quo related to collective bargaining.
9. The County will notify the KCPOG in writing of the date when the pilot program will begin and is expected to end, inclusive of the 90-day field test and the BWC/ICV committee's work.
10. The parties agree to convene a BWC/ICV committee made up of KCPOG members and County employees to review feedback and data from the program. The committee will provide guidance and input on the creation of a permanent BWC/ICV policy but the committee feedback and input shall not be considered bargaining. This committee may choose to review BWC/ICV video captured during the field test for the express purpose of program evaluation and policy development. If during the course of reviewing BWC/ICV video, a department member views serious misconduct which could lead to discipline, they are required to report it as they would in any other situation.
11. The BWC/ICV Addendum is limited to the pilot program and the parties agree any policies for a permanent BWC/ICS program will be bargained, as required by law, before any permanent BWC/ICV policy is implemented. Both parties have fully reserved their bargaining rights regarding the creation of any permanent BWC/ICV program and policies, to include any issues related to compensation for a permanent BWC/ICV.
12. Any disagreement or alleged violation of this Agreement shall be resolved through the parties collective bargaining agreement.
13. This agreement shall expire upon the conclusion of the pilot program, as identified in Agreement 11 above, with the exception of the BWC/ICV committee mentioned in Section 10 above.

For the King County Police Officers KCPOG:

  
Michael Mansanarez (Jun 14, 2021 14:23 PDT)

Jun 14, 2021

Mike Mansanarez  
President

Date

For King County:

  
\_\_\_\_\_

Jun 14, 2021

Sasha Alessi  
Labor Relations Negotiator  
Office of Labor Relations  
King County Executive Office

Date



## **BWC/ICV Training**

Initial Training: Prior to wearing and operating a BWC or operating a vehicle with an ICV, deputies are required to successfully complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- Department policy on BWCs and ICVs.
- System preparation, function testing, and operation.
- Procedures for operating equipment
- Placement of the BWC.
- Procedures for downloading and tagging recorded data.
- Procedures for preparing and presenting digital evidence for court.
- Scenario based exercises that replicate situations that deputies may encounter.

Refresher Training: Deputies shall attend refresher training on the BWC and ICV as directed by the department.

## **Inspection**

Deputies shall inspect their BWC/ICV equipment at the start of every shift. If a deputy discovers that the BWC/ICV equipment is not functioning, they will be responsible for documenting this in CAD, and will ensure that the equipment is turned over to the contracted vendor for repair and/or replacement.

## **Location of BWC**

For purposes of the pilot program, the BWC should be worn on the deputy's front torso area in a fixed position that is compliant with GOM 7.03.025.5(a) External Vest Carriers. The position may be adjusted for testing purposes during the pilot program.

## **Activation of BWC/ICV**

Activation and Officer Safety: At no time is a deputy expected to jeopardize their safety or that of the public in order to activate a BWC/ICV system. Deputies suddenly confronted with an unexpected event should react to any potential threats and protect themselves and others before attempting to activate their BWC/ICV systems.

**BWC:** Subject to the exceptions contained in this policy (and as public and deputy safety considerations permit), deputies shall make their best effort to activate their BWC before civilian contact occurs for all calls for service, as well as for all enforcement and investigative contacts with civilians. If circumstances prevent activation at the start of an event, the deputy will activate the BWC as soon as practicable. In addition, and unless otherwise prohibited by this policy, deputies may, at their discretion, activate the BWC any time they determine it would be beneficial to capture a contact, an event, or an activity.

Members who have been issued a BWC shall use those systems to record the following:

- Investigations and Investigative contacts, including:
  - Traffic stops
  - Terry stops
  - Investigative social contacts that may turn into a Terry stop

- Arrest and detention
- Reading of Miranda rights
- Taking victim, witness or suspect statements
- Vehicle pursuits
- Searches
- Handcuffing
- Interaction with detainees in a holding cell or detention facility
- Any other contact, event, or activity where the member believes recording has value.

**ICV:** As public and deputy safety considerations permit, deputies shall ensure that the ICV is activated when:

- Driving to an incident and for the duration of the deputy's involvement in the incident if in proximity to the vehicle.
- Civilians enter/exit the rear seat of their vehicle
- Their patrol vehicle's emergency lights are activated

Provided, in patrol vehicles, the ICV will automatically activate when vehicle emergency lights are activated or the rifle rack is opened. For the purposes of this section, the term "civilians" does not include individuals on ride-a-longs or personnel working on vehicles.

If circumstances prevent activation at the start of an event, the deputy will activate the ICV as soon as practicable. In addition, and unless otherwise prohibited by this policy, deputies may, at their discretion, activate the ICV any time they determine it would be beneficial to capture a contact, an event or an activity.

When stopping a vehicle or making contact at an incident, and as public and deputy safety considerations permit, deputies will make reasonable efforts to position their vehicle to obtain useful recordings and capture critical evidence.

Failure to Activate: For the period of this pilot project, deputies will not be disciplined for inadvertently failing to activate their BWC/ICV system when they should have as set forth in this policy. However, a willful or intentional failure to activate the system, or willful or intentional deactivation, in violation of this policy may result in discipline.

#### **Deactivation of BWC/ICV – Prohibitions and Exceptions to Recording**

Conclusion of Incident: Once activated, and subject to all exceptions set forth throughout this policy, the deputy shall not purposely turn off the camera until the deputy's involvement in the incident has concluded. The deputy should cease recording when their part of the active investigation, or transports, are completed and there is little possibility that the deputy will have further contact with any person involved in the event.

Temporary Deactivation of Audio: Audio recording contemporaneous with a BWC may be temporarily disabled for conversations with other deputies or persons not involved with the call. Pursuant to RCW 9.73.090(1) (c), audio recording contemporaneous with an ICV shall not be disabled when the ICV is activated.



## **Recording Prohibited**

Officers and members of the Department are prohibited from using a Department BWC for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Unless specifically authorized by the Sheriff, the BWC/ICV should not intentionally be used to record:

- Anything not involved with official duties.
- Communications with other police personnel while not conducting LE operations.
- Communications with undercover deputies or confidential informants.
- When on break or otherwise engaged in personal activities.
- While in a jail unless for a direct LE purpose.
- The interior of medical, mental health, counseling, or therapeutic facilities unless conducting an active LE investigation. Authorized recording includes:
  - Recording the investigation of a crime committed at the facility
  - A legal blood draw at a facility during a DUI investigation
  - Taking a statement from a suspect or witness while in a facility
- While within the police precinct or substations, except while taking a report at the precinct or substation or placing a suspect into one of the holding cells at the precinct. If so, announce as you enter the precinct or substation that you are recording. Turn off your recording after the suspect is placed and secured in the holding cell. Activate your recording each time you interact with the suspect in the cell until the suspect is released or transported to jail.

## **Discretionary Recording**

Deputies may exercise reasonable discretion to record, or not record, events in the following circumstances:

- When in a location where individuals have a reasonable expectation of privacy, such as bathroom or locker room, except if the deputy is there to effect an arrest or serve a warrant.
- When respect for an individual's privacy or dignity outweighs the need to record an event. Examples may include (list not meant to be all inclusive):
  - Natural death scenes,
  - Death notifications,
  - Child or sexual assault victim interviews,
  - Cultural or religious objections to being recorded.
- Sensitive communications such as matters of law enforcement intelligence or where the recording could hinder a criminal investigation.
- When the deputy has an articulable basis, based on the facts and circumstances of the particular situation, that recording would be unsafe or otherwise detrimental to the investigation or contact with the involved parties.
- Deputies who provide a reasonable explanation shall not be disciplined.

## **Notification of Recording**

It is the opinion of the Washington State Attorney General that recording by police in a private residence is permissible.

Notification at Initial Contact. Upon initial contact with civilians during a call for service or an investigative contact, deputies shall notify the civilian as soon as practicable that they are being recorded. Deputies should ask the civilian if they want their identity, and/or communications, to remain confidential for public records purposes. Whenever possible, this notification shall be recorded, and should be repeated to any new arrivals during the contact when feasible.

Objections to Recording: If a community member objects to being recorded, the officer may elect to record the encounter despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that the officer turn off the camera for a community member who objects to having the interaction recorded. Officers can notify community members that the "Do not disclose box" on the case report can be marked if requested. If "Do not disclose" is marked, the case report may still be subject to release under public disclosure laws and redactions.

Notification to Non-English Speakers: Deputies will make a good faith effort to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded. The Department shall develop a notification card to help in this process.

Notification during Arrest: In accordance with RCW 9.73.090(1) (b), deputies shall again notify persons placed under arrest they are being recorded and verbally give Miranda warnings on the recording.

Notification Exceptions: In accordance with RCW 9.73.090(1) (c), deputies will not be required to inform the person being recorded if the person is being recorded under exigent circumstances but they should do so as soon as safe and practicable.

## **Documentation of Recording in Police Reports**

When the BWC or ICV is activated, deputies shall document in their case report, notice of infractions, and/or citations that a BWC and/or an ICV recording was made. If a deputy does not activate the BWC or ICV, mutes the audio recording, or terminates the recording prior to the end of the event, the deputy shall document this in their case report, including the circumstances and reason(s) why this occurred.

Any time a deputy records any portion of a contact that the deputy reasonably believes constitutes evidence in a criminal case, the deputy shall record the related case number and shall document the existence of the recording in the related case report.

## **Downloading and Storage of BWC and ICV Recordings**

Deputies shall download camera footage at least once per shift or after their shift on a department provided docking station; provided, deputies shall download camera footage as soon as practicable after a serious incident or when storage capacity is reaching its limit. Deputies will have the option to download video after their shift at their residence

using a department provided docking station. Deputies doing so shall record the time and any issues with the download in their digital log. Deputies shall be given paid time to set-up a department provided docking station in their residence.

There may be circumstances where a deputy is unable to download camera footage during or after their shift. In such cases, deputies will ensure the camera footage is downloaded at the beginning of their next regular or overtime shift, whichever occurs first. Absent extenuating circumstances a Deputy shall not wait until their return from regular furlough days or vacation to download camera footage unless approved by their supervisor.

Under certain circumstances, the Department may require video to be downloaded at times other than those specified herein, or may cause the video to be downloaded by someone other than the deputy to whom the camera was issued.

### **Review of BWC/ICV Recordings - Deputy**

Reviewing Own Recordings and Those of Other Deputies on Scene: Deputies may view their own video recordings (and the recordings of other Deputies on scene) in the course of preparing their incident report(s) or other statement(s). Deputies may request that other deputies or law enforcement personnel from other agencies review video for law enforcement purposes.

When preparing an incident report, or other statement, such as a use of force report that contains critical information that may have been captured by BWC video, a deputy must separately identify what is being documented from their independent recollection and what is being documented as a result of viewing the camera footage. The standard practice is for the Deputy to write their report, view the video and if necessary, include any previously unidentified facts observed on the video in their report. Deputies should identify this additional information as being located on and recollected as a result of viewing the video. Deputies need not review every video when preparing a report, deputies should only review those videos that may contain critical evidence captured at the scene.

In instances of alleged excessive or deadly force, until the completion of an administrative or outside agency investigation, access to the footage of the incident shall be restricted by KCSO to involved deputies, witness deputies, Independent Investigative Team including community participants (IIT), Internal Investigations Unit (IIU), Administrative Review Team (ART), and their respective chains-of-command. KCSO and the IIT will release footage of such incidents per Washington State Public Disclosure and other related laws.

Public Safety Statement: If a deputy is involved in a shooting, or other serious use of force, a deputy may be required to provide a public safety statement prior to having the opportunity to review BWC or ICV recordings.

Viewer Application Entry: Any deputy viewing a video will manually make an entry in the viewer application at the beginning of the viewing session stating the purpose for viewing the video.

Review, Retention and Distribution Prohibited. Deputies shall not review video for purposes not related to their job duties, and under no circumstances shall a deputy retain or distribute a recording for a non-law enforcement purpose.

Civilian Review Prohibited: Involved Civilians/Witnesses shall not be allowed to review the recordings at the scene.

Administrative Investigations: Deputies shall be allowed to review any of their own BWC/ICV video in the course of preparing a compelled written administrative statement or compelled administrative interview in a manner consistent with the preparation of an incident report, as described above. Upon approval from the IIU investigator, a deputy who is participating in an official investigation, such as an administrative investigation or criminal investigation, may be authorized to view other deputies' relevant recordings.

Reporting Misconduct: If during the course of a legitimate viewing, a department member views serious misconduct which could lead to discipline, they are required to report it as they would in any other situation.

### **Review of BWC/ICV Recordings - Supervisors**

Supervisor Review: Supervisors and command staff shall only view video of employees if they are reviewing:

- Use of force reports
- K-9 applications
- Pursuit reports
- Investigating an independent complaint of misconduct
- Evaluating a report of meritorious conduct
- Defending or prosecuting criminal or civil litigation
- Coroner's inquest
- Other instances in which reporting is mandatory
- For purposes of training and/or coaching
- Documentation for accreditation assessments

While reviewing video for authorized reasons, supervisors might observe minor misconduct. Misconduct such as obscene language, minor rudeness, or other conduct that is minor in nature should be addressed with the deputy through counseling and not discipline. Other minor performance related issues may be addressed with coaching and counseling outside the disciplinary process. These may be documented in the employee's performance evaluation. Video shall not be viewed solely to evaluate employee performance other than outlined above.

Random Review for Discipline Prohibited. The Department shall not randomly review or search through BWC/ICV recordings to discover disciplinary matters. If during the course of a legitimate viewing, a department member views serious misconduct which could lead to discipline, they are required to report it as they would in any other situation.

### **Officer Involved Shooting (OIS), Serious Use of Force, Serious Misconduct**

Immediate Supervisor Possession of Video and Equipment: If a deputy is involved in an OIS, serious use of force, or is suspected of serious misconduct, the deputy's supervisor should take physical custody of the BWC/ICV until the independent review team can take custody. The supervisor will take custody of the BWC/ICV outside of public view.

When a deputy uses deadly force, the investigating agency may supervise the downloading of the video. A copy of the video shall also be maintained by the KCSO for its internal processes.

### **Notification to Supervisor**

Deputies should inform their supervisor if the BWC/ICV may have recorded an incident that they reasonably believe might:

- Result in a complaint
- Be useful for training
- Be an unusual or newsworthy event
- Contain graphic or sensitive material

### **Inadvertent/Accidental Recording**

A deputy may inadvertently record themselves or others. These accidental recordings typically do not meet the statutory definition of a public record as described in RCW 40.14.010 because they are not made in connection with the transaction of public business, and may be deleted upon request.

The KCSO Records Manager shall be responsible for the deletion of inadvertent recordings once authorized by the deputy's supervisor pursuant to the procedure set forth below.

### Inadvertent Recordings Review and Deletion

The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

1. **Deputy** emails the on-duty patrol supervisor and the records manager indicating:
  - a. date and time of recording
  - b. circumstances surrounding the accidental recording
  - c. requesting video be reviewed for deletion
2. **Supervisor** reviews the information provided by the deputy to determine if the video should be deleted.
  - \* The presumption shall be that all accidental recordings shall be deleted. However, in unclear circumstances, the supervisor may review the recording.
3. If in agreement, **Supervisor** will confirm for the Records Manager that the subject footage is to be deleted.
4. **Records Manager** deletes the video as soon as practicable.

## **Video Retention**

BWC/ICV recordings shall be stored, retained, released in accordance with state records retention and public records disclosure laws or KCSO's own records retention schedule if more stringent.

## **Public Disclosure**

Public Disclosure Process: Community members who wish to obtain BWC/ICV recordings must submit a public disclosure request, or in the event of litigation, seek the video through the discovery process.

Review Prior to Public Disclosure: All recordings requested pursuant to the public records act shall first be reviewed by the department prior to public release.

Contract Partners, Prosecutors, and other LE Agencies: Recordings shall be made available to King County contract partners and the King County Prosecutor's Office for the purposes of prosecuting criminal cases, traffic or civil infractions, code enforcement, licensing violations, or to defend the contract partner or county or its employees in litigation. Recordings shall be released and available to other criminal justice agencies as that term is defined in RCW 10.97.020.

## **Definitions**

**Body Worn Camera (BWC)** – a video and audio recording system designed to be worn on the exterior of uniforms and/or equipment.

**In Car Video (ICV)** – a video and audio recording system that is mounted in, and draws power from, a vehicle.

**Camera System** – An audio-visual system that is capable of audio and video recordings.

**Advisement** – Statement made by an officer at the outset of using a BWC/ICV to record a communication, conversation or interaction with a community member. This statement is made for the specific purpose of informing the community member that the communication or conversation is being recorded.

**Consent** - Consent to record shall be considered obtained when the recording party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is being recorded.

**Activation** - Any process that causes the BWC/ICV to store video and/or audio data in an active mode.

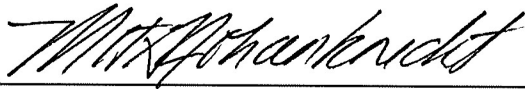
**Body Camera Technicians-** Personnel certified or trained in the operational use and repair of body cameras, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures. For the purpose of the pilot program this function will be fulfilled by the system vendor.

**Responsibilities**

Supervisors: Supervisors are responsible for ensuring that their deputies use and maintain their BWC and ICV equipment in accordance with this policy. They shall review all BWC/ICV recordings associated with a use of force report, a pursuit report, or when possible prior to taking any community member complaint.

Deputies: are responsible for ensuring that they use and maintain their BWC and ICV equipment in accordance with this policy.

This Addendum will remain in effect unless otherwise rescinded or superseded with written policy.



Sheriff Mitzi G. Johanknecht



Date

## **Appendix C: Body Worn Camera Policy Outreach**

### **Overview**

Below is information regarding the outreach that Executive Office staff conducted with community organizations to receive feedback on the draft body worn camera policy.

### **King County staff that met with community organizations**

- Gina Topp, King County Executive Office
- Rashd Ibrahim, King County Executive Office
- Michael Padilla, King County Executive Office
- Tim Meyer, Captain, King County Sheriff's Office

### **Community organizations that King County staff met with**

- Urban League of Metropolitan Seattle
- Not This Time
- West Hill Community Association
- North Highline Unincorporated Area Council
- Vashon Maury Island Community Council
- WA People Power Group
- Public Safety Advisory Committee (PSAC)
- Office of Law Enforcement Oversight (OLEO)

### **Meeting dates and times**

King County staff met with community organizations via video conference to provide a briefing on the draft policy and receive feedback on how it could be improved. Below is a list of dates, times, and attendees/invitees to the various meetings that were held.

- Tuesday, February 22<sup>nd</sup>, 2022, 11:00 a.m. – 11:30 a.m. King County staff met with representatives of Urban League of Metropolitan Seattle
  - Attendees/invitees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
Urban League: Maya Manus, Michelle Merri Weather, Tiersha Cutler
- Tuesday, February 22<sup>nd</sup>, 2022, 2:00 p.m. – 2:30 p.m. King County staff met with Andre Taylor representing Not This Time. (Original meeting date/time was rescheduled 2/21)
  - Attendees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
Not This Time: Andre Taylor
- Thursday, February 24<sup>th</sup>, 2022, 10:00 a.m. – 10:30 a.m. King County staff met with a representative from the West Hill Community Association.
  - Attendees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
West Hill Community Association: Jeannie Williams



- Friday, February 25<sup>th</sup>, 2022, 9:30 a.m. – 10:00 a.m. King County staff met with representatives from the Vashon Maury Island Community Council.
  - Attendees/invitees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
Vashon Maury Island Community Council: David Vogel, Bailey de Longh, Deborah Nelson
  
- Friday, February 25<sup>th</sup>, 2022, Noon – 1:00 p.m. King County staff met with representatives of the Office of Law Enforcement Oversight
  - Attendees/Invitees:  
King County: Gina Topp, Rashd Ibrahim, Jeffrey Flohr, Katy Kirschner  
OLEO: Tamer Abouzeid, Adrienne Wat
  
- Friday, February 25<sup>th</sup>, 2022, 1:30 p.m. – 2:00 p.m. King County staff met with a representative from the North Highline Unincorporated Area Council.
  - Attendees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
North Highline Unincorporated Area Council: Liz Giba
  
- Tuesday, March 1<sup>st</sup>, 2022, 7:00 p.m. – 7:30 p.m. King County attended a meeting of the WA People Power Group to provide a briefing on the draft Body Worn Camera Policy.
  - Attendees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
WA People Power Group: Bailey de Longh and regular attendees of the WA People Power Group.
  
- Friday, March 3<sup>rd</sup>, 2022, 12:30 p.m. – 1:00 p.m. King County staff met with the facilitation team of the King County Public Safety Advisory Committee to review and respond to questions submitted by the committee (see supplemental materials) and provide a briefing on the draft Body Worn Camera Policy.
  - Attendees:  
King County: Gina Topp, Rashd Ibrahim, Michael Padilla, Tim Meyer  
PSAC: Ishmael Nunez and Melodie Garcia (facilitators of the PSAC)

### **Notes on feedback received from community meetings**

Below are brief notes of the questions, concerns, and feedback that King County staff received at community meetings.

#### **Urban League**

Tuesday, February 22<sup>nd</sup>, 2022, 11:00 a.m. – 11:30 a.m.

#### **Questions, Concerns and Feedback**

- Is docking of cameras easy and quick like charging a phone?
- What is the cost for this policy being implemented - for equipping a body worn camera and car cameras?
- Generally concerned about allocating more funding to law enforcement even for body cameras instead of allocating funds to community.

- Regarding repair/replacement as soon as practicable (can there be a timeframe used instead of that general term) - "as soon as possible not practicable"?
- Comment on activation – “all calls for service” is that 911 calls?
- List in policy of when cameras are activated should also say “when responding to 911 calls”- would that be possible for 911 calls?
- Regarding video review: When does a police officer get to see the video after incidents? Concerned that a camera may capture something a cop doesn't see and if they get to see the video that may give opportunity to change story - do they write report first or after they see video?
- Would community have access to videos/viewing? Could there be a third party present as part of video review process? How can we get an accurate report of what officer was thinking before viewing of a report?
- Is it possible that a family could view video from a body camera before it is released to the public giving those most impacted access sooner rather than later?

### **Not This Time**

Tuesday, February 22<sup>nd</sup>, 2022, 2:00 p.m. – 2:30 p.m.

#### **Questions, Concerns and Feedback**

- Accountability - how can we make sure that supervisors etc. will follow the policy.
- Confirm and provide clarity on what the deputy's "supervisor" means in the policy.
- Generally, appreciates the body cam policy and effort to establish this program – mainly concerned now about the administration/implementation of the policy.

### **West Hill Community Association**

Thursday, February 24<sup>th</sup>, 2022, 10:00 a.m. – 10:30 a.m.

#### **Questions, Concerns and Feedback**

- King County provided briefing on body worn cameras.
- Organization requested a copy of the body worn camera briefing PowerPoint that King County staff reviewed.
- Provided feedback via email

### **Vashon Maury Island Community Council**

Friday, February 25<sup>th</sup>, 2022, 9:30 a.m. – 10:00 a.m.

#### **Questions, Concerns and Feedback**

- Highlighted concern that deputies could be allowed to review video before creating a statement.
- Concerned that there was not enough time given to offer and provide feedback on this policy.
- Concerned that an individual officer could delete video footage.
- Asked for additional detail regarding retention period for videos.
- Had questions about the bargaining process and how open to community input that process might be.
- Invited King County Staff to attend standing WA People Power Group meeting to provide a briefing about the body worn camera policy.

### **North Highline Unincorporated Area Council**

Friday, February 25<sup>th</sup>, 2022, 1:30 p.m. – 2:00 p.m.

## **Body-Worn Camera and In-Car Camera System Pilot Program**

### **Questions, Concerns and Feedback**

- Question about how long the videos are retained for and how Public Records Act applies.
- Had question about how the automatic activation of the camera works and what actions prompt an automatic activation.
- Had question about how the cameras will be deployed among KCSO officers.
- Requested clarification on the proposed process for an officer to view video footage.
- Expressed support for the policy and efforts to implement cameras. Likes the idea of cameras for the safety of both the public and officers.

### **WA People Power Group**

Tuesday, March 1<sup>st</sup>, 2022, 7:00 p.m. – 7:30 p.m.

#### **Questions, Concerns and Feedback**

- Requested clarification on when a deputy would be able to review video footage.
- Provided feedback that accidental recording should not be erased or should not be erased until retention period ends.
- Had questions about the bargaining process and the appropriate person to speak with about that process.
- Asked if terms like “serious use of force” defined as they apply to the policy.
- Additional feedback provided via email.

### **King County Public Safety Advisory Committee (PSAC)**

Friday, March 3<sup>rd</sup>, 2022, 12:30 p.m. – 1:00 p.m.

#### **Questions, Concerns and Feedback**

- PSAC representatives reviewed the memo that contained key questions and feedback from the PSAC.
- Generally agreed on audio redaction.
- Have concerns about the downloading and storage process of body worn camera recordings. Concerned that downloading at hoes compromises the integrity of the system.
- Concerned about there being opportunities for temporary video deactivation or deactivation in general.
- Asked for clarity on process for using body worn camera video for training purposes. Clarify how video can and can't be used.
- Asked for more clarity on how the camera technology works.
- Asked if the storage system record data every time someone accesses a stored video.