

**Attachment #62**

**Lake Forest Park Police Department- PVRD Policy**

# Wearable Video Cameras

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## 1 Purpose

The purpose of this policy is to provide officers of the Lake Forest Park Police Department with general guidelines for the use, management, storage and retrieval of audio/visual recordings with the VieVu camera system.

The use of the VieVu recording system provides documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers who choose to use these devices shall adhere to the operational objectives and protocols outline herein so as to maximize the effectiveness of the VieVu and the integrity of evidence and related video documentation.

The department will provide officers with a wearable video camera (VieVu) designed to record both audio and visual. At the beginning of each shift, officers are encouraged to check out a camera and position it on their uniform or anywhere on their equipment to facilitate the recording of traffic stops, subject contacts, interviews, gathering of evidence or other job related events.

## 2 Retention

2.1 All recorded imagery will be stored and retained by the Department for at least 90 days, or until all criminal, civil or administrative cases to which the recordings are relevant have been adjudicated. Data cannot be erased or removed for 90 days from neither the camera nor computer.

2.2 At the time imagery is originally recorded, Officers are responsible for notifying a supervisor when data needs to be archived beyond 90 days. Supervisors will have the ability to move data to disk or mark data to be saved permanently on the server for investigative purposes. Within the initial 90 day period, detectives can also notify the supervisor or officer of the need to archive imagery required for case investigation/prosecution.

2.3 Recordings moved to DVD will be entered as evidence and placed in an evidence locker (2-copies.)

## 3 Department Review

3.1 Imagery recorded by the department will **not** be routinely or randomly reviewed to monitor an officer performance. A supervisor may conduct a performance review of an officer's recorded imagery only in the event of a personnel complaint, criminal investigation or internal investigation. Reviewing imagery for training purposes such as FTO is acceptable. Department personnel may review their own recordings. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee. No officer shall view another officers recordings without a supervisor's approval.

#### 4 Operating procedures

- 4.1 Prior to going into service officers (who choose to wear the VieVu) will ensure that the equipment is charged and working properly. Any problems should be brought to the supervisor's attention. Officers are encouraged to place the camera in a position (either in the patrol car or on their uniform) that will allow the recording of traffic stops, citizen contacts, arrest or any other police action. Officers should activate the camera prior to making contacts or traffic stops unless it is impractical to do so due to the urgency of the situation.
- 4.2 At the end of a shift, officers will download the data into the appropriate file and place the camera back in the officer's area to be recharged. Once the VieVu is downloaded, the camera is cleared and data can only be retrieved from the computers server.
- 4.3 During contacts, the officer will advise the person that they are being recorded as soon as it is practical. The VieVu camera should not be deactivated during contacts. If there is an equipment failure resulting in a deactivation, the officer will notify his/her supervisor and the reason for the deactivation. If a subject or subjects state that they do not wish to be recorded, the officer will **not** deactivate the camera. Officers only have to notify a subject that they are being recorded.

#### 5 Officer Review

- 5.1 During a shift officers may review portions of the video/audio recording, e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy. Officers will not make copies of any recording for personal use.

### **RCW 9.73.090**

#### **Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 — Standards — Court authorizations — Admissibility.**

(1) The provisions of RCW [9.73.030](#) through [9.73.080](#) shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. A sound recording device that makes a recording pursuant to this subsection (1)(c) must be operated simultaneously with the video camera when the operating system has been activated for an event. No sound recording device may be intentionally turned off by the law enforcement officer during the recording of an event. Once the event has been captured, the officer may turn off the audio recording and place the system back into "pre-event" mode.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the event or events which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

**A law enforcement officer shall inform any person being recorded by sound under this subsection (1)(c) that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the law enforcement officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances.** A law enforcement officer is not required to inform a person being recorded by video under this subsection (1)(c) that the person is being recorded by video.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or

magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW [9.73.050](#).

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter [69.50](#) RCW, or legend drugs as defined in chapter [69.41](#) RCW, or imitation controlled substances as defined in chapter [69.52](#) RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

[2006 c 38 § 1; 2000 c 195 § 2; 1989 c 271 § 205; 1986 c 38 § 2; 1977 ex.s. c 363 § 3; 1970 ex.s. c 48 § 1.]

## Notes:

**Intent -- 2000 c 195:** "The legislature intends, by the enactment of this act, to provide a very limited exception to the restrictions on disclosure of intercepted communications." [2000 c 195 § 1.]

**Severability -- 1989 c 271:** See note following RCW [9.94A.510](#).

**Severability -- 1970 ex.s. c 48:** "If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this chapter so adjudged to be invalid or unconstitutional." [1970 ex.s. c 48 § 3.]