

Statement of Legislative Intent

“The Seattle Police Department is currently conducting a trial use of four body-mounted camera and video units to gain a better understanding of how the body-mounted camera technology works. The Council requests a written report detailing the outcomes of this trial use by the end of the second quarter of 2011. The Council intends to use the findings of the report to consider options for funding in the 2012 budget.

Additionally, the Council requests that the Seattle Police Department pursue federal grant money to fund a significant body-mounted camera pilot project in order to develop a better understanding of this emerging technology. The Council requests a written report of measures taken to pursue federal grant money and the status of any grants applied for by the end of the second quarter of 2011.”

Seattle Police Department Response to Statement of Legislative Intent

The Department has initiated several steps to enable it to conduct a pilot project in the field, as described below, but it has not yet deployed the cameras. This response will identify the existing obstacles to implementation, the steps taken to date, and planned next steps.

I. Obstacles to Deployment.

There are several existing obstacles to deployment of body cameras in the field, as discussed briefly below.

A. Labor Considerations

Use of body-mounted cameras in the field may impact officers’ conditions of employment, and thus be subject to negotiation with the Seattle Police Officers Guild. Issues relating to body cameras and other video are part of the ongoing contract negotiations with the Guild. The parties are in mediation regarding the contract now, but no agreement has been reached.

B. Legal Considerations

Washington’s Privacy Act, RCW 9.73.030, prohibits the audio recording of private conversations without first obtaining the consent of all parties to the conversation. RCW 9.73.080 states that unauthorized recording of a private conversation is a gross

misdemeanor, and could also subject the Department to potential civil suits for damages. RCW 9.73.090 provides an exception for the use of dashboard-mounted cameras with audio recording, but there is currently no exception for body-mounted cameras.

The Department has been advised in an attorney-client privileged communication from the Law Department that it would be unwise to implement a body camera program without first obtaining a legislative exception to the Washington Privacy Act. The City was unable to obtain a legislative exemption during the recently completed state legislative regular session.

C. Community Concerns

While body cameras are often discussed as a means to monitor police behavior, the subjects captured on video will, for the most part, be civilians. In many cases, civilians will be engaged in situations or behavior they would not wish to have recorded, and potentially, released and distributed under public disclosure laws. Community groups, including ACLU and the Washington Association of Criminal Defense Attorneys, have advocated against recording of individuals without consent.

D. Budget Considerations.

Costs of implementing a body camera program include the cost of cameras, as well as the equipment and personnel costs to store, catalog and manage large amounts of video data, and retrieve individual segments of video on request. The Department expects it can conduct a small-scale pilot program within its existing budget, but broader implementation will require significant new funding, or reallocation of existing funds. The Department has taken actions, described below, to locate grant funding for the project.

II. Preparations for Pilot Project.

Notwithstanding the concerns above, the Mayor and Chief have directed the Department to pursue a pilot program for body cameras. Steps taken to date include:

- Established a project steering committee and charter outlining the goals of the project. The project is designed as a proof of concept pilot to identify operational and logistical issues associated with day-to-day deployment of body-mounted cameras, ease of use and acceptance by officers and the public. SPD will include functional and cost comparisons with in-car video systems.
- Researched the use of the body-mounted cameras in other locations, including travel to San Jose, California. Few large departments in the U.S. have deployed the cameras, highlighting the need for local testing in a variety of settings.

- Secured cooperation of a Seattle-based body-mounted camera vendor to make a small number of cameras available for a 60-day pilot. The vendor understands that any decision to widely deploy body-mounted video would be subject to an RFP.
- Conducted preliminary testing of one body camera in simulated police interactions using personnel in the Training Section. That testing shows that the usefulness of video may be substantially limited in situations where officers are walking or running, where there is physical contact between officers and suspects, or officers are raising their hands to fire a weapon. In addition, body cameras may be less useful than dashboard, surveillance or other types of cameras in many situations, because they do not provide any direct view of the actions of the officer who is wearing the camera.
- Drafted a protocol to govern use of the cameras by SPD officers, including legal review. As noted above, the Law Department has recommended that the City seek a legislative exemption for body-mounted cameras. Without such an exemption, the City would incur “considerable risk” in deploying these systems, relating in part to the legal complexities that would confront officers responding to most situations.
- Identified and tested an SPD server to receive and store video and audio evidence produced by the cameras. As part of the final project report, the Department will assess the cost and feasibility of a cloud-based storage solution.
- Completed and forwarded application materials for a federal earmark that would underwrite the cost of a larger pilot project involving approximately 70 officers in a variety of SPD units. This request for \$243,000 is being held pending resolution of budget difficulties at the federal level. The SPD Grants Unit and staff in the Office of Intergovernmental Relations are watching for other grant opportunities.
- Identified need to develop a short training module for officers agreeing to test the cameras. This will ensure a thorough understanding of the equipment, its operation and rules governing use of the systems.
- For evaluation purposes, identified need to gather feedback from officers deploying the cameras and from citizens and to assess suitability of body-mounted cameras as a substitute for in-car camera systems.

III. Next Steps

Having taken these steps, and pending ongoing labor discussions, the Department is now preparing to proceed with a pilot program involving motorcycle traffic officers. Officers will be outfitted with cameras on loan from a vendor, as described above. Upon stopping a vehicle, officers will approach and request permission to record the encounter. If the vehicle driver declines approval, the camera will not be turned on or, if already recording, will be shut off.