



May 13, 2013

MEMORANDUM

To: Jim Pugel, Interim Chief, Seattle Police Department

From: The Seattle Human Rights Commission

Re: Recommendations for In-Car Video Policies & Practices

Since the Seattle Police Department (SPD) began using in-car video systems (ICV) in 2002, ICV has proven to be a valuable asset for the department and has become integral to police work. According to the International Association of Police Chiefs' 2004 report, the benefits of ICV include increased officer safety; documentation of traffic violations, citizen behavior, and other events; reduced frivolous lawsuits; and increased likelihood of successful prosecution.¹ However, there have also been challenges to consistent ICV utilization throughout SPD, as well as officer confusion about the policies and practices governing ICV operation.²

SPD's acquisition of new ICV equipment from COBAN Technologies offers a critical opportunity to address and surmount previous challenges with SPD's use of the ICV system.

We submit the following preliminary recommendations with the goal of working collaboratively with SPD to improve consistent ICV implementation, minimize officer confusion about ICV, increase officer safety, advance a number of SPD's 20/20 Initiatives, and take a proactive approach to succeeding under the *U.S. v. Seattle* consent decree. Our belief is that only the first two recommendations below would affect the terms of acquisition of the new ICV equipment from COBAN.

We have been asked to consult with the Community Police Commission on these recommendations. We have also met with representatives from the Department of Justice and the *U.S. v. Seattle* monitoring team to solicit their feedback on these recommendations. We sincerely welcome and seek your feedback, and hope that we can work together on developing realistic and pragmatic ICV policies that maximize officer safety, clarity, and accountability.

¹ See International Association of Chiefs of Police, *The Impact of Video Evidence on Modern Policing*, 11 (2004).

² See Kathryn Olson, Seattle Police Department, Office of Professional Accountability, *In-Car Video Review* (2011) [hereinafter 2011 OPA Report].



Summary of Recommendations for SPD In-Car Video Policies & Practices

1. Program the computer system to automatically log in officers, upon the activation of that car's ignition. This is possible if the computer system is synched with SPD's active directory, allowing the computer system to access up-to-date data about which officer is assigned to a patrol car for a shift.
2. Increase the number of triggers used to flag and record in-car video by activating the following triggers available with COBAN's ICV system, but not currently used by SPD: siren, speed, GPS data, shotgun release and doors opening. These triggers come standard with COBAN's ICV system and should not substantially increase costs.
3. When more than one officer is assigned to a patrol car with an ICV system, require that all officers wear a microphone synched to the ICV system and that each officer activate the microphone in according with SPD policy.
4. Require that audio and visual recording be tagged by GPS location, and that once in-car videos are uploaded and retained by SPD, they are searchable by GPS location.
5. Implement an ICV system audit program to ensure full and consistent use of ICVs and compliance with ICV rules and regulations
6. Prevent officers from being able to access in-car video hard drive in patrol cars.
7. Amend the public safety exception to manually turning on the in-car video system to state: "In the event that officer or public safety precludes an officer from immediately activating the ICV system, it shall be activated as soon as tactically sound."
8. Amend current ICV policies to include the following: "Once the ICV is activated, officers shall not avoid camera or audio recording by moving a suspect or enforcement activities away from the camera's view or by placing the microphone out of range, unless necessary for public safety or law enforcement reasons."
9. Clarify that SPD Policy 16.090(4) requires officers to activate the ICV for civil infractions, pedestrian stops, and social contacts conducted for law enforcement purposes.
10. Research and seriously consider the possibility of having worn by officer record audio for the entirety of an officer's shift, and the possibility of uploading the entire audio recording from that officer's shift for retention for the default time period of 3 years and 6 months.
11. Research and seriously consider the possibility of automatic uploading tagged ICV recordings.



Detailed Recommendations

1. Recommendation – Implement automatic officer log-in for the computer system that syncs up with the in-car camera and microphone worn by officers.

Possible Mechanism for Implementing Recommendation

- Program the computer system to automatically log in officers, upon the activation of that car's ignition. This is possible if the computer system is synched with SPD's active directory, allowing the computer system to access up-to-date data about which officer is assigned to a patrol car for a shift.

Objectives of Recommendation

- Reduce officer confusion about ICV policies and practices by making log-in for the computer system automatic.
- Expedite shift changes by reducing the time taken to log into the ICV system. This implementation challenge was recently brought to light in the incident involving Jack Keewatinawin, in which no ICV footage is available, in part, because officers did not have time to log in to their computer system before responding to the call during shift change.³
- Increase consistent ICV implementation throughout SPD by ensuring that officers are logged into the ICV system and able to operate the ICV system.
- Increase community trust in SPD by ensuring that the ICV system is logged into and operable whenever a car with an ICV system is on patrol.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by ensuring that the ICV system is logged into, thereby facilitating the availability of ICV recordings for review; and ensuring systematic enforcement of professional standards (initiative 12) by guaranteeing that the ICV is logged into whenever an officer in a car with ICV is on patrol.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by facilitating the availability of ICV recordings for review.

2. Recommendation – Increase the number of triggers used to flag and record in-car video by activating the following triggers available with COBAN's ICV system, but not currently used by SPD: siren, speed, GPS data, shotgun release, and doors opening. These triggers come standard with COBAN's ICV system and should not substantially increase costs.

Objectives of Recommendation

- Reduce officer time spent on manually activating ICV.

³ See Steve Miletich & Mike Carter, Seattle Times, *8 officers, no video: Cameras off during SPD fatal shooting*, May 9, 2013, available at http://seattletimes.com/html/localnews/2020948922_spdcamerasxml.html.



- Increase consistent ICV implementation throughout SPD.
- Increase officer safety by increasing the likelihood that law enforcement activities is recorded by the ICV system.
- Increase community trust in SPD.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by increasing the likelihood that law enforcement activities are captured on ICV for review; and ensuring systematic enforcement of professional standards (initiative 12) by increasing the number of triggers that automatically activate the ICV system
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by increasing the likelihood that law enforcement activities are captured on ICV for review

3. Recommendation – When more than one officer is assigned to a patrol car with an ICV system, require that all officers wear a microphone synched to the ICV system and that each officer activate the microphone in according with SPD policy.

Objectives of Recommendation

- Enhance the quality and amount of information available from ICV recordings.
- Increase the amount of information available for criminal prosecutions and internal investigations.
- Increase community trust in SPD by ensuring that as much information as possible is captured in ICV recordings.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by enhancing the information available from ICV recordings for review.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by enhancing the information available from ICV recordings for review.

4. Recommendation – Require that audio and visual recording be tagged by GPS location, and that once in-car videos are uploaded and retained by SPD, they are searchable by GPS location.

Objectives of Recommendation

- Enhance the ability to locate ICV recordings after they are uploaded, and thereby, reduce the time required to search for ICV recordings.
- Address previous limitations, noted by the 2011 OPA Report,⁴ on SPD's ability to locate ICV recordings, for example, if an officer uses someone else's patrol car or if the recording's date and time are listed incorrectly.

⁴ See 2011 OPA Report, *supra* note 2, at 15 (stating that it can be difficult to locate ICV recordings using current search fields, if an officer uses someone else's patrol car or if the video's date and time are listed incorrectly).



- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by making video available for review more quickly and efficiently.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation, as well as accountability, by making video available for review more quickly and efficiently.

5. Recommendation – Implement an ICV system audit program.

Possible Mechanism for Implementing Recommendation

- Assign 1-2 officers per precinct to an audit team that assesses officers' compliance with ICV policies.
- The audit team shall cross-reference each officer's activities (as captured in the CAD, incident reports, etc.) with that officer's tagged and uploaded videos for the same time period to determine whether that officer operated the ICV system in compliance with SPD policies. This cross-referencing should occur on a regular basis appropriate for precinct size.⁵ This audit program would address the problem of sergeants "not regularly checking to see which officers are using [ICV]," which the 2011 OPA Report flagged as a concern.⁶
- When the audit team finds that an officer is in compliance with ICV policies, it shall provide positive feedback to that officer and his/her supervising sergeant.
- When the audit team finds that an officer is out of compliance with ICV policies, it shall provide corrective feedback to the officer and his/her supervising sergeant, as well as input that information in the Early Intervention System.
- When supervising officers receive notice that an officer is out of compliance with ICV policies from the audit team, OPA investigations, litigation, or other sources, they shall sanction that officer by requiring the officer to complete re-training upon on the first finding of non-compliance, and by suspending the officer from field duties for repeat instances of non-compliance.
- If the audit team finds that technological problems are affecting an officer's ICV system, it shall immediately notify Information Technology personnel to address the problem. In this way the audit team can also help to proactively identify technological issues.⁷
- The audit team shall ensure that all officers either operating or supervising officers who are operating ICV-equipped vehicles be up-to-date on ICV training. This would

⁵ The protocol for the Los Angeles Police Department, South Bureau requires digital ICV system coordinators to assess employee compliance with ICV policy "a minimum of four days per week for a total of 16 days each Deployment Period." See Los Angeles Police Department, Operations-South Bureau Order No. 1, Jan. 29, 2012.

⁶ See 2011 OPA Report, *supra* note 2, at 17.

⁷ According to the 2011 OPA Report, the Information Technology personnel were unable to systematically and proactively identify ICV technological issues due to staff shortages. See 2011 OPA Report, *supra* note 2, at 16.



address the problems brought to light by both the 2011 OPA Report⁸ and the recent incident involving Jack Keewatinawin,⁹ regarding officers and sergeants who did not have ICV training, in spite of operating or overseeing officers who were operating ICV-equipped vehicles.

Objectives of Recommendation

- Increase consistent ICV implementation throughout SPD by providing consistent feedback to officers and supervising sergeants about compliance with ICV policies.
- Increase officer clarity about SPD's ICV policies by providing consistent feedback about each officer's implementation of ICV policies.
- Increase community trust in SPD by ensuring that officers are complying with ICV policies.
- Increase officer accountability by providing praise and sanction as appropriate.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) by ensuring that video is available for review when required by ICV policies; and improving transparency and accountability (initiative 18) and ensuring systematic enforcement of professional standards (initiative 12) by providing consistent feedback to officers about their compliance with ICV policies and sanctions as appropriate.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation by ensuring that video is available for review when required by ICV policies; accountability by providing consistent feedback about compliance with ICV policies; and supervision by ensuring that officers are trained on ICV policies.

6. Recommendation – Prevent officers from being able to access in-car video hard drive in patrol cars.

Possible Mechanism for Implementing Recommendation

- Secure the hard drive in each car into the hard drive's case.
- Implement a policy clarifying that any tampering with the in-car video hard drive is officer misconduct and grounds for suspension from field duties.

Objectives of Recommendation

- Increase community trust in SPD by ensuring that ICV recordings cannot be tampered with.

⁸ See 2011 OPA Report, *supra* note 2, at 17.

⁹ See Steve Miletich & Mike Carter, *Seattle Times*, 8 officers, no video: Cameras off during SPD fatal shooting, May 9, 2013, available at http://seattletimes.com/html/localnews/2020948922_spdcamerasxml.html.



- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by ensuring that ICV recordings are accurate and free from adulteration.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by ensuring that ICV videos are accurate and free from adulteration.

7. Recommendation – Amend the public safety exception to manually turning on the in-car video system to state: “In the event that officer or public safety precludes an officer from immediately activating the ICV system, it shall be activated as soon as tactically sound.”

Objectives of Recommendation

- Ensure that at least some ICV recording is available in all law enforcement activities, while prioritizing officer and public safety.
- Increase consistent ICV implementation throughout SPD by requiring ICV activation in all law enforcement activities, as soon as tactically sound.
- Increase community trust in SPD.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by ensuring that at least some video is available for review from all law enforcement activities; and ensuring systematic enforcement of professional standards (initiative 12) by requiring ICV activation in all law enforcement activities.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation, as well as accountability, by ensuring that some video is available for review in all law enforcement activities.

8. Recommendation – Amend current ICV policies to include the following: “Once the ICV is activated, officers shall not avoid camera or audio recording by moving a suspect or enforcement activities away from the camera's view or by placing the microphone out of range, unless necessary for public safety or law enforcement reasons.”

Objectives of Recommendation

- Increase consistent ICV implementation throughout SPD by clarifying officers' obligations.
- Increase officer accountability and community trust in SPD by ensuring that officers are not avoiding ICV recordings.
- Implement the OPA Auditor's suggestion that officers not just activate the ICV system, but also be “obligated to make every effort to ensure the video/audio recording is as useful as possible.”¹⁰

¹⁰ See 2011 OPA Report, *supra* note 2, at 10.



- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by maximizing the quality and quantity of information available for review; and ensuring systematic enforcement of professional standards (initiative 12) by clarifying officers' duties under ICV policies.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation, as well as accountability, by maximizing the quality and amount of information available from ICV recordings for review.

9. Recommendation – Clarify that SPD Policy 16.090(4) requires officers to activate the ICV for civil infractions, pedestrian stops, and social contacts conducted for law enforcement purposes.

Objectives of Recommendation

- Reduce officer confusion about ICV policies. The 2011 OPA Report noted officer confusion about whether SPD's policy requires ICV recording when making social contacts or only contacts that involve reasonable suspicion.¹¹ Although SPD Policy 16.090(4) currently requires ICV recording for "enforcement-related activity," the enumerated list of enforcement-related activities includes only "Terry stops," not civil infractions, pedestrian stops, or social contacts.
- Improve consistent ICV implementation throughout SPD by clarifying officers' duties.
- Increase community trust in SPD, since numerous high-profile incidents in recent years arose out of what were initially civil infractions, pedestrian stops, or social contacts.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) by ensuring that video is available for review from all enforcement-related activities; and improving transparency and accountability (initiative 18) by clarifying officers' duties under ICV policies.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation, as well as accountability, by ensuring that video is available for review from all enforcement-related activities.

10. Recommendation – Research and seriously consider the possibility of having worn by officer record audio for the entirety of an officer's shift, and the possibility of uploading the entire audio recording from that officer's shift for retention for the default time period of 3 years and 6 months.

Objectives of Recommendation

- Enhance the quality and amount of information available from ICV recordings, without creating an impractically large amount of data for storage.

¹¹ See 2011 OPA Report, *supra* note 2, at 8.



- Increase the amount of information available for criminal prosecutions and internal investigations.
- Increase officer safety by increasing the amount of information contributing to law enforcement activities.
- Increase consistent ICV implementation throughout SPD by providing continuous audio recordings.
- Increase community trust in SPD by providing continuous audio recordings of officer activity.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9) and improving transparency and accountability (initiative 18) by enhancing the information available from ICV recordings for review.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by enhancing the information available from ICV recordings for review.

11. Recommendation – Research and seriously consider the possibility of automatic uploading tagged ICV recordings.

Possible Mechanisms for Implementing Recommendation

- Implement a system in which ICV recordings are automatically uploaded from the field through LTE wireless communication, immediately after they are tagged by an officer; *or*
- Implement a system in which ICV recordings are automatically uploaded through LTE wireless communication when a patrol car returns to any precinct. This can be achieved by installing a sensor at each precinct, which triggers automatic uploading of tagged ICV recordings.

Objectives of Recommendation

- Reduce officer confusion about ICV policies and practices by making uploading automatic.
- Expedite shift changes by reducing the amount of time spent uploading videos at the end of an officer's shift.
- Increase consistent ICV implementation throughout SPD by making uploading easier and quicker. According to the 2011 OPA Report, "[s]ome parts of a precinct parking area or garage might not have sufficient range to allow for a successful upload," which interfered with the consistent uploading of ICV recordings.¹²
- Increase community trust in SPD by ensuring that videos are uploaded.
- Advance the following SPD's 20/20 initiatives: improving review of uses of force (initiative 9), improving transparency and accountability (initiative 18), and ensuring

¹² See 2011 OPA Report, *supra* note 2, at 15.



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- systematic enforcement of professional standards (initiative 12) by ensuring that ICV recordings are uniformly uploaded and available for review.
- Proactively address the *U.S. v. Seattle* consent decree provisions regarding use of force reporting and investigation and accountability by ensuring that ICV videos are uploaded and retained for review.