

Body-Worn Video Frequently Asked Questions (FAQ)

Updated October 5, 2017

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Rights

Will officers notify me if they have their body-worn camera on?

Yes. Officers are required by SPD body-worn video policy to notify persons as soon as practical, with the notification being on the recording. If new people become involved in the recording, officers will make reasonable efforts to notify them that they are being recorded.

See [Section 5a in Title 16.090-POL-1 of the SPD policy manual](#) for the policy.

How will an officer notify someone who does not speak English?

Per the SPD policy, employees will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded.

See [Section 5a in Title 16.090-POL-1 of the SPD policy manual](#) for the policy.

Can I tell an officer not to record me on their body-worn camera?

It depends. The SPD policy gives officers discretion to stop recording in circumstances where respect for an individual's privacy outweighs the need to record an event. Such circumstances can include: natural death scenes, death notifications, child or sexual assault victim interviews, cultural or religious objections to being recorded, or when the use of cameras would impede or limit the cooperation of a victim or witness.

Also, officers will ask for consent to record before entering a private residence. If any person with legal standing; e.g., a victim or witness who is the resident or who has the legal right to be in the home, denies permission to record, the officers will stop the video recording. However, per the SPD body-worn video policy, officers will continue to record audio, regardless.

See [Section 5 e-f in Title 16.090-POL-1 of the SPD policy manual](#) for the policy.

Can I view the video at the time of the incident?

No. Employees will refer members of the public who wish to view video to file a public disclosure request.

See [Title 16.090-POL-2 of the SPD policy manual](#) for the policy to see the SPD policy on viewing videos.

Will I be able to get a copy of a video?

It depends. Washington law specifies what is required in a request for a copy of body-worn camera video (see [RCW 42.56.240\(14\)](#) for detail). A request must include:

- *The name of a person or persons involved in the incident;*
- *The incident or case number;*
- *The date, time, and location of the incident or incidents;*
- *The identification of a law enforcement or corrections officer involved in the incidents.*

Washington law does limit disclosure of body-worn videos in certain circumstances (see [RCW. 42.56.240\(14\)](#) for detail), such as when a video:

- *Contains images that are presumed to be highly offensive to an individual to the extent is depicts any areas of a medical facility, counseling, or therapeutic program office;*
- *Contains information that meets the definition of protected health information;*
- *Contains images of the interior of a place of residence where a person has a reasonable expectation of privacy;*
- *Contains images defined in the RCW as "intimate;"*
- *Contains images of a minor;*
- *Contains images of a deceased person;*
- *Contains the identity or communications from a victim or witness of an incident involving domestic violence or sexual assault;*
- *Contains images from an incident where a domestic violence or sexual assault victim or witness indicates a desire for non-disclosure of their recorded identity or communications;*

In the above scenarios, SPD may release the video with the relevant video/audio redacted (blurred or blocked out) and/or audio redacted (sound removed). If none of the above scenarios exist, the video may be released un-redacted, depending on whether the victim has requested non-disclosure.

Washington law does identify some exceptions for the disclosure of offensive or private videos listed as not subject to disclosure (see [RCW 42.56.240\(14\)](#) for detail). You can receive a copy of video state law defines as not disclosable to the public if:

- *You are directly involved in the incident;*
- *You are an attorney representing someone involved in the incident for the relevant criminal case and explain the relevancy of the requested video;*
- *You are an Executive Director from the Washington State Commission on African-American Affairs, Asian-Pacific Affairs, or Hispanic Affairs;*
- *You are an attorney who represents a person in a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution, or a violation of a United States Department of Justice settlement agreement and explain the relevancy of the requested video.*

Please visit the [Public Records Request Center section of the SPD website](#) to see information on how to request copies of the videos. If you were involved in an incident, but have misplaced your incident number, the Public Disclosure Unit can assist you in locating the number.

Will I be charged for requesting a copy of a body-camera video?

Maybe. Washington law allows local law enforcement agencies to charge for reasonable costs for redacting video (see [RCW 42.56.240\(14\)](#) for detail). Exempt from the charges are:

- *Those directly involved in the incident;*
- *Attorneys representing someone involved in the incident for the relevant criminal case and explain the relevancy of the requested video;*
- *Executive Directors from with the Washington State Commission on African-American Affairs, Asian-Pacific Affairs, or Hispanic Affairs;*
- *Attorneys who represents a person in a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution, or a violation of a United States department of Justice settlement agreement and explain the relevancy of the requested video.*

Washington law also allows local law enforcement agencies to charge for actual cost of copying video ([see RCW 42.56.120 for detail](#)).

Will the media be able to view a copy of a video?

It depends. The media is subject to the same laws of all requestors of body-worn video and follow the same process. Please see the “Will I be able to view a copy of a video?” question.

Will a suspect in a crime be able to view a copy of a video?

It depends. A suspect in a crime is subject to the same laws of all requestors of body-worn video and follow the same process. Please see the “Will I be able to view a copy of a video?” question.

Privacy

Will videos be disclosed to the public?

It depends. Body-worn video is a public record that may be requested under the [Public Records Act \(PRA\)](#). The Legislature recognized privacy concerns related to body-worn video and adopted legislation effective until July 2019, amending the PRA to address these concerns while a state-wide task force develops permanent policies on disclosure. Per the legislation, a request must provide specific information about the video sought. This is intended to limit broad requests for large numbers of videos at a time. It allows agencies to charge the actual cost of redacting video/audio to requestors who are not the subject of the video or who do not have an identified accountability role related to the video. This is also intended to limit broad requests for large volumes of video.

The legislation also creates a presumption that disclosure of certain images is highly offensive to a reasonable individual: inside a private residence, medical and mental health care treatment and facilities, intimate images, minors, deceased bodies, DV victims/witnesses, and DV program facility/shelters. If a video containing those images is requested, it will be disclosed only if the content is of legitimate interest to the public, and content containing the specific images that are presumed highly offensive will likely be redacted.

If I report a crime, will I be in a video?

Maybe. Officers are instructed in SPD policy not to turn the camera on during a conversation with persons merely wishing to pass on information about general criminal activity not tied to a specific event. For example, if you talk to an officer about how there are a lot of car prowls in your neighborhood, they will not record the event.

If you report a specific crime to an officer on the street who is wearing a body camera, your image may be captured, since officers may have the video on already due to an incident in progress.

Officers also may turn on the camera as a result of you reporting a specific crime, capturing your image.

If you witnessed the crime, the officer may record their conversation with you when they ask you questions about what you saw (see “If I witness a crime, will I be in a video?” question .

If I witness a crime, will I be in a video?

Maybe. SPD policy states that officers should record the questioning of victims, suspects, or witnesses.

The SPD Policy does give officers discretion to stop recording in circumstances where respect for an individual's privacy outweighs the need to record an event including when the use of cameras would impede or limit the cooperation of a victim or witness. However, per state law, officers will continue to record audio, regardless.

See [Section 5 in Title 16.090-POL 1 of the SPD policy manual](#) for the policy to see the SPD policy on when to record.

If I am a victim of a crime, will I be in a video?

Maybe. SPD policy states that officers should record the questioning of victims, suspects, or witnesses.

The SPD Manual does give officers discretion to stop recording in circumstances where respect for an individual's privacy outweighs the need to record an event including child or sexual assault interviews and when use of body-worn cameras would impede or limit the cooperation of a victim or witness. However, per state law, officers will continue to record audio, regardless.

See [Section 5.b in Title 16.090-POL 1 of the SPD policy manual](#) for the policy to see the SPD policy on when to record.

Will you disclose video of victims or witnesses?

It depends. Per the Washington Public Records Act (see [RCW 42.56](#) for detail), a victim or witness may ask that their identity not be publicly disclosed at the time of the incident, and that person's identifying information will be redacted from the video and other records. The identity of a victim or witness would also be redacted if there is specific information that disclosure would endanger a person's life, physical safety, or property. SPD officers will generally ask victims and witnesses whether they want nondisclosure of their identities when they take the report or do an interview, but victim or witness may also tell the officer that they don't want their identity disclosed.

Nondisclosure applies only to identifying information, such as faces, and voices; the rest of the record will likely be disclosed. Also, nondisclosure applies only to a PRA request. Victim and witness identities will be disclosed during the trial or other court proceeding.

What if I am in a video and do not want my image to be released?

A person who is named in a record or to whom a record specifically pertains has the legal right under [RCW 42.56.540](#) to bring legal action to enjoin the release of any records s/he believes may not be subject to disclosure. If SPD intends to disclose video content that is presumed highly offensive because it appears to be of legitimate interest to the public, SPD will in most cases provide third-party notice to a person identified in the video informing him/her that it will make the requested records available to the requestor unless prior to that time s/he has obtained and the City of Seattle has been served with a court injunction prohibiting disclosure.

How do I get an injunction against a video being released to the public?

Washington law allows a person to file a civil case in Superior Court, asking a judge to grant an order enjoining disclosure of a record. (see [RCW 42.56.540](#) for detail). You must file a motion and affidavit for a Temporary Restraining Order in [King County Superior Court, Ex Parte Department](#). The Court Rule applicable to injunctions is [CR 65](#). The applicable King County Local Court Rule is [LCR 65](#). You should seek independent legal counsel if you have questions about seeking injunctive relief.

Will body-worn cameras be used to record demonstrations?

It depends. The SPD policy manual states that officers will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion. However, if officers have probable cause that criminal activity is occurring or are ordered to by a supervisor, they will turn the cameras on.

See [Section 5.g in Title 16.090-POL 1 of the SPD policy manual](#) for the policy to see the SPD policy on when to record.

Will officers use their cameras to record in hospitals or treatment centers?

It depends. Per SPD policy, officers will not record in the interiors of medical, mental health, counseling, or therapeutic facilities. However, if officers are there for a direct law enforcement purpose, such as a crime in progress, they will record.

See [Section 5.d in Title 16.090-POL 1 of the SPD policy manual](#) for the policy to see the SPD policy on when to record.

What happens if officers do record in a hospital or treatment center?

If officers record in a hospital or treatment center due to a direct law enforcement purpose, the resulting video would be heavily redacted (blurred or boxed out) and appropriate audio would be removed in order to avoid disclosure of healthcare or treatment information of those involved.

If I am walking down the street and am in the background of a video, could my image be released to the public?

Yes. There is not a reasonable expectation of privacy on a public street. If you appear in the background of a video that is released to the public, your image will not be redacted (blurred or boxed out).

Will body-worn video footage be available to federal authorities?

No non-SPD agencies have direct access to body-worn video, including federal authorities. However, SPD may share video as part of a joint investigation with federal authorities or if required to with a warrant. Federal authorities have the same rights as the public to request video.

Who has access to the stored videos?

Officers have access to their own video, although SPD policy restricts which of their own video they can review before writing a police report (they cannot review video after a major use of force incident, such as an officer involved shooting, before writing their report). Supervisors have access to all officer video for audit and training purposes. Various SPD staff also have access to videos in order to do their work, including detectives, the Office of Professional Accountability, the Force Investigation Team, the Force Review Unit, the Video Unit, Public Disclosure Unit, and Information Technology. Different SPD employees have different permissions to view videos and use the body-worn camera video management software, depending on their duties.

Please see the question “Will officers edit their videos for their benefit for additional information.

Will SPD use facial recognition software to identify people in body-worn camera videos?

SPD policy restricts the circumstances in which facial recognition software can be used. SPD can only use facial recognition software in instances where an officer has an unidentified image of someone who is reasonably suspected of being involved in criminal activity, and can only use that software to compare a still image with booking photos. SPD does not use “live” video feeds for facial recognition comparison and any agency requesting SPD booking photo comparison assistance with a criminal investigation must satisfy all the criteria outlined in the SPD policy.

For more details, please see [Section 12.045](#) in the SPD Policy Manual.

Will body-worn video be used during demonstrations, in places of worship, schools, community centers, and businesses?

It depends. Per the SPD policy, officers shall not intentionally record in places where people are lawfully exercising their freedom of speech, press, association, assembly, religion, or right to petition the government for redress of grievances unless there is reasonable suspicion to believe that criminal activity is occurring or will occur. Thus, officers will record where people are lawfully exercising their freedom of speech or in a place of worship only when there is reasonable suspicion to believe that criminal activity is occurring or will occur.

Since schools and community centers are generally public spaces, officers may record as stated in the policy, however, because disclosure of images of any minor (child) is presumed highly offensive and images of an identifiable minor is almost always exempt from disclosure, images of minors in a school will almost always be redacted.

Businesses are generally public places, and officers can record as stated in the SPD policy in public areas. Victims and witnesses in any setting may request nondisclosure as explained above.

The Seattle City Council will be revisiting the Ordinance on Collection of Information for Law Enforcement Purposes (SMC 14.12) in the future, which may affect the body-worn video policy around recording demonstrations.

When does a video get “redacted”?

A video gets redacted (faces and identifying items blurred or boxed out) when it is publicly released and contains information that is generally offensive to the public or contains a situation where an individual has a reasonable expectation of privacy – these instances are largely governed by State Law (see [R.C.W. 42.56.240\(14\)](#) for more detail). Generally, this means a video that contains images disclosure of which are presumed to be highly offensive to a reasonable individual to the extent it:

- *Contains images of any areas of a medical facility, counseling, or therapeutic program office;*
- *Contains information that meets the definition of protected health information;*
- *Contains images of the interior of a place of residence where a person has a reasonable expectation of privacy;*
- *Contains images defined as “intimate,” i.e., nudity, partial nudity, sexually explicit content;*
- *Contains images of an identifiable minor;*
- *Contains images of a deceased person;*
- *Contains the identity or communications from a victim or witness of an incident involving domestic violence or sexual assault; or*
- *Contains images from an incident where a domestic violence or sexual assault victim or witness indicates a desire for non-disclosure of their recorded identity or communications.*

How will SPD “redact” people in videos?

SPD redacts video using software, such as Adobe Premier, that allows placement of a box or blurring of images to hide any identifying marks, including faces, clothes, tattoos, addresses, photos, paperwork, computer screens, names, etc. The redactions are embedded in the video, meaning they cannot be removed. An SPD employee applies the redactions to ensure that all identifying images/audio are removed. These redacted files will be kept in addition to the original, non-redacted version.

Can body-worn video be used in Child Protective Services and custody cases?

Similar to any other police record a body-worn video released pursuant to a warrant, in response to a PRA request, or otherwise lawfully disclosed may be used by the recipient in a legal proceeding.

Will officers ask about immigration status on camera?

A police officer may ask for identification as part of a criminal investigation, but per the Seattle Municipal Code and SPD policy (6.020), the police shall not inquire into the immigration status of any

person, or engage in activities designed to ascertain the immigration status of any person except when the officer has reasonable suspicion to believe that the individual: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Program

What are the goals of the body-camera program?

The goal of the body-worn video program is to enhance public trust in the Seattle Police Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.

What does research show about body-cameras and their effect on police and public behavior?

The research for body-worn cameras is still in its early stages. Some positive findings include:

- *Decreases in citizen complaints against the police*
- *Decreases in use of force by police*
- *Decreases in assaults on officers*

While there have been positive findings, the [Office of Justice Programs at the Department of Justice](#) said “However, the behavior dynamics that explain these complaints and use of force trends are by no means clear. The decline in complaints and use of force may be tied to improved citizen behavior, improved police officer behavior, or a combination of the two. It may also be due to changes in citizen complaint reporting patterns (rather than a civilizing effect), as there is evidence that citizens are less likely to file frivolous complaints against officers wearing cameras (Goodall 2007; Stross 2013). Available research cannot disentangle these effects; thus, more research is needed.”

The [Bureau of Justice Assistance](#), a component of the Office of Justice Programs, conducted a case study in Phoenix, Arizona. The case study shows some mixed findings, including:

- *Low compliance with camera activation*
- *Increased average daily arrest activity*
- *No observed changes to citizen behavior upon arrest*
- *Improved processing of domestic violence incidences*

The Bureau notes that, “the benefits of [body-worn cameras] can be realized only if officers appropriately activate the cameras during police-citizen encounters... Both line officers and police managers should be

realistic about the potential impact of the technology on police operations, encounters with citizens, and community perceptions of police legitimacy.”

Will SPD still use “dash-cam” in-car video?

Yes. In-car video provides another perspective of an incident scene that can be helpful for both accountability and evidentiary purposes. In addition, the in-car video system has a rear-facing camera that captures the back seat of the vehicle so the Department has video of suspects being transported in the back of patrol cars, which would not be captured by body-worn video.

How are officers trained in the use of body-cameras?

Before an officer is issued a body-worn camera, they must undergo training. This training session covers SPD body-worn video policy, camera operation, and video management.

Changes and/or updates to the policy or procedures will be communicated to the officers via SPD’s training system, which tracks and verifies that officers have received and understood the information.

How many other cities are using body-worn cameras?

Numerous large, urban police departments in the United States and throughout the world are using or in the process of deploying body cameras including, but not limited to, Albuquerque, Atlanta, Baltimore, Chicago, Cincinnati, Dallas, Denver, Ferguson, Hong Kong, Houston, Las Vegas, London, Los Angeles, Miami, Milwaukee, Minneapolis, New Orleans, Oakland, Phoenix, Salt Lake City, San Antonio, San Diego, San Francisco, San Jose, Stockholm, and Washington D.C.

What other cities has SPD communicated with before implementing body-worn cameras?

SPD has communicated with cities that have deployed or are currently deploying body-worn cameras including, but not limited to, Cincinnati, Las Vegas, Los Angeles, Milwaukee, San Diego, and San Jose. In addition, senior SPD staff and members of the body-worn video team have attended body-worn video conferences where US and international attendees discuss challenges and successes surrounding body-worn video.

Policy

When do officers turn their camera on? When can they turn them off?

When officers are turning their cameras on:

Start Recording

- Dispatched to 911 calls
- Traffic and “Terry” stops
- Officer views criminal activity
- Arrests and seizures
- Searches and inventories of vehicles, persons, or premises
- Suspect transport
- Vehicle pursuits
- Questioning suspects, victims, and witnesses



Stop Recording

- Resident or someone who has right to be in home directs an officer to turn off camera before entering a private residence (unless a crime is in progress or officers have a warrant)
- The officer has completed their investigation
- There is little possibility the officer will have further contact with any person in the event

When officers do not record or have discretion to record:

Do Not Record (Except for Direct Law Enforcement Purpose, Like a Crime In Progress)

- In restrooms
- In jails
- Interiors of medical, mental health, counseling, or therapeutic facilities
- Resident or someone who has right to be in home directs an officer to turn off camera before entering a private residence (unless a crime is in progress or officers have a warrant)
- Persons lawfully exercising their freedom of speech, press, association, assembly, or religion

Officers Have Discretion Over Whether to Record

- Scenes where respect for an individual’s privacy or dignity outweighs the need to record an event, such as:
 - Natural death scenes
 - Death notifications
 - Child or sexual assault victim interviews
 - Cultural or religious objections to being recorded
 - When the use of body-worn video would impeded or limit the cooperation of a victim or witness

Can officers view their own video?

In most cases, officers can review their own video prior to writing their reports. The one instance where officers are prohibited from viewing their own video prior to writing a report and giving a statement is in

cases where a serious use of force, such as an officer-involved shooting, occurred. In cases of serious uses of force, officers can only review their videos after giving a statement on the incident.

See [Section 3, Title 16.090-POL-2](#) in the SPD manual.

Accountability

What happens if an officer violates the body-worn video policy?

The SPD manual states that employees are responsible for adhering to federal law, state laws, city laws, city policies, SPD policies, published directives and special orders, departmental training, and applicable collective bargaining agreements and relevant labor laws. If employees are not following these laws and policies, their conduct can be investigated by the Office of Police Accountability and they can receive discipline for non-compliance.

Are body-cameras being used for to increase policy accountability or gather evidence?

SPD is not implementing body-worn video for the purpose of creating evidence. Evidence, however, is a by-product of numerous SPD systems and processes, including body-worn video. For example, a recording of a call to 911 is frequently submitted as evidence in criminal prosecutions. Videos from body-worn cameras may be used as evidence for both officer accountability purposes and public criminal prosecutions.

Will the police edit videos to their benefit?

The SPD body-worn video policy states that “employees shall not tamper with, alter, or delete video” (the exception being to delete videos under established retention guidelines). ([Title 16.090-POL-2, Section 2](#)). The body-worn video system maintains an audit log that shows user actions taken with a video – including editing, deleting, exporting, etc., and logs who took the action and when it was taken. While some SPD staff may redact and/or edit video as part of their duties, the original, unaltered video will be retained for the duration outlined in the SPD retention policy.

Technology

How are the videos stored?

The videos are stored on our vendor’s cloud storage partner, Microsoft Azure Government Cloud. Azure is compliant with the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services (CJIS)

security policy for storage. The cloud storage approach allows for secure storage, while at the same time providing easy access to authorized viewers. Viewers are authorized by system administrators and can only access videos on SPD computers.

The videos are the property of the City of Seattle and maintain ownership even if a future contract is awarded to a different vendor. In the event that the City moves to a different vendor for body-worn video, the videos will be moved to a new vendor's storage location. While moving a large amount of video is an unwieldy process, SPD's current vendor contract states that any movement of videos to a different vendor will be facilitated by the current vendor.

Is the video storage secure?

SPD's vendor, Axon, complies with the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) security policy for storage. Axon's cloud storage partner, Microsoft Azure Government Cloud, also complies with the CJIS security policy. Axon is also certified against information security management standards ISO 27001/27002, and 27018. The videos contained in the cloud storage are geo-redundant, meaning the data is stored in two separate locations so the objective of no loss of data in the event of a catastrophic datacenter failure can be met.

All videos are stored locally on the camera until they are docked at the police precinct, where they then stream the videos to the cloud. All videos are encrypted in transit and at rest on cloud storage using 256-bit AES encryption.

The cameras use a proprietary connection to stream data off the device. Even if someone were to have the appropriate connection device or were able to access the device storage, Axon has protections that resides in its file system that would make it extremely difficult for someone outside of SPD to retrieve and view video from the device.

How did SPD choose the company that supplies cameras and software?

The City of Seattle Purchasing and Contract Services Division released a Request for Proposals (RFP) for a body-worn video solution on September 10th, 2016. A competitive process followed, with numerous vendors submitting proposals. Proposals went through two rounds of scoring, with the highest scoring proposal after the second round receiving the contract. The evaluation team included members of SPD, the Seattle Department of Information Technology, the City's Chief Information Security Officer, the City Attorney's Office, the City Budget Office, and an independent IT consultant.

While cost was a central criterion for proposal scoring, it was not the only piece being scored. Other criteria included system architecture, camera specifications, storage, camera user management, the functionality of the video management system, access to the videos, public disclosure functionality, system updates, project management and support, training, company strategic plan and roadmap, inclusion plan, security response, references, and independent testing of camera specifications. SPD did not want to choose a camera that cost little but did not meet the operational, security, and functional demands that the City required in order for the public and Department to have trust in the equipment.

Included in the second round of scoring was an evaluation of camera specifications and quality conducted by an independent forensic video specialist.

The current contract with Axon, the City's vendor, is for a five-year time frame. At the end of the contract term, the City may grant one-year extensions or choose to re-bid the body-worn video system.

What would cause a camera to malfunction?

Although body-cameras are quite rugged, they are not indestructible. That said, the cameras are impact certified from a height of 6 feet. The cameras also have an Ingress Protection (IP) rating of 67, meaning they can be immersed in up to one meter of water without failure, as well as being impenetrable to dust. The cameras should generally hold up to the rigors of law enforcement operations in Seattle without breaking.

The camera was tested by an outside consultant during the bidding process and operated for 12 hours and 27 minutes of recording before the battery died. Videos were recoverable after the battery had drained.

Officers carry many pieces of equipment – both electronic and non-electronic – that undergo a lot of stress and heavy use in the field. No piece of equipment is immune to failure. During the body-worn video program pilot, some cameras were taken out of operation due to malfunctions. The officers were immediately supplied with a replacement camera. No videos were lost due to camera malfunction.