

Seattle Police Department

*Office of
Professional
Accountability*



In-Car Video Review

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OFFICE OF PROFESSIONAL ACCOUNTABILITY
REVIEW OF IN-CAR VIDEO USAGE
AT THE SEATTLE POLICE DEPARTMENT
SUMMARY

- In-car video/audio recordings by police contribute to officer safety, evidence collection, can refresh memory for officer report writing, document consent searches and other statements, and help ensure accountability in law enforcement.
- All Seattle Police Department marked responder vehicles, except motorcycles, have digital in-car video systems (DICVS).
- There is uneven usage of DICVS and a variety of factors impact whether SPD incidents are recorded, including:
 - Questions related to state law and SPD policy on video/audio recordings;
 - The need for more training of officers expected to use in-car recording systems;
 - Technological issues associated with SPD's in-car video/audio system;
 - The need for more supervisory oversight of officers' use of DICVS.
- Though the Department is planning to replace the current in-car video/audio system by 2013, many of the issues raised in this report can be addressed in the meantime.
- The Professional Standards Section should take the lead on studying the issues identified and a Command Staff member should oversee the process.
- The OPA Investigations Section should have direct access to in-car video.
- While the issues noted in this report are considered, a Directive should be issued to:
 - Remind officers that the current SPD policy requires that every effort be made to record traffic stops, pursuits, vehicle searches and citizen contacts;
 - Emphasize the need to document recordings (or the reasons for the lack of video/audio) in a citation, notice of infraction, or Traffic Contact Report, and in the General Offense Report if a custodial arrest is made;
 - Require that every officer assigned to Operations, regardless of rank and including all acting as Field Training Officers, be DICVS trained ;
 - Remind supervisors of their responsibility to ensure officers are trained and using DICVS.
- A follow up audit should be conducted during 1st Quarter 2012 and periodically thereafter, to assess whether SPD officers are consistently using DICVS as required by policy.

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The use of in-car video/audio recordings by law enforcement contributes to officer safety, can provide important evidence of criminal activity, and can help ensure police accountability and transparency. Video/audio recordings do not tell the full story, but they can be helpful in documenting and assessing the conduct of officers and citizens involved in a police incident. Nearly ten years ago, the Seattle Police Department (“SPD”) first recognized the potential for using in-car video and today, all SPD responder vehicles are equipped with a digital in-car video/audio recording system (“DICVS”).

As the Office of Professional Accountability (“OPA”) has investigated complaints, a variety of issues has surfaced related to officers’ use of in-car video/audio.¹ The OPA Director and OPA Auditor, Ret. Judge Anne Levinson, have both documented inconsistent usage and discussed in various reports issues influencing DICVS practices.² OPA announced in early 2011 a plan to conduct a broad review of in-car video usage, as it became clear that some issues raised in OPA investigations impacted officers Department-wide.³

The OPA Director started this review with a request for the Department’s Audit, Accreditation & Policy Section (“Audit Section”) to conduct an audit of DICVS usage.⁴ The goal of the audit was to get a snapshot view of compliance with SPD’s policy requiring use of DICVS. As discussed below, the audit found that DICVS usage varies across the Department, except for the Traffic Unit which had 100% compliance.

After confirming uneven DICVS usage, the OPA Director (sometimes accompanied by the OPA Auditor or City Auditor) conducted a series of interviews with members of the Video Unit, Information Technology Section, Training Unit, patrol officers and sergeants, members of the Command staff, and others in an effort to understand the myriad of issues impacting whether DICVS is being activated as contemplated by Departmental policy. The goal was to ascertain barriers to use of DICVS and identify where changes can be made to facilitate full compliance.

¹ When OPA receives a complaint of misconduct, it asks for in-car video related to the police incident underlying the complaint. If no DICVS is available, an allegation for failure to use the system is added, unless there is a ready explanation for the absence of video/audio (e.g., the complaint involved a bike officer who does not use DICVS or the incident took place in a residence outside camera range).

² See, e.g., http://www.seattle.gov/police/OPA/Docs/2009_Final_Stat_Report.pdf;
http://www.seattle.gov/police/OPA/Docs/2010_OPA_Statistics_Report.pdf;
http://www.seattle.gov/police/OPA/Docs/Auditor/Auditor_Report_Dec_10_May_11.pdf

³ This report does not explore issues related to public disclosure requests of SPD in-car camera video/audio recordings, including questions about how long recordings should be retained, the process by which they are flagged for longer retention, whether DICVS can be released at the same time as other SPD documents under RCW 9.73.090(1)(c), or matters concerning redaction of video or audio recordings. This review also does not consider the pros and cons related to police use of on-person or body cameras. Though SPD uses video (not audio) cameras in precinct holding cell areas, this report did not consider usage issues in relation to holding cell cameras. Finally, there are other issues related to the pros and cons of video recordings, including how and when they should be used to refresh an officer’s memory, that are not addressed in this report.

⁴ The Audit Section recently has been renamed the Professional Standards Section.

This review found that there are many factors impacting whether a police incident will be video/audio recorded including questions related to interpretation of policy and state law on use of in-car video, a variety of technological considerations, and the training and supervision an officer receives on DICVS. Following a basic introduction to SPD's use of DICVS, these issues will be discussed in more detail.

History of SPD's Use of In-Car Cameras

In November 2000, the Seattle City Council passed a resolution condemning racial profiling in traffic stops and calling on SPD to study the feasibility of installing video cameras in patrol cars to collect data to assess the issue.⁵ By 2002, SPD began an In-Car Camera Pilot Project ("the Project"), launching a 12-month demonstration by installing 17 cameras in Traffic Unit and patrol vehicles. Use of the cameras was found to be advantageous as a supplement to incident reports and in recording statements from suspects, victims and witnesses, and the Project endorsed phased deployment of cameras in all marked cars.⁶

In 2003, SPD received a federal earmark supporting acquisition of in-car video cameras for 80 vehicles and in 2005, with additional federal support, cameras were placed in more cars. By 2007, the entire patrol car fleet was equipped with cameras and today, all SPD marked responder vehicles (with the exception of motorcycles) have cameras.⁷

How In-Car Cameras Work

Over the years, the technology used with SPD's in-car cameras has changed, from the original hard cartridge videos to the current digital system manufactured by COBAN Technologies.⁸ Each responder vehicle is assigned a single hard drive, which generally remains installed in the vehicle.⁹ When an officer gets into a patrol car at the beginning a shift, he or she logs onto the car's computer and syncs up the in-car camera and the officer's personal microphone. DICVS is an application that is running on the computer, along with other communication and reporting systems used by an officer on patrol.

As the officer starts out in a patrol car on a shift, the camera is typically focused straight ahead in front of the vehicle. The camera can be refocused as needed, including being turned completely around to capture video of a prisoner being transported in the backseat of a patrol car.

Once underway, there are three ways to activate the DICV system. An officer can: (1) flip on the overhead emergency lights which will automatically start the camera;¹⁰ (2) turn on the camera manually

⁵ *City Council Approves Study on Racial Profiling*, The Seattle Times, Nov. 7, 2000.

⁶ In a nation-wide study begun in 2002 by the International Association of Chiefs of Police (IACP), it was noted that the primary impetus behind adoption of in-car camera usage was concern over officer safety and issues related to charges of racial profiling. See, "Impact of Video Evidence on Modern Policing; Research and Best Practices from IACP Study on In-Car Cameras."

⁷ This means that officers working in unmarked cars, such as some gang detectives, do not have access to DICVS.

⁸ SPD uses version 1.5.131, adopted 4th Quarter 2009. For more detailed information about the system, see: <http://www.cobantech.com/www/>

⁹ DP&P 17.260.III.A.13.

¹⁰ Emergency lights must be on for more than 8 seconds for the DICV to activate.

inside the patrol car via the COBAN application with the in-car computer; or, (3) activate a wireless microphone outside the car which turns on the camera. The camera is actually continuously recording once the officer logs in at the beginning of the shift and activation means that it will capture one minute of the event prior to activation, along with everything following until the system is deactivated.

Before going out of service, officers park their vehicle in the precinct or facility parking lot and wirelessly upload the video/audio data accumulated from their shift. "Uploading" means that the video/audio recordings are transferred from the patrol car computer to the SPD server. SPD vehicles with DICVS can wirelessly upload recordings in any precinct. In addition to wireless uploading, the transfer of data can be made inside the precinct using a docking station.¹¹

Once video/audio is uploaded, it will reside on the SPD server or in a backup file. There are approximately 5000 videos uploaded to the server every week and logs are maintained that provide information related to the recordings. Officers have access to their personal recordings, though cannot erase or otherwise alter a recording at any point after it is made. The Video Unit, IT and various Command Staff also have access to the uploaded files.

The City's Department of Information Technology ("Do-IT") is responsible for installing and mounting in-car camera systems into SPD vehicles. Repair issues involving DICVS hardware are referred to the Department's IT Section, which then works collaboratively with the Video Unit and Do-IT personnel. IT provides support and backup as officers upload the digital recordings wirelessly and have a role in DICVS access issues.

How Officers are Trained to Use In-Car Cameras

As of 2007 or 2008, all new officers joining the Department receive DICVS instruction during the Post-Basic Law Enforcement Academy (Post-BLEA) phase of their training which takes place at SPD. All officers already employed by SPD and assigned to patrol were trained through special in-car video sessions and during Street Skills. Other officers, including detectives or those working administrative assignments, did not necessarily receive DICVS training when it initially was rolled out to patrol officers. Also, it appears that while many in patrol went through the original training offered on use of VHS tape video, there was limited follow up training on the digital system adopted in 2007. Given the many training demands facing the Department over the years, the time devoted to basic DICVS training has been cut from two days to the current 3½ hours.

¹¹ Because an officer does not need to physically handle videotapes, DICVS allows for a secure chain of evidence if used in a legal proceeding. If the hard drive must be removed, so the data can be uploaded and viewed inside immediately, the officer is responsible for reinstalling the hard drive in the vehicle prior to going off shift. DP&P 17.260.III.A.13.

SPD's In-Car Video Policy

The Department adopted the DICVS policy in August 2007, with updates made in April 2009.¹² The introduction to SPD's policy (in the original and current version) provides: "Sworn Department members assigned a digital in-car video/audio recording system (DICVS) will make every effort to use the equipment to document all traffic stops, pursuits, vehicle searches and citizen contacts when occurring within camera range. If reasonable to do so, they will record their approach to crime scenes and any scene they feel could benefit from being recorded. If practical, the camera will be activated to record infractions, i.e., the justification for traffic stops. Officers may supplement the video recording with an audio description of the event and describe any external factors that may not have been recorded, e.g., prior observations, road conditions, contributing circumstances."¹³

Prior to going into service, officers are expected to ensure that all DICVS equipment is working properly: "If there are operating problems with any component of the system (video or audio), the system will not be used. The problem will be documented on the officer's log sheet and/or VMDT, and a supervisor notified. Before starting patrol, the video camera will be positioned to properly record traffic stops, and the wireless microphone will be synced to that camera unit and attached to the officer's person in a manner suitable for its most effective use. Microphones will be assigned to individual officers, who will be responsible for ensuring they are sufficiently charged to complete each shift."¹⁴

2009 revisions to the DICVS policy and related Directives that were issued about the changes emphasized the importance of documenting recordings in a citation, notice of infraction, or Traffic Contact Report (written warning). If a custodial arrest is made, the General Offense Report should indicate whether the contact was recorded or not by DICVS.¹⁵

The SPD policy covering Prisoner Handling and Transport further addresses in-car video protocol.¹⁶ When a prisoner is placed into a vehicle equipped with DICVS, "as soon as practical, officer(s) will turn the in-car camera toward the rear of the vehicle" to record the transport.

Supervisory responsibilities are also outlined in SPD policy. For example, supervisors are required to monitor whether officers have completed DICVS training and whether they are following policy and procedures in using the system and properly documenting recordings.

Under state law, officers are required to notify citizens that voice recordings are being made, though notification is not necessary for video alone. Under SPD policy, once DICVS is activated and as soon as practical in a contact, the citizen should be told, "Under state law this stop is being recorded by sound

¹² The original policy was found in Section 1.354 of the SPD Policies and Procedures Manual, 354 – In-Car Video.

The entire manual went through reorganization and the current policy is found in Patrol Operations, 17.260.

¹³ See Seattle Police Department Policy and Practice 17.260 (DP&P 17.260). The policy continues, "Officers will not record political or religious activities that are not relevant to a crime or the investigation of a criminal act, e.g., peaceful demonstration/rally. Recording of such an event may occur and be collected only as an incidental reference allowed by SMC 14.12."

¹⁴ DP&P 17.260 III A.1.a.

¹⁵ See DP&P 17.260.III.8. and Directives issued April 14 and May 14, 2009.

¹⁶ DP&P 6.071.II.D.

recording.” When used during a prisoner transport, the announcement required is slightly different; officers are required to state, “Under state law this transport is being recorded.”¹⁷

The DICVS policy also addresses retention issues, review of video, officer and supervisor responsibilities, and the role of the Video Unit, Stationmasters.¹⁸

Audit of Officers’ Use of DICVS

When asked by the OPA Director to conduct an audit of in-car video usage, the Audit Section focused on use of DICVS during traffic stops. Because a patrol car’s overhead lights are generally turned on for a traffic stop, the DICVS automatically should be activated and the Audit Section assumed that video/audio would be found most frequently for these stops.

The audit focused on 699 traffic violation stops during the month of November 2010, involving vehicles equipped with DICVS. The traffic stops were broken down by those handled by one of the five SPD precincts and the Traffic Unit, and a 10% sample from each entity was randomly selected, resulting in review of 69 total traffic stops. Information about each of the 69 stops was sent to the Video Unit to determine if video existed for the incident. No consideration was given to the quality of the DICVS, whether there was both audio and video recording for the event, or other issues raised below.

With feedback from the Video Unit, the Audit Section determined that there was 77% overall compliance with DP&P 17.260, meaning that there was DICVS for 77% of the stops sampled. Of stops sampled from the Traffic Unit, there was DICVS for 100% of the stops. For precinct patrol officers doing traffic stops surveyed in this audit, there was a range from 65% to 80% of the events having associated DICVS.¹⁹ In other words, 20 to 35% of traffic stops made by patrol officers in the sample outside the Traffic Unit did not have a DICVS recording for the stop.

The results of the audit were consistent with observations made during the OPA complaint investigation process – there is inconsistent use of in-car video across the Department. This review has determined that there are a number of barriers to usage of DICVS that relate to Departmental policy and state law on in-car video, technological issues, whether or not an officer has been DICVS trained, and supervisory oversight.

¹⁷ Compare DP&P 17.260.III.A.4. with DP&P 6.071.II.D.4.

¹⁸ Ibid.

¹⁹ There was DICVS for the sample by precinct as follows: 65% for West Precinct, 74% for North Precinct, 75% for East Precinct, and 80% for South and Southwest Precincts.

SPD POLICY RELATED ISSUES IMPACTING DICVS USAGE

1. While SPD policy makes DICVS usage mandatory, some language in the policy is confusing and officers' discretion about whether to use in-car video under some circumstances should be clarified.

SPD policy provides, "Sworn Department members assigned a digital in-car video/audio recording system (DICVS) *will make every effort* to use the equipment to document all traffic stops, pursuits, vehicle searches and *citizen contacts* when occurring *within camera range*."²⁰

- a. The policy provides that officers "will make every effort to use [DICVS]." Some in the Department do not understand that use of DICVS is mandatory or how other concerns, such as officer safety and suspect management, should be weighed in relation to the direction to "make every effort," even in regards to documenting traffic stops, pursuits, or vehicle searches.
- b. Related to the issue of whether the DICVS policy is mandatory, the language of DP&P 17.260 provides that officers "will make every effort" to use in-car cameras, while DP&P 6.071 (Prisoner Handling & Transport) more directly states officers "will" turn the camera toward the rear of the vehicle when transporting a prisoner. For some officers, the difference in word choice indicates a difference in policy expectations.
- c. The policy requires that officers make every effort to record "all...citizen contacts." Some question whether the intent of SPD policy is to require in-car video when making social contacts or only contacts that involve reasonable suspicion (Terry Stops) or probable cause that a crime has or is about to occur or during arrests.²¹ For example, if a citizen waves a patrol car over with a question about directions, is the expectation that the officer immediately begin recording the contact (which would also require notice to the citizen that a recording is being made)?
- d. Though the use of DICVS is mandatory, officers need some discretion about whether to record certain contacts and exceptions to the policy should be identified. For example, the policy should address DICVS expectations when there are privacy concerns, such as involvement of a sexual assault victim or minor child, or public or officer safety concerns. Further, if an officer contacts a confidential informant who might face retaliation if discovered to have cooperated, and DICVS could threaten their safety, officers need room to use their discretion about using in-car video.

The International Association of Chiefs of Police ("IACP") Model Policy on Mobile Video Recording Equipment, March 2005, limits mandatory recording to traffic stops, priority

²⁰ DP&P 17.260.

²¹ There are four principle types of police/citizen contacts: social contacts, non-custodial/consensual interviews, Terry stops, and arrests.

responses, vehicle pursuits, prisoner transports, crimes in progress, and “any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.”²² Moving forward, the Department should consider this policy and others evidencing best practices as policy revisions are made.

2. While the policy generally provides that officers are to make every effort to use DICVS to document all traffic stops, pursuits, vehicle searches and citizen contacts, the section addressing officer responsibilities at shift start provides, “Before starting patrol, the video camera will be positioned to properly record traffic stops...”²³ The policy is not clear as to the circumstances under which officers are expected to reposition the camera so incidents outside normal camera range are recorded. Also, as noted above, the policy should clarify when officer safety or other considerations outweigh the officer’s duty to position the camera to record an event.²⁴
3. State law and SPD policy require that notice, to be included on the recording, be given before there is audio recording of a stop. Under SPD policy, once DICVS is activated and as soon as practical in a contact, the citizen should be told, “Under state law this stop is being recorded by sound recording.”²⁵ Furthermore, RCW 9.73.090 provides, “A sound recording device...must be operated simultaneously with the video camera when the operating system has been activated for an event.” SPD policy states, “The audio recording must operate simultaneously with the video recording.”²⁶
 - a. While RCW 9.73.090(1)(c) provides an exigent circumstances exception to the required warning, SPD policy does not address expectations for recording if notification is not possible, because of public or officer safety, a quickly developing incident or other exigent circumstances. Should the officer use DICVS regardless of ability to provide notice? What are the implications if an officer does not use the system because giving notice was not practical?
 - b. Policy and training should address the feasibility of giving notice to each individual involved if an officer is simultaneously dealing with a suspect and victim or multiple witnesses.
 - c. It is not clear under SPD policy if there is an expectation that an officer use video alone, without audio recording an event, if notice is not practical. Is this permissible under policy and state law?
 - d. There is no obvious reason for the different notice statements required by the in-car video policy and the policy on prisoner transport.²⁷

²² See IACP study referenced in FN 4. The Professional Standards Unit has collected a sample of in-car video policies from other law enforcement agencies that should be reviewed, along with the IACP Model Policy and any others identified.

²³ DP&P 17.260.III.A.1.a.

²⁴ The SPD Training Unit uses a video to illustrate this point, showing an incident in which the officer appeared overly concerned with DICVS while her own safety and that of others was put at risk.

²⁵ DP&P 17.260.III.A.4.

²⁶ Id.

²⁷ See DP&P 17.260.III.A.4. and DP&P 6.071.II.D.4.

4. Confusion has been expressed by some as to video recording expectations when the camera angle is not in range of an incident but an audio recording could be made. SPD policy provides that officers use DICVS to “document all traffic stops, pursuits, vehicle searches and citizen contacts *when occurring within camera range.*” Are officers required by policy to audio record an incident even if they are aware that the contact is not occurring within camera range? Does state law mandate this outcome? (See following discussion.)
5. The OPA Auditor has suggested that the policy should require that officers not just activate DICVS, but that they should be obligated to make every effort to ensure the video/audio recording is as useful as possible.
6. State law and SPD policy address the issue of deactivation once video and audio have been initiated. If DICVS has been activated, it would appear under state law that it is impermissible to turn off the audio, even if the camera range will not capture the event. Under SPD policy, it appears impermissible to deactivate either the audio or video until the event is over.

RCW 9.73.090(1)(c) provides, in part, “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.”

DP&P 17.260.4.a., provides in part, “Officers will activate the video equipment, including microphone, prior to making citizen contacts...Officers will continuously operate the video and audio recording throughout the contact. The audio must operate simultaneously with the video recording...Officer(s) will not deactivate the audio or video recording until the contact has been completed, even if the citizen being contacted objects.”

7. The RCW discusses obligations during the recording of an “event,” while SPD policy refers to “traffic stops, pursuits, vehicle searches and citizen contacts” or “contact.” Whether or not there are significant differences in use of these terms, there is confusion for some.
8. Another issue relates to the discussion above, in which state law and Department policy require continuous video and audio recording once initiated. However, policy also provides, “Conversations between officers during routine patrol should not be recorded, absent unusual circumstances.”²⁸ In giving DICVS training, the SPD Training Unit addresses situations when officers need to confer with each other and with commanders for personal or tactical reasons.
 - a. There is a difference of opinion that should be addressed as to whether the policy covering routine conversations and SPD training conflict with RCW 9.73.090(1)(c) and other sections of Departmental policy noted above.

²⁸ DP&P 17.260.III.A.2.

- b. Rather than turn off the audio if an officer needs to confer with another officer, a supervisor, etc., SPD officers are taught to place their microphone in the patrol car during the conference. Thus, audio is not turned off, but it is no longer audio recording the police incident while the officer is conferring with SPD personnel. Consideration should be given as to whether this approach is consistent with state law and SPD policy.
 - c. Policy should be clarified as to whether there are any circumstances permitting an officer to turn off the audio during a police event.
- 9. There are not clear expectations as to what officers should do if they are in a two person car and one officer is interviewing a witness outside the car while the second officer has a suspect in the backseat for transport. What aspect of the incident should be video/audio recorded and how should this be reconciled with policy requirements?
- 10. DP&P 17.260.III.A.3 addresses the issue of multiple units at a scene: “When two or more DICVS units respond to the same incident, all units present should record the incident. The primary unit will be responsible for appropriately documenting that the incident was recorded.” Other responding DICVS units will note on the VMMDT call history that they also recorded the incident.” There seems to be a great deal of confusion about obligations to video/audio record an incident when multiple units are involved, though the policy expectation is that all units will endeavor to use their DICVS.
 - a. It is not clear that DICVS policy applies when multiple units are involved because some argue secondary officers are not necessarily making “citizen contacts” requiring use of in-car video.
 - b. If many cars arrive on scene and it is not immediately evident what is happening, what needs to be recorded, or whether the action is within camera frame, the policy needs to clarify whether all cars are expected to activate DICVS regardless.
 - c. If there are multiple cars at a scene and all have DICVS activated, notice obligations also must be clarified.
 - d. The policy does not address DICVS expectations when extra units are on scene to provide traffic or crowd control or other support, and are not directly involved with the original incident. If DICVS is to be activated, should the camera be focused on the original event and suspects or on the ancillary actions? Would it be appropriate in this circumstance to either not use DICVS at all or to video record, but leave the microphone in the patrol vehicle?
- 11. Policy requires that officers notify their chain of command “as soon as practical” if the DICVS system is not working when doing a prisoner transport.²⁹ DP&P 17....provides that, “if reasonable,” record approach and “if practical,” record the infraction. It appears to some that this means DICVS is not mandatory under these circumstances.

²⁹ DP&P 6.071.

12. There was a question as to whether officers use DICVS when working in tandem with DOC personnel.
 - a. There is nothing in the policy that would provide an exception to using video/audio when working with DOC, provided the officer is driving an SPD vehicle that is DICVS equipped.
 - b. A related issue raised in an OPA complaint is whether officers should be using DOC vehicles if they are not equipped with DICVS. A Directive clarifying that SPD officers should only use DICVS equipped vehicles when working with DOC was to be issued, though the Directive was delayed as broader issues impacting DICVS were under review.

13. Policy provides, “Whenever a citation, notice of infraction or a Traffic Contact Report (written warning) is issued, the fact that a stop was recorded will be included in the first line of the “officer report” on the back of the citation, notice of infraction or Traffic Contact Report. Officers will update their log sheet and VMDT entries to include the violator’s name or ticket number. When a custodial arrest is made, the General Offense Report will include a notation in the first line of the narrative indicating whether the contact was recorded or not recorded via the in-car video system (DICVS).”³⁰
 - a. It is not clear within the policy that documentation concerning the existence or absence of DICVS is expected on Use of Force Reports, or whether reference in a GO Report is sufficient.
 - b. There may be events other than those listed in the policy that should require designation as to whether DICVS was used. If there is no citation, notice of infraction, Traffic Contact Report or GO, there should be a mechanism for officers to easily record the existence of DICVS for an incident of potential interest or for training purposes.

SPD TRAINING ISSUES IMPACTING DICVS USAGE

Though it was understood that all patrol officers had received training in use of DICVS when the system was adopted (during post-BLEA training, through Street Skills, or otherwise), we discovered that some employees involved in OPA complaints had not been trained. While OPA could address this issue when it came up in the context of an individual complaint, there was concern that an unknown number of officers had not been trained and were not using in-car video/audio.

1. Some Field Training Officers (FTOs) were not trained to use DICVS and did not require that the officers they were training use the system, further compounding the problem.
2. It is not easy to determine who has not been trained. While the Training Unit has lists of officers trained to use DICVS, and searches can be conducted of records to determine if a specific officer has been trained, there is no comprehensive list of officers assigned to operations who still need in-car video training. Also, the current supervisory system, in

³⁰ DP&P 17.260.III.A.8.

which officers are not assigned to a permanent supervisor, makes it difficult to hold sergeants responsible for officers' training.

As the Department switches to the new relief squad supervisory model in January 2012, it will be easier to hold both officers and supervisors accountable for DICVS training and usage. Further, a new computerized system is being implemented in 2012 which will allow for easier tracking of all training an officer receives, including classroom or on-line instruction.

3. SPD policy does not specifically require that officers be trained in DICVS usage, though if assigned a vehicle with in-car video, "every effort to use the equipment" is expected. If the Department's expectation is that all patrol officers in operations use DICVS, there must be clear direction to the Training Unit that everyone be trained.
4. Over the years, DICVS training has been reduced from two full days to one day to its current 3½ hour block level. The Training Unit should consider whether a variety of training options is a preferable approach, from basic to advanced and for trouble-shooting on specific DICVS topics. Different classes may require different amounts of time and, while some must be taught in-person and allow for supervised practice on DICVS, other topics could be covered through a web based approach.
5. Another issue relates to the use of DICVS for training purposes. The DICVS policy provides that "Officers are encouraged to inform their supervisors of recorded events that may have value for training purposes."³¹ Since supervisors and the Training Unit would benefit from review of DICVS for training purposes, along with others such as those working on hiring and promotional standards, it would be helpful to explore ways to facilitate that process.

TECHNOLOGICAL ISSUES IMPACTING DICVS USAGE

There are many issues tied to the technology involved with DICVS that can complicate whether an officer uses the system at a particular point in time or whether the event is captured by DICVS even if the officer believes he or she activated the system and later uploaded recordings. As a general matter, the VMDT hardware is outdated and the mobile hard drive is failing in some instances. The Department is planning to update or replace the COBAN system used now for in-car video/audio by 2013. Meanwhile, consideration should be given as to whether any of the technological issues noted below can be addressed as large scale changes are under review.

1. Syncing video and audio – an officer is expected to check to be sure DICVS in the patrol car is working as one's shift begins. This process includes checking to see that the video and audio are synced up. However, the syncing process alone does not provide any assurance that the video and audio separately are actually working.

³¹ DP&P 17.260.II.C.

2. Each officer trained to use DICVS is issued a kit with a microphone and A/C charger, along with other equipment, and then is responsible for keeping the microphone charged. Problems associated with the microphone include:
 - a. Some officers charge their microphones at home, while others charge at the precinct or in the patrol car. There is limited and variable dedicated space for charging at different precincts, with most situated in the locker rooms. In comparison, radio chargers are available in roll call rooms or holding cell areas.
 - b. It takes 8 hours to fully recharge a microphone.
 - c. If the microphone is not charged before a shift begins or loses battery power during a shift, it can be charged in the patrol car. However, particularly if an emergency arises, the microphone can be left in the car charger resulting in no audio, even if there is video for the incident.
 - d. An officer can walk through the initial syncing process and believe that his/her microphone is working, while it actually is not charged or there are other transmission issues that will not become obvious unless and until recordings are reviewed after uploading.
 - e. If there are two officers in the car, only one microphone will work at a time. It is uncertain if this a problem that needs to be addressed, but the policy needs to reflect expectations for the officer without microphone usage in such cases.
 - f. If a microphone is left inside the car while the officer is interacting with a citizen outside the car, even if the interaction is captured by the video camera, the microphone will record sound from inside the car, including the dispatch audio, radio, etc. (This might be more of a training issue than technological.)
3. The in-car camera and microphone have limited range – 1000 feet (line of sight) operating range for the microphone and field of view for the camera. If there are barriers, the car battery is running low, or there are problems with the antenna, there can be a more limited range.
4. The only way to turn off DICVS that has been activated is from inside the patrol vehicle. It is not clear whether this creates problems for officers.
5. There is only one battery in each patrol car which must support a wide range of equipment, including the in-car computer and camera system. If headed to an urgent call, some officers might elect to reserve battery time for the radio for communication purposes rather than use DICVS. Having dual batteries in each patrol car would help with a variety of problems, though there is limited or no space for an extra battery and there would be budget implications. Newer platforms are adapting to the battery limitation problem; e.g., LED emergency lights draw less on the battery.
6. The icon alerting officers whether or not the DICVS is recording is not well located on the computer screen making it difficult to check.

7. Camera brightness levels must be manually changed over the course of a day to take into account external lighting conditions, a process that can be difficult to monitor as an officer is focused on law enforcement activities.
8. If an officer uses someone else's patrol car to video/audio record an event, it can be difficult to locate the uploaded recording unless it is tagged.
9. SPD transport vans might have two or three cameras mounted in the unit. The unit can only operate two cameras simultaneously, and the overall recording time available is cut in half.
10. When first logging on to the COBAN application in the patrol car, unless the officer checks that the date and time listed is correct, it is possible for the COBAN application to record an incorrect date or time for a video segment or shift. Thus, an officer can record an event but the associated date or time is noted incorrectly, making it difficult to locate down the line. Officers must manually sync to check that the date and time is correct.
11. In one OPA case reviewed, there was a question about whether an officer can log onto the system inside the precinct and then still be logged on when moving to a patrol car. It was not clear if this is possible with the DICVS, whether the officer did not understand the process, or whether there was a technological problem that occurred.
12. Even if an officer goes through all of the necessary steps to upload recordings that have been made during a shift, the system does not consistently upload all (or any) video. Wireless bandwidth limitations and problems with patrol car batteries account for most problems.
 - a. Some parts of a precinct parking area or garage might not have sufficient range to allow for a successful upload. Seasoned officers know to avoid these areas, though new officers or relief officers might not appreciate the problem and initiate uploading without knowing it will not be successful.
 - b. There are only three antennas to receive uploads in each precinct parking area. It takes approximately 9 minutes to upload every hour of video. Since multiple patrol cars can return to the parking area at the end of a shift, even more time will be required for the uploading process to be completed if all have in-car video recordings.
 - c. An officer can begin the upload process, complete the night's paperwork and leave the precinct with the impression that DICVS recordings made that shift have been uploaded to the server. However, if the patrol car shuts down because the battery dies or there is some other problem, the upload process will not be completed and the officer will not necessarily know about the malfunction. In this case, the video will be uploaded during the next upload cycle performed by the next officer using the system.
 - d. Video from a single car is uploaded in the order recorded. If the uploading process is interrupted because the car is used before the process is completed, there will be

less space available for new video recordings. Also, as noted above, when the next officer begins uploading, the earlier video will be uploaded first.

- e. If a hard drive is full of video/audio, it will shut down the COBAN application on the in-car computer, creating a host of other issues for the officer assigned a particular patrol car.³²

One suggested way to address these problems would be to give each officer a personal hard drive (as opposed to sharing the hard drive that is in each patrol car) to use for DICVS. It is estimated that it could reduce the uploading time from 9 minutes per hour of video to 4 minutes per hour, connecting inside the precinct as opposed to wirelessly in the garage. However, there are economic costs associated and though there would be an increase in individual responsibility if each officer was assigned a hard drive, there could be a decrease in centralized accountability.

Another approach would be to have multiple hard drives for each car, though it would be important to not interchange drives between cars. Finally, if individual or additional hard drives were available, there would need to be a sufficient number of cradles to allow officers to upload simultaneously inside the precinct.

13. After an incident is recorded and the in-car camera is turned off, it takes time for the system to process the video. During this period, the camera cannot be used for other recordings and the officer cannot add an incident number. During a busy Saturday night, an officer might be engaged in series of emergent incidents or calls, processing video/audio from one while expected to record the subsequent event.
14. There are audible tones and a green light when the system is activated, and it has been reported that this could be safety concern if an officer does not wish to alert a suspect of his/her presence. If the microphone is out of range, it will beep and there no mechanism to stop or avoid the sound made. There is a setting to change whether or not the microphone lights up during normal use, though it is not a user friendly process. Further, bumps to the microphone as it is worn throughout a shift can change the settings.
15. Because of staff shortages, what had been regular and frequent checks by the Video Unit and Information Technology personnel to proactively identify and address DICVS technological issues in the precincts is no longer occurring systematically or as often. The IT Section has significant responsibilities for DICVS maintenance, though due to its own limited staff, it is difficult for IT to address more than a specific problem reported to the unit, whereas there used to be time to explore other operational issues that were being experienced by officers and trouble shoot ahead of time.

³² In this case, the in-car computer may still be used for the Computer-Aided Dispatch (CAD) system, by removing the COBAN hard disk drive, and by not enabling the COBAN application in the patrol car until video is transferred to the COBAN storage server.

Demands on the Video Unit have increased significantly over the past couple of years. If the OPA Investigations Section (OPA-IS) had direct access to DICVS, rather than routing their requests to the Video Unit for response, the complaint review process could move along faster and the workload of the Video Unit would be reduced. The direct access option is under discussion.

16. A significant amount of time could be saved by Video Unit personnel if there was a routine system for attaching an incident number to each videotaped event. However, this would require the Versaterm system to provide incident information and for COBAN to consume it; getting vendors to customize software to address the issue has been a challenge. Also, the day to day work of SPD officers is tracked through the Computer-aided Dispatch (CAD) system and most calls do not result in an incident number. As with Versaterm, the CAD system does not interface with DICVS, and an expensive programmatic solution might be required to resolve the problem.

SUPERVISORY ISSUES IMPACTING DICVS USAGE

Under SPD policy, supervisors are responsible for ensuring officers have completed DICVS training and that they follow policy and procedure for use of the equipment and documentation associated.³³ It is not clear that supervisors are regularly monitoring officers in this regard, though training over the past year has emphasized expectations.³⁴ Issues related to supervisory responsibilities include:

1. There are sergeants who are not sufficiently trained on the use of DICVS, nor on policy expectations to monitor usage by the officers they supervise.
2. Some supervisors do not know which of their subordinates are trained to use DICVS and who needs training. It will be easier for sergeants to track officers' training and use of ICV when the Department reverts to the use of relief squad assignments in 2012.
3. Some sergeants are not regularly checking to see which officers are using DICVS. For example, the Video Unit maintains usage sheets by officer which show the number of hours/month an officer has video available and sergeants could regularly audit usage among their assigned officers.
4. Supervisors and others in the chain of command do not regularly check incident and use of force reports to determine if DICVS was used and, if not, whether the reason is noted in the report, as is required by policy. Recent training for sergeants was provided to address this problem.³⁵

³³ DP&P 17.260.IV.

³⁴ There is an unfair labor practice challenge on the issue of when persons within an officer's line of command have authority to review the officer's video/audio recordings. That issue is not the subject of this review.

³⁵ DP&P 17.260.III.A.8.

5. Officers have the responsibility to notify a supervisor if there are operating problems with the system and supervisors are expected to follow through to see that repair needs are addressed.³⁶ Supervisors should proactively and routinely inquire about usage problems to encourage officers to bring issues forward.
6. It is not apparent that sergeants are talking with officers about whether they have recorded incidents that would be useful to share at roll call or in other training.³⁷

During 2011, in Sergeant's School and during training on sergeants' review of written reports, the OPA Director and others have stressed the supervisor's role in ensuring that DICVs is used. The training has also emphasized the sergeant's role in ensuring there is documentation as to whether or not there is video/audio recording for an event, with an explanation when recording is not available. The OPA Director has also discussed the importance of DICVS in meetings with the Operations Command Staff.

CONCLUSION

It is recommended that Professional Standards Section lead an internal workgroup to study the various issues noted in this report, consider best practices followed in this area by other law enforcement agencies, and recommend changes as needed. The group should include representatives from Operations, OPA, Training, IT and the Video Unit. A plan should be developed at the outset about which of these issues (and any others identified) should be addressed by the group and the projected timeline for completing the project. Because SPD is working on replacing the current in-car video system by early 2013, it is important that the workgroup coordinate with those involved to ensure issues raised in this report are considered in selecting a new system and that the replacement process continues as quickly as feasible.

While it will take time for the various issues noted in this report to be considered, it is recommended that a Directive be issued immediately to: (1) remind officers that the current DICVS policy requires that every effort be made to record traffic stops, pursuits, vehicle searches and citizen contacts; (2) emphasize the need to document recordings (or the reasons for the lack of video/audio) in a citation, notice of infraction, or Traffic Contact Report, and in the General Offense Report if a custodial arrest is made; (3) require that every officer assigned to Operations, regardless of rank and including all acting as Field Training Officers, be DICVS trained; and, (4) remind supervisors of their responsibility to ensure officers are trained and using in-car video/audio. DICVS training should be scheduled as soon as feasible in 1st Quarter 2012. A follow up audit to the one conducted in 1st Quarter 2011 should be conducted during 1st Quarter 2012 and periodically thereafter, to assess whether SPD officers are consistently using DICVS as required by policy.

It is vital that the Department help officers appreciate the role DICVS can play for officer safety, evidence collection and other purposes. Advantages include use of video to refresh memory for report writing and for presentation in the courtroom, to help locate evidence that may have been tossed

³⁶ DP&P 17.260.III.A.1. and IV.A.3.

³⁷ DP&P 17.260.II.C1. and IV.A.5.

during a videotaped pursuit or stop, and to record consent for searches and other statements. Also, an early study by the International Association of Chiefs of Police (“IACP”) noted the significant impact that in-car cameras have on improving an officer’s ability to respond to complaints regarding professionalism and courtesy. “According to the responses of more than 3,000 officers...the statistical data indicates that 96.2 percent of the time, the recording of the event exonerated the officer of the allegation or complaint.”³⁸ As is true with complaints reviewed by OPA, the IACP report noted the significant amount of time saved in conducting internal investigations when videotape is available. As the Department works to increase DICVS usage, there should be a consistent message to educate officers about the many advantages of video/audio recordings.

³⁸ “The In-Car Camera: Value and Impact,” *The Police Chief*, vol. 71, no. 8, August 2004.