

Legislation Details (With Text)

File #:	2014-0389	Version:	1
Type:	Motion	Status:	Lapsed
File created:	9/15/2014	In control:	Law, Justice, Health and Human Services Committee
On agenda:		Final action:	2/2/2015
Enactment date:		Enactment #:	
Title:	A MOTION establishing a pilot project in the King County sheriff's office to evaluate the effectiveness and benefit of law enforcement vehicle and on-officer video camera and recording systems.		
Sponsors:	Dave Upthegrove, Kathy Lambert		
Indexes:	Law Enforcement, Sheriff		
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
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9/15/2014	1	Metropolitan King County Council	Introduced and Referred	
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A MOTION establishing a pilot project in the King County sheriff's office to evaluate the effectiveness and benefit of law enforcement vehicle and on-officer video camera and recording systems.

WHEREAS, the justice and safety goal of the King County Strategic Plan prioritizes keeping people safe in their homes and communities, and

WHEREAS, the service excellence goal of the King County Strategic Plan prioritizes building a culture of service that is responsive and accountable to the community, and

WHEREAS, according to the sheriff's General Orders Manual, "a law enforcement agency must maintain a high level of personal and official conduct if it is to command and deserve the respect and confidence of the public it serves," and

WHEREAS, although the overwhelming majority of deputies and employees of the sheriff's office serve with honor and distinction, any instances or perceptions of misconduct, even if isolated and infrequent, can potentially damage the reputation of the sheriff's office and erode community trust, and

WHEREAS, to build and maintain community trust, it is incumbent on the county, along with sheriff's office leadership, to foster an environment in which new technology that can support ethical and conscientious behavior is evaluated and promulgated, and

WHEREAS, advancements in the development of video cameras and recording technology for vehicles, attached to controlled energy weapons, and worn on the body of law enforcement officers can contribute to officer safety, community trust, improved judicial process and overall professionalism, and

WHEREAS, video evidence has the ability to present unbiased facts, where by its nature, as courts have determined, video evidence is "extremely persuasive, vivid, and unforgettable," and

WHEREAS, the value of video evidence was emphasized by the U.S. Supreme Court in the case of Scott v. Harris where the court held that video recordings are more reliable than eyewitness testimony, and

WHEREAS, in a study conducted by the International Association of Chiefs of Police, where prosecutors were asked to rate the value or effectiveness of video evidence in court proceedings, ninety-three percent reported that video evidence is an effective tool and noted that the presence of video evidence enhances their ability to obtain convictions, and

WHEREAS, in any litigation involving law enforcement action, whether civil or criminal, a primary legal hurdle is overcoming the divergence of eye witness accounts. However, if the law enforcement agency has complete video that shows the circumstances leading up to the use of force or captures an alleged incident of police misconduct, oftentimes there will be no dispute as to material facts, and

WHEREAS, a comprehensive study of the use of on-officer video cameras in the city of Rialto, California, determined that officers' use of video cameras improved relations between the police and citizens, showing that citizen complaints about perceived officer misconduct or poor performance declined nearly eighty-eight percent. In addition, the study noted that uses of force dropped sixty percent. The study also found that "[s]hifts without cameras experienced twice as many incidents of use of force as shifts with cameras," and the rate of use of force incidents per one thousand contacts was reduced by two and one-half times compared to the

twelve months prior to the study period, and

WHEREAS, the benefits of the new technology has been documented, the National Institute of Justice and the Police Executives Research Forum report that there is a lack of defined standards for the use of video and that any agency contemplating using the new technology must develop policies and procedures before adding video resources to their agencies that: address legal issues related to how and when video can be used; identify how civil liberties can be protected; create clear standards for privacy rights; and create well-defined policies and procedures for information requests and the storage of materials, and

WHEREAS, the state of Washington has significant statutory requirements for the protection of individuals' privacy while at the same time has strong public disclosure laws, both of which can be in conflict in law enforcement use of use of police cameras and video recording, and

WHEREAS, King County is committed to individual privacy; and

WHEREAS, several jurisdictions in the state of Washington have begun pilot projects to equip officers with on-body video technology recognizing the benefits of the new technology;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The King County sheriff's office shall develop a report describing a work plan for the implementation of a pilot project to evaluate the benefit of the use of video camera and recording technologies for sheriff's deputies and operations. The report shall include:

1. An evaluation of existing video technologies that could be used in the pilot project, to include a description of the types, costs and benefits of the technologies reviewed, along with recommendations regarding which technologies to utilize in a pilot project. The evaluation should include, but not be limited to, a review of the following:

- a. vehicle-based camera and recording technology;
- b. controlled energy weapon based cameras and recording technology;
- c. body-worn cameras and recording technology; and

d. video storage, retrieval, and other ancillary equipment;

2. An evaluation of, and recommendations for, which types of sheriff's personnel could be part of a pilot project. The evaluation should include a review and description of the benefits and disadvantages for using staff from patrol, investigations, special operations or any other unit within the sheriff's office. In addition, the evaluation should include a review of whether personnel from the unincorporated area, contract cities, Metro transit or Sound Transit could be included in the pilot project;

3. Based on the recommended types of technologies to be studied and the personnel that will participate in the project, a proposed pilot project implementation plan that includes recommended pilot project options. The options should identify the type of technology to be evaluated, the personnel that will be testing the equipment, and the proposed target area for the pilot project, whether it is by type of operation, time of day or in a geographical area. The plan should include a proposed budget and schedule for implementation of each option; and

4. A proposed plan for the evaluation of the pilot project options that includes a means of pre- and postmeasurement or the development of control or experimental groups showing data on at least the following:

- a. number of calls for service, shown by call priority;
- b. number of "on views" as recorded by sheriff's office data systems;
- c. number of recorded and nonrecorded incidents;
- d. number of citizen complaints;
- e. number of use-of-force incidents; and

f. Any other information that would aid in evaluating the effectiveness of the video camera and recording technology.

B. The King County executive, in cooperation with the sheriff's office, shall also support a work group to aid in its development of policies and procedures for the use of video camera and recording technology. The membership of the work group shall be appointed by the county council by motion. The work group shall

include, but is not limited to, representatives from:

1. The prosecuting attorney's office;
2. The department of public defense;
3. Superior court;
4. District court;
5. The department of information technology;
6. The office of risk management;
7. The American Civil Liberties Union;
8. The King County Police Officers Guild;
9. A contract city elected official and city manager;
10. Communities from unincorporated King County; and
11. A community from a contract city.

C. The work group shall develop policy recommendations to be included in a report to the council regarding the use of video cameras and recording technology that protects privacy, ensures public access, and allows for better law enforcement operations. The policy recommendations should address at least the following:

1. When cameras may be used;
2. Who can use cameras and who can access video recordings;
3. How cameras should be used;
4. Privacy rights of the public and sheriff's office employees;
5. Minimum public notice requirements for the use of cameras and recording technology;
6. Retention requirements for recordings;
7. Scope and methods for public disclosure; and
8. Any identified needed state-level statutory changes.

D. The sheriff's office report required in section A. of this motion shall be transmitted to the council, accompanied by a motion to accept the report, by June 1, 2015. The executive's office report required in section C. of this motion shall be transmitted to the council, accompanied by a motion to accept the report, by April 1, 2015.