



July 3, 2014

Timothy B. Schwering  
Director of Strategic Initiatives  
Spokane Police Department  
1100 West Mallon  
Spokane, Washington 99260

**Re: Policy 703 – Body Cameras**

Dear Mr. Schwering:

Thank you for sharing the final version of the Spokane Police Department's Policy 703 on the use of body cameras with the ACLU of Washington. We are disappointed to see that this policy does not ensure that body worn cameras will be used for oversight purposes and does not effectively address privacy issues.

The use of body-worn recorders can serve as a valuable tool for police accountability. But without clear guidelines about when the cameras must be activated and how the collected data may be used, body cameras will not be an effective tool for oversight and can easily become a tool for surveillance. Policy 703 does not provide an effective framework for addressing these concerns.

First, the policy does not set forth rules about when the cameras should be activated. Rather, police officers are free to turn the cameras on and off at their discretion. While the prior version of the policy required that most communications between officers and civilians be recorded, the final version has no statement about what should be recorded. Indeed, the policy does not affirmatively require that any interactions with the public be recorded, and it provides an open-ended list of situations where recording is not required. These omissions severely limit the cameras' value as an accountability tool.

Nor are the data retention provisions adequate for accountability purposes. The policy only requires that video be saved for review if it will be used for "litigation or criminal prosecution." This means that many critical interactions involving officer misconduct may be deleted within 30 days without any review.

Taken together, these provisions suggest that the Department does not intend to use body cameras for oversight purposes at all. If accountability is not the fundamental purpose of these cameras, then they serve primarily as evidence-gathering tools that can capture large quantities of personal information on innocent people.

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The policy also lacks critical restrictions on how collected data may be used. While the prior version included a section outlining unauthorized uses that provided some privacy protections, that section regrettably has been deleted. The Department needs to place additional limitations on the use of the videos to initiate new criminal proceedings or identify new leads for criminal investigation when there is not probable cause to believe criminal activity occurred. Without these important restrictions, body camera data can easily be misused by Department employees.

The Department has an opportunity to be a leader for the state by creating strong, privacy-protecting policies for body cameras. Unfortunately, Policy 703 does not accomplish this.

Please feel free to contact me to discuss these concerns in greater detail.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamela Debelak".

Jamela Debelak  
Technology & Liberty Director