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April 28, 2017

Director Jacqui MacConnell  
Spokane Police Division  
1100 W. Mallon Avenue  
Spokane, Washington 99260

**RE: R17-02 – Change to body-worn camera footage release**

Dear Director MacConnell,

The Office of Police Ombudsman (“OPO”) makes the following recommendation regarding the updated Spokane Police Division (“SPD”) body worn camera (“BWC”) policy. Policy 703.9 Review of Body Camera Video currently states, “Review of video [by supervisors, Internal Affairs (“IA”) investigators, and the Police Ombudsman] shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible violations.” It is my recommendation that the SPD policy be modeled after the best practice for this policy, which is access to the entire video for supervisor, IA investigators, or Ombudsman review, in order to audit officer actions, improve transparency between SPD and supervising officers, improve training, and increase early intervention of potential problems. I believe that SPD’s BWC policy could be improved based on the research below from the Department of Justice (“DOJ”), Toronto Police Service, Police Executive Research Forum (“PERF”), and Yale studies.

In specific cases to be reviewed, the OPO encourages supervision and review of the entirety of the video clip, both leading up to the incident and the events following the complaint, rather than only the footage directly related to the complaint. Not only does this provide supervisors with a more complete understanding of the situation that is being reviewed, but it allows for complete transparency. Regular audits and training can use the footage to support early intervention, and through the revision of this policy, the department would make progress towards these goals. In analyzing footage, supervisors can mentor officers whose conduct is less than ideal in order to intervene and prevent further problems.<sup>1</sup> The DOJ quotes PERF that under the proper supervision, BWC’s help prevent problems from arising, and allow agencies to evaluate and improve officer performance. They go on to say that in regard to complaints, it is best to look at the recording in question, as well as prior shifts to get the best analysis.<sup>2</sup>

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<sup>1</sup> Walker, Samuel, and Carol Archbold. *The New World of Police Accountability*. Los Angeles: SAGE, 2014. Print.

<sup>2</sup> Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: *Office of Community Oriented Policing Services*

BWCs show remarkable promise for improving departmental accountability, assisting in training, and progressing public safety, both for law enforcement officers and the communities they serve.<sup>3</sup> BWC's have also provided a level of protection for officers against false or embellished complaints. However, if the overseeing authorities do not have access to the entire video, that level of accountability and potential cannot be fully achieved.

In a study done by the Toronto Police Service Evaluation Team in 2016 regarding the implementation of a BWC program, researchers found that all of the supervisors and the officers involved came to agree that full supervisor access to the footage, both for complaint purposes as well as for random assessments, was the best practice.<sup>4</sup> The study found that this encouraged officers wearing a BWC to be more aware of how they conducted themselves. Similarly, the Spokane Pilot Program Audit found through a public survey that 85% of citizens believed that the BWC would improve officer behavior; however this effect can only be attained through careful monitoring by supervisors.<sup>5</sup> Furthermore, PERF "generally recommends a broad disclosure policy to promote agency transparency and accountability" regarding BWC footage release.

While I concur that randomly searching for policy violations which could lead to discipline should be discouraged, I fully support random audits by supervisors which could lead to mentorship opportunities. Additionally, BWC footage showing exemplary performance should be sought out by supervisors within SPD and provided to the Chain of Command. SPD should set forth specific guidance on how to handle violations of policy that may be observed during a random audit, perhaps on a graduated basis, and use every opportunity to provide additional training and mentorship opportunities for their officers.

Sincerely,



Bart Logue  
Police Ombudsman  
Office of the Police Ombudsman, City of Spokane

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<sup>3</sup> Divine, Josh, John Ehrett, Vera Eidelman, Raymond Lu, Divya Musinipally, and Rebecca Wexler. "Police Body Cam Footage: Just Another Public Record." Abrams Institute (2015): n. pag. The Media Freedom & Information Access Clinic. Web

<sup>4</sup> Whynot, Carol, Lina Nykorchuk, Mary Zisis, and Susan Deane. "Body-Worn Cameras." Toronto POLICE SERVICE (2016): n. pag. Web

<sup>5</sup> Schwering, Timothy, and David Staben. "Body Worn Camera Pilot Program Audit." Office of Professional Accountability (2015): n. pag. Web