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August 16, 2018

Chief Craig Meidl
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: R18-4 – Safeguarding body worn camera footage on Evidence.com

Dear Chief Meidl,

It has come to my attention on a couple of occasions that body worn camera (BWC) footage is not being properly stored on Evidence.com. Under Spokane Police Department's (SPD) Body Cameras policy, §703.10, body camera videos shall be retained in Evidence.com for 12 months. However, the state retention schedule for Internal Review/Investigation cases require recordings, regardless of format or source that are part of investigative records be retained for 6 years after final disposition and 6 years whether formal discipline is imposed or not. See *Office of the Secretary of State, Law Enforcement Records Retention Schedule*, §8.3 Internal Review, Version 7.2 (January 2017). When formal discipline is imposed, retention is required for "6 years after completion of disciplinary action and 3 years after [a] minor reaches age 18, if [a] minor is involved in the incident, then contact Washington State Archives for appraisal and selective retention." *Id.* When formal discipline is not imposed, retention is required for 6 years after [the final disposition] and 6 years after completion of informal disciplinary action, if imposed, and if [a] minor is involved in [the] incident, 3 years after the minor reaches age 18, then destroy." *Id.*

Here, the subject officer agreed to show the BWC footage from a complaint for training purposes during the Reserve Academy this past spring. The incident complained upon occurred on March 21, 2017.¹ Yet when he attempted to retrieve the footage on Evidence.com, it was no longer available. A complaint from March 2017 falls well within the 6 year retention period required by the Secretary of State and should still be accessible. In another instance, Director MacConnell provided us unredacted videos as part of my request to have OPOC Commissioner Wilburn's desire to study disproportionate use of force against African Americans in 2016. In the "Confidential Materials Checkout Sheet and Confidentiality Acknowledgement," form Director MacConnell provided, she indicated 5 out of 19 cases did not have any BWC footage available. In 4 of the cases,² the BWC footage had been purged and in 1 case, there was no BWC evidence at all. Complaints from 2016 fall well within the 6 year retention period and should have been retained. Furthermore, in my review of the applicable SPD BWC policy and record retention schedule, it became apparent that SPD's policy on BWC footage retention does not conform to the retention schedule. §703.10 merely says BWC shall be retained in Evidence.com for 12 months. It does not indicate whether that is for criminal or internal investigations.

¹ Internal Affairs complaint number C17-021

² F16-044, F16-103, F16-107, F16-004

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The policy does not mention anything about the timeline for safeguarding recordings that are a part of investigative records.

These cases represent a small sample of the total number of BWC footage that SPD should be safeguarding in accordance with the applicable retention schedule for Internal Review/Investigations discussed above. I understand SPD is already taking steps to address this issue. However, I am concerned other cases where BWC footage may also have been purged in advance of the allowable date of destruction. Therefore, I recommend SPD review all investigative cases where BWC footage was attached as evidence to ensure proper safeguarding. In cases where the BWC footage has been purged, I recommend that SPD work with Axon to restore any backup files. I also recommend SPD update its BWC policy to be in conformance with §8.3 Internal Review of the Law Enforcement Records Retention Schedule. I look forward to the results of your review and prompt recovery of the missing BWC footage.

Sincerely,



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