



AGENDA –Monday, April 3, 2023

7:00 p.m. City Council Meeting

In-Person and Zoom Webinar

Meeting ID: 829 2381 4826

Password: 123456

7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Phillips, Council Member Svendsen, Council Member Phelps,
And roll call	Council Member Murry, Council Member Reddy & Council Member Coleman

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to three minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

CONSENT AGENDA – TAB A

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, March 20, 2023, Regular Meeting
- Payment Approval List for Warrant Registers – 61447-61469 & 90736-90794 for \$195,682.99

- AB 23-13 – Surplus Bid Award– TAB B
- AB 23-14 – Police Department Camera Policy

DEPARTMENT HEAD ORAL REPORTS CORRESPONDENCE AND WRITTEN REPORTS

- Thank you letter

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
April 17, 2023, May 1, 2023 & May 15, 2023

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

TAB - A

LONG BEACH CITY COUNCIL MEETING

March 20, 2023

7:00 CALL TO ORDER

Mayor Pro Tem Svendsen called the meeting to order.

ROLL CALL

Ariel Smith, Deputy City Administrator, called roll with C. Svendsen, C. Phelps, C. Murry, C. Reddy, and C. Coleman all in attendance.

PUBLIC COMMENT

No public comments.

CONSENT AGENDA

Minutes, March 6, 2023, Regular Meeting

Payment Approval List for Warrant Registers – 61417-61446 & 90668-90735 for \$306,604.63

C. Reddy made the motion to approve the Consent Agenda. C. Phelps seconded the motion; 5 Ayes, motion passed.

BUSINESS

AB 23-12 – Banner Discussion

Ariel Smith, Community Development Director, presented the agenda bill. Provided are examples of new banners for the downtown core and Ocean Beach Blvd. City staff is requesting the council choose a banner(s) to purchase and display for the upcoming summer months.

C. Murry made the motion to approve and purchase the “Kites Galore” and the “Dine, Enjoy, Relax” banners. C. Phelps seconded the motion; 5 Ayes, motion passed.

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS

- Thank you letters
- ChargePoint Report

ADJOURNMENT

Mayor Pro Tem Svendsen adjourned the meeting at 7:21 p.m.

Mayor Pro Tem

City Clerk



Warrant Register

Check Periods: 2023 - March - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member	Council Member	Council Member	Clerk/Treasurer
61447	Bell, Helen S	3/20/2023	\$392.82
61448	Binion, Jacob M	3/20/2023	\$2,289.78
61449	Brown, Kaine E	3/20/2023	\$1,225.43
61450	Cox, Mallory E	3/20/2023	\$389.50
61451	Cutting, Griffen G	3/20/2023	\$1,225.20
61452	Goulter, John R	3/20/2023	\$2,197.27
61453	Huff, Timothy M	3/20/2023	\$2,270.34
61454	Kemmer, Larry L	3/20/2023	\$1,941.27
61455	McCord, Brendon M	3/20/2023	\$1,386.48
61456	Payroll Vendor	3/20/2023	Void
61457	Wright, Flint R	3/20/2023	\$3,400.47
61458	Padgett, Timothy J	3/20/2023	\$2,740.50
61459	AFLAC	3/20/2023	\$437.96
61460	Awc - ST & Life	3/20/2023	\$808.47
61461	City of Long Beach - Fica	3/20/2023	\$15,102.30
61462	City of Long Beach - FWH	3/20/2023	\$11,672.06
61463	Dept of Labor & Industries	3/20/2023	\$2,235.58
61464	Dept of Retirement Systems	3/20/2023	\$15,886.19
61465	Dept of Retirement Systems Def Comp	3/20/2023	\$2,540.00
61466	Employment Security Dept	3/20/2023	\$444.67
61467	Employment Security Dept - Unemployment	3/20/2023	\$198.07
61468	WEX Health, Inc.	3/20/2023	\$175.00
61469	Association of WA Cities	3/20/2023	\$37,691.92
90736	South Sound Honda	3/21/2023	\$712.63
90737	Coastal AG LLC	3/24/2023	\$700.00
90738	Department of Licensing	3/24/2023	\$45.00
90739	Department of Licensing - Firearms Section	3/24/2023	\$18.00
90740	Pacific County Auditor	3/24/2023	\$18.00
90741	Postmaster	3/20/2023	Void

90742	Postmaster	3/20/2023	Void
90743	Postmaster	3/28/2023	\$696.00
90744	Gray, Karen	3/28/2023	\$317.75
90745	Metzger, Katie	3/28/2023	\$84.00
90746	Platt Electric Supply	3/28/2023	\$725.46
90747	Estrada, Miranda	3/29/2023	\$36.00
90748	Meling, Casey	3/29/2023	\$36.00
90749	Cowsert, Eric	3/29/2023	\$52.00
90750	Natsiopoulous, Anthony	3/29/2023	\$52.00
90751	Active Enterprises, Inc.	3/30/2023	\$714.32
90752	ALS Group USA, Corp.	3/30/2023	\$235.00
90753	Arts Auto Parts Inc.	3/30/2023	\$26.53
90754	Astoria Janitor & Paper Supply	3/30/2023	\$732.66
90755	Bank of The Pacific	3/30/2023	\$9,738.67
90756	Cascade Columbia Distribution CO	3/30/2023	\$2,805.58
90757	Chinook Observer	3/30/2023	\$864.45
90758	Cintas	3/30/2023	\$92.63
90759	City of Long Beach	3/30/2023	\$2,148.69
90760	Coastal AG LLC	3/30/2023	\$4,330.00
90761	Columbia Fire & Safety	3/30/2023	\$1,749.59
90762	CopGear Store	3/30/2023	\$485.00
90763	Dept of Ecology	3/30/2023	\$1,732.89
90764	Dooley Enterprises Inc.	3/30/2023	\$1,405.67
90765	Evergreen Septic Inc	3/30/2023	\$1,950.00
90766	Evergreen Septic Pumping LLC	3/30/2023	\$1,053.98
90767	Fastenal Company	3/30/2023	\$672.35
90768	Ford Electric	3/30/2023	\$6,117.50
90769	Gray, Karen	3/30/2023	\$17.99
90770	iSpyFire, Inc.	3/30/2023	\$703.95
90771	Jacoby, Rich	3/30/2023	\$36.20
90772	K & L Supply, Inc.	3/30/2023	\$798.31
90773	L.N. Curtis & Sons	3/30/2023	\$1,599.59
90774	Lawson Products, Inc.	3/30/2023	\$1,059.37
90775	Long Beach Commercial Security	3/30/2023	\$17.30
90776	Lower Columbia College	3/30/2023	\$400.00
90777	Mallory Safety and Supply LLC	3/30/2023	\$585.67
90778	MossyTech LLC	3/30/2023	\$300.00
90779	Motorola Solutions Inc.	3/30/2023	\$227.13
90780	Northwest Automated Products	3/30/2023	\$409.04
90781	Pacific Fibre Products, Inc.	3/30/2023	\$4,053.75
90782	PAPE MACHINERY	3/30/2023	\$1,533.06
90783	Peninsula Pharmacies	3/30/2023	\$280.28
90784	Postmaster	3/30/2023	\$903.60
90785	Public Utility District 2	3/30/2023	\$11,714.50
90786	Quill Corporation	3/30/2023	\$69.99
90787	Solutions Yes	3/30/2023	\$337.73

Symbol Arts
Systems Interface Inc.
Traffic Safety Supply Co.
Verizon Wireless
Wex Bank
Whitney Equipment Co. Inc
Zero9 Solutions

3/30/2023	\$671.47	
3/30/2023	\$4,479.27	
3/30/2023	\$11,752.66	
3/30/2023	\$1,089.73	
3/30/2023	\$2,500.00	
3/30/2023	\$2,724.67	
3/30/2023	\$418.10	
	Total	Check
	\$195,682.99	
	Grand Total	\$195,682.99

TAB - B



**CITY COUNCIL
AGENDA BILL**

AB 23-13

Meeting Date:

April 3, 2023

AGENDA ITEM INFORMATION

***SUBJECT: Surplus Bid
Award***

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

DG

COST: N/A

SUMMARY STATEMENT: The city received bids for the equipment on the following page, the high bidder is highlighted in yellow. There was one bid, the target concrete saw, that was lower than the value.

RECOMMENDED ACTION: Approve the sales of surplus equipment to the highest bidder and accept the lower bid for the concrete saw.

Surplus Bid Items					
Year	Make	Model	Minimum Bid	Bid Amount	Bidder
2006	DR	Mower walk behind	\$400	\$500	Kris Booi
2006	DR	Mower walk behind	\$400	\$425	Larry Kemmer
2006	DR	Mower walk behind	\$400	\$100	Tye Caldwell
		Target Concrete Saw	\$300	\$50	Kris Booi
		Target Concrete Saw	\$300	\$10	Tye Caldwell
	MQ- 60-whisper	60kw generator with trailer	\$1,500	\$1,500	Jeff Cutting
	MQ- 60-whisper	60kw generator with trailer	\$1,500	\$500	Kris Booi
	MQ- 60-whisper	60kw generator with trailer	\$1,500	\$75	Tye Caldwell
2008	Bobcat	2300 4x4 utility vehicle	\$600	\$1,600	Jeff Cutting
2008	Bobcat	2300 4x4 utility vehicle	\$600	\$1,531	Kathy Jacoby
2008	Bobcat	2300 4x4 utility vehicle	\$600	\$1,250	Kris Booi
2008	Bobcat	2300 4x4 utility vehicle	\$600	\$1,078	Tye Caldwell
2005	Ford	Crown Victoria	\$800	\$1,510	Kris Booi
2005	Ford	Crown Victoria	\$800	\$1,200	Matt Miller

TAB - C



**CITY COUNCIL
AGENDA BILL**

AB 23-14

Meeting Date: April 3, 2023

AGENDA ITEM INFORMATION

***SUBJECT: Police
Department Camera
Policy***

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

DG

COST: N/A

SUMMARY STATEMENT: This policy is required when providing in-car and body cameras for the police officers. This policy has been reviewed and approved by the city attorney.

RECOMMENDED ACTION: Adopt the presented Police Department Camera Policy.

LONG BEACH POLICE DEPARTMENT <i>POLICY AND PROCEDURE</i>		Patrol Procedures <i>Body-Worn & In-Car Cameras</i>
REVISED DATE April 2 nd 2023	APPROVED Chief Flint R. Wright	POLICY # 10.450

1 - POLICY

The Long Beach Police Department Police Camera Program includes all forms of camera worn by its members or mounted in its vehicles to contemporaneously and objectively document citizen contacts. Throughout this policy, the term "Body Worn Camera" or BWC is used to reference these cameras, both BWC and ICV.

This policy is intended to outline the objectives and intent of the use of Body-Worn Cameras ("BWC") and In-Car Video ("ICV") in conjunction with the BWC and ICV procedures that follows. Procedures are enumerated with the prefix "PR."

Technology advancements have enhanced the Department's investigative and evidence-gathering capabilities as well as officer safety and security. These same advances increase concerns of encroachment on citizens' and employees' right to privacy. The objective of this policy is to increase the efficiency and integrity of the Department's law enforcement mission, increase officer safety, and safeguard the rights of the citizens and employees in the use of such technology. The Department shall at all times employ and enforce this policy consistent with the co-equal, non-competing interests of providing the best possible law enforcement services to the community and the best possible working environment for Department employees.

Selected uniformed field assignments may be equipped with BWCs. This technology provides video and audio documentation of a police officer's citizen contacts and enforcement and investigative activities from the perspective of the officer's person. It is anticipated that using this equipment will promote officer safety, result in greater transparency, more effective prosecution, improve the investigation of citizen complaints, and protect against false allegations of officer misconduct. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' and officers' reasonable expectations of privacy.

The BWC device records certain activities and creates a visual and audio record to supplement an officer's report. Video and audio recordings of enforcement or investigative actions are evidence and public records and, therefore, subject to rules of evidence and laws of disclosure. It is in the best interest of justice that the Department regulate and control all forms of evidence collection and storage in accordance with the laws and rules of evidence and of the retention and dissemination of public records and information.

2 - PURPOSE AND SCOPE

Certain uniformed law enforcement assignments within the Department may be

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equipped with a BWC. This system will be used to document events and capture data to be preserved in a Web-based digital storage facility. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The Department has adopted the use of BWC technology to accomplish the following objectives:

- 1) To promote officer safety.
- 2) To document statements and events during the course of an incident.
- 3) To enhance the law enforcement operator's ability to document and review statements and actions for internal reporting requirements and courtroom preparation/presentation. Officers shall have access to view and utilize the recordings from their BWC for training purposes and to further investigate their cases.
- 4) To preserve visual and audio information for use in current and future investigations.
- 5) To provide an impartial measurement for self-critique and field evaluation during officer training.
- 6) To enhance public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

2.1 - DEFINITIONS RELATED TO THIS POLICY

Advisement – Statement made by a Department member that a communication, conversation, or interaction with a community member is being recorded.

Audio Recording – The electronic recording of conversation, spoken words, or other sounds.

Body-Worn Camera ("BWC") – Equipment worn by a Department member that captures audio/video and audio signals and includes, at a minimum, a camera, microphone, and recorder.

In-Car Video ("ICV") – Equipment installed in police vehicles that captures audio/video and audio signals and includes, at a minimum, a camera, microphone, and recorder.

Controller Switch – Master on/off power.

System Administrator ("SA") – Supervisor responsible for inventory, control, and

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operational maintenance of the BWC system equipment.

Event Record Button – Push-button activation switch located in the center of the BWC device.

Web-Based Storage Facility – A virtual warehouse that stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance (i.e., an online web-based digital media storage facility).

Evidence Transfer Manager ("ETM") – A router with built-in docking stations physically installed at Department work site. The ETM simultaneously recharges the device while uploading all digitally encrypted data to the Web Based Storage Facility.

Master System Administrator ("MSA") – Supervisor(s) authorized by the Department and assigned to the Information Support Section with full access to user rights; assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video, audio, and sound quality; coordinates with SAs; and serves as liaison to the BWC manufacturer's representatives on operational and equipment-related matters.

Media or Data – For the purposes of this procedure, references to media or data include photographs, audio recordings, and video and audio footage captured by the BWC device. The media is stored digitally and encrypted.

Remote Camera/DVR – Cable-tethered camera/DVR affixed to an approved mounting. Accessories provided with the system may offer various mounting options, such as molle attachments, magnetic clips attached to uniforms, glasses, collars, epaulets, helmets, etc.

Surreptitious Recording – A surreptitious recording is a recording made without the knowledge of one or more parties to a conversation of communication and is a violation of the Washington Privacy Act, RCW Chapter 9.73.

Video Recording – The electronic recording of visual images with or without audio.

3 - REQUIRED ACTIVATION OF THE BWC

Although this policy identifies those situations in which activation of the BWC is required, an officer has the discretion to manually activate the system any unprohibited time the officer believes it would be appropriate or valuable to

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document an incident. The BWC shall only be activated for legitimate law enforcement purposes.

Activation of the BWC is required in the following situations:

1) All field contacts involving actual or potential criminal conduct within video and audio or audio range, including:

- (a) Traffic Stops (to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops)
- (b) Emergency responses
- (c) Vehicle pursuits
- (d) Suspicious vehicles
- (e) Arrests and transports
- (f) Vehicle searches
- (g) Consent to search
- (h) Physical or verbal confrontations or use of force
- (i) Social Contacts / Terry Stops
- (j) DUI investigations, including field sobriety tests
- (k) Domestic violence calls
- (l) Statements made by individuals in the course of an investigation or complaint
- (m) Advisements of Miranda Rights
- (n) Seizures of evidence
- (o) Dynamic entry deployments
- (p) High-risk warrants
- (q) Issuance of a restraining order or citation
- (r) Contact with a person in mental health crisis
- (s) On all calls for service

2) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

3) Any other legitimate law enforcement contact where the officer believes a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations.

4) The BWC may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

5) Officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should

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activate the recorder if doing so does not place them or others in danger or impair their response to the emergency. Otherwise, they shall activate the camera at the first available opportunity when the immediate threat has been addressed. The officer will document the reasons for the delayed activation in a supplement or after-action report.

6) Calls handled by phone will be an exception to required BWC activations.

7) Activation Amnesty

- (a) No Employee will be subject to discipline for failing to activate a camera for any reason for the first month or 16 shifts, whichever occurs later, after being assigned to wear a BWC. Evidence of failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline after this amnesty period.
- (b) The amnesty period will apply again anytime an employee is reassigned to a position without a BWC for a period of six months or more and when they return to an assignment with a BWC.
- (c) Employees assigned to positions without a BWC who work extra shifts on assignments with BWC will not be subject to discipline for an unintentional failure to activate the BWC.

8) Advisement – When Required

Conversations between uniformed police officers and community members that occur during the performance of official duties are not recognized as private conversations under Washington State law and, therefore, generally do not require advisement the interaction is being recorded. The exceptions to this are traffic stops and custodial interrogations.

- (a) Employees conducting traffic stops while equipped with a BWC shall notify the occupants an audio and video recording is occurring. This statement should be given at the beginning of the contact, absent an emergent situation, and captured on the recording.
- (b) Prior to custodial interrogation, employees shall inform arrested people they are being audio and video recorded with a BWC. This statement, along with the Miranda advisement (if given), shall be included in the recording.

Nothing in this policy precludes an officer from advising a community member they are being recorded. Officers must answer truthfully if a community member

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asks if an officer is recording the event.

4 - OFFICER RESPONSIBILITIES

At the start of each shift, uniformed officers shall properly equip themselves with a BWC to record video and audio in the field. Shift supervisors shall ensure that each officer has adequate recording media for the entire duty assignment. Officers assigned a BWC shall test the equipment before use according to manufacturer guidelines and testing procedures. Officers shall immediately report insufficient recording media or malfunctioning BWC systems to an immediate supervisor.

4.1 SUPERVISOR RESPONSIBILITIES

Supervisors shall issue and inspect BWC equipment to assigned personnel to ensure sufficient recording media and proper operability per testing protocols provided under training.

Non-functioning BWC systems shall not be placed into service, and the equipment malfunction shall be immediately reported in writing to the supervisor's respective System Administrator.

The System Administrator shall be responsible for coordinating maintenance or repair issues directly with the Master System Administrator.

4.2 MASTER SYSTEM ADMINISTRATOR (MSA)

The MSA is a supervisor authorized by the Department with full access to user rights.

The MSA is responsible for the following:

- (a) Assigning and tracking inventory of equipment
- (b) Password control
- (c) End-user security access rights
- (d) Quality checks of video and audio, as well as sound quality
- (e) Coordinating with the System Administrators
- (f) Serving as liaison to manufacturer's representatives on operational equipment-related matters.

5 - CESSATION OF RECORDING

Once the BWC system is activated, it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded. For purposes of this section, the conclusion of an incident has occurred when an

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officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed the transport of a civilian or an arrestee. In any instance of cessation of the recording, before the conclusion of the incident, the officer should seek and obtain supervisory approval before deactivating the BWC, whenever possible. If supervisory approval cannot be reasonably obtained, officers must document on the BWC the reason for termination of the recording before deactivation of the BWC by noting the date, time, and reason for the deactivation on the recording and in subsequent written reports as applicable.

If a supervisor is required to obtain a Public Safety Statement, they will ensure their BWC, as well as the BWC of the involved officer(s), is not recording to prevent compelled information from accidentally being provided to the Independent Investigative Team. The supervisor will decide when to stop the BCW in one of these incidents.

6 - PROHIBITED AUDIO/VIDEO RECORDINGS BY EMPLOYEES IN THE WORKPLACE

The BWC Shall be entered into sleep mode when entering the Police Department. This will turn off the "pre-event buffering" function. Upon leaving the office, the BWC will be reactivated. Exceptions to this would be if an interview is taking place, a DUI is being processed, guarding an in-custody person, a call for service is being handled in the office, or for the reasons listed in the next paragraph. Should an officer need to be recording while inside the police department, they should announce they are recording as they enter the station.

The BWC shall not be used to record non-work-related personal activity. The BWC shall not be activated in places where an employee has a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms. If a criminal offense has occurred in these locations, the BWC may be activated, and every precaution shall be taken to respect the dignity of the victim by avoiding recording video and audio of persons who are nude or when sensitive areas are exposed.

Employees are prohibited from surreptitiously recording any other employee of the Department or any other person. It is understood that cameras will record the activity of other employees during calls for service.

The BWC shall not be used to record while in the jail unless for an in-progress call for service. Transferring custody of a suspect to jail staff is not considered an in-progress call for service. For this section, the jail sallyport will not be considered part of the jail. Recording should end at the point of entering the secured booking area.

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The BWC will not be used to record during community policing activities where no law enforcement action is anticipated, like Shop with a Cop or community meetings.

The BWC will not be used while working off-duty employment.

8 – DISCRETIONARY RECORDING

It is permissible under this policy for officers to exercise reasonable discretion not to record events in the following circumstances;

- 1) When consideration and respect for a person's privacy or dignity outweigh the need to record an event. Examples may include death notifications, child or sexual assault victim interviews, and a person's cultural or religious objections to being recorded.
- 2) Sensitive communications that include law enforcement intelligence information or tactical planning. If these sensitive communications occur mid-call, the Department member shall turn the BWC back on when these conversations are over unless there is another approved exception to keep it off.
- 3) If a community member objects to being recorded, the Department member may elect to record despite the objection. Since conversations with police officers are not considered private under Washington State law, an employee is not required to turn off the camera for a community member who objects to having the interaction recorded.
- 4) When consulting with an attorney, labor association representative, peer support, or when other recognized privileged communications are occurring, and in such situations, other officers should also take steps to ensure privacy of the conversation so their BWC does not also record the conversation.

7 - TRAINING

All members authorized to use BWC equipment must complete mandatory training provided by the Department to familiarize themselves with the recording system and Departmental procedures before its use.

BODY-WORN CAMERA ("BWC") PROCEDURE

PR 1 - PURPOSE

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The following procedures govern the operation of Body-Worn Camera ("BWC") devices issued by the Department. Uniformed Department members assigned these devices are only authorized to record investigative and/or enforcement activities using departmentally-assigned equipment following the practices prescribed within this procedure.

PR 2 - GENERAL PROCEDURES

- 1) Department members who have completed authorized training sanctioned by the Department shall be the only personnel authorized to use a BWC in an operational setting.
- 2) Video and audio recording devices shall not be used in Department locker rooms, restrooms, or any other place where there would be a reasonable expectation of officer's privacy, including, without limitation, break rooms, rest areas, or off-duty gatherings. If a criminal offense has occurred in these locations, the BWC may be activated, and every precaution shall be taken to respect the dignity of the victim by avoiding recording video and audio of persons who are nude or when sensitive areas are exposed. Recordings of Department personnel SHALL NOT be made unless an authorized pre-existing investigation is being conducted..Only the Chief or the Chief's designee may authorize such recordings, and such authorization must be in writing before the recording is made. If such authorization is not given, the recording shall be destroyed and shall not be used for disciplinary purposes. It is understood that cameras will record the activity of other employees during calls for service
- 3) Department members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically to document a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation.
- 4) BWCs, when worn by Patrol Officers, shall be worn in a manner consistent with the manufacturer's recommendations. Mounting options for SWAT or other specialty units shall provide for a frontal view in accordance with uniform specifications (e.g., helmets or other protective gear).
- 5) BWCs shall not be used to conduct Departmental administrative investigations, including undercover/plainclothes operations, without the prior written authorization of the Chief or the Chief's designee. However, this requirement shall not restrict internal investigators' access to or review of BWC recordings when investigating complaints of misconduct.

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- 6) If an officer believes that a recorded event may lead to a citizen complaint, they shall bring the recording to the attention of their immediate supervisor as soon as possible. The supervisor should review the recording and conduct any further investigation that the supervisor deems appropriate. The Department shall not solicit citizen complaints. If an officer self-reports minor violations of policy (i.e., any violation of policy that would by policy or practice result in a suspension of 30 hours or lesser discipline) and no citizen complaint is received, the Department shall not take disciplinary action against the officer. The officer shall be granted such amnesty once per each 180 days. If a citizen complaint is received, the officer's self-reporting shall mitigate the discipline to verbal counseling (Depending on the severity). Failure to self-report shall not be a basis for additional discipline.
- 7) Department members shall not make covert recordings of conversations with other Department employees, except as provided by policy.
- 8) The assigned MSA shall coordinate access requests to the recorded events for officers and investigators for legitimate law enforcement purposes or as directed by the Chief. Officers shall have unlimited access to view their own recordings at any time via issued usernames and passwords. Officers shall not have the ability to edit, delete, or otherwise modify their own recordings.
- 9) Department members are not authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video and audio camera) to record media from the Web Based Storage Facility.
- 10) When handling calls for service or incidents involving the treatment of individuals at a medical facility, Department members may be required to restrict the use of a BWC in accordance with facility privacy protocols according to state law. Where facility protocols or state law do not allow for the recording of an event for which recording would otherwise be required, an officer must notify their supervisor as soon as reasonably practicable and shall document the reasons for the failure to activate the BWC in the incident report.
- 11) An officer must seek supervisory approval before deactivating the BWC before the conclusion of an incident.. If supervisory approval cannot be reasonably obtained, the officer must document on the BWC the reason for termination of the recording before deactivation of the BWC and document the date, time, and reason for the deactivation on the recording and in subsequent written reports as applicable.
- 12) Whenever an officer is subject to internal administrative investigation,

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discipline, or questioning during an internal administrative investigation, the officer and their representative or legal counsel shall be allowed to review all relevant recordings before being questioned.

PR 3 - BODY-WORN CAMERA MODES OF OPERATION

- 1) Pre-Event Buffering Mode: Device feature where the camera continuously records and holds the most recent 30 seconds of video and audio before record activation. With this feature, the initial event that causes the officer to activate recording is likely to be captured automatically, thereby increasing the capability of recording the entire activity.
- 2) Record Mode: In this mode, the BWC device saves the buffered video and audio and continues recording video and audio for up to eight hours or the life of the battery. BWC devices should be equipped to provide a manner to save the buffered video along with actions recorded after activation of the record mode.
- 3) Officers shall be permitted to disable or cover the blinking LED for operational safety considerations so as to limit the officers' exposure or visibility. This may be done at the beginning of each shift as long as the officer can verify at the beginning of the shift that the modes are operating according to the manufacturer's specifications.

PR 4 - OPERATIONAL PROTOCOLS

- 1) The BWC shall be worn at all times while on duty when assigned this device while on patrol.
- 2) The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts (see Policy 3 – Required Activation of the BWC). However, there may be limited circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g., a victim traumatized following a violent assault). Where an officer believes such circumstances exist or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC after receiving authorization from a supervisor consistent with PR 2(k). Department members have discretion whether to activate a BWC during consensual contacts of a non-criminal nature.
- 3) Department members issued a BWC shall place the device in the Record Mode as soon as practical at the onset of a given situation.

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- 4) Once in the Record Mode, Department members shall continue to record until the completion of the event or they have left the scene (this includes the recording of statements).
- 5) Additional arriving units to a scene shall place their BWC in the Record Mode as soon as practical (if so equipped) and continue to record until the completion of the event or they have left the scene (this includes the recording of statements).
- 6) BWC equipment will be assigned with priority given to each of the primary patrol shifts in each patrol area and other uniform operations assigned under the division based on the number of operational units in the Department's inventory.
- 7) Inspection, general care, and maintenance of a BWC shall be the responsibility of the authorized Department member who has been issued this equipment. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines, Department training, and associated Department policies/procedures.
- 8) Before beginning each shift, the assigned Department member shall perform an inspection to ensure that the Body-Worn Camera is performing in accordance with the manufacturer's recommendations. If problems are encountered with any component of the system, the BWC equipment will not be used.
- 9) Malfunctions, damage, loss, or theft of BWC equipment shall be reported immediately by the assigned Department member to an immediate supervisor. The Department member's immediate supervisor shall provide written notice to the SA documenting the suspected cause of equipment failure or corrective action initiated related to possible misuse. All lost or stolen BWCs shall be documented in an incident report. Officers shall not be disciplined or responsible for damage to BWC equipment in the ordinary course of duty.
- 10) Once the BWC is activated in the Record Mode for the purpose of documenting an investigative or enforcement contact, it should remain "on" until the incident has reached a conclusion or until the Department member leaves the scene.
- 11) When the BWC is used in an investigative or law enforcement contact, this fact will be documented on any citation, summons, and/or report prepared.
- 12) Whenever a Department member obtains a video and audio statement, the fact that the statement was recorded will be listed in the incident report. Footage

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obtained from the BWC is not a replacement for a written statement.

- 13) Department members shall not use electronic devices or other means to intentionally interfere with the capability of the BWC equipment. The BWC can be used for custodial interviews as required by law.
- 14) Department members assigned a BWC shall not erase, alter, reuse, modify, destroy, abuse, or tamper with BWC audio/video and audio recordings on the device. However, this does not apply to personnel tasked with system maintenance who purge videos under established guidelines or redact videos as part of their duties.
- 15) Department members are to select a system-defined category for each digital recording (e.g., field interview, case file, citation, traffic stop, traffic accident, miscellaneous, training, or other appropriate category listed for the event, provided, however, that miscellaneous shall be used only where the activity does not reasonably fall within another category). Specific instructions on system use are provided through training.
- 16) Digital Recordings shall be preserved in accordance with state law, and the guidelines set forth by the Washington Secretary of State and the Washington State Archives. A written request may be made to store them for a longer period of time for a legitimate law enforcement purpose.
- 17) When an incident arises, that requires the immediate retrieval of a BWC digital recording (e.g., serious crime scenes, officer-involved shootings, and Department vehicle crashes), a supervisor from the involved member's chain of command or the assigned investigator shall respond to the scene to secure the device and maintain a chain of custody. Subject officers shall not be questioned about critical incidents before being given an opportunity to review the recordings.

PR 5 - CHARGING & UPLOADING PROCEDURE

At some point during each shift, a Department member issued a BWC shall place the device into an open slot on the docking station. This will allow for recharging of the device and media or data transfer from the BWC through the docking station to the Web Based Storage Facility. At the conclusion of the recharge/upload cycle, the device is automatically cleared of all previously recorded data. The BWC device shall not be removed from the ETM until media or data has been uploaded, and the battery has been fully recharged. When complete, a green light will illuminate on the device's associated ETM docking port signifying the BWC is ready for use. Under normal use (routine shift), a

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recharge/upload cycle can be expected to take between one to three hours to complete.

PR 6 - AUTHORIZED USER ACCESS TO UPLOADED MEDIA OR DATA

General access to digital recordings shall be granted to Department-authorized users only. It is the responsibility of authorized users to keep their username and password confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law or this policy and procedure.

- 1) A Department member who has been assigned a BWC device may review their own BWC recording to help ensure the accuracy and consistency of accounts. This can be done by accessing the videos in a manner consistent with the storage and viewing procedures. The original recordings shall only be viewed by member(s) who are assigned a BWC device through means authorized by The Department.
- 2) A Department member involved in any use of force incident or accident causing injuries will be permitted, but will not be required, to review their own BWC video and audio recordings before providing a recorded statement or completing reports. Witness Department members will be allowed to review BWC video and audio.
- 3) The Chief or their designee may authorize an investigator to review specific incidents contained on BWC recordings if that investigator is participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.
- 4) A supervisor may review specific BWC media or data for the purpose of training, performance review, critique, early intervention inquiries, civil claims, and administrative inquiries. Routine audits of recording devices shall be used for maintenance and training purposes only and not for discipline, absent additional corroborating evidence or civilian complaint.
- 5) Field Training Officers may use media captured via a BWC device to provide immediate training to recruits and assist with completing the Daily Observation Report (DOR).
- 6) Under no circumstances shall members with access to BWC media or data files be allowed to use, show, reproduce, or release recordings for ridicule or embarrassment of any officer, individual, or other non-law enforcement-related purposes. This includes submission of any portion of a BWC

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recording to a media organization unless the release has been approved in advance by the Chief or their designee.

PR 8 – RELEASE OR VIEWING OF BWC VIDEOS

- 1) For Criminal Justice Purposes: BWC videos may be accessed for criminal discovery purposes directly by Prosecuting Attorneys / City of Long Beach Attorneys. Discovery of BWC videos to the Defense shall be made through the prosecutor.
- 2) To the Public: BWC videos will be made available to the public through public records requests pursuant to RCW 42.56. public records requests. The release of any public record involving BWC footage will include a notation to the requestor that the frame rate/recording speed of any such video may not necessarily capture all segments of an event nor provide a sharp or clear image of the recorded event. Before release or viewing by the public, videos from BWCs will be reviewed and redacted by authorized personnel and will be consistent with statutory exemptions under Washington State law, including but not limited to the following:
 - (a) The images of any person who expresses safety concerns or who requests that their identity not be disclosed.
 - (b) The image of domestic violence, sexual assault, trafficking, or stalking victims.
 - (c) People experiencing a medical emergency or receiving medical treatment.
 - (d) Child victims, child witnesses, and other juveniles.
 - (e) Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured or traumatized people.
 - (f) People with apparent mental illness in crisis or who are detained for a mental health evaluation.
 - (g) The image of anything which reveals personal identifying information.
- 3) The Police Department may provide third-party notification to allow any person whose privacy may be impacted by the release of a BWC video time to file a petition for injunctive relief.
- 4) Officer-involved shooting / in-custody deaths the Department shall release or

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allow public viewing of Video related to an officer-involved shooting or in-custody death only after the involved officer(s) have been interviewed by independent investigators. The Chief reserves the right to further delay the release depending on investigative need or for the best interests of the parties involved or the City, provided the City shall comply with the public records act.

- 5) The Department may require payment for appropriate costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a BWC recording consistent with the Public Records Act.

PR 7 - DELETION OF UNINTENTIONAL RECORDINGS

In the event of an unintentional activation of BWC equipment during non-enforcement or non-investigative activities (e.g., in the restroom, during a meal break, or in other areas where a reasonable expectation of employee privacy exists), a Department member may request a recording deletion. An interoffice correspondence detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the member's appropriate supervisor. If approved, the actual deletion requires two-party authorization. One of those parties will be the member's supervisor; the other will be the MSA. Only the MSA shall facilitate the actual removal of any record approved for deletion. Records related to any request for the deletion of records shall be maintained by the MSA.

TAB - D

Mar 27, 2023

Dear Mayor and Council:

Wanted to applaud you on the recent introduction and permitting of the food court/trucks near 3rd Street NE.

Yesterday we had lunch at Scalawags (and it was terrific).

After living in Seaview for 16 years, and being pretty much continually aware of (and of course, disappointed by) the challenge conventional restaurants have in finding sufficient business to keep them paying the bills - this (the food courts) is a swell and practical solution.

And while they too will probably have a seasonal presence - it is just a great addition to the LB downtown area off Pacific Ave. Looks like you might even fit a couple more in the dedicated space. Kudos on your wisdom here.

Mike/Kathy Freeman

