



STAFF REPORT

Meeting Date: April 21, 2015
To: Honorable Mayor & City Council
From: Michael Hill, Police Lieutenant *WA*
Subject: Update on the Police Department's Pilot Program to Test and Evaluate the Use of Body Cameras
Attachments: None

INTRODUCTION

As part of the Police Department's work plan for FY 2014-15, the first phase of a test and evaluation pilot program regarding body-worn cameras for police officers has been completed. This report provides background on the use of body-worn cameras and the progress of the Police Department's pilot program.

DISCUSSION

The Beverly Hills Police Department continually seeks to find new technologies that will improve police services. In-car cameras were implemented into the police vehicle fleet in 2003. Automatic License Plate Reader (ALPR) camera technology is currently utilized at three different fixed locations around the City, and another location will be added by the end of the fiscal year. Currently, twelve (12) patrol vehicles are outfitted with mobile ALPR systems and plans have been made to add this technology to six more vehicles by the end of the fiscal year. The City-wide CCTV program is robust with 348 different cameras monitoring locations throughout the City with additional cameras being added as part of the City's CCTV master plan. All of these technologies have helped solve crimes and make the City a safer place for all people to live, work, and visit. Along the same line, body-cameras are currently being evaluated to determine how, or if, they would enhance police services.

The Police Department has been looking into the feasibility of a body-worn camera program since 2013. A body-worn camera is a device that is worn by an officer in order to record his or her official interactions with the public. There are numerous different manufacturers and variations of these cameras available on the market including those that are clipped on clothing, worn as an ear piece, on a headband harness, or attached to glasses. A critical component of these cameras is how the video is downloaded and whether it can be altered or modified. Full implementation of body-cameras will generate a tremendous amount of video that needs to be stored, accessed, and managed securely by authorized personnel only.

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Although this technology is relatively new, its impact on policing has already demonstrated to be rather profound. Throughout the country, the use of body-worn cameras in policing is a focus of discussion and debate. The proponents of body-worn cameras argue that this technology will bring about accountability and transparency in policing. Some of the first agencies to utilize body-worn cameras have reported that the cameras have a "civilizing effect" that improves the behavior of both citizens and police officers. There have been studies that have documented substantial decreases in personnel complaints and use-of-force incidents in agencies that have implemented body-worn camera programs. Often, these camera recordings provide irrefutable evidence for prosecutors to use at trial.

On the other hand, there are numerous concerns about body-worn cameras that have yet to be resolved and/or are not fully understood. Opponents of body-worn cameras suggest that police officer recordings of all citizen contacts create privacy concerns. Although civil rights advocates have generally supported the use of body-worn cameras by police, the impact of this technology on citizen privacy is contested. Body-worn cameras capture video images of citizens who are recounting traumatic experiences after being the victims of crimes, who are involved in medical emergencies and accidents, and who are being detained or arrested. These opponents argue that video recordings of these events, as well as other embarrassing or private conversations, by police officers could cause additional unneeded distress and anxiety among the public. Body-worn cameras create concerns for police officer privacy as well, and law enforcement circles have not universally accepted the technology. In fact, police unions in several cities, most recently New York, have claimed that the cameras represent a change in working conditions that must be negotiated.

In November 2014, the Police Department started "phase one" of its body-camera pilot program. In this phase, eleven (11) officers volunteered to participate by testing and evaluating eight (8) different camera systems. With the assistance of the City Attorney, and in consultation with the Beverly Hills Police Officers Association, policy was developed to provide guidelines to the officers on how and when to use this equipment. Since the majority of the body-cameras were on-loan from the manufacturers, the initial phase was limited to approximately thirty (30) days. At the conclusion of "phase one," a comparative analysis was conducted to evaluate each system in terms of video and sound quality, camera battery life, ease of download, evidence security, simplicity of operation, etc.

Additionally, a survey was completed by the eleven (11) officers that participated in "phase one" of the trial. While the majority of these officers stated that wearing a body-worn camera did not change their behavior in the field, nor did it change the behavior of the citizens they contacted, one noticed that the citizens significantly changed their behavior by being less confrontational (Note: this officer works primarily traffic enforcement and his camera is clearly visible on his motorcycle helmet). The majority of the officers disagreed with the statement that wearing a body-worn camera made them feel safer while on the job. A separate survey was conducted of Police Department personnel to gauge their overall perception of body-cameras. The results indicate that, generally, the department's sworn personnel have a positive perception of body-cameras and their use by patrol officers.

"Phase one" of the pilot program clearly demonstrated that there is a "learning curve" regarding deploying body-cameras. When the cameras were first issued, many officers indicated that they would forget to turn on the camera before every contact with a citizen

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and that they found the process of activating the camera distracting. This issue was not as prevalent once the officers became more familiar with the equipment. In stressful situations, some of the officers indicated that turning on the camera could be a distraction. A large portion of the cameras had issues with the batteries lasting an entire 12.5 hour shift which resulted in many officer contacts not being recorded.

A survey was conducted of local police agencies to determine whether they have a body-camera program and, if so, how they were approaching this technology. Also, these agencies were asked to provide any additional information about their body-camera programs. Below are the results of this survey.

<u>Agency</u>	<u>Body Camera Program</u>	<u>Status/Notes</u>
Burbank	Pilot / Testing	Looking at different manufacturers. Likely going to wait one to two years to optimize on the new technology.
Claremont	Pilot / Testing	Have narrowed their focus to three manufacturers.
Culver City	No Program	They are in the process of installing in-car cameras.
Glendale	No Program	Have elected not to explore them at this time. Already have in-car cameras and digital audio recorders.
Newport Beach	No Program	Already have in-car cameras and digital audio recorders. Have decided to "wait and see" how technology evolves.
Pasadena	Pilot / Testing	Have not decided on a vendor at this time. They plan to implement a program in the future.
Rialto	Full Implementation	Full Implementation
Santa Monica	No Program	Have elected not to explore them at this time.
Torrance	No Program	Are looking into installing in-car cameras and are considering a pilot study of body-cameras.

California is a "two-party" consent state, which means that when a person makes an audio recording of a conversation, all parties involved in the conversation must consent. Failure to gain consent from all parties involved may be a crime. The U.S. Supreme Court has ruled that law enforcement officers may generally record whatever they can lawfully see and hear, without violating the Fourth Amendment. Thus most recordings from body-cameras are permitted and are considered a public record.

It is a fair assumption that many people who live in, work in, and visit Beverly Hills will have privacy concerns about being recorded on video. Police body-cameras will undoubtedly capture these citizens during moments of stress, anxiety, or embarrassment where they would not want the subsequent video recordings released to bloggers or the media. After reviewing this issue, the City Attorney's Office has indicated that body-camera videos should be presumed to be public records and will need to be made available, upon request, pursuant to the provisions of Government Code § 6250-6270 ("California Public Records Act"). Under the Public Records Act, body-camera video footage will need to be released to any requesting person, unless

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the footage relates to a complaint to, or investigation conducted by, the Police Department.

If a body-camera program were to be fully implemented by the City in the future, the Police Department would need the resources to review and, if appropriate, redact, duplicate, and release body-camera recordings in response to requests made under the California Public Records Act. Without significant improvements in technology, these resources would largely consist of staff members who would be assigned to review voluminous hours of video footage. An important precedent for public access to police video was set in June 2014, when the Washington State Supreme Court ruled that the Seattle Police Department had wrongly withheld dashboard camera footage from a news reporter. The reporter filed a request in 2010 for "any and all" in-car footage that Seattle PD had tagged to keep since 2007. The court ruled that, while some video could be exempt from public disclosure—such as footage related to pending litigation—for the most part, Seattle PD was obligated to comply with the request. This request inundated that agency with a responsibility to produce 310,000 hours of video that it did not have the personnel, resources, or time to fulfill.

NEXT STEPS

The Police Department is deliberately exploring the feasibility of implementing a body-camera program with caution. As such, the Police Department plans to enter into "phase two" of its pilot program. During this phase, the department will purchase five cameras from each of the top two vendors that were rated highest during "phase one" of the pilot program. These ten cameras will be issued to designated patrol and traffic officers for a six month period. The officers will use the body-camera from one manufacturer for three months and then switch to the other brand. At the end of the six month period, another thorough analysis will be conducted to determine which body-camera manufacturer best meets the technical/operational needs of the Police Department.

During "phase two" of the body-camera trial, staff will continue to monitor the trends and public opinion regarding body-cameras including: the perceived benefits, policy changes and concerns, privacy issues, public records requests and staff time required to fill them, video retention issues, impact on community relations, cost of cameras and video storage, as well as other issues that may be discovered as a result of the deploying this technology. The Information Technology Department will be assisting the Police Department in evaluating the bandwidth requirements, as well as the data management issues, related to storing large amounts of video data generated from body-cameras. At the conclusion of "phase two," the Police Department will determine if it will pursue the full implementation of a body-camera program or if further pilot testing is warranted.

FISCAL IMPACT

None at this time. The costs to proceed with "phase two" are approximately \$25,000 and would be made with funds from the Seized and Forfeited Property fund. This request will be submitted to the City Council for consideration during the FY15/16 Budget Study Session process.

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RECOMMENDATION

This report is for information only.


David L. Snowden, Chief of Police
Approved By