



Office of the City Manager

INFORMATION CALENDAR

January 27, 2015

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Michael K. Meehan, Chief of Police

Subject: Body-Worn Cameras for Police Officers

INTRODUCTION

Council requested the City Manager and Police Review Commission investigate and report on the usage of body-worn cameras for police officers in the City of Berkeley. The purpose of this information report is to outline the benefits and issues related to the usage of wearable video cameras. A proposal or recommendation was not requested at this time.

BACKGROUND

The Berkeley Police Department does not currently possess body-worn camera technology. The use of body-worn cameras in policing has been on the rise for the past several years as the technology has continued to develop and advance. Several local agencies including BART PD, Oakland PD, Albany PD, Richmond PD, and Pleasanton PD, have already implemented body-worn camera programs. Body-worn cameras present several benefits for law enforcement and the community. Agencies which deploy the equipment also report attendant issues that can be addressed through sound policy, training and management practices.

DISCUSSION

Benefits:

Agencies that have deployed body-worn cameras report that collected video becomes excellent evidence in prosecutions. Improved evidence may reduce court and trial expenses.

In the case of complaints, agencies report that frivolous complaints against officers are reduced once a complainant becomes aware the interaction was recorded. Many complaints without a basis in fact are unfounded by video evidence and save Internal Affairs significant investigative time.

Other agencies report that video impacts the behavior of officers and suspects alike. Officers have reported it can help them to be more patient and courteous. They report that informing people an interaction is being recorded can cause agitated or difficult contacts to deescalate making things safer for all parties.

Privacy:

In California, Penal Code 632 covers invasion of privacy by surreptitious recording and creates a requirement for the general public to gain the consent of all parties. Penal Code 633 exempts law enforcement from these requirements. Evidence will be admissible so long as the officer's presence giving them the ability to overhear or record was lawful.

There are also privacy concerns for officers wearing the cameras that can be mitigated by sound policies. Policy decisions regarding when a camera should or shall be activated allow agencies to avoid infringing on the privacy of employees while dressing in the locker room, using the restroom, or while having personal and professional conversations with friends, coworkers and superiors that should be confidential without the fear of being recorded.

Access:

Recorded video is accessed through software which is most often a web-based application. Local agencies are also using handheld devices to access, watch and catalog video in the field.

Video will often contain personal information and sensitive situations which should necessitate carefully crafted video access restrictions. Permissions can be graduated so some users could have view only rights, others auditing rights, and others the ability to download video from the system. Generally, agencies grant officers the ability to view and download their own video to prepare reports and evidence for court. Videos of interactions are also valuable evidence and can enhance detail and accuracy. For example, videos allow officers to be precise where paraphrasing would be necessary without digital recording. Users can not edit the footage they have taken and the evidence is stored to digital evidence standards.

Storage:

There are two options for data storage. Some agencies develop an infrastructure to store data on servers owned by their entity and maintained by their Information Technology Department. This solution may be arguably more secure but has issues with scalability, has higher upfront costs, and unknown long-term maintenance costs. Several body-worn camera vendors offer data storage services on a per camera subscription basis. The vendor provides scalable data storage solutions and handles long term maintenance of their own infrastructure. Data storage costs are fixed and predictable by contract. Vendor storage systems facilitate sharing video with the District Attorney's office and would reduce administrative workload.

Accountability:

If an issue were discovered when reviewing an officer's video, even if no complaint has been made, the matter will be investigated. The Police Department takes accountability seriously and deals with issues however they are discovered. This is no different if the violation is discovered when reviewing video than if it was witnessed in person. Initiating a disciplinary action must follow established timeliness regulations and conform to the Police Officer's Bill of Rights. On a case by case basis, violations can prompt additional training, counseling, or further investigation leading to formal discipline.

FISCAL IMPACTS

The cost of the equipment varies greatly as the market is relatively new. For the purpose of this report, we will use the most expensive known system which retails their cameras for \$900 each. Full deployment in the Operations Division would minimally require 100 cameras and cost \$90,000. To equip every sworn officer with a camera, the department would need 150 for every line officer at a cost of \$135,000. These solutions have an ongoing cost of IT staff time as server maintenance costs would be borne by the City. Outside agencies report an ongoing annual equipment replacement and maintenance cost of approximately 10%. These costs can be incurred gradually if the equipment is purchased and deployed over time.

Storage costs vary greatly, however they can be broken down into two categories, agency-owned or vendor-leased. Agency-owned storage solutions have high upfront costs of acquiring large data servers minimally in the low tens of thousands. Vendor leased solutions are becoming available that would allow unlimited data storage on a per camera/per month basis. For example, one vendor charges \$25 per camera/per month for the camera and the data storage. For a full sworn deployment of 150 cameras, that would be \$45,000 per year. There are staffing costs associated with Information Technology related issues if an agency-owned solution is used.

An impact of implementing a body-worn camera program is the impact on staffing and resource allocation. Other agencies report that officers spend approximately 30 minutes a day on body-worn camera administration. This could be downloading video, reviewing video, booking video evidence, and tagging videos with case numbers. When officers spend their time in this way, they are not spending it on other activities such as patrol, investigation, or other valuable activities. If 100 officers spend an average of two hours per week on body-worn camera administration, they will spend 10,400 hours on this activity per year. This is the equivalent work time of 5 full time police officers.

Additionally, agencies report having 1-2 full-time employees to administer the camera related requests including Public Records Act requests, discovery motions and preparing video evidence for prosecutions. Another consideration is understanding and following the law regarding Public Records Act requests. This issue is becoming more relevant due to the experiences of a number of agencies including the Seattle Police Department which has received more requests than they have the capacity to process.

Many agencies with body-worn cameras are struggling with significant personnel costs associated with reviewing and redacting video requested by PRA. Privacy considerations also have yet to be fully explored and case law established.

CONTACT PERSON

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