



CITY COUNCIL

Darryl Moore
Councilmember District 2

REVISED

ACTION CALENDAR
January 20, 2015

To: Honorable Mayor and Members of the City Council

From: Councilmember Darryl Moore, District 2
Councilmember Linda Maio, District 1
Councilmember Jesse Arreguin, District 4

Subject: Berkeley Police Department Use of Police Vehicle In-Vehicle and Body-Worn Cameras

RECOMMENDATION

That the City Council adopts the proposals from the Berkeley Police Review Commission by establishing a written policy for body-worn cameras (expanded to in-vehicle cameras) and commence implementation of the program within six (6) months.

BACKGROUND

By providing a video record of police activity, in-vehicle and body-worn cameras can improve transparency and can help to resolve questions following an encounter between officers and members of the public. Recording equipment can help to prevent issues from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allow agencies to identify and correct larger structural problems within the department.

Recording equipment can help agencies identify and correct problems within the department. Cameras can serve as a useful training tool to help improve office performance. Using footage from in-vehicle and body-worn cameras can provide scenario-based training, to evaluate the performance of new officers in the field, and to identify new areas in which training is needed. Using recording equipment in this way, agencies can improve tactics, communication, and customer service. This can help increase the perceived legitimacy and sense of procedural justice that communities have about their police departments. Law enforcement agencies have also found that body-worn cameras can help them to identify officers who abuse their authority or commit other misconduct and to assist in correcting questionable behavior before it reaches that level.

Cameras, particularly body-worn cameras, can significantly improve how evidence is captured for investigations and court proceedings. Along with documenting encounters with members of the public, body-worn cameras can provide a record of interrogations

and arrests, as well as what officers witness at crime scenes. Officers are often focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion. This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute.

A large portion of metropolitan cities already employ in-vehicle cameras and in recent years, Oakland, Richmond, Gilroy, Los Gatos, Campbell, Union City, East Bay Regional Parks and BART police officers have all been outfitted with body-worn cameras. Mountain View and San Francisco are in the process of implementing their body camera programs. To aide in the program implementation, the City of Berkeley could model its written policy and program rollout after already-establish programs.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120

Attachments: Report from Police Review Commission "Wearable Video Cameras for Police Officers"



Police Review Commission

INFORMATION CALENDAR

January 27, 2015

To: Honorable Mayor and Members of the City Council
 From: Police Review Commission
 Submitted by: Michael Sherman, Chairperson, Police Review Commission
 Subject: Wearable Video Cameras for Police Officers

INTRODUCTION

At its March 25, 2014 meeting, the City Council asked the City Manager and the Police Review Commission to investigate the police officers' use of wearable video cameras (also referred to as body-worn cameras) by other jurisdictions, and to report back. A recommendation or proposal was not requested. The PRC formed a Wearable Video Cameras Subcommittee on April 9, 2014. After a series of meetings, the Subcommittee presented its report (contained in the "Background" section below) to the full Commission on December 10, 2014; the Commission unanimously approved it for submittal to the Council. M/S/C (Sherman/Bernstein) Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman. Noes: None. Abstain: None. Absent: Allen, Lowhurst, Zerrudo.

BACKGROUND

The Subcommittee examined the potential use of body-worn cameras by the Berkeley Police Department, and reviewed the extensive literature and consulted with managers of adopted programs. A substantial number of agencies around the country have body-worn camera programs, including BART and the Oakland Police Department. A further substantial number of agencies, including the San Francisco Police Department, have commenced installation of such programs. Entities such as the ACLU, which generally opposes collection of video and audio information about citizens, fully support body-worn camera programs. Police officers, after an initial introductory period, generally support such programs. The Berkeley Police Association has told us that it supports adoption of body-worn-cameras, subject to adoption of a comprehensive policy.

The benefits of adoption of body-worn camera programs include reduced numbers of use of force incidents, reduced number of citizen complaints, usefulness in helping reconciling citizen/officer versions of interactions and improvement in civility of citizen/officer interactions. A year-long study in Rialto, California, confirmed those benefits. The benefits of such programs may be more significant in jurisdictions such as New Orleans and Oakland than in cities such as Berkeley with fewer incidents of serious officer misconduct.

The reason generally given for an agency's failure to adopt or defer adoption of a program is lack of available resources. The cost of adopting and maintaining a program are significant. These costs include the following:

1. The purchase and maintenance of cameras and other equipment;
2. Initial and ongoing training of personnel;
3. Storage, onsite or offsite, of data collected; and
4. Management of and ongoing access to data collected.

BPD has told us that it is securing quotations from a number of potential equipment and service suppliers for the information of the council.

Adoption of a program should proceed in stages so that policies and procedures can be developed appropriate for the Berkeley community. It is essential that an initial written policy be in place before the initial rollout of cameras. The experience of other agencies is that policies are continuously updated as officers encounter new situations.

The written policy must respect the privacy of citizens and of officers. It should be comprehensive and detailed. Among the issues it should cover are the following:

1. Which officers are required to wear cameras;
2. When and where cameras are to be used;
3. Designation of staff responsible for issuance and maintenance of cameras;
4. Processes for downloading, storing and safeguarding of collected data;
5. Method for documenting chain of possession;
6. Times of retention of data for different categories of interactions; and
7. Processes for access and review of recorded data.

A number of agencies have adopted written policies that could assist Berkeley in development of a written policy consistent with Berkeley's needs and values.

If the necessary resources are available, our review and consultations developed no reasons why the Berkeley Police Department should not develop policies for and adopt a body-worn-camera program.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

The Council could choose to direct the City Manager and Police Department to explore funding sources for purchasing wearable video cameras and attendant training, maintenance, and storage costs; and direct the City Manager, Police Department, and Police Review Commission to develop written policies for the use of wearable cameras, which take into account the factors listed above.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown at this time, but significant, as identified above.

CONTACT PERSON

Katherine J. Lee, PRC Officer, Police Review Commission, 510-981-4960

Attachments:

1: Letter from Berkeley Police Association dated October 14, 2014



BERKELEY POLICE ASSOCIATION

1834 University Avenue • Berkeley, Ca. 94703-1516
510-843-4319

October 14, 2014

**Police Review Commission
1947 Center St.
Berkeley, CA 94704**

Dear PRC Commissioners,

We are writing on behalf of the Berkeley Police Association to provide input regarding both our common interest, and concern about Berkeley Police Officers being equipped with body worn cameras.

Before getting into specific policy and practice concerns, we must touch on the issue of priorities. As you know we are advocating for the deployment of an industry standard, life saving technology: the taser. Both pieces of equipment have a similar price tag for initial implementation and upkeep, but only one is going to prevent needless injuries and deaths, and the ever increasing cost of same. In a City where claims for police officer's action average five times less than those for trips and falls on sidewalks, and injuries caused by fallen branches, there is very little reason to believe that video cameras are going to reveal gross misconduct by officers. Conversely, the likelihood continues to increase that a preventable death will occur in our City due to the lack of an accessible taser. This year alone there have been seven attempted murders, mostly committed with non-firearm weapons, and by mentally ill individuals. Notably, amongst those seven attempted murders, is the near fatal attack on a police officer in April. More and more of our calls for service are bringing police officers armed with only a firearm, and baton/OC into contact with mentally ill people also armed with lethal weapons.

In regards to body worn cameras, we see the clear potential for this technology to reduce complaints and quickly exonerate officers without a lengthy, and often resource intensive investigation. This is a goal that we share with even that small segment of the community, that is concerned that cameras will reveal widespread misconduct. For those more moderate minded folks we also agree that body worn cameras can provide an important piece of the story in a complicated investigation such as an officer involved shooting, or a fatal accident.

Cameras should not be viewed as a replacement for traditional investigative techniques in these complicated cases, however, which leads into the first of our concerns: cameras capture one angle, and a limited frame of reference. They are often obscured by fast movement, objects, and other limitations of the camera which prevent the documentation of the “big picture.”

Below please find a more comprehensive list of our concerns:

- 1) Media and politics may drive discipline, criminal prosecutions and policy when videos are involved.
- 2) Employers seeking transparency with video technology are often times not prepared for the consequences; the community may draw conclusions from a video that doesn't represent the totality of the circumstances.
- 3) Where will the camera be situated on the uniform?
- 4) Use of private/personal video cameras.
- 5) To what extent will the officer be responsible for equipment functionality?
- 6) How and when will video be downloaded?
- 7) Has the department addressed storage of video files and integrity of software?
- 8) Batteries, video capacity, storage, and malfunctions.
- 9) When can an officer involved in an OIS review the video?
- 10) When does the policy require activation and deactivation?
- 11) Review for report writing, pending administrative and criminal investigations.
- 12) Limits on use and frequency of department review by supervisors / management.
- 13) What rights do officers have to review video files and when?
- 14) Who has access to files and when?
- 15) Conditions under which video files will be released to the public.
- 16) Prohibited activation during certain private communications.
- 17) What rights does the officer have when accidental recordings occur?
- 18) What are the disciplinary standards when an officer fails to comply with the policy?
- 19) To what extent will the department offer policy training?
- 20) Has the Department conferred with the District Attorney on the policy?
- 21) Who will be required to wear them, Commanders, detectives, the Chief of Police?
- 22) How much discretion does the officer have to activate or not when engaged in:
 - o Citizen contacts
 - o Consensual encounters
 - o Preliminary investigations
 - o Detentions
 - o Arrests
 - o Psychiatric evaluations
 - o Guard assignments
 - o Hospital / medical facility assignments
 - o Informant communication
 - o Pursuits
 - o SWAT callouts

- o Crowd control
- o Transports
- o Searches of person and property
- o Witnesses
- o Victims
- o Victims of sexual crime

Thank you for your consideration of this important matter.

The Berkeley Police Association
Board of Directors



CITY COUNCIL

Darryl Moore
Councilmember District 2

ACTION CALENDAR

January 27, 2015

(Continued from January 20, 2015)

To: Honorable Mayor and Members of the City Council
From: Councilmembers Darryl Moore, District 2; Jesse Arreguin, District 4; and Linda Maio, District 1
Subject: Berkeley Police Department Use of Police Vehicle In-Vehicle and Body-Worn Cameras

RECOMMENDATION

Refer to the City Manager to develop a plan to implement the use of dash cameras and body-worn cameras for the Berkeley Police Department. The report should be presented to the City Council within 3 months.

BACKGROUND

By providing a video record of police activity, in-vehicle and body-worn cameras can improve transparency and can help to resolve questions following an encounter between officers and members of the public. Recording equipment can help to prevent issues from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allow agencies to identify and correct larger structural problems within the department.

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Councilmember District 2

focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion .

This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120