

# CITY OF OAKLAND

## AGENDA REPORT

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OFFICE OF THE CITY CLERK  
OAKLAND

2003 DEC 30 PH 2:30

**To:** Office of the City Manager  
**Attn:** Ms. Deborah Edgerly  
**From:** Police Department  
**Date:** January 13, 2004

**Re:** **An Information Report from the Chief of Police Regarding the Use of In-Car Video (ICV) Systems as a Means to Reducing Allegations of Police Misconduct**

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### SUMMARY

In-Car Video (ICV) systems offer a potential tool for reducing the number of police misconduct allegations by offering evidence for complaints and encouraging professional conduct. As noted in the magazine Police Quarterly, "The promise of ICV technology cannot be ignored. Video technology could deter abuses by officers, limit frivolous complaints against officers about alleged abuses, and help restore confidence in the fairness of police departments. It could also provide evidence of crimes or attacks against officers, streamline the truth-finding process by providing the best evidence, and encourage the humane treatment of suspects and fairness and respect for civil rights and liberties. In short, ICV systems have the potential to add a layer of accountability and trust between the police and the public."<sup>1</sup>

For this report OPD surveyed five California law enforcement agencies that currently employ ICV systems. This report outlines the cost range and some of the policy issues associated with ICV systems.

### FISCAL IMPACT

Implementing and maintaining an in-car video system is resource intensive and expensive. However, the agencies contacted for this report believe that the costs are outweighed by the savings in litigation payouts and staff time.

Analog systems can range from \$2,000 to \$6,000 per unit. High-end digital systems range anywhere from \$7,000 to \$9,000 per unit. ICV hardware costs for the Police Department's fleet of 200 patrol cars could range from \$400,000 to \$1.8 million.

There would be additional costs for storage, copying, and maintenance, plus staff time and training. At least one FTE would be needed to oversee the storage and copying of recordings.

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<sup>1</sup> *Technology, Policing, and Implications of In-Car Videos* by Jess Maghan, Gregory W. O'Reilly and Phillip Chong Ho Shon, University of Illinois at Chicago (Police Quarterly, Vol.5 No.1 March 2002)

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Other staff resources would be required to train officers in the use and operation of the system and technical maintenance of the hardware and software.

## **BACKGROUND**

Complaints against Oakland police officers are very costly in terms of litigation claims and the staff time spent investigating allegations. In 2001, nearly 300 complaints were filed against OPD officers - - almost 50% of the complaints were not sustained, or were filed due to lack of evidence, and in over 25% of the cases the complaint was determined to be unfounded or the officer was exonerated.

Between 1997 and 2001 the City paid out nearly \$5.5 million in police misconduct cases, an average of just over one million dollars per year. The 119 plaintiffs in the "Riders" case (Delphine Allen et al v. City of Oakland), which involved many claims of excessive use of force on the part of officers, was settled for \$10.9 million, and the resulting Negotiated Settlement Agreement requires the OPD to implement certain reform measures, including a requirement to "explore the use and cost-effectiveness of camcorders in Patrol Vehicles."<sup>2</sup>

## **KEY ISSUES AND IMPACTS**

### **ICV System Technology**

The two main types of technology used for ICV systems are analog (standard VHS recorders and tapes) and digital. Until recently, analog systems have been the most commonly used by agencies. Newer digital systems now offer many improved capabilities, though they potentially have more bugs to work out before their reliability is assured. See Table 1 below for a comparison of analog vs. digital systems.

No matter which system is utilized, all ICV systems contain a camera, mounted either on the dash or the windshield, which is connected to a control device that allows an officer to turn the system on and off and zoom the camera in or out. Most systems also have a monitor attached, to show what is being recorded and to view a play back. The VCR or hard drive is located in a locked box inside the trunk or under the seat. Audio can be recorded by remote microphones worn by officers. Audio-enabled systems automatically begin recording when the emergency lights are activated, but can also be manually turned on by an officer. Recording ends when the lights are turned off or the officer manually turns off the audio record system.

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<sup>2</sup> Negotiated Settlement Agreement, signed January 22, 2003, page 23, Section V-l.

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**Table 1: Analog vs. Digital ICV systems**

|  | <b>ANALOG</b>  | <b>DIGITAL</b>  |
|--|--|---|
| <b>Technology</b><br><b>Technology</b><br><b>(cont.)</b> | Old technology: Uses standard VHS tapes  | Better technology: Can produce higher quality video and take still photos. Recordings can be time stamped.<br>Type 1 (available now): camera and recording device is one unit. Records to digital tapes or DVDs.<br>Type 2 (available soon): camera is separate from hard drive |
| <b>Recording Time</b>                                    | VHS tapes can hold up to 8 hours of recording time   | Type 1: tapes can hold up to 3 hours of recording time<br>Type 2: hard drives can hold up to 30 hours of recording time   |
| <b>Storage</b>   | Requires large amounts of physical space to store VHS tapes. (Some type of bar-coding system is necessary for storage and retrieval) | Recordings are stored on computer hard drives, which saves physical space but requires large amounts of memory and can be very expensive. A software application is necessary for storing and retrieving files.   |
| <b>Copying</b>   | Copying VHS tapes is time consuming  | Copying DVDs is faster than VHS tapes   |
| <b>Staffing</b>  |  | Requires I.T. staff to set up and maintain  |

**ICV Policy**

Implementation of an in-car video system would require the establishment of new policies and procedures regulating the use of the system and handling of the materials. Such policy considerations must include:

1. What incident types would be recorded?
2. Who is responsible for handling the recording media (i.e., tapes, hard drives, DVDs) and oversight?
3. Under what parameters will the recordings be used?
4. How long will recordings be stored/saved?

Other issues associated with implementing a video recording program include:

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- Officers' acceptance of the technology
- Storage and retrieval of the tapes or digital recordings (hard drive or DVD)
- Secure location for archived materials
- Staff to monitor the program

Police agencies contacted for this report made special note of the need to have officers' buy-in of the fact that they were being monitored. The officers, from the rank and file to the command staff, and the police officers' association had to be involved in the process from the start. Officers should be involved in the drafting of policy and the decision making as to when the ICV should be turned on and when it is to be left off. As noted in Attachment A, some agencies have the recording device running almost all the time, while some agencies only activate the ICV when overhead emergency lights are turned on. It is critical that management and the association find a middle ground to obtain cooperation in the implementation of the program. "To make the system work, a balance must be struck between the pervasiveness and intrusiveness of the taping and privacy concerns. For instance, cameras could be left running continuously. Yet those officers in the car, continuously monitored, would likely feel the suffocating weight of such constant surveillance."<sup>3</sup>

Storage questions are critical. In an analog system, officers in marked patrol cars could very easily produce 175 tapes a day (one tape per car per day). This equates to 1,225 tapes a week, 5,267 tapes a month, or over 63,700 tapes a year. This amount of tapes would require a large storage area and need an inventory system database for retrieval of specific tapes as well. This problem would be greatly reduced with the acquisition of digital equipment. Instead of tapes, incidents would be recorded in the field to a hard drive located in the trunk of the police vehicle. The information from the hard drive would then be routinely uploaded to a server located in the department. Once the server's hard drive was full, it would be downloaded to high-capacity DVDs. The number of DVDs, and the amount of storage space required, would be significantly less than the number of VHS tapes for the same amount of video recording time.

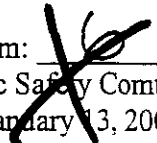
Finally, additional staff would be needed to monitor the program. Presumably, there will be numerous requests and subpoenas from attorneys, investigators and citizens to view incidents, just as there are requests now to listen to and copy the Communications Division audio tapes of radio traffic and 9-1-1 calls.

### **ICV Systems in Other Police Departments**

Table 2 provides a brief outline of how other departments handle their ICV system policy issues.

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<sup>3</sup> *Technology, Policing, and Implications of In-Car Videos* by Jess Maghan, Gregory W. O'Reilly and Phillip Chong Ho Shon all of the University of Illinois at Chicago (Police Quarterly Vol.5 No.1 March 2002)

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Though the agencies contacted were unable to offer quantitative evidence, each stated their belief that complaints against officers have declined as a result of ICV systems. Specifically, Newport Beach Police Department cited that in the 10 years *prior* to implementing an ICV, the city paid out over \$6,000,000 in claims and attorney's fees; whereas in the eight years *after* implementing an ICV system, payouts amounted to just under \$600,000 in claims and attorney's fees.

## CONCLUSION

ICV systems continue to increase in popularity with law enforcement agencies, in spite of the high cost, because of the benefits they offer:

- Evidence for official departmental investigations including complaints, civil claims, pursuits and criminal cases.
- Incentive for officers to behave more professionally during police-public contacts.
- A valuable training tool for improving safety and tactics for both new and veteran officers.

Staff will continue to monitor the latest developments in ICV technology, through the National Institute of Justice's National Law Enforcement and Corrections Technology Center and seek outside funding sources to purchase an ICV system for the Police Department.

## SUSTAINABLE OPPORTUNITIES

### Economic

To a small degree there will be some revenue received to cover some of the City's costs for copying video images and the cost of the VHS tape or DVD. The biggest economy of savings would be realized in the potential for a significant reduction in liability claims.

### Environmental

No environmental opportunities were identified.

### Social Equity

Use of an ICV system could dramatically reduce the number of lawsuits levied against the police department. The system could also provide strong evidence in many suits, proving that police interacted appropriately with civilians while documenting evidence of confrontations. One of the biggest realizations noted by other cities using an ICV system was that the parties on both sides seem to behave better when they knew they were being recorded.

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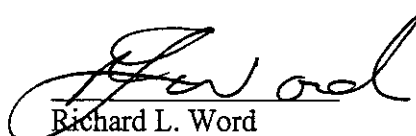
**DISABILITY AND SENIOR CITIZEN ACCESS**

If implemented, the ICV program will be housed in facilities that are accessible to the disabled, for viewing purposes.

**RECOMMENDATION(S)**

Staff recommends the committee accept this informational report.

Respectfully submitted,

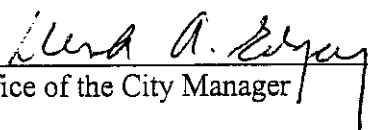


Richard L. Word  
Chief of Police

Prepared by: Captain Cyril Vierra  
Patrol Division  
Bureau of Field Operations

Attachment A: Comparative Chart

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| Agency                | What is Recorded   | Handling of Recordings  | Use of Recordings   | Storage of Recordings  |
|-----------------------|--|---|---|--|
| Orange County Sheriff | <ol style="list-style-type: none"> <li>Pursuits</li> <li>Car Stops</li> <li>Arrests</li> <li>DUI stops</li> <li>Traffic enforcement &amp; pedestrian stops</li> <li>All Calls for Service</li> <li>Any other suspicious activity at Officers discretion</li> </ol>   | One tape per officer per shift. Officers check out tapes, insert them, and check them in at the end of shift.   | <ol style="list-style-type: none"> <li>Evidence for complaints, pursuits and criminal cases</li> <li>Training tool</li> </ol>   | Tapes are stored for one year, unless requested to be stored longer. |
| Sacramento PD         | <ol style="list-style-type: none"> <li>Pursuits</li> <li>Code 3 response</li> <li>Responding to pursuit, felony vehicle stop, or request for cover</li> <li>All officer initiated field contacts</li> </ol>  | Tapes inserted and removed by supervisors and kept in car until tape is finished. Officers are required to check on the amount of time left on a tape before leaving for their shift. | <ol style="list-style-type: none"> <li>Official Dept. investigations (complaints, civil claims, admin. Investigations)</li> <li>Training tool</li> </ol> <p>Not randomly reviewed to monitor performance</p>  | Tapes are stored for one year or until investigations are resolved.  |
| Newport Beach PD      | <ol style="list-style-type: none"> <li>Pursuits</li> <li>Code 3 driving</li> <li>All field contacts initiated from police vehicle</li> <li>Other activities at Officer's discretion</li> </ol> <p>(Not to be used for covertly recording other police personnel)</p> | One tape per officer per shift. Officers check out tapes, insert them, and check them in at the end of shift.   | <ol style="list-style-type: none"> <li>Evidence for official departmental investigations (i.e. complaints, pursuits and criminal cases)</li> <li>Training tool (only if officer approves)</li> </ol> <p>Not to be used to monitor officer performance</p> | Tapes are stored for at least one year.                              |
| LAPD                  | No set policy yet  | One tape per officer per shift. Officers check out tapes, insert them, and check them in at the end of shift.   | No set policy yet   | Tapes are stored for three years.                                    |
| Costa Mesa PD         | <ol style="list-style-type: none"> <li>Pursuits</li> <li>Code 3 driving</li> <li>All field contacts initiated from police vehicle</li> <li>Other activities at Officer's discretion</li> </ol> <p>Not to be used for covertly recording other police personnel</p>   | One tape per officer per shift. Officers check out tapes, insert them, and check them in at the end of shift.   | <ol style="list-style-type: none"> <li>Evidence for official departmental investigations (i.e. complaints, pursuits and criminal cases)</li> <li>Training tool (only if officer approves)</li> </ol> <p>Not to be used to monitor officer performance</p> | Tapes are stored for one year.                                       |

ATTACHMENT A

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