

CITY OF OAKLAND
AGENDA REPORT

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OFFICE OF THE CITY CLERK
OAKLAND

2004 APR 14 PM 1:34

To: Office of the City Manager
Attn: Deborah Edgerly
From: Police Department
Date: April 27, 2004

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

SUMMARY

This report addresses the committee's request for information and suggests an alternative course of action, namely a demonstration project whereby vendors would install a small number of cameras in cars for a 60-90 day trial period, free of charge to the City. This report also updates the Committee on the status of policy and procedure developments should an ICV system be obtained in the future.

FISCAL IMPACT

There is no fiscal impact associated with acceptance of the donation of equipment and installation services by vendors for a 60 - 90 day trial. Staff will return to Council with the trial results and recommendations, including costs associated with the preferred ICV system, for funding consideration.

BACKGROUND

An information report on the use of In-Car Video (ICV) systems was presented to the Committee on January 13, 2004. A request was made at that time, and a similar request was made at City Council on February 3, 2004, to come back to the Committee with further information. Specifically, the Committee desired information from the risk management departments of a few cities to determine whether implementation was cost effective and reduced police payouts. Additionally, the Committee asked for information on the price of camera units before Pay-Go funds were expended to implement a pilot project.

KEY ISSUES AND IMPACTS

Risk Management and Payout Reductions

City of Sacramento

Mr. Don Casimere, the director of the Office of Police Accountability looked at payouts in police related cases for the last four years (1999-2004). He limited his search to cases where he felt an ICV would have resolved some issues and lessened the city's payout.

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Type of Incident	Payout
Police Pursuits – 5 incidents	\$9,300 total
False Arrests – 3 cases	\$74,400 total (1 case was \$71,000)
Excessive Force – 4 cases	\$19,300 total
Wrongful Death – 2 cases	\$999,100 total
Total of 14 cases	\$1,102,100.00 total

City of Costa Mesa

Staff contacted Mr. Tom Wood, the acting City Attorney. He researched the issue and found only one case where he felt the settlement may have been more without the use of their ICV. The case was Carr & Vera vs. Costa Mesa. According to Wood, officers were chasing a car when the two occupants abandoned the vehicle and entered a house. The officers entered the home and arrested the male driver for driving under the influence of an alcoholic beverage and the female passenger for interfering with the duties of a police officer. The city of Costa Mesa was sued for false arrest and excessive force with the suit asking approximately \$230,000. The parties settled with the city for approximately \$20,000 partly due to the existence of the video and partly due to the plaintiffs missing a filing deadline.

City of Oakland

Staff checked with our Risk Management office and they, along with the City Attorney's Office, reviewed recent settlements of police cases. They looked at cases where a witness was not on the scene to verify or refute an accusation against an officer and cases where the alleged misconduct happened near the police vehicle where an ICV might have recorded the incident. The Office of the City Attorney stated that in half of the settlements since July 1, 2003 the City paid out \$453,000 where they believe an ICV would have been useful in ascertaining what happened.

The number of cases and the particulars of each case were not available for the purposes of this report. However, according to an Office of the City Attorney report entitled 1999-2000 Annual Claims and Litigation Report, during that year "OPD payouts . . . include[d] \$578,607 paid in one sexual harassment case, and \$440,000 in three other matters that arose from two entry team warrantless search incidents and one wrongful death case"¹. Presumably an ICV could have been instrumental in the entry team incidents if OPD was using one. Some ICV systems capture the audio of incidents even if it does not occur in front of a police vehicle. Nevertheless, "between 1997 and 2001, the City [of Oakland] paid out nearly 5.5 million dollars in police conduct cases, over one million per year on average."²

¹ Office of the City Attorney 1999-2000 Annual Claims and Litigation Report P.13

² OPD Internal memo by Research and Planning Division July 15, 2003

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City of Newport Beach

As previously reported, the Newport Beach Police Department cited that 10 years *prior* to implementing an ICV they paid out over \$6,000,000 in claims and attorney's fees whereas in the 8 years *after* implementing an ICV system they have paid out just under \$600,000 in claims and attorney's fees.

Policy Development

Three students from the University of California at Berkeley Goldman School of Public Policy offered their services to "research an issue of import to the Police Department." They were contacted to research ICV policy. The technology is relatively new to the marketplace and many departments nationwide are beginning to employ the use of an ICV system. Each department appears to have its own policy, some of which were developed with input from their officers and the community. Some departments wrote their policy without any outside input. It appears the departments with the most successful ICV programs all developed their policy with input from various sources. The students are taking this approach and have designed a "Plan of Action for Evaluation of Effectiveness and Implementation," included as Attachment A.

As outlined in the document, the students will solicit input from City Council, Police Administrators, the Department's Office of Inspector General, PUEBLO, Neighborhood Crime Prevention Councils, and other citizen groups. They also plan to conduct research into ICVs by contacting other cities, reviewing litigation records from the City of Oakland Office of the City Attorney and review Citizen's Police Review Board data on complaints. The students have already contacted several officers on various shifts to obtain their input since they will be, along with other stakeholders, the end users. The goal of this effort is to produce a policy that will be accepted by the officers, the Chief of Police and the community.

In-Car Video System Costs

The report presented in January cited prices for analog ICV systems. For the purposes of this report, OPD did not continue researching analog systems due to the previously noted storage and video quality issues. Therefore, research of several vendors' products were limited to digital systems. Some digital systems involve recording video images to digital tapes, some to DVDs, some to a computer type hard drive, and some systems transmit their data wirelessly to a server located at a remote access point. Some of the vendors provided the price of an individual unit along with the price of a server and maintenance. Other vendors only provided the price of an individual unit. Because of these different pricing methods, the cost ranged from approximately \$5,000 to just under \$12,000 per unit. It is important to note that the cost of the server is absorbed into the cost of each unit. Therefore the greater the number of units purchased, the lower the price per unit.

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Alternative Course of Action

Three vendors have offered to install, free of charge to the City, two demo cameras each for a total of six cameras, for a period of 60 to 90 days. By doing this, the Department and the City can study and assess a digital system and report back on its merits or deficiencies. Using Pay-Go money to purchase a similar number of cameras and related equipment would require the development and publication of a Request For Proposals (RFP), which would take an extended period of time. Entertaining a demo-project saves the City money and allows OPD to install cameras more quickly. The target for installation, already agreed to by one vendor, is June 2004. OPD believes it to be more prudent to install and assess a few ICV systems at once, for a period of time, and at no expense to the City, rather than purchase a system that does not suit the needs of the Department.

Staffing

As noted in the January 2004 report staffing is critical to the successful implementation of this program. Presumably, there will be numerous requests from attorneys, investigators and citizens to view incidents. Just as there are requests now to listen to and copy the Communications Division tapes of radio traffic and 9-1-1 calls, there will be requests and subpoenas to view and copy DVDs. The purchase of a complete ICV system will require hiring at least one civilian staff person to perform these duties.

SUSTAINABLE OPPORTUNITIES

Economic

The greatest economy of savings will be realized in the potential for significant reduction in liability claims and payouts.

Environmental

No environmental opportunities have been identified in this report.

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 appeared to behave better when they knew they were being recorded.

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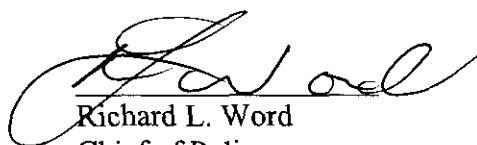
DISABILITY AND SENIOR CITIZEN ACCESS

Once implemented the ICV program will be maintained in facilities that are accessible to seniors and the disabled.

RECOMMENDATION(S) AND RATIONALE

Staff recommends the committee accept this report and approve the 60-90 day demonstration project.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Captain Cyril Vierra
Day Shift Watch Commander
Bureau of Field Operations

Attachment

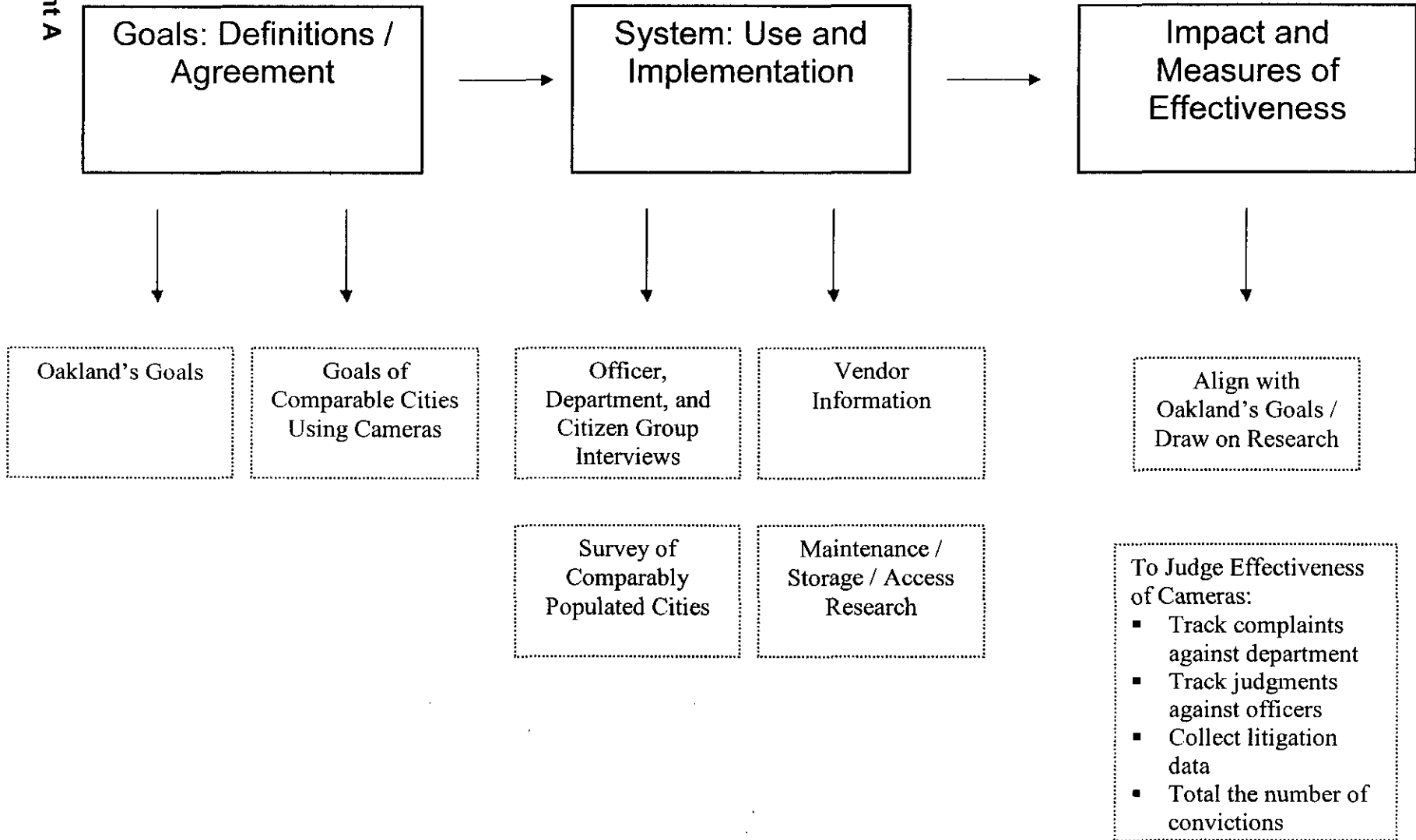
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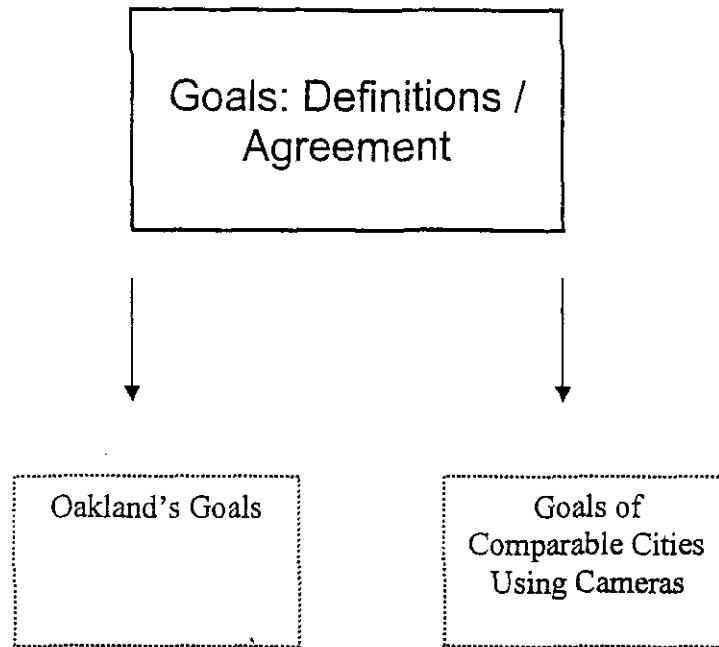
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Attachment A

In-Car Video Cameras (ICVC) – Plan of Action for Evaluation of Effectiveness and Implementation (Preliminary)



Design Theory -- Defining City's Goals in Purchasing System



Interviews to flesh out Oakland's Goals:

- City Council
- Police Administrators
- Investigator General or other Settlement Agreement official
- PUEBLO, Let's Get Free, Neighborhood Crime Prevention Groups, and other citizen's groups

Planned Survey Areas to Get Context of the Goals of Cameras Nation-wide:

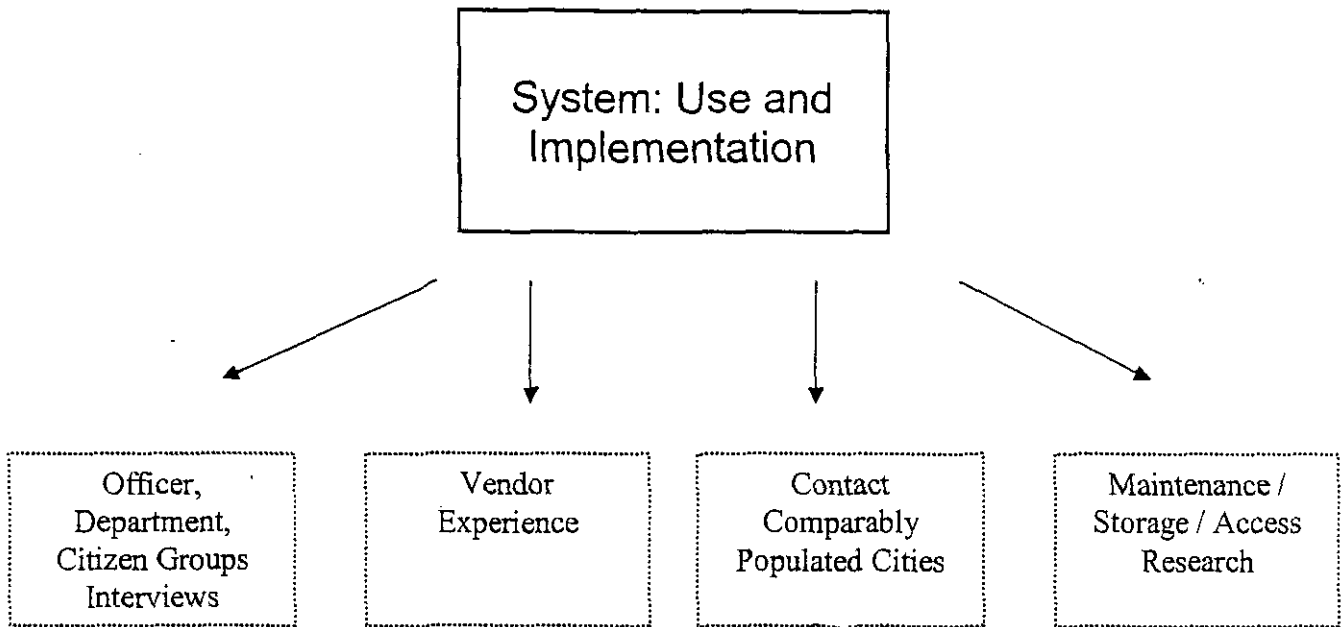
- Research Comparable Cities
- Interview NAACP representative
- Contact academics and policy institutes
- Research Measures of Effectiveness in comparable cities
- Gather information on conviction rates, training usage, and court

Request for OPD:

- Data on litigation records from City Attorney
- Data from Citizens' Police Review Board on complaints
- Contact name for department perspectives, settlement agreement contact

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Attachment A

Process Theory – Implementation Plan to Support Goals



Interviews gathering opinions on:

- Types of incidents desired for recording
- How much control officers should have over system
- Level of access for parties interested in video

Contact Reps from Vendors for information on different systems' capabilities.

- International Police Technologies
- Kustom Signals
- Mobile Vision

Potential cities include

- Tucson
- New Orleans
- Cleveland
- Long Beach
- Albuquerque
- Kansas City
- Fresno
- Virginia Beach
- Atlanta
- Sacramento
- Mesa
- Tulsa
- Omaha
- Minneapolis
- Miami
- Colorado Springs

Gather Oakland / State policies on:

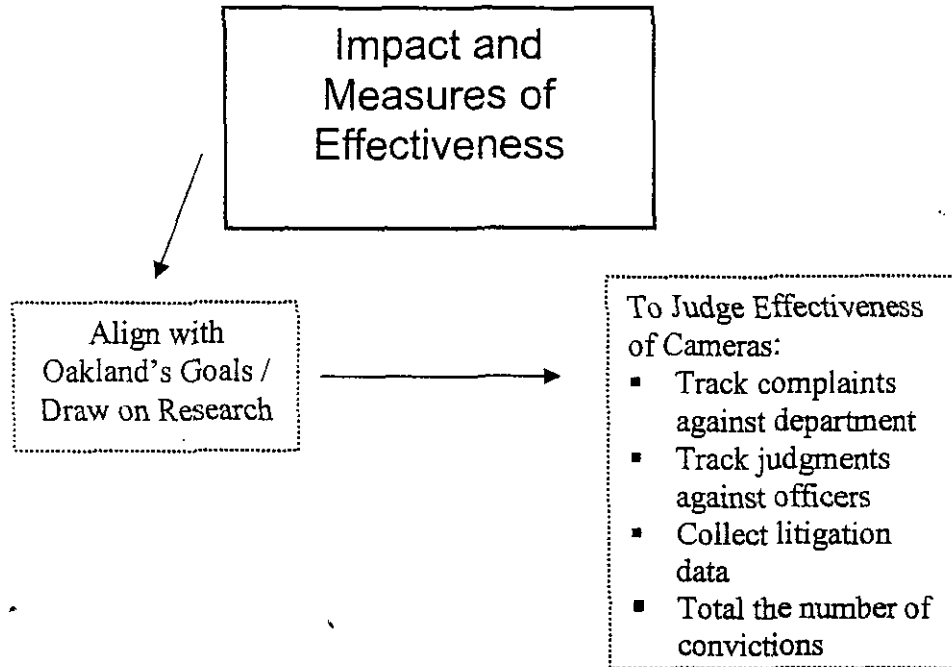
- How long to maintain recordings
- Legal issues surrounding access
- Research reports on employee monitoring
- CA and Federal Rules of Evidence

Request for OPD:

- Names of specific systems under consideration, if any.
- Particular cities you want highlighted
- Ideal recording patterns
- Administrative and IT contact for policies on access/storage
- Data on number of vehicles, shifts, and general car usage

Attachment A

Impact Theory – What types of effects can we measure and attribute to the cameras?



Current Ideas for Measuring Impact

- Track accusations against department
- Compare complaints pre-system to post-video
- Total the number of judgments handed down against officers
- Compare convictions pre-system and post-video
- Compare litigation costs and payouts with and without system

Request for OPD:

- Data on complaints filed, convictions, payouts, and internal costs
- Discussion of how cameras might impact community relations.

Attachment A

PUBLIC SAFETY CMTE.

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