

CITY OF OAKLAND

AGENDA REPORT

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: November 9, 2004

Re: **A Follow-up Report from the Chief of Police Regarding the 95-Day In-Car Video (ICV) Demonstration Project**

SUMMARY

On April 27, 2004 the Committee authorized OPD to implement a demonstration project whereby vendors would install cameras in 6 police vehicles, free of charge to the City for 95 days. This report updates the Committee on the results of the project, specifically, 1) whether any recordings were used for evidence in cases, criminal or internal; 2) did police conduct change; 3) will recordings provide any training opportunities; 4) what technologies were explored; and 5) staffing and storage issues.

FISCAL IMPACT

Digital ICV systems are expensive to implement and range from approximately \$5,000 to just under \$12,000 per unit. As stated in the previous committee report the costs for storage, copying, staff time, training, and maintenance can be very high and difficult to predict. One to two FTEs would need to be dedicated to overseeing the storage and copying of recordings. Additional staff resources would be required for officer training programs and system maintenance.

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 to come back to the Committee with additional information from the Risk Management divisions of other cities to determine whether implementation was cost effective and reduced police payouts. The Committee also asked for information on the price of camera units. On April 27, 2004 an information report was presented to the Committee requesting permission to conduct a 60-90 day demonstration project. The Department contacted three vendors who installed, at no cost, their in-car video products in six police vehicles. The vehicles were deployed in each Council/police district for approximately two weeks each during the swing shift (approx. 2:00 p.m. to midnight). It is important to note that while this report provides data on the number of Internal Affairs Division cases, lawsuits and claims, the time limitation for filing a complaint, lawsuit or claim has not yet passed. Therefore, that data is presented for informational purposes only.

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KEY ISSUES AND IMPACTS

Use as Evidence

Staff found only two cases where video recordings were utilized, in some form or fashion, as evidence in either a court proceeding or for review by a Deputy District Attorney. One case involved a subject who allegedly battered his girlfriend. While in the back seat of the police vehicle the suspect threatened the on-scene officers. The DA declined to press additional charges for the threats. For approximately one hour the subject, under arrest and handcuffed, sat in the rear of the police vehicle and hurled racial slurs and insults at the officers on the scene. The suspect tried, on two occasions, to kick out the rear windows of the police vehicle. The entire episode was captured on video and showed the tremendous professionalism and restraint on the part of the officers on the scene. When the subject complained that his handcuffs were too tight the video shows the officers opening the rear door and double-checking the handcuffs to make sure they were not unnecessarily tight, all the while being subjected to the suspect's verbal tirade.

The other incident involved a subject who received a traffic citation for going through a red light. The driver contested the citation claiming the light was not red. The officer issuing the citation was able to review the video of the violation prior to his appearance in court. OPD is in the process of purchasing a large capacity hard drive (approximately \$100) because the City's Sunshine ordinance requires videos be kept and maintained for two years.

Police Conduct

Based on preliminary data it appears the presence of the ICVs may affect the conduct of officers. During the 95-day demonstration project 74 officers used the cameras. Fifteen (15) of the 74 officers received 18 complaints lodged with the Internal Affairs Division during the 90-day period prior to the start of the demo project. None of the 74 officers received Internal Affairs complaints when they used the camera car. However, during the project the Internal Affairs Division received a total of 17 complaints against 15 of the 74 officers when the officers were not using the camera car. The Office of the City Attorney reported that no lawsuits have as yet been filed from any incident(s) occurring during the project time frame. However, as noted above, the time period for filing a lawsuit for this time period has not yet passed.

Training Opportunities

On several occasions officers committed tactical errors during situations which compromised their safety. These issues were brought to the attention of the watch commander of the officers, who subsequently provided line-up training to all Patrol officers on these safety issues.

Technologies Explored

During the 95-day trial, it was the Department's intent to employ each of the three main methods of capturing video footage: 1) removable hard drives; 2) uploading data through the use of a cable; and 3) wireless data transfer. Three companies were selected to participate in the trial. Each employed a different method of primary data storage. Unfortunately, the company selected to perform the wireless application was unable to deliver this product. The Department's Technology Unit believes a functionally reliable wireless application, for a department the size of the Oakland Police Department, is at least two years away. In the event the Department purchases an In-Car Video System prior to the availability of a reliable wireless system, it will need to be a scalable system that will accommodate a future wireless upgrade.

The Department looked at two systems with removable hard drive features and a third system with hardwire upload capability. Overall, the systems had minor shortcomings and good points as noted:

Negative Points	Positive Points
A monitor ball joint broke.	Most video was clear and of a higher quality than analog systems.
A few microphone batteries died because the charging unit failed to charge.	Download of data to servers from some systems was easy.
A few microphones didn't hold to officers uniforms well because of the small clip design.	Viewing screen video quality was excellent in day as well as night.
Some systems took up too much space in the trunk.	Good system support and training from the vendors.
One microphone didn't pick up the audio from citizens.	Digital readouts on some equipment were very good at night.

Staffing and Storage

As reported to the Committee in January and April 2004 staffing and storage issues are of major concern. Just as there are requests to listen to and copy the Communications Division audio tapes of radio traffic and 9-1-1 calls, there will be requests and subpoenas to view and copy video. This short-term demonstration project proved the need for additional staffing. Hard drives were removed from six police cars on a periodic basis so data could be uploaded to servers. Incidents were reviewed for quality control purposes and copies of recordings were made of significant incidents. This became a full-time job for one employee loaned to the Technology Unit for the duration of the project. Retrieval of hard drives from the entire fleet of patrol vehicles would be a full time job in itself (hence the desire for wireless uploading of data). The purchase of a complete ICV system will require one or two civilian staff be hired exclusively to perform these duties. The purchase of cabinets and a catalogue system will be required as well as a supply of DVDs and CDs. The amount of room space, cabinets and data and storage media needed is contingent on the amount of cameras purchased, how much footage

each unit produces and the video resolution used (higher quality resolution has the potential to take up more hard drive space).

Policy Development

In April 2004 staff reported that three students from the University of California at Berkeley, Goldman School of Public Policy, were conducting a study of the ICV issue for the City. In May the students completed their report. Entitled "Policy Recommendations for In-Car Video Usage in Oakland," this excellent 40 page report is a comprehensive study of the ICV issue and offered a number of ideas and suggestions. Some of their recommendations were implemented in the project, specifically their ideas on usage. The students suggested, among other things, that OPD record all traffic stops, vehicle pursuits, Driving Under the Influence stops, and walking stops. The Police Department followed their suggestion to include officer input prior to implementation of the project. Staff feels the success of the project and officer buy-in was due, in large part, to involving officers in the usage policy. The students also included a draft model policy authored by the International Association of Chiefs of Police.

CONCLUSION

ICV systems continue to increase in popularity with both law enforcement and city / state administrators, despite their high cost, because of the benefits offered:

- Evidence for official department investigations including complaints, civil claims, pursuits and criminal cases.
- Incentive for officers (and possibly those members of the public being contacted) to behave in a decorous and appropriate manner.
- Training tools for improving safety and tactics taken from real life incidents.

The demonstration project re-confirms the Police Department's support of the use of in-car video equipment in Oakland's marked vehicles.

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 provide strong evidence in many suits, showing 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.

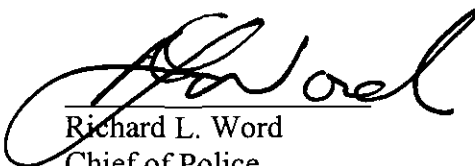
DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION(S)

Staff recommends the committee accept this report.

Respectfully submitted,



Richard L. Word
Chief of Police

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Bureau of Field Operations

Attachment: Mobil Video Recording Equipment - Model Policy

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

Item: _____
Public Safety Committee
November 9, 2004

Draft

**MOBILE VIDEO
RECORDING EQUIPMENT**

Model Policy

		Effective Date	Number
Subject			
Reference		Special Instructions	
Distribution	Reevaluation Date		No. Pages

I. PURPOSE

The purpose of this policy is to provide law enforcement agencies with guidelines for the use, management, storage, and retrieval of audio-visual recorded media.

Definitions:

Recorded media - refers to any media that captures and records audio-visual signals. This includes: analog (VHS, SVHS, HI 8mm) or digital (wavelet, JPEG, MPEG) media.

In-Car Camera System and Mobile Video Recording (MVR) - are synonymous and defined as any recorded media that captures audio and visual signals.

Supervisor - Personnel holding the rank of sergeant and above, or senior officers/troopers formally appointed in writings as in charge of a departmental component.

MVS Technician - Personnel trained in the operational use and repair of MVR's, duplicating methods, storage and retrieval methods, procedures, and possess a working knowledge of video forensics and evidentiary procedures.

Degaussing - refers to the cleansing of analog recording media, which returns the media to its original state and ready for the imprinting of new images.

II. POLICY

The In-Car Camera has proven to be a valuable tool for law enforcement practitioners by documenting their honesty, integrity, and professionalism. By virtue of their authority, law enforcement personnel are held to a higher degree of accountability by the community and must continuously strive to ensure that this contract is not violated. Therefore, by keeping this trust and maximizing the effectiveness of this valuable tool, the following procedures for In-Car Camera equipment use are set forth.

III. PROCEDURES

A. Program Objectives

The _____ Police Department has adopted the use of In-Car Cameras to accomplish the following:

1. To provide an accurate depiction of events for courtroom presentation.
2. To accurately capture statements and events during the course of an incident.
3. To enhance the officer's ability to document and review statements and actions for report purposes and for courtroom preparation.
4. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
5. To be used as an investigative tool to capture visual and audio information and to further existing and future investigations

B. General Procedures

It shall be the responsibility of the agency to ensure the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

The MVR equipment shall be installed in a manner which ensures that the system will automatically activate when the emergency equipment (lights) are operating, activated via wireless transmitter, or when the system is manually activated using the record "REC" button on the control panel affixed to the interior of the vehicle.

Officer safety shall be the overarching theme for placement of the system components within the vehicle and the use of said equipment.

It shall be the responsibility of the issuing agency to ensure the officers are provided with adequate training in the use and operation of the in-car camera equipment and in departmental policies prior to holding the practitioner responsible for its proper operation.

C. Officers' Responsibilities:

Inspection, maintenance and repair – MVR equipment installed in the departmental vehicles shall be the responsibility of the officer assigned to that vehicle and shall be operated in accordance with the manufacturer's recommended guidelines and departmental policies.

Prior to the beginning of each shift, the assigned officer shall perform a preoperational inspection to ensure the MVR is performing in accordance with the manufacturer's recommendations:

1. Remote Audio Transmitter functional:
 - o Adequate power source
 - o Connected to the recording equipment
 - o Remote activation of system via transmitter

2. Camera Lens:

- o Windshield and camera lens free of debris
- o Camera facing intended direction

3. Recording mechanism is capturing both audio and visual information:

- o System plays back both audio and visual tracks

Any malfunctions of the in-car camera equipment shall be reported to the immediate supervisor prior to the unit being placed in service. The supervisor shall make the determination in regards to the status of the unit being placed in service. If the vehicle is placed in service without an operating MVS, a notation shall be made to the communications department via audio radio transmission.

Damage or theft of an MVR shall be documented and reported to the immediate supervisor.

D. The following incidents shall be both audibly and visually recorded:

1. All traffic stops (to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops.)
2. All priority responses
3. All vehicle pursuits
4. All prisoner transports
5. All crimes in progress
6. Any situation or event that the officer through his/her training and experience believes should be audibly and visually recorded.

(The following applies to two party consent states in which the citizen must be advised of the audio recording)

In addition to the aforementioned events, officers may record events with the audio portion disabled for law enforcement purposes any time the officer believes such recording may have merit.

Officers may audibly and visually record any event in which all parties consent.

At the beginning of any public contact or traffic stop, the officer shall notify the citizen that the events are being audibly and visually recorded. This notification does not apply for crimes in progress where notification is impractical.

When the MVR is activated, officers shall ensure that the audio portion is also activated to ensure that all events are properly documented. Officers are encouraged to use the audio portion of the recording to narrate events as they occur to provide the best evidence for courtroom presentation.

To prevent bleed over and/or noise from other MVRs, only the primary officer initiating the contact shall activate their audio recording. Officers responding in support capacity shall leave their audio transmitters in the off position. This does not preclude supporting officers from activating their visual recording equipment to obtain another perspective of the scene.

Officers are encouraged to review the recordings when preparing written documentation of events. Using the recording as a tool when completing written reports will ensure the accuracy and consistency of events.

Officers shall ensure the volume from other electronics devices within the police vehicle such as; radios, scanners, CD players, etc. are disabled or turned off when the MVS is activated (this does not apply to police radios).

Officers shall not erase, alter, reuse, modify or tamper with MVS recordings. Only a supervisor or MVS technician may erase and reissue a previously recorded media.

To prevent damage to the original recorded media, at no time will the original media be viewed in any equipment other than the equipment issued or authorized by the MVS technician.

MVS recordings containing arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches in which contraband is recovered, driving while intoxicated or under the influence arrests, or any prisoner transport

shall be treated as evidence and held for criminal prosecution.

When the MVR is activated to document an event, it shall not be deactivated until the event has been completed or the detained vehicle has been released. Exceptions: In the event of an extended incident or detail i.e., traffic control or accident scene; the officer may deactivate the system to conserve recording time.

When the officer detects that the recording time remaining on the media is less than 1 hour (for long playing media lasting 6-8 hours) or 30 minutes (Hi8 analog or digital media with recording time 5 hours, or digital lasting less) he/she shall replace the media with a new one.

In the event the media being surrendered contains evidence needed for prosecution, the officer shall notify the supervisor receiving the media to place a hold on the media and mark it as evidence.

E. Supervisors' Responsibilities

Supervisors are responsible for the issuance of unrecorded media. All media prior to issuance shall be assigned an identification number, which is to be affixed to the exterior of the media. This numbered media is then recorded in the Chain of Custody Log. *(In the event the media is a computer hard drive, a computer generated file number should be generated internally.)*

The Chain of Custody Log shall include, but is not limited to:

- Tracking number of media
- Date issued
- Officer or vehicle issued to
- Date submitted
- Officer submitting the media
- Hold for evidence indicated

(In the event an officer works at a remote location and reports in only periodically, multiple recording media may be issued.)

The supervisor shall be responsible for collecting all completed media. Once the media is surrendered, the supervisor shall:

- o ensure it is placed in a secured location with limited authorized access, and
- o make appropriate entries in the Chain of Custody Log

When an incident arises that requires the immediate retrieval of the recorded media (serious crime scenes, departmental shootings, departmental accidents, etc.) a supervisor shall respond to the scene and remove the recorded media and either place the media into evidence or surrender the media to the authorized investigative personnel. Once this task has been accomplished, the appropriate notation shall be made in the Chain of Custody Log.

The supervisor will periodically review the Chain of Custody Log to ensure that the issued media is being surrendered in a timely manner. Failure to use and surrender the media in a timely manner may be indicative of unreported problems with the MVR equipment or equipment not being used in accordance with departmental policy.

The supervisor informed of malfunctioning equipment shall ensure that or cause the necessary repairs to be made in a timely manner by the appropriate personnel.

1. Supervisory Review:

It shall be the responsibility of every supervisor having personnel assigned MVR equipment to conduct periodic review of the media. The purpose of:

- o periodic assessment of officer performance,
- o to ensure the MVR equipment is functioning properly,
- o to determine if MVR equipment is being operated properly, and
- o to identify material that may be appropriate for training

Supervisors having personnel newly assigned MVR equipment shall conduct a review of the recorded media bi-weekly to ensure the equipment is being operated consistent with

departmental policy. Once the supervisor has determined that officer is in compliance with departmental use of the MVR equipment, the supervisor may then conduct quarterly reviews.

(In order to ensure understanding and promote trust with the officer assigned to use MVR equipment, the following statement is recommended for inclusion in departmental policy)

Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

Supervisor shall ensure that an adequate number of recording media is on hand and available for issuance.

F. Media Technicians' Responsibilities:

(The IACP recognizes that in many instances the media technician and the supervisor are synonymous)

The media technician is responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing) and duplication of all recorded media.

For the purpose of accountability all media will be assigned a tracking number prior to issuance to the field. The media technician will maintain a record (database) of issued media to the individual districts/barracks.

Working in conjunction with the field supervisors, the media technician will ensure that an adequate supply of recorded media is available and issued to the districts/barracks.

The media technician shall be responsible for all long-term storage of media deemed to be of evidentiary value in conjunction with departmental regulations for the storage of evidence and the departmental retention schedule.

The media technician shall be responsible for the cleansing (degaussing) and re-issuance of all media deemed to be of no evidentiary value and in compliance with the departmental retention schedule.

G. Media Duplication

All recorded media is the sole property of the police department and secondary dissemination outside the agency is strictly prohibited without specific authorization of the Chief of Police or his designee.

To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the departmental media technician or forensic media staff.

When possible and practical a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition. *Excessive starting, stopping and rewinding of analog media may cause damage, distortion and degrading of the recorded media.*

At the conclusion of the court cases for which the media was required, all copies shall be submitted to the media technician for further storage and or disposal.

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