

Follow-up Analysis on the 2013-14 Marin County Civil Grand Jury Report:

Get the Picture? Audiovisual Technology and Marin Law Enforcement (February 18, 2014)

Executive Summary:

On February 18, 2014, the Grand Jury published the report, “Get the Picture? Audiovisual Technology and Marin Law Enforcement”. The report resulted in three recommendations regarding the financing and implementation of on-officer body cameras (see R1 through R3 below). The Grand Jury requested responses to Recommendations 1 and 3 (R1 and R3) from the Marin County Board of Supervisors. The City Councils of Larkspur, Corte Madera, San Anselmo, San Rafael, Mill Valley, Novato, Ross, Sausalito and Fairfax were requested to respond to Recommendation 2 (R2). The Marin County Sheriff was asked to respond to R1 and R3.

The Implementation Review Committee (IRC) of the Marin Chapter of the California Grand Jurors’ Association (MCCGJA) determined that follow-up was warranted on the outstanding responses from the required respondents.

In their response to Recommendation 1, the Marin County Board of Supervisors claimed that further analysis was required, and that testing was underway by the Sheriff’s department.

Under California Penal Code, further analysis must be completed and reported on within six months from the date of the publication of the Grand Jury report.

Starting with their initial response on April 8, 2014, the Sheriff’s Department also indicated the further analysis was required. However, they had already had conversations with two companies that manufacture the equipment and that in the next several months they would select a geographical area to test the equipment and determine whether it would be permanently implemented. In a follow-up approximately six months later on September 30, 2014, the sheriff responded that they would begin testing cameras in Marin City.

By February 9, 2015 the Sheriff’s Department reported that they had been actively testing two different camera systems for several months and were looking at additional systems for testing. In addition, they had been attending various conferences and summits while conducting research on best practices. They indicated that while the initial cost of the cameras was manageable, the cost of storing the data was of concern. It was unclear at this point if and when the system would be implemented.

In their communication on June 10, the Sheriff's Department said that after completing the evaluation they had selected a single vendor that would meet their needs. They were still wrestling with the issue of data storage costs and how to deal with potential requests under the "Freedom of Information" process.

Finally, in their last update, the Sheriff's department reported that they had finalized much and will be completing the rest of the detailed work outlined above in the very near future. They are still in the process of working with the County Administrator to secure funding for both the initial purchase of the equipment and the on-going costs associated with the system. It is anticipated that additional follow-up would be warranted moving forward.

The responses from the city councils of Larkspur, Corte Madera and San Anselmo to Recommendation 2 were consolidated under the Central Marin Police Authority. The CMPA began an evaluation process in February of 2014. By February 2015, the evaluation was completed and the Chief of the CMPA recommended implementation by the Police Council which incorporates all three cities. In April of this year the Council approved budgeting for the cameras and the CMPA will begin implementation in July 2015.

The city of San Rafael responded that they agreed with R2 and would implement the use of cameras once funding was secured. They began testing in January of 2014 and fully implemented the use of cameras by all officers in October 2014.

Mill Valley's response in April of 2014 was that R2 required further analysis. If body worn cameras met the criteria that included several factors they would consider funding. Nonetheless, by October 2014, funds were allocated and the system was implemented requiring all patrol officers in uniform to wear the cameras while in a patrol capacity.

The city of Novato responded in March of 2014 that they agreed with R2 and that the recommendation had already been partially implemented. An additional communication from the Chief of Police indicated that the City Council had unanimously approved funding to provide cameras for all field officers. They have been fully deployed for several months.

In March of 2014 the Town of Ross responded that R2 would not be implemented because it was not warranted. They felt that the advantages of cameras were outweighed by the cost. Further, they believed that the problems indicated in the report didn't exist in their community. No additional updates have been received.

The City of Sausalito's initial response in May of 2014 that the Police Department had submitted a request for funding of on-body cameras in the fiscal 2014-2015 budget. They stated that they already utilized vehicle-mounted cameras and captured audio through microphones worn by the officers. In a follow-up in April of this year we were told that the proposal had been tabled and would be considered again in the 2015-2016 budget. After a subsequent request for an update in November of 2015, the MCCGJA was told that the city would continue to research this technology with plans to bring a comprehensive proposal before the Finance Committee as part of the city's 2016-2018 budget. Moving forward, additional follow-up may be warranted.

In May of 2014, the Town of Fairfax reported that they had declined to fund on-officer cameras. They believed that the advantages cited in the Grand Jury report were not applicable in their town and that many of the problems outlined in the report didn't exist in Fairfax. They would revisit the option in two to three years. However, a year later, the Chief of Police reported that

they had begun testing cameras in January and had decided to implement the system for all officers. The official roll out would be June 28.

With regard to R3, the Board of Supervisors responded that funding was not an issue because the Sheriff's department has ample funding sources and a request for funding from the Supervisors would not be warranted. The Sheriff's Department echoed this response stating that there were several funding sources available to them and that it would not require requesting funds from the Supervisors.

Background and Documentation for this Analysis

Grand Jury Report Summary (from report published 2/18/14)

During the turbulent years of the civil rights movement and anti-war protests, images of police officers in action became a staple of television news. These images were often used to level criticism and charges of excessive force or brutality against police officers. In today's world of smart phones, videos of police encounters captured by onlookers are frequently seen on news channels and YouTube but do not always capture the point of view of the officers. Many incidents are perceived quite differently by the parties involved, which can lead to court hearings, trials and skepticism on the part of the public. Accountability and transparency in law enforcement are key factors in maintaining public trust. In-car cameras, cameras worn on an officer's body ("body cams"), and license plate scanners are valuable tools for police; they enhance public trust and should be standard equipment for all law enforcement agencies.

The Marin County Civil Grand Jury inquired into the efforts of local law enforcement agencies to provide more transparency by recording their field actions using audiovisual technology. We found that many police departments in Marin County are already using some of this technology, some are not using any video, and others are keenly interested in acquiring it. The overall reaction by those agencies using in-car cameras and body cams has been positive. The Grand Jury recommends that those agencies not using current technology seek funding to acquire audio and video recording devices. It is clearly in the public interest and the government's interest to provide this level of transparency with an unbiased audiovisual record.

Grand Jury Recommendations (from report published 2/18/14)

Recommendations

- R1.** The Grand Jury recommends that the Sheriff's Department and all police departments in the County use on-officer cameras.
- R2.** The Grand Jury recommends that the police departments of San Rafael, Sausalito, Ross, Fairfax, Central Marin and Mill Valley request that their respective city councils provide funds to obtain on-officer cameras and pursue other funding sources as well.

R3. The Grand Jury recommends that the Sheriff's Department request funds from the Board of Supervisors for on-officer cameras and pursue grants and other funding sources.

Follow up Analysis Results (Correspondence)

R1. The Grand Jury recommends that the Sheriff's Department and all police departments in the County use on-officer cameras.

Marin County Board of Supervisors

In it's original response to this Recommendation, the Marin County Board of Supervisors stated:

"This recommendation requires further analysis. The County has no jurisdiction over the police departments in Marin Cities and Towns. However, the Sheriff is evaluating available equipment and plans to conduct a test use of equipment in a specific geographic patrol area of the County to determine its viability for future use."

Based on this response, the Association decided to direct any further follow up to the Sheriff's Department.

Marin County Sheriff's Department

Sheriff Robert Doyle's original response (4/8/2014) on behalf of the department was as follows:

"I cannot speak for the other agencies in the County, but as far as the Sheriff's Office is concerned, this recommendation requires further analysis. In addition to my comments in F3, we have had conversations with at least two companies that manufacture audiovisual equipment. I would say that in the next several months we will select a geographical patrol area and test equipment to determine if we will permanently implement the technology."

Five months later the 2014-2015 Civil Grand Jury followed up with the Sheriff's Department and received this response from Sheriff Doyle dated 9/30/2014:

"I received your letter dated September 24, 2014, regarding the 2013-2014 Civil Grand Jury Report "Get the Picture? Audiovisual Technology and Marin Law Enforcement". I refer you to the second part of Recommendation 1 whereby in my response I indicated that we would be testing equipment in one of our patrol areas. In the next few days that test will begin in our Substation in Marin City. I hope this answers your inquiry."

On January 27, 2015, the MCCGJA sent a follow up letter to Sheriff Doyle asking for an update. Sheriff Doyle's response (2/9/2015) was as follows:

"Since my earlier response to the Grand Jury's report, "Get the Picture? Audiovisual Technology and Marin Law Enforcement," we have actively deployed two different body worn camera systems to the field in an attempt to identify which technology platform best suits the needs of my department. Those two camera systems are produced by Taser International and Viewu. Both have been in the field for several months and both are being worn by select deputies

assigned to our Marin City Sub-Station. Additional camera systems are being vetted now to see if they too warrant a field test as well.

In addition to the on-going camera beta tests, executive and management staff members have been actively researching best practices by contacting a number of different California law enforcement agencies who have a history of using body worn cameras, as well as those who have more recently deployed them to the field. Undersheriff Ridgway is in fact attending a conference later this week on civil rights and government tort law, because a main element of that symposium will focus on the use of body worn cameras by law enforcement.

Behind the scenes, staff will be attending a February 19th Tech Summit hosted by Taser International so they can study the data storage issues related to the deployment of body worn cameras and others have been assigned to participate in a February 5th webinar covering policy considerations for law enforcement agencies who are planning to deploy body worn cameras to the field as well.

As I'm sure you can appreciate, deploying a new piece of technology in an agency of our size, particularly one that involves such significant policy, data storage, and cost challenges as this one does, is not as simple a problem to solve as it might be for some of the smaller agencies in Marin. As an example, the Sonoma County Sheriff's Office recently entered into a contract with Taser International to supply cameras for each of their patrol deputies. While the cost of the cameras themselves was rather manageable, the cost of storing the data those cameras were expected to produce drove the cost of the project to over 1 million dollars.

Thank you for your continued interest and please know that I remain committed to ensuring as much transparency in our operations as possible."

The MCCGJA contacted the Sheriff's Department on April 27, and again on June 10 of 2015 for additional follow up. The MCCGJA received the following response from them on June 10:

"As you mentioned in your email to the Sheriff, the Marin County Sheriff's Office conducted paper evaluations on several different camera systems that are commonly used by law enforcement agencies throughout the country. As a result, we opted to conduct a detailed physical evaluation of two system(s) over the course of several months. During that evaluation period, we also attended a symposium in Sacramento regarding the use of body worn cameras, which was attended by law enforcement agencies throughout the state. The final results of our evaluation process overwhelmingly showed that one vendor was able to meet the needs of our agency. We then requested the vendor to attend a meeting of Sheriff's Office command staff to provide a presentation and to discuss the associated costs and issues with moving forward, which was completed approximately 3-4 weeks ago. At this point we are in the process of creating a potential use policy, as well as determining the best way to involve the community in discussions and/or providing them with information regarding our intent to move forward with this technology. We are also discussing how best to work with the records retention process and release of captured data if presented with a request through the Freedom of Information process. We are also trying to determine the best approach to deal with the costs associated with this process. While I am not sure if you have direct questions, I would be more than happy to discuss this further with you. Please feel free to contact me at any time should you want or need additional information."

Finally, on November 20th, after an additional request for an update, the MCCGJA received the

following email response:

“We have finalized much, and will be completing the rest of the work I detailed to you before, in the very near future. In addition, we are currently working with the County Administrator to identify a funding source to pay for both the initial purchase of equipment, as well as the on-going costs associated with a body worn camera system. I hope that helps in your endeavors.”

R2 The Grand Jury recommends that the police departments of San Rafael, Sausalito, Ross, Fairfax, Central Marin and Mill Valley request that their respective city councils provide funds to obtain on-officer cameras and pursue other funding sources as well.

San Rafael

The City of San Rafael’s original response (5/8/2015) stated:

“Recommendation numbered R2 has not been fully implemented. It will be implemented at the conclusion of our trial program and after securing of funding.”

“Staff agrees with the Grand Jury’s recommendation (R2)...Our Police Department started a 90 day trial program for body worn cameras on January, 2014. Four volunteer officers are testing the cameras.”

Based on this response, the MCCGJA followed up with the Chief of Police in San Rafael on May 28, 2015 asking for an update. The response from the Chief received the same day was as follows:

“SRPD started testing the cameras with a group of four volunteer officers in February of 2014. As of October of 2014 each sworn officer, from the Chief on down, has been issued and uses their Body Worn Camera (BWC). The cameras are currently in use and are mandatory equipment for all officers in uniform and those who have significant enforcement related contact each day. Our Mental Health Outreach civilian also utilizes her BWC.

As with any new piece of technology or equipment there have been some challenges with implementation. Most have to do with IT related issues. Having a trial period with a small number of cameras assisted in working out issues before full implementation.”

Sausalito

The City of Sausalito’s original response was received on May 13, 2014. In that response they stated that:

“The Police Department has submitted a request to the City to consider funding on-officer cameras in the 2014 budget discussions. The Sausalito Police Department utilizes audiovisual equipment in our daily activities. We utilize a vehicle mounted camera system which captures images in front and interior of our patrol cars. Additionally, each officer wears a microphone which is activated when the patrol car’s emergency lights are turned on. Officers may also remotely activate the system via a switch on his/her uniform. Several agencies in Marin County are testing on-officer audiovisual systems.”

In response to a request on April 1, 2015 for an update on any recent developments, a member of the MCCGJA received a telephone call with the following verbal statement in part:

“A proposal for on-body cameras that was submitted in the 2014-2015 budget was tabled. It will be considered again in the 2015-2016 budget beginning July 1, 2015”

The latest request for an update was made via email on November 21, 2015. The following is the response received by the MCCGJA on November 23, 2015:

“Body cameras were considered in the FY 2015-16 budget hearings. During that time Staff brought forward options for the City Council’s consideration, but they were not approved due to lack of information related to ongoing maintenance cost. Staff advice the Finance Committee that the cost for the body cameras and the supporting maintenance cost associated with the cameras would come down as technology continued to expand in the market. It was the Finance Committee’s remediation to continue researching body cameras and bring a comprehensive proposal forward including in car license plate readers and stationary license plate readers to the Finance Committee for consideration as part of the FY 2016-18 budget.”

Ross

The Town of Ross sent their official response to the Presiding Judge on March 14, 2014. Their response was as follows:

“We are familiar with these systems as well as in-car camera systems. The Ross Police Department currently utilizes in-car cameras for patrol vehicles. The Ross Police Department does not use on-officer cameras at this time. It is our view and position at this time there are not sufficient advantages to fund this type of program for Ross, as many of the problems indicated in the Grand Jury report do not exist in our community. These systems would require an up-front purchase cost and then updates and maintenance. There is also some cost for video data storage data security. There are also some logistics problem with a small department and downloading recordings/storage of recordings and security. There is not currently a funding system in place to cover the costs of these systems.”

Fairfax

In their original response to the Grand Jury on May 9, 2014, the City of Fairfax stated that they would not implement this recommendation and included the following explanation:

“At this time, the Town of Fairfax declines to fund on-officer cameras for the Fairfax Police Department as recommended by the Chief of Police. The advantages to these systems cited in the Grand jury report are not found to be applicable to the Town of Fairfax Police Department at this time. While the Fairfax Police Department is not opposed to the use of on-officer cameras, there are not sufficient advantages to funding this type of program for the Town of Fairfax.

First of all, many of the problems indicated in the Grand Jury report do not exist in Fairfax. Fairfax has had extremely few complaints about officer misconduct over the last ten years and currently all officers are equipped with digital audio recorders which are used to record police encounters. In citizen complaints against officers (the last one being in 2012) or in Use of Force incidents, review of those recordings was critical in demonstrating that proper action and restraint were used.

Secondly, there are many associated costs of deploying on-officer video cameras that were not addressed in the Grand Jury Report. There are associated costs of maintaining the devices as well as substantial costs associated with upgrading evidence maintenance and storage needed to maintain an acceptable chain of custody.

Lastly, we believe that the cost, size and ease of use of this technology will improve significantly over the next several years and that the Town Council should re-visit this option in two to three years.”

Approximately eight months later they reversed this decision and began testing the cameras. The testing phase was successful and the cameras were implemented in June of 2015. The following

is their response (from the Chief of Police) subsequent to a request for an update from the MCCGJA:

“We began a testing phase of body cameras in late January. After deciding on the product/vendor we purchased body cameras for all sworn officers. Upon their arrival in March officers are and have been being individually trained in their use while we awaited final needed equipment. The final piece of equipment arrived this month and has been configured. The "official" roll out where ALL officers will have been trained and equipped with Body Cameras is June 8th, 2015. The testing phase has been successful and officers have embraced the new equipment.”

Central Marin (Corte Madera, Larkspur and San Anselmo)

Corte Madera

The Corte Madera Town Council in their original response (5/7/2015) stated:

“The Central Marin Police Authority ("CMPA") continually evaluates new and existing technologies that may assist officers in the safe performance of their duties while at the same time providing a higher level of transparency to the public. In fact, over the past two years, CMPA has been researching the use of on-officer cameras. Such research has culminated in CMPA having already entered into a "Test and Evaluation Agreement" with a company known as VIEVU to test its on-body camera system.

CMPA is testing three units sharing this test and evaluation period in order to evaluate the camera's effectiveness. CMPA may test other technologies as well. At the conclusion of this testing period, the product will be evaluated for durability, reliability, longevity, usefulness, software data storage capability, security, and a best practices approach to implementing policies and procedures that our community and police officers would support. The Town of Corte Madera awaits this analysis and recommendation from our Chief of Police. If the Chief of Police does recommend that CMPA acquire this or a different product, then the Town Council would likely direct its members who serve on the CMPA Board to support the acquisition of this equipment through the CMPA budget or through other available funding sources, such as grants.”

Based on the fact that the Town of Corte Madera is under the jurisdiction of the Central Marin Police Authority, which also covers Larkspur and Corte Madera, it was decided that any additional follow up would be included with the CMPA.

Larkspur

The Larkspur City Council's original response to the report was as follows:

“As stated above, the CMPA is in the process of contractually entering into a, “Test and Evaluation Agreement” with a company known as VIEVU to test their on-body camera system. The Authority may test other technology as well. At the conclusion of this testing period, the product will be evaluated for durability, reliability, longevity, usefulness, software data storage capability, security, and a best practices approach to implementing policies and procedures that our community and police officers would support. The CMPA Police Council will consider any forthcoming analysis and recommendation from our Chief of Police.”

On January 29, the MCCGJA emailed the City Council, copying the CMPA Chief of Police. The following response was received on 3/19/2015 in a letter dated 2/10/2015 from the Chief of Police

“At its regular meeting on February 5, 2015, the Central Marin Police Council was updated on the evaluation of the officer’s use of on-body camera systems. It is my intent to recommend to the CMPA Police Council that officers start wearing body cameras sometime within the 2015-2016 fiscal year. With this recommendation, several aspects are being researched to have a total and complete answer to a new system of camera usage. There is a possibility of funding to be provided to the Central Marin Police Authority through a grant process and/or other funding sources. This will not only off-set the initial purchase cost, but with camera maintenance. The final aspect of consideration is media storage. While keeping in mind that all of the footage needs to be stored for one year, if not longer, the CMPA is exploring the options of using a cloud or hard server storage. The CMPA is in the process of weighing all of the pros and cons with both options.”

Based on this response, the MCCGJA decided to direct any further follow up to the CMPA and reached out to them on 4/27/2015 for an update. An email response was received from the Chief the same day:

“Thank you for the opportunity to provide an update. Since our last communication in February, CMPA has completed the following steps toward the implementation of on-body cameras.

- 1. Finalized a department-wide policy.*
- 2. Finalized a video retention policy.*
- 3. Completed a server upgrade to ensure we have sufficient secondary video storage capacity.*
- 4. Obtained approval from the Police Council to purchase and wear the on-body camera’s affective July 1, 2015 (FY15/16 budget was approved last week).”*

San Anselmo

The Marin County Civil Grand Jury did not receive a response from the City of San Anselmo. However, it should be noted that San Anselmo is also under the jurisdiction of the CMPA and thus subsequent follow up would be with the CMPA.

Mill Valley

The original response below was received from the City of Mill Valley on April 28, 2014:

“Recommendation numbered: R2 requires further analysis. If the Mill Valley Police Department finds an appropriate body worn camera solution for its needs, they will provide a report to the Council to describe the cost, technology, practical field use, durability, longevity, associated policies and implementation plan for the devices at the time which will be considered for funding.”

After the customary six-month deadline approached, the MCCGJA re-contacted the Mill Valley City Council asking for an update.

On October 20, 2014 the Mill Valley City Council responded to the Presiding Judge of Grand Jury as follows:

“Funds have been allocated and equipment has been purchased. The Mill Valley City Council has allocated funding to purchase eight VIEVU body-worn cameras for patrol officers to wear while on duty. The cameras are in the final phase of programming and are scheduled for field deployment within the next week. The VIEVU camera system readily integrates with the existing in car camera system used by the Mill Valley Police Department since 1996.”

Finally in May of 2015 after a final request for an update, the MCCGJA received a letter (5/29/15) in response that stated in part:

“...The City’s Police Department implemented body-worn cameras on its Patrol Officers the first week of October, 2014. (The City began its Pilot Program of the cameras in April 2014. The Pilot Program utilized the City’s motorcycle officer to field test the effectiveness of the body-worn cameras for 45 days). Though there were some initial technical difficulties with the cameras, the program is considered a success and body-worn cameras are currently in use by all officers when patrolling. All Patrol Officers who are in uniform and working in a patrol-capacity are required to wear the cameras. The City currently owns eleven cameras and officers share them as needed. The City is currently in the process of acquiring ten more body-worn cameras so that they will no longer need to be shared between sworn officers. Staff anticipates that this will allow administration of the program to be more efficient.”

Novato

While the police department of Novato was not included in the recommendation (R2), they were requested to respond:

In their original response on April 10, 2014 the City of Novato stated that they had partially implemented the recommendation stating:

“The City agrees with this recommendation. Recommendation R2 has already been partially implemented. The department currently has four body worn cameras used by the traffic officers. Over the last several years, these body worn cameras have proven to be a valuable resource in both evidence collection and aiding in citizen complaints. After months of research on a variety of camera options, policy review and legal opinions, staff has determined the need and benefit for protecting its officers and the members of the community. Additionally, the collection of video evidence can be invaluable to criminal and traffic cases. Allowing officers to record crimes in progress, investigations, victim statements and events in real-time can aid in the successful prosecution of criminal cases.”

Previous to the official response, the Chief of Police, in a March 19, 2014 letter to the Grand Jury stated in part:

“...Last night our City Council unanimously approved the purchase of body-worn cameras for all of our field officers. We expect to have this technology fully deployed in the next two months.”

R3 The Grand Jury recommends that the Sheriff’s Department request funds from the Board of Supervisors for on-officer cameras and pursue grants and other funding sources.

Marin County Board of Supervisors

In their original response to the third recommendation on April 29, 2014, the Board of Supervisors expressed that funding would not be a problem because the Sheriff’s department had their own sources. Their statement:

“Funding for on-officer camera(s) is not an issue. The Sheriff has access to a number of funding sources. It will not require a request for funds from the Marin County Supervisors.”

Marin County Sheriff's Department

In their original response on April 8, 2014, the Sheriff's Department concurred with the Board of Supervisors that funding was not an issue stating the following:

"As mentioned in F2, funding for such technology is not an issue. At the point and time that we determine that we will implement the equipment, there are a number of funding sources available. It will not require requesting funds from the Marin County Board of Supervisors."

Links:

Original Grand Jury Report (February 18, 2014)

<http://www.marincounty.org/depts/gj/reports-and-responses/reports-responses/2013-14/laj-get-the-picture>

