



# TOWN OF FAIRFAX

## STAFF REPORT

### April 2, 2014

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager ↵

**SUBJECT:** Approve Response to Grand Jury Report: Get the Picture? Audiovisual Technology and Marin Law Enforcement

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#### **RECOMMENDATION**

Approve the response to the 2013-2014 Marin County Civil Grand Jury report titled "Get the Picture? Audiovisual Technology and Marin Law Enforcement", dated February 11, 2014

#### **DISCUSSION**

The Town Council is required to respond in writing to the Findings and Recommendations contained in the Marin County Civil Grand Jury Report, pursuant to Penal Code § 933.05. The 2013-2014 Marin County Civil Grand Jury issued a report entitled Get the Picture? Audiovisual Technology and Marin Law Enforcement, dated February 11, 2014. Using Marin agency surveys along with other available information, the report compares the advantages and disadvantages of the current technology available. It is the position of the Grand Jury that such technology is desirable, and would like to see greater use of it by local law enforcement agencies.

The Grand Jury specifically requests that the Town of Fairfax respond to report Recommendation R2, which states: "*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.*"

The Chief of Police recommends that the Council decline to fund on-officer cameras for the Fairfax Police Department. While the 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. Many of the problems indicated in the Grand Jury report do not exist in Fairfax. Each officer is, however, 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 showed proper action and restraint were used. If funding existed to cover all costs of this type of program, to include maintenance and operation of the system, then the Town Council could re-visit this issue.

#### **FISCAL IMPACT**

None at this time

#### **ATTACHMENTS**

Marin County Civil Grand Jury Report: Get the Picture? Audiovisual Technology and Marin Law Enforcement  
Town response

AGENDA ITEM # 17

**Response to the 2013-2014 Marin County Civil Grand Jury report entitled Get the Picture? Audiovisual Technology and Marin Law Enforcement, dated February 11, 2014**

**RECOMMENDATIONS**

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.

**Response:**

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.

The Fairfax Police Department is not opposed to the use of on-officer cameras. However, there are not sufficient advantages to funding this type of program for the Town of Fairfax, as many of the problems indicated in the Grand Jury report do not exist in Fairfax. Each officer is however 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 showed proper action and restraint were used.

If funding existed to cover all costs of this type of program, to include maintenance and operation of the system, then the Town Council could re-visit this issue.

TOWN OF FAIRFAX

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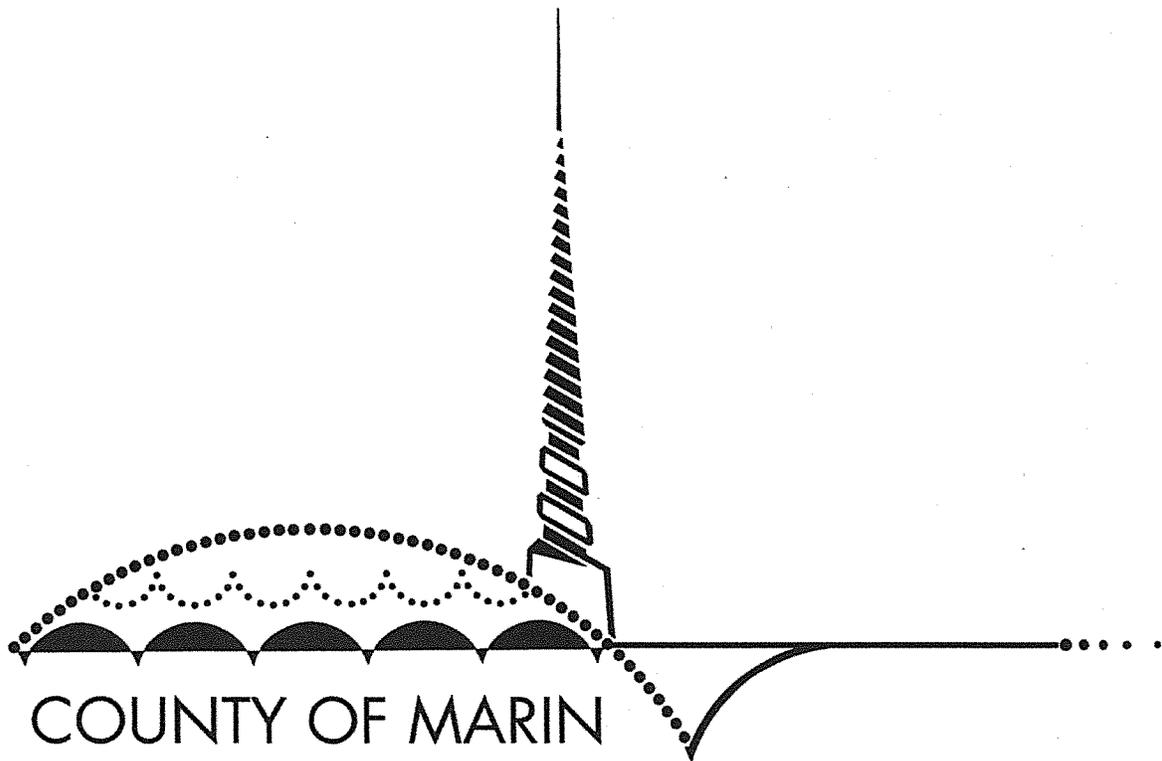
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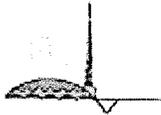
2013/2014 MARIN COUNTY CIVIL GRAND JURY

# GET THE PICTURE?

Audiovisual Technology and Marin Law Enforcement

Report Date – February 11, 2014  
Public Release Date – February 18, 2014





## GET THE PICTURE? Audiovisual Technology and Marin Law Enforcement

Please note: At the time this report was being prepared, the City of San Rafael had not launched a 90-day pilot program to equip officers with body-worn cameras. The Grand Jury is gratified to learn of this development.

### SUMMARY

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.

### BACKGROUND

In the 1980's, Mothers Against Drunk Drivers (MADD) brought a heightened awareness to the problem of drinking and driving. Because of their lobbying efforts, prosecutors put greater emphasis on obtaining convictions. Police began using cameras to document field sobriety tests, and these recordings were found to be highly effective in supporting convictions. MADD initiated the purchase of in-car camera systems for police agencies to be used in apprehending drivers impaired by alcohol and drugs.

In March 1991, a bystander videotaped Rodney King being beaten by Los Angeles police officers. The videotape incited strong public anger about police brutality and was used as evidence in the trial against the officers.

By 1999, allegations of racial profiling were being lodged against police agencies across the United States. At the same time assaults on officers were on the increase. In response to these concerns, legislative bodies across the country began enacting laws that required police agencies to document details of traffic stops with the use of in-car cameras. Unfortunately, while dashboard cameras are useful for capturing interactions during traffic stops, they have limited use because of their fixed focus.

Point-of-view cameras, or POV's, have been available since the 1920s, providing an objective camera angle through the eyes of an unseen observer. They are widely used in airplanes, spacecraft, laparoscopic surgery and extreme sports. Recently, a new class of miniature cameras that can be mounted on a police officer's hat, collar or eyeglasses appeared on the market. The on-officer video cameras allow officers to record outside of their cars. Any call that might involve entering a citizen's home can be captured on video: domestic disputes, serving search warrants, parole checks and on-street encounters with potential suspects. These lightweight cameras are now in wide use in cities across the United States. Los Angeles is now issuing body cams to every officer on its force; San Francisco hopes to follow suit very soon. Oakland has used this technology since 2010 and now has 647 cameras in operation.

Beginning in February 2012, Rialto, California, a city of 100,000, outfitted more than 50 front-line officers with body cams. Rialto's police chief reported that formal complaints against officers plunged 88% in the first year of use, and officer "use of force" incidents dropped by 59%. City officials plan to expand its camera program.

In July 2013, a Sheriff's deputy on duty in Marin City, believing that he was being threatened by a suspect he was trying to pull over, shot the man, wounding him in the arm. An angry crowd then pelted the deputy with rocks, convinced that the shooting was unjustified. An investigation into the incident cleared the deputy of wrongdoing, but this left many in the community unsatisfied. An audio or visual record of the encounter would have allowed investigators and community members to better understand what actually occurred.

## **APPROACH**

In addition to a review of the literature, the Grand Jury interviewed the chiefs of three law enforcement agencies in Marin County about their adoption of audiovisual technology, its impact as a law enforcement tool, and what policies are in place regarding the use of such equipment. Every police department in the County and the Sheriff's Department were asked to respond to a written survey about how they record field actions. The survey questions can be found in Appendix A. Responses from the Sheriff's

Department and police departments (PDs) in the County can be found in the following table, **Audiovisual Devices Employed by Marin County Law Enforcement**.

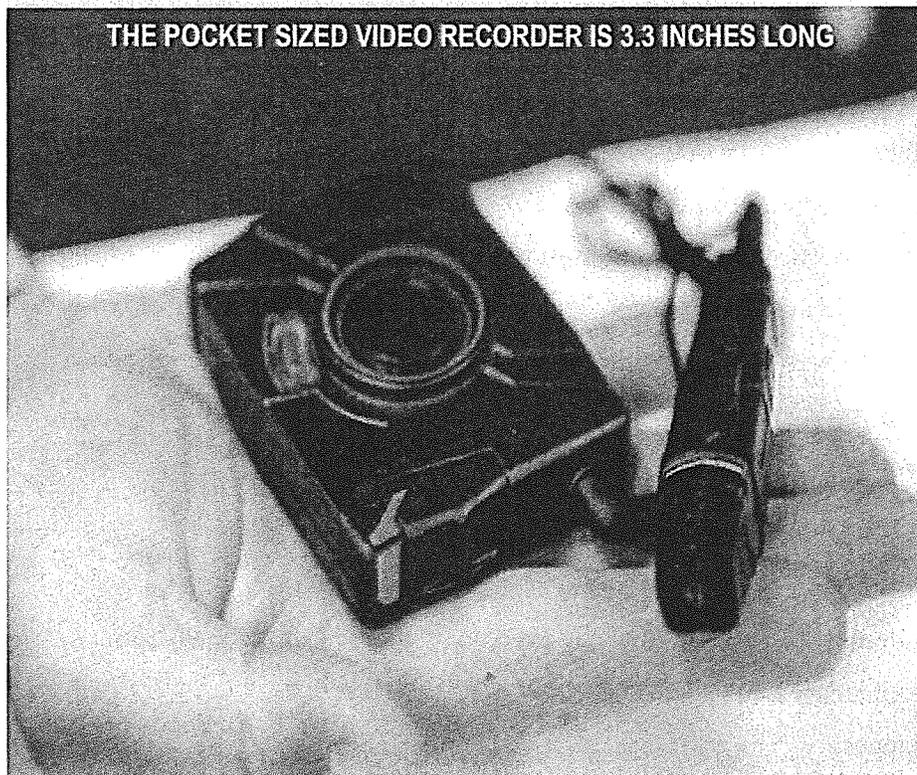
Automated License Plate Readers (ALPRs) are in use by the Sheriff's Department and the police departments in Central Marin, Mill Valley, Tiburon and San Rafael. As these devices are portable, they can be relocated as needed; they can also be loaned to other police agencies. Central Marin PD used an ALPR near the off-ramp of the Richmond Bridge to monitor traffic coming into the County from the East Bay. Their reasoning: outsiders driving into the County commit approximately 50 percent of the crimes in Marin County. The American Civil Liberties Union and others have raised concerns about ALPRs creating camera records of thousands of people without clear privacy protections for the collected data. They are also expensive: San Rafael PD's two License Plate Readers cost \$19,000 and \$14,000 apiece.

Six police departments in Marin County use in-car video cameras, mounted on dashboards. The Sheriff's Department does not use these cameras because its deputies do not make traffic stops. Dash cams are particularly useful in recording vehicular pursuits and felony stops, as well as field sobriety tests. However, one drawback is that the cameras are stationary and have a limited viewing range.

After reviewing the survey results, the Grand Jury chose to research on-body cameras as the most affordable and effective devices for recording field actions. Data for other recordings devices are included in the table.

**Audiovisual Devices Employed by Marin County Law Enforcement**

Law Enforcement Jurisdiction	License Plate Scanner	Body Cameras	In Car Video Cameras
Sausalito	No	No	5
Ross	No	No	2
Fairfax	No	No	No
San Rafael	2	No	No
Tiburon	6	Yes	Yes
Sheriff's Dept.	2	No	No
Novato	Yes	Yes	Yes
Central Marin	1	No	No
Belvedere	No	7	3
Mill Valley	1	No	6



NICK STERN

## DISCUSSION

Changes in technology and the pace of these changes are among the greatest challenges to police agencies. Introduction of new equipment must take into account the attitude of the officers who will be using it, the cost of maintaining equipment over time, analog vs. digital formats, and storing, filing and retrieving video evidence. New equipment with enhanced features, such as the Google Glass, is constantly being introduced to the market, and a newly purchased system may quickly become outmoded. If the technology cannot be shared with neighboring agencies, its utility is very limited.

Typically, agencies need guidance and information to help them assess their needs, make cost-effective decisions, navigate the acquisition process, and manage video evidence. Fortunately, such help exists: The National Institute of Justice, the International Association of Chiefs of Police (IACP), and the Office of Community Oriented Policing Services (COPS) have conducted national studies, amassed data from focus groups, interviews and surveys, and continue to gather information to assess the value of cameras to police agencies. This information is used to set nationally recognized standards and specifications for such equipment. These organizations also provide funding through grants to police agencies all over the country.

### **Advantages of the Technology**

Impact evaluation studies show that audiovisual equipment provides substantial value to police agencies, including the following:

- Enhanced officer safety: this is the single greatest value of audiovisual recording
- De-escalation of situations that risk becoming confrontational
- Improved accountability and professionalism
- Reduction of time and legal expenses in investigating complaints against officers
- Video identification of suspects
- Evidence for trial
- Improved community and media perception

### **Potential Disadvantages of the Technology**

- Systems only record what is in view or within earshot
- Equipment can malfunction or be manually turned off by the officer
- Maintenance and update costs
- Expense
- Privacy and civil rights issues
- Officers' concerns about being monitored

One of the law enforcement officers interviewed by the Grand Jury pointed out that body cameras can be manually turned off by an officer who doesn't want an interaction recorded. An officer may also forget to activate his/her camera at critical times. Although equipment can occasionally malfunction and batteries lose their charge, clear departmental policies mandating when and how these devices are to be used must be established. Officers should be trained to understand the use and the utility of the body cameras they wear, and they must be called to account if they fail to follow departmental policy. In the words of a San Francisco Chronicle journalist, "It is incumbent on city government to provide its workers with the latest, most-effective tools available to do the job, and it's the job of city employees to use those tools properly."<sup>1</sup>

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<sup>1</sup> Chip Johnson, "Oakland Police Must Step Up Use of Vest Cameras," San Francisco Chronicle, January 24, 2014

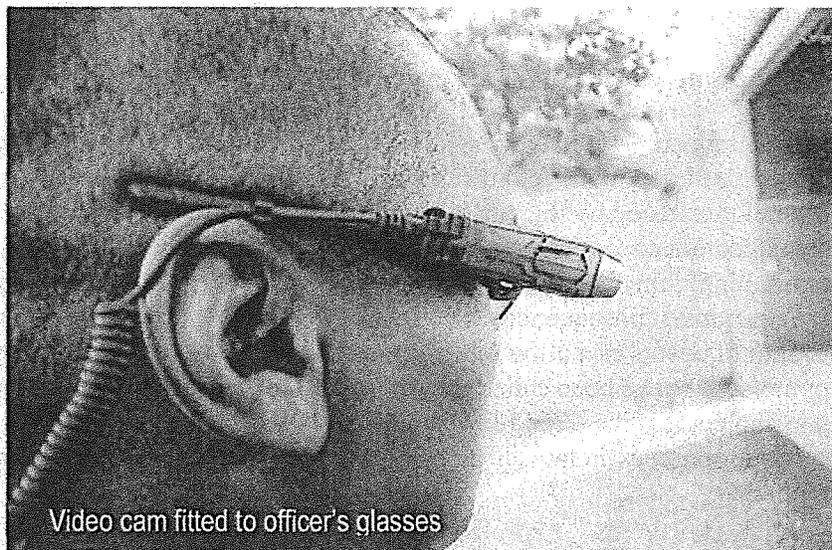


Photo by Mark W. Clark.

### Funding the Technology

Any discussion of acquiring new audiovisual technology inevitably leads to questions about affordability and funding. Price varies according to what type of system is being acquired, but the technology can only get better and cost less over time. On-officer recording systems cost between \$500 and \$1200 each and the benefits are well worth the cost. In addition to the benefit of accurate evidence collected at the scene of an incident, these devices can also be used for preparing reports, assessing officer performance and training. A modern law enforcement agency must take advantage of innovation that can reduce its liabilities and increase citizens' trust. The Grand Jury believes that on-officer cameras will become an integral part of policing, now and in the future.

Los Angeles' funding model could be replicated by other cities to purchase cameras in spite of tight local budgets. The city is currently testing hardware loaned by manufacturers to the police department at no cost. The city also turned to private donors in the community and was able to raise more than a million dollars from local executives and businesses to pay for six hundred body cameras. Federal grants are also available. San Francisco PD received one such grant for \$250,000 and will be using it to equip some fifty of its officers with a camera light enough to clip to the bill of a cap or a shirt lapel.

Other federal grant sources include these:

- Department of Justice, Bureau of Justice Assistance

- COPS: Community Oriented Policing Services
- Department of Homeland Security
- The Public Safety Foundation of America

During an initial contact between a citizen and a law enforcement official, be it a domestic violence call or a mundane traffic stop, the situation can be tense. A police officer might feel threatened by the citizen's words, demeanor or actions. Citizens may feel unfairly singled out and worried about the legal ramifications of the contact. Emotions can run high, things may be said that are later denied or forgotten, and the end result can have negative consequences for all parties. Video recording provides an unbiased account of events that allows citizens and others to view what actually occurred during encounters that have been called into question. After reviewing the literature and information available, it is the Grand Jury's opinion that officer-worn cameras represent the pinnacle of transparency in law enforcement: transparency leads to trust and benefits the entire community.

## **FINDINGS**

- F1. On-officer cameras have been found to reduce citizen complaints and increase officer safety, but only three law enforcement agencies in the county are using these cameras.
- F2. Financial constraints are the reasons most cited by the law enforcement agencies that have not purchased modern audiovisual equipment.
- F3. As of this report, the Sheriff's Department has not expressed an interest in purchasing body cameras.

## **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.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Marin County Board of Supervisors to Findings F2 and F3 and to Recommendations R1 and R3
- City Councils of Larkspur, Corte Madera, San Anselmo, San Rafael, Mill Valley, Novato, Ross, Sausalito, Fairfax to Recommendation R2

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

From the following individual:

- The Sheriff of Marin County to Findings F1, F2 and F3 and to Recommendations R1 and R3

## BIBLIOGRAPHY

- "The In-Car Camera Project," A National Study on the Use and Impact of In-Car Cameras
- Article from the New York Times, August 13, 2013: "Police Body-worn Cameras Stop-and-frisk Judge Suggested have helped Rialto Police Department," by Nancy Dillon
- Article from the Salt Lake Tribune, November 15, 2012: "Forget dashcams, Salt Lake City Police Chief Has Faith in Eyecams," by Janelle Stecklein
- Article in the San Francisco Daily Journal: "LAPD Body Cameras Could be Blueprint for Other Cities," November 13, 2013, by Hamed Aleaziz
- Article in the San Francisco Chronicle, "SF Police Seek Cameras to Capture Whole Picture," by C.W. Nevius, November 21, 2013
- The Police Chief, the Professional Voice of Law Enforcement: "The In-Car Camera: Value and Impact," August 2004, by Lonnie Westphal, Chief (Retired)
- Santa Barbara County Grand Jury Report: "Grand Jury Endorses Patrol Vehicle Cameras," 2011-2012

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

## APPENDIX A

### Survey Questions

1. Does your department use any of the following equipment?
  - a. License Plate Readers? Yes \_\_\_\_\_ # of units \_\_\_\_\_ No \_\_\_\_\_
  - b. Body Cameras? Yes \_\_\_\_\_ # of units \_\_\_\_\_ No \_\_\_\_\_
  - c. Mounted In car cameras? Yes \_\_\_\_\_ # of units \_\_\_\_\_ No \_\_\_\_\_
  - d. Other types? If so, what kind?
2. If the answer is no to all of the above, please explain why that is the case, and whether you plan to add such equipment in the future.
3. If yes to any of the above, please describe the types and cost of the equipment per unit.
4. If yes to any of the above, what is the procedure for reviewing and storing audio/visual records? How long is the record retained?
5. If yes, have the number of complaints about officer conduct decreased since installing this equipment? Do you keep records of these complaints?