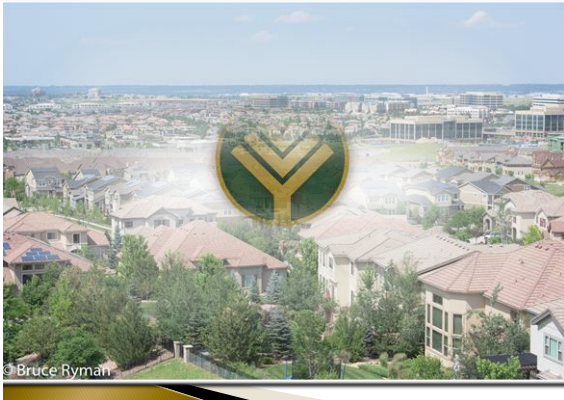


Body Cameras in Law Enforcement Considerations and Establishing Policy

CML Conference
June 23, 2016
Ron Pinson



City of Lone Tree



- ▶ City live-in population 12,500
 - Daytime population approx. 65,000
- ▶ Home to Park Meadows Shopping Resort
- ▶ Intersection of I-25 and C470
- ▶ Five Light rail stops
- ▶ 49 sworn officers
 - 36 assigned to a Patrol function



Prior to Implementation

- ▶ All Patrol Vehicles outfitted with Dash-Cams
 - Identified Issues w/Dash-Cams
 - Distance away from incident
 - Microphone issues
 - Data Storage and retrieval
 - Equipment cost \$4,500 each



Desired Results

- ▶ Resolve issues around Dash-Cam recorders
- ▶ Documentation of events from officer point of view
- ▶ Manageable data storage
- ▶ Mutual accountability

BWC Testing

- May 2011
 - Original version of system
 - Results – system not a fit for Lone Tree Use
 - Too bulky and safety issue with cords
- July 2012
 - Second generation
 - Mounted to lapel or glasses
 - Good Results but had some issues
 - Community not accepting
- Study indicated system usage resolves many issues surrounding Dash-Cams



Storage

Cloud

- Pros
 - Includes metadata and audit trail
 - Organizational tools for data
 - Electronic share capabilities with audit
 - Software upgrades
- Cons
 - Cost
 - Security Concerns



Storage

Internal

- Pros
 - Storage in house
- Cons
 - No metadata
 - Software development necessary
 - Data management issues
 - Internal IT support necessary
 - Limited audit trail



What Drives the Cost?

- ▶ Camera/Equipment
- ▶ Storage Systems
- ▶ Software Licenses
- ▶ Maintenance
- ▶ Personnel Time
 - Officer
 - Data Management
 - IT support
 - Evidence Management
 - External Releases (redaction)



Cost Analysis Study

- ▶ 3 Year Estimate
 - Cloud Based
 - \$289,403
 - Server Based
 - \$579,203



Initial Purchase

- ▶ First Agency in Colorado to have all Patrol officers with BWC (December 2013)
 - 36 cameras to outfit all uniformed patrol staff
 - Cloud based storage
 - 5 terabytes of storage per year
 - Cost \$20,172 for storage and license fees



Policy Development

- ▶ Study phases – policy used went along with Dash-Cam policy
- ▶ Use of Best Practices
 - PERF <http://www.policeforum.org/free-online-documents>
 - IACP <http://www.aele.org/iacp-bwc-mp.pdf>
 - ACLU <https://www.aclu.org/police-body-mounted-cameras-right-policies-place-win-all>
- ▶ Policy continues to be evaluated



Policy Development

- ▶ Critical structure to meet desired effects
 - Best Practices
 - Organizational Values
 - Employee Involvement
 - Citizen Involvement
 - Legal considerations
 - Retention schedule development
 - Use of Cameras
 - When, Where and Documentation
 - Audit of system



Colorado H.B. 15-1285 Body Worn Camera Study Group

- ▶ Six Questions
 - When Cameras are required to be turned on;
 - When Cameras must be turned off;
 - When cameras may be turned off;
 - When notification must be given;
 - When consent of another person is required;
 - Enforcement and legal remedies available to the public when policy is not followed

When cameras are required to be turned on?

- ▶ Manually activated at the initiation of any law enforcement encounter with member(s) of the public where;
 - there is potential for enforcement and/or criminal investigation,
 - and any other encounter that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

When cameras must be turned off?

- ▶ BWC is activated it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded.
- ▶ Special Circumstances
 - When interacting with *crime victims*,
 - *medical/patient privacy* is warranted,
 - in *schools*,
 - when an individual wants to *anonymously report a crime*,
 - or when interacting with a *confidential informant*.
- ▶ Illegal clandestine audio recording of a private conversation is prohibited by law as described by state wiretapping and eavesdropping statutes.

When cameras may be turned off?

- ▶ To avoid recording *personal information that is not case related*,
- ▶ *work on an unrelated assignment*,
- ▶ *when there is a long break in the incident/contact that is not related to the initial incident*,
- ▶ and in *administrative, tactical and management discussions*.

When notification must be given?

- ▶ Officers have the discretion to advise citizens they are being recorded, but if asked, officers shall advise citizens they are being recorded.
- ▶ Crime victims, persons wanting to anonymously report a crime, and confidential informants are an **exception** to the above statement and should be notified when they are being recorded as soon as it is safe to do so.

When consent of another is required for use of the camera

- ▶ Consent is not required
- ▶ Crime victims, persons wanting to anonymously report a crime, and confidential informants should be notified that they are being recorded as soon as it is safe to do so;
 - Unless the officer determines a legitimate law enforcement reason requires recording.

Enforcement and legal remedies

- ▶ Failure to follow policy
 - Compliance or any failure to comply with the policy of the respective law enforcement agency is considered relevant evidence, as long as such evidence is otherwise admissible.
- ▶ All civil and criminal sanctions available to the public may be used

Study Group Additional Concerns

- ▶ Public access to BWC recordings
 - Timing of disclosure of recordings;
 - Limits on the use of publicly disclosed recordings;
 - Data retention and security
 - Privacy issues



Retention

- ▶ Colorado Records Retention Schedule
 - 100.080(AA) Police Records – Video Recordings
 - 30 days, except that portions of recordings relating to specific cases **may** be captured separately and retained as part of case record.
- ▶ Rule 16 Discovery
- ▶ Retention for duration of case



Lone Tree's Retention

- ▶ Nonevent – 60 days
- ▶ No Case Number – 120 days
- ▶ Traffic Summons – retained through duration of case and appeal process
- ▶ Case Report – duration of case and controlled by Municipal retention schedule
- ▶ Uncategorized – 365 days
- ▶ Restricted – indefinitely



Side Effects

- ▶ Evidentiary
 - Requires storage and retrieval
 - Time to manage
 - Discovery methods
 - Chain of Custody
- ▶ Release to Public (Criminal Justice Record)
 - Privacy Issues?????
 - ? Contrary to Public Interest ?



Side Effects

- ▶ New age of technology
 - Reports lacking detailed information
 - (See video for details)
 - Fear of "if not on video it didn't happen"
 - Prosecutor preparation for cases
 - Multiple views of event

Practical Usage of System

- Organizational Training
- Turning on and off
- Marking of video
- Uploading video
- Data management
- Retention system



Use of Videos

- ▶ Criminal Cases
 - Discovery process
 - Courtroom
 - Chain of Custody
- ▶ Civil cases
 - Public release of information
 - Court orders
 - Privacy concerns - medical information

Use of Videos

- ▶ Internal Affairs
 - Reduced time on complaints
 - Fewer unsubstantiated cases
 - Policy development
 - Training
 - Employee development
- ▶ Civil Liability for the City and Department



Use of Videos

- ▶ Officer initially was **very rude** to him.
- ▶ Mr. ++++ said when the officer asked him for his registration, he opened his glove box and the officer saw a jar and a baggie containing marijuana. Mr. ++++ stated that the officer **took the jar and baggie containing marijuana** and asked him to step out of the car.
- ▶ Mr. ++++ said that when he got out of the car, the officer **slammed him into the hood of his car** and **placed him into handcuffs** for no reason.



Use of Videos

- ▶ Mr. ++++ said the officer put the handcuffs on him and kept **squeezing them into his wrists**. Mr. ++++ then said the officer asked him to perform voluntary roadblocks and when he agreed, **the handcuffs were removed**.
- ▶ Mr. ++++ said while he was performing the roadblocks, the officer made him hold his foot in the **air for 5 minutes**. When Mr. ++++ couldn't perform the maneuver, the officer put him **in handcuffs again**.
- ▶ Mr. ++++ said he was walked to the patrol car and as he was placed in the backseat, the **officer punched him** in the gut.
- ▶ https://cityoflonetree.evidence.com/?class=UIX&proc=Login&return_url=%2f%3fcl%3dUIX%26pr%3dDashboard



Questions ?

Ron Pinson
Ron.Pinson@CityofLoneTree.com
720-509-1154



CITY OF LONE TREE
