In-Car Video Project Development White Paper

With Thanks to the Eugene Police Commission

Proudly provided by:

USAT Corp.
104 S. Estes Dr. Ste 202
Chapel Hill, NC 27515
www.usatcorp.com
888-550-USAT
Background

Video cameras in police patrol vehicles are becoming standard equipment for many police agencies.

Improvements in technology have helped overcome many of the initial technical, safety, expense and logistical issues experienced when police in-car video systems were first introduced. Over the past decade, video systems have proven beneficial in several areas, including the provision of:

- an accurate representation of an event (both video and audio) for evidentiary purposes/court use
- unbiased documentation of statements and events
- potentially reducing number of he said/she said complaint situations
- potentially providing for more timely resolution of complaints and requiring less staff time for investigation
- officer safety benefits through de-escalation of events (people less likely to act out if they know their behavior is being recorded) and from use of videos for academy and in-service training purposes

Anecdotal information from other communities suggests that use of in-car video can help build community confidence in its police department by demonstrating willingness to record officer actions and through the ability to view recorded incidents when questions arise.

Reductions in the number of certain types of complaints (primarily use of force and racial profiling complaints) and in officer time in court have also been observed.

Equipment and environmental limitations that preclude recording all situations where video would be beneficial should also be noted. The distance from the patrol vehicle at which the equipment can still capture video/audio, camera angles and picture span, and the variability in location and type of police contacts are among some of the factors that limit the ability to record all police contacts. The committee noted that video is not a panacea that can ultimately prove or disprove every allegation of misconduct or prevent criminal behavior.

The Eugene Police Department has had some experience with videotape (VHS) camera systems, including in-car video equipment installed in a patrol vehicle funded by Mothers Against Drunk Driving and used for DUI enforcement in the early 1990's, and then the later purchase of 23 video units for patrol cars. These units were installed in police vehicles without requisite training or guidelines for their use, causing a level of uncertainty and discomfort for officers. They were only sporadically used and maintained and, over time, the cameras fell into disrepair (whether due to technical malfunction and equipment design flaws, damage to equipment, or a combination of both was not determined).

In addition, significant technological advances have been made in the area of in-car video equipment, making it of dubious value to attempt to revive the now-outdated system. Despite the failure of this initial program, the department agreed that video systems in patrol cars would be a high priority, but it would wait until a more reliable system was available before re-instituting the program. Currently,
one digital camera is on loan from one of the system vendors as a demo unit and is in operation on patrol.

Today's in-car video camera vendors are almost exclusively marketing digital systems. These systems offer a variety of technical and logistical advantages over VHS systems in terms of data capture, transmission, storage and indexing. However, there will be some issues associated with any new video system installed, including privacy concerns for some members of the community, legal issues around data retention, and policy issues for when and how the system is used.

As with any new digital product, there are issues about purchasing systems in an environment where the technology continues to advance and improve. Any system purchased will carry a staffing burden for system selection, installation, and training. Longer term, there will be staff time required for system and data management. Lastly, on-going maintenance and replacement costs should be considered.

Over the past several months, several video system vendors have demonstrated their products to a group of EPD staff and several Police Commission members. Additionally, site visits to other communities that have successfully implemented in-car video systems in their organizations, most notably Yakima and Seattle, Washington, have been conducted.

Confident that highly functioning video systems are in place and having identified a potential funding source, the department is moving forward with a proposal to outfit its patrol vehicles with digital cameras. In total, the purchase of 41 cameras would be necessary to equip all officer and supervisor patrol vehicles (this would not include school resource or airport officers, detectives, or command staff). It is estimated that each unit will cost about $7500 installed. This cost estimate does not include hardware and software needed for uploading and storage, or on-going staffing needs.

Several decisions that will refine the scope of this project have yet to be made by the department. These include technical issues regarding the data quality standards, preferred upload methods, and the type of data management system at the back-end. Several procedural issues related to specific responsibilities of officers, supervisors, and a program supervisor are outstanding and may not be resolved until a specific system is selected. In the meantime, research on vendors, products, and other communities’ experiences with in-car video system implementation is continuing.

The In-Car Video/Audio Recording System Policy Committee was formed at the September 2004 Police Commission meeting to assist the police department in creating a policy for the new program. Committee chair Maurie Denner and members John Ahlen, John Brown, and Angie Sifuentez were charged with reviewing background information, identifying key issues to be addressed in the policy, and providing feedback to the department on policy drafts. The committee held four separate meetings in November and December, 2004 before presenting a draft policy to the Police Commission for review.

As part of the review process, the committee consulted with Lt. Pete Kerns, who is overseeing the research of equipment options and applications for funding, and Officer Nate Pieske, who currently uses a pilot digital video system while on patrol. City Prosecutor Dan Barkovic also attended meetings and shared his experience and perspective on the use of audio and video recordings as
evidence in court proceedings. Officer Willy Edewaard provided input on the draft policy to the committee on behalf of the Eugene Police Employees' Association.

The committee used these comments, plus the most recently revised version of the International Association of Chiefs of Police (IACP) model policy on in-car video systems, to work with policy analyst Ellwood Cushman to create a draft policy (General Order 301.4 - In-Car Video/Audio Recording System). The committee also looked at policies used by other agencies and received a number of articles about the pros and cons of in-car video technology and its uses as a policing tool as additional background information.

In addition to required committee work, many of the committee members attended presentations made to the Eugene Police Department by variety of digital in-car vendors. Ride alongs with Officer Pieske and a review of actual footage captured on patrol were other resources available to committee members.

Key Policy Issues - General Order 301.4

In-car video and audio recording systems can provide objective evidence to document traffic and criminal violations, can enhance officer safety and assist in the timely resolution of inquiries and complaints from community members.

To help realize these benefits, the committee focused on policy issues related to when video/audio would be captured, protecting the integrity of the data, and access to and use of the recordings. Many of these policy issues are tied closely to the technology selected by the department, as well as the personnel and financial resources needed to acquire and maintain the equipment and data.

1. Data Capture

Digital video systems can be activated both automatically and manually from either inside the patrol vehicle or via the microphone worn by the officer. Vendors offer different options for when activation occurs, but at a minimum, the systems are triggered when the vehicle is in emergency operation mode. In addition to automatic activation, the policy requires the officer to record the following situations (see Part I B, Section 2):

- Any emergency response to a call for service where emergency lights and/or sirens are not used
- During vehicle pursuits
- Vehicle stops
- Any portion of a person stop that is made within range of the video equipment
- Situations when a person is in police custody and is either being detained or transported in the patrol vehicle
- Stranded motorist assists
The policy further allows officers to record other official contacts including "enforcement-related street encounters" that do not rise to the level of a person stop, transports of persons who are not in custody, and any other duty-related situation where a video/audio recording of that event could prove beneficial. In situations where multiple units respond to a scene, "all equipped vehicles which are in a position to record the incident should do so" (see Part I B, Section 7).

Oregon law requires notification of two-party audio recordings; however this requirement does not apply to video. The draft policy states that officers should advise the person contacted that the incident is being audio and visually recorded (see Part I B, Section 5).

Termination of video is normally done manually at the completion of an event. Officers are directed to verbally record the reason for terminating data capture if done so before an incident is complete (e.g., directing traffic for an extended period of time). Supervisors may direct that a recording be discontinued in limited circumstances. Part II A states that supervisors should not:

"...direct that the recording of an incident be discontinued...except in an exceptional situation where the value of continuing the recording is clearly outweighed by other factors in the particular situation (e.g., protecting a victim's privacy)."

2. Integrity of Recording

The integrity of in-car video and audio recordings is crucial to the usefulness of the data for evidentiary purposes and for resolving misconduct allegations. Committee members expressed support for system features that identify the unit involved and time/date each incident was recorded, and which have internal auditing capabilities that would track any system changes or modifications to the recordings. Additionally, the policy outlines several procedures to help safeguard the equipment and data captured such as:

- Ensuring that when the system is in operation, the AM/FM radio and other non-essential electronics are turned off to avoid interference with the audio recording (Part I B, Section 9)
- Prohibiting attempts to alter, erase, modify or tamper with recordings (Part I C, Section 5)
- Limiting access to the original system files to designated department personnel (Part I D, Section 1)

3. Access to and Use of Recording

To protect the integrity of the recordings, access to the original digital video will be restricted. However, it is understood that several entities will want to have access to copies of recordings for a variety of internal purposes, including court proceedings, complaint investigation, training, and employee performance management. External requests from media, defense attorneys, and involved parties are also expected. Specific protocols for handling such requests have not yet been developed as
they are dependent on personnel decisions regarding program management and a review by the City Attorney to ensure that release of information is consistent with public records law. The policy dictates that recordings will be retained for a minimum length of time as required by OAR 166-200-0100 and will normally be retained for seven months. The policy sets forth longer retention periods for recordings relevant to:

- court proceedings,
- internal investigations,
- use of force incidents,
- incidents that are the subject of a tort claim notice,
- and unresolved public records requests (see Part I D, Section 4).

The policy cross-references to General Order 308.33 - Videotaping of Situations and Events. Recordings that have passed their retention period will be purged.

Use of recordings for employee performance management and training purposes is clearly recognized as a value to the organization. Other agencies have adopted a wide range of practices for when supervisors can review video for evaluating employees’ performance, from requiring random review of video to prohibiting such actions.

The current policy encourages supervisors to periodically review contacts made by probationary employees and enables Field Training Officers to review contacts made by their recruits (see Part II A, Sections 1 - 4). Decisions around auditing non-probationary employees and what action will be taken if officer misconduct is discovered when reviewing evidentiary recordings have not yet been made. The committee has agreed to discuss these issues further to provide a recommendation to the Chief.

Findings and Outstanding Issues

In addition to the proposed policy, the committee has considered a number of issues that relate to the acquisition and implementation of in-car video and audio technology. The In-Car Video/Audio Policy Committee urges the Police Commission make the following recommendations to the department:

- **Number of vehicles with cameras** - the committee recommends that all marked units used for patrol are outfitted with digital video cameras. Additionally, the committee recommends the installation of cameras in patrol supervisor vehicles to provide another view of dynamic incidents that the sergeants respond to for guidance and back-up to officers. An additional unit should be included in the purchase to be used as a replacement when a system is under repair. Looking to the future, as technology and resources allow, digital recording of traffic stops made by the traffic enforcement unit (motorcycle officers) should be explored.
- **Pre-event recording** - (Retains video captured just prior to a system activation to allow review of actions/violations that preceded event in addition to the incident itself) the committee believes that this is a valuable feature of digital video systems and should be required in any system selected for evidentiary purposes. A minimum of 30 - 45 seconds of pre-event recording is recommended subject to further review by department managers. The committee believes that audio is not necessary during pre-event recording as all dispatch transmissions are already captured.

- **Resource implications for project implementation, equipment maintenance, and data storage/management** - the committee recommends that on-going costs of additional FTE are included in the funding proposal to ensure adequate staffing for project implementation and system management. The committee recommends that at least 0.5 FTE be allocated to ongoing management of the equipment and data and acknowledges that the department may need to allocate additional staff for project initiation.

- **Training** - is an essential component to the success of this project. Proper and thorough training will help ensure that procedures for operating the equipment are understood and implemented successfully and that the objectives for documenting incidents via video technology are clear to officers.

- **Technology Selection** - the committee recommends that the following values be clearly articulated in the request for proposal (RFP):
  
  - the quality of video captured should be of the highest possible standard,
  - that the systems are designed to protect the integrity of data captured;
  - vendor can demonstrate that the systems are reliable and durable;
  - that the system selected will have robust internal auditing capabilities;
  - the technology will meet IACP minimum standards, be expandable, and allow for upgrades and improvements as technology changes;
  - that the vendor offer a plan for equipment servicing and repair;
  - and that a performance bond is included in the contract

- **Continuous vs. Event-Triggered Recording** - There is at least one agency that records the officer’s entire shift regardless of the type of incident or value of the data to ensure a full accounting of patrol activities. This also helps avoid lapses in data capture due to human error. For those agencies that use event-based recording as the current draft
policy describes, an average of 2-4 hours of video is captured per shift. Therefore, continuous recording would increase the data management and storage requirements by at least three-fold. On its face, the committee felt that the costs of continuous recording would not outweigh the potential benefits. The committee was also concerned that recording the entire shift could cause privacy concerns and have an adverse impact on community policing goals if all non-enforcement contacts began with an advisement that the conversation was being documented.

When the committee presented its recommendations to the Police Commission, the question of whether the department should pursue continuous recording was raised again. The committee met on January 26th and had a fuller discussion on this topic. At the conclusion of the meeting, the consensus of the committee was that event-triggered recording was the preferred option, citing the following reasons:

- recording all contacts raised privacy and confidentiality concerns and would have a chilling effect on crime victims and others who would not normally approach the police
- continuous recording would have a significant cost impacts due to:
  - increased data storage/server size requirements
  - increased personnel time for record retrieval due to loss of incident-based file management capabilities
  - uploading larger data files will take longer, reducing officer time on patrol; additional data transfer stations may need to be purchased to make the upload process more efficient during patrol shift changes
  - there may be additional technology constraints for the type of upload system needed to handle larger data files

The committee also acknowledged that some of the technical and cost issues associated with full shift recording may decline in the future as the technology continues to improve and data storage becomes less expensive. The committee therefore recommends that the Police Commission:

- provide conceptual approval to the current draft policy for event-triggered recording;
- request that when developing the RFP, the department require vendors to provide information for both event-triggered and full-shift recording so that the most current information is available for decision-making on this point;
- that the Police Commission request an evaluation of the in-car video system one year following implementation to assess if the policies and procedures are working as intended and determine if there are types of incidents that should be recorded that, under the current policy, are not being captured.