



# San José Police Department

## Body-Worn Camera Program Executive Summary

### 1. Introduction

#### 1.1 Purpose

The purpose of this Executive Summary is to provide a reference document that includes the history, development and implementation of the San José Police Department's Body Worn Camera (BWC) Program. This document is published for members of the public as well as allied police agencies. As the BWC program is still in-process, the Department anticipates some of the information in the Executive Summary will change as the program evolves through procurement, implementation and sustainment.

### 2. Background

#### 2.1 Program History

In November 2013, the San José Police Department created the BWC Committee to work with various internal and external stakeholders as the Department drafted a work plan, policies and procedures to incorporate BWC's as standard issue equipment for all officers. The BWC Committee is comprised of members of the Department of various ranks, the San José Police Union, the Community, the District Attorney's Office, City Purchasing and the City Attorney's Office.

#### 2.2 Goals

The goals of the BWC Committee are to provide the Department, City Council and the Community with information on BWC's, the development of comprehensive BWC policies, the evaluation of BWC systems, the procurement of a BWC vendor and the implementation of a BWC Program for the Police Department.

#### 2.3 Structure

Due to the number of participants and the scope of the project, the BWC Committee was further broken down into three sub-committees called Working Groups:

- 2.3.1 Operational Working Group to review body camera products, procurement and selection;

- 2.3.2 Policy Working Group to work as a liaison with various stakeholders and the City Attorney's Office to develop a comprehensive policy; and
- 2.3.3 Technical Working Group to review storage requirements and needs, data security and data transfer protocols

The BWC Committee's direction was to meet once a month to discuss progress and share information. Each working group was directed to meet twice a month. Research and Development, Office of the Chief, is the Department liaison with vendors, the overall BWC Committee and the Working Groups.

## 2.4 Full-Time Staff

In June 2015, the Department dedicated two full-time, sworn staff to the BWC project and formed the BWC Administrative Unit.<sup>1</sup> The Unit, consisting of one lieutenant and one officer, is responsible for the overall management, communication, and coordination with various Department Bureaus to conduct research and outreach, launch a field test, collaborate with the City Purchasing during procurement, and oversee the training and deployment of BWC's for the Department.

The BWC Administrative Unit recommends the Unit's personnel be expanded by the time the City has awarded a BWC vendor with a contract. As the Department is fully committed to a Department-wide deployment, it will be critical for consistency and experience to have a team of personnel assigned to the project prior to deployment. This initial team of personnel for training and deployment will likely be current staff who will be reassigned to the BWC Program.

Equally important is having permanent staff to manage the program. Other large California law enforcement agencies have permanent staff assigned to their BWC Programs for ongoing administrative management, legislative review and impact, policy revisions, coordination with City offices, officer training, responding to public record requests, evidence management, external outreach, and other program management duties.<sup>2</sup> The number of staff needed to manage the BWC Program to a level of successful sustainment is being evaluated by the BWC Program Manager, in collaboration with the Police Fiscal Unit, and will be part of the 2016-2017 Police Department Budget Proposal to the City Manager's Office for consideration in light of the City's current fiscal condition.

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<sup>1</sup> Lieutenant Elle Washburn #3538 and Officer Robert Forrester #3876.

<sup>2</sup> The San Diego Police Department and Oakland Police Department both have BWC deployment in excess of 500 cameras and have dedicated staff to their respective BWC Programs.

### 3. Messaging Plan

The most effective means to institute the significant changes that accompany a full deployment of BWC's is to develop the support for the program by all stakeholders affected by the change. This support is developed through consistent, open communication and educating those affected by the BWC program.

The BWC Administrative Unit met with the City Manager's Office Communication Staff, to develop the *San José Police Department- BWC Messaging Plan*. The plan's outline is two-fold. It has an internal component to address Department members and an external component to address members of the public who also have a vested interest in the success of the program, its policy and implementation.

#### 3.1 Internal

The internal communication goals were to 1) educate officers on the use and features of cameras, 2) describe how cameras will enhance their job performance through evidence collection, 3) solicit feedback from officers during the field test, 4) inform officers how cameras will increase public trust through accountability, and 5) educate officers on studies where cameras reduce the number of citizen complaints through providing an objective record of citizen contacts.

The internal messaging plan was accomplished by utilization of various mediums ranging from in-person demonstrations, the Department's internal network to post videos and related articles as well as Department-wide correspondence.

#### 3.2 External

The external communication goals were to 1) educate the public on BWC's anticipated benefits as well as potential limitations, 2) solicit feedback for policy development, 3) provide a forum whereby the public can express concerns over the program, 4) provide timely program updates, 5) make BWC reports and resources readily available, 6) educate the public on growing trends pertaining to BWC's (e.g. pending legislation or legal challenges faced by agencies with cameras deployments), and 7) articulate the public how cameras can enhance public trust through oversight and accountability.

The external messaging plan was accomplished through various mediums including:

- 3.2.1 Utilization of the Media Relations Unit (MRU) to liaison with local news stations for updates and media events,
- 3.2.2 Creation of the email address: [Bodycameras@sanjoseca.gov](mailto:Bodycameras@sanjoseca.gov) where anyone can email suggestions, concerns, opinions or constructive feedback.
- 3.2.3 A BWC Page within the Department's external website, SJPD.org, where members of the public could access:

- The BWC Policy in English, Spanish and Vietnamese.
- The BWC Timeline.
- Public Version of 'BWC Roll-Out Video'
- Related news reports or articles.
- Program updates.
- Related resources such as FAQ's.
- A multiple-choice survey for anyone wanting to provide feedback on the program.
- A multiple-choice survey for any member of the public whom have had an opportunity to engage an officer wearing a BWC.
- 3.2.4 In-person meetings and scheduled open houses including, but not limited to:
  - SJPD Chief's Community Advisory Board
  - City of San José Office of the Independent Police Auditor
  - City Attorney's Office
  - Santa Clara County District Attorney's Office
  - San José Police Officer's Association (SJPOA)
  - Santa Clara County Mental Health Community via the SJPD's Crisis Management Unit (CMU)
  - The National Association for the Advancement of Colored People (NAACP)
  - City of San José Neighborhoods Commission
  - Leadership San Jose (San Jose Silicon Valley Chamber)
  - Community Based Organizations
  - Presentation to City Council and the Public Safety, Finance and Strategic Support Committee
  - Presentation to the City Manager's Office Issues Working Group
  - Santa Clara County Sheriff's Office
  - Lesbian Gay Bisexual Transgender (LGBT) Community

#### **4. Timeline**

The Department's goal is to initiate deployment of BWC's by the end of June 2016.

##### **4.1 Challenges**

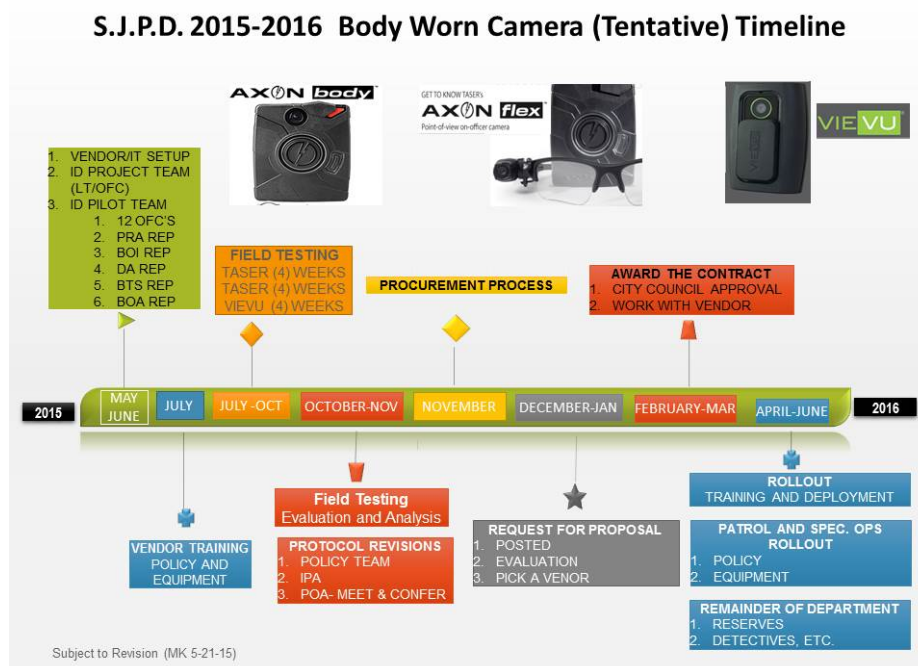
The timeline may be affected by any step of the process taking longer than anticipated to complete. The two milestones that may vary widely will be the amount of time required for procurement and the time required to train and outfit officers.

Historically, the procurement process for a technological project of this size can take several months as the process requires the coordination of City Purchasing, multiple

Police Department Bureaus, City Attorney's Office, City Information Technology and the City Council's final approval.

With current staffing levels, the Department will face challenges with meeting the release time needs to attend training while maintaining core services and state-mandated training (e.g. Continuing Professional Training (CPT), Field Training Officer programs, Crisis Intervention Training programs, Academy Training, etc.).

Figure 4.2 Timeline



## 5. Body Worn Camera Policy

The San José Police Department's BWC Policy is a product of two years of research, collaboration with various stakeholders, meet and confer with the police union and consultation with the City Attorney's Office. The BWC Policy was tentatively agreed upon in May 2015 by the City, the Police Union and the Police Department.

The policy addresses many areas from BWC use to evidence management to Officer-Involved Incidents (including officer-involved shootings). The policy was intended to not only provide policies and procedures during the Field Test but also full deployment of body cameras.

The BWC Administrative Unit has been proactively soliciting feedback as the policy is considered a living document that may undergo revisions as the Department evolves through the following stages: Field Test, procurement, deployment, training, ongoing outreach and maintaining a large-scale BWC project.

## **6. Video Retention**

The BWC Program's video recording retention schedule has been established in conjunction with the San José City Attorney's Office. Currently, the City's retention schedule for video recordings is one year. This policy is based upon California Government Code 34090.6<sup>3</sup>.

Should the video recordings become part of a criminal, civil or administrative investigation, the video recordings will be considered evidence and will then be subject to the applicable statute of limitations as regulated by the State of California or the California Police Officers' Bill of Rights<sup>4</sup>.

Once video recordings have satisfied required retention schedules, the files will be set for destruction in accordance with the law and in consultation with the City Attorney's Office. The BWC Administrative Unit will provide oversight into the destruction of video recordings and ensure only those files authorized for destruction will be permanently deleted. The destruction of unnecessary video recordings will ultimately reduce the amount of video storage required, thus reducing applicable storage costs. Any file that is destroyed as scheduled should have a record of such destruction for audit purposes.

## **7. Field Test and Evaluation**

In July 2015, the San José Police Department initiated a Field Test of BWC's within the Bureau of Field Operations. Approximately fifteen officers volunteered to test and evaluate three types of cameras between July and October 2015. The purpose of the Field Test was to evaluate body camera features available on the market, different types of evidence management systems as well as determine the capacity of the

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<sup>3</sup> 34090.6 (a) Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

<sup>4</sup> Cecil Marr and Diane Marchant, *Pocket Guide to the Public Safety Officers Procedural Bill of Rights Act*, (Berkeley, CA: Regents of the University of California, 2012).

Department to execute a full deployment based on current staffing, resources and infrastructure.

The Department did not collect statistical data (i.e. complaint clearances, use of force incidents, etc.) regarding the effectiveness of BWC's during the Field Test. There are, however, a number of studies that have shown body cameras reduce complaints, worker compensation claims, lawsuits and use of force incidents. The Department does intend to develop some statistical data upon full deployment of body cameras.

### 7.1 Structure

The Field Test was designed to be approximately three months in length. Patrol officers from the Bureau of Field Operations volunteered to test the camera systems. Of the volunteers, one was assigned to Special Operations, and one tester was a sergeant assigned to patrol. Each officer evaluated three primary criteria: 1) hardware ease of use, durability and reliability; 2) evidence management capabilities; and 3) integration and comfort.

### 7.2 Cameras Tested

Each officer wore the following cameras and evaluated the corresponding evidence management systems for a period of one month each:

- 7.2.1 Taser Axon Body and Taser Axon Flex with a cloud storage solution called Evidence.com housed within the Amazon Cloud.
- 7.2.2 Vie Vu LE3 with a cloud storage solution called Vie Vu Solution housed within the Microsoft Azure Cloud.

Both cloud solutions offered secure storage of the video evidence with some type of audit trail for chain of custody and evidence standards.

### 7.3 Officer Feedback

Each officer was instructed to complete an online survey at the conclusion of his/her workweek. The survey had twenty-five, multiple-choice questions, and each question provided the officer ample space to articulate their feedback. The responses for each survey question varied based upon the type of camera tested and the individual end-user.

The weekly survey provided valuable feedback that contributed to the procurement process; specifically the officer's evaluation of the hardware, evidence management system as well as integration and comfort. This feedback helped to identify several hardware needs and system requirements for the development of the Request for Proposal in the procurement process.

In general, officers took some time to adapt to the new technology as part of their equipment. In the beginning stages of the Field Test, officers found placement of the BWC a challenge as they were not accustomed to the equipment. Muscle memory improved with time, and officers found continued use of the BWC improved their comfort and ability to operate the BWC effectively.

7.4 Model Preference: After evaluating the chest-worn BWC and the ‘point of view’ BWC (eyeglass mounted), most officers preferred the chest-worn models. Those who found value in the ‘point of view’ BWC felt officers should have the option, should an option exist, to select which BWC model they’re ultimately issued.

7.5 Accessibility: All the Field Test officers found the ability to access their own video evidence in the field invaluable. By accessing their video evidence with a handheld device, issued smart phone or iTouch, the officers were able to properly categorize the video evidence and reduce the amount of time otherwise required at the end of shift to enter metadata or review for the purposes of report writing. This flexibility ultimately reduced their end of shift overtime.

7.6 Useful Applications: Overall, the officers found BWC’s a valuable tool for evidence collection, to include statements, crime scenes and criminal activity. Some officers utilized the BWC in the occasional tactical operation. One such use was during a welfare check on a despondent individual threatening suicide. Rather than rushing into a potentially violent situation, officers were able to breach a wall and use the ‘live view’ of the BWC similar to a remote camera to identify the subject’s whereabouts within the room as well as identify if the subject was armed prior to contact.

7.7 Comfort: Lastly, officers developed a sense of security after wearing the BWC for a period of time. The BWC afforded them a level of transparency while engaging members of the public, thus reducing any perceived fear of becoming the subject of a false complaint.

7.8 Cloud Storage Solution: The feedback from the Field Test officers and the Department’s Systems Development Unit all supported the direction to store the video evidence in a CJIS-compliant, cloud solution. The cloud-based evidence management systems tested were sophisticated, specifically designed for law enforcement and allowed for ease of reviewing, annotating and sharing video evidence files as needed with other Department members and the District Attorney’s Office. Because the storage solutions were fully hosted, there was no need for internal infrastructure or staff to maintain or upkeep on-site servers.



## 8. Department Impact

While the full impact of the department-wide BWC program may not be known, the deployment will impact existing Department procedures and current Information Technology systems. Also, any invested time and resources to the BWC Program will be in addition to the Department's current projects, programs and goals.

8.1 The impacted systems include all Department Bureaus:

- 8.1.1. Bureau of Technical Services, where the Systems Development Unit (SDU) is assigned. The police department's Information Technology staff work in the SDU.
- 8.1.2 Bureau of Field Operations, where the largest number of end-users is assigned to patrol and special operations.
- 8.1.3 Bureau of Investigations, where investigators will be accessing video evidence for criminal investigations.
- 8.1.4 Bureau of Administration, where Fiscal Unit, Training Unit, and Central Supply staff will be coordinating with the BWC Administrative Unit for various program functions.
- 8.1.5 Office of the Chief, where Internal Affairs and R&D will be coordinating on BWC Policy.

## 9. Cost

The cost to procure, deploy and maintain a body camera program can vary widely. The closest comparison, albeit on a much smaller scale, is a cell phone data plan; whereby the cost of hardware and data plans varies depending upon the vendor, user, storage needs and contract length.

The most important factor in estimating costs is to look beyond the initial hardware purchase and give consideration to the Department's on-going, hard and soft costs, including annual evidence storage and management as well as personnel costs to run the program. Unlike issuing a standard piece of police equipment, the BWC Program will require resources for initial implementation and training as well as ongoing support for successful sustainment.

The BWC Administrative Unit will be able to estimate cost for the BWC Program as the procurement process advances and staffing needs are identified. In the BWC Request for Proposal process, vendors will be required to provide a cost estimate, for a five-year contract, for approximately 1,000 cameras, related storage costs per terabyte, utilization of a sophisticated evidence management system for each end user, including use of redaction software, training and warranty. The BWC Administrative Unit is working with

the Department's Fiscal Unit to identify the number of staff necessary to deploy, train and maintain the BWC Program. These resource needs will be outlined in the 2016-2017 Police Department Budget Proposal to the City Manager's Office for consideration in light of the City's current fiscal condition.

9.1 The following are factors that may affect the cost of any BWC program, although not inclusive, and the measures planned by the Department to mitigate the associated cost:

- 9.1.1 Type of storage: cloud-based versus localized storage;
  - Cloud-based storage will typically have a price per data file (gigabyte or terabyte), although some companies offer an unlimited data plan (which may be valuable for a large agency deployment);
  - Localized storage will have several hard and soft costs including, but not limited to: staffing, infrastructure, servers, drives, cooling, replacement costs, warranties, software programs, licensing, etc.;
  - In theory, the cost of cloud data storage should reduce over time, much like cell phone data plans today, where the salary and benefits of the employees needed to manage internal storage will continue to grow over time.
  - San José BWC Model: Through the Field Test and Evaluation, the Department identified that a fully-hosted evidence management solution is required for full deployment of approximately 1,000 cameras. [See Section V. Field Test and Evaluation]
- 9.1.2 BWC Policy: The BWC policy is what mandates the use or activation by an officer. The frequency and duration of a BWC activation will directly affect how much video evidence is created;
  - San José BWC Model: Although the SJPD BWC Policy is comprehensive, it does not require officers to record for the duration of his/her shift, unless specific criteria are met as outlined in the policy, as it would create an excessive and unmanageable amount of video evidence.
- 9.1.3 Retention Policies: The amount of time any agency is required to maintain video evidence will have a direct effect on the cost of storage. This can be mitigated should a BWC program opt for an unlimited data storage plan, which is offered by at least one vendor on the BWC market at the time of publication.
  - San José BWC Model: The City of San José's retention policy for video evidence is one year [See Section VIII Video Retention]. While there has been some discussion with the City Attorney's Office to expand the retention policy to two years, the Department recognizes this would substantially increase the cost of data storage. The cost of storage will also be directly affected by the final vendor selection, which has yet to take place, as storage costs vary from company to company.

- 9.1.4 Total Cameras Purchased: The number of officers wearing body cameras will directly affect cost. Cost may be a consideration when discussing which officers will ultimately wear the BWC's.
  - San José BWC Model: The Department is committed to outfitting every officer with a BWC. Not all officers will create the same amount of video evidence, thus the Department is looking to procure a BWC vendor who can offer a per-terabyte or unlimited costing plan.
- 9.1.5 Officer Review: One advantage of some BWC's is the availability to review video files prior to uploading them to the storage solution. This allows officers to review files in the field for the purposes of report writing or conducting follow-up. Should this feature not be made available, the amount of time officers spend reviewing video evidence for report writing purposes at the end of their shift will spike significantly.
  - San José BWC Model: This inherent cost will be mitigated by the ability of officers to view video files in the field, as allowed by the BWC Policy, via a handheld device with corresponding software application. It should be noted that not all officers will have the luxury of time to complete reports during their shift, regardless of the ability to do so, and may be required to wait until they return to the police station to complete them.
- 9.1.6 Video Annotation: The amount of time officers spend annotating their video evidence, in the form of categorization, notes or inputting an incident number, may contribute to overtime;
  - San José BWC Model: The amount of time officers spent annotating their video evidence will be mitigated by auto indexing of the incident number from the Computer Aided Dispatch software. Officers will not be required to add metadata in the field, but may do so to document case notes, etc.
- 9.1.7 Uploading Video Evidence: The amount of time officers spend uploading video evidence can contribute to overtime should the officer be required to wait for the BWC to finish uploading.
  - San José BWC Model: The Department intends to automate the upload process with the utilization of BWC docking stations. Docking stations can effectually eliminate the amount of time an officer must otherwise wait for his/her BWC to upload as he/she can drop the BWC into a docking station and return the following shift.
- 9.1.8 Redaction of Video Evidence: The amount of time staff must spend redacting video evidence prior to release can be extremely time consuming and costly.
  - San José BWC Model: The Department is looking to procure a BWC vendor who can offer auto-redaction. This feature will greatly reduce the amount of time spend redacting thirty frames per second (fps) prior to

release. On-going discussion and analysis is taking place with the City Attorney's Office and Santa Clara County District Attorney's Office over the topic of disclosure and the need to redact.

- 9.1.9 BWC Staffing Costs: Some personnel are required to manage the program and video evidence;
  - San José BWC Model: The Department is looking at staffing the BWC Program with both sworn and civilian staff. Currently, sworn staff is temporarily assigned as the BWC Administrative Unit was recently created to support the program. Long term, the Department is exploring options to civilianize the program. Other staffing models are being considered, such as contract employees and utilization of the selected vendor's training staff.
- 9.1.10 Public Record Requests: Regardless of an agencies disclosure policy, staff will have to spend time responding to Public Records Requests. The San José Police Department receives approximately 5,000 subpoenas for 9-1-1 tapes per year. The BWC Administrative Unit is anticipating a similar number of discovery requests for BWC video files. This number does not include other types of Public Record Requests for BWC files, which will be significant.
  - San José BWC Model: The SJPd is planning to hire one additional analyst who will be responsible for responding to all BWC public record requests.
- 9.1.10 Infrastructure Build-Up: There is an added cost for infrastructure build-up any time a Department has to add to its current Information Technology infrastructure; namely, adding dedicated electrical outlets and pulling Internet data lines. This infrastructure is required to support BWC docking stations, which charge the BWC's and upload the digital media from the device to the cloud.
  - San José BWC Model: The BWC Administrative Unit is working with the Department of Public Works to identify common areas in which the docking stations will be located. To save on cost, the locations will support bundles of docking stations distributed throughout the police campus rather than individual docking stations in every unit as previously anticipated.
- 9.1.11 Training Costs: There will be a cost associated with training all end users of the BWC. This will include the officers who wear them as well as support staff who have a need to utilize the corresponding evidence management system. Should release time from one's regular work schedule not be available, the necessary training required *before* an officer is issued a BWC will require overtime costs.
  - San José BWC Model: Release time for BWC training may be limited due to the Department's current staffing levels. Thus, the BWC Administrative Unit is exploring creative methods to train every end user in the BWC Policy, BWC hardware and evidence management system. One such model is a 'Train-the-Trainer' model.

## 9.2 Potential cost-saving factors may include, but are not limited to:

Although a challenge to assess an exact monetary value, the Department can expect some cost savings, too. Some of the areas in which the Department can anticipate a cost-savings are:

- 9.2.1 Whether or not the BWC program is bundled with other equipment programs in the final vendor contract (e.g. Taser's electrical weapons);
- 9.2.2 Vendor supplied grant programs (where the cost of hardware is removed from the contract);
- 9.2.3 Costs associated with the time required to deliver physical evidence to the Crime Lab, District Attorney's Office, or other law enforcement agencies as the evidence management system will allow for the electronic sharing of files;
- 9.2.4 Costs associated with citizen complaints and administrative investigations can include overtime, administrative leave, compensation to the complainant, and loss of workforce. Studies show the presence of BWC's reduce the number of citizen complaints;
  - Lake Havasu, Arizona, conducted a one-year pilot with body cameras, and their data revealed that an officer's chances of sustaining a complaint decreased by 58.2% when equipped with a body camera.<sup>5</sup>
- 9.2.5 Legal costs, such as claims, judgments and settlements, related to litigation may be reduced through fewer 'use of force' incidents, citizen complaints and a more professional workforce;
  - From 2005 to 2015, the City of San José paid approximately \$14.7 million in claims and litigation payouts, of which \$8.1 million were related to civil rights cases.<sup>6</sup>
- 9.2.6 Trial costs to prosecute will be reduced as BWC evidence will reduce the number of cases going to trial;<sup>7</sup>
  - Patrol officers can remain in service and/or not come into work on a day off to testify in court;
  - Detectives can work on pending cases rather than spend on-duty time in court;
    - For example, in the Commonwealth's Attorney's Office in Newport News, VA, there was an increase in the rate of guilty pleas in DUI cases to nearly 90% from 70% when BWC video was available, releasing officers and attorneys thus reducing overall court time.

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<sup>5</sup> Lake Havasu City Case Study, 2013.

<sup>6</sup> Settlement costs provided by The City of San José City Attorney's Office, September 2015.

<sup>7</sup> Newport News, Virginia, Case Study specific to DUI cases, 2015.

## 10. Next Steps

The BWC Administrative Unit will continue to focus on areas that require ongoing attention as the Department progresses through the BWC timeline and plans for milestones.

10.1 This Executive Summary will be updated as the program evolves through procurement, deployment and sustainment.

- 10.1.1 One of these areas is the SJPB BWC Policy. With much National debate pertaining to privacy, retention and public release, the BWC Administrative Unit's outreach will continue with various stakeholders.
- 10.1.2 Issues concerning privacy must be balanced with storage capacity, transparency and State laws. The Department recognizes that agency policy should clearly articulate guidelines for public access and balance the legitimate interest of openness with protecting privacy rights.
- 10.1.3 The BWC Administrative Unit is coordinating closely with Police Fiscal personnel as well as City Purchasing on the procurement process.
- 10.1.4 There is much interest in BWC's and law enforcement accountability at the legislative level of government. The BWC Administrative Unit will continue to work closely with the City Attorney's Office and City Manager's Office to keep current on pending legislation that may affect Department BWC Policy or the BWC Program.
- 10.1.5 On-going: the BWC Admin Unit will update the Office of the Chief, Council and members of the public at regular intervals and/or as BWC milestones are achieved.

[End of Executive Summary]