



## Legislation Text

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**File #:** 21-0707, **Version:** 1

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Sheriff's Office recommending the Board receive and file a presentation on the benefits and challenges involved in the implementation of Body Worn Cameras.

**FUNDING:** General Fund.

### **DISCUSSION / BACKGROUND**

The matter of video evidence for law enforcement agencies has never been more topical than it is today. Body worn cameras (BWC) and other audio/video field recording technologies have proven to increase transparency and credibility as well as reduce false citizen complaints and liability.

The El Dorado County Sheriff's Office (EDSO) is evaluating BWCs for patrol deputies and some specialty units. However, BWCs have significant costs associated with implementation, data storage, and maintenance. Pursuant to new legal requirements, there are also additional labor costs required for the manual redaction of audio and video media.

The increasing use of body worn cameras by law enforcement agencies has significantly outpaced the body of research examining the relationship between the technology and law enforcement outcomes. As detailed below, although early evaluations of this technology had limitations, some notable recent research has helped advance our knowledge of the impact of body-worn cameras.

Based on this research the following benefits have been identified:

- Better transparency
  - o Video footage captured during these officer-community interactions might provide better documentation to help confirm the nature of events and support accounts articulated by officers and community residents.
- Increased civility
  - o Body-worn cameras may also result in higher rates of citizen compliance to officer commands during encounters and fewer complaints lodged against law enforcement. Citizens often change their behavior toward officers when they are informed that the encounter is being recorded.
- Quicker resolution
  - o Investigations of cases that involve inconsistent accounts of the encounter from officers and citizens are often found to be "not sustained" and are subsequently closed when there is no video footage nor independent or corroborating witnesses.
- Corroborating evidence
  - o Footage captured may also be used as evidence in arrests or prosecutions.
- Training opportunities
  - o Law enforcement trainers and executives can assess officer activities and behavior captured by body-worn cameras - either through self-initiated investigations or those that result from calls for service - to advance professionalism among officers and new

recruits.

However, as with anything, there are also challenges with implementing body worn cameras and abiding by both California and Federal laws.

The greatest challenge will coincide with increased annual costs, releasing of records to the public, and abiding by the Constitution:

- Increased cost:
  - o Redactions of media-based evidence have hidden costs for both software and labor. The introduction of body worn cameras as standard practice will inevitably result in a higher percentage of unstable footage and therefore, a larger impact on redaction time. The introduction of automated video detection software would be mandatory given the increased time required to manually redact an unstable video.
  - o Equipment to implement and maintain body worn cameras include increasing current data storage capacity, strengthening the network infrastructure, software maintenance, vehicle hardware, redaction software, and cameras.
  - o Additional staff needed to facilitate the body worn camera program and necessary training to ensure staff are informed of the most up to date practices.
- Public Records Act:
  - o Videos maintained by the office (with several exceptions listed in 6254 GC and within the penal code related to victim/witness protection) must be released upon request. Therefore, EDSO is obligated to deliver these media files. EDSO would not be able to recover costs associated with CPRA requests and BWC redactions.
- 4<sup>th</sup> Amendment:
  - o There have not been any legal challenges raised to body worn cameras under Fourth Amendment rights. However, courts have adopted the general rule that camera recordings do not implicate the Fourth Amendment. In *United States v. Mancari*, the court ruled “visual images of a scene by means of photography do not amount to a seizure because it does not ‘meaningfully interfere’ with any possessory interest.” Likewise, it has been found that officers who take photographs of items “that were visible [in plain view] during the scope of the initial welfare search” were legally seized. Furthermore, the U.S. Supreme Court has ruled that law enforcement officers may generally record footage that they can lawfully see and hear without violating the Fourth Amendment. There is always the possibility of changes to case law as technology advances.

Implementing a BWC program touches upon many financial obligations, policy concerns, and legal implications. With proper planning, training, and implementation, a BWC program could greatly enhance the relationship between EDSO and the citizens of El Dorado County.

## **ALTERNATIVES**

N/A

## **PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION / COMMENTS**

Receive and file the presentation and provide direction to the CAO on whether to include funding in the Recommended Budget for this purpose, recognizing that if a Body Worn Camera program is implemented in the Sheriff's Office, it may also increase workload in other public safety departments such as the District Attorney and Public Defender.

**FINANCIAL IMPACT**

Startup costs would range between \$1,200,000 - \$2,200,000 depending on equipment chosen and would have an annual cost of approximately \$650,000.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Public Safety

**CONTACT**

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