

Body Worn Camera Feasibility Study (2015)

Major Eric Gandy

Purpose:

The Clearwater Police Department, like many law enforcement agencies around the country, determined it was important to look into the prospect of equipping our personnel with body worn cameras (BWC). We have done so in the absence of a critical or catalyzing event and in a community that is very supportive of its officers. These are important distinctions because objectivity and reasonableness often are lost in the aftermath of critical events and often a BWC program is suggested as a method to bridge a gap with or establish trust with the community.

Objective:

The Clearwater Police Department conducted a four-week (July 13, 2015 to Aug. 10, 2015) test and evaluation (T&E) of body worn cameras for the purpose of evaluating the logistics and implications of widespread deployment. This was merely a practicality study designed to identify some costs and benefits of utilizing this technology in an operational setting. There was no empirical data collected as this was never intended to be a scientific study or analysis. To compare our observations and experiences with such studies, we waited for the completion of the Orlando Police Department's study (Oct. 6, 2015) and also referenced a study from Rialto, Calif., in 2013.

Equipment Utilized:

TASER International provided three body worn cameras, and two axon flex cameras. The distinction between the two models is that the body worn cameras were self-contained units suitable for mounting in several locations on the user's body such as the lapel, pocket and upper chest. The axon flex cameras consisted of two parts allowing the actual camera to be attached to the battery/data module via coiled cord and worn on the lapel, glasses or a hat. TASER International also linked the hardware with Evidence.Com, which is a comprehensive storage and management suite designed to act in concert with the camera platforms.

Test and Evaluation:

Five uniform patrol officers from District II volunteered to participate in the test. One officer from each squad in the district participated in order to deploy cameras in as many environments and situations as possible. Assuming no missed work, a camera was in the field 24 hours a day for four weeks.

The officers were all provided instruction from TASER representatives on how to properly utilize the cameras and upload/categorize the videos. Evidentiary videos would be retained in accordance with the attendant retention schedule and non-evidentiary videos for 90 days. At the conclusion of the four-

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week trial, the cameras were turned in and the participants were asked to complete a questionnaire based on their experience with the equipment. These questionnaires were used to assist in the preparation of this report by providing the users' perspective.

Officers' Perspective:

The results of the questionnaires provided some insight into the officers' experiences and indicated that they had mixed reactions about implementing a camera program agency-wide. They each cited the same potential benefits and pitfalls that have been discussed in any number of publications on the topic. Benefits included the capture of pertinent evidence and immediate clearance of false complaints as well as the potential modification of officer and suspect behavior. All participants recognized the fact that the equipment and operators were not infallible. There were instances where the officers failed to turn the cameras on or off. There were also situations where the camera field of view was obscured or the lens pointed in an awkward angle so as not to capture an event.

This is significant because while we can train our personnel to utilize the equipment, we also understand they are human beings and no piece of equipment is foolproof. Positioning of the camera and the dynamics of an event can influence what is captured by the lens. Stress impacts our cognitive ability and fine motor skills which will certainly result in failures to turn on a camera during critical incidents. While the organization recognizes that these things occur and can factor this into policy, the inevitable result of such an event would certainly result in accusations of cover-up and malfeasance.

SAO Perspective:

I had the opportunity to speak to the State Attorney regarding this T&E. He expressed some concerns over the impact such a program could have on his office and the reporting requirements of officers using the cameras. Retention, preservation and distribution of videos presented at trial would become the responsibility of the State Attorney's Office. In addition, the existence of a large number of camera-equipped officers at crime scenes would require the State Attorney's Office to allocate resources to review such videos to ascertain the evidentiary value, if any. A large number of camera-equipped officers responding to a significant crime scene could generate hours of video which the State Attorney's Office would have to review even though much of the video may have no value. Additionally, each officer capturing video would need to write a detailed report, not only about what he/she did but detailing what was depicted on the video. (It should be noted that this observation was also pointed out in an officer's questionnaire).

Data Management: The sheer volume of data captured is staggering when you scale up such a program. In our four-week T&E, we captured and uploaded a total of 482 videos with 347 being categorized as

Body Worn Camera Feasibility Study (2015)

Major Eric Gandy

non-evidence and 135 as evidence. Assuming we equipped 170 patrol officers with cameras, we would capture approximately 197,840 separate videos during the course of a year with some 55,000 being categorized as evidence. These astronomically high numbers present some significant challenges in terms of identification, dissemination, distribution and retention. Absent records requests, these numbers are inconsequential but for cost. The Evidence.Com component is designed to aid in storage, categorization and management, but at a cost.

Under Florida's current public records laws, the sheer volume becomes challenging. Local agencies who have implemented BWC programs have been forced to allocate additional full-time employees just to manage the public records and evidentiary requests (Tampa Police Department and Pasco County Sheriff's Office). Subsequent to a request the video must be located, identified and reviewed. Regardless of length, each video requested must be reviewed in its entirety and the required redactions made. (Tampa Police indicated that manual redactions can take extensive amounts of time assuming 30 frames per second).

Costs:

*Published retail pricing from two vendors for 170 units required to equip uniformed patrol

Vendor	Initial	Recurring
Taser	\$67,830	\$112,200 (60G)
VieViu	\$34,000	\$112,200 (20G)

*Personnel cost (Salary & Benefits):

- (1) Additional sworn FTE to act as the body camera administrator. (\$77,700)
- (1) Additional non-sworn records clerk to work with the BWC administrator to fulfill public records requests. (\$45,200)

Total Annual recurring cost (est.): \$235,100

Handling cost: (Not quantified)

Officers in the T&E cited handling times upload/review/categorization of up to .5 hours a day. While not included in the annual recurring cost it would equate to approximately 20,400 hours of handling time per year.

Transferred cost (Not quantified)

The agency utilizing such technology could inadvertently transfer costs to other investigative and judicial entities. Example: Five officers respond to a shooting scene and collectively capture five hours of video. The video is categorized as evidence. If the case moves through the criminal justice system, personnel

Body Worn Camera Feasibility Study (2015)

Major Eric Gandy

from the State Attorney's Office and Public Defender's Office would have to review all five hours of video in order to ascertain if any information could be considered evidence. That equates to five hours dedicated to watching video which may or may not be of any value.

Conclusion:

Without question, the Rialto and Orlando studies demonstrate that the implementation of a BWC program has the potential to significantly reduce use of force and complaints. The explanations are myriad but the bottom line is that the reduction in the use of force has a direct correlation to complaints and the use of force.

From a personal perspective, the decision seems simple. I would like to see our personnel complained about less and have to use force less frequently. I would also like the ability to demonstrate that our personnel acted appropriately often in the face of extreme provocation. In instances of inappropriate behavior on the part of an officer, a clearer depiction of the interaction would emerge allowing us to take the appropriate corrective action in a timely manner.

Applying a cost-benefit analysis from a financial and operational perspective makes the decision to move forward with such a program less clear. The Clearwater Police Department has had only 19 excessive force complaints in the last five years with only two of those being sustained. The associated litigation costs for excessive force complaints over that same five-year period (\$32,000) equates to \$6,400 per year. Consequently, the implementation of this program hardly makes financial sense at an estimated cost of \$235,200 per year.

If you eliminate the financial and logistical concerns, you are left to make your implementation decision based on larger but more ambiguous philosophical issues that have yet to be addressed in a wider arena.

Despite recent legislative changes regarding public records and BWC, the most significant issue related to the implementation of such a program has to do with the transparency/privacy debate. To be fully transparent, one would have to release each and every video that occurred in a public place regardless of content. Clearly this is not only impractical but unethical as law enforcement frequently encounters people in crisis, inconsolable victims and horrific scenes. These videos have no business being distributed to satisfy the prurient interests of a society infatuated by social media.

Videos captured in a public place would not be protected in most circumstances. A large portion of the events described take place in public. Therefore the victims, people in crisis and crime scenes would ultimately be subject to release. The onus then would be on the police department to determine what should be released and what should be redacted. This places the department in the middle of a larger political/philosophical argument that has yet to be resolved. Defending the agency against accusations of lack of transparency or inappropriate release is a certainty.

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An agency-wide BWC program could have some significant benefits once a combination of legislation and technology adequately address the privacy/transparency concerns. At this point in time, there are too many financial, technical and legal issues for the Clearwater Police Department to move forward with such a program.