

# Body Worn Cameras

## A Report on Responses to the 2015-2016 Grand Jury Report

### Summary

The 2016-2017 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Body Worn Cameras* issued by the 2015-2016 Jury (2015-2016 Report) and inquired into the bases for those responses. This report contains the results of follow-up interviews and information gathered to determine if the responses by the Nevada County Sheriff's Office (NCSO) could be substantiated.

The NCSO is the only law enforcement agency in Nevada County (County) not to adopt body worn cameras (BWCs) for use by its law enforcement officers. In all other agencies, the use of BWCs has resulted in positive outcomes, notwithstanding that those cities do not bear the problems of large urban areas. Moreover, the current cost of BWC systems is not prohibitive. The NCSO could likely provide one for each of its deputies for as little as \$500/deputy/year. If a recently announced offer by Axon (formerly Taser International, Inc.) remains in effect, the NCSO would have an opportunity to evaluate a BWC system for one year at no cost or obligation.

### Approach

The Jury reviewed the Responses to the 2015-2016 Report by the NCSO and the Nevada County Board of Supervisors (BOS), did factual research, and conducted interviews to determine the accuracy of assertions made in such Responses. The Jury also reviewed the contracts entered into by the three County police agencies with Axon, a BWC supplier.

## Findings and Recommendations of the 2015-2016 *Body Worn Cameras* Report and Responses Thereto

### Findings

In the 2015-2016 Report, the Jury made the following findings:

**F1.** Body Worn Cameras have been shown to improve officer-to-citizen interactions and safety.

**F2.** Body Worn Cameras have been shown to reduce citizen complaints.

**F3.** Body Worn Cameras provide more clarification of contested incidents between officer and civilian.

**F4.** Body Worn Cameras appear to provide some measure of crowd control and mitigation.  
**F5.** Body Worn Cameras reduce time and legal expense in investigating complaints against officers.

**F8.** The Nevada County Sheriff's Office has expressed a desire not to deploy Body Worn Cameras at this time.

**F9.** Interagency communication concerning Body Worn Camera deployment, techniques, policies, and operating procedures has been shown to improve overall results.

## **Response to Findings F1 through F9 by the NCSO**

The NCSO agreed with all nine of the above findings.

### **Recommendations**

In the 2015-2016 Report, the Grand Jury made the following recommendations:

#### Recommendation R1 from the 2015-2016 Report

The Nevada County Sheriff's Office should deploy and use Body Worn Cameras.

#### Response to Recommendation R1 by NCSO

The recommendation will not be implemented.

While Body Worn Camera's (BWC's) can provide many potential benefits, they come at considerable financial cost. There is the initial purchase as well as the ongoing costs of infrastructure, i.e., ongoing program administration, long-term maintenance and replacement costs, data storage technical support staff positions, data storage, backup and security costs, increased records staffing to process data requests as well as initial/continuing staff training. The Sheriff's Office has not received any funding for Body Worn Cameras for Fiscal Year 16-17.

There are no official guidelines in California regarding the use and data storage of BWC's. Of the almost 18,000 law enforcement agencies in the United States only a fraction currently use BWC's; most of those in urban or high crime areas. As a fledgling technology, the negative impacts of these programs has not been fully explored. While many of the agencies that have BWC programs report success, there has been little attention paid to possible drawbacks or legal ramifications.

Until legislation is in place that addresses data disclosure, privacy and general law enforcement policy questions, embarking on such a program would be a premature expenditure of public funds, staff time and resources. The Nevada County Sheriff's Office does use in-car video and audio recording and are satisfied with this equipment.

Additionally, the Nevada County Sheriff's Office has relatively few complaints regarding the interactions of our officers with the public. Complaints that are received are investigated and overwhelmingly determined to be unfounded.

## **Current Status**

### The Cost of Body Worn Cameras

All County law enforcement agencies, other than the NCSO, have adopted BWCs.

#### *Grass Valley*

The Grass Valley Police Department (GVPD) adopted BWCs in the fourth quarter of 2016. The camera system was purchased from Axon under a five-year contract and included data storage through Evidence.com. The five year contract includes:

- 25 cameras including wall chargers, mounting brackets, and cables for 22 sworn officers, one individual attending the academy, and one vacancy;
- data storage based on estimates of use;
- complete replacement of the cameras with any upgrades at year 2 ½ and at year five; and
- the Taser (now Axon) Assurance Plan (TAP) guarantee for software and hardware.

The total cost of the GVPD system, including all of the above, comes to approximately \$704/officer/year. The GVPD developed policies for camera use and for data storage based on advice from Axon, the Police Officers' Association, other law enforcement agencies, the District Attorney, and Lexipol.

Implementation of the BWC program was smooth and all reservations were quickly overcome. Benefits included a reduction in complaints, reduced staff time needed for preparing information for the District Attorney and defense attorneys, faster resolution of complaints, and better behavior from all involved in officer/public encounters.

Two minor technical problems have arisen to date and both were solved with software changes not requiring return of the cameras.

#### *Town of Truckee*

The Truckee Police Department (TPD) adopted BWCs for its 28 peace officers in 2013. The camera system was purchased from Axon under a five-year contract and included data storage through Evidence.com. The five-year contract delivers the same types of services as the GVPD contract but includes cameras for 28 officers.

The total cost of the TPD system, which was adopted before prices started to come down, is approximately \$930/officer/year. Implementation of the BWC program was smooth and all reservations were quickly overcome. Benefits included a reduction in complaints, reduced staff

time needed for preparing information for police reports, faster resolution of complaints, and better behavior from all involved in officer/public encounters.

### *Nevada City*

The Nevada City Police Department (NCPD) adopted BWCs for its 13 peace officers in 2015. The camera systems were purchased from Axon under a five-year contract and included data storage through Evidence.com. The five-year contract is similar to the GVPD contract but includes cameras for 13 officers and one spare.

The total cost of the NCPD system is approximately \$529/officer/year. Benefits of BWC use again included a reduction in complaints, faster resolution of complaints and better behavior from all involved in officer/public encounters. Following the adoption of BWCs, citizen complaints dropped by 90%.

### *Latest Development*

Axon has recently announced that it will make its BWC systems available to any law enforcement agency for a one year free trial, including its hardware, and software and with data storage through Evidence.com.<sup>1</sup>

### Adoption of Body Worn Cameras in California

The use of BWCs in California is not limited to urban and high-crime jurisdictions. Of the thirty California counties with population under 200,000, nine Sheriff's Offices have adopted BWCs. A partial list of other small jurisdictions in California using BWCs includes:

- Allan Hancock Joint Community College District Police
- Auburn Police
- California State University Fullerton Police
- Citrus Heights Police
- Claremont Police
- Crescent City Police
- Davis Police
- Del Rey Oaks Police
- Ferndale Police
- Galt City Police
- Gonzales Police
- Greenfield Police
- Hanford Police
- Hollister Police
- King City Police
- La Jolla Tribal Police
- Manteca Police
- Modesto Police

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<sup>1</sup> <https://www.bloomberg.com/news/articles/2017-04-05/taser-is-giving-body-cameras-to-any-cops-who-want-them>

Monrovia Police  
Monterey Police  
Monterey Regional Airport Police  
Orland Police  
Placerville Police  
Redding Police  
Rio Dell Police  
Rocklin Police  
Round Lake Park Police  
Sacramento Police  
Salinas Police  
San Diego Metropolitan Transit System  
Soledad Police  
Sonora Police  
Stockton Police  
Weed Police  
Willows Police  
Yuba City Police

#### Written Citizen Complaints Against the NCSO

There have been only 22 formal written Citizen Complaints against NCSO deputies in the three years from January 2014 through November 2016. It does not appear that any of those complaints resulted in lawsuits being filed against the NCSO. However, of those 22 complaints, seven were the type of complaint involving citizen interactions with deputies that might have benefitted from the availability of BWC information.

#### **Recommendation R2 from the 2015-2016 Report**

The Nevada County Sheriff's Office should request funds from the Board of Supervisors for Body Worn Cameras and pursue other funds, grants and the like.

#### **Response to Recommendation R2 by the BOS**

This recommendation will not be implemented.

The Nevada County Sheriff's Office budget for Fiscal Year 16-17 has already been approved and no request for appropriations for body worn cameras was made. If a request is made it will be considered through the normal budget process.

#### **Response to Recommendation R2 by NCSO**

The recommendation will not be implemented.

The Nevada County Sheriff's Office budget for Fiscal Year 16-17 has already been approved. We feel it prudent to wait for state guidelines, analyze the experiences of similar law

enforcement agencies regarding the benefits and drawbacks associated with the use of Body Worn Cameras before we make this a budget priority.

## Current Status

There is no evidence that the NCSO has ever requested funding from the BOS for the purchase of BWCs. In its response, the BOS confirms that the NCSO has not requested such funding; "... no request for appropriations for body worn cameras was made." Moreover, the NCSO has not conducted any analysis of available systems or of the financial feasibility of acquiring BWCs. BWCs are not in the budget because the NCSO has not requested them.

There is ample available information on the available systems and the costs associated with each. See, for example:

- *A Market Survey on Body Worn Camera Technologies*, National Institute of Justice, Department of Justice, November 2016, <https://www.ncjrs.gov/pdffiles1/nij/grants/250381.pdf> (accessed February 20, 2017);
- *Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned*, Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum, September 2014, Washington, DC: Office of Community Oriented Policing Services, <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf> (accessed February 20, 2017);
- *Police Officer Body-Worn Cameras: Assessing the Evidence*, Michael D. White, Office of Justice Programs Diagnostic Center, produced for the Office of Community Oriented Policing Services, July 2014, <https://www.ojpdagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf> (accessed February 20, 2017); and
- *Primer on Body-Worn Cameras for Law Enforcement*, ManTech Advanced Systems International, Inc., Fairmont, WV, 2012, <https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf> (accessed February 20, 2017).

## Conclusion

The NCSO is the only County law enforcement agency not to adopt BWCs for use by its law enforcement officers. In all other agencies, the use of BWCs resulted in positive outcomes, notwithstanding that those cities do not share the problems of large urban areas. Moreover, the current cost of BWC systems is not prohibitive. The NCSO could likely provide one for each of its deputies for as little as \$500/deputy/year. If Axon's offer remains in effect, the NCSO would have an opportunity to evaluate a BWC system for one year at no cost.