



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: November 4, 2013
BOARD MEETING DATE: November 12, 2013
BOARD REPORT # 1311V06

Regular

TO: Vancouver Police Board
FROM: Chief Constable Jim Chu
SUBJECT: Study Regarding the Implementation of Body Worn Video

RECOMMENDATION:

That the Vancouver Police Board receives this report for information.

SUMMARY:

Body worn video (BWV) systems are cameras that officers wear on their uniform to record their interactions with citizens. BWV systems are being increasingly used by police agencies in North America and can provide many benefits. In fact on October 29, 2013, the Los Angeles Police Department announced it will be field-testing 60 cameras in the month of November.

In November 2012, four VPD members researched the implementation of BWV systems. This included meeting with product vendors and police agencies currently using BWV. Two agencies which proved particularly insightful were the Albuquerque Police Department (APD) and the Edmonton Police Service (EPS), which is currently in the midst of a pilot project. Additionally, existing documentation from the Victoria Police Department (VicPD) pilot project proved useful as well.

Overall, the team found that there are numerous benefits related to the use of body worn video; however, many of these benefits will likely result in costs to set-up and maintain the BWV system. For example, while additional evidence will be collected, there likely will be costs associated to the audio transcription of this video for court purposes. Additionally, there are issues that will need to be resolved regarding the legal standing and civil liberty concerns surrounding the use of BWV. The Canadian and BC Civil Liberties Associations have yet to release an official position regarding law enforcement's use of BWV, however, the American Civil Liberties Union (ACLU) has come out in support of BWV conditional on a framework which protects the rights of citizens. Moreover, the outgoing head of the Ontario Special Investigation Unit, an independent police oversight organization, has come out in favour of the use of body worn video.

The project team recommended that the VPD wait until the completion of a federally funded EPS pilot project. A report from the EPS will be produced by September 2014 and it is likely that the VPD can obtain periodic updates from them as their pilot proceeds. The VPD is currently contemplating a pilot project in mid-2014 to coincide with the completion of the EPS pilot project.

DISCUSSION:

Overview of Body Worn Video Systems

BWV systems can be broken down into two main components: the camera/recording hardware and the data management solution. The hardware portion includes not only the camera but also all related components required to upload video from the camera to the network. Key components of the hardware include camera features such as image stabilization, preview screens, ease of recording, and upload options such as docking ports, cables, etc. The data management component of these systems goes beyond simple storage issues and delves into how data is labelled and searched for, how the chain-of-custody is ensured, and how easy it is for members to find and view video once uploaded.

While small portable cameras have been on the market for quite some time, the proposed use of the cameras was to act as a safety net for individual officers being accused of illegal behaviour. It is within the last few years where companies have begun to market BWV as a solution for police departments and as such, while the majority of BWV cameras have relatively low prices and almost all have excellent video quality, there are not many options for video management once the video has been uploaded to the police department's servers. Similarly, vendors have indicated that they are examining methods of wireless uploading to eliminate the need to physically dock the cameras to upload video.

Benefits of Body Worn Video

The most obvious, and most often touted, benefit of BWV is the increased transparency that it offers. When an incident occurs and the facts of the case are disputed by police officers and suspects, the camera provides another set of facts which may aid in determining what actually occurred. However, it is important to note that the value of BWV in many use-of-force situations is limited due to the fact that in the case of a struggle, the video will likely be obscured.

While the recordings from BWV may not be useful in all situations, as mentioned above, it has been argued that the presence of BWV increases officer safety and may in fact reduce the number of encounters where force is required. This is due to the fact that the behaviour of people, both officers and the public, will change when the encounter is being recorded with both video and audio. In a case where a member of the public may have previously tried to agitate or goad an officer into a confrontation, the use of a conspicuous BWV system would likely decrease a great number of these incidents.

Another likely benefit of BWV is increased quality of evidence. In the case that video is obscured or does not capture an event in question, the audio recordings may provide invaluable evidence. These situations can range from large incident involving a number of witnesses and suspects to a simple traffic stop for an impaired driver where spontaneous statements are made.

This increased availability of evidence is why Ian Scott (the outgoing head of the Ontario Special Investigation Unit, an independent police oversight body) has come out in support of the use of BWV. Ian Scott stated that video is, “a truth-seeking tool, which I think we should all be in favour of.”

Privacy and Civil Liberty Concerns

The use of audio and video recordings always brings about concerns regarding the protection of the rights of citizens. The majority of concerns regarding BWV fall into two categories: recording guidelines to ensure that video which portrays an officer in a negative light is not deleted; and, the use of BWV in private dwellings. For the first concern, this is generally not an issue as most cameras do not allow for the deletion of video. Furthermore, some of the video management software currently available has safeguards which prevent the deletion of video prior to the purge date. Moreover, many systems automatically upload all video from a camera so officers cannot selectively upload favourable video.

The experience of other agencies has shown that the absence of video immediately places a police agency into a position of having to defend why video is not present. This was seen in Albuquerque, New Mexico. The APD had a detailed policy which outlined which calls required video recordings and most members adhered to this policy. However, when cases went to court which did not require video, there was an expectation that since officers wore cameras they would record all calls, and if they didn't there was a reason they did not record. Due to this, policy in APD changed and all major contacts with the public required video recordings in order to insulate officers from accusations that they were selectively turning on their cameras and were conspiring to violate policies and legal procedure.

The second major concern regarding the use of BWV involves the use in private dwellings. For example, if an officer attends a call for a domestic dispute and has their camera on they are recording the interior of the suspect's house. Fears are that this footage can be used at a later date for an unrelated investigation and continually reviewed and scrutinized. While many agencies have differing views on how to handle such a situation, it is possible with some video management products, to limit who is able to view video so an unrelated investigator could not view the video until a search warrant was granted.

In October 2013, the ACLU wrote an analytical policy paper that discusses many issues of BWV such as control over recording and limiting the threat to citizens' privacy by: notice to citizens; recording in homes; retention of video; use of recordings; public access; public disclosure, and; having good technological controls. The ACLU summarizes by stating that “the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.”

Administrative Demands Related to BWV

Due to the vast amounts of evidence that will be collected, it should be expected that there will be added administrative tasks to handle and process the video produced by these cameras. This includes audio transcription, disclosure and investigative resources, and patrol officer time. If all video which goes to trial requires audio transcription, this will greatly increase the workload

of the VPD's Audio Transcription Unit. Furthermore, with the retention period required for on-going and unsolved investigation as well as investigation which result in a conviction, this data will need to be stored for future use.

Another important consideration is that patrol officers may be required to review their BWV footage prior to writing their crown report, treating BWV much like the presence of surveillance footage. This will require officers attending a report writing room, physically docking their camera into an upload station, and waiting for the upload prior to reviewing the footage and writing their report.

CONCLUSION:

The project team recommended that the VPD await the completion of the EPS pilot project and re-evaluate the technology available at that time prior to implementing BWV at the VPD. Storage costs have continued to decrease and the use of cloud storage can further decrease such costs. As such, the VPD is contemplating a pilot project in mid-2014. This will coincide with the completion of the EPS pilot project. Moreover, the additional time gained would also allow the VPD the opportunity to communicate the benefits of BWV and address any remaining issues.

Author: Tim Szkopek-Szkopowski Telephone: 604-717-3480 Date: Nov. 4, 2013

Submitting Executive Member: DCC Warren Lemcke

(signature) Date: Nov.4, 2013