BODY-WORN CAMERAS

Presented by
Superintendent Paul Morrison
Introduction

- Impacts aspects of society beyond policing agencies
- Limited data available from surrounding police services
- Research included from police services in Canada, United States of America and the United Kingdom
- Caution warranted when extrapolating results to larger and busier police services
Background

• Video has been used in controlled settings:
  • Closed Circuit Television Camera (CCTV)
  • Interviews
  • Prisoner Monitoring

• First documented use of body-worn cameras was in the United Kingdom in 2005 by Plymouth Police Department (Devon and Cornwall Constabulary)

• Victoria Police Department conducted a body-worn camera pilot in 2009 and published a report in 2010

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The Device

- A device to record video and audio
- Worn on chest or head
  - Centre mass - potential to be obstructed by arms
  - Pocket
  - Attached to eye glasses or helmet - closely matches officers field of view
Studies


- Proof of Concept Study - Body Worn Video & In Vehicle Video (2010)


- Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (2014)


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Literature Reviews

- Police Officer Body-Worn Cameras: Assessing the Evidence (2014)

Confidential Literature Reviews

- The Promise of Body Worn Video: Considering the Evidence (2014)
Canadian Policing Agencies Examined

- Amherstburg Police Service
- Toronto Police Service
- Calgary Police Service
- Edmonton Police Service

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Legislation and Privacy

Legislation to consider:

- Charter of Rights and Freedoms
- The Municipal Freedom of Information and Protection Act
- Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code
- Guidelines for the use of Video Surveillance Cameras in Public Places
- Personal Information Protection and Electronics Documents Act
- Case Law regarding warrantless searches and Part VI of the Criminal Code of Canada: Invasion of Privacy
- Personal Health Information Protection Act

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Policies and Procedures to be updated:

- Closed Circuit Television Camera Program
- Records Management
- Digitally Recorded Evidence
- Freedom of Information Branch
- Use of Force and Equipment
- Property/Evidence Storage Disposition
- Special Investigations Unit
- Creation of new policies specific to body-worn cameras
Privacy Issues

• Recording bystanders not involved or witnesses to investigation

  "The camera will capture everything in its view and that will include people who are not suspects in the (police) stop." (White, 2014, p. 27)

• Mobility of body-worn cameras and ability to enter private or sensitive locales

• Personal information collected through the use of body-worn cameras

• Transparent accountability, controls, retention, safeguards, individual access and compliance
Is this considered an unreasonable search – Section 8 of the Canadian Charter of Rights?

Public having access to videos through Freedom of Information

Canadian Civil Liberties Association:

The Canadian Civil Liberties Association takes the position that police body-worn cameras can be a strong tool for accountability and transparency. This technology, however, also raises significant privacy concerns - for both the general public and police officers - that must be carefully addressed prior to approval. Abby Deshman, Director of the Public Safety Program
Information and Privacy Commissioner of Ontario:

In general, our view is that the use of this technology must be approached with caution. Nonetheless, we are confident that the use of the technology in carefully defined contexts can assist police in the proper performance of their duties while incorporating privacy protections in compliance with Ontario law.

Catherine Thompson, Regulator and Policy Advisor
Information Technology (IT)

- Common challenge with studies, literature reviews and correspondence with surrounding police services was technology.

- Selection of body-worn camera is inter-dependent with the IT infrastructure to support the device.

- IT presents the critical cost as IT will be involved at every stage of body-worn camera deployment.
Body-Worn Cameras and Information Technology for Consideration:

- Hardware - Camera options and costs associated

- Data Management and Data Work Flow - Positions need to be created and data flow depends on software and storage option chosen

- Secure Storage and Infrastructure - Dedicated vs. Cloud
  - Cost of servers, throughputs, and infrastructure upgrades
  - Privacy issues of cloud storage and costs

- Software Management System and Audit Trail - options between external program (DIMS) or manufacturers software program
Uploading vs. Downloading of Data

- Manual or automatic upload capabilities
- Current IT infrastructure not built to support multiple voluminous and simultaneous data transfers

Storage Space Requirements

- Dependent on amount of video recorded per officer
- Resolution
- Activation policies

Storage recommendations not consistent between manufacturers. Police services operate at different call volumes which directly effects storage space requirements.
• Retrieval and Distribution of Data Collected - Access for FOI, disclosure and audit compliance checks

• Retention Periods and Disposal

  • Retention times varies in the PERF study from agencies nationwide from purging non-evidentiary video within 7 days to 1 year
  • Hamilton Police Service will have to establish retention periods in accordance to legislation

• Compatibility with Niche - Able to create a URL link/path
Costs Overview

• The most significant and incremental cost relates to data storage and management.

• No conclusive research into the costs of deploying body-worn camera that incorporates the additional personnel required to maintain and manage.

• Examining costs of body-worn cameras is difficult as there are many varying factors.
Factors to Consider:

- **Hardware**
  - Cost range $350 - $1,500 per unit
  - Hamilton Police Service estimates the need of 190 cameras which would cost between $66,500 to $285,000
  - Docking stations, additional batteries, USB connectors, mounting devices, car charges will also be needed at an extra cost

- **Storage**
  - Directly related to number of body-worn cameras deployed
  - Dedicated servers vs. cloud storage
  - Estimates from various manufacturers, storage is estimated to range from $256,000 (TASER® estimate of 3 GB per officer per shift) to $2,496,000 (VieVu® Calculator)
Software/Licensing

• DIMS
  - Digital Information Management System
  - $150,000 initial cost for software
  - Could be utilized for all digital data within Hamilton Police Service

• Manufacturers Software - Some software is included in the price of the camera and others are not.
  - Evidence.com - TASER AXON
    - $15 (5GB) - $55 (20 GB) ï Annual Cost = $439,643
  - Veripatrol - Vievu LE3
  - DEMS - Reveal Media (software included)
  - CommandVu - CopVu
 Staffing and Management of Data Collected

 New positions required:

 - Program Supervisor
 - Freedom of Information Clerk
 - Body-Worn Camera Disclosure Clerk
 - Body-Worn Camera Technician
 - Body-Worn Camera Administrator
 - Body-Worn Camera Video Vetting Technicians X 2
 - Transcription Clerks X 2

 Annual Staffing Expense: $752,696
Lost Opportunity Costs

- New user training (students and trainers)
  - Loss of 1.8 officers who are no longer available for programs, duties, P.O.P. Projects over a one year period
  - Cost of $203,804 for initial training

- Re-certification training (students and trainers)
  - Loss of .63 officers who are no longer available for programs, duties, P.O.P. Projects over a one year period
  - Cost of $71,331.62 annually
Training new positions

The creation of new positions will also require training for four weeks costing $57,900

Time for officers to download video at end of shift

From the Victoria Police Department’s study it was noted that manual downloading of camera data was estimated at 10 minutes per officer camera (Victoria PD, 2010, p. 36)

This equates to 24.3 hours in lost patrol time daily or the equivalent of reducing staff in the front line by 4.9 full-time officers yearly

Re-occurring cost of $554,801.52 annually
## Costs Analysis

### Dedicated Server

<table>
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<tr>
<th>Item</th>
<th>Cost</th>
</tr>
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<tbody>
<tr>
<td>Hardware</td>
<td>$263,083</td>
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<tr>
<td>Storage Infrastructure</td>
<td>$2,594,400</td>
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<tr>
<td>Software</td>
<td>$185,000</td>
</tr>
<tr>
<td>Staffing</td>
<td>$752,696</td>
</tr>
</tbody>
</table>

**Year One**

$3,795,179

**Five Year Total**

$14,804,894

Based on a 5 year lifespan of hardware, the initial investment will re-occur at the end of the 5th year.
Cloud Storage

- Hardware $263,083
- Storage Infrastructure ($55/20GB) $527,571
- Software (included cost with cloud) $
- Staffing $752,696

Year One $1,543,350

Five Year Total $6,841,749

This is based on TASER estimate of 3 GB per officer per shift, any additional storage requirement will increase the cost.

Based on a 5 year lifespan of hardware, the initial investment will re-occur at the end if the 5th year.
Impact of Body-Worn Cameras

Police Officers

If, in fact, the police do, on occasion, use offensive language - including racial slurs - or act with more force than necessary, the use of body-worn cameras will inevitably reduce such behavior. Floyd v. City of New York 2013, 26-27 (White, 2014, p. 20)

The response from the NYPD following the judicial order to deploy body-worn cameras has been almost universally negative. Former Police Commissioner Raymond Kelly stated that, "the body camera issue opens up certainly more questions than it answers." (Lovett 2013) (White, 2014, p. 28)
Public Reaction

- The camera does not discern and captures anything and everyone in its field of view.

- With the exception of studies conducted overseas, there has been little research of citizens' views and perceptions (White, 2014, p. 19-20)

Increased Transparency and Police Accountability

- Officers have reported that they are now more aware of how they interact with members of the public, which may lead to a subconscious improvement in professionalism by individuals and lead to a better quality of service to the public. (Goodall, 2007, p. 32)
Audit and Compliance — Quality Assurance Branch

Office of the Independent Police Review Director (OIPRD) and Reduction in Complaints

I believe lapel cameras could ultimately reduce the number of police complaints by holding both police officers and the public more accountable for their actions. — Gerry McNeilly, Director of OIPRD

Officer Safety and Unintended Consequences

There is simply no need to equip patrol officers with body-cams. Our members are already weighed down with equipment like escape hoods, Mace, flashlights, memo books, ASP’s, radio, handcuffs and the like. Additional equipment becomes an encumbrance and a safety issue for those carrying it. (Celona 2013) — (White, 2014, p. 29) Pat Lynch - Head of NYPD’s Patrolmen’s Benevolent Association

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Training Implications

- Officers will need to have an understanding of:
  - Operation of camera, docking stations and software
  - Procedures to confirm camera is working properly and document malfunctions
  - When and where not to activate camera
  - Procedures for downloading, tagging and creating copies
  - Procedures for preparing video for court
  - Procedures for reviewing video and use for note taking
  - Overview of relevant legislation
  - Officer safety scenario based training

Again, this will equate to $203,804 in the first year and $71,331.62 for every additional year for re-certification training.
Limitations of Body-Worn Cameras:

- Obstructions in front of lens
- Camera not pointing in direction of officers field of view
- Camera becomes insecure when physical force is necessary
- Camera inadvertently turns off
- Behaviour changes in the presences of body-worn cameras may not be effective for emotionally disturbed persons, intoxicated or persons under the influence of drugs

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Decrease in Use of Force and Frivolous Complaints against Officers

Reduction of 58.3% in officer use of force from 60 incidents to 25 during the test phase and initiation of use of force was conducted by the public in all incidents where the body-worn camera was deployed (Farrar & Ariel, 2013, p. 9)

Are the declines a result of changes in officer behaviour (eg., officers less likely to use force or behave improperly), citizens behaviour (eg., citizens act less aggressively), or some combination of the two? (White, 2014, p. 21)

Complaints were reduced by 14.3% and there were no complaints against officers wearing cameras (Goodall, 2007, p. 47)

What is clear is that the process of considering any complaint was made much easier by using evidence from [body-worn] cameras. (White, 2014, p. 23)
Court Proceedings

- Crown Prosecutor

- Issues due to viewing of video due to format and transcription requests
  - Crown Counsel in Victoria requested transcripts for all video
  - This added an average of 2-3 hours of officers time to comply with disclosure requirements (Victoria PD, 2010, p. 40)
  - Provincial Offences: 3,056.25 hours per year = 1.69 full-time officers
  - Criminal Offence: 10,755 hours per year = 5.97 full-time officers
    - $867,301.97 Potential cost if position not created

- Disclosure to Defence
  - Recordings should be disclosed to the defence in the same manner as other case exhibits. It should only be necessary to provide copy disks to the defence in the case of an actual or anticipated not guilty pleas. (Goodall, 2007, p. 24)
Presentation of Video within Courtroom

- Current viewing of video requires personnel to wheel down a media player
- DIMS could assist in the electronic flow of data to the court but would necessitate an infrastructure investment

The authors reported that a fairly substantial majority interpreted the tape as the Court did: the fleeing motorist has posed a danger grave enough to justify the police officer’s use of deadly force. But the other viewers did not agree. They saw the motorist’s flight as less dangerous; indeed, they viewed the conduct of the officer in chasing the motorist as the factor creating the danger in the situation, and found that the officer’s ramming of the motorist’s car unnecessary and unjustified. (Harris, 2010, p. 16)
Costs of Vetting Video

- Need for vetting (blurring) of uninvolved persons, confidential informants, undercover officers
- Need for vetting (audio) of radio transmissions not associated with incident, confidential conversations within and outside of police stations
- Positions need to be created or officers will need additional training in this area causing more lost time off the road

Evidentiary Benefits and Concerns Regarding Video Evidence

- Quicker resolution of body-worn camera cases led to a 22.4% reduction of officers time spent on paperwork and file preparation (Goodall, 2007, p. 47)
- Absence of video footage may raise questions
Case Law

No case law specific to the police use of body-worn cameras that could be located on CanLII

Body-Worn Camera IT Expert

Technology may be subject to scrutiny and the request of an expert to explain capabilities, limitations, and processes of camera

Using equipment supplier or training existing employees, both at a cost
Officer/Supervisor Viewing of Video

- Policies need to be in place regarding officers reviewing the video collected.
- Viewing before notes are made could be problematic.
- After making notes the video could trigger additional notes to be made.
- Supervisors will have an additional duty of ensuring video collected from their shift officers complies with legislation and policies and procedures.
- Creating an audit and compliance team could alleviate this additional duty from the supervisors existing workload.
Recommendations

1. Hamilton Police Service create a steering committee to liaise with Toronto Police Service and other policing agencies developing body-worn camera technology. The purpose of the committee would be to evaluate hardware, software, storage, operational and implementation of a body-worn cameras program and costs associated.

2. The steering committee report back to the Police Service’s Board in one year with findings from external body-worn camera pilots.

3. If in one year, it is determined by the Hamilton Police Service’s Board to conduct a pilot, the additional recommendations should be considered.

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3. A body-worn camera project team is developed so that they may conduct an appropriate body-worn camera pilot for a comprehensive evaluation.

4. Hamilton Police Service work closely with the Office of the Privacy Commissioner to ensure the use of body-worn cameras is congruent with current legislation before supporting or adapting body-worn camera technology.
5. Engage community partners and stakeholders and have on-going consultations for body-worn camera use by the Hamilton Police Service. These partners and stakeholders are, but not limited to:

- Ministry of the Attorney General
- Public Prosecution Service of Canada
- Special Investigations Unit
- Office of the Independent Police Review Director
- Court Administration
- Police Associations
- Civil Liberties and Community Consultations
6. Hamilton Police Service develop a capital plan which addresses the substantial investment, commitment of resources and information technology infrastructure required to support a body-worn camera program.

7. It is recommended that Hamilton Police Service seek project funding through federal and provincial government grants or subsidies.
Questions?