

# **GRAND JURY ENDORSES PATROL VEHICLE CAMERAS**

## **SUMMARY**

Openness and accountability in government activities at all levels have become increasingly important to Americans including the citizens of Santa Barbara County. Efforts to provide transparency have not only resulted in greater trust by the public but have also helped protect government agencies from unnecessary and expensive litigation.

In July 2011, the 2011-12 Santa Barbara County Grand Jury (Jury) received requests to inquire into efforts by local enforcement agencies to provide more transparency by recording their field actions using audio/video technology installed in patrol vehicles. The Jury found that most agencies in our county have already begun using this technology and that the overall reaction by these agencies is positive. The Jury found that two agencies do not currently have audio/video technology installed. They are the Santa Barbara Police Department and the Guadalupe Police Department. Both had used earlier technology in some of their patrol vehicles but had eliminated it because of costs.

The Jury recommends that these two agencies immediately seek funding and install current technology in all their patrol vehicles. Their department's interest, their city government's interest, and the public's interest would be best served by the level of transparency that this modern technology would bring to their enforcement activities.

## **BACKGROUND**

Prior to the mid-1990s there was no technical recording of any events that occurred when a law enforcement patrol officer contacted a citizen during the course of an enforcement action. Everything that happened was recorded in a written police report that became an official document that could later be entered into evidence in a court proceeding. Many times there were incidents that were perceived quite differently by all the parties involved. In some cases this led to protracted court hearings, trials, and expensive litigation. During the 1990s, technology was introduced to law enforcement agencies that allowed both audio and visual recordings to be made by installing this capability in patrol vehicles. In Santa Barbara County, most law enforcement agencies have installed the technology.

## **GRAND JURY ENDORSES PATROL VEHICLE CAMERAS**

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In early July 2011, the Jury received citizen queries regarding whether or not such technology is currently used by county enforcement agencies and if its use would be a benefit to both the agencies and the citizens. As a result, an investigation of the issue of audio/visual system usage in Santa Barbara County law enforcement patrol vehicles was initiated by the Jury.

### **METHODOLOGY**

The Jury interviewed officials involved in the adoption of audio/visual technology in their respective jurisdictions. Inquiries were addressed to all of the enforcement jurisdictions in Santa Barbara County and responses to Jury questions were reviewed. Agency policies regarding the use of this equipment were also reviewed. The Jury made inspections of examples of the technology in patrol vehicles.

### **OBSERVATIONS AND ANALYSIS**

Most would agree that the greatest point of tension between a law enforcement official and a citizen is at the point of an initial contact. Both parties may be dealing with unknowns. Citizens may be concerned with the reasons and ramifications of this type of interaction. Law enforcement officers may be concerned with the possibility of a threat that the other party may represent. It is at this time that many words may be uttered and numerous actions taken that are at a later time either confused, have evolved, or simply not remembered. The end result can have very negative consequences for all parties involved including lengthy and costly litigation.

A remedy that many law enforcement officials have adopted to reduce, if not eliminate, the variation of recollections is to install up-to-date audio/video systems in enforcement vehicles. Funding for purchase and installation has been provided by grants, donations, forfeiture funds, and combinations of these sources. The costs per unit averaged between \$8,000 and \$9,500.

In 2000, the Santa Barbara County Sheriff's Department installed audio/video capability in all 53 of its patrol vehicles. Since the Sheriff's Department provides contract service to the cities of Buellton (one car), Carpinteria (two cars), Goleta (three cars), and Solvang (one car), those cities have been provided with the audio/video systems in their sheriff/police patrol cars. As far back as 2000, the City of Santa Maria installed an audio/video system in all of its 32 patrol vehicles. The City of Lompoc installed its system in 11 patrol vehicles in January of 2011. The Santa Barbara Area California Highway Patrol, an arm of the State of California law enforcement, installed audio/video systems in all 16 patrol sedans in 2010. (Two of the seven motorcycle officers have purchased their own video recorders). As of the date of this report, the Santa Barbara Police Department, with 35 patrol vehicles, and the Guadalupe Police Department, with seven patrol vehicles, have no audio/video technology installed.

## **GRAND JURY ENDORSES PATROL VEHICLE CAMERAS**

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County enforcement officials listed both the advantages and disadvantages of the technology which include:

### **Advantages**

1. Enhanced officer accountability
2. Enhanced officer safety
3. Traffic stop and field investigations are resolved more quickly in court
4. Complaints against law enforcement personnel are resolved more quickly
5. Reduction of time and expense in certain investigations
6. Video images aid in suspect identification
7. Video data are invaluable as evidence in court proceedings

### **Disadvantages**

1. Some systems record only what is in view or within earshot
2. There is a public misperception that everything is recorded
3. There is a need to keep the equipment in adjustment
4. There has to be a commitment for training time
5. There are maintenance and update costs

General policy regarding when to use the system is fairly consistent throughout the County. An officer can manually turn on the system at any time. In addition, the camera turns on automatically when the car's overhead flashing lights are activated, and remains on until manually turned off. The mandatory activation of the system would include:

1. Arrests
2. Pedestrian checks
3. Vehicular pursuits
4. Suspicious vehicles
5. DUI investigations including field sobriety tests
6. Consensual encounters
7. Responding to an in-progress call
8. Any call for service where the recorder may aid in the apprehension and/or prosecution of a suspect
9. Any situation that becomes adversarial after the initial contact
10. An officer believes that a recording of an incident would be appropriate

The use of these systems is to provide an unbiased audio/video record that would be used to supplement the officer's report.

Generally, most agencies have the same policy for the storage of the recorded information based on *Government Code Section 34090.6*. Once the audio/video record is booked into evidence, it will be retained for a minimum of one year. After that, it may be erased or destroyed unless there is pending litigation.

All of the County's law enforcement agencies that currently have audio/video systems were supportive of the technology. However, one agency did cite numerous glitches with

## **GRAND JURY ENDORSES PATROL VEHICLE CAMERAS**

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their equipment including battery issues, equipment checks, as well as lapses in dealing with the use of the technology.

A modern law enforcement agency should take advantage of this kind of innovation which may reduce its liabilities and increase the level of trust held by the citizenry it serves. Based on overwhelmingly positive evaluations by the law enforcement community, the Santa Barbara County Grand Jury recommends that the police departments of Santa Barbara and Guadalupe obtain funding for, and install this technology.

### **FINDINGS AND RECOMMENDATIONS**

#### **Finding 1**

All county law enforcement agencies except the police departments of the cities of Santa Barbara and Guadalupe have currently installed audio/visual technology in their patrol vehicles.

#### **Finding 2**

Citing costs, the police departments of the cities of Santa Barbara and Guadalupe currently do not have audio/video technology installed in their patrol vehicles.

#### **Recommendation 1**

That the police departments of the cities of Santa Barbara and Guadalupe immediately seek out funding sources to provide current audio/visual technology for all of their patrol vehicles.

#### **Recommendation 2**

That the police departments of the cities of Santa Barbara and Guadalupe immediately request that their respective city councils provide any necessary supplemental funds to obtain and install current audio/visual technology for all of their patrol vehicles.

#### **Recommendation 3**

That the police departments of the cities of Santa Barbara and the Guadalupe install current audio/visual technology for all of their patrol vehicles.

### **REQUEST FOR RESPONSE**

In accordance with *California Penal Code Section 933.05*, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each.

**GRAND JURY ENDORSES PATROL VEHICLE CAMERAS**

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**Santa Barbara Police Department – 90 days**

Finding 2

Recommendation 1, 2, 3

**Guadalupe Police Department – 90 days**

Finding 2

Recommendation 1, 2, 3