

RESPONSE TO GRAND JURY REPORT FORM

Report Title: Body-Worn Cameras and Marin Law Enforcement

Report Date: May 24, 2018

Public Release Date: June 1, 2018

Response By: Mayor Gary Phillips and San Rafael City Council

FINDINGS:

- I (we) agree with the findings numbered: N/A
- I (we) disagree wholly or partially with the findings numbered: N/A

RECOMMENDATIONS:

- The City agrees with Recommendation **R2** and has implemented it.
- The City has partially implemented Recommendation **R3**. The second generation cameras recently deployed by the San Rafael Police Department (SRPD) have an automatic "pre-record" feature. It is set to record the 30 seconds prior to the camera's activation by the officer. Our policy describes when the camera should be turned on. Automatic activation of cameras with no officer discretion is not warranted or desired. The technology currently available for automatic activation is expensive and mostly untested. Our policy states in part, "Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance". Supervisors conduct random audits of camera usage. Since body worn cameras became standard equipment at SRPD in October of 2014, our officers have embraced the technology. There have been no incidents of discipline arising from misuse, or non-use of the BWC technology.
- The City will not implement Recommendations **R4** and **R5** at this time. While the goals of cooperation and resource sharing are good ones, it is not practical in a County with disparate law enforcement needs. Agencies in Marin County have different financial restrictions and vastly different needs for staff ranging from seven (7) officers to over 300 deputies. Each law enforcement agency chooses the platform that works best for its budget, staffing, and needs. Some Marin agencies pair their BWC with in-car video, some rely on a local server for storage, and some use cloud based storage. Each agency decides which camera and software features are the most important to them. Cooperative negotiating and resource sharing would be better served county-wide for technology that

has not already been in place in all but one agency. With that said, we will look for future opportunities to work with the law enforcement agencies in Marin County to share purchasing opportunities and resources.

Date: 7/23/18

Signed: 
Gary O. Phillips, Mayor

Attest: 
Lindsay Lara, City Clerk

Number of Pages Attached: 0



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 6.c

Meeting Date: July 16, 2018

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police

Prepared by: Diana Bishop, Chief of Police

City Manager Approval: _____

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TOPIC: GRAND JURY REPORT ON BODY WORN CAMERAS

SUBJECT: Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael Response to the 2017-2018 Marin County Civil Grand Jury Report Entitled "Body-worn Cameras and Marin Law Enforcement: Follow Up Report."

RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution approving the proposed response (Attachment 1) to the Grand Jury report and authorizing the Mayor to execute the response.

BACKGROUND:

The 2017-2018 Marin County Civil Grand Jury has issued its report, dated June 1, 2018 entitled "Body-worn Cameras and Marin Law Enforcement: Follow Up Report" (Attachment 2).

The Grand Jury has requested that the Marin County Sheriff and the governing bodies of the County of Marin, San Rafael, Sausalito, Ross, Tiburon, Belvedere, the Central Marin Police Authority, Novato, Fairfax, and Mill Valley respond to its recommendations. The City of San Rafael has been requested to respond to Recommendations R2, R3, R4 and R5. The Grand Jury's findings and recommendations are set out on page ten (10) of the nineteen (19) page report.

ANALYSIS:

The City is required to respond to the Grand Jury Report. Penal Code section 933 states in part:

"No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations...[contained in the report]."

To comply with this statute, the City's response to the Grand Jury report must be approved by Resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury by September 1, 2018. A proposed Resolution is attached that would approve the City's response.

FOR CITY CLERK ONLY

Council Meeting: 7-16-2018

Disposition: Resolution 14552

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

The Grand Jury recommends that all law enforcement agencies in the Marin County do the following:

R2 – Marin law enforcement agencies that have not posted their body-worn camera policies to their websites should do so by October 1, 2018.

R3 – All Marin law enforcement agencies should seek to employ automated activation of body-worn cameras based on that agency's choice of activation modes.

R4 – All Marin law enforcement agencies pursuing new or improved technology should explore cooperative negotiating and resource sharing with other agencies to reduce cost.

R5 – The County of Marin should work with the law enforcement agencies to form a county-wide buying group to reduce the costs of video technology.

Staff agrees with Recommendation R2 and has posted our policy to our website at www.srpd.org/policies.

Staff partially agrees with Recommendation R3. The second generation cameras recently deployed by the San Rafael Police Department (SRPD) have an automatic "pre-record" feature. It is set to record the 30 seconds prior to the camera's activation by the officer. Our policy describes when the camera should be turned on. Automatic activation of cameras with no officer discretion is not warranted or desired. The technology currently available for automatic activation is expensive and mostly untested. Our policy states in part, "Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance". Supervisors conduct random audits of camera usage.

Since body worn cameras became standard equipment at SRPD in October of 2014, our officers have embraced the technology. There have been no incidents of discipline arising from misuse, or non-use of the BWC technology.

Staff does not agree with R4 and R5. While the goals of cooperation and resource sharing are good ones, it is not practical in a County with disparate law enforcement needs. Agencies in Marin County have different financial restrictions and vastly different needs for staff ranging from seven (7) officers to over 300 deputies. Each law enforcement agency chooses the platform that works best for its budget, staffing, and needs. Some Marin agencies pair their BWC with in-car video, some rely on a local server for storage, and some use cloud based storage. Each agency decides which camera and software features are the most important to them. Cooperative negotiating and resource sharing would be better served county-wide for technology that has not already been in place in all but one agency.

FISCAL IMPACT:

None

OPTIONS:

The City is required to respond, however, the Council could make changes to the proposed response and then adopt the Resolution and revised response. Alternatively, the Council could return the response to staff for further response and return to the Council at a later meeting.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution approving the proposed response to the Grand Jury report and authorizing the Mayor to execute the response.

ATTACHMENTS:

1. Resolution with attached proposed response
2. Grand Jury report dated June 1, 2018

