



POLICE BODY WORN CAMERAS: INGREDIENTS FOR A SUCCESSFUL PROGRAM



REC OPE
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



PRESENTED BY

Michael L. Wroniak, Esq.

Christie Bodnar Swiss, Esq.



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



TODAY WE WILL COVER

- ❖ Pros and cons of Body Worn Cameras
- ❖ The importance of a strong policy
- ❖ When to activate and deactivate cameras
- ❖ How long to retain footage
- ❖ How to respond to Public Records Act requests
- ❖ Elements of a successful written program



OVERVIEW: PROS

- Maintain officer controlled record of the event
- Enhance accuracy of police reports
- Increase public transparency



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



OVERVIEW: PROS

BAD COP

GOOD COPS

CATALINO
COPYRIGHT 2015
CREATORS.COM



Weed out bad
apples within the
department



REC  PE
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA

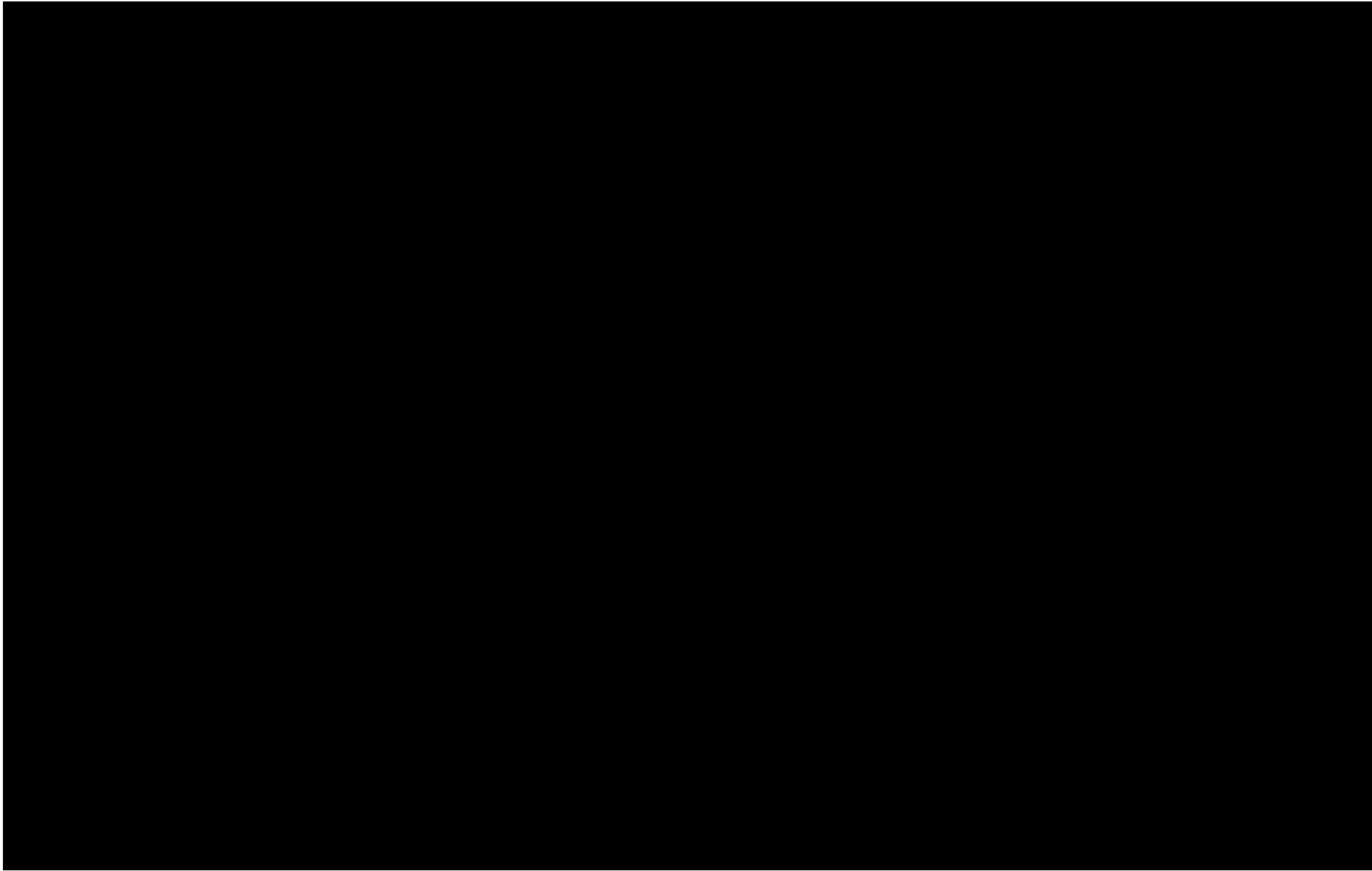


OVERVIEW: PROS

Limit liability exposure

- Prevents initiation of claims/litigation
- Tool to pre-litigation discovery and resolution
- Used during litigation to defend actions





REC  PE
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



OVERVIEW: CONS



- Start up costs
- Management and data storage costs
- Misuse of cameras by officers



RECOPE
FOR SUCCESS

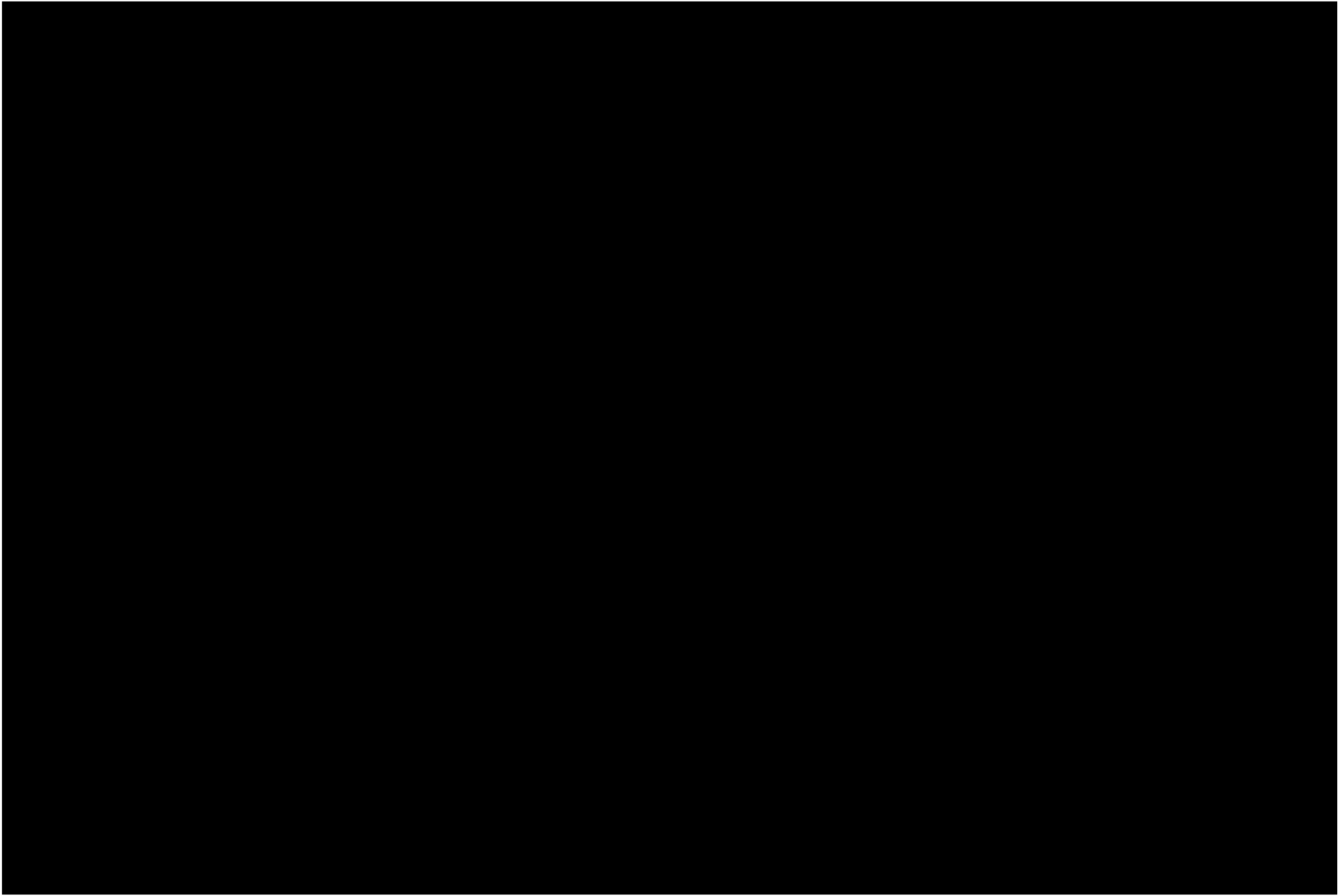
SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



OVERVIEW: CONS

- Liability exposure
- Complications with privacy laws and public record requests
- Officer's reluctance/failure to act





REC  PE
FOR SUCCESS

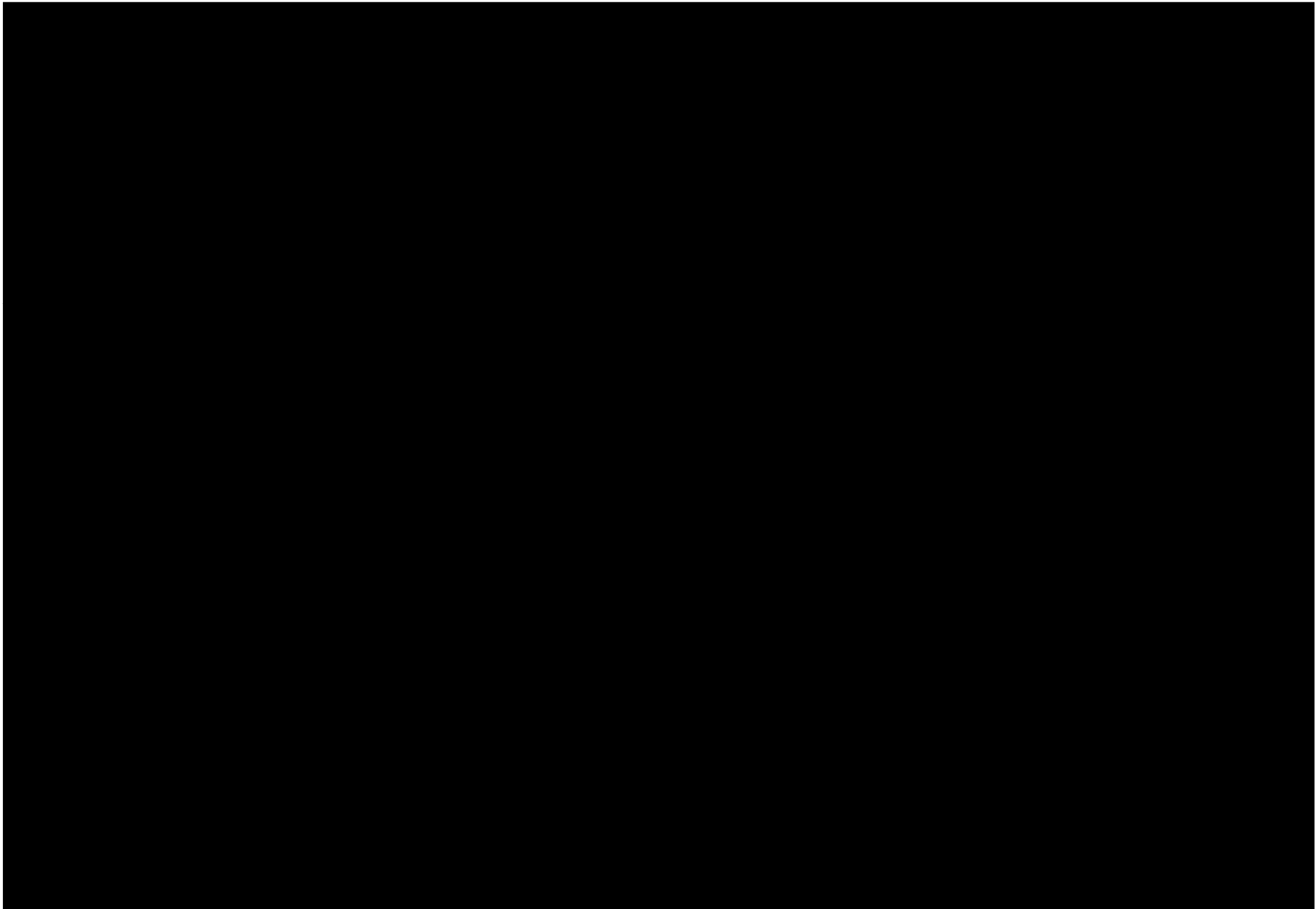
SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



PROS OUTWEIGH THE CONS

- Strong preventative purpose
- Study in Mesa, Arizona
 - 100 officers: 50 with cameras and 50 without
 - Group without camera had nearly 3 times more complaints
- Study in Rialto, California
 - 60% reduction in officer use of force
 - 88% reduction in number of citizen complaints





REC  PE
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



STRONG WRITTEN POLICY

- Identifies when to activate/deactivate camera
- Recoding system for checking out camera
- Requirement officer inform suspect of camera
- Identifies how long to maintain footage activation



STRONG WRITTEN POLICY

- Disclosure limitations per exemptions of the PRA
- Training program
- Appointment of Data Coordinator(s)
- Officer and citizen safety does not override activation



SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



CONTENTS OF POLICY



PHOTO.com shenhan

- When to activate
 - All enforcement and investigative contacts
 - Traffic stops
 - Self-initiated activity
 - Any other contact that becomes adversarial
- Documenting reasons not activated
- When to deactivate



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



CONTENTS OF POLICY

- Prohibitions
 - Personal use
 - Uploading to social media



- Sanctions for violating prohibitions



DATA COLLECTION AND STORAGE

- Penal Code section 832.18 requirements
 - Appointment of Data Coordinator
 - Establish system for downloading, storing and securing footage
 - Establish system for tagging and categorizing data of the type of incidents captured



DATA COLLECTION AND STORAGE

- Penal Code section 832.18 requirements (continued)
 - Maintain logs of access to data
 - Maintain logs of deletion of data
 - Overall BWC management, including ensuring cameras in good working order



RECIPE
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



DATA COLLECTION AND STORAGE

Third party vendors? Ok, but make sure...

- Written contract
- Built in audit trail in storage system
- Complies with minimum requirements of Penal Code section 832.18
- Complies with additional requirements set by department policy



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA

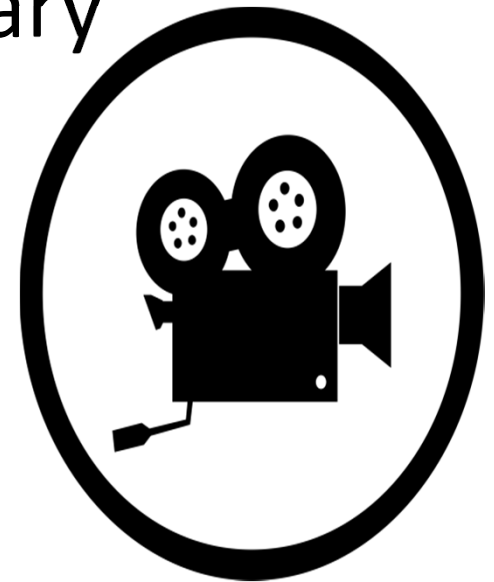


DATA COLLECTION AND STORAGE

How long do you maintain footage?

Penal Code section 832.18

- ❖ 60 days: Non-Evidentiary
- ❖ 2 years: Evidentiary



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



DATA COLLECTION AND STORAGE

California State Master Police Department



180 days: Non-Evidentiary

2 years: Evidentiary

Police Executive Research Forum



60-90 days for traffic citations

Indefinitely for footage involving homicides



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



PUBLIC RECORDS ACT REQUESTS

❖ Privacy issues

❖ Exemptions:

- On-going investigations
- Litigation
- Personal and private information



REC  **PE**
FOR SUCCESS

SEPTEMBER 12-15, 2017
SOUTH LAKE TAHOE, CA



LEGISLATION: ASSEMBLY BILL 748

Seeks to require disclosure of video or audio recording within 120 days if

- Matter of public concern
- Use of force
- Reasonably believed to involve violation of law or agency policy
- Exemption: Disclosure would substantially impede and ongoing investigation



QUESTIONS?

Michael L. Wroniak, Esq.

Collins Collins Muir + Stewart, LLP

750 The City Drive, Suite 400

Orange, CA 92868

(714) 823-4100

mwroniak@ccmslaw.com

Christie Bodnar Swiss

Collins Collins Muir + Stewart, LLP

2011 Palomar Airport Road, Suite 207

Carlsbad, CA 92011

(760) 274-2110

cswiss@ccmslaw.com



Northern California * Los Angeles County * Orange County * San Diego County * Inland Empire
(510) 844-510 (626) 243-1100 (714) 823-4100 (760) 274-2110 (909) 581-6100

