



City of Seattle
 Seattle City Council

MEMORANDUM

Date: June 30, 2011

To: Monica Martinez Simmons, City Clerk

HARD COPY: City Hall, Third Floor, Main Reception

ELECTRONIC COPY: clerkfiling@seattle.gov

From: Susana Serna, Council Central Staff
 (Michael Jerrett, Staff Analyst)

Re: Request to Create Clerk File – Response to 2011- 2012 Council Statement of Legislative Intent

Title of Clerk File: Seattle Police Department’s (SPD) Response to 2011 – 2012 Statement of Legislative Intent (SLI) No. 56-1-A-2: Pursue Grant Funding for Body-Mounted Camera Pilot Project in Police Department.

Please cross-reference: Resolution No. 31269 (2011-2012 SLI Adoption Resolution)
 Ordinance No. 123442 (2011-2012 Budget Adoption Ordinance)
 Clerk File No. 311072
 (City Council Changes to the 2011-2012 Proposed Budget and the 2011-2016 Proposed Capital Improvement Program)

Please create a Clerk File for the SPD response, and related documents to 2011-2012 Council SLI No. 56-1-A-2.

I am attaching hard and electronic copies of all materials related to this SLI.

Clerk File Table of Contents:

Item	Title	File Name
1	SLI 56-1-A-2 Body-Mounted Camera SLI Response.	SLI 56-1-A-2 Response Memo.docx
2	2011-2012 Statement of Legislative Intent 52-1-A-2	SLI 56-1-A-2.pdf
3	SLI 56-1-A-2 Response Memo Att 1 Body Mounted Camera Project Charter	SLI 56-1-A-2 Response Memo_Att 1.docx

Statement of Legislative Intent

"The Seattle Police Department is currently conducting a trial use of four body-mounted camera and video units to gain a better understanding of how the body-mounted camera technology works. The Council requests a written report detailing the outcomes of this trial use by the end of the second quarter of 2011. The Council intends to use the findings of the report to consider options for funding in the 2012 budget.

Additionally, the Council requests that the Seattle Police Department pursue federal grant money to fund a significant body-mounted camera pilot project in order to develop a better understanding of this emerging technology. The Council requests a written report of measures taken to pursue federal grant money and the status of any grants applied for by the end of the second quarter of 2011."

Seattle Police Department Response to Statement of Legislative Intent

The Department has initiated several steps to enable it to conduct a pilot project in the field, as described below, but it has not yet deployed the cameras. This response will identify the existing obstacles to implementation, the steps taken to date, and planned next steps.

I. Obstacles to Deployment.

There are several existing obstacles to deployment of body cameras in the field, as discussed briefly below.

A. Labor Considerations

Use of body-mounted cameras in the field may impact officers' conditions of employment, and thus be subject to negotiation with the Seattle Police Officers Guild. Issues relating to body cameras and other video are part of the ongoing contract negotiations with the Guild. The parties are in mediation regarding the contract now, but no agreement has been reached.

B. Legal Considerations

Washington's Privacy Act, RCW 9.73.030, prohibits the audio recording of private conversations without first obtaining the consent of all parties to the conversation. RCW 9.73.080 states that unauthorized recording of a private conversation is a gross

misdemeanor, and could also subject the Department to potential civil suits for damages. RCW 9.73.090 provides an exception for the use of dashboard-mounted cameras with audio recording, but there is currently no exception for body-mounted cameras.

The Department has been advised in an attorney-client privileged communication from the Law Department that it would be unwise to implement a body camera program without first obtaining a legislative exception to the Washington Privacy Act. The City was unable to obtain a legislative exemption during the recently completed state legislative regular session.

C. Community Concerns

While body cameras are often discussed as a means to monitor police behavior, the subjects captured on video will, for the most part, be civilians. In many cases, civilians will be engaged in situations or behavior they would not wish to have recorded, and potentially, released and distributed under public disclosure laws. Community groups, including ACLU and the Washington Association of Criminal Defense Attorneys, have advocated against recording of individuals without consent.

D. Budget Considerations.

Costs of implementing a body camera program include the cost of cameras, as well as the equipment and personnel costs to store, catalog and manage large amounts of video data, and retrieve individual segments of video on request. The Department expects it can conduct a small-scale pilot program within its existing budget, but broader implementation will require significant new funding, or reallocation of existing funds. The Department has taken actions, described below, to locate grant funding for the project.

II. Preparations for Pilot Project.

Notwithstanding the concerns above, the Mayor and Chief have directed the Department to pursue a pilot program for body cameras. Steps taken to date include:

- Established a project steering committee and charter outlining the goals of the project. The project is designed as a proof of concept pilot to identify operational and logistical issues associated with day-to-day deployment of body-mounted cameras, ease of use and acceptance by officers and the public. SPD will include functional and cost comparisons with in-car video systems.
- Researched the use of the body-mounted cameras in other locations, including travel to San Jose, California. Few large departments in the U.S. have deployed the cameras, highlighting the need for local testing in a variety of settings.

- Secured cooperation of a Seattle-based body-mounted camera vendor to make a small number of cameras available for a 60-day pilot. The vendor understands that any decision to widely deploy body-mounted video would be subject to an RFP.
- Conducted preliminary testing of one body camera in simulated police interactions using personnel in the Training Section. That testing shows that the usefulness of video may be substantially limited in situations where officers are walking or running, where there is physical contact between officers and suspects, or officers are raising their hands to fire a weapon. In addition, body cameras may be less useful than dashboard, surveillance or other types of cameras in many situations, because they do not provide any direct view of the actions of the officer who is wearing the camera.
- Drafted a protocol to govern use of the cameras by SPD officers, including legal review. As noted above, the Law Department has recommended that the City seek a legislative exemption for body-mounted cameras. Without such an exemption, the City would incur “considerable risk” in deploying these systems, relating in part to the legal complexities that would confront officers responding to most situations.
- Identified and tested an SPD server to receive and store video and audio evidence produced by the cameras. As part of the final project report, the Department will assess the cost and feasibility of a cloud-based storage solution.
- Completed and forwarded application materials for a federal earmark that would underwrite the cost of a larger pilot project involving approximately 70 officers in a variety of SPD units. This request for \$243,000 is being held pending resolution of budget difficulties at the federal level. The SPD Grants Unit and staff in the Office of Intergovernmental Relations are watching for other grant opportunities.
- Identified need to develop a short training module for officers agreeing to test the cameras. This will ensure a thorough understanding of the equipment, its operation and rules governing use of the systems.
- For evaluation purposes, identified need to gather feedback from officers deploying the cameras and from citizens and to assess suitability of body-mounted cameras as a substitute for in-car camera systems.

III. Next Steps

Having taken these steps, and pending ongoing labor discussions, the Department is now preparing to proceed with a pilot program involving motorcycle traffic officers. Officers will be outfitted with cameras on loan from a vendor, as described above. Upon stopping a vehicle, officers will approach and request permission to record the encounter. If the vehicle driver declines approval, the camera will not be turned on or, if already recording, will be shut off.

2011 - 2012 Statement of Legislative Intent

Approved

Tab	Action	Option	Version
56	1	A	2

Budget Action Title: Pursue Grant Funding for Body-Mounted Camera Pilot Project in Police Department.

Councilmembers: Bagshaw; Burgess; Harrell

Staff Analyst: Michael Jerrett

Budget Committee Vote:

Date	Result	SB	BH	SC	TR	JG	NL	RC	TB	MO
11/10/2010	Pass 9-	Y	Y	Y	Y	Y	Y	Y	Y	Y

Statement of Legislative Intent:

The Seattle Police Department is currently conducting a trial use of four body-mounted camera and video units to gain a better understanding of how the body-mounted camera technology works. The Council requests a written report detailing the outcomes of this trial use by the end of the second quarter of 2011. Part of this report should be a preliminary analysis of best practices for storing video footage; specifically, whether it makes fiscal sense to incorporate cloud based systems over server based systems for video storage and archiving. Cloud based systems are defined as data stored on multiple virtual servers, rather than local dedicated servers. The Council intends to use the findings of this report to consider options for funding in the 2012 budget.

Additionally, the Council requests that the Seattle Police Department pursue federal grant money to fund a significant body-mounted camera pilot project in order to develop a better understanding of this emerging technology. The Council requests a written report of measures taken to pursue federal grant money and the status of any grants applied for by the end of the second quarter of 2011.

Responsible Council Committee(s): Energy Technology and Civil Rights

Date Due to Council: June 30, 2011



Project Charter

Body Mounted Video Pilot Project

Requested by: Technology Steering Committee
Date Requested: 9/13/2010

Mission Statement

City Council has asked the Department to consider body mounted video (BMV) to provide transparency and thereby reassure the public and help to reduce complaints and litigation.

Project Objective

Explore feasibility of BMV as a technology mature enough for police deployment.

Gain a better understanding of the technical and operational impacts of camera equipment physically mounted on personnel, focusing on practical aspects of officer use and acceptance.

Benefits

The pilot will provide information to Seattle Police sufficient to address project objectives.

Scope

The Pilot Project will deploy six BMV systems for a 30 to 60 day test. The test is intended to explore the physical and operational limits of the technology (e.g., gauge the effects of weather and lighting and how the systems complement officer work assignments) and will include a Back Office component.

Completion Criteria

This project will be completed after a 30 to 60 day field test is completed, and the results of the test are summarized and transmitted to Council.

Initial Estimates

Equipment will be on-loan from a BMV vendor. At this time, we don't expect to incur any direct costs for the test, and anticipate there will be soft costs of 150 FTE hours. If any of the equipment is lost or broken, we anticipate the need to reimburse the vendor for expenses or replacement costs.

Funding

Work with existing funds.

Assumptions

1. Officer volunteers will be available to complete the pilot.
2. Test may be completed without undue disruption to officers' work routines.
3. Test may be conducted within existing legal authority as specified in RCW.

Constraints

1. Funding to complete the project is limited; possible need to identify source of funds to cover equipment damage or loss.
2. Policy regarding video and retention need to be reexamined to verify the project is in compliance with current State and City legal requirements.
3. Need to secure Guild support for the pilot deployment.

Risk Analysis

1. Operational impacts and administrative overhead may be significantly underestimated.
2. Administration and implementation of BMV back-office and video retention add to current workload for multiple organizations in SPD including, Records, Public Disclosure, Video Unit and Information Technology. This could impact pilot timeline.

Project Deliverables and Major Milestones

See chart attached.

Personnel

Executive Sponsors: A/C Sanford and A/C Reed

Project Manager/Leader: Bruce Hills

Project Team: Bruce Hills, Mike Quinn, Peter Harris, Legal Shawna Skjonsberg-Fotopoulos, Renne Bispham; Audit and Inspections - Fred Jordan, Training - David Drain, Photo Lab - Karim Miller, Patrol - Bicycle – Randy Jokela, Guild Representative – Rich O’Neill, Tom Pike, Dave Bunge, Randy Kyburz, Finance – Colette Alberts, CBO – Mike Katz

Project Deliverables and Major Milestones

#	Due Date	Milestone	Responsible	Date Completed or Status
1	10/6/2010	Complete Charter	Hills	10/6/2010 in first draft, Multiple revisions
2	10/30/2010	Complete protocol / operations manual	Training	January 2011 document in first draft; sent for Law Department review 01/19/2011; Legal opinion received 02/10/2011.
3	10/30/2010	Acquire test equipment and configure back office	Hills/ Information Technology	Done October 2010
4	1/11/2011	Conduct BMV test using simulated police situations	Training	Complete: 1/18/2011
5	TBD	Identify test groups and volunteers	Team	Pending resolution of discussions with Guild
6	TBD	Design and test evaluation instrument	Team	Pending resolution of discussions with Guild
7	TBD	Deploy and Monitor	Team	Pending resolution of discussions with Guild and issues identified in Law Department opinion
8	TBD	Pilot test close with final report and recommendation	Team	Pending resolution of discussions with Guild and issues identified in Law Department opinion
9	03/31/2011	Prepare request for federal earmark	Quinn	Done and transmitted 03/31/2011
10	04/30/2011	Prepare response to Council SLI	Quinn	05/06/2011 in first draft; revised 06/29/2011 and transmitted 06/30/2011