

OFFICER-WORN CAMERAS FOR PORTLAND POLICE: QUESTIONS AND ANSWERS

The Portland Police Bureau (PPB) recently presented a proposed timeline for implementing an officer worn camera system with the potential for the program to start in early 2017. Implementation of a camera system will involve both up-front and long-term costs, and will require resolution of a number of policy issues. This paper attempts to capture these issues for Council consideration by highlighting the following:

- Reasons for implementing an officer-worn camera program
- Process to begin implementation in 2016
- One-time and ongoing cost details for outfitting officers and supporting the program
- Frequently Asked Questions about reducing the costs

The Police Bureau will need to request new ongoing General Fund resources or reallocate resources from existing Police programs in order to support an officer-worn camera program. Costs of both implementation and ongoing support are significant, and are further detailed later in this paper.

Why Implement Officer-Worn Cameras in Portland?

It has been approximately two years since the Portland Police Bureau received initial funding of \$834,619 for the enhancement of the existing Mobile Audio Video (MAV) program, and the funds have subsequently been repurposed for an officer-worn camera program. Multiple reasons for supporting officer-worn camera programs have been presented in the law enforcement community; however, outcomes or data supporting the effectiveness for these systems is somewhat limited, with more academic research becoming available as there has been heightened interest in officer-worn camera programs in the US. Some agencies are collecting and benchmarking data around use of force, the subsequent reduction in liability claims payments, reduction in officer complaints, and reduction in court time due to cases not going to trial. If the bureau does move forward with officer-worn cameras, it is recommended that the bureau closely analyze the program with a focus on outcomes.

The long-term effectiveness of officer-worn cameras is currently being reviewed and evaluated by multiple institutions outside of law enforcement departments and preliminary results are beginning to be published and available to the public. One of the two recent reports assessing effectiveness was conducted by Arizona State University (ASU) to assess the use and outcomes of cameras at the Phoenix Police Department¹. *Overall results indicate the desired outcomes due to the introduction of the cameras in the police department.* The most significant findings from the ASU evaluation are:

Outcomes for accountability:

- 49% decline in the proportion of complaints involving excessive force against camera wearing officers.
- 23% decline in officially recorded complaints (unfounded & founded) against camera wearing officers

¹ Katz et.al, (2014). "Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department"

- 53% reduction in complaints being founded for camera wearing officers, and a 57% reduction for officers without cameras.
- 35% decline in verbal misconduct complaints for camera wearing officers, and a 69% decline for officers without cameras.

Outcomes specific to domestic violence cases with officer-worn camera evidence

- Prosecutors are more likely to initiate cases when camera evidence is available.
- Prosecutors are more likely to charge defendants when camera evidence is available. It is five times more likely that the defendant is guilty.
- Reduction in the number of days to process domestic violence cases through completion declined from an average of 95.8 days to 78.1 days

What Are the Next Steps for Implementation?

Properly implementing this program in Portland will require changes to existing bureau policies and the creation of new policies in the Bureau, resolution of any collective bargaining issues with the Portland Police Association (PPA), completion of the implementation budget and plan, and determination of what resource requirements are available for future support of the program after implementation.

Changes at the state legislature will allow for the bureau to update and develop policies and procedures for an officer-worn camera program. House Bill 2571 adopted in the 2015 General Session addresses many issues specific to cameras and provides statewide standards for law enforcement agencies choosing to equip officers. The law provides a framework for local agencies to adopt the following standards:

- Recordings must be maintained for at least 180 days but no more than 30 months if there is no court proceeding associated with the recording.
- Recordings are exempt from disclosure unless the public interest requires the disclosure.
- Bars the use of the recordings for anything other than legitimate law enforcement purposes.
- The recordings must be property of the agency, and not a third-party vendor.
- Policies will be in place stating that the cameras must record continuously from the point the officer develops reasonable suspicion that a crime or violation has occurred. Exceptions may be made by individual agencies based on privacy and safety concerns for the officer and members of the public.

Portland Police Bureau's policies will need to be developed to ensure consistency with the new state law and with guidelines that the City of Portland can support. As part of community outreach and public engagement efforts, the Police bureau has requested and received input on the development of a program through an online forum on the bureaus website and through several community discussion events.

Bargaining and internal City policy development will need to be completed

The current contract with the Portland Police Association does not include language for use of officer-worn cameras, and this contract is not scheduled for renewal until June 2017. Issues in other jurisdictions with camera programs that have required bargaining include the following: the ability for officers to view footage prior to completing incident reports or force reports, how and when the cameras should be turned on or off, training and issuance of equipment, and the disciplinary process for violating the camera usage and recording policies.

What are the Estimated One-time and Ongoing Support Costs?

Currently, the Police Bureau has \$834,619 set aside for the project implementation of an officer-worn system. The current plan for implementation is to outfit all patrol officers, traffic division, and transit officers with cameras for a total of 600 cameras. The preliminary cost for the cameras currently ranges from \$800-\$1,200 per unit plus additional accessories. Depending on the vendor this cost may not include the costs of the docking station required for charging and uploading video footage². Data storage plans or contracts for cloud-based solutions will have ongoing support costs and the City may need to procure additional hardware if cloud-based solutions are not feasible. Based on estimated costs per officer to outfit and store the data, the one-time costs for implementation may exceed General Fund resources currently available, when compared to similar project estimates from other jurisdictions.

CBO has added into the implementation budget an estimate for the inclusion of a limited-term project manager due to the complexity of this project. The addition of a dedicated project manager skilled in information technology projects may provide a more effective use of resources than assigning a very complex project to existing staff. When the costs of the camera equipment, potential hardware or software requirements, and a limited-term project manager are combined the total project ranges from \$1.0 to \$2.0 million to implement. Until the selection of vendor and method for data storage are finalized, it will be very difficult to set the final implementation budget with certainty.

The future ongoing costs will likely require investments in personnel in the Records and Information Technology Departments; records storage with server space and/or license agreement support; and depending upon the selected product, future life-cycle replacement costs. Each vendor will present different levels of support options. Conservatively, the bureau will likely spend at least \$670,000- \$1 million per year broken out in support personnel for the Records and Information Technology Divisions, plus any costs for data storage and management of videos.

In early February 2016 submitted a requested budget identifying both ongoing and one-time funding requests to begin a phased implementation of this project. The bureau's current request totals \$879,165 in new ongoing funding which includes 2.0 program positions and funds for technology support. In the event that new resources are not made available to the bureau, there will need to be a discussion on what programs would be reduced or eliminated in order to realign internal resources to pay for an officer-worn camera program.

Frequently Asked Questions for Reducing Costs

Question: Has the City considered a cheaper camera option? What about using GoPros™, Smartphones, or other personal recording devices?

There is no requirement to use the cameras that are developed specifically for law enforcement, and recording devices in the general public are prevalent due to the increased number of smart phones and personal video cameras. Personal cameras cost approximately \$300 each, and at face value it would appear that this strategy could save thousands of taxpayer dollars as there is no required annual license

² Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services.

agreement. At \$300 per officer, the total cost to outfit 500 officers would be \$150,000: a fraction of the estimates for professional officer-worn camera systems.

While simple consumer products may sound viable, there are considerable constraints to managing an officer-worn camera system, and some of the benefits of such a program would likely be compromised. A system, such as standard Go-Pro™ or smart phone, is not made for preserving or documenting evidence within a public safety environment where preserving the chain of custody of evidence is paramount. Professional officer-worn camera systems wirelessly upload every recording for secure storage, where redaction, deletion, or other outside tampering are secure and cannot occur. Any interaction with the recording is date/time stamped with the individual user's ID to ensure that all recordings are preserved. These recordings and information can be transmitted to District Attorney's and the Defense Bar while preserving the evidentiary chain of custody with reduced extra effort on the officer's part.

Under the Go-Pro™ model, the officer likely would spend additional time downloading and managing files daily at the end of his/her shift, and there would no longer be a guarantee of preservation of evidence with the date and time stamp features. Recordings would still need to be archived and managed, and handing over data that is encrypted and secure would require burning videos to CD or thumb drive for either public records requests or for discovery purposes. This option appears cheaper on the initial equipment purchase, but would likely require significantly more officer time and additional support personnel to manage the recordings, while potentially negating the benefits of obtaining and retaining criminal evidence.

It is not the recommendation of CBO to pursue these "cheaper alternatives" as they, in fact, will prove to be both the wrong tool for the intended purpose and will be very labor intensive and therefore very costly to manage.

Question: What about reducing the number of cameras deployed? Why issue 500 cameras within the bureau?

The bureau could partially implement an officer-worn system, potentially issuing cameras to certain divisions or patrol shifts in order to reduce the costs of procurement and records retention. While this option may cost less in terms of initial implementation dollars, a less extensive deployment may hinder the bureau's ability to achieve the desired outcomes of the program. These outcomes are associated with building public trust and enhancing managerial accountability for officer performance.

For example, if there is only a 50% chance that interactions could be recorded then the public would need to be made aware of what may or may not be recorded based on the likelihood of the responding officer wearing a camera, potentially eroding public trust in the process. By reducing the probability of actions being recorded there is less ability to present a neutral "lens" to situations.

Part of the desire for organizations to invest in officer-worn cameras is to utilize video evidence to hold officers accountable. Much of this focus assumes the recordings will only document egregious behavior, however, what will also be lost is the potential for documentation of appropriate police work (such as a tactical or de-escalation situation) which could be used in future training or in providing commendation to an individual's personnel file. If only a fraction of the patrol officers are outfitted, there may be additional concerns about inconsistent application of organizational justice, the process by which the bureau acts in a fair manner to the officers and determining the appropriate level of discipline if necessary. Issues around bargaining for members could be further complicated if each officer does not

have the same requirements, training, or disciplinary process based on the choice to outfit or not outfit half of the patrol officers with a camera.

It is not the recommendation of CBO to pursue partial implementation as a way to trim costs of the program as much of the potential benefit of the camera system would be lost and the program would not be able to best achieve the desired outcomes.

Question: Does the City have to implement an officer-worn camera system?

The City does not have to implement an officer-worn camera system. It is not a requirement of the settlement agreement with the United States Department of Justice. There is no state or federal law requiring officer-worn camera systems and the decision to outfit is a policy decision to be made by the Portland City Council. There is potential for the cameras to enhance public trust of law enforcement, to aid in criminal prosecutions of offenders in the community, or even exonerate the city in cases where the City previously elected to settle claims outside of court.

Law enforcement is moving towards officer-worn camera systems becoming a part of patrol operations. The technology will always be evolving, as will the models for storage options, file sharing, and potential rulings regarding privacy of recordings, and the use of evidence. The option of using this technology does not replace managerial or leadership decisions in the Police Bureau, nor will video evidence automatically change outcomes in a court of law. While there are likely to be benefits of implementing an officer-worn camera system, there may also be benefits from waiting for additional technology.

Conclusions & Recommendations

The Police Bureau is approaching the point in the process of pursuing an officer-worn camera program where the bureau will require additional guidance for both policy and financial support from the City Council. Proceeding with an RFP and purchasing a camera system without committed ongoing resources for future support of this program could position the bureau into a forced choice of eliminating current programs or services on an ongoing basis. It is the recommendation of the CBO that the Council provide financial guidance to the bureau prior to the issuance of the RFP to explicitly state what new resources – if any – will be available to support this new program. And if no new resources will be made available, Council should provide direction to the bureau to pursue a camera program in place of other services and programs, or to defer pursuit of the program until a later date.