

**CITY OF BURBANK
POLICE DEPARTMENT
STAFF REPORT**



DATE: July 30, 2019

TO: Justin Hess, Acting City Manager

FROM: Scott LaChasse, Chief of Police
By: Michael Albanese, Deputy Chief
Josephine Wilson, Police Administrator

**SUBJECT: BODYWORN AND IN-CAR CAMERA PILOT STUDY FINDINGS AND
RECOMMENDATION TO APPROVE THE AXON MASTER PURCHASE
AGREEMENT AND ASSOCIATED PERSONNEL NEEDS**

RECOMMENDATION

Staff recommends City Council: 1) note and file the findings and recommendations of the Body Worn Camera (BWC) and In-Car Camera (ICC) Pilot Study programs conducted and completed by the Burbank Police Department; 2) Approve the Master Purchase Agreement with Axon to procure BWC and ICC system technology; 3) Approve two Administrative Analyst I positions to administer the program; and, 4) Amend the FY 2019-20 budget and appropriate \$837,936 to fund the BWC and ICC Program.

BACKGROUND

On October 4, 2011, the Burbank Police Department presented for Council approval, the 2011 Strategic Plan. The Strategic Plan focused on organizational changes, which were administrative and operational in nature. The changes centered on the adoption of law enforcement best practices and policies, and in contemporizing training, equipment and technology. Most importantly, the reforms were dedicated to reinforcing a culture which embraces the duty to preserve and uphold the rights of all persons, a commitment towards teamwork and fairness, and one which embraces change, transparency, and accountability through internal and external oversight. One of the priority strategies for the Patrol Division included the acquisition of digital audio recorders and initiation of on-going product evaluation phases for BWC and ICC technology.

In June 2012, the Burbank Police Department acquired digital audio recorders (PUMA) via a Federal grant. The PUMAs are issued to each sworn officer and some non-sworn personnel (Parking and Animal Control Officers) for use while on-duty. These digital audio recorders were intended to assist employees in the performance of their duties by providing unbiased audio recordings of contacts with the public. To date, more than 671,000 audio recordings have been collected and are maintained on site, requiring a six-

plus terabyte storage capacity. Audio recorders have benefited the Police Department in three ways: PUMA recordings have helped in the adjudication of criminal cases by providing records of suspect interrogations and witness statements at crime scenes; they have helped in identifying and correcting performance issues by providing training; and finally, they have aided in resolving complaints against officers. It was anticipated that the next phase would be the implementation of an ICC system; however, the technology for BWCs rapidly accelerated to state-of-the-art video/audio capability.

Despite the many successes, there have been many instances where either an officer or a citizen feels the audio recording does not portray the incident completely or accurately. The contention that audio does not accurately depict physical nuances such as proximity, body language/position, facial expressions and surroundings, is very real. While audio had been a very progressive step towards transparency, the upgrade to audio/video was the next crucial step. The added dimension of video would also be a critical factor in the most comprehensive adjudication of administrative or criminal investigations.

In 2013, the Burbank Police Department beta-tested the WatchGuard ICC technology. The results provided increased hope for implementing video technology but the limitations associated specifically with in-car technology served as a gateway to the mobility of BWCs. Manufacturer designs to integrate in-car video devices with BWCs was explored but that technology was not currently available at the time.

By 2015, several events nationwide precipitated a widespread public interest and community expectation that law enforcement agencies pursue the acquisition of BWCs. Legislators and almost every law enforcement agency throughout the country evaluated the value that BWCs have to the law enforcement mission and ensuring public trust.

In pursuit of adopting best practices, the Burbank Police Department participated in a Los Angeles County BWC Program Committee that was comprised of local law enforcement agencies and the Los Angeles County District Attorney's Office. The mission of the committee was to identify BWC best practices for local agencies, including sharing new forms of Digital Multimedia Evidence (DME) with local prosecuting agencies.

An additional resource was the California Police Chiefs Association (CAL Chiefs) research into BWCs specific to the acquisition and implementation of this new technology. The CAL Chiefs resource report, released in April 2015, included guidelines for policy and samplings from small to large departments that are using BWCs with a list of pros and cons on the various systems available.

In May 2015, the Burbank Police Department submitted a grant application under the US Department of Justice 2015 BWC Pilot Implementation Program. The competitive grant was intended to support the implementation of BWC programs in law enforcement agencies across the country. The application was submitted under Category 3 - Establishment of new BWC programs in small police agencies with 250 or less sworn officers. The grant application was not successful partly due to the comparison with other agencies that already had BWC policies in place, documentation regarding pilot studies

and training conducted, and dedicated staff resources already available to ensure successful implementation of the program.

On July 21, 2015, the Police Department presented a report to the Council discussing BWC technology and requested funding to implement the Axon BWC program. In light of the City's fiscal challenges and other concerns expressed by the Council, the funding was not approved and staff was directed to conduct additional research on the technology and to address specific concerns by the Council, to include storage, department policy and staffing. The Council also wanted to ensure that any program or policy developed complied with several legislative proposals at the State and Federal levels.

In November 2017, the Burbank Police Department and the Information Technology Department partnered and began the discussion of a body-camera pilot or study program test phase. Following months of research, a Project Charter was completed in May 2018. The premise of the Charter was to study the implementation of BWC and ICC systems and to test the efficacy to the fullest extent possible of the stated goals and objectives of a full deployment of a BWC and ICC program. The study was to also validate cost and resource assumptions of a full deployment. The study focused on discovering, testing and validating the most efficient deployment and operating models that capitalize on existing synergies and resource availability.

The Project Charter identified two vendors that would meet all the requisites for this project. The two vendors were Axon (formerly Taser) and Utility Inc (BodyWorn). Some of the considerations/needs that would be critical in selecting the correct solution included ease of use for the officers, data storage, security, retrieval and redaction capabilities, ability to share files with the City and District Attorney's offices, initial and recurring costs, warranties and compatibility with existing software and technology infrastructures. The study was to be conducted in two phases – Phase 1 was Utility Inc. Body Worn/Rocket Internet Of Things (RIOT) and Phase 2 was Axon technology. A minimum of fourteen (14) officers participated in the testing and evaluating of each product for 90 days. At the end of each phase, a comparative analysis was conducted to evaluate each products video, sound quality, camera battery life, ease of download, evidence security, simplicity of operation, Computer Aided Dispatch (CAD) integration and tagging, prosecution sharing, and officer efficiency.

Policy Development

Since the implementation of the PUMA program, the Police Department developed and regularly updated its policy on the use of DME. The lessons learned from developing the current policy regulating audio recordings served as a critical component in the development of the BWC policy. The Police Department recognizes that BWCs have significant implications for the public's privacy rights, especially when it comes to recording victim interviews, recording inside residences, or sensitive subjects. As such, the Department worked with the City Attorney's Office and in conjunction with the Burbank Police Officers' Association in finalizing Policy 453 – *Use of Body Worn and In Car Camera Study* which achieves the necessary balance between transparency, accountability and privacy. Policy 453 provides guidelines to the officers on how and

when to use the equipment, limitations, officer and supervisor responsibilities, retention, discovery requests, ability for the officer to review video recording when preparing reports, training and audits. Furthermore, the finalized version of the policy has incorporated all the state-mandated legislative acts that are specific to BWC and ICC systems as it relates to operational use, retention and release of DME for critical incident disclosures.

Phase 1 – Utility Inc. BodyWorn / Rocket IOT:

On September 2, 2018, the Burbank Police Department held a kick off meeting for the Utility BWC Pilot Study. This Georgia-based company started out as a software developer, offering solutions such as GPS location software for the utility industry. Utility's original product line focused on tracking the mileage covered by utility company vehicles, the locations of the nearest unit to a needed response and providing maintenance information on the vehicles such as idle time and maintenance requirements. However, for the last 10 years, the company has been making mobile communications systems for public safety vehicles. The BWC and ICC equipment was developed out of that product line. The software is compliant with the Criminal Justice Information Services (CJIS) security policy.

The study consisted of 14 sworn personnel, including; one (1) Motor Officer, ten (10) Patrol Officers and three (3) Supervisors. ICC systems were installed in two patrol vehicles and on one motorcycle. The study participants generated 1.08 terabytes of data. This data includes BWC and ICC video/pictures/audio. The system included unlimited storage. The cost of the study was \$20,000.



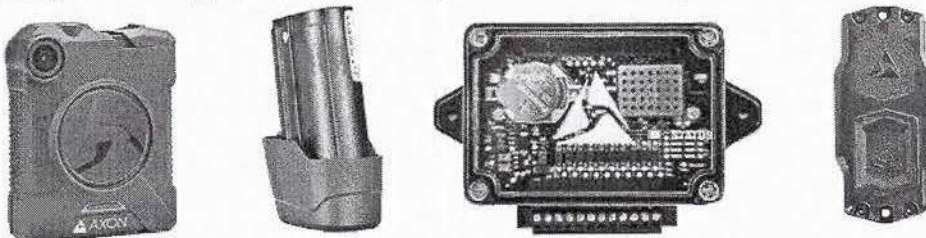
Findings

The BodyWorn product failed to meet several critical requirements for the Burbank Police Department's study. Areas of improvement were identified relative to the battery life and accurate CAD/video information assignment. On average, an officer's BWC was running out of battery in the 9th to 10th hour of their shift. The system was also not accurately assigning the proper CAD numbers on 6% to 10% of the video. Staff had to audit CAD

data and BWC/ICC evidence to validate that the information was accurate. This audit and validation process consumed time for the discovery process and program support team. Deployment of the Media Controller that activated the system was also problematic. The product also did not provide the ability to share information with the District Attorney's Office and overall would not enhance officer efficiency. This study concluded in December 2018.

Phase 2 – Axon:

On February 24, 2019, the Department initiated a second pilot study with Axon for a 90-day period. The pilot study consisted of seventeen (17) BWCs (13 Patrol, 2 Supervisors and 2 motors). In addition, two ICC systems with front and back seat coverage were installed in two vehicles. Officers were equipped with smart batteries which send a signal to automatically activate the body camera should the Taser weapon be armed. The vehicles were equipped with an auto feature that will signal to the camera to record at the activation of the vehicle light bar. The Department also tested a Signal Sidearm which is attached to the firearm holster and activates the primary user's camera and other body cameras within approximately 30 feet should any firearm be pulled from its holster. The system is also compliant with the CJIS security policy. The package includes the Evidence.com web portal which provides unlimited storage. The portal will also maintain the Taser inventory for the Department's Conducted Energy Weapons already issued to sworn personnel department-wide. Axon has provided the case file sharing feature at no additional cost to the City Attorney's Office. As of June 1, 2019, the Department generated 6,584 video recordings over 1,576 hours requiring about three terabytes of storage. Axon supported this pilot study at no cost to the City.



(Above: Taser 2 Body Worn Camera, Signal Performance Power Magazine, Signal Vehicle and Signal Sidearm)

Findings

The Axon product met and exceeded the critical requirements for the Burbank Police Department's study. Although this study officially concluded on June 1, 2019, Axon allowed the department to continue using their product at no cost until a Council decision is made regarding future implementation.

Pilot Study Survey:

Immediately following the conclusion of the second pilot study, a survey was sent out to all program participants to receive their feedback/perspective and to solicit pros and cons of both systems tested. The intent of the survey was to gather information not only from

an Officer's perspective but also from the supervisors and software back-end users. The survey link was sent out on June 3, 2019, via email and feedback responses are still being received. To date, a total of 26 responses have been received from fifteen (15) Officers, three (3) Detectives, three (3) Sergeants and two (2) Lieutenants. Three respondents did not identify their rank. Of the 26 responses, 23 selected Axon, two abstained and one selected none. No one selected Utility. A copy of the survey is attached to this report.

Staffing

Personnel resources are needed for program administration, policy compliance, training, audits and management of the legal aspects relative to coordination with the District Attorney's Office and the City Attorney's Office during Discovery processes. Currently, the Department averages over 1,000 Discovery requests per year. This is in addition to claims against the City requests, subpoenas associated with Department of Motor Vehicle Administrative Hearings and subpoenas from defense attorneys. Each request requires 20 to 45 minutes of staff time depending on the depth and breadth of the incident. It is anticipated that with the acquisition of the BWC and ICC systems and the increase of digital evidence, the need for appropriate staffing to support compliance for these processes and to meet all legislative mandates is essential.

In preparation for the recommendation, staff reached out to other comparable agencies regarding the deployment of resources to manage their programs. The results reveal a combination of both sworn and civilian personnel resources. The Police Department's recommendation is to add two civilian personnel to manage the BWC and ICC system. The positions will include two Administrative Analyst I positions (each \$85,656.50 for a total of \$171,313) with collateral managerial oversight by an existing Lieutenant. This staffing model will optimize on the least amount of financial impact and personnel to provide the staffing need when compared to the departments referenced. Progress reports previously provided to the City Manager on the pilot study had contemplated a Sergeant and civilian position with a staffing cost estimate of \$314,563.

System Selection:

To secure Burbank's future, the Council unanimously supported placing the Burbank Infrastructure and Community Services Protection Measure before Burbank voters on the November 6, 2018 ballot. The Measure was a general purpose three-quarter-cent local sales tax that would provide approximately \$20 million in annual funding to the City to support several Council initiatives. Included among these initiatives was \$1 million in recurring annual support for operating safety enhancements to fund a BWC Program and to sustain the Mental Health Team for which grant funds were expiring.

The City's long-term Financial Forecast Plan presented to the Council during the Fiscal Year 2019-20 budget process included recurring funds to fund the BWC Program beginning in FY 2020-21 and the Council approved the Mental Health Administrative Analyst position through the budget process. An expansion proposal for the Mental Health Team will be brought back for Council approval in the fall.

The department's BWC and ICC pilot study programs were not yet complete by the time the budget was adopted. Additional time was needed to do the project right, complete both studies, conduct employee surveys, and review costs and implementation strategies prior to bringing a proposal before the Council. The Department has completed all necessary steps and is ready for a recommendation.

Based on the responses received from the pilot study participants coupled with the evaluation of both products' performance against the required criteria and cost, the Department selected the Axon product for full implementation. The Utility and WatchGuard camera solutions were estimated to cost approximately \$1,000,000 each over a five-year period, although WatchGuard's estimate did not include the unlimited storage option which will have increased the quoted price. The personnel resource needs for all options remain the same.

It is important to note that the WatchGuard and Utility product lines did not meet all the requirements set by the Burbank Police Department. The cost and product offerings for these two systems are unparalleled to Axon as they did not provide features such as the hardware refresh every three to five years, replacement Taser 7 upgrade, interview room integration, CAD auto tagging and smart weapon activation. The personnel resource needs for all options remain the same.

The Axon proposal equips all officers with a new state-of-the-art Taser 7 at no cost, thereby providing future cost offsets of approximately \$300,000 to the City. An additional cost savings of \$95,200 in replacement costs for the PUMA system software and hardware will be realized.

The Axon contract also provides new BWC equipment upgrades every three years at no additional cost, unlimited software upgrades as soon as available, and unlimited storage that is CJIS compliant. ICC systems and Tasers will be replaced every 5 years, also at no additional cost.

Worthy to note is that the Axon contract provides the City with protective clauses to terminate the contract should there be a significant delay in product delivery or if due to unforeseen circumstances the City cannot appropriate funding to continue the program.

FISCAL IMPACT

The estimated cost for the Axon system is \$533,622 for initial implementation of the BWC system and \$87,936 for the fleet technology. The Police Department also proposes to upgrade two detective interview rooms to have seamless integration, such that all evidence is stored in one central location for maintaining chain of custody and to facilitate transmittal of evidence to the City Attorney and District Attorney's Office for prosecutorial purposes. The interview room cost is \$45,119. This cost includes all hardware, software, and system support for the first year, for a total cost of \$666,677. Staffing costs are \$171,313 annually for two Administrative Analyst I positions.

Based on the above estimates, staff is requesting City Council amend the Fiscal Year (FY) 2019-20 Budget by appropriating \$837,990 from 001.ND000.30010.0000.00000 (General Fund, Non-Departmental, Unassigned Fund Balance) to the following expenditure accounts:

- \$666,677 to 001.PD03A.62405.0000 (General Fund, Police Administrative Services Division, Uniform and Tools)
- \$171,313 to 001.PD03A.60001 (General Fund, Police Administrative Services Division, Salaries & Wages)

Over the next four years of the contract, annual subscription fees will be \$397,034 for all three systems. Factoring in the two staff positions, the total recurring costs for the BWC program, will be \$568,347. As mentioned previously, these costs have been incorporated into the City's General Fund Financial Forecast beginning in FY 2020-21. In Year 4, there is an added \$6,000 cost to train the City's installer on outfitting new patrol vehicles with ICC systems that will need to be transferred due to vehicle replacements. This installation will not void any product warranties guaranteed by Axon. At the end of the five years, the City will need to commit to another contracted duration of time to keep the system under a software as a service (SAAS) subscription. The five-year estimate is based on 140 BWCs and 30 ICC systems.

Summary of Payments				
Officer Safety Plan 7+	Fleet	Interview Room	Total	
Year 1	\$533,622	\$87,936	\$45,119	\$666,677
Year 2	\$338,460	\$49,536	\$9,038	\$397,034
Year 3	\$338,460	\$49,536	\$9,038	\$397,034
Year 4	\$338,460	\$55,536	\$9,038	\$403,034
Year 5	\$338,460	\$49,536	\$9,038	\$397,034
Sub-Total	\$1,887,462	\$292,080	\$81,271	
Fleet Year 4 - includes \$6,000 for training City's installer to swap out ICC systems with vehicle replacements				
Grand Total			\$2,260,813	

CONCLUSION

Implementation of the Axon BWC and ICC systems will support the Police Department's on-going efforts of adopting law enforcement best practices and policies, and contemporizing training, equipment and technology.

The risk management component of this technology cannot be overstated. It has significant value for the department, staff, City Attorney's Office and City Council as it relates to any litigation associated with Police activity or officer misconduct. The technology will provide the City Council more depth and breadth of information to support their decision making process in a manner that benefits the City. For the time associated

with personnel investigations that are demonstrably false, the technology will provide convincing evidence to dispose of those allegations in the shortest time possible thereby saving significant investigative staff hours. If the allegations are found to be true, the technology will benefit the department in the professional development, training and discipline processes for personnel.

The value that cannot be quantified is from a prosecutorial perspective. Digital evidence will provide clear, compelling and valuable evidence that will eliminate going to trial and the cost associated with putting on a trial for the City and the District Attorney's Office.

With regards to community relations, in the event of any critical incident in which the public may have doubts about police actions, digital evidence will provide the public with third party documentation to help eliminate inconsistencies, confirm the nature of events and support police actions or corroborate community concerns. This will provide a path to greater transparency and public trust. It is also the belief of the Police Department that videos will also capture the various positive interactions that Officers have with all segments of the community on a daily basis in a way that highlights the Department's commitment to community policing.

Finally, approval of the contract achieves one of Council's initiatives as presented to the voters as part of Measure P and the cost is within the City's approved Financial Forecast Plan.

EXHIBITS

EXHIBIT A: Pilot Study Evaluation Criteria

EXHIBIT B: Staffing Evaluation Results

EXHIBIT C: Employee Survey

EXHIBIT D: Axon Contract

EXHIBIT E: Policy 453 – Use of Body Worn and In-Car Systems

BURBANK POLICE DEPARTMENT BODY WORN AND IN-CAR CAMERA SYSTEM EVALUATION CRITERIA				
Requirements		Utility	Axon	
Utility Body Cameras, Digital Evidence Storage, Integrated In Car Camera Study Requirements				
Section 1 - Evidence Management System				
ID	Requirement	Satisfaction	Satisfaction	
1.1	The Evidence Management Software supports video and audio evidence review, classification, and dissemination from Body cameras, In-Car/Motor Unit Cameras, Prisoner Transport Vehicles, and Interview Room cameras.	Meets	Meets	Meets
1.2	The solution stores all video, audio, and metadata in a CJIS compliant secure cloud-based storage.	Meets	Meets	Meets
1.3	Video, audio, and metadata are automatically uploaded to secure CJIS compliant vault storage wirelessly or use of peripheral docking or wired offload devices.	Meets	Meets	Meets
1.4	The solution provides an ability to simultaneously play back two or more selected videos from the Body and In-Car Video sources associated with an incident.	Meets	Meets	Meets
1.5	All video is encrypted at rest on the Body camera and in-vehicle camera, in transit to cloud storage, and while being maintained in cloud storage.	Meets	Meets	Meets
1.6	The Evidence Management Software has comprehensive Chain of Custody audit trail logging and reporting.	Meets	Meets	Meets
1.7	The Evidence Management Software automatically ingests and processes CAD metadata to include the incident number, call type, call disposition, Officer and / or Vehicle number, and incident location from the Department's existing CAD system into the responding Officer Body and Vehicle Camera file.	Does not Meet	Meets	Meets
1.8	The Evidence Management system includes a comprehensive video redaction capability that will automatically redact and track all personally identifiable individuals in a video and prepare that video for sharing or export to another user.	Meets	Meets	Meets
1.9	The Solution includes High Speed Access Points that have on-board storage and 802.11ac Wi-Fi connectivity to vehicles and officers, so that video offload speed from Vehicle Video Systems.	Meets	Meets	Meets

BURBANK POLICE DEPARTMENT BODY WORN AND IN-CAR CAMERA SYSTEM EVALUATION CRITERIA			
Requirements		Utility	Axon
Utility Body Cameras, Digital Evidence Storage, Integrated in Car Camera Study Requirements			
1.1	Body camera can be configured to seal and restrict the review of video that results from gunshot activation to a supervisor or other designated party within the Department.	Meets	Meets
1.11	Digital Evidence can be shared electronically with the LA District Attorney's office without the need of exporting content to physical media, such as DVD, CD, USB.	Does not Meet	Meet
Section 2 - Body Worn Camera			
ID	Requirement	Satisfaction	Satisfaction
2.1	Body camera records video in MP4, H.264, or H.265 video standard format.	Meets	Meets
2.2	Body camera supports a minimum of 12 hours with 30 seconds pre-record of constant recording before requiring a battery recharge	Does not Meet	Meets
2.3	Body camera remains operational after a 6' drop test and after being submerged in up to 1m of water for 30 mins.	Meets	Meets
2.4	Body camera records video in a minimum of 720p High Definition.	Meets	Meets
2.5	Body camera captures still photographs and automatically imports those images into the Evidence Management Software.	Meets	Meets
2.6	Body camera will remain reliably mounted to the Officer during a physical altercation, and in foot pursuits, and provide usable recorded video in such circumstances.	Does not Meet	Meets
2.7	Body camera can be charged in the vehicle or off duty via a standard 110Vac outlet or USB sync cable without the use of special charging stations.	Meets	Meets
2.8	Body camera includes Audible tones or vibrates to notify an Officer when the camera is recording.	Meets	Meets
2.9	Body camera supports custom Video Classification types in accordance with Departmental guidelines.	Meets	Meets
2.1	Body camera provides for the direct user input of Notes, Video Classifications, and other metadata for both videos and still photographs through an interactive touch screen.	Meets	Meets
2.11	Body camera supports activation by the Officer locally, using a Bluetooth trigger or equivalent initiation device reliably.	Does not Meet	Meets

BURBANK POLICE DEPARTMENT BODY WORN AND IN-CAR CAMERA SYSTEM EVALUATION CRITERIA				
Requirements		Utility		Axon
	Utility Body Cameras, Digital Evidence Storage, Integrated In Car Camera Study Requirements			
2.12	Body camera supports automatic Officer login to ensure the Officer wearing the camera is logged into the camera during the shift.	Meets		Meets
2.13	Body camera has the option to offload video classified as 'high priority' immediately over a cellular network, either directly from the Body Camera, or via the Vehicle router, for immediate review and access by authorized parties within the Department.	Meets		Meets
Section 3 - In-Car Video and Communications System				
ID	Requirement	Satisfaction		Satisfaction
3.1	The In-Car Video System supports up to 2 high-definition cameras and local recording for 12 hours before video must be offloaded.	Meets		Meets
3.3	The In-Car System supports a minimum of 12 hours with 60 seconds pre-record of constant recording	Meets		Meets
3.4	The In-Car Video System uses a CJIS compliant secure format directly on the device.	Meets		Meets
3.5	The In-Car Video System has a built in 802.11ac high-speed WIFI modem for wireless offload of video.	Meets		Meets
3.6	The In-Car Video System provides dual cellular embedded SIM connections for priority offload of vehicle and body camera video data, to transmit officer and vehicle location data and receive emergency notifications from the Evidence Management Software.	Meets		Meets
3.7	The In-Car Video System activates in-vehicle video and Body Cameras automatically in the event of a crash through a built-in crash sensor.	Meets		Meets
3.8	The In-Car Video System connects to doors, the gun rack, the light bar/siren, and other vehicle sensors to initiate in-vehicle video and connected body camera and import associated metadata to the video file based on Departmental policy.	Meets		Meets
3.9	The In-Car Video System has a built in GPS transmitter for location tracking of the vehicle and correlation of video to location through the Evidence Management software.	Meets		Meets
3.1	The In-Car Video System automatically triggers the Body camera when the Officer exits the vehicle, with the light bar and/or siren and/or door opened.	Meets		Meets

BURBANK POLICE DEPARTMENT BODY WORN AND IN-CAR CAMERA SYSTEM EVALUATION CRITERIA			
Requirements		Utility	Axon
Utility Body Cameras, Digital Evidence Storage, Integrated In Car Camera Study Requirements			
3.11	The In-Car Video System will support the First Net (Band Class 14) communication standard when this is made available to the Department. If an upgrade to system hardware is required for First Net compatibility, Vendor agrees to provide this upgrade at no additional cost to the Department for all units deployed in the initial award.	Meets	Meets
Section 4 - Warranty and Maintenance			
ID	Requirement	Satisfaction	Satisfaction
4.1	The video system includes a limited parts and labor warranty against any defects in materials or workmanship on all System software and hardware components for the duration of the contract	Meets	Meets
4.2	Software updates will be provided to the City as part of ongoing maintenance at no additional cost.	Meets	Meets
4.3	All Departmental users have access to a 24/7 Help Desk Service Phone Number for technical support during or after normal business hours.	Meets	Meets
Section 5 - Training			
ID	Requirement	Satisfaction	Satisfaction
5.1	Vendor provides onsite user training for all officers assigned a camera and administrator training for all body camera administrative personnel.	Meets	Meets
5.2	Vendor provides 'train the trainer' training for staff to facilitate the implementation of future body worn camera training needs.	Meets	Meets
Section 6 - Additional Services			
ID	Requirement	Satisfaction	Satisfaction
6.1	Vendor provides unlimited routine technical support during normal business hours	Meets	Meets
6.2	Vendor provides 24 hour/7 day per week emergency technical support for any system outage, including onsite support for issues that require local service.	Meets	Meets

Utility (BodyWorn / Rocket IOT) Features & Benefits

- **Battery:** 8+ hours
- **Pre-Event Buffer:** Capture up to 2 minutes before an event.
- **GPS** – Location, Speed, and Heading of every BodyWorn camera and vehicle.
- **Wireless Activation:** Riot signal activator turns the camera on with light bar and other sensor activation like wristband Bluetooth activator.
- **Mobile App:** Stream, tag, and replay videos right on your phone with Utility BodyWorn app.
- **Mute:** Ability to disable audio in the field to support dual party consent via body camera or wristband Bluetooth activator.
- **In-Field Tagging:** Officers can add a marker to important points in their video.
- **Durability:** Built to withstand extreme weather and brutal conditions.
- **Realtime Evidence Sync:** Evidence uploads automatically while in range of ROIT In-Car Video system on in station.
- **Advanced Security:** Evidence is encrypted on the camera to protect data at all times.
- **Uniform Mount:** Custom uniform mount to keep the camera inside during tough situations.
- **Integrated Evidence Ecosystem:** AVaiLWEB is a powerful, all-in-one virtual command center that can be accessed anywhere through your browser.
- **CJIS Approved via Amazon Government Cloud.** CJIS certified to keep law enforcement's most sensitive data safe.
- **CAD/RMS Integration** -- Automated video tagging by pulling in CAD metadata to label evidence.
- **Automated redaction** – Smart Redaction which include Full Blur, Smart Blur, Interactive Blur.
- **Fleet Management** - Track assets in real-time, configure devices remotely, and view aggregate fleet reports.
- **GIS Data Overlay** - Import or create map overlays for occasions like PredPol, Geofences and Actionzone.

Most body cameras act as devices providing only the ability to record the actions of an officer. The difference in the Utility BodyWorn system is that it is based on technology used on a daily basis; the cellphone. Inside BodyWorn's custom-designed rugged casing is a waterproof Moto G smartphone which can still send and receive calls if equipped with Long Term Evolution (LTE) service by providers such as Verizon, Sprint or AT&T.

The Utility BodyWorn, when coupled with the RIOT in-car router solution, can connect via Wi-Fi. The Utility in-car RIOT turns the immediate area around the vehicle into a secure Wi-Fi hotspot. This functionality can be used by officers to stay connected to offload footage recorded by the BodyWorn product.

The BodyWorn product also works as a smart device, allowing direct message communication ability. BodyWorn has access to cellular technology and has built-in equipment such as accelerometers, microphones, speakers, proximity sensors, and GPS. As such, it not only records and transmits content like some other devices; it also allows external activation such as a remotely triggered recording from a dispatch center in the event of critical incidents. This technology in BodyWorn gives agencies the ability to give every single officer a set of unblinking eyes that can record every face the officer sees in the general vicinity of an incident.

The technology within the BodyWorn product allows the camera to automatically activate based on policies set by the agency. Triggers can be set through internal devices to activate a recording in the event an officer exits a vehicle and starts running after a suspect. This removes the need for any officer action to record content.

Other policy-based activations can commence recording from events such as a firearm discharge or vehicle trigger commands. Utility's programming also allows the BodyWorn product to read "action zone" boundaries that activate a recording when an officer enters any area programmed into the device's memory such as a high-crime location or any area mapped within Utility's companion program.

It is important to note that even though the BodyWorn product offers numerous automatic activation features, it can also be activated manually by the officer via a Media Controller device strapped to the wrist or a lanyard on utility belt.

Video from the BodyWorn product is uploaded securely to a cloud server. It can also be transferred immediately from the field over Wi-Fi or 4G connectivity, if it is deemed critical. One of the great differences between the BodyWorn product and many other body



camera products was its display. The back of the unit, which on a regular smartphone is the touch screen, becomes a communications portal to directly push central dispatch information directly to the officer. It can be used to send relevant information, including pictures of wanted suspects and missing children, or missing elderly in the event of Amber or Silver Alerts.

The BodyWorn product offers security features that enable law enforcement administrators concerned about unauthorized sharing of videos, to audit every aspect of the system. The software can also watermark the securely

transmitted footage with each user's login information each time that a file is cut to a DVD or digital file for outside viewing. This prevents the anonymous upload of video files to social media or community video upload sites such as YouTube.

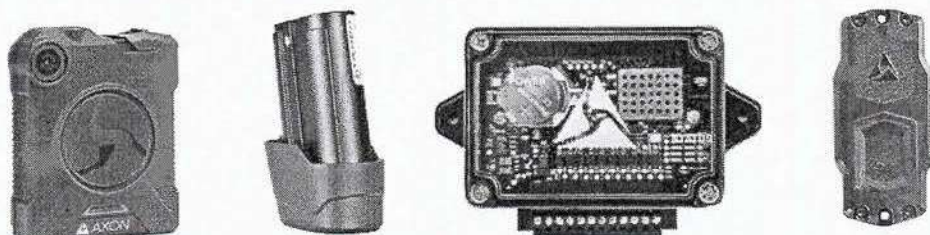
Axon (Body 2 / Fleet 2 / Evidence.com) Features & Benefits

- **Retina HD Video:** The industry's best low-light video now records in HD.
- **Full-Shift Battery:** 12+ hours
- **Pre-Event Buffer:** Capture up to 2 minutes before an event.
- **Wireless Activation:** Axon Signal turns the camera on with light bar and other sensor activation.
- **Mobile App:** Stream, tag, and replay videos right on your phone with Axon View.
- **Mute:** Ability to disable audio in the field to support dual party consent.
- **In-Field Tagging:** Officers can add a marker to important points in their video.
- **Durability:** Built to withstand extreme weather and brutal conditions.
- **Dock and Walk Workflow:** Evidence uploads automatically while recharging.
- **Advanced Security:** Evidence is encrypted on the camera to protect data at all times.
- **RapidLock Mounts:** Versatile mounts keep the camera steady during tough situations.
- **Powerful Simplicity:** Hardware and software products work together seamlessly and are easy to use, with software upgrades every 30 days that continually expand law enforcement capabilities.
- **Security Beyond CJIS.** Security practices go above and beyond CJIS requirements to keep law enforcement's most sensitive data safe.
- **Connected Mobile App Suite.** The Axon suite of mobile applications augments the body camera experience and allows officers to Capture, View, and stream Live video from their smartphone.
- **Infinite Capabilities from Capture to Courtroom:** From body cameras to digital evidence management tools with expanded capabilities.
- **CAD/RMS Integration --** Automates Axon video tagging by pulling in the correct metadata from Tiburon with greater than 90% accuracy.
- **Interview room --** Enterprise interview room solution, unifying an agencies digital evidence
- **Automated redaction --**Redaction tools that streamlines the fulfillment of public records requests
- **Prosecutor Solution --** LA District Attorney's office is an AXON agency and a no cost portal for the city attorneys.

The Axon technology also comes with the Axon View App which includes features such as the Axon Capture that allows for easy transfer of photographs, audio and video. This application also auto-tags pictures to incidents and allows for easy transfer of citizen photos related to the incident with much greater accuracy than the Utility product. With Evidence.com, the auto-tag feature is searchable and requires less user input while providing better accuracy with case labelling and categorization.

The Department met with the District Attorney's Office to coordinate case file sharing capabilities and Axon has provided the case file sharing feature at no additional cost to the City Attorney's Office. As of June 1, 2019, the Department generated 6,584 video recordings over 1,576 hours requiring about three terabytes of storage.

Axon's Officer Safety Plan (OSP7+) package includes the latest Taser 7 which is integrated into the BWC and Evidence.com. It should be noted that within the next three to five years, the Department's current Taser X2 devices (purchased in 2016) will need to be replaced at an estimated cost of \$300,000. With this marketing package, Axon will provide a rebate to exchange the current X2 Tasers with the state-of-the-art Taser 7, including software enhancements at no additional cost.



(Above: Taser 2 Body Worn Camera, Signal Performance Power Magazine, Signal Vehicle and Signal Sidearm)

Staffing Evaluation

Personnel resources are needed for program administration, policy compliance, training, audits and management of the legal aspects relative to coordination with the District Attorney's Office and the City Attorney's Office during Discovery processes. Currently, the Department averages over 1,000 Discovery requests per year. This is in addition to claims against the City requests, subpoenas associated with Department of Motor Vehicle Administrative Hearings and subpoenas from defense attorneys. Each request requires 20 to 45 minutes of staff time depending on the depth and breadth of the incident. It is anticipated that with the acquisition of the BWC and ICC systems and the increase of digital evidence, the need for appropriate staffing to support compliance for these processes and to meet all legislative mandates is essential.

In preparation for the recommendation, staff reached out to other comparable agencies regarding the deployment of resources to manage their programs. The results reveal a combination of both sworn and civilian personnel resources.

The Glendale Police Department only has the in-car system (Coban product and will be transitioning to Axon for an ICC system this year). Records requests come through the Subpoena Control Unit (civilians) but program oversight is through a Police Lieutenant who is assigned to the Personnel and Training Division. The Lieutenant conducts all training and system maintenance supported by their Information Technology Department.

The Pasadena Police Department implemented the WatchGuard in-car and Axon body worn camera (BWC) products. They evaluated Axon, Watch Guard and Vie-Vu products in 2016. The implementation also included two positions, a Police Supervisor assigned to Technical Services (Property and Evidence Unit) and a Property and Evidence Technician – all civilians. The civilians are in charge of training, updates, vendor communications, Public Records Act (PRA) Requests and discovery. Implementation was managed by a Sworn Commander who only reviews critical incident footage prior to release.

The Beverly Hills Police Department previously had an ICC system only, which was managed by their Information Technology Department. Starting in July 2019, the Department will be transitioning to the Axon BWC and ICC system with a request for a Police Lieutenant position to oversee the program.

The Long Beach Police Department concluded a pilot program with Utility in mid-2018 which was not successful. They are currently completing a six-month trial program with Axon for half of their Patrol staff. They have made a budget recommendation to go citywide with Axon with a deployment of 835+ cameras. They are establishing a new unit with a personnel request of eight (8) fulltime civilian positions. One (1) Civilian Manager, two (2) staff members assigned to the BWC program and five (5) staff members assigned to PRA and Senate Bill 1421 requests. The Administrative Sergeant in the Chief's Office will oversee

requests submitted and disseminated. Other units to be included in the deployment are the Long Beach Airport and marine patrol personnel. The program will be under the Administrative Bureau which is managed by a Civilian Deputy Chief.

The Santa Monica Police Department previously deployed Watch Guard as their In-car and BWC system. A civilian analyst oversaw the program. As of December 2018, they transitioned to Axon for BWC and ICC systems. Program oversight is with a Police Sergeant assigned to the Technology Bureau with civilians handling PRA requests. They will be deploying about 350 cameras to both sworn and civilian personnel. The Sergeant will manage all training and system upgrades.

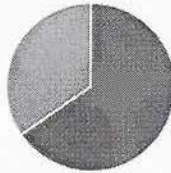
The Police Department's recommendation is to add two civilian personnel to manage the BWC and ICC system. The positions will include two Administrative Analyst I positions (each \$85,656.50 for a total of \$171,313) with collateral managerial oversight by an existing Lieutenant. This staffing model will optimize on the least amount of financial impact and personnel to provide the staffing need when compared to the departments referenced. Progress reports previously provided to the City Manager on the pilot study had contemplated a Sergeant and civilian position with a staffing cost estimate of \$314,563.

City of Burbank Body Camera and In-Car Study

26 Responses 06:18 Average time to complete Active Status

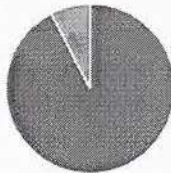
1. Did you participate in the Utility Inc. Bodyworn evaluation?

☒ Yes 17
☐ No 9



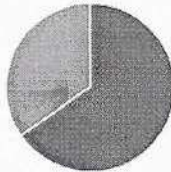
2. Did you participate in the Axon Body Camera evaluation?

☒ Yes 24
☐ No 2



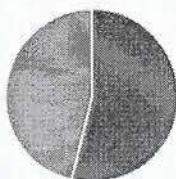
3. Did you participate in the Utility and Axon evaluation?

☒ Yes 17
☐ No 9



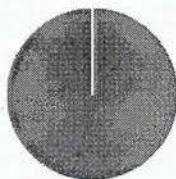
4. I feel safer when I'm wearing a body camera.

● Yes 14
● No 12



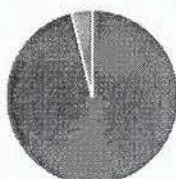
5. Body worn video protects police against false accusations.

● Yes 26
● No 0



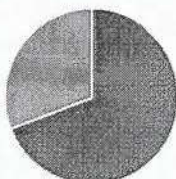
6. An officer should be able to view body worn video prior to writing a report.

● Yes 25
● No 1



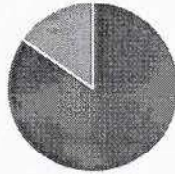
7. An interaction with the police is less likely to result in a confrontation if everybody knows the interaction is being recorded with body worn video.

● Yes 18
● No 8



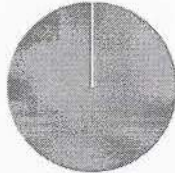
8. Police use of body worn video is a step in the right direction.

● Agree	22
● Disagree	4



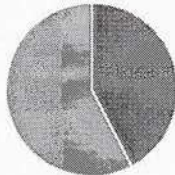
9. Police should be required to notify individuals when they are being recorded on body worn video.

● Yes	0
● No	26



10. All police interactions with the public should be recorded with body worn video

● Yes	11
● No	15



11. Are there specific questions you believe the Burbank body worn camera policy should address

26
Responses

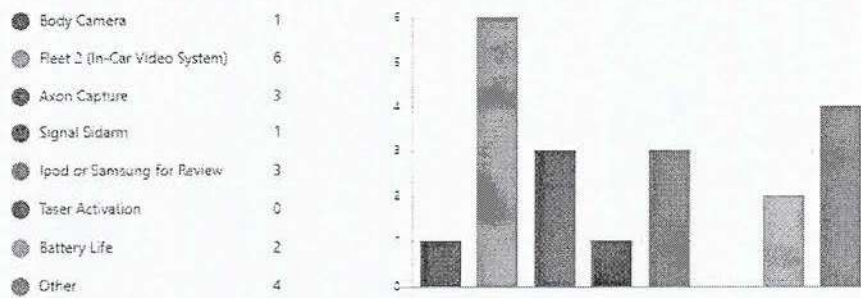
Latest Responses

"Specifics regarding when we need to have it on versus when you don't..."

"allow for accidental fail to activate - under stress it's going to happen"

"No"

12. Typical problems reported with Axon Body 2 and Fleet 2 (Select all that apply)

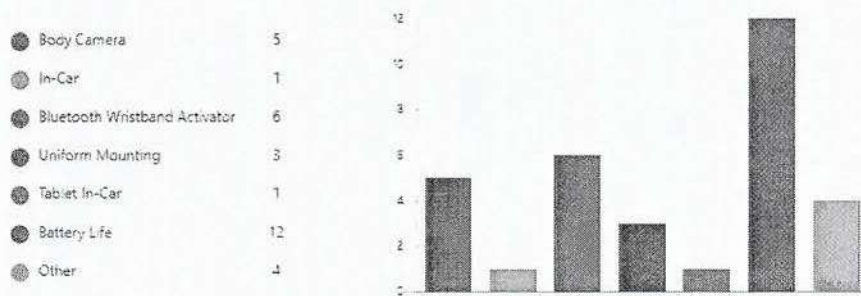


13. If Question 12 answered with Other, please provide detail

8
Responses

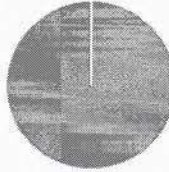
Latest Responses
"camera connection issues to the ipod, frequent drops and having to r..."

14. Typical problems reported with Utility Inc. Bodyworn (Select all that apply)



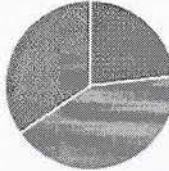
16. If you could choose a Body / In Car Camera Solution which would it be?

- Utility Inc. Bodyworn and Rock... 0
- AXON Body Camera 2 and File... 23



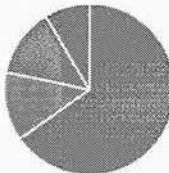
17. A supervisor should be able to view

- Any video he or she selects 6
- Any video he or she selects, pr... 11
- Only videos or incidents invo... 9
- no videos of the officers they ... 0



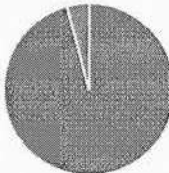
18. What is your current rank?

- Police Officer 15
- Detective 3
- Sergeant 3
- Lieutenant 2
- Captain or above 0



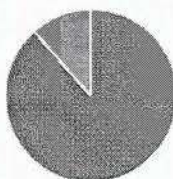
19. Which Body Worn Camera do you prefer?

- Axon Body 2 23
- Utility Inc. Bodyworn 0
- None 1



20. Would you prefer one of the Body Worn Camera / In Car Camera solutions or the PUMA audio recorder system

● Body Worn Camera / In Car C... 23
● PUMA audio recorder 3



21. Please provide any other comments or questions that you may have.

11
Responses

Latest Responses
"I prefer cameras on vehicles, but Axon does not provide that. Front, r...



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

Approved: *Scott LaChasse*

CALEA
Effective Date: 08-31-18

CHAPTER 4 – PATROL OPERATIONS

Use of Body Worn and In-Car Camera Study (Pilot Program)

453.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of body worn cameras (BWC) and in-car cameras (ICC) by members of this Department during the BWC/ICC Pilot Program. The following provisions are intended to provide Burbank Police Department (BPD) personnel with instructions on how and when to use the BWC/ICC to ensure reliable recording of enforcement and investigative contacts with the public.

While recordings obtained from a BWC/ICC provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Video captures 2-dimensional images, which may be different from a member's 3-dimensional observations and perceptions. Lighting and angles may also contribute to different perceptions. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

This policy does not apply to interviews or interrogations conducted in Burbank Police Department interview rooms, authorized undercover operations, or surreptitious interception of electronic communications for lawful investigative purposes (i.e. wiretaps, eavesdropping).

453.2 POLICY

The Burbank Police Department may issue each of its sworn members and select non-sworn members a BWC and equip patrol vehicles with an ICC for use while on-duty. These recorders are intended to assist members in the performance of their duties by providing reliable audio/video recordings of contacts with the public and to protect police personnel from false allegations of misconduct. The Department adopted the use of BWCs/ICCs by BPD personnel to:

- (a) Collect evidence for use in criminal investigations and prosecutions;
- (b) Deter criminal activity and uncooperative behavior during police-public interactions;



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

- (c) Assist members with completing reports and providing testimony in court;
- (d) Promote responsibility and accountability for a member's actions and decisions;
- (e) Assist in resolving complaints against members including, but not limited to false allegations by members of the public; and,
- (f) Provide additional information for the purposes of personnel training and evaluation.

All Department members using a BWC/ICC shall be trained and provided a copy of the policy prior to use of equipment. The training and course outline shall be documented in the Department's Training Management System (TMS).

The Professional Standards Sergeant will be responsible for routinely reviewing and updating applicable BWC/ICC policies to meet state and federal law and identified best practices.

453.3 PRIVACY

All audio/video recordings made by members on any issued BWC/ICC device at any time, and any recording made while acting in an official capacity for this Department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings and any unauthorized release is strictly prohibited.

453.4 MEMBER RESPONSIBILITIES

Prior to going into service, members who have been issued a BWC and/or ICC equipped vehicle are responsible for logging on and making sure that the assigned recorder is in good working order and batteries are fully charged. Members shall document the results of the BWC/ICC inspection in the Type of Activity/Disposition section of the Electronic Daily Field Activity Report (EDFAR) at the start of their assigned shift. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. If the ICC system is not in working order or the member becomes aware of a malfunction, the member shall report the failure to his/her supervisor and obtain a vehicle with a functioning ICC if available.

Uniformed members should wear the BWC as recommended by the service provider that allows for full functionality of the recorder and for optimized recording capabilities.

Non-uniformed members who have been issued a BWC may carry the device if it may be useful or as directed by their Command Group. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, when required by law.

When using a BWC, the assigned member shall record his/her name, BPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

Members should document the existence of a BWC/ICC recording in any report or other official record of the contact (e.g. EDFAR), including any instance where the recorder malfunctioned or the member deactivated or muted the recording. Members should include the reason for deactivating or muting the recording.

Each member is responsible for uploading recordings to the designated Department system as soon as practicable before the end of the employee's shift, but no later than the start of the employee's next workday. This procedure is not required if the recording device and related software automatically upload recorded media via a smart "waypoint" at the station.

It is not a requirement to obtain consent from members of the public when the officer is lawfully in the area where a BWC/ICC recording takes place. Department members are not authorized to play back BWC/ICC recordings to allow members of the public to review the recordings without prior approval from a Lieutenant.

Members shall not tamper with or dismantle any hardware or software component of the BWC/ICC system.

453.5 SUPERVISOR RESPONSIBILITIES

Supervisors assigned to any unit with personnel equipped with BWC/ICC shall:

- (a) Conduct periodic inspections of members assigned BWCs and ensure that the BWCs are properly affixed to the members and operational;
- (b) Respond to the scene and immediately retrieve BWC media that arises from a use of force and/or critical incident (e.g. officer-involved shootings, in-custody deaths, critical incidents involving great bodily injury) to ensure the data is downloaded and chain of custody is maintained (Penal Code § 832.18). This procedure will not be required if the recording device and related software is equipped to automatically upload recorded media via a smart "waypoint" at the station.
 1. Ensure the position/location of the BWC is documented and photographed in the appropriate report (e.g. crime report, administrative report, use of force report); and
 2. Review relevant BWC/ICC recordings prior to submitting any administrative reports.

A supervisor shall document any inspection of BWC/ICC equipment in Guardian Tracking as applicable. If any BWC/ICC equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. Spare BWC's shall be made available in the Watch Commander's Office. The supervisor shall notify the BWC/ICC System Administrator/Training Coordinator of the defective BWC and/or ICC camera as soon as practicable.

453.6 ACTIVATION OF THE BWC / ICC RECORDER

All uniformed members (except SWAT and CNT during specific SWAT and CNT tasks) issued a BWC and/or ICC equipped vehicle shall record enforcement and investigative contacts in the following circumstances unless articulable and reasonable factors are present to warrant not recording:



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

- (a) When conducting traffic stops or other field enforcement activity wherein members of the public or suspects are being contacted;
- (b) When handling domestic violence incidents or other incidents where violence is alleged to be occurring or to have just occurred.
- (c) When handling emotionally charged incidents or incidents where violent reactions of the involved party is likely.

This policy is not intended to describe every possible situation in which the BWC/ICC should be used. Members should activate the BWC/ICC during other investigative or enforcement activities, where in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

At no time are members expected to jeopardize their safety or the safety of members of the public in order to activate a recorder. However, the recorder should be activated in required situations as soon as practicable. Any related report or notes should reflect that a recording was made concerning the incident.

The BWC/ICC shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If the enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWC/ICC and continue recording.

If a member is unable or fails to activate the BWC/ICC or deactivates the BWC/ICC prior to the conclusion of the contact, the member should record a statement at the conclusion of the contact explaining the reason for the incomplete recording. The member may instead or additionally explain the circumstances of an incomplete recording in a related police report or appropriate documentation for the type of incident.

Members are not required to activate and record investigative or enforcement encounters with the public during the following situations:

- (a) Situations where recording would risk the safety of the Department member or member of the public (e.g. confidential informant, citizen informant, or undercover officer);
- (b) Non-enforcement contacts in restrooms, dressing rooms, locker rooms;
- (c) If a member is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action, or actively part of the investigation;
or
- (d) In-patient care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action or investigative contact is made in these areas.

A supervisor shall be requested if there is a question as to whether or not to activate the BWC under the following circumstances:



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

- (a) A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- (b) A victim or witness object to being recorded based on their physical condition, emotional state, age, or other sensitive circumstances (e.g. a victim of rape, incest, or other form of sexual assault);

Members assigned to investigative assignments, SWAT, or CNT may use other Department-issued audio or video recording devices when appropriate.

453.6.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Members of this Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be beneficial to the investigation (Penal Code §633).

Members shall not surreptitiously record another Department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee. Nothing in this section is intended to interfere with a Department member's right to openly record any interview pursuant to Government Code §3303(g).

453.7 PROHIBITED USE OF BWC/ICC

Members are strictly prohibited from using a Department-issued BWC and/or ICC equipped vehicle recording media for personal use or posting to social media and shall not copy, edit, alter, erase, or otherwise modify in any manner BWC/ICC recordings except as authorized by law or Department policy. Any violation of the policy may result in discipline. All BWCs/ICCs will be configured by an authorized agent to prevent any modifications to recordings prior to being uploaded to the Department audio/video management system.

Members assigned a BWC and/or ICC equipped vehicle shall not use any other non-Department issued video or audio equipment, such as personally owned video and audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Any member who uses a personally owned recorder for Department-related activities shall comply with the provisions of this policy, including retention and release requirements. Supervisory personnel may use digital recording devices other than a BWC to record interviews when conducting use of force investigations or internal affairs/personnel investigations. Nothing in this policy precludes Department members from utilizing authorized still photography equipment.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with Department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department in the designated digital audio/video management system.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

BWCs and/or ICC equipped vehicles shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. BWCs shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms/dorms or restrooms. Members shall not use BWC/ICC devices to record discussion pertaining to tactical operations.

Generally, BWCs and ICC equipped vehicles shall not be used as a surveillance tool to record members of the public engaged in lawful activities (see section 453.6 for exceptions).

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

453.7.1 CESSATION OF RECORDING

Once activated, the BWC and/or ICC equipped vehicle should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped or muted during significant periods of inactivity such as report writing or other breaks from direct participation in the incident and/or during tactical discussions.

If the BWC and/or ICC equipped vehicle is used during an enforcement situation and it becomes necessary to discuss issues or concerns related to privacy or officer-safety with another member or supervisor, the device may be stopped or muted. The intention to stop or mute the recording should be noted by the member verbally such that it is recorded by the BWC before the deactivation if practicable. When the aforementioned conversation has ended, the member should reactivate the camera promptly and the member shall note verbally that the recording has continued. The member may instead or additionally explain the circumstances of an incomplete recording in a related police report if it is not practicable to verbally declare their intention to stop or mute the recording.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

453.7.2 EXPLOSIVE DEVICE

Many portable recorders, including BWC/ICC and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

453.7.3 REMOTE ACTIVATION / LIVE STREAMING

BWC cameras shall not be remotely activated for live streaming, unless authorized by the Watch Commander or a supervisor acting in that capacity, and only for the purpose of providing remote viewing of a critical incident or other type of emergency (e.g. barricaded subject, active shooter, disaster scene, crime scene). Real time notice shall be provided to any involved member when their BWC is remotely activated.



Burbank Police Department

Scott LaChasse, Chief of Police

Policy
453

453.8 IDENTIFYING/TAGGING RECORDINGS

To assist with identifying and preserving data and recordings, members shall identify the event type and other information using the BWC equipment and software at the time the data is downloaded that best describes the content of the video (i.e. arrest, traffic stop, report) (Penal Code § 832.18). This procedure may not be required if the recording device and software automatically tag each recording using CAD information.

A member should tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil, or administrative matters;
- (b) A complainant, victim, or witness has requested non-disclosure;
- (c) A complainant, victim, or witness has not requested non-disclosure but the disclosure of the recording may endanger the person;
- (d) Disclosure may be an unreasonable violations of a person's privacy;
- (e) Medical or mental health information is contained; and
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

453.9 RETENTION OF RECORDINGS

Members who have been issued a BWC and/or assigned an ICC equipped vehicle shall retain all recordings by uploading the audio/video files into the designated Department digital audio/video management system. This procedure may not be required if the recording device and related software automatically upload recorded media via a smart "waypoint" at the station

Recordings of the following shall be maintained for a minimum of two years (Penal Code §832.18):

- (a) Incident involving use of force by officer;
- (b) Officer-involved shootings;
- (c) Incidents that lead to the detention, arrest, or search of an individual;
- (d) Recordings relevant to a formal or informal complaint against an officer/member of the Burbank Police department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 60 days.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

Intentional deletions of recordings may be authorized by a Lieutenant if the recording was unintentional and outside the scope of this policy. The Lieutenant approving the deletion of such recordings shall review the recording and document the authorization on the Watch Commander's Log.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

The Chief of Police or his designee will consult with the Burbank City Attorney's Office to ensure the method of data storage meets legal requirements for chain of custody concerns.

All downloaded BWC/ICC data will be stored in "cloud storage" utilizing a third party vendor that meets all Criminal Justice Information Services (CJIS) standards.

453.10 RELEASE OF RECORDINGS

BWC/ICC recordings are investigative records and exempt from disclosure under the Public Records Act. BWC/ICC recordings also qualify as privileged official records. Therefore based on the exemptions, privileges, and privacy interests involved, the Department will typically not publicly disclose BWC/ICC recordings.

The Chief of Police or his designee has the discretion to allow viewing or release of BWC/ICC recordings if the Chief determines it is in the best interest of the Department and the City of Burbank. The Chief may issue a narrative in conjunction with any released BWC/ICC recording to provide background information for the event captured on the recording. Every effort will be made to notify an involved member and provide a copy of the recording prior to the release of the recording.

453.10.1 DISCOVERY REQUESTS

Designated members assigned to the Administrative Division shall assist the Custodian of Records by preparing digital audio/video recording files for release pursuant to a legal process and have full authority to review, copy, and provide copies of digital audio/video files. Any digital audio/video file released pursuant to a legal process shall be reviewed for relevance.

REDACTION OF RECORDINGS

The Department will fully comply with discovery requirements as mandated by law. Occasionally, it may be proper to redact portions of recordings. Redaction of BWC/ICC recordings for discovery shall only be made after the approval of the appropriate Division Commander or designee and with notification to the City Attorney's Office. Redactions may be made when the following information is present:

- (a) Official information as defined in Evidence Code §1040.
- (b) Information not related to the incident
- (c) Confidential information (i.e., social security numbers, driver license numbers, and confidential informant identification).



Burbank Police Department

Scott LaChasse, Chief of Police

Policy
453

The assigned Administrative Division members or Custodian of Records shall clearly mark the BWC/ICC recording where redactions have been made and document the justification in a memorandum to the Support Services Captain or designee. Redactions simply isolate a portion of the recording, but do not permanently delete the isolated portion.

453.11 REVIEW OF BWC/ICC MEDIA FILES [41.3.8(b)]

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) To test the BWC/ICC equipment to ensure it is operating properly;
- (b) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation, or criminal investigation;
- (c) Pursuant to a lawful process or by court personnel otherwise authorized to review evidence in a related case. Only certified copies of audio/video files will be offered as evidence in any legal proceeding;
- (d) By order of the Chief of Police;
- (e) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy;
- (f) Prior to courtroom testimony or for courtroom presentation;
- (g) With the approval of the Chief of Police by members of an oversight group (e.g. OIR Group) reviewing a critical incident, internal affairs investigation, use of force or other internal review; and
- (h) By police management or specific designees as directed by the Chief of Police for the purpose of a random or specific audit. It shall be deemed a violation of this policy for a manager or supervisor to review recordings for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

Prior to any BWC/ICC recordings being used for training purposes, they shall be vetted by the Investigation Division Lieutenant to ensure there is no conflict with an ongoing criminal case. In the event BWC/ICC recordings are to be utilized for training purposes, the involved member(s) shall be notified in advance by the COPS Bureau Lieutenant. If the involved member(s) objects to the use of the recording, such objection shall be submitted via memorandum to the COPS Bureau Lieutenant and forwarded to the Deputy Chief for disposition. The value of the recording for training will be weighed against the member's objections and basis for the objection.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

Anytime a Department member reviews a recording pursuant to a criminal investigation, or in authoring a report or memorandum, the viewing person shall document in the report the fact that the recording was viewed.

A Department member involved in an officer-involved shooting, in-custody death, incident resulting in great bodily injury, or suspected of criminal activity, who is providing a voluntary statement, shall be given the opportunity to review his/her own BWC/ICC video recording of the incident prior to providing a statement to criminal investigators. In the event the involved member does not provide a voluntary statement to criminal investigators, the member will not be allowed to view any recordings until the administrative investigation. However, the involved member shall be provided a reasonable amount of time to view the BWC/ICC recording and discuss with his/her attorney prior to any administrative interviews.

If deemed necessary and appropriate by the assigned investigative supervisor, the involved Department member shall be given the opportunity to review other relevant BWC/ICC recordings that memorialized the encounter from a similar vantage point. The member may have his/her representative present during the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative before providing a statement.

453.11.1 ADMINISTRATIVE INVESTIGATION

As part of the administrative investigation, the member shall be given the opportunity to view the video recordings of the incident from his/her own BWC and/or assigned ICC equipped vehicle immediately prior to his/her interview. The member may have his/her representative present during the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative before providing a statement.

453.12 CARE OF BWC

BWC are sensitive electronic devices. Members shall securely wear the BWC to ensure full functionality and should take proper care to avoid dropping the BWC. All members to whom a BWC has been issued shall be responsible for maintaining it in proper operating condition. Broken or malfunctioning BWCs should be reported to the member's immediate supervisor as soon as practicable. The supervisor shall ensure prompt replacement or repair of the BWC, including completion of appropriate documentation, as necessary.

453.13 TRAINING COORDINATOR-ISSUANCE AND MAINTENANCE OF BWC

All BWC shall be issued by the Training Coordinator. The Training Coordinator shall be responsible for ensuring that issued BWCs are programmed with the user's unique identification number. If a spare BWC is issued on a temporary basis, then the Training Coordinator shall ensure that the records reflect the assignment of the spare BWC and the period of assignment.

The Training Coordinator is responsible for the maintenance, repair, and/or replacement of Department issued BWCs and ICCs.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
453**

453.14 AUDITS

Periodic audits of digital audio/video recordings should be conducted by the Audits and Inspections Unit and be documented in a written report submitted to the Chief of Police. The audit should recognize professional conduct, performance needing improvement or training, and misconduct to include an annual audit of the remote activation / live streaming function for frequency and purpose. Except when an audit leads to a Personnel Investigation, members should receive feedback via their supervisor from the Audit and Inspections Unit of the audit results.

Upon receipt of the audit report, the Chief will determine whether any of the following is warranted:

- (a) Employee recognition.
- (b) Training (individual or Department-wide).
- (c) Supervisor counseling.
- (d) Policy revision or adoption.
- (e) Enhanced supervision protocols.
- (f) Initiation of a Personnel Investigation.

i

ⁱ At the conclusion of the BWC/ICC Study-Pilot Program, members of the Command Staff, Support Staff, City Attorney's Office, BPOA, and BWC/ICC users will discuss possible revisions to BWC/ICC Policy based on the feedback obtained during the Pilot Program.