



August 16, 2016

*Via Hand Delivery*

The Honorable Mark E. Hood  
Presiding Judge, Superior Court of California  
County of Monterey  
240 Church Street  
Salinas, CA 93901

Subject: The City of King Response to the 2016 Civil Grand Jury Report

Dear Judge Hood,

Attached you will find the City Councils' response as adopted on August 9, 2016, at the regularly scheduled council meeting, regarding the 2015-2016 Monterey County Civil Grand Jury Final Report entitled "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement agencies in Monterey County."

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Cullen", is written over a horizontal line.

Robert Cullen  
Mayor



August 9, 2016

The Honorable Mark E. Hood  
Presiding Judge, Superior Court of California  
County of Monterey  
240 Church Street  
Salinas, CA 93901

Subject: The City of King Response to the 2016 Civil Grand Jury Report

Dear Judge Hood,

The following is the required response per California Penal Code Section 933.05 regarding the 2015-2016 Monterey County Civil Grand Jury Final Report entitled "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement agencies in Monterey County".

**Finding of the Grand Jury Investigation:**

F5. At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18.

**Response:** The respondent partially disagrees with the finding. The report states the newly enacted California Penal Code Section (PC§) 832.18 and its various sections are compulsorily. The report states that the components of PC§ 832.18 "...must, at a minimum, be included in any state or local agency... (policy)." The report also states, throughout, that compliance with the provisions of PC§ 832.18 is "required". While we largely agree with the provisions of PC§ 832.18 we disagree that it is mandatory. As stated in PC§ 832.18 (a), it is the intent of the California Legislature to establish policies and procedures based on best practices. However, the code does not require the adoption of the section, nor compliance with the various subsection, it simply states, "...law enforcement agencies, departments, or entities shall consider the following best practices..." (emphasis added). Indeed, all of the code sections are legitimate and worth consideration, but not necessary in its exact enumeration.

**Finding of the Grand Jury Investigation:**

F8. The BODYCAM® BWC described in this report stores recoding on a removable Micro-SD memory card.

**Response:** The respondent agrees.

**Finding of the Grand Jury Investigation:**

F9. The BODYCAM® BWC described in this report enables any user to delete one or all recorded videos unless those camera functions are disabled by an appropriately trained BODYCAM® administrator or a manufacturer's representative.

**Response:** The respondent agrees, however the King City Police Department is in the process of updating and transitioning to the implementation of new BWC's. The new BWC's are a product of a company called "Polytron". The camera and retention system of Polytron can only be accessed by an authorized administrator, and not "any user." (We have attached some of the vendor's information regarding the new BWC's and retention system.)

**Finding of the Grand Jury Investigation:**

F10. Because the BODYCAM® BWC allows the Micro-SD card to be removed from the camera, it is possible for an officer to remove and read the card on an unauthorized computer and to delete or modify recorded data, contrary to the specific prohibitions of Penal Code section 832.18.

**Response:** The respondent agrees. However, the system that King City Police is currently migrating to (Polytron) the camera does not have a removable Micro-SD memory card and can only be accessed by an authorized administrator and is compliant with the best practices as stated in California Penal Code section 832.18.

**Finding of the Grand Jury Investigation:**

F18. The King City Police Department provides BWCs for its officers' use in accordance with a written department policy regarding their use.

**Response:** The respondent agrees. The King City Police Department uses the law enforcement policy provider, Lexipol. (See attached Policy.)

**Finding of the Grand Jury Investigation:**

F19. The King City Police Department's written BWC policy does not meet all of the requirements of Penal Code Section 832.18.

**Response:** The respondent disagrees wholly with the finding. As previously stated, there are no "requirements" of PC§ 832.18. The King City Police Department subscribes to "Lexipol" which is a policy manual provider and has adopted a policy regarding Body Worn Cameras (BWC's). The policy was crafted in response to PC§ 832.18 and refers to and incorporates the sections content. Lexipol serves well over 570 law enforcement agencies in California. Their success has been achieved by monitoring the rapid and ever evolving landscape of law enforcement. They monitor case law, statutory law, emerging trends and best practices in California law enforcement. The report refers to Lexipol as "...basic templates..." We believe this is an incorrect assessment of Lexipol and the policy they provide. In fact, the policies produced by Lexipol are substantive as to the aforementioned characteristics. We believe that our adopted policy embraces the intent of the legislature as they sought to direct law enforcement agencies to consider best practices for the use of BWC's.

**Finding of the Grand Jury Investigation:**

F20. The King City Police Department uses the BODYCAM® BWC.

**Response:** The respondent partially agrees. The King City Police Department is currently using BODYCAM® BWC but is also transitioning to a new BWC system called Polytron.

**Recommendation of the Grand Jury:**

R16. The chief of the King City Police Department shall meet with the department's legal counsel as soon as the meeting can be arranged to review the legal sufficiency of the department's existing body-worn camera policy and to revise the policy to include, at a minimum, the "best practices" set forth in California Penal Code 832.18.

**Response:** The respondent agrees. The chief of the King City Police shall meet with the City Attorney and review the legal sufficiency of the department's existing body-worn camera policy by September 15, 2016.

**Recommendation of the Grand Jury:**

R17. The chief of the King City Police Department shall meet with the department's legal counsel at least annually to review the then-current state law relating to the use of body-worn cameras and the storage of their recording, and to revise department policy if necessary to comply with such laws.

**Response:** The respondent agrees.

**Recommendation of the Grand Jury:**

R18. The chief of the King City Police Department shall take all steps necessary to ensure that each BODYCAM camera's settings are adjusted by an appropriately trained senior officer to prevent all officers using the BODYCAM cameras from deleting or in any way altering video recordings at any time before the recordings are downloaded to the system's secure server.

**Response:** The respondent agrees.

**Recommendation of the Grand Jury:**

R19. The chief of the King City Police Department shall take all steps necessary to ensure that the Department's written body-worn camera policy specially prohibits officer using the BODYCAM cameras from removing the flash memory card from the camera at any time before the recording are downloaded to the system's secure server.

**Response:** The respondent agrees.

The responses were prepared by the King City Chief of Police, Robert Masterson, and presented to the City of King City Council for their review and approval at the City Council Meeting on August 9, 2016.

Enclosures

## Portable Audio/Video/Body Worn Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

### 450.2 POLICY

The King City Police Department may provide members with access to body worn or other portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. 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, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, KCPD 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.

# King City Police Department

## Policy Manual

### *Portable Audio/Video/Body Worn Recorders*

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### **450.4.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

#### **450.5 ACTIVATION OF THE PORTABLE RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

#### **450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the 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 lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

# King City Police Department

## Policy Manual

### *Portable Audio/Video/Body Worn Recorders*

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#### **450.5.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

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).

#### **450.5.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras 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.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

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.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. 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.

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

#### **450.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

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.

# King City Police Department

## Policy Manual

### *Portable Audio/Video/Body Worn Recorders*

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#### **450.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

#### **450.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

#### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members may 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. The reviewing supervisor will note the reason for the review in the audit log, or inconspicuously to the Chief of Police.

Recorded files may also be reviewed:

- (a) 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.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

#### **450.10 COORDINATOR**

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.



# King City Police Department

## Policy Manual

### *Portable Audio/Video/Body Worn Recorders*

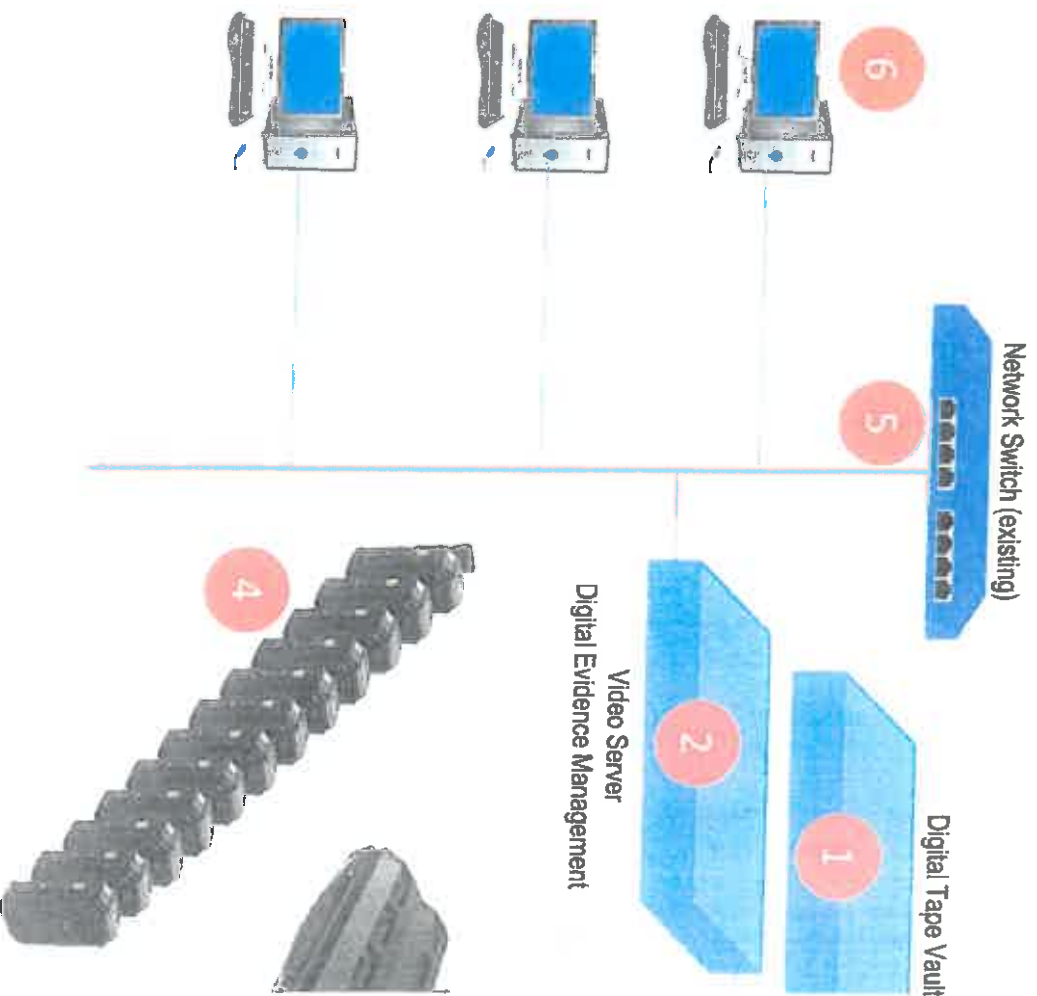
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- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

# SYSTEM OVERVIEW

## BODY WORN CAMERA VIDEO STORAGE VAULT & DIGITAL EVIDENCE MANAGEMENT SOFTWARE SYSTEM

<b>1</b>	<b>60TB Storage Vault; 24-slots, 2.5TB/ea Robotic Arm; Read/Write Tape Drive</b>
<b>2</b>	<b>6TB Server; Vault Connections; Network Connections; Digital Evidence Management</b>
<b>3</b>	<b>8-port body worn camera docking station; upload/charge cameras; USB 2.0/3.0</b>
<b>4</b>	<b>Body Worn Cameras; longer runtime (8-hrs), stores more video (32G), password protected</b>
<b>5</b>	<b>Network Switch (existing); connects all servers and workstations together</b>
<b>6</b>	<b>User workstations (existing) Digital Evidence Management: Query, Display, Share</b>





# DEFENDERITE™ POLY-VAULT

## *Features / Specifications*

### POLY-VAULT

#### FEDERATED REPOSITORY

#### SERVER

- Manages interface with Library (Read/Write)
- Digital Evidence Table of contents

#### LIBRARY

- Digital Evidence Archive
- Ultrium LTO Cartridges
- Capacity: 1,400 to 3,360 Terabytes per Stack
- No. of Stacks: Unlimited
- Ultrium Cartridge useful life: 30-50 years



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## DEFENDERITE™ POLY-VAULT

Poly-Vault is a game-changing Local Storage alternative to expensive Cloud Storage.

Where Cloud Storage is rented remote storage, spread across multiple servers and often locations, Poly-Vault is user-owned Local Storage.

Benefits include over 90% storage cost savings when compared to the Cloud; lowest security risks since all evidence is local; network speed over 1,000 times faster, when compared to the Internet, for the quickest inquiry response and fastest upload speed; unlimited storage capacity; 30-day or less set-up time; and less than 24-month Return-on-Investment (ROI).

No upfront capital equipment costs. Poly-Vault costs may be financed to become part of the operating budget.



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Digital Evidence  
Management  
Software System

## DEFENDERITE™ POLY-DEM

Poly-DEM: Digital Evidence Management

- Complete System: Recording, Storage Management, Chain-of-Custody Compliant.
- Automatic ingestion and authentication of video uploads into Vaults. Digital fingerprinting.
- central management of all digital evidence.
- federated repository: multiple tiers, layered, across multiple platforms and media.
- Cameras: dash-cams, fixed surveillance cameras, non-proprietary body worn cameras.
- Ad Hoc searches: any field or combination of fields in database.
- User customizable metadata.
- All content: audio, video, digital evidence searchable by case#, officer name, other.
- Share content, export/import, search/playback/clip functionality.



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ISC West 2015  
Award Winner

*"Video Surveillance  
Management Systems"*



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## DEFENDERITE™ POLY-DEM

**Law-enforcement applications** require that digital video be stored and other pieces of digital evidence must be "attached" or "associated" with the video files. Examples of other digital evidence include mobile phone pictures and video, electronic documents such as Word, PDF, XLS, crime-scene pictures, eyewitness testimony, interrogation room audio/video recordings, emails, contents of hard disk drives found on a suspect's PC, Officer and Attorney notes, Case number Assignments, related unsolved cases, etc. All evidence is under centralized management for investigators and prosecutors to "build their case."

Poly-DEM provides unlimited tags for searching and reviewing as well as tools to provide files for public release and court presentation.

Metadata helps find the "Needle in the Haystack"





# DEFENDERITE™ POLY-CAM

## *Features / Specifications*

- 6-User Configurations:
  - 1-Button: Patrol; Covert
  - 1-Button: Patrol HD, Covert HD
  - Intermediate, Advanced
- 7-Selectable Resolutions: HD/SD
- Still Photos; 6-Resolutions
- Record hours: 8/22 w/Battery Pack
- Standby Time; 72-hours
- Charging Time; 3-hours
- Onboard GPS, G-force
- Lens 140° Lens, zoom, 0.03 lux
- 32GB Internal Storage
- Ruggedized: Waterproof (IP65)
- Video: Event Marker
- Pre-record; before start
- Delay-record; after stop
- Self-timer, start after delay
- Night Vision; Dual IR
- Weight: 5.64oz
- Dimensions: 3.7"H x 2.4"W x 1.25"D



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# DEFENDERITE™ POLY-CAM

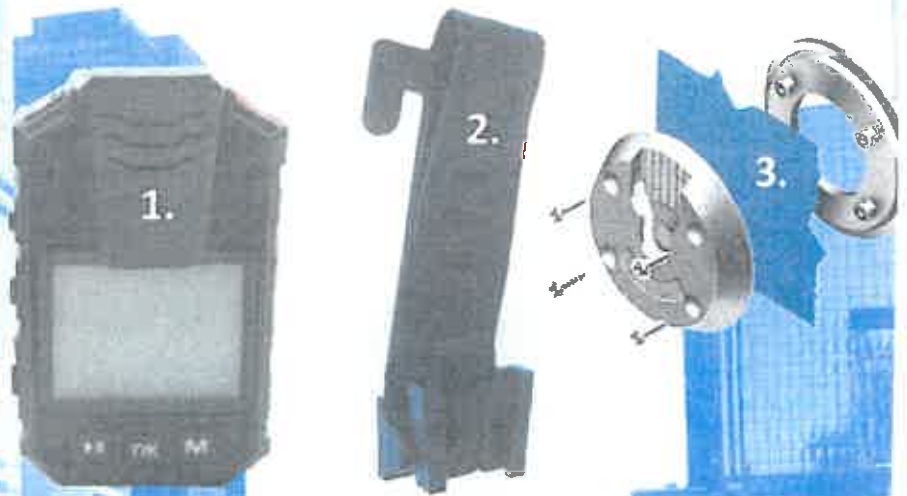
## Accessories

### Camera Mount Options

1. Steel Clip: 360° rotation (included)
2. Epaulet Shoulder Strap (included)

### Optional Accessories

3. Garment Dock
4. External Mini Camera Lens with mounting clip
5. Push To Talk (PTT) Adapter Cable
6. 8-Camera Docking Station



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FOR IMMEDIATE RELEASE:  
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## Polytron Introduces A Complete Line of Local Storage, Digital Evidence Management and Body Worn Camera Solutions

*Polytron delivers law enforcement, DEFENDERITE™, a complete ecosystem of products and services to capture live video, economically store and retain massive amounts of digital evidence, and manage digital evidence across multiple tiers of storage.*

San Martin, California – October 25, 2015 – Polytron Corporation, a provider of innovative technology applications, announced today at the International Association of Chiefs of Police (IACP) 122<sup>nd</sup> annual Conference & Expo held in Chicago, **Poly-Vault**, a massive digital storage solution aimed at the growing need for economically storing extreme quantities of digital evidence, **Poly-DEM**, Digital Evidence Management software, **Poly-Cam**, an inexpensive, high-performance body worn Camera, and **Poly-Vest**, a powered, custom tactical Vest carrier.

**Poly-Vault** is a game-changing Local Storage alternative to expensive Cloud Storage. Where Cloud Storage is rented remote storage, spread across multiple servers and often locations, **Poly-Vault** is user-owned Local Storage. Benefits include over 90% storage cost savings when compared to the Cloud; lowest security risks since all evidence is local; network speed over 1,000 times faster, when compared to the Internet, for the quickest inquiry response and fastest upload speed; unlimited storage capacity; 30-day or less set-up time; and less than 24-month Return-on-Investment (ROI). No upfront capital equipment costs. Costs may be financed and treated as an operating budget line item.

**Poly-DEM** is a set of Digital Evidence Management software applications that include automatic evidence ingestion into a federated repository of layered storage devices. Poly-DEM can manage videos from non-proprietary body-worn cameras, dash-cams, and typical surveillance cameras. Ad hoc searches make finding evidence instantaneous using any field or combination of fields in the database; user customizable metadata allows for agencies to configure the software in ways that match their workflow processes. All content can be searched including audio and video files and the digital evidence can be organized by case number, officer name, or other identifier.

**Poly-Cam** is a \$199.95 high-performance body worn camera. Features include onboard GPS, multiple HD video recording resolutions, and a 2" LCD display. Flexible configurations include (4) 1-button ON/OFF settings, intermediate, and advanced functions. Options include external mini-camera, service radio PTT cable interface, an 8-camera docking station that is used for uploading files and recharging cameras.

**Poly-Vest** is an external custom vest carrier shell that incorporates new or existing ballistic panels, a body worn camera mount, a thermal-imaging Smart-phone camera (FLIR ONE) camera, a USB-charged replacement battery for hand-held service radios, and up to 60 Watts of battery power to support any USB-powered device such as mobile phones or flashlights. This Tactical Vest Carrier is ergonomically designed to move heavy items normally carried on a service belt such as radios, ammo, collapsible batons, etc., to the vest carrier to help redistribute weight to ease pressure off the lower back thereby reducing the incidence of back injury. The vest appearance is that of a typical service uniform shirt, and is made of high quality water resistant Denier polyester.

“Law enforcement is facing overwhelming pressure to implement (body worn) video surveillance systems in response to public outcry and liability exposure. The most common mistake is to focus on (body worn) cameras, and not fully comprehend or consider the costs for long-term digital storage. Digital storage is by far the most costly part of the package. With over 10,000 Chiefs of Police in attendance from around the world, IACP 2015/Chicago was the perfect venue to introduce our products, and demonstrate how Cloud storage costs may be slashed by 90%,” stated Cary Vea, President/CEO of Polytron Corporation. “Polytron’s Defenderite™ products are unequalled, and are the most comprehensive long-term digital evidence retention and management solution available.”

#### **About Polytron Corporation**

Polytron is a leading provider of world-class Information Technology solutions for Enterprise and Government clients. With the increasing complexity of technology, more customers want complete solutions for their unique technology problems. Since 1985 Polytron has been providing complete solutions that seamlessly integrate into daily operations assuring that unique customer requirements are fully satisfied.

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