

MONTEREY COUNTY



COUNTY ADMINISTRATIVE OFFICE

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September 20, 2016

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

**SUBJECT: Response to 2015-2016 Monterey County Civil Grand Jury Final Report–
“Body Worn Cameras”**

Dear Judge Hood:

Attached please find the Monterey County Board of Supervisors Response to 2015-2016 Monterey County Civil Grand Jury Final Report– “Body Worn Cameras” and the signed Board Order. The Board of Supervisors approved the response on September 20, 2015, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,

Lew C. Bauman
County Administrative Officer

By: Manuel T. González
Assistant County Administrative Officer

MTG:mri

cc: Lew C. Bauman, County Administrative Officer
Office of the County Counsel

Attachments: Board of Supervisors Response
September 20, 2016 Board Order



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

Consider receiving the Sheriff's response to the 2015 - 2016 Monterey County Civil Grand Jury Interim Final Report: "Body Worn Cameras".

PASSED AND ADOPTED on this 20th day of September 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on September 20, 2016.

Dated: September 21, 2016
File ID: 16-1058

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy



Monterey County Board of Supervisors

Response to the

2015-2016 Monterey County Civil Grand Jury Final Report

THE SLOWLY EXPANDING USE OF BODY-WORN VIDEO CAMERAS BY LAW ENFORCEMENT AGENCIES IN MONTEREY COUNTY

July 19, 2016

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REPORT TITLE: THE SLOWLY EXPANDING USE OF BODY-WORN VIDEO CAMERAS BY LAW ENFORCEMENT AGENCIES IN MONTEREY COUNTY
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5, F-7 and F-23

FINDINGS

Finding F-1: *The use of BWCs responds to public demands for greater law enforcement transparency.*

Response F-1: The Sheriff's Office agrees with the finding.

Finding F-2: *BWCs, when recording lawful police conduct, provide positive risk management benefits.*

Response F-2: The Sheriff's Office agrees with the finding.

Finding F-3: *BWC recordings can serve as a valuable officer training resource.*

Response F-3: The Sheriff's Office agrees with the finding.

Finding F-4: *Law enforcement best practices now include law enforcement's use of BWCs when funds have been made available for their purchase and that of required data storage capacity.*

Response F-4: The Sheriff's Office partially disagrees with this finding. The mere use and funding of body-worn cameras and data storage does not ensure best practices in law enforcement. Any agency implementing the use of body-worn cameras and data storage must comply with state and federal law, best practices, and their community's standards.

Finding F-5: *At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18.*

Response F-5: The Sheriff Office agrees with the finding that the Sheriff's Office must comply with California Penal Code section 832.18 which states that law enforcement agencies "shall consider" the best practices enumerated in California Penal Code section 832.18.

Finding F-7: *In the absence of other sources of funding, the county Board of Supervisors must make sufficient funds available to its Sheriff's department before the department can purchase BWCs for its deputies and a secure storage system for resulting BWC recordings.*

Response F-7: The Sheriff's Office disagrees partially with the finding. In the absence of other funding sources the Sheriff's Office may request funding from the Board of Supervisors for the purchase of body-worn cameras and data storage; however, the Board of Supervisors has the discretion of approving any such request.

Finding F-23 *The Monterey County Sheriff's Department does not provide BWCs for its deputies' use.*

Response F-23 The Sheriff's Office agrees with the finding. The Sheriff's Office has tested body-worn cameras and is currently researching body-worn camera systems that will meet the needs and requirements of the Sheriff's Office and our community.

REPORT TITLE: THE SLOWLY EXPANDING USE OF BODY-WORN VIDEO CAMERAS BY LAW ENFORCEMENT AGENCIES IN MONTEREY COUNTY
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-28, R-29, R-30, R-31 and R-32

RECOMMENDATIONS

Recommendation R-28 *As part of the Sheriff's Department's next annual budget request (or before) the Sheriff's Department shall apply to the County Board of Supervisors for funds sufficient to purchase body-worn cameras of the department's choosing for each officer and for a secure data storage system with adequate capacity to store the data recorded by those cameras.*

Response R-28 The recommendation requires further analysis. The Sheriff's Office is currently researching body-worn cameras, data storage, and best practices with regard to policy and privacy issues. The Sheriff's Office will make a decision on when and if it seeks funding from the Board of Supervisors for body-worn cameras.

Recommendation R-29 *As part of the Sheriff's next annual budget allocation (or before) the County Board of Supervisors shall provide funds sufficient to enable the Sheriff's Department to purchase body-worn cameras of the department's choosing for each officer and for a secure data storage system with adequate capacity to store the data recorded by those cameras.*

Response R-29 The recommendation will not be implemented by the Sheriff's Office. The Sheriff's Office has no authority over the Board of Supervisors.

Recommendation R-30 *The Sheriff's Department shall adopt a written body-worn camera policy, which at a minimum includes the "best practices" set forth in California Penal Code 832.18.*

Response R-30 The recommendation requires further analysis. Upon implementation, the Sheriff's Office will comply with state and federal law, utilizing best practices. Consistent with California law, the Sheriff's office will consider the best practices enumerated in California Penal Code section 832.18

Recommendation R-31 *The Sheriff of Monterey County shall meet with the department's legal counsel to review the legal sufficiency of the department's proposed body-worn camera policy before it is adopted by the department.*

Response R-31 The recommendation requires further analysis. Prior to implementation, the Sheriff's Office will consult with County Counsel to ensure compliance with state and federal law, utilizing best practices.

Recommendation R-32 *The Sheriff shall meet with the department's legal counsel at least annually to review the then-current state laws relating to the use of body-worn cameras and the storage of their recordings, and to revise department policy if necessary to comply with such laws.*

Response R-32 The recommendation requires further analysis. The Sheriff's Office, in consultation with County Counsel, will ensure, upon implementation, compliance with state and federal law relating to body-worn camera policy.