

Riverside Sheriffs' Association

Press Release

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For Immediate Release

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Body Worn Cameras

The need to formulate sound policies and procedures prior to implementation and deployment of body worn cameras

RIVERSIDE – A Riverside County Sheriff's Department spokesperson penned a press release published on January 30, 2015. The press release is linked to a lawsuit filed by the RSA against the County and the Department, in an effort to return to the status quo prior to the introduction of body worn camera devices (BWC).

RSA is not opposed to this new technology. RSA IS CONCERNED that body worn camera devices are, or will be deployed in the field without first negotiating and implementing policies, procedures, protocols, and training to guide and control the use of these devices and the storage, maintenance and accessibility of the films that are generated by deputies in the field while wearing and activating these devices.

The Department emphasizes that at the present time it is not necessary to negotiate these changes in the terms and conditions of employment that accompany the introduction of these devices, for two principal reasons: (1) the Department is only in the testing phase of these devices; therefore no negotiations are necessary, and that at some future time, if the Department decides to proceed with general deployment of the devices, it will then consider the need to negotiate over the changing effects of the devices on Deputies' jobs; and (2) currently, the use of the cameras is completely voluntary.

Additionally, the Department mentioned that each station has its own policy and procedure for BWC's. This gives RSA great concern for both RSA members and the County as a whole, considering the broad ramifications that using such devices can have without fully developed department-wide policies and procedures.

The problem with this line of thinking is that the "testing" of the devices and the voluntariness of their use are both irrelevant when considering the lack of policies, protocols, procedures and training that must be developed before these devices are introduced into the field. If the devices are being employed in the field to film and audio-record enforcement contacts with the public, and in the investigation and evidence – gathering contexts, the audio and visual recordings are plainly evidence. And, these need to be processed like any other piece of evidence seized in the field.

Two examples will suffice to illustrate the lack of forethought in deploying these cameras without negotiating the effects and consequences of the deployment and without appropriate training and written policies and directives regarding how they are to be employed in the field. This situation puts RSA members at risk if they choose to don the devices and use them in the field.

First, assume that deputies wearing the devices respond to a radio call of domestic violence occurring within the residence. The female caller claims that she has been assaulted by her boyfriend. The home belongs to the boyfriend and not to the female caller. Upon arrival, the deputies hear sounds of breaking and crashing furniture. The male homeowner allows the deputies in, but when he sees the cameras he forcefully yells, "Do not film me!" What is the Deputy to do?

Second, before going out into the field, a deputy voluntarily dons a camera owned by the Department. During his shift, he becomes engaged in a shooting incident. There are no witnesses to the shooting except the person who was shot. Investigators immediately take and secure the camera as evidence. The deputy wants to review the film before he writes a report or makes a statement. Will the deputy be permitted to do so? There is no clear answer to this question except that it will likely depend on the particular policies that are employed in the station within the Department where the deputy works.

Operating without policies, procedures and training is like sailing a ship without a rudder. The likelihood that a Deputy donning a camera will be faced with one of these situations is too great to permit these and similar situations to occur without firm policies and training implemented **before they happen**.

Without properly developed and negotiated policies and procedures in place, the County could be exposed to great civil liability. The citizens of Riverside County could be at risk of losing millions of dollars if there is a failure to properly use and manage BWC's through sound policies and procedures.

In summary, RSA supports the implementation and deployment of new technological developments for its members. However, the Department needs to honor its position as a party to the Memorandum of Understanding, particularly those that have to do with the duty to bargain in good faith for the benefit of the department, the public and RSA members alike.