



City of Gonzales

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August 15, 2016

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

Maria Orozco
Mayor

Liz Silva
Mayor Pro Tem

Scott Funk
Councilmember

Jose G. Lopez
Councilmember

Robert Bonincontri
Councilmember

René L. Mendez
City Manager

Re: City of Gonzales' 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"

Dear Presiding Judge Hood:

This letter will serve as the City Council of the City of Gonzales' response to Findings and Recommendations set forth in 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." As requested by the Civil Grand Jury, the City of Gonzales respectfully submits the following responses to the Findings and Recommendations F5, F8-F10, F15-F17 and R12-R15 as identified for a response in the Report.

Civil Grand Jury's Report – Findings

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

Response: The City Council agrees with this finding.

Finding 8 – *The BODYCAM described in this report stores recordings on a removable Micro-SD memory card.*

Response – The City Council agrees with this finding.

Finding 9 - *The BODYCAM 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 City Council agrees with this finding, but notes that the cameras used by the Gonzales Police Department have been programmed to prevent unauthorized officers from deleting any recordings.

Gonzales will continue to be a safe, clean, family-friendly community, diverse in heritage, and committed to working collaboratively to preserve and retain its small town charm

Finding 10 – *Because the BODYCAM 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 City Council agrees with this finding, however, the cards in the cameras used by the Gonzales Police Department have been programmed to only work in the camera in which they have been installed. The data on the card cannot be deleted or changed and only a card assigned and programmed by the Department's body camera administrator can be used in a camera.

Finding 15 – *The Gonzales Police Department provides BWCs for its officers' use in accordance with a written department policy regarding their use.*

Response – The City Council agrees with this finding.

Finding 16 – *The Gonzales Police Department's written BWC policy does not meet all of the requirements of Penal Code Section 832.18.*

Response – The City Council disagrees wholly with the finding. California Penal Code Section 832.18 requires agencies, departments or entities to only "consider" the best practices for the downloading and storage of body-worn camera data when establishing policies and procedures for the implementation and operation of body-worn camera systems, but does not require incorporation of all best practices. The Police Department's policy does "consider" the best practices of downloading and storage of body-worn data and is therefore in compliance with the law. Penal Code Section 832.18 simply serves as a guideline for agencies, departments and entities considering the use of body-worn cameras, but it does not make those guidelines mandatory in order to achieve compliance with the law.

Finding 17 – *The Gonzales Police Department uses the BODYCAM BWC.*

Response – The City Council agrees with this finding.

Civil Grand Jury Report – Recommendations

Recommendation 12 – *The Chief of the Gonzales 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" of set forth in California Penal Code section 832.18.*

Response – The Chief and legal counsel will evaluate the Department's policy as it relates to the best practices set forth in Penal Code Section 832.18. However, Penal Code Section 832.18 only requires departments to "consider" the best practices regarding downloading and storage of body camera data. There is no statutory requirement that the department adopt the best practice recommendations set forth in Section 832.18. The Department is currently not deleting data and is planning to keep all recorded data for two years. The Department is also making copies of all

data that involves a use of force or any violence against an officer so that it may be retained for evidence.

Recommendation 13 – *The Chief of the Gonzales 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 recordings, and to revise the department policy of necessary to comply with such laws.*

Response – The recommendation will be implemented and the Chief of Police will annually review state law with the City Attorney to ensure that the Police Department's policies are in compliance with the law.

Recommendation 14 – *The Chief of the Gonzales 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 the BWC video recordings at any time before the recordings are downloaded to the system's secure server.*

Response – The recommendation has already been implemented. From the date the cameras were issued, the Department made changes to equipment to prevent officers from deleting, changing or replacing memory cards in the body cameras. The Department has a supervisor assigned as the body camera administrator and he is the only person with authority to delete data, and only after obtaining the Police Chief's approval. Officers only have the ability to download and view their own data.

Recommendation 15 – *The Chief of the Gonzales Police Department shall take all steps necessary to ensure that the Department's written body-worn camera policy specifically prohibits officers using the BODYCAM cameras from removing the flash memory card from the camera at any time before the recordings are downloaded to the system's secure server.*

Response – The recommendation has been implemented. The Department issued orders to its officers prohibiting the removal of memory cards from a body camera. The body camera administrator is the only person authorized to remove or replace memory cards in any body camera owned by the City of Gonzales.

Respectfully submitted,



Maria Orozco
Mayor-for and on behalf of the Gonzales City Council