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January 10, 2017

Leslie J. Girard  
Chief Assistant County Counsel  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901-2439

Re: City of Marina 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 Mr. Girard:

Enclosed please find the City of Marina’s 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”

Sincerely

Anita Sharp  
Deputy City Clerk  
City of Marina

# City of Marina

## Response to Findings & Recommendations

### 2015-2016 FINAL REPORT – MONTEREY COUNTY GRAND JURY

The Marina City Council responds as follows:

#### **FINDINGS:**

F1. **“The use of BWCs responds to public demands for greater law enforcement transparency.”**

Response F1: The respondent agrees with the finding.

F2. **“BWCs, when recording lawful police conduct, provide positive risk management benefits.”**

Response F2: The respondent disagrees partially with the finding. The recording of work related police conduct, whether lawful or not, provides positive risk management benefits.

F3. **“BWC recordings can serve as a valuable officer training resource.”**

Response F3: The respondent agrees with the finding.

F4. **“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 F4: The respondent disagrees partially with the finding. The finding should also include law enforcement’s ability to appropriately respond to and comply with Public Record Requests related to the recordings of BWCs.

- F5. **“At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18 (Appendix 3).”**

Response F5: The respondent agrees with the finding.

- F6. **“In the absence of other sources of funding, each City Council must make sufficient funds available to its police department before the department can purchase BWCs for its officers and a secure storage system for resulting BWC recordings.”**

Response F6: The respondent disagrees partially with the finding. The finding should also include sufficient funds to appropriately respond to and comply with Public Record Requests related to the recordings of BWCs.

- F21. **“The Marina Police Department does not provide BWCs for its officers' use, but the department favors their use and plans to acquire them.”**

Response F30: The respondent disagrees partially with the finding. The finding does not identify why the Department does not provide BWCs. The City of Marina strongly supports the proper implementation of a BWC program. In the recent past, the City of Marina did not provide BWCs for its officer's use due to a lack of necessary funding necessary to: purchase and properly implement a BWC system.

#### **RECOMMENDATIONS:**

- R20. **“As part of the Marina Police Department's next annual budget request (or before) the Department shall apply to the Marina City Council 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 R20: The recommendation will be implemented. The City Manager will incorporate funding of a proper BWC program into the next annual budget process.

- R21. **“As part of the Marina Police Department's next annual budget request (or before) the Department shall apply to the Marina City Council 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 R21: The recommendation will be implemented. The City Manager will incorporate funding of a proper BWC program into the next annual budget process.

- R22. **"The Marina Police 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 R22: The recommendation requires further analysis. California Penal Code 832.18(b) only requires agencies, departments, or entities to "consider" the best practices regarding the downloading and storage of body-worn camera data. It does not require it. As there are many unexplored and yet to be determined areas pertaining to the use, storage and release of BWCs and the data obtained, the Legislature incorporated language that provides latitude for the subject matter experts to determine which practice(s) will or will not be incorporated. The respondent will implement the best-practices it determines to be appropriate for its agency and community, in accordance with a recommendation from its subject matter expert and legal requirements, at the time of implementation.

- R23. **"The chief of the Marina Police Department 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 R23: The recommendation has not been implemented, but will be implemented in the future, prior to the policy being adopted by the department.

- R24. **"The chief of the Marina Police Department 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 R24: The recommendation has been implemented. The Marina Police Department utilizes Lexipol for the development and legal review of all of its' policies. Ongoing legal review is included in the contract for services with Lexipol.