



SOLEDAD

CALIFORNIA

August 3, 2016

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

Re: City of Soledad'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"

Dear Presiding Judge Hood:

This letter will serve as the City Council of the City of Soledad's response in regards to the Findings and Recommendations of 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 Soledad respectfully submits the following responses to the Findings and Recommendations F5, F8-F10, F31-F33 and R52-R56 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 Soledad Police Department have been programmed by a BODYCAM administrator to prevent unauthorized officers from deleting any recordings.

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 Police Department's adopted written policy specifies: "Individual members will not be allowed to download or delete any files or recordings from the device. The Sergeant or Watch Commander will download files and recordings from the device at the end of each shift." Therefore, if any officer attempts to download or delete any files by removing the Micro-SD card and inserts it into an unauthorized computer, he or she will be subject to disciplinary action.

Finding 31 – *The Soledad Police Department provides BWCs for its officers' use.*

Response – The City Council agrees with this finding.

Finding 32 – *The Soledad Police Department's draft 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. Penal Code Section 832.18 only requires agencies, departments or entities to "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 adoption of all identified best practices. The Police Department's draft 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 to follow, but it does not make those guidelines mandatory in order to achieve compliance with the law.

Finding 33 – The Soledad Police Department uses the BODYCAM.

Response – The City Council agrees with this finding.

Civil Grand Jury Report – Recommendations

Recommendation 52 – *The Chief of the Soledad 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 832.18.*

Response – The recommendation will be implemented to ensure that the City's Body-cam policy has given adequate consideration and implementation of the best practices recommended in California Penal Code Section 832.18.

Recommendation 53 – *The Chief of the Soledad 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 54 – *The Chief of the Soledad 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.*

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Response – The recommendation has been implemented. A trained senior officer, with the assistance of the City of Soledad IT service provider, has made the necessary programming adjustments to prevent all officers from deleting or altering the video recordings in anyway prior to being downloaded to the system's server.

Recommendation 55 – *The Chief of the Soledad 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 – This recommendation has been implemented. All officers have already received written policy that specifies that they may not download or delete any files or recordings from the cameras. In addition, all officers have received written orders that only the supervisor assigned as the BODYCAM Administrator, Commander, Evidence Technician or Chief of Police may remove the flash memory card from any of the cameras.

Recommendation 56 – *The Chief of the Soledad Police Department, the Soledad City Council and the Soledad City Manger shall designate as a priority matter the proper completion of the BWC video storage system so that the existing BWCs can be put into daily use by the Soledad police officers on or before August 15, 2016.*

Response – The recommendation has been implemented. By June 30, 2016, all body-worn cameras had been issued to sworn personnel and the cameras were all programmed so that no video files or data could be deleted or altered. In addition, a dedicated BODYCAM server was installed and (per written policy) each supervisor at the end of each shift is now responsible for downloading the video files from each officer's camera directly into the dedicated server.

Respectfully submitted,



Fred J. Ledesma

Mayor-for and on behalf of the City Council of the City of Soledad