

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 2, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution setting policy for Miami-Dade County related to police officer body-worn cameras; directing the Mayor to conduct a study and prepare a report on the benefits and concerns associated with police officer body-worn cameras specifically as they relate to Miami-Dade County

This item was amended at the November 12, 2014 Public Safety & Animal Services Committee to provide that the study of police body cameras shall be done in consultation with representatives of the County's law enforcement bargaining units and include additional considerations.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A) (13)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance; and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A) (13)
12-2-14

RESOLUTION NO. _____

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY RELATED TO POLICE OFFICER BODY-WORN CAMERAS; DIRECTING THE MAYOR OR DESIGNEE TO CONDUCT A STUDY AND PREPARE A REPORT ON THE BENEFITS AND CONCERNS ASSOCIATED WITH POLICE OFFICER BODY-WORN CAMERAS SPECIFICALLY AS THEY RELATE TO MIAMI-DADE COUNTY; DELAYING THE PURCHASE, IMPLEMENTATION AND USE OF SUCH CAMERAS UNTIL THE REPORT HAS BEEN PROVIDED TO THE BOARD AND THE BOARD HAS APPROVED THE IMPLEMENTATION AND POLICY FOR USE OF POLICE OFFICER BODY-WORN CAMERAS

WHEREAS, in recent years, technological advances have redefined several aspects of policing; and

WHEREAS, technology increasingly has been used as a mechanism for surveillance and observation both by law enforcement and private entities; and

WHEREAS, in the early 1990s, dashboard cameras emerged as a new method for capturing the real-time encounters between police and citizens; and

WHEREAS, the latest technological development for law enforcement in the area of surveillance involves police officer body-worn cameras; and

WHEREAS, such body-worn camera systems include:

1. A small camera worn by the officer on a shirt lapel, hat, or sunglasses that captures what the officer sees;
2. A device, such as a smartphone, that records and stores the video; and
3. A battery pack that lasts typically from 12 to 14 hours and that includes an on/off switch for recording; and

WHEREAS, the Fiscal Year 2014-15 proposed budget includes \$1 million for the purchase of body-worn camera equipment and related technology for use by Miami-Dade Police officers; and

WHEREAS, there will be additional ongoing costs associated with operating the body-worn camera equipment; and

WHEREAS, earlier this year, the Office of Community Oriented Policing Services in the United States Department of Justice (DOJ) released a report entitled *Police Officer Body-Worn Cameras: Assessing the Evidence* by Michael D. White, PhD; and

WHEREAS, the report indicated that, while there have been dozens of media reports describing law enforcement use of body-worn cameras, there have been few balanced discussions of the merits and drawbacks of police officer body-worn cameras and even fewer empirical studies of the technology in the field; and

WHEREAS, the DOJ report identified both perceived benefits and concerns associated with body-worn cameras, including the following:

A. Perceived benefits:

1. Body-worn cameras increase transparency and the public's view of police legitimacy;
2. Body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and the public;
3. Body-worn cameras have evidentiary benefits that expedite resolution of public complaints or lawsuits and that improve evidence for arrest and prosecution; and
4. Body-worn cameras provide opportunities for police training; and

B. Perceived concerns:

1. Body-worn cameras create public privacy concerns;
2. Body-worn cameras create concerns for police officer privacy;
3. Body-worn cameras create concerns for police officer health and safety;
4. Body-worn cameras require investments in terms of training and policy development; and
5. Body-worn cameras require substantial commitment of finances, resources, and logistics; and

WHEREAS, the DOJ report also indicated that law enforcement agencies should proceed cautiously in implementing a program for police officer body-worn cameras; and

WHEREAS, this Board would like to heed the recommendation of the DOJ report and proceed with caution in the implementation of a program of body-worn cameras for police officers; and

WHEREAS, prior to the purchase, implementation and use of such cameras, this Board would like to first request that the Mayor or designee conduct a study and prepare a report on both the benefits and concerns associated with police officer body-worn cameras; and

WHEREAS, this Board would like to delay the implementation and use of police officer body-worn cameras until such study and report has been provided to the Board and the Board has approved the purchase, implementation and policy for use of police officer body-worn cameras,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the Mayor or designee to conduct a study and prepare a report on the benefits and concerns associated with police officer body-worn cameras specifically as they pertain to Miami-Dade County. The study and report shall also include, but not be limited to, an analysis of police officer body-worn camera systems that are currently being used by other local law enforcement departments, costs associated with the use of camera recordings in court proceedings, and the ongoing operating costs associated with police officer body-worn camera systems. >>The study shall be done in consultation with representatives of the County's law enforcement bargaining units. Said report shall also include guidelines for the use of video obtained by body cameras in disciplinary proceedings. The Mayor or designee is further directed to consider implementing a requirement for legal review of stored video to minimize departmental exposure to civil liability, ensure quality control, and facilitate ongoing police

training.<< ¹ The study shall The Mayor or designee shall provide the report to this Board within 90 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 2. Delays the purchase, implementation and use of police officer body-worn cameras until the study and report provided for in Section 1 has been provided to the Board and the Board has approved the purchase, implementation and policy for use of police officer body-worn cameras.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------|----------------------|
| Rebeca Sosa, Chairwoman | |
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Daniella Levine Cava | Jose "Pepe" Diaz |
| Audrey M. Edmonson | Sally A. Heyman |
| Barbara J. Jordan | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | Juan C. Zapata |

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of December, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty