



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 14, 2012

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Response To Grand Jury Report Regarding Citizen Access To Law Enforcement Audio/Video Recordings

RECOMMENDATION:

That Council authorize the Mayor and the Chief of Police to provide the City Council's response to the report of the 2011-2012 Santa Barbara County Civil Grand Jury entitled, Citizen Access To Law Enforcement Audio/Video Recordings.

DISCUSSION:

State Penal Code Section 933(c), requires that the "governing body" of each public agency that is the subject of a report from the County Civil Grand Jury, comment on those findings and recommendations contained in the report which are relevant to that particular public agency.

In a previous report dated October 4, 2011, entitled "Grand Jury Endorses Patrol Vehicle Cameras," the Santa Barbara County Civil Grand Jury recommended that the Santa Barbara Police Department install mobile cameras in the police fleet. The Santa Barbara Police Department is in the process of selecting a vendor to install these cameras. This project, to purchase and install mobile cameras, is funded in the Fiscal Year 2013 Police Department Budget.

The Grand Jury has issued an additional report, entitled "Citizen Access to Law Enforcement Audio/Video Recordings: "To be Seen or Not to be Seen?" This report focuses on mobile cameras used by law enforcement agencies throughout Santa Barbara County and contains one finding, Finding # 7 and one recommendation, Recommendation # 6, that pertains to the Santa Barbara Police Department. The Police Department's response to the applicable Finding and Recommendation is contained in Attachment 2.

The recommended Council action authorizes the Mayor and the Police Chief to send the attached cover letter (Attachment 1) and the required more detailed response to the Grand Jury (Attachment 2) in compliance with State Penal Code Section 933(c).

BUDGET/FINANCIAL INFORMATION:

No financial impact.

ATTACHMENTS: 1. Letter to Grand Jury from Santa Barbara Police Department
 2. Response to Grand Jury from Santa Barbara Police
 Department

PREPARED BY: Frank Mannix, Deputy Police Chief

SUBMITTED BY: Cam Sanchez, Police Chief

APPROVED BY: City Administrator's Office



City of Santa Barbara

Police Department

www.sbpd.com

ATTACHMENT 1

August 14, 2012

The Honorable Brian Hill
Presiding Judge, Superior Court
312 M East Cook Street
Santa Maria, CA 93455-5165

Chief's Office

805.897.2395

Santa Barbara County Grand Jury
Attention: Foreperson, Ted Sten
1100 Anacapa Street
Santa Barbara, CA 93101

General Information

805.897.2300

Animal Control

805.963.1513

Honorable Judge Hill & Grand Jury Foreperson Ted Sten:

This letter is in response to the Civil Grand Jury's letter to the Mayor dated May 29, 2012, requesting a response to its 2011-2012 report entitled "*Citizen Access to Law Enforcement Audio/Video Recordings: To Be Seen Or Not To Be Seen.*" The response is provided pursuant to the requirements of State Penal Code Section 933(c).

Business Office

805.897.2400

Community Services

805.897.3717

We have enclosed with this letter the detailed response to the Grand Jury's Report Finding #7 and Recommendation #6 as approved by the Santa Barbara City Council at its regular meeting of August 14, 2012. The Grand Jury Report requests a response from the City of Santa Barbara and our Chief of Police. This response constitutes the reply of both the City Council and the Chief of Police of the City of Santa Barbara.

Dispatch

805.897.2410

Office of Emergency Services

805.897.3725

Please feel free to contact us and/or Santa Barbara City Attorney Stephen Wiley should you have any questions concerning the City's response or if you need anything further from the City.

Parking

805.897.2360

Patrol

805.897.2392

Sincerely,

Records

805.897.2355

Helene Schneider
Mayor of the City of Santa Barbara

Cam Sanchez
Chief of Police

215 E. Figueroa St.

Santa Barbara, CA

93101

Cc: James L. Armstrong, City Administrator
Stephen P. Wiley, City Attorney
Cam Sanchez, Police Chief
City Clerk Cyndi Rodriguez

PO Box 539

Santa Barbara, CA

93102

SANTA BARBARA POLICE DEPARTMENT
RESPONSE TO THE SANTA BARBARA COUNTY
GRAND JURY 2011-2012 REPORT

**“CITIZEN ACCESS TO LAW ENFORCEMENT AUDIO/VIDEO RECORDINGS:
TO BE SEEN OR NOT TO BE SEEN”**

FINDINGS AND RECOMMENDATIONS

Finding 7:

The City of Santa Barbara is in the process of obtaining audio/video recording equipment in all patrol vehicles.

Response to Finding 7: The Santa Barbara Police Department agrees with the finding.

Recommendation 6: *That the City of Santa Barbara initiate Recommendations 1, 2, 3, and 4 as soon as audio/video equipment has been installed in its patrol vehicles. (See Below)*

Recommendation 1: *That all Santa Barbara County law enforcement agencies permit citizens stopped by patrol officers to view audio/video recordings prior to filing a legal complaint or a juvenile petition.*

Response to Recommendation 1: This recommendation will not be implemented because it is not warranted or reasonable.

The Santa Barbara Police Department maintains that any audio/visual recording obtained during a citizen contact by way of the mobile audio/video recording system that is deemed to be evidentiary in nature can currently be obtained through the discovery process. Audio/visual recordings of citizen contacts that are not of an evidentiary nature may be obtained under the provisions of the California Public Records Act.

Recommendation 2: *That all Santa Barbara County law enforcement agencies provide verbal as well as a printed notice to citizens contacted by a patrol officer that there is an audio/video recording of the incident and when and where they may view it.*

Response to Recommendation 2: This recommendation will not be implemented because it is not warranted or reasonable.

The Santa Barbara Police Department maintains that there is no affirmative duty or legal requirement on the part of law enforcement to inform the public of the audio/video recordings obtained during the course of a citizen contact, since members of the public have no reasonable expectation of privacy during the course of these contacts.

The Santa Barbara Police Department maintains that any audio/visual recording obtained during a citizen contact by way of the mobile audio/video recording system that is deemed to be evidentiary in nature can be obtained through the discovery process as prescribed in the California Evidence Code. Audio/visual recordings of citizen contacts that are not of an evidentiary nature may be obtained under the provisions of the California Public Records Act.

Recommendation 3: *That the parent/guardian of a juvenile contacted by a patrol officer be informed that an audio/video recording of a contact with their child has been made and when and where they may view it.*

Response to Recommendation 3: **The recommendation will not be implemented because it is not warranted or is not reasonable.**

The Santa Barbara Police Department maintains that there is no affirmative duty on the part of law enforcement to inform the public of the audio/video recordings obtained during the course of a citizen contact since the public has no reasonable expectation of privacy during the course of these contacts.

The Santa Barbara Police Department maintains that any audio/visual recording obtained during a citizen contact that is deemed to be evidentiary in nature can be obtained through the discovery process as prescribed in the California Evidence Code. Audio/visual recordings of citizen contacts that are not of an evidentiary nature may be obtained under the provisions of the California Public Records Act.

Recommendation 4: *That all Santa Barbara County law enforcement agencies that currently have patrol vehicle audio/video recording capability evaluate the financial savings and report to their City Councils and/or Board of Supervisors the impact of initiating Recommendations 1, 2 and 3.*

Response to Recommendation 4: **The recommendation will not be implemented because it is not warranted or is not reasonable.**

The Santa Barbara Police Department believes it is unreasonable to assume that an accurate fiscal analysis could be pursued given the large number of variables which exist in the scenario created in the above recommendation.

Closing Comments

The Santa Barbara Police Department currently does not deploy an in-car video system; however, over the last several months the Santa Barbara Police Department has spent an enormous amount of staff time in reviewing and testing several systems with various vendors.

We have narrowed it down to two vendors and will make our final decision within the next 30 to 60 days.

We have identified funding sources that will allow us to purchase an outstanding in-car video system for the Santa Barbara Police Department.