



MONTEREY COUNTY SHERIFF'S OFFICE

August 1, 2016

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

Dear Judge Hood:

Pursuant to California Penal Code Section 933, the following is my response to the 2015-2016 Monterey County Grand Jury Final Report: "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County."

FINDINGS

Finding F-1: *The use of BWCs responds to public demands for greater law enforcement transparency.*

Response F-1: The Sheriff's Office agrees with the finding.

Finding F-2: *BWCs, when recording lawful police conduct, provide positive risk management benefits.*

Response F-2: The Sheriff's Office agrees with the finding.

Finding F-3: *BWC recordings can serve as a valuable officer training resource.*

Response F-3: The Sheriff's Office agrees with the finding.

Finding F-4: *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 F-4: The Sheriff's Office partially disagrees with this finding. The mere use and funding of body-worn cameras and data storage does not ensure best practices in law

enforcement. Any agency implementing the use of body-worn cameras and data storage must comply with state and federal law, best practices, and their community's standards.

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

Response F-5 The Sheriff's Office agrees with the finding that the Sheriff's Office must comply with California Penal Code section 832.18 which states that law enforcement agencies "shall consider" the best practices enumerated in California Penal Code section 832.18.

Finding F-7 *In the absence of other sources of funding, the county Board of Supervisors must make sufficient funds available to its Sheriff's department before the department can purchase BWCs for its deputies and a secure storage system for resulting BWC recordings.*

Response F-7 The Sheriff's Office disagrees partially with the finding. In the absence of other funding sources the Sheriff's Office may request funding from the Board of Supervisors for the purchase of body-worn cameras and data storage; however, the Board of Supervisors has the discretion of approving any such request.

Finding F-23 *The Monterey County Sheriff's Department does not provide BWCs for its deputies' use.*

Response F-23 The Sheriff's Office agrees with the finding. The Sheriff's Office has tested body-worn cameras and is currently researching body-worn camera systems that will meet the needs and requirements of the Sheriff's Office and our community.

RECOMMENDATIONS

Recommendation R-28 *As part of the Sheriff's Department's next annual budget request (or before) the Sheriff's Department shall apply to the County Board of Supervisors 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 R-28 The recommendation requires further analysis. The Sheriff's Office is currently researching body-worn cameras, data storage, and best practices with regard to policy and privacy issues. The Sheriff's Office will make a decision on when and if it seeks funding from the Board of Supervisors for body-worn cameras.

Recommendation R-29 *As part of the Sheriff's next annual budget allocation (or before) the County Board of Supervisors shall provide funds sufficient to enable the Sheriff's Department 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 R-29 The recommendation will not be implemented by the Sheriff's Office. The Sheriff's Office has no authority over the Board of Supervisors.

Stephen Bernal, Sheriff-Coroner

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Recommendation R-30 *The Sheriff's 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 R-30 The recommendation requires further analysis. Upon implementation, the Sheriff's Office will comply with state and federal law, utilizing best practices. Consistent with California law, the Sheriff's office will consider the best practices enumerated in California Penal Code section 832.18

Recommendation R-31. *The Sheriff of Monterey County 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 R-31 The recommendation requires further analysis. Prior to implementation, the Sheriff's Office will consult with County Counsel to ensure compliance with state and federal law, utilizing best practices.

Recommendation R-32 *The Sheriff 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 R-32 The recommendation requires further analysis. The Sheriff's Office, in consultation with County Counsel, will ensure, upon implementation, compliance with state and federal law relating to body-worn camera policy.

Respectfully,

Stephen Bernal, Sheriff-Coroner