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Body Worn Camera Viability Review

A. Overview

Background

In 2011, the Thunder Bay Police Service (TBPS) first began to look into the implementation of a body worn camera (BWC) and an in-car camera (ICC) system to be deployed to front-line police officers. At that time, cameras were in use by numerous police services, including the Thunder Bay Police Service, but in limited roles and deployed strictly "in car". A limited number of police officers were provided with BWCs in a test environment however two significant problems became readily apparent:

- The vast amount of digital data produced which required local storage
- The lack of an ability to administratively manage this data for prosecutions

This pilot project concluded and did not find a cost effective or operationally efficient solution.

In the next few years, other police services conducted their own pilot tests and studies of BWCs due to the progression of technology. Most notably, the Edmonton Police Service (EPS) conducted an extensive review of BWCs with funding support from the Centre for Security Science (Defense Research and Development Canada) in order to assess future decisions regarding the deployment of BWCs based on objective evidence. The EPS pilot project began in 2011 and concluded in 2014.

The three goals of the project were to:

1. Assess BWCs for operational effectiveness, evidentiary value, potential for reducing complaints and use of force, impact on the public, possible training benefits and costs.

2. Establish a BWC data management system that securely stores and retrieves data to preserve evidence and minimize human error.

3. Develop policy and operational procedures as a foundation for best practices for BWC video.

The conclusion of the comprehensive Edmonton Police Service study was that BWC video has the potential for positive outcomes for police and prosecutors. However that was weighed against a number of adverse and unknown factors including the need for improved hardware and data management to meet policing needs, questions about the evidentiary value and use of BWC video, the universal lack of clear policy about when police should record and the absence of cost-benefit analyses. The Edmonton Police Service did not proceed with a BWC program.[1]

In another notable study, in early 2014 the Toronto Police Service began a pilot project involving 85 officers, consisting of Constables and Sergeants, who were deployed in a number of front-line and specialized roles. Prior to the pilot project commencing, external evaluation and data specialists were invited to provide guidance on and monitor the quality and evaluation of the project which resulted in the formation of an independent and expert Evaluation Advisory Committee. As well, consultations occurred with community and other major stakeholders such as the Office of the Information and Privacy Commissioner, the Ministry of the Attorney General, and the Ontario Human Rights Commission. The study included 45,000 surveys which were distributed to the community of which 7,500 surveys were returned.

Follow-up surveys were also mailed to a sample of people who had law enforcement contact with an officer wearing a BWC during the pilot project. Surveys were sent to the officers involved in the pilot project along with comparison officers, supervisors of the pilot officers, unit complaint coordinators, and investigators in the pilot divisions.

At the end of the pilot project, interviews were also conducted with some of the officers involved with the pilot project along with supervisors, investigators, unit complaint coordinators, information technology services personnel, video evidence personnel, access and privacy

[1] Edmonton Police Service 2015, *Body Worn Video: Considering the Evidence,* Retrieved June 26th, 2019 from the Edmonton Police Service: https://www.edmontonpolice.ca/News/BWV.

personnel, Toronto Police College personnel, and with representatives of Crown Operations in the Ministry of the Attorney General.

The Toronto Police Service pilot project concluded on March 31, 2016 with a report being filed in June, 2016. Overall, the conclusions were positive in regard to such an initiative going forward, however the primary challenge that was identified was the substantial and sustainable financial investment that would be required. The study revealed that there was strong community support for BWCs as the community believes BWCs will "make the police more accountable to the public, improve public trust in police, and that they will help to ensure professional service that benefits both the public and officers". The project also showed support by police in wearing BWCs that grew throughout the project with one of the main factors being the protection against false accusations and/or complaints.[2]

The Toronto Police Service did not go ahead with a BWC program due to the financial impact based on two aspects:

- Cost associated with the staffing and technology
- Cost associated with the storage of video

Ironically, the Toronto Police Service has once again implemented a comprehensive pilot project examining the use of BWCs due to the advancement of technology, specifically the development of a cloud-based digital evidence management system with BWCs. Such systems were in their infancy during the time of the Edmonton Police Service and Toronto Police Service reports and cloud-based technology and storage was not a consideration. The development of this technology and use within the public sector is a significant "game changer".

Planning

The TBPS pilot project relied heavily on certain components of these two studies, specifically information related to the support from the community for a BWC deployment and information from a broader section of police officers.

The TBPS also utilized information from other agencies that are currently involved in either pilot projects or deployment of BWCs including the Durham Regional Police Service (DRPS), the Calgary Police Service, and the Medicine Hat Police Service.

In the summer of 2018, the TBPS began examining options at replacing the in-car camera that, at the time, was being utilized by the TBPS Traffic Unit. This expanded to include BWCs because of the advent of cloud-based digitally encrypted storage which provided a solution to the two primary challenges identified in both the Edmonton Police Service and Toronto Police Service study. This cloud based storage also included solutions to the administrative and evidentiary challenges that were also identified.

[2] Toronto Police Service 2016, *Body-Worn Cameras,* Retrieved June 26th, 2019 from the Toronto Police Service: https://www.torontopolice.on.ca/media/text/20160915-body_worn_cameras_report.pdf.

The TBPS examined a variety of options in regard to a pilot test based on a number of parameters including an acceptable length of testing time, Canadian cloud-based storage and an integrated digital evidence management system that allows for disclosure and integration between BWCs and in-car cameras.
In November 2018, the TBPS commenced their pilot project involving 6 members of the Traffic Unit and a member of the Emergency Task Unit. 2 members of the Court Services Branch were assigned to the administration and disclosure of evidence collected from BWC's and in-car cameras utilizing the digital evidence management system.

On December 12th, 2018, the Office of the Independent Police Review Director (OIPRD) released their report into systemic racism and the Thunder Bay Police Service. The report, entitled "*Broken Trust: Indigenous People and the Thunder Bay Police Service*" made 44 recommendations including that the TBPS should implement the use of in-car cameras and body-worn cameras.[3] While not elaborated on, the recommendation to implement these cameras was based on building trust with the Indigenous community by ensuring the transparency and accountability of police interactions with the community.

The pilot project expanded on January 23rd, 2019, to include 3 members assigned to the Uniform Patrol Branch.

The pilot project concluded on April 26th, 2019.

Prior to the implementation of the TBPS pilot project, a comprehensive policy was adopted regarding the use and management of the BWC video. Guidelines issued by the Information Privacy Commissioner were reviewed.[4] As a result of these guidelines, TBPS directives were created that stated the public must be notified of BWC use in certain situations and specifying places where BWCs were not to be activated. Also a general media release was completed advising the public of the BWC pilot project and its purpose.

The TBPS also entered into a "research agreement" with Dr. Alana Saulnier of Lakehead University, Orillia Campus, who is reviewing the use of BWCs by police and specifically, the development of policy related to its use. The goal is to produce a single BWC policy template for Canadian police services. Dr. Saulnier is also involved with the Durham Regional Police Service in their extensive pilot project which involves integration with their Crown Attorney.

[3] Office of the Independent Police Review Director 2018, *Broken Trust: Indigenous People and the Thunder Bay Police Service,* Retrieved June 26th, 2019 from OIPRD: http://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf.

[4] Office of the Privacy Commissioner of Canada 2015, *Guidance for the use of Body-Worn Cameras by Law Enforcement Authorities,* Retrieved June 26th, 2019 from the Privacy Commissioner: https://www.priv.gc.ca/media/1984/gd_bwc_201502_e.pdf.

The objectives of the TBPS BWC pilot project were as follows:

- Enhance transparency, public trust and confidence
- Enhance officer accountability
- De-escalate volatile situations
- Collection and transfer of evidence for disclosure
- Protect officers from unfounded allegations of misconduct

Findings

Support for Body Worn Cameras

Most of the officers advised they support the project. The reasons for the support are primarily in relation to public transparency and trust. The officers believe that the video footage from their interactions with the public in difficult situations will show that officers are being truthful and are responding to the best of their ability.

Impact on Officers

The biggest challenge with the pilot project was technical difficulties. These difficulties were primarily experienced with the in-car camera system. When the equipment malfunctioned this was a source of frustration and time consuming for officers.

A significant impact noted by officers was the effect on their interactions with the public. All officers experienced accused individuals acting calmer when they realized they were on camera which resulted in officers also acting differently. Some officers advised the camera has caused them to be more robotic in their duties and this has a negative effect on building community relationships.

Impact on Prosecutions

The Provincial Offences Act (POA) office has seen the rate of individuals contesting charges remain stable with the implementation of the BWCs. However guilty pleas at trial appear to be increasing. A solution is being discussed to provide disclosure to all parties contesting a charge immediately upon the request for a court date. It is believed that this will reduce court dates being scheduled and increase guilty pleas prior to trial. Resultantly, this will have a positive effect on negating court overtime for those officer scheduled to testify when they are not on duty.

The disclosure process being used by the POA office to date has been to burn discs and provide a physical disc for disclosure. Near the conclusion of the pilot project, the POA office began to disclose video evidence electronically. This will decrease their workload and allow for disclosure to be completed very quickly which will also increase guilty pleas prior to trial.

Impact on Workload

Overall, the impact on officer workload was minimal. Some time was required at the beginning of the officer's shift to properly deploy the equipment and also time was required to properly mark the recorded evidence within the cloud based storage system. The estimated time required for a 12 hour shift is under 30 minutes.

The most dramatic increase in workload has been to Court Services. Some of the staff directly involved in the BWC pilot project have seen their workload more than double. The increased workload is the result of viewing, redacting and disclosing the digital evidence. With increases in technology specific to redactions just beginning near the end of the pilot project, the overall workload is expected to decrease, nonetheless, there will still be significant increases in workload for court staff.

Ongoing discussions with the Crown Attorney's office will have to occur to establish the responsibilities of redaction between police and the Crown Attorney in an effort to become more efficient. Unfortunately, initial discussions to explore a multi-disciplinary team approach have been resisted.

Complaints Against Police

As articulated at the onset of this report, the number of officers in this pilot project was small and the duration of the pilot project was short. In total, two complaints against the conduct of police officers wearing BWCs were received. In both instances, the conduct as alleged by the complainant was refuted by the video captured by the BWC. In both instances, the complaints were unfounded as a result.

Conclusions

The TBPS is faced with unique policing challenges that require unique solutions that take advantage of gains made in technology. While BWC's currently have minimal deployment in Canada, it is noted that larger police services, such as the Calgary Police Service, have decided to proceed with BWCs. Other smaller services have done so as well while others have purchased and incorporated digital evidence management system into their existing infrastructures.

From the studies previously conducted, there is considerable public interest in the use of body-worn cameras by police. The community response in those studies is very strong in regards to BWCs ensuring the police will be more accountable, will improve public trust in police and that BWCs will ensure professional service that is a benefit to both the public and police.

There is also support from police to not only protect them from unfounded allegations of misconduct but to provide context to situations that are briefly captured by other cameras and posted on social media. The release of BWC video by police in certain situations provides context in those circumstances and has the potential to de-escalate public tension. Conversely, other BWC video provides another tool for police to engage the public.

The pilot project was of a short duration and criminal cases involving BWC video footage take numerous months to proceed through the courts. However, there are numerous incidents where BWC video was reviewed and it is believed that the video will limit the amount of cases going to trial when the case is based on the subjective observations of the police officer. Impaired driving offences are a good example.

Another example is a domestic violence investigation where the raw emotions and other evidences associated to the incident are shown in court. This will be a significant contrast to a sterilized version many months later through testimony alone. In discussions with Provincial Offences Act prosecutors, the conviction rate for offences involving BWC video was 100% and those prosecutors completely endorse and support the use of BWC video by the TBPS.

B. Development of the Pilot Project

Background

> "Body-worn cameras are small video cameras – typically attached to an officer's clothing, helmet, or sunglasses – that can capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings"[5]

[5] Police Executive Research Forum 2014, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned,* Washington, DC: Office of the Community Oriented Policing Services.

Although planning for this project was somewhat rushed due to time constraints with the availability of the equipment being used for the pilot project, the officers and supervisors involved had the benefit of significant support through advice from the Durham Regional Police Service and Calgary Police Service. As a result, an excellent policy was provided and amended to suit the needs and organizational complexity of the TBPS. The policy directive was provided to all officers involved and training was also provided.

Several comprehensive documents were reviewed including the Toronto Police Service body worn camera report[6], the Edmonton Police Service body worn camera report[7] and a report from the Information and Privacy Commissioner of Canada[8]. Dr. Alana Saulnier of Lakehead University, Orillia Campus, was also an excellent resource based on her in depth involvement with the Durham Regional Police and their pilot project.

Legal Counsel to the TBPS ensured that privacy impact considerations were taken into account and the public notified accordingly. This was done through a media release for general public information as well as a policy directive ensuring certain institutions such as hospitals, agencies assisting children, and women's shelters were not subject to BWC video recording.

The key component to this project was the encrypted cloud-based digital evidence management system (DEMS). This system allowed for all BWC and ICC video to be uploaded through secure wifi. The DEMS was created to allow for a simple transfer to any agency that the TBPS chose through secure passwords and permissions.

[6] Toronto Police Service, *supra* note 2.

[7] Edmonton Police Service, *supra* note 1.

[8] Office of the Privacy Commissioner of Canada, *supra* note 4.

As well, superior redaction capabilities allowed for TBPS personnel to remove sensitive information that was either captured by video or audio prior to being disclosed. Once disclosed to another agency, such as the Crown Attorney, the other agency could then review the footage, perform other necessary redactions, then disclose similarly to defense counsel representing the accused person. Access to this video within TBPS infrastructure is limited by permissions with greater authority granted to the Professional Standards Branch and Legal Counsel.

Oversight of the project involved Inspector D. Taddeo with operational supervision of the officers using the BWCs conducted by Sergeant G. Snyder and the utilization and administration of the digital evidence management system by Staff Sergeant J. Anderson.

Objectives

The objectives of the TBPS BWC pilot project were to assess the efficiencies, effectiveness, challenges and issues related to the use of BWCs and ICCs in regard to the following benchmarks:

- Enhance transparency, public trust and confidence
- Enhance officer accountability
- De-escalate volatile situations
- Collection and transfer of evidence for disclosure
- Protect officers from unfounded allegations of misconduct

Further, the project assessed the efficiencies and effectiveness of using the cloud-based encrypted digital evidence management system to collect and share video evidence collected from BWCs or ICCs.

Timelines

November 13th, 2018: 6 officers assigned to the Traffic Unit and 1 officer assigned to the Emergency Task Unit were assigned a BWC. 1 Traffic Police Vehicle had a forward-facing and rear, prisoner facing camera installed.

January 23rd, 2019: The program expanded to include 3 members from the Uniform Patrol Branch

April 26th, 2019: Conclusion of the pilot project.

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May 30th, 2019: Expression of Interest published on public procurement internet sites

Stakeholder Groups

Managers of the BWC pilot project met with representatives from the POA office as well as the Crown Attorney's office to provide training and assistance. The POA office has been enthusiastic and engaging with the pilot project. This has resulted in an excellent working relationship being built with a clear path forward to allow for full deployment of BWCs.

The Crown Attorney's office has also been provided with training and support from TBPS. They have not been as engaged with the project and have been resistant at times. As of the completion of the pilot project their involvement has been minimal.

Technology and Operational Processes

The BWCs used were the Flex 2. This camera was very small and primarily worn on the side of the officer's head. This allowed for the camera to capture the line of sight of the officer. The camera was connected by a wire to a control box which was secured to the officer's body. To turn the camera on, the officer was required to double tap the start button on the control box. The officer would be notified the camera was recording by a vibration, audible sound and a small red light being illuminated on the control box. The vibration and audible sound would reoccur every 2 minutes to remind the officer of the ongoing recording. The officer would conclude the recording by pressing and holding the start button for 5 seconds. The camera was attached to the side of the officer's head by being attached to glasses or by being attached to the side of a ball cap or toque.

The battery life of the cameras were approximately 12 hours which lasted for most shifts. If the officers were held on duty longer than 12 hours, or if they were outside in cold weather for extended periods of time during their shift, the battery life of the unit would occasionally fail prior to the end of their shift.

The videos recorded throughout the shift were uploaded by docking the BWC in a charging station at the completion of their shift. The docking station would upload all the videos securely to cloud storage, charge the camera and update any software changes.

The ICC video would automatically upload via wifi at the station once the car was parked.

The only administrative duties required by the officers were to physically put on the equipment and to title each video with an incident number. This was minimally time consuming for the officers.

In addition to the BWC and in-car cameras, an evidence gathering application called Axon Capture was also utilized by the officers. This application allowed officers to take photographs, conduct audio and video interviews and provide a platform for citizens to provide digital evidence directly to police. This application operated via the officers assigned duty cell phones.

Communications: Internal and External

Members of the TBPS were kept apprised of the BWC pilot project through internal general broadcast emails, attendance by BWC representatives and supervisors in briefings, and through a page created on the internal police network where portions of videos could be viewed.

Communication to the public was made through media releases and at least on three occasions substantial media coverage was devoted to the project. Further, the deployment of the BWCs was broadcast over TBPS social media accounts and the public was engaged regarding its usage.

C. Pilot Project Survey Findings and Process

Methodology

At the conclusion of the pilot project a series of questions were developed to ascertain the experiences of the parties involved. Surveys were used to assess officer perceptions of safety, training, interactions with the public, operation of the equipment and general impressions. Further surveys were distributed to court staff who were engaged in the viewing, redactions and disclosure of the video to the Crown Attorney's office. Lastly a phone interview was conducted with the City of Thunder Bay Provincial Offences office to determine their experience in receiving the disclosure and further disclosing it to defense agents.

With the exception of the phone survey noted above conducted on May 27th, 2019, the surveys were emailed to all of the participants on May 10th and were all received back within two weeks, both by email and hardcopy. In total 9 officer surveys and 5 court staff surveys were completed along with the one phone interview. All the surveys were saved to a folder and are not linked to any individual thereby ensuring anonymity.

Of the 9 officers, 6 of them worked in the Traffic unit and 3 of them work in uniform patrol. The Axon capture application was first used on September 14th, 2018. This was followed by usage of the BWCs beginning on November 13th, and the ICCs beginning December 20th. Three additional uniform patrol officers joined the pilot project beginning January 23rd, 2019, using all of the equipment at that time. The pilot project concluded on April 26th, 2019. The court staff began using the redaction software shortly after the start of the pilot project and have continued using it after the completion date of the pilot project as cases come before the courts.

The feedback contained in the analysis below is a combination of all of the surveys completed as well as from conversations with the individuals involved with this project.

Officer Feedback

Directive and training views

All of the officers indicated that the BWC directive and instructions were clear. All stated the training was good, however two of the officers mentioned that more training was needed regarding the linking procedure between the BWC and the ICC. Officers recommended an average of 4 hours training for every officer that will be using the BWC and ICC. The recommended training should consist of a review of the policy in detail and practical usage with practice titling the videos.

Officers stated they believe privacy concerns were covered well in the directive. The primary privacy concern they saw was in the emergency room at the hospital where many of the officers were asked questions about the camera and if they were recording in the department. Once hospital staff became familiar with the camera, and the privacy procedures with recording, they were more comfortable.

View of the equipment

Six of the officers found the equipment comfortable to wear and did not have any concerns with wearing it attached to their baseball hat or glasses. Three of the officers found the BWC being worn on their head to be very uncomfortable. The complaints were regarding the weight of it or the dislike of wearing glasses for an entire shift. The officers that disliked the head mount cameras advised they would prefer to wear it on their body. All of the officers advised for positions like the traffic unit a head mount camera is more appropriate however for uniform patrol a camera worn on your chest would be easier.

All of the officers experienced technical difficulties with the equipment. The source of the majority of these difficulties were the issues with the BWC syncing to the ICC and back to the iPod when needed. Other issues were in relation to the ICC specifically and the equipment malfunctioning. Some officers stopped linking their BWC to the ICC system due to these ongoing issues which created more time being used to title both videos separately.

Workload and investigation observations

All of the officers advised the increased workload they experienced was minimal. Estimations ranged from 5 minutes to 30 minutes in a 12 hours shift. The extra time was attributed to putting on and removing the equipment as well as titling the videos.

All of the officers stated that use of the cameras have assisted them in their investigations. The cameras were most useful in situations where the offence was committed on video, such as in Highway Traffic Act matters or with other criminal driving infractions. Other areas where the camera has been useful is highly emotional calls for service where charges resulted, such as for domestic assaults, or for situations where a witness statement is taken at the roadside. There have also been two homicides that have BWC video associated to them. Both of these videos contained detailed information on the location of the deceased and documenting the scene when the officers arrived.

Use of other features, such as the capture application or citizen feature, were only used minimally by the officers. The officers did advise that uploading of photos or audio statements did work well, however once the BWCs were in use there wasn't a need to do the photos or audio statements in addition to the BWC video. The officers commented that the citizen application has potential to be very useful, however there was very minimal use of that function during the pilot project.

Opinion on use of the BWC for complaint and disciplinary reasons

Three of the officers indicated that at the start of the pilot project they were concerned that the BWC would primarily be used for disciplinary reasons, however only one remained concerned about this at the completion of the project. Six of the officers advised that they were not concerned and the camera footage should be used for that purpose.

All officers believe the use of the cameras will assist in the investigations into complaints against officers. One officer advised he had a couple complaints against him during the pilot project, and both were resolved quickly which would not have been the case if he didn't have the camera on. Some officers also advised that individuals will be less likely to complain when they know all officers are wearing BWCs as the entire complaint will be on video.

Opinion of the effect on officer discretion

Seven of the officers advised the BWC has had no effect on their use of discretion with the public. These officers advised they still used discretion for some offences the same way they always have. Two of the officers stated that they were less likely to use discretion knowing everything they were doing was being recorded.

Opinion of the effect on the public

All the officers stated they don't believe the BWCs have a negative effect on the public. Several officers advised accused people acted differently when they realized they were on camera. Accused people were calmer and careful of what they said when they saw the camera. One situation an officer was dealing with an individual who was resisting and when he became aware of the camera he calmed down and complied. There was no indication from the officers that there has been an effect on the public in the comfort to report incidents.

Opinion of the effect on officer's use of force

Officers generally did not believe the cameras will effect officer's decision regarding use of force. The only situation where there was some concern was for younger officers or others who are not confident in their abilities and authorities. One officer mentioned that if officers feel they will be scrutinized for all their videos, they may second guess themselves and this could result in a serious officer safety issue.

Officer's personal views

Most of the officers advised they support the project. The reasons for the support are primarily in relation to public transparency and trust. The officers believe that the video footage from their interactions with the public in difficult situations will show that officers are being truthful and are responding to the best of their ability. Officers further stated that if there are other officers who act inappropriately, the use of the cameras will prevent that. Further, just wearing the cameras has resulted in the public acting better towards officers.

Officers commented that the biggest resistance to BWCs by police is the feeling that they are being constantly spied on for any minor mistake. Provided the messaging to the officers is clear on the reasons behind the cameras and their benefits to the profession, most of the officers believe the majority officers will welcome the addition of the cameras to their daily work. One officer had a skeptical view of the cameras stating that he does not believe they are necessary and the primary use for them will be to monitor officer's work.

The officer stated that we hire and trust officers to be of good moral character and it is not proper to record them all day to ensure they are complying with the requirements of their job. The officer stated the cameras are making policing a robotic process and they affect the ability of the officer to build community relationships.

The biggest issue with the cameras is the loss of humanity in policing. All but one of the officers believe the use of the cameras will increase transparency, accountability and trust with the public. The officers believe the public will be surprised with the difficult situations police deal with. Only one officer stated the cameras will not make any difference for community trust as people who choose not to like or trust the police will continue to regardless of anything to the contrary.

Officer recommendations for implementation

Many of the officers provided recommendations for implementing the BWC program service wide. These recommendations included giving clear instructions to the officers of the reason for the BWCs being transparency and accountability and not simply looking for any mistake. The message that the camera will resolve unfounded public complaints quickly, and the ability of the camera to produce further evidence at court, is also important.

All the officers were open to audits of their performance with the aim of constructive criticism to make their job safer and to assist other officers in training.

The officers recommend cameras worn on the chest of the officer for uniform patrol and the possibility of different options for other units depending on their usage.

Challenges experienced by the officers

The biggest challenge with the pilot project was technical difficulties. These difficulties were primarily experienced with the ICC system due to the hardware malfunctioning. Further issues related to linking the BWC to the ICC. The technical issues with the ICC system were not resolved throughout the duration of the pilot project. Other than the technical issues surrounding the ICC system the officers advised the pilot project was very smooth and they were happy with it.

Another issue that was commonly noted was the battery on the BWC dying prior to the end of shift. The officers noted that if it was a busy shift or they were outside in the cold for extended periods of time, the battery would not last for 12 hours, resulting in the last calls of their shift not being recorded. Further, officers frequently work overtime at the end of their shift and none of this would be recorded either. This has risen as a significant issue that is likely to be experienced by all officers.

Prosecution Feedback

The Provincial Offences Act (POA) office for the City of Thunder Bay has disclosed approximately 50 BWC videos for various offences to self-represented accused parties or defense agents. The disclosure process they have been doing for the most part has involved downloading the videos from the cloud and providing it to the accused individuals or their agents on a disc. There is an option to provide e-disclosure to all parties however this has been resisted by the various outside agencies and has not occurred on a regular basis during the pilot project. Upon full implementation, e-disclosure will occur resulting in time and cost savings for the Provincial Offences office.

The POA office advised that individuals still seem to be contesting the provincial offences at a consistent rate to prior to the BWC pilot project, but guilty pleas at trial are likely affected. The Provincial Offences office is interested in working on a solution to provide e-disclosure to accused parties immediately upon their request for trial. The hope is this would reduce trial dates being set, thereby reducing court overtime for officers having to testify while not on duty. This is something that would be explored further upon a full implementation of this program.

The POA office has advised that the overall workload for them has not increased substantially as the videos are generally short in length for viewing and burning the DVDs for disclosure is minimally time consuming, only taking a few minutes for each DVD. Staff has only done minimal additional redactions from what is being supplied by TBPS court staff so that has not been time consuming either.

The POA office has advised that they believe there is significant potential to reduce POA court time once the program gets out more and everyone becomes comfortable with it. This includes the defense agents who are receiving the videos electronically. There will be an ongoing issue in providing disclosure to self-represented individuals however there are options that can be explored, as stated above.

Court Services Feedback

Opinion of workload increases

All of the court staff stated there has been a dramatic increase in their workload as a result of this pilot project. Some staff have indicated their workload has more than doubled and that other duties have fallen behind as a result. All the staff have made it clear that this increase in workload caused by the BWC/ICC video cannot be sustained even with only 9 officers using the equipment regularly and that more staff would have to be added to be able to complete the required work for all uniform patrol officers.

View on the directive and training

All the court staff advised the directive that pertained to them was clear and the training on redactions was straightforward.

The training was reported to be good, however a complete training process is recommended for new employees to the position. Training is recommended to be classroom based and practical with short demonstrations. Also training is needed on what is being disclosed to the Crown's office and why, so the staff understands what they are doing.

Opinion on the DEMS disclosure process

The court staff working with the Provincial Offences office found the disclosure process to be easy and smooth. No significant issues were experienced. With the Crown's office the experience was much different. The court staff advised that they are aware that videos have only been viewed minimally by anyone at the Crown's office and even if they are reviewed, they are not fully reviewed due to staffing issues.

Court staff personal views

One court staff member advised that they have found some of the video upsetting due to how the people in the video were interacting with the officers and others. Some staff members advised that as court staff they are not accustomed to some of the behavior that they see on the videos. Further that depending on the sensitivity of the staff redacting the videos, there may be problems with viewing them.

Many of the staff members commented that it would be very difficult to only do the redacting of the videos on a daily basis. Many recommended that the staff be trained in multiple areas and they can rotate through each area on a part-time basis. The staff further advised that it is very difficult to do the redactions and view the videos in a busy office and recommend a different area where they could go do the redactions uninterrupted.

All staff advised they support the BWC/ICC/DEMS project and have enjoyed being part of it. They are all open to internal audits to ensure they are doing what is expected of them.

Challenges experienced by the staff

Technical difficulties experienced were occasional connection issues within the cloud, evidence.com. This was rectified by logging out and logging back in again. Also the system was reported as being slow on occasion depending on the time of day.

The biggest challenge during the pilot project was the incorrect titling of videos. If an officer put the wrong incident number in the video title, or if multiple videos were titled with the same incident number, such as for a RIDE program, this created a problem. As the pilot project progressed, the officers got better at titling and getting separate incident numbers for each occurrence but some of these issues still did persist. If there was an automatic upload of the incident number via CAD this would resolve this issue.

Supervisory feedback

The Traffic Sergeant was the only operations supervisor for this pilot project. The Traffic Sergeant was responsible for the deployment of all the BWCs and ICCs and to ensure compliance with the policy.

The initial supervisory challenge was to ensure enthusiasm with this pilot project by the officers involved. The initial response by the officers was skepticism. However through building trusting relationships and keeping the officers updated with the pilot project as it progressed, including the positives and negatives, further trust was built and over time the officers became more trusting with the project and saw first-hand the benefits that resulted.

The primary challenge experienced from a supervisory role, once the officers were fully engaged in the project, was to ensure the officers' daily requirements of titling their video correctly was completed. Even with just nine officers using the equipment, this was an ongoing daily task that required frequent review and reminders to the officers. The process that was in place for notifying court staff was also insufficient as many incidents were missed or titled incorrectly by the officers.

Should CAD be integrated to automatically populate the video with incident numbers in the future, this task will be dramatically reduced. Prior to this occurring, front line supervisors will have substantial responsibilities on a daily basis to ensure the officers wearing the BWCs are using them according to policy and that the videos are being upload and titled properly. Thousands of videos will be produced in a short period of time once the BWCs are fully operational. Notification to court staff will not be an issue once fully operational as all uniform patrol officers will have video for every call for service so notification of video in existence will not be an ongoing issue.

Community Feedback

As discussed earlier, the TBPS did not have the opportunity to conduct a local survey of the residents of Thunder Bay. The supervisors involved relied on the data available to the public including the significant data on community feedback reported on by the Toronto Police Service and Edmonton Police Service.

Since that time, more recent articles have been published in regard to public interaction with police utilizing BWC's and their perceptions of police. In an article written by Dr. Alana Saulnier and published on April 22nd, 2019 in Blue Line magazine, Dr. Saulnier reports on an experiment conducted by Lakehead University researchers between November 20th, 2018 and December 8th, 2018 by working alongside Durham Regional Police Service members during R.I.D.E. checkpoints.

This type of interaction provides brief interviews with the drivers of motor vehicles by police and the behaviour of police during these interviews is standard and constant. All of the officers involved made the same standard introduction to the driver however the officers wearing the body worn cameras would also inform the driver of that fact. 3,636 surveys were handed to driver's which asked questions related to their experience at the checkpoint along with their general perceptions of police.

A total of 287 surveys were returned which were suitable for an analysis and the results showed that persons who interacted with a police member who was wearing a BWC felt more positively about all of the outcomes measured in the survey.

Key findings were that persons who communicated with an officer wearing a BWC, compared to officers not wearing BWCs, had significantly more positive perceptions of:

- Officer politeness during the R.I.D.E. interaction
- Officer fairness during the R.I.D.E. interaction
- DRPS performance in general (i.e., solving crime, dealing with problems, keeping order)
- Confidence in police in general
- Police fairness in general
- Support for police use of BWCs[9]

Dr. Saulnier opines that due to the standardized and consistent manner of police interaction with drivers during a R.I.D.E. checkpoint, the interactions were perceived to be more positive because of the cameras presence since the behaviour was not any different. As a result of this experiment, Dr. Saulnier concludes that the results provide evidence that when an officer advises the existence of a recording BWC, it positively affected public perceptions of specific encounters with Durham Regional Police Service members, it positively affected public perceptions of police more broadly and it positively affected public support of BWCs.[10]

Privacy Considerations

The Office of the Information and Privacy Commissioner of Ontario has prepared a specific protocol for police using BWC's entitled "*Guidance for the Use of Body-Worn Cameras by Law Enforcement Authorities*". A complete privacy impact assessment will be conducted using this guideline along with best practices that may exist by other agencies who have conducted one.

[9] Blue Line magazine 2019, *The effect of body-worn cameras on public perceptions of police: A Canadian study*, Dr. Alana Saulnier, Toronto, ON.
[10] *Ibid*

It will be imperative for the TBPS to include in deployment training what is defined as a public vs private space so that officers will know when to inform a person that a BWC is present and recording. Further and in certain circumstances, the person will be afforded the ability to provide the officer with consent or refusal regarding the use of the BWC and the officer will know he or she has to comply.

Officers only experienced privacy concerns during the pilot project during their interactions in the emergency department of the Thunder Bay Regional Health Sciences Center. Staff at the hospital did express concerns regarding the usage of cameras initially however the staff was reassured that there are clear TBPS policies in place regarding prohibiting usage of the recordings in certain areas, including the hospital. As the pilot project progressed this was no longer a concern by hospital staff. Officers did not experience any privacy concerns from the public in regards to the camera usage.

Freedom of Information

There have been no requests from the public for BWC or ICC video throughout the duration of the pilot project.

Public Complaints

During the pilot testing of the cameras, two complaints of officer conduct were received by the TBPS; one formal complaint through the Professional Standards Branch and on informal complaint through an on-duty supervisor.

In regard to the formal complaint, the Professional Standards Branch supervisor commented on how effective it was to be able to access the BWC video of the officer who was the subject of the complaint. The video clearly exonerated the officer from the alleged misconduct and allowed the Professional Standards Branch supervisor to quickly conclude the investigation. Incidentally and while not a misconduct, the officer did admit upon review of the video that he was "a little short" with the complainant so in addition, this was also a learning experience.

In regard to the informal complaint, the video clearly showed that what occurred did not support the allegations of the complainant and when this was explained along with an offer to view the video, the complainant declined and decided not to pursue a formal complaint.

Pilot Project Survey Conclusions

From a complete analysis of the information contained within the surveys, it is clear there is some skepticism with the use of the BWCs. Officers have feared that they will be primarily used to monitor their behavior. However through the course of the pilot project most of the officers came to enjoy using the cameras. Their value as a tool for evidence gathering became apparent. Further, the disclosure process for officers has dramatically changed from having to burn discs to simply titling a video.

Although there is some resistance, overall the support for this project by officers is substantial. Several officers look forward to getting a camera back after the completion of the pilot project. Many benefits from using the cameras were noted by the officers, including an improvement in the behavior of accused individuals, enhanced ability to collect video evidence, and increased confidence in the charges they issued for various offences caught on video.

Increased workload was not an issue for the officers as overall they believe use of the cameras only added minutes to their workload for the 12 hour shift. Technical problems were the most pressing challenge with the project which caused significant frustration.

The most dramatic increase in workload is seen at the supervisory level and at court services. Supervisors must ensure the officers are fully complying with the directive and ensure all videos are uploaded correctly with proper titling. Further, if our Service implements a component of periodic auditing of officer performance that will be another time commitment. For court staff, there is a significant increase in workload for redacting and disclosing the video. It is clear through the pilot project that it is not a duty that can simply be added to their current workload due to the time commitment involved.

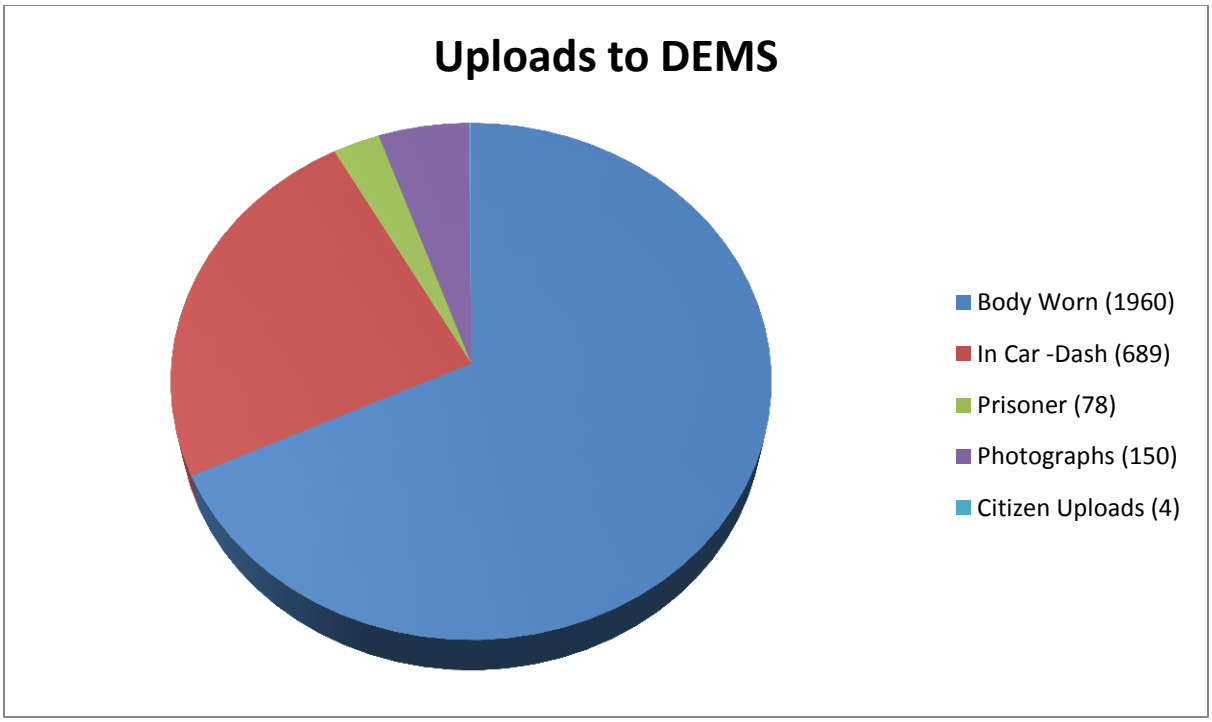
It has become apparent that additional staff will be required in order to accommodate the increase in video evidence and the handling of evidence in preparation for disclosure to the Crown. Even with these increases in workload, the court staff is still supportive of the BWC/ICC/DEMS project and can clearly see the benefits of it.

Overall, TBPS staff involved in the pilot project are supportive of the implementation of this entire project. The challenges noted above are sure to arise with full implementation, however due to the work through this pilot project, we will be well positioned to proactively address these concerns as they arise. Thunder Bay Police Service personnel want the public to know the difficult job they have and overwhelmingly believe the transparency created through use of these cameras will demonstrate the excellent work being done by officers in this community.

Although TBPS did not conduct community surveys, published data indicates that the use of BWCs is supported by the public and their usage also improves the public's perception of police.

D. Statistical Analysis

Between November 13th, 2018 and April 26th, 2019, there were 3856 files saved onto the DEMS software. These files included BWC video, ICC video, prisoner compartment video, still photographs, citizen uploads, errors or tests and video redactions completed by the TBPS Court Services members. In total, these files encompassed 1805 separate incidents or investigations.



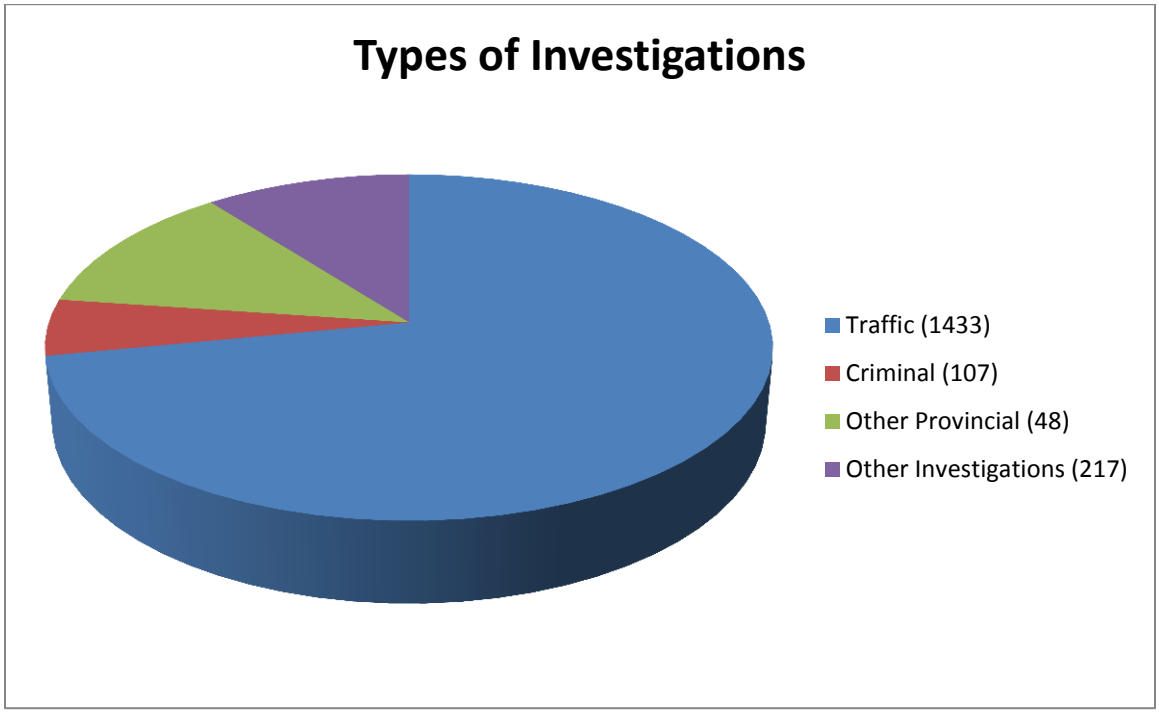
The BWC videos were uploaded a total of 1960 times. All types of incidents were recorded using the BWCs including 1356 Highway Traffic Act investigations, 110 criminal investigations in which charges were laid which includes 2 homicides, 38 impaired drivers and a pursuit among others. Also 384 non-criminal investigations were recorded. 41 matters governed by Provincial legislation, eg. Liquor License Act, Trespass to Property Act, etc, were uploaded with the remaining 63 videos being attributable to tests, errors or training.

The in-car forward facing camera was used 689 times including 545 traffic enforcement investigations and 50 criminal investigations where charges were laid. This includes two 2 homicides, 6 impaired drivers and numerous other offences such as robbery, domestic assault, illicit drugs, weapons, breaches, thefts and mischiefs. Further, 68 non-criminal matters such as police assistance, transporting victims or witnesses, family disputes, alarms and missing persons were investigated.

The rear facing prisoner camera was utilized 78 times. This unit was mainly used for recording in-custody persons who were being transported from one location to another. This included 6 Mental Health Act patients brought to hospital, 11 persons arrested under the Liquor License Act, 25 persons arrested for Criminal Code matters, 21 persons for non-criminal matters and 15 Highway Traffic Act investigations. Photographic evidence was also captured using the Axon capture applicaiton. A total of 150 photos were taken and uploaded to the DEMS. The camera option was utilized at 32 motor vehicle collisions, 1 impaired driver, 1 stolen vehicle, 1 weapons call for service and 2 other Highway Traffic Act matters.

The least used option during the pilot project were the Citizen Uploads. However given more time and with the adoption of the DEMS, this number will be greatly increased. A total of 4

entries were made into the DEMS. Those included 2 business surveillance videos, 1 cell phone video and 1 audio statement.



Due to the fact that at the onset of the pilot project, the Thunder Bay Police Service Traffic Unit was assigned the BWCs, of the 1805 incidents recorded, traffic enforcement is highly represented in the results at 1433 investigations. This resulted in 855 charges, 279 cautions and 299 interactions where no enforcement occurred.

As of May 17th, 2019, the Thunder Bay Crown Attorney's Office has disclosed a total of 9 videos for criminal matters. This includes 1 domestic assault, 1 assault, 1 assault police, 1 obstruct police and 5 impaired drivers. To date there has been one guilty plea to an impaired driving charge that was laid February 17th, 2019.

All others continue to work their way through the courts. It should be noted that the Crown Attorney's Office was having an issue with the DEMS software which was preventing them from accessing the redaction suite and inhibited their ability to disclose the redacted videos to defense counsel. This issue was corrected in April 2019 and they now have full redaction and disclosure capabilities. Disclosure for criminal matters only occurs upon request when a person pleads not guilty requesting a trial

The Provincial Offences Act prosecutors have disclosed a total of 50 videos for Highway Traffic Act matters. This has resulted in 10 guilty pleas to lesser offences, 4 charges withdrawn, 1 paid fine prior to trial, 1 found guilty at trial, 1 found guilty in absentia and 33 are still before the courts. Disclosure for Provincial Offences Act matters only occurs upon request when a person pleads not guilty requesting a trial.

E. Going Forward: Opportunities

Public Outreach

The TBPS is aware that the use of BWCs will lead to public and media interest in obtaining and viewing footage captured by on-duty officers.

The release of any video footage obtained by the TBPS must be done in accordance with the Freedom of Information and Privacy Act, Ontario Police Services Act, Youth Criminal Justice Act and the Thunder Bay Police Service's Media Relations policy.

The TBPS has a Media Relations policy governing how information is disseminated to the public and media. This policy could also govern the release of body worn camera footage.

> The Thunder Bay Police Service (TBPS) has an obligation to keep the public informed about the important work performed on behalf of the City of Thunder Bay and the Municipality of Oliver-Paipoonge. *-P2c12 Media Policy*

The TBPS will release information in accordance with this policy when it is in the best interest of public safety, may assist with an investigation or compelling public interest exists.

(1) **Public Safety**: If public safety is at risk and the releasing of information obtained by body worn camera footage would have a direct impact on mitigating such risk, TBPS has an obligation to inform and warn the public.

   a. **Example 1**: An accused person escapes from an officer's custody and is believed to be armed, dangerous, and a risk to the public. Releasing video showing the accused with a warning to the public may mitigate the public safety risk and assist investigators in locating the accused person.
   b. **Example 2**: There is concern for the wellbeing of a missing person, and footage of the missing person was recently captured by an officer's body worn camera. The footage may be attached to the missing person notice in an effort to help bring the case to a quick and safe resolution.

(2) **Investigative Assistance**: When an investigator has reached a point in their investigation where no reasonable progress is being made, they may decide to reach out to the public for assistance. Footage captured by body worn cameras showing a person or place of interest may be useful in articulating to the public what information is needed to help the investigation progress.

a. **Example**: An officer arrives to the scene of a break and enter in progress and begins a foot pursuit with a suspect who mages to escape. Body worn camera footage from the pursuit released to the public may assist in identifying the suspect.

(3) **Compelling Public Interest**: The most subjective rationale for releasing information is compelling public interest and decisions for such incidents are made on a case-by-case basis. A case of compelling public interest may be driven by specific media enquiries, concerns brought forward by investigators, or existing and ongoing public dialogue.

a. **Example 1**: News organizations begin inquiring about an incident involving police. The nature of the inquiry and incident may be confusing and in an effort to avoid serious confusion appropriately redacted footage from a body worn camera is released to provide the public with the proper context.

(4) **Positive Police Encounters:** Cases of compelling public interest, especially when considering the community's desire to build trust with its police service, may also include positive police encounters. The distribution of body worn camera footage to highlight positive encounters would have to be considered on a case-by-case basis, and make careful consideration that its release would not identify victims or potential witnesses without their explicit consent.

a. **Example:** A motorist is in extreme distress after a collision and is comforted by the responding officer. Later the motorist reaches out through social media to thank the officer for their compassion during a crisis. After further discussion with this motorist, it is decided the content of the video would satisfy public interest. With the motorists' permission this video may be distributed to the public and media.

Identifying footage that would be deemed appropriate for public release would work similarly to how any information is identified as appropriate for release. A responding officer, lead investigator, duty officer or other member of the police service may be aware of footage they believe is ideal for release for any of the above mentioned reasons. A member aware of such footage can then bring it to the attention of a person with authority to release information to media as outlined by the Media Relations policy. The DEMS program has the ability to flag positive police encounters after being reviewed by a supervisor.

Protecting the integrity of an ongoing investigation must also be considered when footage is being reviewed for potential public release. Footage deemed appropriate for release by legislation and policy may still be inappropriate to distribute if it is evidence in a matter being heard by the courts.

Efficiencies

In 2018, the TBPS purchased 1000 CDs totaling $1,262.50, 2000 DVDs totaling $2,512.50 and 800 USB sticks totaling $8974.72 with a combined total cost of $12,749.72. All three formats are primarily utilized by TBPS Criminal Investigation Branch for disclosing digital evidence such as video interviews and security surveillance videos. When disclosure occurs, one copy is retained by police and, at a minimum, one copy is provided to Defense and one to the Crown Attorney.

The process of copying these videos can take several minutes and they also need to be properly labeled. This process encompasses hundreds of working hours on a yearly basis and it does not account for any redaction capabilities which are a necessity. With the incorporation of a DEMS, much of these costs will be eliminated or reduced and redaction capabilities will be dramatically increased.

F. Going Forward: Challenges

Workload

As previously mentioned, any change or addition to police duties will have a domino effect on other tasks that must be performed. In the case of the collection of video evidence for prosecutions, two models exist:

- Emphasis on **police officer** reviewing video evidence to identify redaction and perform administrative tasks associated with ensuring the digital evidence is ready for disclosure
- Emphasis on **support staff** reviewing video evidence to identify redaction and perform administrative tasks associated with ensuring the digital evidence is ready for disclosure.

It is recommended that support staff be assigned the task of reviewing video evidence for issues related to disclosure and what should not be included in video disclosure disseminated to prosecutorial bodies.

Video Disclosure Units (VDUs) are either already in existence in larger agencies or are now being formed due to the significant increase in digital video evidence being acquired from other sources. These sources include closed circuit security cameras that most businesses as well as residences have.

Redaction is a specialized skill set which requires the identification of privileged information, third parties, unrelated video or audio, etc. To put this task on police officers will greatly increase the time front-line officers spend on administrative tasks and not responding to calls for service. Further, it is anticipated that a significant number of errors would occur including too much or too little redaction being applied.

This pilot project included a workload analysis on Court Service (civilian) members who performed redaction and disclosure duties of BWC and ICC evidence to both the Office of the Crown Attorney and the Provincial Offences Act prosecutors. On February 18th, 2019, Thunder Bay Police Service Court Services began redacting videos for disclosure.

The redaction process is the removal or obscuring of privileged, sensitive or clearly irrelevant content prior to disclosure. This process will create an edited copy while leaving the original record unaltered. For the pilot project, the TBPS assumed responsibility for redacting the following:

1. Personal identifiers of Victims and Witnesses.
   a) Dates of Birth
   b) Home Address
   c) Phone Numbers
   d) Place of Work/School

2. Radio transmissions containing private / confidential information and or personal identifiers.

3. Health information and medical treatment.
   a) Includes active treatment in hospitals and ambulances.
   b) Includes identity / faces of medical personnel engaged in active treatment.
   c) Does not include faces of paramedics and firefighters in public at a scene.

4. All children's faces

5. Nudity

6. Police MDT (Mobile Data Terminals) screens

7. Police notebooks

8. Officers personal information
   a) Personal conversations, family references.
   b) Personal cellphones.

9. Information relating to Confidential Human Sources and Undercover Officers.

10. Information relating to specialized police techniques (ie. Mobile / static surveillance)

11. Information protected by privilege – solicitor client privilege, etc.

12. Information regarding unrelated investigations and /or obviously irrelevant topics.

13. Other areas as identified by the BWC Operations Manager.

The following are examples of some of the redactions that are being completed.

Mobile Data Terminal Redaction

Facial Redaction

By May 17th, 2019, TBPS Court Services had redacted 50 videos in relation to criminal investigations and 111 in relation to Highway Traffic Act matters.

The following charts are a sample of the time dedicated to redaction. At the time of this report, the average length for a video in relation to a criminal investigation was 24:53 with an average redaction time of 47:45, making the average percentage time to redact from the original 191.83%.

The average length for a video in relation to a Highway Traffic Act matter was 22:54, with an average redaction time of 31:31, making the average percentage time to redact from the original 137.55%.

Redactions – Criminal

DATE	INC#	OFFICER	TYPE OF CAMERA	LENGTH OF VIDEO (MIN)	REDACTION TIME (MIN)	PERCENTAGE OF TIME TO REDACT (FROM ORIG. TIME)
18-Feb-19						
	P19027327	769	prisoner	0:05:00	0:07:00	140.00%
	P19027327	769	prisoner	0:10:00	0:08:00	80.00%
	P19027327	769	body	0:37:00	0:15:00	40.54%
20-Feb-19						
	P19029279	769	body	1:11:00	1:30:00	126.76%
26-Feb-19						
	P19027851	752	body	0:24:19	1:10:00	287.87%
	P19028121	752	car	0:15:57	0:20:00	125.39%
	P19028121	752	body	0:11:14	0:32:00	284.87%

Redactions – Highway Traffic Act

DATE	INC#	OFFICER	CAMERA TYPE	LENGTH OF VIDEO (MIN)	REDACTION TIME (MIN)	PERCENTAGE OF TIME TO REDACT (FROM ORIG. TIME)
Feb-19						
	P19024249	769	body	0:51:35	0:10:00	19%
	P19026459	769	body	0:15:32	0:15:32	100%
		769	car	0:15:32	0:09:49	63%
	P19027889	769	body	1:03:40	1:20:00	126%
		769	car	1:03:40	0:33:00	52%
22-Feb-19	P19027976	733	body	0:14:37	0:21:00	144%
26-Feb-19						
	P19028297	769	body	0:15:44	0:15:00	95%

While these numbers are an accurate reflection of our process to date, they will improve in the coming months. This is due to a recent upgrade to the DEMS software that was tested that allows for automatic redaction of MDTs (Mobile Data Terminals) and license places. Upgrades are also expected for third party faces, which will further expedite the process.

A brief analysis of redaction times was completed after the most recent software upgrade was initiated and the results are as follows:

Criminal Videos

P19027851

Video length – 24:19 – originally took 1 hour 10 minutes to redact, 287% of the length of the video. After using the MDT redaction assistant, the video took 28 minutes to redact, 115% of the length of video. The MDT was picked up automatically by the software 77 times.

P19030885

Video length – 24:57 – originally took 1 hour 3 minutes to redact, 253% of the length of the video. After using the MDT redaction assistant, the video took 35 minutes to redact, 140% of the length of video. The MDT was picked up automatically by the program 84 times.

Provincial Offences Act Videos

P19022921

Video length – 11:46 – originally took 45 minutes to redact, 382% of the length of the video. After using the MDT redaction assistant, the video took 14 minutes to redact, 119% of the length of video. The MDT was picked up automatically by the program 64 times.

P19030114

Video length – 19:25 – originally took 39 minutes to redact, 201% of the length of the video.

After using the MDT redaction assistant, the video took 26 minutes to redact, 134% of the length of video. The MDT was picked up automatically by the program 36 times.

P19028430
Video length – 32:56 – originally took 1 hour 18 minutes to redact, 237% of the length of the video. After using the MDT redaction assistant, the video took 42 minutes to redact, 128% of the length of video. The MDT was picked up automatically by the program 186 times.

Based on our own analysis and in discussions with the Durham Regional Police Service regarding their own pilot project, it is estimated that for every 80 deployed body worn cameras, 5 support members assigned to a Video Disclosure Unit would be required. The VDU would also handle all other digital evidence that currently exists today including all third party closed circuit cameras and internal digital evidence within the police service including 911 calls and video from the sally port, booking in room, cellblock, intoxilyzer room, etc.

Framework Memorandum of Understanding on Disclosure

On June 6th, 2019, the Ontario Association of Chiefs of Police (OACP) and the Ministry of the Attorney General (MAG) agreed to a Framework Memorandum of Understanding (FMOU) on Disclosure. This FMOU governs how all police services in Ontario will provide disclosure documents to the Office of the Crown Attorney for prosecutions.

The FMOU changes the responsibility for the majority of redaction and transcription responsibilities from the Crown Attorney to the police. The FMOU clearly articulates that police will redact "*police generated material"* which is defined as *"may include but are not limited to: police duty or memo notes, Crown brief synopsis, occurrence report, arrest report, will-says and witness statements, data and social media extraction reports, police expert reports, CAD and dispatch reports, surveillance footage or other direct digital evidence, etc."*

This FMOU puts significant pressure on police services to have sufficient staffing in place to redact and transcribe evidence that was not previously performed. This is greatly exacerbated with the inclusion of BWCs and ICCs.

G. Final Conclusions and Recommendations

In reviewing the complete analysis of this pilot project it becomes clear that BWCs have become a necessary piece of equipment for the TBPS. A significant hurdle however will be the ongoing cost. The initial costs associated with the purchase of the equipment and software are obvious but the staffing costs to support the program are also substantial.

Reference has been made above to the FMOU with MAG. Although there are likely to be new technological advances in the near future to assist with the BWC transcription processes, in the short term significant resources will be required to comply with the MOU as it currently stands. This will result in an ongoing need for staffing and training which will be a significant annual increase in overall costs for this project.

Another significant hurdle will be having the necessary management in place to properly manage and implement the BWC program service wide. Change is generally resisted and change of this magnitude is sure to have its difficulties.

A well versed management team in place to build enthusiasm for the project and to allow the officers to adjust to new operations is essential to the success of the program. Once this organizational change is complete, the management team will have to ensure compliance with the BWC program until the change is entrenched in the Services daily operations. This will also result in increased costs over the short term to ensure the success of the program.

In totality, policing is entering a new era with a greater focus on transparency and accountability. The use of BWCs, and all of the software to support it, is essential to accomplish this. In the very near future, other police services will be deploying BWCs to front-line officers and the fact that the Toronto Police Service is once again exploring that aspect should leave little doubt of the Provincial direction.

Toronto, like Thunder Bay, is a very diverse community and they too struggle with issues related to transparency, accountability and trust. We believe that the current climate in Ontario regarding a BWC program is one of opportunity and it will be important to seize this moment before we become one of the many entering into such as program.

Inevitably there are significant costs associated with a program of this magnitude. The managers of this pilot project believe these costs are necessary to provide the transparency required for our police service.

With the BWC project being implemented Service wide, it will allow TBPS to be more transparent in our duties and will result in increased trust by the public in the policing of our communities. The Office of the Independent Police Review Director titled his report as “Broken Trust”. We believe that the implementation of this program will change the narrative to “Building Trust”.

NOTES

NOTES

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