

TM-04-92 ***Evaluation of In-Car Video System***

*By D/Chief Cuthbert, Sgt. M.P. Spearns
and Sgt. W.S. Cowper*

TECHNICAL MEMORANDUM

Submitted by
Halifax Police Department

February 1992

NOTE: Further information
about this report can be
obtained by calling the
CPRC information number
(613) 998-6343

SUMMARY

Evaluation of In-Car Video System

The Halifax Police Department conducted an evaluation of the in-car video system in 1991.

The Video Incident Captive System provided by CrimTec was installed in a patrol vehicle, and subjected to a series of tests prior to being used in an operational capacity.

The system was used for a variety of cases including impaired driving, disturbances, arrests, high speed chases and the like.

Generally, the public perception was good. Officers felt the recording camera assisted in alleviating stressful situations; people seemed to behave differently when aware their actions were being recorded.

Halifax PD found that the recorded tape evidence in one impaired driving case produced a guilty plea.

VIDEO IN CAR SYSTEM

Submitted by Halifax Police Department

This system was of great benefit to uniform patrol work and its potential uses are only limited to the person who operates same. This particular unit was regulated by a control panel operated on an "as **need it**" basis. While this particular feature has some merit, it was felt that a unit that was tied in electrically to the roof lights and sirens would be of more benefit. On a number of occasions when it was thought that the unit was recording, it in fact was not, due to either not pushing the right button or not confirming same before exiting the vehicle. I used the system on most code 1 calls to record my response. If the system began to record in every instance when emergency equipment is used, the vehicle operator would not have to manually initiate the recording. While that type of feature may deter some operators who would otherwise not like code 1 responses recorded, it is felt it would be a positive feature. Each operator should maintain continuity of his own tape and have a senior ranking officer install it.

The particular system tested was plagued with faults. The camera lens was not adjustable or telescopic, a feature that would greatly enhance such a unit. The so called index feature never did work properly, quite often previously recorded events were recorded over and most often the date/time feature would display the wrong date/time. The portable microphone did not have a carrying case to be hooked onto a gun belt for wear in the summer but did fit conveniently in a jacket pocket. The microphone operated on a small 9V battery. It is suggested the Department invest in rechargeable batteries to cut down on costs.

The V.I.C.S. was used to record high speed chases, disturbances, arrests, potential theft suspects and most effectively impaired drivers. No test case went to court; all cases resulted in guilty pleas.

POSITIVE:

- #1: Officer Safety
- #2: A true record of any incident (traffic stops/interviews of pedestrians, etc.)
- #3: Small camera, no lugging of heavy awkward equipment around from car to car.
- #4: Locked secure tamper proof tape.
- #5: Ability to use a training tool for traffic stops or crowd control or for debriefing after demonstrations or riots.

NEGATIVE:

- #1: Carrying the portable microphone was too bulky and no space was left on the equipment belt.
- #2: The camera did not follow the police officer. It would be preferred if it could turn to follow the microphone so the officer is always on tape.
- #3: The tape did not always record the accurate date and time on the film.
- #4: The unit was used on several traffic stops and disturbances. The public was aware that the camera was running and on a couple of occasions the P/C windshield was damaged.

This unit is a positive step in law enforcement and will lead to more professional behaviour by the officer. However, a local supplier should be approached to service and repair this type of equipment. No negative comments surfaced from the public.

December 2, 1991

To : **Canadian Police Research Centre**

From : Deputy Chief Cuthbert
Halifax Police Department

Subject: Evaluation Of Video Incident Captive System (VICS)

Video Incident Captive System (VICS) - CrimTec

The VICS was installed in our police patrol unit on March 9, 1991 and underwent a series of tests prior to it being authorized for patrol purposes.

The vehicle was a spare unit and was to be used only by one of the Charlie Zone supervisors but not used until this supervisor was trained and comfortable in the use of the VICS system.

The unit installed was to have the capability of zooming in on the license plate of a suspect vehicle. In my discussions with CrimTec, I was allowed the prerogative of selecting one of three lenses and chose the aforementioned. This lens; however, did not have this capability. The camera was to have been equipped with a tape inhibitor which would prevent anyone from inadvertently taping over previously obtained evidence.

The inhibitor system has the capability of reviewing taped evidence and when the record button is engaged advances to the end of the taped material. After some delays a conversion kit was finally forwarded from Michigan.

Prior to any official use of the camera, I consulted with the Crown Prosecutor for some suggestions. The short information video was forwarded to Mr. John Wade, Q.C., Senior Crown Attorney and it was shown to a number of prosecutors. A deep interest was expressed and Mr. Wade wanted to test it before the courts; however, he did not get the opportunity.

In the early use of the system, we continually ran into difficulties (training) but the main problem centered around the inhibitor. From time to time, the experienced operators would submit reports indicting a problem with losing some evidence on the tapes but between corresponding with CrimTec, our technical sources and outside business agencies, we were able to overcome these problems. This aspect was of prime importance as any interruption of sequence of events as recorded by the system could result in evidence declared inadmissible.

At times the vehicle would be out of commission while waiting for repairs to the system which created problems. Halfway through the test period a log book was put in place with more emphasis placed on the user's responsibility relative to continuity of evidence on the tapes, method of storage, etc.

Other minor problems occurred but were to be expected, i.e., microphone dead, broken microphone clip, loose wires etc. The only major problem was the lack of a Canadian source to contact when direction or information was required. This problem could be eliminated with the inception of a Canadian Office for CrimTec.

The initial concerns of the police officers were generated around the legality of the system as it pertained to the recording of the accused's and police personal conversations.

The officers were advised of instances where motorists were taped while driving under the influence and when advised they had been recorded, pled guilty. A similar occurrence took place in Halifax.

The following are some remarks received from the officers using the system.

Positive

- a) officer safety;
- b) a true record of any incident (traffic stops), interviews of pedestrians, etc.;
- c) small camera, no carrying of heavy awkward equipment;
- d) locked, secure, tamper proof tape;
- e) ability to use as a training tool for traffic stops, crowd control, debriefing after demonstrations or riots;

Note: Camera proved to be an asset during a racially motivated disturbance, recording pertinent conversations. One attempt was made to destroy the camera by throwing a beer bottle at the windshield. Insurance coverage should be an item of concern for future reference.

Negative

- a) Portable microphone too bulky and no space on equipment belt. (Most members clipped same to shirt or jacket.)
- b) Camera did not follow the police officer, preferred a unit that could turn with microphone.
- c) Inability of tape to record accurate date and time on the film (Officer felt it could have been a defect).
- d) During shift change, inconvenient to have supervisor secure tape in the trunk. Procedural problem that will be addressed in-house.
- e) Public aware of camera.

Another officer's comments were as follows:

He found the system to be of great benefit to uniform patrol duties and its' potential uses were only limited to the operator. The particular unit was operated on an as required basis. The officer felt this had some merit but if the unit was hooked up with the roof lights and siren, it would be of more benefit.

This officer had similar complaints as the aforementioned, i.e., camera lens not adjustable or telescopic, the index feature not functioning properly and the date/time feature would often display incorrectly, portable microphone awkward to carry.

The officer had occasion to use the VICS to record high speed chases, disturbances, arrests, filming potential theft suspects and most efficiently, impaired drivers. He had hoped to introduce a test case in court; however to date all accused persons have plead guilty. In the officer's opinion this is a very positive outcome.

A comment made by a member with 25 years of experience in our Identification Section was in reference to the zoom lens and the ability to manually adjust the iris to reduce or allow more light as necessary.

Attached for your information is a copy of some press coverage we received.

On November 29, 1991, another video camera, Docucam II, was installed, cost free by Triangle Technologies, for a trial period of 45 days. Upon completion of the summary of this equipment, a copy of the report will be forwarded for your information.

The Video Incident Capture System had been installed in spare police vehicle #9. On several tests it appears to be working adequately, therefore, there is no reason why the unit should not be put to use to start the test period.

We have the use of this unit, cost free, from CrimTec Corporation of Michigan under the auspices of Mr. John Arnold of the Canadian Police Research Centre for a six month evaluation period. It is incumbent upon us to professionally, fairly and legally use this unit and examine all of the critical factors involved in the use of a video system. The entire criminal justice system is examining these systems in patrol cars with microscopic precision. It is imperative that the evidentiary integrity of any video system be guaranteed in more than one way.

Defense attorneys are gearing up to attack evidence that is presented in court. Any evidence, including video tapes, that does not meet the criteria demanded by the judicial system will be eliminated with the subsequent loss of the case.

Evidentiary Integrity - Corporation Suggestions

There must be a means to prove in a court of law that the tape had not been edited or tampered with in any manner and it must be proven in more than one way.

It must be inaccessible to the patrol officer and unable to be changed by the officer at his discretion.

Proof to a certainty must be available that the tape has not been cut, dubbed or otherwise edited, on both the audio and video track.

Any interruption of the sequence of events as recorded by the system could lead to the evidence being inadmissible due to lack of continuity. In the United States, judges have stated they want a continuous event recorded from start to finish. Should the operator have the capability to erase and/or tape over a recorded incident then the tape may lose its' credibility.

Failure to include specific requirements could result in the tape being inadmissible in court

Specifications should address the imprinted date and time. Specification should require the time to the second and the date appear on the tape simultaneously and continuously to ensure integrity, alternating between time and date or recording without the time and date can lead to a court challenge.

Crown Prosecutor's Office Per Mr. John Wade

Mr. Wade and a number of other Crown Attorneys in the Crown Office were quite impressed with the system, having viewed the information video form Crime Tec Inc.

In Mr. Wade's opinion, the use of this system does not invoke the privacy provisions of the criminal code because any conversations or actions so recorded would not be a "private communication" as defined therein. But if any statement recorded by means of this system is intended to be introduced in court as a confession, he suggested that the officer inform the person of what is transpiring in addition to any other warnings or cautions that are required in the circumstances.

Mr. Wade felt that the use of this system, in the criminal process, will most probably have to be on day to day trial and error method.

Operation of VICS

Should the car battery expire in the police vehicle (#19), the vehicle is NOT to be boosted without disconnecting the VCR cable leading into the box in the trunk of this vehicle. Failure to do this will result in the ruining of the equipment. Approximate cost for same is \$7,000.00 Canadian funds.

Do NOT attempt to view the monitor and drive the police vehicle at the same time. Crim Tec provides the driver with the ability to turn off the monitor when the vehicle is moving and recommends that the monitor be switched off when the vehicle is in motion unless the situation requires otherwise.

Until directed otherwise, this vehicle will be restricted to the use of Charlie Zone Sergeants only, unless for a specific reason the Watch Commander may deem it necessary to deviate from this directive and accept the responsibility for same.

The user of this unit should not have accessability to the tapes for evidentiary reasons, therefore, when this police vehicle is put in use and aspirations are made to use the VICS, the Watch Commander will be the sole custodian of the key to the box in the trunk. He will open same, install a tape and advise the user as to what is expected of him.

When the patrol is completed, if the unit has any material that may be used or intended to be used for evidence or court purposes, that the user is to make this point known to the Staff Sergeant who will take custody of same and store in a licker container in the Evidence Room, (#030).

The Staff Sergeant will have access to the new tapes and he will keep a record of their use and dispersment and notify the undersigned when replenishment is required.

The tapes are around 6 to 6 1/2 hour long. A record book is to be kept in vehicle number 19, noting the length of time the VICS was used for if there were no significant incidents recorded necessitating the tape be kept for evidentiary purposes, it could be used again and again, unless it was used continuously for the full recording time.

When the user of the system will have the capability of rewinding the tape, i.e., when dealing with an offender and recorded the offence, the user may take the offender to the police unit and play back the recorded offence to him/her. If the unit is working properly, the user will be free to do this but in the event he feels he overstepped his authority and may be within his best interest to play over what he has recorded to nullify same, he will not be able to do so. A preventative measure is built in the system wherein if one attempt is made to move to where it was last recorded. This aspect is very important for evidentiary purposes.

Again the fact is stressed that if a member is operating this unit, he should, unless the situation warrants same, refrain from using the VICS while driving. It is difficult not to look at the monitor while driving as the temptation is always there. Once an offender is stopped and pulled over, then the unit and the wireless microphone switched on and the required action taken by the officer.

This unit should be looked upon as a device to protect the interests and foster the safety of the officer. It could also act as a motivator for the officer to conduct himself in a professional manner.