

# San Jose Mercury News

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SANTA CLARA COUNTY SUPERVISOR

## Body-worn cameras urged for deputies

**Simitian plans to raise issue at Tuesday's meeting**

**By Jason Green**  
*jgreen@dailynewsgroup.com*

As communities across the country call for more police accountability, Santa Clara County Supervisor Joe Simitian is proposing to outfit sheriff's deputies with body-worn cameras.

"You watch these tragedies unfold and wonder, 'Will anything come of it?'" Simitian said, referring to the deaths of unarmed black men at the hands of white police officers in Missouri and New York. "I think something should come of it. I think we should ask ourselves what we can do, and I think this is something that

is real and tangible that we can and should do."

On Tuesday, Simitian plans to ask the Board of Supervisors to direct County Executive Jeff Smith to investigate and report back on the "feasibility and desirability" of using body-worn cameras.

Simitian said he believes the technology will protect the public against officer misconduct, including use of force, as well as protect officers against unfounded allegations of misconduct. Trust and confidence in law enforcement will subsequently be restored, he said.

"If you reduce the potential for misconduct, reduce the potential for unfounded allegations against law enforcement and restore some trust in the community, I

think that's a winner all around," he said.

To back up his claims, Simitian pointed to a 16-month study in Rio

Bernardino County that showed a more than 50 percent reduction in use of force by officers wearing body cameras and a nearly 90 percent drop in citizen complaints of misconduct.

Law enforcement agencies are also growing to accept the technology, Simitian said.

"In almost every instance, the officers on the

beat have come to conclude that these cameras are of immeasurable help in documenting the appropriate behavior that the vast majority of officers exhibit the vast majority of the time," he said.

Simitian acknowledged, however, that body-worn cameras are far from a "cure-all."

"But having clear evidence of what did or didn't happen is a necessary but not necessarily sufficient precondition to a good outcome," he said. "There's no guarantee that the system will work when it's confronted with video evidence, but you can be pretty well guaranteed that if there isn't any evidence to consider that the result is going to be a bad one."

urgency, I think it's more important to do this right than to do it fast," he said.

Simitian noted in a news release that Sheriff Laurie Smith has proposed using Measure A funds to purchase body-worn cameras for deputies.

"The sheriff obviously is a key player here but she's indicated her support previously," he said.

Smith and a public information officer for the sheriff's office could not be immediately reached for comment.

"We've got a readily available technology," Simitian said. "Why on earth wouldn't we use it?"

*Follow Jason Green at Twitter.com/jgreendailynews.*



**Simitian**  
Believes the technology will protect the public.

# The Mercury News

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Santa Clara County

## Board OKs body cams

*In uncommon move, officers at jails to wear equipment along with patrol deputies*

**By Eric Kurhi**  
[ekurhi@bayareanewsgroup.com](mailto:ekurhi@bayareanewsgroup.com)

After years of debate and controversy, police shootings around the country and the in-custody death of a local jail inmate, Santa Clara County officials have approved equipping deputy sheriffs on patrol and guarding the jails with body cameras.

"I think we got to a very good place," said Supervisor Joe Simitian, who proposed the cameras, which the board of supervisors approved unanimously Tuesday. "The policy we adopted is one of the better policies I've seen on the national level."

Santa Clara County joins

*(cont. next page)*



PATRICK TEHAN/STAFF ARCHIVES

A Campbell police officer is outfitted with a body camera. Santa Clara County Sheriff's deputies and jail guards will soon have them, too.

# Cameras

host of law enforcement agencies in the Bay Area and around the country to equip officers with body cameras, a move aimed at providing transparency and accountability as well as protection for police accused of excessive force.

Most Bay Area police agencies use the technology. San Jose police started wearing cameras last summer, and Campbell was an early adopter in 2008. Oakland began equipping its officers in 2010 and has seen a dramatic drop in use-of-force complaints — from 1,945 reported incidents the first year to 611 in 2014.

But body cameras are far less common for jail guards, according to criminal justice experts.

“It is unusual,” said Jeffrey Schwartz, a Santa Clara County-based public safety consultant who has examined jails and prisons around the nation. “They are being tested in a fair number of places, but it is mostly on an experimental basis to see how it goes.”

The cameras will be rolled out for use over the next year, with a review coming back to the board after they are in use for six months. About 1,142 officers will eventually be outfitted with the cameras, and the five-year contract with Taser International for the equipment will cost nearly \$4 million.

Simitian proposed the cameras, initially just for patrol deputies, after a cop’s fatal shooting of Michael Brown in Ferguson, Missouri, in August 2014 spawned nationwide protests, but he wanted a sur-

veillance privacy ordinance that would set clear terms for their use before the board approved the technology.

After the August 2015 beating death of mentally ill inmate Michael Tyree, allegedly by three guards charged with his murder, county officials looked to equip correctional deputies with cameras as well.

The deputies’ union as well as civil rights advocates remain concerned about the plan. Roger Winslow, vice president of the Deputy Sheriffs’ Association, said many worry that video might contradict officers’ recollections, calling their credibility into question.

“It remains a fact that there will be differences between body-worn cameras and the perception and recall of deputies,” Winslow said. “That’s an important issue which has not been yet addressed.”

For civil rights advocates, a recurring concern is that the camera is not always on, giving the officer discretion when to activate it. That happened in 2015, when Alameda County Sheriff’s deputies were caught by a surveillance camera beating a car-theft suspect after a high-speed chase. None of the 11 deputies at the scene had turned on their body cameras.

Simitian said the Santa Clara County policy has language mandating that the deputies have their cameras on to record such things as detentions, vehicle stops, pedestrian stops, probation and parole searches.

“Ultimately the policy leans heavily toward engaging people with the camera on,” Simitian said. “The policy outlines that the camera ‘shall’ be activated, not just

‘turn it on when you think it will be useful.’ But we still have to balance that with the consideration of privacy rights.”

Another issue revolves around when officers can review the tape before making a statement — in general that’s allowed, but not for incidents such as an officer shooting a suspect.

In that case, deputies would have to give an initial statement to investigators before viewing video, but they would be allowed to see the recording afterward and make a supplemental statement.

“Most policies around the nation allow the officer to look at the footage,” Simitian said, “and there are debates on whether that allows someone to conform the report to the tape. Others say if the camera is a tool, why not allow the officer the best tools to make the best report? We split the difference on that one.”

Civil rights groups disagreed, and said the no-view policy should extend to all situations of possible misconduct, otherwise it can be a “tool for cover-up,” states a letter penned by the American Civil Liberties Union, Electronic Frontier Foundation and Council on American-Islamic Relations.

Fixed cameras are becoming more common in jails, but they don’t record everywhere because of privacy concerns. Schwartz said the body cams can fill in that gap.

“It is a way to increase accountability both for inmates and staff,” he said. “There’s no way to have fixed cameras cover every inch of an institution.”

Contact Eric Kurhi at 408-920-5852.