

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 20, 2016**

**#P236. BODY-WORN CAMERA PILOT PROJECT – REQUEST FOR FUNDS**

The Board was in receipt of the following:

- copy of Minute No. P228/16 from the meeting held on September 15, 2016; and
- copy of the Toronto Police Service Body-Worn Camera Pilot Project Evaluation Report (dated June 2016).

A copy of Min. No. P228/16 is appended to this Minute for information and a copy of the Evaluation report is available: [-click here-](#)

The following were in attendance and delivered deputations to the Board:

- Kris Langenfeld \*
- Derek Moran
- Miguel Avila

\*written submission also provided; copy on file in the Board Office.

The Board was also in receipt of a written submission (dated October 13, 2016) from John Sewell, Toronto Police Accountability Coalition. A copy of the submission is on file in the Board Office.

**The Board approved the following Motions:**

- 1. THAT the Board receive the deputations and written submissions;**
- 2. THAT the Board approve the Chief's report dated September 13, 2016 contained within Min. No. P228/16; and**
- 3. THAT the Board receive the Body-Worn Camera Pilot Project Evaluation Report.**

**Moved by: J. Tory**  
**Seconded by: S. Carroll**

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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 15, 2016**

**#P228      EVALUATION OF THE BODY-WORN CAMERA PILOT PROJECT –  
REQUEST FOR FUNDS**

The Board was in receipt of the following report September 13, 2016 from Mark Saunders, Chief of Police:

Subject:      BODY WORN CAMERA PILOT PROJECT EVALUATION REPORT

**Recommendation:**

It is recommended that:

- (1) The Board approve the inclusion of a body worn camera system project in the Toronto Police Service's 2017-2026 capital program, in the amount of \$500,000, to cover the cost of a fairness commissioner and other external expertise required to effectively oversee, manage and analyse the body worn camera non-binding Request for Proposals process, including the evaluation of proposals.

**Financial Implications:**

*Cost of Body Worn Camera Pilot Project:*

The Toronto Police Service (Service) allocated \$495,000 to fund the requirements of the Body Worn Camera (BWC) pilot project. The actual cost of the pilot was \$432,000. This cost was funded from the Service's operating budget, and covered the cost of cameras and other required infrastructure (e.g. servers for storage of videos).

*Estimated Cost of Body Worn Camera Rollout:*

The estimated cost of operating the program, using on-premise storage, varies depending on the number of officers that will be deployed with the cameras. If the Service were to equip all frontline uniform officers, the cost which includes cameras, servers, workstations, licence fees, integration software, infrastructure upgrades, would be \$85 million over ten years. These costs were validated by an independent reviewer.

It should also be noted that the above estimate is based upon on-premise storage, since cloud based solutions were not available in Canada when the pilot started. They are now available in Canada and would be considered as part of the non-binding

Request for Proposals (RFP). Preliminary research suggests a potential for savings over on-premise storage.

*Other hard and soft costs that must be considered:*

While the most significant cost is the storage of videos, it is important to note that the cost of the cameras (one-time and replacement) and servers represent a significant expenditure. Furthermore, there are costs to support and maintain the system, and redact and retrieve videos that are required for investigative and court purposes.

Costs are also associated to a number of administrative and support positions necessary to manage, administer, and support BWC program, for example, front-line supervisors, professional standards investigators, criminal investigators, video technicians, and Freedom of Information analysts. These costs are not included in the \$85 million dedicated to the BWC system referenced above.

Officers equipped with the cameras spent as much as two hours per shift performing administrative functions. These functions were necessary to upload, classify, and redact the videos. Performing these functions meant that officers were not available on the road to perform their primary mandate. The opportunity cost of an officer performing these administrative duties amounts to as much as \$20,000 per officer annually. This issue becomes even more important as the Service reduces its uniform strength, as part of the implementation of the transformation task force recommendation to reduce the uniform officer establishment.

*Cost of the Request for Proposals:*

The implementation of BWCs will be a large and complex project, requiring a significant investment with many factors and issues that must be properly addressed. The Service, therefore, will issue a non-binding RFP for a BWC solution.

To ensure that the RFP process is open and fair to all qualified vendors, the Service will engage a fairness commissioner.

Other resources (e.g. financial analysis) may also be required to assist with the analysis and other components of the RFP. These resources will be hired if necessary as the process is rolled out. The estimated cost of the RFP phase is \$500,000. The Board will be advised if any additional funds are required as the project progresses.

**Purpose:**

The Board at its meeting of April, 2016 approved the motion:

- (1) *That the Chief provide the final evaluation report on the Body Worn Camera Pilot Project to the Board for its September 2016 meeting. (Min. No. P68/2016 refers).*

This report responds to the Board's request and provides the findings and conclusions from the BWC project.

**Background:**

In February 2014, the Service decided that in keeping with its commitment to maintain public trust, to provide professional and unbiased policing, and be a world leader in policing, it would conduct a pilot project to test, evaluate and report on equipping front line officers with BWCs.

The Service started the project by consulting with the Information and Privacy Commission, the Human Rights Commission, and the Ministry of the Attorney General, to address potential privacy, human rights and evidentiary issues associated to the use of police BWCs.

An external group of advisors was also established for the pilot project and included: the Ministry of the Attorney General, the Information and Privacy Commission, the Human Rights Commission, the Office of the Independent Police Review Director, the Special Investigations Unit, the Ontario Association of Chiefs of Police, mental health consumers, the Chief of Police Consultative Committees, the Community Police Liaison Committees, the Canadian Association of Chiefs of Police, Police and Community Engagement Advisory group, and the Toronto Police Services Board.

An internal working group included: the Toronto Police Association, Operational Support Command, Freedom of Information, Legal Services, Information Security, Information Technology, Specialized Operations Command, Video Evidence Section, Toronto Police College, Intelligence Unit, Court Services, TAVIS, D43 CRU, D55 PRU, Traffic Services Motor Squad, and Community Safety Command.

A requirements document was produced as a result of the internal and external consultations. From this list of requirements, a RFP was issued to solicit vendors who could provide an on-premise solution for body worn cameras which included cameras, storage, and infrastructure. Two vendors were selected.

In February of 2015, the Service started a 12-month pilot project to explore the benefits, challenges, and issues surrounding the use of BWC in Toronto.

The pilot project tested two vendor's cameras and storage. The BWCs are designed to capture and record on-duty officer interactions with the community. These cameras are small compact military grade devices. They were mounted to the officer's outerwear at chest level.

The BWC pilot was governed by a pilot policy and according to a set of objectives. Those objectives included:

- Enhance public trust and police legitimacy;
- Enhance public and police officer safety;
- Enhance the commitment to bias free service delivery by police officers to the public;
- Provide improved evidence for investigative, judicial and oversight purposes; and
- Provide information as to the effectiveness of Service procedures and training.

The Pilot Project consisted of three phases:

- Training,
- Field testing, and
- Evaluation.

The Service's evaluation was assisted by an external Evaluation Advisory Committee, comprised of evaluation and data specialists. This independent panel of experts who provided advice on and monitored the quality of the evaluation were:

- Mr. Harvey Low – City of Toronto
- Dr. Flora Matheson – St. Michael's Hospital
- Dr. Sara Thompson – Ryerson University

On May 18, 2015, field testing started with designated officers in the following units:

- 55 Division - "D" platoon,
- 43 Division - Community Response Unit,
- Traffic Services – Motor Squad,
- Toronto Anti Violence Initiative Rapid Response Team – Blue Team 2.

These units were selected so that the cameras and systems could be assessed in a variety of conditions, circumstances and situations.

On Thursday March 31, 2016, the pilot project concluded.

### **Discussion:**

This section of the report provides the results of the pilot project and important considerations learned. It is important to note that the technology has progressed since the beginning of the pilot, and continues to evolve.

### ***Did the BWC pilot project meet its objectives?***

The majority of the community canvassed said that they felt that BWCs would help make the community safer. Most people felt that the cameras would make the police more accountable and improve public trust in the police. Many officers felt that the cameras helped deter assaults against police and make people less confrontational.

Those community members canvassed also felt that BWCs could provide an unbiased account of interactions between people and the police, and could help ensure that officers treated everyone fairly and impartially. Officers said they were more likely to clearly articulate reasons for an interaction.

There was no evidence that the BWC pilot had an effect on the rates of public complaints, officer conduct, or Special Investigations. However, six public complaints were made during the pilot but with the assistance of the camera none were substantiated. In addition, two Special Investigative Unit files were opened but again with the assistance of the camera, the officers were cleared. Finally, three potential complaints were resolved before they were submitted, in part because of the cameras.

To date there have been few cases where BWC evidence was used in court making it difficult to assess its usefulness. However, investigators in the pilot divisions agreed that videos from BWCs were a valuable tool for them.

Finally, officers were generally positive about both the Procedure and training. Officers were particularly positive about the scenario training that gave them hands-on experience with the cameras before they had to use them in the field.

With respect to the technical aspect of the pilot, neither vendor's solution met the needs of the Service. In the main, the limitations were associated to battery life, hardware and software stability, and data corruption.

Overall, though, there was strong community support for the BWCs, with people believing that the cameras will make the police more accountable, improve public trust in police, and help to ensure professional service. Officers too, became more supportive of the cameras over the pilot project.

### ***Was cloud storage considered for the pilot?***

Until recently, BWC cloud storage solutions did not exist in Canada. Now they do, and could potentially mitigate storage costs.

### **Conclusion/Next Steps:**

The BWC final evaluation provides an assessment of our use of the technology, the sentiments of the community and officers, and the challenges moving forward. The evaluation demonstrated that BWCs could be a benefit to the Service.

The Service recognizes that the decision to implement BWCs will require a significant investment and must therefore be made carefully. The pilot concluded that BWCs were strongly supported by the community as well as our officers. However, there are issues of cost and how the administrative processes (uploading, classification and tagging of videos) impact an officer's public safety responsibilities and productivity.

Given the benefits identified in the evaluation and the fact that cloud storage solutions are now available in Canada, the Service will issue a non-binding RFP. Due to the fact that the RFP will be large and complex, the Service believes it would be prudent to engage a fairness commissioner to oversee and advise on the RFP.

At the request of the Board, a presentation will be made at the Board's meeting in September 2016. Chief Mark Saunders will be in attendance to answer any questions that the Board may have regarding this report.

**The following were in attendance and delivered a presentation with regard to this report:**

**Deputy Chief Mike Federico, Community Safety Command  
Insp. Michael Barsky, Communications Services  
Carrol Whynot, Strategic Planning**

**A copy of the presentation slides is on file in the Board office.**

**Chair Pringle stressed the importance of the Board reviewing a detailed evaluation of the pilot project and expressed particular interest in receiving information about the experience that other jurisdictions have had with respect to body-worn cameras.**

**The Board approved the following Motions:**

- 1. THAT the Board receive the presentation; and**
- 2. THAT the Board refer consideration of the foregoing report to the October 20, 2016 meeting for the purpose of receiving deputations on this matter.**

**Moved by: J. Tory  
Seconded by: C. Lee**

**Later in the meeting, the Board was advised that the TPS had publicly released a copy of the TPS Body-Worn Cameras evaluation report (dated June 2016) and, therefore, approved the following Motion:**

**THAT the Board re-open the foregoing matter.**

**Moved by: J. Tory  
Seconded by: C. Lee**

**Copies of the evaluation report were provided to the Board.**

**The Board agreed to receive the evaluation report and refer it to the October 2016 meeting for consideration in conjunction with the report noted in Motion No. 2 above.**

**Moved by: J. Tory  
Seconded by: C. Lee**

**The full evaluation report is available on the Board's website at [www.tpsb.ca](http://www.tpsb.ca) or can be viewed by [clicking here](#).**



## A. DEVELOPMENT OF PILOT PROJECT

### *Retention*

**Retention periods for in-car camera video have been used for the retention of the body-worn camera video. The retention period is determined by classification:**

- **1 year for unclassified or 'other' videos,**
- **2 years for Provincial Offences Act-related videos, and**
- **11 years for criminal, investigative, or professional standards-related videos**

While these retention periods might make sense for in-car camera video, there seems to be little justification for using these timeframes for body-worn video. Those classified as "unclassified or 'other' videos" would likely only be useful for disciplinary complaints; there seems to be little need to retain these for more than a few days beyond the *PSA* legislated deadline for filing complaints against police, which currently is limited six months.

Obviously, if charges are laid and prosecution commenced, provincially or otherwise, disclosure copies for the defence and Crown prosecutor would be made (to CD, DVD, or otherwise) and presumably retained as part of the court's file; once a prosecution has completed and any period for appeal has expired, there would seem to be little need for the Service to continue to retain the videos.

Similarly for professional standards matters, once the matter is resolved and any appeal period lapsed, further retention of the videos seems unjustified excepting perhaps for a copy (on CD, DVD, etc) retained in the professional standards file until the matter is expunged from the officer's record.

Amongst other factors, these, what would appear to be excessively lengthy, retention periods contemplated in the Pilot Project begin to explain the extraordinarily high costs the Service has quoted for continuous recording.

It seems the Board needs to first, after appropriate public consultation, develop appropriate video retention guidelines before directing the Service to investigate and report back on the costs associated with third-party and other data storage options.

## B. FINDINGS: PROCESS

### Property & Video Evidence Management

**Pg.22: "... Video Evidence staff suggested that, should the Service adopt body-worn cameras for wider use, there needs to be very clear legal opinion as to what needs to be redacted in public spaces ..."**

Has the Service sought a "clear legal opinion" or notified the Board to seek such an opinion at any point before or since the Pilot project began in May 2015?

### Freedom of Information

Pg.22: What are the possibilities of using contracted third parties to perform video redactions for Freedom of Information requests given that requestors pay fees to obtain the information requested?

### Training

**Pg.23: "The training took place over four days, and had three components. Generally, no more than 14 officers went through the training at any one time."**

Training class sizes of 14 seems inappropriately small. While the practical scenario exercises might justify small groups, in-class training in other real-world environments typically seems to be functional with groups of 30 or more, particularly in adult education situations.

Much of the training apparently deals with determining whether or not officers should activate or de-activate cameras in particular circumstances; a blanket policy of continuous recording, with limited exceptions, would presumably greatly reduce training requirements.

## C. FINDINGS: OUTCOMES

### Operational Impact

#### *Officer Safety*

**Pg.25: "It should be noted that under the *Workplace Safety & Insurance Act*, members have six months from the time of learning of a condition to submit a claim, so data for the most recent months of the pilot period may be undercounts."**

More than six months have now passed since the end of the pilot; have any further claims been submitted which would affect the outcome in regard to this section of the report?

This same issue arises in relation to Public Complaints, Use of Force reports, and prosecutions. Given that the Final Report is dated June 2016 and it is being presented in October 2016, it

seems appropriate for the Body-Worn Camera Pilot Project Evaluation Team to review these areas and advise the Board if the findings contained in the report have changed.

**Pg.26: "None of the BWC officers reported any injuries during use of force incidents in either period. In contrast, while only 1% of comparison officers reported injuries before the pilot, 14% of the comparison officers reported injuries during the pilot period.**

**... Since no BWC officers reported injuries resulting from a use of force, officers with cameras may be hesitating to use force when appropriate, and getting injured themselves."**

The facts do not bear out the stated conclusion. A more reasonable conclusion is that camera equipped officers avoided using force inappropriately and, as a result, did not suffer the injuries naturally resulting from a response to excessive or unnecessary use of force by the comparison officers.

### ***Investigations and Court***

#### **Investigators:**

**Pg.42: "Investigators concern about officer discretion, however, grew during the pilot. In the survey before the start of the pilot, one-third of the investigators (33%) agreed that body-worn cameras would reduce officer discretion in making decisions when dealing with members of the public. This proportion increased to 43% at the end of the pilot period. And, while before the pilot started 13% agreed that body-worn cameras would reduce officer discretion in making decisions about whether or not to lay charges against someone, this increased to 29% by the end."**

This reflects a discussion and decision that has to happen and be made by society as a whole. Do we, as a society, what discretion being exercised by police officers at the street level or by the courts? If we, through public discussions at the Board level and otherwise, determine that it is appropriate for officers to exercise a level of discretion, then what that discretion is and where it is or is not appropriate for an officer to exercise it should be clearly explicated. Generally, it is inappropriate for an officer to exercise discretion where it would tend to support an imbalance in the application of justice, where judges, court officers, politicians, fellow police, or another privileged groups are subject to a different standard of justice than the rest of society. Conversely, the exercise of discretion to divert young offenders from the criminal justice system into other programs may, arguably, be appropriate. It is through the formalization and standardization of such practices that the public can support officer discretion being confident that the law is being applied fairly and without bias. In such circumstance, BWC should have little negative effect on officers exercising discretion.

**Toronto Police Accountability Coalition**  
**c/o Suite 206, 401 Richmond Street West, Toronto ON M5V 3A8.**  
**416 977 5097. [info@tpac.ca](mailto:info@tpac.ca) , [www.tpac.ca](http://www.tpac.ca)**

October 13, 2016

To: Toronto Police Services Board

**Subject: Body camera report**  
**October 20, 2016 meeting**

We wish to speak to the Board on this matter.

The police report on body cameras states that “Overall support for the body-worn cameras was extremely strong in the community,” and that “people believe the cameras will make the police more accountable, improve public trust in police, and help ensure professional service.” A majority of police officers apparently support the cameras. (page 5, report to Board)

But those beliefs do not provide a rationale for spending the significant funds needed to equip officers with body cameras and to make those cameras operational, particularly when the pilot project does concludes that the cameras were particularly helpful in policing.

The report on the pilot project states ‘a relatively small number of officers’ wore the cameras during the pilot, and ‘there was no significant incident or situation that arose that would have provided an opportunity for the body-worn cameras and associated video to demonstrate value, or lack thereof, for police accountability and public trust.’ (page 3, full report)

Yet accountability and trust were what the public wants from camera

Because of the small number of officers involved in the pilot, the report concludes ‘the quantitative results were not compelling.’ (page 4, full report) No cases with body-worn camera evidence went to court, so it is impossible to assess the use of the cameras in court. (page 4, full report)

Nor did the pilot come to any conclusion about when the cameras should be turned on. The public wants them on all the time, while police think the cameras limit their ability to use discretion, so they don’t want them on all the time. The Office of the Privacy Commissioner of Canada thinks it is difficult to justify continuous recording. But if there is no agreement about when cameras will be on or off, what do we do? Leave it up to the officer involved? Few think that makes any sense. (page 69, full report)

The report also says that 'video corruption was a major technical issue' and recovery was not always successful. (page 3, full report) It hardly gives one confidence.

So there are significant concerns arising from the pilot project: it does not make a strong case for police using body-worn cameras. One could conclude from the pilot project report that it is not worth proceeding.

Then there is the cost problem. The cost of buying cameras for all frontline officers would be \$85 million over ten years. The cost of storing the videos would be \$20 million for year one, and about \$50 million over five years. Unlike the \$85 million purchase price of the cameras which is a one-time cost, storage costs are ongoing, incurred annually. (page 3, full report)

The extra administrative and support costs were not estimated in the report, although they are referred to. The report says that each officer needs about two hours during every shift to upload, classify and redact the videos made that day, time that can't be spent doing other police work. The report estimates that cost at up to \$20,000 per officer per year. (page 2, report to Board) That would be a cost of tens of million dollars a year.

Having spent \$432,000 public dollars on the pilot project, with these findings it is reasonable to call a halt to considering body-worn cameras at least at this time. The cost is too great, the results are not supportive. Maybe other jurisdictions which agree to implement body cameras will produce evidence which will provide a road map for Toronto police. It makes no sense to proceed spending a further \$500,000, as staff recommend, at this time.

We note that \$500,000 has been included in the 2017 Capital budget to proceed with this matter. That amount should be deleted for the budget.

We suggest the Board and senior management look to other more effective ways to enhance the accountability and public trust which the public requests.

A handwritten signature in black ink, appearing to read 'John Sewell', written in a cursive style.

John Sewell for  
Toronto Police Accountability Coalition.