

JAG FUND PROPOSAL ABSTRACT

FY 2009 JAG Abstract

The Bloomington (IN) Police Department seeks JAG funds to purchase a digital audio and video camera system to replace existing camera systems operating in VHS format. The amount being sought is \$26,379.74 for cameras, microphones, DVR's, electronic components and installation costs. The project, *Bloomington/Monroe County Audio-Video Recording Equipment Upgrade*, will upgrade the current system in five Interview Rooms and one Breath Test Room. An additional \$9,874.00 is being sought to provide overhead in-car cameras for two vehicles recently put into service as Canine Units. Previously, Mobile Data Terminals, Automatic Vehicle Locaters and MapTrak were applied for through the 2009 Recovery Act JAG. This request would complement the previously requested equipment for those vehicles. Additional money in excess of JAG funds (\$1,895.74) will be met with a local match from the current approved budget of the Bloomington Police Department.

The benefits of an upgraded system to a digital format are many with a primary benefit being the reduced costs of CD/DVD over VHS tapes. Additional benefits would be less storage space, improved audio/video quality to aid in the prosecution of criminal cases and reduced overtime costs for Court appearances by Department personnel for pre-trial challenges on evidentiary matters and in actual criminal trials. Also, there is protection for officers from false accusations of coercion or physical abuse because a recording of the interaction with a suspect exists. Finally, a digital camera system could assist the Department in complying with a trend toward the requirement by some Courts and legislation that encounters with suspects in custody be electronically recorded.

The same reasons for a camera system for use within the Department also apply to a request for the availability of video in vehicles. An accurate record of events involving police and citizens is readily available to protect officers from false accusations, can be used to portray the actual events for trial and can be used for training purposes.

The Monroe County (IN) Sheriff's Office/Correctional Center is requesting JAG funds in the amount of \$7,542.00 for a telephone/intercom/radio recording system. This system would replace an outdate system incapable of recording Voice Over Internet Protocol (VOIP) which is used in 99% of the current facility. Funds needed in excess of the requested amount to purchase the system at its cost of \$17,407.00, a difference of \$9,865.00, will come from other internal funding sources.

This system will allow for telephone interviews by investigators, telephonic search and arrest warrant requests and the recording of inmate intercom communications and correctional officer radio traffic within the correctional facility. Once implemented, this system has the potential to reduce agency liability because of the recording capability of correctional facility radio traffic among correctional staff, can aid investigators with internal investigations within the correctional facility and will improve efficiency with

investigators seeking telephonic search and arrest warrants from judicial officers after normal business hours.

FY2009 JAG Program Narrative

The Bloomington (IN) Police Department is requesting consideration for JAG funds for a digital audio/video camera system to replace existing VHS recording equipment in the Department's interview rooms. The amount requested is \$26,379.74 which includes cameras, microphones, digital video recorders (DVR), accompanying electronic components and installation. The equipment requested will completely outfit five (5) Interview Rooms and one (1) room designated as a Breath Test Room for investigations related to suspected intoxicated drivers. An additional request for funding in the amount of \$9,874.00 is being requested for overhead in-car video for two (2) Canine Unit vehicles that have recently been put into service. Other equipment to outfit those vehicles was recently requested through the 2009 Recovery Act JAG and these requests would complement one another and bring the Canine Unit vehicles in line with other patrol vehicles being utilized by the Uniform Division. Funds required in excess of available JAG funds for these projects (\$1,895.74) will be met by local matching funds through the current approved budget of the Bloomington Police Department.

Various audio and video systems exist with most having evolved into digital format. These systems allow for large amounts of data to be stored on a hard drive, an external hard drive or downloaded to a "hard copy" in the form of a CD or DVD. It also allows for the digital files to be transmitted electronically providing immediate access of the information to other investigators and criminal justice system personnel. The physical storage requirements of the digital information on discs are minimized compared to the current VHS format. Additionally, the costs associated with purchasing CD's or DVD's for digital storage is reduced when compared to maintaining blank VHS tapes for recording purposes. This reduction in cost can have a significant and immediate impact on the Department's budget with additional savings realized over a greater period of time.

Due to the prevalence of "reality" television shows that are currently in vogue, specifically those that deal with law enforcement issues, the public has come to expect and believe that much of the routine business conducted by police officers is recorded in some fashion. This would be especially true of traffic stops and police interviews of suspects. Also, questions raised by defense counsel during trials as to why police did *not* have videotape evidence of a defendant's interview has contributed to the belief that law enforcement *should* be recording these encounters with suspects. The perception created for a jury or the general public is that the absence of videotaped evidence implies that law enforcement has either coerced a confession or is trying to hide something improper that was done during the interview or interrogation. That perception can be a substantial hurdle for the prosecution during a trial and may be the difference between conviction or acquittal for a criminal suspect. In short, the existence of quality audio and video related to police business is an expectation by citizens and can be a major asset in the investigation of criminal cases and a subsequent trial.

In addition to the practical benefits of a quality digital audio and video system outlined above, there appears to be trend by some states to require police agencies to record interactions with suspects. More than ten states and the District of Columbia have adopted policies requiring the recording of custodial interrogations in certain situations. This requirement has come about from either legislation or case law decided in the respective states. In fact, the Supreme Court of Massachusetts goes as far as allowing for a conclusion that the Commonwealth failed to prove the voluntariness of a statement if there is no recording of the event. The Iowa Supreme Court indicated a preference for recording and the Iowa Attorney General interpreted that stated preference to be a mandate for the practice of recording interviews and interrogations within that state.

The electronic recording of police interviews can provide other benefits to law enforcement and the Criminal Justice System as a whole. The strength of a case for a Prosecutor is enhanced if a confession takes place during a recording of an interview. As a result, criminal defendants may be more inclined to agree to plea agreements if a confession has been made during a recorded interview with police. This reduces the amount of time a case might need to remain on an already-crowded court docket and allows adequate time for more important matters. Sometimes, the need to have a suppression hearing might be deemed unwarranted if video evidence is available. Questions related to “knowingly” waiving rights guaranteed under the Miranda decision are eliminated if the waiver occurred during the recorded interview and can be seen by all parties considering the matter. Capturing a confession on video reduces the number of those criminal defendants who may be wrongfully convicted where no recording of their confession exists.

Additional benefits to law enforcement of electronic recording would be the ability to focus on direct questioning of a suspect during an interview and less time spent on taking notes during the interview. Recordings could be preserved and used for training purposes within the department. Any reduced time required in Court would be a savings to the department in monetary costs and in the reduction of available manpower that is a result of required Court appearances. False accusations of abuse or coerced confessions can be eliminated with the availability of an electronic recording of the interaction with the suspect. *(Credit for research cited on this topic to Jesse A. Cook, Attorney At Law, Terre Haute, IN)*

The overhead in-car video system requested for vehicles used by the Department's Canine Units would provide many of the same benefits as the video system requested for use within the Department. The ability to provide an accurate account of police encounters with citizens will protect officers from allegations of improper conduct, will aid in the prosecution of those arrested where overhead in-car video is available for use as evidence, it can reduce liability for officers who might be involved in traffic accidents while on emergency calls for service and all of the data captured can be stored and transmitted, if necessary, in a variety less costly means than is being done currently.

The Bloomington Police Department participates in programs related to the enforcement of operating while intoxicated statutes. The funding for these enforcement initiatives is

provided through the Indiana Criminal Justice Institute, but, ultimately, funding to them is provided by the federal government. The installation of a quality digital audio and video system will allow for those monetary allocations to be used more efficiently with the potential for higher conviction rates on arrests made by officers working those grant projects.

This proposal addresses two of the seven *Purpose Areas* for acceptable uses of JAG funds. As indicated above, the digital audio and video system can be used in the course of the enforcement of intoxicated driver statutes during grant periods. This would be an example of a law enforcement program as listed in the Purpose Area. Capturing a suspect's dexterity, demeanor and the breath test on video for an intoxicated driver arrest would assist the prosecution in its case. Any interviews or interrogations conducted with other criminal suspects would be of value, too. Another of the acceptable uses for JAG funds is in the area of technology. Clearly, the ability to utilize audio and video in digital format is a step forward in the use of technology. The manner in which digital format can be stored and transmitted electronically is far better technology than our current VHS format. Whereas video on VHS can be lost due to tape or VCR malfunction, loss by digital means is less likely due to the incorporation of back-up storage drives.

Three methods of *Performance Measures* can be employed to determine the success of the new audio and video system once it is implemented and all are inter-related. One way of measuring would be to determine overall conviction rates where the use of video may have been a factor in a plea agreement or actual conviction at trial. Another measure of success would be reduced time in Court for pre-trial procedures such as Motions to Suppress Evidence. These two measurements that contribute to reduced Court time for Department personnel influence the third measuring tool which would be an expectation that overall overtime costs for the Department related to Court appearances would be reduced as a result. The same performance measures can be implemented for the overhead in-car video system since both systems are being utilized to capture interactions between law enforcement and citizens. An additional measure for the overhead in-car video system would involve looking for an anticipated reduction in the number of citizen complaints that are generated from encounters with citizens on traffic stops. Currently, many departments are forced to investigate these types of complaints regarding alleged rudeness on the part of an officer when, in fact, audio and video evidence absolves the officer in the complaint.

In summary, JAG funds allocated to the Bloomington Police Department for an upgraded digital audio and video camera system would be extremely beneficial to the Department and the Criminal Justice System as a whole. It would reduce current complaints about inadequate audio on our present system and may lead to more convictions, fewer pre-trial challenges and procedures and reduced overtime costs to the Department. The newer technology would also reduce costs related to the purchase of CDs and DVDs versus VHS tapes and allow for less storage space than is currently required for VHS storage. Finally, it would allow the Department to be progressive with current trends toward the requirement that law enforcement electronically record their interaction with criminal suspects who are in custody. The request for the overhead in-car video system would

accomplish many of the same goals and objectives as the video system requested for use within the Department with the focus more specifically on interactions with citizens and suspect behavior that takes place while an officer is operating the patrol vehicle.

The Monroe County (IN) Sheriff's Office is requesting JAG funding in the amount of \$7,542.00 for a telephone/intercom/recording system. This new system would replace an outdate one incapable of recording Voice Over Internet Protocol (VOIP) telephone lines and the current facility is comprised of 99% VOIP lines for telephone service. The system actually costs \$17,407.00 and the remaining balance of \$9,865 will be provided by internal funding from the Sheriff's Office budget.

This system will allow for comprehensive recording within the facility that includes the Monroe County Sheriff's Office and the Monroe County Correctional Center. With it, the Sheriff's Office will be able to record telephone interviews with victims, suspects and witnesses. It can also be used to obtain and record telephonic search or arrest warrant requests from judicial officers after normal business hours. This system can be used in the Correctional Center to record inmate intercom communications and record radio traffic among correctional personnel. The system being explored (Word Systems, Inc.) is a web-based program that will meet current needs and allow for future expansion.

This system will assist in the investigation of internal and external complaints involving the inmate population and should increase the efficiency and effectiveness of staff. An additional benefit would be the reduction of liability claims related to inmate events.

Performance measures to determine the success of this project will be a reduction in the time necessary to research and retrieve calls needed for investigations. This will lead to overall efficiency for the agency. Another benefit of great interest to those facilities that deal with an inmate population would be a reduction in liability claims against the agency charged with housing them. The availability of electronic recordings can refute and readily provide a defense against those types of allegations.

FY2009 JAG Review Narrative

The City of Bloomington Police Department provided its local governing body, the City of Bloomington Common Council, with a copy of its fully completed Justice Assistance Grant Program Application on Tuesday June 9, 2009; thirty (30) days prior to the July 9th application deadline. In addition the City of Bloomington Police Department published a copy of its fully completed application on the City of Bloomington's official website; said application was posted on Wednesday, June 10, 2009. A copy of the required Memorandum of Understanding between the City of Bloomington Police Department and the Monroe County Sheriff's Department was provided to both the City of Bloomington Common Council and the public.

NOTE:

The grant application, including the interlocal agreement, has been submitted for review and is in the process for signatures by all parties from the City and County. When final signatures occur a copy of the document will be scanned and submitted to the Department of Justice.