

BWCTTA Podcast 68: Little Traverse Bay band of Odawa Indians Tribal Police Department.

Moderator: Elliot Harkavy
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Elliot Harkavy: Hello, I'm Elliot Harkavy, part of the Bureau of Justice Assurances Body worn Camera Training and Technical Assistance Team and today I'm speaking with Dawn Parkey as part of BJA's Body Worn Camera podcast series. Dawn Parkey is an office manager who works for the Little Traverse Bay band of Odawa Indians Tribal Police Department.

Dawn believes that officer safety comes first for the department and that the best way to achieve a safer work environment is through training, updated technology and equipment. To achieve those goals Dawn works closely with the Tribal grant writing team to secure grant funds used for updating those items. Dawn has recently helped secure a body camera pilot program grant through the Department of Justice Assistance.

The grant required a policy to be written for the use of Body One Cameras in the department including storage, retention and distribution of video. Dawn is a BIA Indian Police Academy certified basic telecommunications officer as well as a law enforcement network terminal agency coordinator and local agency security officer. Dawn thank you for speaking with me today. Just ...

Dawn Parkey: Good morning I appreciate. Good morning. I appreciate the opportunity to share our views on what we went through with our policy writing and grant fulfillment.

Elliot Harkavy: And we are glad to have you.

Dawn Parkey: Thank you.

Elliot Harkavy: So to start what are the biggest challenges to implementing a body worn camera program for tribal police departments?

Dawn Parkey: Some of the things that we ran into were that we ran into were that we have to go through our tribal council to have approval before we could even apply for the grant. So they had to say, yes you can apply for this grant if you get it we will allow you to carry body worn cameras. The next thing that was rather challenging for us is that we didn't write just for our Tribal police department, we also wrote for our natural resource conservation enforcement officers as well.

So we had just to build a policy that would suit both department. The things that the natural resource officers run into are quite often different than what our regular law enforcement officers run into. They are dealing mostly with hunting and fishing violations. Where someone maybe doesn't have a license or they're hunting when they have been told they can't carry a rifle, those

sorts of things. Of course the PD, the Police Department, they handle every kind of call from police departments to traffic stops for having a tail light out.

Probably different situations that they run into and we wanted a policy that would cover both without being 50 pages long and having somewhat half the memories and we can use our camera when we can't use our camera and being confused about it and not using their camera at all so getting enough information into our policy to make it easy for the officers to use the cameras without being too restrictive and having them second guess and tell us if to when they should be using them it was very challenging.

As we went through the policy development, we ran into the fact that we would need to run it through legal department to get approval on the policy before we were able to send it into the BJA. Other than that our policy writing actually went very smoothly. We received quite a bit of help from our TTA team, Chief Hogan his group were wonderful, I strongly suggest that anyone going through this process work closely with their TTA team.

Elliot Harkavy: I'm glad to hear that the TTA team were quite helpful and excellent resources. We really strive for that. So going back to the specifics of the policy, what policy challenges might a tribal police department face that are different from other police departments? Certainly having to merge the policy for both police and natural resources police that's certainly a challenge. Were there other challenges that you faced that other police departments that aren't tribal police departments might face?

Dawn Parkey: I don't know that we faced greater challenges. Our challenges, maybe, were a little bit different in that we needed to get the information out to our

community that we were applying for this grant and when we were accepted into the program, getting that information out there so that our community knew that we were going to be getting this newer technology and getting it, not so much that it's protection for the police but this is a protection for everybody.

The camera keeps our interactions with the public non-biased as everyone knows, when you write a report you write from your perspective. Now the person on the other side of that would have a different perspective but the camera has a non-biased view. It just shows what actually happened. So that was something that we considered to be important to get that information out there but with our community being scattered, we didn't have a lot of opportunity to put that out there to everyone in our community.

The folks that live near where our police department is were able to get a little more information but we have members that live in various scattered areas that might have had some input as well. They had just a couple of opportunities to hear about. So that in itself is kind of a challenge for communities that maybe aren't real close. Our reservation is very tiny. Well I know some of the reservations are huge and cover not just miles but several states even. So I don't know how they would see that challenge because they would be working in different districts but overall it would be the same community, the same tribe.

Our community is intermingled with people that are non-tribal. We have a very small community compared to the general population so our officers are cross-deputized with two of our local counties so they are able to back up any officers that's out on a scene whether it be the City police, the County police or the State police. That's very important and having our body worn camera

footage is also important for them to have another view. And I'm totally off track so I don't know what I'm talking about any more.

Elliot Harkavy: I think that not only having to deal with the tribal but also dealing with the backing up the state and locals is certainly a unique challenge especially if, did you have different laws in the reservation from the surrounding communities and are having like quite a challenge.

Dawn Parkey: OK. We do have additional laws. We basically follow the same laws as the state of Michigan but then we also have our own laws and statutes that may be more restrictive. We have an entire program of statutes that we have to follow above and beyond what the state laws are. On the reservation itself, any land that is held in trust we also follow Federal Government statutes.

So where state of Michigan says that people who have a medical marijuana card can have marijuana the federal government says no, as an example here, so on the reservation we have to follow federal law above state law. So if someone is searched on federal property and they're found to have marijuana on their person then we have to charge them with the federal crime.

Elliot Harkavy: That there is an overlap of the federal and the state and the different priority of federal versus state versus tribal certainly could be a challenge. And how does that play into your BW's, into your body worn camera policies, the fact that you have so many legal structures overlaid and you need to prepare the officers to use their cameras both in the tribal property with one set of legal codes and then off the property with a different set of codes. Does that play into the policy or use of the cameras?

Dawn Parkey: The biggest difference is where the footage is going to go after it's been recorded and we've added a report to it in particular with the US Attorney in our District for anything that's federal. Non-native generally tend to go through the County court in the counties which is our closest County where our reservation properties are. And the natives will go through our tribal court where we have our own prosecutor and they see our judge.

The only non-natives that we can bring in there at this point are the ones that violate our traffic statutes and folks that are being charged under the VAWA Act otherwise they have to go through state court where they would see that local county prosecutor as their charging prosecutor not our tribal -- our local county prosecutor is very good at working with our officers to make sure that we have a good sound case for anything that we send through there. He's very familiar with working with body worn camera footage because both are county and are city officers in the same town use the body worn cameras as well.

Elliot Harkavy: Are they using the same equipment and the same backend software as you guys are or are you using just separate equipment?

Dawn Parkey: That I don't know.

Elliot Harkavy: OK.

Dawn Parkey: I know that we work with their policy as well as a couple of different federal - - not federal, sorry, tribal body worn camera policies. In the writing of our policies we used some of their, some of their wording for some of our policy,

right? The of course went off on our own special things that we wanted in there as far as dealing with our tribal community. So some of the things that are in our policy parallel, what is in the local town policy.

Elliot Harkavy: So what are some of those specifics to, for the tribal policy that differed from the local polices and how much of that reflects the specific cultural community privacy concerns from within y our tribal unit?

Dawn Parkey: The City policy follows Michigan State (inaudible) laws. We have a separate (inaudible) process and on the advice of our legal team we chose to go first with our tribal (inaudible) statute that says that only tribal members are able to see body worn camera footage. Basically any legal documentation there has to be tribal member that has to see it. So general public they're not every going to see those videos unless they are reduced for publicity by the Tribal Police Department.

Where the City whatever, the Michigan State statute is on being able to -- Freedom of Information Act, ask for body worn camera footage and while we were writing our policy the State of Michigan passed a new privacy law for body worn camera footage. So we were pretty much done with our policy and then that came out so I promptly sent that to our TTA team and asked them, can we take a look at our policy and make sure that we've covered this.

This is not going to affect how this is written and if there's anything we need to change please let me know right away. And they were able to take a good look at it and say that this is pretty well covered in here I don't think you need to do anything different. That was very much a relief from -- gosh, oh do we have to start over? And we fortunately did not have to so I really credit our

TTA team with helping us to get everything in mind with our policy so that we were able to cover all of the things that our scorecard asked for.

Elliot Harkavy: And I'm so glad to hear that they were so helpful. That is what we intend and it's good to hear that both sides are that way, that's excellent. So would there be anything else from a cultural or a community standpoint that was different between y our policies and the surrounding community's policies?

Dawn Parkey: Not, not much. Maybe we changed a few words here and there basically we tried to stick with a generally acceptable policy. So I think pretty much other than the things that are specific to our tribe our policy is quite a bit like other departments that are non-tribal.

Elliot Harkavy: So basically the two major differences were handling information requests and the fact that you have to bifurcate your handling of the video between two different prosecutorial streams? The federal or tribal prosecutorial stream for tribe members and the local prosecutors for both non-tribe members within tribal property and also for your back up support to the local agencies, would that be ...?

Dawn Parkey: Yes.

Elliot Harkavy: Yes. OK.

Dawn Parkey: And we also have anyone that's non-tribal who is charged on federal property which would be our lands and Trust may...

Elliot Harkavy: Actually that would be three streams then and I just said it would...

Dawn Parkey: Yes because they may go to US Attorney Western District Court which that...

Elliot Harkavy: So there's actually three streams. There's the private prosecutorial stream, the federal prosecutorial stream and the state local prosecutorial stream?

Dawn Parkey: Yes.

Elliot Harkavy: And that would be three different ways to handle the video once it's captured depending on the nature of how it's going to be used?

Dawn Parkey: Correct.

Elliot Harkavy: Is that -- do you have any difficulties in that? Do you need to use different systems for that or are they all using a similar system?

Dawn Parkey: We are using the same system for all of them. The system that we chose to use is evidence.com for our storage and with evidence.com there is a

prosecutor's link where they can go in and just pick the video up from there that they need for the case. So that video is made available to them without having to burn a copy of it to send to them, it's right there. You go to their link, see if you can get the video and proceed from there.

Elliot Harkavy: That's great. OK...

Dawn Parkey: A streamlined system.

Elliot Harkavy: That's good to hear. What are unique funding challenges that exist for tribal law enforcement agencies such as yourself?

Dawn Parkey: We are funded almost totally by BIA 638 funds. So our budgets are set almost a full year in advance of when the budget is going to come into effect. So our budget ends at the end of the calendar year and a new one begins. Now we're in the process of preparing our budget for next year so by middle February we have to have our budget planned. So if we want to add anything, extra equipment or technology, we have to plan that well in advance of that year ahead of time to get it into our budget.

That tends sometimes to be sticky because things change in price between the time we plan for our budget and the time that we are going to be able to implement that. That was one of the things that we looked at was being able to put body worn cameras on all of our cameras and we fortunately were able to get into this program to become part of pilot program and write a policy and be able to have a 50 percent match to get our body worn camera system into use and it was so very helpful that we had got help to get our cameras and

documentations such as to be able to purchase the storage that we needed for the first year and then we're able to add it into our budget for the second year and beyond as of this point.

So we already know what our costs are going to be for the 2019 year and for the 2020 budget year, 2021. We have a five year projection already on what the costs are going to be. So we can just add that to our budget as we go. If we didn't have the availability of this grant program we would have had to figure the total costs of putting cameras on all of our officers and see how or where we were going to adjust our budget to be able to purchase those. We've been very fortunate with applying for an receiving grants and our department pretty much since it was put into service...

Dawn Parkey: OK, so other than having to budget so far out to add equipment that pretty much is our -- and that's our challenge for funding, the body worn camera grant program of course helped immensely in helping us to cover those start up costs and having that first year where we only had to cover a portion helped us to be able to budge for the future to keep the program going.

Elliot Harkavy: Sounds good you actually entered my next two questions which specifics on how did the grant program help and how will you be sustaining your program. The grant program really helped you hit those first year costs and be able to calculate for your future budgets.

Dawn Parkey: Yes.

Elliot Harkavy: And you'll be sustaining through the funding of the from the BIA fund.
That's great...

Dawn Parkey: Yes.

Elliot Harkavy: That the grant program really made it happen is what we want to hear.

Dawn Parkey: We also received general fund budget dollars from our tribal budget. We have a casino of course and that helps us to produce some income for the tribe. So we receive a portion of that income on top of our BIA dollars. But the BIA fund's the major portion of our department. So...

Elliot Harkavy: Understandable.

Dawn Parkey: But thanks to -- I'm sorry?

Elliot Harkavy: I said that's understandable.

Dawn Parkey: Yes.

Elliot Harkavy: So I think we've covered the funding pretty well. It's very good to hear that the grant program really fit the need that it's supposed to fit. What would be

the most important advice you would give someone whose agency is considering implementation of a body worn camera program in a tribal jurisdiction?

Dawn Parkey: I would say that you really need to work with your TTA. The Web Site with the toolbox is absolutely outstanding. Check out the policies that are already there. See what fits, see what doesn't sit there. Are several tribal policies already in there? You can pretty much take a look at those and see where some of it might fit your department, some of it might not. You can always add and take away from your policy.

You get a good basic policy, don't get too specific because when you start getting too specific your officers (inaudible) and (inaudible) themselves, should I record, should I not record. Work with your TTA absolutely as much as you can because they are absolutely outstanding.

Elliot Harkavy: That's great to hear. Anything else that you want to tell other tribal agencies about starting or operating a body worn camera program?

Dawn Parkey: I don't think so.

Elliot Harkavy: Well that's that we appreciate your time. I want to thank you again. We are grateful and you --

Dawn Parkey: You're very welcome thank you.

Elliot Harkavy: Our pleasure. We are grateful that you could speak with us today to share your knowledge on this important topic. We encourage law enforcement, justice and public safety leaders whose agencies are interested in learning more about the implementation of body worn camera programs to visit the body worn toolkit at www.bja.gov/bwc. Again that's www.bja.gov/bwc. As Dawn already said the toolkit offers a variety of resources that agencies can use to help with adoption and use of body worn cameras for community engagement, policy development, data collection, officer training and educational purposes.

We also encourage listeners to share and promote these resources with your colleagues and staff. Lastly all these resources and especially the body worn camera toolkit have been designed as a national resource, your resource. Please submit your ideas for new content through the bwc support link at the bottom of the homepage. This is Elliot Harkavy of the Bureau of Justice Assistances, body worn camera team signing off. Thank you to Dawn and thank you to our listeners for joining us today.

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