

## Law Enforcement Advisory Board Meeting JULY 11, 2018

x denotes presence

X Paul Soptick  
Patrick Dunn  
X Scott Mackey  
X Reed Partridge  
Lee Brown  
Lt Col Bob Gunja  
Dixie Kaster  
X Don Jolley  
X Tony Carter  
Maria Cecilia Ysaac  
X Terry Zeigler  
Tyrone Garner  
X Irene Caudillo  
Don Ash  
Mary Hopkins  
Kelli Bailiff  
X Joan DeMoss  
Carol Diehl  
X Dan Soptic  
Jeffry Fewell  
Michael York  
Terry Brockman  
Curtis Nicholson  
  
X Kevin Steele  
  
X Davic Thaxton  
  
X Lynn Melton

Tony Carter opened the meeting at 4:00pm

Chief Zeigler said they started the new class with 13 applicants, one failed the physiological test and one dropped out because he did not want to work weekends. The PD is looking for 18 applicants for the January class.

We had a discussion about the article written by Janice Whitt concerning the shooting of black males and the perceptions out in the public.

Captain David Faxton and Maj Dan Soptic for Sheriff Ash thanked the Police Department for all their help and support during the trauma regarding the loss of Deputy Rohrer and Deputy King.

The Sheriff Department had 6 in this class with 1 resigning because of the shooting. They have 8 in testing for the new class and remain 15 short in staffing.

As we recruit youth from our schools and attract them to become LEO's the problem is that they graduate at age 18 but cannot be hired until age 21. Need a way to keep them occupied or working until they reach age 21.

Reed Partridge shared the following on his audit of Body Worn Cameras.

# EXECUTIVE SUMMARY

## WYANDOTTE COUNTY SHERIFF'S OFFICE (WYSO) BODY-WORN CAMERA (BWC) AUDIT

### Audit Objectives - Determine:

- ✓ Effectiveness of internal controls
- ✓ Compliance with existing policies
- ✓ Costs related to the program
- ✓ Deployment of BWCs

See page 12

### Finding #1

We were unable to determine if a complete system of data backup and recovery has been implemented for BWC video.

**Recommendation** - Develop backup and recovery procedures aligned with the retention schedule for BWC data. See page 10

### Finding #2

Auditors tested 25 defensive actions out of 206 (Apr 2017 - Mar 2018) to determine if BWCs were utilized as per policy. Testing included tracing those 25 defensive actions to corresponding BWC recordings.

#### Results

- BWC footage did not exist for 18 of the 25 tests.
- Absence of footage was not reported in 14 tests.
- In 4 tests footage was not categorized correctly.

**Recommendation** - Consider the feasibility of implementing the following recommendations:

- Emphasize documenting if a BWC was utilized during required encounters.
- Emphasize importance of categorizing footage and application of appropriate retention schedule.
- Update forms to assist in reporting BWC footage.
- Utilize internal affairs or personnel not in a direct supervisory position for monitoring.

See pages 10 - 11

### BWC Costs

March 2015 - April 2018

Description	Units	Cost
BWC	64	57,018
Server	1	46,689
Docking Stations	7	20,479
Link Kits	26	13,769
Camera Heads	29	5,655
<b>Total</b>		<b>\$ 143,610</b>

See page 5

### BWC Deployment

April 2018

Location	BWC
Adult Detention Center	21
WYSO Patrol	21
Offender Registration Unit	3
Court Transport - Future Deployment	13
Available for Replacement	6
<b>Total</b>	<b>64</b>

See page 4

### BWC Policy Review

The DOJ provided policy recommendations for implementing a BWC program. WYSO policies generally agree with DOJ recommendations. The following DOJ recommendations are not addressed completely in WYSO policies:

- BWC policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances. See pages 7 - 8
- Utilize internal affairs personnel for program monitoring. See page 8

### Management Response

**Finding #1** - The WYSO believes a limited system of backup is in place and will explore options for backup in response to the recommendation.

**Finding #2** - The WYSO agrees with the finding and recommendation.

See page 12

# BACKGROUND

## Body-Worn Cameras in Law Enforcement

Body-worn cameras (BWCs) are cameras with a microphone, internal data storage, and allow audio/video recordings to be stored and analyzed.<sup>1</sup> The cameras are generally located on the chest or head.<sup>1</sup>

The use of BWCs in law enforcement has increased significantly over the past few years.<sup>1</sup> A 2016 nationwide survey concluded 95% of large police departments have implemented or intend to implement a BWC program.<sup>2</sup> As a result of the proliferation of BWCs, law enforcement programs are confronted with establishing policies governing their use. The following are some of the presumed benefits, risks and limitations that help guide policy development.

### Presumed Benefits of Body-Worn Cameras

- *Promotes Transparency and Trust*
  - *Reduction in Use of Force Incidents*
  - *Fewer Citizen Complaints*
  - *Evidentiary Value in Criminal and Internal Investigations*
  - *Serves as Scenario-Based Training Tool*
  - *Provides Additional Means to Evaluate Performance*
- 

## Body-Worn Camera Related Costs

Despite their presumed benefits, the use of BWCs also creates certain challenges and considerations for law enforcement. The cost of implementing BWCs can be challenging. Market survey data from 2016 noted BWCs can range from \$199 to \$2,000 per unit based on numerous features.<sup>1</sup> BWCs require data storage. Costs for data storage vary based on agency retention schedules, policies regarding when BWCs are activated and how data is stored. Typically, BWC data is stored either locally or by a third-party vendor.<sup>1</sup>

## Retention Schedules for Body-Worn Camera Footage

Retention schedules for BWC footage are important for several reasons. Established retention schedules can help law enforcement agencies manage expectations pertaining to the availability of recordings over time.<sup>1</sup> Effective retention schedules also consider the type of footage recorded and rely on law enforcement agencies to categorize recordings. Recordings with no apparent evidentiary value can be retained for a shorter period of time in an effort to minimize data storage costs, address privacy concerns and prevent misuse of those recordings.

## Assignment of WYSO Body-Worn Cameras

The WYSO has over 160 deputies and command staff. However, not all are assigned BWCs. 21 BWCs are deployed in the Adult Detention Center (Detention Center) and are shared between the detention deputies. A typical detention shift lasts 12 hours and has approximately 24 deputies.

21 BWCs are deployed to the WYSO patrol and 3 are deployed in the Offender Registration Unit. Patrol and Offender Registration deputies do not share BWCs.

**Table 1**  
**WYSO Body-Worn Cameras**  
**As of April 2018**

<b>Location</b>	<b>Body-Worn Cameras</b>
Adult Detention Center	21
WYSO Patrol	21
Offender Registration Unit	3
Court Transport - Future Deployment	13
Available for Replacement	6
<b>Total</b>	<b>64</b>

Source: Wyandotte County Sheriff's Office

### Body Worn-Camera Costs

Since implementation, the cost for BWCs totaled \$143,610. See Table 2. The server used for video storage totaled \$46,689 and was the single largest cost to implement the program. Prices have decreased since the WYSO initially purchased BWCs. In April 2015, BWCs cost \$795 per unit. The most recent price for the same BWC was \$595 per unit. Docking stations are used to download video footage and recharge batteries. Link kits activate BWCs when the vehicle's emergency light systems are activated.

**Table 2**

**WYSO Costs Related to Body-Worn Cameras  
March 2015 - April 2018**

<b>Description</b>	<b>Units</b>	<b>Cost</b>
Body-Worn Cameras	64	\$ 57,018
Server for Video Storage	1	46,689
Docking Stations	7	20,479
Link Kits	26	13,769
Replacement Camera Heads	29	5,655
<b>Total</b>		<b>\$ 143,610</b>

Source: Unified Government Financial System &  
Wyandotte County Sheriff's Office

Costs for Body-worn cameras include extended warranties and other accessories

### Body-Worn Camera Funding Sources

The WYSO utilized five funding sources for procuring BWCs. County General Funds used toward the BWC program totaled \$79,474. The WYSO secured \$37,530 from its inmate telephone service provider. This funding was negotiated as a condition of the agreement between the WYSO and the provider of inmate telephone service. The funding is in addition to the usual commissions remitted. \$25,215 in fees collected by the WYSO Offender Registration Unit (ORU) also supported the purchase of BWCs. Finally, the WYSO used funding from its Special Law Enforcement Trust Fund and Justice Assistance Grant. See Table 3.

**Table 3**  
**WYSO Body-Worn Cameras**  
**Funding Sources**  
**March 2015 - April 2018**

<b>Funding Source</b>	<b>Cost</b>
County General Fund	\$ 79,474
Inmate Telephone Service Provider	37,530
Offender Registration Fees	25,215
Special Law Enforcement Trust Fund	1,042
Justice Assistance Grant	348
<b>Total</b>	<b>\$ 143,610</b>

Source: Unified Government Financial System &  
Wyandotte County Sheriff's Office  
Differences due to Rounding

## **Body-Worn Camera General Orders**

The WYSO established General Order (GO) 80.9 to guide deputies in the use of BWCs. The GO was issued and became effective March 2016. The GO explains the underlying purpose of BWCs is *“documenting criminal activity, recording contacts with the public in order to secure unbiased evidence in connection with investigations, allow for supervisory review to ensure that Sheriffs Office policies and procedures are followed and to capture footage that can be helpful for training.”*

## **Activating Body-Worn Cameras**

One of the most critical issues the GO addresses is when to begin recording. The decision on when activate the BWC not only impacts what is recorded but data storage costs and privacy concerns. For WYSO deputies, activating the BWC depends on the situation. The GO notes deputies inside the Detention Center shall activate the BWC prior to each use of force incident. Otherwise, deputies shall activate the BWC during calls for service and law enforcement actions. BWCs will activate automatically for deputies who are within close proximity to a WYSO vehicle equipped with compatible mobile camera equipment anytime the lighted emergency equipment is activated.

## **Body-Worn Camera Training, Operation and Supervisory Review**

Other areas addressed by the GO include training, operating procedures and supervisory review. Training on BWC's is mandatory and the GO assigns responsibility for the proper operation and condition of BWCs to the deputy. Those responsibilities include testing the equipment, ensuring the equipment is properly positioned and the battery is fully charged. Deputies are also responsible for documenting the existence of BWC footage on corresponding reports and other paperwork when necessary. WYSO supervisors are responsible for ensuring deputies utilize BWCs as directed by policies and that recordings are categorized correctly.

The GO gives supervisors authority to review BWC recordings at any time. However, the WYSO policy related to supervisory review differs from the DOJ guide related to BWC implementation. The DOJ recommends an agency's internal audit unit, instead of a direct supervisor, should periodically conduct a random review of BWC footage to monitor compliance with policies and performance.<sup>3</sup>



# AUDIT RESULTS

## Finding #1

We were unable to determine if DOTS and the WYSO have implemented a complete system of data backup and recovery for the server dedicated to storing BWC video recordings. DOTS indicated the server contains an internal system of data backup but BWC backup data is not stored off-site.

The WYSO stores BWC video recordings on a Dell server. The server is housed with other servers operated by DOTS. To limit access, the server is not accessible through the UG computer network.

Standards for Internal Control in the Federal Government developed by the United States Government Accountability Office describe “backup and recovery procedures” as a control activity important in a system of internal controls over technology. Without backup and recovery procedures in place the BWC program is at risk for loss of important data that could be evidence in a criminal or internal investigation.

**Recommendation** - The WYSO and DOTS should ensure backup and recovery procedures for the server used to store BWC data. The backup procedures should align with the retention schedule established for the BWC program.

## Finding #2

The Legislative Auditor’s office performed tests to determine if BWCs were utilized as outlined by WYSO policies. Testing included randomly selecting 25 defensive actions reported by deputies then tracing those defensive actions to corresponding BWC recordings.

By policy, deputies assigned a BWC are required to record use of force or defensive action incidents. Deputies are also required to include in their reports if a BWC was utilized during the incident. Finally, WYSO policies require BWC footage of use of force or defensive action incidents be marked for retention beyond the typical 60 days, usually three years.

From April 2017 through March 2018 deputies prepared 206 defensive action reports. Of those 206 defensive actions, 181 or 88% occurred in the Detention Center. 25 reports were randomly selected for testing. 20 of those 25 occurred in the Detention Center.

Testing was designed to determine if BWC footage of the incident existed and compliance with the following policy attributes:

- Recordings began and ended as required
- Recordings were reviewed by a supervisor
- Recordings were properly categorized
- Retention schedule applied correctly
- Defensive action reporting documented if a wearable camera was utilized

Testing showed BWC footage did not exist for 18 of the 25 defensive actions reviewed. Further, the absence of BWC footage was not documented in the related defensive action reports in 14 instances. The remaining four were not categorized correctly and as a result were deleted after 60 days instead of being retained.

The use of BWC in the detention environment creates challenges. Detention deputies are in constant contact with inmates. Because of the close proximity the reactionary time needed to activate BWCs is minimized.

**Recommendation** - The WYSO should consider the feasibility of implementing the following recommendations:

- During training, emphasize the importance of documenting if a wearable camera was utilized during required encounters.
- During training, emphasize the importance of correctly categorizing BWC footage so that the appropriate retention schedule is applied.
- Update applicable reports and forms to assist in efficiently documenting the existence and categorization of BWC footage.
- Utilize internal affairs or personnel not in a direct supervisory position to conduct periodic and random monitoring of BWC footage.

## **MANAGEMENT RESPONSE**

The WYSO reviewed a draft of the audit report before its release. Their response is summarized below:

**Regarding Finding #1** – The WYSO reported the BWC supplier and DOTS indicated the Dell server used to store video recordings was designed to continuously create backups. The backup exists internally instead of offsite. Therefore, the WYSO believes a limited system of backup and recovery is in place. The WYSO will continue to explore options for video backup in response to the audit recommendation.

**Regarding Finding #2** – The WYSO agrees with the finding and recommendation presented.

Adjourned 5:05 pm.

Submitted 8-08-2018