

Memo

TO: City Council Members

THROUGH: Mayor Chris Grover & Mark Schuller, City Administrator

FROM: John D. Hensley, Chief of Police

SUBJECT: AXON Body Camera Proposal

DATE: September 1, 2021

Background

After several months of research, City staff has concluded that Axon body-cameras are essential equipment to improve police accountability, improve transparency and will meet the State-wide 2021 Police Reforms. What follows is FAQ with answers.

Discussion

- AXON Body Camera Package(s) Justification

The police executives whom the Police Executive Research Forum (PERF) consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that, by providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public. These officials also said that body-worn cameras are helping to prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

In an effort to simplify this report, we worked with AXON to obtain two quotes with 16 body-worn cameras and other essential features to begin implementation of the body-worn camera program. Components such as the redaction software and Live Look In (LLI) products were removed and what we present going forward is two fully functional suites in which choose from.

According to AXON, the City's newly purchased redaction software, should be compatible with either body-worn camera suite we choose. Therefore, it was eliminated from the packages presented here.

The 'Live Look In' (LLI) feature is designed for administrators to view in real time to see what is occurring during a public encounter. The LLI can be viewed from a computer or iPhone from anywhere in the world. As mentioned earlier, the LLI feature is not designed for the patrol officer to activate, but for administrators or others that were granted access. Should an officer need to review an incident's video, they simply use their iPhone and call up the stop.

In terms of equipment replacement and/or equipment upgrades, any elements that are damaged or not operating properly are to be returned and fixed or replaced at no cost to the CPD. AXON does not assign 'blame' or responsibility to damaged equipment, the equipment is returned and repaired or replaced – no questions asked. This policy is essential as cameras cost \$700 a piece, and the docking stations are another \$700 each. As you know, the CPD does not have sufficient budget flexibility to sustain unexpected equipment damage and its subsequent replacement costs. AXON indicated that repair or replacement turnaround time is 72 hours. Finally, any and all software and hardware upgrades with the Unlimited suite is accomplished at no cost to the CPD.

- Data Storage Estimates

According to AXON's estimates over the years, the average officer uses 3GB of data per 12-hour shift. This average does not include photo/evidence storage needs as this will take a few years of experience to determine an average storage capacity for each agency. The CPD is no different, there is no accurate method to determine how much evidence storage capacity will be needed to meet our needs. Each criminal case is different, in some instances one or two photos are sufficient and in other cases, hundreds of photos may be needed to document a crime scene.

After discussing storage experiences with Airway Heights, Liberty Lake Police Departments, and the Spokane County Sheriff's Department it is clear that with the passage of HB 1223 evidence storage requirements are uncertain. These departments are using the AXON system to store photo evidence and it has increased their need for data storage capacity. This is not a problem for these departments as they have contracted for the AXON 'Unlimited' program. They cite the unknown storage needs and the sense of security related to the budget as primary reasons for the need to contract for the Unlimited program.

- iPhone and Additional Data Plan Purchase

Patrol officers currently use digital cameras¹ and at the end of each shift, the officer downloads the images on an in-house computer for storage, as well as burning a disc

and printing hardcopies of the photos for the in-house file. When the images are needed by the prosecutor, the officer downloads them on a thumb drive. With AXON's Evidence.com program, the officer will record the evidence on a bodycam or take pictures with an iPhone and download them as needed. The prosecutor will be given a hyper-link and can obtain the evidence without further assistance. This process is a better practice in terms of the best evidence rule, chain of custody, public records storage, recovery practices and the elimination of unnecessary work by officers.

The iPhones are not essential to the program going operational. However, agencies report that without the iPhones officers must return to the station, place the bodycam in the docking station, wait for the video to download (30 – 40 minutes), pull up shift contacts and tag and label each transaction. This method delays the workflow and often results in unnecessary overtime.

Conversely, with the iPhones, the officers can tag and label each transaction after it occurs in the field and there is no need to wait until the end of shift to begin storing data. Moreover, should an officer need to view a contact to complete a report or obtain a search warrant, the transaction can be pulled-up in the field in real time on the iPhone. It is strictly a matter of improved workflow, convenience, and a money saving practice.

The CPD does not assign 'smart phones' to patrol officers, we currently use 'flip phones' which are assigned to each vehicle. The cost to upgrade to iPhones is a \$140 a month or \$1680 per year for the entire bodycam program. In terms of texting, emails and internet searches, these programs can be disabled. Employees understand that iPhones are for official police business only, and all applications will meet this requirement. Supervisors will inspect iPhones from time to time to ensure compliance.

The three primary reasons for assigning each officer an iPhone is to reduce the possibility of damage to the iPhone through multiple usersⁱⁱ, iPhone use accountability, and of course, employee convenience. Each officer is assigned a police radio for the aforementioned reasons, so it makes sense to repeat this procedure with iPhones.

In terms of alternative methods to collect and store images, as mentioned earlier, the cellphones that are assigned to each vehicle are not smart phones and their capabilities are limited. Officers use digital cameras to take pictures and these cameras need to be replaced due to age and extended use. If we consider purchasing tablets, it seems the money would be better spent by using the AXON system, which is now the benchmark for police agencies. It is time to eliminate duplicate evidence storages processes, improve records security, and improve officer efficiency. As every other department in this County has discovered, the AXON system meets their operational needs. Looking for 'less expensive' technology only isolates us from the mainstream.

- Body Camera Policy & Recording Protocols

It is my intention to follow the advice from colleagues and the Cheney Police Department rank-and-file in that bodycams will be activated when the officer receives a call or departs the vehicle on a self-initiated contact with the public. Police officer's handheld radios are not on while in the vehicle to prevent radio feedback and are turned on when exiting the car. They will become accustomed to activating the bodycam in like manner. In my view and other law enforcement leaders believe the continuous running of the bodycams is a waste of data storage, increases the officer's workload at the end of a shift shifting through hours of dead-time and finally, the officer should have a degree of privacy even while on-duty. Will some situations be missed? Sure. We suspect that in the beginning there will be lapses, but after the program is fully established, these instances will become a rarity.

All personnel assigned to patrol will be required to wear a bodycam at all times. Other personnel such as the police captain will be optional and the detective(s) will have bodycams available for all interviews, and when working a crime scene.

In terms of securing the bodycam after a 'significant event' as part of the policy, it can be added, but again, another solid argument for the iPhones is the data is automatically downloaded via cell-transmissions in real time. Should a supervisor neglect to obtain the body-worn camera, the data has already been transmitted.

The Cheney and Spokane Police Department's policies mirror one another as they were both drafted by Lexipol. There are minor additions to the Spokane policy as a result of DOJ mandatesⁱⁱⁱ and employee contract language^{iv}. However, we intend to use SPD's Lexipol version as it includes definitions and operational language.

It will be the policy of the CPD to assign the Detective Sergeant to the position of Bodycam Coordinator. This position is a business hours spot and can be available for inquiries from various stakeholders. This individual will become our internal expert and serve to maintain the system and policies as required.

It will be the CPD policy that officers may view bodycam footage to prepare reports and before being interviewed. We want our reports to reflect exactly what occurred and the best practice is to use bodycam footage as needed. Officers are currently authorized to use photos, notes, video, and other evidentiary items before writing their reports or being interviewed and bodycam footage is no different. Otherwise, we leave officers open to intense criticism and or second guessing should their police reports contradict what was on the bodycam footage. We are in search of the truth; bodycam footage will allow the officer to accurately document what occurred.

I have discussed the bodycam program with the Guild leadership over the past nearly 10 years and their leadership support a body-worn camera program. CPD officers have heard from their peers how bodycam footage protects them and the city. In the event

the bodycam program moves forward, I was provided contract language^v by the CPD Guild which appears agreeable:

The City shall require all bargaining unit members to wear and use body cameras. The primary purpose of the body camera(s) is to promote officer safety, mitigate risk, and promote public trust. Therefore, the parties agree that audio and video information recorded by the camera shall not be randomly or routinely reviewed for performance reasons. However, the parties agree that audio and video information may be reviewed to investigate allegations of officer involved misconduct or policy violations.

Budget Implications

These budget projects are based upon a 16-body camera program:

5-Year Unlimited Program \$150,100

Year 1: \$30,580
Year 2: \$30,580
Year 3: \$30,580
Year 4: \$30,580
Year 5: \$30,580

Annual iPhone and Verizon program upgrades is estimated to \$1700 per year. It is recommended that a \$6000 start-up contingency fund be created to finance any unintended expenses that develop during implementation.

Axon is on the State contract (#06316) for body camera and Taser purchasing.

Recommendation

It is recommended that the City enter into a contract with AXON for the 'Unlimited' Body-Worn Camera plan for a period of 5 years. This recommendation is based upon research, discussion with other agencies and the passage of HB1223 mandates. The Unlimited package will provide the CPD with body camera footage and evidence storage without the real possibility of exceeding our allotment of data storage.

ⁱ Should we continue with the digital camera process for recording evidence, the cameras need replacement, otherwise their use will be discontinued.

ⁱⁱ iPhones will we used routinely during a patrol shift, while the flip phones are rarely used due to their simplistic design and limited capabilities. With increased use the chance for damage will undoubtedly increase. Assigning iPhones will provide an enhanced level of accountability and ownership in the device.

ⁱⁱⁱ SPD was mandated by DOJ to create a unit (TARU) specializing in bodycam use, policy creation and technical expertise.

^{iv} The various SPD unions and the city agreed to certain bodycam practices such as no videos can be used to document performance except on a random basis, bodycam footage can be used before writing a report or answering questions, etc.

^v Liberty Lake Police Guild Article 12 contract language.