



Police Body-Worn Camera Pilot Project

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Public Safety Committee Meeting

July 9, 2019

Police Body-Worn Cameras

- Chief Roessler proposed a police body-worn camera program in June 2015
- The *Ad Hoc Police Practices Review Commission Final Report*, dated October 8, 2015, also recommended body-worn cameras
- Pilot project, March 3 – September 1, 2018

Body-Worn Camera Pilot Project Policy

- Policy was co-produced with representatives from:
Police Civilian Review Panel, Communities of Trust, Merrifield Crisis Response Center, Fairfax County chapter of the NAACP, Victim Services Specialists, Independent Police Auditor, Mental Health Advocates and other community stakeholders.
- The policy addressed personal privacy rights and constitutional safeguards, while promoting transparency & accountability in police-community member interactions.
- High level of compliance with policy reported during pilot project
- No required or recommended policy revisions identified during pilot project

Body-Worn Camera Pilot Project

(180 days, March 3 – September 1, 2018)

- 191 cameras deployed to B-side at Mason, Mount Vernon, & Reston Stations.
- Yielded >59,000 videos; >12,000 hours of video; approx. 23,500 Terabytes stored.
- Approximately 34,404 videos (8,033 hours of video) related to charged traffic/criminal cases provided to Commonwealth's Attorney's Office.
- IT Infrastructure enhancements were required at each pilot district station.

American University Body-Worn Camera Pilot Evaluation Study

FAIRFAX COUNTY POLICE DEPARTMENT'S
BODY-WORN CAMERA PILOT PROJECT:
AN EVALUATION

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Evaluation study is available at:

https://www.fairfaxcounty.gov/police/sites/police/files/assets/documents/fcpd%20final%20report%2006_25_19.pdf

Office of the Commonwealth's Attorney

- Current staffing - 34 attorneys and 7 support staff
- New Commonwealth's Attorney, term starting January 1, 2020
- Attorneys currently cover 8-11 traffic, criminal, juvenile & domestic relations courtrooms each day, in addition to jury/bench trials, arraignments/bond motions/plea hearings, preliminary felony hearings, misdemeanor appeals, sentencing dockets and felony dockets.
- Based on BWC pilot data, a significant amount of video requiring review would be generated annually in a full implementation.
 - Pilot data did not capture accurate count of how many hours would require review, only captured total hours transmitted to CWA's offices.
 - Efficiencies to the review process could be realized through use of technology if program is adopted.

Office of the Commonwealth's Attorney

- Requirements of Virginia State Bar
 - Ethics counsel for the Virginia State Bar has advised that prosecutors must examine all evidence gathered in a criminal case for the purpose of satisfying various constitutional, judicial and ethical requirements.
 - Ethics counsel has stated that body-worn camera video footage which is generated in connection with any felony or misdemeanor case prosecuted must be *personally* examined by a prosecutor to determine evidentiary value, whether it contains exculpatory evidence, and to disclose the contents to defense counsel.
 - Ethics counsel has stated that “[t]o comply with legal and ethical standards, Commonwealth’s Attorneys must staff more lawyers or decline handling cases. Breaching the legal and ethical standards is obviously not an option.”

Judges, Clerks of the Courts, Office of the Public Defender

- All generally supportive of the concept of a body-worn camera program
- Judges
 - Reported little or no experience with body-worn camera evidence
 - Concerns
 - Impact on dockets
 - Length of trials or delays
 - Courtroom technology
 - Training for defense bar
 - Process for pro se defendants
- Clerks of the Courts
 - Concerns
 - Impact on dockets
 - Training
 - Retention of evidence
 - Process for pro se defendants
- Office of the Public Defender
 - Concern
 - Staffing resources and workload impact

Potential Implementation

- Issue 1,210 body-worn cameras for all operational police officers
- Phase in over 3 years with 5-year contract on equipment, licensing, storage.
 - After 5th year, contract must be renegotiated with possible cost increase.
- Two major program components/areas of cost
 - Contracted services – equipment, licensing, storage, training, warranty.
 - County staffing – program support.

Phased Implementation and Deployment 1,210 Body-Worn Cameras

Year 1 – 416 cameras

- Reston
- Mason
- Mt. Vernon

Year 2 – 338 Cameras

- Sully
- McLean
- West Springfield

Year 3 – 456 Cameras

- Fair Oaks
- Franconia
- South County

Deployment to other operational positions over the 3 years

- Animal Protection Police
- Duty Officers
- Major Crimes Bureau
- Operations Support Bureau
- Recruits
- School Resource Officers (SROs)*

* Issue to SROs TBD only upon further discussion with the Board of Supervisors and the Fairfax County School Board.

Estimated Implementation Costs

- Total program cost over the 5-year contract period - \$29,861,654
 - Contract Costs - \$10,359,913
 - Staffing Costs (34) - \$19,501,741

	Incremental Funding Plan				
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Positions (34)	13	13	8	\$6,654,186 Recurring	
One-time	\$552,436	\$40,000	\$40,000	<i>Baseline, funding included in prior years</i>	
Recurring	\$3,760,178	\$1,746,304	\$1,147,705		
New Funding Required	\$4,312,614	\$1,786,304	\$1,187,705		
Recurring	\$0	\$3,760,178	\$5,506,481	\$6,654,186	\$6,654,186
<i>Cumulative 5 year expenses</i>	<i>\$4,312,614</i>	<i>\$9,859,095</i>	<i>\$16,553,281</i>	<i>\$23,207,468</i>	<i>\$29,861,654</i>

* Year 6 of the contract will need to be negotiated and contract prices may increase.

Police Department Staffing

5 positions, \$879,701

- Information Technology Bureau
 - 3 positions to provide technical support to include inventory management, maintenance of ancillary components (cables, docking stations) troubleshooting basic technical equipment issues, and coordination of repair and replacement according to maintenance agreement.
- Media Relations Bureau/FOIA
 - 2 positions to ensure compliance with FOIA laws and ensure requests are processed in a timely manner in accordance with mandates.
- Station Infrastructure
 - Costs also include \$120,000 to upgrade wiring and cabling in police stations.

Office of the Commonwealth's Attorney Staffing 23 positions, \$3.08 million

- Attorney Capacity
 - 16 additional attorney positions to address required review of video footage.
 - Based on recommended budget language of a minimum staffing requirement of one Assistant Commonwealth's Attorney position for every 75 body worn cameras as published in a report by the Virginia Compensation Board to the General Assembly titled *Workgroup Study of the Impact of Body Worn Cameras on Workload in Commonwealth's Attorneys' Offices*.
 - Two important caveats:
 - The report further states fully implemented BWC programs are still relatively new and there is insufficient data available to establish a permanent staffing standard.
 - Workgroup will continue to analyze and provide an updated recommended staffing standard by December 1, 2020.
 - Support Staff
 - 7 additional paralegal and administrative support for retrieval, review support, redaction and dissemination of increased video footage.

Department of Information Technology Staffing

6 positions, \$773,013

- Courtroom Technology Office
 - 5 positions to provide on-site staffing to support the expanded use of video (not only BWC) data in courtrooms and provide consistent standardized digital evidence presentation for all three courts.
 - Will assist in addressing Judges and Clerks of the Courts concerns on courtroom technology.
- Freedom of Information Act (FOIA)
 - 1 position to address increase in FOIA requests
 - Police Department will handle majority of requests, but it is anticipated there will be some expansion on DIT requests as well.

Courts

0 positions, \$150,000

- Clerk of the Circuit Court
 - \$150,000 for increased storage capacity to records management system for video evidence

Issues Requiring Further Consideration

- Approximately 70 known studies related to body-worn cameras, their effectiveness, and perceptions – mixed findings reported.
- Perhaps least clear still is impact on prosecutors, defense bar, court-appointed attorneys, public defenders, and the courts.
- Current office space for Commonwealth’s Attorney’s Office cannot accommodate required growth. Location and costs would have to be determined.
- Determination if body-worn cameras would be issued to School Resource Officers (SROs) if body-worn cameras are adopted.
- How viewing and/or introduction of body-worn camera video evidence will be handled for pro se cases.
- Training requirements for the defense bar.
- Future contract costs could increase.

Questions and Discussion