



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 18, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Receipt of Body-Worn Camera Report

ISSUE: Review of the costs, potential benefits, and potential negatives regarding the implementation of a Body-Worn Camera (BWC) program.

RECOMMENDATION: That City Council:

- (1) Receive the attached BWC Proposal Report;
- (2) Direct the City Manager to develop a plan for a multi-year phase in of BWC program for the Alexandria Police Department, Alexandria Sheriff's Office, Fire Marshals, and other related City agencies; and
- (3) Present that multi-year BWC program multi-year phase-in as part of the proposed FY 2022 Operating Budget and Capital Improvement Plan (CIP).

BACKGROUND: On June 9, 2020, City Council unanimously adopted Resolution 2950, which condemned police brutality and systemic racism; reaffirmed that Black Lives Matter; and stated Council's intent to establish a community police review board. In this resolution, City Council acknowledged that the plight of Black, Indigenous, and People of Color (BIPOC) are not only present in the form of police brutality, but is also entrenched in institutions "such as the judicial system, the electoral process, career advancement, education, housing and the health care system."

The adopted Resolution also affirmed that "the City of Alexandria and all government officials have a duty to ensure the protection of all communities through actions and reform, including in the justice system." Council's direction to City staff echoes the increased national and community interest in increased accountability and transparency with regard to policing. Specific instances of police misconduct or serious

abuse of authority are, low in Alexandria as the City has a quality, accredited police department with quality, trained, professional police officers. However, it is important to be responsive to community perceptions and respond to the community's call for review, evaluation and change in our policing policies and systems. BWCs are commonly accepted by the law enforcement field and the general population as one methodology to improve policing and community perceptions of policing. BWCs were one of the practices recommended by the federal 21st Century Policing Report.

DISCUSSION: City staff from the Alexandria Police Department, Alexandria Commonwealth's Attorney's Office, Alexandria Sheriff's Office, City Attorney's Office, Fire Department, Information Technology Services Department, Office of Management and Budget, and the Department of General Services examined the potential costs and needs for the implementation of a BWC program among the three agencies with law-enforcement powers. The establishment of a BWC program in Alexandria would have significant fiscal impact through increased technology spending and added staffing needed by the agencies involved. For example, the creation of BWC video carries with it the mandate that it be reviewed in its entirety by prosecutors for any cases brought to court. A detailed cost estimate was developed and is attached. The fiscal impact is significant ranging from \$3.6 to \$4.2 million dollars to start, and annual costs varying from \$2.4 to \$3.7 million per year.

The Police Department then conducted a review of considerations for and BWC programs to help guide an informed decision for the City of Alexandria. They reviewed the most recent scholarly article (Attachment 3) regarding scientific studies on the effects of BWC in police agencies: *Research on Body-Worn Cameras: What We Know, What We Need to Know*. (Lum C, et al., *Criminology & Public Policy*, 2019;1-26). Studies have shown mixed and equivocal answers to BWC outcomes across the nation. There is a State report on BWC which is planned to be issued soon.

BWC technology is maturing. BWC video has evidentiary utility and can address both legitimate and frivolous complaints. Nationally, BWCs are often viewed as a "safeguard" against potential police abuses, but the studies bore out other results. Germane to the City's agencies, the studies concluded that agencies with significant procedural justice approaches to community interactions and enforcement do not show significant changes in their output or perceptions. For those agencies, the BWCs are only another device available to the officers. The effective change realized by the implementation of a BWC program is neither guaranteed nor predictable, except in the increased need for appropriate staff to handle the increased workload across several agencies.

From reviewing the studies, this is a digest of pros and cons regarding BWC programs:

- BWCs offer neutral records of interactions between police and those they encounter, but like all encounters, they are interpreted differently through the biases of the viewer.
- Studies show mixed results regarding significant change in work (output) by officers.
- BWCs cause significantly increased workload for prosecutors, and somewhat for police and municipal attorneys.
- Studies show mixed results with communities regarding their attitudes toward police when BWC are deployed (BIPOC communities often did not see them as changing anything for them).
- Studies showed mixed results regarding allegations of misconduct and none showed significant changes.
- Studies suggest a small shift downward in the rate of use of force but are not empirically clear on that point. APD uses force very infrequently.
- BWCs can provide investigative and prosecutorial support for cases, especially complex cases where the video contains things overlooked before their significance was realized.

- Officers have become accepting generally of BWC use.
- The use of artificial intelligence (AI) and other analytics for BWC video can assist the process of meaningful auditing and review, but this is not yet fully developed by the AI and BWC sectors.
- A BWC program is expensive, especially in terms of staffing required.
- BWC programs will require significant long-term preservation of many of the records produced.
- BWCs are a best-practices tool, but do not take the place of good supervision and positive culture in a police organization.
- BWCs do not replace or offset well-trained police officers and prosecutors.
- A very small percentage of BWC footage is ever analyzed.

FISCAL IMPACT: There would be a first-year cost of \$4.2 to \$3.6 million to start a BWC program, followed by annual costs in the range of \$2.4 to \$3.7 million. These costs include the BWC devices, software, cloud storage, network upgrades, and staff increases to support such a program. Because of the fiscal stresses and monetary tax losses caused by the COVID-19 pandemic, the \$4.2 to \$3.6 million first year cost of a BWC program is more than the City can afford in this fiscal year or in FY 2022. Although the recently adopted State budget includes a new 50/50 BWC matching grant program, the funds in the State budget are minimal compared to Statewide likely BWC cost. With an already calculated \$41 million budget gap facing the City already for FY 2022, full implementation of a BWC program would add to that gap. In addition, implementation of a BWC program is technically complicated, as well as will introduce an entirely new layer of policies, practices and processing to policing, to criminal prosecutions, as well as responding to FOIAs. As a result, it is recommended that a BWC program be phased-in over a to-be-determined number of years. This will allow the learning and experience from the first phase to inform the second and subsequent phases of implementation. It will also all the City to gauge the eventual staffing need based on actual experience. A number of other local governments (including Fairfax County) started with a pilot before ramping up to a full blown BWC program.

ATTACHMENTS:

1. Body-Worn Camera Proposal
2. IT Estimated Cost for BWC Program
3. *Research on Body-Worn Cameras: What We Know, What We Need to Know. (Lum C, et al., Criminology & Public Policy, 2019;1-26)*
4. Body-Worn Camera Presentation

STAFF:

Michael L. Brown, Police Chief, Alexandria Police Department
Chris Wemple III, Captain, Alexandria Police Department
Bryan Porter, Alexandria Commonwealth's Attorney
David Nye, Administrative Services Director, Alexandria Sheriff's Office
David Lanier, Assistant City Attorney
Chris Hetland, Budget Analyst, Office of Management and Budget
Lisa Henty, Assistant Director, Office of Management and Budget
Vanetta Pledger, Director/Chief Information Officer, Information Technology Services
Joanna Anderson, City Attorney
Donna Poillucci, Deputy Director, General Services