

Police Department
City of Keene, New Hampshire

Date: January 29, 2021

To: Finance, Organizational, and Personnel Committee

Through: Elizabeth Dragon, City Manager

From: Steven Russo, Police Chief *SR - 140*

Subject: Police Body Cameras

Recommendation:

That the FOP recommend that any decision on this program be delayed until current legislation is voted upon and proposed State or Federal funding sources are identified.

Background:

In June 2020 the City Council tasked the City Manager (CM) to have the Police Department research the implementation of Body Worn Cameras (BWC's). I immediately formed a research group within the Department led by Sergeant Christopher Simonds. The group included members of the KPOA and KPSA, as well as command staff members for input and guidance.

In July 2020 we obtained quotes and Sergeant Simonds organized and led in-house demonstrations by three different vendors of Body Worn Cameras (BWC) and In-Car Video Systems (ICV). By the end of July we had chosen one vendor that we felt best met our needs, BodyWorn by Pileum Corporation.

On August 27, 2020 I went before the Finance, Organization, and Personnel (FOP) committee and presented the chosen vendor as well as initial cost estimates for the program. I also presented cost estimates for training required prior to a Test and Evaluation (T&E) period with the chosen vendor, as well as the cost of a full time position to manage the system and handle Right to Know (RTK) requests. Our intent was to seek full council approval to move forward due to the resource commitment required of the KPD, and the vendor, to hold the T&E. A concern was the overall cost for the first five years and I wished to have some indication from the Council if they wanted to move forward given those initial cost estimates.

On August 27, 2020 the FOP recommended to the council to move forward with the T&E. In September 2020 the Council endorsed that recommendation and Sergeant Simonds began coordination for the T&E. Shortly after this Council decision the City Manager (CM) arranged for a carryover of funds (approximately \$4,600) from last FY to assist with the cost to be

incurred for required training on the system, department interim policy, and relevant NH Statutes.

Research and preparation

Prior to the T&E, from August to November, I contacted and spoke with a variety of stakeholders, to include Keene State College (KSC), School Administrative Unit (SAU) 29, the American Civil Liberties Union (ACLU), the NH Public Defenders Office, and the Cheshire County Attorney. I also reviewed ACLU white papers on their concerns with BWC systems, past NH legislation concerning BWC's, NH Statutes, and other Police Departments policies on BWC systems. I then developed a survey for T&E Officers to complete at the end of each shift to document their use and experience with the system and allow us to collect necessary data for an operational decision and recommendation.

The research group, among other things, visited Manchester PD, who just began use of this system in January 2020, as well as identifying operational and T&E specific goals. Finally, we drafted an interim KPD General Order on BWC's and ICV systems based on all of our research.

We initially wanted to begin the T&E at the end of October, however I decided to delay the T&E due to our operational tempo, the impending elections, and the availability of the vendor's equipment and fixed equipment installation schedule, which required an on-site technician.

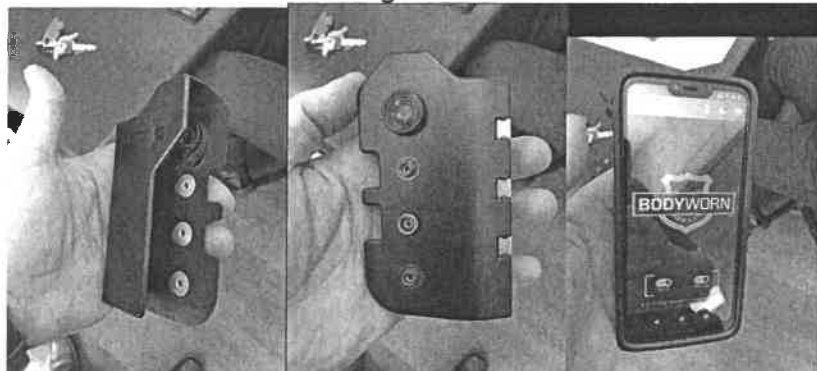
BodyWorn camera systems

Similar to most BWC and ICV systems, Bodyworn provides a BWC (basically a smart phone without sim card), specialized mounts for up to five uniform pieces (basically a \$200 credit per Officer), ICV system with two cameras (front and rear), tablet for system control within the vehicle (extra cost-\$800/each X 16 = \$12,800), and a "rocket" system for each vehicle that is essentially the controller and connectivity device to upload data to the cloud based system for storage and later retrieval. The up-front costs include all of these components, minus the cruiser tablet's, as well as unlimited cloud storage, and a warranty/replacement program for the BWC's for one year.

BodyWorn body cameras, unlike other vendors, is mounted inside uniforms by modifying the outer garment and installing a retaining device (mount) inside uniform shirts, jackets, raincoats, traffic vests, etc. Of the vendors we observed demonstrations with, and from our past experience with BWC demonstrations, we found this mounting system to be the most comfortable and, more importantly, secure for use. However, this comes at a logistical and future (replacement uniform) cost. Initial purchase and set-up of the system includes two uniform shirts and three other uniform items, or an external vest carrier, per Officer with the initial cost (winter jacket, raincoat, and traffic vest). Future costs, outlined later in this memo, include an increase in outer garment replacement costs due to the installation of the mounting system. We believe this mounting system is worth the extra cost as other systems stability on an Officers body is often times questionable, is easily knocked off, and can interfere with the myriad of other equipment a modern Police Officer must carry. There is

also an external vest carrier that is offered, mentioned above, which allows one to place their ballistic panels into this vest and wear it, with the BWC mount, over their traditional uniform shirt. These are also an extra cost unless ordered as one of the initial five allowable uniform pieces at contract inception. Cost is \$100/each X 50 = \$5,000. (See photos further below for vest carrier).

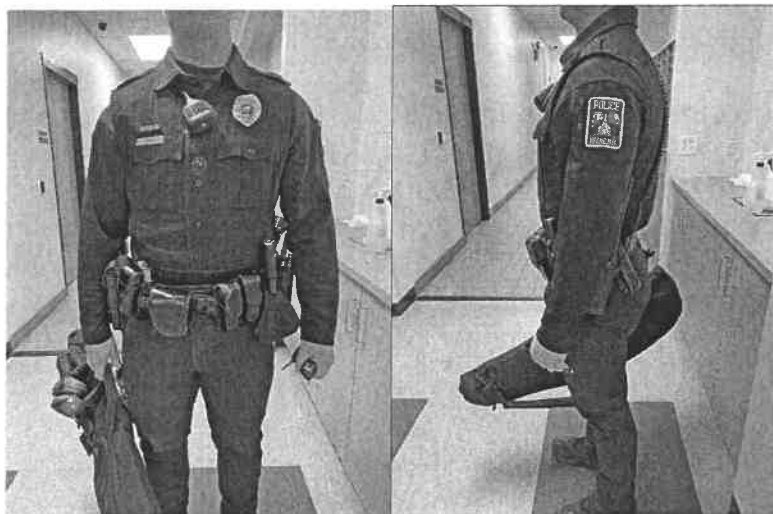
Mount for BWC sewn into garments & BWC



BodyWorn offers what are called "MOLLE attachments" used to attach the mount to external ballistic plate carriers located in each cruiser, as well as specialized ballistic vests used by our detectives and tactical team. These are extra costs that must be considered but allows us to attach the mount to non-traditional duty uniforms that are authorized for wear. An Officer must wear the BWC system when in any uniform or ballistic vest, that identifies them as a Police officer. Cost is \$60/each X 50 = \$3,000.

The T&E outfitted six Officers with BWC's and three cruisers with ICV systems. Three Officers had their traditional duty uniform shirt altered to install the mount and three used the external vest carrier mentioned above. During the T&E two Officers opted to wear their outer vest with the ballistic panels inside the carrier, the other wore it without ballistic panels, wearing it over his uniform shirt with his ballistic vest worn under his uniform as is normally the case. Thus, for this Officer the external vest was simply a carrier for the BWC mount and camera.

External vest carrier



Test and Evaluation

In November 2020 BodyWorn brought two training personnel and one technician to provide the necessary system and software training to the Officers selected for the T&E as well as dispatchers, supervisors, and command staff personnel. We also used this time to train this group on the interim department General Order and relevant NH Statutes, which is required by NH RSA 105-D:2. The technician also installed the required equipment in three of our cruisers, which included two cameras (front and rear), a tablet to run the system, and a "rocket" that is basically the controller and connectivity device to upload data to the cloud. All of this was provided without cost by the vendor.

The T&E operational period went from November 17th to December 14th, 2020. This time frame was driven by the vendor supplied equipment's availability. The T&E Officers represented the best diverse group we could form relevant to gender, body size, and law enforcement experience.

Test and Evaluation Survey results

The survey's completed daily and weekly by Officers involved in the T&E contained eight questions and provided space for comments for each question and overall comments. The results of their evaluations are depicted below. It should be noted, questions six and seven would not be relevant if we moved to this system, as the functions of classifying video and marking case numbers and Calls for Service (CFS) would be done automatically once the system is connected to our dispatch CAD, which it was not during the T&E. They are included here for full documentation of our T&E process.

Question 1: Wear and comfort, average score 4.13 out of 5.

Question 2: Ease of use, average score 4.17 out of 5.

Question 3, Reliability of features – three components: The scoring on this question was Good or Bad.

- A. Auto on settings: Overall rating of good
- B. Turning off/cancelling system: Overall rating of good
- C. Audio warnings: Overall rating of good

Question 4: Downloading (Uploading to cloud from cruiser), Average score 3.88. BodyWorn reports this would improve with installation of the Wi-fi Access Point (WAP) noted here).

Question 5: Viewing/Playback, Average score of 4.28. It should be noted the Officer ratings in this category do not conform to staff's nor Sergeant Simonds experience with Broadband issues. Interestingly also the scores also do not correlate with the Officers written and verbal comments and concerns about downloading issues for playback within the building (constant buffering).

Question 6: Classifying Video: Average score of 3.96. This is not relevant as the full system will automate this step when connected to our dispatch CAD, which it was not during the T&E. This was measured to get a feel for this process without the CAD link.

Question 7: Marking case numbers and Calls for Service (CFS): Average score of 4.02. Again, this is not relevant as the system will automate this step when connected to our dispatch CAD, which it was not during the T&E. This was measured to get a feel for this process without the CAD link. These two questions were included in this memo for full understanding of our survey and the results.

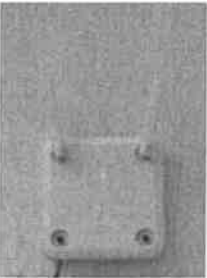
Question 8 was vehicle/fleet issues caused by system: None were recorded/noticed. However, an annual cost to fleet services of approximately \$1,000 was identified due to the rotation of three cruisers per year and the additional cost of rotating the BWC & ICV system equipment. This is an initial estimate and, with many things, other options/methods may exist.

Survey Comments

All comments by participants were investigated and the findings documented. In short, the comments can be broken down into the following areas:

-Automated settings: These can be adjusted by preference as we learn the system more deeply if we move to the system.

-Wi-Fi Access Points (inside): Wi-Fi access points placed inside the PD that would be specific to BWC Wi-Fi use, increasing connectivity. This can be enhanced by additional training to ensure Officers know and understand when Wi-Fi is engaged Cost is approximately \$3,600.



-Wi-Fi Access Points (outside): Needed to upload to cloud. This cost is included in the overall cost of the package.



-Training: Camera not docked in mount properly or failure to operate device, questions on when to use and not to use, etc. (but were covered in training = more training needed).

-Broadband: This adversely affected viewing / playback inside the building. Various meetings were held and with the vendor and IT and IT sought solutions such as firewall codes and computer requirements. Same issues were found inside City Hall when logged into system at that location. Concord PD, who conducted a T&E around the same time we did, reported the same broadband type issues with playback inside their PD during their T&E.

Subsequent to a joint PD / IT / vendor meeting on 1/20/21 IT discovered that an internal routing issue was causing this playback problem. IT took steps to correct this routing issue and the broadband issue seems to be solved.

-Uniforms: Logistical issue of sending off uniforms, traffic vests, and winter jackets to be Modified. Not insurmountable but a challenge. Cost concern with purchasing 50 outer carriers but necessary.

Findings

Funding

We have found no current grants that are available to pay for or offset costs of these systems. There is currently HB 253 that began this year as LSR # 49. This Bill intends to *require* law enforcement agencies to implement BWC systems, creates a funding stream from the penalty assessment fund and places those funds into a new non-lapsing public safety enhancement fund. This new fund would then provide grants to agencies that *elect* to implement BWC systems. This wording is confusing as to using both *shall* and *elect* in the same paragraph. That aside, HB 253 currently provides no funding or cost estimate or fiscal notes for this legislation. However, it is known the LEACT Commission (Law Enforcement Accountability, Community and Transparency) recommended all LE agencies employ BWC's, the Governor supports this, has directed the NH State Police to begin implementation, and funding is being evaluated to assist with this for non-State agencies.

On January 27, 2021, I received and reviewed SB 96, an act requiring implicit bias training for judges, establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency. This bill establishes a non-lapsing fund within the Department of Safety for the purpose of encouraging local law enforcement agencies to equip officers with BWC and ICV systems. The funds are intended to provide grants to local law enforcement agencies to assist them with the purchase, maintenance, and replacement of BWC and ICV systems and ongoing costs. The bill lists the sum of \$1 to be appropriated for the FY ending in June 2022.

Though neither of these bills currently appear to list funding, it is encouraging that funding sources are being looked at as well as mechanisms to assist local law enforcement agencies in acquiring these high cost systems.

Our current cost estimates, which include previous amounts presented to the Council as well as several new costs after further research and our T&E, are outlined below and will be included in the Power Point presentation to the FOP on February 11, 2021:

- BWC only, includes training, para-legal, & start-up costs: \$781,246 for five years
 - +BWC system alone: \$343,320
 - +Para-legal/RTK: \$437,926
- BWC & ICV systems, includes training, para-legal, & start-up costs: \$852,641 for five years
 - +BWC & ICV system alone: \$414,715
 - +Para-legal/RTK: \$437,926
- Initial supporting equipment costs (vest carriers, computer, WAPS): \$12,600
- Increased annual costs; fleet and PD (cruiser changeovers & uniforms): \$3,250

Privacy concerns and RTK issues

During our current research we found much that was found in our 2015 research, that being benefits from the use of BWC systems exist for both citizens and officers alike. Some citizens would welcome the benefit of having an enhanced mechanism for police accountability and officers would have additional protection against unsubstantiated complaints of wrongdoing. There remains, however, concerns centered on unintended consequences with respect to citizens' rights to privacy. I say this with full knowledge of the successful implementation of these systems throughout our Country. However, the privacy issue is rarely examined concerning these systems.

These concerns could emerge locally or regionally from Right to Know (RTK) requests. Yes, the 2017 legislative changes assisted greatly in somewhat limiting BWC and ICV footage, but what is released still could, and almost certainly will, needlessly infringe on our citizens' privacy, whereby once obtained by the requestor there would be nothing to prevent the wide scale electronic proliferation through social media, and other platforms, of the material. A lingering question in our minds with the 2017 legislative changes to 91-A:5, Exemptions, section X (a) hangs on the first two words and their interpretation; Any detention. This could be interpreted that any contact with a person that resulted in even a short detention to investigate a crime, even if that subject was released as uninvolved minutes later, could be interpreted by some as releasable because it is not exempt under "any detention".

The New Hampshire Municipal Association (NHMA), during a RTK seminar on 1/21/21, stated their interpretation of this is that any arrest or short investigatory detention would be releasable under the RTK law. This could or invariably would drastically increase the numbers of audio/videos that would be available through the RTK process with the need to respond to these, which includes time consuming redaction. Thus, the para-legal position, to handle BWC and ICV RTK requests, as well as the current overwhelming number of police specific RTK's, is critical to not only the success of any BWC and ICV program, but managing the current RTK requests prior to the inclusion of any BWC and ICV program.

This RTK issue, as well as ongoing RTK volumes require the addition of either a para-legal at the Police Department, or an Assistant City Attorney under the CA's office, working from the Police Department, to handle both the current RTK volume as well as the increased RTK volume that is anticipated from the addition of these systems. I believe, regardless of whether we implement these systems or not, the RTK issue must still be addressed and a position added, either directly at the PD or through the City Attorney's office, to mitigate an

administrative burden created by RTK requests that is already unmanageable. Forgoing these systems for now, as recommended, would allow some of the costs avoided to be put to a position to address and mitigate the current City wide RTK volume and backlog, while awaiting State or Federal assistance on funding this program.