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Testimony in opposition of mandating law enforcement officers to wear body cameras and possible funding sources, including proceeds of Civil Asset Forfeiture

Joint Committee on Corrections and Juvenile Justice Oversight
Representative John Rubin, Chair

Mr. Chair and members of the Committee, on behalf of the Johnson County Sheriff's Office I offer background and perspective on mandated law enforcement body cameras.

The Johnson County Sheriff's Office is by no means opposed to the use of body worn cameras by law enforcement officers. In fact, our Road Patrol Deputies have been using body worn cameras since 2011, and we are currently phasing in body worn cameras for use in our Detention Division (jails). Eventually, we hope to equip most, if not all, of our Deputies who routinely interact with the public. For the Sheriff's Office, the cost is approximately \$800 per camera, to include the ancillary costs of docking stations, annual licensing and data storage. The company that provides our equipment, TASER International estimates the service life of these cameras to be approximately three years.

Considering the costs of the initial purchase of equipment along with the anticipated replacement every three years, the cost of annual licensing, the cost of data storage, and the on-going personnel expense required to manage, maintain, copy and disseminate the information contained in the database, it should come as no surprise that we are vehemently opposed to any unfunded mandates regarding law enforcement body cameras. We also oppose any sweeping of Civil Asset Forfeiture proceeds to purchase mandated law enforcement body cameras. This would be counter-productive to the effective acquisition, implementation and use of body worn cameras by Kansas law enforcement agencies.

The Johnson County Sheriff's Office is committed to continually exploring and implementing best-practices in all of our policies and procedures. At the request of numerous agencies, we have shared our TASER Axon Video/Audio Recording System Policy with them. We are providing you with our current policy and a draft revision form of our policy applying to our body worn audio/video recording equipment. This policy addresses the use of the cameras, the recordings, a reasonable expectation of privacy, non-enforcement activities, retention, and accountability. From Dispatching to Civil Service to Detention and Field Operations, law enforcement has a very broad and diverse set of responsibilities. It is my belief that best-practice policies and procedures regarding the use of body worn cameras by law enforcement should be left to the wisdom, experience and expertise of their agency heads to address the manner in which these responsibilities are met.

Please carefully consider these issues as you deliberate.

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SUBJECT: TASER AXON VIDEO/AUDIO RECORDING SYSTEM

2011-04

Date of Issue: 05/18/2011

Revised:

Amends:

Rescinds:

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Authority: Frank Denning, Sheriff



POLICY

The Johnson County Sheriff's Office has established standards and guidelines related to the capture and use of audio and video recordings via the Taser Axon video recording system. This system will be used to document events and capture data to be preserved in a web-based digital storage facility at Evidence.com. Once recorded, these recordings cannot be altered in any way and are protected with multiple layers of encryption.

DEFINITIONS

Audio Recording – Electronic recording of conversation or other spoken words.

Axon Tactical Computer (ATC) – A computer with a touch screen display that manages the video compression and storage which is then uploaded to Evidence.com.

Communications Hub – Connects the head camera to the Axon Tactical Computer.

Event Mode – In the Event Mode the ATC saves the buffered video and continues recording audio and video for up to 8 hours.

Evidence.com – An online, web-based digital media storage facility that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a security clearance.

Evidence Transfer Manager (ETM) – A docking station that simultaneously recharges the Axon Tactical Computer and uploads all data captured during the shift to Evidence.com. The ETM ensures that evidence handling is secure and not altered.

Head Camera – The audio and color video camera mounted on a fitted head bracket. The head camera can also be mounted on glasses, hats or helmets.

Normal (Buffering) Mode – The Axon continuously loops video recording for 30 seconds. It records only video in buffering mode.

Privacy Mode – Activating the privacy button places the audio and video in a sleep mode. The audio and video are not recording in this mode.

Taser Axon – Audio/video system consisting of primarily three components (Head Camera, Communications Hub and Axon Tactical Computer) worn on an officer to record events during his/her shift.

Video Recording – Electronic recording of visual images with or without audio.

GENERAL GUIDELINES

Johnson County Sheriff's personnel utilizing video and audio systems will adhere to the procedures outlined within this policy and within their divisions' procedure directives. The use of video and audio recording will be for the purpose of recording evidentiary data to assist in the enforcement and prosecution of federal, state and local statutes. It will also be used to provide an accurate record of an incident for investigative purposes, risk management, civil liability defense and enhancement of officer safety.

PROCEDURES

A. Taser Axon

1. Only those deputies who have completed approved training will be allowed to operate the Axon system.
2. Deputies will inspect the Axon system for any physical damage and to ensure the device is in working order at the beginning of their shift. Any problems will be reported immediately to their supervisor.
3. The Axon system shall be worn at all times the officer may become involved in an enforcement situation.
4. Deputies shall begin recording as soon as practical during a given situation and continue to record until the completion of the event, to include the recording of statements.
 - a. Once the situation stabilizes, if it is necessary to discuss issues or concerns with another officer or supervisor in private, the Axon may be temporarily muted or placed in Privacy Mode.
 - i. The intention to stop the recording will be noted by the deputy verbally on the Axon.
 - ii. As soon as the private conversation is completed, the Axon shall be returned to Event Mode.
5. When an incident arises that requires the immediate retrieval of a digital recording, (serious crime scenes, deputy involved shootings, department involved motor vehicle accidents), a supervisor shall respond to the scene to secure the ATC and maintain chain of custody.
6. Deputies shall document, in all reports, if the Axon system was utilized during an event.

7. The Axon shall not be used in Sheriff's Office locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
8. Deputies shall not record confidential informants or undercover officers.
9. The Axon will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
10. Deputies may allow citizens to review any video or audio recording with approval from a supervisor.
11. Deputies will immediately report to their direct supervisor any loss of, or damage to, any part of the Axon equipment.
12. Any deputy who intentionally disables or damages any part of the Axon system or who fails to activate or deactivate the system required by this policy without a justifiable reason, will be held accountable and subject to criminal and/or internal disciplinary action.

B. Media Storage for the Taser Axon

1. At the end of their shift, deputies shall place the Axon ATC into the Evidence Transfer Machine (docking station) for charging and uploading of media.
2. The ATC cannot be removed from the ETM until the data has been uploaded and the battery has been fully recharged.
3. The media captured via the Axon will only be uploaded to Evidence.com and used for official purposes only.
4. Headbands, glasses, helmet mounts and earpieces will be assigned and maintained by the individual deputy.
5. Deputies may use media captured, directly from the ATC or Evidence.com, to assist with the investigation and complete reports.
6. Media captured via the Axon may be used for training purposes with proper authorization from the Sheriff or his designee.
7. Media captured via the Axon will be accessed through www.evidence.com.
8. All recordings are the property of the Johnson County Sheriff's Office. No video or audio portions of a video will be released to persons outside the Sheriff's Office except as allowed for the release of record information.
9. Deputies will not make copies of any video or audio recording for personal use and are prohibited from using a recording device, such as a telephone camera or secondary video camera, to record media from Evidence.com or the ATC unit.

C. Review of Axon Media

1. Digital recordings shall be randomly reviewed by supervisors to monitor deputy performance, training, critique, early intervention inquiries, civil claims or administrative inquiry.
2. An investigator who is designated by the Sheriff or his designee and participating in an official Sheriff's Office investigation of a personnel complaint, claims investigation, administrative inquiry or criminal investigation may review specific incidents contained on digital recordings. Any other review will require the approval of the Sheriff or his designee.
3. Viewing rights and/or copies of media may be given to legal representation or media outlets only with the authorization of the Sheriff or his designee.
4. In no event shall any digital recording be used or shown for the purpose of deputy ridicule or embarrassment. This includes submission of any portion of a video to a media organization unless previously authorized by the Sheriff or his designee.

CURRENT

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**POLICY**

The Johnson County Sheriff's Office has established standards and guidelines related to the capture and use of audio and video recordings via the TASER Axon video recording system. Once captured, all Axon footage will be uploaded to Evidence.com, a web-based digital storage solution, for management.

DEFINITIONS

Body Worn Camera (BWC) – Digital video recording equipment worn on the deputy's body.

Event Mode – In the Event Mode, the camera saves the buffered video and continues recording audio and video.

Evidence.com – An online, web-based digital media storage solution that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The data is accessible to authorized personnel based upon a security clearance.

Evidence.com Dock – A docking station that encrypts and uploads existing digital footage to Evidence.com while recharging the battery.

Flex Camera – The audio and video camera mounted on a fitted head/body bracket. The flex camera can also be mounted on glasses, hats or helmets.

Normal (Buffering) Mode – The Axon continuously loops video recording for 30 seconds. It records only video in buffering mode.

Video Recording – Electronic recording of visual images.

GENERAL GUIDELINES

Johnson County Sheriff's personnel utilizing video and audio recording systems will adhere to the procedures outlined within this policy and within their divisions' directives. The use of video and audio recording will be for the purpose of recording evidentiary data to assist in the enforcement and prosecution of federal, state and local statutes. It will also be used to provide an accurate record of an incident for investigative purposes, risk management, civil liability defense and enhancement of officer safety.

PROCEDURES

A. Taser Axon General Information

1. Only those deputies who have completed approved training will be allowed to operate the Axon system.
2. Deputies should activate the BWC during all law enforcement related encounters and activities that occur while the deputy is on duty except where doing so would be unsafe, impossible, or impractical. When practical, deputies may inform individuals they are being recorded.
3. Deputies should begin recording as soon as practical during a given situation and continue to record until the completion of the event, to include the recording of statements.
 - a. Once the situation stabilizes, if it is necessary to discuss issues or concerns with another deputy or supervisor in private, recording may be stopped. The device should remain in the buffering mode so recording can quickly resume if necessary.
 - i. The intention to stop the recording should be noted by the deputy verbally on the Axon.
 - ii. As soon as the private conversation is completed, recording should be resumed.
4. Any deputy who fails to activate or deactivate the system without a justifiable reason will be held accountable and subject to internal disciplinary action. Intentionally disabling or damaging any part of the Axon system could result in criminal charges.
5. The Axon should not be used in Sheriff's Office locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
6. Deputies should not record confidential informants or undercover officers.
7. The Axon should not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
8. The use of privately-owned BWC systems is not authorized and is not permitted.

B. Taser Axon Maintenance

1. Deputies will inspect the Axon system for any physical damage and to ensure the device is in working order at the beginning of their shift. Any problems should be reported immediately to their supervisor.
2. Deputies will immediately report to their supervisor any loss of, or damage to, any part of the Axon equipment.

C. Video Evidence Retention

1. All recordings are the property of the Johnson County Sheriff's Office. No videos will be released to persons outside the Sheriff's Office except as allowed for the release of record information.
2. Deputies will not make copies of any video or audio recording for personal use. Deputies are prohibited from using a recording device, such as a telephone camera or secondary video camera, to record media from Evidence.com.
3. Axon camera recordings will be retained according to the Kansas Records Retention Schedule and will be managed by the Sheriff's Central Records Division.
4. Retention categories and retention will be set by Sheriff's Central Records as determined by the Kansas Historical Society.
5. All requests for axon media will be routed through Sheriff's Central Records.
6. At the end of their shift, deputies shall place the Axon into the Evidence.com Dock for charging and secure uploading of media.
7. Media captured via the Axon will only be uploaded to Evidence.com and used for official purposes.
8. Deputies may use media captured via the Axon camera to assist with their investigation and to complete reports.
9. Media captured via the Axon may be used for group training purposes with proper authorization from the Sheriff or his designee.

D. Critical Incidents

1. When an incident arises that requires the immediate retrieval of a digital recording, (serious crime scenes, deputy involved shootings, agency involved motor vehicle accidents), a supervisor shall respond to the scene to secure the Axon device.
2. Video from critical incidents should be categorized as restricted.

E. Axon Documentation

1. Deputies should document, in all reports, if the Axon system was utilized during an event and attach the appropriate case number (ID) to the video. This can be accomplished via smart device or computer.
2. Deputies should assign the evidence to the appropriate category for the purposes of retention.

F. Review of Axon Video

1. Digital recordings may be randomly reviewed by supervisors to monitor deputy performance, training, critique, early intervention inquiries, civil claims or administrative inquiry.
2. An investigator who is designated by the Sheriff or his designee and participating in an official Sheriff's Office investigation of a personnel complaint, claims investigation, administrative inquiry or criminal investigation may review specific incidents contained on digital recordings. Any other review will require the approval of the Sheriff or his designee.
3. Viewing rights and/or copies of media may be given to legal representation or media outlets only with the authorization of the Sheriff or his designee.
4. In no event shall any digital recording be used or shown for the purpose of deputy ridicule or embarrassment. This includes submission of any portion of a video to a media organization unless previously authorized by the Sheriff or his designee.

Retention rates for Axon media will be as follows:

Felony – 20 years

Misdemeanor – 5 years

Traffic Infraction – 3 years

Traffic Accident – 3 years

Use of Force – 3 years

Civil Evictions - 3 years

Non-evidentiary – 90 days

Uncategorized – Indefinite

Restricted - Indefinite

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