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Information Systems Advisory Body

County of Los Angeles



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November 8, 2016

TO: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Ali Farahani
ISAB Director

SUBJECT: Developing a Countywide Digital Evidence Management Strategy (Item No. 2, Agenda of July 12, 2016)

On July 12, 2016, your Board directed “the Information Systems Advisory Body in collaboration with the Executive Director of the Countywide Criminal Justice Coordinating Committee, District Attorney, Public Defender, Alternate Public Defender, County Counsel, Chief Executive Officer, and other public safety and justice partners to develop an implementation strategy for a Countywide Digital Evidence Management System (**DEMS**) based on open industry standards and report back to the Board of Supervisors in writing in 120 days.”

The Information Systems Advisory Body (ISAB) established a Committee that was comprised of representatives from the following agencies:

- Sheriff’s Department
- District Attorney’s Office
- Public Defender
- Alternate Public Defender
- Probation Department
- Los Angeles Superior Court
- Internal Services Department
- County Counsel
- Chief Executive Office
- Office of the CIO
- Countywide Criminal Justice Coordinating Committee
- Office of Inspector General
- Long Beach Police Department

The first meeting of the Committee was held on July 28th, 2016 and the Committee continued to meet bi-weekly between August 11 and October 6, 2016.

FINDINGS AND RECOMMENDATIONS:

The emergence of digital content as a common form of evidence in criminal cases has created a new business challenge for the criminal justice agencies in Los Angeles County. The growing volume of digital data as potential evidence, the variety of digital content types, the need to protect the authenticity and integrity of such data during the lifecycle of a criminal case, and the requirement for discovery and sharing of potential evidence and collaboration among justice agencies all demand an enterprise approach and the development of an integrated solution.

The Committee reviewed key criminal justice business process areas that involve the capture and management of digital content and technology areas that form both the application layers and the foundation and infrastructure for solutions to manage digital content in compliance with statutory and regulatory mandates.

The County of Los Angeles needs to develop a common infrastructure and an enterprise platform for digital evidence management to fully support the lifecycle of “digital” evidence for justice agency stakeholders within Los Angeles County, each of which has unique business requirements for the capture, storage, management, protection, and sharing of digital content that could become digital evidence. It is important to note that each stakeholder in the criminal justice system has unique business requirements for staff access, application functionality, software toolset to work with digital content, and management of digital content.

The system architecture of a Countywide digital evidence management system must meet multiple layers of business, functional, and technical requirements. The system must support a multi-modal integration framework based on open industry standards. These include methods for ingestion of content into the system and secure linkage and integration with departmental content and case management systems. The system must also comply with industry standards for protecting the authenticity of digital content using digital signatures. Protection of privacy, confidentiality requirements, user role-based access control, and audit logs are among other requirements for a reliable, trusted, and secure digital evidence management system. The Committee developed Figure 1 to depict a high-level architectural view of the scope and components of the system.

The lifecycle of digital evidence starts as content recorded by an electronic device. An electronic device captures and stores data on magnetic, optical, or solid-state drive (SSD) storage media. These data are stored in what is known as a “data file”. All digital content is stored as a file. Files have different formats depending on the type of data they encode (text, video, audio, medical imagery). Files can be in human or machine readable formats. A digital evidence management system stores, manages, and protects all data regardless of file content or format. The Committee emphasized the need to develop a digital evidence management system architecture that can manage all types and forms of digital evidence in line with the business requirements of all the stakeholders in the criminal justice system. Digital evidence could be generated or captured by Body Worn Cameras (BWC) or Closed-circuit television (CCTV), Crime Scene video and images, 911 calls or other audio recordings, video that is captured by the general public, private businesses or the media, documentation that is scanned and converted to digital files, digital content from computers, cellular phones, and other electronic devices.

County of Los Angeles Digital Evidence Management System

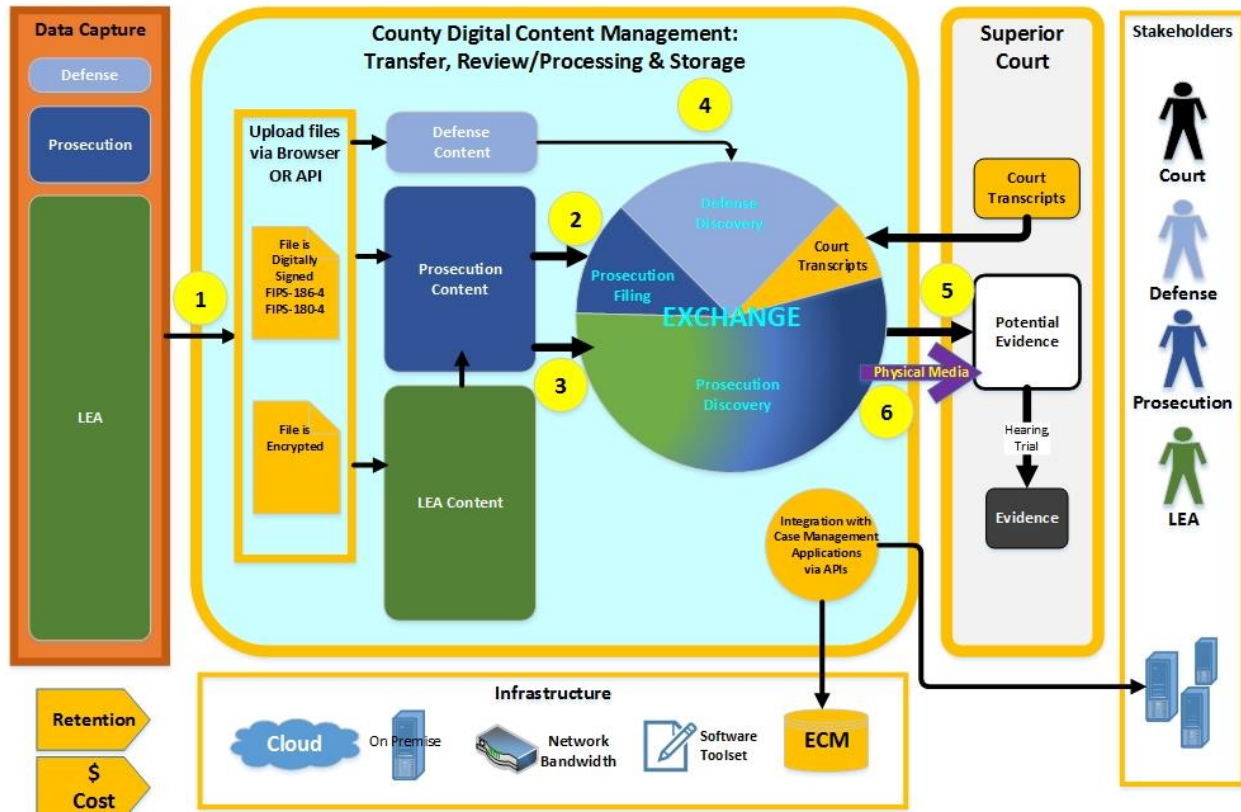


Figure 1

Digital evidence management systems not only serve as reliable repositories of content but also must meet the application functionality requirements of each of the stakeholders in the criminal justice system. These include digital content metadata management, search, annotation, creating derivative content from original, redaction, and transcription. The system must also support granular role-based content security and access control. Chain of Custody and cyber security requirements mandate that the system support audit logs for all access.

Enterprise digital evidence management systems serve a dual role: they allow each of the stakeholders in the criminal justice system to have a “private repository” to manage content that they own and at the same time facilitate “discovery” and the “moderated” transfer of content from one entity to another.

It is also important to note that any Countywide digital evidence management system must function in a heterogeneous systems environment. Los Angeles County criminal justice system stakeholders have major investments in a variety of technologies and it is a mandatory requirement that any DEMS system must support open industry standards for interoperability and integration with all stakeholder systems.

The Committee acknowledged that departments already have one or more line-of-business case and content management systems that are used to manage work, documents, and cases. The development of a Countywide digital evidence management system needs to consider how such a system could be integrated with existing departmental Enterprise Content Management (ECM) and Case Management Systems, and future BWC video collection application software.

There are several statutory and regulatory requirements that must be included in the design and implementation of a digital evidence management system. These requirements are put in place to protect the integrity of the system and its content and hence ensure trust and confidence in the system. The Committee reviewed the most relevant statutory and regulatory requirements as well as industry standards that should govern the implementation of a Countywide system.

Currently, the Superior Court does not support the electronic transmission of digital content as potential evidence. The Judicial Branch's Information Technology Advisory Committee will be considering "Digital Evidence Management" as an annual agenda topic for 2017. If it officially makes it on the list a "workstream" will be formed to establish court standards and modernize Court rules and legislation as they relate to digital evidence management. County's DEMS strategy must accommodate an eventual implementation of electronic submission of digital evidence by the court. Another important consideration is that the transmission of electronic evidence to the Superior Court must also be acceptable by the Court of Appeal.

The storage and management of large digital files within a digital evidence management system requires further research and evaluation of how the implementation and deployment of such a system and the consequential increase in bandwidth requirements could impact County's data network infrastructure.

RECOMMENDATION #1: County establish a Digital Evidence Management System Steering Committee to provide leadership and oversight in the development and implementation of a system to meet the business requirements of all criminal justice agencies in the County of Los Angeles.

RECOMMENDATION #2: County initiate a new project to develop and document the business requirements for a Countywide Digital Evidence Management System. We further recommend that ISAB engage the service of an expert consultant to work with County criminal justice agencies and partners to assist in gathering and developing the requirements to release an open solicitation for an information technology solution for digital evidence management by January 31, 2018.

RECOMMENDATION #3: A fiscal committee be created for developing comprehensive cost estimates and identify funding requirements for the development of a Countywide Digital Evidence Management System.

RECOMMENDATION #4: Internal Services Department to develop a plan to take adequate measures to ensure County's enterprise network infrastructure can accommodate the bandwidth requirements of County departments deploying systems that manage digital evidence.

HIGH-LEVEL REQUIREMENTS AND ANALYSIS:

The Committee examined the business process requirements of the four classes of stakeholders (law enforcement, prosecution, defense, and judicial) in the criminal justice system in the following seven categories:

1. Department's particular business requirements for digital evidence management
2. The types (and sources) of digital evidence for each department
3. How each department is currently managing digital evidence
4. The volume (number and size of digital files) of digital evidence currently managed by each department

5. How each department manages “digital” evidence compared to “evidence management” in general
6. Applicable “record retention” requirements for digital evidence for each department
7. Statutory requirements for sharing and access to digital evidence that each department has to comply with

The Departments’ responses were consistent, differing only in breadth, emphasis and detail. No one department’s requirement conflicted with another’s requirement. The individual responses are collated and are summarized below. The detailed responses are included as Attachment A.

- *Evidence Preservation; Authentication and Admissibility:* Contributors emphasized the importance of an expedient and flexible process for submitting content of all types while preserving its integrity and admissibility.
- *Evidence Review, Redaction and Analysis:* Contributors called for baseline performance and functionality consistent with standard digital forensics and e-discovery products, to include searching, viewing, redacting, excerpting, and annotating digital evidence within a collaborative environment.
- *Presentation:* Contributors emphasized the need to present evidence in a variety of settings, with and without network access. Attorneys emphasized the need for unrestricted access to qualified custodians and engineers for advice and testimony.
- *Users and User Experience:* Stakeholders called for a comprehensive, adaptive interface, compatible across platforms, to accommodate the broad spectrum of end-user needs and competencies. They highlighted the importance of swift user onboarding.
- *Scope:* Contributors stressed the importance of flexibility to accommodate unanticipated requirements and out-of-band storage.
- *Auditing and Compliance:* Stakeholders spotlighted the importance of detailed logging of user activity, and the necessity for immediate and unrestricted access by authorized information security personnel to native log files and other information relevant to the detection and investigation of information security incidents.
- *Information Sharing and Interoperability:* Stakeholders emphasized the need for fluid information sharing and efficient work flow amongst departments, their business associates and outside agencies, protected by strong safeguards to detect and prevent unauthorized or unintended exposure. They highlighted the requirements of open-standards, interoperability with industry standard digital forensics and e-discovery tools.
- *Security:* Throughout, contributors emphasized the necessity of data integrity, availability and confidentiality. They called for compliance with best practices including encryption in transit and at rest, implementation of CIS (Critical Information Security) controls, and comprehensive forensic readiness. Particular emphasis was placed on the necessity for swift reporting of information security incidents to, and full cooperation with, County law enforcement.

1. What are your department’s business requirements for digital evidence management?

- a. Evidence Preservation; Authentication and Admissibility

1. Material shall be stored in original format and all metadata shall be retained. Files must not be split or converted in any way.
 2. Submission process shall be swift and shall not create bottlenecks that tie up equipment or stymie personnel.
 3. Submission process shall be flexible to accommodate various sources of evidence.
 4. There shall be a simple, open source, repeatable means for proving that the file uploaded/downloaded was the file stored/requested (e.g. cryptographic hash computed and stored contemporaneous with upload).
 5. Chain of custody shall be recorded and maintained, based upon strong authentication.
- b. Evidence review, redaction and analysis
1. System must facilitate redaction, including advanced “smart” redaction for moving and still images, while retaining a pristine original.
 2. System must provide still and moving image analysis and enhancement functionality.
 3. System shall allow annotation and collaboration without modification of original.
 4. System shall provide search and selection functions that shall include: Index, keyword and RegEx (Regular Expression language) search, bookmarking and extraction. All search and selection functions shall be scriptable. Performance shall be consistent with industry norms.
 5. System shall accommodate multiple displays of varying resolution.
 6. Users must be able to work offline.
- c. Presentation
1. Users need to present evidence to colleagues, witnesses, experts and others, in a variety of settings.
 2. In court, lawyers need the ability to present evidence with or without reliance on courtroom facilities such as audiovisual systems and network connections.
 3. Investigations and court proceedings are fluid, fast paced and unpredictable. Trial teams must be able to react to court rulings and evolving facts without system-induced friction (e.g. redact on the fly).
 4. Vendor shall provide consultation during trial preparation and live testimony in court. A qualified custodian of records must be readily available for consultation regarding foundation and authentication issues. If trial deputy deems it prudent or necessary, qualified custodian and qualified engineer must be based in Los Angeles or an adjoining county, must be amenable to service of process, and available to testify without fee, providing expert witness testimony of their DEMS technology, when requested by County.
 5. Users shall be able to present evidence offline.
- d. Users and User Experience
1. The full feature set shall be available on all platforms (minimally Windows, OS X and iOS) and shall be fully accessible using any common browser (minimally Chrome, Explorer and Safari). Applications shall be fully compliant with each platform’s human interface guidelines.
 2. System must offer a dashboard style interface capable of managing all digital evidence, and customizable based on role and individual user preferences.

3. System must accommodate varying levels of user skill and sophistication, with a gentle learning curve for basic functions.
 4. The authentication scheme shall allow for access by law clerks and outside experts, without a lengthy approval process.
- e. Scope
1. The system and related policies shall provide flexibility to accommodate unanticipated requirements and out-of-band storage.
- f. Auditing and Compliance
1. System shall record, maintain and retain a detailed audit trail of all user activity, attempted or completed.
 2. Vendor shall provide immediate and unrestricted access by authorized information security personnel to native log files and other information relevant to the detection and investigation of information security incidents.
- g. Information sharing and interoperability
1. The system shall provide the tools necessary for information sharing and work flow amongst all the stake holders, their business associates and outside agencies. For example, the system must allow police agencies to exchange BWC and other evidence, facilitate electronic submission from third parties to police, from police to prosecutor, from prosecutor to defense, from attorneys to experts and to the court.
 2. The system shall organize all digital evidence by case and allow synonymous naming to accommodate stakeholders' case numbering conventions.
 3. All information, including original material, metadata and work product, shall be portable without additional cost, to assure continuity and independence. Upon the completion or termination of Agreement, Vendor shall submit to the County at no cost, all data, in County designated and requested formats and media, including with all corresponding metadata.
 4. System shall facilitate compliance with court rules regarding admission of audiovisual exhibits, court orders for the duplication of evidence and disposal.
 5. System shall be compatible with industry standard digital forensics and e-discovery tools (e.g. EnCase, FTK, IEF, Nuix, e-discovery platforms).
 6. System shall convert proprietary file format to open-standard format, while preserving intact the original file.
 7. System shall provide strong safeguards to prevent accidental publication, i.e.: mistakenly sending the wrong content to the wrong person.
 8. System shall provide strong safeguards to detect and prevent deliberate or inadvertent exfiltration, modification or destruction.
- h. Security
1. All digital evidence and other customer data shall be stored in a secured environment, free from intentional and unintentional access, contamination, modification and destruction.
 2. System shall provide Reasonable Security, at a minimum compliance with the CIS top 20 critical information security controls.
 3. All digital evidence and other customer data shall be encrypted at rest and in transit.
 4. Vendor shall notify County within four (4) hours of detecting an information security incident. The term "information security incident" includes any actual or suspected adverse event, attempted or completed, including *inter alia*, unauthorized

account access; unauthorized data exposure, disclosure, modification or destruction; disruption or denial of availability; compromise of network or systems used by the County or on which County data are stored.

5. All system and network components must be configured to record and preserve evidence in order to facilitate the discovery, investigation, and possible prosecution of unauthorized access, whether attempted or completed.
6. Vendor shall cooperate fully with law enforcement in the investigation of information security incidents, including determination of incident scope. Vendor shall not demand legal process except when required by law.

2. What are the types (and sources) of digital evidence for your department?

- a. Sources:
 1. Incident created (BWC Video, crime scene photos, incident reports, etc.)
 2. Investigator created
 3. Investigator/DA captured/retrieved
 4. Produced by legal process, consent
 5. Provided by outside agencies, crime victims, defense attorneys, witnesses
- b. Types
 1. Reports and documents (doc, pdf, xls, txt, etc.)
 2. Still images
 3. Moving images (many formats, surveillance, BWC, dash cam, cell phone)
 4. Audio recordings (many formats)
 5. Forensic (cell phone and other images, log files, etc.)
 6. Binary images, E01's
 7. Proprietary/specific formats (eg: evtx, pst)
 8. CAD files
 9. Additional types emerge regularly
- c. Special issues
 1. Child Pornography (CP)
 2. Malware
 3. Forensic images (file sizes > 1 TeraByte)
 4. Heterogeneous file formats, malformed, fragmented data
 5. Encrypted
 6. Compressed

3. How is your department currently managing digital evidence?

- a. Mostly on physical media (DVD, flash drives, etc.)
- b. Internal file shares
- c. Some BWC video from LAPD and other agencies on evidence.com (cloud-based)
- d. Some transferred by other means (secure FTP, other file sharing)
- e. High Tech Crimes evidence managed by DA's Bureau of Investigation

4. What are the volumes?

- a. Because much of the evidence is managed by individual attorneys on physical media, it is difficult to estimate volumes.

- b. However, some information is available based on the LAPD Pilot of evidence.com. For 4 pilot divisions, approximately 1 year, there is 2 TeraByte of video data referred to the District Attorney.
- c. Also, the DA Bureau of Investigation Sound Lab, which handles digital recordings processes and stores 3.5 – 4.0 TeraByte annually.

5. How does “digital” evidence management tie to “evidence management” in general?

- a. Digital evidence management is ideally a subset of evidence management in general. However, the nature of it is such that it lends itself to better storing and tracking the information.
- b. Both digital and material evidence are subject to the same chain of custody and discovery protocols.
- c. The Bureau of Investigation currently separates digital evidence management from material evidence but is proposing to upgrade material evidence management to an electronic evidence collection and management system.

6. What are the applicable “retention” requirements for your digital evidence?

- a. 5 years for misdemeanor case files and evidence
- b. 25 years for felony case files and evidence EXCEPT as provided below:
- c. Indefinite for life and capital case files and evidence
- d. 5 years for declined cases, after declined for further action

7. What are the statutory requirements for access to digital evidence that your department has to comply with?

- a. Criminal Justice Information Services (CJIS) Compliance (28 CFR Part 23)
- b. Standards set by International Association for Property and Evidence, Inc. (IAPE)
- c. Cal. Pen. Code sec. 1546 et seq (CalECPA)
- d. California Evidence Code
- e. Federal Rules of Evidence
- f. Title III
- g. Adam Walsh Act (Child Pornography)
- h. Special situations – trade secrets, protective orders, special privacy orders (census data, federal tax returns), Protected Health Information (PHI), Department of Children and Family Services (DCFS), juvenile offender records
- i. Highly sensitive documents: proffers, plea negotiations, grand jury materials
- j. Cal. Civ. Code § 1798.81.5(b) (Data breach reporting)
- k. County Code Requirements, including BOS 6.100 et. seq.

Honorable Board of Supervisors

November 8, 2016

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c: Chief Executive Office
Executive Office of the Board of Supervisors
Countywide Criminal Justice Coordinating Committee
Office of the CIO
County Counsel
District Attorney
Sheriff
Public Defender
Alternate Public Defender
Probation
Los Angeles Superior Court
Office of Inspector General
Internal Service Department

ATTACHMENT A

A. Sheriff's Department

1. [incorporated above]
2. What are the types (and sources) of digital evidence for your department?
 - a. All evidence that is currently, or can be converted to, digital evidence, including but not limited to:
 1. BWC video
 2. Audio files (i.e., 911 calls)
 3. Photo stills (crime scene)
 4. Citizen uploaded Digital Evidence (DE)
 5. Search warrant obtained DE (i.e., mirroring a Smart Device)
 - b. Currently, all DE submitted to the CA/DA are provided on hard media and hand delivered
 - c. There are many current LASD systems that have digital files (e.g., SECDA, Mideo, CCTV), but only DE identified as evidence that's transferred to other law enforcement and justice agencies will utilize DEMS for an electronic transfer
 - d. LASD's long-term goal is to submit/file a case to the DA or CA electronically, thereby eliminating or greatly reducing physical delivery
3. How is your department currently managing digital evidence?
 - a. Digital media inventoried in PRELIMS as hard media (e.g., DVD, SD card)
 - b. Sent to DA on digital media devices (DVD, Smartcard, Flash Drive, etc.), or in hardcopy (photographs, reports, and other pertinent documentation)
 - c. When required, photo or video analysis or enhancement is performed by high-tech task force or crime analysts
4. What are the volumes?

LASD conservatively estimates between 6 and 11 petabytes of DE upon full BWC deployment, with an increase for cases (e.g., murder, rape) where DE is retained indefinitely. Upon LASD's Phase I deployment, more accurate estimates will be provided
5. How does "digital" evidence management tie to "evidence management" in general?

LASD's 'evidence management' system is PRELIMS, where that system's focus is physical evidence. Presently, digital evidence resides on a media device (e.g., DVD, SD card) and it's that device that's inventoried in PRELIMS (where its movement is tracked). As more and more evidence is collected in digital format, the process will most likely change, where DEMS takes precedence
6. What are the applicable "retention" requirements for your digital evidence?
 - a. 2 years (infractions, non-criminal and other business records)
 - b. 9 years (misdemeanors and felonies)
 - c. Indefinite
7. What are the statutory requirements for access to digital evidence that your department has to

- comply with?
- a. CJIS Compliant and/or current cyber security best practices
 - b. California Assembly Bill 69
 - c. California Evidence Code Compliance
 - d. Federal Rules of Evidence Compliance
 - e. County Code Requirements
 - f. LASD MPP Requirements
 - g. Justice Information Sharing Initiative Compliance

B. District Attorney

The District Attorney’s Office manages digital evidence in several key areas: Prosecution, Investigation, and Cyber Investigation Response.

DA – Retention Periods

<i>Title</i>	<i>Description</i>	<i>Retention Period</i>	<i>Authority Citation</i>
Bad Check Program Files	Includes: Accounting documents, payment schedules, police reports, contract documents, bank statements, affidavits, correspondence, and related records.	5 years after case closed	
Criminal Case Declined Files	Contains cases investigated and formally declined for further action by the office. Includes: Police or Sheriff’s reports, witnesses’ statements, evidence gathered, investigation materials, and related records	5 years after case declined for further action	
Criminal Case Files-Felonies	Includes: Police or Sheriff’s reports, motions, affidavits, witnesses’ statements, criminal records of defendants, working papers and notes developed by Prosecuting Attorney used in preparing the case for prosecution and other supporting documents relative to case.	25 years after case closed or permanent, depending on type of case	California Attorneys for Criminal Justice (CACJ) v County of Los Angeles- BC161572
Criminal Case	Includes: Police or Sheriff’s reports,	5 years after case	California Attorneys

Files-Misdemeanors	motions, affidavits, witnesses' statements, criminal records of defendants, working papers and notes developed by Prosecuting Attorney used in preparing the case for prosecution and other supporting documents relative to case.	closed	for Criminal Justice (CACJ) v County of Los Angeles-BC161572
Open Investigation Case Files	Contains open cases under investigation by the office. Includes: Police or Sheriff's reports, witnesses' statements, evidence gathered, investigation materials, and related records	Review annually for continued retention or move to Criminal Case Declined Files	
Victim Assistant Case Files	Includes: Victim profiles, witness testimony, investigation materials, and related records.	5 years after case closed	

C. Public Defender and Alternate Public Defender

1. [incorporated above]
- 2) What are the types (and sources) of digital evidence for your department?
 - a) The PD attorneys and support staff often request USB Flash and Hard drives for video and documents. Video files are increasing especially with the body cam worn videos.
 - b) We anticipate that all PD Investigators and Attorneys will be obtaining videos via PD provided media from all justice agencies such as LEA's and DA's.
 - c) Types of files can be:
 - i) PDF
 - ii) MS Office type documents
 - iii) Video – all formats (including Proprietary formats)
 - iv) Audio – all formats
 - v) Photos – all formats
- 3) How is your department currently managing digital evidence?

The Public Defender currently does not have an adequate method to store digital evidence. Currently, IT is currently providing external hard drives and USB Flash Drives to attorneys and paralegals. We also provide Box.com Cloud storage as a means to upload discovery and videos from LEA's and from the DA's.
- 4) What are the volumes?

We currently receive most videos from the DA, Law Enforcement Agencies, and other justice partners. However, the Public Defender must provide their own media such as Flash or Hard drives to obtain the videos. The size of the media has increased to 1 – 3 TB requests due to the

increase of video uploads as opposed to documents.

- 5) How does “digital” evidence management tie to “evidence management” in general?
Paper evidence and digital evidence will ultimately need to be archived. Most evidence are scanned into PDARTS and digital evidence are archived at our warehouse as non-scannable items. Currently, there is no marriage of the two types of evidence as whole.
- 6) What are the applicable “retention” requirements for your digital evidence?
The statutory retention requirements is currently for the life of our client.
- 7) What are the statutory requirements for access to digital evidence that your department has to comply with?
 - a) CJIS Compliance (28 CFR Part 23)
 - b) Standards set by International Association for Property and Evidence, Inc. (IAPE)
 - c) Cal. Pen. Code sec. 1546 et seq (CalECPA)
 - d) California Evidence Code
 - e) Federal Rules of Evidence
 - f) Title III
 - g) Adam Walsh Act (Child Pornography)
 - h) Specific privacy issues – trade secrets, protective orders, special privacy orders (census data, federal tax returns), PHI, DCFS, juvenile offender records
 - i) Cal. Civ. Code § 1798.81.5(b) (Data breach reporting)
 - j) CA Bar Rules of Professional Responsibility (duties of confidentiality, loyalty and candor)
 - k) County Code Requirements, including BOS 6.100 et. seq.
 - l) California BAR mandate to keep case files and video indefinitely for the life of the client.

D. Probation Department

1. [incorporated above].
- 2) What are the types (and sources) of digital evidence for your department?
 - a) Sources:
 - i) Investigator created
 - ii) Produced by legal process, consent
 - iii) Provided by outside agencies
 - b) Types:
 - i) CCTV video footage
 - ii) Audio Recording
 - iii) PDF documents
 - iv) Still Photos
 - v) Court Reports, Digital Image
 - vi) Email
- 3) How is your department currently managing digital evidence?
 - a) ISD eCloud service for documents
 - b) O365 for emails
 - c) CCTV footage are store in local servers

- d) DVDs
 - e) USBs
 - f) External hard drive
- 4) What are the volumes?
- a) CCTV video footage – 1,176 PB (1,176 TB)
 - b) Audio Recording – 800 TB
 - c) Documents and Still Photos – 10 TB
 - d) Court reports (pdf) and digital image – 3 TB
 - e) Email – 12 TB
- 5) How does “digital” evidence management tie to “evidence management” in general?
Probation’s PEDMS (Probation Enterprise Document Management System) store all Court Reports and related digital images. Presently, digital evidence is shared and resided on a media device (e.g., DVD, SD card, external hard drive)
- 6) What are the applicable “retention” requirements for your digital evidence?
- a) 1 year (365 days) – CCTV video footage from Camps and Halls
 - b) Physical files – 5 years post jurisdiction termination
 - c) Civil Litigation purposes – 7 years
 - d) Email – 5 years with a litigation hold of indefinite
- 7) What are the statutory requirements for access to digital evidence that your department has to comply with?
- a) CJIS Compliance
 - b) California Evidence Code Compliance
 - c) Federal Rule of Evidence Compliance
 - d) County Code Requirements
 - e) California Assembly Bill 69

E. Superior Court

1. [incorporated above].
2. What are the types (and sources) of digital evidence for your department?
Typically, the court receives audio recordings, video recordings, and digital photographs as evidence, received via CDs, DVDs, or flash drives generally.
3. How is your department currently managing digital evidence?
Currently, digital evidence is stored on CDs, DVDs or flash drives (on rare occasions: VHS and cassette tapes) prior to being submitted to the court as evidence. California Rule of Court 2.1040 requires a transcript to be submitted along with an electronic recording presented as evidence.
4. What are the volumes?
Unknown at this time for the court.

5. How does “digital” evidence management tie to “evidence management” in general?

The court's chain of custody and related documentation are imperative once evidence is introduced in a court proceeding. Exhibits must have an evidence tag affixed to it for identification purposes (how digital evidence would be tagged should be a key discussion point). Controlled access to evidence, digital or otherwise, is required. The court needs to maintain documentation regarding who viewed the exhibits and when, and whether or not the exhibits were reproduced. In addition, evidence introduced as a trial court exhibit must be disposed of when the retention requirements have been met, as set forth in Penal Code 1417 and Code of Civil Procedure 1952.

6. What are the applicable “retention” requirements for your digital evidence?

For criminal/juvenile exhibits, the retention requirements are set forth in Penal Code 1417. For civil exhibits, the retention requirements are set forth in Code of Civil Procedure 1952.

7. What are the statutory requirements for access to digital evidence that your department has to comply with?

The chain of custody of evidence must be retained at all times, including documentation of who accessed the evidence and when. In addition, the court must allow access to evidence for viewing and/or reproduction purposes after application and order has been made (exceptions apply).



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



June 2, 2017

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

DEVELOPMENT OF A PLAN TO IMPLEMENT BODY WORN CAMERAS

Thank you for your support and the opportunity to provide a thoughtful and deliberate consideration in developing a plan to implement body worn cameras (BWC) for Los Angeles County. The Los Angeles County (County) Sheriff's Department (Department) has convened two countywide working groups comprised of a number of specialists in law enforcement, technology and data systems, police oversight, and criminal defense and prosecutions. We have studied best practices of numerous other policing agencies, including those who have deployed BWC technology. We continue to benefit from the lessons learned by police and local governments across the country, including a significant discovery that technology alone does not guarantee a conclusive finding of fact in every review of a dynamic recorded call for service.

While we face these challenges, I stand in agreement with the Honorable Board, other elected officials, and law enforcement leaders throughout the nation in the belief that equipping law enforcement officers with BWC can still further improve trust and confidence in the communities we serve. This opportunity also conveys a deep responsibility to consider all aspects and implications of deploying BWC technology that go beyond the deployment of a video recording device.

The introduction of BWC technology into the criminal justice system will fundamentally transform the manner in which we perform our duties. Indeed, BWC will enable law enforcement to collect better, more objective evidence for criminal investigations, provide law enforcement agencies greater ability to review its performance and practices, and provide the public an opportunity to engage in an important discussion about law enforcement actions and crimes that garner interest.

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Moving forward, the opportunity today is for the County to judiciously consider the more complex details of the nation's largest Sheriff's Department's deployment of BWC technology. We must ensure this is done in a manner that meets the expectations of our public for police accountability, while increasing the integrity of the evidence discovery and the potential ability for triers of fact to personally witness incidents, word for word, as the law enforcement officer saw and heard it.

How we capture, store, secure, analyze, interpret, and share the video will have a direct correlation to the integrity and credibility of our criminal justice system.

For most of us, we equate new technology with faster processes and time savings. However, BWC video creates an entire new workload for law enforcement.

BWC technology easily enables us to capture a higher level of detail from all law enforcement interactions and record statements from any person involved in a criminal investigation. This will result in an increase in evidence for each investigation. With the ability to collect better and more evidence through BWC recordings, comes the obligation to review the additional video evidence in an attempt to hold those guilty of committing crimes accountable and freeing those who are innocent of crimes. In order to fulfill this obligation and properly implement such a program, additional investigative personnel will be required for the Department.

BWC technology will provide law enforcement supervisors and managers the opportunity to review the performance of their staff through random auditing and evaluation following critical incidents. The Department presently performs thorough examinations of all critical incidents such as any use of force, vehicle pursuits, foot pursuits, citizen complaints, claims of damages, lawsuits or any other action that places the Department or its members in a position of risk of injury or other loss. These review processes will benefit from the addition of multiple videos from each incident, and like criminal investigations will also create a new workload for all involved.

The Department has made great strides in modernizing its practices and in order to continue with our thorough review processes, will require additional supervisory positions to review the new videos associated with each incident.

I have made it known for more than two years that any implementation of BWC for the Department will include a path for the public to obtain BWC video. Most California law enforcement agencies utilize the current protections afforded by state law that allow BWC videos to be classified as evidence, thus denying the release of any video. It is my intent to provide a path that conforms to current state law for the public to request access to videos through a formal process. This process will also create another new workload. Facilitating access to BWC video will require additional personnel to review video, determine if it is evidentiary to an active investigation, redact audio or video that

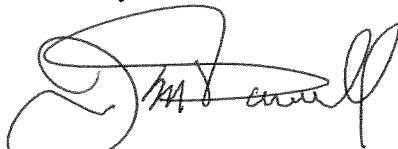
captures information that is not eligible for release, and complete the request for the video. Even as we continue to work on this process, new questions about the release of video to the public are being raised by civil rights groups who once advocated for the public access to these videos.

In the accompanied attachment, you will find the requested plan for implementation. We have developed a four-year plan, which will address BWC implementation as a phased approach. Implementation of the BWC program for the Department will require the purchase of 5,895 BWC, annual service costs for video storage, infrastructure upgrades, and an additional 239 positions. This will roughly translate into an annual cost of approximately 55 million dollars upon full deployment.

My staff, with the collaborative help of our County partners, worked incredibly hard to prepare this comprehensive report. I am honored and pleased to present it to the Honorable Board. It is a comprehensive and detailed plan that allows us to discharge our duty in a fair manner that provides each member of our community their right to procedural justice.

I look forward to working with the Honorable Board on the next steps toward implementation of a comprehensive BWC program for the County.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDonnell", written over a large, stylized circular flourish.

JIM McDONNELL
SHERIFF



Body Worn Camera Plan

Presented by:
Sheriff Jim McDonnell
The Los Angeles County Sheriff's Department

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Introduction

On July 12, 2016, the Board of Supervisors requested the Sheriff to report back with a body worn camera plan within 120 days. The Board's motion stated, "A plan to implement body-worn cameras in the shortest timeframe possible and in a manner that makes best use of partnerships with other agencies, including the Los Angeles County District Attorney's Office, the Los Angeles Police Department, the Office of Inspector General, the Public Defender, and the Alternate Public Defender." In order to accomplish this task, the Sheriff's Department was given an extension in order to further evaluate policy issues which would impact staffing and the proposed budget.

In response to the Board's motion, LASD organized a Countywide BWC Implementation Workgroup consisting of justice partners from the Los Angeles County District Attorney's Office (LADA), Public Defender (PD), Alternate Public Defender (APD), Probation, Office of Inspector General (OIG), Chief Executive Officer (CEO), CEO Chief Information Officer (CIO), Internal Services Department (ISD), Information Services Advisory Board (ISAB), County Counsel, Countywide Criminal Justice Coordination Committee (CCJCC), Superior Court and Los Angeles Police Department (LAPD). The workgroup was further divided into three separate subcommittees consisting of Fiscal, Technical, and Policy, which met regularly and reported progress to the Countywide BWC Implementation Workgroup.

Research

Early on, the Los Angeles County Sheriff's Department recognized the importance of the BWCS technology and worked with ISD Purchasing & Contract Services Division (PCS) on releasing "Request for Information" bid # RFI-IS-142001-1, for a no-cost Test & Evaluation (T&E). LASD selected four different manufacturers' products to test between September 2014 and March 2015. This provided the opportunity to test different cameras, video file management software, and cloud-based storage solutions. One patrol station from each of the four LASD Patrol Divisions participated in the T&E.

The BWCS T&E concluded in March 2015. Following the T&E, and prior to the Board of Supervisor's motion, LASD facilitated focus group discussions with the personnel that participated in the BWCS T&E. These group discussions included representatives from the OIG and LADA. This led to the foundation for LASD to create preliminary BWC specifications for a future procurement. In addition, the LASD created and led a Public Safety BWC Collaboration Group (different than the Countywide BWC Implementation Workgroup mentioned above) consisting of Los Angeles County police agencies, California Highway Patrol, Los Angeles County District Attorney's Office, Los Angeles City Attorney's Office, and the Los Angeles County Probation Department. This group discusses BWC policies, products, and individual agency deployments. Further, LASD worked closely with other law enforcement agencies, researched relevant emerging BWC technology, and closely collaborated with OIG, LADA, Probation, and ISAB. LASD has kept abreast of constant improvements in BWC technology and other agency's BWC implementations.

Moreover, the Sheriff's BWC team has conducted extensive research and attended several body worn camera training events since 2014 to keep informed of the latest and emerging BWC technology. Members of the Sheriff's BWC team attended the following events:

- International Association of Chiefs of Police (IACP) Conferences, in 2014, 2015 and 2016
- IACP Law Enforcement Information Management Conference (San Diego, CA)
- California Public Records Act training course (San Bernardino, CA)
- California District Attorneys Association National Body Camera & Technology Summit, (Anaheim, CA)
- Peace Officers Standards and Training (POST) Body Worn Camera Patrol Officer Course (San Diego, CA)
- POST Body Worn Camera Management Course (San Diego, CA)
- Force Science Body Worn Camera, (Chicago, IL)
- Major City Chiefs and County Sheriff's Body Worn Camera - Building a Secure and Manageable Program for Law Enforcement Course, in Washington D.C.
- Bureau of Justice Assistance (BJA) Body-Worn Toolkit Expert Panel (Washington, D.C.)
- California State Sheriff's Association Body Worn Camera Panel (Sacramento, CA)

The results of the BWCS T&E and the subsequent research has enabled the LASD to develop an understanding of the policies, needs and challenges of body worn camera programs in effect by other law enforcement agencies throughout the nation.

New Workloads

The Los Angeles County Sheriff's Department has identified several new workloads with the creation of a body worn camera video program. These new workloads will require additional personnel in order to implement a BWC program for this Department. The impacted areas include the additional work by uniformed patrol deputies and handling case detectives for criminal investigations, supervisors performing administrative reviews, digital evidence management and video forensics.

Criminal Investigations

Criminal investigations typically begin when a uniformed patrol deputy responds to a call for service or conducts a self-initiated action (traffic stop or pedestrian stop). In these instances, multiple deputies are commonly at the same scene. These incidents often result in open charge arrests or the initiation of an active investigation.

The patrol deputy must document the incident in the form of a criminal report, and submit it to their supervisor for review and approval. After review of the written report, the supervisor assigns the investigation to an investigative unit, either a patrol station detective bureau, or a specialized bureau within the Detective Division.

Presently, LASD detectives are required to conduct a thorough review of all written crime reports to examine the facts of the case, examine physical evidence, crime laboratory reports, and crime scene photographs to ensure the investigation was correctly completed, and appropriate person(s) are identified as perpetrators. Detectives must perform any additional investigation required; attempt to resolve conflicting statements; identify and collect additional evidence; ensure proper investigative procedures were followed; and present a completed case to the District Attorney's Office for filing of criminal charges.

The LASD anticipates a significant increase in workload for detectives with the introduction of body worn camera video evidence. Detectives will additionally be responsible for identifying and collecting all body worn camera video evidence captured. This may include body worn camera video captured by assisting law enforcement officers from outside agencies. Detectives will review body worn camera video evidence and ensure the accuracy of the investigation performed before presenting the video evidence to the District Attorney's Office.

Administrative Review Processes

The LASD performs administrative reviews resulting from a multitude of events, including: Any use of force, obstruction arrests, service complaints, traffic collisions, vehicle pursuits, foot pursuits, civil claims, law suits, personnel injuries, and significant incidents necessitating review. BWC videos will provide the administrative reviewer an increased ability to determine legality, policy adherence, and performance. This will also add an exorbitant amount of time to this process.

Presently, supervisors who perform these administrative inquiries are required to identify and interview all witnesses, document the incident and scene, interview LASD personnel, review the written reports and interview any suspects. The creation of BWC video will increase the amount of time required to conduct the administrative inquiry and for the involved unit's command staff to complete the review process.

Take for example an incident where nine LASD personnel were on scene during a use of force incident that lasted for just over 25 minutes. If each LASD member was equipped with a BWC, approximately 228 minutes of video evidence would be created. Each video would require individual viewing by the supervisor, as each BWC would capture different angles of the incident, different audio statements, and different recordings of the scene. The illustration that follows on the next page provides additional visual details about the entire review process.

Critical incidents, such as deputy involved shootings, significant uses of force resulting in hospitalization, and in-custody deaths would be investigated by the Internal Affairs Bureau and additionally reviewed through the rank of division chief, as well as other internal and external review committees. The creation of body worn camera video would add additional workloads to these entities as well.

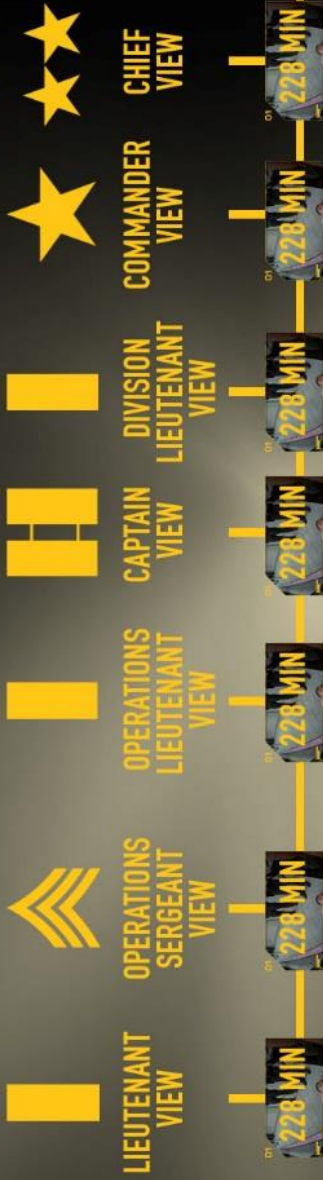
9 PERSONNEL ON SCENE
 9 VIDEOS OF INCIDENT
 25:24 PER VIDEO
NEARLY 4 HOURS OF VIEWING



VIDEO/VIDEOS



SERGEANT VIEW



PUBLIC DEFENDER VIEW



DISTRICT ATTORNEY VIEW



DETECTIVE VIEW

BODY WORN CAMERA PROJECT



Digital Evidence Management

Body worn camera videos will create an exorbitant amount of digital video evidence which must be collected, cataloged, and retained. In order for these records to be efficiently retained and retrieved, patrol deputy personnel will be required to enter additional meta-data associated with each video file during the course of their work day. On occasion, BWC videos may be ingested into the digital video management software system and stored without the proper meta-data. As other law enforcement agencies have experienced, management personnel will be required to perform audit reports and ensure corrective actions are taken and the records are properly updated.

The LASD anticipates public records requests for body worn camera videos. This new workload will require personnel to review video and determine evidentiary significance. The video will be redacted to prevent the release of evidence or confidential records.

Personnel responsible for managing digital evidence will be needed to assist for records requests resulting from civil proceedings, additional criminal proceedings, administrative requests, and provide expertise for proceedings regarding the chain of custody for digital evidence.

Video Forensics

Based on known limitations and distortions which occur in video recordings, the LASD will designate select body worn camera personnel to participate and complete a certificate program for becoming a video evidence specialist.

The certified video evidence specialist personnel will be capable of reporting distortions in videos to detectives, supervisors and executives. Distortions can be caused by changes in frame rate due to lighting conditions, lens distortions, resolution distortions, audio distortions based on distances between the camera and the incident, and compression distortions, such as events overlaying one another on a video even though they happened at different points in time. These distortions are all capable of altering the viewer's perception of the video and impact the outcome of an investigation. The specialist will also be able to demonstrate any video limitations in court and in administrative proceedings. This certification is an emerging field in law enforcement and has generally been outsourced. The implementation of a body worn camera system for the LASD will require this expertise to be internalized, as the cost of outsourcing services will become cost prohibitive, particularly with the amount of critical incident reviews the LASD faces each year.

BWC Policy

County Department Policy

Impacted County Departments held several meetings to develop a roadmap for BWC workflows. The Departments will enter into an MOU outlining the agreed workflows, policies, security and privacy obligations. An MOU and agreed policies will be developed by department representatives.

As instructed in the Board of Supervisor's motion, LASD formed a policy subcommittee with our County justice partners. The subcommittee agreed each County Department using BWCs, or reviewing BWC video files should develop their own policies to meet their department's needs. All departments agreed to utilize the Federal CJIS standard for security. All departments concurred evidence handling will be greatly improved by sharing digital evidence as a web link within an email, or through an interface within a Digital Video Management System (DVMS). Further, the subcommittee acknowledges LAPD and other police agencies in Los Angeles County who have implemented a BWC are already sharing digital evidence via a link to justice partners. The Superior Court currently requires physical media (e.g., DVDs, USB drives); however, it is their intent to pursue a policy on accepting digital evidence.

LASD Department Policy

LASD recognizes the importance of a comprehensive BWC policy in place prior to implementation and has conducted extensive research on the subject, including but not limited to the following:

- Police Executive Research Forum for the Office of Community Policing Services, implementing a Body-Worn Camera Program: Recommendations and Lessons Learned (Police Executive Research Forum, n.d.)
- International Association of Chiefs of Police, Body-Worn Cameras Model Policy and Paper (International Association of Chiefs of Police, n.d.)
- Bureau of Justice Assistance, Body-Worn Camera Toolkit (Bureau of Justice Assistance, n.d.)
- Clear Body Camera Report (State of Michigan, n.d.)
- Los Angeles County Sheriff's Department Office of Inspector General Report (Max Huntsman, n.d.)
- Los Angeles Police Commission Comparative Review of Selected Policies, Investigations, and Training on the Use of Force (Los Angeles Police Commission, 2016)

In addition, LASD reviewed BWC policies from police agencies across the nation and established a Public Safety BWC Collaboration Group. Further, the LASD BWC team began meeting with the following stakeholders for their input and recommendations:

- Unions – Association for Los Angeles Deputy Sheriff's (Leeuwen, n.d.)

- Community Groups
- Office of Inspector General (Max Huntsman, n.d.)
- American Civil Liberties Union (American Civil Liberties Union, n.d.)
- Los Angeles County District Attorney's Office
- Other Justice Partners (i.e. Probation Department, Public Defender's Office, etc.)

Key Policy Issues

Although there are several other policy elements which have little or no fiscal impact which are not addressed in this document, there are some policy decisions that will impact the proposed plan. These impacts are outlined below.

Detective Review of Video

As mentioned above in the New Workloads Section, LASD's policy requires detectives to conduct a thorough review of all written crime reports to examine the facts of the case, examine physical evidence, crime laboratory reports, and crime scene photographs to ensure the investigation was correctly completed to ensure that the appropriate person(s) are identified as perpetrators. Detectives must perform any additional investigation required; attempt to resolve conflicting statements; identify and collect additional evidence; ensure proper investigative procedures were followed; and present a completed case to the District Attorney's Office for filing of criminal charges. This requires that detectives sufficiently view video evidence to establish a reasonable belief to support the case closure findings. This review process has a direct impact on staffing levels and ensures procedural justice. (See Appendix B for additional details to see how each station would be impacted if the entire video was reviewed.)

Public Records Act (PRA) Requests

BWC video release must balance privacy rights with transparency, and will be considered on a case-by-case basis. A suspect's due process rights, as well as the victim, witness, and deputy's rights should be considered.

The LASD will provide an avenue for public records requests. LASD will not release evidence in an active criminal, civil, or administrative investigation, in accordance with California public records laws. Exceptions to this protocol will occur only with the approval from the Sheriff or his designee. Recognizing the exorbitant labor and costs involved in redaction, LASD will work with County Counsel in developing a procedure to charge for redaction-related costs. Incidentally, Las Vegas Metropolitan Police Department charges \$48 per hour for redaction costs and provides an avenue for public record requests (LVMPD.com, n.d.). Most police agencies in California treat their BWC video as an investigative record and they will not release any video unless it is for the court, or pursuant to a court order.

Camera Activation and Deactivation

The LASD policy will provide clear direction for the activation and deactivation of the BWC. Incidents will generally be recorded in their entirety, which will directly impact the storage volume of videos and the subsequent review time based on the length of those videos.

Video Retention

Body worn videos will be classified as investigative records until determined otherwise. The LASD must adhere to County business record retention rules and recommendations established by California Assembly Bill 69. Consequently, all BWC video shall be retained for a minimum of 2.5 years to allow for subpoena service, internal notifications, etc. In addition, BWC video associated with a crime must be retained for the statutory retention period of the crime for which the video pertains or for a period required for pending civil litigation holds.

Data Security

The security of the Department's digital evidence is paramount and the Federal Bureau of Investigation's CJIS standard will be followed. LASD will restrict access of BWC video to only those who have a need and right to access it. Mandatory security protocols for the vendor will be specified, as part of the Department's procurement process. LASD will consider only BWCs with secure internal memory storage and data encrypted during transit. The original BWC video recording shall remain unaltered, where any and all modifications occur on a copy of the original. A robust DVMS audit trail shall capture all changes/updates made. LASD will require vendor's immediate notification of any data breach it finds. Only vendor staff with cleared background checks will have access to the data when completing a remediation plan. In the BWC Workgroup committee, CEO and LASD Risk Management personnel recommended the County consider increasing liability insurance to guard against data security breaches.

Audits

The LASD policy will create auditing procedures for the management of digital evidence by the DVMS custodian of records to ensure meta-data is added to all BWC videos for classification, retention and deletion. Further, each units BWC program supervisor will be responsible for auditing compliance of BWC use, activation, deactivation, uploading of data, and correct meta-data. As previously cited, videos will be audited during administrative reviews of critical incidents. The LASD field audit program, which directs the random audits of all field personnel, will include the added step of reviewing BWC video. Finally, the BWC program will be audited as part of the Department's annual command inspection process.

Technology Requirements

LASD studied the information technology requirements of a BWC program and assessed our Department's infrastructure readiness. We led efforts for other County Departments to evaluate their needs and readiness in order to review BWC video files from LASD and all other police agencies within Los Angeles County. Those efforts resulted in new technology requirements that are outlined below.

Body Worn Camera Devices

LASD recognizes BWC technology is rapidly evolving. Any procured device will be required to meet minimum standards for simplicity, durability and efficiency. As described in the Research Section above, a great deal of effort has already been taken to form the requirements of a BWCS. Under current technological capabilities in today's market, LASD desires a BWC solution that includes:

- An internal battery that lasts for the duration of a deputy's tour-of-duty, approximately 12 hours
- A camera unit that has pre-buffering functionality, where 30 seconds of video is captured prior to the deputy activating the start button
- A multi-port docking cradle that downloads video files directly from the camera unit while charging, synchronizing and updating firmware

Digital Video Management and Storage

- A DVMS that is able to collect, categorize, store and track LASD BWC video files and other digital evidence
- A DVMS software and file storage system that has redundancy across two data centers, disaster recovery provisions, file storage scalability that include declining storage costs over time as technology improves, and meets the Federal Bureau of Investigation's Criminal Justice Information System (FBI-CJIS) requirements
- An Interface with LASD's Active Directory, CAD systems, and a County Digital Evidence Management System (DEMS) under ISAB's jurisdiction, which has not been developed

Network Infrastructure

An evaluation of the Department's data network infrastructure has determined that upgrades at all Sheriff's patrol stations will be necessary. This will require new routers, switches and increased bandwidth necessary for an acceptable level of system performance with the DVMS.

ISD conducted a preliminary analysis and provided the CEO with an estimated budget for similar requirements at all other County facilities. As network traffic increases with more agencies implementing BWC programs, ISD will continue to monitor and reevaluate network needs.

Work Stations

LASD will need to replace and/or upgrade desktop computing capability to accommodate BWC functionality. At minimum, purchasing upgraded desktop computers with faster processors, improved graphic cards and increased memory will be required for the staff assigned to review, edit or redact BWC video both at the LASD and other county departments reviewing or editing BWC videos.

New Staffing Requirements

The deployment of a complete BWC program will require significant additional staff in order to successfully implement. Those additions are outlined below.

Body Worn Camera Bureau

The deployment of a BWC program consisting of 5,895 cameras for all patrol stations and specialized patrol operations will require the creation of a new bureau within LASD. The complexity for performing the following responsibilities necessitates adequate technical and support staff.

- Incremental implementation throughout the Department
- Equipment logistics
- Management of DVMS user accounts
- Management of infrastructure and network needs
- Training all personnel on the DVMS software and BWC devices
- Public Record Acts (PRA) requests, which includes the appropriate redaction
- Video forensic analysis
- Management of BWC-related contracts, MOUs, and grants
- Providing a 24/7 Help Desk
- Statistical reporting
- BWC video management, including videos identified for deletion or redaction

The Body Worn Camera Bureau will be a de-centralized operation, with a small component of centrally located operational staff and a larger component of de-centralized support staff assigned at patrol stations and detective bureaus. The BWC Bureau headquarters staffing will require a unit commander, operations and administrative support staff as well as technical experts.

Patrol Stations

The new workloads of a BWCS cannot be accommodated by existing staff and will minimally require the following:

- Additional risk management sergeant positions for administrative review requirements and supervision of the station's BWC program
- Additional detectives for review of BWC video of active investigations
- Additional video specialist positions, at the level of deputy sheriff generalist or a non-sworn equivalent, to serve as a forensic video specialist. Duties will include: Custodian of records; perform training; assist with video identification, retrieval, and review for criminal and administrative investigations; and respond to public records requests. Presently, the County does not have a non-sworn/professional staff position suitable for this description, and LASD would like to create a proposal for the County's consideration for a newly created non-sworn technical position.
- Additional non-sworn clerical and staff positions who will manage the daily operations of the DVMS software, PRA requests, metadata audits, video redaction, and records requests.

Specialized Detective Units

Specialized bureaus within LASD Detective Division are charged with handling significant and complex investigations involving homicides, human trafficking, sex crimes, career offenders, and serial crimes. These criminal cases frequently traverse jurisdictions and involve multiple victims, witnesses, confidential informants and suspects. Due to the nature of these cases, criminal proceedings require detailed preparation in achieving successful prosecutions that typically result in death penalty or life sentences. Added to this responsibility will be the criminal investigations of officer involved shootings for both the LASD and most of Los Angeles County's independent police agencies. Each officer involved shooting will require multiple viewings of each video in its entirety. The bureaus within the Detective Division will require additional investigative personnel in order to maintain the same level of criminal case work with the added work load of body worn camera evidence.

Professional Standards

LASD Internal Affairs Bureau and Internal Criminal Investigation Bureau will be impacted by BWCS, similarly to the specialized detective units, with the addition of adherence to the California Public Safety Officer's Procedural Bill of Rights.

Personnel investigations assigned to these professional standards bureaus typically require extensive documentation and review of evidence. The introduction of body worn camera video evidence will require investigators to review the videos and the video will need to be transcribed.

The Audit and Accountability Bureau (AAB) was created to provide an independent, objective, and thorough analyses designed to assess and improve the Department's policies, procedures, and practices. Due to the broad nature and complexity of the audits AAB performs, every audit in patrol operations will require body worn camera video review. The added workload will require additional personnel.

Information Technology Support

LASD Data Systems Bureau (DSB) provides information technology (IT) support to the Department. LASD's BWC program, as proposed, will add over two hundred new LASD positions throughout the Department. Additional IT staff will be required to support the new personnel and the newly created impacts on the Department's technology infrastructure.

Budget

Based upon the extensive research completed and factoring in the new workloads, technical requirements and staffing requirements, the LASD collaborated with the CEO in order to prepare an estimated budget. The LASD is proposing and has submitted a multi-phase, multi-year BWC project budget encompassing four phases over four years. Pivotal to the success of this plan, we are strongly recommending and requesting a budget reevaluation after the Department's first six stations have been deployed for at least one year to address budget considerations which cannot be known with certainty at this time. Such considerations include adjustment to the staffing needs, risk management impacts (e.g., complaints, use of force, etc.) and changes in the law. LASD will ensure continuous quality improvements as data becomes available to analyze. LASD recognizes technology and laws will continually change and the best way to measure the true impact within the County is by evaluating the BWC workload under real world conditions. LASD defers to the CEO for their preparation of a countywide budget proposal for the Board of Supervisors. Appendix A contains the LASD body worn camera budget summary.

Additionally, the Countywide BWC Implementation Workgroup canvassed the other County Departments for their interest in BWCs. Both the LADA and PD Departments have a current desire to issue BWCs to their investigators. The Probation Department does not presently desire to issue BWCs to their investigators, but may do so in the future.

The proposed budget includes the recent \$999,600 Federal Grant award from the U.S. Department of Justice, which still requires acceptance by the Board of Supervisors and requires the County to match funds. This budget does not include the \$5,000,000 in CEO's PFU budget for body worn cameras, as approved by the Board on September 27, 2016 (Agenda item #26).

Annual Costs

- BWC subscription, DVMS software/equipment license, and vendor support
- Unit Operational Funds
- Office Space
- Training and Travel, Education, Research, Consulting
- Other Third Party Video or Analytic Software
- Increasing Internet Bandwidth from existing contracts with communication vendors

One-Time Costs

- Office Furniture
- Radio Equipment – Sworn
- Body Worn Camera Mounting Accessories
- Upgrading Computers for Video Review
- Station Network Infrastructure (S&S)
- Unit Operation Funds (startup costs)
- Vehicles (Capital Assets)
- Station Power and Wiring Infrastructure Upgrades (Capital Assets)

Body Worn Camera Procurement

The July 12, 2016, Board motion states, *“This Board desires to support a plan to place cameras in the field as soon as feasibly possible.”* The first step is procuring the cameras, DVMS software, storage, and all its peripherals. However, one of the challenging components for expediting body worn cameras in the field is the lengthy procurement process. The Countywide BWC Implementation Workgroup addressed the following procurement options.

1. Sole Source Procurement – Although a viable option, this is fraught with issues of risk and expense and does not comply with nor encourage the spirit of a competitive market. The BWC vendor community is vast and growing and with ever changing technology, and the consensus and recommendation is not to pursue a sole source procurement.
2. Entering into an agreement with a vendor, selected through a competitive solicitation issued by another public agency (a.k.a. “piggybacking”) was also evaluated. LAPD used a similar approach to acquire its BWCs as a professional services agreement. County Counsel attorneys advised that such a piggybacking approach is permissible provided the proposed vendor was selected by the other public agency as a result of reasonable and similar competitive procurement. Similar to the sole source procurement, based on the vast and growing BWC vendor community with ever changing technology, the consensus and recommendation is not to pursue “piggybacking”.
3. Request for Information (RFI) –Releasing a County RFI, recap findings and select vendors who meet the minimum/mandatory requirements, then release an RFP. The consensus and recommendation was that this was not a viable option, as it would take more time than a competitive solicitation to implement a solution.
4. Request for Proposal (RFP) –Releasing a County competitive solicitation by ISD Purchasing Division or LASD Contracts Unit was also evaluated. Since LASD’s BWC acquisition share hold is approximately 95% of County’s entire need, ISD recommends LASD Contracts Unit issue the solicitation and include an option for other County Departments to utilize the bid. LASD Contracts Unit is amenable to issuing an RFP, and the average duration from releasing an RFP to placing the resultant contract on the Board Agenda is expected to be approximately 18 months.

LASD recommends a competitive bidding process as described in option #4 Request for Proposal, once the Board funds the BWC program accordingly. All vendors who qualify will be expected to meet the specified requirements, demonstrate their product and total solution, and will be tested during real-time demonstrations to clearly show their product meets the standards specified in the RFP.

It should be noted that if the Board of Supervisors accepts the Federal Grant award from the U.S. Department of Justice, they require a BWC rollout no later than two years after the grant award (October 2018).

Deployment Plan

The LASD has taken a measured and comprehensive approach to BWC implementation to allow for changes in technology and laws. LASD has developed a phased plan over four years.

Pre-Deployment Phase (Year 1)

The pre-deployment phase will focus on staffing, infrastructure, and procurement. Staffing will be for the creation of the body worn camera unit and will establish minimum staffing to develop the BWC program. Network and electrical infrastructure upgrades for each facility will begin with priority for the first six stations. The BWC unit will develop specifications, complete and publish a request for proposal (RFP), as directed by the Board of Supervisors.

The Pre-Deployment phase will also include the completion of the Department body worn camera policy, MOU agreements between county agencies, receipt of BJA grant, and completion of a formal training curriculum.

Phase I (Year 2)

Body worn cameras will be deployed to six patrol stations: Century, East Los Angeles, Lancaster, Lakewood, Palmdale, and West Hollywood. These six stations were specifically chosen to address the highest areas of risk potential (based the average over the last two years) and ensure inclusion of at least one station from each supervisorial district. The risk factors evaluated and included are:

- Number of calls for service and calls for observation
- Number of arrests
- Number of use of force incidents
- Number of shootings
- Number of vehicle pursuits
- Number of complaints

Each station will require installation of system hardware and training of personnel. The LASD will begin staffing increases of detectives, risk management sergeants, video specialists and digital evidence managers.

The remaining patrol station network and electrical infrastructure will be completed in preparation for Phase II. Body worn camera equipment installation for future phases will begin.

Phase II (Year 3)

Body worn cameras will be deployed at the remaining patrol stations. The additional 17 stations will already have infrastructure improvements and equipment installation will be in progress at the beginning of the phase.

Remaining specialized patrol station network and electrical infrastructure will be completed in preparation for Phase III. Body worn camera equipment installation for future phases will begin.

After the first six stations have been implemented with body worn cameras at least one year, and as data becomes available, LASD will begin a re-assessment to ensure continuous quality improvements.

Phase III (Year 4)

Body worn cameras will be deployed to all specialized patrol assignments (e.g., Transit Policing, Parks Bureau and other Countywide Patrol Divisions). Most, if not all, infrastructure and electrical improvements will be completed. Many specialized bureaus have small substations which will not require infrastructure improvements.

Additional Assumptions and Considerations

Body Worn Camera Solution Cost

In order to create a comprehensive cost estimate, LAPD’s BWC agreement pricing was used in estimating LASD’s costs for a total BWCS solution, since LAPD is in close proximity and similar in size to LASD. LASD realizes that over time camera and storage costs will continue to decline. However, it will be the County’s competitive bid process results that will determine actual costs. LAPD’s BWC professional services agreement is a total solution and offers the LAPD: BWCs and docking cradles (with a backup supply for repair exchange-out), a DEMS with unlimited data storage in a secure cloud, BWC equipment refresh at 30 months, and all necessary technical support. More detailed information, and the LAPD BWC Agreement document link is available at: http://clkrep.lacity.org/onlinecontracts/2016/C-127706_c_6-24-16.pdf

Based upon our review of LAPD’s contract, LASD estimates that equipment costs for a BWC program will be approximately \$100 per deputy sheriff per month, equating to \$1,200 yearly per deputy. The following is an estimated cost breakdown per year for the BWCS equipment and software subscription costs:

Project Phase	BWCs Issued - Current Phase	BWCs Issued - Cumulative Total	Yearly Price Per Deputy	Annual Total
Phase I	1,417	1,417	\$ 1,200	\$ 1,700,400
Phase II	2,541	3,958	\$ 1,200	\$ 3,049,200
Phase III	1,937	5,895	\$ 1,200	\$ 2,324,400

Cumulative Total: \$ 7,074,000

Backfill Overtime for BWC Training

LASD will conduct BWC training for every deputy issued a BWC. LASD staffing levels will require backfill overtime for deputies to be trained on BWC policy and procedures. LASD calculates \$617.84 of backfill overtime needed for each deputy assigned to training (8 hours times \$77.23 per hour). The Department used Contract Law’s Cost Model Overtime Rates (FY 2016-17) for a deputy sheriff bonus-1 as an estimate to determine backfill overtime costs over the three deployment years:

Project Phase	Number of Deputies	Overtime Amount per Deputy	Total
Phase I	1,298	\$ 617.84	\$ 801,956
Phase II	2,323	\$ 617.84	\$ 1,435,242
Phase III	1,894	\$ 617.84	\$ 1,170,189

Totals: 5,515 \$3,407,387

Public Records Act (PRA) Volume

Over the two year period of 2014 and 2015, the LASD handled approximately 2.17 million calls and made 2.87 million observation contacts, resulting in 121.4 million minutes on calls and 160 million minutes on observations. Based on this information, the LASD averages 2.518 million calls or observations per year and averages 140.35 million minutes on calls or observations, per year. This yields an average of 56 minutes in handling time for calls or observations.

In 2014, LASD received 516 PRA requests. Although some of these requests were not patrol related and would therefore not be related to BWC videos, we used this number as an estimate. By way of comparison, the Seattle Police Department, who operates under Washington State law, received approximately 4,000 PRA requests. Seattle Police Department had 1,600 sworn officers in 2014. Additionally, Seattle PD received 215,593 calls-for-service in 2014. Seattle Police Department had a PRA request rate of approximately 1.86% (4,000 PRA Requests / 215,593 calls).

Based on the Seattle Police Department formula, we can extrapolate the anticipated volume of work to redact public records requests. Given the volume of calls-for-service, the size of LASD, and the assumptions outlined, we will require one full-time position with the appropriate support personnel (such as supervision, operations support and IT support) for each Sheriff's station.¹ Based on each station's anticipated extra workload, the appropriate classification level for this position will be an Operations Assistant II. This non-sworn, supervisor-level

¹ Given that Seattle PD's PRA rate was approximately 1.86% for 2014, we can extrapolate LASD's PRA request rate accordingly. At 2,518,238 incidents (calls and observations) per year for the LASD and applying the 1.86% PRA rate factor along with an additional assumption that LASD will have only 25% the volume of Seattle PD given the legislative differences in public records, that leaves approximately 11,710 PRA requests (2,518,238 x 1.86% x 25%). With an average of 1 hour of video per call, that leads to approximately 11,710 hours of video. Estimating 4 hours of review and redaction per one hour of video equates to 46,840 hours of video review total. With 960 hours per full-time staff member allotted to review and redaction per year, that equates to 48.8 full time employees (46,840 / 960).

classification will conduct BWC-related duties, which include managing the daily operations of the DVMS software, PRA requests, metadata audits, video redaction, and records requests. We made the following assumptions in determining the above staffing estimates:

- The video review process and level of staff required, by incident type, are based on current LASD policy
- A conservative ratio of four hours of video redaction work for every hour of actual video. This is a very conservative estimate, as other external sources use much higher ratios for the same work effort
- On average, 56 minutes of original video requires redaction, for either a service call or an observation
- Staff performing redaction work will review all original videos in its entirety to determine what requires redaction
- On average, every staff performing redaction work will handle 960 hours of redaction per year, based on 45% of their workload and work duties assigned
- LASD will redact approximately 25% of Seattle PD's PRA request volume, based on Seattle PD's experience and based on the difference in California laws compared to those in Washington

Station Detectives

The station detective staffing requests are based on their existing workload and the anticipated workload BWC videos will generate.

For example, Lakewood Station field deputies spent an average of 17,271 hours a year on service calls involving arrests, based on the past two fiscal years of data. With each deputy recording BWC video, detectives will be required to review video pertinent to the case. A detective position yields approximately 1,789 hours a year performing detective duties. If the deputy expects to watch 25% of the video per case to be filed, Lakewood station alone requires three additional detectives to handle the anticipated BWC video. If policy were to require the entire video to be watched, Lakewood would need ten additional detectives (See appendix B). This calculation assumes a detective dedicates their entire workday to watching BWC video and does not account for other job functions. The data does not account for active investigations which do not yield an arrest. For more detailed information on individual station level impacts, see the chart in Appendix B.

Other factors for staffing consideration include:

1. Virtually every field deputy involved with handling or assisting in an arrest incident will have BWC video footage.
2. Detectives are required to review each video. They will also be viewing key footage multiple times by fast forwarding, rewinding, and replaying. The detective will bookmark

and insert key evidentiary notes in the videos using the DVMS, and must also verify the accuracy of the deputy's preliminary field report with the videos, addressing any variances.

3. Often times, field incidents involve multiple suspects and multiple deputies. The detective must link all the related BWC footage to each suspect's individual case, copying the video footage and bookmarking/inserting evidentiary notes as it relates to each suspect.
4. The detective will seek information in the video that either incriminates or exonerates a suspect. However, the video may also contain information that identifies other involved parties connected with the incident.
5. BWC video footage with significant evidentiary value may require additional video forensics.

Conclusion

The Department would like to thank the honorable Board of Supervisors for the opportunity to develop this body worn camera plan. In addition, the Department thanks the workgroup for their tireless efforts.

Appendix A – LASD Body Worn Camera Budget Summary



Body Worn Camera Deployment Summary

** Budget Figures for all Phases below are based upon the most recent FY 2017/2018 budget calculations obtained from LASD Fiscal and do not take into account raises and other cost increases (i.e., vehicles, leases) from FY 2018/2019 and beyond, nor unforeseen changes due to approved legislation and/or other policy changes.*

Pre-Deployment Phase (Year 1)

- 8 Personnel
- No BWCs deployed
- Establish Centralized BWC Unit, Station Power and Wiring Infrastructure, and Station Network Infrastructure
- Cost
 - One Time \$ 3.3 M
 - Ongoing* \$ 1.7 M
 - Total \$ 5.0 M

Phase I Deployment (Year 2)

- 88 Personnel
- 1,417 BWCs deployed
- 6 Stations, one in each Supervisorial District, with the greatest potential of liability based upon arrest and other factors – Lancaster, Palmdale, Lakewood, East Los Angeles, West Hollywood, and Century
- Cost
 - One Time \$ 4.7 M
 - Ongoing \$ 17.9 M
 - Total \$ 22.6 M

Phase II Deployment (Year 3)

- 193 Personnel
- 2,541 additional BWCs deployed, total 3,958 BWCs deployed
- All Patrol Stations (Specialized Patrol Excluded)
- Cost
 - One Time \$ 8.5 M
 - Ongoing \$ 23.9 M
 - Total \$ 32.4 M

Phase III Deployment (Year 4)

- 239 Personnel
- 1,937 additional BWCs deployed, total 5,895 BWCs deployed
- Remaining Patrol & All Specialized Patrol Operations
- Cost
 - One Time \$ 3.3 M
 - Ongoing \$ 11.7 M
 - Total \$ 15.0 M

ON-GOING PROGRAM COSTS: \$ 55.2 M (ANNUALLY)

*Ongoing costs (which include Personnel) are cumulative, one-time costs are not.

Appendix B –Investigative Support Chart

Calculated Needs Assessment for Investigator Support²

2-Year Average Impact on LASD Detectives for Fiscal Years 2014-2016*

Station	No. of Inv Needed for 2014-15 Video	No. of Inv Needed for 2015-16 Video	2-Year Average of Video Hours	No. of Inv Needed for 2-Yr Avg Video - All Incidents w/Arrest(s)	93.6% Cases to Station DB or OSS 2006-2007 Dept. Studies Avg.'s	Narco Est* Needs 2014-2016 Workload Studies	Other Detective Total Needed Minus Sta DB, Minus Narco
AVA	0.2	0.2	375	0.2	0.2	0	0.0
CAS	7.5	7.7	13,665	7.6	7.1	0.01	0.5
CCS	0.1	0.1	195	0.1	0.1	0	0.0
CEN	11.3	11.1	20,000	11.2	10.5	0.02	0.7
CER	1.5	1.4	2,681	1.5	1.4	0.01	0.1
CPT	7.8	7.6	13,816	7.7	7.2	0.00	0.5
CVS	2.4	2.2	4,163	2.3	2.2	0.00	0.1
ELA	11.8	10.5	19,960	11.2	10.4	0.01	0.7
IDT	9.0	8.8	15,979	8.9	8.4	0.04	0.5
LAN	12.1	11.1	20,747	11.6	10.9	0.02	0.7
LHS	3.9	3.6	6,689	3.7	3.5	0.02	0.2
LKD	10.0	9.3	17,271	9.7	9.0	0.01	0.6
LMT	1.4	2.0	3,089	1.7	1.6	0.00	0.1
MDR	1.2	1.0	1,977	1.1	1.0	0.00	0.1
NWK	7.4	7.1	12,928	7.2	6.8	0.03	0.4
OCS	0.3	0.3	497	0.3	0.3	0.00	0.0
OTH	0.5	0.3	697	0.4	0.4	0.00	0.0
PKB	2.3	2.2	4,028	2.3	2.1	0.00	0.1
PLM	10.2	9.0	17,113	9.6	9.0	0.03	0.6
PRV	6.5	5.5	10,675	6.0	5.6	0.00	0.4
SCT	7.0	6.2	11,802	6.6	6.2	0.02	0.4
SDM	3.8	3.1	6,122	3.4	3.2	0.00	0.2
SLA	7.0	6.0	11,634	6.5	6.1	0.00	0.4
TEM	8.7	8.3	15,169	8.5	7.9	0.01	0.5
TSB	18.1	12.8	27,660	15.5	14.5	0.01	1.0
WAL	3.4	3.4	6,063	3.4	3.2	0.01	0.2
WHD	4.5	5.0	8,510	4.8	4.5	0.00	0.3
All LASD	160	146	273,505	153	143	0.25	10

An explanation about the basis of these calculations is contained in the pages that follow.

Appendix C - Legal

BWC technology is outpacing changes in the law. Several body camera bills have been introduced in the California Legislature, however, only California Assembly Bill 69 has passed. According to California Assembly Bill 69, "This bill would require law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body worn cameras, including, among other things, prohibiting the unauthorized use, duplication, or distribution of the data, and establishing storage periods for evidentiary and non-evidentiary data, as defined." This bill indicates evidentiary data should be retained for a minimum of two years, which the Department will comply. Also, when peace officers are using BWCs within the scope of their authority, they are exempt from existing laws which makes it a crime to record without the consent of all parties.

BWC policies must also comply with existing legal requirements. For example, Penal Code section 636 prohibits recordings of persons in custody of a law enforcement officer and that person's attorney, religious advisor, or licensed physician. Penal Code section 1054.1 states the prosecuting attorney shall disclose all exculpatory evidence, which would require law enforcement to produce any known videos on a criminal incident. Penal Code section 1054.2 provides exemptions to disclosure of certain information such as addresses or phone numbers of witnesses or victims, which would require redaction of videos to suppress that information.

The California Public Records Act was established prior to body worn camera use. LASD must comply with the California Public Records Act (CPRA). The Department has many records in its possession that, in whole or in part, are confidential by law. Requests for copies of video from BWC's present a unique challenge in determining whether the requested record is public or investigative in nature. Further challenges arise when confidential material is contained within the recording. (LVMPD.com, n.d.)

LASD will balance the interests of individuals who seek access to BWC records with individual privacy rights pursuant to the California Constitution and applicable confidentiality laws. The Department has requested staff to review public records requests and redact information when release is appropriate. Should legislation pass requiring all video to be released, LASD will not have enough staff available to comply with the anticipated increase of public records requests. It is imperative the Department ensure compliance with laws and public safety prior to releasing video.

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SACHI A. HAMAI
Chief Executive Officer

October 10, 2017

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

SHERIFF'S PLAN TO IMPLEMENT BODY-WORN CAMERAS (ITEM NO. 2, AGENDA OF JULY 12, 2016)

On July 12, 2016, the Board directed the Chief Executive Officer (CEO) to prepare a budget proposal in support of the Body-Worn Camera (BWC) plan prepared by the Los Angeles County Sheriff's Department (LASD) and report back to the Board in 120 days. The LASD and CEO were given an extension to complete their BWC plan to further evaluate policy issues, which would impact staffing and the proposed budget.

Background

The CEO, in collaboration with the LASD, convened the Countywide BWC Implementation Workgroup Fiscal Subcommittee (Fiscal Subcommittee) to assist departments in assembling their BWC budget proposal. The Fiscal Subcommittee was comprised of representatives from the Los Angeles County District Attorney's Office (DA), Public Defender (PD), Alternate Public Defender (APD), Probation, LASD, CEO, Internal Services Department (ISD), Information Services Advisory Board (ISAB), and County Counsel.

Departments were asked to identify both one-time and ongoing resource requirements for the implementation, deployment and support of a BWC plan. This included: 1) BWC System (camera equipment, peripherals and associated cost to operate); and 2) Staffing Plan (resource needs created by the deployment and support of body-worn cameras). Departments were asked to provide justification to support their requests and include

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assumptions and related statistical data/workload. The budget proposals do not include costs related to a Countywide Digital Evidence Management Strategy (DEM), as these were addressed in a November 8, 2016 report, coordinated and submitted by ISAB to the Board. As set forth in more detail below, our office conducted a thorough review and evaluation of the Departmental budget proposals and related workload assumptions supporting the proposals.

Summary of Budget Proposal

The LASD proposes a phased rollout process starting at six stations identified as the highest areas of risk and inclusion of at least one station from each Supervisorial District. The plan also considers the long-term implications for the justice system in that recordings would be utilized in criminal proceedings, administrative investigations, service complaints and civil liability claims. The use of BWC evidence and its impact on workload and resource requirements is still in its early stages with the first devices rolled-out by the Los Angeles Police Department in late 2015. Since access for trial preparation generally occurs 8-12 months after the content is uploaded, the volume of videos being accessed is still too low to provide precise cost estimates for involved justice partners. In addition, constantly improving technologies may allow for more efficient ways to collect, categorize, review and store video. For these reasons, the budget proposals are considered preliminary and will require an ongoing assessment to determine appropriate resource levels as body-worn cameras are phased into operations. The cost summary below also details the impact of body-worn cameras on the DA, PD, and APD offices who will be required to review and process camera data as part of case discovery evidence used in criminal proceedings.

SUMMARY BUDGET PROPOSAL				
BODY-WORN CAMERA PLAN				
\$ in Millions				
Department	One-Time	Ongoing	Total	Positions
Sheriff	\$20.431	\$55.232	\$75.663	239.0
District Attorney	0.235	3.415	3.650	33.0
Public Defender	0.150	2.388	2.538	23.0
Alternate Public Defender	0.049	0.883	0.932	7.0
Internal Services Dept.	0.970	0.240	1.210	0.0
<i>Total</i>	<u>\$21.835</u>	<u>\$62.158</u>	<u>\$83.993</u>	<u>302.0</u>

The costs will be incurred over a four-year period and are summarized by department on Attachment A. The cumulative cost of \$84.0 million over four years includes the deployment of 6,049 cameras (5,895 LASD, 150 DA and 4 PD) and total estimated ongoing salary and employee benefit (S&EB) costs of \$48.6 million with the departments requesting 302.0 additional positions (138.0 sworn; 164.0 non-sworn). The four-year deployment plan is operationalized as follows:

- Year 1 - LASD pre-deployment phase focuses on staffing, infrastructure, procurement, program rollout and oversight.
- Year 2, Phase I - LASD deployment at six patrol stations specifically chosen to address the highest areas of risk. The criminal justice partners also begin to phase in infrastructure and staffing needs in anticipation of additional workload to support the prosecution and defense of criminal cases. During this phase, the DA proposes the implementation of 150 BWCs for investigators and PD proposes 4 BWCs as a pilot for investigators.
- Year 3, Phase II - LASD deployment at the remaining 17 patrol stations and one specialized patrol station. APD phases in the second year of staffing needs to support the defense of criminal cases.
- Year 4, Phase III - LASD deployment at the remaining eight specialized patrol stations.

Pre-Deployment & Phase I

In fiscal year 2017-18 Recommended Budget, \$6.7 million was set aside in the Provisional Financing Uses budget unit to address the estimated costs associated with the pre-deployment phase of the BWC plan. In addition, to evaluate the reasonableness of the departments' proposal, a BWC pilot program was considered (i.e., deployment of cameras at a pre-determined number of Sheriff's stations for data collection and assessment). The costs for pre-deployment and Phase I as proposed by LASD (deployment of BWC at six stations) are estimated at \$36.2 million consisting of \$10.0 million in one-time and \$26.2 million in ongoing funding. Ongoing S&EB costs are estimated at \$21.6 million for 148.0 additional positions (55.0 sworn and 93.0 non-sworn). The budget proposal assumes LASD will receive a \$1.0 million federal grant award (during Phase I – Year 2) from the United States Department of Justice for their BWC program. Our Office has not identified a funding source for the pre-deployment and Phase I remaining costs of \$29.5 million.

The costs of pre-deployment and Phase I of the BWC plan are summarized below:

PRE-DEPLOYMENT & PHASE I BODY-WORN CAMERA PLAN \$ in Millions				
Department	One-Time	Ongoing	Total	Positions
Sheriff	\$8.581	\$19.589	\$28.170	88.0
District Attorney	0.235	3.415	3.650	33.0
Public Defender	0.150	2.388	2.538	23.0
Alternate Public Defender	0.028	0.563	0.591	4.0
Internal Services Dept.	0.970	0.240	1.210	0.0
<i>Total:</i>	\$9.964	\$26.195	\$36.159	148.0

LASD Budget Proposal

The LASD budget proposal is summarized on Attachment B and includes the cost of the BWC system, staffing plan and resource requirements associated with additional workload to support the deployment of 5,895 BWCs. Additional staff is required to handle the following increased workload: perform audits and inspections of BWC recordings; review, redact and release BWC evidence for criminal prosecution of defendants; and review and prepare BWC recordings for public records requests, administrative investigations involving use of force, pursuits, collisions, work-related injuries and citizen complaints.

The proposal anticipates resource needs by uniformed patrol deputies and case handling detectives for criminal investigations, and supervisors performing administrative reviews, digital evidence management and video forensics. In addition, there are several key policy decisions outlined in the LASD BWC plan that have fiscal implications: 1) detectives will review video before filing criminal charges with the DA; 2) release of BWC recordings in response to Public Records Act (PRA) requests; 3) video retention; 4) data security; and 5) a field audit program.

Key assumptions included in the budget proposal are as follows:

- Purchasing a subscription-based total solution, which includes: BWCs and docking cradles (with a backup supply for repair and exchange out); a DEMs with unlimited storage in a secure cloud; BWC equipment refresh at 30 months; and all necessary technical support.

- Reviewing videos of active investigations by a detective is based on the actual annual hours per year a field deputy is on a service call with arrests. Further assumption is made that the detective will review pertinent incident video footage equivalent to 25 percent of time spent/recorded on the arrest call.
- Allocating one position per station to perform risk management administrative review requirements and supervision of the station's BWC plan.
- Allocating one forensic video specialist position per station to serve as custodian of records; perform training; assist with video identification, retrieval and review of BWC recordings for criminal and administrative investigations; and respond to public records requests. This is a non-sworn position requiring a new mid-range classification with specialized education and certification.
- Allocating one position per station to conduct BWC-related duties including: managing daily operations of the Digital Video Management Systems software, PRA requests, metadata audits, video redaction, and records requests.
- Incurring a one-time cost for the initial 8-hour training based on the backfill of overtime for each deputy.
- Allocating positions to the Specialized Detective Division Unit to perform significant/complex investigations involving homicides, human trafficking, sex crimes, career offenders and serial crimes. Assumes 2.5 percent increased workload; homicide is based on a 10 percent increase in workload.
- Allocating positions to the Internal Affairs Bureau and Internal Criminal Investigations to perform personnel investigations requiring extensive documentation and review of evidence to ensure adherence to the California Public Safety Officer's Procedural Bill of Rights. Assumes a 25 percent increase in workload of on-duty investigations.
- Allocating positions to the Audit and Accountability Bureau to provide independent analysis to assess and improve the department's policies, procedures and practices. Assumes a 25 percent increase in workload.
- Establishing a BWC Central Bureau to provide countywide administrative oversight, support for program and informational technology staff.

- Adding resources commensurate with staffing, such as operational funds/office supplies, office furniture, radio equipment, training, education, and consulting services.

Costs will be incurred over a four-year period as detailed on Attachment B. The cumulative cost of \$75.6 million (\$20.4 million one-time; \$55.2 million ongoing) over 4 years includes the deployment of 5,895 cameras and total estimated ongoing S&EB costs of \$42.4 million with the Department requesting 239.0 additional positions (138.0 sworn; 101.0 non-sworn).

DA/PD/APD Budget Proposal

Processing BWC Discovery Evidence – Prosecution and Defense

The budget proposals for DA, PD and APD are summarized on Attachment C and includes costs to prepare, review and process camera data as part of case discovery evidence utilized in criminal proceedings. Camera footage will be received from multiple jurisdictions. Paralegals will be tasked with the review and analysis of digital evidence provided by law enforcement agencies. The Legal Office Support Assistant will provide support for trial preparation, typing and processing of various legal documents such as briefs, complaints, motions, etc. Attorney positions will provide high-level analysis and direction within their offices on the use of and interpretation of digital evidence. They will serve as an expert resource for investigators to address questions concerning digital evidence in investigative and prosecutorial/defense proceedings. The Systems Information Analyst positions will provide support for all the information technology issues raised by the use, storage and maintenance, and evaluation of digital evidence.

The DA proposes a decentralized model allocating like staff to each of their 13 Branch locations and three central courts. PD and APD both propose a centralized staffing model. The costs incurred by the Departments are consistent with LASD's Phase I and Phase II deployment plan. The cumulative cost of \$8.3 million (\$1.4 million one-time; \$6.9 million ongoing) over four years includes infrastructure upgrades and prosecution and defense support with total estimated ongoing S&EB costs of \$6.2 million with the DA, PD, and APD requesting 63.0 additional positions.

BWC Plan

Both DA and PD proposals include issuing BWCs to their investigators. At this time, Probation is not requesting BWCs for their investigators, but may do so in the future.

The DA's proposal includes issuing 150 BWCs to their investigators assigned to the Bureau of Investigations (BOI) for use in the field. The BOI investigators with public interaction will be the primary users of the BWCs. Units impacted are: Code Enforcement, AB 109, Major Crimes, and Special Operations. The BWCs will be purchased and deployed during Phase I at a total cost of \$0.2 million (\$0.18 million ongoing; \$0.02 million one-time). However, actual deployment will be incremental with up to 50 cameras being deployed in the north County area upon purchase and the next 100 cameras being deployed six months thereafter.

The PD requests four cameras to pilot and test the program. Their investigators will use BWCs to record interactions with witnesses, victims, and document crime scenes and interviews. The BWCs will be purchased and deployed during Phase I at an ongoing cost of \$5,000.

Conclusion/Recommendation

Both the Board and LASD are committed to enhancing law enforcement transparency and accountability. How best to achieve these aims, requires an approach that is thoughtful and inclusive of community views. This is particularly true of BWCs so that a tool intended to protect civil rights does not have the unintended consequences of intensifying police surveillance of communities.

Although the departments' budget proposals have been informed by research of other BWC plans across the nation, the size and complexity of the County's proposed BWC plan makes comparisons difficult. Moreover, many jurisdictions are still implementing their programs and assessing policy decisions and impacts on operations that were not earlier contemplated. These implementation and operational issues coupled with the sizeable investment of almost \$84.0 million to fully implement the program require the County to carefully consider how best to move forward.

Since this report only requested the funding requirements to implement BWC, further research and outreach on this matter should be conducted prior to the Boards consideration, specifically, we recommend that LASD engage a consultant with law enforcement expertise to assess the proposed policies, procedures, deployment plan, staffing levels and operational impact of BWCs on the department and the public it serves. The assessment would include a community engagement process, so constituents can provide meaningful and essential input on LASD's proposed BWC policies and procedures to help broaden the County's decision-making process.

A report back to the CEO regarding the consultant's findings would be due in 180 days. The CEO would then submit final recommendations to the Board for consideration.

Each Supervisor
October 10, 2017
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If you have any questions, please contact me, or your staff may contact Sheila Williams, Public Safety, at (213) 974-1155.

SAH:JJ:MM
SW:RCP:cc

Attachments

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Sheriff
Alternate Public Defender
Information Services Advisory Board
Internal Services
Probation
Public Defender

BODY-WORN CAMERA - SUMMARY OF BUDGET PROPOSAL

Line #	Department	Year 1 (Pre-Deployment)			Year 2 (Phase I)			Year 3 - (Phase II)			Year 4 (Phase III)			Total Cumulative Cost of 4 Years		
		One-Time	On-Going	FTE	One-Time	On-Going	FTE	One-Time	On-Going	FTE	One-Time	On-Going	FTE	One-Time	On-Going	FTE
1	SHERIFF (5,895 Cameras)															
2	Salaries & Employee Benefits	\$ -	\$ 1,494,000	8.0	\$ 802,000	\$ 14,269,000	80.0	\$ 1,435,000	\$ 18,380,000	105.0	\$ 1,170,000	\$ 8,251,000	46.0	\$ 3,407,000	\$ 42,394,000	239.0
3	Services & Supplies/Other Charges/Capital Assets	3,838,000	241,000		4,941,000	3,585,000		7,069,000	5,557,000		2,176,000	3,455,000		18,024,000	12,838,000	
4	Grant Funds	0	0		(1,000,000)	0		0	0		0	0		(1,000,000)	-	
5	Subtotal - SHERIFF	3,838,000	1,735,000		4,743,000	17,854,000		8,504,000	23,937,000		3,346,000	11,706,000		20,431,000	55,232,000	
6	DISTRICT ATTORNEY - Prosecution Support															
7	Salaries & Employee Benefits	-	-		-	3,192,000	33.0	-	-		-	-		-	3,192,000	33.0
8	Services & Supplies/Other Charges/Capital Assets	-	-		215,000	43,000		-	-		-	-		215,000	43,000	
9	Subtotal - DA	-	-		215,000	3,235,000		-	-		-	-		215,000	3,235,000	
10	DISTRICT ATTORNEY - BWC Investigators (150 Cameras)															
11	Salaries & Employee Benefits	-	-		-	-		-	-		-	-		-	-	
12	Services & Supplies/Other Charges/Capital Assets	-	-		20,000	180,000		-	-		-	-		20,000	180,000	
13	Subtotal - DA	-	-		20,000	180,000		-	-		-	-		20,000	180,000	
14	PUBLIC DEFENDER - Defense Support															
15	Salaries & Employee Benefits	-	-		-	2,141,000	23.0	-	-		-	-		-	2,141,000	23.0
16	Services & Supplies/Other Charges/Capital Assets	-	-		150,000	242,000		-	-		-	-		150,000	242,000	
17	Subtotal - PD	-	-		150,000	2,383,000		-	-		-	-		150,000	2,383,000	
18	PUBLIC DEFENDER - BWC Investigators (4 Cameras)															
19	Salaries & Employee Benefits	-	-		-	-		-	-		-	-		-	-	
20	Services & Supplies/Other Charges/Capital Assets	-	-		-	5,000		-	-		-	-		-	5,000	
21	Subtotal - PD	-	-		-	5,000		-	-		-	-		-	5,000	
22	ALTERNATE PUBLIC DEFENDER															
23	Salaries & Employee Benefits	-	-		-	553,000	4.0	-	320,000.0	3.0	-	-		-	873,000	7.0
24	Services & Supplies/Other Charges/Capital Assets	-	-		28,000	10,000		21,000.0	-		-	-		49,000	10,000	
25	Subtotal - APD	-	-		28,000	563,000		21,000.0	320,000.0		-	-		49,000	883,000	
26	INTERNAL SERVICES DEPARTMENT															
27	Salaries & Employee Benefits	-	-		970,000	240,000		-	-		-	-		970,000	240,000	
28	Services & Supplies/Other Charges/Capital Assets	-	-		970,000	240,000		-	-		-	-		970,000	240,000	
29	Subtotal - ISD	-	-		970,000	240,000		-	-		-	-		970,000	240,000	
30	TOTAL (6,049 Cameras)															
31	Salaries & Employee Benefits	\$ -	\$ 1,494,000	8.0	\$ 802,000	\$ 20,155,000	140.0	\$ 1,435,000	\$ 18,700,000	108.0	\$ 1,170,000	\$ 8,251,000	46.0	\$ 3,407,000	\$ 48,600,000	302.0
32	Services & Supplies/Other Charges/Capital Assets	3,838,000	241,000		6,324,000	4,305,000		7,090,000	5,557,000		2,176,000	3,455,000		19,428,000	13,558,000	
33	Grant Funds	-	-		(1,000,000)	-		-	-		-	-		(1,000,000)	-	
34	TOTAL	\$ 3,838,000	\$ 1,735,000		\$ 6,126,000	\$ 24,460,000		\$ 8,525,000	\$ 24,257,000		\$ 3,346,000	\$ 11,706,000		\$ 21,835,000	\$ 62,158,000	

BODY-WORN CAMERA - SUMMARY OF BUDGET PROPOSAL (PROSECUTION & DEFENSE SUPPORT)

Line #	Description	Phase I			Phase II			Total Cumulative Cost					
		Prosecution/Defense Support		BWC for Investigators*		Prosecution/Defense Support		One-Time		On-Going		FTE	
		One-Time	On-Going	FTE	One-Time	On-Going	FTE	One-Time	On-Going	One-Time	On-Going	One-Time	On-Going
DISTRICT ATTORNEY													
1	Salaries & Employee Benefits	\$ -	\$ 3,192,000	33.0	\$ -	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ 3,192,000	33.0
2	Services & Supplies	-	33,000	-	-	-	-	-	-	-	-	33,000	-
3	Office Supplies	165,000	-	-	-	-	-	-	-	-	-	165,000	-
4	Office Furniture	50,000	-	-	-	-	-	-	-	-	-	50,000	-
5	Computer Equipment	-	10,000	-	-	-	-	-	-	-	-	10,000	-
6	Digital Evidence Storage (Pre-DEMS)	-	-	-	-	-	-	-	-	-	-	-	180,000
7	BWC Subscription Costs	-	-	-	-	180,000	-	-	-	-	-	-	180,000
8	BWC Mount, Accessories/Lock Device	-	-	-	-	-	-	-	-	-	-	20,000	-
9	Subtotal S&S	215,000	43,000	-	20,000	180,000	-	-	-	-	-	235,000	223,000
10	SUBTOTAL - DA	\$ 215,000	\$ 3,235,000		\$ 20,000	\$ 180,000		\$ 235,000	\$ 3,415,000				
PUBLIC DEFENDER													
14	Salaries & Employee Benefits	\$ -	\$ 2,141,000	23.0	\$ -	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ 2,141,000	23.0
15	Services & Supplies	-	230,000	-	-	-	-	-	-	-	-	230,000	-
16	Office Supplies	115,000	-	-	-	-	-	-	-	-	-	115,000	-
17	Office Furniture	35,000	2,000	-	-	-	-	-	-	-	-	35,000	2,000
18	Computer Equipment/Software	-	10,000	-	-	-	-	-	-	-	-	10,000	-
19	Digital Evidence Storage (Pre-DEMS)	-	-	-	-	5,000	-	-	-	-	-	-	5,000
20	BWC Subscription Costs	-	-	-	-	-	-	-	-	-	-	-	150,000
21	BWC Mount, Accessories/Lock Device	-	-	-	-	-	-	-	-	-	-	-	247,000
22	Subtotal S&S	150,000	242,000	-	-	5,000	-	-	-	-	-	150,000	247,000
23	SUBTOTAL - PD	\$ 150,000	\$ 2,383,000		\$ -	\$ 5,000		\$ 150,000	\$ 2,388,000				
ALTERNATE PUBLIC DEFENDER													
27	Salaries & Employee Benefits	\$ -	\$ 553,000	4.0	\$ -	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ 553,000	4.0
28	Services & Supplies	-	-	-	-	-	-	-	-	-	-	-	-
29	Office Supplies	20,000	-	-	-	-	-	-	-	-	-	20,000	-
30	Office Furniture	8,000	-	-	-	-	-	-	-	-	-	8,000	-
31	Computer Equipment	-	10,000	-	-	-	-	-	-	-	-	10,000	-
32	Digital Evidence Storage (Pre-DEMS)	-	10,000	-	-	-	-	-	-	-	-	10,000	-
33	Subtotal S&S	28,000	10,000	-	-	-	-	-	-	-	-	28,000	10,000
34	SUBTOTAL - APD	\$ 28,000	\$ 563,000		\$ -	\$ -		\$ 21,000	\$ 320,000		\$ 21,000	\$ 873,000	7.0
INTERNAL SERVICES DEPARTMENT													
38	Services & Supplies-Internet Bandwidth	\$ -	\$ 240,000	-	-	-	-	-	-	-	-	\$ 240,000	-
39	Capital Assets	50,000	-	-	-	-	-	-	-	-	-	50,000	-
40	Upgrade HOR/CIC/HOI to EAV (10 GB)	920,000	-	-	-	-	-	-	-	-	-	920,000	-
41	Network Upgrade - 46 Locations	970,000	-	-	-	-	-	-	-	-	-	970,000	-
42	Subtotal-Other Charges	-	-	-	-	-	-	-	-	-	-	-	-
43	SUBTOTAL - ISD	\$ 970,000	\$ 240,000		\$ -	\$ -		\$ 970,000	\$ 240,000		\$ 970,000	\$ 240,000	
TOTAL													
47	Salaries & Employee Benefits	\$ -	\$ 5,886,000	60.0	\$ -	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ 5,886,000	60.0
48	Services & Supplies	395,000	535,000	-	20,000	185,000	-	20,000	185,000	-	21,000	434,000	720,000
49	Capital Assets	970,000	0	-	0	0	-	0	0	-	970,000	0	0
50	TOTAL	\$ 1,365,000	\$ 6,421,000		\$ 20,000	\$ 185,000		\$ 21,000	\$ 320,000		\$ 21,000	\$ 6,926,000	63.0

* DA reflects 150 cameras to Bureau of Investigation (BOI) investigators for use in the Field. The BOI investigators with public interaction will be the primary users for BWCs. PD reflects 4 cameras to pilot and test with investigators as a method for interviews and witnesses.