

*Office of the Internal
Audit Department*

City of Fort
Smith,
Arkansas

Body Worn Camera Compliance Audit

April 2022



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Fort Smith Police Department Body Worn Camera Audit

Executive Summary

April 2022

What We Did

The scope considered video footage and information related to body-worn cameras from 2019 through 2021. The objective of this audit was to assess:

- Fort Smith Police Department's (FSPD) compliance with their Body Worn Camera (BWC) and In Car Camera (ICC) policies and procedures.
- The effectiveness of the supervisory review, accessibility, authorization and documentation of reviewed videos.
- The video upload and categorization by role to ensure compliance with policy.
- Review Evidence.com system controls to determine whether videos were retained in accordance with the retention guidelines and whether videos could be deleted by unauthorized users.
- Review video activated and deactivated procedures.

Over the course of the audit, we performed a narrowly focused review of BWC policies and procedures within FSPD. We assessed policies and procedures for adequacy and completeness and verified their compliance. We also reviewed BWC supervisor oversight processes and assessed the adequacy and completeness of BWC reporting and monitoring.

Through interviews, observation, limited testing and data analysis we reviewed the following activities: the operation, officer video user roles, the reports in ICIS and related videos, and security of BWC and ICC videos in Evidence.com; and separation of duties between key roles and responsibilities related to BWC administration and operations.

FSPD throughout the audit process implemented changes and made correction with their BWC program. During our review we noted seven opportunities for improvement detailed in this report and several observations.

What We Found - Conclusion

PROCESSES ARE NOT IN PLACE TO ENSURE THAT ALL VIDEOS ARE UPLOADED TO EVIDENCE.COM. (HIGH) – Call For Service numbers are not compared to all videos uploaded to Evidence.com to ensure all Call for Services have been recorded and all videos have been uploaded.

CAMERA ACTIVATION AND DEACTIVATION NOT UTILIZED ACCORDING TO POLICY. (HIGH) - Our review identified a relatively small number of officers who did not manually start the recording at the beginning of the incident. Without a full video and audio recording of the officer's interaction, it is unclear what was happening in the incident and a full evaluation of officer performance cannot be completed.

NOT ALL QUARTERLY VIDEO REVIEWS WERE SUBMITTED AND NOT ALL OFFICERS HAD A VIDEO REVIEWED. (HIGH) -

Quarter review documentation was not provided for each division and not every officer who had a video in each division was reviewed. Additionally, not all of the quarter review documentation contained the information necessary to identify which officer video was reviewed

VIDEO DID NOT BELONG TO OFFICER. (MODERATE) - Not all officer's ensured the video they were categorizing is their video. If IIC videos do not completely upload before connection is terminated, then the ICC videos not uploaded will attach to the incoming officer's ICC videos.

Additionally, it was noted that officers documented in Evidence.com "not my video" if the video was not their video. Supervisors did not ensure on a weekly basis that all videos were correctly classified according FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems.

What We Found - Continued

VIDEOS DO NOT AGREE TO THE INCIDENT CRIME INFORMATION SYSTEM (ICIS) REPORT. (HIGH) - Officers did not ensure that the video category, the ICIS report category and assisting officers report categories agreed to the call for service. It was noted that an officer would categorize the incident a different category as other officers on the scene and therefore the retainage time for the video was shorter and deleted prematurely.

VIDEO NOT CATEGORIZED CORRECTLY AND THEREFORE DELETED PREMATURELY. (HIGH) - Not all videos were categorized correctly according to the video and/or to the report. Videos with an incorrect category were deleted before the proper retention date. Videos with an incorrect category were deleted before the proper retention date or retained for longer than necessary.

CALL FOR SERVICE (CFS) NUMBER NOT CORRECT. (HIGH) - Not all videos had a CFS number or the correct CFS number assigned. Without the CFS number, the video would not be found in a search, so it would be difficult to locate the video related to that case for an interested party (for example the officer's supervisor, a detective working on the case, or a member of the public requesting the video).

High Risk: Key controls do not exist or are not effective, resulting in an impaired control environment. High Risk control weaknesses require immediate corrective action detailed in the management action plan.

Moderate Risk: Adequate control environment exists for most processes. Moderate risk control weaknesses require corrective action detailed in the management action plan.

Low Risk: Satisfactory overall control environment with a small number of low risk control improvement opportunities that do not require corrective action or a management action plan.

We would like to thank the Fort Smith Police Department, specifically Captain Wes Milam and Captain Daniel Grubbs for their cooperation and professionalism throughout this audit. We also recognize the work and effort to implement this program within the Police Department and officers. The BWC implementation was built from the ground up, beginning with learning not only the camera system, but writing the policies, ensuring all officers were trained and learning the Evidence.com software. They also worked with other agencies and the prosecutor's office to ensure that the videos had a reasonable retention period. Lastly they worked to ensure that the In-Car-Camera system integrated with the BWC's. Management also worked with us to ensure recommendations were achievable and reasonable since they are the subject matter experts in this area.

AUDIT ISSUES AND MANAGEMENT ACTION PLANS

ISSUE #1 - PROCESSES ARE NOT IN PLACE TO ENSURE THAT ALL VIDEOS ARE UPLOADED TO EVIDENCE.COM.

Risk rating: [High]

BACKGROUND:

At the conclusion of the officer's shift, the officer will ensure that the BWC is docked in the Axon dock to begin a download of the device to Evidence.com. as required by FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems.

The officer is also required to ensure their ICC videos are uploaded to Evidence.com at the end of their shift. The officer has the capability to upload the video with the Call for Service number upon completion of the service.

FINDING 1:

Call for Service numbers are not compared to video's uploaded to Evidence.com to ensure all Call for Services have been recorded and all videos have been uploaded.

Risk:

Failure to ensure that all officer BWC and ICC videos are recorded and uploaded for each of the officer's calls for service could result in a liability to FSPD and the City. Not ensuring all videos are uploaded increases FSPD's risk as to maintaining accountability and transparency, as well as the risk of losing the evidence on the video.

RECOMMENDATIONS:

At a minimum monthly, all Call for Service numbers should be reconciled to the Call for Service numbers in Evidence.com to ensure that all officers dispatched to a call for service were recorded and uploaded. If an officer is dispatched to a call for service and is canceled before they arrive on scene or does not have an interaction with the public requiring a camera recording, it should be documented so it can be identified during the reconciliation process.

MANAGEMENT RESPONSE:

With regard to the ICC videos, officers must enter the "metadata" of the call (CFS#, Title, Category) from within the Axon View XL program on the MDT in the vehicle. The officer must then move the videos to the offload queue to be compressed and uploaded to Evidence.com when the patrol vehicle arrives in the parking lot of the police department and the system is connected to the wireless upload server. The issues created by officers failing to enter the metadata or logging out of the program at the end of the shift created the issue of videos being backlogged locally on the computer or becoming assigned to an incorrect officer. When researching this issues and ways to mitigate the problem, it was discovered a setting within Evidence.com that regulated when the videos were moved to the off load queue. This setting was changed to one (1) hour, meaning ICC videos were automatically moved to the offload queue whether or not metadata was input from the officer. Thus the videos are more likely to be uploaded to Evidence.com rather than the bottleneck from accumulating on the MDT.

**There is also an option to allow for cellular upload of ICC videos using the Cradlepoint router in the vehicle. There may be an additional charge for this service with Axon, however with AT&T FirstNet sim cards in the routers with unlimited data, this may be feasible to allow upload outside the PD parking lot.

The issue of CFS numbers and corresponding videos can be mitigated through a supervisory review of all CFS for the prior shift. A report from ICIS can be generated for each CFS number issued during the shift and a supervisor can then review Evidence.com to inspect for videos to be uploaded. However, this could be very tedious and time consuming for a number of reasons, including the fact the video may not upload immediately. Officers have four (4) days in which to upload videos from the time they are recorded. Should the department continue with the testing and evaluation of Performance, the Auto ID portion will conduct this check automatically based on CAD data and alert the supervisor to any missing videos. Finally, the department is looking to add additional personnel to assist with the video reviews, including a civilian position (Senior Clerk) and a member of the Professional Standards Unit.

RESPONSIBLE PARTY: Capt. Milam

ESTIMATED DATE OF COMPLETION: January 2023

ASSESSMENT OF RESPONSE:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding.

ISSUE #2 - CAMERA ACTIVATION AND DEACTIVATION NOT UTILIZED ACCORDING TO POLICY.

Risk rating: [High]

BACKGROUND:

BWC's continuously buffer and when activated the camera will capture thirty (30) seconds before activation, however it does not capture the audio.

FINDING 2:

Our review identified a relatively small number of officers who did not manually start the recording at the beginning of the incident. Without a full video and audio recording of the officer's interaction, it is unclear what was happening in the incident and a full evaluation of officer performance cannot be completed.

Risk:

Failure to ensure that officer's BWC and ICC videos are activated and deactivated at each call for service could result in a liability to FSPD and the City. The risk and potential impact to the officer and FSPD would be not capturing the officer's safety, not capturing the event of evidentiary significance, and information leading up to the activation or the significant information after the deactivation that is still part of the call for service.

RECOMMENDATIONS:

It is recommended that management reiterate activation and deactivation requirements and incorporate those specific procedures into training sessions. We also recommend the department clarify in the procedures whether all officers responding to the same incident must record and upload the video.

When an officer believes it is necessary and feasible to interrupt a recording before the end of the contact or activity, the officer should verbally indicate the intent to stop the recording, and upon reactivation, state that they have restarted the recording. The recording will continue until contact with the public ends. The officer should document the circumstances in ICIS and send the memo to management for support and review of the incident.

When the BWC is activated prior to the officer arriving on the scene, the officer has one less critical action to make (especially crucial in a highly stressful situations); thereby, helping the officer focus on the task at hand.

MANAGEMENT RESPONSE:

Policy can be updated to include more specific procedures dealing with activating and deactivating the cameras and included in briefing training sessions. With the activation of the camera soon after powering on the camera, or "power cycling", the officer does not have the benefit of the thirty (30) second period of buffering prior to activation of the BWC. This appears to have been more of an issue with the AB2 cameras before the upgrade to the AB3 camera, as the newer BWC takes longer to power on. Nevertheless, reminders were sent to all officers to keep the BWC powered on and in "buffering" mode when outside the police building.

The use of Axon Performance measures instances of power cycling and could be a benefit should we continue with the program. Further, Axon Performance allows for random reviews to ensure officers are activating their camera at the appropriate time, with documentation of the action made within the system.

In regards to deactivating the camera, language will be added to the policy strengthening procedures for deactivating the camera prior to the completion of the call. This will include verbally declaring on the camera they are deactivating the BWC and give a specific reason for doing so.

RESPONSIBLE PARTY: Capt. Milam

ESTIMATED DATE OF COMPLETION: January 2023

ASSESSMENT OF RESPONSE:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate.

ISSUE #3 - NOT ALL QUARTERLY VIDEO REVIEWS WERE SUBMITTED AND NOT ALL OFFICER HAD A VIDEO REVIEWED

Risk rating: [High]

BACKGROUND:

The FSPD Policy is as follows. On a quarterly basis, supervisors shall randomly review videos to assist in an assessment of officer performance, determine whether BWC equipment is being fully and properly used, and to identify material that may be appropriate for training. Supervisors are to select at least one video per officer under their command for that quarter. Supervisors shall keep documentation of this assessment, the date, the system ID of the video reviewed, the type of video reviewed, and any observations made by the supervisor that is identified in the FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems.

FINDING 3:

Quarter review documentation was not provided for each division and not every officer who had a video in each division was reviewed. Additionally, not all the quarter review documentation contained the information necessary to identify which officer video was reviewed.

Risk:

Failing to perform periodic review of actual agency body camera practices increases the likelihood of policy and procedure non-compliance which could lead to reputational and legal impacts for the City. Without proper supervisor review, issues relating to officer interactions with the public may continue to go undetected and uncorrected, compromising the effectiveness of the BWC program and relationship with the public.

RECOMMENDATIONS:

It is recommended that management maintains a checklist listing all divisions for each quarter. Upon completion it is signed and dated and provided to the Chief or designee for review. Any quarter review not received should be addressed.

A template that contains all required information (i.e. officer name, division, CFS #, date of incident, type, etc...) should be provided to each division in order to ensure all required information is documented and all divisions are uniformed.

Additionally, a random sample of videos should be selected for review should include all types of categories.

MANAGEMENT RESPONSE:

This issue was the primary reason we requested this audit. The review can be cumbersome and immensely time consuming for supervisors who should be spending time in the field. Compounding the issue, a prolonged period of low staffing and vacant supervisor positions have created difficult in developing a standardized procedure. The amount of videos produced by officers and the need to identify the most efficient way of reviewing videos while maintaining a balance of other supervisory duties is at times difficult. Finding a method of determining true random video selection is difficult given our RMS, as supervisors must simply pick a CFS number to review per officer. A template and procedure will be created to describe how to select videos, what to look for, how to log the supervisor accomplishing the review, and the retention of the report.

As stated before, we are testing and evaluating Axon Performance as a method to solve for this issue. The videos are automatically selected randomly based on metrics entered by the agency. Supervisors can then review the videos and mark positive or negative feedback, which is then sent to the officer. An audit trail of these checks are retained for future examination.

ESTIMATED DATE OF COMPLETION: January 2023

RESPONSIBLE PARTY: Capt. Milam

ASSESSMENT OF RESPONSE:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding. Additionally, we agree that Axon Performance does have the method to solve this issue and maintain the random sampling integrity of supervisors and provide analytic metrics for the department.

ISSUE #4 - VIDEO DID NOT BELONG TO OFFICER.

Risk rating: [Moderate]

BACKGROUND:

At the conclusion of an officer's shift, officers are to ensure their BWC and ICC videos have been uploaded into Evidence.com. Officers are to classify the videos with the appropriate category and CFS number. If the officer does not upload the videos after their shift due to overtime, vacation, days off, sick, etc... management has communicated that the videos must be uploaded immediately upon return and should be no longer than seven (7) days.

FINDING 4:

Not all officer's ensured the video they categorized was their video. If ICC videos do not completely upload before connection is terminated, then the ICC videos not uploaded possibly attach to the incoming officer's ICC videos.

Additionally, it was noted that officers documented in Evidence.com "not my video" if the video was not their video. Supervisors did not ensure on a weekly basis that all videos were correctly classified according FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems.

Risk:

Failing to ensure the video is assigned to the correct officer and categorized correctly could lead to the video being deleted prematurely, not being able to locate the video, and not properly communicated to the division if a follow-up investigation is needed.

RECOMMENDATIONS:

It is recommended that all officers ensure the video they are categorizing are their videos and all videos have uploaded into Evidence.com. This can be validated by the officer ensuring all CFS numbers that shift have been uploaded and assigned a CFS number. Any video not belonging to the officer should be indicated with the officer(s) name and notification sent to that officer so the correct officer can categorize the video.

It is recommended that management at least monthly run a report to identify all videos were assigned to an officer and did not indicate "not my video:"

MANAGEMENT RESPONSE:

With regard to the ICC videos, officers must enter the "metadata" of the call (CFS#, Title, Category) from within the Axon View XL program on the MDT in the vehicle. The officer must then move the videos to the offload queue to be compressed and uploaded to Evidence.com when the patrol vehicle arrives in the parking lot of the police department and the system is connected to the wireless upload server. The issues created by officers failing to enter the metadata or logging out of the program at the end of the shift created the issue of videos being backlogged locally on the computer or becoming assigned to an incorrect officer. When researching this issue and ways to mitigate the problem, it was discovered a setting within Evidence.com that regulated when the videos were moved to the off load queue. This setting was changed to one (1) hour, meaning ICC videos were automatically moved to the offload queue whether or not metadata was input from the officer. Thus the videos are more likely to be

uploaded to Evidence.com rather than the bottleneck from accumulating on the MDT. Directives have been sent to officers to ensure their videos are correctly accounted for at the end of every shift, and that they have logged out of Axon View XL. Further, they have been instructed to notify supervision if they have an unusual video and ask for reassignment, rather than only titling it the video "not my video". BWC policy can also be updated to reinforce the directive.

**There is also an option to allow for cellular upload of ICC videos using the Cradlepoint router in the vehicle. There may be an additional charge for this service with Axon, however with AT&T FirstNet sim cards in the routers with unlimited data, this may be feasible to allow upload outside the PD parking lot. Research will be made into the feasibility of this option.

RESPONSIBLE PARTY:

Capt. Milam

ESTIMATED DATE OF COMPLETION: June 2022

ASSESSMENT OF RESPONSE:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding.

ISSUE #5 - VIDEO DOES NOT AGREE TO THE INCIDENT CRIME INFORMATION SYSTEM (ICIS) REPORT.

Risk rating: [High]

BACKGROUND:

Officers enter their call for services into the ICIS system and assign a category and the officer upload their videos and assign a category. All assisting officers on the scene upload their videos and attach their supplemental reports in the ICIS system with the lead officer on the incident. According to FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems, the supervisor shall, on a weekly basis, also ensure that the correct classification of the “event” is selected for the incident.

FINDING 5:

Officers did not ensure that the video category, the ICIS report category and assisting officers report categories agreed to the call for service. It was noted that an officer would categorize the incident a different category as other officers on the scene and therefore the retainage time for the video was shorter and deleted prematurely.

Risk:

Failing to ensure the videos are categorized correctly could have legal impacts for FSPD and the City. Categories have different retention times and could be deleted prematurely.

RECOMMENDATIONS:

The leading officer on the incident should ensure that all categories agree in ICIS. If there is a difference, the officer should send an email to the officer to correct their video category to ensure a video is not set to delete prematurely. This also enhances the risk to FSPD’s ability to review probable cause for arrest, arrest procedures, officer’s interactions and evidence for investigative purposes, as well as evaluating and training officers

MANAGEMENT RESPONSE:

This issue has arisen in small part to the age of the RMS system. The types of reports in the system are many, while the CAD dispositions of calls are few. For instance, a CAD disposition of “OR” is for offense report taken. With the RMS, “OR” can be a misdemeanor report, a felony report, or a domestic violence report, each of which has a category within Evidence.com to be linked to a video. Further, with multiple officers at a scene circumstances may change throughout the duration of the incident and what initially began as one category can change into another category, yet still possess the same CAD disposition.

In the short term, officers can be instructed to ensure all videos are categorized the same way at the end of the incident or shift. Supervisors can also make a quick review of all CFS numbers from the previous shift and determine if the category is correctly listed of the videos. Further, if the incident is assigned to CID, detectives working the case are able to change categories to match the type of incident.

Finally, the imminent selection of a new CAD/RMS system can improve the manner in which calls are classified. Axon also has a system called Auto ID or Auto Tagging. This system takes CAD information such as CFS#, date, time, officer(s) assigned, call type, and disposition and automatically assigns videos

according to the information. If the information does not match, this can easily be discovered with Axon performance. We are currently in a testing and evaluation program with Axon Performance, including Auto ID and Auto Transcription. Should this solve for this finding, we can pursue purchase of the system. Finally, we are making plans to assign additional personnel to the task of reviewing videos, specifically a civilian position and a member of the Professional Standards Unit.

RESPONSIBLE PARTY: Capt. Milam

ESTIMATED DATE OF COMPLETION: July 2022, however full integration will not happen until “go live” date of new CAD/RMS, estimated by January 2024.

ASSESSMENT OF RESPONSE:

Management’s response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding. Additionally, we agree that Axon Performance does have the method to solve this issue and auto tag the videos to assist with deleting another manual procedure by the officers.

ISSUE #6 - VIDEO NOT CATEGORIZED CORRECTLY AND THEREFORE DELETED PREMATURELY.

Risk rating: [High]

BACKGROUND:

Videos uploaded to Evidence.com are categorized by the officer and the category assigned to the video determines the length of time the video should be retained. Officers are responsible for ensuring videos are categorized correctly.

Additionally, officers are to maintain awareness of reporting and change categories on files if the incident changes at a later date (i.e. changing from a misdemeanor offense report category to a misdemeanor arrest category if an arrest is made at a date later than the report was taken).

According to FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems, the supervisor shall, on a weekly basis, also ensure that the correct classification of the “event” is selected for the incident.

FINDING 6:

Not all videos were categorized correctly according to the video and/or to the report. Videos with an incorrect category were deleted before the proper retention date or retained for longer than necessary.

Risk:

Failing to ensure the videos are categorized correctly could have legal impacts for FSPD and the City. Categories have different retention times and could be deleted prematurely. Failing to perform periodic review of actual body camera practices increases the likelihood of policy and procedure non-compliance which could lead to reputational and legal impacts for the City. This also enhances the risk to FSPD’s ability to review probable cause for arrest, arrest procedures, officer’s interactions and evidence for investigative purposes, as well as evaluating and training officers.

RECOMMENDATIONS:

It is recommended that management set up a process for Evidence.com to review incidents reports to assign categories to videos. Additionally, management should review at least monthly that all videos are categorized correctly. A report should be ran listing the category, CFS number, officer(s), and date from Evidence.com That information should be sorted according to the CFS number and where the categories do not agree, management should have the officer(s) correct the category and validate it with the category and information in ICIS.

MANAGEMENT RESPONSE:

Much like finding #5, the issue is due to officers or supervisors not maintaining oversight of particular calls for service. As with finding #5, officers can be instructed to ensure all videos are categorized the same way at the end of the incident or shift. Supervisors can also make a quick review of all CFS numbers from the previous shift and determine if the category is correctly listed of the videos. Further, if the incident is assigned to CID, detectives working the case are able to change categories to match the type of incident.

Finally, the imminent selection of a new CAD/RMS system can improve the manner in which calls

are classified. Axon also has a system called Auto ID or Auto Tagging. This system takes CAD information such as CFS#, date, time, officer(s) assigned, call type, and disposition and automatically assigns videos according to the information. If the information does not match, this can easily be discovered with Axon performance. We are currently in a testing and evaluation program with Axon Performance, including Auto ID and Auto Transcription. Should this solve for this finding, we can pursue purchase of the system.

RESPONSIBLE PARTY:

Capt. Milam

ESTIMATED DATE OF COMPLETION: July 2022, however full integration will not happen until “go live” date of new CAD/RMS, estimated by January 2024.

ASSESSMENT OF RESPONSE:

Management’s response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding. Additionally, we agree that Axon Performance does have the method to solve this issue and auto tag the videos to assist with deleting another manual procedure by the officers.

ISSUE #7 - CALL FOR SERVICE (CFS) NUMBER NOT CORRECT.

Risk rating: [High]

BACKGROUND:

Officers who are dispatched receive a CFS that should be attached to the video when uploaded to Evidence.com. According to FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems, the supervisor shall, on a weekly basis, also ensure that the correct classification of the “event” is selected for the incident.

FINDING 7:

Not all videos had a CFS number or the correct CFS number assigned. Without the CFS number, the video would not be found in a search, so it would be difficult to locate the video related to that case for an interested party (for example the officer’s supervisor, a detective working on the case, or a member of the public requesting the video).

Risk:

Failing to ensure the correct call for service number is identified on the video impacts locating the video and locating the report in ICIS. There is a potential impact to FSPD because if the number is not correctly identified, the video could be prematurely deleted. This also enhances the risk to FSPD’s ability to review probable cause for arrest, arrest procedures, officer’s interactions and evidence for investigative purposes, as well as evaluating and training officers

RECOMMENDATIONS:

It is recommended that management/supervisor on a weekly basis ensure that the correct CFS number and classification is assigned to the incident and videos.

MANAGEMENT RESPONSE:

While every CFS number should have a video, not every video will have a CFS number. Officers may be in a situation in which a citizen contact or other contact would have a video, however the CAD system may not have a number issued. This should be noted in either the title or other section. Policy will be updated to give officer four (4) days in which to enter the CFS number of the video.

During the audit, however, we noted some deficiencies were due to mistyping the number. We can change a setting in Evidence.com that mandates a specific format for the ID number, which is the CFS number (YY00XXXXX). This creates an issue with videos that may be tied to two or more CFS numbers. This can be solved by including the other CFS numbers involved in the “tag” section of the video. If there exist a video without a CFS number, such as a test video or citizen encounter, officers have been instructed to include the information in the “title” area of the video. The ID area of the video, where the CFS is listed, will default to none.

Finally, as we evaluate Axon Performance, the program has notifications in place to identify this issue and notify officers via email of videos without a CFS or incorrect CFS. (See screen shot below)

Send email notifications to all users that upload evidence

All users in the Command Hierarchy that upload evidence will receive email notifications when this option is selected. If this is not selected, only the users in the lowest level squads will receive email notifications.

ADDITIONAL COMMENT(S)

Comment will be automatically added to email

Sample Email

Improve your performance metrics

Dear Doe, John (badge ID: 123123)

This is a reminder that you have uncategorized evidence or evidence without an ID. Please click on the links below to review:

Videos uncategorized (24) [VIEW ALL](#)

Videos without an ID (8) [VIEW ALL](#)

- Deleted videos are excluded.
- Last updated: Sept 16, 2020, 9:15am

[ADDITIONAL COMMENTS ARE DISPLAYED HERE]

Sincerely,
Agency Admin team

RESPONSIBLE PARTY: Capt. Milam

ESTIMATED DATE OF COMPLETION: Short term implementation of numbering system complete, auto-tagging in T&E, possible implementation by January 2023.

ASSESSMENT OF RESPONSE:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions appears appropriate. During the testing process, management also noted the issue and immediately began reviewing how to address the finding. Additionally, we agree that Axon Performance does have the method to solve this issue and notify the necessary personnel to correct the issue. This also allows for record keeping and to address any future training for officers who do not follow BWC compliance.

OTHER FINDINGS/OBSERVATIONS TO BE CONSIDERED FOR CORRECTION

The following observations were noted during the review and should have steps implemented to strengthen and correct these actions:

- A. Camera view was blocked at some point in the video – Throughout the course of their normal duties, officers may briefly block the view of the camera and we identified some examples of this in our review. Examples that we observed were officers seatbelt over the camera, officers are covering the camera while speaking on the phone, officer leaning on counter and camera pointing down or arms covering viewing area, and officers arm covering camera as speaking on mic. The risk and potential impact to the officer and FSPD would be not capturing the officer's safety, not capturing the event of evidentiary significance.
- B. Videos not uploaded timely was relatively small, however policy requires that officers upload the BWC videos created during their shift by the end of their work day. Regularly uploading videos is important because once the camera's memory is full, it will not record additional data and users may fail to record events of evidentiary significance. It also minimizes the risk should the camera fall or is pulled off an officer and subsequently lost, the more data stored on the camera, the more data that could be lost.

For accountability and transparency, Department leadership should consider receiving, monitoring and tracking through an analysis the following:

- Videos captured and compared to dispatch calls
- Videos uploaded within one day
- Uncategorized videos
- Videos streamed by supervisors
- Videos deleted before the retention schedule
- Videos audited that complied with activation and deactivation procedures
- Audited videos that were accurately categorized
- Call for Service numbers were corrected by Captain during testing of videos.
- Videos did not delete as scheduled
- Videos expired retention category

Additional Recommendations:

- Randomly select videos scheduled for deletion to ensure the video is categorized for appropriate deletion period, has the correct CFS number and correct officer.
- Conduct quarterly reviews of user roles and permissions.
- The development of oversight policies and procedures that ensure those wearing BWCs operate the equipment in compliance with established guidelines. This should include, but may not be limited to, camera placement that ensures clear audio and video recording as well as compliance with established activation and deactivation requirements.

Audit recommends that FSPD acquire Axon Performance to help with data/metrics, queries to ensure all CFS have a video in Evidence.com

Axon Performance is a data analysis software that helps in effectively managing the BWC program. It provides data/metrics for BWC and Taser utilizations to show activation rate, powering cycle, categorization rate and ID rate. Performance allows for mining through large databases and extract patterns of behavior to help supervisors identify training and developmental needs.

Axon Performance makes auditing easy by automating BWC policy review workflows by having configurable workflows that adapt to existing police department review process. It increases review coverage and the system measures compliance of all officers wearing BWCs. Provides at-a-glance policy compliance scoring.

Additionally, Axon Performance automatically measures camera-use during calls for service and provides actionable reporting and insights. The supervisor can set up a dashboard that list all officers under their command. The list will show if each officer is consistently complying with Department policy and allows for the supervisor to click on an officer's name to jump to their individual performance page. It also allows the supervisor to select a Random Video Review workflow that is based on an algorithm that selects body-worn videos randomly for review, while trying to ensure that officers are reviewed on a similar frequency and cadence.

Lastly, Axon Performance metrics can be set to show the total number of TASER 7 arm events, arc events, trigger events, cartridge deployments, TASER Docking, and TASER function Tests across the agency, for individual officers. The information is presented in the TASER Metrics tab on the Management View, Dashboard, and Officer pages.

INTRODUCTION

City of Fort Smith Police Department (FSPD) is committed to protecting the safety and welfare of the public as well as its members. The body worn cameras are intended to improve the operational efficiency of the FSPD, promote transparency, accountability, and build community trust.

BACKGROUND

Body-worn cameras are relatively small devices that record interactions between the public and law enforcement officers. The video recordings can be used to promote transparency, increase accountability, and discourage inappropriate behaviors by both the public and officers. The Fort Smith Police Department (FSPD) Audio/Video recordings from Body Worn Cameras (BWC) and In-Car Cameras (ICC) can improve the quality and reliability of investigations and increase transparency.

The Board Members passed Ordinance 90-18 in November 2018 allowing the City of Fort Smith Police Department to purchase Body Worn Cameras (BWC). In 2019, FSPD purchased 80 Axon 2 BWC and video storage with Asset Forfeiture Funds in the amount of \$261,147. The department began deploying body-worn cameras in March 2019 by rolling them out with the patrol officers. The cameras were upgraded to Axon 3 in May 2021.

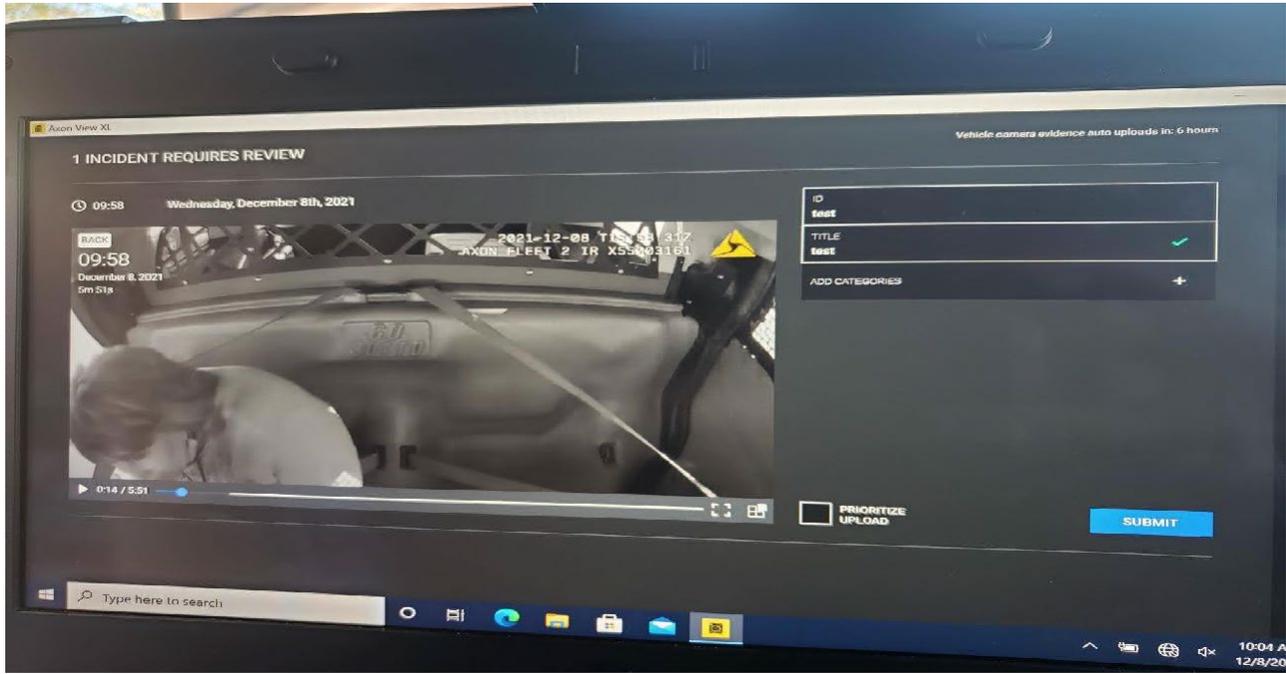
As of 2022, FSPD has 162 BWC, of which 130 sworn officers (including animal control) are assigned body-worn cameras while on duty. The police department provides BWC equipment for purposes of providing evidence in the prosecution of criminal offenses, to enhance officer safety, to gather evidence, to help resolve citizen complaints, verify officer actions, and for evaluating officer performance and determining training needs. The police department's policy is based on availability of equipment, BWC will be primarily issued to those officers assigned to the patrol division in a non-supervisory role. The officers are to inspect and test BWCs prior to each shift to ensure that it is operational and the battery is fully charged. The officer will sync their BWC with the ICC to determine their equipment is working satisfactorily.



Officers are required to activate body-worn cameras when they respond to calls for service or have citizen contacts where they anticipate taking law enforcement action. Videos are started either automatically when an officer engages their blue lights for ICC, opens the patrol car backdoor, or when an officer pushes the "EVENT button" on the device. Officers stop the video manually at the end of an incident by pushing the EVENT button. The body-worn cameras captures both audio and video and camera batteries typically last ten hours on a full charge. Motorcycle officers have a helmet camera and a body worn camera.



The officers have the option to upload their videos and assign the Call for Service (CFS) number upon return to their vehicle or at the end of their shift. The officers dock their cameras on charging stations and while docked, videos are automatically uploaded to a cloud-based storage and management system called Evidence.com. Videos are kept in Evidence.com based on the retention category officers assign to the video.



BWC's are assigned to officers individually, and each camera is linked to the officer's unique identification number. Officers have access only to the video they upload into Evidence.com. The video management system. The system maintains and audit trail of users who access video data to protect the integrity and privacy of the recorded data and preserve the chain of custody. Supervisors and administrators may access all data and user information associated with that evidence, except restricted videos. One assigned user role, the system super administrator, has full access and privileges to all evidence and footage uploaded.

FSPD total number of video uploads for BWC, ICC and Tasers into Evidence.com

Total Uploads	YR 2019	YR 2020	YR 2021 (as of 11/22/21)
Number of Video's	112980	144834	139496
Hours of Videos	25431.33	34346.28	34350.95
GB of Videos	45539.84	60881.46	58910.18

Potential Impact of BWC Implementation and Use

A March 2021 study released by the University of Chicago Crime Lab titled *Body-Worn Cameras in Policing: Benefits and Costs*, states, "...the ratio of benefits to society from adoption of BWC to the costs is on the order of 5 to 1... [The] estimated benefit-cost analysis of 5:1 from body-worn cameras is substantially higher, for example, than the estimated benefit-cost ratio of 2:1 for additional spending on hiring more police Chalfin and McCrary (2018)."¹ The study also attributes use of body worn cameras to a 16.9% estimated reduction in complaints against police and a 9.6% estimated reduction in police use of force.

SCOPE AND METHODOLOGY

The scope considered video footage and information related to body-worn cameras from 2019 through 2021. Our audit objective, as refined during the audit of the BWC for the course of our work, is as follows:

1. Body-worn camera users comply with the Fort Smith Police Department's standard operating procedures.
2. Video upload and categorization by role to ensure compliance with policy.
3. Review Evidence.com system controls to determine whether videos were retained in accordance with retention guidelines and whether videos could be deleted by unauthorized users.
4. Review video activated and deactivated procedures.
5. Videos reviewed by supervisors, accessibility, authorization, and documentation of reviewed videos.

PROCEDURES PERFORMED

To obtain sufficient evidence to achieve audit objectives and support our conclusions, we performed the following:

PLANNING

- Conducted interviews and process walkthroughs with key individuals;
- Identified key risks and controls;
- Identified potential areas for process improvements and control gaps;
- Review Body-worn camera policies; and
- Review Axon Camera user manual.

FIELDWORK

- Obtained dispatch call report, Call For Service (CFS).
- Obtained officer video user roles report.
- Obtained current officer employee report.
- Obtained supervisor sampled video review report.
- Obtained report from Evidence.com video upload report
- Documented findings and confirmed with process owners

REPORTING

- Prepared a draft report to include testing results and recommendations
- Discussed draft findings with process owners and management, obtained management responses, and assessed management responses.

AUDIT METHODOLOGY

We conducted this performance audit in accordance with *Generally Accepted Government Auditing Standards* and the *International Standards for the Practice of Internal Auditing* as promulgated by the Institute of Internal Auditors. Those standards require that we plan and perform the audit to obtain sufficient evidence to provide a reasonable basis for our findings and conclusions based on our audit procedures. The scope of our work did not constitute an evaluation of the overall internal control structure of the Citizen Services Department. Management is responsible for establishing and maintaining

a system of internal controls to ensure that City assets are safeguarded; financial activity is accurately reported and reliable; and management and employees are in compliance with laws, regulations, and policies and procedures. The audit was performed to provide management with reasonable, but not absolute assurance that the controls are in place and effective.

RESULTS AND CONCLUSION

We believe that we have obtained sufficient evidence to adequately support the conclusions provided below as required by professional auditing standards. Each conclusion is aligned with the related Audit Objective for consistency and reference. For detailed findings, recommendations, management responses, comments and assessment of responses see the “Detailed Findings, Recommendations, Management Responses, and Assessment of Responses” section of this report.

- ❑ **PROCESSES ARE NOT IN PLACE TO ENSURE THAT ALL VIDEOS ARE UPLOADED TO EVIDENCE.COM. (HIGH)** - Call for Service numbers are not compared to all video’s uploaded to Evidence.com to ensure all Call for Services have been recorded and all videos have been uploaded.
- ❑ **CAMERA ACTIVATION AND DEACTIVATION NOT UTILIZED ACCORDING TO POLICY. (HIGH)** - Our review identified a relatively small number of officers who did not manually start the recording at the beginning of the incident. Without a full video and audio recording of the officer’s interaction, it is unclear what was happening in the incident and a full evaluation of officer performance cannot be completed.
- ❑ **NOT ALL QUARTERLY VIDEO REVIEWS WERE SUBMITTED AND NOT ALL OFFICER HAD A VIDEO REVIEWED. (HIGH)** - Quarter review documentation was not provided for each division and not every officer who had a video in each division was reviewed. Additionally, not all the quarter review documentation contained the information necessary to identify which officer video was reviewed
- ❑ **VIDEO DID NOT BELONG TO OFFICER. (MODERATE)** - Not all officer’s ensured the video they were categorizing is their video. If IIC videos do not completely upload before connection is terminated, then the ICC videos not uploaded will attach to the incoming officer’s ICC videos. Additionally, it was noted that officers documented in Evidence.com “not my video” if the video was not their video. Supervisors did not ensure on a weekly basis that all videos were correctly classified according FSPD policy 1109.10 Body Worn Camera (BWC) and In-Car Camera (ICC) Systems.
- ❑ **VIDEO NOT CATEGORIZED CORRECTLY AND THEREFORE DELETED PREMATURELY. (HIGH)** - Not all videos were categorized correctly according to the video and/or to the report. Videos with an incorrect category were deleted before the proper retention date. Videos with an incorrect category were deleted before the proper retention date or retained for longer than necessary.
- ❑ **VIDEO DOES NOT AGREE TO THE INCIDENT CRIME INFORMATION SYSTEM (ICIS) REPORT. (HIGH)** - Officers did not ensure that the video category, the ICIS report category and

assisting officers report categories agreed to the call for service. It was noted that an officer would categorize the incident as a misdemeanor, however other officers on the scene would categorize the incident as a felony.

- **CALL FOR SERVICE (CFS) NUMBER NOT CORRECT. (HIGH)** - Not all videos had a CFS number or the correct CFS number assigned. Without the CFS number, the video would not come up in a search, so it would be difficult to locate the video related to that case for an interested party (for example the officer's supervisor, a detective working on the case, or a member of the public requesting the video).

High Risk: Key controls do not exist or are not effective, resulting in an impaired control environment. High Risk control weaknesses require immediate corrective action detailed in the management action plan.

Moderate Risk: Adequate control environment exists for most processes. Moderate risk control weaknesses require corrective action detailed in the management action plan.

Low Risk: Satisfactory overall control environment with a small number of low risk control improvement opportunities that do not require corrective action or a management action plan.

BWCs have become a staple for many law enforcement organizations across the country. A well designed and implemented BWC program can enhance transparency and accountability by ensuring objective video evidence is available for encounters in which law enforcement agencies engage in the use of force, particularly in cases involving the injury or death of a member of the public. Such evidence is also useful to investigative and prosecutorial efforts involving those who injure or kill law enforcement officers, who regularly put their lives on the line when making arrests, executing search warrants, or responding to dangerous events.

Audit issue details and management action plans are included within the *Audit Issues and Management Action Plans* section beginning on page 5. *We would like to thank the Fort Smith Police Department, specifically Captain Wes Milam and Captain Daniel Grubbs for their cooperation and professionalism throughout this audit.* We also recognize the work and effort to implement this program within the Police Department and officers. The BWC implementation was built from the ground up beginning with learning not only the camera system, but writing the policies, ensuring all officers were trained and learning the Evidence.com software. They also worked with other agencies and prosecutor's office to ensure that the videos had a reasonable retention period. Lastly to ensure that the In-Car-Camera system integrated with the BWC's. Management also worked with us to ensure recommendations were achievable and reasonable since they are the subject matter experts in this area.