

Internal Audit Report



Aurora Police Department- Body-Worn Camera Compliance



Contents

Auditor’s Conclusion	4
Audit Profile	5
Audit Team.....	5
Background.....	5
Scope	6
City Manager Response	8
Milestone 2 Report	9
Policy	10
Milestone 3 Report	18
Milestone 4 Report	19
Objectives Test Work Report	20
Activation and Deactivation	22
Interrupted footage.....	24
Supervisor Review	26
Categorization.....	28
Utilization of BWC	28
Clear and Unobstructed Video.....	29
Camera Attachment	29
Video Download	30
Video Information	31
Access	31

Auditor's Conclusion

September 8, 2020

Internal Audit has completed the Aurora Police Department Body-Worn Camera Compliance engagement. We conducted this engagement as part of our 2020 Annual Audit Plan.

The audit objective was: How well does the Aurora Police Department comply with policies, laws, and best practices related to the use of body-worn cameras?

To these ends, Internal Audit:

- Interviewed the Aurora Police Department (APD) management and staff;
- Reviewed APD policy and any laws related to body-worn cameras;
- Reviewed best practices related to body-worn cameras;
- Reviewed current APD body camera processes;
- Evaluated APD officers' compliance with APD policy through review of randomly selected event videos; and,
- Applied other methods as needed.

Based on our engagement procedures, we conclude that Aurora Police complies with some, but not all, policies and best practices. We have detailed our issues and recommendations in the subsequent sections of this report. We want to acknowledge the Aurora Police Department's cooperation and responsiveness during this engagement.

Wayne C Sommer

Wayne C. Sommer, CPA, CGMA
Internal Audit Manager

Audit Profile

Audit Team

Wayne Sommer, CPA, CGMA – Internal Audit Manager

Sheree Van Buren, CIA – Engagement Supervisor

Michelle Crawford, M. Acct, CIA, CFE, CRMA – Lead Auditor

Background

The Aurora Police Department (APD) started its body-worn camera (BWC) program in 2016. The Department's philosophy regarding body-worn cameras is that their use is to enhance safety, accountability, transparency, the preservation of evidence, and documentation.¹

When appropriately used, body-worn cameras can contribute to the transparency that the public is demanding related to encounters with law enforcement. They can also protect officers by providing critical context leading up to acts of force. Their effectiveness can depend on how well the officers and the Department comply with laws, policies, and best practices related to their usage.

Aurora Police use the VieVu body-worn cameras and platform. Body-worn cameras are small battery-powered cameras. Aurora's cameras have a battery life of up to 12 hours. The average officer shift lasts 10 hours. Officers typically attach the cameras to their chests.

Directive 16.4 requires officers to turn their body-worn cameras on at the beginning of the shift. The camera has a thirty-second buffer where it records video but not audio before the second activation of the camera. Per the APD policy, the second activation starts when an event/incident or contact begins.

To start recording, officers slide the switch down and to stop recording officers slide the switch up.



¹ APD Directive 16.4

Officers dock their cameras on charging stations. While docked, videos automatically upload to the VieVu platform.

The Aurora Police Department retains body-worn camera videos based on their disposition category code. The BWC system interfaces with the Computer-Aided Dispatch (CAD) system automatically associating each video of the incident to the officer within CAD. The disposition code used to close the incident within the CAD system determines the video retention period. Officers are responsible for ensuring the proper disposition code is associated with the video. Per Directive 16.4.9, officers will categorize videos within 28 days from the date of the incident. Below is the current retention schedule.

Category Name	Retention Period in Days
Accident all others	366
Accident Fatal	99,996
Complaint/Use of Force	731
Crimes Against Children	99,998
Crimes Against Person	1,462
Crimes Against Property	1,461
Criminal Summons	367
Default Contact	61
DUI - Driving Under the Influence	732
Economic Crimes	99,995
Inventory Vehicle Report	180
Major Crimes	99,999
Non-Criminal Status Offense	180
Sex Assault Against Adult	99,997
Test Video	30
Traffic Summons Issued	270
Uncategorized	60

Scope

We applied the following scope of work:

- Aurora Police Department processes in force as of March 2020;
- Body-worn camera footage from the VieVu video system between January 1, 2020, and March 31, 2020, in the system as of April 28, 2020; and,
- Computer-aided dispatch (CAD) information from May 1 through May 31, 2020², in the system as of June 2, 2020.

² We chose the most recent month of complete data for our CAD review, to reduce the risk that videos were no longer available due to the retention requirements.

Milestone Reports

Milestone 1 Engagement Letter
Milestone 2 Client Evaluation
Milestone 3 Process Controls and Efficiency
Milestone 4 Risks
Milestone 5 Revised Engagement Letter (if issued)
Test work

Issued Date

February 4, 2020
September 8, 2020
September 8, 2020
September 8, 2020
No revised letter issued
September 8, 2020

City Manager Response

I have reviewed the Office of Internal Audit Report on Body Worn Cameras (BWC) in the Aurora Police Department (APD). I requested this Audit for several reasons. Knowing that APD would be going to bid on a new BWC system it would be beneficial to review how the current system is working and perhaps gain some insight into features that should be included in a bid package. It is also important to know how APD's policies and procedures compare both with other departments and recommended policies from such associations as the International Chiefs of Police (IACP) and the Police Executive Research Forum (PERF). Finally, and most importantly, are APD's policies adequate, is APD complying with its own policies, and if not, how should that be remedied?

There are two areas from the Audit that concern me from the perspective of accountability and transparency. With regard to interrupting recording, PERF recommends that "once activated, the body-worn camera should remain in recording mode until the conclusion of the incident/encounter, officer has left the scene, or a supervisor has authorized that a recording may cease." APD's policy allows for de-activation under certain circumstances. As you will read in the audit those circumstances are not always clearly defined and leave room for interpretation. In response to the Audit I agree with APD Management's statement that "The goal is to show the incident in its entirety..." However, for the purpose of maximizing accountability and transparency, adhering to the PERF policy would be a best practice. Documentation of supervisor authorization is an important add on to the PERF policy.

Supervisory review is also a key component of a BWC program to help assure that policies are being complied with, to enhance supervisor coaching and officer improvement and recognition, and for general training. The Audit points out the deficiency within APD regarding supervisory review of BWC video. This presents a challenge in both the short and long term. A department the size of Aurora's should eventually include a unit that consistently and regularly reviews BWC video for the purposes mentioned. However, until such a unit is possible APD management should work with supervisors on developing templates and checklists to facilitate their review of what can be very time-consuming videos.

This Audit helps bolster the case for the establishment of a police audit function that will help improve the integrity of the department, increase transparency and help build community trust in the good work that APD does.

James Twombly
Aurora City Manager



Milestone 2 Report
APD Body Camera Compliance

September 8, 2020

BACKGROUND

In Milestone 2, we gain a deeper understanding of the client's operating environment and client issues that may affect the engagement objectives and that may influence subsequent engagement procedures. We accomplish this by reviewing policies and procedures, performance measures, and statistics.

PROCEDURES	CONCLUSIONS
<ul style="list-style-type: none">Review policies and procedures	Directive 16.4 is the policy governing body-worn cameras. Our comparison of the policy to best practices identified that the Directive complies with some best practices but does not comply with others. Below is a summary of our comparison and recommendations.
<ul style="list-style-type: none">Review performance measures	There are not currently any performance measures relating to body-worn cameras. Aurora Police are reviewing a new provider and will consider performance measures after that process is complete.

Policy

We compared the Aurora Police Department (APD) Directive 16.4 Body-Worn Cameras (the Policy) to various best practices (see below) and to the relevant portions from the new state law Senate Bill 20-217, Enhance Law Enforcement Integrity.

We reviewed the best practices from the following sources:

- International Association of Chiefs of Police (IACP), "Body-Worn Camera Model Policy," April 2014³
- Police Executive Research Forum (PERF) and Community Oriented Policing Services (COPS) Department of Justice, "Implementing a Body-Worn Camera Program," 2014⁴
- Bureau of Justice Assistance (BJA), "Body-Worn Camera Toolkit – Law Enforcement Implementation Checklist," 2015⁵
- Commission on Accreditation for Law Enforcement Agencies (CALEA)⁶
- Other sources as cited.

A summary of our review is below.

COMPLIANCE REVIEW SUMMARY		
Fully	Partially	Not at All
Purpose	Assignment	Critical Incidents
Recording restrictions	Deactivation	Download
Maintenance and Inspection	Activation	Personal Devices
Reporting	Proper utilization	Data Analysis
Location	Video release	Storage
Retention	Training	Deletion of personal recordings
Modifications	Reviews	Redactions

Purpose

CALEA and the IACP both recommend policy statements on purpose and organizational philosophy regarding body-worn camera (BWC) use. Directive 16.4 states, "The Department Philosophy regarding body-worn cameras (BWC) is that their use is to enhance safety, accountability, transparency, the preservation of evidence, and documentation. The purpose of this policy is to provide guidelines for the use, management, storage, and retrieval from body-worn cameras any audio-visual body-worn digital recordings for evidentiary, training, and complaint purposes." The Policy follows best practices.

³ <https://www.theiacp.org/sites/default/files/all/b/BodyWornCamerasPolicy.pdf>

⁴ https://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf

⁵ <https://bj.a.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/BWCImplementationChecklist.pdf>

⁶ <https://www.calea.org/>

Assignment

PERF COPS recommends that policies state which personnel are assigned or permitted to wear body-worn cameras and under what circumstances. Senate Bill 20-217 requires beginning July 1, 2023, "All local law enforcement agencies issue body-worn cameras to their officers." Directive 16.4.3 states, "Body-worn cameras are assigned to individual members or units." The Directive does not identify which members or units are assigned BWC. To demonstrate compliance with State law, the Directive should identify any units where a body-worn camera will not be assigned.

Deactivation

All the best practices recommend the inclusion of requirements and restrictions for activation and deactivation of devices. PERF COPS recommends once activated, the body-worn camera should remain in recording mode until the conclusion of the incident/encounter, officer has left the scene, or a supervisor has authorized that a recording may cease.

Senate Bill 20-217 requires beginning July 1, 2023:

"A peace officer shall wear and activate a body-worn camera when responding to a call for service or during any interaction with the public initiated by the peace officer, when enforcing the law or investigating possible violations of the law.

A peace officer may turn off a body-worn camera to avoid recording personal information that is not case related; when working on an unrelated assignment; when there is a long break in the incident or contact that is not related to the initial incident; and in administrative, tactical, and management discussions. A peace officer does not need to wear or activate a body-worn camera if the peace officer is working undercover."

Directive 16.4.5 states, "Body-worn cameras may be de-activated when:

- (1) The contact is completed.
- (2) An articulable reason exists prior to the completion of the contact or incident. The member should record the reason verbally, just prior to de-activating the equipment. Reasons for articulating this deactivation may include;
 - a. General conversations with peers or supervisors
 - b. Time spent removed/disengaged from the scene and there is no contact or incident related value in what could be captured by the body camera.
 - c. Private conversations unrelated to the contact or incident.
- (3) A citizen requests that the recording stop. Deactivating the camera is at the discretion of the member operating the camera. If the member chooses to deactivate the body-worn camera, the request from the citizen must be recorded. If the camera is deactivated, the

camera should be reactivated to record the conclusion of the citizen contact.

Members should not volunteer to deactivate the recording without first being asked by a citizen to stop, as described in this subsection (3) above, or where otherwise directed by this policy.”

The Directive allows for officer discretion such as general conversations to deactivate the camera, going above what is recommended by best practice. While state law includes more specific guidance related to deactivations, best practice is to record the event in its entirety, with limited exceptions. Additionally, it does not address authorization by a supervisor to deactivate the camera.

Recording restrictions

IACP and PERF COPS both recommend restrictions on recordings including undercover officers, private areas such as bathrooms, conversations with other personnel involving tactics or strategy, or strip searches. Directive 16.4.4 addresses special considerations for recording including restrictions on recording conversations between Department employees, not activating the BWC in public places where a reasonable expectation of privacy exists unless for official law enforcement activity, avoiding recording confidential informants or undercover officers. The Policy also addresses restrictions on recording in health care facilities and recording inside a private property if the member has the legal authority to be there.

While the Policy follows best practices on recording restrictions for undercover officers, private areas, and tactics, we recommend APD update the language around subsection (2) to follow the wording of the newly passed State law.

Activation

IACP also recommends wherever possible informing individuals they are being recorded. Directive 16.4.3 (b) covers Body-worn camera activation including, “On duty officers shall activate the camera’s recording capabilities as soon as practical when:

1. Contacting a citizen or confronting an incident unless such activation is not feasible; In most circumstances, his/her camera equipment should be recording the entirety of a contact or incident.
2. Anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes such as a member-involved critical event;
3. When actively involved in a pursuit.”

While the Policy mostly follows best practices, it does not define or give guidance on when the activation is not feasible. The Policy also does not address informing individuals they are being recorded.

Proper utilization

The IACP recommends requirements in the process for when an officer fails to activate the BWC, fails to record the complete contact, or interrupts the recording. They recommend further including the officer documenting why their recording was

not made, was interrupted, or terminated. PERF COPS recommends an officer should be required to articulate on camera or in writing their reasoning if they fail to record activity as required. Senate Bill 20-217 requires sanctions for failing to activate the body-worn camera.

Directive 16.4.12 states, "If the body-worn camera was not utilized as required by this policy, an entry into the AIM system will be done under the incident type of Body-Worn Camera Violation (BWCV)." The Policy does not address the process if an officer fails to activate the BWC or interrupts the recording. Still, it does address how to document when an officer does not correctly utilize their BWC. The Policy partially complies with best practices.

Maintenance and Inspection

CALEA recommends procedures for equipment maintenance and inspections. IACP recommends inspecting and testing BWC before shifts and alerting a supervisor to issues. Directive 16.4.9 states, "Members will inspect their body-worn camera and any associated equipment at the beginning of their shift. Members will report any issues or damage to their supervisor and will return all damaged equipment to ESS for repair or replacement. Members are responsible for care and maintenance of any Department issued body-worn camera and equipment issued to them."

Directive 16.4.6 states, "Any problems noted during the download process will be reported immediately to the member's supervisor. Additionally, the member will send an email to the Electronic Support Section (ESS) documenting the problem." The Policy follows best practices.

Reporting

PERF COPS recommends that officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report. Directive 16.4.9 states, "Members shall document the use of the body-worn camera or any other recording devices in all reports." The Policy follows best practices.

Location

PERF COPS recommends that policies should specify the location on the body where officers should wear cameras. Directive 16.4.3 states, "... should be worn so that clothing or other equipment does not block the camera lens." (Effective 1-25-2020, Officers must use the Cliplock for BWC.) The Policy follows best practices.

Critical Incidents

The best practices address restrictions or guidance for officers reviewing video when there has been a critical incident. The IACP recommends restrictions to view video files in certain situations. The PERF COPS recommend permitting officers to review footage of an event they were involved in before making a statement. The BJA supports that policy should address video viewing (superior, officer, critical incident.) While the best practices differ on what restrictions should or should not be in place, they all agree that policy should include guidance in these situations.

The Policy does not address video viewing by various parties when there is a critical incident.

Directive 16.4.6 states, "Officers are responsible for downloading each file captured by the body-worn camera, except when the officer is involved in a Critical event." The Policy does address officers not downloading their footage when involved in a critical event.

Download

IACP and PERF COPS both recommend that files be securely downloaded periodically and no later than the end of each shift. Directive 16.4.6 states, "Officers will download the files from the camera within 72 hours (3 days) of recording the video unless an immediate download is directed by a supervisor. A supervisor may authorize a delay of up to an additional 24 hours (1 day) for downloading files." According to PERF COPS, the reason for the same day download includes allowing camera systems to recharge, clearing old data, events are fresh in the officer's memory for tagging and categorizing, and evidence is entered into the system promptly. The Policy does not comply with best practices.

Personal Devices

PERF COPS recommends that agencies should not permit privately-owned body-worn cameras while on duty. Directive 16.4 states, "Members are discouraged from using any video recording device not issued by the Department. If a member uses a video recording device not issued by the Department, the member will:

- Upload the video to the Digital Media Management System (DMMS) as soon as practical.
- Delete the recording from the private device and any external storage/cloud immediately upon uploading to the DMMS. Such recording is the property of the department.
- Document the above actions in a general offense report related to the event."

The Policy does not follow best practices. Additionally, it is unclear whether a member currently assigned a Department issued BWC can use a personal device. The Department needs to evaluate whether personal devices should be allowed in any situation. The Policy does not include any mechanisms for approval of personal devices or how the Department will ensure compliance with uploading and deleting of video from personal devices.

Data

Data Analysis

PERF COPS recommends statistical data collection and BJA supports that policy addresses process and data audits, including control reviews. The Policy does not address either of these elements. The collection of relevant data allows for analysis of the data and the identification of trends. Process and data audits ensure that processes function as intended and confirm that data is adequate. Control reviews, including compliance reviews, can determine whether officers are following policy.

Storage and Retention

The best practices recommend addressing data storage and retention. Additionally, IACP recommends that policy should clearly state where body-worn camera videos are to be stored. DM 16.4.1 states, "Audio/video files that are captured are categorized by the nature of the event." DM 16.4.10 states, "Body-worn camera video, other than test video, is considered a Criminal Justice Record and will be retained for a minimum of 60 days. The retention period is based upon the disposition code category." The Policy follows best practices for retention. The Policy does not address whether record retention applies to videos used for training purposes.

Directive 16.4.7 states, "The Electronic Support Section Lieutenant is designated the System Administrator. The system administrator is responsible for:

- Setting user permission levels within the system
- Equipment management and maintenance
- Training"

Directive 16.4.8 states, "Digital Evidence/Media/Records Technicians are responsible for:

- Entry of requests into the department's digital evidence/media request tracking system.
- Dissemination of digital evidence/media for misdemeanor discovery.
- Copies may be made available to members for court proceedings and investigative purposes.
- Provide information requested through the CORA and/or CCJRA request process to the department's Open Records Coordinator or legal representative for review, release or denial.
- Assisting supervisors with the management /retrieval of complaint data when needed."

The Policy does not address where BWC videos are stored.

Video release

The best practices recommend that policy address releasing videos. DM 16.4.10 states, "All recorded files associated with body-worn cameras, or any other recording device are the property of the Aurora Police Department. Dissemination outside the agency is strictly prohibited without specific authorization from the Media Relations Detail, the Chief of Police, or designee. Members cannot use any part of recorded files for personal use." An additional best practice from the Body-Worn Camera Training and Technical Assistance⁷ (BWC TTA) is a plan to release video during critical incidents.

Senate Bill 20-217 requires beginning July 1, 2023, "All recordings of an incident be released to the public with 21 days after the local law enforcement agency receives a complaint of misconduct."

⁷ <https://www.bwctta.com/>

The Policy follows best practices by addressing video releases, however, the Policy does not address video release during critical events. The Policy should be updated to reflect the new state law requirements for video releases upon receipt of a complaint of misconduct.

Modifications

The IACP and PERF COPS recommend addressing data tampering, deleting, copying, and sharing files. DM 16.4.9 states, "Members will not erase or attempt to erase, alter, reuse, modify, copy or tamper with any recording. All audio and visual recordings will be treated as evidence, and the appropriate chain of custody will be maintained. Members will not modify or attempt to modify the body-worn camera. Modifications include covering the lens, microphone, or LED lights with any object or material." The Policy follows best practices.

Deletions of personal recordings

The IACP recommends requests for deletions of portions of recordings (in the event of a personal recording) that must be submitted in writing and approved by the Chief or designee following state retention laws. All requests and final decisions kept on file. The Policy does not address the handling of personal recordings.

Redactions

The BWC TTA recommends the policy address redactions to video, including reasons why. Colorado Senate Bill 20-217 allows for redaction or nonrelease of the recording to public if there are specified privacy interests at stake. The Policy does not address whether redactions are allowed and documentation of them, including why. The Policy should be updated to reflect procedures for redactions in accordance with best practice and state law.

Training

All best practices recommend training for users and supervisors. PERF COPS recommends requiring refresher courses on BWC usage and protocols at least once per year. Directive 16.4.2 states, "The Electronic Support Section (ESS) provides training for all users of the body-worn cameras. Only those members who have received training in the use of the body-worn cameras are authorized to carry a body-worn camera." The Policy partially addresses the best practice, but it does not discuss providing training for supervisors or annual refresher training.

PERF COPS recommends a BWC training manual should be in both digital and hard-copy form. It should be readily available to agency personnel. Aurora Police do not have a BWC training manual; they do have a PowerPoint deck they use for training new officers.

Reviews

CALEA and IACP recommend documenting the requirements for a review of camera captured data. Including:

- Frequency of reviews,
- Quantity of reviews,
- If the equipment was operating correctly,

-
- If officers used devices appropriately,
 - If officers followed policy, and
 - Identification of areas for additional training.

Directive 16.4.11 states, " Supervisors may periodically review the video recording of members utilizing the body-worn camera. The purpose of the review is to:

- Ensure the body-worn camera equipment is functioning properly.
- Ensure the body-worn camera equipment is being operated properly within directives.
- Ensure downloads are being completed in a timely fashion.
- Identify potential training materials.
- Enhance incident debriefings."

The Policy partially complies with best practice; it does not address who can review footage, if random reviews by someone other than a supervisor are allowed, frequency of Supervisor reviews, and how videos are chosen. The current BWC system allows for a random selection of five videos.

According to Scot Haug, BWC TTA, "A policy is stronger when it includes the purpose and frequency of BWC user compliance reviews and names the person or position responsible for conducting the review. Agencies should ensure that expectations set forth in policy are reasonable given agency staffing and personnel workloads."⁸

Recommendation

We recommend that Aurora Police update the Body-Worn Camera Directive to reflect the best practices listed above.

Police Management Response

The Aurora Police Department is working on evaluating the policies and the best practices and will be working to update our policies to adhere to the new state law and to applicable best practices.

Estimated Implementation Date: December 31, 2020

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

⁸ <https://bwctta.com/resources/commentary/audits-and-compliance-reviews-can-strengthen-body-worn-camera-programs>



Milestone 3 Report
APD Body Camera Compliance

September 8, 2020

Internal Controls

In Milestone 3, we determine whether appropriate process controls exist for critical processes and whether processes are efficient. We accomplish this by flowcharting critical processes, identifying missing controls, and process inefficiencies.

PROCEDURES	CONCLUSIONS
Flowchart critical processes and evaluate for missing or weak internal controls, efficiency issues, and IT-related issues.	Critical processes are operating efficiently; we did not identify any weak or missing controls.
Determine any impact on test work procedures.	There is no impact on test work procedures.



Milestone 4 Report
APD Body Camera Compliance

September 8, 2020

Risk

In Milestone 4, we assess the impact of identified risks on the engagement objectives, scope, and planned test work procedures. We accomplish this by discussing risk in critical areas with the client and comparing it to leading practices.

PROCEDURES	CONCLUSIONS
<ul style="list-style-type: none">Assess IT Risk	No additional IT risks were identified. During test work we will review access logs for body-worn camera footage to ensure access is appropriate.
<ul style="list-style-type: none">Assess Governance Risk	A governance assessment was not necessary in light of the engagement objectives.
<ul style="list-style-type: none">Assess Fraud Risk	We did not identify any additional fraud risks or other general risks that would impact the planned audit objectives or test work procedures.



Objectives Test Work Report
APD Body Camera Compliance

September 8, 2020

Objectives Test Work

During objectives test work, we seek sufficient competent evidential matter to afford a reasonable basis for conclusions on the engagement objectives. We accomplish this by performing tests, data analysis, and any other means necessary.

Objective	Conclusion
How well does the Aurora Police Department comply with policies, laws ⁹ , and best practices related to the use of body cameras?	Based on our review of a random sample of videos, we conclude that Aurora Police complies with some, but not all, policies, and best practices related to the use of body cameras.

⁹ At the time our test work began, there were no relevant laws to include in our review.

We documented recommendations regarding body-worn camera policies in Milestone 2.

Review of Body-Worn Camera Footage

To determine compliance with Aurora Police Directives and best practices, we reviewed a sample of the officers' body-worn camera (BWC) footage. Body-worn camera videos are automatically deleted by the system based on the categorization of the video. Test videos delete at 30 days,¹⁰ and default contact videos delete at 60 days. We selected a random sample of 139 videos across districts and specialized units from January 1 through March 31, 2020, using videos still available in the system as of April 28, 2020. Our sample population included all video categorizations; we did not exclude or focus on any specific video category. The sample was not a statistical sample; therefore, results should not be extrapolated across the population of all videos.

Sample size selection

Number of videos in population	Number of videos selected in the sample
Less than 500	2
500-1,500	5
1,501-5,000	10
5,001-10,000	15
10,001 or more	25

The number of videos selected related to the total videos for each respective district or unit. Below is the breakdown of our sample.

Districts and Units	Total videos	Number of videos sampled
D1 Patrol	32,098	25
D2 Patrol	23,766	25
D3 Patrol	17,279	25
Police Area Representatives (PAR)	2,347	10
PSD Recruit	8,014	15
Traffic ¹¹	8,138	15
Metro Division	3,057	10
Operations Support Section	2,515	10
Detectives: District persons, property, robbery, (all districts)	218	2
Other: Front desk and Investigative Support Section (ISS)	293	2
Total Videos	97,725	139

¹⁰ Full retention schedule located in the Background section of this report.

¹¹ One video from the Traffic Section was an officer checking their radar gun. As it was not related to any public contact, we reviewed the video for compliance with access and reviews. Still, we excluded it from the rest of our compliance test.

Activation and Deactivation

Aurora Police Department (APD) training directs officers to turn on their cameras at the beginning of their shift. Audio and video recording requires a second activation. Our activation compliance review focused on the second activation: activating the camera at the beginning of an incident.

Directive 16.4.3 states, "On duty officers shall activate the camera's recording capabilities as soon as practical when:

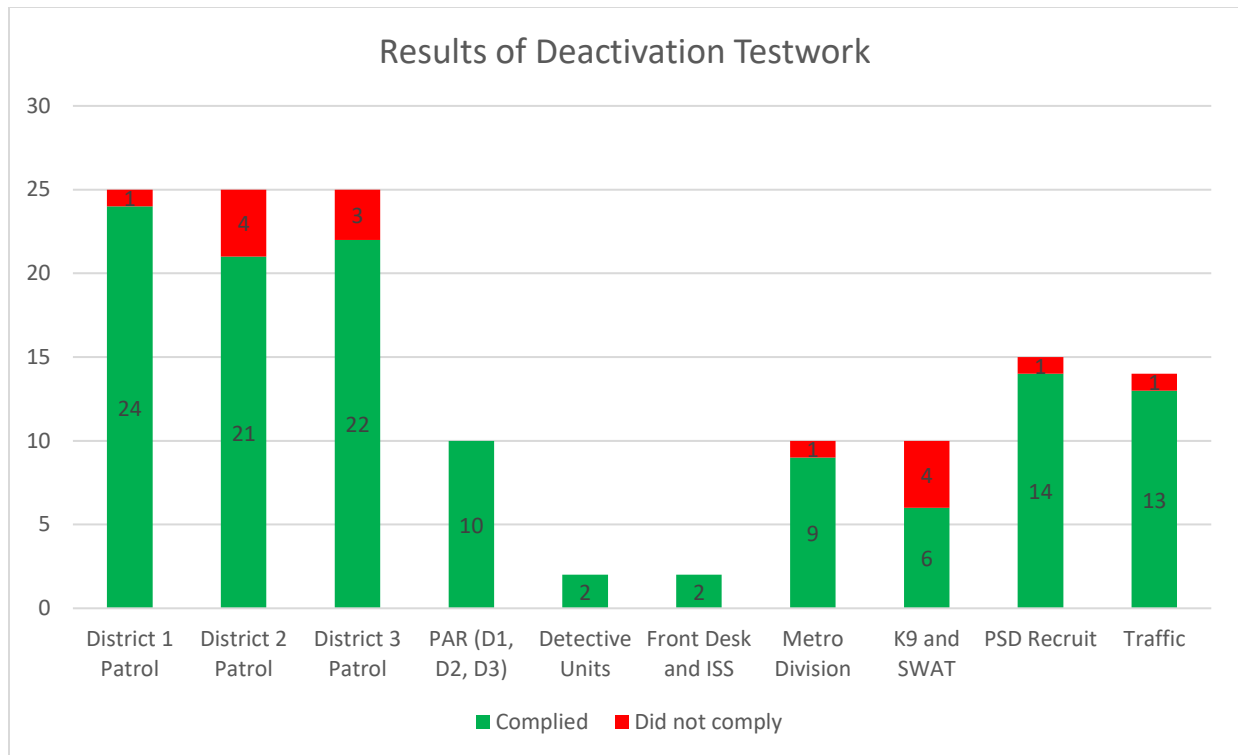
- (1) Contacting a citizen or addressing an incident unless such activation is not feasible. In most circumstances, his/her camera equipment should be recording the entirety of a contact or incident.
- (2) Anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes such as a member involved critical event.
- (3) When actively involved in a pursuit.
- (4) When conducting an authorized strip search of an adult (not juveniles) for the collection of evidence or contraband."

In our review of 139 videos, 96% of officers activated their cameras at the beginning of the incident following the policy.

Our review of deactivation focused on the deactivation at the conclusion of the incident. Directive 16.4.5 states, "Body-worn cameras may be deactivated when:

- (1) The contact is completed.
- (2) An articulable reason exists prior to the completion of the contact or incident. The member should record the reason verbally, just prior to deactivating the equipment. Reasons for articulating this deactivation may include;
- (3) A citizen requests that the recording stop. Deactivating the camera is at the discretion of the member operating the camera. If the member chooses to deactivate the body-worn camera, the request from the citizen must be recorded. If the camera is deactivated, the camera should be reactivated to record the conclusion of the citizen contact."

Officers complied with deactivation policies in 123 out of 139 videos we reviewed, an 89% compliance rate. The chart below shows our deactivation test work results for each unit.



Deactivation before the end of the incident does not capture the full event. Without an entire recording, the event is incomplete, which could lead to department and public misinterpretation, and may undermine accountability and transparency.

APD does not have procedures to monitor deactivation compliance.

- A *Policy* is a direct link between an organization’s *Vision* and its day-to-day operations. Policies identify the key activities and provide a general strategy to decisionmakers for how to handle issues as they arise. This is accomplished by providing limits and alternatives that can be used to ‘guide’ the decision-making process for overcoming problems.
- *Procedures* provide a clear, required, and easily understood plan of action for implementing a policy. A well-written procedure will help eliminate common misunderstandings by identifying responsibilities and establishing boundaries for those charged with execution. Good procedures allow managers to control events in advance and prevent the organization (and employees) from making costly mistakes.¹²

Recommendation

We recommend APD comply with Directive 16.4.5. We also recommend APD develop procedures to monitor for compliance with deactivation.

¹² <http://www.pcg-services.com/are-your-policies-and-procedures-a-barrier-to-growing-yourcompany/>

Police Management Response

We agree with the recommendations. In addition to additional training, a policy revision will address this issue. Policy will state supervisors, in the normal course of their reviews, will ensure officers are not deactivating the cameras prior to the end of the call, unless there is a specific, well-articulated reason to do so. The current language in the policy regarding turning off the camera at the request of a citizen will continue to be documented and the review will also focus on ensuring the officers have followed current policy and turn the camera back on at the conclusion of the contact to demonstrate the citizen has not been injured.

Estimated Implementation Date: March 31, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Interrupted footage

Aurora Police Directive 16.4.5 allows officers to deactivate and reactivate their cameras for reasons specified in the policy, during an event/incident, while verbalizing the reason for deactivation. Interrupted footage refers to deactivation and reactivation of the camera *during* an incident. This review is separate from our review of activation and deactivation discussed above. That review dealt with the beginning and end of a recording.

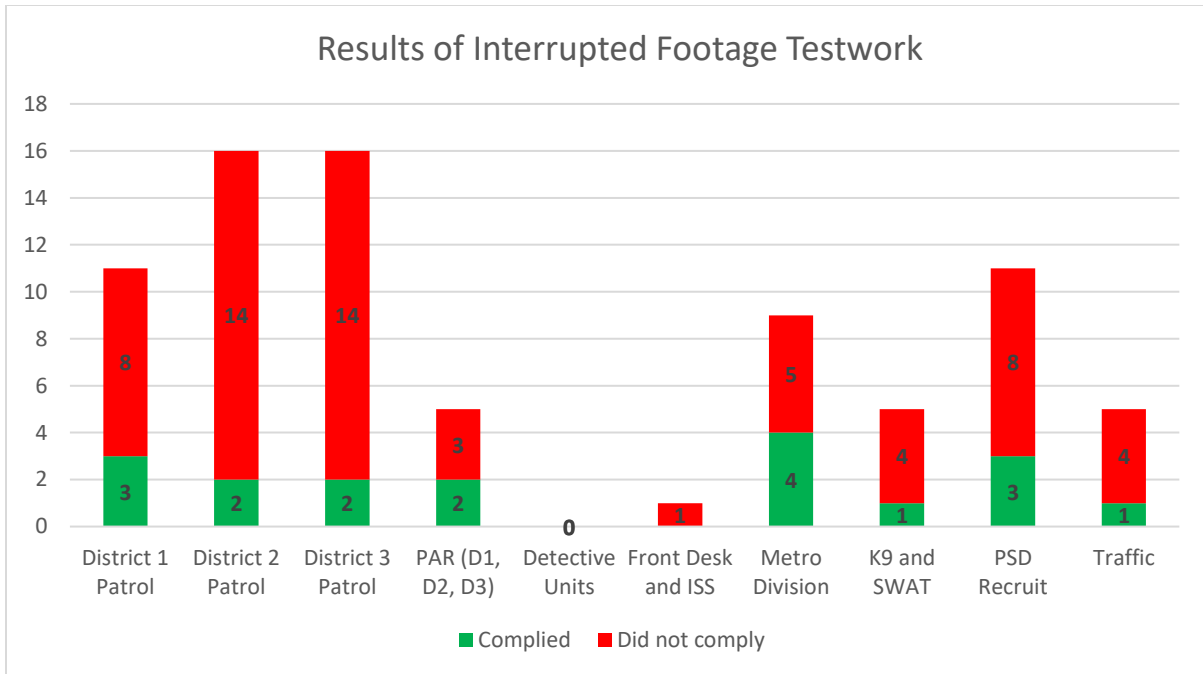
Directive 16.4.5 states, "An articulable reason exists prior to the completion of the contact or incident. The member should record the reason verbally, just prior to deactivating the equipment. Reasons for articulating this deactivation may include:

- a. General conversations with peers or supervisors.
- b. Time spent removed/disengaged from the scene and there is no contact or incident related value in what could be captured by the body camera.
- c. Private conversations unrelated to the contact or incident." (Emphasis added)

Our review focused on whether the officer verbalized a reason for stopping the camera. For videos where the camera stopped during the incident, we did not assess whether the reason for stopping the camera (verbalized or not) was allowable under the policy. Internal Audit does not possess the expertise to make this judgment. Additionally, it is our observation that "general conversations with peers or supervisors" is subject to broad interpretation and beyond expertise to assess compliance with such language.

Seventy-nine of the videos (57%) in our review included interrupted footage. We found 77% of the time; officers did not verbalize the reason for interrupting the recording.

The chart below shows the results of our interrupted footage test work.



Without verbalizing a reason for deactivating their camera, it is unclear why the deactivation occurred, leading to questions regarding the officer’s actions and potentially undermining community trust of the integrity of the recording.

While the directive addresses time spent removed or disengaged from the scene, officers are not consistent in application. For example, we observed that some officers deactivated their cameras when they ran someone’s information through databases to check for warrants, whereas other officers kept their cameras on.

The best practices we identified in Milestone 2 recommended that body-worn cameras remain in recording mode until the conclusion of the incident. Also, Directive 16.4.3 (1) states, “In most circumstances, his/her camera equipment should be recording the entirety of a contact or incident.” While policy allows for deactivating during an incident, 57% of the videos we reviewed in our sample did not record the entirety of the contact. APD lacks procedures to monitor for compliance with the verbalization requirement.

Recommendation

We recommend APD complies with Directives 16.4.3 and 16.4.5, develops procedures to monitor for compliance, and takes appropriate action to address any future department-wide non-compliance identified during APD reviews. We recommend APD updates its training to reflect an expectation that cameras will be on for the entirety of an event, with limited exceptions.

Police Management Response

We agree with the recommendation. A policy revision will address this issue. Policy will state supervisors, in the normal course of their reviews, will ensure officers are not deactivating unnecessarily. The policy will define the term general conversation and will give a more specific, narrow allowable description of when an officer can interrupt the recording. The goal is to show the incident in its entirety and the new restrictions will limit when a video will be interrupted. This will comply with the intent of the new law.

Estimated Implementation Date: December 31, 2020

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Supervisor Review

Based on our review, most supervisors are not reviewing body-worn camera footage for compliance with Directive 16.4. Directive 16.4 states, "Supervisors may [emphasis added] periodically review the video recording of members utilizing body-worn camera. The purpose of the review is to:

- Ensure the body-worn equipment is functioning properly
- Ensure the body-worn equipment is being operated properly within directives.
- Ensure downloads are being completed in a timely fashion.
- Identify potential training materials.
- Enhance incident debriefings."

The current body-worn camera system cannot document supervisor reviews within the system. We examined whether a supervisor had accessed videos in our sample to determine if reviews were occurring. Our analysis of body-worn camera video access showed 99% of videos did not have a supervisor access them.

We also issued a survey to APD supervisors to gather information on whether reviews are occurring. Of the 58 respondents who supervise someone with a body-worn camera, 86% said they review BWC videos. Most of these respondents stated they are reviewing videos because of complaints or use of force. Reviewing videos for complaints or use of force is better than reviewing no videos at all.

These supervisors document reviews in the AIM system¹³. Supervisors noted the following as some of the barriers to reviewing footage or reviewing it more frequently: were lack of time to review; too many other duties; call load management; concern with random reviews impacting morale; and one individual expressed concern with randomly reviewing anything.

¹³ The Administrative Investigations Management system (AIM), is used for tracking complaints and investigations related to APD personnel.

According to Audits and Compliance Reviews Can Strengthen Body-Worn Camera Programs,

BWC user compliance reviews check for the existence and content of BWC videos to determine whether officers are using the cameras in compliance with policy. While audits are typically conducted periodically at an agency level, compliance reviews should be ongoing and take place at a supervisory level or, in the case of larger agencies, by a unit dedicated to compliance review. BWC user compliance reviews, especially when coupled with BWC program audits, will ensure a healthy and defensible BWC program that can provide the accountability and transparency that the public and courts expect.

To allay officers' fears of supervisors using BWC video reviews to discover instances of an officer's poor performance, many agencies ask supervisors to look for and highlight examples of exemplary performance and use them as training examples. Many agencies refrain from disciplining officers based on video review, except in cases of egregious behavior. Instead, agencies use BWC review as a coaching approach to improve performance with a minimum criticism. In departments where supervisors routinely provide cover on calls, video review is emphasized as simply an extension of that supervisory responsibility.¹⁴

Recommendation

We recommend APD assign responsibility for monitoring department-wide body-worn camera compliance with Directive 16.4 to an appropriate unit. We also recommend APD develop a structured approach for supervisor reviews, including templates and checklists, or specific compliance areas Supervisors can document within the BWC system.

Police Management Response

We agree with the recommendation. Currently there is no unit that can complete this monitoring task. We will be looking to see if there is a technology answer to this issue as we go through the RFP process.

Estimated Implementation Date: March 31, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

¹⁴ Haug, Scott; <https://bwcta.com/resources/commentary/audits-and-compliance-reviews-can-strengthen-body-worn-camera-programs>

Categorization

Our review identified missing procedures for monitoring proper video categorization. At our request, a supervisor with the Aurora Police Department Electronic Surveillance Section reviewed the categorization of sixteen videos chosen from a random sample of dispatch calls. While all videos were categorized correctly, two video's events included more than one categorization. Additionally, during our review of 139 BWC videos, we observed two events with videos that appear miscategorized as they were not related to the other videos in that event.

APD lacks procedures to identify events with multiple categorizations or to review for appropriate categorization. The current system does not include the ability to flag events with more than one categorization assigned to videos. Record retention relies on proper categorization. When the categorization is not accurate, APD may not retain videos for the required amount of time.

Recommendation

We recommend APD evaluate future BWC systems for the capability to identify or flag videos in the system where the event has multiple categorizations. We also recommend APD develop procedures to review videos periodically for proper categorization.

Police Management Response

We agree with the recommendation. We will be looking to see if there is a technology answer to this issue as we go through the RFP process. Further training will be developed to address the current issue.

Estimated Implementation Date: March 31, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Utilization of BWC

Aurora Police lack procedures to verify officers are utilizing their body-worn cameras as required. We randomly selected 25 dispatch calls from computer-aided dispatch (CAD) data for May 1 through May 31, 2020. We then searched the BWC system for the existence of a video for the corresponding call. Sixteen of the calls had related video(s).

For the other nine calls, with the assistance of Aurora Police, we reviewed whether a video should have existed. The call categories included abandoned vehicle, court order violation, area watch, wellness check (unable to locate party), larceny-cold, and burglary. Several of the calls were handled over the phone to limit contact due to Covid-19. One call for found property included contact with a party; we did not locate a corresponding video.

Without procedures to ensure compliance with the utilization of cameras, Aurora Police cannot ensure that officers are using body-worn cameras as required.

Recommendation

We recommend Aurora Police develop procedures to monitor compliance with the utilization of cameras. Options could include randomly selecting CAD calls to review for the existence of videos or when reviewing videos with multiple officers ensuring that all officers have videos of the incident.

Police Management Response

We agree with the recommendation. A policy revision will address this issue. Policy will state supervisors, in the normal course of their duties, will monitor the compliance with the utilization of cameras. This policy will address the recommendation to randomly select CAD calls to ensure their subordinates are complying with policy.

Estimated Implementation Date: March 31, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Clear and Unobstructed Video

Our review of videos included verifying that the camera view was clear¹⁵ and unobstructed¹⁶. The video was clear and unobstructed in 97% of videos. In each of the four videos where there was an obstruction, it only lasted a few seconds. The obstructions were from a jacket, an officer leaning against a vehicle, and for the other two videos, we were unable to tell the cause.

Camera Attachment

Aurora Police began using the Cliplock system in January 2020 to help body-worn cameras stay attached, due to issues with the cameras previously becoming detached during physical contact. There are no requirements for officers to report cameras being detached.

We looked for cameras that became detached in our video sample reviews. In the videos reviewed in our sample, cameras stayed on in 137 of 138 videos, 99%. In the one video reviewed where a camera detached, two officers were climbing over a fence; the camera separated when one officer helped the other over the fence. The officer immediately reattached the camera. Procedures to require reporting dislodged cameras to the Electronic Support Section (ESS) would allow APD to monitor for issues of cameras coming off and to make any needed changes to established practice.

¹⁵ Was the camera view clear, or was there dirt or something on the lens obscuring the image?

¹⁶ Did something obstruct the view of the lens, such as an object or article of clothing?

Recommendation

We recommend APD develops procedures for Officers to report if a camera becomes detached, along with any causal details, to the Electronic Surveillance Section. ESS should compile the information and report it to management quarterly.

Police Management Response

We agree with this recommendation and a process will be developed where officers can report when a camera becomes detached to the ESS. Additional work will be done to ensure the cameras are not obstructed by having the officers conduct a test video while mimicking the holding of someone at gunpoint. This is to be completed by 2023 so the officers will be following the new state law.

Estimated Implementation Date: December 31, 2020

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Video Download

When officers dock their devices to charge, the videos download to the VieVu system. Directive 16.4.6 states, "Officers will download the files from the camera within 72 hours (3 days) of recording the video, unless an immediate download is directed by a supervisor. A supervisor may authorize a delay of up to an additional 24 hours (1 day) for downloading files. Officers are responsible for downloading each file captured by the body-worn camera, except when the officer is involved in a critical event."

Our review found 132 of the 139 sampled videos (95%) were downloaded within 72 hours of recording as required. Officers downloaded 1% of videos at four days, and they downloaded 4% after four days. The download times for the 4% outside of the policy ranged from 5 to 13 days after recording the video. We reviewed the digital signatures on the videos not downloaded according to policy; all signatures were valid, which indicates no tampering of the footage occurred.

The timely download of videos is critical to investigations and reports. There is no process in place to monitor for timely downloads. Reports on the timeliness of downloads would allow APD to watch for trends and to identify officers or units who do not consistently comply with the policy. It is also not clear if the system can perform this type of monitoring.

Recommendation

We recommend APD provide refresher training covering the requirements for downloads to ensure compliance with its established policies. We also recommend for future systems that APD requires capabilities for monitoring timeliness of downloads.

Police Management Response

We agree with the recommendation and refresher training will be done. This training will be targeted toward those officers who are not in compliance.

Estimated Implementation Date: June 30, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Video Information

The VieVu system assigns each video an Evidence ID number. An event or report number in the VieVu system (automatically assigned using information from the Computer-Aided Dispatch system) connects related videos to the same event. To find all related videos in the VieVu system, you must search by event number or report number.

Of the sample videos reviewed, 17 of 139 (12%) did not have an event number or report number. We searched by the name of the officer whose video it was and the time of the event; five of the seventeen officers had additional videos related to the event.

When videos are missing the event and report number, they will not appear in searches. Anyone reviewing an incident must spend additional time searching for related videos. For example, when the Records Unit receives a request for BWC footage, they must search multiple ways to identify all associated videos. Additionally, it may increase the risk that investigators or Records do not identify all related videos.

Recommendation

We recommend additional training for officers to ensure BWC footage includes the necessary information. Also, we recommend in future systems that APD requires such essential details to be automatically available along with standard reports identifying instances where information is missing.

Police Management Response

We agree with the recommendation. We will be looking to see if there is a technology answer to this issue as we go through the RFP process. Further training will be developed to address the current issue.

Estimated Implementation Date: June 30, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager

Access

The body-worn camera system cannot capture the reason why someone outside an incident accessed the video. Directive 16.4.9 states, "Members will not access,

browse or view videos or digital evidence unless there is a legitimate law enforcement purpose, investigation or reason such as, but not limited to:

- a) Force Review Board
- b) Training
- c) Supervisory Review
- d) Crime Analysis
- e) Complaint investigation
- f) Case filing."

We reviewed access logs for 139 videos looking for appropriate access using the available information. Access by individuals outside the wearer of the camera was mostly investigators or Records staff. The ability to capture the reason for accessing video would increase the department's ability to monitor compliance with its policy.

Recommendation

We recommend APD evaluate a future system's ability to capture the reason for accessing video by individuals outside the incident. APD should also develop procedures to monitor access for compliance with Directive 16.4.9.

Police Management Response

We agree with the recommendation. We will be looking to see if there is a technology answer to this issue as we go through the RFP process.

Estimated Implementation Date: June 30, 2021

Issue Owner: Aurora Police Chief

Issue Final Approver: City Manager