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December 8, 2020

The Honorable Ralph S. Northam
Governor of Virginia
P.O. Box 1475
Richmond, Virginia 23218

The Honorable Janet D. Howell
Chair, Senate Finance and Appropriations Committee
Senate of Virginia
P.O. Box 2608
Reston, Virginia 20195-0608

The Honorable Luke E. Torian
Chair, House Appropriations Committee
Virginia House of Delegates
4222 Fortuna Plaza, Suite 659
Dumfries, Virginia 22025

Dear Governor Northam and Chairs Howell and Torian:

Item 391.E of the 2020 Appropriation Act continues the expanded Workgroup established in Item 381 of Chapter 854, 2019 Acts of Assembly and requires the Executive Secretary of the Supreme Court of Virginia to submit the recommendations of the Body Worn Camera Workgroup convened by the Secretary of Public Safety and Homeland Security. The Workgroup is tasked with studying the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies from the use of body worn cameras.

Please find enclosed the recommendations of the Workgroup. If you have any questions about the recommendations, please contact the Secretary of Public Safety and Homeland Security.

Very Truly Yours,

A handwritten signature in black ink that reads "KIRK HADE".

Karl R. Hade

Item 391.E Report
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KRH:jrp

Enclosure

cc: The Honorable Brian J. Moran, Secretary of Public Safety and Homeland
Security

**Report to the General Assembly:
Workgroup Study of the
Workload Impact of Body Worn Cameras on the
Public Safety and Judicial Agencies**

Secretary of Public Safety and Homeland Security

2020

Report of the Body Worn Camera Workgroup

This report of the Body Worn Camera Workgroup (Workgroup) was prepared in accordance with Item 391.E of the 2020 Appropriation Act (2019 Acts Ch. 854), which provides as follows:

- E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the working group.
2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.
3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:
 - a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;
 - b. The number of hours spent in the course of redacting videos; and
 - c. Any other data determined relevant and necessary by the workgroup for this analysis.

The Workgroup was tasked with studying the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies from the use of body worn cameras. This report represents the continuation of the work began by the State Compensation Board pursuant to Item 73.U of the 2018 Appropriation Act (2018 Spec. Sess. I Acts Ch. 2). For a comprehensive review of the background that led to the initial study of body worn cameras by the State Compensation Board and the subsequent study by the Office of the Secretary of Public

Safety and Homeland Security, see the State Compensation Board's 2018 report, *Workgroup Study of the Impact of Body Worn Cameras on Workload in Commonwealth's Attorneys' Offices*.

Work Group Activities

The membership of the Workgroup is attached as Appendix A and included representatives from the judicial system, law enforcement, local governments, Commonwealth's attorneys, defense attorneys, staff of the House Appropriations Committee and Senate Finance and Appropriations Committee, and other relevant stakeholders.

In light of the focus on substantive criminal justice reform during the 2020 Special Session of the Virginia General Assembly, the Workgroup refrained from meeting until after the conclusion of the Special Session. This enabled the Workgroup to consider the impact of legislation enacted during the Special Session on the implementation and use of body worn cameras. Thus, the Workgroup held its one meeting during 2020 on November 13, 2020, shortly after the adjournment *sine die* of the 2020 Special Session. The minutes of this meeting are attached as Appendix B.

At the Workgroup's meeting, the Virginia Compensation Board presented an overview of the workload data it has received from Commonwealth's attorneys' offices in accordance with the 2019 Appropriation Act. In addition, the Workgroup received information regarding \$6.4 million for grants to law-enforcement agencies for the purchase, operation, and maintenance of body worn camera systems that was added by the Special Session amendments to the Appropriation Act (2020 Spec. Sess. I Acts Ch. 56).

Recommendations

At its meeting on November 13, 2020, by consensus, the Workgroup recommended that its work should continue through November 2021 and that the Workgroup should continue to collect data from stakeholders impacted by the use of body worn cameras to determine the fiscal and policy impacts on such stakeholders, including Commonwealth's attorneys' offices, public defenders and other defense attorneys, circuit and district court clerks, state and local law-enforcement agencies, and local governments.

Appendices

Appendix A: Workgroup Members

Appendix B: Minutes: Body Worn Camera Workgroup, November 13, 2020

Appendix A

Workgroup Members

Janet Areson, Director of Policy Development, Virginia Municipal League
Katie Boyle, Director of Government Affairs, Virginia Association of Counties
The Honorable Donald Caldwell, Attorney for the Commonwealth, City of Roanoke
The Honorable W. Randolph Carter, Jr., Clerk, Suffolk Circuit Court
Jane Chambers, Director, Commonwealth's Attorneys' Services Council
Tom Cunningham, Lieutenant, Virginia State Police
Devika Davis, Esq.
Robyn de Socio, Executive Director, Virginia Compensation Board
Christian Goodwin, County Administrator, Louisa County
C. Matt Harris, Deputy County Administrator, Chesterfield County
The Honorable David Hines, Sheriff, Hanover County
Susan Hooks, Chief Deputy, Office of the Attorney for the Commonwealth, City of Virginia Beach
The Honorable Robert Humphreys, Judge, Court of Appeals of Virginia
Michael Jay, House Appropriation Committee
David Johnson, Executive Director, Virginia Indigent Defense Commission
Matt Johnson, Public Defender, City of Hampton
John Jones, Executive Director, Virginia Sheriffs' Association
Caitlin Kilpatrick, Senate Finance Committee
Charlotte Lee, Virginia Compensation Board
Eileen Longenecker, Office of the Executive Secretary of the Supreme Court of Virginia
James McCauley, Ethics Counsel, Virginia State Bar
Chris McDonald, Virginia Association of Counties
The Honorable Brian Moran, Secretary of Public Safety and Homeland Security
Tricia Muller, Administrator of Judicial Operations, Chesterfield County
Mark Pellett, Virginia Compensation Board
Jaime Reyes, Office of the Executive Secretary of the Supreme Court of Virginia
David Reynolds, House Appropriation Committee
The Honorable Brian Roberts, Sheriff, Brunswick County
Adam Rosatelli, Senate Finance Committee
Barbara Saunders, Assistant Ethics Counsel, Virginia State Bar
Dana Schrad, Executive Director, Virginia Association of Chiefs of Police
Erik Smith, Manager, Policy and Standards, Div. of Law Enforcement, Virginia Department of Criminal Justice Services
The Honorable Colin Stolle, Attorney for the Commonwealth, City of Virginia Beach
The Honorable Shannon Taylor, Attorney for the Commonwealth, Henrico County
The Honorable Richard Vaughan, Sheriff, Grayson County
The Honorable Jacqueline Ward Talevi, Judge, 23rd Judicial District
Jerri Wilson, Intergovernmental Affairs Manager, City of Newport News
Kristi Wright, Office of the Executive Secretary of the Supreme Court of Virginia



Appendix B

Body Worn Camera Workgroup

November 13, 2020

1:00PM

This meeting was held by electronic means, via Cisco Webex meeting software, in response to the Governor's Declaration of a State of Emergency due to Novel Coronavirus (COVID-19)

MINUTES (*DRAFT*)

Members Present

Janet Areson, Director of Policy Development,
Virginia Municipal League
Katie Boyle, Director of Government Affairs,
Virginia Association of Counties
Tom Cunningham, Lieutenant, Virginia State
Police
Robyn de Socio, Executive Director, Virginia
Compensation Board
Christian Goodwin, County Administrator,
Louisa County
C. Matt Harris, Deputy County Administrator,
Chesterfield County
Susan Hooks, Chief Deputy, Office of the
Attorney for the Commonwealth, City of
Virginia Beach
The Honorable Robert Humphreys, Judge, Court
of Appeals of Virginia
David Johnson, Executive Director, Virginia
Indigent Defense Commission
Matt Johnson, Public Defender, City of Hampton
John Jones, Executive Director, Virginia
Sheriffs' Association
Caitlin Kilpatrick, Senate Finance and
Appropriations Committee
Eileen Longenecker, Office of the Executive
Secretary of the Supreme Court of
Virginia
The Honorable Brian Moran, Secretary of Public
Safety and Homeland Security
Tricia Muller, Administrator of Judicial
Operations, Chesterfield County
Adam Rosatelli, Senate Finance and
Appropriations Committee
Erik Smith, Manager, Law Enforcement, Policy
and Standards, Virginia Department of
Criminal Justice Services

The Honorable Colin Stolle, Attorney for the
Commonwealth, City of Virginia Beach
The Honorable Shannon Taylor, Attorney for the
Commonwealth, Henrico County
Kristi Wright, Officer of the Executive Secretary
of the Supreme Court of Virginia

Members Absent

The Honorable Donald Caldwell, Attorney for
the Commonwealth, City of Roanoke
The Honorable W. Randolph Carter, Jr., Clerk,
Suffolk Circuitry Court
Jane Chambers, Director, Commonwealth's
Attorneys' Services Council
Devika Davis, Esq.
The Honorable David Hines, Sheriff, Hanover
County
Michael Jay, House Appropriation Committee
Charlotte Lee, Virginia Compensation Board
James McCauley, Ethics Counsel, Virginia State
Bar
Chris McDonald, Virginia Association of
Counties
Mark Pellett, Virginia Compensation Board
Jaime Reyes, Office of the Executive Secretary of
the Supreme Court of Virginia
David Reynolds, House Appropriation
Committee
The Honorable Brian Roberts, Sheriff,
Brunswick County
Dana Schrad, Executive Director, Virginia
Association of Chiefs of Police
The Honorable Richard Vaughan, Sheriff,
Grayson County
The Honorable Jacqueline Ward Talevi, Judge,
23rd Judicial District
Jerri Wilson, Intergovernmental Affairs
Manager, City of Newport News

The Body Worn Camera Workgroup (Workgroup) established by Item 381(E) of the 2019 Appropriation Act and continued by Item 391(E) of the 2020 Appropriation Act held a meeting via electronic means on November 13, 2020.

The Honorable Brian Moran, Secretary of Public Safety and Homeland Security, opened the meeting and welcomed members of the Workgroup. In light of the focus on substantive criminal justice reform during the 2020 Special Session of the Virginia General Assembly, the Secretary stated that the Workgroup refrained from meeting until after the conclusion of the Special Session in order to be positioned to consider the impact of legislation enacted during the Special Session on the implementation and use of body worn cameras. Secretary Moran stated that this would be the only Workgroup meeting for 2020, but that he expects the Workgroup will continue its study next year.

Review of Body Worn Camera Workgroup 2019 Activities – David Cotter, Director of Policy and Legislative Affairs, Virginia Department of Criminal Justice Services

Secretary Moran introduced David Cotter, Director of Policy and Legislative Affairs for the Virginia Department of Criminal Justice Services. Mr. Cotter recounted the activities of the Workgroup during 2019. Mr. Cotter noted that the Workgroup held three meetings during 2019 and received periodic updates on the data collected by the Virginia Compensation Board regarding the workload impact of body worn cameras on the operations of Commonwealth's attorneys' offices. Mr. Cotter noted further that the Workgroup also received presentations on use of body worn cameras and the fiscal and policy impacts of such use on public defenders and other defense attorneys, law-enforcement agencies, localities, and the court system, as well as presentations on the laws governing the retention and disclosure of body worn camera footage under the Freedom of Information Act and the Public Records Act.

Body Worn Camera Data Collection Update – Robyn de Socio, Executive Director, Virginia Compensation Board

Secretary Moran introduced Robyn de Socio, Executive Director of the Virginia Compensation Board. Ms. de Socio provided an update on the data that has been collected by the Virginia Compensation Board since the Workgroup's inception. Ms. de Socio explained that the Appropriation Act requires all the Commonwealth's attorneys' offices to report certain information regarding the number of hours of body worn camera footage received from the law-enforcement agencies in their jurisdiction, as well as funding agreements between the Commonwealth's attorneys' offices and their localities. Ms. de Socio reported that there are 120 Commonwealth's attorneys' offices, 87 of which are located in localities that have deployed body worn cameras. Ms. de Socio stated that approximately 8,792 body worn camera have been deployed across these localities, with 42 percent in localities with populations of fewer than 100,000 and the remaining 58 percent in localities with populations of greater than 100,000.

Ms. de Socio noted improved compliance with the reporting requirement, with reporting from 55 percent of the Commonwealth's attorneys' offices in localities that have deployed body worn cameras. These localities make up approximately 70 percent of the total number body worn cameras deployed. Ms. de Socio also provided data regarding the average number of hours of

body worn camera footage reported by the Commonwealth's attorneys' offices. Across 46 offices, the number of hours of footage was 11,853 hours per month and an average of 356 hours per month were spent redacting the footage.

Ms. de Socio also provided an overview of the funding of Commonwealth's attorneys' offices associated with the workload impact of body worn cameras. Of the 87 Commonwealth's attorneys' offices in localities with cameras, 63 offices received funding in FY20 for full-time and part-time staff or other services funding to support the workload from body worn cameras, and localities provided approximately \$7.5 million in FY20 to support the impact of body worn camera workload in Commonwealth's attorneys' offices through the funding of staff and other salary support.

Body Worn Camera Grants – Erik Smith, Manager, Law Enforcement, Policy and Standards, Virginia Department of Criminal Justice Services

Secretary Moran introduced Erik Smith from the Virginia Department of Criminal Justice Services. Mr. Smith explained that amendments to the Appropriation Act made during the 2020 Special Session allocated \$6,404,200 for one-time grants to state, local, and campus law-enforcement agencies to support the use of body worn camera systems. Mr. Smith stated that the grants were for the purchase, operation, and maintenance of body worn camera systems, including equipment, data storage, and technology costs, and grants to local law-enforcement agencies require a 50 percent match from local funding sources. Mr. Smith noted that the grants will be administered by the Virginia Department of Criminal Justice Services and the grant solicitation should be open in December with awards being made in March 2021.

Recommendations

After Mr. Smith's presentation, Secretary Moran led the Workgroup in a discussion of possible next steps. By consensus, the Workgroup recommended that its work should continue through November 2021 and that the Workgroup should continue to collect data from stakeholders impacted by the use of body worn cameras to determine the fiscal and policy impacts on such stakeholders, including Commonwealth's attorneys' offices, public defenders and other defense attorneys, circuit and district court clerks, state and local law-enforcement agencies, and local governments.

Closing Remarks

After adoption of the recommendation, Secretary Moran thanked the members of the Workgroup for their participation and stated that he was looking forward to continuing the study in 2021. The meeting was then adjourned.