

OFFICE OF THE CITY AUDITOR

PERFORMANCE AUDIT

April 2022

Police Body-Worn Camera Use Generally Follows Policy, Some Opportunities for Improvement



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Honorable Mayor and Members of the City Council and Members of the Board of Police Commissioners:

The City Council adopted Resolution 200422, directing the city auditor to audit the Kansas City, Missouri, Police Department's body-worn camera program. This audit of the body-worn camera program focuses on officer's use of the camera and the department's handling of video recordings.

The body-worn camera (BWC) program is new. The Police Department deployed BWCs to over 800 officers between November 2020 and April 2021. Officers recorded nearly 325,000 BWC videos from January 2021 through August 2021.

The Police Department's body-worn camera program is off to a good start but has opportunities for continued improvements. Almost all videos we reviewed were of good quality with unobstructed and clear video and good sound.

In the 98 videos we viewed, 17 did not capture the entire call for service or officer-initiated activity as required by the department's body-worn camera policy. Although the policy allows for some exceptions to recording the entire event, the 11 videos that ended prematurely did not include the required narration by the officers about why the videos ended early.

We compared a statistically valid sample of police dispatches to BWC videos. About 20% of police dispatches in July and August 2021, did not have the expected body-worn camera footage from responding officers.

The department's BWC policy is not clear when it directs officers "...shall use caution when entering" locations where an individual would have a reasonable expectation of privacy. Clarification of this policy is important because officers use BWC's to record inside private residences.

Officers incorrectly classified some call types or activities in the sample of videos we requested or viewed. Additionally, the system's default classification for non-evidence could contribute to misclassification of BWC videos. Misclassified videos could be deleted before their required retention period has passed.

Between January 2021 and August 2021, about 7% of BWC's were not docked timely and videos were uploaded at least 24 hours after the videos were recorded. Department policy requires officers to dock BWC's at the end of their shifts. Prompt uploads help ensure videos are secure and accessible.

The department's video management system deleted videos according to assigned classifications. BWC 'video checks' performed at the beginning of officers' shifts were not timely deleted because the 'video check' classification was not available to officers on their mobile system. This resulted in these recordings being retained longer than the required 30 days.

Supervisors from most divisions completed quarterly reviews of videos recorded by each officer in accordance with an emailed directive. A requirement to conduct these reviews should be added to the department's BWC policy. During the audit the police chief issued a departmental memorandum directing quarterly BWC video reviews as an intermediate step to updating the policy.

Until recently, the department did not conduct formal BWC refresher training with officers. Required periodic refresher training could address issues with officers' use of the camera and handling of the videos such as those we identified in the audit. Additionally, the department does not have formal performance goals and measures to evaluate the BWC policy or identify areas for program improvement. Monitoring performance would help the department ensure officers are using BWCs in accordance with policy and the department continually improves the program.

We make recommendations to clarify and strengthen the BWC policy and improve recording, classification, and handling of videos and monitoring of the program.

The draft report was sent to the chief of police on March 22, 2022, for review and comment. His response is appended. We would like to thank the Police Department's officers, staff, and command staff for their assistance and cooperation during this audit. The audit team for this project was Kara Jorgensen, Vivien Zhi, and Sue Polys.



Douglas Jones, CGAP, CIA, CRMA
City Auditor

Police Body-Worn Camera Use Generally Follows Policy, Some Opportunities for Improvement

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Introduction

Audit Objectives

Are Kansas City, Missouri, police officers using body-worn cameras in accordance with department policies?

What recommended practices would enhance the Kansas City, Missouri, Police Department's body-worn camera policy?

To answer the audit objectives, we interviewed Kansas City, Missouri Police Department (KCPD) staff and went on patrol ride-alongs; compared KCPD policy and internal directives to recommended practices; reviewed data to assess whether timing of video uploads, record retention, and supervisory review comply with department policies, internal directives, and record retention regulations; watched randomly selected BWC videos to assess whether officers are using cameras in accordance with department policies; and compared BWC data and dispatch data to determine whether all dispatched calls and self-initiated activities are recorded.

We conducted this audit in accordance with Government Auditing Standards.

Missouri's Sunshine Law¹ limited the videos we were able to review creating a scope impairment for this audit.

See Appendix A for more information about the audit objective, scope, methodology, scope impairment, and compliance with standards.

Background



BWC Used by KCPD.

Body-Worn Cameras (BWC) Recently Deployed in Kansas City

Between November 2020 and April 2021, the Kansas City, Missouri, Police Department (KCPD) deployed over 800 BWCs to officers in the six patrol divisions plus the Traffic Enforcement and Special Operations divisions. In November 2020, the Central, North, and Shoal Creek Patrol divisions were issued cameras. By April 2021, the East, South, and Metro Patrol divisions plus Traffic and Special Operations divisions were issued BWCs.

¹ Revised Statutes of Missouri §610.100.

The department's Digital Technology Section (DTS) manages the BWC video system and video data.

Body-Worn Camera Videos and Process

Between January and August 2021, officers recorded nearly 325,000 BWC videos. As of October 15, 2021, there were 273,036 active² videos in the system with 51,442 deleted videos. On average, 1,742 BWC videos were recorded daily.³ The average duration of active videos was a little over 13 minutes.

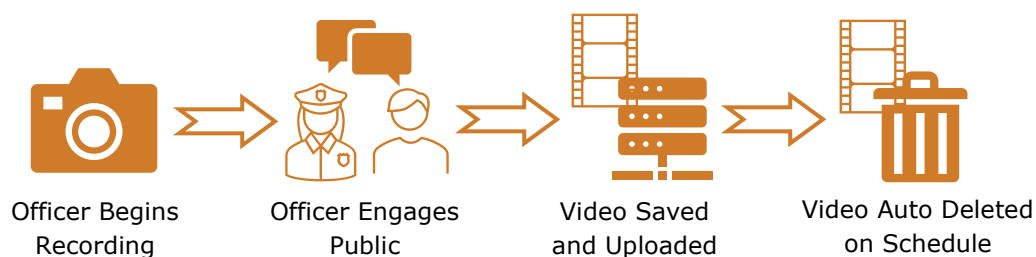
The Police Department uses Arbitrator 360, a video management system which integrates the body worn camera, the in-car camera, and the back-end servers. Officers can activate the BWCs manually or the BWC can be activated automatically when synced with the in-car system. The camera automatically starts recording when patrol vehicle lights are turned on, the vehicle speed exceeds 80 mph; or the vehicle crash sensor is activated.



Docking station, Central Patrol

BWC's have a 30-second pre-event buffer recording that precedes camera activation if the BWC is powered on. Once activated, cameras continue to record until the officer manually stops the recording. Officers can add information to videos, such as report numbers and classifications, through the Arbitrator 360 application in their vehicle or after videos are uploaded to the system's server.

Videos are saved on the BWC until it is docked at a charging station located inside the KCPD patrol stations. After the camera is docked, the videos are uploaded to the Police Department's server. The videos are saved on the server until deleted. Videos are deleted on a pre-determined schedule based on the video's classification and record date.

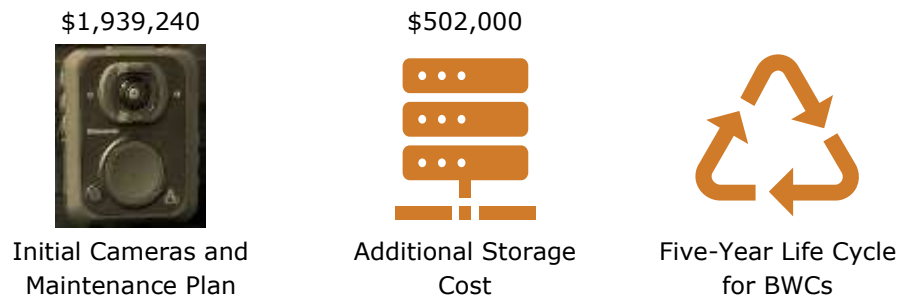


² Active videos are videos that have not been deleted in the system.

³ The daily average is calculated based on videos recorded between May and August 2021. Cameras have been deployed to all patrol divisions and Traffic and Special Operations divisions since April 2021.

Body-Worn Camera Costs

In total, the department purchased 890 cameras and their maintenance plan for \$1,939,340 with grants from the Police Foundation of Kansas City. The Police Department used existing storage and plans to purchase additional storage costing about \$502,000 using funds from the Police Foundation. They estimate this will be sufficient storage for the next five years. The BWCs are expected to last about five years (warranty length). The Police Department expects to begin evaluating the current equipment's performance and new available technology around the five-year mark.



Procedural Instruction 21-05

The Police Department issued Procedural Instruction 21-05, "*Internally Recorded Digital Media Records*"⁴ for all recordings generated by the department including body-worn cameras (BWCs). The procedural instruction includes:

- Guidance on BWC usage
- Documentation requirements
- Video retention requirements
- Video purge process
- Process for requesting duplication of videos

⁴ "*Procedural Instruction, PI 21-05 – Internally Recorded Digital Media Records*", Kansas City, Missouri, Police Department, April 7, 2021.

Findings and Recommendations

Most Use and Management of Body-Worn Cameras and Videos Followed Policy, Opportunities for Continued Improvement

Good Quality, Unobstructed Videos

Most body-worn camera (BWC) recordings had unobstructed and clear video and good sound quality. The department policy states, "Members will remain cognizant of the placement of the BWC and ensure it is not obscured by their uniform, coat, molle vest, radio, etc." For body-worn cameras and videos to serve their purpose of recording events and providing transparency and accountability of both officers and public, it is important that BWC video can be seen and heard.

In the sample of 98 videos⁵ we reviewed, there were just a few that were obstructed for a portion of the video because of how officers wore the camera. The obstructed video segments did not include public interaction. Staff said after the department initially deployed BWC's, officers were wearing the cameras in different locations on their body until they were told to wear them mid-chest. Wearing the camera on the mid-chest in a way that the camera is not obstructed should make them clearly visible to the public.

KCPD's current policy does not specify the exact placement of the camera on the officer's body, which is a recommended practice for BWC policies.⁶ Including in the policy the required position of the camera on the officer's body helps ensure a consistent practice and allows officers to be held accountable to a written standard.

Recommendation	To help ensure officer accountability for how cameras are worn and consistently record videos that are not obstructed, the chief of police should update the body-worn camera policy to include the specific location(s) on the body where BWCs should be worn.
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⁵ Our sample of 98 video recordings was stratified by division and evidence type. Videos were randomly selected, but not statistically significant in size because of our scope impairment and time limitations. The type of videos in our sample included: domestic disturbance, suspect transfer, house and car check, DUI, felony assault, SWAT operation, evidence collection, calls cancelled enroute, EMS calls, road assistance, traffic stop, officer accident, camera pre-check, burglary, and dog attack.

⁶ *Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned*, Police Executive Research Forum (PERF), 2014, p. 39.

Some Videos Do Not Capture Calls from Start to Conclusion

Some videos did not capture the officer's entire call for service or officer-initiated activity. The policy says,

Members will activate the BWC at the outset of each contact, whether or not the contact documents a significant incident, forms part of a criminal investigation or has any perceived evidentiary value to the member. Unless a member holds a legitimate belief that activating the BWC would be unsafe given the facts and circumstances, the BWC will be activated.⁷

The policy gives some reasons for ending the recording prior to the conclusion of the event, such as citizen request, privacy concerns, or ordered by a commander or supervisor. Department policy requires officers to narrate on the recording their intention to stop recording and explain the basis for that decision.

We watched 98 BWC videos and 17 videos did not record the calls for service or self-initiated activities in their entirety. The recording either started during or was turned off before the event was complete. Of the 11 videos where the video ended before the conclusion of the event, there was no video of a citizen request or narration by the officer or commander to stop recording. The recordings for 6 events began at some time during the event. The policy does not require the officer to record narration of why the video started after a call began. Videos that record the entire call help ensure transparency and accountability of both officer and public. Starting a video late or ending a video before the end of an interaction, could raise questions about what is being left out.

Recommendation To promote transparency and accountability and ensure complete videos are recorded, the chief of police should develop a process to assess whether officers are recording an entire call or appropriately documenting exceptions to recording an entire call. Officers should also receive periodic refresher training on the purpose of the BWC recording an entire call and how to appropriately document exceptions.

Recommendation To ensure officers narrate a reason why a video was started late, the chief of police should update the body-worn camera policy to require officers to narrate why a recording was started after a call or interaction has begun.

⁷ "Procedural Instruction, PI 21-05 – Internally Recorded Digital Media Records", Kansas City, Missouri, Police Department, April 7, 2021, p. A-2.

Some Officer Dispatches Not Recorded

911 Call
One Officer/Unit
Dispatched



911 Call
Multiple
Officers/Units
Dispatched



About 20% of police dispatches in July and August 2021 did not have body-worn camera footage from responding officers. Police Department’s body-worn camera policy states “Digital media recording equipment will be activated during all self-initiated activity and calls for services.”^{8,9} Based on KCPD’s policy, we expected that all dispatches to officers would have corresponding videos.

We compared a statistically valid sample of 698 randomly selected computer-aided dispatches (CAD), to BWC video data.¹⁰ Out of the 698 dispatches, 137 (19.6%), did not have related BWC videos and the department was not able to provide explanations for their absence.¹¹ Because our sample is statistically valid, we can conclude that about 20% of the 102,569 dispatches during July and August 2021 did not have videos as required.

The missing videos had several different types of dispatch priorities which would affect the importance and urgency of the dispatch. (See Exhibit 1.)

Exhibit 1. Priorities of Missing Dispatches

Priority	Priority Role	Dispatch
1	Present Danger	20
2	Potential Danger	36
3	Send ASAP	18
4	Don't Delay	33
5	Delay is OK	6
6	Self-Initiated	24
Total		137

Source: KCPD computer aided dispatch data.

Calls for service and self-initiated calls that are not recorded as required or without acceptable documentation of an exception may result in evidence or interactions not being recorded or reduces the department’s transparency and could raise questions from the

⁸ “Procedural Instruction,” PI 21-05, p. A-1.

⁹ KCPD policy outlines specific instances where recording is not allowed or may present an exception.

¹⁰ Our sample of 698 dispatches was randomly selected from 102,569 dispatches between July 1 and August 31, 2021, and is a statistically valid sample with a margin of error of +/-3.7% with a 95% confidence level. A statistically valid sample can be generalized to the population of dispatches. This results in 95% confidence that the proportion of dispatches without a BWC video are between 15.9% and 23.3% of total dispatches during the period. Dispatches with dispositions “dispatch resolved” or “cancelled” and event types “off duty assignment” and “area presence” were excluded from the sample.

¹¹ Based on explanations from KCPD, we excluded calls cancelled by officers and dispatches of officers in Parking Control, Helicopter Unit, and Investigation and officers working off-duty assignments because those officers do not have body-worn cameras, therefore, these dispatches would not be expected to have BWC recordings.

public as to why the dispatched officer did not record. We were not able to determine why the dispatches did not have their expected corresponding video recordings. KCPD management said that it is likely caused by officers' learning curve.

KCPD management said they were considering narrowing their policy about which calls should be recorded and that the current policy will require too much data storage. The Police Executive Research Forum (PERF) recommends as a general recording policy, officers should be required to activate BWC when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty including any encounter with the public that becomes adversarial. According to PERF, providing a list of examples may be helpful such as traffic stops, arrests, searches, interrogations and interviews, and pursuits.¹²

Recommendation

To ensure officers are recording all calls that require a BWC video, the chief of police should develop a process to compare the number of dispatched calls for services and self-initiated calls to the number of videos recorded, research significant discrepancies between the two, and address causes. Officers should also receive periodic refresher training on the requirement to record all calls.

Policy Not Clear Regarding Recording in Locations with Reasonable Expectation of Privacy

KCPD's BWC policy does not define what "use caution" means when recording in locations where individuals may have a reasonable expectation of privacy.¹³ Department policy states, "Members should not activate the BWC or shall use caution when entering a public locker room, changing room, restroom, doctor's office or other places where an individual would have a reasonable expectation of privacy."¹⁴ Management was not able to clarify how an officer would "use caution" in such a situation.

Officers respond on a regular basis to calls at locations, which could be considered ones with a reasonable expectation of privacy such as private residences. Officers used their BWC inside residences in videos we reviewed. The International Association of Chiefs of Police guidance on BWC policy suggests that in locations where individuals have a reasonable expectation of privacy, such as a residence, the resident may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals.

¹² *Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned*, PERF, p. 40.

¹³ "Procedural Instruction, PI 21-05", II. M.

¹⁴ "Procedural Instruction, PI 21-05", p. 2.

Recommendation To ensure officers protect residents' privacy while recording needed videos and ensuring accountability and transparency, the chief of police should provide additional guidance in the department's BWC policy for how officers should interpret "...shall use caution when entering...places where an individual would have a reasonable expectation of privacy."

Some Video Classifications Incorrect

Officers classified some videos incorrectly. The BWC policy states, "Upon stopping a video the member will properly classify the digital media based on the classification of the report that was taken on the call/self-initiated activity."¹⁵ See Exhibit 2 for video case classifications.

Exhibit 2. Case Classification in Arbitrator 360

Video Check
Non-Evidence (default classification)
Misdemeanor/Citation/Summons
Default Rule
Felony Assault
Property Crimes/Econ Crimes
All DUI
Felony Special Victims Unit
DEU/Career Criminal
Robbery/FAU
Illegal Firearms/Gang/Vice
Felony Traffic
Bomb/Arson
Office of General Counsel/Use of Force
Homicide/Missing Persons
Hold
Buffering Test
Restricted

Source: KCPD BWC data.

In our review of 98 videos, 5 were classified as non-evidence that should have been classified as misdemeanor/citation/summons. Traffic tickets were issued during those videos.

When responding to our request for body-worn camera videos, the department withheld 11 videos which were classified in the data as non-evidence. According to DTS, the officers did not classify the videos correctly. The videos were part of investigations for which state law does not allow us access. Since the video deletion process is automatic, the system could have deleted these videos prior to their required retention period due to their misclassification.

¹⁵ "Procedural Instruction, PI 21-05", p. A-3.

KCPD uses 'non-evidence' as the system's default classification for all BWC videos. If an officer does not take action to assign a classification to a video, the system automatically classifies the video as 'non-evidence'. If the field was left blank or had an unclassified default, videos would not be misclassified. Accurate video classification ensures videos will be retained according to departmental and Missouri retention requirements.

Recommendation To ensure officers classify videos correctly and that the department maintains video records according to retention requirements, the chief of police should replace the current default classification field in the body-worn camera system with a blank or an 'unclassified' default.

Officers Did Not Always Upload Videos Timely

About 7% of body-worn cameras were not docked timely and videos were uploaded at least 24 hours after their videos were recorded during the eight months¹⁶ of videos we analyzed. Department policy states, "Officers will dock their BWC in the provided docks at the end of their tour of duty to ensure digital media upload and charging."¹⁷ For videos that began upload after 24 hours, the majority were uploaded between 1 and 5 days late. Traffic and Special Operations divisions had higher proportions of videos taking longer than 24 hours to upload. (See Exhibit 3.)

Exhibit 3: Percent of Division's BWC Videos Uploaded After 24 Hours

Division	Percent
Special Operations	54.6%
Traffic	39.4%
North	6.1%
Shoal Creek	4.1%
Central	3.6%
South	3.3%
Metro	2.7%
East	2.0%

Source: KCPD BWC Data and City Auditor's Office analysis.

Timely docking cameras and uploading videos at the end of a shift helps ensure evidence is secure and accessible. Additionally, timely docking of cameras to recharge and upload videos ensures BWCs are properly maintained and ready for the next use.

Recommendation To ensure videos are secure and accessible, the chief of police should develop a process to monitor the timeliness of BWC video uploads time. Officers should also receive periodic refresher training on the department's BWC video upload requirement.

¹⁶ January 1, 2021, to August 31, 2021.

¹⁷ "Procedural Instruction, PI 21-05", p. A-4.

System Deleted Videos According to Assigned Classification

Almost all the department’s deletion of videos followed department and state retention requirements. The department’s BWC policy states “All recordings will be retained as specified in the Missouri Police Clerks Records Retention Schedule.”¹⁸ The Missouri Police Clerks Records Retention Schedule states that the retention of BWC videos is 30 days. However, Police Departments “should extract significant information that may impact criminal or major case investigation prior to deleting video/re-using the tape. Extracted video must be retained until administrative/judicial proceedings are complete.”¹⁹

Our analysis of BWC video data between January 1 and August 31, 2021, showed that only 5 out of 51,000 videos were incorrectly deleted. The department sets retention periods for different video classifications in the Arbitrator system. (See Exhibit 4.) Video deletion date is based on video classification and video recording date. The system automatically deletes videos once they meet the required retention period for their classification.

Exhibit 4: Video Classification and Retention Period in Arbitrator 360

Classification	Retention Period (days)
Video Check	31
Non-Evidence	181
Misdemeanor/Citation/Summons Default Rule	366
Felony Assault	
Property Crimes/Econ Crimes	
All DUI	
Felony SVU (DV/JUV/SEX)	
DEU/Career Criminal	731
Robbery/FAU	
Illegal Firearms/Gang/Vice	
Felony Traffic (AIU/TIS/CMV)	
Bomb/Arson	
OGC/Use of Force	1,826
Homicide/Missing Persons	Indefinite
Hold	
Restricted	

Source: KCPD BWC data and City Auditor’s Office analysis.

The only videos that met department deletion criteria during our review period were ‘non-evidence’ and ‘video check.’ There were five videos in the ‘use of force’ classification that were deleted because an incorrect retention period was assigned to the classification. The department recognized the problem and stated they fixed deletion rules for the ‘use of force’ classification before the start of the audit.

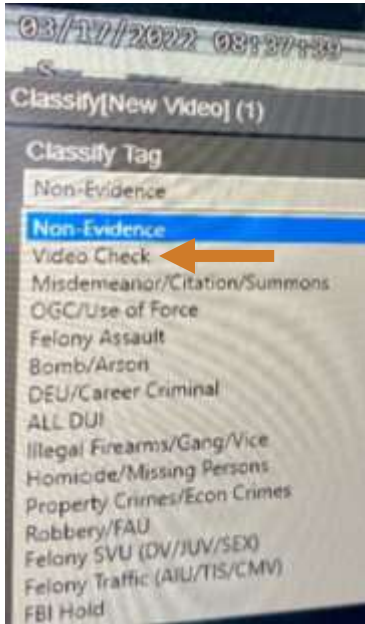
Video Check Not Deleted Timely

Body-worn camera videos that the department considers ‘video checks’ were not deleted timely. Department policy requires officers to perform a video check on the functioning of their BWC at the beginning of their shift. Officers activate one of the BWC system triggers to ensure the video equipment is functioning properly at the start of their shifts. This generates a large number of videos. The department policy states that these video checks will only be retained for 30 days.²⁰

¹⁸ “Procedural Instruction, PI 21-05”, p. 1.

¹⁹ Missouri Records Retention Schedule-Police Clerks Retention Schedule, August 2017, p. 7.

²⁰ “Procedural Instruction, PI 21-05”, p. 1.



Updated drop-down menu on car computer

Officers misclassified video checks. Of the 98 videos we reviewed, 12 should have been classified as 'video check', but they were assigned classifications with longer retention requirements. Misclassification caused these videos to be stored longer than necessary. The system did not include 'video check' as an option in the drop-down menu for officers classifying videos on their car's computer. The only correctly classified 'video check' records were done so by officers manually completing classification and adding 'video check' on the backend of the system. There were only 82 out of about 324,500 videos categorized as 'video check' between January and August 2021.

Retaining 'video check' videos longer than they are required takes up unnecessary storage space and incurs more storage costs. After we notified the department of the problem, 'video check' was added to the mobile system as a drop-down choice. Properly classifying and deleting this type of video as allowed by policy should free up some storage space on the department's servers.

Most Supervisors Completing Reviews; Content and Documentation Need to be Defined

Supervisors from most divisions completed quarterly reviews of each officer's body-worn camera videos. The Patrol Bureau Office emailed a directive to supervisors to perform random quarterly reviews of each officer's BWC videos. The review process was not a formal policy. During the audit, the police chief issued a departmental memorandum directing quarterly BWC video reviews as an intermediate step to updating the BWC policy.

International Association of Chiefs of Police BWC Model Policy states "a BWC policy should include supervisory periodic random review of BWC recordings to ensure that the equipment is operating properly and that officers are using the devices in accordance with policy, and to identify areas of additional training or guidance."²¹ Formally incorporating the supervisory review into the department's body worn camera policy would help communicate its importance and ensure accountability for completion of the reviews.

We confirmed supervisors completed third quarter reviews of BWC videos for 559 out of 647 officers and sergeants during 2021. There was no documentation explaining why reviews were not completed for 64 officers and sergeants. Twenty of the reviews that were not completed and without explanation were from the North Patrol Division.

²¹ *Body-Worn Cameras Model Policy*, IACP, p. 2.

The quarterly review directive did not define the required number of video reviews, evaluation criteria, or documentation about completed reviews, reviews that cannot be completed, or follow-up to the reviews. Supervisory reviews were inconsistent in their content and frequency. The format and style of the documentation varied between supervisors. Some supervisors reviewed two videos from each officer, others reviewed only one. Without clearer requirements, supervisor's reviews are more likely to overlook important aspects of the review and be performed inconsistently from supervisor to supervisor.

The policy should identify what criteria Police Department management thinks should be included in reviews and establish consistency between supervisors in how the reviews are performed and documented.

Recommendation To ensure supervisory reviews are conducted based on criteria and are consistent between supervisors, the chief of police should update the body-worn camera policy to incorporate required supervisor reviews that at a minimum include the number of reviews required, criteria to compare videos against, and required documentation.

Training Could Reinforce and Improve Compliance with BWC Policy

Until recently the Police Department did not offer refresher training on the use of body-worn cameras. The department issued a training bulletin on March 11, 2022, on training related to BWC's and report writing. Recommended practices state BWC policy should require refresher courses on body-worn camera usage and protocols periodically.²² When BWCs were first deployed, the Digital Technology Section and the BWC vendor provided training at roll call. New officers are trained at the Police Academy and during field training on camera use and classifying and uploading videos.

Refresher training for tenured officers can help to ensure the continued effective use and operation of the BWC equipment, address problems that are identified through officer supervision and data analysis; and convey changes, updates, or other revisions in policy and equipment.

²² *Body-Worn Cameras Model Policy*, IACP, p. 2, and *Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned*, PERF, p. 48.

Recommendation To ensure officers understand the body-worn camera policy and use cameras properly and effectively, the chief of police should update the BWC policy to include required periodic refresher training that would address issues identified in supervisory reviews of videos or program evaluations, and changes or new information related to the BWC policy and system.

Recommendation To ensure officers understand the body-worn camera policy and use cameras properly and effectively, the chief of police should provide officers with refresher training related to issues identified in this audit:

- Recording events in their entirety and properly documenting exceptions;
- Determining which events require BWC recordings;
- Proper classification of videos; and
- Timely uploading of videos.

BWC Performance Goals and Measures for Continuous Improvement and Accountability

KCPD does not currently use formal performance goals or measures to evaluate the BWC policy or identify areas for practice improvements. Government uses performance measures to determine the effectiveness of its program and whether it is achieving its goals and objectives. The Police Executive Research Forum (PERF) recommends agencies collect and report statistical data concerning body-worn camera footage at specified periods of time to promote trust with the community and identify areas for improvement.²³ Performance measure goals help communicate priorities and motivate employees, measure, and drive progress toward desired outcomes, and establish resident expectations.

Establishing measures that would target issues identified in the audit would, at a minimum, include:

- Videos captured compared to the number of dispatched calls;
- Videos uploaded within a specific period of time;
- Videos that are uncategorized; and
- Videos deleted before retention schedule.

Recommendation To ensure continued improvements to the Police Department's body-worn camera program and provide transparency and accountability to the public, the chief of police should update the body-worn camera policy to include performance measures and goals, measuring results, and periodic public reporting of results.

²³ *Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned*, PERF, p. 48.

Recommendations

1. The Chief of Police should update the body-worn camera policy to include the specific location(s) on the body where BWCs should be worn.
2. The Chief of Police should develop a process to assess whether officers are recording an entire call or appropriately documenting exceptions to recording an entire call.
3. The Chief of Police should update the body-worn camera policy to require officers to narrate why a recording was started after a call or interaction has begun.
4. The Chief of Police should develop a process to compare the number of dispatched calls for services and self-initiated calls to the number of videos recorded, research significant discrepancies between the two, and address causes.
5. The Chief of Police should provide additional guidance in the department's BWC policy for how officers should interpret "...shall use caution when entering...places where an individual would have a reasonable expectation of privacy."
6. The Chief of Police should replace the current default classification field in the body-worn camera system with a blank or an 'unclassified' default.
7. The Chief of Police should develop a process to monitor the timeliness of BWC video uploads time.
8. The Chief of Police should update the body-worn camera policy to incorporate required supervisor reviews that at a minimum include the number of reviews required, criteria to compare videos against, and required documentation.
9. The Chief of Police should update the BWC policy to include required periodic refresher training that would address issues identified in supervisory reviews of videos or program evaluations, and changes or new information related to the BWC policy and system.

10. The Chief of Police should provide officers with refresher training related to issues identified in this audit:
 - Recording events in their entirety and properly documenting exceptions;
 - Determining which events require BWC recordings;
 - Proper classification of videos; and
 - Timely uploading of videos.

11. The Chief of Police should update the body-worn camera policy to include performance measures and goals, measuring results, and periodic public reporting of results.

Appendix A: Objective, Scope and Methodology, and Compliance Statement

We conducted this performance audit of Kansas City Police Department body worn cameras under the authority of Article II, Section 216 of the Charter of Kansas City, Missouri, which establishes the Office of the City Auditor and outlines the city auditor's primary duties. We also conducted the audit under the authority of Section 84.350 of Revised Statutes of Missouri, which authorizes the city auditor to audit the Police Department.

A performance audit provides "objective analysis, findings, and conclusions to assist management and those charged with governance and oversight, with among other things, improving program performance and operations, reducing costs, facilitating decision making by parties with responsibility for overseeing or initiating corrective action, and contributing to public accountability."²⁴

Why We Did This Audit

The City Council directed the City Auditor to conduct an audit of the body-worn camera program.²⁵

Body-worn camera videos can be used to promote transparency, increase accountability, and discourage inappropriate behaviors by both officers and the public. Many Kansas Citians have asked the Mayor and Council for patrol officers in the Kansas City Police Department to be outfitted with BWCs.

Audit Objectives

This report is designed to answer the following questions:

- Are Kansas City, Missouri, police officers using body-worn cameras in accordance with department policies?
- What recommended practices would enhance the Kansas City, Missouri, Police Department's body-worn camera policy?

²⁴Comptroller General of the United States, [Government Auditing Standards](#) (Washington, DC: U.S. Government Printing Office, 2018), pp. 10, 11.

²⁵ Resolution [200422](#), June 11, 2020.

Methodology

Our audit methods included:

- Interviewing Kansas City, Missouri, Police Department staff to understand the BWC program.
- Going on ride-alongs in patrol cars to observe how officers are using BWCs in the field.
- Comparing the Police Department’s body-worn camera policy to recommended practices from the following sources:
 - [Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned](#), Police Executive Research Forum (PERF), 2014.
 - [Body-Worn Cameras Model Policy](#), International Association of Chiefs of Police (IACP), April 2014.
 - [Watching the Watchmen – Best Practices for Police Body Cameras](#), Cato Institute, October 2015.
 - [Body Worn Camera Scorecard v.3.04](#), The Leadership Conference on Civil and Human Rights & Upturn, 2017.
- Reviewing third quarter of 2021 supervisory review records to assess whether supervisory reviews comply with department policies, and internal directives.
- Reviewing body-worn camera data from January 2021 through August 2021 to assess whether record retention complies with department policies and record retention regulations and whether records are uploaded timely.
- Watching a randomly selected sample of body-worn camera videos to assess whether officers are using cameras in accordance with department policy. Our sample of 98 video recordings was stratified by division and evidence type. Videos were randomly selected, but not statistically significant in size because of our scope impairment and time limitations. The type of videos in our sample included: domestic disturbance, suspect transfer, house and car check, DUI, felony assault, SWAT operation, evidence collection, calls cancelled enroute, EMS calls, road assistance, traffic stop, officer accident, camera pre-check, burglary, and dog attack.
- Comparing a statistically significant sample of KCPD computer aided dispatch call data to department body-worn camera data to determine whether all dispatched calls are recorded. Our sample of 698 dispatches was randomly

selected from 102,569 dispatches between July 1 and August 31, 2021, and is a statistically valid sample with a margin of error of +/-3.7% with a 95% confidence level. Dispatches with dispositions 'dispatch resolved' or 'cancelled' and event types 'off duty assignment' and 'area presence' were excluded from the sample.

Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. No information was omitted from this report because it was deemed confidential or sensitive.

Scope Impairment

Missouri's Sunshine Law²⁶ limited the videos that we could review for this audit. Per state statute, mobile video recordings that are part of active police investigations are closed records until the investigations become inactive. The statute also outlines other reasons some videos or parts of videos are closed or authorized to be closed records. This impaired our ability to assess officers' use of body-worn cameras in some situations and will limit conclusions we can draw about whether officers are using BWC in accordance department policies.

Scope of Work on Internal Controls

We assessed internal controls relevant to the audit objectives. This included evaluating the adequacy of control designs, confirming the implementation of controls, and evaluating whether management applied controls consistently and at appropriate times to determine their effectiveness. We identified internal control deficiencies related to how body-worn cameras (BWC) are used and how the BWC program is designed. The details of these deficiencies are discussed in the body of the report.

²⁶ Revised Statutes of Missouri §610.100

Data Reliability

We assessed the completeness and reliability of body-worn camera data, computer aided dispatch data, and of body-worn camera supervisory review data. We determined the data sets, in conjunction with supporting evidence, was sufficient to make conclusions about body-worn camera use related to body-worn camera policies and supervisory review of body-worn camera footage.

Appendix B: Chief of Police's Response

Police
KC/MO

Richard C. Smith
Chief of Police

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CITY AUDITOR'S OFFICE

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04/12/2022

**Kansas City Missouri Police Department response to the City of Kansas City Body Worn
Camera Audit**

04/12/2022

1. The Chief of Police should update the body-worn camera policy to include the specific location(s) on the body where BWCs should be worn.

Agree. A recommendation will be made to amend the policy to dictate the body camera be worn at chest level for uniformed personnel. Investigative and/or plain clothes members should be authorized to wear the camera on the belt if the camera will not be covered by a jacket or other clothing, otherwise the magnet mount could be used to secure in the upper chest area.

2. The Chief of Police should develop a process to assess whether officers are recording an entire call or appropriately documenting exceptions to recording an entire call.

Agree that an audit process should be developed although it is impossible to review every call for service and every body camera video. The new policy revisions will cover the review procedures of body cam video by supervisory and command staff to include if officers are recording the entire call for service and documenting the exceptions.

3. The Chief of Police should update the body-worn camera policy to require officers to narrate why a recording was started after a call or interaction has begun.

Agree. The policy revision will include the additional requirement for officers to narrate why they started a body camera if the camera was not automatically turned on by the system. This is in addition to the already in policy requirement that officers narrate why they are ending a recording from a body camera.

4. The Chief of Police should develop a process to compare the number of dispatched calls for services and self-initiated calls to the number of videos recorded, research significant discrepancies between the two, and address causes.

Agree. This could be a quarterly review or maybe an annual audit if the capability is developed. Staffing does not allow for this type of scrutiny. There are reporting mechanisms that do not exist without specialized programming from the vendor. The current structure of KCPD's Digital Technology Section does not allow for this type of process without significant expansion of personnel.

5. The Chief of Police should provide additional guidance in the department's BWC policy for how officers should interpret "...shall use caution when entering...places where an individual would have a reasonable expectation of privacy."

Agree. The guidance for the policy “shall use caution when entering . . . places where an individual would have a reasonable expectation of privacy.” This is initially addressed in PI21-05 page 1, Section II Policy, Subsection G, “Members will take measure not to activate the BWC in nonpublic areas of a Department facility, unless enforcement action is required.” Subsection M, “Members should not activate the BWC or shall use caution when entering a public locker room, changing room, restroom, doctor’s office or other places where an individual would have a reasonable expectation of privacy.” Subsection N, “Unless for a direct law enforcement purpose, members will not record in restrooms, jails, daycares, K-12 education facilities and the interiors of medical, mental health, counseling, or therapeutic facilities. For example: responding for an administrative function (i.e., meeting, luncheon, sit-on etc.) as opposed to a call for service (i.e., disturbance call, a shooting victim at a hospital for treatment, etc.) Members will record in the interiors of an ambulance.”.

RSMO. Section 610.100 dictates open/closed records for BWC and it defines a nonpublic location in Section 1.8 as “a place where one would have a reasonable expectation of privacy, including, but not limited to a dwelling, school, or medical facility”. This is a broad definition and there is an expectation that the case law may further define where reasonable expectations of privacy are. Recordings in nonpublic locations are closed records.

The policy clearly gives examples as to when there should not be a recording in nonpublic places but there would be exceptions when it involves law enforcement. This broad language allows the policy to remain in place with updates as the law changes. There are many factors to consider that are left to the judgement of the office. This is appropriate use of policy guidance.

This and other aspects of BWC are trained by the Office of General Counsel during annual in-service training sessions and can be provided at rollcalls, weekly crime meetings and other types of trainings.

6. The Chief of Police should replace the current default classification field in the body-worn camera system with a blank or an “unclassified” default.

Agree. A default classification of “unclassified” will be created with a retention period set at 180 days. Training is currently being developed to address officer compliance with video classification.

7. The Chief of Police should develop a process to monitor the timeliness of BWC video uploads time.

Agree. KCPD Procedural Instruction 21-5 requires officers dock the body camera at the end of their shift. An overwhelming majority of officers are compliant with the policy. The audit found two specialized units had longer times to dock body cameras which will be addressed with those specific units. KCPD is satisfied with video upload times as it stands but could implement a process to monitor upload times and identify variances if the Digital Technology Section was provided additional personnel. Exploration of automating processes may also provide a mechanism to monitor upload times.

8. The Chief of Police should update the body-worn camera policy to incorporate required supervisor reviews that at a minimum include the number of reviews required, criteria to compare videos against, and required documentation.

Agree. KCPD began a project to revise Procedural Instruction 21-5. During the revision process, Chief Smith issued a supplemental policy, Department Memorandum 22-02, on 4/6/2022 to provide direction on video review. More detailed requirements will be incorporated in the revision of Procedural Instruction 21-5.

9. The Chief of Police should update the BWC policy to include required periodic refresher training that would address issues identified in supervisory reviews of videos or program evaluations, and changes or new information related to the BWC policy and system.

Agree in Part. The revised BWC policy will not have a refresher training requirement. Body Cam and In-Car camera training will be suggested for the 2023 In-Service training block.

10. The Chief of Police should provide officers with refresher training related to issues identified in this audit:

- Recording events in their entirety and properly documenting exceptions;
- Determining which events require BWC recordings
- Proper classification of videos
- Timely uploading of videos

Agree. This can be addressed in training bulletins periodically disseminated throughout the year as well as training during the 2023 In-Service Training block. The Digital Technology Section are developing training videos and bulletins to cover the classification of patrol video. Training bulletin 22-2 was issued on 3/11/2022 to cover offense reporting and body worn cameras.

11. The Chief of Police should update the body-worn camera policy to include performance measures and goals, measuring results, and periodic public reporting of results.

Agree. Due to the retirement of Chief Smith, the specifics of this will be tasked to the next Chief of Police.

(General Counsel Holly Dodge reviewed the audit documents and this response. Chief Richard Smith reviewed and approved this response on 04/12/2022)



Deputy Chief Michael Hicks
Administrations Bureau