

Date: March 31, 2021

To: Paula Boggs Muething, City Manager

From: Lauren Sundararajan, CFE, Internal Audit Manager *L S*

Copies to: Internal Audit Committee
Christopher A. Bigham, Assistant City Manager
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Subject: **Body-Worn Cameras Audit**

Attached is the Body-Worn Cameras Audit report. The primary objective of this performance audit was to determine if body-worn cameras are used and executed in accordance with Cincinnati Police Department policies and procedures, State law, and best practices. This audit was conducted in accordance with the current audit agenda.

To complete the audit objective, IA sought access to Evidence.com—CPD’s vendor for data management software for BWC footage and storage. Access to Evidence.com was needed in order to perform a significant amount of the audit testing which would determine BWC activation rates and compliance, supervisory oversight compliance through audit logs, and accurate BWC footage retention rates based on correct video upload categorization.

Initially, IA was denied access, however, IA was later advised to submit a Request for Legal Services. IA received a response stating that gaining access would entail a lengthy process. Since IA determined this would be arduous, IA chose not to seek this course of action to preserve the integrity of fieldwork already completed. Therefore, as a result of this restriction, IA was unable to obtain sufficient appropriate evidence to determine that the audit objective was met.

We would like to thank the management and staff of the Cincinnati Police Department for their assistance and cooperation during this audit.

If you need any further information, please contact me.

Attachment

Body-Worn Cameras Audit

March 2021



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Executive Summary

Internal Audit (IA) conducted a performance audit of the Cincinnati Police Department's (CPD) Body-Worn Cameras (BWC). The primary objective of this performance audit was to determine if body-worn cameras are used and executed in accordance with Cincinnati Police Department policies and procedures, State law, and best practices. CPD's BWC device is a law enforcement tool used to promote officer safety, record certain activities and create a visual and audio record to supplement an officer's report, as well as enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

The audit revealed several opportunities for improvement with the BWC program's internal controls. Management oversight is a key component for a strong internal control structure. However, senior management oversight of BWC policy violations is not performed to track for trends or patterns. IA also determined that supervisory reviews of BWCs were only in compliance a total of 11 (17%) quarters out of 66. Conversely, the Inspection Section's quarterly audits did not start until the second quarter of 2020 even though the policy requirement was implemented in April of 2018.

Additionally, CPD's policies and procedures needs to be updated to reflect current operating practices. IA determined there were two instances of outdated BWC policies that reference records requests and the length of time copies of videos of BWC public records requests be maintained. There is also no authorized process memorialized in writing for conducting the physical inventory count of BWCs. Further, routine audits of redacted footage are not performed, nor does the redaction team perform reviews of videos to ensure they are categorized correctly. Although there is no requirement in the Standard Operating Procedures (SOP) for these two processes, IA believes there is room for improvement to enhance quality assurance.

To ensure that BWCs are used and executed in accordance with CPD policies and procedures, State law, and best practices, IA recommends implementing a policy to establish comprehensive oversight of BWC policy violations. Additionally, expanding the scope of BWC reviews to ensure they are comprehensive, and increasing the scope and breadth of the Inspection Section's quarterly audits. IA also recommends the current BWC policy be updated to reflect current operating practices, establishing and documenting policies and procedures to ensure an effective and reliable physical inventory count, and creating a policy that will implement routine audits of redacted footage.

I. Introduction

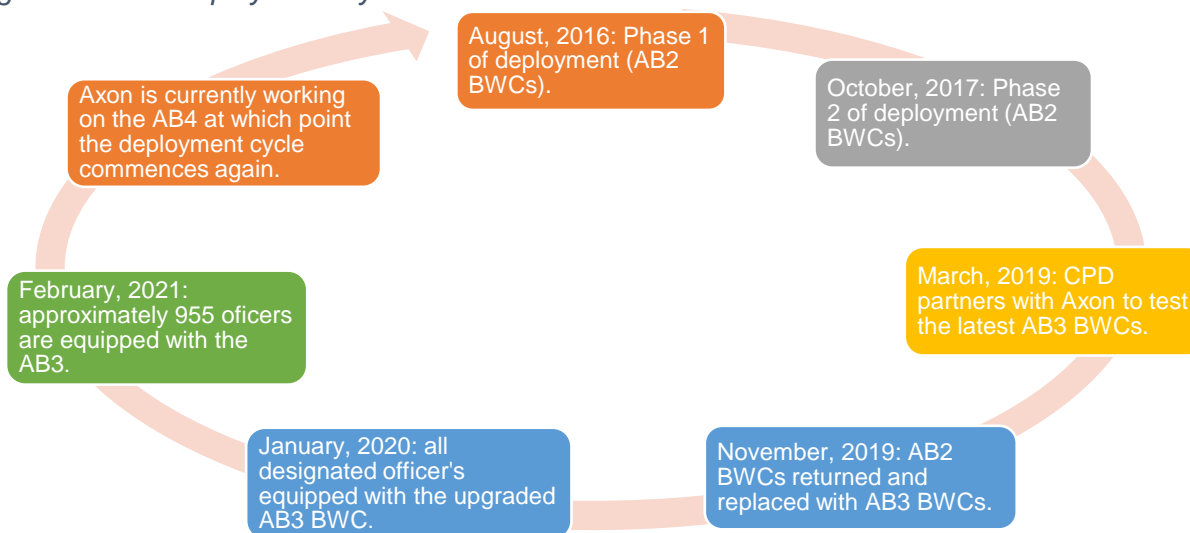
Background

The Cincinnati Police Department's body-worn camera device is a law enforcement tool used to promote officer safety, record certain activities and create a visual and audio record to supplement an officer's report, as well as enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings. CPD first tested the BWC in January of 2010 and while the technology was effective at recording, the hardware and the process were not sufficient for deployment at the time.

However, in July of 2015, a University of Cincinnati Police Department officer shot and killed an unarmed African American motorist. This incident earned local and national attention, which "compelled public and political pressure for CPD to purchase BWCs and to deploy these BWCs as fast as possible."¹ As a result, the first BWC working group meetings were held in August of 2015 and involved over 40 people across numerous City of Cincinnati (City) agencies. From these working groups, five sub-committees to identify operational and strategic objectives were formed and the City also engaged several stakeholder and community groups in the development of a BWC program.

Once CPD was ready to launch the BWCs, it was decided that a staggered deployment would be the most efficient. Phase 1 deployment of the BWC program commenced in August of 2016 and by December of 2016, 662 patrol officers were trained and deployed with BWCs. Phase 2 deployment commenced in October of 2017 and was completed by November of 2017. In March of 2019, CPD contracted with BWC vendor, Axon, to test their latest BWC, the Axon Body 3 (AB3). The AB3, which CPD officers currently utilize, can now stream live video and track the officer's location, in addition to providing automated BWC activation when an officer's firearm is unholstered or TASER is engaged. As of February of 2021, CPD has 955 officers deployed with the AB3.

Figure 1: BWC Deployment Cycle



¹ CCA New Board Member Training PowerPoint Presentation, February 6, 2020.

Audit Selection

IA conducted this audit in accordance with the Audit Work Plan.

Audit Objective

The primary objective of this performance audit was to determine if body-worn cameras are used and executed in accordance with Cincinnati Police Department policies and procedures, State law, and best practices.

Audit Scope and Methodology

In order to achieve the prior objective, IA compared practices to relevant City policies and industry standards, sought verification of procedures through documented reports, interviewed staff, calculated statistics of relevant data, reviewed contracts and retention compliance. The analysis spanned from the initiation of the BWC program in 2016 through the present.

Scope Limitation

In order to complete the audit objective, IA sought access to Evidence.com—CPD’s vendor for data management software for BWC footage and storage. Access to Evidence.com was needed in order to perform a significant amount of the audit testing which would determine BWC activation rates and compliance, supervisory oversight compliance through audit logs, and accurate BWC footage retention rates based on correct video upload categorization.

Initially, IA was denied access in December of 2020 due to the sensitive information contained within Evidence.com. However, IA was later advised to submit a Request for Legal Services (RLS) to the City’s Law Department to obtain a legal opinion on whether access may be granted. IA submitted an RLS and received a response in February of 2021 stating that gaining access would entail a “lengthy process.” This would include obtaining an appropriate agreement with CPD, background checks, training, certification, and approval by the Chief of Police. Since IA determined this would be an arduous process, IA chose not to seek this course of action to preserve the integrity of fieldwork already completed. Therefore, as a result of this restriction, IA was unable to obtain sufficient appropriate evidence to determine that the audit objective was met.

Statement of Auditing Standards

As required by the Cincinnati Administrative Code Article II §15, this audit was conducted in accordance with the Generally Accepted Government Auditing Standards (GAGAS), except for standard 5.90 pertaining to external peer review requirements. This exception did not have a material effect on the audit.

IA continues to conduct internal quality reviews to assure the conformance with applicable GAGAS. IA performed the fieldwork between November 2020 through February 2021.

Commendations

IA commends the staff of the Cincinnati Police Department for their cooperation throughout the audit.

II. Audit Findings and Recommendations

Oversight

A centralized repository of BWC non-compliance incidents is not maintained.

Section (A)(1)(b) of CPD's 12.540 BWC System policy states, "If an officer fails to activate or deactivate their BWC according to policy, or fails to upload their BWC in a timely manner, whether intentionally or accidentally, they will report the incident to their supervisor. The supervisor will investigate and document the incident on a Form 17BWC, including any disciplinary recommendation." In order to ensure that all Form 17BWCs were completed and in compliance with CPD policy, IA sought to review all forms for completeness but was informed that the forms are maintained in hard copy format and there is no "aggregated housing for the forms." Additionally, hard copies of the forms are housed at their respective districts or in the employee's personnel file and collecting these forms would be difficult. As a result, IA was unable to determine compliance with CPD policy.

Recommendation 1: CPD should review and maintain Form 17BWC in a centralized repository for the purposes of tracking trends of non-compliance incidents and assist in identifying any departmental weaknesses.

Department Response: Agree. CPD is assessing the feasibility of creating an electronic Form 17BWC into its Records Management System (RMS). Doing so will ensure a central repository and enable search functionality for all forms.

BWC policy violations are not electronically centralized into a format that can be queried.

In addition to the lack of a centralized repository for all BWC non-compliance Form 17BWCs, CPD was unable to provide an aggregated list of all BWC violations since the databases currently utilized do not have the functionality to track this data. CPD's databases that contain BWC policy violations are not currently set up with searchable fields that would allow users to track BWC policy violations. Without the ability to run electronic queries on BWC policy violations, CPD management risks missed opportunities to examine any trends or patterns that could underscore these types of violations.

Recommendation 2: CPD should configure personnel databases to run queries on BWC policy violations and create a consolidated risk report from a central database.

Senior management oversight of BWC policy violations is not performed to track for trends or patterns.

As evidenced in the issues outlined above, senior management oversight of BWC policy violations is not performed to track for trends or patterns which would also provide additional opportunities to improve training and identify departmental weaknesses. According to the Standards for Internal Control in the Federal Government, "Internal controls serve as the first line of defense in safeguarding assets. In short, internal control helps managers to achieve desired results through effective stewardship of public resources."² The source goes on to tell us

² GAO-14-704G Federal Internal Control Standards.

that an internal control is not one event, but a series of actions that occur throughout an entity's operations. For example, continually monitoring (oversight) is one of the key components for a strong internal control. Without comprehensive oversight of BWC policy violations, CPD misses the opportunity for early intervention of those individuals exhibiting patterns of misconduct. A consolidated risk report is critical for the senior management team to gain insights and timely and accurate information needed to make effective decisions.

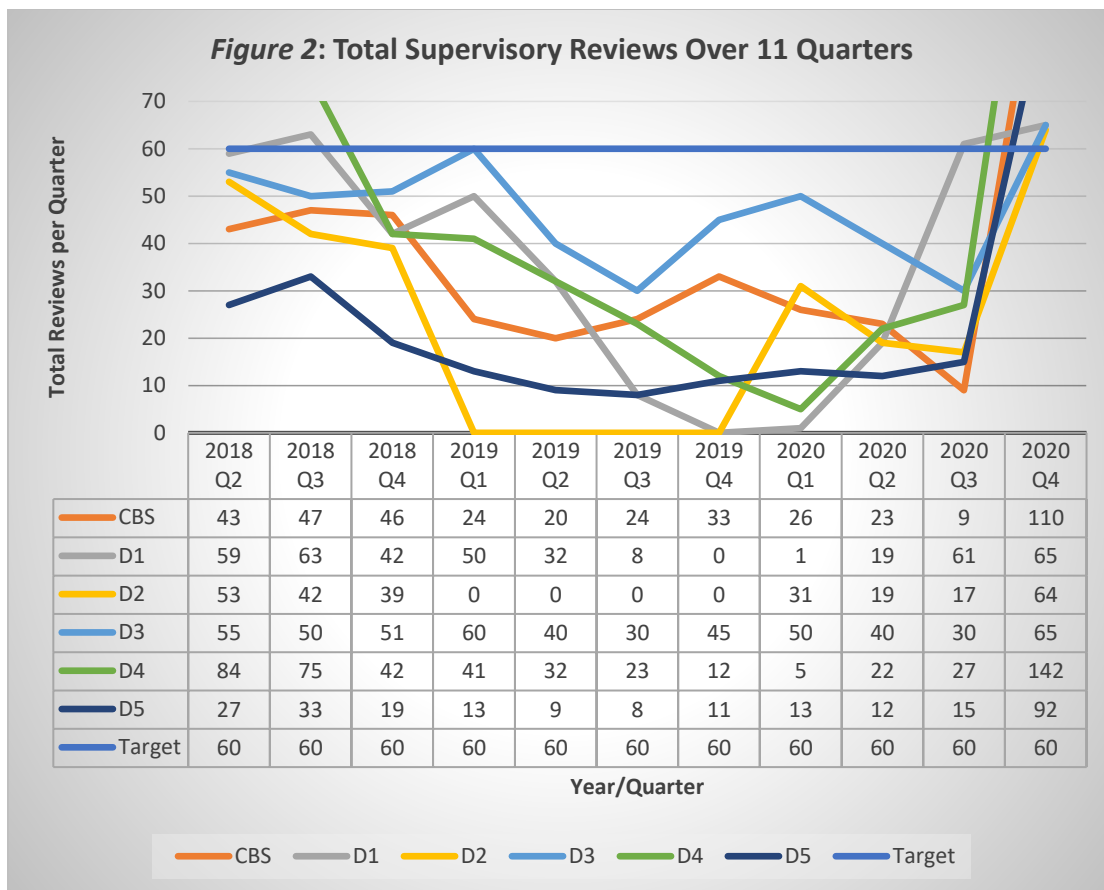
Recommendation 3: CPD should implement a policy to establish comprehensive oversight of BWC policy violations to track for any trends or patterns of misuse or misconduct.

Department Response 2 and 3: Agree. CPD is assessing the feasibility of logging violations into RMS in order to comprehensively track violations into a central location and allow for the identification of trends or patterns to appropriately address violations. Procedures will be updated accordingly.

Supervisory reviews of BWCs is not in compliance with CPD policy.

Section (F)(2) of CPD's 12.540 BWC System's policy requires that "The district commander will assign five (5) BWC video supervisory reviews **per district each week.**" The supervisory reviews represent an integral internal control that establishes oversight of an officer's BWC policy compliance. In addition, CPD's Inspection Section is tasked with performing quarterly audits of all districts to ensure they are performing at least 60 reviews per quarter, respectively.

To determine if districts follow the policy, IA reviewed the total amounts of supervisory reviews per district since their establishment in the second quarter of 2018. IA determined that out of the 66 quarterly review timeframes, districts complied a total of 11 (17%) quarters. Additionally, IA noted that six of the 11 quarters that individual districts complied occurred during the fourth quarter of 2020, when this audit began. Based on this evidence, it indicates that the policies are not adequately enforced. See *Figure 2* below for a graphical depiction for total quarterly reviews of all districts (D) including the Central Business Section (CBS):



Although the Inspection Section’s quarterly audits were put into place to ensure that supervisors are conducting the required supervisory reviews, the implementation of quarterly audits does not correlate with an increase in supervisory reviews, casting doubt on the effectiveness and scope of these audits. Without comprehensive and timely reviews of BWC videos there is no accountability and assurance that officers are adhering to BWC policies. According to the International Association of Chiefs of Police (IACP), “Regular review of BWC recordings allows supervisors to ensure that the BWC is being used in accordance with agency policy and to identify any areas in which additional officer training, guidance, or discipline may be required.”

Recommendation 4: CPD should expand the scope of BWC reviews to ensure they are comprehensive and completed in accordance with CPD policy. This should include an evaluation of the total reviews that need to be completed in order to be statistically significant in comparison to the total of BWC footage of each district.

Quarterly audits have not historically been in compliance with CPD policy.

Section (H)(1) of the revised BWC System policy dated 4/5/2018 reads, “Inspection Section will conduct a quarterly audit sampling to verify BWC procedure compliance by determining if required BWC supervisory reviews were completed.” Based on the effective date of this policy, there should have been three quarterly audits conducted in 2018, four quarterly audits conducted in 2019 and another quarterly audit conducted first quarter of 2020. IA was informed that the Inspection Section did not start the BWC supervisory review audits until the second

quarter of 2020. Based on this information, the Inspection Section failed to conduct eight quarterly audits, per the policy.

Additionally, the Inspection Section audits consist solely of ensuring that the required 60 supervisory reviews per quarter for all districts are completed. These audits are documented on internal memos with the total number of supervisory reviews for that quarter and whether the district was in compliance with policy. In reviewing the quarterly audit memo, there was no recommendation for improvement made other than the statement, "Inspection Section will continue to monitor the BWC Supervisory Reviews through Records Management System (RMS) to improve the efficiency and effectiveness of this process." Given the significance of the BWC program and the financial investment made by the City, a more extensive Inspection Section's quarterly audit process is warranted, and any discoveries made during this process can assist CPD in determining whether their policies and practices are effective and appropriate.

When supervisors are not held accountable for conducting their supervisory reviews, opportunities can be missed to identify trends, target training needs, or to evaluate the overall integrity of the BWC program. The fact that the quarterly audits did not start until the 2nd quarter of 2020, is reflective in the low percentage of district compliance per IA's test in the previous finding. Additionally, according to the Police Executive Research Forum (PERF), "An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of BWC footage to monitor compliance with the program and assess overall officer performance. Rationale: PERF recommends that an agency's internal audit unit (e.g., the Staff Inspection Unit) conduct these random footage reviews to avoid undermining the trust between an officer and his or her supervisor. The internal audit unit's random monitoring program should be governed by a clearly defined policy, which should be made available to officers."³

Recommendation 5: The Inspection Section needs to adhere to the policy as prescribed in 12.540 BWC System policy and expand the scope and breadth of their quarterly audits.

Department Response 4 and 5: Agree in part. The Inspections Section also randomly reviews BWC video for compliance when an employee is randomly selected for periodic drug screenings. CPD does not have the capacity for Inspections to handle an additional 360 reviews on a quarterly basis so the resources were allocated at the district level in order to more evenly distribute the tasks. Senior management will confer with Inspections Section for supervisory review process improvements and implement the findings in the BWC procedure which will include issues identified during the back-end records request process in order to more accurately identify patterns and trends. CPD expects contractual technology improvements and upgrades will significantly improve this process through automation in the near future.

CPD has reinforced supervisory compliance with this requirement and has implemented an additional layer of appropriate senior management oversight to ensure continued adherence to the quarterly review process.

³ Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned. Washington, DC: Office of Community Oriented Policing Services.

Policies & Procedures

CPD's BWC System policy needs to be updated to reflect current operating practices.

BWC policies are critical to both mitigate risk and improve the agency's overall operational capabilities. In conducting the fieldwork, IA determined there were two instances of outdated BWC policies. For example, the policy states that either a Form 29 or Form 606 must be completed in order to obtain BWC videos through a public records request. However, when IA sought to obtain a sample of these forms, CPD responded that that they are no longer in use and that all requests are now filed online through CPD's website.

Additionally, the policy also requires that copies of videos of BWC public records requests be maintained in a file for one year. However, IA was also informed that this is no longer performed and that the policy needs to be updated. Consequently, these outdated policies that do not reflect current operating procedure create opportunities for variation and inconsistencies to exist and lead to disruptions in personnel workflow.

Recommendation 6: Review and update the current BWC policy to reflect current operating practices and how requests are filed.

Department Response: Agree. Procedural adjustments are currently underway to address such outdated policies. Since deployment, CPD regularly updates the BWC policies and procedures based on best practices.

Inventory

There are no documented policies and procedures for the physical inventory count of BWCs.

A key factor in achieving consistent and accurate counts of physical inventories is to establish written policies and procedures. While the current BWC Program Coordinator has an established and organized inventory process that tracks all BWCs, there is no authorized process memorialized in writing. Currently, processes are communicated orally and reliance on long standing and understood practices are executed by experienced and knowledgeable staff. According to the United States General Accounting Office (GAO), "Establishing and documenting policies and procedures are essential to an effective and reliable physical count. Policies and procedures demonstrate management's commitment to the inventory physical count process and provide to all personnel clear communication and comprehensive instructions and guidelines for the count."⁴

When there are no established or written policies and procedures to help ensure consistent and accurate compliance and application, the integrity and accuracy of the physical count process becomes compromised. It is critical to provide to all personnel clear communication and comprehensive instructions and guidelines that pertain to all aspects of the physical count process. This should include the activities or tasks that take place before, during, and after the physical count to also include the tasks for entering the inventory count data into RMS. It is important to note that policies and procedures also become the basis for training and informing employees.

⁴ GAO-02-447G Best Practices in Inventory Counts.

Recommendation 7: Establish and document policies and procedures to ensure an effective and reliable physical count for all aspects of the process.

Department Response: Agree. CPD will establish and document a standard operating procedure for BWC inventory that utilizes RMS to ensure accurate BWC inventory.

Records Retention/Video Redaction

Routine audits of redacted footage are not performed.

Through interviews, IA was informed that the Video Redaction Team (VRT)—tasked with redacting BWC videos for public records requests—will conduct spot checks on redacted videos, however, there is no formal process established for routine audits. Additionally, audits are not listed as a requirement in VRT’s redaction SOPs. Due to the sensitive information captured on BWCs, CPD should conduct periodic audits to assess the accuracy and consistency of their BWC redaction process. Without routine audits occurring, there is no assurance that footage is redacted properly before it is released to the public requestor.

Recommendation 8: Establish a policy that will implement routine audits of redacted footage. This can include sampling footage to ensure that proper redaction processes are adhered to.

Department Response: Disagree. CPD’s current staffing and resources do not allow for the agency to implement this recommendation. The Records Section is experiencing an unprecedented backlog of BWC production. Once additional staff is available in this area, CPD will revisit the feasibility of implementing routine audits of redacted footage.

Reviews of proper video categorization are not performed.

Through interviews, IA was informed that the VRT does not perform reviews of videos to ensure they are categorized correctly. Additionally, IA was told that although it is rare to come across a video that has been miscategorized, it has occurred. When it does occur, they correct the categorization of the footage. However, there is currently no policy to ensure these reviews are occurring on a routine basis. And without reviews to ensure that footage is categorized correctly, CPD risks footage being miscategorized.

Recommendation 9: Routine reviews of correct video categorization should be established and documented.

Department Response: Disagree. CPD’s current staffing and resources do not allow for the agency to implement this recommendation. The Records Section is experiencing an unprecedented backlog of BWC production. Once additional staff is available in this area, CPD will revisit the feasibility of implementing routine reviews of categorized footage.

Performance metrics are not established for records requests response times.

IA randomly selected a sample of closed BWC public records requests available in CPD’s records request portal in order to determine the length of time it took to provide a response. Data available in the portal spanned calendar year 2020 through the present. The selected

sample was retrieved from this time span. The sample selection consisted of 10% of a total of 508 available closed BWC records requests. This amounted to a total of 51 requests sampled. Of these 51 selected, IA was able to test 47 of these requests due to unavailable data for the remaining four selections. IA determined that there was an average request completion of 49 days from when the request was opened till when it was completed. Due to a few outliers, IA also calculated the median and determined that that consisted of 44 days.

Although the Ohio Revised Code does not explicitly provide an exact amount of time that responses to a records requests should adhere to, the Records Section could create internal metrics, with exceptions, to adhere to in terms of response times. This would help create a framework for the section and thereby enhance transparency of public trust.

Recommendation 10: Establish performance metrics for records requests response times.

Department Response: Disagree. CPD's current staffing and resources do not allow for the agency to implement this recommendation. The Records Section is experiencing an unprecedented backlog of BWC production where priorities and deadlines are constantly moving based on variables such as criminal trial scheduling and needs. Once additional staff is available in this area and the backlog eliminated, CPD will revisit the feasibility of establishing performance metrics for records requests response times.

III. Conclusion

The Cincinnati Police Department's Body-Worn Camera program has the ability to provide law enforcement with a surveillance tool to promote officer safety and efficiency, better transparency, increased civility as well as many other benefits. Therefore, it is important that management closely monitors and evaluates the internal controls to ensure that CPD's BWC program is achieving its objectives. The audit revealed several opportunities for improvement with the BWC program's internal controls.

For example, senior management oversight of BWC policy violations is not performed to track for trends or patterns. IA also determined that supervisory reviews of BWCs were only in compliance a total of 11 (17%) quarters out of 66. Conversely, the Inspection Section's quarterly audits did not start until the second quarter of 2020 even though the policy requirement was implemented in April of 2018. Additionally, IA determined there were two instances of outdated BWC policies. There is also no authorized process memorialized in writing for conducting the physical inventory count of BWCs. Further, routine audits of redacted footage are not performed, nor does the redaction team perform reviews of videos to ensure they are categorized correctly. Although there is no requirement in the Standard Operating Procedures (SOP) for these two processes, IA believes there is room for improvement to enhance quality assurance.

To ensure that BWCs are used and executed in accordance with CPD policies and procedures, State law, and best practices, IA recommends implementing a policy to establish comprehensive oversight of BWC policy violations. Additionally, expanding the scope of BWC reviews to ensure they are comprehensive, and increasing the scope and breadth of the Inspection Section's quarterly audits. IA also recommends, the current BWC policy be updated to reflect current operating practices, establishing and documenting policies and procedures to ensure an effective and reliable physical inventory count, and creating a policy that will implement routine audits of redacted footage.

IV. Cincinnati Police Department Response

Recommendation 1: CPD should review and maintain Form 17BWC in a centralized repository for the purposes of tracking trends of non-compliance incidents and assist in identifying any departmental weaknesses.

Department Response: Agree. CPD is assessing the feasibility of creating an electronic Form 17BWC into its Records Management System (RMS). Doing so will ensure a central repository and enable search functionality for all forms.

Recommendation 2: CPD should configure personnel databases to run queries on BWC policy violations and create a consolidated risk report from a central database.

Recommendation 3: CPD should implement a policy to establish comprehensive oversight of BWC policy violations to track for any trends or patterns of misuse or misconduct.

Department Response 2 and 3: Agree. CPD is assessing the feasibility of logging violations into RMS in order to comprehensively track violations into a central location and allow for the identification of trends or patterns to appropriately address violations. Procedures will be updated accordingly.

Recommendation 4: CPD should expand the scope of BWC reviews to ensure they are comprehensive and completed in accordance with CPD policy. This should include an evaluation of the total reviews that need to be completed in order to be statistically significant in comparison to the total of BWC footage of each district.

Recommendation 5: The Inspection Section needs to adhere to the policy as prescribed in 12.540 BWC System policy and expand the scope and breadth of their quarterly audits.

Department Response 4 and 5: Agree in part. The Inspections Section also randomly reviews BWC video for compliance when an employee is randomly selected for periodic drug screenings. CPD does not have the capacity for Inspections to handle an additional 360 reviews on a quarterly basis so the resources were allocated at the district level in order to more evenly distribute the tasks. Senior management will confer with Inspections Section for supervisory review process improvements and implement the findings in the BWC procedure which will include issues identified during the back-end records request process in order to more accurately identify patterns and trends. CPD expects contractual technology improvements and upgrades will significantly improve this process through automation in the near future.

CPD has reinforced supervisory compliance with this requirement and has implemented an additional layer of appropriate senior management oversight to ensure continued adherence to the quarterly review process.

Recommendation 6: Review and update the current BWC policy to reflect current operating practices and how requests are filed.

Department Response: Agree. Procedural adjustments are currently underway to address such outdated policies. Since deployment, CPD regularly updates the BWC policies and procedures based on best practices.

Recommendation 7: Establish and document policies and procedures to ensure an effective and reliable physical count for all aspects of the process.

Department Response: Agree. CPD will establish and document a standard operating procedure for BWC inventory that utilizes RMS to ensure accurate BWC inventory.

Recommendation 8: Establish a policy that will implement routine audits of redacted footage. This can include sampling footage to ensure that proper redaction processes are adhered to.

Department Response: Disagree. CPD's current staffing and resources do not allow for the agency to implement this recommendation. The Records Section is experiencing an unprecedented backlog of BWC production. Once additional staff is available in this area, CPD will revisit the feasibility of implementing routine audits of redacted footage.

Recommendation 9: Routine reviews of correct video categorization should be established and documented.

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