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COMMONWEALTH OF VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

June 4, 2019

EMAIL MEMORANDUM

TO: Commonwealth's Attorneys
Local Governing Bodies

FROM: Robyn de Socio, Executive Secretary

SUBJECT: Reporting of FY20 Local Funding to Support Body Worn Camera Workload

I am writing to follow up on budget language approved by the 2019 General Assembly requiring cities and counties implementing or having implemented body worn cameras among their local law enforcement agencies to provide staff resource funding to their Commonwealth's Attorney's office to address the added workload impact of camera footage.

The budget language approved by the 2019 General Assembly (Chapter 854, Item 70.) states the following:

"K. Any locality in the Commonwealth that employs the use of body worn cameras for its law enforcement officers shall be required to establish and fund one full-time equivalent entry-level Assistant Commonwealth's Attorney, at a salary no less than that established by the Compensation Board for an entry-level Commonwealth's Attorney, at a rate of one Assistant Commonwealth's Attorney for up to 75 body worn cameras employed for use by local law enforcement officers, and one Assistant Commonwealth's Attorney for every 75 body worn cameras employed for use by local law enforcement officers, thereafter. However, with the consent of the Commonwealth's Attorney, a locality may provide their Commonwealth's Attorney's office with additional funding, using a different formula than stated above, as needed to accommodate the additional workload resulting from the requirement to review, redact and present footage from body worn cameras. If, as of July 1, 2019, a locality is providing additional funding to the Commonwealth's Attorney's office specifically to address the staffing and workload impact of the implementation of body worn cameras on that office, that additional funding shall be credited to the formula used in that locality. Any agreed upon funding formula between the impacted Commonwealth's Attorney and the locality employing body worn cameras shall be filed with the Compensation Board by July 1, 2019 and shall remain in effect unless modified by the agreement of both parties until June 30th of the following year. The term "locality" means every county or independent city with an Attorney for the Commonwealth. The term "employed for use" includes all body worn cameras maintained by the law enforcement agency or agencies of that locality, regardless of any temporary inoperability."

All Commonwealth's Attorneys are requested to provide an electronic (scanned) copy of one of the following three letters to the Compensation Board by July 1, 2019:

1. In accordance with the approved language, if your locality has implemented body worn cameras for use by its local law enforcement agency, or plans to implement body worn cameras by July 1, 2019, please provide a letter to the Compensation Board containing details of the agreement between the County Administrator or City Manager and the Commonwealth's Attorney stating the agreed upon funding formula and/or total resources approved by the locality for the Commonwealth's Attorney's office for FY20 specifically to address workload needs resulting from the implementation of body worn cameras by the locality's law enforcement agency.

Please ensure the letter includes the following elements:

- Signature of County Administrator/City Manager;
 - Signature of Commonwealth's Attorney;
 - Date of Agreement/Notice;
 - Effective Date of Funding;
 - Number of body worn cameras employed for use by county/city law enforcement agency in FY20;
 - Number and type of permanent/full-time/salaried positions funded by locality for FY20 for Commonwealth's Attorney's office specifically for addressing workload resulting from body worn cameras, including total budgeted funding;
 - Number and type of part-time positions funded by locality for FY20 for Commonwealth's Attorney's office specifically for addressing workload resulting from body worn cameras, including total budgeted funding;
 - Type, purpose and total amount of other personnel or non-personnel related funding by locality for FY20 for Commonwealth's Attorney's office specifically for addressing workload resulting from body worn cameras; and
 - Positions and funding previously approved and allocated in FY19 by locality for Commonwealth's Attorney's office specifically for addressing workload resulting from body worn cameras.
2. If your locality has plans to implement body worn cameras for use by its local law enforcement agency at a later date in FY20, please provide a letter to the Compensation Board noting that the locality has not yet implemented body worn cameras, but identifying the estimated date of implementation. Upon implementation, please provide a letter to the Compensation Board containing the elements listed above, identifying additional resources provided to the Commonwealth's Attorney's office to support workload needs resulting from such implementation.
 3. If your locality has not implemented body worn cameras for use by its local law enforcement agency in FY20 or prior, and does not have plans at this time to implement body worn cameras in FY20, please provide a letter to the Compensation Board to that effect.

There is no need to send an original letter by mail; please maintain the original signed letter for your records. **Please send the appropriate letter electronically (scanned copy) to the Compensation Board, no later than July 1, 2019, at the following email address: customerservice@scb.virginia.gov.**

As you are aware, the language approved by the 2019 General Assembly requiring localities to provide resources to support workload needs in Commonwealth's Attorneys' offices resulting from the implementation of body worn cameras among local law enforcement agencies was based upon a recommendation by a workgroup reviewing impacts on Commonwealth's Attorneys' offices of body worn camera footage. For more information regarding the original workgroup and its recommendations, please see Appendix A, attached.

The workgroup also recommended that its work be continued to allow for data related to body worn camera footage to be gathered from all Commonwealth's Attorneys' offices and law enforcement agencies for quantitative analysis, to identify a future standard for staffing needs based upon footage generated as evidence for criminal cases.

The 2019 General Assembly also approved budget language directing the Secretary of Public Safety and Homeland Security to convene and expand the workgroup, and directed that Commonwealth's Attorneys report to the Compensation Board on a quarterly basis data related to body worn camera footage, including hours of footage received related to felonies, misdemeanors and traffic offenses, hours spent redacting videos, and other data deemed necessary by the work group. This additional budget language can be found in Appendix B, also attached.

A separate communication will be forthcoming regarding data reporting requirements for this effort, with data collection expected to begin in July, 2019.

Thank you for your assistance in meeting this legislative requirement. If you have any additional questions regarding the requested letters and information, please contact Paige Christy (paige.christy@scb.virginia.gov; 804-225-3442), Charlene Rollins (charlene.rollins@scb.virginia.gov; 804-225-3321), or me (robyn.desocio@scb.virginia.gov; 804-225-3439).

c: Compensation Board Members and Staff
Michael Doucette, Virginia Association of Commonwealth's Attorneys
Jane S. Chambers, Commonwealth's Attorneys' Services Council
Janet Areson, Virginia Municipal League
Katie Boyle, Virginia Association of Counties

Appendix A – Authority for Workgroup and Study of Body Worn Camera Impacts on Commonwealth’s Attorney Workload

Chapter 2 (2018 Acts of Assembly), Item 73

“U. The Executive Secretary of the Compensation Board shall convene a working group comprised of representatives of the Supreme Court, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Executive Secretary to investigate how body worn cameras have or may continue to impact the workloads experienced by Commonwealth's Attorneys offices. The working group shall examine processes, relevant judicial decisions, practices, and policies used in other states, potential financial and staffing challenges, and other related issues to determine workload impacts, and to develop recommended budgetary and legislative actions for consideration during the 2019 Session of the General Assembly. The Executive Secretary of the Compensation Board shall submit the recommendations of the working group to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2018. All state agencies and local subdivisions shall provide assistance as requested by the working group.”

The report of the workgroup and its recommendations can be found at the following link: <https://www.scb.virginia.gov/docs/bodycameraworkgroupreport.pdf>.

Appendix B – Authority for Continuation of Workgroup and Data Collection for Quantifying Body Worn Camera Impacts on Commonwealth’s Attorney Workload

Chapter 854 (2019 Acts of Assembly), Item 381

“E.1. The Secretary of Public Safety and Homeland Security shall convene and expand the workgroup created pursuant to paragraph 73.U of this act. 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 Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2019. 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 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, 2019 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.”