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FOLLOW-UP: EVALUATION OF THE CHICAGO POLICE DEPARTMENT'S RANDOM REVIEWS OF BODY-WORN CAMERA RECORDINGS

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OFFICE OF INSPECTOR GENERAL



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I. INTRODUCTION

The Public Safety section of the City of Chicago Office of Inspector General (OIG) has completed a follow-up to its Evaluation of the Chicago Police Department's Random Reviews of Body-Worn Camera Recordings published in July 2019.¹ Based on responses from the Chicago Police Department (CPD or the Department), OIG concludes that CPD has partially implemented corrective actions related to the evaluation findings.

The purpose of the 2019 evaluation was to determine whether CPD was in compliance with Special Order S03-14, the Department directive outlining policy and procedures for body-worn cameras (BWCs). S03-14 requires watch operations lieutenants (WOLs), across all watches, to review one randomly selected BWC recording "on their respective watch per tour of duty." OIG found that CPD did not comply with this requirement; the Department failed to complete all required reviews in the time period OIG reviewed, failed to implement a standardized process to randomly select BWC recordings for review, and failed to monitor compliance with the random review requirement. Further, OIG found that the committee charged with overseeing implementation of CPD's BWC program did not initially hold meetings as required by S03-14.

Based on the results of the 2019 evaluation, OIG recommended that CPD monitor the impact of its BWC Committee and determine any additional corrective measures to remedy continued noncompliance with BWC policies. OIG further recommended that CPD develop and implement a standardized process to randomly select recordings for review and consider revising the selection process to enable WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. OIG also recommended that CPD take steps to ensure WOLs adhere to any implemented standardized selection process when conducting their reviews, and that CPD develop an effective method for monitoring compliance with the requirements for random reviews. Lastly, OIG recommended that CPD's BWC Committee maintain a regular meeting schedule, ensure that its meetings include a presentation of the latest available Quarterly Report on BWC program compliance, and ensure appropriate content in the Quarterly Reports. In its response to the evaluation, CPD committed to taking "structural internal steps," such as updating the BWC policy and the training curriculum, and automating "functions to streamline the review process" to improve compliance with the random review requirement.

In December 2020, OIG inquired about corrective actions taken by CPD in response to the 2019 evaluation. CPD responded in February 2021; in June 2021, just prior to the publication of this report, OIG asked CPD to provide further any updates. CPD provided some additional information in response to that request, including that it is preparing a revised Special Order to govern its BWC program. When it is drafted, CPD plans to submit that new directive for review to

¹ City of Chicago Office of Inspector General, "Evaluation of the Chicago Police Department's Random Reviews of Body-Worn Camera Recordings," July 30, 2019, <https://igchicago.org/2019/07/30/evaluation-of-the-chicago-police-departments-random-reviews-of-body-worn-camera-recordings/>.

the Independent Monitoring Team (IMT) monitoring compliance with the consent decree entered in *Illinois v. Chicago*. CPD did not indicate what changes to its directive are planned.

Based on CPD's responses, OIG concludes that CPD has partially implemented corrective actions. CPD's Audit Division has made some efforts toward improving its random review process; however, a new BWC review process and new randomization procedures have not yet been implemented. CPD reported that it piloted an application to facilitate a standard review process; only after doing so, however, did it assess and determine the application to be to be cost-prohibitive. As a result, CPD is currently working to develop an alternative. CPD has not developed policies or procedures for WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. Finally, CPD reports that it is monitoring WOL review compliance through a monthly evaluation report, and that preservice training for new Lieutenants and District Executive Officers² includes a section on the obligation to review randomly selected recordings. CPD's BWC Committee has not maintained a regular or quarterly meeting schedule, but at the meetings that have taken place, Committee members have reviewed the most recent Quarterly Report and the Quarterly Report consistently covers the appropriate time periods.

² CPD Special Order S03-03-02 District Executive Officer describes this position as "second in command of the district to which they are assigned."

II. FOLLOW UP-RESULTS

In December 2020, OIG followed up on its July 2019 evaluation of CPD's random reviews of body-worn camera recordings and the status of the corrective actions which CPD committed to in its original response. CPD responded in February 2021 by describing those corrective actions and providing supporting documentation. In June 2021, just prior to the publication of this report, OIG asked CPD to provide any further updates and CPD reported that it is currently developing new BWC review processes and audit procedures, and that the Department is preparing a revised directive S03-14 to submit to the IMT pursuant to the policy review process outlined in the consent decree. This report summarizes OIG's four findings, the associated recommendations, and the status of CPD's corrective actions. This follow-up did not observe or test implementation of the new procedures; thus, we make no determination as to their effectiveness, which would require a new evaluation with full testing.

FINDING 1

Districts did not complete all random WOL reviews required by Special Order S03-14, according to CPD's own reporting.

OIG Recommendation 1:

OIG recommended that CPD monitor the impact of the steps the [BWC Program Evaluation] Committee had taken, and planned to take, to improve compliance with requirements for completing and reporting on random Watch Operations Lieutenant reviews. Additionally, CPD should take additional corrective measures to remedy continued noncompliance, as needed.

Status of Corrective Action: **Partially Implemented**

In June 2020, CPD's Audit Division sought feedback from the IMT and from the Illinois Office of Attorney General, the plaintiff in *Illinois v. Chicago*, on a series of efforts related to compliance with Paragraph 576 of the consent decree. Paragraph 576 requires CPD to conduct "random audits" of BWC video "that involved civilian interactions to assess whether CPD officers are complying with CPD policy." According to CPD, efforts to comply with Paragraph 576 have included assessing the state of BWC usage by CPD members and the development of new WOL random review procedures. At the time of this follow-up, CPD has completed its assessment of the current state of BWC usage and is currently developing new BWC random review process and audit procedures; however, CPD has not yet implemented new procedures (see Finding 2 below for additional information).

OIG encourages CPD to adopt and implement the new review process as soon as possible in order to improve compliance with WOL random review requirements, including those which exist outside of the consent decree.

CPD reports that since July 2019 it has taken two additional corrective measures that, if implemented, would improve compliance with requirements for completing and reporting on random WOL reviews of BWC footage. First, CPD stated that they piloted an application, Axon Performance, that would provide WOLs a standard review process to view a randomly selected video. According to the CPD directive describing the pilot program, WOLs participating in the program were required to log into the Axon Performance dashboard once per shift. Once logged in, the program randomly selected a video by algorithm for the WOL to watch. The WOL then completed a BWC Video Review Report on the assigned video. Only after procuring and staging the pilot did the Department determine that it would be cost prohibitive to purchase the platform from Axon.³ As a result, CPD has turned to another company, Clarity, to develop a comparable platform.⁴ Although that work is ongoing, OIG notes that in its April 2021 report, the IMT described as a concern “that the random audit of BWC footage, as conducted by supervisors, has reached a standstill and that no further progress is being made.”⁵

Second, CPD also provided an example of a Body Worn Camera Activity Report, which reports the level of body worn camera usage, including lack

³ Axon, or Axon Enterprise, Inc., produces tools and resources for law enforcement agencies, including Body-Worn Cameras, TASERs, and cloud storage of digital evidence. Axon has had a series of contracts with the City of Chicago, which did not go through the typical, competitive procurement process. The City of Chicago first entered into five-year, \$10 million contract with Axon in 2016 to procure BWCs, cloud storage, and conducted electronic weapons (i.e., TASERs). This contract was entered into using the reference contract process outlined in Municipal Code of Chicago § 2-92-649, which is a non-competitive process that allows the City to enter into contracts on the same or superior terms as a contract (the “reference contract”) between the contractor and another federal, state, or local entity. In 2017, the City increased the value of the contract by \$5 million and, in 2018, the City replaced this contract with a new five-year, \$40 million contract, which also included additional services, such as in-car cameras. However, in the circumstance like the piloted and discontinued BWC video review platform at issue here, Axon was ultimately unable to provide CPD with in-car cameras because Axon’s equipment could not meet CPD’s operational requirements, which itself implicates possible questions about whether the threshold criteria had been satisfied for utilization of the non-competitive contract process. Axon’s 2018 contract was a sole-source contract (i.e., non-competitive procurement) which runs through January 23, 2023.

City of Chicago, “Contract Number 30401,” February 2, 2016, accessed May 26, 2021, <https://webapps1.chicago.gov/vcsearch/city/contracts/30401>; City of Chicago, “Modification Number 304018,” February 2, 2016, accessed May 26, 2021, <https://webapps1.chicago.gov/vcsearch/city/contracts/30401>; and City of Chicago, “Contract Number 60663,” January 24, 2018, accessed May 26, 2021, <https://webapps1.chicago.gov/vcsearch/city/contracts/60663>.

⁴ Clarity, or Clarity Partners, is a Chicago-based technology consulting firm. Clarity Partners, LLC, Firm Overview, accessed May 13, 2021, <https://www.claritypartners.com/about/firm-overview/>.

⁵ Independent Monitoring Report 3 (Amended) ¶ 576, State of Ill. v. City of Chi., No. 17-cv-6260 (N.D. Ill. Apr. 8, 2021) (ECF No. 942).

of usage. The report provided to OIG appeared to contain a listing of all CPD members in a particular district along with statistics on their total number of days worked in the month covered by the report and BWC usage during that timeframe (e.g., videos uploaded, length of videos). CPD stated that this “report is updated weekly, [and] District Executive Officers are asked to address this report and any lack of usage in their monthly Unit Level Body Worn Camera Program Evaluation Report.” However, CPD did not provide any accompanying policy or directive related to this report indicating how it is to be interpreted or used to improve compliance with requirements for completing and reporting on random WOL reviews of BWC footage.

FINDING 2

CPD has not implemented a standardized process to assure random selection of BWC recordings.

OIG Recommendation 2:

OIG recommended that CPD develop and implement a standardized process for randomly selecting recordings for review, including guidelines regarding the pool from which recordings are selected. Additionally, CPD should consider whether to revise the selection process in such a way that WOLs can identify incidents that should have been recorded but for which no video was recorded or uploaded.

Status of Corrective Action: **Partially Implemented**

As previously described, CPD piloted an application, Axon Performance, that would provide WOLs a standard review process to view a randomly selected video but subsequently determined that its purchase would be cost prohibitive. CPD stated it is currently working with Clarity to develop an alternative application to meet the review requirements. CPD did not identify or describe any specific guidelines it has developed regarding the pool from which recordings are to be selected, and the material provided to OIG by CPD does not make clear whether the Axon or Clarity applications contain such guidelines.

CPD also did not describe any efforts to consider whether to revise the random review selection process in such a way that would allow WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. Nonetheless, OIG encourages CPD to adopt the application under development as soon as possible.

CPD stated there are no policies or procedures in place for WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded. CPD stated there are policies requiring supervisors to ensure recordings when they are on scene, and the Force Review Division's after-action reviews of a representative sample of use of force incidents address observed lack of activation and late activation issues with respect to BWCs. Additionally, the previously mentioned Body Worn Camera Activity Report identifies lack of BWC usage by tracking overall BWC usage and the number of minutes each BWC is activated, including those that are not activated (i.e., zero minutes of activation). The Department added that "CPD is committed to developing a new dashboard that will incorporate policy and procedure that allows for an audit of incidents that should have been recorded but for which no video was recorded or uploaded." However, CPD gave no indication regarding *how* policy and procedure would be incorporated into this dashboard.

FINDING 3

CPD has not effectively monitored compliance with Special Order S03-14's requirements for random WOL reviews.

OIG Recommendation 3:

OIG recommended that CPD take steps to ensure that WOLs adhere to any implemented standardized process when conducting their reviews. Such steps may include providing WOLs with specific training on proper random selection methods, implementing an automated selection method for recordings to review, and developing and monitoring internal controls to ensure that WOLs are selecting recordings in accordance with any implemented standardized process.

Status of Corrective Action: **Partially Implemented**

As discussed above, CPD has not implemented a standardized process for WOL reviews on a department-wide level. In connection with the Axon Performance pilot program in one District, CPD promulgated a policy directing WOLs participating in the program that they "will, at least once per tour of duty, log into the Axon View Performance dashboard, 'review the randomly provided BWC recording,' and 'complete a Body Worn Camera Video Review Report.'" The implementation of the policy did not extend beyond the subsequently terminated pilot.

When describing CPD's efforts to monitor WOL review requirements in the present non-standardized process, CPD stated: "Each district completes a monthly Unit Level Body Worn Camera Program Evaluation Report that monitors the WOL review requirements." Additionally, CPD stated that the preservice training for new Lieutenants and Executive Officers includes a section on the random selection requirement and provided OIG with a training bulletin that details the requirement to randomly review one video per watch for compliance and training purposes. This bulletin, however, simply restates the policy contained in S03-14, that a WOL review one randomly selected BWC video per tour-of-duty. The training bulletin does not provide any additional guidance to WOLs on how they are to randomly select that video. Finally, CPD also stated that District Commanders and Executive Officers are "encouraged to implement guidelines regarding the random review process."

OIG Recommendation 4:

OIG recommended that CPD develop an effective method for monitoring compliance with the requirements for random WOL reviews and that this method should not rely solely on total numbers of reviews reported per month and should account for all aspects of the requirements.

Status of Corrective Action: **Partially Implemented**

After determining that the Axon Performance software is cost-prohibitive and would not be implemented across all Districts, CPD stated it was developing a platform that meets the needs of the Department. According to CPD's response, this includes "generat[ing] a report that documents all videos that were randomly reviewed by a WOL." OIG encourages CPD to implement this application as soon as possible.

FINDING 4

The BWC Committee did not initially hold meetings in accordance with Special Order S03-14.

OIG Recommendation 5:

OIG recommended that CPD maintain a regular meeting schedule for the [BWC Program Evaluation] Committee.

Status of Corrective Action: **Not Implemented**

CPD reported that, since July 2019, the BWC Committee met on August 2, 2019; March 6, 2020; October 6, 2020; and February 17, 2021. The BWC Committee met only twice in 2020 and has met only four times total in the

19 months since the publication of OIG's evaluation. This does not represent a regular or even quarterly meeting schedule. OIG encourages CPD to establish and maintain a regular meeting schedule for the BWC Committee to achieve compliance with CPD Directive S03-14.

OIG Recommendation 6:

OIG recommended that CPD ensure that meetings include a presentation of the latest available Quarterly Report by the Inspections Division Commander.

Status of Corrective Action: **Fully Implemented**

CPD stated that the Quarterly Report includes all months of the year in three month increments and represented that these reports are presented at the BWC Committee meeting by the Inspections Division Commander. CPD did not, however, provide any documentation such as meeting minutes, to support this representation. CPD additionally provided that the February 2021 BWC Committee meeting reviewed the fourth quarter of 2020 (the preceding quarter). CPD provided OIG with each of the Quarterly Reports since the July 2019 evaluation, each of which reported on trends in BWC usage and compliance with random reviews, among other BWC-related topics, for the quarter that immediately preceded the report. However, during that time, the BWC Committee did not meet regularly, so it is unclear whether the Inspections Division Commander presented each report during BWC Committee meetings for the Committee's consideration.

OIG recommendation 7:

OIG recommended that CPD define which three-month period should be reviewed in Quarterly Reports.

Status of Corrective Action: **Fully Implemented**

CPD stated that, "According to the Body Worn Camera Special Order S03-14 the Unit Level Body Worn Camera Program Evaluation Report is due no later than the 16th of the following month. The Commander of the Inspections Division analyses and compiles the Unit Level report into a quarterly report in three month increments." CPD provided OIG with the Quarterly Reports generated since the publication of the original evaluation (July 2019) through February 2021, and each report has consistently reviewed the months in the following groupings: January - March, April - June, July - September, and October - December. OIG thus finds that CPD has defined the three-month period through its common practice.

III. CONCLUSION

OIG urges the Department to fully implement a BWC review process and randomization procedures, develop policies or procedures for WOLs to identify incidents that should have been recorded but for which no video was recorded or uploaded, and ensure that the BWC Committee maintains a quarterly meeting schedule as required by S03-14. CPD Directive S03-14 provides that, "Audio and visual recordings from the body-worn camera (BWC) can improve the quality and reliability of investigations and increase transparency." However, the quality of field operations cannot be improved, nor transparency achieved, without meaningful review and analysis of BWC footage and what it may capture and reveal about the practices of the Department and its members. Without such review and analysis, CPD is missing critical transparency and accountability opportunities.

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- performance audits of City programs and operations by its Audit and Program Review section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety section; and
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