



OFFICE OF THE DISTRICT ATTORNEY

JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

June 24, 2021

Dear Honorable Commissioners,

We are requesting your consideration for a 2021 supplemental budget appropriation in the amount of \$130,120. This request would be funded by each county, based on the 2021 funding percentages as follows:

Arapahoe County	\$ 82,121
Douglas County	\$ 43,951
Elbert County	\$ 3,336
Lincoln County	<u>\$ 712</u>
Total	<u>\$130,120</u>

Description: We are requesting three additional FTE to address the increase in electronic evidence mandated by the requirements of SB20-217 Enhanced Law Enforcement Integrity. As explained below, we are anticipating a 60% increase in volume starting in July of 2021. We are requesting 2021 funding from August 1st through the end of the year and will add the additional staffing as a permanent request in the 2022 budget. The starting salary for these positions will be \$37,000. Benefits are estimated at 30% of the salary or an additional \$11,100 per position. With an August 1st implementation date, the total 2021 cost will be \$20,040 per position or \$60,120.

The Office is requesting to move the scheduled purchase of server backup capacity up several months. We are requesting to move \$70,000 in backup purchases from the 2022 budget to the fourth quarter of 2021. This will ensure we maintain the proper backup of our systems and evidence storage.

Rationale: We are expecting a 30% increase in volume of bodycam media and within the 30% increase expecting file sizes to **double**. As agencies replace their existing cameras to newer models, larger file sizes will be created because of technology advancements in camera hardware. The new cameras capture higher resolution video files with multiple angles. We receive a mixture of body cameras, dash cams (front and rear wide angle) and interview rooms. There is a direct effect for the production of CCJRA, CORA and discovery requests. Though we have seen only a slight increase in volume of CCJRA/CORA requests it is not our main concern. The main concern is as the use of cameras continues to expand by law enforcement, the same incident will produce more media available under the same type of requests. This makes each request larger and more time consuming to process. Processing of media also extends out to production and distribution of discovery.

Through discussion with the following agencies we obtained information on the expansion of their Body-Worn Camera (“BWC”) programs:

ACSO

- 2021 - Increase from 190 to 370
- 2022 - Increase from 370 to 610 w/30 spares
- Expecting media volume to double as a result of SB20-217
- Plans to add 11 evidence tech positions to process
- Planning to store 1 Petabyte of data every 2 years(Ran forecasting tool with BWC vendor)

APD

- 2021 – increase 500 BWC to 700 BWC
- has impact on resources to process requests for Discovery and minimal to storage

DCSO

- 2020 - Fall expanded from 262 to a total 403
- Impacts resources to process volume of media

Evidence discovery rules require the District Attorney provide body-worn camera video and other forms of digital evidence to the defendant as soon as practicable but not later than 21 days after the defendant’s first appearance in court. If the deadline is not met, the evidence may be suppressed (that is, not useable in court at all) or the case may be dismissed entirely. For cases that do not involve an immediate arrest, we will see increased delays – months or more – in filing cases, unless we increase our staff to process the increase in body-worn cameras and other digital evidence provided by law enforcement.

Storage for 2021 – grows to 6.4tb of new data per month

We have 24 Law Enforcement Agencies (including task forces and state patrol) that file cases with the 18th JD DA’s Office. We currently have a growth rate of **4tb of new data per month** with various retention policies depending on the level of crime. These retention requirements are dictated by the State of Colorado and Federal agencies. These range from one year to permanent retention. The growth of storage is expected to climb to **6.4tb** per month or **76tb annually**. This will grow even more as old cameras are replaced with newer models.

In our original 2021 budget request, we received funding to increase our storage and backup capacity to address projected increases from our largest law enforcement agencies. Because the implementation schedules of body worn cameras of law enforcement agencies was yet to be determined no staffing increases were included in our request. Currently we have six individuals working exclusively with evidence. In estimating a 60% increase in activity, we are expecting the staffing requirements to match this growth.

In our 2019 budget request, we proposed alternating storage and backup purchases each year to control costs and provide for operational needs. In the 2021 budget, we estimated the storage and backup growth SB20-217 would create and received funding on our initial estimates. As our agencies now begin implementation, our estimate will fall a few months short of adequate capacity. Normally we would request this in our 2022 budget, maintaining the model presented in the 2019 budget request, but the timing of the increase in cameras and file size has changed the timeline.

Thank you for your consideration in addressing this State unfunded mandate. Please let us know if you have additional questions or we can provide additional documentation. The point of contact for this request is Jeff Ulrich at julrich@da18.state.co.us of (720) 874-8539.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Kellner", with a stylized, flowing script.

John E. Kellner
District Attorney