



WASHOE COUNTY

Integrity Communication Service

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CM/ACM	JS
Finance	n/a
DA	PL
Risk Mgt	n/a
HR	n/a
Other	n/a

STAFF REPORT

BOARD MEETING DATE: January 16, 2018

DATE: Wednesday, January 10, 2018
TO: Board of County Commissioners
FROM: Jamie Rodriguez, Management Analyst - Government Affairs
(775) 328-2010, JARodriguez@washoecounty.us
THROUGH: John Slaughter, County Manager
SUBJECT: Discussion and possible action to approve the policy of the Use of 911 Surcharge Funds for the Body Camera Mandate set forth in Nevada Senate Bill 176. (All Commission Districts.)

SUMMARY

The 79th Nevada Legislature passed Senate Bill 176 (SB 176), which requires uniformed peace officers employed by a law enforcement agency and who routinely interact with the public to wear a portable event recording device. SB 176 expands the permissible use of E911 telephone line surcharge funds to be used for the purchase and maintenance of portable event recording devices and vehicular event recording devices.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

On October 10, 2017, the board approved changes to Washoe County Code Chapter 65 to expand the authority of the Emergency 911 Advisory Board.

On October 24, 2017, the board appointed the 2 members to represent Washoe County and confirmed the appointment of Washoe County Sheriff Chuck Allen.

BACKGROUND

The 79th Nevada Legislature passed SB 176, which:

1. Requires uniformed peace officers who routinely interact with the public to wear a portable event recording device while on duty;

2. Requires that all recordings be maintained for not less than 15 days;
3. Adds “a department, division or municipal court of a city or town that employs marshals” to the definition of “Law enforcement agency”;
4. Allows for the board of county commissioners to expand the permissible use of E911 telephone line surcharge funds to be used for the purchase and maintenance of portable event recording devices and vehicular event recording devices;
5. Requires that prior to payment for any portable event recording devices or vehicular event recording devices, the E911 Advisory Board must adopt a 5-year master plan which includes an estimate of the cost for these devices and all proposed sources of money for funding these costs;
6. Makes changes to the required E911 Advisory Board membership, to include: the chief law enforcement officer (or their designee) from the county sheriff, the police departments of an incorporated city within the county, and the divisions or municipal courts of a city that employs marshals within the county;
7. Requires that the use of the portable event recording devices must be in effect by July 1, 2018.

Staff recommends a policy for the use of the E911 surcharge funds based on the information above.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the policy of the Use of 911 Surcharge Funds for the Body Camera Mandate set forth in Nevada Senate Bill 176.

POSSIBLE MOTION

Should the Board of County Commissioners agree with the recommendation, a possible motion would be:

“Move to adopt the policy of the Use of 911 Surcharge Funds for the Body Camera Mandate set forth in Nevada Senate Bill 176.”



WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS' POLICY

Use of 911 Surcharge Funds for the Body Camera Mandate Set Forth in Nevada Senate Bill 176 (2017)

Whereas, the 1995 Nevada Legislature enacted Senate Bill (“SB”) 473, which authorized certain counties to impose a 911 telephone line surcharge to enhance existing 911 emergency response telephone service;

Whereas, since 1995, Washoe County has utilized the 911 telephone line surcharge to fund expenditures related to the 911 emergency response system;

Whereas, the 2017 Nevada Legislature enacted SB 176, which expands the permissible use of the county’s 911 telephone line surcharge to include the purchase and maintenance of portable event recording devices (“body cameras”) and vehicular event recording devices (“vehicle cameras”);

Whereas, SB 176 authorizes Washoe County, through its Board of County Commissioners (“Board”), to maintain a special revenue fund for the deposit of 911 surcharge monies;

Whereas, SB 176 also authorizes Washoe County, upon recommendation from the Washoe County 911 Emergency Response Advisory Committee to disburse 911 surcharge monies in accordance with NRS 244A.7643(3);

Whereas, on October 10, 2017, the Board enacted Ordinance Number 1601, which expressed the county’s desire to implement the expansion of the 911 surcharge to purchase and maintain body cameras for uniformed peace officers employed by a law enforcement agency who routinely interact with the public, and to purchase and maintain vehicle cameras for the safety of the community;

Whereas, the Board recognizes the need for a Washoe County policy on the categories of expenditures that may be permitted from the 911 special revenue fund related to body cameras and vehicle cameras; and

Whereas, the Board recognizes the need to foster effective communication with all regional partners.

Therefore, it is the policy of the Washoe County Board of County Commissioners that:

1. The City of Reno, City of Sparks and Washoe County shall submit all requests to fund body cameras and vehicle cameras to the Washoe County 911 Emergency Response Advisory Committee (“911 ERAC”), as is currently done with requests to fund components of the 911 emergency response telephone system;



2. The City of Reno, City of Sparks and Washoe County shall provide itemized documentation to support all funding requests related to body cameras and vehicle cameras;
3. The 911 ERAC shall work to ensure that the City of Reno, City of Sparks and Washoe County utilize a mutually agreed upon vendor to provide body cameras and vehicle cameras. This will ensure equipment interoperability between all law enforcement agencies and smooth prosecution of criminal cases by the Reno City Attorney's Office, Sparks City Attorney's Office and the Washoe County District Attorney's Office. Failure to utilize a mutually agreed upon vendor may result in denial of requests for reimbursement of said expenditures by the Board.
4. Each local jurisdiction shall maintain its own contract with the agreed upon vendor.
5. The City of Reno, City of Sparks and Washoe County are responsible for paying all costs assessed by the mutually agreed upon vendor. Each jurisdiction may submit requests for reimbursement to the 911 ERAC. If payment is recommended by the 911 ERAC, the Board may approve requests for reimbursement of permissible expenses, in whole or part, from the 911 surcharge fund; provided however, that expenses will only be reimbursed to the extent that sufficient monies exist in the 911 special revenue fund.
6. Each local jurisdiction shall be responsible for its own public records requests and any redaction that may be necessary in response to a public records request.
7. Each local jurisdiction and/or law enforcement agency is responsible for its own compliance with the body camera mandate set forth in NV SB 176 (2017). Each local jurisdiction and/or law enforcement agency is responsible for developing policies related to the use and operation of body cameras and vehicle cameras and for training its officers on their use and operation.
8. The Board will only reimburse body camera expenses for "uniformed peace officers" employed by a "law enforcement agency" who routinely interact with the public in accordance with Washoe County Code ("WCC") 65.400(2).





9. The 911 ERAC shall work to ensure that the number of body cameras purchased per uniformed peace officer is standardized between the City of Reno, City of Sparks and Washoe County. The 911 ERAC shall also ensure that the number of vehicle cameras purchased per patrol vehicle is standardized between the three local jurisdictions.
10. The 911 ERAC shall work to ensure that there are minimal discrepancies in cost per body camera unit or vehicle camera unit between the City of Reno, City of Sparks and Washoe County. Discrepancies must be properly documented and presented to the 911 ERAC.
11. In accordance with NRS 244A. 7643(3), as amended by NV SB 176 (2017), permissible expenditures related to body cameras and vehicle cameras from 911 surcharge funds may include:
 - a. Costs associated with the acquisition of equipment and software necessary to operate body cameras and vehicle cameras;
 - b. Costs associated with the maintenance of equipment and software necessary to operate body cameras and vehicle cameras;
 - c. Data storage costs
 - d. Costs associated with the upgrade of equipment and software necessary to operate body cameras and vehicle cameras; and
 - e. Costs associated with the replacement of equipment and software necessary to operate body cameras and vehicle cameras.
12. Permissible expenditures related to body cameras and vehicle cameras from 911 surcharge funds may also include:
 - a. Network equipment, components and ongoing costs that support a segmented network dedicated solely to the transport of associated data, video and audio recorded using portable and vehicular event recording devices, as defined in NV SB 176 (2017).
 - i. This includes the following segmentation scenarios: a dedicated physical and wireless network; Virtual Local Area Network (“VLAN”) segmentation; and a dedicated internet connection.



13. Any increased personnel costs by City of Reno, City of Sparks or Washoe County employees that may occur as a result of SB 176's body camera mandate will not be reimbursed from 911 surcharge funds.
14. The failure to comply with any of the above policies may result in the Board's denial of a request for related body camera or vehicle camera expenses.

Note: This policy shall not be construed as to confer any rights upon any person or entity. Further, this policy does not purport to contain every policy related to the implementation, use or funding of body cameras or vehicle cameras in Washoe County.

