

The Future of Law Enforcement and Body Camera Technology

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Abstract

To understand how we have gotten to this state in law enforcement, we need to look at the history and need for body-worn cameras that have been used for the past two decades. We plan to look at and analyze the argument as it pertains to both privacy and the need to police the police. We will look at Fourth and Fifth Amendment Rights related to department policy and legal concerns. We further want to look into the policies and procedures required to utilize this new technology. We want to research the impact that body cameras have on law enforcement performance to include the overall cost of the body camera. This will include cost for training officers and the cost associated with storage of the digital data. We will research how public records laws and redaction requirements will play into the cost of body camera usage. Further looking at community buy-in regarding the use of the body worn cameras as an important area of concern for our organizations. Not only will we receive input from Law Enforcement agencies that use body cameras, but also from the public for which our agencies serve. We will review the legal restriction to the use of body cameras. We will review the new legislation as it pertains to law enforcement's use of body cameras and conclude with looking at future technology changes.

The Future of Law Enforcement and Body Camera Technology

Body cameras were first introduced in the United Kingdom around 2005. Ready or not, body worn cameras and cameras in general are here to stay. It is important to understand the history that lead to the creation and need for body-worn cameras. Understanding the community outrage and apparent lack of trust in law enforcement that has lead to the need for more transparency from law enforcement agencies. The normal person is caught on camera every day an average of 75 times per day in the United States and 300 times per day in the United Kingdom (Yolanda, 2018). Now add cell phone cameras and the cameras that an officer brings to the scene and this number goes up drastically.

Police leaders who have deployed body-worn cameras say there are many benefits associated with the devices. They note that body-worn cameras are useful for documenting evidence, officer training, preventing and resolving complaints brought by members of the public, and strengthening police transparency, performance, and accountability (United States Department of Justice, 2014). As stated by Charles Ramsey, Police Commissioner, Philadelphia Police Department “Because technology is advancing faster than policy, it’s important that we keep having discussions about what these new tools mean for us, We have to ask ourselves the hard questions. What do these technologies mean for constitutional policing? We have to keep debating the advantages and disadvantages. If we embrace this new technology, we have to make sure that we are using it to help us do our jobs better” (U.S. Department of Justice, 2014, para. 2). In July 2013, the Police Executive Research Forum, in coordination with the United States Department of Justice, conducted an informal survey of 500 law enforcement agencies nationwide on the use of body-worn cameras (United States Department of Justice, 2014).

According to the survey, less than 25 percent of those departments used body-worn cameras as of July 2013.

History of Body Cameras

The Rialto Police Department (PD) was the first in the nation to deploy the cameras on uniformed officers across the department. Corporal (Cpl.) Gary Cummings of the Rialto Police Department stated in an interview with *America Tonight*, he was hesitant at first about the use of body cameras in the department because he thought it would be a punishment for the officers, instead of a tool that may help them. As time went on, Cpl. Cummings learned the importance of the body camera. Rialto PD began a yearlong test run assigning body cameras to half of the department.

The department saw an 88% decrease in officer complaints and a 60% decrease in officer involved use of force incidents. Chief Tony Farrar of the Rialto PD was pleased with the results, his response to the results were as such, "After we got the data, we kind of sat down and went, 'Wow, look at these numbers. There's something to this,'" said Chief Tony Farrar, the program's brainchild. "I think we stepped out on a program that we thought was going to be dynamic, that we thought was really going to make a difference, and I think that we've proven that we've done that" (Demetrius & Okwu, 2014, para.4).

Other departments began to adopt body cameras throughout their agencies. Most of the complaints were that the cameras are costly, and body cameras offered the promise of better behavior on both sides of the badge (Demetrius & Okwu, 2014). Steve Tuttle, a spokesman for TASER International, one of the leading makers of body cameras, saw their sales skyrocket (Demetrius & Okwu, 2014).

According to the *Washington Post*, the events in Ferguson lead to expanded use of police body-worn cameras. On August 9, 2014, Michael Brown, an 18-year-old resident of Ferguson, Missouri, was shot and killed by police officer Darren Wilson (Demetrius & Okwu, 2014). After the police shooting in Ferguson, Mo., and the debate it raised over accountability and trust, there is no longer a question of whether such cameras will become standard police equipment (Hermann & Weiner, 2014).

President Obama played a big part in the push for cameras when he proposed a reimbursement to communities for half the cost of buying cameras and storing video. This plan required Congress to authorize \$75 million over three years to help purchase 50,000 recording devices. Studies indicate complaints against officers dropped when the subjects they encounter are made aware the incident is being recorded (Hermann & Weiner, 2014).

Legal Concerns

Body-Worn Cameras (BWCs) are not a new, but an emerging and constantly changing technology. The technology was born out of the need to document the contact between law enforcement officers and citizens with the intent of protecting the rights of the citizens with the added benefit of protecting Officers against false claims of Police brutality. BWCs have overwhelmingly worked in the favor of officers in that it has prevented them from being charged and has exonerated many in high profile violent contacts with suspects. It has of course captured police misconduct.

There is much to consider and there are many opinions, both pros and cons, about the utilization of BWCs and development of laws and policies reference to their use. The most important consideration that will be the focal point of discussion and even litigation for years to come, are the laws and policies pertaining to privacy issues related to BWCs. According to

information created by the National Conference of State Legislators (National Conference of State Legislators, 2018), there is no National law that require law enforcement officers to use BWCs.

Five states and based on funding, California, Nevada, Connecticut, South Carolina and Florida have enacted laws that require at least some officers to use BWCs. Only Thirteen states, California, Nevada, Colorado, Texas, Illinois, Kentucky, Massachusetts, Pennsylvania, New Jersey, Connecticut, North and South Carolina, Florida, along with the District of Columbia, have legislated funding opportunities for state and local police agencies to purchase BWCs (National Conference of State Legislators, 2018).

Twenty three states, California, Oregon, Washington, Nevada, North Dakota, Minnesota, Michigan, Illinois, Indiana, Missouri, Utah, Kansas, Oklahoma, Louisiana, Texas, Pennsylvania, New Hampshire, Connecticut, North and South Carolina, Tennessee, Georgia, Florida and the District of Columbia have legislated how BWC data is addressed under open record laws. The statutes address specific procedures for the public to request footage as well as which footage is and is not to be released. The goal of these provisions are to be transparent in law enforcement without unnecessarily infringing on privacy (National Conference of State Legislators, 2018). These standards allow police to withhold, redact or obscure certain videos.

Seven states, California, Georgia, Illinois, Nevada, New Hampshire, Pennsylvania and Oregon have made exceptions to their eavesdropping laws for police officers using BWCs in the performance of their duties. Additionally, many laws provide guidance to police officers as to where circumstances dictate they should activate or deactivate their cameras or should notify citizens that they are being recorded (National Conference of State Legislators, 2018).

A Brennan Center for Justice article suggests that BWC policies should include restrictions on recording circumstances pertaining to First Amendment issues such as protests and religious events. Some policies require the recording of such events based on the accusations of Police abuse at protests. There are also considerations about privacy issues in bathrooms and locker rooms. In addition, there are discussions about BWCs being used in hospitals and other health care facilities in violation of Health Insurance Portability and Accountability Act (HIPAA).

Facial Recognition Technology has the potential to fundamentally change the nature of how BWCs can be used. The technology is available or is currently being developed to allow a police department to scan a data base of video footage for a particular suspect or to keep a data base of locations and movements of everyone they record. Privacy advocates worry that BWCs with Facial Recognition Technology could create an unprecedented level of intrusion into private moments and everyday activities (Brennan Center for Justice, 2016).

Policy Issues

Where are we in law and policy in reference to the use of BWCs laws and policies? A United States Department of Justice Policy report has shown favorability to law enforcement agencies using BWCs in that it helped agencies insure that events are captured and maintained for their evidentiary value. There are no clear numbers as to exactly how many agencies use BWCs. A law enforcement agency survey showed that out of 63 agencies using BWCs, that a full 1/3 did not have written policy pertaining to their use. A Government Technology (GT) article states that BWCs are now a “best practice,” with good policy for all police officers (The Brennan Center for Justice, 2016).

An Urban Institute article, 1) States are developing evidence-based model policies and standards 2) There's no nationwide standard on when footage is considered public record 3) Privacy issues continue to surface 4) State guidelines regarding officers viewings of body camera footage before investigations are rare but needed 5) It's not just about the legislation, local agencies are developing their own policies (Erondu, 2018).

What about the future of BWCs, laws and policies? It is sure to evolve and change as technology evolves and changes. In an article, *Cops Wearing Cameras: What Happens When Privacy and Accountability Collide* (Kawamoto, 2018), she states "the adoption of BWC tools and policies should be done in an open forum with community input to improve accountability, transparency and policing." She added, "If you don't have a policy that is focused on these goals and objectives, you will get something other than that!" (National Conference of State Legislators, 2018, para. 2).

One of the major leadership issues to consider is rushing into deploying technology without a plan or policy in place (Hartzog, 2018). It would be fiscally irresponsible to rush into purchasing new technology without first completely investigating the issues and cost. Other issues are the privacy issues and privacy law concerns (Hartzog, 2018, p.1267). History demonstrates that the courts are always behind on developing case law as it pertains to new technology advances.

In law enforcement there are numerous policies and procedures that are put into place to be able to protect not only the officer, but the organization from certain liabilities. A policy and procedure would have to be in place concerning public records and public disclosure (Hartzog, 2018). One of the things is to determine the circumstances as to who and when can these be released to the public (Hartzog, 2018). Some of the major issues are the cost that this brings to

agencies to redact the digital data created by the cameras. Another issue is determining what is considered public access and public record (Hartzog, 2018).

The policies outlining the use of body cameras in law enforcement vary from each department and are generally derived from a compilation of other policies that will best fit the particular organization for what they are being written for. A policy will be derived with an overall objective to obtain information from within all levels of an organization that will keep each level of the organization included in the process of producing said policy.

The practice of obtaining a team's input will empower the employees to take ownership in the strategies, processes and decision making within the organization which is one step in developing a positive culture (Wooten, 2018). According to Joe Dominick the associate director of the Center on Media, Crime and Justice at John Jay College, who states "It's the attitude of the department, the values, that matter" (Saaedra, 2014 para. 2).

What Dominick is implying is the deployment and usage of technology whether it is Tazers, license plate readers or body-worn cameras require responsible policies, trained employees and moral values from the agency or department utilizing the equipment. The policy to be derived from the use of body cameras should be clear and concise which will lead to transparency in accordance with State and Federal laws. This will further lead to accountability for the members of the organization and the community by providing objective evidence with further transparency.

The policy should outline the practices to be sought by the particular organization that will be able to provide not only a foundation for solid operation of the devices but outline the respective privacy issues that may arise from laws which vary from one State to another.

The current perspective within the State of Louisiana provides no laws requiring the specific use of a body camera and only addresses any issues regarding the public records request laws. The body camera footage falls under the specific guidelines which will remain confidential until the adjudication or settlement of each case. This will include footage obtained by body-worn cameras which is found by the custodian of records to violate an individual's expectation of privacy (Louisiana Legislative Auditor, 2019).

The future of policy and law within the United States is sure to evolve with the ever-changing times. This is reflected by the recent approval in California of Assembly Bill 748 taking effect on July 1, 2019, that requires the release of body camera footage from law enforcement within 45 days unless criteria is established that will make it detrimental to the investigation or the expectation of privacy of the individual involved which will require redaction with approval of the subject or guardian (LegiScan, 2018). This will lead to more transparency between law enforcement and the community in which each of us serves.

The realization in law enforcement is that no matter how they change in the future, body cameras are here to stay. This will lead to law enforcement agencies working with experts to create and update good policy to guide their use. In essence developing, distributing and training officers on body camera policy is part of serving and protecting the public to which we serve (Power DMS, 2018).

In this fast paced world that we live there is a high demand for instant media release of camera footage to back up law enforcement actions. In the past the law enforcement officer's word with minimal evidence was enough to convict a subject. With all of the new technological innovations come new crimes and methods to investigate these crimes. As future adaptive leaders in administrative level positions it is our responsibility to look into new and innovative

tools for the purpose of investigating crimes. As the video by Ted Spain indicated, “Flexibility is the key to longevity” (Video, Spain, 2018). By being adaptive leaders we can hone our skills as it relates to positive emotional intelligence. The emotional intelligence skills that are to be utilized as effective adaptable leaders are drawn from our own self-awareness and self-regulation. This will lead us to be more empathetic while enhancing our motivation of others along with our social skills that will lead to better collaboration with personnel and the public.

We plan to research the pros and cons to new technological tools such as body cameras and its future roles in our law enforcement career. Presently, body-worn cameras for law enforcement are able to be worn on the chest, in eyewear or over the shoulder. The body-worn camera presently is able to record digital data in the form of video and audio files. Plans are in the works to implement license tag reading capabilities with body-worn cameras. There are already body-worn camera systems that link up to existing in car camera systems to provide multiple camera views.

Other issues that need to be examined is the protection of the data from both an evidence stand point and a privacy stand point. At what point do law enforcement officers have a right to record sexual battery victims, juveniles and other similar protected victims? This is part of the privacy concerns that need to be researched prior to creating a procedure or policy concerning body cameras for law enforcement.

Storage of the data and retention of the data is a further concern. The cost of the camera versus the cost to store the data over a long period of time needs to be considered. How large of a storage unit will be needed to store this data over several years? Other concerns are who will have access to this shared data and how will public records be handled? Personal information can be revealed during an interview conducted by law enforcement (Hartzog, 2018).

The use of body-worn cameras come with several personnel support concerns such as records retention and redaction issues. Along with this support personnel comes public information concerns and release of digital media to the different news media outlets. Another concern is the release of body camera footage to the actual suspect and the victims. Is the victim or victims disabled, a juvenile or in a special restricted class as it pertains to public release of information.

Future of Body Worn Cameras

Plans are in the works to make the camera units smaller and split device functions. Following the model of the smart phone the future body-worn camera might be able to contain a cell phone, officer's portable radio, along with more memory storage space and longer battery life (Police Tech & Gear, 2017).

Motorola's current Si500 body camera is already a three in one device (Police Tech & Gear, 2017). A device similar to Google Glass could be used to display text visible to the officer wearing the device. Dispatch and automated software could provide the officer with updated information in real time for warrants and warrants and real time facial recognition.

There is technology in the works for facial recognition to be connected to local, state and federal databases along with officer body-worn cameras. The camera would act as a two way camera allowing the subjects facial patterns to be analyzed. The future might allow the officer to instantly identify the stranger they meet (Police Tech & Gear, 2017). Data such as officers Global Positioning System (GPS) location can be integrated into the body worn camera.

The GPS, date information and call circumstances can be combined to narrow the data base to provide more accurate results. Any faces that come within the cameras view can be

compared to known subjects within the supplied database and provided individual identification, probation status, warrants, and additional officer safety information (Police Tech & Gear, 2017).

The future of body-worn cameras might be in the form of protective eye wear (Police Tech & Gear, 2017). Technology is in the works to immediately activate the body-worn camera upon the officer unholstering their firearm (Police Tech & Gear, 2017). Several other activators are in the works signaled by activation of lights, siren, officer running, and officer placing the vehicle in park (Police Tech & Gear, 2017). All being activated by artificial intelligence software.

Some systems will be able to utilize live video stream (Police Tech & Gear, 2017). This will be a game changer for administrators. This technology could enable them to activate live feed of any officer wearing body-worn cameras. Reveal's D5 cameras offer live streaming, which enables administrators at headquarters to monitor a developing situation (Police Tech & Gear, 2017).

Conclusion

There are several issues to research such as the cost to implement BWCs, the cost in monetary and personal freedoms such as privacy. Policy and procedural requirements are additional concerns to be researched. Public perception and public records requirements also add to the overall cost. I have experienced that a trend has occurred in court rooms causing prosecution of criminal cases to be dismissed without the video or digital evidence to back up the testimony of law enforcement. Public trust over time has been lost due to several factors.

To regain public trust leaders need to follow four corner stones of the Moral Compass which are Peace, Justice, Equity and Service. These four cornerstones of the Moral Compass will guide a leader towards a path that enhances public trust and minimizes disharmony within the

organization. No matter what direction of the Moral Compass an officer chooses to use to orientate him/herself, excellence, harmony, and righteousness will be the result (Normore, Javidi, Anderson, Normand, Scott, & Hoina, 2014).

Technology as it pertains to body-worn cameras will continue to grow. As new software upgrades such as license plate readers, facial recognition, GPS and other artificial intelligence enhancements are made to body-worn cameras law enforcement professionals will have to adapt to this new technology that will not be going away anytime soon. The general community want oversight of law enforcement. Future ideas such as live feed, enhanced facial recognition systems, multi-purpose body-worn units, linked camera systems and enhanced biometric technology are the wave of the future for body cameras.

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