

This document was produced based on notes taken during the Police Body-Worn Cameras workshop of the Data & Civil Rights conference. This document represents a general summary of the discussion that took place. Not all attendees were involved in every part of the conversation, nor does this document necessarily reflect the views and beliefs of individual attendees. All workshop participants received workshop materials prior to the event to spark discussion. The primer can be found at:

<http://www.datasociety.net/pubs/dcr/PoliceBodyWornCameras.pdf>

Workshop Discussion Notes: Police Body-Worn Cameras

Overview

Body-worn cameras (BWCs) have been proposed as a tool for accountability and transparency in the wake of recent police shootings and cases of police brutality throughout the country. Some time has passed since their initial roll-out in many police departments, and BWCs have shown both their promise and presented new challenges in their implementation and daily use. This workshop began and ended with a consensus that BWCs can be important tools for police departments and communities, but they cannot serve as a panacea for wider systemic issues. The task at hand, then, is to strengthen their capacity to provide accountability and to mitigate potential harms, particularly the violation of privacy and the over-surveillance of marginalized communities. The discussion covered a wide range of topics, including the need to consult communities on BWC use, clear protocols on practices such as when to record, and the need to strike a balance between too much and too little access to footage. The workshop concluded with considerations on how new technologies combined with BWCs, like facial recognition, could present new challenges for civil rights, while others could be used to mitigate many of the obstacles presented throughout the session.

Body-worn Camera Policies

At the center of much of the workshop's discussion were two questions: what aspects of BWC use should be addressed through police departmental policies, and how can generalizable standards be implemented across departments? The group discussed a wide range of practices that need standards of conduct, including rules around camera activation, storage, redaction of footage prior to public release, ensuring chain of custody, and internal use of footage for training or auditing. One of the main points of uncertainty in conversation was finding the right balance between extremes. For example, leaving too much discretion to officers in camera activation could undermine accountability if officers are able to turn off their cameras in incidents where video footage is most needed. But too little discretion can lead to officers recording sensitive incidents, or producing unwieldy amounts of unnecessary video footage. At the same time, it was

also observed that policies need to be considered as living, breathing documents, and law enforcement will need to adjust policies as issues are raised. Resources also exist to provide guidance on best practices, such as the Department of Justice's National Body-Worn Camera [Toolkit](#), which provides research, model policies, and training material.

While the need for transparent, comprehensive policies was broadly acknowledged, the group reflected on the fact that some aspects of body-worn camera policy have become points of contention. One example was whether officers should be allowed to review footage before writing reports. Those who were opposed argued that this would allow officers to simply conform their accounts to the video footage. They pointed out that doing so would grant officers an advantage over others, such as witnesses or defendants, who may not be allowed to view footage. This can make them appear untruthful or less credible in their testimony. As a result, should other individuals such as suspects get access to recordings before they are questioned? Those in favor of allowing officers to review footage beforehand argued that it can ensure accuracy of reports. A two-step process was proposed as a compromise; officers could complete their reports, and then add amendatory statements to the report after watching the video.

Transparency and accountability

One of the underlying refrains throughout the workshop was that while technologies like body-worn cameras can serve as tools for greater accountability, they are not a panacea for saving damaged police-community relations. One participant noted that unilaterally implementing new technology in police departments without input from the local community is often not received well. In many cases, communities are not even informed or aware of what is being deployed in their local police departments. The group called for more transparency in the process of acquiring and implementing new technologies, and suggested avenues for providing input, such as hosting focus groups. Others also urged that policies should reflect the values of the community, and should be communicated clearly.

Moreover, BWCs are envisioned foremost as a tool that can help hold bad actors accountable. Footage can be used as evidence in court, to identify and remove officers with histories of bad behavior, and to exonerate officers of false accusations. It was also suggested that BWCs could be used as a management tool and for internal accountability, such as using footage as training material or to conduct audits. There were, however, some doubts in the discussion about the extent to which BWCs could be effective as an accountability tool. One participant related how in one police department, when recording policy was changed from a strict to a more discretionary policy, officer camera activation rates dropped by 54%. If recording is left up to officer discretion, then what is the likelihood that a deadly police shooting will be caught on film? Secondly, it was objected that while video can capture part of an interaction, it can only tell part of the story. For example, the actions of officers themselves are less visible than what is directly in front of them. Recollections from both officers and others involved may contradict footage, and events occurring outside the camera's purview are not captured. This can have significant implications when video footage is used as evidence in court.

Privacy and access

Because BWCs capture everything directly in front of an officer, their use raises significant privacy concerns. Letting officers record while responding to a domestic violence situation or inside schools, for example, entails recording vulnerable individuals and minors. The cameras may also precipitate a “chilling effect” if people, such as undocumented immigrants, become wary of being filmed and avoid police officers. Moreover, given the strong presence of law enforcement within marginalized communities, how do we balance the need for transparency with privacy within communities where much of public space will be filmed by cameras? These issues led the group to consider that it may be good policy to avoid recording routine day-to-day encounters, and the discussion turned to various methods to safeguard privacy. One example put forward was to develop software designed to turn cameras on/off automatically. Each jurisdiction can then implement specific triggers and restrictions into the technology to conform to policy. There was also discussion on how privacy needs to be protected following the release of footage, such as by redacting the identities of minors and bystanders. This creates its own set of issues, however, such as costs and backlogged footage awaiting redaction.

Yet despite goals of transparency, not all footage will be easily accessible to anyone. The group asked, who should have access to video footage? It was agreed that a policy that lets all footage be released is not a good balance, but by the same token, fully restricted access undermines goals of transparency. Public records laws dictate what can be released, although these laws vary widely across states. And even with public records laws in place, various exemptions exist for investigatory records. Discussants expressed a hope to accelerate the legal system so that when evidence is released, it is handled correctly and with full chain of custody. It was pointed out, however, that ultimately transparency may be best addressed by the legislatures, not by individual police departments.

Future considerations

The workshop concluded with a discussion on how new technologies are likely to be built into BWCs in the future, and how police departments will need to contend with long-term costs of maintaining and storing video data. While presently, BWCs mainly function like ordinary video cameras, in the future the devices are likely to become smarter, leading to other potential uses. The incorporation of facial recognition was brought up as one possibility which raises many questions about proper use and privacy, and for which there is little legal guidance on limits of use. Participants also speculated about the potential use of heart rate measures on officers or accelerometers to measure body language of people being filmed - such cues can be used as markers to indicate likelihood of conflict in interactions. Camera activation could become linked to triggers like the sound of a gunshot, the running movement of an officer, or the opening of a police car door. Moreover, BWCs could take on entirely new functions, such as using them to gain information in investigations or to record inside interrogation rooms.

The issue of long-term maintenance was also raised: there are considerable costs associated with storing, redacting, and making footage available, as well as the fee costs to people making requests for footage.

Participants speculated that some departments may not be making the best decisions in allocating money and resources. Participants asked, what are the practices emerging around long-term data storage? Additionally, newer BWC products produce not only footage, but a variety of metadata around location and other information, which can be available for export in machine readable form. How will new formats be dealt with, and what should the standards be around metadata? Some pointed out that storage and cost issues can be mitigated through technology, but others will require good training practices and policy.

Conclusion

The workshop concluded with a statement that while police departments are eager to enact change, there need to be incentives to address ongoing issues, and places for compromise need to be recognized. There was a general sense that while there is much excitement about the promise of introducing technologies like BWCs to police forces, this excitement needs to be accompanied by practices such as training, policy, and responsiveness to feedback from communities. It was pointed out that with the significant amount of public attention that has sparked a national conversation around BWCs, this is a rare opportunity to draw in broader perspectives into dialogue.