

# Body Cameras: Policy Decisions, Storage, Open Records and More

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# Who Are We?

- Full Service Law Firm In Potomac, Maryland
- Over 100 Attorneys, Providing Diverse Legal Services In Intellectual Property, Government Contracting, Telecommunications, Public Safety Wireless, Cyber Security, As Well As Other Areas.
- 6 Former State And Federal Prosecutors
- 7 Experienced Criminal Defense Attorneys
- Represent More Than 200 Public Safety Agencies Nationwide

# President Obama

- "We have seen too many instances of what appears to be police officers interacting with individuals...in ways that raise troubling questions. It comes up, it seems like, once a week now." He said it's not new, but there's new awareness as a result of cameras and social media.

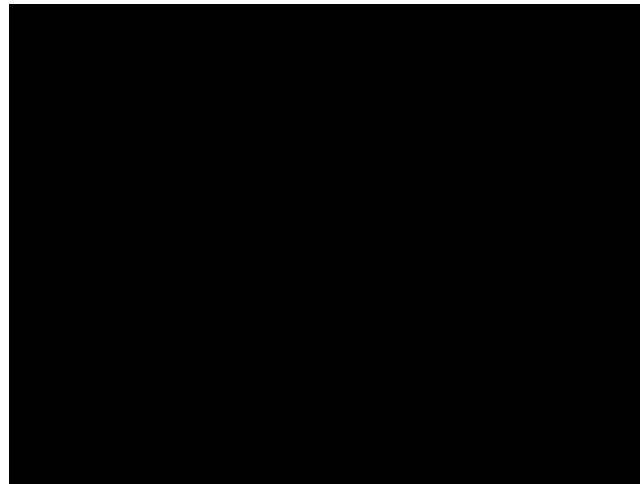
# Case Examples



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# Freddie Gray



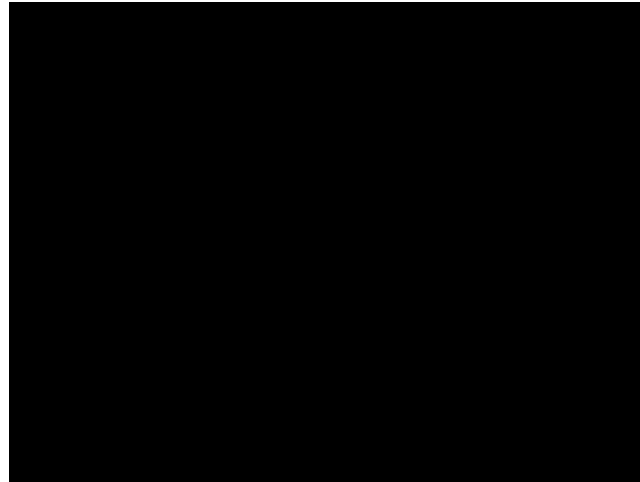
# Freddie Gray

- When and where did the spinal cord injuries occur?
- Did Mr. Gray make multiple appeals for medical assistance?
- Was Mr. Gray responsive in the transport wagon?

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# Officer Slager v. Walter Scott



# Officer Slager v. Walter Scott

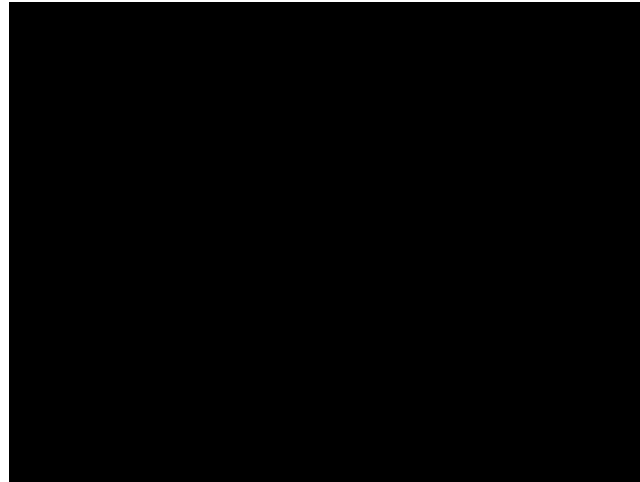
- Video was taken by Feidin Santana
- Officer Slager has been fired and charged with murder



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# Officer Cosom v. Kollin Truss



# Officer Cosom v. Kollin Truss

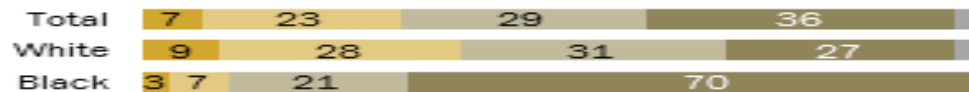
- Officer Cosom is pending criminal charges
- Mr. Truss' civil case is pending the outcome of the criminal case
- This was caught on CCTV

## Police Forces Across the U.S. Get Low Job Ratings in Many Areas

*% rating job performance of police forces across the country for ...*

■ Excellent ■ Good ■ Only fair ■ Poor ■ DK

### Holding officers accountable when misconduct occurs



### Treating racial and ethnic groups equally



### Using the right amount of force for each situation



### Respecting people's privacy



### Protecting people from crime



Survey conducted August 20-24, 2014.

Figures may not add to 100% because of rounding.

PEW RESEARCH CENTER/USA TODAY

# Benefits of Body Cameras



# Benefits of Body Cameras

- Transparency
- Accountability
- Resolve conflicting versions of events
- Provide additional evidence

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PORDY  
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# Pitfalls of Body Cameras



- Costs
- Policies and procedures
- Privacy concerns



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# Money







# Who will Pay?



Equipment: \$800 – 1200 per  
camera

- 2013: New Orleans Police Dept. anticipated spending \$1.2 mil. over 5 years to deploy 350 body cameras
- 2015: Phoenix PD, it will cost more than \$3.5 million to equip their officers and for storage



- According to an investigative report in the Baltimore Sun:
  - From 2011 to 2014, Baltimore paid about \$5.7 million in settlements or judgments
  - From 2011 to 2014, Baltimore paid about \$5.8 million in legal fees to defend the claims of brutality

# Cameras Can Decrease Lawsuits

- “We’ve actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out.” Chief of Police Ron Miller of Topeka, Kansas
- Body camera footage also cleared an officer in a deadly shooting incident in Topeka, Kansas.

# Cameras Can Decrease Lawsuits

- “We reviewed the video, and clearly the individual lied” about officers threatening him and using racial slurs. Chief of Police Mike Chitwood of Daytona Beach, Florida
- “Recently we received an allegation that an officer engaged in racial profiling during a traffic stop...after reviewing the tape, the complainants admitted that they have never been treated unfavorably by any officer[...] in my department.” Chief of Police Michael Frazier of Surprise, Arizona

- “Body-worn cameras hold tremendous promise for enhancing transparency, promoting accountability, and advancing public safety for law enforcement officers and the communities they serve.”
- DOJ will launch a program to expand the use of body cameras and “award nearly \$20 million in funding to dozens of departments, about a third of them small law enforcement agencies”

- The funding will go towards training and technical assistance
- The agency will be required to have a policy in place before buying the cameras

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# Data Maintenance





# Maintaining the Data

- Need additional staff to maintain footage
- Have police officers mark the videos with any significant incidents during their shift



- In-House



**Document Everything**

- The Cloud

- Secure transmissions

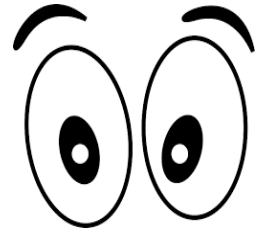


**Document Everything**

# Policy: When Is It Recording?



# When Is The Camera On?



- Keep on all the time?
- Only during encounters?
- How long is battery life?
- Consider privacy:
- Citizens
- Consent to record?
- Police officers

**All the time or during encounters?**

**Need citizen's consent?**



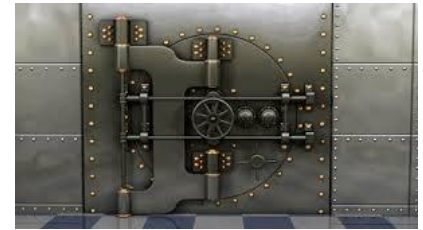
**Before starting conversation with citizen:  
Immediately notify citizen you are recording.  
If s/he objects, turn camera off, but have the objection recorded.**

# Policy: Who Can Access Footage?



# Policy: Who Can Access Footage?

- General public?
- Subpoenas only?
- Freedom of Information Act and State Open Record Policies





# Federal Freedom of Information Act

- A person has the right to obtain access to federal agency records except to the extent they are protected by 1 of 9 exemptions or 1 of 3 law enforcement special records exclusions
  - ▶ 9 Exemptions includes when the records were compiled for law enforcement purposes



- Mayor Muriel Bowser included an exemption of body camera footage from FOIA requests in her 2016 \$5.1 mil. budget proposal
- Footage will be accessible to certain agencies and to victims of police misconduct

- 5/13/15 House of Representatives voted unanimously to approve a bill requiring body cameras on law enforcement agents statewide and limiting public access
- Main concern: privacy

- Establish when videos will be reviewed and by whom
- Inform the public about law enforcement agency policy!



# Officers' Concerns



# Get Officers On Board

- To make body-worn cameras an effective tool, the individuals wearing the cameras must be on board
- Open discussion
- Address concerns

# Officers' Concerns

- Cameras will be used to track and scrutinize every action
- No discretion
- What happens if camera malfunctions?
- Review footage before making a statement
- Witnesses will be unwilling to talk them

# Test Studies



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- 2012: police department of Rialto, CA
  - Officers were randomly assigned body cameras
  - 60% reduction in use of force by officers
  - 88% reduction in the number of citizen complaints
- Chief of Police William Farrar stated “it was probably a little bit of both” officers’ and citizens’ improved behavior that caused the reduction in complaints



- 2012: police department of Mesa, Arizona
  - One year pilot program
  - 50 officers were assigned body cameras
  - 40% reduction of citizen complaints
  - 75% reduction of use of force complaints

- Mayor Stephanie Rawlings-Blake's Working Group on the Use and Implementation of Body-Worn Cameras:
  - A pilot program is necessary
  - Cameras recording during every interaction and during every exercise of police powers
  - “Private residences should not be treated any differently than other property for purposes of recording.”

- “Officers shall not record private conversations with confidential informants.”
- Security/Access
  - Access should be “limited and controlled”
  - Data should be retained for four years
  - Maintain a non-editable original version of the footage
  - “Sworn and civilian personnel should absolutely be prohibited from uploading data onto social media websites or otherwise released to the public, except as authorized by BPD.”

# Baltimore Plan

- Officers will download the data at the end of each shift
- Officers will be permitted to review their own video footage while writing their reports

- Estimated Costs:
  - Year 1: \$5,501,674 - \$7,938,275
  - Year 1 Cloud storage: \$1,327,141
  - Average 5 year Cloud storage: \$14,947,912
  - Annual cost of Cloud maintenance: \$36,000
  - Two additional staff for 24/7 unit: \$75,338 per position
  - Two additional staff members for Support Unit: \$136,533 per position
  - One office assistant for the Support Unit: \$58,514

- Estimated costs continued:
  - Two employees for the Video Compliance Unit: \$69,800 per position
  - Upgrades to the BPD network infrastructure at each police district: \$1,200,000
  - Implementation costs: \$1,345,180
  - Redaction of requested footage: \$1,747,000
  - Six month Pilot Program of 100 officers: \$1,460,320

# Baltimore Plan

- Year 1 cost estimates:
  - Patrol Officers Only (1,500 cameras): \$5,501,674
  - All Officers (2,500 cameras): \$6,810,857
  - All Sworn Personnel (2,869 cameras): \$7,938,275
- Year 2 cost estimates:
  - Patrol Officers Only (1,500 cameras): \$3,182,249
  - All Officers (2,500 cameras): \$3,329,249
  - All Sworn Personnel (2,869 cameras): \$3,456,049

- Year 3 cost estimates:
  - Patrol Officers Only (1,500 cameras): \$4,408,965
  - All Officers (2,500 cameras): \$4,179,926
  - All Sworn Personnel (2,869 cameras): \$4,453,726
- Year 4 cost estimates:
  - Patrol Officers Only (1,500 cameras): \$5,479,255
  - All Officers (2,500 cameras): \$5,177,888
  - All Sworn Personnel (2,869 cameras): \$5,451,688
- Year 5 cost estimates:
  - Patrol Officers Only (1,500 cameras): \$5,192,686
  - All Officers (2,500 cameras): \$5,339,686
  - All Sworn Personnel (2,869 cameras): \$5,767,852



# Baltimore Plan

- Baltimore's pilot program to be completed by 4/6/16 and officers will begin wearing body cameras on 7/6/16



# Recommendations



# Recommendations

- Have a set policy in place before attempting to initiate a body camera program
- Plan on the source of the funds
- Train the officers and get them on board
- Keep the public informed

# Questions/Comments

