

PS COMMITTEE #2
March 9, 2015

MEMORANDUM

March 6, 2015

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Briefing: Policy Body Cameras**

Today, the Committee will receive a briefing from the Montgomery County Police Department (MCPD) on its plans to implement a body camera pilot program. The following are expected to brief the Committee:

Chief Tom Manager, MCPD
Assistant Chief Luther Reynolds, MCPD
Captain Michael Wahl, Policy and Planning, MCPD
Bruce Meier, Office of Management and Budget

BACKGROUND

Body-worn cameras are a relatively new technology that is now being adopted by various police departments across the country. Over the past year, the Police Department has been researching the use of body cameras and the attendant concerns about privacy, cost, and secure storage. It has developed a plan for a pilot program that may be implemented later this year.

Based on the experience of other jurisdictions, there are several issues that arise. Departments must weigh the perceived benefits against complex privacy issues, and cost.

Perceived Benefits: In general, body cameras are considered beneficial for accountability and transparency by police departments that have used them.¹ Various departments with body camera programs have seen reductions in complaints against officers, or on officers' use of force.

¹ *Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned*, Office Community Oriented Policing Services, U.S. Department of Justice (2014)

One study found a 60% reduction in officer use of force incidents after body cameras were used. When complaints are filed against police officers, the video record often helps resolve complaints more quickly.

Use of body cameras also aids in documentation of evidence. Certain cases, such as domestic violence incidence, are easier to prosecute with video evidence of victim statements immediately after an assault has occurred.

Privacy: Privacy of data is a concern throughout the entire life of the data, from when it is initially recorded, while stored, when retrieved as evidence, when disseminated as a public record, and when destroyed. Police departments must determine when to record, whether consent is required, and if so, how to appropriately gain consent. Data storage and retrieval procedures must be considered as well, including what records are available for release as public information. The security of stored data must be considered as well. Police Departments need to consider whether data is secured from unauthorized access within the department itself, as well as from outside threats such as hackers.

Cost: Pricing for body camera programs can vary widely and largely depend on data storage options. The cameras themselves currently cost approximately \$500 per unit. Data storage costs depend on the number of videos, storage time, and where they are stored. Right now, police departments can choose to store data in-house on servers, or pay a third-party vendor to manage the data. The New Orleans Police Department implemented a body camera program using 350 body cameras, at an estimated cost of \$1.2 million over five years. Most of these costs are due to data storage. However, departments may incur additional staffing and training costs as well, depending on the configuration of the body camera program.

IMPLEMENTATION OF A BODY CAMERA PILOT PROGRAM

MCPD will brief the Committee on its plans to implement Body Camera Pilot Program later this year. Since each police department has different needs with respect to assistive technology, Executive staff will provide an overview of how body cameras will assist the Police Department with its public safety goals.

DISCUSSION ISSUES

1. If the pilot program is successful, how does MCPD envision using body cameras in the future? For all patrol officers?
2. If MCPD chooses to store data with a vendor, what guarantees do vendors offer to ensure there is no unauthorized access?
3. What funding options has MCPD explored (e.g. available grants)?
4. What legal issues, if any, may impact implementing a body camera program?

This packet includes the following:

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MCPD PowerPoint – 2015 Body Camera Pilot	1-12
<i>Police Body Cameras Spur Privacy Debate</i> , Washington Post, November 10, 2013	13-18
<i>What Happens When Police Officers Wear Body Cameras</i> , Wall Street Journal, 8/18/2014	19-23

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**MONTGOMERY COUNTY
POLICE DEPARTMENT**

2015 Body Camera Pilot

PERCEPTIONS

PERCEIVED BENEFITS

- Documents police-public encounters and offers clarity
- Strengthens officer performance & accountability
- Enhanced Public Trust
- Serves as a tool to investigate and resolve complaints and other officer-involved incidents
- Improves evidence collection

PERCEIVED CONCERNS

- Citizens' privacy concerns
- Police officers' privacy concerns
- Investments in training and policy development
- Substantial commitment of finances, resources, and logistics

Scope of Body Worn Camera Pilot Program

GOAL: EVALUATE BODY CAMERAS TO GATHER EVIDENCE
THAT SUPPLEMENTS OUR CURRENT MVS PROGRAM

- ▣ Develop policy & procedures
- ▣ Set up storage requirements
- ▣ Test & evaluate the equipment and related process
- ▣ Select officers for test phase
- ▣ Purchase cameras
- ▣ Conduct pilot program, followed by an evaluation period.
- ▣ Roll into Phase I procurement based on results

Evaluation Factors

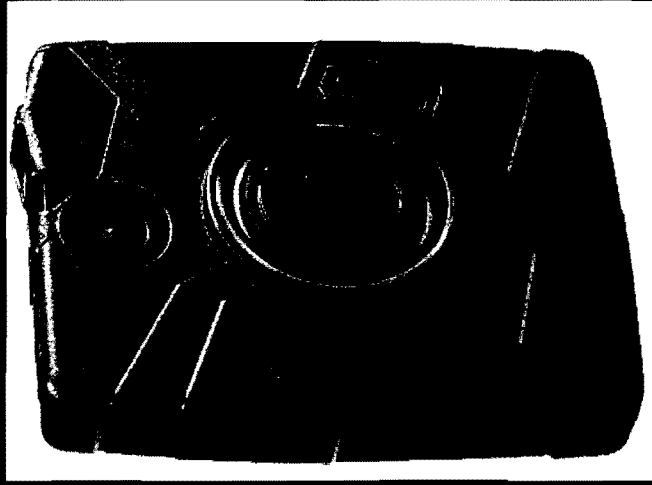
- ▣ Competing for a PERF grant/partnership
- ▣ Video Quality and Device features
- ▣ Fit/Wear-ability/Durability
- ▣ Data Storage Options/Charging Capabilities
- ▣ Other Agency Best Practices
- ▣ Operational Procedures
- ▣ Interaction and exchange with partners

Pilot Timeline

- ▣ 60 to 120 days of administrative effort (procurement efforts for pilot, equipment options, identification of field personnel, deployment plan, training plan, policy development, test criteria, etc.)
- ▣ Officers wear cameras for 90 days. After action review and final surveys conducted.
- ▣ Recommend Phase I equipment selection and policy adjustments.

Pilot Program Equipment

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Pre-Pilot Checklist

- ✓ Obtain funding and order equipment.
- ✓ Work with vendors and DTS on storage requirements and infrastructure.
- ✓ Train-the trainer sessions on equipment. Train end users on equipment and pilot policies.
- ✓ Continue researching “best” practices while working on policies and legal considerations.

Pilot Program Budget

EQUIPMENT

- ▣ \$500.00/camera x 100 units \$50,000
- ▣ \$250/docking solution x 100 units \$25,000

DATA STORAGE

- ▣ \$200/unit for 5 months of storage x 100 units \$20,000

TOTAL PILOT PROJECT \$95,000

Policy Considerations

- ▣ Recording protocol: Clear definition of when the camera must be activated and deactivated, as well as types of circumstances when recording is required, allowed, or prohibited.
- ▣ Training requirement.
- ▣ Downloading process and safe, sufficient storage capability.
- ▣ Data retention time requirements.
- ▣ Data access determinations.
- ▣ Public release procedure and program impact.
- ▣ Legal impacts, i.e. MD wiretap law and MPIA

Legal Issues

Maryland Wiretap Act

- ▣ Requires two party consent (with limited exceptions) to intercept any oral communication - Unlawful to use or disclose any conversation obtained in violation of Act.
- ▣ Defines oral communication as words spoken in private conversation - but "private conversation" is not defined.
- ▣ Attorney General has recently issued an advice letter confirming police officer's ability to orally record public conversations, such as those that occur during traffic stops.

Legal Issues

Maryland Public Information Act (MPIA)

- ▣ Public disclosures impact program cost, staffing, and privacy.
- ▣ Maryland attorneys in agreement that the MPIA must be adjusted to account for types of disclosure requests anticipated should body-worn cameras be implemented.

Labor Issues

- ▣ The employer has noticed the union and is beginning dialogue
- ▣ Further planning and work is required moving forward

The Washington Post

Public Safety

Police body cameras spur privacy debate

By Rachel Weiner November 10, 2013

The woman says she doesn't know why she's being pulled over, but it's obvious: she's driving on the wrong side of the road. And when a police officer asks the woman to get out of the car, she rams ahead before crashing into a pole and taking off on foot. She's stopped with a stun gun and handcuffed.

You can watch the whole thing on YouTube, thanks to the Laurel Police Department's decision to outfit its officers with what the police call "lipstick cameras."

Enclosed in a slim piece of black plastic, the recorder attaches to a pair of sunglasses or a headband. The city started using the device six months ago. Since then, Chief Rich McLaughlin says, complaints against officers have gone down and so has the use of police force.

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“It keeps everybody in check, on both sides,” he said.

Although dashboard cameras in police cruisers are ubiquitous, they provide a limited vantage point and capture mostly traffic stops. On-body cameras that take in everything an officer sees have started to gain traction nationwide; one recently captured the police shooting of a former New York Giants player in Daytona Beach, Fla. Laurel is one of the first departments in the Washington region to adopt them, along with Cheverly and New Carrollton. Hyattsville and the University of Maryland plan to start using them soon.

Police say the videos can provide valuable evidence in court and a clear record of the actions of officers. But questions remain about use of the cameras — precisely when they should be turned on and off — and what becomes of the countless hours of video footage. Some officials also worry that the cameras will discourage some people from approaching officers with tips or concerns.

“This is a discussion that’s bigger than just whether cameras work or not,” said Baltimore City Fraternal Order of Police President Bob Cherry. Next, he suggested, could come cameras on public school teachers and medical professionals. “How far do we want to go as a society, in terms of recording everything?”

The American Civil Liberties Union, which generally is wary of surveillance, recently expressed support for the cameras. But the organization acknowledges the privacy concerns of the police and the public, and its support comes with conditions.

“I absolutely know this tool will transform policing,” Scott Greenwood, a police accountability attorney and general counsel for the ACLU, said in an interview. “It’s an unalloyed good, provided that policies are in place that mandate the use of devices rather than leaving it up to the discretion of the officers.”

The ACLU calls for consent from a filmed citizen when releasing videos — a policy that could have barred Laurel’s car chase from YouTube — and redaction where feasible. Body camera makers are only just starting to catch up with that demand.

The video is “really helpful, but it also raises concerns,” said police Sgt. Rob Drager of Albuquerque, one of the first departments to use the body cameras. Under state information request laws, he said, his department once released a tape to a local news station that included unedited video of officers responding as a child was being strangled.

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“We encounter people on the worst day of their lives, and now that’s public record, that’s out there,” he said.

There are also questions about what ultimately happens to the video — even scenes of mundane interaction between police and citizens.

“Who owns the data?” asked Steven Edwards, a senior policy adviser at the Justice Department, during a recent conference on body cameras organized by the Police Executive Research Forum, a national membership group.

“Five years from now, how will this data be used?”

In New York, a judge has ordered some police to wear cameras as part of the ruling on the city’s “stop and frisk” policy. Los Angeles has decided to use the cameras — if the city can pay for them. D.C. police spokeswoman Gwendolyn Crump said city officers don’t wear cameras but “technology is constantly evolving and we will keep the possibility open.”

More than 100 small police departments in Virginia, including the cities of Fairfax and Falls Church, have been given body cameras by VML Insurance Programs.

But Lt. John Bisek of the Manassas Police Department said those cameras were more of a conversation-starter than a solution. “The quality isn’t there,” he said. More expensive cameras have better security measures to prevent tampering and require less upkeep, he said, but Manassas doesn’t have the funding.

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Most of the cameras cost hundreds of dollars; data storage is an added cost. Laurel uses Taser, which sells a high-end camera and data system..

When they were first told they had to film every encounter, some officers in Laurel were not thrilled, McLaughlin said. But now they come to him asking for the cameras. He just ordered a new batch, and now nearly all 70 officers have them.

Officers from nearby cities “ask, ‘Oh, how do you like Big Brother?’” said Officer Matt Jordan. “But I don’t have a problem with it. I like it.”

The camera helped clear him after a citizen complaint, Jordan said. Once, it defused a confrontation outside a bar: “As soon as they saw the cameras, they left.” In court cases, they’ve been used to secure a drug-related guilty plea and prove that an officer was shoved.

A 12-month Police Foundation experiment in Rialto, Calif., found similar results, according to a report from the city’s police chief. Officer force was used 2.5 times more when officers were not wearing cameras. There were 28 citizen complaints the year before; during the experiment, there were three.

Unlike the District and Virginia, in Maryland taping a private conversation requires the consent of both parties. But state courts have concluded that public stops are not private. Laurel police only offer to turn the camera off when they go into a home; they also turn them off in hospitals.

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“I think everyone’s sort of waiting to see how the courts going to accept some of these things,” said Cheverly Police Chief Joseph Frohlich. “I don’t think anyone knows what the limits are.” His officers also turn cameras off in private contexts.

Laurel officers can refer to the videos — automatically downloaded to a smartphone app — to write reports during each shift. At the end of the day, the cameras go into a docking station and the clips are automatically transferred to a data-storage Web site.




Unless the police mark a recording as evidence, it’s destroyed in 180 days. Officers can also ask for a copy to be burned onto a CD for use in court. Otherwise, they can’t touch them.

At the recent law enforcement conference, several chiefs said that in a world where people regularly use cellphones to film officers and post the choppy clips online, police need to be able to produce their own video.

“Everybody’s filming everybody,” said Philadelphia Police Commissioner Charles Ramsey, who led D.C. police from 1998 to 2006. “It’s the reality of the world we’re in; we can’t ignore it. We’ve just got to figure out a way to do it in a constitutional fashion.”

Rachel Weiner covers local politics for The Washington Post.

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KEYWORDS

What Happens When Police Officer Wear Body Cameras

Use of force by police officers declined 60% in first year since introduction of cameras in Rialto, Calif.



By CHRISTOPHER MIMS

Updated Aug. 18, 2014 5:28 a.m. ET

Sometimes, like the moments leading up to when a police officer decides to shoot someone, transparency is an unalloyed good. And especially lately, technology has progressed to a point that it makes this kind of transparency not just possible, but routine.

So it is in Rialto, Calif., where an entire police force is wearing so-called body-mounted cameras, no bigger than pagers, that record everything that transpires between officers and citizens. In the first year after the cameras' introduction, the use of force by officers declined 60%, and citizen complaints against police fell 88%.

It isn't known how many police departments are making regular use of cameras, though it is being considered as a way of perhaps altering the course of events in places such as Ferguson, Mo., where an officer shot and killed an unarmed black teenager.

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What happens when police wear cameras isn't simply that tamper-proof recording devices provide an objective record of an encounter—though some of the reduction in complaints is apparently because of citizens declining to contest video evidence of their behavior—but a modification of the psychology of everyone involved.

RELATED

- More Officers Wearing Body Cameras (<http://online.wsj.com/articles/body-cameras-on-police-can-reduce-use-of-force-citizen-complaints-1408134549>)
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- In Ferguson's Wake, Odd Bedfellows (<http://online.wsj.com/articles/in-fergusons-wake-odd-bedfellows-1408155483>)

The effect of third-party observers on behavior has long been known: Thomas Jefferson once advised that "whenever you do a thing, act as if all the world were watching." Psychologists have confirmed this intuition, showing that something as primitive as a poster with a pair of glaring eyes can make test subjects behave better, and even reduce theft in an area.

One problem with the cameras, however, has been cost. Fortunately, fierce competition between the two most prominent vendors of the devices, Viewu LLC and Taser International Inc., which makes the cameras used by Rialto police, has driven the price of individual cameras down to between \$300 and \$400. Unfortunately, one place where expenses can mount is in the storage and management of the data they generate.

Both Taser and Viewu offer cloud-based storage systems for a monthly subscription fee. Think of it as an evidence room-as-a-service, where vendors are happy to see police departments outsource some of their most critical functions, and be subject to the same kind of vendor lock-in that can make corporate IT managers wary of the cloud.

But Taser's system stores video data on Amazon.com Inc. 's cloud, where prices are falling rapidly, and there isn't much about cameras from either vendor that couldn't be reproduced by an enterprising startup. Given that body-worn cameras use components from the mobile industry, where prices are ground down by scale and competition, it's possible police forces will soon be able to come up with their own solutions, or use off-the shelf products such as Google Glass.

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A Los Angeles police sergeant demonstrates a body-mounted camera. *ASSOCIATED PRESS*

These are all reasons that Michael White , a professor of criminology at Arizona State University and, as the sole author of the Justice Department's report on police and body-mounted cameras, says the cameras, now a curiosity, could soon be ubiquitous. It has happened before: Taser's guns went from introduction to use by more than two-thirds of America's 18,000 police departments in about a decade. "It could be as little as 10 years until we see most police wearing these," says Dr. White.

Not everyone is happy about this possibility. After an order by a federal judge that the New York Police Department equip officers with body-worn cameras in some districts, the Patrolmen's Benevolent Association issued a report declaring that they would be an "encumbrance." In the mid-1990s the rollout of dashboard cameras, now standard issue in most patrol cars, met the same resistance, which is why Dr. White says it is important that the adoption of this technology be accomplished through consensus.

"There is a presumption that citizens will be happy with this because it seems to provide more transparency and accountability, but that might not be the case, especially in areas where there are long-term tensions between police and their communities," says Dr. White.



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Still, privacy issues abound, and rules about protecting both witnesses and police must be established and tested. Officers would have to turn on their cameras during every encounter with citizens, argues the American Civil Liberties Union, but there might be exceptions, such as when officers are interviewing victims of assault, says Dr. White.

None of these issues have stopped police forces in the U.K., where departments have a decade head start on their counterparts in the U.S., from ever-wider adoption. Police in England and Wales are engaged in large-scale trials, and the aim is to make body-worn cameras standard issue.

In the U.K., where tests with them began in 2005, studies have shown that they aid in the prosecution of crimes, by providing additional, and uniquely compelling, evidence. In the U.S., in some instances they have shortened the amount of time required to investigate a shooting by police from two-to-three months to two-to-three days.

And they represent yet one more way we are being recorded by means that could eventually be leaked to the public.

Of course, sometimes events happen that accelerate the adoption of a technological fix. The tragic irony is that police in Ferguson have a stock of body-worn cameras, but have yet to deploy them to officers.

Write to Christopher Mims at christopher.mims@wsj.com

Corrections & Amplifications

Some corporate IT managers can become wary of the cloud. An earlier version of this column incorrectly said they can become weary of the cloud.

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