



## CPOA Fact Sheet

---

# BODY CAMERAS

---

### **Background**

In light of recent highly publicized law enforcement encounters across the country, discussions have arisen in regards to the use and need for peace officer body cameras to capture interactions with the public. Current laws make it a crime to intentionally record confidential communications without the consent of all parties to the communication, with certain peace officer exceptions.

Existing law generally requires local agencies to provide each newly hired police officer and deputy sheriff with a pistol and other specified equipment. New legislation has been introduced to include the possibility of body cameras to be included in such equipment.

### **Effect on Use-of-Force**

The [Police Foundation](#) found that wearing of the cameras resulted in dramatic reductions in use-of-force, and complaints filed against peace officers. This was a result of an experiment in the Rialto Police Department, in which every officer in patrol wore the device(s) for 12 months.

### **Benefits (as reported by the U.S. Department of Justice)**

- Body-worn cameras increase transparency and citizen views of police legitimacy. This claim has not been sufficiently tested, but is worthy of such a study. There have been virtually no academic or validated studies of citizens' views of the technology.
- Body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens. Several of the empirical studies have documented substantial decreases in citizen complaints (Rialto, Mesa, Plymouth, and Renfrewshire/Aberdeen studies) as well as in uses of force by police (Rialto) and assaults on officers (Aberdeen). There is also anecdotal support for a civilizing effect reported elsewhere (Phoenix and in media reports cited in the references list).
- However, the behavioral dynamics that explain these complaints and use of force trends are by no means clear. The decline in complaints and use of force may be tied to improved citizen behavior, improved police officer behavior, or a combination of the two. It may also be due to changes in citizen complaint reporting patterns (rather than a civilizing effect), as there is evidence that citizens are less likely to file frivolous complaints against officers wearing cameras (Goodall 2007; Stross 2013). Available research cannot disentangle these effects; thus, more research is needed.

## Concerns

- Body-worn cameras create citizen privacy concerns. Although civil rights advocates have generally supported the use of body-worn cameras by police (Stanley 2013), the impact of the technology on citizen privacy is not fully understood. Federal and state laws regarding the expectation of privacy place some restrictions on using audio and video recording. Moreover, body worn cameras capture in real time the traumatic experiences of citizens who are victims of crime, who are involved in medical emergencies and accidents, and who are being detained or arrested.
- The Body Worn Video Steering Group in the Department of Justice study cautions law enforcement agencies about the collateral intrusion of the technology, particularly with regard to religious sensitivities, intimate searches, medical and mental health privacies, sexual assault investigations, witnesses and confidential informant identification, victim identification, and communications governed by legal privilege. More research is needed.
- Body-worn cameras create concerns for police officer privacy. Law enforcement circles have not universally accepted the technology. Police unions in several cities, most recently New York, have claimed that the cameras represent a change in working conditions that must be negotiated during contract talks (Schoenmann 2012; Celona 2013). There are also concerns that officers may be subjected to unsolicited “fishing” expeditions by supervisors (White 2013). Experiences from Phoenix and Rialto suggest that including line-level staff in the implementation process from the start, particularly with regard to policy development governing camera use, can alleviate many of these concerns. Nevertheless, everything an officer records is discoverable, even if the officer records events unintentionally (e.g., forgets to stop recording).
- Body-worn cameras create concerns for officer health and safety. The UK Home Office guide (Goodall 2007) details a wide range of potential health and safety concerns, from neck injury resulting from the weight of the camera to electrical shock. The vast majority of concerns are rated as low risk. The guide does cite a few concerns as medium risk, including the potential for head injury (i.e., the camera striking the officer’s head during an assault), soreness and headaches from the headband (most UK agencies use a unit attached to a headband), and transferred bodily fluids or infectious agents from shared cameras. However, wearing the camera on part of the uniform (e.g., lapel or torso) instead of the head can mitigate nearly all of the stated risks. Nevertheless, there has been no research examining health and safety issues associated with body worn cameras.
- Body-worn cameras require investments in terms of training and policy development. Available research clearly demonstrates the importance of training and policy governing the deployment of body-worn cameras. Officers who wear cameras need to be trained in their use, from recording and downloading video to proper equipment maintenance. Departments must develop clear administrative policies that provide guidance to officers on a wide range of issues, such as when to record and when not to, whether to announce that the encounter is being recorded, and when supervisors or officers can review video. The policies should also address video download procedures, video redaction procedures, preparation of video for prosecution, and data storage and management.

- Body-worn cameras require substantial commitment of finances, resources, and logistics. Available research demonstrates that the resource and logistical issues surrounding adoption of body-worn cameras are considerable and, in many cases, difficult to anticipate. There are direct costs associated with purchasing the hardware (from \$800 to \$1,000 per camera) as well as replacement costs as components break down (MPD 2013). One of the primary resource issues revolves around data storage and management. Body-worn cameras produce an enormous amount of video data that must be properly and securely stored. There are also questions about how quickly specific video can be retrieved (White 2013). The major vendors offer cloud-based storage solutions at a cost, or agencies can choose to manage and store the video locally.
- Agencies vary by size and socio-economic populations served; therefore allowing each agency to customize an implementation plan and policy that works for them is most effective in serving their public. Each local agency should be encouraged to research bids from potential product manufacturers, and decide on a product best suited to their operation. Additionally, legislation should not dictate policy of use at the individual department level. Policy should remain with individual jurisdictions.
- Cameras capturing interactions with the public that may lead into private sites (homes, restrooms, and private property) elicit serious citizen privacy concerns. Public requests for release and review pursuant to the Government Code also known as the ‘California Public Records Act,’ would need to be defined to determine what recorded data would be released. The Public Records Act (PRA) must clearly define what, if any, recordings are authorized for release. It may be that the PRA exempt such body worn camera videos from such release.
- Ongoing costs of retaining data can be extremely costly (often more than \$600,000 annually for large agencies), including hardware upkeep and staff placement for video observation and search, editing/redaction of videos, and court transcription costs, therefore a minimum footage retention period needs to be considered from a funding perspective and should be addressed in amendments to the Evidence Code.
- Body-worn cameras may have the unintentional effect of breaking down the trust of community relations if a community member wishes to not to be recorded, but policy mandates such recording. Or, if a police officer is engaged in a community policing function, unrelated to an enforcement or investigative action, any mandate to record such an interaction may diminish any relationship of trust that had been developed or was in the process of being developed.

## **Summary**

Communities, citizens and police leaders in California are generally supportive of its use. It is the position of CPOA that state legislation not dictate policy on its use by individual agencies and that local community culture and relations should dictate this at the local level. This being said, police leaders are very interested in funding for such a project. Purchasing the cameras is not the problem from a funding standpoint for the most part; it is the long term storage of the video that may be fiscally challenging (terabytes of server space) along with ongoing maintenance of the cameras and servers and related personnel costs. It is CPOA’s position that with state mandates there must be associated state funding for as long as the mandate exists. Such funding should address the true costs for operation and maintenance of a body worn camera program.

As previously mentioned, the Public Records Act (PRA) must better define what, if any, video obtained from body worn cameras are subject to the PRA. There are an abundance of privacy issues that would dictate the importance of the control and “non-release” of such video. Some examples are: sexual assault investigations, cases involving minors, cases involving trauma, domestic violence, child abuse, medical aid or mental health calls, or even simple calls for service that may divulge such information of extra marital affairs or other private or confidential matters. None of these examples and many more should not be considered available to the public under the PRA.

In this same discussion relative to the Public Records Act (PRA) and issues of privacy, policy makers must be concerned with and recognize the associated personnel costs that will require the review of video, sorting of video, copying of video and so on in response to any PRA or discovery motions on criminal cases. Some agencies have already found the need to hire additional personnel to handle the requests for such video, while others have abandoned the concept of body worn camera implementation as a result of the need for additional personnel. Faced with the fact to hire additional personnel, some communities may find it more beneficial to invest in the human resource of hiring more officers versus that of body worn cameras.

Additionally, the Evidence Code should be amended to clarify and specify who is responsible for transcription costs of any body worn camera video related to a criminal case. Videos presented as evidence will require costly transcription costs that in the position of CPOA cannot be absorbed by law enforcement agencies or the district attorney’s office. It would also be purposeful for the Evidence Code or Government Code to specify video retention time for any body worn cameras.

All this being said, there is support, but we have to be cognizant of the significant fiscal impact and on-going costs of this project. It is not just a one-time cost proposal.

Law enforcement agencies are encouraged to cautiously evaluate all available technology and implementation standards. CPOA will actively monitor all funding implications and related legislation/proposals, and is happy to engage in such discussions with policy makers.