

Development and Problem-Solving: Police Worn Body Cameras

David Erdley

George Mason University: IT – 104

"By placing this statement on my webpage, I certify that I have read and understand the GMU Honor Code on <http://oai.gmu.edu/the-mason-honor-code-2/> and as stated, I as student member of the George Mason University community pledge not to cheat, plagiarize, steal, or lie in matters related to academic work. In addition, I have received permission from the copyright holder for any copyrighted material that is displayed on my site. This includes quoting extensive amounts of text, any material copied directly from a web page and graphics/pictures that are copyrighted. This project or subject material has not been used in another class by me or any other student. Finally, I certify that this site is not for commercial purposes, which is a violation of the George Mason Responsible Use of Computing (RUC) Policy posted on http://copyright.gmu.edu/?page_id=301 web site."

Introduction

Body-cameras were and continue to be a hot topic for law enforcement officials and the media alike. In light of multiple police-involved brutality incidents over the past few years, funding was pledged by the likes of former president Barack Obama and the mayor of Los Angeles as well as urged by Hilary Clinton (Frazier, 2015). According to Frazier, two sociologists claimed that with the rise of body-camera footage, police will place the footage in view of the world and use it to authorize actions (2015). On the contrary, Taser, the largest manufacturer of body-cameras, "...describes the cameras as a means to keep ordinary citizens on the side of the police and as an insurance policy against costly police-misconduct lawsuits" (Frazier, 2015).

History

Before 2014, the use of police-worn body-cameras was very low. According to a survey conducted by the Police Executive Research Forum (PERF), in 2013 approximately 75 percent of a sample of police departments reported that they did not use body-worn cameras ("Research on Body-Worn Cameras and Law Enforcement," 2017). The turning point of police-worn body-camera usage was on December 1, 2014. Amidst the protests of the death of Michael Brown in Ferguson, Missouri, President Barack Obama (president at the time) "...pledged \$75 million in federal funds to help purchase 50,000 police body cameras" (Frazier, 2015). In addition, the mayor of Los Angeles took action and announced that the LAPD would receive an estimated 7,000 cameras from Taser¹ (Frazier, 2015). In April of 2014, there was another police-involved

¹ According to Wikipedia, Taser (TASER International, Inc.) "is an American developer, manufacturer, and distributor of conduct electrical weapons, body worn cameras, and digital evidence management solutions based in Scottsdale, Arizona. Their products are mainly aimed at law enforcement and military. They created the AXON body-camera.

shooting that surged body-cameras further into the spotlight. It was the shooting of Freddie Gray that led Hillary Clinton to urge every police department in the United States to follow the lead of the LAPD (Frazier, 2015). Frazier includes a statement in her article from Taser's CEO saying that "body-camera sales have quadrupled over the past year (2014)" (2015). Frazier also includes a growth statistic, noting that "There are now 41,000 AXON cameras in use at 3,000 police agencies nationwide" (2015). On September 21, 2015, Attorney General Loretta Lynch announced that \$23.2 million in grants would be disbursed to local agencies "to expand the use of body-worn cameras and explore their impact" ("Police body camera use in the United States").

Potential Benefits

The potential benefits of police-worn body-cameras can be demonstrated by the findings of early users of body-cameras. Chief James Stewart of the Anderson, South Carolina Police Department stated that their department has had body-cameras since 2012 and that they have been used to deal with complaints, provide better prosecution and document police activity later used in "civil liability cases" (Marks, 2015). Potential benefits are highlighted by "low-key" usage, such as the Anderson PD, before the surge in popularity of body-cameras. In addition, body-cameras have the potential to "strengthen and enhance transparency and accountability in the police department" (Ferrarin, 2015). Ferrarin is referring to the police department of Elgin, Illinois, however, the aforementioned potential benefit can be logically generalized to police departments/sheriff offices across the United States. Not only may citizens benefit from body-cameras, but officers may as well. Ferrarin includes a quote from Officer Thomas Coffield stating that "...the transparency that body cameras provide make me feel further protected from the possibility of false complaints" (2015). In addition to reassuring both citizen and officer,

body-cameras can help remove a lot of uncertainty in court rooms amongst the jury by painting a clearer picture of what may have happened in typical and complex situations (“Police Perspective: The Pros and Cons of Police Body Cameras,” Erstad, 2016). Erstad, notes that generally people behave when they know they are being watched (2016). Another potential benefit noted by Erstad is that videos recorded from a body-camera allows for self-evaluation and self-improvement by the officer (2016).

Legal and Ethical Issues

In his article, Stanley poses a good ethical question. Officers shouldn’t be able to just switch on or off their body-cameras as they please, but how should that be implemented (2013, 2015)? Ideally, the camera would record for the entirety of their shift to eliminate any abuse of the officer, however, that idea intersects with another ethical issue (Stanley, 2013, 2015). Privacy becomes a concern if body-cameras are recording non-stop through shift. The Police Executive Research Forum (PERF) pointed out that crime victims (especially victims of rape, abuse and other sensitive crimes), and witnesses worried about possible retaliation have all the more reason to desire the upholding of their privacy (Stanley, 2013, 2015). More privacy concerns arise over whether or not sensitive information recorded by a body-camera (ie. Social security numbers, dates of birth, addresses, etc.) will be sufficiently protected from misuse (Bakardjiev, 2016). Bakardjiev that a fear that video may be publicly released or abused for the purpose of personal gain is not unreasonable (2016). A legal issue concerning body cameras involves the 4th amendment rights of citizens. Welty notes that body-cameras alone “would be unlikely to form a Fourth Amendment mosaic²...” (2016). Supplementarily, he notes that in addition to every other

² According to Welty, “The mosaic theory of the Fourth Amendment is the idea that an accumulation of actions by law enforcement, none of which individually intrude upon a reasonable expectation of privacy, may together constitute a Fourth Amendment search.”

officer's body-cameras, vehicle cameras, light and utility pole cameras, drones, and license plate readers, the body-camera may become part of a broad Fourth Amendment mosaic, implicating possible legal issues (Welty, 2016).

Security Concerns

Storage of the large amount of data that would be inevitably recorded with the use of body-cameras is a huge security concern. According to Bakardjiev, police departments would have two main storage options (2016). Departments could either house data internally or utilize "external third-party cloud databases" (Bakardjiev, 2016). Both options, however, are vulnerable to potential hackers, failed servers and/or unauthorized video sharing (Bakardjiev, 2016). Bakardjiev notes that third-party storage systems could potentially lead to abuses because of the means to access video remotely and privately (2016). This kind of abuse leads to concerns of privacy and security regarding sensitive personal information recorded on body-camera footage (Bakardjiev, 2016). Stanley writes that "good technological controls" should be in place to prevent any issues with privacy/security (2013, 2015). He states that controls should be in place to ensure that no parts of the video footage can be destroyed, that any time video records are accessed, it is automatically recorded, that controls be in place so that copies cannot be generated and that if all data is handled by a third-party service, it is secured so that the third-party cannot access the video (Stanley, 2013, 2015).

Further Research

Further research has been suggested so that future features of body-cameras may include automatic video recording enabled by certain triggers such as noise level, spiked heart rate of the equipped officer, or facial and voice recognition capabilities (Bakardjiev, 2016). Stanley also

suggests that automated triggers be enabled on body-cameras similar to those of dashcams which are often activated simultaneously with the lights or sirens (2013, 2015). In addition to the possible automation of recording, further research should be sought in order to deal with the potential issue of mass amounts of data storage and the security issues that come along with it. Furthermore, data storage and security also incorporates issues of department budgets and/or grants and funding.

Conclusion

The rising popularity and favor of police-worn body-cameras brings to light multiple issues involving the use of them. Among these are the legal and ethical issues including possible fourth amendment violations, concerns of privacy, and concerns of one's own being and belongings. Additionally, issues arise concerning storage and security of the estimated mass amounts of footage collected through the use of body-cameras. Police-worn body-cameras may be the start of a brilliant solution to a number of social issues concerning police-involved brutality/shooting incidents, however, much further research is necessary before this solution lives up to the potential many academics argue that it can reach.

References

Bakardjiev, D. K. (2015). OFFICER BODY-WORN CAMERAS-CAPTURING OBJECTIVE EVIDENCE WITH QUALITY TECHNOLOGY AND FOCUSED POLICIES. *Jurimetrics*, 56(1), 79-112. Retrieved from <https://search-proquest-com.mutex.gmu.edu/docview/1787805621?accountid=14541>

This source identifies possible challenges to body-worn camera recordings used as evidence at trial. It argues that those challenges could be avoided with the implementation of strong police department policies. At the end it has an example of a body-worn camera policy with the goal of promoting objectivity and integrity of body-worn camera evidence. This source is reliable because it was written by a scholar, in a scholarly journal, *Jurimetrics*, volume 56, issue 1, pages 79-112, and it was published by the American Bar Association.

Erstad, W. (2016, January 25). Rasmussen College. Retrieved February 27, 2017, from <http://www.rasmussen.edu/degrees/justice-studies/blog/pros-and-cons-of-police-body-cameras/>

This source very simply delivers the pros and cons of police-worn body-cameras from a police perspective. The author provided direct quotes from Bobby Kipper, former police officer and founder of the National Center for the Prevention of Community Violence as well as quotes from Steve Tuttle of TASER International, one of the largest body-camera manufacturers. This source was written by a Content Marketing Specialist, Will Erstad, who often writes student-focused articles on a variety of topics for Rasmussen College. The content and research of the article establish the author's credibility and reliability.

Ferrarin, E. (2015, Sep 30). Elgin cops on testing body cameras: 'we're embracing it'. *Daily Herald* Retrieved from <https://search-proquest-com.mutex.gmu.edu/docview/1717762521?accountid=14541>

This source provides insight into the opinions and testing of the police department of Elgin, Illinois. The author discusses how the officers feel about body-cameras, including that they receive fewer complaints, that it doesn't change the way they do their job and it also lists some of the limitations given by officers involved in the testing. This source is reliable because it includes direct quotes from police officers as well as their findings of the testing of body-cameras. It was published in the General Interest Periodicals—United States.

Frazier, M. (2015, 08). A CAMERA ON EVERY COP. *Harper's Magazine*, 331, 62-63. Retrieved from <https://search-proquest-com.mutex.gmu.edu/docview/1698043950?accountid=14541>

This source discusses TASER International's part in the rise of body-cameras as well as the events that led to a call-to-action by the disgruntled public in light of the recent police-involved brutalities/shootings. It gives statistics concerning the funding for specific police department as well as federal funding requested by Barack Obama. Additionally, it briefly discusses issues with allowing officer control over when and where to record using their body-camera. This source is reliable because it includes statistics and quotes from TASER International, an authority on the subject of body-cameras and quotes from the ACLU concerning the issues of officer authority. This source was written by Mya Frazier, a technology and business journalist, and published in Harper's Magazine.

Marks, K. (2015). CURRENT AND FUTURE SURVEILLANCE PRACTICES: THE FUTURE IS HERE. *Law & Order*, 63(9), 38-43. Retrieved from <https://search-proquest-com.mutex.gmu.edu/docview/1721565887?accountid=14541>

This source discusses multiple means of surveillance including cellphone tracking, body-cameras, UAV (drone) technology, thermal imaging and CCTV. It also discusses future surveillance practices. Within each of these technologies she provides quotes, opinions, statistics and findings of multiple different police departments as well as some estimated statistics from VIEVU, a producer of body-cameras. This source is reliable because it was published in a trade journal, *Law and Order*, volume 63, issue 9, pages 38-43. This journal contains strictly topics involving criminology and law enforcement.

Police body camera use in the United States. (n.d.). Retrieved February 27, 2017, from https://ballotpedia.org/Police_body_camera_use_in_the_United_States

This source provides history on the rise of the body-camera and the events that caused that. In addition, it provides a brief stint on current (at the time) usage, as well as statistics concerning the variation in policies on body-cameras in 10 different major police departments. This source is reliable because it includes statistics from reliable organizations (PERF, Leadership conference on civil and human rights). This source was published on www.ballotpedia.org, which is an online encyclopedia of American politics.

Research on Body-Worn Cameras and Law Enforcement. (n.d.). Retrieved February 27, 2017, from <https://www.nij.gov/topics/law-enforcement/technology/pages/body-worn-cameras.aspx>

This source discusses, more in-depth, the findings of the survey conducted by PERF concerning the use of body-cameras. It also discusses research on the impact of technology on

policing strategies as well as testing and evaluating body-worn video technology in the Los Angeles Police Department. This source is reliable because throughout the writing, links are provided to the original research/studies from which the author is referring. It was published on the by the National Institute of Justice on www.nij.gov.

Stanley, J. (2013). Police Body-Mounted Cameras: With Right Policies in Place, a Win For All. Retrieved February 27, 2017, from <https://www.aclu.org/other/police-body-mounted-cameras-right-policies-place-win-all>

This source discusses issues concerning officer's control over recordings, issues with the compromise of privacy and the use of body-cameras, issues with the potentially unnecessary retention of video footage, issues with public disclosure and finally, it discusses recommended technology controls to handle all of the data generated by body-cameras. This source is reliable because it was written by Jay Stanley, a senior policy analyst for the ACLU, and a credible figure on the topic. In addition, it was published on the ACLU official website with links to the official article in .pdf format.

Welty, J. (2016, February 01). Body Cameras and the Mosaic Theory of the Fourth Amendment. Retrieved February 27, 2017, from <http://nccriminallaw.sog.unc.edu/body-cameras-and-the-mosaic-theory-of-the-fourth-amendment/>

This source explains what "The prevailing view" is in terms of the 4th amendment and lists a number of cases involving "The prevailing view." In addition, it explains the "mosaic theory," also concerning the 4th amendment rights of citizens, as well as discusses how the mosaic theory and body-cameras are related (issues of legality). This source is reliable because in the article the author establishes himself as a credible figure on the topic concerning

constitutional law and how certain theories can be applied in discussing legality regarding multiple different types of cameras. This source was published on the official UNC School of Government blog.