

Officers' body cameras raise privacy concerns

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This Jan. 15, 2014 file photo shows a Los Angeles Police officer wearing an on-body cameras during a demonstration for media in Los Angeles. Thousands of police agencies have equipped officers with cameras to wear with their uniforms, but they've frequently lagged in setting policies on how they're used, potentially putting privacy at risk and increasing their liability. As officers in one of every six departments across the nation now patrols with tiny lenses on their chests, lapels or sunglasses, administrators and civil liberties experts are trying to envision and address troublesome scenarios that could unfold in front of a live camera. (AP Photo/Damian Dovarganes)

Officers at thousands of American law enforcement agencies are wearing tiny cameras to record their interactions with the public, but in many cases the devices are being rolled out faster than departments are able to create policies to govern their use.

And some rank-and-file officers are worried the technology might ultimately be used to derail their careers if, for example, an errant comment about a superior is captured on tape.

Most [law enforcement](#) leaders and civil liberties advocates believe the cameras will ultimately help officers because the devices give them a way to record events from their point of view at a time when citizens armed with cellphones are actively scrutinizing their every move.

They say, however, that the lack of clear guidelines on the cameras' use could potentially undermine departments' goals of creating greater accountability of officers and jeopardize the privacy of both the public and [law enforcement officers](#).

"This is a brave new world that we're entering here, where citizens and police both are going to be filming each other," said Chuck Wexler, the executive director of the Police Executive Research Forum, a nonprofit police research and policy organization.

The U.S. Justice Department has asked Wexler's group to help develop guidelines for the cameras' use, from when the devices should be turned on to how departments can protect the privacy of those who are inadvertently captured on the footage.

Equipping police with cameras isn't a new concept. For decades police have used cameras mounted to the dashboards of their patrol cars—initially referred to with suspicion by officers as "indict-o-cams" until they discovered the footage exonerated them in most cases.

As camera technology and data storage has become more affordable and reliable, the use of portable cameras has increased over the last five years. Now officers in one of every six departments are patrolling with them on their chests, lapels or sunglasses, according to Scott Greenwood, general counsel for the national American Civil Liberties Union and an expert on the cameras.

With the push of a finger, officers can show the dangers and difficulties of their work. Unlike dashboard cameras, body cameras follow the officer everywhere—when their cruiser stays parked at the curb, when they go into homes on search warrants or when they are running after a suspect.

The cameras, if they aren't turned off, can go with officers into a bathroom or locker room, or capture private conversations between partners. Footage can become evidence in a criminal case, or be used to discipline officers or exonerate them of false accusations.



This Jan. 15, 2014 file photo shows Los Angeles Police Sgt. Daniel Gomez demonstrating a video feed from his camera into his cellphone as on-body cameras are demonstrated for the media in Los Angeles. Thousands of police agencies have equipped officers with cameras to wear with their uniforms, but they've frequently lagged in setting policies on how they're used, potentially putting privacy at risk and increasing their liability. As officers in one of every six departments across the nation now patrols with tiny lenses on their chests, lapels or sunglasses, administrators and civil liberties experts are trying to envision and address troublesome scenarios that could unfold in front of a live camera. (AP Photo/Damian Dovarganes)

Without strong policies, experts say, departments could lose the public's trust. The public needs to know cameras aren't only being turned on when it'll help officers. But there are certain moments such as during the interview of a sexual assault victim or talk with a confidential informant when filming may be sensitive or even compromise a case, said Bay Area attorney Mike Rains, whose firm often represents officers and has worked on body camera policies with departments.

The Los Angeles Police Department is now field testing cameras with an eye toward ultimately deploying them to all patrol officers—a move that would make its program the nation's largest. For the six months of the test, underway now, there will be no official policy. Department officials say a policy will be created with input from the community and union, when they know more about how the cameras work in the field.

Union chief Tyler Izen, who represents more than 9,900 sworn officers, said that while there've been no complaints so far, the strategy is risky and could be problematic for his officers as well as the public, which has become an involuntary guinea pig in the trial. "They're basically taking their chances," Izen said.

There's still very little research into the impacts of these cameras on policing and their ripple effects on the criminal justice system, said Justin Ready, assistant professor at Arizona State's department of criminology and criminal justice. But more studies are underway, including two that Ready is involved in.

The police department in Rialto, California, concluded a yearlong University of Cambridge study last year that found an 89 percent drop in complaints against officers during the camera trial. The chief has since mandated its deployment to its roughly 90 sworn officers.

Rialto police Sgt. Richard Royce said he was exonerated by the footage during the study.

"I'd rather have my version of that incident captured on high-definition video in its entirety from my point of view, then to look at somebody's grainy cellphone camera footage captured a 100 feet away that gets cropped, edited, changed or manipulated," Royce said.

Greenwood of the ACLU said he's provided input in drawing up the Justice Department guidelines. He said the proposed policy is pretty good, but gives officers more discretion than is wise.

"It's a far better policy decision to mandate the encounter be recorded and deal with the unwanted video," Greenwood said. Because if a situation goes bad quickly and there's no footage, the officer is in trouble, Greenwood said.

Captured video could protect the department—and ultimately the taxpayer— from a false claim and expensive litigation or result in disciplining a problem officer.

One case, also in Oakland, is being used to educate officers in California

about the technology. An officer chasing a suspect said he saw the suspect with a gun in his hand before fatally shooting him three times in $\frac{3}{4}$ of a second. A gun was later found in the grass.

It cost the city \$10,000 to have roughly 15 seconds of video analyzed by an expert, and because of the angle of where the camera was placed—on the officer's chest—no gun was seen in the suspect's hand on film, said Rains, an attorney whose firm represented the officer.

Sgt. Barry Donelan, the police union chief in Oakland, said the department initially moved to terminate the officer for an excessive response, but he was ultimately exonerated because the video analysis backed up the officer's account.

Donelan said the danger with such footage is it taps into a human tendency to over-rely on video at the expense of other accounts of an event, and can be especially problematic in high-adrenaline situations.

When that happens, "it's just about the [camera](#)," Donelan said. "It's the ultimate Monday morning quarterbacking tool."

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