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Item 1276 - Authorize a competitive solicitation for an on-body camera system for Police Officers

Supplemental Testimony, in recommendation of a ‘**Do Not Pass**’ vote at Portland City Council.

1. Deploying cameras involves almost every unit within a police department. It’s not just patrol staff, but police management, internal affairs, the legal staff, technology staff, evidence custodians, civilian staff involved with public disclosure and a number of outside agencies such as courts, prosecutors and public defenders will all be involved in implementing and overseeing the system.

2. Body-cams might make patrol officers less efficient. On one hand, police reports may be easier to write and charges easier to file with the video to back up statements by officers, victims and witnesses. On the other hand, officers and supervisors will now need to spend time reviewing video, a new task in their workdays. Seattle’s patrol officer staffing is already stretched thin.

3. Body-cam video creates a huge volume of digital material. The Seattle Police Department employs more than 500 patrol officers. A full-time body camera policy, if each officer works 40 hours a week, will create 20,000 hours of video a week. Of course, most video systems are set up to record only at certain times – when an officer turns on his or her camera, or, in the case of dash cam video, when the overhead lights are turned on during an incident or traffic stop. Even in these cases, at the very least, hundreds of hours of video will be produced each week.

4. Body cam video might not tell us as much as we’d like. Police work occurs during abysmal conditions: rain, snow, traffic noise, night-time. Audio and video quality often will be poor.

5. Body-cam video programs present major technological challenges for a department. City and county governments must fund their police departments to maintain adequate disk storage for all the video created by body cams; create a secure system to move the video from an officer’s body cam to secure servers; acquire servers fast enough to immediately serve video on demand; back up the video in case of disk storage failure and protect the system from intentional or inadvertent alteration and hacking. Last but not least, someone will need to add metadata to each video clip, such as date, time and the names of officers, victims and witnesses, so the video is easily searchable.

6. Video presents a major public disclosure issue. The Washington Public Records Act states that these videos are public, except when a case is under investigation. The State Supreme Court’s recent decision in the case “KOMO-TV versus the Seattle Police Department” reinforced that.

But body cams capture, in real-time, the trauma of often-innocent crime victims, including victims of domestic violence and rape, as well as people having medical emergencies and who are being detained or arrested – often when charges are later dropped. They also capture statements from witnesses, victims, confidential informants and sometimes attorney-client privileged conversations.

In the KOMO decision, a minority of the Supreme Court felt that such video should not be released under Washington’s Privacy Laws, and public disclosure is the major reason most Washington police agencies do not widely employ body-worn video. Baltimore has created a specific police task force to address privacy issues and others associated with body-cams. Seattle has a digital privacy initiative to address not just police and body-cam issues, but privacy issues in general.

7. The redaction problem. In the DOJ Study, a sergeant with the Albuquerque Police Department commented that “officers a lot of times are seeing people on the worst day of their lives, and we’re capturing that on video that’s now a public record.” Every video will need to be reviewed and redacted. Because software to reliably blur individual faces does not yet exist, that redaction must be done manually – a time consuming and expensive process.

The Seattle Police Department is conducting a hackathon on December 19, 2014, hoping to enlist the help of tech-savvy citizens to address the problem of redaction.

8. Police departments will need to develop a new set of policies to address the issues raised by body cams, many of which are quite thorny. Should officers be required to ask permission before recording an interaction? What about recording inside a private residence? Should officers be allowed to turn the video on and off? Under what circumstances? Such questions require serious deliberation.

In Washington, Attorney General Bob Ferguson just released an opinion stating officers do not need to ask permission before recording, though elected officials may decide they want officers to ask before making recordings inside a private home.

9. Departments will need to renegotiate union contracts. Deployment of body-worn video often requires re-negotiation of the police union contract, and negotiation of the policies with community organizations such as the ACLU.

10. Extra training. Officers must be trained not only in the operation of body-cams, but also in all new policies for managing video and using it as evidence. All this training means officers will, again, spend less time on the street.

Observations by Bill Schrier, former Chief Technology Officer, City of Seattle, as published 9 December 2014, Crosscut.com.