



Law Enforcement Body Cameras

ISSUE

This *Issue Review* provides background on body cameras worn by law enforcement personnel. Body cameras can be a useful tool when used correctly in providing transparency and accountability between the public and law enforcement. However, there are many policy and cost aspects that are involved with implementation of a body camera program.

AFFECTED AGENCIES

Department of Public Safety
Department of Education
Department of Transportation
Department of Natural Resources
Board of Regents
City and County Law Enforcement entities

BACKGROUND

Contact with citizens during a police officer's official duties can be unpredictable, whether it involves routine traffic stops, responses to violent situations, or other interactions with the public. There have been several high-profile instances of violent confrontations in recent years between police officers and the public. Media coverage and public discussion has focused on the concept that wearing body cameras could potentially alleviate instances of police misconduct and provide an accurate record of events. Additionally, police officers are increasingly in favor of wearing body cameras to protect themselves from complaints and allegations of misconduct from the public. Body camera usage may also increase the level of trust between law enforcement and the public. The costs and benefits, as well as the policy implications, are all part of the decision process of the use of body cameras.

Technology enabling video of police and citizen interactions has evolved over the years. Use of car dash cameras to record encounters with citizens began in the 1990s, and as they became widespread, agencies discovered that car dash cameras had many benefits including increased officer safety, documentation of traffic violations, documentation of citizen behavior, reduced court time with video evidence, video evidence available for use in internal investigations, reduction of frivolous lawsuits, and the increased likelihood of successful prosecution.¹ Since then, dash cameras have been widely adopted and accepted by law enforcement agencies and officers. Generally, dash camera video is discarded if the traffic stop does not result in an arrest, and retained for a period of time until court resolution if an arrest is made.

Body cameras are being seen more frequently as a solution to provide an accurate picture and preserving evidence of encounters, friendly or not, between law enforcement personnel and

¹ International Association of Chiefs of Police National Law Enforcement Policy Center, Body-Cameras, (Alexandria, VA)

members of the public. Video can be entered into evidence as further proof of an incident, and can lead to higher rates of arrest, prosecution, and conviction.

The use of body cameras is also being introduced in other professional areas. The Burlington, Iowa, Community School District is believed to be one of the first school districts in the nation to have body cameras worn by school administrators to record parent and student interactions. While there are several police departments in Iowa that have begun using body cameras and have instituted their own policies at the local level, there is currently no statewide policy on the use of police-worn body cameras, including the storage and release of video, and no state funding for the purchase and implementation of body cameras.

Transparency and accountability are repeatedly cited as reasons for the use of body cameras. Studies have shown that citizen complaints of officer misconduct decrease when body cameras are worn.² Cameras can be effective at preventing escalation during police-public interactions, whether that includes abusive behavior towards police or unnecessary use of force by police. They can help protect the public against police misconduct, while also protecting police against false accusations of abuse. Body cameras help to ensure events are captured from the officer viewpoint when cell phone cameras are being used by the public to film encounters.

The possible uses of body cameras include:

- Document interactions with victims, witnesses, and others that can be used in investigations.
- Document evidence at the scene of a crime.
- Provide resolution of administrative and criminal complaints from the public.
- Provide a valuable resource and reliable evidence for investigators, prosecutors, and juries during trials with more accurate documentation of scenes, interviews, and encounters.
- Evaluation of police officer performance by law enforcement agencies in a more complete and fair manner when complaints arise.
- Officer training.

However, technology is advancing faster than the policy to regulate it. State public disclosure laws (freedom of information laws), [Iowa Code chapter 22](#), were mostly written well before body cameras came into use, as is the case in Iowa, and do not account for body camera images and files. In a Police Executive Research Forum (PERF) survey, 500 law enforcement agencies received an invitation to participate in a survey, and there was a 50.0% survey response rate. Of those responding, 75.0% did not currently use body cameras. Of the 25.0% that did use cameras, almost one-third had not developed written policies.³

POLICY CONSIDERATIONS

Before body cameras are used by a law enforcement agency, the policy regulating their usage and the resulting video files should be carefully considered and established.⁴ If law enforcement agencies are transparent and open about their camera policies, it is more likely that the public will have more understanding and acceptance of them. This includes posting the policies on public and social media websites. Public disclosure of camera use, as well as the policy pertaining to video imaging regulation, should be made available at the very beginning of the process.

Consideration in setting policy should be given to:

- Right to privacy issues with incidents involving nudity, children, death, or dismemberment.
- Public record status of all body camera video.

² Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum, 2014, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services.

³ See footnote 2.

⁴ See footnote 2.

- If cameras should be utilized with all public contact, or only certain specified instances.
- Usage of body camera imaging allowing for facial recognition technology.
- If cameras should be used in a private residence when the officer is voluntarily admitted into the residence where there is an expectation of privacy for the homeowner.
- Camera usage in contacts with a confidential witness.
- Video containing evidence that is a part of an ongoing investigation.
- Camera usage in the case of interviewing victims of certain crimes such as assault, sexual abuse, and domestic violence.
- Retention, storage, and disclosure of video imaging including protocol in maintaining chain of evidence of video files.

Internally, a law enforcement agency should consider how video imaging will be used. Officers can be reluctant to wear body cameras, fearing they will be used by management to track the officer's actions and become a disciplinary tool. One solution to this concern is an auditing function performed by an internal audit unit for periodic, random monitoring. Another solution is to allow the video to be viewed by supervisors only when there is an issue raised regarding an incident. There are justifiable concerns raised by officers regarding their privacy as well. There may also be inconsistencies in releasing video to the public and employee privacy issues currently contained within the state open records law ([Iowa Code chapter 22](#)).

In the absence of a statewide policy, the courts could eventually determine policy on a case-by-case basis. Presently, the city of Burlington, the Burlington Police Department, and the Iowa Department of Public Safety (DPS) are withholding the majority of video recorded by body cameras during a January 2015 incident where an individual was shot and killed by a Burlington police officer. The Iowa Public Information Board (IPIB) received complaints from the family of the individual killed and the Burlington newspaper, *The Hawk Eye*, requesting full disclosure of the body camera files of the incident. The Division of Criminal Investigation of the DPS has made public a 12-second video of the incident, but refused to release any additional footage, stating the additional video only shows efforts to provide medical care and the victim in a state of partial undress. At the September 2015 IPIB meeting, members voted 5-3 to accept the complaints seeking access to the video. If a mediated resolution to the complaints is not reached, then the family and newspaper are at liberty to file a lawsuit seeking the video release.

Various studies and interviews from law enforcement agencies have yielded the following consensus on policy:

- Officers should be required to activate cameras when responding to calls for service and during law enforcement-related encounters and activities, but given the discretion to not record when doing so would be unsafe, impossible, or impractical. The officer should be required to give in writing at a later time or verbally on the camera why they are turning the camera off. That gives discretion to not record, if doing so infringes on an individual's privacy rights, and allows the officer to determine if getting an unrecorded statement from an individual with potential evidence is better than no statement at all if the person does not want to be recorded. Department policy should address the use of disciplinary action for officers that fail to adhere to the recording requirements or otherwise interfere with camera video.
- Body cameras should not be used for the sole purpose of monitoring specific employees. They should not be activated in administrative settings, or used to record communications between officers.
- Encounters with undercover officers or confidential informants should not be recorded.
- In a residence where there is a heightened degree and expectation of privacy, officers should inform the resident of recording use. The device should then be turned off, if requested. However, if an officer is entering a dwelling without the consent of the resident, such as when serving a warrant or under exigent circumstances, a recording should be made of the incident until its conclusion.

- There should be times when officers should be given a degree of discretion to discontinue recording in sensitive situations as long as they document the reason for deactivating the recording. Examples include when talking to a sexual assault victim, or on the scene of a particularly violent crime or accident scene. This is especially true if the recording may be subject to Freedom of Information Act requests. Recordings could be posted on media sites that could cause unnecessary distress for victims and their families.
- Officers should avoid recording children that are not involved in an incident, as well as innocent bystanders.
- Retention of video should be dependent on whether it is evidentiary or non-evidentiary. For non-evidentiary video files, the most common retention time is 60 to 90 days. A shorter retention time addresses privacy concerns, and reduces the costs of data storage. There is no consensus regarding the length of time for retention of evidentiary video, but it should be kept at least until the conclusion of the related investigation and court proceedings.

ACTIVITY NATIONWIDE

The U.S. Department of Justice reported in July 2015, that 32.0% of all state and local police departments deployed body-worn cameras for at least some officers in 2013. The National Conference of State Legislators (NCSL) reports that 19 states have either enacted laws or adopted resolutions concerning body cameras. Legislation has included creating study committees, setting standards for police use, protecting privacy, creating funding opportunities, and applying body camera recordings to eavesdropping and open records laws. **Table 1** summarizes what legislation in other states to date. This information is from an NCSL Legislative Summit handout presented in August 2015 and can be [found here](#).

Table 1

State	Study Required	Requires Camera Usage	Written Policy Required	Provides Funding	Addresses Open Records Laws	Addresses Eavesdropping Laws
Arizona	X					
California	X	X		X		X
Colorado	X			X		
Delaware			X			
Florida					X	
Illinois			X	X	X	X
Louisiana	X					
Maryland	X		X			
North Dakota					X	
Nevada		X	X	X	X	X
New Hampshire						X
New Jersey	X					
Oklahoma					X	
Oregon			X		X	X
Pennsylvania		X (limited)				
South Carolina	X	X	X	X	X	
Texas			X	X	X	
Utah			X			
Vermont	X					

POTENTIAL COSTS

One major impediment to the implementation of body cameras for all law enforcement personnel is the cost of a full system, including the camera equipment; training of officers for usage of the cameras; the computer technology to download, retain, and store the videos; and the personnel costs to address video processing, chain-of-evidence issues, and retrieving video as deemed necessary.

In an era of budget cuts and trying to maintain status quo budgets and services, the onus of funding cameras at the local level can be overwhelming. Proponents of body cameras believe that in the long run, cameras might save law enforcement agencies money by discouraging lawsuits and complaints. To date, there is limited documentation regarding that theory. Some

individuals have donated private funds to purchase cameras for smaller agencies, and in September 2015, the U.S. Justice Department announced it was awarding 73 local and tribal law enforcement agencies in 32 states with \$19.3 million in funding for body cameras, \$2.0 million for training and technical assistance, and \$1.9 million to examine the impact of camera use. The grants required a 50/50 in-kind or cash match from the agency.

Cost components of body cameras include:

- The initial outfitting of individuals with cameras, and the maintenance and replacement costs for those cameras.
- Data storage compliant with relevant statutory requirements to preserve the evidentiary chain of custody. The longer the established retention time of evidentiary and nonevidentiary video is set, the higher the storage costs will be. Protections against data tampering, editing, and copying must be addressed.
- A reliable back-up system.
- Personnel and administrative costs to manage the video files for internal usage.
- Personnel and administrative costs to review and redact video files for public and prosecutor use. Redacting, or blurring certain elements of the video, must be done separately with additional software.

Body cameras are available from private vendors for \$120 to \$2,000 each. The cost can vary depending on the number of cameras being purchased, the length of the maintenance contract, and the level of software upgrades included in the contract. Most agencies responding to the PERF survey reported a cost of \$800 to \$1,200 each for cameras that meet their requirements and are the most useful. In a response to a fiscal note request generated during the 2015 Legislative Session, the Iowa Department of Public Safety used an estimate of \$800 per camera. Based on this estimate, the cost to outfit 394 sworn Iowa State Officers with body cameras is \$315,200.

Data storage is perhaps the most expensive part of a body camera program. The costs depend on how many videos are produced, how long they are kept, and where they are stored. Some estimates indicate that an individual officer in a metropolitan area could produce between 1,000 to 3,000 videos per year, depending on the length of each video. In Iowa, the Coralville Police Department reported uploading an average of 70 videos a day (this is approximately 775 videos per year per officer), and the Department has upgraded their additional digital storage space from 6 terabytes to 60 terabytes (with an additional 60 terabytes for a backup system) at a cost of \$18,000. Amazon charges \$360 per terabyte/year.⁵ One 30-minute video occupies about 800 megabytes of storage space, and there are one million megabytes in a terabyte.

Vendors catering to law enforcement needs may charge more depending upon the services rendered, including audit trails, redaction capabilities, and chain of custody. There are definitely specific needs related to storing criminal evidence, not the least of which is security of the data. Most cloud storage platforms do not meet the Federal Bureau of Investigation's Criminal Justice Information Services requirements.

Some items to consider relating to data storage include:⁶

- Prosecutors and legal advisers should be consulted.
- Data tampering, editing, and copying should be prohibited.
- There need to be protections against tampering with the data prior to downloading.
- An auditing system needs to be created.
- It needs to be explicitly stated who will be authorized to access data.

⁵ Matt Stroud, "Taser is Charging Stunning Fees to Handle Police Video," Bloomberg Business, (June 2015).

⁶ Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum, 2014, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services.

- A reliable back-up system is necessary.
- It should be specified when videos will be downloaded from the camera to the storage system and who is responsible to download them.
- Third-party vendors should be considered carefully in regards to their technical capabilities and if the system includes protections, including audit trails and secure backup.

Managing the camera program also comes with a cost. This includes reviewing and categorizing the videos, especially important for evidentiary videos. There can be significant administrative costs while responding to requests from the public or media for video files. At this time, separate software is necessary to blur or redact faces within the video file or the software package purchased from the vendor would need to include this capability. The ability to locate these files at a later time is dependent on the indexing and categorizing of them when they are first captured, increasing the complexity of the overall system. Whether or not these costs should totally be borne by the public is also a topic for consideration when developing policy. It has been recommended, depending on the size of the agency, that at least one person be dedicated to the job of administering the camera program including reviewing and classifying videos, handling public and media requests for video files, and working with the prosecuting attorney's office for video sharing. Not only are there technology costs for a law enforcement agency, there are technology costs in the court system too. The Judicial system and prosecutor's office will need to be able to view and display the video files in a court setting. Video files from different vendors may have different technical standards, requiring the Judicial system to have multiple solutions to use the video files from different departments within their jurisdiction.

CURRENT USE

According to the survey responses from PERF, agencies that have implemented the use of body cameras report having fewer complaints from the public and an improved relationship with the public has resulted. Having video footage of police-public encounters discourages people from filing unfounded complaints and leads to a quicker resolution of controversial contact. Body cameras can help agencies to identify and correct problems within their department, and serve as a useful training tool, as well as verify that officers are doing what they have been trained to do.

In **Iowa**, several municipal police departments have developed their own agency's policy and instituted the use of body cameras, including Waukee, Dubuque, Urbandale, Clive, Johnston, Iowa City, Coralville, and the Johnson County Sheriff's Office.

- **Waukee** received a donation of \$14,000 from a private individual and purchased 18 cameras at the approximate cost of \$800 each. The city is paying for software and other costs associated with the cameras and had additional one-time costs of \$16,000 for memory storage and backup.
- **Dubuque** is one of 73 law enforcement agencies nationwide to receive a federal grant from the U.S. Justice Department to buy body cameras. The Dubuque Police Department was the only Iowa law enforcement agency to receive a grant, and will receive \$61,230 to buy 120 cameras over two fiscal years. Dubuque is currently developing policy for camera use. The grant is for the purchase of the cameras only, not for storage or other ancillary costs.
- The **Urbandale** Police Department received a private donation of \$13,615 to buy 24 body cameras in 2015.
- The **Clive** Police Department purchased eight body cameras with money received through drug seizures in 2014. Clive has instituted an informal policy of not releasing video files unless a court subpoena is issued.
- In **Johnston**, \$12,000 was spent on eight cameras and the city has plans to purchase eight more. The first eight cameras were to be worn by six patrol officers and two school resource officers. They initially developed a policy outlining training, procedures, maintenance, and other guidelines. Video is to be retained for 60-90 days.

- **Iowa City** purchased 84 cameras at a cost of \$60,000. Iowa City does not release recordings if they are related to an ongoing investigation and preserves recordings for three years on servers.
- **Coralville** spent \$15,150 in federal forfeiture funds for 15 cameras. Video files are retained for two years. As noted above, storage capacity was recently expanded at additional cost.
- The **Johnson County** Sheriff's Office spent \$66,000 for 70 body cameras and a video storage system. Video files are retained for three years.
- **Des Moines** received a donation of \$125,000 from a private individual for the purchase of cameras and is in the process of establishing policies and procedures before making purchases of equipment. The total purchase of cameras will be approximately \$250,000 when all funding sources have been identified. A plan is in place to purchase 300 cameras with implementation starting in the summer of 2016. Policy is being drafted with community input considered.

During the 2015 Legislative Session, two separate bills were introduced regarding body cameras in the law enforcement area. No legislative action was taken on either bill during the 86th General Assembly. [House File 292](#) makes all videos public record unless being used in an ongoing criminal investigation, and then makes them a public record at the time the investigation is closed. The Bill also requires peace officers to record all contacts with people in the performance of their official duties and requires recordings to be retained for at least two years.

[House File 495](#) establishes Citizen Review Boards to review complaints of racial profiling made against a law enforcement agency or security agent. It also requires law enforcement officers to wear a body camera and record all contact with individuals in the performance of official duties, with some exceptions. These recordings must be retained for 30 days and up to three years or longer, depending on potential for use in a criminal prosecution. The Bill allows an individual that was recorded, an individual whose property was seized or damaged in relation to a crime included in the recording, or a parent/guardian of the person in the recording (or whose property was damaged), or their attorney to receive a copy of the recording. All others may request and receive a copy of the recording if each person in the recording consents in writing.

CASE STUDY: PHOENIX, ARIZONA⁷

The Bureau of Justice Assistance through the Smart Policing Initiative awarded the Phoenix Police Department \$500,000 to purchase, deploy, and evaluate police body cameras. The Department purchased 56 units. After a year of implementation, the Program was evaluated. Domestic violence incidents were most likely to be recorded (47.5%), followed by violent offenses (38.7%), back-up (32.9%), and subject/vehicle stops (30.9%). Officers said that the cameras were comfortable and easy to use, but the officers were dissatisfied with long download times, and the increased time to complete reports. Video submitted to court was difficult to process because of logistical problems associated with chain of custody and the length of time for prosecutors to review video files. As a result of this, the Agency assigned a police officer to serve as a court liaison officer. Officer productivity increased through the number of arrests, while complaints declined by 23.0%. Officers receiving a complaint were significantly less likely to have the complaint sustained. A large number of complaints were not pursued because of video recordings. It was found that body cameras did not have an impact on suspect behavior such as resisting arrest. For domestic violence incidents, the cases were more likely to be initiated, result in charges filed, and a guilty plea or guilty verdict. The average length of each video file in Phoenix was 9 to 10 minutes.

Before the Phoenix Police Department officers began wearing the cameras, the Phoenix Police Department developed policy guidelines on training, charging the cameras, downloading data,

⁷ Katz, Charles M., David E. Choate, Justin R. Ready, & Lidia Nuno (2014): Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department. Phoenix, AZ: Center for Violence Prevention & Community Safety, Arizona State University.

when to activate the device, prohibited recordings, and a serious incident protocol. From this study, it has been recommended that a law enforcement agency:

- Develop a citywide strategic plan including scope, nature, and timing of camera deployment, IT, training and policy needs, auditing procedures, and budgeting.
- Focus increased attention on the needs of the city prosecutor's office.
- Develop and deploy officer-worn body camera training.
- Increase officer camera activation compliance.

CASE STUDY: RIALTO, CALIFORNIA⁸

The Rialto Police Department is a mid-size agency in a city with a population of approximately 100,000. There were 54 officers randomly assigned to wear body cameras, and during this study cameras were utilized during every encounter with the public, except for underage sexual assault cases and police informant encounters. Over a three-year period more than 2.3 million videos were generated.

Before this study, the Rialto Police Department averaged 61 use-of-force incidents per year. During the study, this dropped to 25 incidents. During the year before this study, 24 citizens lodged grievances against officers, during the study there were three complaints lodged. Research indicates that human behavior seems to modify when the subjects (both suspect and officer) are aware that they are being observed and recorded.

All use-of-force incidents involving officers wearing cameras began with a suspect physically threatening the officer, while 5 of 17 use-of-force incidents involving officers without cameras occurred without a physical threat from the suspect. Shifts without cameras experienced twice as many use-of-force incidents as shifts with cameras.

SUMMARY

Law enforcement body camera programs have been implemented in many states and jurisdictions. These programs can be expensive to implement but have proven to be an effective tool in reducing criminal activity, aiding in prosecution, and improving the interaction between law enforcement personnel and the public. Experience has shown that these programs are most effective when policies and procedures have been considered and implemented prior to the purchase and use of cameras.

The General Assembly may wish to address the policy issues related to body camera video files and public records versus private rights of individuals. Without statutory guidance, local jurisdictions will continue to establish their own separate and diverse policies as camera use is implemented. Also, without statutory guidance, the judicial system will establish rules in regards to releasing video files for public use as cases work their way through the court system.

A study committee to address the cost and policy implications may be an effective way to consider all of these issues before enacting legislation. There are many research papers and case studies available through [the Police Executive Research Forum](#), the [International Association of Chiefs of Police](#), the [Police Foundation](#), the [Fraternal Order of Police](#), and the [American Civil Liberties Union](#) addressing the best policy recommendations for law enforcement.

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⁸ White, Michael D. (2014.) *Police Officer Body-Worn Cameras: Assessing the Evidence*. Washington, DC: Office of Community Oriented Policing Services.