GET THE PICTURE:
ADDRESSING THE SURVEILLANCE REVOLUTION

Ensuring local programs are well designed and effectively managed

By Mark Ryckman, ICMA-CM, and Don Zoufal

TAKEAWAYS

› Consider how to store, manage, and release video data.

› Identify ongoing video program costs not covered by initial program grants.

› Collaborate with stakeholders and community partners to develop a successful camera program.

The use of video in public safety is growing rapidly. Local governments are deploying a wide range of such systems as downtown surveillance cameras, automated license plate readers, police dash cams, and police body-worn cameras. Some communities are also implementing systems that allow the public to submit video to central command centers during an incident.

Video surveillance technology is alluring. It can provide greater situational awareness during an incident, and it can be used for evidentiary purposes after a situation has occurred. It has wide public appeal, as it can be seen as a quick technological solution to reduce crime and provide greater transparency and accountability of officer performance. If carefully developed and properly resourced, video programs can help meet a community's public safety expectations.

Unfortunately, however, careful analysis and enactment of public policy to address the implications of this new technology has not always kept pace with video deployment. Numerous factors must be considered, including privacy issues, system security, record storage and retrieval, maintenance costs, criminal justice matters, and civil liability.

Local government managers are in a unique position to facilitate this debate to ensure their agency's video programs are effective and sustainable, while being tailored to the political sensitivities of their communities.

Post-9/11 Revolution

The video surveillance revolution began slowly in the decade following 9/11. Some communities, large and small, experimented with the development of fixed systems covering high-crime areas, commercial centers, government facilities, and other areas of critical infrastructure.

Along with this growth in government surveillance programs was an increased use of video solutions to enhance security in the private sector. Camera and computer technology advances allowed for the capture and use of increasingly detailed visual imagery through digital networks, making this expansion possible. It also facilitated such new uses for cameras as automated reading of license plates.

While large static systems and even limited mobile systems in the public sector were being developed, there was a simultaneous growth in the consumer market for mobile devices. Smartphones and tablets allowed the general public to capture and transmit high volumes of visual data.

This phenomenon has resulted in increased pressure for public 911 centers to take in this data through a new Internet protocol-based system called the Next Generation 911 initiative (http://www.911.gov/911-issues/standards.html). The Boston marathon bombing in April 2013 increased public awareness about the importance of mobile camera data. The value of data collection and compilation for solving crimes and documenting events became apparent.

The weighing of costs and benefits is often a challenging task with respect to the introduction of new technology. This suggests a need to move cautiously with new technology that can have significant cost, social considerations, and legal ramifications.

The most recent iteration in the surveillance revolution is the introduction of body-worn cameras (BWCs) to law enforcement. Representing a fusion of the mobile revolution and the desire for enhanced, large-scale government systems, BWCs promise to dramatically enhance government information on both criminal conduct and the activities of large sectors of the government workforce. Recent high-profile law enforcement incidents have fueled public and political pressure to widely deploy them.

Local governments are now confronted with sustaining these systems, meeting storage retention and dissemination requirement costs, and balancing privacy issues with public safety benefits. Managers play a critical role in guiding these discussions and ensuring public safety video programs are as well designed and effectively managed as any other local government program.

Purpose and Policy Are Key

Developing strong written policies is a critical starting point for any municipal service. Camera programs are no different. A clear understanding of the governmental purpose to be accomplished through the camera program is an important first step.

In this regard, it should be noted that each type of camera can have a unique use. The purpose of a BWC program, for example, may be different than one for area surveillance. The policies governing each program should be consistent with the camera's particular purpose and the authorized use of camera data.

Those differences require individualized retention schedules, access and use policies, and rules for dissemination. Customized policies to address the governmental purpose, protection of privacy and civil liberties, and concerns over data security should undergird all camera programs.

Advantages and Challenges

Like the introduction of most new pieces of equipment, cameras offer advantages but also present challenges. In deciding whether and how to implement a camera program, local governments would be sensible to consider both of these aspects before acting.

Deployment of video technology is not a quick fix for public safety issues. Rather, the deployment of cameras is one tool among many in furthering local government public safety objectives.

Reviewing the benefits. Empirical evidence to support an assessment of many of the positive claims about camera programs is in short supply. (One local government example can be found in the November 2015 *PM* at icma.org/en/press/pm_magazine/issue/166/2015/November.)

Much of the understanding of the value of camera systems, be they large, fixed systems or BWCs, is mixed or anecdotal[1] at best. The data also differs by use; for example, deterrence versus guiding response efforts.

Initial reports from departments using body cameras suggest a reduction of resident complaints of misconduct and better behavior by both officers and subjects.[2] These are certainly positive signs, but until more detailed research can be conducted, the extent of this benefit cannot be fully assessed.

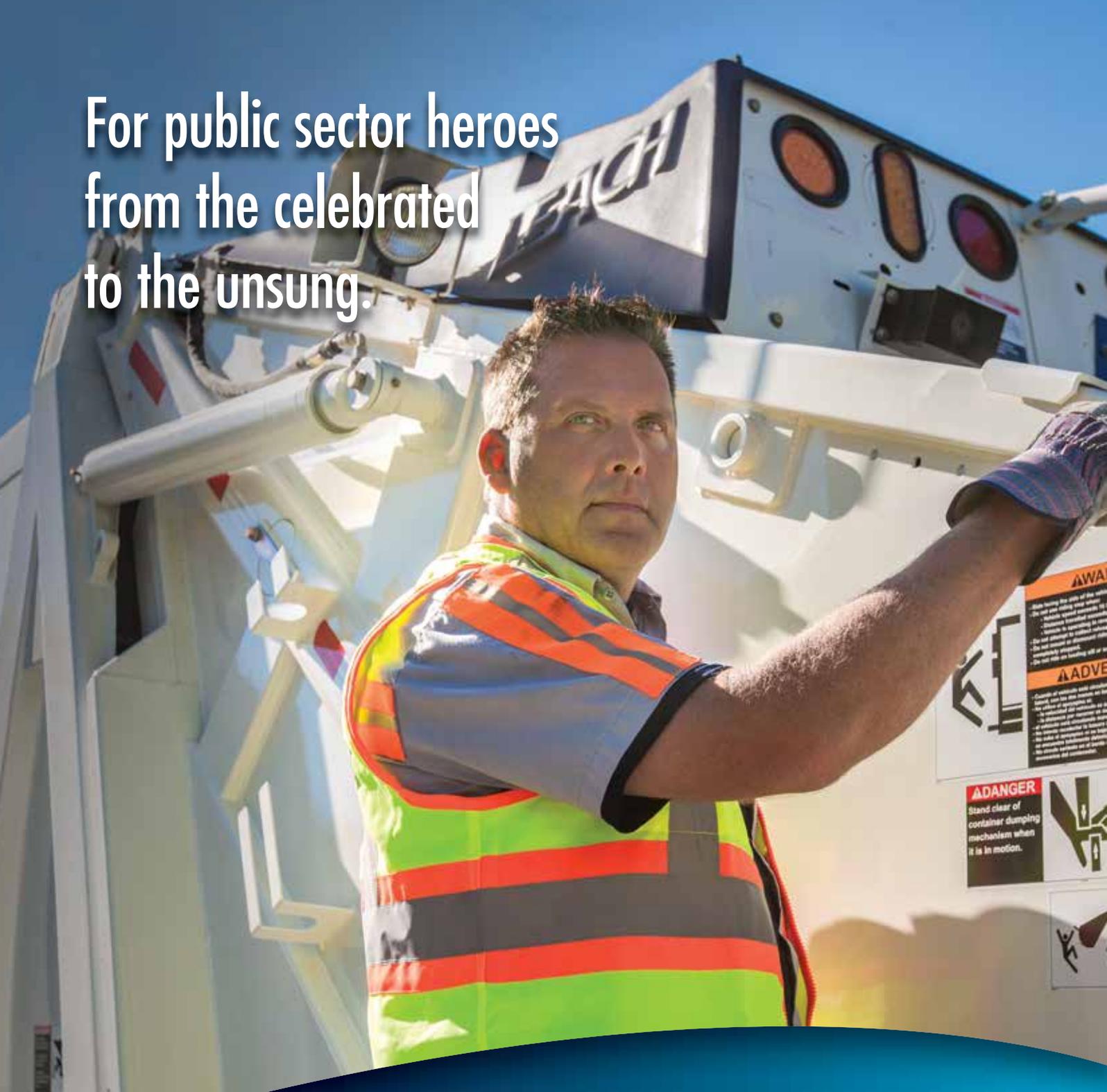Also claimed, but unclear, are benefits in the area of cost reduction in civil litigation and in prosecutions. Proponents contend that the evidence that body cameras produce will strengthen positions in prosecutions and reduce liability for frivolous civil claims. To the extent that officers are compliant with all department rules and policies, both claims are likely true. Where there are departures from policy, liability may be expanded.

Given the current state of research, local governments should expect to operate without detailed quantitative support. Reliance on public sentiment along with first-responder experience and expertise is likely the best avenue to support decision making.

Understanding the cost. On the negative side of the ledger are issues of cost and personnel resources created by camera programs. With the proliferation of digital systems inside law enforcement—from computer-aided dispatch to digital record systems to digitally collected evidence of the commission of crimes—there is a growing need to develop systems that can manage, track, secure, and produce this information for police, prosecutors, defense attorneys, and courts.

One thing is certain with respect to cost and resource requirements. The larger the program and the more complex and flexible the process for collecting data, the greater the need for content management.

While there are often grant programs that provide funding for the purchase of cameras, those programs frequently fail to cover the ongoing operating costs.[3] Quantifying these costs during program planning and securing long-term funding are important to avoiding unanticipated costs in the future, which may jeopardize the camera program's sustainability.

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The introduction of systems like BWCs, largely owing to the substantial amount of data they promise, add to the existing digital footprint of most agencies. This has more squarely focused attention on back-end problems like storage, retention, dissemination, and developing processes to use and access digital data.

Local governments should understand that requirements for management of camera recordings can require additional investment in personnel and other resources for complying with court-ordered processes, open records requests, and reporting requirements.

Along with requirements for dissemination will likely be redaction requirements. Redaction—that is, adapting for publication or release—of video, audio, and metadata from retained records can be technologically challenging and time-consuming.

It should be noted that not all data being accessed is initially a public record, but it may be collected from private systems and personal devices. These private data sources need to be managed as well.

Nongovernmental systems, including camera networks established by businesses and individuals, along with smartphone stills and videos captured by residents, must be accommodated in new systems for evidence and data collection. Determining who owns the data at various points in the collection and dissemination process should be outlined during system design.

Managers need to encourage the development of written agreements between their local governments and the owners and operators of private camera systems that cover data rights, responsibilities, and release parameters.

Ongoing maintenance. In addition to the cost of managing and disclosing recordings, there are also additional costs for maintaining the equipment and systems used to gather and store records. Like any other piece of equipment, camera systems need a maintenance program.

For systems that are based on a public-private partnership, the responsibility for ongoing maintenance and capital improvements should be well-defined during the design phase—long before deployment.

Cyber security. Finally, there is the issue of data storage and security. This is a cost issue but also has policy implications. As the size and scope of data increases, local governments are turning to cloud-based solutions for management and storage. While each jurisdiction needs to assess this structure in light of its own unique operational needs, it is likely to be the most cost-effective solution.

The use of third-party private entities to store and manage data—and particularly evidence—is a relatively new phenomena and public officials need to carefully consider whether such critical government functions should be placed in the hands of nongovernmental entities. Managers would be wise to exercise caution when selecting data storage services to ensure the data can be readily retrieved without additional costs if the community decides to change vendors in the future.

While the cost argument certainly favors cloud-based solutions, there are important policy considerations for contracting an essential governmental function like evidence management to a third party. Security and integrity of data are critical.

The system selected or developed internally must meet court-imposed standards for admissibility of evidence and standards like those of the FBI's Criminal Justice Information Systems Division if the information is to be shared or used in connection with any federally administered or funded criminal justice system or program.

Final Thoughts

Community expectations for cameras, be they fixed programs or BWCs, as a method of increasing public safety or enhancing transparency, are actively pushing local governments to develop camera programs. Arrayed against those

pressures are governmental concerns over the proper implementation of camera programs.

This includes securing stable funding streams to cover the cost and personnel burden associated with the implementation of surveillance programs. There are also concerns over privacy and civil liberty implications of growing camera programs.

Cautious movement. The weighing of costs and benefits is often a challenging task with respect to the introduction of new technology. Issues like community confidence are difficult to quantify. Information on benefits is frequently only anecdotal and unsupported by other research. This suggests a need to move cautiously with respect to the introduction of a new technology that can have significant cost, social considerations, and legal ramifications.

Caution suggests that before a camera program is established there needs to be a clear understanding of expected benefits and anticipated costs. This is the case even when a local government is just seeking to engage in a pilot. Metrics should be identified to measure success or failure of any camera program. Those metrics need to be reviewed regularly to ensure the program is continuing to meet expectations.

Focus on total system integration. The introduction or expansion of any government camera program, but particularly a BWC program, will interject new evidentiary material into the criminal justice system; however, it is only one element in a substantially larger system.

All camera data needs to be viewed as a part of this larger digital ecosystem. To be sure, new BWC programs will add substantial content, but in many jurisdictions there is already a significant amount of digital data already being captured. As necessary back-end expansion occurs, it would be wise to do it in the context of a larger, more encompassing growth plan.

To that end, thought should be given as to how to integrate existing and future inputs that can accommodate all the digital sources that will feed the 21st century criminal justice process. Assistance by people skilled at performing the task of digital system integration would be advisable.

Inclusion of multiple stakeholders. Camera programs generally touch a wide variety of interests. As such, multiple groups of stakeholders have an interest in camera program adoption and implementation, including:

- Community groups seeking to restore trust and/or enhance safety.
- Law enforcement professionals and bargaining groups concerned about operational efficiency and effectiveness, cost, and officer rights.
- The criminal justice system of courts, prosecutors, and defense counsel that will be affected by the introduction of new technology to gather evidence.
- Private sector business operators and commercial concerns.
- Residents looking to share data.
- Privacy and civil liberties advocacy groups that want to weigh in on the issue of government camera use.

All of these groups have a rightful stake in how a program is implemented. As with other programs in government, success is best achieved through an inclusive effort and the engagement of interested stakeholders. Managers need to help facilitate this dialogue.

Examining the application of this principle to the deployment of BWCs is instructive in this regard. It makes little sense to streamline collection and processing of digital evidence by police departments, if prosecutors and courts are not willing to accept the evidence.

Just as a department has to work to ensure its information and collection integrate internally, thought has to be given to integrating the department's system into a larger criminal justice system. That type of system-to-system integration does not happen in the absence of engagement and cooperation.

Collaboration with internal stakeholders is also important. Use of BWCs, like any other enforcement tool, requires engagement of the officers who must use those tools. Understanding their concerns and responding is critical for program success.

BWC manufacturers offer a range of features for camera wear and performance—not just in how the cameras are worn, but also in how they are activated and downloaded. Considering the views of officers in the selection and use of all aspects of these systems is essential to efficient and effective functions.

Last, but certainly not least, is the need for community engagement. Understanding and managing the expectations of the community and the advocacy groups that represent differing constituencies is important in the development of good policy.

Camera programs are just another tool for law enforcement. They are not a panacea, and all stakeholders would do well to understand that fact. The heightened pace of implementing these programs has been partially fueled by high-profile cases covered in the national media.

The community emotion surrounding these issues cannot be discounted when determining how and where to deploy new camera technologies, but raw emotion alone is not a sufficient basis for program determination. Careful analysis using objective data must be at the core of these discussions.

Application of the reasoning process outlined above is essential for any camera program. Identifying technical solutions is much easier and quicker than building consensus. Without consideration of the concerns of all stakeholders, program goals will be difficult, if not impossible, to achieve.

The most successful systems will include comprehensive solutions that are analyzed and developed in an objective manner while engaging stakeholders to build consensus and support. Managers would be wise to take the lead on structuring these processes and facilitating the dialogue.

This type of new camera technology is rapidly evolving. If done right, it can help meet the community's public safety needs and build trust between law enforcement and local constituencies. **PM**

ENDNOTES AND RESOURCES

1   U.S. Department of Justice, Bureau of Justice Assistance, has created a "National Body-Worn Camera Toolkit" (Cited at https://www.bja.gov/bwc and accessed August 31, 2015) as an online resource center.

2   White, Michael D, "Police Officer Body-Worn Cameras: Assessing the Evidence," U.S. Department of Justice, 2014.

3   For example, current federal programs for funding BWCs cover only the camera itself and associated hardware and software. It is almost universally acknowledged that such costs are relatively small with respect to a BWC program implementation.

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