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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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June 9, 2015

Lindsay Miller
Senior Research Associate
Police Executive Research Forum
1120 Connecticut Ave NW, Suite 930
Washington, D.C. 20036

Dear Ms. Miller:

Thank you for your testimony at the Senate Committee on the Judiciary, Subcommittee on Crime and Terrorism hearing entitled "Body Cameras: Can Technology Increase Protection for Law Enforcement Officers and the Public?" on May 19, 2015. I appreciated you taking the time to appear before the Committee.

I have enclosed a copy of the unedited hearing transcript for you to review and make grammatical changes to your testimony, if needed. This is not the official hearing transcript and should not be copied or distributed under any circumstance.

Please mark any changes you may have directly on the transcript, flag the pages and return it to my office, to the attention of Jason Covey, Hearing Clerk, Senate Judiciary Committee, 224 Dirksen Senate Office Building, Washington, D.C., 20510 or by email to Jason_Covey@judiciary-rep.senate.gov. In order to complete the hearing record, please return this transcript with your changes as soon as possible and in no event later than **July 7, 2015**.

Again, thank you for your participation. If you have any questions, please contact Jason Covey at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman

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BODY CAMERAS: CAN TECHNOLOGY INCREASE PROTECTION FOR
LAW ENFORCEMENT OFFICERS AND THE PUBLIC?

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TUESDAY, MAY 19, 2015

United States Senate,
Subcommittee on Crime and Terrorism,
Committee on the Judiciary,
Washington, DC

The Committee met, pursuant to notice, at 3:00 p.m.,
Room 226, Dirksen Senate Office Building, Hon. Lindsey
Graham, Chairman of the Subcommittee, presiding.

Present: Senators Grassley, Cornyn, Durbin,
Whitehouse, Klobuchar, Franken, Coons, and Blumenthal.

1 TESTIMONY OF MS. LINDSAY MILLER, SENIOR RESEARCH
2 ASSOCIATE, POLICE EXECUTIVE RESEARCH FORUM, WASHINGTON,
3 DC

4
5 Ms. Miller. Good afternoon and thank you, Chairman
6 Graham and members of the committee, for the opportunity
7 to speak today about the important issue of body-worn
8 cameras.

9 My name is Lindsay Miller and I am a Senior Research
10 Associate with the Police Executive Research Forum, which
11 is an independent, nonprofit research organization that
12 focuses on critical issues in policing.

13 Our work on body cameras began in 2013 when we
14 partnered with the U.S. Department of Justice's Office of
15 Community-Oriented Policing Services to research the use
16 of body cameras in police agencies.

17 Last September, PERF and the COPS office released a
18 publication that examines the benefits of body cameras
19 and considerations for implementation. The report also
20 provides a set of 33 comprehensive policy recommendations
21 that reflect promising practices and lessons learned.

22 ~~So~~ Today I am just going to touch briefly on a few of
23 our key findings and recommendations, and my submitted
24 written testimony provides additional details on these
25 topics.

1 ~~so~~ ^{sf} first and foremost, we caution that the decision
2 to implement a body camera program should not be entered
3 into lightly. Agencies must thoughtfully examine all of
4 the issues that cameras raise and develop careful written
5 policies to govern their use.

6 We also found that when implementing a camera program
7 and developing policies, it is critical that agencies
8 engage with community organizations, line officers and
9 unions, local policymakers and elected officials,
10 prosecutors and other stakeholders. Making it a
11 collaborative process can help strengthen the legitimacy
12 of a program and make implementation run more smoothly.

13 We also caution, again, that while body cameras can
14 be a very useful tool, they are not a cure-all. We need
15 to view them as just one tool and remember that they are
16 not a substitute for good policies, good training, and
17 good community policing programs.

18 ~~so~~ ^{sw} When it comes to the benefits of body cameras, we
19 found that cameras have been useful for several things:
20 strengthening police accountability and agency
21 transparency; improving the behavior of people on both
22 sides of the camera; as Senator Scott said, reducing and
23 resolving officer use-of-force incidents and complaints
24 against officers; identifying and correcting problems
25 within the agency both at the individual level and

1 throughout the entire agency; strengthening officer
2 performance by using the footage for training and
3 monitoring; and, improving evidence documentation for
4 investigations and prosecutions.

5 We also looked at some of the considerations that
6 agencies must take into account when implementing
7 cameras. These include privacy considerations,
8 especially when it comes to filming victims and
9 witnesses; the impact that cameras have on relationships
10 between police and members of the community; how to
11 address concerns that officers and unions may have about
12 wearing cameras; managing the expectations that body
13 cameras create especially among courts, oversight bodies
14 and members of the public; and, finally, how to manage
15 the significant ongoing financial costs of a body-worn
16 camera program.

17 ~~So~~ Turning to our actual recommendations, I am just
18 going to cover a couple. ^{of them} One of the most important
19 questions that an agency will answer is when to require
20 officers to turn their cameras on and off. Our report
21 recommended that with limited exceptions, they should be
22 required to activate their cameras when responding to all
23 calls for service and during all law enforcement-related
24 encounters and activities that occur while the officer is
25 on duty.

1 We also recommend that officers should be required to
2 obtain consent prior to recording interviews with crime
3 victims and they should have limited discretion to keep
4 their cameras off during conversations with witnesses and
5 members of the community who wish to provide information
6 about a crime, but who do not want to speak on camera.
7 And this addresses some of the significant privacy
8 concerns that come with videotaping crime victims and
9 witnesses.

10 One of the biggest issues that is emerging that is
11 facing police agencies is when to release video footage
12 to the public and the media. This is a very difficult
13 issue and there really are no easy answers.

14 Our report generally recommended a fairly broad
15 disclosure policy to promote agency transparency and
16 accountability. However, agencies must also balance this
17 need for transparency with the very real privacy and
18 evidentiary concerns that come with releasing footage to
19 the public. We always want to make sure that videos of
20 people in their most vulnerable do not end up on You
21 Tube.

22 So, again, these are just a couple of our 33
23 recommendations, which also cover data storage and
24 management, training and evaluation. We also provide
25 useful strategies for how police leaders can engage

1 would imagine that reducing by 80 percent, 90 percent the
2 negative sort of interactions, that there may be an
3 actual financial benefit from that.

4 Ms. Miller. That is what we heard from the police
5 executives that we worked with. They said that this drop
6 in complaints, the drop of lawsuits has really helped
7 them on the back end save money.

8 There have not been a lot of studies, cost-benefit
9 analysis^e yet into the technology. My organization, PERF,
10 is actually starting one now. So we are going to be
11 working on that over the next year to kind of look at
12 that, to see what are the cost savings in terms of
13 lawsuits and investigations and do those help outweigh
14 some of these significant costs.

15 Anecdotally, we hear absolutely, they are worth it
16 100 percent, even though the costs are very steep.

17 Senator Franken. So there are benefits, but there
18 are also costs. I mean, there are dollar benefits versus
19 other benefits.

20 Ms. Miller. Sure. Yes.

21 Senator Franken. So the dollar benefits may not
22 equal the costs, the dollar costs. Some of the issues
23 that are being raised are, obviously, when does the
24 officer turn it on, when does he turn it off. I think
25 all of us can sort of, in our minds, see *60 Minutes*

1 to try involved the use of video in a drug prosecution
2 where the video failed for a short period of time and the
3 defense was that the critical, in effect, exculpatory
4 support for the defendant occurred during that period
5 when the video failed and tried to create reasonable
6 doubt because of that malfunction.

7 So we are not done with this topic simply by
8 requiring cameras to be worn by police. There are
9 significant issues to be overcome and I think you have
10 all highlighted them.

11 I might just ask all of you not just for the number,
12 but could you point us in the direction of programs that
13 are working and working well so that perhaps we have
14 models for what should be done by other cities, in fact,
15 maybe other states, if you know of any.

16 Ms. Miller. Thank you again for the question. We
17 worked with several agencies that I think are doing a lot
18 of things right and even though their policies may differ
19 and we may not agree with every single policy they have,
20 I think that they are very thoughtful about what they are
21 doing.

22 ~~I think~~ Oakland, California was one of the initial
23 adopters of body cameras. They have had them since 2009-
24 2010. So I have worked with their chief quite a bit.
25 Places like Daytona Beach, Florida, Greensboro, North

1 agencies you can incorporate things from your cash cam
2 policy, but we would not recommend relying on it.

3 Chairman Graham. You have to go much further with
4 body cameras.

5 Ms. Miller. Exactly. But I do think they can be
6 instructive.

7 Chairman Graham. Has any jurisdiction ever outlawed
8 a dash camera after it came into being for any reason?

9 Ms. Miller. ^{not to my knowledge.} No, I have talked to places that --
10 actually, there was one agency that I can remember that
11 ended up getting rid of their cash cams because of the
12 expectations that the courts started having and it was
13 kind of the CSI effect that was discussed earlier.

14 They found that their officers' credibility was being
15 ~~kind of~~ undermined.

16 Chairman Graham. That is just one.

17 Ms. Miller. Yes. Just one that I have ever talked
18 to.

19 Chairman Graham. Mr. Bruder, dash cams in South
20 Carolina, are they pretty common?

21 Mr. Bruder. They are common. They are mostly
22 required by law, but we are still having a problem
23 getting the funding for that.

24 Chairman Graham. Would you say 80 percent, 70
25 percent?