



Managing Digital Evidence from Body-Worn Cameras: Case Studies in Seven Sites

Executive Summary

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Introduction

Digital Evidence Management (DEM) encompasses a wide variety of devices, technologies, tools, and data, particularly as they relate to the criminal justice system. This report focuses on the critical issues presented by the management of digital evidence obtained from body-worn cameras (BWC).

Taking a case study approach, we examine the process for managing BWC footage in seven agencies: Two large police departments (Phoenix, AZ and Los Angeles, CA); two mid-size police agencies (Glendale, AZ and Rochester, NY); a Sheriff's Office (Harris County, TX), and a collaborative effort in South Florida (Broward County State Attorney's Office and Fort Lauderdale Police Department).

Each jurisdiction provided data about the outputs of their BWCs, including numbers of cameras, videos, and footage shared with prosecutor offices. For each site, researchers conducted interviews via telephone or the Zoom conference platform. Uniform interview questions were developed and used by each research team.

Findings

The six policing agencies follow similar processes for using BWC footage. That is, like many agencies across the country, all of the departments do the following:

- ✓ Deploy BWCs to officers/deputies who activate cameras based on their policies;
- ✓ Upload footage to a server (cloud-based or on-premises);
- ✓ Review the footage for multiple reasons -- compliance purposes, when a critical event occurs, and before the public release of the footage;
- ✓ Distribute footage to prosecutor offices as part of a case; and
- ✓ Retain and/or purge footage based on their policies.

Three major findings stand out from this study:

First, we found that the use of body-worn camera footage (and other digital evidence) is interconnected throughout the entire criminal justice system. That is, footage is a unique piece of evidence that is used for internal purposes within a policing agency, for specific evidentiary purposes for prosecutors, public defenders, and the courts, and for information purposes to the public and media.

Second, BWCs and their footage require more resources than criminal justice agencies initially realized. Police and sheriff offices must keep up with maintenance, upgrades of cameras, software needs, and the fast-paced evolution of technology to manage BWCs. In the rest of the

criminal justice system, agencies are not equipped (literally and figuratively) to manage the digital evidence onslaught.

Third, while the release of video footage to the public is an important component of transparency and accountability, many agencies have different rules, policies, and state laws that govern that release.

Specific findings from the sites

Los Angeles Police Department (LAPD). Over 7,000 cameras are used in the LAPD. A special unit of a sergeant and five officers assist with implementation, training, and other issues that arise. Video Compliance Units in the LAPD's four patrol bureaus randomly select footage of officer encounters where a written incident report is available. These units determine whether officers are following BWC policy. Lieutenants and Sergeants review footage routinely in use of force incidents, pursuits, arrests, and complaints.

LAPD policy requires that video footage for critical events be released to the public within 45 days of the event. Since April 2018, about 140 critical events have occurred and all videos have been released in the form of a "Critical Incident Community Briefing," a 20-35 minute video of the event.

Arrests with BWC footage and other case material are available to the Los Angeles County District Attorney's Office (LADA) via the cloud. The LADA works with 18-20 law enforcement agencies in the county that submit approximately 15,000 cases and 230,000 pieces of evidence annually.

Phoenix Police Department (PPD). In 2013, the PPD was the first agency in the United States to be sponsored by the Bureau of Justice Assistance (BJA) to pilot test BWCs through the Smart Policing Initiative. Since that time, over 2,500 BWCs have been deployed to patrol and numerous specialty details.

A special BWC unit staffed with 16 employees is responsible for managing and disseminating digital evidence associated with BWCs, revising policy, developing training curriculum, and providing training to officers. Most BWC digital evidence storage space (85.5%) is dedicated to incidents involving order maintenance, violent crime, traffic-related incidents, property crime, and service activities.

In 2020, PPD forwarded BWC digital evidence to the City of Phoenix Prosecutors Office for 11,600 cases and the Maricopa County Prosecutors Office for 4,276 cases. This was a substantial increase from the 1,000 cases that were forwarded in 2015. Major concerns for PPD and Maricopa County are the need for resources to assist with the review of footage and for public defenders and the courts where resources are limited.

Glendale Police Department (GPD). Three hundred GPD officers wear cameras. The research team estimates that those officers recorded more than 187,000 videos per year.

Two unique features of GPD are its BWC policy and compliance process. With its policy, the Department stresses continuous camera activation, comprehensive auditing, and use of force reviews. The GPD's compliance process emphasizes monthly audits by supervisors, comparisons of videos to each officer's calls, and inspections to ensure that videos are appropriately tagged. As a result, Glendale has an exceptionally high activation compliance rate (over 95%).

Since the program's inception, there has been a transition to new cameras, incorporation of smartphones in the BWC data gathering process, changes to the video tagging protocols and tagging categories, and several modifications to the BWC policy. For example, new redaction technology allowed the Department to protect the identities of undercover officers by blurring out images in footage before their public release. As a result, officers no longer had to temporarily deactivate the BWC when interacting with undercover officers.

Rochester Police Department (RPD). In 2015 RPD began implementing BWCs. With about 725 sworn officers, RPD has deployed about 500 cameras to its patrol officers and special units.

Two features are highlighted here -- how RPD uses footage for investigations and how the Monroe County District Attorney (MCDA) office has adopted a new system for managing the proliferation of digital evidence. For investigators, video footage is valuable because it helps establish a timeline of "what happened, when" independent of officer accounts and testimony. In addition, footage serves as a source of evidence gathering, assessment, and (dis)confirmation of facts. For the MCDA, a new platform solution allows for assembling case materials remotely from RPD and seven police agencies with BWC for use from a centrally managed drive. This has increased the efficiency of assistant DAs and allows them to manage automation, workflow, and file storage and retrieval for courts and court services.

South Florida Collaboration: Fort Lauderdale Police Department (FLPD) and Broward County State Attorney (BSAO). FLPD assigns two cameras to each officer; thus the Department has about 1,100 cameras for its 535 officers. A BWC administrator and assistants are responsible for many activities, including compliance in tagging, responding to public requests for footage, redaction, and ensuring that the Department follows the retention policy. The BCSAO has a Digital Evidence Unit devoted to managing BWC footage and other evidence from 16 law enforcement agencies.

At the beginning of its BWC program, FLPD worked with the BSAO to determine how footage would be shared and how to effectively engage other agencies. Two key findings are highlighted in this chapter: 1) the successful establishment of the South Florida Regional (turned state-wide) Collaborative BWC Meetings, and 2) their innovative community engagement efforts through the use of Axon Citizen.

Harris County Sheriff's Office (HCSO). As the largest sheriff's office in Texas and the third-largest in the U.S., the HCSO has 2,254 deputies. The Office has deployed over 1,500 BWCs to its patrol deputies. In 2020, it uploaded over 1.1 million videos to its servers and shared nearly 44,000 videos with its district attorney. Sergeants review approximately 10-12% of BWC video each week to ensure compliance with its policies. The Department relies on compliance checks to inform training and increase positive outcomes for deputies with first-time infractions.

The Harris County District Attorney's Office (HCDA) works with 86 police agencies. HCSO and the Houston Police Department are the largest. HCSO shares its video electronically with the DA upon request. Still, the sheer volume of footage generated is presenting challenges for the DA's Office. HCDA is seeking a solution to integrate CAD with its case management system.

Recommendations

Based on the case studies of the seven jurisdictions, we make the following recommendations:

1. As part of a law enforcement agency's BWC program, it should create and follow a detailed administrative policy for deploying, activating, reviewing, and releasing footage from BWCs.
2. Law enforcement and criminal justice agencies should plan for the expansion of digital evidence. The use of BWC footage as evidence will increase because of its importance within policing agencies, evidentiary utility to prosecutor offices, defense attorneys, and the courts, and demands for transparency by the public and media.
3. Within the criminal justice system, digital evidence will become increasingly important. Research on the needs of prosecutors, public defenders, and the courts should be undertaken.
4. When using body-worn cameras, law enforcement agencies should ensure that officers and deputies accurately tag and categorize the recorded incidents on their cameras.
5. The importance of BWC footage to the public cannot be overstated. Policing agencies should dedicate appropriate resources to respond to public requests for BWC footage.
6. The public demand for the release of BWC footage will continue. Agencies should be trained on their state and local laws, rules, and regulations that govern the release of footage.
7. Agencies should consider adopting collaborative efforts regionally, county-wide, or state-wide. The regional approach undertaken by Broward County and the state prosecutors in Florida could serve as a model for collaboration.
8. The current study looked at two large agencies, two mid-size agencies, one sheriff's office, and a collaborative approach. More studies should be undertaken, particularly with small, rural, and tribal agencies and the criminal justice systems involved with those agencies.
9. More research should be conducted on video analytics. Law enforcement and criminal justice system agencies need to know what is available among vendors and what types of software are most useful and applicable to their needs.

10. Data from BWC platforms include a variety of useful information. Researchers and analysts should examine and analyze these data and provide reports showing agencies how the data could be used in day-to-day operations, training, and administrative purposes.
11. Researchers and police should determine how to standardize the data from BWC footage. Standardization would permit comparisons between and among agencies -- i.e., the numbers of videos, storage space, and other basic information – standards should be set for those comparisons.
12. BWC footage is just one type of digital data that is burgeoning in law enforcement agencies across the country. Digital data in the form of audio/visual recordings from other devices are also being generated by police in large volumes. While this report focused on BWC footage, those other types of digital data are being accessed, managed, and in some cases integrated with BWC digital footage. Coordination and cross-platform integration of digital evidence is a rapidly growing field that needs to be better understood, leveraged, and managed.