

# **COMMUNITIES UNITED FOR POLICE REFORM**

**WRITTEN TESTIMONY OF COMMUNITIES UNITED FOR POLICE REFORM (CPR)  
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**Submitted to:**

**New York State Assembly Committees on Codes, Judiciary and Governmental Operations**

**On the Use of Body Worn Cameras by Law Enforcement Officials**

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My name is Verónica Bayetti Flores, and I am a Steering Committee member of Communities United for Police Reform. We are an unprecedented campaign to end discriminatory policing practices in New York, bringing together a movement of community members, lawyers, researchers and activists to work for change. The partners in this campaign come from all 5 boroughs, from all walks of life and represent many of those most unfairly targeted by the NYPD.

The use of body-worn cameras (BWC) as a technology is new not only to the New York City Police Department, but to law enforcement and police departments across the nation. As with any new technology to be incorporated into the daily activities of police officers, but perhaps especially when we're talking about video recording technology, it is imperative to review its implications, have clear goals that benefit all New Yorkers, and establish safeguards to prevent abuse or unintended consequences.

There are several core principles that must be incorporated and prioritized in the development, implementation and evaluation of any body worn camera program. These include:

- The use of BWC technology should be primarily to reduce discriminatory and abusive policing.
- Those who are directly impacted by discriminatory and abusive policing must have meaningful and structured input in the development, implementation and evaluation of any BWC program.
- Any BWC program must be developed and implemented with maximum transparency and accountability to the public, while balancing the right of privacy of members of the public. It should be clear which officers, precincts, or squads will be assigned BWCs and under what circumstances, under what policies, what accountability measures are in place, and how members of the public can ensure compliance with the policies.
- Surveillance of members of the public should not be an objective or by-product of any police department's BWC program.

With regard to the programs proposed throughout New York State, including in New York City, police departments should not move forward on initiating or expanding a body-worn camera program without the input of directly affected communities and without a formal mechanism for affected communities to

be able to monitor and evaluate the effectiveness of any police department's body-worn camera program. As the Police Executive Research Forum cautions: "Once an agency goes down the road of deploying body-worn cameras...it will become increasingly difficult to scale back a body-worn camera program."<sup>i</sup>

There must be explicit processes in place for public input on the full scope of issues raised by a body-worn camera program, including the feasibility and implications of equipping NYPD officers with body-worn cameras, the costs of such a program, its privacy implications and safeguards, best practices for officer engagement in recording and storage of acquired footage, and balancing transparency to the public with the privacy rights of individual civilians. Officers should not be permitted to review body-worn camera footage before testifying.

It is imperative that a body-worn camera program not be used as a tool of surveillance of our communities. Cameras should not be equipped with infrared, x-ray, or biometric automated analytics capabilities. Individual officers must be expressly prohibited from accessing recorded data for personal use and from uploading data onto public or social media sites.<sup>ii</sup>

It is also imperative that safeguards be in place in both policy and law to protect the privacy and safety of minors, victims of crime, witnesses, individuals under medical care, individuals being subjected to strip searches, individuals in restroom facilities, and individuals otherwise vulnerable to disclosure of video footage, including lesbian, gay, bisexual and transgender people.

Once there is a body-worn camera policy developed with public input, the policy should be made immediately publicly accessible. There should be a clear complaint process for civilians, and timely and meaningful discipline for officers found to be in violation of any parts of the policy (such as failure to record an interaction, inappropriate recording, unauthorized publicizing of footage, and tampering with cameras or footage).

Ownership and review of BWC records and recordings should be undertaken by a government agency that is independent of the relevant police department. Retention of footage should not exceed duration of statutes for evidentiary use. Individuals who are subjects of body worn camera footage must be afforded unfettered and easy access to the footage without being required to file a formal complaint or legal action beforehand. Civilian oversight bodies must also be afforded unfettered access to BWC footage in the course of individual and systemic investigations.

Lastly, given the cost of such a program, municipalities considering the use of BWCs should undertake independent evaluation, that is multi-year in nature, of the effectiveness of body-worn cameras in reducing instances of police misconduct and abuse, with the elimination of body-worn camera programs as a possible outcome should the evaluation not find a significant decline in instances of misconduct and abuse.

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<sup>i</sup> Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, D.C.: Office of Community Oriented Policing Services.

<sup>ii</sup> Ibid.