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Commissioner Ramsey, Professor Robinson, Director Davis and members of the Task Force on 21st Century Policing, thank you for inviting me to testify today. My name is Vincent Talucci and I am the Executive Director at the International Association of Chiefs of Police (IACP).

The IACP is the world's largest association of law enforcement executives, with more than 22,000 members in 98 different countries. For over 120 years, the IACP has been launching internationally acclaimed programs, speaking out on behalf of law enforcement, conducting ground-breaking research, and providing exemplary programs and services to the law enforcement profession across the globe. One of the services we provide is developing and refining model policies for law enforcement on complicated issues like the use of technology.

The IACP released a model policy on body worn cameras in April of 2014 and published a technology policy framework that addresses a broad spectrum of emerging technologies and privacy and civil liberties concerns. Both of these documents incorporate the research findings, the input of leading subject experts, and the professional judgment of advisors who have combined this information with their extensive practical field and management experience.

There is no question that new and emerging technologies, like body worn cameras, play an increasingly crucial role in the daily work of police, equipping officers with enforcement and investigative tools that have the potential of making them safer, better informed, and more effective and efficient. In a time when law enforcement agencies are typically operating with a reduced force and agencies are asking their officers to respond to an ever expanding variety of calls for service, the use of technology has become essential.

Given calls for greater transparency and increasing scrutiny of law enforcement operations and performance, particularly in light of recent events, agencies need to implement technology that supports and enhances transparency in police-community interactions in order to promote public confidence and aid in a meaningful dialogue between law enforcement and the community.

Today I am focusing primarily on the use of cameras—and specifically body-worn cameras— because that has become the principal technology people are turning to in documenting police community-relations. I would like to emphasize that this certainly does not fully encompass the breadth of technology that can assist agencies, but evidence suggests that when body-worn cameras are implemented thoughtfully and with proper planning and management, that it holds significant promise in influencing behavior, providing transparency and accountability, and documenting critical interactions between police and citizens.

Video recorders and digital cameras have been useful tools in the law enforcement profession for some years. The concept of recording police-citizen encounters for law enforcement use first developed with the implementation of in-car cameras. Continual advances in technology has enabled industry to engineer smaller, lighter, more powerful, and more mobile digital camera equipment and enhanced the development of the body-worn cameras (BWC).

In many instances police agencies have found the BWC useful for officers in the favorable resolution of both administrative and criminal complaints, and as a defense resource in cases of civil liability. Officers using these recorders have a clearly documented, firsthand, objective account of what was said and done during an incident. The utilization of BWC video and audio recordings at trial can provide the court with the document of the actual statements and behavior of officers, suspects, and others that might not otherwise be admissible in court based upon hearsay rules, or might not get sufficient consideration if there are conflicting memories of the statements. In addition, recordings made at crime and incident scenes are a tangible benefit of BWCs and can provide investigators, prosecutors, and juries with far more detailed, accurate, and compelling evidence.

The use of BWCs gives officers, their agencies, administrators, and jurisdictions an additional means of defending themselves in civil litigation. Video evidence is extremely useful in resolving citizen complaints and potential civil actions. During many police-citizen contacts there are no objective witnesses to corroborate either allegations of misfeasance or explanations of the interaction and so many jurisdictions are more willing to resolve these matters by paying minor damages rather than spend time and money in litigation. An officer utilizing a BWC, however, typically has all the comments and actions of both parties on record and thus has a built-in "impartial witness" on his or her person. In one study, a Police Department found that in cases where video evidence was available, the officer was exonerated 93% of the time; in 5% of the cases the complaint was sustained. In addition, the same study showed that in a large number of instances, the citizen decided against filing a complaint once he or she was notified that there was a video recording of the incident.

To be fair, BWCs can also provide needed evidence of wrongdoing or inappropriate behavior on the part of an officer, in those rare cases where a complaint is sustained. Moreover, the video, whether taken from the in-car camera or the BWC, can also document behaviors and practices that need to be addressed in training. There have also been far too many instances in which in-car and body-worn cameras have captured the tragic death or serious injury of an officer, and the video images captured are the conclusive evidence of these desperate acts.

Contact with citizens during routine traffic stops or in other types of police-public interactions can result in confrontational situations. It has been the experience of many officers who have been in potentially hostile or confrontational situations that when they inform the subject that they are being recorded by video and/or audio means, the fact often serves to de-escalate or defuse the situation. The subject realizes in these situations that his or her statements cannot be denied or refuted later because there is a recording documenting every aspect of the encounter. In a one-year study conducted by the Rialto Police Department (CA), citizen complaints of officer misconduct fell by 87.5 percent for officers using BWCs, and the number of use of force incidents decreased by 60% department-wide during the year in which they piloted body worn cameras. The Mesa Police Department (AZ) had similar outcomes as they evaluated their body-worn camera program, with 40% fewer complaints against officers assigned to wear body cameras and 75% fewer complaints against these officers regarding their use of force.

Although I have just outlined several benefits to the use of video recording devices, they are not the sole solution. For instance, civilians may see the videos differently than a police officer experiences the situation in real life. Police are watching for certain behaviors from suspects that a civilian may not be aware of and no video can truly capture the feeling of when an officer is put in a situation where he or she fears for their life. In addition, other factors that may not be caught on video might not paint the whole picture of the incident under review or in question.

In addition other factors play into account that the video may not capture, sun glare, action going on out of the videos range of view, etc.

I would also like to note that video recording devices and all other technologies are useless and perhaps even harmful unless they are properly deployed and implemented. Just because a technology *can* be implemented, doesn't mean that it *should* be implemented. Law enforcement agencies must create and enforce comprehensive agency policies governing the deployment and use of these technologies, and the data they provide, if they are going to be successful.

Prior to the use of any technology, like BWC's, dash-cams, automatic license plate readers, etc., agencies need to have policies in place that govern the deployment and use of the technology. Moreover, the policies must address how the agency will protect the civil rights and civil liberties of individuals, as well as recognize and respect the privacy protections regarding the data collected, stored, and used. Development and enforcement of these policies is essential to effective and sustainable implementation, and to maintaining community trust.

That is why the IACP took the lead in developing a technology policy framework to identify universal principals that can be used as a guide to all law enforcement agencies as they develop effective policies for the use of technologies. Those principles include:

Specification of Use—Agencies should define the purpose, objectives, and requirements for implementing specific technologies, and identify the types of data captured, stored, generated, or otherwise produced.

Policies and Procedures—Agencies should articulate in writing, educate personnel regarding, and enforce agency policies and procedures governing adoption, deployment, use, and access to the technology and the data it provides. These policies and procedures should be reviewed and updated on a regular basis, and whenever the technology or its use, or use of the data it provides significantly changes.

Privacy and Data Quality—The agency should assess the privacy risks and recognize the privacy interests of all persons, articulate privacy protections in agency policies, and regularly review and evaluate technology deployment, access, use, data sharing, and privacy policies to ensure

data quality (i.e., accurate, timely, and complete information) and compliance with local, state, and federal laws, constitutional mandates, policies, and practice.

Data Minimization and Limitation—The agency should recognize that only those technologies, and only those data, that are strictly needed to accomplish the specific objectives approved by the agency will be deployed, and only for so long as it demonstrates continuing value and alignment with applicable constitutional, legislative, regulatory, judicial, and policy mandates.

Performance Evaluation—Agencies should regularly monitor and evaluate the performance and value of technologies to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds.

Transparency and Notice—Agencies should employ open and public communication and decision‑making regarding the adoption, deployment, use, and access to technology, the data it provides, and the policies governing its use. When and where appropriate, the decision‑making process should also involve governing/oversight bodies, particularly in the procurement process. Agencies should provide notice, when applicable, regarding the deployment and use of technologies, as well as make their privacy policies available to the public. There are practical and legal exceptions to this principle for technologies that are lawfully deployed in undercover investigations and legitimate, approved covert operations.

Security—Agencies should develop and implement technical, operational, and policy tools and resources to establish and ensure appropriate security of the technology (including networks and infrastructure) and the data it provides to safeguard against risks of loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure. This principle includes meeting state and federal security mandates (e.g., the FBI's CJIS Security Policy), and having procedures in place to respond if a data breach, loss, compromise, or unauthorized disclosure occurs, including whether, how, and when affected persons will be notified, and remedial and corrective actions to be taken.

Data Retention, Access and Use—Agencies should have a policy that clearly articulates that data collection, retention, access, and use practices are aligned with their strategic and tactical objectives, and that data are retained in conformance with local, state, and/or federal statute/law or retention policies, and only as long as it has a demonstrable, practical value.

Auditing and Accountability—Agencies and their sworn and civilian employees, contractors, subcontractors, and volunteers should be held accountable for complying with agency, state, and federal policies surrounding the deployment and use of the technology and the data it provides. All access to data derived and/or generated from the use of relevant technologies should be subject to specific authorization and strictly and regularly audited to ensure policy compliance and data integrity. Sanctions for non‑compliance should be defined and enforced.

I have already mentioned both the Mesa (AZ) and Rialto (CA) police departments that have implemented body-worn camera technology and have experienced positive results. Other

agencies like the Los Angeles (CA) Police Department, Seattle (WA) Police Department, and Chicago (IL) Police Department are either in the process of conducting pilot programs are going to be partaking in pilot programs for body-worn cameras. These agencies are going about this process in a well-calculated and thoughtful way. It is imperative that any agency that plans to roll out this technology do so by testing it out first and thinking about important elements like privacy, when officers are required to turn on their cameras, what the protocol will be for interviewing victims, providing officers with training, etc.

Another good example of an agency that has used non-lethal technology to enhance officer safety and safeguard the public is the Philadelphia (PA) Police Department and its use of electronic control weapons. The Philadelphia Police Department successfully blended both policy and technology, through the by the completion of Crisis Intervention Training (CIT) with issuance of electronic control weapons. This ensures that all officers authorized to deploy electronic control weapons have had training in the intricacies of crisis intervention and are educated in protocols of responding to situations involving individuals with mental illness.

While technology has proven to be a useful tool for law enforcement, we must remember, that technology can both facilitate and inhibit building community bonds. The benefits that technology can bring to law enforcement and their relations ship with the community can only be achieved through proper planning, implementation, training, deployment, use, and management of the technology and the information it provides. Like all resources and tools available to law enforcement, the use of new technologies must be carefully considered and managed. Agencies must clearly articulate their strategic goals for the technology, and this should be aligned with the broader strategic plans of the agency and safety needs of the public. Thorough and ongoing training is required to ensure that the technology performs effectively, and that users are well versed in the operational policies and procedures defined and enforced by the agency. Policies must be developed and strictly enforced to ensure the quality of the data, the security of the system, compliance with applicable laws and regulations, and the privacy of information gathered. Building robust auditing requirements into agency policies will help enforce proper use of the system, and reassure the public that their privacy interests are recognized and protected. The development of these policies is a proven way for executives to ensure they are taking full advantage of technology to assist in providing the best criminal justice services, while protecting the privacy, civil rights, and civil liberties of citizens.

We must also be mindful, that although the economy has substantially recovered, a lot of that recovery has not trickled down to local governments and law enforcement agencies. If the members of the Task Force decide that it is necessary for all agencies to acquire certain technologies, there needs to be resource assistance to do so.

Again, thank you for convening this listening session and for the opportunity for the International Association of Chiefs of Police to express its views on the use of technology to aid in the strengthening of community-police relations in the United States. I do hope that you will get a chance to read our technology policy framework and our model policy on the use of BWCs. I welcome any questions from Task Force members.