



Debate

Introduction: The Privacy and Surveillance Implications of Police Body Cameras

Randy K. Lippert

University of Windsor, Canada.
lippert@uwindsor.ca

Bryce Clayton Newell

Tilburg University, The Netherlands.
b.c.newell@tilburguniversity.edu

Body-worn cameras are being acquired and deployed by police departments around the world at an increasingly rapid pace. Like many technologies before them, body-worn cameras promise to change the way police work is done—and, indeed, this is a primary claim made by civil liberties and other advocacy groups who are promoting their adoption as a means of “civilizing” the police and increasing police accountability (e.g., Stanley 2015). However, for many, the use of police body-worn cameras also raises interesting and vital privacy and surveillance-related concerns. Like other forms of surveillance, body-worn cameras gather information and preserve it in a form amendable to processing and analysis but, unlike traditional CCTV or other static cameras, they can also make their way into private homes—and anywhere else police choose to go—and record everything they see and hear. These body cameras often come with a rarely discussed range of surveillance capacities that, precisely because they are mobile, raise unique privacy and other issues.

Since 2011, the debate section of *Surveillance & Society* has encouraged the exchange of new ideas and the discussion of important concepts and trends by selected expert participants. These contributions appear together to foment scholarship and commentary in this journal and beyond. Discussants to this debate, as in prior years, were invited to contribute short papers on a selected topic; in this instance, the privacy and surveillance implications of police-worn body cameras. The six debate contributions in this issue from four countries address the following question:

Are the surveillance and privacy implications of widespread adoption of body-worn cameras by public police worth the alleged increase in accountability?

Why ask about body-worn cameras? One reason is that, like many other surveillance technologies, they promise greater accountability and, in this respect, are exemplary of such technologies. Body-worn cameras also represent the new mobility of video surveillance, which, until recently, has tended to be stationary, but is now propelled by humans, drones, automobiles, and other vehicles, raising a host of new issues. While body-worn cameras have been piloted and slowly implemented in public police organizations in Europe, the United States, Canada, Australia, and elsewhere for years, it was the events of Ferguson, Missouri, in 2014 that led to greater public and political consideration of these devices as a solution to inadequate police accountability, raising the visibility of body camera adoption around the world. Even U.S. President Barack Obama expressed support, and promised funding, for rolling out these cameras in police departments across the U.S.

Alongside the widespread (and spreading) deployment of body-worn cameras, empirical research into the impacts of their use also has been expanding rapidly, as evidenced by recent reports of completed and on-going research (Lum et al. 2015). Of course, body-worn camera programs have been evaluated in some capacity for over a decade now, at least since head-mounted camera pilots began in the U.K. in 2005 (Goodall 2007: 6), but the available empirical evidence still only scratches the surface of the possible implications of body-worn cameras for police officers, policing organizations, national or local law- and policy-makers, and society. Published studies have investigated body camera impacts on officer behaviour (e.g., use of force, stop-and-frisks, making arrests) and citizen complaints (e.g., Ready and Young 2015; Grossmith et al. 2015; Jennings, Lynch, and Fridell 2015; Ariel, Farrar, and Sutherland 2015; Katz et al. 2014), officer attitudes towards camera adoption (e.g., Jennings, Fridell, and Lynch 2014; Young and Ready 2015; Ellis, Jenkins, and Smith 2015; Katz et al. 2014; Fouche 2014), and camera impacts on public opinion, criminal justice processing, and domestic abuse cases (e.g. Ellis, Jenkins, and Smith 2015; Owens, Mann, and McKenna 2014). Yet, little empirical work exists about the privacy and surveillance-related implications of police-worn body cameras (cf. Newell 2016), although more critical and analytical pieces are emerging in the literature (see e.g., Brucato 2015; Coudert, Butin, and Métayer 2015; Tanner and Meyer 2015).

Both empirical evidence and critical evaluation of the possible effect of body-worn camera adoption should play a role in setting future policies for possible camera deployment and for managing the downstream impacts—for example, the redaction and public disclosure of body-camera images. Without such contributions to the broader social debate surrounding these technological tools, we risk imagining the cameras as “magic bullets” that will solve various underlying problems, missing “an important gap . . . between ‘imagined’ outcomes and the actual (and often unexpected) effects that occur in their daily ‘real’ use by police officers” (Tanner and Meyer 2015: 285) or in the lives of bystanders, witnesses, and others caught on camera. The six contributions to the debate respond in various ways to the strongest advocates for police implementation of body-worn camera programs, public police administrators and government officials, but also to some degree with one another. There are clear differences over the most vital concern raised by the onset of body-worn cameras (officer discretion to turn it on and off, data control rather than surveillance, the risks they raise) and the promise of these devices to enhance police accountability. One aspect that is rightfully acknowledged in several essays, but which perhaps still needs more attention in scholarship, is the audio surveillance capacities of these devices; it seems as though their visual capacities has garnered disproportionate attention in media and policy circles.

Contributors to this debate also bring perspectives from various legal systems and cultural and disciplinary backgrounds, including perspectives from the United States, Canada, Australia, and the Netherlands. While body-worn cameras are often depicted as having unique implications, most contributors also show how upon closer inspection these ‘strange’ devices begin to look a little familiar when properly situated in the broader contexts of police accountability, data control, regulation, risk management and, of course, surveillance. These aspects are what once again matter; answers lie not in the surveillance technologies themselves but in all that surrounds their introduction and use.

In her piece, “Lights, Camera, Redaction... Police Body Cameras; Autonomy, discretion and Accountability,” Emmeline Taylor draws from on-going empirical research into the use of body-worn cameras in Australia, arguing that that body-worn cameras differ from previous technologies. In fact, she argues, body-worn cameras can have a positive impact concerning accountability and police-public interactions. Taylor’s positive claims hinge, however, on restricting police officer autonomy. If we allow officers to decide when and where to record, or we allow them to alter or redact footage prior to public disclosure, Taylor argues, we undermine the body-cam’s benefits from the outset. Taylor concludes that police policies should require that the default is to have officers to record continuously, but that certain circumstances—e.g. when a victim is giving a statement—justify an officer volunteering to turn off a camera to protect individuals from possible retaliation for police cooperation.

In another contribution about Australia, “The Mythical Properties of Police Body-Worn Cameras: A Solution in Search of a Problem,” Darren Palmer brings a critical lens by situating rationalizations for body-worn cameras in the broader policing literature. Palmer argues that body-worn cameras must be placed within the broader context of “law and order politics” surrounding policing. He identifies five primary problems in relation to body cameras, arguing that privacy and data protection regimes are currently inadequate to regulate body cameras and preserve privacy interests and that ultimately, without significant changes in police practices, body cameras will not improve police accountability.

In “The Rise and Risk of Police Body-Worn Cameras in Canada,” Thomas Bud questions whether the accountability gains from deploying body cameras are worth the costs to privacy. He details the inadequate legal regulation of body-worn cameras in Canada, arguing that Canadian law is far behind the development of surveillance technologies like body-worn cameras. He argues that body-worn cameras present risks to personal privacy, focusing on the fact that obtaining consent from citizens prior to recording via body camera is difficult, even if officers announce the presence of the cameras, as well as financial risks to police departments due to the high cost of introduction and maintenance of these devices. Bud argues that Canadian lawmakers should enact legislation that directly addresses the issues raised by widespread body camera adoption.

Elizabeth Joh, in “Beyond Surveillance: Data Control and Body Cameras,” argues that focusing on the surveillance implications of body cameras as surveillance tools ignores the important questions about data control and camera accessibility footage. Joh argues that data control policies (whether promulgated as agency rules or local laws) must include requirements for public data sharing or else accountability and legitimacy will be in question. Policies about camera use, and even the design of the technology itself, will inform data collection and control outcomes, as will questions about infrastructure (storage), processing, and sharing data with the public. Ultimately, Joh argues that the ability of body-worn cameras to increase police accountability turns on questions of how the data they create is controlled and that limits need to be established.

In “Dreams of Accountability, Guaranteed Surveillance: The Promises and Costs of Body-Worn Cameras,” Alexandra Mateescu, Alex Rosenblat, and danah boyd question whether we there can be increased accountability without increased surveillance. The authors argue that while body cameras create discernible risks to privacy, what it means to increase accountability remains poorly defined. Citizen video, investigative journalism, and activism efforts directed at holding police accountable have led to accountability-related changes in police departments, thus making it difficult to assign cause specifically to introduction of body-worn cameras. Importantly they also argue the costs of deploying body cameras ought to be balanced against other interventions that might also promote police reform, such as training, internal auditing and stronger disciplinary sanctions. Whether body cameras become yet another tool for state surveillance, rather than an accountability mechanism, depends on whether restrictions are put in place early on regarding their use.

Lastly, in his contribution, “The Body-Worn Camera as a Transitional Technology,” Tjerk Timan draws from qualitative fieldwork with police officers using body cameras in the Netherlands. Like other contributors, Timan argues we should not evaluate the tool itself without considering the context within which the tool operates. Timan recounts that, in the Netherlands, advocates framed body cameras primarily as safety tools that would protect police officers and other public servants, rather than as a means to achieve greater police transparency and accountability. The cameras’ presence, so the argument for adoption went, would modify behaviour, curb bystander violence, and generate objective evidence of events. Regarding privacy, Timan argues that, while the intimacy of surveillance-by-body-camera may make surveillance fairer to those whose images are captured in principle—because subjects could dodge

or turn away, etc.—the reality is much different, because cameras are not often easily recognizable as such, thus making these recordings largely covert and intrusive.

As these timely and thoughtful pieces demonstrate, there is much to be done, both in evaluating the impact of these technologies on privacy and as forms of surveillance and in critically and thoughtfully examining the broader social, legal, and regulatory implications of these technologies. Several papers comprising this debate report early findings from empirical work by the authors (Taylor, this issue; Timan, this issue). Others are more critical and analytical evaluations of the current state of affairs. Both types can and should inform future research and policymaking. Body cameras, whether promoted as tools to ensure accountability—of officers or civilians—or to modify behaviour and decrease police-civilian violence, raise a host of issues that require more holistic scrutiny and scholarship.

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