

DURHAM



CITY OF DURHAM

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CITY OF MEDICINE

To: Thomas Bonfield, City Manager
From: Larry C. Smith, Interim Chief of Police
Date: February 9, 2016
Re: **Body Worn Cameras**

Over the last year the police department has been progressing towards the implementation of a body worn camera program. I cannot commend Deputy Chief Marsh enough for his tireless hours of research for this program which has included researching and selecting a vendor, employing a testing phase on the final products, receiving feedback from the officers using them, sessions for the public to have input on the program, and researching and writing many drafts of the policy that will govern their use and how the footage is stored and disseminated.

Body worn cameras are a relatively new tool to the law enforcement profession and there is still much to learn about their use and how many of the privacy issues around them are best balanced with the needs of law enforcement, the prosecution, and the community. There are many opinions on how and when they should be used as well as what should be released to the public. Deputy Chief Marsh and I have read behind many of our colleagues nationally and there are varying opinions in the profession and among legal scholars concerning the footage and its release. We believe the final policy governing the cameras is well thought out and reflects the best practices of their use among similar size agencies in North Carolina and agencies around the country that use body worn cameras.

The most sensitive issue around the use of this technology is privacy and the release of footage which, unlike in- car video, will now often be made in areas where people have a heightened expectation of privacy such as their homes, schools, and hospitals. Managing video and its potential release is not a new concept to the Durham Police Department in that we have been managing in car video for 15 years. This video falls within the same legal parameters as the body worn cameras. We have on occasion released this video in the past in the interest of public trust and on occasion shown video to complainants that have requested same. We understand that there will always be varying opinions on what should be released and how.

At this juncture in the process, we believe that the current laws that govern this type of video and its release coupled with the understanding that the Police Chief, the City Manager, and the City Council can release video or mandate that it be released if there is a compelling reason to do so in the interest of public trust is a proper balance to maintain that trust.

To have a broad policy of release of any particular type of video could have a negative impact on the lives of those depicted in the video who may have been acting totally out of their character. In addition, the use of force between an officer and a citizen never looks good on video no matter how justified and could do more damage to community relations than good. As we get the cameras and begin to deploy them in the field, I am sure that there will be issues that arise in areas within their use, the policy, and the release of video that may need to be adjusted. It is not unusual to have to make policy changes after new programs are implemented and this will be no different. However, I believe the department has done its due diligence to be as transparent about the body worn camera program as possible and is committed to that transparency throughout the implementation of the cameras and the future of the program.