

**United States Senate  
Committee on the Judiciary  
Body Cameras: Can Technology Increase Protection for Law Enforcement  
Officers and the Public?  
Tuesday, May 19, 2015**

Chairman Graham, Distinguished Members of the Committee, my name is Jarrod Bruder and I am the Executive Director for the South Carolina Sheriffs' Association. It is truly an honor to appear before you today. I come to testify on behalf of the forty-six Sheriffs of South Carolina. I have also been asked to share my comments on behalf of the South Carolina Law Enforcement Officers' Association, the South Carolina Police Chiefs Association, the South Carolina Chapter of the Fraternal Order of Police, the South Carolina Attorney General, the South Carolina Law Enforcement Division, the South Carolina Department of Public Safety, the South Carolina Commission on Prosecution Coordination, and the South Carolina Crime Victims Council.

I would like to begin by applauding the Subcommittee for taking the time to study the positive and negative effects of implementing body-worn cameras before enacting legislation. As you will hear throughout my testimony, embracing new technology for the purposes of increasing transparency, officer accountability, and officer safety can produce tremendous benefits, but it can also generate serious unintended consequences. As one lawmaker in South Carolina recently noted, "The difference between a young cop and an old cop is that the young cop runs to the fight while the old cop walks to the fight – all the while, he is assessing the situation before jumping in to action." South Carolina Speaker Pro Tempore, Representative Tommy Pope, who is a former law enforcement officer and former Solicitor, used those words to caution his colleagues to slow down and really evaluate the concept before passing legislation that would require all law enforcement agencies in South Carolina to implement body-worn cameras. I would simply ask you to consider those words as the debate over body-worn cameras proceeds.

**PROS**

For more than five years now, law enforcement agencies throughout the State of South Carolina have been experimenting with the use of body-worn cameras. Approximately 15% of the Sheriffs' Offices in South Carolina have implemented body-worn camera programs to date. For the most part, those agencies have reported that body-worn cameras provide a significant benefit to their department and individual officers. Agencies who have allowed or implemented body-worn cameras have reported significant reductions in complaints on officers. They also credit the cameras with resolving officer-involved incidents. Simply put, everyone – including the officer and the person interacting with the officer – tends to behave better when they know they are being filmed. Body-worn cameras also provide command staffs with a wonderful opportunity to teach younger officers by pointing out tactical mistakes or concerns on film. Many agencies have been heralded for their transparency and willingness to embrace new technology in their pursuit of justice. In the end, body-worn cameras have produced a more accountable and more professional police force for these agencies. It is hard to dispute the effectiveness of body-worn cameras in this regard.

## CONS

In my experience, the primary issue preventing law enforcement agencies from fully embracing the use of body-worn cameras is the exorbitant cost. While I am sure that every Sheriff and Chief in this country would love to have an agency that is more accountable and more professional, they must weigh the cost of this technology against the potential benefits. Unfortunately, the cost is often too much for an agency to absorb, even if they desire the benefits. Body-worn cameras are extremely unique in that the initial purchase of the cameras is arguably the cheapest phase of implementation. The greatest cost for this technology can be found in the storage or retention of data. For one Sheriff's Office in South Carolina, the fiscal impact to provide body-worn cameras for approximately 250 deputies was approximately \$600,000 for the initial purchase and implementation of the cameras and approximately \$600,000 each year thereafter in recurring expenses. At a time when many law enforcement agencies in South Carolina are struggling to find sufficient funds to outfit their officers with bullet-proof vests or purchase less lethal technology or other life saving methods, the idea of investing such tremendous amounts of money in body-worn cameras seems like a fairy-tale to many. Thankfully, the South Carolina General Assembly understands the tremendous cost that is associated with this new technology. Pending legislation in South Carolina will create a statewide trust that will fund the initial and ongoing costs associated with body-worn cameras. In fact, the use of body-worn cameras is only required if funding is provided in full. This provision, along with several others, has resulted in our support of body-worn camera legislation.

Likewise, I was encouraged to see the United States Department of Justice announce a new \$20 million pilot grant program that will fund the implementation of body-worn camera programs throughout the country. I would encourage this committee to build upon this program and enhance the funding for such grant programs. I would also encourage this committee to include prosecutors in your funding efforts. All body camera footage that is used as evidence will have to be reviewed by prosecutors. If they do not have the proper IT infrastructure and programs, law enforcement's efforts will ultimately be thwarted by the inability to successfully prosecute a case. Again, the potential benefits of body-worn cameras are great, but so is the cost.

Another issue preventing law enforcement agencies from fully embracing body-worn cameras is the notion of protecting one's privacy. While transparency and openness are welcomed concepts for some, those notions are not always conducive to producing successful police work. Anonymity is a tremendously valuable tool in the world of law enforcement. Often times, our best tips or leads come from criminal informants, witnesses, or victims who wish to remain anonymous. There is great fear in the law enforcement community that the proliferation of body-worn cameras will further divide our communities and have a chilling effect on the exchange of information between officers and the communities they serve. Some are afraid that the concerned neighbor who would ordinarily point law enforcement officers in the direction of a potential law breaker will no longer do so out of a fear of being identified on the officer's body-worn camera.

For this reason, we strongly suggest that governing bodies, on the national, state, and local levels, provide their law enforcement agencies with the opportunity to determine their own policies and procedures when implementing a body-worn camera program. To put it bluntly, the decision of who should wear body-worn cameras and when they should activate or deactivate the camera

should remain a matter of policy and procedure, not law. It is absolutely critical that law enforcement officers retain the ability to turn a camera off when it is necessary to protect the identity of an informant, a witness, or a victim. It is also important to note that the technology behind body-worn cameras is advancing with each day that passes. As technology advances, so too will our policies and procedures. With that said, I again caution against setting such critical decision in law.

Furthermore, protecting one's privacy does not end with an officer's decision to activate or deactivate a camera. In my humble opinion, body-worn cameras are intended to increase officer accountability and trust in the communities they serve. These cameras are not intended to be a source of embarrassment or humiliation. Law enforcement officers often encounter citizens at their lowest moments in life. Data from these cameras should be used as evidence to enhance our pursuit of justice, not to humiliate or entertain our neighbors. To that end, I must commend the South Carolina General Assembly. In their efforts to enact body-worn camera legislation, they have deemed data recorded by a body-worn camera not to be a public document, thus the data is not subject to our Freedom of Information Act laws. Doing so will ensure that a single moment of indiscretion does not provide a lifetime of embarrassment. It also ensures that one's guilt or innocence is determined in a court of law, not a court of public opinion.

### MANAGING EXPECTATIONS

As the use of body-worn cameras increases, it is important for law enforcement, prosecutors, judges, and even governing bodies to manage the expectations of the public. Most agencies that have implemented body-worn cameras have done so for their uniformed patrol officers. These are the officers that are most likely to encounter use of force situations in their day to day activities, so it is only natural to want to document their actions more closely. With that being said, it should be understood that every police action will not be caught on camera. Critical incidents can happen in the blink of an eye. There will be times that it is neither possible, nor feasible, to have body-worn camera footage. The absence of video should not automatically equate to an innocent suspect and a guilty officer. Rather, data from body-worn cameras should simply be seen as an additional tool to assist in the overall quest for justice.

For all the good body-worn cameras can do, there are limitations to the technology and its effectiveness, just as we have seen on in-car video cameras. As sophisticated as the technology is, it will never capture an event recorded as well as the human eye, or being there in person, and may in fact distort the incident altogether. The field of view is necessarily limited, the depth perception is skewed and full context of the encounter is not possible. Low light and darkness only exacerbates these limitations. Subtle clues of attack or trouble, which police are trained to observe, will not be captured by body-worn cameras, and neither will the first flinch of a resisting subject, which can often escalate the situation. If you have never tried to handcuff an uncooperative or resisting suspect, you have no idea what that is like, and it is possible that none of your struggle will be picked up by a camera. So if anyone thinks this technology is the sole answer, they are sadly mistaken. The images will always be subjected to interpretation.

## CONCLUSION

In conclusion, I would like to answer the question that has brought us here today. Yes, when used properly, technology, and more specifically, body-worn cameras, can increase protection for law enforcement officers and the public. We should be careful, though, not to put too much trust in this technology. While the Sheriffs of South Carolina fully recognize the benefits that can stem from the use of body-worn cameras, we do not want to lead anyone to believe that this use of technology will magically prevent situations, such as the one that led to the tragic loss of Mr. Walter Scott's life in North Charleston, South Carolina, from occurring. Body-worn cameras can aid in transparency, but they will not mend community relations alone. Technology, no matter how far it advances, will never accomplish what can be gained when people take the time to sit down, talk, listen, and attempt to understand a different perspective.

It is often said that public safety is a core function of government. While I certainly believe that is true, I also believe that far too many law enforcement agencies in this country are barely making ends meet. A constant cry for smaller government has resulted in a government that provides less. Law enforcement agencies across this country are in desperate need for cultural diversity, use of force, and de-escalation training. Advanced training, not just basic training, is absolutely critical in our efforts to provide public safety. If we truly want to increase protection for law enforcement officers and the public, then we need to provide our law enforcement agencies with the funds necessary to attract, recruit, and retain the best and brightest officers. Those officers should be psychologically tested and equipped with the best training available to ensure they serve and protect our communities with equality, fairness, and justice.

With that, I again sincerely thank you for the opportunity to speak today. I will gladly answer any questions.