

Forbes

Where Does The Fed Stand On Body Cams?

Matthew Feeney

December 3, 2015

Washington, D.C residents may soon be able to access most of the body camera footage filmed by police in the nation's capital thanks to the D.C. council unanimously passing a body camera bill earlier this week. If the plan is approved, it will be among the best pieces of body camera policy in the country, promoting increased transparency and accountability in law enforcement.

While it is worth praising, the D.C.'s body camera bill raises questions about the federal government's role in body camera policy.

Earlier this year the Department of Justice (DOJ) awarded D.C.'s Metropolitan Police Department \$1 million as part of its Body Worn Camera Pilot Implementation Program. However, the DOJ also awarded \$1 million to the Los Angeles Police Department, which, as I have noted before, has proposed body camera policies that do not promote police accountability by requiring officers involved in critical incidents to view body camera footage before making a report. The DOJ seems to have very few conditions when it comes to considering which police departments should be given money for body cameras.

Police body camera policies vary considerably across a range of important topics such as footage retention, officer discretion, and access to footage. If the federal government is going to be involved in funding body camera programs it must outline conditions and not hand out money to departments with poor policies.

The DOJ's body camera grants are not the only pieces of evidence suggesting that the federal government's attitude towards body cameras needs to be clarified.

For instance, in the wake of news that Ferguson, Missouri police officer Darren Wilson would not face charges for killing Michael Brown, the Obama administration announced that it would be setting aside \$75 million over three years for body cameras.

Yet the federal government has been hesitant when it comes to outfitting its own law enforcement agencies with body cameras. One such agency is Custom and Border Protection (CBP), the largest law enforcement agency in the United States, which last month decided that it would have to spend more time deciding whether its agents should wear body cameras.

As my colleague Patrick Eddington and I noted shortly after the CBP's announcement, the commissioner's objections body cameras can be adequately addressed.

The CBP is not the only federal law enforcement agency operating without body cameras. The DOJ is telling federal agents that they cannot work in joint task forces with local law enforcement agencies that have equipped officers with body cameras. As *The Wall Street Journal* reports, officers who work with DOJ task forces must follow federal rules:

Mr. Driscoll [Assistant Director of Investigative Operations at the U.S. Marshals Service] said at the meeting that because the Justice Department hadn't given his agency rules on body cameras, the Marshals couldn't allow local police with recording equipment to work alongside them on task forces, the people who attended the meeting said. That's because when local officers join task forces, they must follow federal rules of operation, and for now that means no body cameras.

Given that an increasing number of police departments will be using body cameras in the coming years, it is crucial that the federal government outline its own body camera policy, outfit federal law enforcement agencies with cameras, and be more strict when it comes to handing out body camera grants.

Matthew Feeney is a policy analyst at the Cato Institute.