



## Body Cameras Q & A

In June, an officer-involved shooting in Western Pennsylvania sparked public protests and criminal charges against the officer when video footage was released on social media. Although the officer was not wearing a body camera, the incident reignited discussions about body cameras and how their presence could prevent, or add accountability, in cases like this.

Body worn cameras have been a topic of increasing interest among the law enforcement community, the public, and researchers alike in recent years. The topic gained traction in 2014 following an officer-involved shooting in Ferguson, MO, which initiated federal funding for body cameras.<sup>1</sup>

Proponents of body cameras believe the technology will increase police accountability by changing behavior and providing better evidence of what happened. Recent research on the effectiveness of body worn cameras for improving law enforcement outcomes and police-community relations have yielded mixed results. Some studies indicate evidence of positive outcomes while noting that the cameras alone are not a cure-all. Like any tool, body cameras are only as effective as the policies and training behind them.

From 2014 to 2017, various municipal police departments in Pennsylvania began body worn camera pilot programs. In July 2017, Gov. Wolf signed Act 22 into law, which made key changes to the Wiretapping Law, the Right-to-Know Law, and established procedures and guidelines for the use of body cameras by law enforcement agencies in Pennsylvania. Since passage of Act 22, the Pennsylvania State Police and multiple municipal police departments have begun or expanded their use of body worn cameras.

This *Fast Facts* publication answers common questions about the current status of body camera use, funding, and policies in Pennsylvania.

### Are state troopers using body cameras?

A state police pilot program is underway that will guide further roll-out of body worn cameras to troopers across Pennsylvania. Troopers at three stations began using cameras June 18. In total, 30 cameras are in use in Troop B, Uniontown, Fayette County; Troop H, Avondale, Chester County; and Troop T, Somerset, Western PA Turnpike.

### Are municipal police departments using body cameras?

Some regional and municipal police departments began using body cameras in Pennsylvania as early as 2014 – often in the form of pilot programs – including Philadelphia, Pittsburgh, and a number of departments in Bucks, Cumberland, Lackawanna, and York counties.

Since the enactment of Act 22 in 2017:

- Almost three years after its first pilot program, Philadelphia signed a 4-year, \$12.5 million contract with Axon for department-wide body cameras. Philadelphia PD plans to provide body cameras for all officers by 2021.

How does PA compare to other states on body cams?



[Click here](#) for helpful maps and a comparison of state laws.

<sup>1</sup>Google's analysis of [search trends](#) from 2004 to 2018 show a sudden spike in interest in body cameras in summer 2014 and a sustained trend of increased interest in the years since compared to the preceding ten years.

- Harrisburg, Allentown, Kennett Township, Ferguson Township, and resource officers in the York City School District began using body cameras.
- Penn Hills Township, Greencastle Borough, and Scranton City, announced plans to begin using body cameras in 2018.

### How much do body cameras cost?

Costs vary for individual police departments depending on the manufacturer and contract they negotiate. Reported costs have ranged from \$99 per camera to \$1,000, but across-the-board data storage costs far outweigh device costs. In the state police’s proposed plan to outfit all troopers with cameras for five years, the department initially estimated more than 90 percent of its costs would go to cloud data storage to retain footage for 60 days and evidence for three years, as well as increasing network bandwidth. Similarly, Philadelphia’s recent contract with Axon (formerly Taser and the market leader in body cameras), [reportedly](#) charges \$400 per camera, leaving 87 percent of the \$12.5 million contract for data storage and other costs.

### Are state funds available for body cameras?

In the 2018/19 budget, General Fund appropriations to the state police included \$6 million to begin to expand body worn cameras across PSP. Additionally, existing funds in the state police budget were used to provide a required match in 2017/18 for a federal grant, which has supported the current pilot program.

### Are federal funds available for body cameras?

In federal fiscal year 2015, Allentown, Carlisle, Central Bucks Regional Police Department, Johnstown, and Pittsburgh received federal grants totaling \$602,506 for body cameras.

In federal fiscal year 2016, Pennsylvania State Police received a \$52,050 federal grant for a 30-camera, one-year pilot program for 2017/18.

Each year, the Pennsylvania Commission on Crime and Delinquency distributes federal justice assistance grants to local governments and organizations in Pennsylvania.<sup>2</sup> Unlike prior years, federal guidelines permit 2017/18 JAG awards to be used for body cameras, which means future JAG awards may be used by localities for body worn cameras.

### What did Act 22 do?

Act 22 of 2017 made it easier for law enforcement agencies to use body worn cameras, created standards and guidelines for use by individual police departments, and established a process for release of audio and video recordings:

- Amended the Wiretap Act of 1978 to allow officers to use body cameras, including in a residence as long as the officer is uniformed or clearly identifiable.
- Exempted audio/video recordings by law enforcement from the Right-to-Know Law of 2008, and established instead procedures under Title 42 governing how someone can request audio/video recordings from law enforcement and when the recordings may, or must, be released.
- Requires municipal law enforcement agencies and sheriffs that use body cameras to follow equipment and data [standards](#) set by PSP and use [guidelines](#) set by PCCD.
- Allows PCCD to make funding related to body cameras conditional on compliance with these standards and guidelines.

Prior to enactment, groups such as the ACLU of Pennsylvania [raised concerns](#) that the bill went too far in restricting public access to camera footage. While much of the process to obtain footage remained in the enacted law, amendments made key changes such as increasing the time during which an individual may request video footage to 60 days after the incident (only 20 days were permitted in an earlier print number).

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<sup>2</sup>Read about justice related [funding streams](#) available through PCCD, then [sign up for alerts](#) when grants are available.

## What is the process to request body camera footage under current law?

Under Act 22, the law enforcement agency, in consultation with the district attorney, may release an audio/video recording at any time.

Within 60 days of an incident, an individual may submit a written request for the recording, which, itself, must include details of the content and the requestor's relationship to the event.

If the request is granted, the law enforcement agency is permitted to charge a fee for the recording to offset the cost of fulfilling the request. Individual police departments may set fees at different amounts. State police charge \$100. Fees are only charged when the request is granted.

Requests are processed within 30 days. If the request is denied, a subsequent request may be submitted to a judge for review within the following 30 days. The request for judicial review requires a \$125 filing fee.

At each step, if a recording contains criminal evidence or information that relates to a current investigation, a victim, or is confidential, and that information cannot be reasonably redacted, then the default is to deny release. The judge or prosecutor with jurisdiction may allow release in those cases only if it is in the public interest to do so.

*The state police procedure to [request audio and video recordings](#), including the address where requests for PSP recordings should be submitted, is available PSP's website under Contact Us. Requests for recordings made by municipal or regional police departments must be submitted to the [agency open records officer](#).*

## When can an officer's name be released (following use-of-force) under current law?

Under current law, the decision regarding the release of an officer's name is at the discretion of local law enforcement officials (or PSP if it is a state trooper). Act 22 does not address the question of when an officer's name *should* be released.

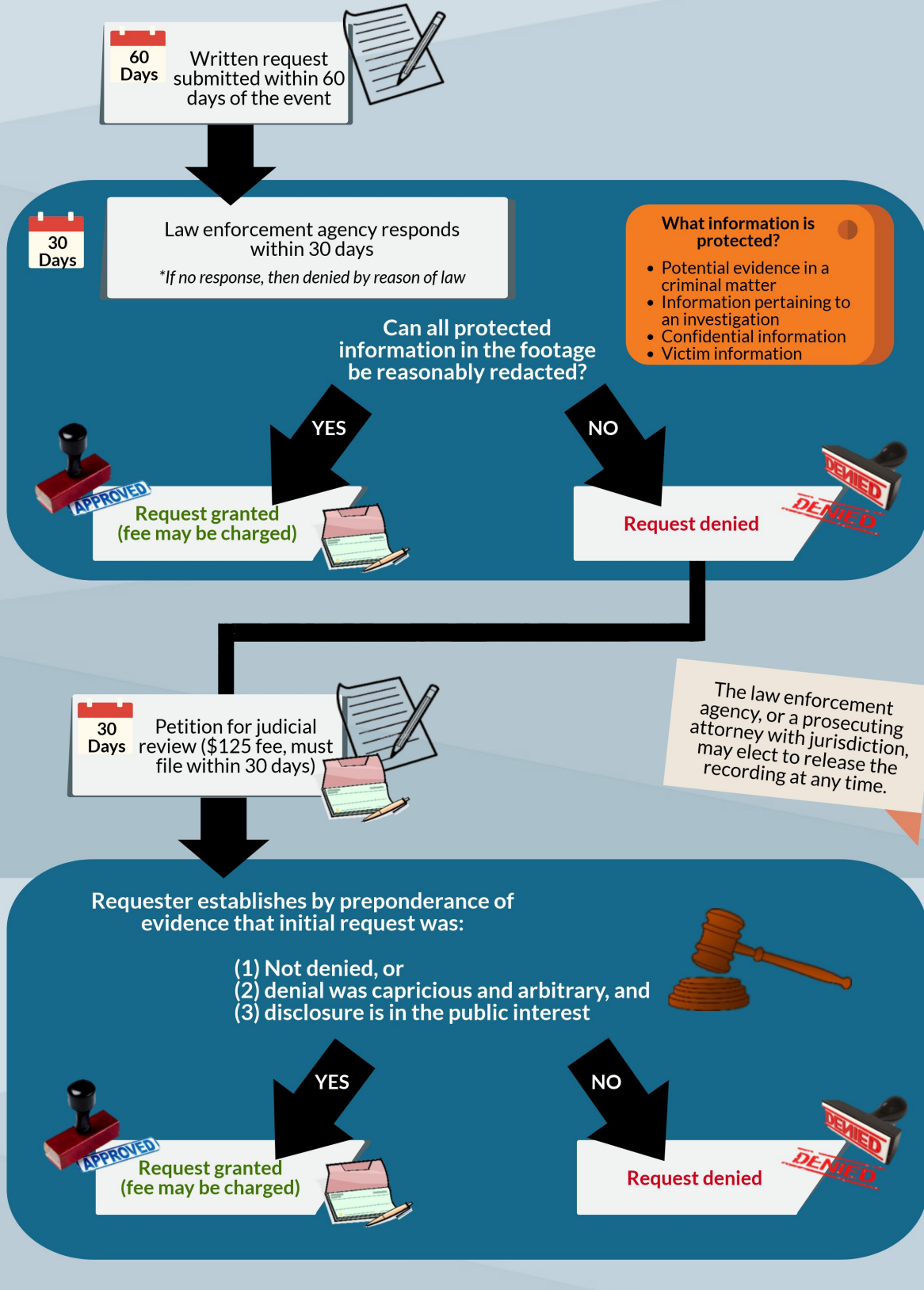
In 2017, the House approved House Bill 27 (White, R, Philadelphia), which would prohibit the release of an officer's name in most circumstances for the first 30 days after an incident. The legislation remains in the Senate on first consideration.

## Privacy v. Accountability?

While laws and policies scramble to catch up to body camera technology, some groups raise concerns about privacy. Concerns typically come in two categories: lack of accountability for law enforcement created by highly restricted access to body camera footage, and use of body cameras as tools of surveillance without cause.

In recent months, as the technology continues to advance including the possibility of incorporating real-time [facial recognition in body cameras](#), civil rights groups, including the ACLU, have concerns about privacy and surveillance.

# Process to request body camera footage (Act 22)



**House Appropriations Committee (D)**

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