

CAMERA TECHNOLOGY

CBP will rely on existing and new technologies to expand the use of cameras in its operating environments.

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U.S. Customs and
Border Protection

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The use of cameras has long been a key component of U.S. Customs and Border Protection's (CBP) efforts to earn and keep the public's trust and confidence in the critical work we do, while enforcing the laws we are sworn to uphold. CBP undertook a yearlong, in-depth study to explore the use of body-worn cameras (BWCs) in our varied operating environments. The study concluded that these and other types of cameras could have positive benefits for CBP if acquired, deployed, and managed properly. This report concludes the feasibility study and communicates the next steps for CBP.

I would like to thank the members of the CBP Body-Worn Camera Working Group ("Working Group") and those who volunteered to test the technology in their day-to-day operations. During my interactions with those who tested the cameras, I heard about the potential benefits they may have for CBP. Their findings allowed CBP to chart a path forward for camera technology and our overall efforts to increase transparency to the public. I also appreciate the expertise provided in the 2014 Police Executive Research Forum report, *Implementing a Body-Worn Camera Program*, and the resources made available by the U.S. Department of Justice and non-governmental organizations.

Many state and local agencies utilize cameras and observe positive benefits. However, we know that the operating environments and needs of CBP can be quite different. CBP works in harsh physical environments, in some locations with limited internet connectivity, and experiences differences in the nature of law enforcement encounters. Additionally, varied assignments, uniforms, equipment and environmental elements can impact the functionality of technology. While the study found the particular BWCs evaluated were not well-suited for all CBP environments, overall camera technology does present benefits for CBP's mission.

This is an area of constantly evolving technology and we are committed to testing durable new cameras that may be a better fit with CBP's operational requirements. CBP must also develop policies, conduct further technical evaluations, and resolve other issues, such as funding and collective bargaining considerations.

I am directing an expanded camera review, including the integration of BWC testing into law enforcement operations such as checkpoints, vessel boarding and interdictions, training environments, and outbound operations at ports of entry as well as mobile camera options in vehicles. We will approach this effort thoughtfully and I welcome the opportunity to share our progress with the entire workforce and the public as we move forward.

R. Gil Kerlikowske
Commissioner

CAMERA TECHNOLOGY

CURRENT STATE: CAMERA RICH ENVIRONMENT

At the ports of entry – whether land, air, or sea – there is often a camera capturing CBP’s interaction with the public. Overall, there are approximately 7,500 cameras covering the southern and northern border ports of entry. Between the ports of entry, CBP operates over 1,200 cameras, located in a variety of CBP environments, including fixed and mobile cameras, checkpoints, and facility cameras.

Camera footage is useful for showing how officers and agents perform their duties in the field. It can also play a role when members of the public have alleged misconduct, as seen in recent events.¹

CBP BODY-WORN CAMERA STUDY

NEXT STEPS: CAMERA TECHNOLOGY

As a next step following completion of the feasibility study, Commissioner Kerlikowske has directed the Working Group to develop and coordinate the Agency’s implementation strategy for camera technology. The study found that while the particular cameras evaluated were not well suited for all CBP environments, camera use can have a number of benefits for the CBP mission.

In recent years, state and local law enforcement agencies have deployed BWCs to enhance transparency, accountability, and credibility with the public. However, the use of BWCs in recent years has also raised important policy and technology questions that require further consideration before implementation by CBP. These factors include the availability of fitting technology to CBP’s varied operating environments; better understanding needs in relation to the existing camera infrastructure at CBP; and policy considerations raised later in this report such as privacy matters; data storage; funding and collective bargaining.

CBP will require a hybrid solution including multiple camera deployments and product options. Consistent with the approach of other law enforcement agencies, CBP will consider a risk-based, scaled deployment of BWCs. A risk-based deployment option consists of measured deployment based on individual component risk analysis, current capabilities, and operational need.

Because cameras are already in use in CBP’s day-to-day operations, a full scale deployment of BWCs is not necessary. For example, a BWC may not be needed at a port of entry where there is already an abundance of cameras in place. Rather than focusing exclusively on BWCs, CBP will expand its overall use of camera technology in the next phase of this effort. That comprehensive expansion will include mobile, port, maritime, and body worn cameras.

In this next phase, CBP will:

¹ In July 2014, a Boy Scout Scoutmaster alleged mistreatment by CBP Officers at the Alcan, Alaska port of entry. The Office of Inspector General, Department of Homeland Security reviewed the group’s inspection, including video footage from a port camera. The footage showed that the CBP officer did not un-holster or handle his weapon and that the allegations were unfounded.

- evaluate existing fixed camera infrastructure;
- evaluate mobile/dash camera capabilities at and between ports of entry; and
- deploy cameras within training units.

We will explore the use of mobile/dash cameras in CBP marked vehicles, for both the Office of Field Operations (OFO) and the U. S. Border Patrol (USBP). CBP will continue to test camera use in new ways and locations and will likely discover new mission-supporting applications.

The expanded Working Group will comprise members from all CBP offices. Once established, CBP's OFO, USBP, and Office of Policy and Planning (OPP) will manage the day-to-day operations of the Working Group as co-chairs. The Working Group will coordinate the following:

1. Test and deploy BWC technology.

- a) CBP's Office of Training and Development is directed to incorporate camera technology into the academies and training facilities, ensuring camera footage is used as a teaching strategy to provide constructive feedback and promote officer/agent awareness. This technology and the resulting footage will allow for immediate feedback to the trainee regarding their performance during a training scenario. Use of camera technology in training will commence based on the development of technology requirements, availability, and recommendations of the Working Group due in January 2016.
- b) CBP's Air and Marine Operations (AMO), OFO, and the USBP are directed to identify and test new camera technology, and conduct deployment assessments of BWC technology using a risk-based approach. Recommendations must specifically address use of BWCs in operations including the following: checkpoints, vessel interdiction operations, vessel boarding, outbound operations, and Field Training Units. Recommendations should also address all guidance or changes that may impact the working conditions of CBP employees, to ensure collective bargaining requirements are met. Recommendations for deployment, with funding estimates, will be submitted to the Commissioner by January 31, 2016.

2. Examine existing fixed camera technology with the expectation of optimizing current resources. OFO and USBP are directed to examine upgrading and enhancing existing fixed camera infrastructure at CBP facilities and along the border. The results of this assessment must include recommendations that specifically address plans for a risk-based approach, upgrading existing camera technology, identify areas without camera technology, and investing in higher grade video resolution, video and audio recording abilities, data storage, improved audio capabilities, and other infrastructure needs in coordination with the Office of Information Technology (OIT). An assessment of existing fixed camera capabilities with recommendations for enhancements, to include funding estimates, will be submitted to the Commissioner by January 31, 2016.

3. Explore mobile camera systems. OFO, USBP, and Office of Technology Innovation and Acquisition (OTIA) are directed to evaluate possible integration of mobile camera systems with CBP marked vehicles in coordination with CBP's Office of Administration (OA). A plan for this feasibility evaluation will be submitted to the Commissioner by March 31, 2016. Following the evaluation, OFO and USBP will prepare recommendations for potential integration of this technology.

4. Continue implementation of vessel-mounted camera systems. AMO will continue implementation of vessel-mounted cameras that capture a 360-degree view of the area surrounding a vessel. AMO will provide a status update by December 31, 2015.

Moving forward, the Working Group will:

1. Establish goals, objectives, desired outcomes, and performance measures for camera technology.
2. Develop timelines for policy development, bargaining, technology requirements, acquisition, training, and outreach.
3. Prepare all necessary policies and procedures for key issues identified, such as the establishment of parameters to handle, catalog, use, access, and activate all considered technologies and the resulting video footage.
4. Establish an acquisition program management office to define the relationship and governance between this office and the Working Group. Decisive to this effort is the ability to quickly define requirements and establish an acquisition strategy. The Working Group and acquisition program office will coordinate to prepare the necessary documentation, detailed schedules and required decisions and demonstrations.
5. Coordinate with the OIT, the OA, and the Office of Internal Affairs to analyze such requirements as data storage capability and capacity; field infrastructure and facility readiness for new or improved technology; information technology resources and personnel needs to support camera technology; and select software, network, data storage, evidence, and video redaction solutions.
6. Coordinate with the Office of the Chief Counsel to receive legal opinions for privacy, data storage, retention, and other legal matters.
7. Conduct all necessary communication, education, and engagement opportunities with officers and agents, unions, and with CBP's stakeholders.
8. Develop solutions to support the expected increase in Freedom of Information Act (FOIA) requests for BWC footage.

As the co-chairs, OFO, USBP, and OPP will report the Working Group status on a regular schedule to Commissioner Kerlikowske and his leadership team as well as to leaders within their chains of command.

CBP BODY-WORN CAMERA STUDY

BACKGROUND AND SUMMARY

CBP Commissioner Kerlikowske established the Working Group in July 2014 to evaluate the feasibility of incorporating BWC technology into CBP law enforcement operations. Membership comprised representatives from 13 CBP offices, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties, and the DHS Privacy Office.

First, the Working Group reviewed and analyzed available data, reports, expert recommendations, and scholarly papers. Members also participated in a government sponsored expert panel, hosted by the U.S. Department of Justice, Bureau of Justice Assistance, and several interagency meetings with the U.S. Department of Justice, U.S. Department of Interior, and U.S. General Services Administration. The Working Group also consulted state and local law enforcement entities with experience using body-worn camera technology, including the Los Angeles Police Department and the New Orleans Police Department, affording additional understanding and insight.

The first phase of the study was a controlled environment evaluation at the CBP academies and training facilities in Glynco, Georgia; Artesia, New Mexico; Oklahoma City, Oklahoma; and St. Augustine, Florida. Academy personnel at those sites observed the technology on officer and agent trainees during scenario-based training.

In the second phase, CBP evaluated the technology in practical situations at the Northern, Southern, and Coastal Border environments. It included BWC use by officers from USBP (El Paso and Blaine Sectors) and officers from the Office of Field Operations (Seattle Field Office) and agents from Air and Marine Operations (West Palm Beach Marine Unit and Great Lakes Air and Marine Branch). CBP's OTIA conducted an Operational Utility Evaluation, including quantitative analysis of the data collected during the field evaluations.

The Operational Utility Evaluation concluded "most [BWCs evaluated] were not designed to meet the rigors required by CBP officers and agents," and "for the most part were not suited for CBP operational use." While noting potential benefits, conclusions also emphasized operational and policy hurdles to overcome.

The third phase analyzed the data collected and considered policy, legal, privacy, labor relations, operations, deployment, cost, record retention, and information technology factors.

The Working Group found the following potential benefits of BWCs by CBP:

- Reduction of allegations and complaints, deterring frivolous complaints and lowering the likelihood of use of force incidents;
- Insight into law enforcement encounters that have traditionally been unavailable;
- Supplemental evidence in criminal cases increasing the likelihood of obtaining successful prosecution for those who have violated the law;

- Enhanced training capabilities through utilization of footage as a learning tool;
- Reduced hostilities between officers/agents and citizens;
- Strengthened officer and agent performance and accountability;
- Increased officer and agent awareness and safety by influencing public behavior; and
- Simplified incident review by enabling the quick and immediate review of footage.

The Working Group also identified several factors that may adversely affect CBP officers/agents, operations, and mission effectiveness. These factors will be subjected to more in-depth study:

- Without appropriate training, there may be impacts to officer/agent safety such as changes to officer stance in tense encounters;
- There are concerns about the BWC technology capabilities and limitations as well as the potential to create mistrust and suspicion between officers/agents and management;
- There are questions about whether the BWC video accurately conveys the same sense of threat that is experienced by an officer/agent;
- Diverse operational environments and enforcement assignments within CBP, especially for the USBP, make the application of BWC technology less conducive than its application within the traditional law enforcement environment;
- The public may be less likely to divulge information to law enforcement officers if they know they are being recorded, as CBP found at some testing sites;
- BWCs and software may pose a vulnerability and security risk due to a lack of adequate security features; signals from BWCs could be susceptible to hacking by non-CBP approved devices;
- There will be ongoing, long-term financial costs of a BWC program after implementation such as technology enhancements, infrastructure improvements, increasing storage, and additional staffing requirements to support the management of footage; and
- Management and support of a BWC program could result in lost law enforcement hours due to added administrative duty of uploading of footage after shifts, records management, training, and technology infrastructure support, and processing potentially high numbers of FOIA requests.

The Working Group strongly recommended CBP complete the following prior to deploying BWC technology:

1. Develop a final policy document that resolves key issues and establishes parameters for the handling, cataloging, use, access, and activation of BWCs and the footage.

2. Perform technology evaluations that identify technology requirements for each operational component, with particular attention to their specific operating environments.
3. Examine CBP's existing fixed camera technology to identify areas where BWC technology may overlap with existing CBP technology. Avoid redundancy by reserving the use of BWC technology for those areas where technology gaps are identified.

The Working Group considered and rejected several different deployment options before recommending a risk-based deployment option.

Risk factors would be articulated by leadership and may include, but not limited to:

- Volume of illegal traffic;
- Rate of assaults against agents and officers;
- Frequency of complaints against agents and officers; and
- Gaps in existing technology, training, or other identified need.

This approach will allow for a fluid deployment strategy that is fact based and responsive to individual component operational requirements. Each component may, based on their operational need, be able to utilize the technology as an operational tool, which could ultimately have a significant positive impact on CBP's overall mission, as long as a cautious and deliberate implementation strategy is applied.