

BRENNAN CENTER FOR JUSTICE

at New York University School of Law

Security

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There are many factors that go into data security, most of which are technical matters outside of the scope of departmental policies. However, some departments have laid out procedures to prevent officers from tampering with or improperly releasing video.

“Does viewing require allowed purpose?” “Is viewing logged?” and “Is permission required to copy video?”: The question of who is allowed to watch the videos is not limited to the issue of public access. The history of dashboard cameras in police cars includes instances of videos being watched and distributed by police officers as entertainment. A system that limits when a video can be viewed or copied, and logs any activity with a username, can help prevent such abuses. We have noted the circumstances under which an officer can view the video, whether viewing is logged, and whether permission is required to copy it.

City	Does Viewing Require Allowed Purpose?	Is Viewing Logged?	Is Permission Required to Copy Video?
<u>Austin</u>	Viewing allowed to ensure the system is working; to write a report, review evidence, or investigate an act of employee conduct; or as part of an official investigation.	Not specified	Not specified, but “copies...will not normally be made” unless a person has authorization to view but does not have access to the system. Anyone receiving a copy must comply with records retention policies.
<u>Baltimore (pilot)</u>	Viewing must be for law enforcement purposes and be authorized in writing by the Police Commissioner or designee.	Yes	All access to video must be authorized in writing by the Police Commissioner or designee.
<u>Charlotte, NC</u>	Viewing allowed only for “approved departmental purposes” such as writing reports and auditing system.	Yes	Chief of Police must give permission. Exceptions: the court liaison unit can make copies for the district attorney or court, and

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			the homicide unit can copy for investigations with permission from sergeant.
<u>Chicago (pilot)</u>	No restrictions if viewing own video.	Yes	Yes
<u>Dallas</u>	Accessing recordings without proper approval is prohibited, but no details on when or why approval is granted.	Not specified	Yes
<u>Denver</u>	Viewing allowed for “legitimate law enforcement or administrative purposes.” In general, officers can see their own video.	Not specified	Yes. Lead investigators can make a single copy to attach to a case file and evidence may be shared with the District and City Attorney’s Offices upon written request. Other copies require written permission from the Chief of Police.
<u>Ferguson</u>	No	Not specified	No permission required to copy for administrative review or to book as evidence. Permission required from Chief of Police to copy for an external agency.
<u>Las Vegas</u>	Viewing allowed for conducting investigations, completing reports, prior to testimony, and providing a statement in internal investigations.	Yes	Sheriff or designee must give permission in writing.
<u>Los Angeles</u>	No	Not specified	“Officers shall not copy... recordings except as authorized by law or Department policy.”
<u>Mesa, AZ (pilot)</u>	Recordings should only be accessed for “official law enforcement purposes,” which are not listed.	Not specified	Recordings should only be copied for “official law enforcement purposes.” No permission process is specified.
<u>Minneapolis</u>	Employees can view any video for any lawful job duty.	Yes	Officer must submit request to the Records Information Unit for a copy.

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<u>New Orleans</u>	Viewing is prohibited other than for “official law enforcement purposes.”	Not specified	Not specified, though copying is prohibited other than for “official law enforcement purposes.”
<u>New York (draft for public comment)</u>	No restrictions on officer viewing own video. Officers may view others’ videos “in furtherance of an investigation, preparation of a case or other official purpose.”	Yes	Not specified, though copying is prohibited except for “official purposes.”
<u>Oakland, CA</u>	Officers can view their own recordings and supervisors can view officer recordings unless prohibited by policy.	Not specified if logged by system, but personnel shall document reason for access.	No. Authorized personnel can make copies but must document the reason.
<u>Orlando</u>	Yes. Viewing is prohibited other than for “official law enforcement purposes.”	Yes	Not specified, though copying is prohibited other than for “official law enforcement purposes.”
<u>Phoenix, AZ (pilot)</u>	No restrictions on officer viewing own video or subordinate’s video.	Not specified	Copying recordings without the approval of the Police Chief or his designee is prohibited, but no permission process is specified.
<u>Rialto, CA</u>	Once uploaded, “personnel may view their own audio/video data.” In addition, “an employee” (which employee/s not specified) may view files for criminal investigations & reports, before testimony, or before providing a statement pursuant to an administrative inquiry.	Yes	Permission required from the Chief of Police, unless purpose of copying is to book as evidence.
<u>San Diego</u>	No restrictions on viewing own video. For general viewing, there is a list of acceptable administrative purposes.	Yes	Unauthorized copying is prohibited, but no permission process is specified.

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<u>San Jose</u> (pilot)	Viewing allowed for criminal investigations, preparing reports or testimony, training, and preparation of an Internal Affairs interview. Other reasons require permission of the Chief of Police.	Yes	Unauthorized copying is prohibited, but no permission process is specified.
<u>Seattle</u> (pilot)	Viewing allowed for complaints, investigations, FOIA requests, performance appraisal, audits, and other listed purposes.	Yes	Captain must give permission in writing.
<u>Tampa</u>	Not specified	Yes	Chief of Police must give permission.
<u>Tucson</u>	Viewing allowed for investigations, reports, and preparation for hearings, depositions, and trials.	Not specified	No permission required for listed purposes; other copying requires supervisor approval.
<u>Washington, D.C.</u>	“[M]embers shall not view recordings for anything other than official law enforcement purposes.”	Yes	An official must give permission in writing.

Model Policies

Org	Does Viewing Require Allowed Purpose?	Is Viewing Logged?	Is Permission Required to Copy Video?
<u>ACLU Model Statute</u>	Not specified	Not specified	Not specified
<u>International Association of Chiefs of Police</u>	Not specified	Not specified	Written approval required.
<u>Police Executive Research Forum</u>	Yes	Yes	Not specified