



# CBP Body-Worn Camera Feasibility Study and Camera Technology Report

*June 16, 2016*

Fiscal Year 2015 Report to Congress



Homeland  
Security

*U.S. Customs and Border Protection*

# Message from the Deputy Commissioner of CBP

June 16, 2016

U.S. Customs and Border Protection (CBP) respectfully submits the “CBP Body-Worn Camera Feasibility Study and Camera Technology Report” pursuant to the language set forth in the Explanatory Statement and in House Report 113-481, which accompany the *Fiscal Year 2015 Department of Homeland Security Appropriations Act* (P.L. 114-4).

The report details the findings of CBP’s study to evaluate the use of body-worn cameras.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:



The Honorable John Carter  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions you may have. Please do not hesitate to contact my office at (202) 344-2001 or the Department’s Deputy Under Secretary for Management and Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in black ink, appearing to read "K. McAleenan". The signature is fluid and cursive, with a long horizontal line extending to the right.

Kevin K. McAleenan  
Deputy Commissioner  
U.S. Customs and Border Protection

# Executive Summary

The use of cameras has long been a key component of CBP's efforts to earn and keep the public's trust and confidence in the critical work that CBP does, while enforcing the laws that CBP is sworn to uphold. In July 2014, CBP voluntarily initiated a feasibility study on body-worn cameras (BWC) — the first federal agency of its size and complexity of mission to do so. In November 2015, CBP released the findings of the yearlong feasibility study to explore the use of BWCs in varied operating environments. The feasibility study concluded that these, and other types of cameras, could have positive benefits for CBP if acquired, deployed, and managed properly.

Many state and local agencies utilize cameras and observe positive benefits. However, the operating environments and needs of CBP differ in many respects from those of other agencies. A significant number of CBP personnel work in harsh physical environments, in some locations with limited internet connectivity, and the nature of CBP law enforcement encounters are unique in many ways. Additionally, varied assignments, uniforms, equipment, and environmental elements can affect the functionality of technology. While the study found that the particular BWCs evaluated at the time were not well-suited for all CBP environments, overall camera technology would present benefits for CBP's ability to carry out its mission.

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

Following the November 2015 release of CBP's Body-Worn Camera Feasibility Study Report, Commissioner R. Gil Kerlikowske directed an expanded camera review. From this, CBP will develop a clear path forward to implement camera technology in those environments where use of such cameras is determined, based on the needs and input of operational components, to be both feasible and beneficial to CBP's mission. CBP will take steps to evaluate and test body-worn, mobile, and vessel-mounted cameras in additional locations, such as checkpoints, vessel boarding and interdictions, aircraft certificate inspections, training environments, and outbound operations at ports of entry. CBP will approach this effort thoughtfully and welcomes the opportunity to share its progress with the entire workforce and the public as it moves forward.



# CBP Body-Worn Camera Feasibility Study and Camera Technology Report

## Table of Contents

I.	Legislative Language .....	1
II.	Background .....	2
III.	Discussion .....	4
	A. CBP Body-Worn Camera Feasibility Study Report .....	4
	B. Next Steps .....	6
IV.	Conclusion.....	8
V.	Appendix. List of Acronyms.....	9

# I. Legislative Language

This document was compiled pursuant to the legislative language set forth in the Explanatory Statement and in House Report 113-481, which accompany the *Fiscal Year 2015 Department of Homeland Security (DHS) Appropriations Act* (P.L. 114-4).

The Explanatory Statement states:

Recently, CBP initiated a pilot program to determine whether using body-worn cameras can reduce the use of unnecessary force and protect officers and agents from allegations of abuse that may be unfounded. As required in the House report, CBP shall provide a report to the Committees on the results of the pilot within 60 days of its completion.

House Report 113-481 states:

The Committee notes that, unlike many law enforcement agencies, CBP officers and Border Patrol agents do not use dashboard and officer mounted video cameras, such as lapel video recording devices, to record encounters with the public. Such recording devices can be useful in discouraging inappropriate conduct by law enforcement officers and have also exonerated officers accused of wrongdoing. The Committee is encouraged by CBP's plans to conduct a pilot program to evaluate the use of these technologies and directs CBP to report to the Committee on its findings within 60 days of the completion of the pilot.

## II. Background

The Body-Worn Camera (BWC) Working Group was established in July 2014 at the request of U.S. Customs and Border Protection (CBP) Commissioner R. Gil Kerlikowske. The Working Group's objective was to evaluate the feasibility of incorporating BWC technology into CBP law enforcement operations. Members were comprised of representatives from 13 CBP offices, the DHS Office for Civil Rights and Civil Liberties, and the DHS Privacy Office.

For 12 months, beginning in July 2014, the BWC Working Group conducted a feasibility study during which its members studied available data, reviewed published reports, analyzed expert recommendations, and consulted scholarly papers to assist in the development of the study and subsequent report. Working Group members also participated in a government-sponsored expert panel hosted by the U.S. Department of Justice Bureau of Justice Assistance, and took part in several interagency meetings with the U.S. Department of Justice, the U.S. Department of Interior, and the U.S. General Services Administration. The Working Group also consulted with state and local law enforcement entities, including the Los Angeles Police Department and the New Orleans Police Department, to gain a greater understanding of the subject matter and valuable lessons learned.

The Working Group also met with BWC manufacturer representatives to provide Working Group members with an understanding of the capabilities and limitations of the existing technology. Based on the information received, CBP purchased a representative sample of available technology for use during the feasibility study.

The Working Group employed a methodical approach that incorporated three phases. The first phase consisted of a controlled environment evaluation at the CBP academies and training facilities in Glynco, Georgia; Artesia, New Mexico; Oklahoma City, Oklahoma; and St. Augustine, Florida. Evaluations at these sites were conducted by academy personnel who observed the technology in use by officer and agent trainees during scenario-based training.

The second phase, the field evaluation phase, applied practical evaluations at CBP environments on the Northern, Southern, and Coastal borders. This phase involved participation of officers and agents from: the U.S. Border Patrol, El Paso and Blaine Sectors; the Office of Field Operations, Seattle Field Office; and the Air and Marine Operations, West Palm Beach Marine Unit and Great Lakes Air and Marine Branch. During this phase, CBP's Office of Technology Innovation and Acquisition also conducted an operational utility evaluation. The evaluation produced critical analysis of

the data collected during the field evaluations, and the information contained in its evaluation has been incorporated into the Working Group's final recommendation.

The third phase consisted of analyzing the data from the previous phases, as well as associated policy, legal, privacy, labor relations, operations, deployment, cost, records retention, and information technology considerations.

### III. Discussion

#### A. CBP Body-Worn Camera Feasibility Study Report

The operational utility evaluation concluded that “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 as outlined in the CBP Body-Worn Camera Feasibility Study Report.<sup>1</sup> Working Group findings were presented to Commissioner Kerlikowske and he outlined an expanded camera footprint.

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

- Reducing the number of allegations and complaints, deterring frivolous complaints and lowering the likelihood of use of force incidents;
- Providing insight into law enforcement encounters that traditionally have been unavailable;
- Providing supplemental evidence in criminal cases, increasing the likelihood of obtaining successful prosecution for those who have violated the law;
- Enhancing training capabilities through utilization of footage as a learning tool;
- Reducing hostilities between officers/agents and citizens;
- Strengthening officer and agent performance and accountability;
- Increasing officer and agent awareness and safety by influencing public behavior; and
- Simplifying 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:

- BWCs increase the cognitive load experienced by officers/agents. 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.

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<sup>1</sup> See <https://www.cbp.gov/document/report/body-worn-camera-feasibility-study-report>.



- 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 U.S. Border Patrol, 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.
- 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 Freedom of Information Act requests.

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

- 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.
- Perform technology evaluations that identify technology requirements for each operational component, with particular attention to their specific operating environments.
- 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 are 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 needs.

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

## B. Next Steps

Following the completion of the feasibility study, Commissioner Kerlikowske has directed the Working Group to develop and coordinate the Agency's implementation strategy for camera technology as outlined in the Camera Technology Report.<sup>2</sup> 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 resultant use of BWCs also has raised important policy and technology questions that require further consideration before implementation by CBP. These factors include the availability of technology suitable to CBP's varied operating environments; a better understanding of the need for BWCs in relation to CBP's existing camera infrastructure; and policy considerations raised in the feasibility study such as privacy matters, data storage, funding, and collective bargaining.

Because more than 8,700 existing 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 BWC technology.

In this next phase, CBP will:

- Examine existing fixed camera technology and infrastructure with the expectation of optimizing current resources;
- Evaluate mobile/dash camera capabilities to fill gaps at and between ports of entry; and
- Deploy BWCs within training units.

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<sup>2</sup> See <https://www.cbp.gov/document/report/camera-technology>.

CBP will explore the use of mobile/dash cameras in CBP marked vehicles, for both the Office of Field Operations and the U.S. Border Patrol. CBP will continue implementation of vessel-mounted cameras that capture a 360-degree view of the area surrounding a vessel. CBP will continue to test camera use in new ways and locations and likely will discover new mission-supporting applications.

On April 7, 2016, CBP announced the next step in the agency's expanded use of cameras by releasing a request for information (RFI).<sup>3</sup> In the RFI, published on the Federal Business Opportunities website, CBP is soliciting information and recommendations for two camera systems: a BWC system that can be worn by a CBP agent or officer, and a vehicle-mounted camera system that has multi-camera capability and the ability to capture and record audio and video. This solicitation for information on available technology is an important step in CBP's efforts to determine how expanded camera usage can benefit the agency.

CBP is committed to this effort and expanded transparency through a number of efforts, including an increased camera infrastructure. CBP is interested in utilizing multi-layered camera deployments and product options for CBP's unique operational environments utilizing the risk-based approach identified in the BWC Feasibility Study for areas at and between the ports of entry, which include:

- Checkpoints;
- Vessel boarding;
- Vessel interdiction operations;
- Outbound operations;
- Pilot certificate inspections;
- Training environments; and
- Other specific high-risk areas of operation.

CBP also continues to meet with experts and to review resources made available by the U.S. Department of Justice, state and local law enforcement, and nongovernmental organizations.

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<sup>3</sup> See <https://www.cbp.gov/newsroom/national-media-release/2016-04-07-000000/cbp-seeks-industry-input-body-worn-vehicle-mounted>.

## IV. Conclusion

The use of cameras has long been a key component of CBP's efforts to earn and keep the public's trust and confidence in the critical work that it does, while enforcing the laws that CBP is sworn to uphold. CBP's in-depth study to explore the use of BWCs in its varied operating environments concluded that these, and other types of cameras, could have positive benefits for CBP if acquired, deployed, and managed properly. CBP currently is working on the next steps to expand its camera footprint.

BWCs is an area of continuously evolving technology and CBP is committed to testing durable new cameras that may be a better fit with CBP's operational requirements. CBP is considering many practical policy and privacy questions as well as the significant financial costs associated with deployment, maintenance, video data storage, training, and technology upgrades. CBP also must develop policies; conduct further technical evaluations; and resolve other outstanding issues, such as funding and collective bargaining considerations. Commissioner Kerlikowske has directed the Working Group to develop the Agency's implementation strategy for camera technology.

## V. Appendix. List of Acronyms

<b>Acronym</b>	<b>Definition</b>
<b>BWC</b>	Body-Worn Camera
<b>CBP</b>	U.S. Customs and Border Protection
<b>DHS</b>	U.S. Department of Homeland Security
<b>RFI</b>	Request for Information