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U.S. HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HEARING ON
"POLICE CAMERAS AT THE DEPARTMENT OF THE INTERIOR: INCONSISTENCIES, FAILURES, and CONSEQUENCES"

September 29, 2020

Good morning Chairman Cox, Ranking Member Gohmert, and members of the Subcommittee. My name is Arthur Ago, and I serve as the Director of the Criminal Justice Project at the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"). Thank you for the opportunity to testify today about the important issue of police cameras, including body-worn and dashboard cameras, within the law enforcement agencies of the Department of the Interior ("Department").

The Lawyers' Committee has been a leader in the battle for equal rights since it was created in 1963 at the request of President Kennedy to enlist the private legal bar's leadership and resources in combating racial discrimination. We are a nonpartisan, nonprofit organization that works to secure equal justice under the rule of law. The Lawyers' Committee staff, volunteer attorneys, local affiliates, law firms, and others work to protect and defend the civil rights of Black Americans and other people of color in the areas of voting rights, economic justice, education, criminal justice, fair housing, and fighting hate. Our Criminal Justice Project works to combat race discrimination and protect equal justice under the law by confronting the ways in which racism infects every stage of our criminal justice system, by challenging laws and policies that criminalize poverty, by promoting access to justice and representation, and by advancing accountability and structural reform of police departments.

In the wake of the killings of George Floyd, Bijan Ghaisar, Breonna Taylor, and far too many other people of color, tens of millions of Americans took to the streets to rise up against police abuse and violence, particularly against communities of color. A central demand of this movement was transformative change to America's flawed systems of police accountability. Far too often across the United States, abuses of power and other misconduct by police officers remain unchecked, leaving the distinct impression among community members—and sending a signal to officers—that police can violate the law with impunity. Communities of color, disproportionately targeted for abusive policing, bear the brunt of these failures in accountability and transparency. For example, according to a report by the Washington Post, 1,010 people have been killed in the past year by police in the United States, and people of color are much more likely to be victims.[1] There are concrete steps we can take to reduce these incidents, not only at the state and local level, but also within federal law enforcement agencies.

Requiring body-worn and dashboard cameras across the Department's law enforcement agencies—along with a robust set of policies that govern the use of those cameras and the video created from them—is an important first step toward increasing accountability and transparency, and in turn decreasing violence and misconduct, within these agencies.

This is no radical proposal. Requiring officers to document what they do on the streets enjoys broad public support. Over 90 percent of the public favors the use of body-worn cameras, and two-thirds of law enforcement officers agree too—perhaps in part because camera footage should also clear the names of officers wrongfully accused of misconduct.[2]

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[1] *Fatal Force*, Wash. Post (Sept. 23, 2020), https://www.washingtonpost.com/graphics/investigations/police-shootings-database/?itid=hp-top-table-main

[2] Rich Morin, Kim Parker, Renee Stepler, Andrew Mercer, *Behind the Badge*, Pew Research Center (Jan. 11, 2017) https://www.pewsocialtrends.org/2017/01/11/police-views-public-views/

Body-worn and dashboard cameras, when used properly pursuant to sound guidelines, can provide unbiased and untarnished records of police interactions with the community. The Department also has the unique opportunity to lead other law enforcement agencies within the federal government, given that other federal law enforcement agencies have yet to deploy body-worn cameras in any systemic way.[3] The Department has the opportunity to take this crucial first step in building and establishing trust between their police forces and the communities that they serve.

I. THOUGH THE LAW ENFORCEMENT AGENCIES OF THE DEPARTMENT ARE FEDERAL POLICE FORCES, THEY HAVE NOT IMPLEMENTED REFORMS OR OVERSIGHT STRUCTURES THAT MANY STATE AND LOCAL AGENCIES PASSED YEARS AGO

The federal law enforcement agencies of the Department are no strangers to failures in accountability and transparency. The Department has numerous agencies with law enforcement responsibilities, including law enforcement at the United States Park Police, Bureau of Indian Affairs, and the Bureau of Land Management. According to 2016 figures, the Department employs over 3,600 full-time officers, including 560 Park Police, over 1,800 National Park Service Rangers, and more than 250 officers at the Bureau of Land Management.[4] The Bureau of Indian Affairs reports employing over 500 law enforcement officers.[5]

These law enforcement officers operate in jurisdictions across the country. The Park Police in particular has broad police powers in the metropolitan Washington, D.C., New York City, and San Francisco areas; the Park Police also operates in a manner similar to local and state-level traffic police along the George Washington Parkway and Baltimore-Washington Parkway, along with other areas. The Department's wide-ranging police powers bring its law enforcement officers into regular contact with everyday Americans on a constant basis, just like state and local law enforcement. From our nation's capital to hundreds of miles of our southern border to vast expanses of our public lands, the size and scope of the Department's law enforcement reach is difficult to overstate.

But unlike a number of our state and local law enforcement departments, the Department's law enforcement agencies have failed to implement many of the most basic reforms that increase accountability and transparency. To name two examples, the Department's law enforcement agencies have no civilian review boards, and the misconduct records of their employees are not publicly available. This lack of accountability and transparency is reflected in the specific subject of this hearing: Department use of police cameras is scattershot at best, with some agencies

[3] Tom Jackman, *Feds to Experiment with Allowing Police Officers to Wear Body Cameras on Task Forces*, Wash. Post (Oct. 28, 2019), https://www.washingtonpost.com/crime-law/2019/10/28/feds-experiment-with-allowing-police-officers-wear-body-cameras-task-forces/

[4] U.S. Dep't of Justice, NCJ 251922, *Federal Law Enforcement Officers, 2016 – Statistical Tables* (Oct. 2019) *https*://www.bjs.gov/content/pub/pdf/fleo16st.pdf

[5] Bureau of Indian Affairs – Office of Justice Services, *Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2016* (May 2, 2018) https://www.bia.gov/sites/bia.gov/files/assets/bia/ojs/ojs/pdf/2016_TLOA_Report_FINAL.pdf

deploying cameras on a voluntary, pilot basis and with others explicitly instructing employees *not* to deploy cameras.[6]

The list of deficiencies of these agencies when compared to many of their state and local counterparts goes on. I am here today to make clear that the Department can, and must, do better. Given the Department's broad mandates and police powers, the American people should be confident that its law enforcement agencies are adequately overseen and implement appropriate reforms and best practices. Mandatory use of body-worn and dashboard cameras, under policies that protect the safety and privacy concerns of the community, is one of these crucial reforms. Moreover, police violence and other misconduct is a tragic and unacceptable feature of American life, and communities of color suffer disproportionately from that violence and misconduct. Body-worn and dashboard cameras will begin to chip away at police violence and misconduct, and our hope is that this hearing will be the beginning of necessary and long-overdue reforms.

II. THE DEPARTMENT'S LAW ENFORCEMENT AGENCIES HAVE A HISTORY OF MISCONDUCT AND SECRECY AND ARE IN NEED OF BOTH ACCOUNTABILITY AND TRANSPARENCY STRUCTURES

The Department's law enforcement agencies have far too many examples of misconduct and failures in accountability to go over them all at today's hearing. I want to highlight a few recent examples.

Most recent, of course, is the Park Police's handling of the Lafayette Square protests after the killing of George Floyd, in which Park Police officers and other law enforcement agents deployed chemical agents and rubber bullets into a largely peaceful crowd. Though the Park Police denied using tear gas or a particular type of chemical irritant, reporters after the protested found a canister labeled "Speed-Heat CS," the very agent that a spokesperson for the Park Police denied using, and another shell labeled "Skat Shell OC," the very agent that the Acting Chief of the Park Police denied using.[7] There is no indication that any Park Police officer on scene was equipped with a body-worn camera.

Lafayette Square followed on the heels of the 2017 killing of Bijan Ghaisar, who was shot in the head at close range by Park Police officers. The response of Park Police and other federal law enforcement agencies was to block transparency and to fight accountability, only turning over even the *names* of the involved officers in response to a federal court order. And it should come as no surprise that neither of the officers had vehicle or body-worn cameras. Indeed, the only camera footage that the Ghaisar family was able to secure came from Fairfax County law

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[6] Office of Inspector General, U.S. Department of the Interior, Rep. No. 2017-WR-012, *U.S. Department of the Interior Law Enforcement's Body Camera Policy and Practices Are Not Consistent with Industry Standards* (January 2018) https://www.doioig.gov/sites/doioig.gov/files/FinalEvaluation_BodyCameras_013018.pdf

[7] Carol Leonig, *Park Police spokesman acknowledges chemical agents used on Lafayette Square protesters are similar to tear gas*, Wash. Post (June 5, 2020), https://www.washingtonpost.com/politics/park-police-spokesman-acknowledges-chemical-agents-used-on-lafayette-square-protesters-are-similar-to-tear-gas/2020/06/05/971a8d78-a75a-11ea-b473-04905b1af82b_story.html

enforcement, whose dashboard cameras captured portions of the police's interactions with Mr. Ghaisar.

Misconduct and violence among the Department's law enforcement agencies are unfortunately not limited to more junior officers or to officers conducting traffic stops. Instead, the problem stretches to the very top of at least one organization. The current Acting Chief of the Park Police, Gregory Monahan, has a checkered past that *should* have raised serious questions about his ascent in the agency—and perhaps even about his continued employment by the agency in any capacity. Monahan's misconduct should have been clear to everyone by no later than 2002, when a federal judge found that Monahan had lied about an illegal search of a man he stopped on traffic patrol.[8] The federal judge concluded that Monahan "felt compelled to display [the civilian's] buttocks, to spread his buttocks apart, and to reach in between his buttocks" in broad daylight, on the side of the George Washington Memorial Parkway—the same highway on which Park Police officers would kill Bijan Ghaisar 15 years later.[9] Another decision against Monahan came down in 2003, with another judicial finding that Monahan lied about a different unconstitutional stop.[10]

The agencies under the Department have critical failings in their accountability and transparency structures. The Park Police's failure to meaningfully investigate Monahan, let alone meaningfully discipline him, speaks volumes to the lack of accountability, transparency, and discipline structures within one of the Department's law enforcement agencies. Instead of removing him from his post, the Park Police repeatedly promoted Monahan, first to detective sergeant in 2007, then to captain in 2012, then to major in 2015, then to assistant chief of police in 2019, and culminating in his current role as Acting Chief.[11]

If the Internal Affairs divisions of these agencies will not take action, there needs to be *some* type of backstop to provide outside parties the tools necessary to push through change. Body-worn and dashboard cameras can be that backstop. And if a person with Monahan's history can rise to head the Park Police, then this Subcommittee should be gravely concerned about the actions of run-of-the-mill patrol officers who are not subjected to the same scrutiny and oversight as an Acting Chief. And of course, because the law enforcement agencies within the Department have been so reluctant to equip their officers with any type of cameras in a systematic manner, the misconduct of other officers remains hidden away from public view and the view of this Subcommittee.

These examples—primarily from the backyard of the nation's capital—are only the tip of the iceberg.

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[8] *United States v. Ford*, 232 F. Supp. 2d 625 (E.D. Va. 2002).
[9] *Id.* at 630.
[10] Mathew Goldstein, Katie Benner, *Park Police Head Had Been Accused of Illegal Searches and Unreliable Testimony*, N.Y. Times (June 18, 2020), https://www.nytimes.com/2020/06/18/us/politics/park-police-gregory-monahan.html (noting that at least four other decisions came down in federal court reaching the same conclusion: that Monahan had conducted stops and searches in violation of the Constitution, and quoting the Federal Defender for the Eastern District of Virginia: "Monahan had, by far, more cases thrown out because of police misconduct than any other officer I've ever dealt with.")
[11] *Id.*

Just last month, a Bureau of Indian Affairs officer shot and killed Brandon Laducer, a Native American man, on the Turtle Mountain Indian Reservation.[12] Neither BIA nor the FBI (which became involved in the investigation) would release the officer's name, and the official police account conflicts with civilian witness accounts.

Meanwhile, in June 2020, a Park Ranger first tased, then shot and killed Charles Lorentz, an unarmed man visiting Carlsbad Caverns in New Mexico.[13] Though this officer *was* equipped with a body-worn camera, initial reports indicate that 26 seconds of footage—immediately prior to the officer firing multiple shots and extinguishing the man's life—was missing from the camera's files.[14]

It should not be this easy to list off examples of police violence or misconduct from the law enforcement agencies under the Department. It should not be this easy to identity the failings in accountability and transparency structures across the Department. The public deserves better.

III. RECORDING OFFICERS' CONDUCT WITH CIVILIANS IS CRITICAL TO TRANSPARENCY AND ACCOUNTABILITY

In each of the examples mentioned, access to recordings of the law enforcement officers' conduct would assist in the investigations of all involved and lead to greater transparency and accountability.

For Lafayette Square, both the public and this Subcommittee should have body-worn camera footage from the involved officers to hold wrongdoers, if there are any, accountable for this misconduct—video that does not exist because of Park Police's decision not to equip its responders that evening with body-worn cameras. That same video footage would also tell us all whether *any* of the various accounts provided by Park Police leadership about their employees' use of force was true.

In Bijan Ghaisar's case, we would have clearer answers on how a young man ended up with nine bullets in his head on the side of the highway. And if Park Police officers had been required to wear cameras and record footage from their vehicles, and if disclosure of that shooting had been mandated by law or policy, the Ghaisar family would not have had to fight in court to get access to any information about what had happened to Mr. Ghaisar, let alone dashboard camera footage from Fairfax County that the Virginia agency *wanted* to disclose publicly (and that federal law enforcement had a copy of). Fairfax's laudable disclosure of its own video teaches another lesson: The media's coverage of the video enabled the public and this Subcommittee to start asking tough questions about the policies and practices of Park Police—questions that would have been pushed to the side had everyone been forced to rely on Park Police's official accounts

[12] Darren Thompson, *Tribal Citizen Killed on Turtle Mountain Reservation; BIA Officer Suspended, Family Left in Dark*, Native News Online (Aug. 26, 2020), https://nativenewsonline.net/currents/tribal-citizen-killed-on-turtle-mountain-reservation-bia-officer-suspended-family-left-in-dark
[13] Chris Ramirez, *Video Shows Park Ranger Shoot and Kill Unarmed Carlsbad Caverns Visitor*, KOB4 (June 30, 2020), https://www.kob.com/albuquerque-news/video-shows-park-ranger-shoot-and-kill-unarmed-carlsbad-caverns-visitor/5777672/?cat=500
[14] *Id.*

of what happened. And perhaps if the Park Police had meaningful accountability or disciplinary structures in place, the administrative inquiry into the conduct of the two officers would have begun already.[15] It is also striking that the Park Police updated their use of force and vehicular policies only after media attention honed in on the conduct of those two officers—another lesson in the power of releasing body-worn camera footage, transparency, and the voice of the public.[16] It should not take a young man's killing at the hands of officers to trigger much-needed change within an agency, nor should it take national media coverage to bring policies in line with the rest of the country.

The same is true for Brandon Laducer: camera footage might have shed at least some light on whose account—the police's or civilian witnesses'—was true. And Charles Lorentz' killing is an example of the critical importance of strict policies governing the activation and deactivation of the body-worn camera, as well as prohibitions on officers' access to (and ability to tamper with) camera footage. Those 26 missing seconds might mean all the difference in determining how and why another officer extinguished yet another young man's life—and might mean all the difference in preventing another tragedy in the future.

In countless other cases of killings at the hands of officers, illegal searches, and other misconduct, we would have a better record of what transpired—a record that would enable the public, the leadership of these agencies, and this Subcommittee to hold both the agencies and officers alike accountable for their actions.

The Department has the opportunity to move beyond even the progress made by state and local law enforcement agencies in this regard. Of the nearly 6000 killings of civilians at the hands of police officers (primarily state and local) since 2015, body-worn camera footage was available in less than 700 of the cases.[17] The Department's law enforcement agencies should be able to produce camera footage for inspection and review in *any* incident involving a serious use of force (subject to appropriate restrictions) for at least two reasons. First, doing so gives the public and oversight bodies the tools necessary to ensure that federal law enforcement agencies are complying with rules, regulations, and the Constitution, and in turn supporting the ability to remove problem officers and change broken systems of accountability. And second, doing so removes the specter of misconduct for officers who were in fact justified in their actions.

The appropriate use of body-worn and dashboard cameras—that is, with strict policies and safeguards in place governing their use—also leads to better experiences for individuals who interact with law enforcement. According to one evaluation cited in a 2014 study for the Department of Justice, citizen complaints against police declined by 88 percent in one year following the implementation of a body-worn camera program in Rialto, California. The use of

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[15] Tom Jackman, *FBI Withholds Hundreds of Documents from Fairfax in Probe of Bijan Ghaisar Killing*, Wash. Post (June 5, 2020), https://www.washingtonpost.com/crime-law/2020/06/05/fbi-withholds-hundreds-documents-fairfax-probe-bijan-ghaisar-killing/

[16] *Id.*

[17] *Fatal Force*, Wash. Post (Sept. 23, 2020), https://www.washingtonpost.com/graphics/investigations/police-shootings-database/?itid=hp-top-table-main

force by officers also dropped by 60 percent.[18] Another study in Arizona involved an eight-month review following 50 officers wearing body cameras and 50 who did not. Those with the body-worn cameras were the subject of eight complaints; those without them were the subject of 23.[19]

IV. RECORDING OFFICERS' CONDUCT IS EFFECTIVE AT ADVANCING ACCOUNTABILITY AND TRANSPARENCY ONLY WHEN STRICT REQUIREMENTS ON PLACED ON THE USE OF CAMERAS

The use of body-worn and dashboard cameras can be an important tool to increase transparency and accountability. But like any other tool, they come with risks and require necessary safeguards. While their *appropriate* use reduces overall use of force and misconduct, the devil is in the details. The nature and scope of the polices that govern these cameras is critical to these programs' success.

a. The Department's Law Enforcement Agencies Have Failed to Implement Body-Worn Cameras Effectively and with Appropriate Safeguards

There is no question that the Department misapprehends the critical importance of strict policies and procedures for the use of body-worn and dashboard cameras. According to a 2018 review by the Department's Office of Inspector General, the Department's draft body camera policy failed to include critical industry standards. And for those few agencies that had rolled out pilot or voluntary programs, the Inspector General identified key deficiencies in officers' use of the cameras. The Inspector General also identified concerns about law enforcement officer's ability to have complete control over their videos at the risk of possible deletion or alteration. The report found:

> Until the Department issues a clear and consistent policy for bureaus to follow, the success of body camera programs is at risk, particularly in areas such as data quality, systems security, and privacy. There is also a risk that investigative or judicial proceedings will be challenged for failure to properly maintain evidence chain of custody, which could lead to an erosion of public trust in bureau law enforcement programs.[20]

Beyond raising questions about investigative or judicial proceedings, the Department's incomplete understanding of the critical role for comprehensive policies for camera footage

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[18] Michael D. White, PhD, *Police Officer Body-Worn Cameras: Assessing the Evidence*, Dep't of Justice, Office of Justice Programs, Bureau of Justice Assistance, (2014) https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/diagnosticcenter_policeofficerbody-worncameras.pdf

[19] *On-Officer Body Camera System: Program Evaluation and Recommendations*. Mesa, AZ: Mesa Police Department,(2013) http://www.bwvsg.com/wp-content/uploads/2015/06/On-Officer_Body_Camera_Field_Study.pdf

[20] Office of Inspector General, U.S. Department of the Interior, Rep. No. 2017-WR-012, *U.S. Department of the Interior Law Enforcement's Body Camera Policy and Practices Are Not Consistent with Industry Standards* (January 2018) https://www.doioig.gov/sites/doioig.gov/files/FinalEvaluation_BodyCameras_013018.pdf

also threatens to undermine the effectiveness of these cameras in advancing accountability and transparency.

b. Cameras Contribute to Accountability and Transparency Only when Accompanied with Strict Safeguards

The degree to which body-worn and dashboard cameras are effective in meeting the twin goals of accountability and transparency hinges on the policies and procedures governing cameras' use, access to footage by officers, access to footage by civilians and the public, and meaningful disciplinary implications when officers violate policy, among other things.

This is borne out by the studies of cameras' effectiveness in locations *without* strict polices governing their usage, and *without* disciplinary consequences to failure to abide by those policies.

For instance, a 2016 study of eight police departments found that body-worn cameras reduce officers' violence *only* when officers were given little to no discretion in the decision to turn on or off their cameras.[21] (Perversely, use of force increased in some circumstances when officers' discretion was unbridled.) This aligns with the commonsense notion that cameras can increase transparency only when the officers themselves are stripped of the ability to selectively decide when and when not to record. Without those strict policies in place, cameras may shift from a tool for accountability and transparency into a shield used by officers to hide their misconduct off camera.

Similarly, a study of the roll-out of a pilot camera program in Washington, D.C., in 2015 and 2016 found that wearing a camera had little impact on an officer's use of force or the number of complaints filed against an officer.[22] Though the city *has* spelled out polices on the use of cameras by officers, officers nonetheless regularly flout those policies, with one-third of cases investigated by the Office of Police Complaints showing some level of non-compliance with camera regulations.[23] Worse, the city appears to implement no disciplinary consequences for the failure to comply with these orders,[24] essentially rendering them only words of guidance. And until a recent legislative change,[25] the city refused to release body-worn camera footage of

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[21] Barak Ariel, *Report: Increases in Police Use of Force in the Presence of Body-Worn Cameras Are Driven by Officer Discretion: A Protocol-Based Subgroup Analysis of Ten Randomized Experiments*, Journal of Experimental Criminology 12 no. 3 (2016): 453-463, https://link.springer.com/article/10.1007/s11292-016-9261-3

[22] David Yokum, Anita Ravishankar, Alexander Coppock, *Evaluating the Effects of Police Body-Worn Cameras: A Randomized Controlled Trial*, The Lab @ DC, https://bwc.thelab.dc.gov/TheLabDC_MPD_BWC_Working_Paper_10.20.17.pdf

[23] Five Years of the Metropolitan Police Department's Body-Worn Camera Program: Reflections and Next Steps, D.C. Council on Judiciary and Public Safety Public Oversight Roundtable, (Oct. 21, 2019) (Statement of Nassim Moshiree, Policy Director, American Civil Liberties Union) https://www.acludc.org/en/legislation/aclu-dc-statement-public-oversight-roundtable-five-years-metropolitan-police-departments

[24] *Id.*

[25] NBC Washington Staff, *Body Camera Footage in Police Killing of Deon Kay to be First Released in Line with New 5-Day Law*, NBC Washington (Sept. 3, 2020) https://www.nbcwashington.com/news/local/body-camera-footage-in-police-killing-of-deon-kay-to-be-first-released-in-line-with-new-5-day-law/2409367/

killings and other uses of force by officers, thereby undermining a key accountability feature of the program in the first place.

These studies underline the critical importance of not just deploying cameras to a police force, but also requiring clear guidance, accountability, and protections for the use of those cameras. Allow me to outline a few examples that any policy governing body-worn or dashboard cameras should follow:[26]

- As a starting point, there must be clear policies on camera usage in place that are easy for the public and this Subcommittee to access and review. State and local agencies across the country make their policies publicly available,[27] which enables robust examinations of those policies by members of the public and elected officials alike. We should expect no less from federal law enforcement agencies.

- There must also be strict limits on an officer's discretion on when to record events, or not record them. Failure of an officer to abide by these rules, absent clear justification, should have swift disciplinary consequences. Without those rules and disciplinary consequences, officers are free to choose when to record and when not to record—which transforms what *should* be a tool for accountability and transparency into a potential shield for officers to hide their misconduct, as reflected in some of the studies above.

- There must be prohibitions of officers reviewing footage prior to filing initial written reports or providing initial statements related to potential misconduct. These prohibitions stop officers from twisting their written or oral accounts to match what was captured on video and from explaining away misconduct that they may not realize was captured by a camera.

- There must be limits on the retention of footage that has no clear bearing on an investigation—either of a civilian or any officer.

- All access to recorded footage must be logged or audited to prevent tampering or unauthorized access.

- Footage documenting allegations of serious misconduct, including deaths at the hands of officers, must be made accessible to the public shortly after the incident, potentially subject to appropriate restrictions (such as objections from a victim's family).

- Individuals filing complaints alleging police misconduct must be allowed to view all footage that might be related to their complaint.

[26] See, e.g., *Police Body Worn Cameras: A Policy Scorecard*, The Leadership Conference (Nov. 2017) https://www.bwcscorecard.org/

[27] *See, e.g.*,, MPD and Body-Worn Cameras, Metropolitan Police Department, Washington, D.C., available at https://mpdc.dc.gov/page/bwc (last accessed September 24, 2020).

- And finally, there must be strict limits on the use of biometric technologies to identify individuals in footage, given these technologies' well-documented problems in identifying women and people of color.[28]

Without these types of safeguards in place, rolling out body-worn or dashboard cameras across the Department has little hope of increasing accountability and transparency. And if this sounds like a complicated or costly approach, it is only because this is a complicated issue that raises serious questions. But the research is clear: without these safeguards in place, body-worn and dashboard cameras fail in increasing officer accountability and transparency.

V. THIS CHANGE IS ONLY ONE OF MANY REQUIRED TO BRING THE DEPARTMENT'S LAW ENFORCEMENT AGENCIES IN LINE WITH BASIC REFORMS IMPLEMENTED ACROSS THE COUNTRY

Law enforcement agencies operating under the federal government should lead the country in accountability and transparency. With all the resources available to a federal agency, these organizations should be guiding the way in holding officers responsible for misconduct, including deployment of body-worn and dashboard cameras with robust policies governing their use and strict penalties for non-compliance with those policies.

But the law enforcement agencies operating under the Department lag behind many state and local agencies in accountability and transparency. While many state and local departments have independent civilian review boards, these agencies have none. While many states make the misconduct records of officers public, the Park Police fought the release of even the *names* of the two officers who shot a man in the early evening on the side of the George Washington Parkway. While many states and local departments implement swift discipline for their officers who have engaged in misconduct, one agency under the Department promoted a problem officer to head up operations. And while the majority of states use body-worn or dashboards in one form or another, the Department has yet to take meaningful action to require cameras across the board, let alone implementing a robust set of policies to ensure that cameras increase accountability and transparency.

[28] Research shows that facial recognition technology works well at identifying white men, is somewhat inaccurate at identifying white women, is inaccurate at identifying men of color, and is extremely inaccurate at identifying women of color. A recent study conducted by the National Institute of Standards and Technology found that Asian and African American people were frequently misidentified as much as 100 times more than white men. Another study from MIT found that light-skinned men were correctly identified 99% of the time, while only 65% of darker-skinned women were correctly classified. Much of this disparity can be attributed to the fact that the data used to train facial recognition algorithms underrepresent darker-skinned people. Moreover, this disparity could grow worse over time because accuracy decreases as the size of the database increases when attempting to match an individual to a database. For these reasons, any implementation of body-worn or dashboard cameras must include a prohibition on using facial recognition technology on any footage from these cameras. There are similar problems with cameras that can scan license plates and enter them into databases—a potential issue with dashboard cameras. Automated license plate readers, or ALPRs, have software that automatically detects license plates of every vehicle in view, reads them, and pings the officer any time there is an outstanding warrant or other violation on record. As with any tool of law enforcement, this type of technology has the potential to be deployed or enforced in a racially discriminatory manner.

As I close my testimony, I want to make clear that ultimately, beyond the question of camera footage, this Subcommittee will need to address other questions related to these agencies as it moves forward in its oversight role. These questions include: How are officers disciplined for misconduct? How is misconduct among officers tracked? Do these agencies conduct any analysis of this data to identify problem officers? Do these agencies maintain and track records related to use of force? Who conducts Internal Affairs investigations? What policies govern these investigations? Is adjudicated misconduct considered in promotion decisions? Answers to those questions are critical in ensuring that these law enforcements agencies move toward those twin goals of accountability and transparency.

It is time for the law enforcement agencies of the Department of the Interior to step out of the dark ages. Nothing will bring back George Floyd or Breonna Taylor, and nothing will change what happened to Bijan Ghaisar or take away the pain that his family has suffered and will suffer. But requiring body-worn and dashboard cameras, along with robust polices governing their use, will be a first step toward making these agencies more accountable and transparent to the communities they are sworn to serve and to protect.