



# FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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**Testimony of  
Larry J. Cosme  
National President  
Federal Law Enforcement Officers Association**

**On  
*Police Cameras at the Department of the Interior: Inconsistencies, Failures, and  
Consequences***

**Before the  
Subcommittee on Oversight and Investigations  
Committee on Natural Resources  
U.S. House of Representatives**

**September 29, 2020**

Good afternoon, Mr. Chairman Cox, Ranking Member Gohmert, and Members of the Subcommittee. My name is Larry Cosme, and I am the National President of the Federal Law Enforcement Officers Association (FLEOA). FLEOA is the nation's largest non-partisan professional association representing the interests of federal law enforcement officers. FLEOA has more than 28,000 members from across all 65 federal agencies, including those within the Department of Interior (DOI) that are tasked with the important mission of protecting our national treasures and the millions of people that use them.

For more than 27 years, I served our nation as a federal law enforcement officer, most recently as a Special Agent for Homeland Security Investigations, U.S. Immigration and Customs Enforcement, at the Department of Homeland Security. Over the course of my career, I held true to my oath to faithfully protect and serve the American people as required by the Constitution of the United States and the laws passed by Congress. As a federal law enforcement officer, my responsibilities and obligations were identical to those of the brave men and women that comprise the law enforcement agencies within the Department of Interior, including the United States Park Police, Law Enforcement Park Rangers, Bureau of Indian Affairs Police, Criminal Investigators within the National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation and DOI Office of Law Enforcement and Security, Special Agents. Those federal law enforcement officers, just over 3,500 in total, patrol over 500 million acres of surface land, or about one-fifth of the land in the United States.

By any estimate, DOI's federal law enforcement officers are tasked with an enormous mission that includes sites and locations that have some of our nation's most valuable natural and man made resources and treasures. Unfortunately, while these are viewed as treasures by most people, they also have been targeted by terrorists, international criminals, anarchists, arsonists, thieves, vandals and others whose goals are focused on nefarious conduct and crime. I offer this as background because our nation's heritage is tied to these national treasures and it should be our nation's priority goal to protect them and ensure all the use them are also protected.

Unfortunately, over the past few months, DOI properties have not been spared from our national conversations on justice and fairness. Washington D.C. in particular has seen both large-scale protests and riots occur on DOI-controlled property. It has also experienced a heavy toll from the actions of anarchists, arsonists, rioters, and other violent agitators whose mission is destruction and devastation. We've seen destruction and desecration of National Monuments, Memorials, buildings and parks, all occurring while federal law enforcement officers from the Department of Interior had been tasked to manage and respond to that destruction, which is part of the reason for this hearing today.

In the vacuum of factual evidence of incidents, inflammatory 5 second videos, inaccurate news reports, and false social media posts have been used over the past four months to taint the lawful efforts of federal law enforcement officers across America, including within the Department of Interior. While these contextually absent commentaries began to dominate the reporting on these incidents, they truly do not capture the officer's experience. It can be easy to scrutinize officers based on viral video taken by outsiders, but in the moment of action, an officer must rely on the evidence directly in front of them to make a split second decision, based on training, that maximize immediate public safety. Outside videos and social media snip-bits are exactly as described- an outsider's perspective. An officer's actions must be judged based on the officer's perspective. Which brings us to this hearing's focal questions of whether body worn cameras should be a tool of federal law enforcement officers within the Department of Interior and how should those body worn cameras be implemented?

As a general rule, it is our view that evidence has shown that body worn cameras can be an effective tool and beneficial at protecting both law enforcement officers and the individuals they interact with. Several studies have suggested that when implemented, complaints against officers diminish by over 60%, and when complaints are filed against officers they can quickly be cleared. For the public, they present a documented factual depiction of an incident as it occurred in real time.

Unfortunately, while this evidence suggests all the positive aspects of deploying body worn cameras, there are several cautionary steps and unintended consequences that must be addressed prior to their large-scale deployment, many of which are grounded in funding, policies, and architecture.

On the subject of funding, prior to even procuring body worn cameras, a priority issue we have raised with both this Committee and the with the United States Senate Committee on Energy and Natural Resources, is the deplorable and dangerous nature of the radio system within DOI. In a letter we sent to Rep Haaland's office in October of 2019 and shared with Chairman Grijalva and Ranking Member Bishop's staff as well as the Committee, we outlined a number of issues with the law enforcement communications system within the Department. We shared with the Committee the *2007 U.S. Department of the Interior, Radio Communications Program* that found: "The U.S. Department of the Interior (DOI) has an unsafe and unreliable radio communications environment that jeopardizes the health and safety of DOI employees and the public." We've also cited the two-page DOI "Verification Review" from 2017, which said, in part: "Based on our review, we

conclude that the report's recommendations have been resolved, implemented, and closed.” And “We did not test internal controls, visit sites, or conduct fieldwork to determine whether the underlying deficiencies that we initially identified have been corrected.”

Based on these reports, we must assume that the Department still has an unreliable and dangerous radio system and really has no idea what the status of its communications system actually is. This has led some DOI agencies to rely on State or local communications platforms, many of which themselves are inefficient, incompatible, out of date, and unreliable for emergency communications. This despite the fact that DOI has launched a Broadband program, which intends to ensure broadband connectivity throughout all DOI properties. While this is helpful, it does not include needed improvements to the radio infrastructure and architecture.

What this means is that even if a DOI federal law enforcement officer had a body worn camera and was involved with an incident on DOI property, the radio traffic leading up to, during, or after the incident may at best be incomplete and at worst, non-existent. This is one of those funding and architecture issues we stated as a clear pre-cursor issue to the deployment of any body worn cameras. Additionally, we'd like to recommend that prior to implementing a full and robust body worn camera system, the following issues need to be addressed by Congress and the Department:

- **The financial impact on agencies can be enormous.** The large and ongoing financial investment need for the hardware (camera), software, training and personnel needed in deployment of any program must be addressed via additional appropriations from Congress. This would include the initial financial impact of vetting and testing body worn camera systems to ensure an agency is getting a system that works best for their mission parameters.
- **The policies for body worn cameras must be created, reviewed, and implemented.** Issues related to the notification of individuals of body worn camera use, vetting body worn camera policies with the DOI and individual agency counsel, the Department of Justice, any collective bargaining units, as well as implementing best practices for body worn camera deployment must all be undertaken. Additionally, any policy must also address the onerous task of managing, storing, copying, and providing discovery of body worn camera recordings to include dealing with privacy issues due to HIPPA and other privacy rights concerns related to medical, mental health, or religious concerns for civilians and the officers.
- **The training of officers and a potential pilot program must be first funded and implemented prior to a component- or Department-wide rollout of body worn cameras.** This would allow agencies the opportunity

to test and evaluate any system and refine its use, policies, and officer's tactics to determine if it is the best system for their use.

- **The disclosure of body worn camera records must also be addressed in any policy that would include what can be disclosed to prosecutors and the public pursuant to federal privacy laws and who is permitted to review, edit and disclose those recordings.** Any policies must consider the potential impact on crime witnesses and confidential informants and the ability of law enforcement to protect their identities due to fear of retaliation. It must also allow officers the opportunity to review all body worn camera footage after any incident, so as to allow the officer to properly reflect the dynamics of any incident.
- **The public's expectations of body worn camera uses and limitations must also be managed by any agency deploying a body worn camera system.** These expectations must include what the public can expect when interacting with an officer wearing a body worn camera. It must also include information about what the citizen's and an officer's rights are related to the video's use and the limitations of body worn camera video. In many instances a sole video may not accurately reflect the true nature of an incident and get all the nuances of a situation that led to its eventual outcome. The "CSI" effect is always a concern with juries and to combat that, an educational effort must be undertaken so officers, prosecutors, defense attorneys, and others understand the use and limits of body worn camera systems.

While we support body worn camera use as an effective tool for modern law enforcement, it is critical that any implementation or mandates by Congress on federal agencies to implement these systems take the above issues into account. It is also critical that agencies be in the decision-making position to determine how to best implement body worn camera systems and the policies around its use. Even prior to that discussion, however, Congress must make a full and committed effort to not only fund the initial purchase and deployment of body worn camera systems but to include its data storage. Congress must also identify, in perpetuity, a clear funding stream that will support and grow with the system as agencies evolve, add personnel or the technology changes. This must be a commitment from Congress in perpetuity, so agencies aren't left with implementing a system under a Congressional mandate but find themselves unable to support or maintain that system five years from now. In essence, the same situation I described at the outset in relation to DOI's radio and communications systems.

While body worn camera systems have been shown to be a helpful tool for law enforcement, any tool is only best used when those implementing it have studied, trained, and perfected its use. We would strongly recommend that while Congress looks at legislation around federal agency body worn camera use, it do so within the confines of

our recommendations and the best practices outlined by the Department of Justice. While the need for body worn cameras can be articulated, so are the cautionary issues related to any deployment.

Thank you for inviting me to testify today. I am honored to represent the federal law enforcement officers that risk their lives every day. I look forward to your questions.