



Police Transparency versus Video Redaction Cost and Lead-Time

Smart Redaction SM is the Solution

The recent deaths of Michael Brown in Ferguson, MO, Eric Garner in Staten Island, NY, Walter Scott in North Charleston, SC, and Freddy Gray in Baltimore, MD have ignited a national controversy about police accountability and public trust in 21st Century Policing. There is an emerging consensus that police officers should wear and use body-worn video (BWV) cameras to record interactions with the public. However, body-worn cameras raise big questions about privacy rights, access to recorded video, the cost and delay of video redaction, and police accountability and transparency. This document considers these issues, and offers a technology solution to what appears to be an intractable tradeoff between police accountability and transparency, and the cost and delay of manual video redaction.

Police Accountability and Transparency

There is a rising tide of calls for better accountability and transparency of police actions. In all four deaths listed above, police officers were not wearing body-worn cameras. There is now a broad consensus that all police officers should wear body-worn cameras and record public safety interactions so there is a video audit trail of each interaction. Case studies in Rialto, California, and Mesa, Arizona, have conclusively shown that body-worn video recordings cause both police officers and the public to behave better, with significant reductions in the use of force and citizen complaints. Reliable video recordings increase accountability and transparency of police interaction with the public.

Historically, police officers have been given wide latitude and the benefit of doubt when force has been used. However, after Walter Scott was shot in the back and killed, and after Freddy Gray died from a broken neck subsequent to being transported in a police van, it appears the national consensus has shifted. The benefit of the doubt afforded to police officers when force is used is being scaled back by both the public and the legal system.

Concern about police accountability has been amplified by a growing concern about police militarization. Unfortunately, the nightly news video of Ferguson, Missouri, after the Michael Brown death looked like an Army Combat Brigade invading Iraq. Armored personnel carriers and snipers posted on rooftops around protest demonstrations unsettled public opinion. The final report of the President's Task Force on 21st Century Policing recommends moving away from

militarized police forces with a “Warrior” mindset, and towards a much less hostile and confrontational “Guardian” community policing approach.

It is clear that political and public opinion has fundamentally shifted towards community policing. In particular, the technology of body-worn cameras has come into the public eye as a powerful tool that can dramatically reduce Use of Force incidents and citizen complaints, and increase police accountability and transparency. In the vast majority of cases, body-worn camera video proves that police officers acted responsibly and with restraint to de-escalate situations. Many civil rights groups, legal rights organizations such as the ACLU, and the President’s 21st Century Policing Task Force are calling for all police officers to wear body-worn cameras to reliably record video evidence of almost all interactions with the public. As a result of these many factors in favor of broad adoption of police body-worn cameras, it is clear that the quantity of associated video recordings will increase dramatically in the near future.

Privacy Rights

While body-worn camera video provides accountability and transparency for police interactions with the public, there are also considerable issues related to citizen privacy rights and access to copies of video recordings. In many cases victims, innocent third parties, minors, and undercover police officers will be recorded in police body-worn videos. A victim’s verbal description of sexual assault or abuse will be included in some videos. These victims will be further traumatized and victimized if their description of the sexual assault is released to the public. These innocent parties should not be endangered or further traumatized by having identifiable video released to the public, where it could be posted to YouTube or social media sites.

It is also important to note that more than faces are at issue. Tattoos and other markings on the arms, legs, and other body parts can uniquely identify and expose an individual. In many cases, an individual may not be willing to talk to a police officer to provide information relevant to an investigation if there is any possibility video and/or audio will be subsequently released to the public. There are many legitimate reasons to redact video to protect the privacy rights of a victim, minor, innocent bystander, or undercover police officer.

Freedom of Information Act Requests

Privacy rights are important. At the same time, many states and localities have “Sunshine” laws wherein citizens and the press can request and may not be denied timely access to public records. These generally are referred to as FOIA (Freedom of Information Act) requests. The intent is all government documents and information should be available on a timely basis to citizens and the press without restriction to provide transparency and accountability of government decisions and actions.

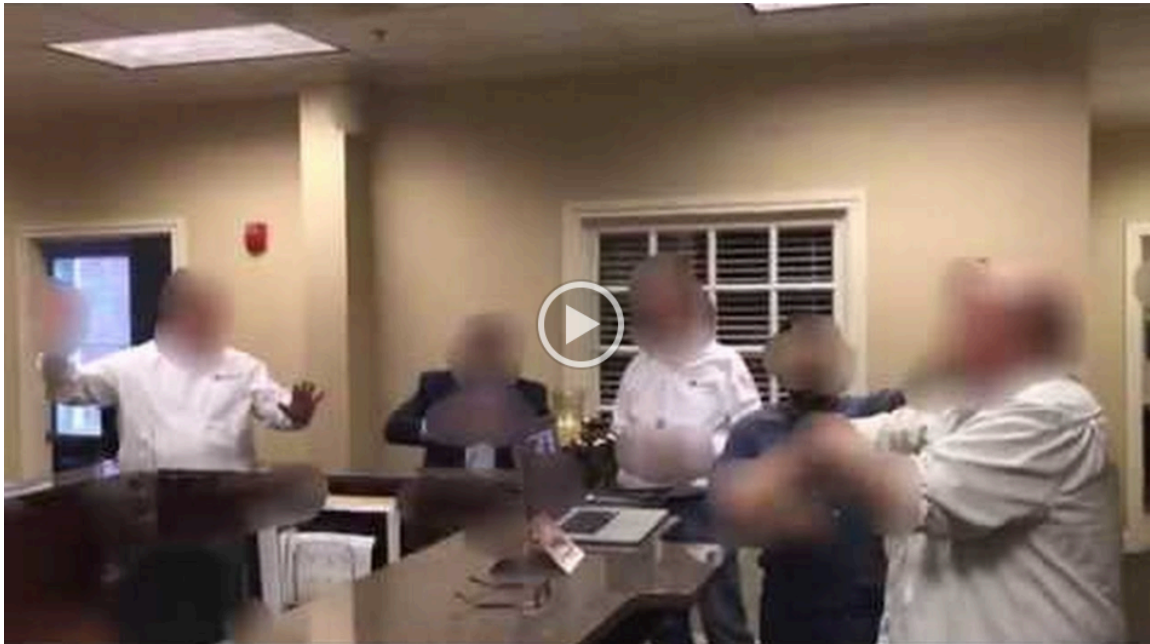
Video recordings in many cases have been considered to be within the scope of government information that can be obtained through a FOIA request. In-Car Video Recording systems have recorded video of traffic stops, DUI, and other incidents for years. Television shows such as “Cops” are mostly playback of police In-Car dashcam videos. The public has generally become aware that police may have video of an incident. Many In-Car Videos have been released upon receipt of FOIA requests from citizens and the press – but generally only after the video has been redacted to protect the privacy of innocent bystanders, witnesses, minors, and victims.

In-Car dashcam video is recorded from a police patrol car out on a public street, where there is no expectation of privacy for any actions taken in plain public view. However, police policy in many cases has been to redact this video anyway. In contrast, police body-worn cameras will often record video inside homes, businesses, and other non-public locations where there is an expectation of privacy. There will often be innocent bystanders and minors present inside homes, and will often be included in recorded video.

As police agencies equip police officers with body-worn cameras, there is an increasing expectation that every incident will have been recorded by one or more police officers. The quantity of collected video will expand dramatically. It is also completely reasonable to expect the number of FOIA requests for that greatly increased number of videos will also increase. Police departments are going to get a much higher number of FOIA requests than they have ever had in the past.

Video Redaction

Video redaction is a process of blurring out faces and personally identifiable markings such as body tattoos using video redacting software tools. In many cases there are several individuals shown in a video, and the face and other identifiable body parts of each person in the video has to be redacted.



Redaction protects the privacy and identity of victims, innocent bystanders, minors, and undercover police officers before video is released to the press and the public as a result of a FOIA request.

Video redaction historically has been a tedious manual process, where redacting one hour of video often requires five to ten hours of effort because video has to be manually redacted on a frame-by-frame basis. At 30 frames per second times 3,600 seconds per hour, an hour of video can have up to 108,000 individual frames that need to be redacted. In some cases, audio must also be redacted to maintain privacy or to protect the identity of undercover police officers. The redaction process has to be completed reliably, since even one un-redacted video frame – where a face is not blurred out -- might be enough to identify an individual.

Video redaction is a demanding manual effort that takes a lot of skilled staff time to perform. Generally, there are a limited number of staff who know how to perform video redaction, have access to video editing software tools, and are trusted parties authorized to do video redaction. Access to un-redacted video needs to be carefully controlled to prevent un-redacted videos from being leaked to YouTube or other social media websites.

As police departments roll out body-worn cameras to all police officers, it is clear that the number of recorded videos will grow dramatically. If there are many FOIA requests for a large number of video recordings within a short period of time, the redaction backlog will grow quickly. A large backlog and therefore delay in publishing redacted video can have a negative effect on the perception of police accountability and transparency. Questions will be asked about the reason for a long delay to release a redacted video. Is the delay caused by limited staff resources who can do redaction? Is there a large backlog of pending video redaction work to be performed? Or, is the police department intentionally “dragging their feet” on publishing redacted video that may not reflect favorably on the actions of one or more police officers? Given recent events, “Trust us – We are working on it” as an answer for delays in publishing redacted video is less likely to be an acceptable response. A long delay to release a video in response to a FOIA request is going to cause suspicions.

In some cases, it is possible to outsource the manual video redaction effort to a third party service. However, this can be much more expensive compared to using internal staff resources. Many police departments are allowed to charge for video redaction, but only at the lowest cost possible. A third party service obviously requires transferring the un-redacted video outside the police department to the third party service, which increases the risk the video is leaked un-redacted to unauthorized persons. The more controversial the video, the more damage a leaked un-redacted video could cause. As a result of leaked un-redacted video, an innocent bystander, witness, or an undercover Police officer could be harmed, and even have their life placed at risk.

In some cases, a trusted third party redaction service may not be available. Or the police agency may not have funds available to pay for third party manual video redaction services.

As a result, with the dramatic increase in the quantity of recorded video resulting from police officers adopting body-worn cameras, there are valid concerns that police departments could be overwhelmed with body-worn video FOIA requests. Police departments will certainly make a best effort to publish manually redacted video as soon as possible after a valid FOIA request is made. However, it is likely that manual video redaction work backlogs and publishing delays will increase despite the best efforts of police departments. Availability and budget for trusted and skilled manual video redaction experts to meet the increased demand for redacted body-worn videos will soon be a significant problem for many law enforcement agencies.

Legislative Efforts to limit the Release of body-worn Videos

As a result of a growing recognition of the video redaction challenges described in the preceding paragraphs, legislation is being proposed in a number of states to limit FOIA requests for police videos, or even exclude police video from the scope of information covered by “Sunshine” laws. Police agencies are asking legislators to pass laws excluding police body-worn video from the scope of allowable FOIA requests, and to deny press and citizen FOIA requests to obtain copies of police body-worn videos for incidents where body-worn video has been recorded. This is an understandable reaction to the manual video redaction staffing and funding challenge that many police departments are starting to face.

However, denying press and citizen FOIA requests for police body-worn videos runs completely counter to calls for increased police accountability and transparency. Increased police accountability and transparency is a primary reason for funding, training and equipping police officers with body-worn cameras. The public and the press knowing that police body-worn cameras should have recorded video of an incident, but the police department refusing to release the video, will likely be viewed as “stone-walling” and will damage efforts to improve public perception of police accountability and transparency.

This “stone-walling” perception will be magnified by the reality that in many cases there will be one or more citizen cell phone video recordings of the incident. The Walter Scott shooting in North Charleston, South Carolina, is a prime example. Cell phone video quality has improved to high definition 720p,

1080p, and even 4K resolution. A citizen cell phone video is perceived as credible and reliable in accurately showing the circumstances surrounding an incident they record.

The police department refusing to release police officer video will be perceived as not being accountable and transparent. Which is exactly the opposite and counter to a recognition that police departments need to be more accountable and transparent.

Police departments could decide to accelerate the manual redaction of high profile videos. However, selectively releasing some videos but not other videos causes further questions about police accountability and transparency.

The net result is the goal of increasing police accountability and transparency will be significantly damaged if police departments refuse to release police body-worn videos requested by the press, the ACLU, the public, and other interested parties. A shadow of doubt will be cast over the accountability and transparency of the entire policing process.

The Root Problem – Manual Redaction of Police Video

The root problem is the assumption and the past reality that video redaction is a time-consuming and expensive manual process that takes five to ten hours of skilled manual labor per hour of redacted video. However, the assumption that redacting one hour of video always requires many hours of skilled manual labor is, itself, a flawed assumption. Used to be true, but does not have to be true in the future.

Automated Video Redaction is the solution

If software algorithms and processes can be used to automatically and reliably identify and then redact faces and other identifiable body parts in police body-worn video, then many hours of skilled manual redaction labor will not be required. Automated video redaction completed in minutes by software rather than hours of skilled manual labor will dramatically reduce the cost and delay in responding to FOIA requests. Fast and reliable automated video redaction will promote police accountability and transparency.

It is already possible for software to blur out an entire video on a broad and indiscriminate basis. Blurring out an entire video is a brute force approach that is generally perceived as little better than refusing to release a video. No detail about anything that happened is visible, so the perception is the police department is not being accountable and transparent. However, the optimal automated redaction process should mirror how video has been manually redacted in the past. Only specific faces, tattoos on body parts, and other identifiable objects for victims, innocent bystanders, minors, and undercover police officers should be blurred out, with the rest of the video remaining clear and un-blurred.

Smart RedactionSM as part of AVaiLWeb Software as a Service

Utility has already developed and is testing a beta version of automated Smart RedactionSM redaction software. The Smart RedactionSM software automatically identifies and blurs faces and body parts in a video. So the press, the public, a Grand Jury, and ultimately, a judge and jury, can have the facts “beyond a shadow of doubt” about what happened during an incident, while still protecting the privacy and security of victims, innocent bystanders, minors and undercover Police officers.

Furthermore, the Smart RedactionSM software can identify faces, body parts, and other identifiable objects as separate objects that can be selectively blurred. So a perpetrator face and body parts can remain un-blurred while the faces and identifiable body parts of victims, innocent third parties, minors, and undercover Police officers are blurred. The Smart RedactionSM process also provides a quality assurance review process to ensure that all objects in the video are 100% redacted. Police accountability and transparency can maximized while minimizing the cost and lead-time to publish redacted body-worn camera video.

The production version of the automated Smart RedactionSM software will be released before the end of 2015. The automated redaction function will be included as an update to the Utility AVaiLWeb Video Management Software as a Service. All subscribers to AVaiLWeb will have access to the Smart RedactionSM software tool at no additional cost as soon as the tool is released into production. Smart RedactionSM software technology can solve this video redaction cost and lead time vs. police accountability and transparency dilemma.