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Operator: Good day and welcome to the President's Commission on Law Enforcement and the Administration of Justice conference call. Today's conference is being recorded. At this time, I would like to turn the conference over to Director Phil Keith. Please go ahead.

Phil Keith: Thank you and good afternoon. Thank you for joining us today. I call the President's Commission on Law Enforcement and Administration of Justice to order. On behalf of Attorney General Barr, we thank you for joining us today for this important Commission teleconference meeting. I do hope everyone had a pleasant and restful weekend as we come back together for this week's series of teleconferences.

As mentioned last week, we're on track to continue this schedule of conference calls of three calls per week through May 18. And if the operating environment changes in a positive way which I know we all hope will happen, we'll certainly consider our final meeting of three days for the week of June the 8th.

At this time, I would like to ask our Executive Director Dean Kueter, to conduct the roll call of commissioners.

Dean Kueter: Thank you Mr. Chairman and before I call the roll, I would just like to remind everybody that the call is open to the press. And for any members of the media on the call, if you have questions or need clarification on anything, please contact Kristina Mastropasqua in the Justice

Department of Public Affairs. And with that, I will call the roll. Commissioner Bowdich.

Commissioner Clemmons.

Commission Clemmons: Here.

Dean Kueter: Commission Evans.

Commissioner Evans: Here.

Dean Kueter: Commissioner Frazier.

Commissioner Frazier: Here.

Dean Kueter: Commissioner Gualtieri. Commissioner Hawkins.

Commissioner Hawkins: Present.

Dean Kueter: Commissioner Lombardo.

Kim Nerheim: Ms. Lombardo will be joining us momentarily. This is Kim Nerheim on her behalf.

Dean Kueter: Commission MacDonald.

Erica MacDonald: Present.

Dean Kueter: Commissioner Moody. Commissioner Parr.

Commissioner Parr: Present.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon, I'm here.

Dean Kueter: Commissioner Ramsey.

Commissioner Ramsey: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego.

Commissioner Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood.

Commissioner Smallwood: I'm here.

Dean Kueter: Vice Chair Sullivan.

Vice Chair Sullivan: Here.

Dean Kueter: And Commissioner Washington.

Don Washington: Here.

Dean Kueter: And Mr. Chairman that concludes the roll call.

Phil Keith: Thank you. Any other announcements Dean?

Dean Kueter: No sir, we are good to go.

Phil Keith: Thank you. This week the Commission will complete the testimony on crime reduction and then we'll shift our focus on Wednesday to a panel on victims and survivors of crime. And just to note this week is actually National Crimes Victims' Rights week where we as a nation recognize and focus on the impact of crime on victims and survivors.

We acknowledge National Crimes Victims' Rights Week. Our Vice Chair Katie Sullivan will be providing more about the importance of responding to victims and survivors of crime. Then on Thursday, we'll host the first panel on re-entry.

But today, we're going to continue the discussion on technology tools and the impact on crime reduction and interdiction. All the commissioners should have received bios and testimonies for this panel and as a reminder, we will be posting all of these materials on the Law Enforcement Commission website.

Once again, we cannot thank the commissioners and the working group members enough for

their commitment and efforts and contributions to making this historic commission's work so meaningful in making adjustments to meet our goals in an unprecedented time. On behalf of Attorney General Barr, we thank each of you.

As noted on previous calls, we encourage commissioners to take notes during the testimony of the panelists, and then we'll open the questions - excuse me open for questions after the last witness. With that our first distinguished panelist is Colonel Edwin Roessler, Jr. who is the Chief of the Fairfax County Police Department and has demonstrated a regional and national leadership role on the topic of body-worn cameras.

Fairfax County PD has exceptional data and analysis on the use of body-worn cameras and I know that the commissioners all look forward hearing Colonel Roessler about the benefits of body-worn cameras and the considerations that need to be made when implementing and operating this technology. Colonel Roessler, thank you for joining us today, and you are recognized.

Edwin Roessler: Thank you very much and good afternoon. I just want to make sure you can hear me before I start.

Phil Keith: Yes sir.

Edwin Roessler: Great. Well, I offer my prayers to everybody to remain well and get well and for all your families and friends. And so this a difficult time. My goal in a few minutes is to provoke different thinking for the best practices for the strategic recommendations for building public trust and successes with body-worn cameras and I'll briefly cover the concepts of the co-production policing to be used in the body-worn camera program.

Stakeholder leadership advisory groups, competition for procurement for testing and evaluation of body-worn cameras and individual agencies meet in academic study at the highest levels of rigor to make sure your program is effective before you implement it during the implementation and to enhance it in the future in a project implementation plan.

And also truly what the biggest need is the public accountability for community and the police officers in the body-worn camera program. We all know in 2014 there were a lot of officer-involved shootings in other less-lethal use of force events in the United States and throughout the world and it was social media type videos from community members, in-car video and/or body-worn camera footage that went viral throughout our nation and the world.

And it started a movement - a watershed movement in law enforcement to hold police more accountable. Unfortunately, when we look back at what happened with body-worn cameras, there were a lot of just quick reactions mainly from our political leaders in our localities throughout the United States where mayor or a county executive or a town manager, immediately directed the law enforcement chief executive officer to procure body-worn cameras.

So many agencies basically used the procurement process and/or available grant processes to quickly purchase body-worn cameras and take them out of the shrink-wrapped boxes and just to deploy them immediately on the street.

And then within a two year period around 2016, we started to see a lot of jurisdictions have difficulties sustaining their body-worn camera programs because they quickly deployed them and did not use strategic planning and/or, what I call the co-production of policing model, with the community and other stakeholders to develop their body-worn camera program.

When I talk about the co-production of policing, it's a model that I've embraced learning from other chiefs throughout the country as a mentorship with them, is to have stakeholder ownership. Whether it's labor groups, community advocates, political leaders, is to sit down at the table and develop these policies and concepts.

So when we talk about co-production of policing for body-worn cameras, the first item is to have a policy stakeholder group of community advocates to look at what should be the basic policy for the use of body-worn cameras in your community. Simple things of when to turn them off, when to turn them on, what is the appropriate use of the Freedom of Information Act and to live up to transparency to have a predisposition to release information.

However, when it comes to body-worn cameras, there's a decency element in this and I found that out during my pilot project where we did have that awful case that we studied in the policy with our mental health advocates and other members of the community. What if you have that adult male that is having his mental episode and he has no clothes on and it's captured on the body-worn camera and he dies?

And that happened to us and it was the goal of the group to have some decency, to work with the family, to have that predisposition to release the video, to hold the officers accountable for their actions or inactions or to demonstrate that this was not the cause of the police. And we had to work through that and the policy withheld that standard that the community set for us here in Fairfax County.

So when I back up to June of 2014, when I started to look at body-worn cameras for my local government, we found that it would be best to competitive bid out for a pilot project. And it took

me a little over 2 1/2 years to finally get the political leadership and the stakeholders through an ad-hoc advisory committee to grant me the commission and the funding to have a pilot project.

So we used the competitive bid process to get requests for proposals for three different camera systems to test and evaluate in three different demographic and geographic environments from an urban setting to a non-urban setting to see how effective the cameras can work in our different environments in our 400 square miles and also to understand how this would work.

We had the American University come in, without charge, which held it to the highest rigors of academic review. There was no money exchanged and those persons did not have access to any staff or myself. So it wasn't influenced by us. So they looked at how my department was before the pilot project of body-worn cameras and how it went during the project and how it went after the project, which then led us to understand what our IT infrastructure needs were, what the expectations of the community and the officers were and how did this work in the prosecutors' world, the public defenders' world, the judges' world and what was the push and pull on the operations of those other stakeholders and how much would it cost to build out the infrastructure for it to work in the non-police settings.

So with that, we were able to itemize the cost of a full program, how to sustain it, how many positions were needed to support it not only in the police department but in the rest of the criminal justice system and we still have that stakeholder group together.

And we will sustain that co-production group as we look at it on an annual basis as there's emerging technology obviously to live up to our vision statement that ethically lead with our community to prevent and fight crime, which is our mission. Obviously, the cameras are to decrease the amount of complaints against officers to hold them accountable for their behaviors.

At the same time, hold our community accountable for their behaviors to reduce the levels of use of force in the community and also to keep pace with urbanization. We know we have in-car video. We have cell phone video. We have private videos that we get from residents, businesses. There's license plate readers.

So, our next strategic goal of the co-production model is to understand how we can now leverage this to meet our vision and mission by integrating everything onto one IT platform as other technologies emerges. And all of these were lessons learned from successes throughout the world and especially failures in other jurisdictions.

And the best resource that I have for you, which will be disseminated is the study by the American University, which goes into detail of everything that I'm talking about and provides you more information. So again, I thank you for this opportunity and I pray we all remain safe and I'll stand by for questions later on. Thank you.

Phil Keith: Thank you, Colonel Roessler, for your valued testimony and certainly your service. Our next distinguished panelist is San Diego County California Deputy District Attorney Damon Mosler. Deputy District Attorney Mosler is a recognized body-worn camera subject matter expert. We're glad to have him today. Mr. Mosler thank you for joining us today and you are recognized.

Damon Mosler: Thank you very much. My name is Damon Mosler and I'm a San Diego County Deputy District Attorney. I am Chief of the Economic Crimes Division. I will discuss the impact of body-worn cameras on prosecutors and the need for standards and training to ease the impact and improve outcomes.

Over the past few years, we have seen an exponential increase in the number of body-worn cameras deployed by law enforcement. Public perception and expectation have made it almost essential for law enforcement to have cameras given the public desire for transparency and accountability. In addition, police departments also utilize them to help them limit liability.

What has largely been - largely unforeseen is the impact on prosecutors and the rest of the criminal justice system. These cameras gather a great deal of data or videos that have to be ingested or processed by the court, defense Attorneys, and District Attorneys. Quite often law enforcement makes the decision to deploy and starts the deployment without contacting or consulting with their prosecutors.

I believe we are now at a phase where virtually every prosecution office has some law enforcement agencies with cameras who are providing videos to them for their court cases. Given the widespread use of body-worn cameras, certain standards should be generated nationally to ensure videos do not go missing or are purged given retention schedules.

That officers mark critical sections of the video to make it possible to quickly view those sections and that agencies work regionally to make collective storage decisions thereby saving duplicate storage costs.

Let's start with making sure that all of the videos get to the prosecutor. Prosecutors are required to turn over all evidence they receive from law enforcement to the defense if it's not privileged. The problem with body cameras is that quite often many officers show up on the scene and not all of their videos make it to the case that is submitted to the prosecution team due to the videos being mislabeled.

This potential missing evidence concerns every single prosecutor across the country. It is important for law enforcement to tag the videos correctly with the case number so that all videos associated with a given case can make it to the court system. Missing evidence can lead to cases being dismissed.

If all the relevant evidence has not been produced by law enforcement to the prosecution team, it can and has jeopardized cases. So as you can see, it is critical that not only law enforcement understand the need to get all videos to us, but that we develop a standard for all of the videos to be tagged or labeled correctly to associate it with a submitted criminal case.

Because of storage costs, law enforcement develops retention schedules to allow purging of cases deemed no longer of evidentiary value. If a video is mislabeled with a case number that is deemed ready for purging, that video gets deleted. So if the video is labeled incorrectly, and purged but was required for prosecution of a case, the case could be jeopardized.

In fact, I know of one very serious case involving the death of a police officer where some videos were not tagged correctly and did not make it to the prosecution team. I cannot imagine a more serious matter than the loss of this case due to missing videos. Fortunately, those videos were not critical to the case, but we had to litigate that issue and it could have jeopardized the prosecution of murder of a police officer.

Training on the need and application of ensuring correct tagging is critical. In addition to establishing standards for compliance audits, video tagging would help catch mislabeled videos. Almost every body-worn camera system affords the ability to run reports, to try to catch mislabeled videos. This too will help prevent the loss of cases due to purged videos or videos never getting associated with a case due to labeling errors.

Another area of concern for prosecutors that law enforcement was unaware of is that there is a large volume of videos coming to the prosecution team. So voluminous in fact, that it is virtually impossible to watch every video provided to us. For example, in San Diego, we have approximately 3200 police officers with cameras.

Last year they generated over 250,000 separate videos on criminal cases which turned out to be over 83,000 hours of video or close to 150 terabytes of data. While we will watch all videos of cases that are set for trial, we cannot view all of the videos of cases submitted to us for case issuing.

Often times we have a very short time span to review the reports and make a charging decision. As a practical matter, we cannot view all the videos when we are making these decisions. Since viewing all the videos to make charging decisions is not possible, it requires selective viewing.

To improve charging decisions, law enforcement should add markers to the videos to help identify critical points in the video. Most of the camera systems have the ability for the officer to mark certain critical evidentiary points of a video which could help a DA pinpoint and view the critical part of the case related to the video.

With so many hours of tape out there, law enforcement can be educated in the value of marking and then also how to mark a video if we develop standards for this. It will help the officers make the videos more valuable.

For instance, a victim statement, a suspect's statement, and so on. Marked on a video can help assess the strength of the case much more quickly and lead to better case issuing decisions. In

that same vein, if we are putting training and standards, we should include a best practice segment for creating videos for trial consumption.

If we demonstrate how videos are used in court and the impact of good videos, then we can improve the output of these thousands of hours of video. Juries do now universally expect videos. But since most policing is reactive, most crimes will not be caught on the videotape. But what is caught on the video can be compelling if it is presented correctly.

Showing empathy when interviewing an assault victim. Letting a suspect rant and rave when being arrested. All things that show what real policing is can help a jury understand the truth about a given case.

What it takes is for both officers and prosecutors to understanding each other's jobs to get the most out of the courtroom presentation of evidence. Once an officer sees how a case or a video plays out in court, they hopefully will be mindful of doing their best to capture the reality of a scene, which can be helpful for the prosecution of the case.

I believe we can establish standards and guidelines and suggestions for law enforcement to see how to get the best outcome from these tapes to the end-user in the courtrooms. Whether by certain witness interviews or suspect interviews or even just seeing how law enforcement does its job can demonstrate how good a job they have done or hard it was to deal with an evolving situation.

Finally, with respect to storage, I understand that prosecutors get a smaller subset of all of the videos that are captured by law enforcement. Some estimates are that it's 20% to 25% of all recordings are criminal case related. Those videos are being stored not only by law enforcement

but by the prosecutors and oftentimes by the public defense lawyers.

It would seem to me, if we could develop a standard of storage within various jurisdictions to eliminate potentially six sets of videos being stored, given that often times digitally stored materials are the subject of backed up redundant storage. Perhaps regional storage conversations and studies to see what is possible to save on storage costs in a jurisdiction will lead to the ability to store more videos or increase the number of cameras out in the field in that particular jurisdiction. I thank you for your time today.

Phil Keith: Thank you, Mr. Mosler, for your testimony and your service. Now we welcome the distinguished scientist, Dr. Richard Vorder Bruegge who is the Senior Physical Scientist with the FBI to address the use of facial recognition technology. Dr. Bruegge, thank you for joining us today. You are recognized.

Richard Vorder Bruegge: Thank you, sir. Good afternoon. My name is Richard Vorder Bruegge and I am a senior physical scientist with the Federal Bureau of Investigation. I serve as the lead subject matter expert for image and video analytics which incorporates facial identification and facial recognition.

I'm here to speak about opportunities and challenges associated with the use of facial recognition to combat violent crime. In March 2018, local and federal law enforcement officers were working to try and recover a missing child.

The child had been missing for four months and had a history of running away from foster care and falling victim to child sex trafficking. The investigation revealed a social media image of an adult male who appeared to be the child's boyfriend. This image was searched using facial

recognition technology and a driver's license image resembling the probe image was returned.

Further investigation of the individual revealed he was on probation. Law enforcement officers initiated surveillance on the subject which revealed the missing child was hiding in the rear seat of the subject's vehicle. The missing child was recovered.

Positive outcomes like this are generated through the use of face recognition every day and I expect the number of such outcomes will only increase as the technology improves over time. Face recognition can be used in a variety of ways. Not just to search for unknown subjects but also to help verify the identity of inmates before they are released or to make the forensic examination of seized evidence more efficient by grouping together similar faces found in a suspect's computer.

For example, locating victims of child exploitation on a suspected pedophile's computer. Law enforcement uses face recognition primarily for investigative purposes in a variety of contexts. One way is through one to many searches. In a one to many search, a probe photo recovered by an investigator is run against a gallery of images to generate a candidate list.

The probe could be an image from a bank robbery surveillance video or it could be a photograph taken by a sheriff's deputy of an accident victim lying unconscious on the side of the road. The candidate list can include up to 50 potential subjects. A trained professional examines all of the candidates to determine if any of them represents a viable investigative lead.

More times than not, as with other investigative techniques, no investigative lead is generated and the investigator must look for a suspect in some other way. Last year, former New York Police Commissioner James O'Neal, described in The New York Times op-ed how in 2018, the

NYPD conducted over 7,000 facial recognition searches resulting in over 1800 investigative leads.

So let me put that another way. Every facial recognition search conducted by law enforcement today does not result in the identification of a suspect for further investigation. Experts review a candidate list and determine if any subject is worth investigating further.

Facial recognition as a tool and just like any other piece of software or hardware, the experts who use it need to be trained which leads to my first recommendation. Number one, law enforcement should require standardized training for any official who would use face recognition technology.

The FBI and other agencies have developed such training which meets standards set by the Facial Identification Scientific Working Group. But more resources are needed to make it available for delivery in person or online for those who need it. Testing has shown that the professionals that adjudicate those candidate lists are very good at it.

You will find an article in your materials which documents this, however, we need to develop a mechanism to deliver similar tests on a regular basis to ensure that the people who perform this job maintain their proficiency from year-to-year and that's recommendation number two. Develop and implement proficiency test for the adjudicators.

Switching gears, let me speak to another concern frequently raised in regard to face recognition - privacy and the galleries used in searches. Most law enforcement agencies' galleries include mug shot images acquired during the normal process of booking criminal suspects. Some agencies also have the ability to have separate searches performed utilizing state's driver's licenses, identification cards, or corrections photos.

Such searches are authorized under the statutes of the individuals' states and for federal agencies like the FBI are documented through individual memoranda of understanding and comply with federal laws such as the Driver's Privacy Protection Act.

In the United States, criminal justice agencies have a duty to examine the privacy, civil rights, and civil liberty implications of their information systems and sharing practices and to implement policies that will protect the rights of individuals who are either suspected of or victimized by crime.

Many agencies are required to publish their findings in the form of a Privacy Impact Assessment or PIA. For face recognition systems, agencies need to establish clear policies regarding how the systems will be used as well. The U.S. Department of Justice, Bureau of Justice Assistance has published guidance on preparing PIA's and has also published guidance for law enforcement agencies interested in developing face recognition policies - that's recommendation number three.

Law enforcement agencies need to establish written policies for how they plan to implement face recognition including the source of images contained in their galleries. A further aspect of this recommendation is that agencies should implement governance policies and auditing to ensure that they are following their documented procedures.

This recommendation, I must add, would also apply to any use of commercial face recognition services. It is also recommended, number four, that agencies make it a regular practice to understand the performance of their systems and take steps to improve those systems when necessary. This includes the assessing the performance of their algorithm across different

demographic groups.

There are algorithms which exhibit no measurable differences across different demographics when used in a one to many search. Such algorithms should be used if possible for that application. A fifth recommendation is that there needs to be continued support of the National Institute of Standards and Technology for testing of algorithms in people.

The infrastructure they have put in place over the last 30 years, has made these advances in algorithm performance possible. Let me close with another example.

A facial recognition request was received in which the agent requested a facial recognition search be conducted on a juvenile female found on a local website known for human trafficking activity. A facial recognition search was performed and a viable candidate was identified. The lead report was returned to the agent who confirmed her identity.

A raid was conducted on the suspected house where the juvenile was being held. In the home, they found five other missing juveniles in addition to the young girl in the lead. The suspect was charged with human trafficking.

Face recognition can and does work for law enforcement in a way that protects the public's privacy and civil liberties. I look forward to answering your questions. Thank you for giving me the time to speak.

Phil Keith: Thank you Dr. Bruegge for your valued testimony and your service to our country. Our final panelist today is Mr. Kevin Jinks who is the Senior Counsel for the Department of Justice's Office of Legal Policy. I've had the pleasure of working with Kevin on UAS or drones working

group for some time now and he's such a valued partner to the COPS Office toward carrying out our mission for the Attorney General and assisting state and local law enforcement agencies and operationalizing UAS programs. I want to publicly thank you, Kevin, for all that you've done to advise state and local and tribal law enforcement on this new technology. It's a privilege to work with you. Kevin, we thank you for joining us today and you are now recognized.

Kevin Jinks: Thank you, Chairman Keith. Can you hear me okay?

Phil Keith: Yes sir.

Kevin Jinks: Great. Again, good afternoon Chairman Keith, Vice Chair Sullivan and members of the President's Commission and fellow panelists or presenters rather. My name is Kevin Jinks and I am Senior Counsel in the Department of Justice, Office of Legal Policy.

It's my pleasure to address the Commission's Crime Reduction Panel today to discuss how governments at all levels can first use UAS or Unmanned Aerial Systems also known as drones to further our missions and second counter the threat posed by dangerous drones and their operators.

For some time the Department has recognized the potential for drones. Drones are changing how we obtain information about accidents and crimes. How we rescue crime victims and victims of natural disasters. How businesses and governments check on pipelines, powers, and other infrastructure and how goods and services are delivered.

Law enforcement and public safety agencies across the country recognize that drones save officers lives. Over time, drone use will only become more prolific and continue to evolve. Indeed

the FAA projects that the number of small drones used for commercial purposes in 2018 just over 275,000 will more than triple by 2023 to over 835,000.

In the face of the global coronavirus pandemic, many countries and some state, local, tribal and territorial jurisdictions also known as SLTT jurisdictions, have found ever more novel ways to employ drones such as monitoring compliance with social distancing guidelines or reaching vulnerable populations to communicate information about where services, food, etc. can be found.

Thus, the question for law enforcement and public safety agencies is not whether they should have a UAS program, the question is what kind of UAS program should they have including oversighting and controls. The second question I'll address today is how to build a culture of compliance in our skies to better deter the misuse of drones and better protect the public.

I'll summarize the full recommendations for how this Commission can assist the Department and SLTT agencies answer those two questions. The recommendations are, first, we recommend continued responsible use of UAS by law enforcement and public safety agencies throughout the country using a number of documents as their guide.

For example, the 2019 Department UAS policy posted on the Department's website and best practices collected by our Community Oriented Policing Services Office, which Chairman Keith also directs. He serves as the Director for COPS. Those documents are also available on the National Institute of Justice's website and the COPS Office website. In fact, the COPS Office just published a collection of best practices from SLTT jurisdictions this afternoon in advance of this hearing.

Very briefly, some of those best practices include - just to highlight a few, advocating for use in UAS pursuant to appropriate safeguards and protections the privacy and civil liberties, increased communication and continued engagement with the public, thoughtful and deliberate planning of baseline training required to operate UAS, consideration of cybersecurity and supply chain risks on the front end before acquisition and finally investment in a relationship with the FAA.

Second, we recommend administration's support for comprehensive drone enforcement criminal statute that addresses the gaps in current authorities to better deter malicious and unlawful use of drones. After careful study and interagency discussion, the Department determined that the criminal portion tools currently available are fragmentary, inadequate and insufficient deter to unlawful, malicious use of UAS and acting in comprehensive criminal provision with adequate penalties can address the most serious and dangerous misuse of drones and deter.

Third, we recommend that The Administration and Congress chart a path toward incrementally providing SLTT law enforcement and public safety agencies greater authority to mitigate drone threats under appropriate circumstances. What do I mean by that?

This would mainly be accomplished by an extension of authority under the 2018 Prevent an Emerging Threat Act which empowers the Department of Homeland Security and the Department of Justice, or the Attorney General rather, to counter the threat of UAS by taking certain authorized actions.

We recommend allowing a SLTT pilot program in order to protect certain events such as mass gatherings, special events, critical infrastructure, and airports. We recommend this be done with counter-U.S. detection and mitigation technology - the ability to bring a drone out of the sky or take control of it or otherwise prevent it from getting into a place or space.

And we recommend that this be done in concert with appropriate federal entities such as the Department of Justice, the Department of Homeland Security and the FAA.

Finally, as a fourth recommendation, we recommend that law enforcement agencies collaborate with the FAA to identify the needs of law enforcement agencies and to incorporate those needs into the flight control system that is being set up to manage drone flights in the United States. The UAS traffic management ecosystem is a framework.

Inside of that framework, one major component will be the Department of Transportation's Remote Identification Rule which the FAA and DOT is currently working through public comments in response to. Work is ongoing at the federal level to identify our national security needs and the Department of Transportation and the FAA will need to incorporate and address our concerns in the front end while establishing a rule that is easy to understand and easy to follow. In closing the Department recognizes that law enforcement and public safety agencies must harness the promise of new technology in a manner that reflects the values and the likes that we as public servants are sworn to protect.

We believe in this discussion of employing advanced technology that there is a balance that promotes accomplishment of our law enforcement and national security goals while simultaneously preserving our democratic and privacy values. Our duty is to identify and strike that balance. Thanks for your attention. I'm happy to answer questions to provide further detail in the recommendations.

Phil Keith: Thank you, Mr. Jinks, for your informative testimony and for continuing to serve our country and the Department of Justice after your distinguished career in the United States Army.

Thank you again for your service.

Commissioners, we're now open for questions for the witnesses. Commissioners with a question, please state your name prior to the question and direct your question to a specific panelists or if you want a response from the entire panel, please state so. Just as a reminder to the commissioners your mikes are hot at all times. Thank you. Commissioners, now with questions for our panelists.

David Rausch: This is David Rausch.

Phil Keith: You are recognized.

David Rausch: I'm sorry. Chief Roessler a question in terms of - it seems to me the concept of creating a team to discuss policy on any technology is a good idea. In your experience, who are some of the critical members of the community that you need to have on that team?

Col. Edwin Roessler: Hi, just checking to make sure you can hear me. Can you?

Phil Keith: Yes sir.

Col. Edwin Roessler: Okay great. Well it's great to listen to my peers on the call because this co-production process we use with drones and other technology including facial recognition but for me, it's the formal groups, the NAACP, the ACLU - we have a police ad hoc commission that was formed years ago after an officer unfortunately murdered an unarmed man. So I've kept that ad hoc commission alive - it's almost like a consent decree group.

We have other local formalized groups called Communities of Trust, a faith group and then there are those that have tagged along in my career over 31 years here, in all different ranks, that are in my virtual Rolodex now. You know they are old friends of me sometimes, this includes members of the media, The Washington Post, local media.

So it's an alphabet soup of people that are pro or anti-police but we all come to the table. When it came to body-worn cameras, obviously in listening to another prosecutor, we did have our prosecutor at the table - the clerk of the court, a public defender, and obviously through the transition of an election, we kept that stakeholder group alive.

So it's got to be a manageable collection of people that are not going to agitate at the meeting but they're going to be professional and obviously when they leave they could agitate. But it was difficult to do that years ago on a use of force change because the morale - my union leaders they didn't like it, but I include them on this.

So everybody has ownership of it and I think that's critical because when we do have a failure, there are a little bit more forgiving and allow us to get back to the table to say well we didn't think about that. And it's a little bit more graceful that they have ownership of it. Hopefully, that answers your question.

David Rausch: Yes sir, thank you.

Phil Keith: Other commissioners with questions.

Vice Chair Sullivan: Hi this is Katie and I wanted to ask about body-worn cameras, please. And I'd like to know how you believe or have seen body-worn cameras best leveraged by your agency,

and that can go to either the first two that testified. Thank you.

Col. Edwin Roessler: Hi Ed Roessler, I don't understand the first part of your question.

Vice Chair Sullivan: Yes, like what is the best - that is, where are - so the plusses and minuses of body-worn cameras on a practical level. Where are you finding that they assist officers and where are they hurting officers? If you kind of had to name the top, the best and worst. Do you understand?

Col. Edwin Roessler: Yes, thank you for the clarification. In assisting officers, obviously, it's that rudeness complaint. He said it this way, she said it that way - which you go right to the videotape if you will. We do have a civilian review panel and a police auditor that's independent of me as police chief.

They report directly to our board of supervisors. The civilian review panel by law in the Commonwealth they cannot make these documents public, but I do have a predisposition to release videos and it's to show the good, the bad, and the ugly. And so from the top negative point, the officers do not like it when I release those videos.

When I mentioned in my testimony during the pilot project, we had this awful case where a 32-year old man, no clothes on was rampaging in his parent's home and he was having a heroin overdose and he died.

Predisposition to disclose are the parents and mental health advocates did not want me to release that, but we worked together to release the important timeframe to show the officers did not use force against this unfortunate young man and we had to pixelate for decency and that

took a couple of weeks, but having the media involved in that, - if I didn't they would be beating me up and that would be a negative against myself and the department and the officers.

So that co-production model has reduced the negativity from it for both the community and the officers. Hopefully, I gave you two good examples there.

Damon Mosler: So this is Damon Mosler. From the perspective of a prosecutor, we do officer-involved shooting reviews in my office and the videos are very helpful for that even if they don't catch anything because the camera's obstructed with the officer's outreached arms.

The verbal commands - hearing the situation, hearing the suspect, has been very helpful in understanding what occurred in officer-involved shootings. And then also in terms of suppression motions - cases where people are contesting the search, whether there's consent, what the officer said, those types of things have been super valuable.

Anything that's dealing directly with the credibility of an officer is caught on the camera and generally speaking it works out very well for the resolution of cases or us making issuing - or other decisions based upon that.

Vice Chair Sullivan: So you as a prosecutor - what is the downside of body-worn cameras?

Damon Mosler: Two things. One is jurors will want to see video no matter what. And we don't always have video that we can play that's going to be of relevance. The other one is policing is not always pretty and so there are certain things that are caught on tape sometimes forceful language that can be cringe worthy that we have to make decisions on whether to go forward or not in the whole totality of it.

But I think there's not many negatives other than to deal with the volume of videos and figuring out how best to triage that. The rest of it - it's out there. People are filming all the time with their own cell phones. I would much rather get it from the police officer's perspective and see how things transpire and the whole picture, not piecemeal from surrounding people who only catch a little bit of something.

Vice Chair Sullivan: Thank you so much.

Damon Mosler: You're welcome.

Don Washington: Phil, this is Don Washington. I would like to follow-up with Katie.

Phil Keith: Yes sir. You are recognized.

Don Washington: All right. I would like to ask questions of Colonel Roessler, and ADA Mosler if you have an input as well. But Colonel you heard the prosecutor talk about the volume of you know camera footage that prosecutors have to deal with and all of that. I'm curious as to how you deal with the volume internally.

How much - whether the anticipated costs for storage has met your you know projections or not and whether you're having any kind of issues as to looking forward in time as to how to deal with the increased volume of video which I think for the most part has pretty good load in terms of storage - a pretty good storage requirement I should say. How do you deal with that?

Col. Edwin Roessler: So in the pilot project we did a three-month pilot - actually a six-month pilot

project at three different stations and involving different operational officers including some motor officers and through the academic study we were able to get the metrics of what this would look like as we push it out to basically an operational labor force of 1400 people.

We decided to do a three-year phase-in of the program and again this is produced with our prosecutors, public defenders in the courts to then say okay how many people do we need to manage the backside of this such as field operations. If cameras go down, do we have a network analyst to respond out at three o'clock in the morning?

How many network analysts does it take to manage as we onboard the cameras in this three-year phased-in program? The same thing with the clerks at the court and for the prosecutors. So the county was then given a proposal from myself, the Commonwealth attorney, the public defender - all of us at the table and our advocates.

So this is the price tag. This is what we believe based upon the metrics will be and this is how we could do it in our economic environment over a three-year process and then we'll use strategic procurement to get the right product that could meet the scope of our IT environment for all the uses, not just police, but all the other stakeholders.

And also to handle FOIA, I had to increase my media relations bureau and the county also has a FOIA office, so it had a push/pull so we identified several dozen positions that will be needed to support this and manage the storage. There is technology available to speed up the video realistically four times where you could still see and hear and/or do key searches and that is something the Commonwealth attorney association in the Commonwealth of Virginia, I'm sure others are wrestling with because they came up with a ratio of how many prosecutors and public defenders they need per 50 body-worn cameras. And I agree with that and will obviously

marching through that in a phased-in project, but the key - the co-production committee aligned and the academic institution involved so we could measure the metrics and then come back if we made errors we could adjust and tweak. And if we need more money, obviously I could try to ask for that.

Right now with the COVID crisis, obviously, we might see the last phase of our program get delayed because of the economy. But you know so far, it's going well. So no negativity in these metrics right now. I think we've hit the nail on the head with the help of the academic institution and looking at the failures across the globe.

Don Washington: Yes, Colonel, do you have an idea of just how much storage you have had to purchase for your body-worn camera system? I assume it's in the terabytes, theta bytes - I mean I have no idea, but you have any suggestions as to what you might be seeing?

Col. Edwin Roessler: It's definitely in the terabyte zone. But I'll go back to the strategic planning and the strategic innovative procurement process. We've got a wonderful contract for five years that we don't have to worry about going over right now.

Obviously, at the end of Year 3, I'm going to have to look real hard with my peers that are involved in this program at how do we get this contract renewed? What is dedicated storage going to look like? And obviously, for instance, a homicide case keeping that for 99 years in a creative procurement world that possess and own our data.

You know what, if I decide to go with a different vendor at Year 5, that's my property and I'm going to put that on the server farm in my county. So we do have an exit process. If it gets too expensive we can just store it on our own data farm. We have that luxury and that again it's using

our procurement leaders to help us navigate a good contract for right now.

Don Washington: And do your officers, I assume assist the prosecutors in terms of for example identifying Giglio evidence and sort of marking that and putting it aside, or is it just send it over to the prosecutor and kind of let them deal with it?

Col. Edwin Roessler: We have a good relationship. We had in-car video before body-worn videos for well over a decade. So our internal affairs will keep that firewall up with our Major Crimes detectives on that and we alert our prosecutor's office when there's an internal affairs case and we usually get the case continued until they get - figure out where to go and sometimes obviously asking for a scrub team to it the right way.

Don Washington: And ADA Mosler in your experience, you know how do you deal with you know producing Giglio when you've got the kind of volume you were talking about earlier? Do you just tell the judge, hey I'm going to do an open discovery and there it is or do you make an affirmative effort to deal with that?

Damon Mosler: We universally turn over almost every video in every case without necessarily viewing it. Our individual crime units have certain discretions such as sex crimes as the only protection to view before the discovery. But our general crimes cases unless there's something in the police report that alerts us that there might be something untoward in there, we turn the video over upfront.

We have a protective order so that way it can't be disseminated to the public, but we basically say we can't view all of this video and we're not going to try on most of these cases and law enforcement knows that because they don't view it before they turn it over to us anyway either.

So that's the way we satisfy our Giglio responsibilities and duties. It's not popular. I talked to prosecutors elsewhere. They are very troubled by that but they don't usually have as many cameras or as much volume of video that we have. We didn't like doing this at first. We viewed videos, but we wore people out. They were watching hours and hours of video every day and they're not going to catch something on the video if they're not paying attention because they can't.

So we turned it over videos open discovery and then we, you know, before trial we'll look at it closely. If the defense sees something, if our prosecutors see something, they can't automatically talk to the police department, they have to go through senior prosecutors to evaluate because some of them might not see the world the same way as someone who's seen a lot of cases to realize that's just colorful language. That's not a Brady or Giglio violation, but that's how we're handling it.

Don Washington: Okay. Thank you.

Craig Price: Chief, this is Craig Price I have a quick question.

Phil Keith: Yes you are recognized.

Craig Price: Thanks. I'm not really sure who to question really be related to, but as we talk about body-worn cameras and generally recording as a whole, you know my agency we've had in-car cameras well over two decades and they're very valuable for a lot of different reasons and you know a lot of hesitancy when we first went to them within the agency, but now they're just a way of life.

Does anybody that presents body-worn cameras today ever see our country being to the position where when officers having an encounter with somebody that is 100% recorded on audio and video, that there would be some type of an - alleviate a level of reporting that the officer then has to follow-up with back at the office? I'll use a DUI arrest as just a basic example.

The behavior of the subject's driving. The reason for the stop - all of the contact with the individual is all on audio and video and then we still have the officer go back, review the video, spend multiple you know, not hours I would say, but an hour of time writing a report that's already captured on video when they could otherwise be out there you know being visible and enforcing laws of our state. Has anybody ever see our society making that transition or would technology ever allow that?

Damon Mosler: So this is Damon Mosler. The reports that an officer writes are a summary of the evidence to help us make a charging decision and it's a lot faster for us to read a report than to watch a video or the entirety of a video. So I don't think we're ever going to eliminate reports.

But I do believe that with artificial intelligence the way you see your messages on your voice mail from some smartphones starting to populate with the words, I think that - in fact, that I know since I've gone to presentations by someone that bought a camera vendors', they are working on adding report writing elements into the body camera and have the data come in to that where parts of the report are automatically generated through narration while they're driving to the station.

That the videos will be hyperlinked to potential transcripts of statements that then a prosecutor could look quickly at and then listen to the relevant portions of it. At least with respect to the

videos related to police reports. So I do see that. I see an easing of that over a period of time, probably in the next three to five years.

Craig Price: Okay. Thank you.

Col. Edwin Roessler: Chief Roessler here. Just to add I have not encountered any morale issues with officers still having to do a police report and obviously the video footage. Rather I'm seeing a positive where there making mention of the time stamp to defend their actions. Thanks.

Phil Keith: Other commissioners with questions?

Erica MacDonald: This is Erica MacDonald. May I have a question for the panelists?

Phil Keith: Yes, ma'am, you are recognized.

Erica MacDonald: And this could go to any or all of the panelists. My question is this. It seems that when it comes to technology and advancing technology the government sector, the public sector seems to always be playing catch up. Always a little bit behind the curve.

Is there something that we could do to be more proactive in this space either you know some kind of standing institutional change that we could do or relationships with those such that we, you know, can see it coming as opposed to always playing catch up.

Phil Keith: Any of the panelists want to respond to that question?

Kevin Jinks: Yes, Chairman Keith this is Kevin Jinks. May I be recognized?

Phil Keith: Yes sir, you are.

Kevin Jinks: Terrific. You know great question and I think that we have to be careful in our communications with industry. Obviously, we can't communicate non-public information. We can't give vendors and technology companies an inside line on government requirements without making those equally available to other parties.

But I think one helpful step is to freely meet with industry and listen to their concerns, listen to their ideas. Predict or gain insight on what is coming out in the market in the coming months and then communicating that information throughout the department to our five law enforcement components and others who would use UAS and encounter UAS technology.

I think that's a huge key and we have a committee, a counter UAS operational test, and evaluation committee that primarily serves that function in the UAS and counter-UAS context for the Department. So I would offer that as one example. Thank you.

Richard Vorder Bruegge : Mr. Chair, Richard Vorder Bruegge here. May I be recognized?

Phil Keith: Yes sir. You are recognized.

Richard Vorder Bruegge: So the last 50 years have seen an incredible transfer in the development of high technology from government-driven developments to private sector developments. So whereas 50 years ago, Department of Defense or the Federal Government may have been driving technological innovation.

Now in the 21st Century, we're seeing where it's the private sector doing that. So to echo some of my colleagues' remarks earlier, it is incumbent upon us to be working more closely with the private sector, but do it in a way that we're not necessarily given anyone an undue advantage.

And a key aspect of this I believe is that we need to have standardized or standards for the systems that law enforcement are going to use across the board. Within the Federal Government, we've been trying to work on having the same systems, the same sort of API's in place. Basically making the same target point if you will so that no single vendor has an advantage, but also so that every vendor knows what target they're shooting at.

And so to the extent that we can help establish common interfaces for our technologies, whether it's video, whether it's any information technology, that is going to be something that is going to be for the benefit of all of law enforcement in the United States. Thank you, sir.

Phil Keith: Thank you. Other commissioners with questions?

Gordon Ramsey: This is Gordon Ramsey with a question.

Phil Keith: Yes Commissioner you are recognized.

Gordon Ramsey: I was wondering if the panelists would want to touch on the lack of consistency for releasing videos - police-related videos, officer-involved shooting videos, and the controversies that often come along with those, just the lack of consistency across the country.

Damon Mosler: Mr. Chair, this is Damon Mosler. May I be recognized?

Phil Keith: Yes. You are recognized, Mr. Mosler.

Damon Mosler: Mr. Ramsey, from what I have seen, and I work with BJA and reviewing policies and helping agencies deploy cameras in addition to my duties as a DA. I've seen a transition when law enforcement is beginning to understand that they're probably going to want to release this proactively. I think there's always been a reluctance to give up videos or evidence by law enforcement and certainly by prosecutors. But I do see a trend that that is going to change and I think for several reasons.

One, I think it's a responsible thing to do. My mind has changed on this in the past four years for sure. But I also, in the inevitability of video being released and so many citizens having videos. I believe it's the more responsible thing for the Chiefs or the agencies to send a message and show what they're doing. And you see the Los Angeles Police Department change their mind over the past couple of years. They were absolutely never showing a video and now they put out high-quality productions.

So, I think we're going to see a change and I think it's just going to be something that is driven by the region and the populous of the region demand it and you'll see that happen.

Edwin Roessler: Mr. Chair, Edwin Roessler here. May be recognized?

Phil Keith: Yes, you are recognized.

Edwin Roessler: This is a topic near and dear to me because back in 2013 when I took over as Chief a few weeks in we had this awful shooting case. And I obviously, we've seen this debate in Ferguson, Missouri and so the predisposition to disclose which I agreed upon with my community

and my Elected Officials years ago. The nuance in this is to protect the integrity of both the administrative and the criminal investigation before a release is done. I don't fully support releasing immediately because you have criminal and an administrative investigation to do on these real sensitive events in the community.

So, we need some sleep cycles for both the victims, the officers, and the witnesses that are involved. Obviously, the video records one view of it but when it no longer erodes the integrity of an investigation, then you should release it fully. And I got caught in that event with the United States Park Police where my video captured the officer-involved shooting. And we agreed between the Park Police, Department of the Interior, and the FBI that this would not erode the integrity of anyone's investigation.

And that is something that was a hard sell with my community but they, they've agreed upon it because now they know in a cadence that it will be released. But, nationally we don't have a standard recommendation, we need some work there. Thank you.

Phil Keith: Other Commissioners with questions? One more time, other Commissioners with questions?

Commissioner Frazier: Chairman, this is Commissioner Frazier. Can I jump in there for just a second?

Phil Keith: Yes, sir. You're recognized.

Commissioner Frazier: I'm going to tag onto that, what he just said about the releasing of the video? I worked on our Dash Cam Bill here years ago through our Legislations to get it passed. Took a lot of heat from the officers on working on that. It turned out to be a tool that saved many officers'

careers. We came back and then wrote the Body Cam Bill with our State Legislation and our Senator West here. He was a Democrat but he, he's worked on both Bills with us and did an outstanding job.

The buy-in on the Bill on any kind of Legislation that needs to be passed on these is that you have to have, and I heard somebody say it earlier. The ACLU, we had Mothers Against Police Brutality, you have the folks that are, the conspiracy folks that don't want any of the privacy rights. You have all those folks come together and most of all, the Association and Unions on board to get these passed.

The difficult thing on this, it's not uniformed, it's uniformed across our State, but not uniform across our Nation. And the biggest problem is the releasing of the video while the investigation is still going on. There's so much critical information there that needs to be kept in-house for the moment per the investigation that's released because you've got an anti-Chief or you have an anti-Mayor that wants it out there immediately to get it off his back is part of the problem and the investigation gets compromised. Or, you put a lot of officers' lives in danger or even victims that are witnesses to it.

So, that's one that's not uniform that we really need to look at. Our, our Bill here has been a blessing. I have, we didn't have much push back from the officers at all, especially with our younger officers. They, they really wanted it because they feel it's a protection as they go out there in the field, that they're going to get a fair shake. Especially in the day and age, with phones, and they're getting videoed anyway. And I know that somebody else said earlier but at least it's from the police officer's perspective when this is happening.

And one other thing that we put in our bills that was a little tough to get, to get passed, but we got

through there. But our officers are allowed to review that video before they make a statement because there's always the angle or that time. I've been in four shootings and I can tell you that you're going to miss some things. You're not going to, you will not see what happened or remember what happened and that video really refreshes what happened out there at the scene. And lets you tell the story, the story is going to be told anyway, you know it's already on tape. So, those are my two cents. I think our bills are really good and I think it's something for a lot of states to review.

Phil Keith: Thank you, Commissioner. Other Commissioners with questions? Hearing no further questions, let me close by thanking our panels once again for your time and most valuable testimony and the responses to the questions from our Commissioners. On behalf of the Attorney General and his leadership team of Rachel Bissex and Jeff Favitta and all the Commissioners, your contributions provided today are more sincerely appreciated and will assist the Commission in their deliberations and work.

Before we close just a reminder that our next two hearings this week will be on Wednesday when you'll hear from victims and survivors on crime as well as remarks from Vice Chair, Katie Sullivan. And then on Thursday when we, we will complete the week with a panel on, testifying on re-entry. Also, please check the President's Commission Page for additional updates and documents and information on the main Justice Website. And we will update it regularly as information becomes available.

We want to thank the FBI for their continued support for providing their teleconference network to the Commission and certainly all the federal program managers working behind the scenes. Things to support the efforts of the Commission. Are there any questions or comments from Commissioners?

David Rausch: Mr. Chair, if I may? David Rausch.

Phil Keith: Yes, Commissioner Rausch, you are recognized.

David Rausch: I just would like to ask if there a possibly and I know we've gone over it today but if there's a chance to schedule an Executive Session. I have a question about some Commission business that I think I would like to get out to the rest of the Commissioners. And I would like to have that opportunity to have an Executive Session to discuss a concern.

Phil Keith: Yes, sir. We'll get that on the agenda for discussion.

David Rausch: Thank you.

Phil Keith: Any other Commissioners with questions or comments? If there's no further business before us today, the President's Commission is adjourned. Thank you again, Commissioners, for your dedication and commitment.

Female: Thank you.

Male: Thank you.

Male: Thank you.

Male: Thank you.

Operator: That concludes today's call. Thank you for your participation. You may now disconnect.