

Police Use of New Recording Technologies

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There's been quite a buzz lately about [Google Glass](#), a "wearable computer" that looks like a pair of eyeglasses but that uses the lenses as transparent screens to display information to the user. (For example, the user might have CNN headlines constantly scrolling on the edge of the screen, or might have the glasses show a list of nearby coffee shops.) One feature of Glass that has received considerable attention is its ability to record still photos and video. Privacy advocates are concerned that it will usher in an era of ubiquitous recording, of constant surveillance. But isn't that era already upon us?

Consider some of the technologies already in use by law enforcement:

- In-car cameras, currently installed in almost three quarters of state police and highway patrol vehicles, as noted [here](#) in *The Police Chief*
- Wearable cameras, discussed in [this](#) *New York Times* article (the article refers specifically to camera glasses made by Taser, such as the AXON Flex, shown [here](#))
- Stationary surveillance cameras, which are present in virtually every major city as discussed [here](#) in the *Wall Street Journal* and [here](#) in the *Newark Star-Ledger*
- License plate readers, which have been deployed in Raleigh according to [this](#) WRAL article
- Surveillance drones, discussed in [this](#) CBS News piece

And don't forget that most officers and civilians alike carry cell phones everywhere they go, and that most cell phones are capable of recording still photos and video.

The prevalence of recording devices raises a number of legal questions, from Fourth Amendment concerns to discovery issues. On the latter point, consider, for example, when footage from a stationary surveillance camera becomes part of the "file" that must be disclosed to the defense during discovery. Is it when an investigating officer saves a copy of the footage to his or her computer? When the officer views the footage, even if he or she does not save a copy? When footage within a certain time and distance from the time and scene of the crime is recorded, regardless of whether an officer ever views it?

For now, I'd like to abstract away from particular legal issues and ask for comments on a few more general questions:

- First, which recording technologies are showing up most often in court here in North Carolina?
- Second, are the recordings working more often in favor of the state or the defense?
- Third, where do you turn for help with the legal and practical issues presented by recording technology? Are there references or experts that, for example, law enforcement agencies turn to when deciding whether to implement wearable cameras? Are there resources that lawyers used when litigating the Fourth Amendment issues presented by these technologies?

I may have more to say about these issues in the future, but at this point I'm interested in hearing others' views.