

BJA Body Worn Camera Training & Technical Assistance Suquamish Tribal Police Department BWC Podcast

(Todd): Hello again listeners, this is Todd Maxwell from Bureau of Justice Systems Body-Worn Camera Team. Today I am speaking with Chief Mike Lasnier as part of BJAs Body-Worn Cameras podcast series. We hope to specifically gain a better understanding of the perspective tribal police departments in relation to body-worn cameras.

Chief Lasnier served as Chief of the Suquamish Tribal Police in Suquamish, Washington for the last 11 and a half years. Prior to that he was Chief of Police for the Lower Elwha Klallam Tribe and served in the Marine Corps moving up the ranks to Sargent. Thank you for joining us today. I would like to start out by asking you what is the biggest challenge to implementing a body-worn camera for a tribal police department.

Chief Lasnier: Some of the specific issues we've been running into are – the biggest one is having adequate personnel to address the increased discovery workload. We basically went from just officers reports and statements to suddenly having to make copies of videos and provide those for the prosecution and defense on virtually every case that we did.

And it's pretty easy to buy the equipment, buy the hardware and hit the on button. What's more difficult is developing a system to handle it on the back-end to ensure that the discovery demands are met. And dealing with external agencies, getting copies of the videos to the federal government and our other partners, has been probably our biggest challenge.

Privacy laws are another one that is huge issue, and of course each tribe has its own specific privacy laws. But public disclosure, the protection of data, the cost of redaction and how much time and employee hours it takes to redact data.

The control of the video is pretrial so that a jury pool isn't contaminated. Most of our tribal communities are pretty small so if a video is provided to the defense and it gets out of the criminal justice system it could end up online and contaminate an entire jury pool. So we have to maintain tight restriction and tight control of videos, by all parties, until a matter is heard in court.

And of course, in your development, we really needed to involve our prosecutors, defense in courts – law enforcement alone can't just buy the cameras and start using them without partnering with everyone downstream who's going to be using that product or you'll find limited success in the ability to use that product downstream if you do not have the buy in from people like the prosecutor and people like the courts.

(Todd): Great, that's one of the things with our pilot implementation grant funding that we have been promoting is collaboration. One of the things you mentioned was the different tribal communities have different privacy laws and you have to submit videos to federal agencies. So I want to see if you sort of elaborate on those. In what policy challenges, along those lines, would a tribal police department face versus a non-tribal police department.

Chief Lasnier: Well when you focus on accountability that tended to be where we got the most support from our community because with current events across the nation everybody's interested in law enforcement accountability. We saw shortly after implementing body cameras – we're actually on our second set of body cameras, so we've been using these for over five years, but what we call the anti-effect existed prior to us using cameras.

And that's where somebody got in trouble – they would be arrested, they would go to jail, they get released and then when they see their auntie or their mother or their grandma or other family members that they hold in high regard and their asked what happened, they would not want to look bad in those persons' eyes. So they got quite creative on their story telling.

And of course family members hearing about their poor family member being picked on by the police, who allegedly had fabricated the whole thing, would then go to counsel or come to the police department to file complaints. So one of the biggest benefits of body cameras was that happened just a few times after we got cameras and then word got out on the streets. So it really cuts into a lot of our complaints and reduced our workload in those areas.

The public disclosure and individual privacy issues are huge. People are not going to call for help if they think that in a small community all of their business, all of the contents of their house, everything going on in their personal life is going to be broadcasted. It is going to be out there for their enemies, their friends, everyone to delve into their household. So having public disclosure and privacy issues that address the needs of that individual community are critical.

We are in Washington state, which basically releases everything to anyone who asks for it. In our tribal community we are far more protective of our community members. We don't want their personal lives being broadcast for amusement or entertainment of other people. But that has to be balanced against the accountability of law enforcement and the ability to use whatever is seen by law enforcement officer as evidence.

We have an additional challenge because we have – we're in the finally stages of developing an MOU that will turn on state authority. So when we're acting as state officers we will be acting under a different set of rules then we have been for public disclosure as when we are acting as tribal officers. So that is a new challenge that we are about to address and tackle.

(Todd): That's interesting. So when you guys have those state – Washington state laws on disclosure like Seattle and Spokane and some of the other places are having – do they apply to you? Or do you guys go by the tribal and the federal laws?

Chief Lasnier: When we're acting only as tribal officers we'll stick under our tribal laws for public disclosure. But if we turn on our state authority and we're acting as a state agent then basically we need to follow state laws. And that includes the disclosure of any actions we take as state officers. So those tapes, where we're acting as a state agent, we do plan to comply with Washington state law when we are acting in that capacity.

(Todd): And just to elaborate a little bit more, do you have times where you might start as a tribal officer and then something escalates and you become the state. Or is it clearly defined?

Chief Lasnier: No, we will always start as a tribal officer. And if we reached a point in the investigation and the county units are not available or it's a lower level offense, then we basically there will be bright-line moment where we activate our state authority.

Much like the old Blue Courage Program that used to exist with U.S. Customs and the local law enforcement, there was a bright-line moment where you basically flip the switch and turned on the state authority. So basically at that point we'll, if we're acting under state authority, then we'll provide that information.

(Todd): OK. Great, thank you. You mentioned privacy community concerns and I was wondering if you could sort of address how those need to be considered during policy formation and what type of outreach would be most effective for garnering community support.

Chief Lasnier: I would recommend that people just follow the normal processes that they follow with any community oriented policing activity which is full transparency. Full involvement of all of the stakeholders and that would include of course the counsel and whoever they choose to have as their representatives at the table, the full legal system, so that whatever you're doing is going to withstand legal review.

And basically an open process. Invite the public, invite the community and let them decide what works best for them. Of course as law enforcement we serve the community so they need to be fully educated. The issue needs to be fully discussed and vetted and then allow the community or whatever process each individual tribe uses come up with their own guidelines.

(Todd): Thank you. I know you recently, and unfortunately, had an officer involved fatal shooting. And I know this is tough event for your agency and the

community to work through so because of that and the fact that it's under investigation, I don't want to get into specifics of that event, but I would like to ask if you think the use of BWCs by your officers will help investigators in the community properly understand the event and see things from the officers' perspective.

Chief Lasnier: Absolutely. And we've actually since 2004 had three, unfortunately, officer involved shooting, all of them were captured on camera. The first one in 2004 was captured on a patrol car camera the others were captured on body cameras.

And they have, in every case, been specifically referenced by the prosecutors as the justification for finding that our officers acted appropriately and legally and justly. In one of the cases the family of the gentleman, who unfortunately lost his life, initially thought that we had done some horrific things and after seeing that video they actually came in, met with us, sat down and apologized for the behavior of their family member and assured us that there would be no legal follow up or court cases because the video had convinced them that we had only done what was appropriate.

So we love having the body cameras and the patrol car cameras because we're doing good police work. We're acting appropriately and the cameras can only catch that and can only document that and that is always in the best favor of good cops who are doing good work.

(Todd): Thank you very much for that. One of the big things that we've discussed with tribal law enforcement agencies is funding and the lack of funding, some of the agencies have even said they don't have money for computers. So can you discuss what some of the funding options are for tribal law enforcement agencies and the funding route that you guys took.

Chief Lasnier: Certainly. First, I kind of throw out a caution because most of the companies are switching to a new funding structure. So the original buy of the hardware is fairly inexpensive. But it's in the storage and the data maintenance on the back end is where the actual costs are. So we used self-governance and hard dollars to purchase our first set of cameras. And same with our second set. We currently have a U.S. Department of Justice CTAS Grant.

And I know that at least 2015 CTAS COPS Grant allows funding for body cameras if you are one of the awarded organizations. You do have to be careful as I mentioned about the cost structure because the buy-in is no longer the big challenge. It's after that on the backend – that the long term storage and of course you need access to those records for years.

So even if you switch to a different company down the range you're actually going to be paying two different companies simultaneously to maintain access to your videos moving forward. Or you're going to have to download all of

your video which is a massive undertaking. But for funding, I would say the Department of Justice COPS CTAS Grants.

I know there was a pilot grant, I don't know if it's continuing at this point, that paid for 50 percent. But again it was 50 percent of the hardware and the real challenge for tribal law enforcement isn't the hardware purchase it is the ongoing cost of storing and accessing the data.

(Todd): Understood and I believe the pilot implementation program will have a second round of funding but I think that's under investigation with BJA so I'll let that come out a little bit later. What is the most important advice you'd give to someone who's considering implementing a BWC program?

Chief Lasnier: I would say really look at the privacy issues. There are many agencies in Washington state that started a body weight camera – I'm sorry a body-worn camera and then had to cancel it because they were being overwhelmed with privacy requests.

So depending on how you deal with public disclosure issues it may be overwhelming to even look at doing it until those issues are resolved. So basically I would advise you not to proceed until you have those issues resolved and in black and white and everybody's comfortable with how you're going to deal with that.

I would say shop carefully. Again if the data storage is going to be done by the vendor, and that is kind of the current model, you might end up double paying if you decided to switch to a different vendor. On the flip side to that, if you do store the data locally you have to be very diligent about backing it up and that may lead to you having a separate server that, of course, costs a substantial amount of money to make sure there are backups.

We started out storing our own data and had some major issues with that and so we now store off-site. But again, if we decide to switch to a different vendor that's going to lead to us having to double pay, for at least three years, to maintain access to our data. And discovery is going to be your biggest challenge for a small government agency.

Making copies of tapes for every single case and every single arrest or even just sending a link to the involved parties, if their stored on-line, is a major undertaking. You may need to hire an entire brand new person just to deal with that issue.

So you need to talk to other people that have these programs in place and get a realistic expectation and make sure that you don't think that you're buying into something that is relatively inexpensive and then find out that the long term cost is dramatically higher. Better to know up front and make an informed decision.

(Todd): Thank you Chief Lasnier. Thanks for speaking with us today and sharing your perspective on this. We encourage law enforcement, justice, and public safety leaders, who's agencies are interested in learning more about the implementation of body-worm camera programs to visit the body-worn camera toolkit at www.bja.gov/bwc.

The toolkit offers a variety of resources that agencies can use to help with the adoption and the use of community engagement, policy development, data collection, officer training and educational purposes. We also encourage listeners to share and promote these resources with your colleagues and staff.

Lastly, all these resources, and especially the body-worm camera toolkit has been designed as a national resource, your resource, so please submit your ideas for new content to the BWC support link at the bottom of the homepage. This is Todd Maxwell, Bureau of Justice Systems Body-Worn Camera team signing off. Thank you for listening.

END