

In-View Commentary

Tech Alert: BWC Manufacturers Now Offer “Record-After-the-Fact” Feature

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Body-worn camera (BWC) technology has advanced significantly over the past several years. Having successfully met the initial demands of increased video storage capacity and battery life, BWC vendors continue to add an array of new and enhanced BWC features and digital evidence management options. With these fast-paced advances and innovations, even the most technologically savvy police department administrators can find it challenging to stay up to date.

This resource focuses on one new BWC feature. Depending on the vendor, this feature is called “always-on,” “always-record,” “look-back,” “video recall,” or “record-after-the-fact” (RATF). It most typically provides the ability to retrieve video but not audio that the BWC captured while it was not actively recording an event. Two major BWC vendors do provide the option to record audio when the camera is in RATF (or pre-event) mode, but this is not the default. In addition, audio-disabled RATF (or pre-event) recordings may be the preferred mode for technical reasons.¹

With this RATF feature, a BWC that is powered on but not activated by the officer still records and buffers many hours of video. As a result, system administrators can retrieve a recording of an incident even when a BWC was not activated manually by an officer or automatically by an electronic triggering device. Importantly, this advancement in BWC technology does not significantly reduce battery life or storage capacity.² With this feature, an agency can retrieve critical evidence once thought to be lost because of a missed recording, helping to provide a more complete account of an incident or support an investigation.

The Bureau of Justice Assistance BWC Training and Technical Assistance team has found that some agencies are unfamiliar with the RATF feature. Without advocating for or against its use, this technical assistance resource explains the RATF feature and identifies issues that agencies should consider when deciding whether to deploy it.

[How does the RATF feature differ from the pre-event buffering feature of BWCs?](#)

Although pre-event buffering on most cameras captures up to two minutes of video footage before an initiated recording, it does not capture anything for incidents that were not initiated. If an officer never initiates their camera during an incident, the pre-event recording is not saved. In contrast, RATF does not require any recording to be initiated and can capture much more than two minutes for evidence; RATF technology can retrieve video from the previous 48 hours. Unlike initiated recordings that are

¹ For two of the major vendors, “RATF” and “Video Recall” are turned off by default. The precise reasons for this are not clearly documented, but it may be a feature that would cause batteries to discharge more quickly. For one of the vendors, the manual describes a “Force Microphone On” feature that can be used to override the default setting.

² Requiring officers to activate their BWCs at all times would not be a practical substitute for the RATF feature because the feature saves valuable battery life and data storage space by recording at a lower resolution. In addition, sharing a video of an officer’s entire 10-hour shift with the prosecution for an arrest that took 90 minutes would be cumbersome, unnecessarily add to data storage costs on both ends, and require either the sender or the recipient to waste time wading through and redacting a significant amount of irrelevant video.

automatically uploaded and preserved upon BWC docking, RATF footage requires manual retrieval by a system administrator. Depending on the vendor, the video in question can be retrieved 18 hours to several days after the incident occurred before it is overwritten with new BWC recordings. Both pre-event recordings and RATF do not typically include audio; however, for at least one vendor, there are system administrator options that can overwrite the nonaudio default setting.

A compelling reason to use the RATF feature is that officers may be attacked before activating their BWC. The RATF feature could capture the only available evidence to identify the assailant, the facts of the incident, and the sequence of events. Having the full recording available for review can assist with evidence and documentation and fulfill the public's demands for law enforcement transparency.

Issues to consider

Officer privacy and union concerns. Some officers and their unions have expressed concerns about RATF's potential effect on officer privacy. These concerns are mitigated by the fact that RATF video is not easily accessed. The BWC must be taken out of service to access RATF footage, and only authorized personnel with special software tools can retrieve and preserve the RATF video. RATF video does not become a permanent, preserved recording unless a technician pulls it manually from the BWC, which is usually accomplished in the presence of the officer, the officer's supervisor, executive leadership, and a union representative.

In addition, departments could create a policy³ that limits access to RATF video to specific circumstances with appropriate command authority (similar to policies relating to internal random BWC video audits), which could allay a union's privacy or discipline concerns regarding RATF video. In anticipation of being presented with officer misconduct allegations that may have been captured by only the buffered video, agencies should specify in this policy the conditions under which they will preserve and review the buffered video as part of the administrative investigation. An agency that chooses to activate the RATF feature would need to notify its officers and conduct training on the related policies and intended uses of the buffered video.

[The Houston Police Department, for example](#), is an early adopter of this technology. The union is working with the department to craft a policy that protects officers. Houston Police Chief Troy Finner explained the technology's benefits during a [press conference](#):

Most of our officers have done an extremely good job at capturing these incidents. However, it's important that we safeguard our officers so that they can focus on making the scene safe, protecting the public and also themselves. Officers should not be more concerned about whether they captured an incident on the video than protecting themselves or the general public.

Freedom of Information Act (FOIA) requests. First Amendment auditors may ask law enforcement agencies to immediately preserve and produce video stored with the RATF function, and the volume of those requests could quickly become burdensome. To prevent this, legislative amendments to FOIA laws may be sought to exempt buffered RATF video from Public Records Act (PRA) requests absent a demonstration of good cause. Other changes to open records laws might require agencies to produce

³ Sample policy language for the RATF feature can be found here:
<https://www.motorolasolutions.com/content/dam/msi/docs/video-analytics/body-camera-policy-sample.pdf>.

the buffered video only in specified circumstances, such as officer-involved deaths. Depending on the jurisdiction, existing PRA exemptions for privacy may be interpreted to exempt the RATF video from routine disclosure. The rules for these requests would generally mirror those for traditionally recorded BWC video.

Retention policy. Unlike officer-activated BWC videos, RATF buffered video is not tagged or categorized as part of an officer's duties. Police executives will need to determine whether to retain the extracted videos, how long to retain them, and what additional processes or steps are required before they are disseminated to the public or through criminal case discovery.

Criminal discovery requests. Court orders could be issued to preserve the RATF video. If the agency fails to preserve potentially relevant evidence, successful criminal prosecutions could be jeopardized. Policy language might be needed to specify when RATF video should be preserved and reviewed for criminal investigations. Prosecutors' offices could mandate the production of RATF video as part of case filing protocols.

Technical personnel and video storage costs. To preserve RATF buffered video, the officer's BWC must be powered down and taken out of service. Technical personnel resources are needed to retrieve the video, the storage of which will in turn increase data storage costs. The more often a department's policy requires RATF video preservation, the greater the personnel and data storage costs. In addition, the manual, technical nature of RATF video recovery—and the sheer volume of video available—will inevitably add to the time it takes detectives to find relevant video evidence in the normal course of their investigations.

Conclusion

As with other advancements in BWC technology, the RATF feature has the potential to improve criminal investigations and law enforcement transparency, but it also presents challenges related to officer and citizen privacy, criminal case discovery, and data management. This feature substantially increases the chance that crucial footage will be available to review incidents of major public interest in which, for whatever reason, an officer failed to activate their BWC. It can also advance prosecution and defense efforts by generating evidence that otherwise would not have existed. Despite the noted benefits, however, agencies should consider how this feature will affect officer privacy and the agency's current BWC policy, as well as the costs associated with reviewing, retrieving, and retaining the footage. Law enforcement agencies are well advised to consider whether, under their unique circumstances, deploying the feature will enhance or hinder their BWC program goals. Agencies should also consider that BWC technology, functional features, and legal context evolve rapidly. RATF-like functionality may become available from additional vendors, and the cost-benefit considerations may also evolve.