

# Analysis of the implementation of body-worn cameras for An Garda Síochána in light of their social protection programs.

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## ABSTRACT

THIS RESEARCH IS FOCUSED ON ANALYSING ONE OF THE MOST RECENT IRELAND'S LEA PROJECTS: THE DIGITAL POLICING TRANSFORMATION IN IRELAND WHERE THE IMPLEMENTATION OF BODYCAM FOR AN GARDA MEMBERS IS ONE OF THE MAIN OBJECTIVES TO PROTECT SOCIETY AGAINST TERRORISM AND CRIME. A SURVEY-QUESTIONNAIRE WAS CARRIED OUT IN CONJUNCTION WITH DOCUMENT ANALYSIS TO ASSESS THE IMPLICATIONS OF THE MENTIONED PROPOSAL IN THE SPHERE OF THE CITIZENS' HUMAN RIGHTS PROTECTION. FINDINGS SHOWED THE DEVELOPMENT AND ADOPTION OF THIS PROPOSAL HAVE THE POTENTIAL TO IMPROVE PUBLIC SECURITY OUTCOMES AND ADD VALUE TO THE DIGITAL POLICING TRANSFORMATION IN IRELAND. THE BENEFITS OFFERED ARE NOT PROPORTIONATE TO THE INTERFERENCE OF THE RIGHTS AND THERE ARE LESS INTRUSIVE WAYS TO ACHIEVE THE AIM PROPOSED.

## INTRODUCTION

AS THIS YEAR, AN GARDA SIOCHANA WILL CELEBRATE THE FIRST CENTENARY OF A NEW IRISH POLICING SERVICE, WE CONSIDER APPROPRIATELY ASSESSING ONE OF THE MAIN PROPOSALS FOR THE SECOND CENTURY RIGHT BEFORE ITS APPLICATION: THE IMPLEMENTATION OF BODY-WORN CAMERAS FOR AN GARDA MEMBERS. THE PROPOSAL OF THE ADOPTION OF BODYCAM IN IRELAND SEEMS INFLUENCED BY INTERNATIONAL POLITICS RELATED TO COMBATING CRIME SUCH AS TERRORISM BUT ALSO TO PROTECT THE OWN INSTITUTION FROM PUBLIC DISCONTENT. THIS STUDY ARGUES THE IRISH GOVERNMENT MUST BE AWARE OF ITS CONTEXT AND ASSESS THE PROPORTIONALITY OF THE PROPOSAL BEFORE IMPLEMENTING THE USE OF NEW SURVEILLANCE TECHNOLOGIES.

### AIM

THE RESEARCH PURPOSE IS TO DEEPEN THE STUDY OF THE PROPORTIONALITY IN THE IMPLEMENTATION OF BODY-WORN CAMERAS FOR MEMBERS OF AN GARDA SÍOCHÁNA, WE AIM TO STUDY THEIR LEGITIMATE GOAL, SUITABILITY, NECESSITY SO AS TO ASSESS A PROPORTIONALITY TEST WHICH MAY BE HELPFUL TO FIND A BALANCE BETWEEN A RIGHT AND A COMPETING RIGHT OF INTEREST.

## METHODOLOGY

### I. DATA COLLECTION

Qualitative data was collected through documentation analysis and a questionnaire-survey.

I. The Future of Policing in Ireland Recommendations;  
II. An Garda Síochána Digital Strategy 2019-2023;  
III. ROXANNE BI-Annual Newsletter;  
IV. Forensic Science Ireland, Annual Report 2020;  
V. Draft General Scheme of Garda Síochána (Digital Recording) Bill.

CONDUCTED 151 STRUCTURED QUESTIONNAIRE-SURVEYS, EACH OF 3 MINUTES DURATION WITH 13 RELEVANT QUESTIONS.



### II. DATA ANALYSIS

To illustrate outcomes, our document analysis was grouped into six categories:

Categories	Body-worn cameras in Ireland
Necessity	(1) preventing, investigating, detecting or prosecuting criminal offences, (2) securing public order and safety, (3) safeguarding and preventing threats to public security.
Extent and intensity	-The digital recording bill 2021 is allowing the use of body-worn cameras in a visible way on the clothing of Gardai members. -The statutory code of practice must ensure proportionality and data protection in the sense that the use of bodycams is not used for other purposes.
Citizens perceptions	- Ireland's LEA hasn't considered the citizen's perceptions through a pilot study yet.
National and international context	-Currently approved drafting of the Digital Recordings of Garda Síochána Bill and the General Scheme of the Policing, Security and Community Safety Bill. -The bill is not providing a legal basis for the use of smart cameras which might have different uses due to their automation capacity.
Digital policing	-Ireland took part in the SIS program in 2021 and has been a member of PRUM and participated in the ROXANNE project since 2019.
Issues and concerns	-Expensive initiative without clear aims and questionable results. -Concerns about the mass surveillance and discrimination, targeting groups and implementing facial recognition technology to identify suspects. -Evidence obtained shall not require the device to be exhibited in court.

Figure 10. Document analysis findings.

## FINDINGS

### NECESSITY OF THE IMPLEMENTATION OF BODY-WORN CAMERAS:

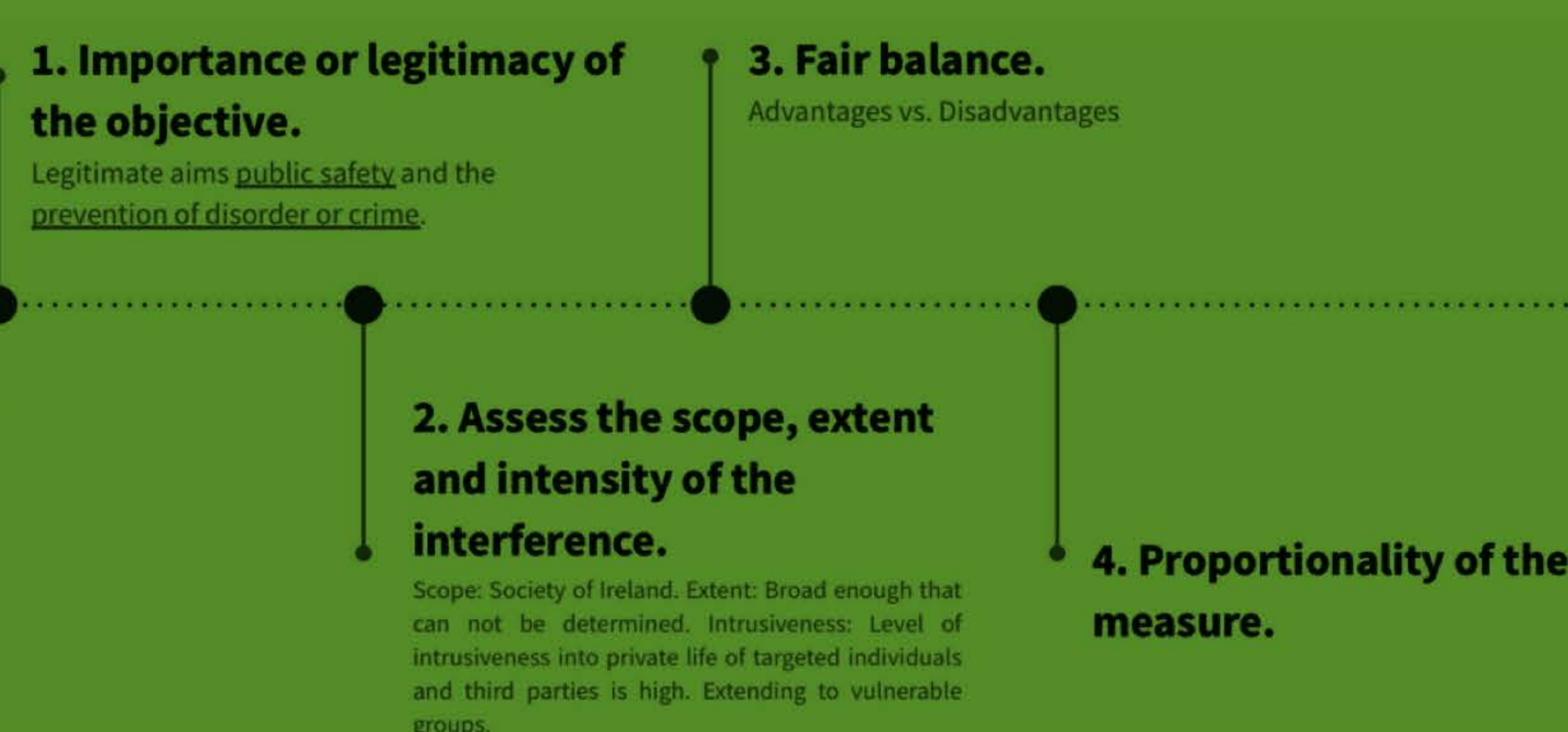
WHAT: Use of a body-worn camera  
WHO: Member of An Garda Síochána  
WHEN: During the course of their duties  
WHERE: In a public place, a place which entry was authorised by law or a place where was invited or allowed to be  
HOW: Shall be visible on the clothing or uniform and visibly indicate when is on  
WHY: Preventing, investigating, detecting or prosecuting criminal offences; Securing public order and public safety; Safeguarding against, and the prevention of, threats to public security.

### LIMITATION ON THE RIGHTS TO THE PROTECTION OF PERSONAL DATA AND PRIVACY:

1. Consent to record.
2. Potential expansion of surveillance powers.
3. Record of sensitive situations and private property.
4. Data storage, retention and disclosure.
5. Discrimination and limits to freedom.

### PROPORTIONALITY OF THE IMPLEMENTATION OF BODY-WORN CAMERAS:

The level of intrusiveness has proved being high imposing the measure (recording) without a specific target, area, lapse of time, justification and missing safeguards to protect consent, collateral subjects, sensitive information, indiscriminate use of technologies, record, storage and disclosure of data.



## RECOMMENDATIONS

Results suggest the right to privacy on the implementation of bodycams in other jurisdictions has been controlled by The code of practice. Even tho, some concerns and lessons has been arising, in that sense we proposed the following recommendations:

1. Focus on society's rights protection.
2. Set up approachable and clear privacy protections.
3. Employ appropriate consent requirements.
4. Biometrical technology' use prohibitions.



## REFERENCES

- I. Department of Justice. Draft General Scheme of Garda Síochána (Digital Recording) Bill. Published on 29 April 2021. Last updated on 9 June 2021. <https://assets.gov.ie/133928/9c7c4532-604a-4431-b33d-42ac5eca4335.pdf> [Accessed 02 December 2021].
- II. EDPs Guidelines on assessing the proportionality of measures that limit the fundamental rights to privacy and to the protection of personal data, December 2019. [https://edps.europa.eu/sites/edp/files/publication/19-12-19\\_edps\\_proportionality\\_guidelines\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/19-12-19_edps_proportionality_guidelines_en.pdf) [Accessed 02 September 2021].