

Transcript: Body-Worn Camera Programs— Public Defenders' Perspective

Seth Morris, Alameda County Public Defender's Office: The most important policy consideration for a law enforcement agency implementing body-worn cameras is consistency of use. There has to be a clear policy for officers to know when to turn on their cameras and when it's appropriate to turn them off. When I get CDs of video footage from officers arriving on scene, I expect that footage to have started before the officers contact my client and to not be turned off until my client has arrived at the county jail, if my client has been arrested. I don't expect there to be any gaps. I don't expect there to be any off-the-record conversations. When the full encounter is recorded, it leaves out the possibility of jurors and judges and citizens questioning what actually happened when the camera was off. So a clear policy about keeping that camera rolling during the investigative encounter is at the core of any good-quality body camera policy.

Overall, the implementation of body-worn cameras in Oakland has been a good thing for our clients. When I first meet a client, I hear a story about what happened during their arrest, and without footage from a body-worn camera, I have no frame of reference. I don't know whether what they're telling me is true, or whether they're embellishing, or whether it's a lie. When I read a police report, I also don't know whether the officer is being fully truthful or has left things out.

Community members and my clients like to know that there's going to be some record of that interaction, especially when that interaction becomes private—when it's behind a closed door or in the back of a patrol car. So overall, my clients often ask, "Let me see the video, because the video will show something different than what the officer is saying." And when it does, it's a very powerful tool.

Each client feels differently about body-worn cameras, but overall, my clients appreciate that there's some record of their interaction between themselves and a police officer. Nowadays, there's surveillance everywhere—there's surveillance at the gas station, at the supermarket—so clients expect that what happened the night they're arrested is recorded somewhere. Oftentimes in the first conversation with my client, they'll ask me to see the video, that the video holds the truth. And when I watch those videos and I see things about how police interact with my client or other community members, sometimes I decide that that recording needs to be shown to judges and juries because it's a better record of what actually happened than any individual's testimony.

A unique challenge that our office faces is that public defenders serve clients. So at the center of the body camera issue is a person—a person who's in jail and facing charges. So when we get this footage, we have to show it to our client, we have to review it, and we have to figure out how best to utilize it to their advantage. Body-worn camera footage often captures our clients at very difficult times in their lives—sometimes at their worst moment—and sometimes clients don't remember how they were acting. But also, sometimes police officers forget about how they were acting. So with all that information inside of the video, we have to review it for any possible issue that might come up to help our clients as they fight for, sometimes, their freedom and their lives.

The most important piece of advice I'd give someone who's considering implementing a body-worn camera program is to think about the purpose of the policy, the purpose of the program. Why does the agency want to place cameras on police officers? Is it to foster community relations, to show the community that their police officers treat citizens with respect? Or is it to capture the subjects during detentions and arrests to use that footage for future evidence in prosecutions? There's a lot of opportunity for police agencies who are deploying body-worn cameras, and with some thought and consideration, these programs can lead to new relationships between citizens and the police who serve them.