

Body-Worn Video & Law Enforcement: An Overview of the Common Concerns Associated With Its Use

Overview:

The use of technology by law enforcement has been steadily increasing as devices are created to suit the unique needs of the field. In-car video (ICV) devices have been continually integrated and updated since the 1980s. Evaluations of this type of recording device have shown that it has become a very useful tool within law enforcement. Unfortunately, ICV systems only record 10% of what law enforcement officers actually encounter. In more recent years, body-worn video (BWV) has found its way into the hands of officers in the hopes to increase public perception and to reduce frivolous claims against officers. Body-worn video can reduce expenditures in personnel time and resources. Many local agencies have begun to take advantages of such technology.

The major concerns are addressed regarding the use of such devices: admissibility in court, starting and stopping the recording, ability to edit/delete, and cost. The ICV has been tested in court and has been found to be admissible as long as certain stipulations passed down by the court are adhered to, such as ensuring proper chain of custody. Many of the types of BWV have limited amounts of recording capabilities, some as few as four hours. In order to overcome this issue, departments have instituted policies and procedures that dictate when the device should be turned on and off, including what is to be recorded. More expensive types of lapel BWV devices do not have the ability to edit or delete the video, although some concerns are placed around the accessibility of such video. Some software provided with the lapel style cameras offer the ability to record any and all access to the video. The cost of these devices varies depending on the manufacturer and features desired. Various grants are available to law enforcement agencies to aid in utilizing such technology.

It is recommended by the City of Spokane, Office of the Police Ombudsman that the Spokane Police Department (SPD) take steps to incorporate BWV into its standard equipment utilized by its police officers. It is also recommended that policies and procedures be drafted that explicitly addresses the following concerns:

- when to turn the recording device on and off

- proper chain of custody
- the storage and maintenance of the *video*
- the storage and maintenance of the *recording device*
- the accessibility of acquired video
- steps taken in the event the device should malfunction in the field

It is also recommended that *each and every* call for service and citizen contact be recorded to ensure even and appropriate application and usage of the device. Also standards should be put in place to ensure compliance with RCW 9.73.090, which places explicit stipulations on the usage of video by law enforcement.

Introduction:

In the 1980s, police departments began installing in-car video (ICV) systems in patrol cars in an effort to document stops involving individuals driving under the influence (DUI). ICV has been utilized in a variety of situations in order to gain evidence for trials during traffic stops, consent to search, and evidence of drug paraphernalia.¹ In a study performed by the International Association of Chiefs of Police (IACP), 33% of officers surveyed reported that the use of such cameras made them feel safer while on duty.² Officers reported that citizens would become less aggressive after being made aware of the camera. Officers also noted using the video in a self-critique manner, reviewing their own behaviors during their interactions with citizens to better increase their own safety and professionalism. The video recorded also allowed officers to be able to provide proof in false accusations of wrongdoing. In cases with video evidence, 93% of the time the officer was exonerated.³ With access to video, supervisors were able to clear these cases, which saved in personnel time and resources. The obtainment of video has granted prosecutors the ability to provide visual evidence of crimes. This increases the ability to obtain convictions and increase guilty pleas ahead of trial, also reducing costs for the judicial arm of the criminal justice system.⁴ With all the great qualities of ICV, it only records 10% of what police officers actually do.⁵ This is unfortunate, since claims of misconduct can stem from interactions away from the patrol car.

The cost of these systems can vary, reaching amounts near \$8000.⁶ The next wave in video technology utilized by law enforcement is body-worn video (BWV). Unlike the traditional ICV, BWV can accompany the officer wherever he/she may go. This tool can record the behaviors of the accused in a domestic violence call.⁷ It can also record the impact on the victim. Both of these can strengthen the prosecution's case, thus increasing conviction rates in these types of cases. These cameras can also record details provided by witnesses, aid officers in preparing statements, and record visual evidence. BWV also increases officer safety, reduces agency liability, reduces complaints on officers, and it can improve the public perception of police.⁸ The details of resisting arrest, use of force, lawful entry, and the establishment of probable cause can all be recorded via BWV. By providing a visual and audio record of an event, parties will not have to depend solely on an individual's recount of the details. Many departments nationwide have taken steps to incorporate this technology into their toolbox.

Since October 2006 police officers in the City of Plymouth, United Kingdom (UK) have been equipped with a BWV device that is worn on the head that records incidents in full color and high quality audio. The UK was the first to begin officially incorporating such technology into its police force. The video is admissible in their courts because the video is tamper proof. If the video is used for criminal prosecution, it is kept for ten years as a sealed master copy. It was found that those involved in crime were more likely to admit their involvement due to the video evidence. It was also found that officer received more respect when on patrol with the cameras. A 22.4% reduction in officer time spent on paperwork and file preparation in incidents with where the cameras had been used. A 14.3% reduction in complaints against police was also found. The reduction was noted to be specifically for "incivility and excessive use of force" when it was in use.⁹

In the United States (U.S.), there has been a growing trend in recent years to officially utilize BWV. Seventy-five police agencies in Texas use CopVu.¹⁰ This type of BWV is a small camera that resembles a pager. The camera is clipped onto the shirt of the officer and can record up to four hours of video. The Oakland Police Department has twenty of the VieVu type and Brentwood, Contra Costa County in California has three officers equipped with the same type of BWV cameras. Erlanger, Kentucky and

Lafayette, Colorado have also incorporated BWV cameras into their strategies.¹¹ San Jose tested the type made by TASER International called the AXON Pro system. The Chesapeake and Suffolk Police Departments have also acquired some BWV cameras and are testing them. Since 2008, the National Law Enforcement and Corrections Technology Center System's Small, Rural, Tribal, and Border Regional Center has been collecting data on the BWV cameras, in order to discover the value of such video in law enforcement.¹² More locally, the Airway Heights Police Department (AHPD), Post Falls Police Department, and the Kootenai County Sheriff's office in Washington State have begun utilizing BWV cameras. Also Lake Forest Park, Black Diamond, Pierce County, and Bainbridge Island in Washington State have purchased the VieVu lapel style of BWV.¹³ The Airway Heights Police Chief Bennett purchased the cameras for \$15,000 while they were on sale.¹⁴ The officers from the AHPD are required to turn the cameras on at the beginning of a call and keep them on until the call is finished.¹⁵

There are a few concerns surrounding the use of BWV in law enforcement. The issues of admissibility in courts have been cited as some to be a delaying factor in its use.¹⁶ With the relatively recent usage of such devices by law enforcement in the United States (U.S.), the issue of admissibility is yet to be tested. The ICV has been tested in court and has been found to be allowable, of course with certain stipulations regarding the proper chain of custody and storage. Eighty-one percent of police departments (PD) catalog tapes by hand and 90% of the tapes remain on-site for months.¹⁷ Many of the lapel style BWV products come with the company's software to download and manage the video. The video recorded by TASER's Axon Pro BWV product is automatically uploaded once the tactical computer is plugged into the docking device.¹⁸ It can be stored offsite and managed by the manufacturer via its software called Evidence.com. This software allows for reviewing and managing of the video using a browser, including the import and management of other types of evidence from various other sources.¹⁹ Washington legislation was amended in 2000 to allow police officers to utilize the latest ICV, which remotely records audio during police-citizen interactions. This legislation stipulates that officers must be in uniform, the sound recording device and video camera must both be activated in police-citizen interactions, and that the audio may not be intentionally turned off during the encounter.²⁰ It is stated that the person being recorded

be informed of such and that “the statement so informing the person shall be included in the sound recording.”²¹

Another large concern in the use of BWV in law enforcement is the issue of starting and stopping the recording. Many of the various types of BWV systems only record up to four hours of video. In order to gain the benefits of BWV, agencies have created policies and procedures detailing when to record and when the device is to be turned off. The third concern encircling these devices is the ability on some types to edit the video. The more expensive systems like the AXON Pro by TASER International does not have this ability, rather it allows the officer to replay the video through the tactical computer (ATC) attached to the officer’s belt. Any access to the video once it is uploaded into the managing software is recorded. The less expensive lapel style cameras that range around \$100 have the ability to delete video.²²

The fourth major concern in the use of BWV is the cost. Compared to ICV systems, the BWV is significantly more cost effective. The BWV can record all police-citizen interactions, rather than only what is in front and inside the car. The most expensive BWV is made by TASER International called AXON Pro and costs \$1,700 per unit.²³ The management of the video can be done through their software program called Evidence.com; it is separate and not required.²⁴ This can lessen the financial and resource expenditures associated with the ICV systems. The lapel style of BWV cameras range from \$100 to \$900. The more expensive lapel style cameras (e.g. VieVu, CopVu) do not allow editing or deletion.²⁵ The software used to manage the video is included, with the agency doing so.

There are various grants that can provide financial assistance, so agencies can begin including BWV technology into their strategies to achieve the organizational goals. The Edward Byrne Memorial Justice Assistance Grant Program (JAG) and COPS MORE (*Making Officer Redeployment Effective*) are examples of grants that may allow for the allocation of monies to obtain such equipment.²⁶ The American Police and Sheriffs Association provides a grant opportunity to agencies in need of equipment.²⁷ BWV is the next wave of technology that law enforcement agencies can draw upon in order to enhance public legitimacy and transparency, while also protecting the safety of both the citizen and the officer. Agencies and officers can also ensure all aspects of citizens’ rights

are documented for future questions and/or issues. Documenting all police-citizen interactions can protect officers from frivolous complaints by providing a record that can be referred to as needed. The citizen can be assured that all events that occur during their contact with law enforcement will be available for review should they have comments. The video can also be used to create evidence for court cases.

Taking steps to utilize such technology can illustrate that the agency and those that comprise it see the benefits and are striving to reach another level of professionalism and transparency. In order to gain the benefits of BWV, agencies must ensure the video acquired cannot be tampered with (i.e., edited or deleted), otherwise public skepticism can occur. This is also an imperative factor when it comes to the admissibility of the video in court, proper chain of custody must be met. Some critics suggest that the video should be downloaded and stored offsite,²⁸ which is provided by TASER International's video management software, Evidence.com.

It is recommended by the City of Spokane, Office of the Police Ombudsman that the Spokane Police Department (SPD) take steps to incorporate BWV into its standard equipment utilized by its police officers. It is also recommended that policies and procedures be drafted that explicitly addresses the following concerns:

- when to turn the recording device on and off
- proper chain of custody
- the storage and maintenance of the *video*
- the storage and maintenance of the *recording device*
- the accessibility¹ of acquired video
- steps taken in the event the device should malfunction in the field

It is also recommended that ***each and every*** call for service and citizen contact be recorded to ensure even and appropriate application and usage of the device. Also standards should be put in place to ensure compliance with RCW 9.73.090, which places explicit stipulations on the usage of video recording devices by law enforcement.

¹ Accessibility is meant in terms of who has access to the video and who has the ability to edit or manage videos. Certain software allows officers to add notes and audio to the video files. Other software allows for the management of the video in order to prepare it for court; it is unclear what is meant in this regard. Video should be kept in its ***context*** and should be used for evidence in its entirety.

The following images are the popular types of BWV:

FirstVu by Digital Ally



NO EXTERNAL CABLES OR COMPONENTS REQUIRED



²⁹ Price: \$795

AXON Pro & Evidence.com System by TASER International, Inc.



AXON™

HeadCam


- Integrates with Radio Earpiece
- Color and Low Light IR
- Multiple Mounting Options

Com Hub

- Connects HeadCam, Radio, ATC
- User Controls
- Push to Talk
- Start / Stop Event Record
- Privacy Button

ATC - AXON™ Tactical Computer

- Linux Operating System
- Video Compression & Storage
- 12-Hour Rechargeable Battery
- LCD Screen



EVIDENCE.COM™

Welcome back! Officer Frank White
Log out

MY DASHBOARD | MY AGENCY | NATIONAL DATABASE | LAW ENFORCEMENT DIRECTORY | MY PROFILE

MY LATEST SHIFT

3 New Video Clips
Case ID: 123.123
MPU ID: 435GFQ
Imager ID: 123.123
Com Hub ID: 435GFQ

4 of 7 | SLIDE | Video 357.454

MY CASE ACTIVITY

ALL CASES | SW Region | 1st Precinct | 18th Precinct | 18th Precinct | 18th Precinct

Case ID: 123.123
New case information has been added

- New Annotation Added Video 357.454
Sgt. Corina Lee
Badge No. 985U325AX3B
- New Annotation Added Video 357.454
Sgt. Corina Lee
Badge No. 985U325AX3B
- New Annotation Added Video 357.454
Sgt. Corina Lee
Badge No. 985U325AX3B
- New Annotation Added Video 357.454
Sgt. Corina Lee
Badge No. 985U325AX3B

Show more case evidence

34 Incoming Requests
26 Incident Review Requested

MY CASES

123.123 | 123.123 | 123.123 | 123.123

PREV | NEXT

MY EVIDENCE

123.123 | 123.123 | 123.123 | 123.123

30

AXON Pro Price: \$ 1,700 per unit
Evidence.com is separate and not required

VieVu LE2 by VieVu



Price \$899.99

CopVu by WatchGuard



32

\$895

VIDMIC by Ear Hugger Safety



34

Price: \$700

Reveal Media

RS3-SX Model



36

Price: \$762.08

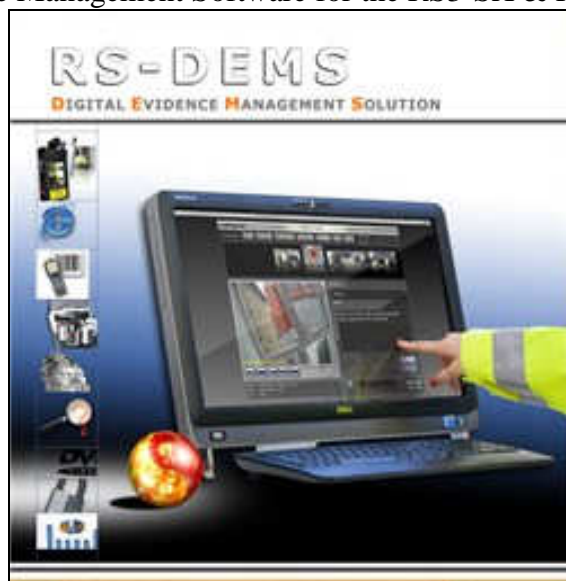
RS2 Model



37

Price: \$634

Evidence Management Software for the RS3-SX & RS2 models



38

Wolfcom 3rd Eye by WolfcomUSA



Price: \$975 (Retail); \$750 (Agency price)

References

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- ² International Association of Chiefs of Police (2004). The impact if video evidence on modern policing. Retrieved from <http://www.theiacp.org/LinkClick.aspx?fileticket=5k3IK9SZuz4%3d&tabid=340>, p. 13.
- ³ International Association of Chiefs of Police (2004), 15
- ⁴ International Association of Chiefs of Police (2004), 21; Draisin,(2011), 12; Harris, D.A. (2010). Picture this: Body worn video devices (“head cams”) as tools for ensuring fourth amendment compliance by police (Working paper no. 2010-13). Retrieved from <http://www.nlg-npap.org/html/documents/DavidA.HarrisBody-Worn-Video.pdf>, 1-19.
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- ⁶ Draisin (2011), 29; VieVu (n.d.) VieVu PVR-LE2 Wearable Video Camera White Paper. Retrieved (01/10/12) <http://www.vievu.com>; Can be as low as \$1,200 [Custom Order Police Specialties - In car video system Affordable](#). The prices of the ICV can vary depending on the features desired and the provider.
- ⁷ Goodall, M. & Association of Chief Police Officers (2007). Guidance for the police use of body-worn video devices. Retrieved from <http://www.revealmedia.com/LinkClick.aspx?fileticket=dH4IOGWh9ZI%3d&tabid=156>, 1-113.
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- ⁹ City of Plymouth Community Safety Partnership (August 2007). Police, camera, action...head cameras. Retrieved (1/24/2012) from plymouth.gov.uk http://www.plymouth.gov.uk/storyboard_head_cameras.pdf, pp. 1-2 ; Goodall & Association of Chief Police Officers (2007) (see note 7 for link)
- ¹⁰ Morel, L.C. (7/18/2011). Body cameras in Texas capture police view. Retrieved from PoliceOne.com [Body cameras in Texas capture police view](#), 1-2
- ¹¹ Coppola (2010)
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- ¹³ Green, S.J. (9/07/2011). Can body cams help fix Seattle police image? The Seattle Times. Retrieved (01/03/2012) [Local News | Can body cams help fix Seattle police image? | Seattle Times Newspaper](#)
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- ¹⁵ Loney (2/4/2011), 1
- ¹⁶ Loney (2/4/2011), 2
- ¹⁷ Bitcurrent (2010). Majority report: Evidence in a connected world: A Bitcurrent analysis of TASER International AXON/Evidence.com service and the state of video recording in law enforcement. TASER.com retrieved (12/13/2011) [Document Link](#)
- ¹⁸ TASER International, Inc. [Police & Law Enforcement POV Head Camera: TASER® AXON™](#)
- ¹⁹ TASER International, Inc. [TASER® EVIDENCE.COM](#)
- ²⁰ RCW 9.73.090 (1)(c) [RCW 9.73.090: Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 — Standards — Court authorizations — Admissibility.](#)
- ²¹ RCW 9.73.090 (1)(c), paragraph 3
- ²² Draisin (4/1/2011), 26
- ²³ Draisin (4/1/2011), 27; Abraham Alvarez, TASER Sales Representative; Price does not include docking system.
- ²⁴ Abraham Alvarez, TASER Sales Representative; Evidence.com can be purchased separately and can manage other electronic evidence files
- ²⁵ Draisin (4/1/2011), 23; Taser.com

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- ²⁶ Schlegel, D. (2011). Grant funding for body-worn cameras. Retrieved (12/12/2011)
PoliceGrantsHelp.com [Grant funding for body-worn cameras](#); [Programs: Justice Assistance Grant \(JAG\)](#);
[COPS Office: MORE](#)
- ²⁷ [Equipment Grants | American Police and Sheriffs Association](#)
- ²⁸ Harris (2010), 12
- ²⁹ <http://www.digitalallyinc.com/images/FirstVu-BodyCameras.jpg>;
http://www.digitalallyinc.com/pdf/DigitalAlly_FirstVu.pdf
- ³⁰ [Taser Axon head-mounted camera - Engadget Galleries](#)
- ³¹ [Products - VIEVU](#); <http://www.viewu.com/storage/support-documents/LE2%20combined%20brochure.pdf>
- ³² [WatchGuard Video DV-1 Digital Police In-Car Video System](#);
<http://www.watchguardvideo.com/pdfs/CopVu%20Brochure.pdf>; comes with video management software (VERIPATROL)
- ³³ <http://ehsequipment.com/images/vidmic-how.jpg>
- ³⁴ [VidMic](#) (Price)
- ³⁵ [VIDMIC Info](#); comes with video management software (Advanced File Management Software)
- ³⁶ Reveal Media [RS3-SX](#)
- ³⁷ Reveal Media [RS2](#)
- ³⁸ [RS-DEMS evidence management software](#)
- ³⁹ [Police Camera Recording Devices Products WolfcomUSA.com](#)