

Body Worn Video Cameras

BACKGROUND

Police forces around the UK are conducting trial schemes featuring the use of body worn camera (BWC) technology, with the largest trial taking place within the Metropolitan Police Service (MPS). This trial began on 8 May 2014 and saw the distribution of 500 BWCs to officers in 10 London boroughs in an aim to repeat the success of a similar scheme in Rialto, Los Angeles.¹

The £815,000 trial scheme will see the distribution of BWCs to police officers in Barnet, Bexley, Bromley, Brent, Camden, Croydon, Ealing, Havering, Hillingdon and Lewisham. The MPS and Ministers believe that the pilot will show whether or not BWCs will boost accountability, improve the accuracy of evidence and speed up convictions.

KEY POINTS

- BWCs provide accurate evidence of an incident by creating a video and audio recording; depicting everything exactly as the police officer saw, heard, said and did.
- It is believed that:
 - BWCs have the potential to improve the accountability and transparency within police forces which could help to improve public and police conduct.
 - BWCs could create more accurate evidence, leading to an acceleration in the time it takes to prosecute and convict criminals. Accurate evidence could mean that there will be less time spent on establishing what actually happened at a crime incident.
- However, some fundamental privacy issues still need to be addressed with assurances made by police forces that:
 - The data be stored by an independent body to ensure that police officers do not have the ability to tamper with the footage; and
 - As standard, Police officers should not have the ability to switch off their camera part way through recording evidence.

WHAT ARE BODY WORN VIDEO CAMERAS?

The BWCs that have been distributed to police officers in the UK are small, cigarette packet sized video and audio cameras that are attached to the front of officers' uniforms. The camera is switched on by either pressing a button on the body of the camera or by sliding a switch across the top. When the camera is turned on, a red 'flash' appears.

At the end of their shift, Police Officers dock the camera and upload the material to a cloud-based server. The content will be deleted after 31 days unless required for evidential purposes in which

¹ The Guardian, *California police use of body cameras cut violence and complaints*.
<http://www.theguardian.com/world/2013/nov/04/california-police-body-cameras-cuts-violence-complaints-rialto>

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case the footage is subject to regular review, retained by the investigator under the Criminal Procedure and Investigations Act Section 23.^{2,3}

If the accused is convicted, the footage will then be retained:

- for 6 months from the date of conviction;
- until the convicted person is released from custody or discharged from hospital;
- or until an appeal is determined.

THE BENEFITS OF POLICE OFFICERS USING BODY WORN VIDEO CAMERAS

There has been broad support for BWCs, with a consensus that with the proper restrictions and safeguards in place, the technology could prove to be very beneficial for the police and the public.

- Former Shadow Home Secretary, **David Davis MP**, has stated: *“it’s an extremely good idea. Everyone will be a winner. I think it should be introduced to every police officer in Britain, with the exception of approved covert or undercover officers.”*⁴
- MPS Commissioner, **Sir Bernard Hogan-Howe**, has said: *“it makes you open, it makes you accountable and if there is something said afterwards you can check.”*⁵
- **Adrian Foster**, Chief Crown Prosecutor for Thames and Chiltern Crown Prosecution Service has stated: *“the benefits of the cameras are vast. They will discourage unruly behaviour during arrests, thereby protecting officers and the public, rule out issues of offender identification, and will provide indisputable evidence, which will assist the CPS when making charging decisions and prosecuting cases at court.”*⁶
- **Bedfordshire Police** consulted nearly **2,000 people** in their local area during their BWC trial. The results showed that **79.4%** believed that all uniformed officers should wear a BWC while on duty and **97.3%** felt that BWCs would help police in their area gather evidence.⁷

Improve police accountability and transparency

When used correctly, BWCs will be able to provide an accurate video and audio account of exactly what happened at an incident. This eliminates the ability for either party to give a false statement of events. Being able to hear and see the incident in an unbiased light means that the evidence is transparent, comprehensive, sufficient and whoever is responsible will be held accountable. Police

² The Metropolitan Police, *MPS launch body worn video pilot*. <http://content.met.police.uk/News/MPS-launches-Body-Worn-Video-pilot/1400023916227/1257246741786>

³ Criminal Procedure and Investigations Act 1996, *Code of Practice*
<http://www.legislation.gov.uk/ukpga/1996/25/section/23>

⁴ The Guardian, *Met Police trial of body-worn cameras backed by David Davis*.
<http://www.theguardian.com/uk-news/2014/may/08/police-london-issued-body-worn-cameras>

⁵ The Daily Telegraph, *Police body cameras would be ‘distressing’ for public*.
<http://www.telegraph.co.uk/news/uknews/crime/10451759/Police-body-cameras-would-be-distressing-for-public.html>

⁶ Bedfordshire News, *Bedfordshire Police rolls out body-worn cameras to front line officers*.
<http://www.bedfordshire-news.co.uk/News/Bedfordshire-Police-rolls-out-body-worn-cameras-to-front-line-officers-20140507165558.htm>

⁷ Ibid.

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accountability will improve as convictions will no longer depend on police reliability but on transparent and precise evidence.

The decision to roll out this scheme followed a “succession of damaging scandals involving the police.”⁸ Notable examples include the Hillsborough disaster,⁹ the Andrew Mitchell affair¹⁰ and the death of Mark Duggan.¹¹ All of these cases could have benefited from the use of BWCs.

The use of BWCs during the Hillsborough disaster would have prevented the ability to produce over 100 false police statements¹²; the accuracy of the footage would have eliminated the need to solely rely on individual statements.

The Andrew Mitchell affair would have benefited from the use of BWCs because, as **David Davis MP** has stated, “*we wouldn’t be arguing about who said what.*”¹³ This case highlights the benefits BWCs could have in cases where there is insufficient evidence. **Alison Saunders**, the director of public prosecutions, said there was insufficient evidence “*to show that Mitchell was the victim of a conspiracy of misinformation*” or that Police Constable **Toby Rowland** had lied.¹⁴ Additionally, there was misleading evidence given by Detective Sergeant **Stuart Hinton** and Sergeant **Chris Jones**.¹⁵ If a BWC had been used there would have been clear and sufficient evidence to show whether or not Mr Mitchell had used the word ‘pleb.’

A similar benefit of BWCs can be seen in the case of the Mark Duggan shooting. If officers present had been using a BWC there would be no uncertainty on whether or not Mr Duggan was holding a gun at the time he was shot. **Adam Elliott-Cooper** from Ceasefire Magazine highlighted the lack of evidence supporting the verdict when he stated that:

“despite no witness testimony, and no DNA evidence, they [the jury] concluded that Duggan must have had a gun, and thrown it into the bushes where it was found, without the taxi driver, general public, or the police in pursuit of him, ever noticing.”¹⁶

Improve police and public conduct

⁸ The Times, *Saturday Interview: Damian Green*. <http://www.thetimes.co.uk/tto/news/uk/article3905035.ece>

⁹ The Guardian, *Hillsborough disaster police officers identified as suspects in ‘cover-up.’* <http://www.theguardian.com/football/2014/mar/27/hillsborough-disaster-police-officers-suspects-13>

¹⁰ The Daily Telegraph, *Police apologise to Andrew Mitchell for plebgate affair.* <http://www.telegraph.co.uk/news/uknews/law-and-order/10585610/Police-apologise-to-Andrew-Mitchell-for-plebgate-affair.html>

¹¹ BBC News, *Mark Duggan inquest: Why killing was deemed lawful.* <http://www.bbc.co.uk/news/uk-england-london-25321711>

¹² The Independent, *Hillsborough cover-up ‘worse than first thought’.* <http://www.independent.co.uk/news/uk/crime/hillsborough-coverup-worse-than-first-thought-8706527.html>

¹³ The Guardian, *Met Police trial of body-worn cameras backed by David Davis.* <http://www.theguardian.com/uk-news/2014/may/08/police-london-issued-body-worn-cameras>

¹⁴ The Guardian, *Plebgate: one police officer to be charged over Andrew Mitchell row.* <http://www.theguardian.com/politics/2013/nov/26/plebgate-police-officer-charged-andrew-mitchell>

¹⁵ The Guardian, *Plebgate police: the officers accused of lying.* <http://www.theguardian.com/politics/2013/nov/05/plebgate-police-officers-profiles-select-committee>

¹⁶ New Left Project, *Mark Duggan.* http://www.newleftproject.org/index.php/site/article_comments/mark_duggan_and_racist_policing_in_the_uk

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In March 2013, the **Police Foundation**, a US non-profit foundation, published a report entitled ‘*Self-awareness to being watched and socially-desirable behaviour: A field experiment on the effect of body-worn cameras on police use-of-force*’ following a year-long trial of police using BWCs in Rialto, Los Angeles.

The study saw the number of complaints about police conduct decrease significantly, with the report’s findings showing “*more than a 50% reduction in the total number of incidents of use of force compared to control conditions,*”¹⁷ and complaints against the police fell by 88% after one year. The study also saw that “*in all videotaped incidents in which force was used by officers the subject is clearly seen to be physically-abusive or to physically resisting arrest.*”¹⁸ Whereas in five out of seventeen incidents that occurred during control shifts, whereby officers were instructed not to use BWCs, officers resorted to use force without being physically-threatened. This suggests that BWCs can improve police conduct, leading to less unwarranted uses of force by the police.

As the **Police Chief of Rialto, Tony Farrar**, stated:

*“When you know you’re being watched you behave a little better. That’s just human nature. As an officer you act a bit more professional, follow the rules a bit better.”*¹⁹ He commented that the same applied to the public. *“Once informed they were being filmed, even the drunk or agitated tended to become more polite.”*²⁰

The Rialto results have led to replica trials across the USA and UK. However, the UK is still awaiting the results of various trials and only when these have been published can it be established how effective BWCs are at improving conduct.

Improve prosecution and conviction times

As BWCs are able to provide reliable and accurate evidence, this should speed up the process of prosecuting and convicting. BWCs should be able to capture more definitive evidence, such as whether a confession was voluntary, a stop and search was justified or a physical description matched a ‘lookout’. By improving the evidence in this way, prosecutors will be able to make sounder and faster rulings.

The International Association of Chiefs of Police, in partnership with the National District Attorneys Association and the American Prosecutors Research Institute, conducted a survey in 2004 regarding the use of police camera footage in criminal prosecutions. Among the prosecutors surveyed, 96% said that they use of video evidence improved their ability to prosecute cases. Additionally, the survey showed that cases involving video evidence were more rapidly resolved.²¹

Inspector Steve Goodier, who is leading on the BWC project for Hampshire, has stated that “*the camera is an independent witness. When you have your camera running it’s undeniable that that is*

¹⁷ The Police Foundation, *Self-awareness to being watched and socially-desired behaviour*.

<http://www.policefoundation.org/content/body-worn-camera>

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ International Association of Chiefs of Police & US Department of Justice Office of Community Oriented Policing Services, *The impact of video evidence on modern policing*
http://www.cops.usdoj.gov/Publications/video_evidence.pdf.

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*what went on between the officer and the subject. It captures evidence first-hand that is used in a number of ways to support the prosecution case.*²²

Additionally, some examples of BWC use have shown that individuals are more likely to admit wrongdoing if they know they have been recorded. The increase in the number of individuals who plead guilty further speeds up prosecution times. As **Sir Bernard Hogan-Howe** has stated, the accuracy of the evidence provided by BWCs is often hard to dispute, meaning that *“people are more likely to plead guilty when they know we have captured the incident. That speeds up justice, puts offenders behind bars more quickly and protects potential victims.”*²³

One such example involves a domestic violence incident. When the MPS announced its trial they released graphic footage of this incident and the assailant only admitted to the assault after being shown the video footage.²⁴ That being said, the impact of BWCs on prosecution and conviction times can only be clearly seen when the findings of all the trials in the UK have been published.

Effective use for domestic abuse cases

Not only can BWCs improve prosecution times but they can also assist with prosecutions that otherwise may not have happened. This can be seen clearly with many domestic abuse cases. **Chief Inspector Nick Lee**, from the ‘Response and Patrol’ team in Essex has highlighted that there are cases where *“victims are too frightened to give evidence themselves.”*²⁵ This can impede on the ability to prosecute the assailants.

With the use of BWCs for domestic abuse cases, sufficient evidence no longer would require the victim to give a statement. With domestic abuse scenes captured on video, it becomes harder for the assailant to deny any wrongdoing. Due to the benefits that BWCs can have on domestic abuse cases, many police forces around the UK, such as Essex and Northumbria, have trialled the use of BWCs only for domestic abuse cases.

In January 2014, Essex Police launched their trial of BWCs for a 3 months period in which time 80 officers from the ‘Response and Patrol’ team were given BWCs. The officers were instructed to activate them whenever they attended an incident of domestic abuse.

The results of the trial will be assessed by the College of Policing, a team that evaluates new approaches in policing and promotes the best practice. Their report, *‘The impact of Body Worn Video cameras on criminal justice outcomes in domestic abuse incidents’*, has yet to be published.²⁶ However, the report’s hypothesis states that they believe the results will show that the use of BWCs in cases of domestic abuse will to drastically improve conviction rates as it will no longer have to rely on the victim’s ability to give evidence.²⁷

²² Channel 4 News, *Factcheck: Does putting cameras on cops make them behave better?*

<http://blogs.channel4.com/factcheck/factcheck-putting-cameras-cops-behave/16202>

²³ The Guardian, *Met Police trial of body-worn cameras backed by David Davis.*

<http://www.theguardian.com/uk-news/2014/may/08/police-london-issued-body-worn-cameras>

²⁴ Ibid.

²⁵ Essex Police, *Body-worn video camera trial to begin.*

http://www.essex.police.uk/news_features/other_stories/body-worn_video_camera_trial_t.aspx

²⁶ College of Policing, *The impact of Body Worn Video (BWV) cameras on criminal justice outcomes in domestic abuse incidents.* <http://www.college.police.uk/cps/rde/xchg/cop/root.xsl/21671.htm>

²⁷ Ibid.

SAFEGUARDING PRIVACY

There are concerns regarding the impact on the public's privacy that the roll out of BWCs may have.

Data storage

The MPS has stated that the footage will be stored on a “cloud-based server retained for 31 days, unless there is a need to keep the evidence.”²⁸ However, there have been concerns raised regarding uncertainty of what the footage will be used for, whether there is the potential it could be tampered with, who will have access to it and how long data used for evidential purposes will be stored for.

In order to address these issues all police forces using BWCs should ensure that:

- There is complete transparency on how the footage will be used and what happens to footage that is used as evidence.
- The footage should be stored and accessed only by an independent body, to the individual police forces.
- Members of the public who are subject to footage being used as evidence against them should have free and easy access to the footage themselves.
- The number of personnel who have access to the footage should be limited, with only those who require it for evidential purposes having access to a copy of the footage.

Privacy of the public and the police

Concerns have been raised that BWCs could be intrusive for the individuals being recorded as well as for the officer making the recording. In order to address this, **Bedfordshire Regional Police Force** has stated that their policy is that the BWC will only be switched on when “**there is an evidence gathering opportunity [or] where the use of force, arrests or detentions are anticipated.**”²⁹

Hampshire Regional Police Force has stated that “it’s only turned on when the officer deems it necessary to turn it on. It’s not indiscriminate recording, it’s incident specific.”³⁰ Therefore, as long as all police departments adopt a similar policy, and the camera is only switched on when necessary, individuals’ will not have their privacy intruded upon.

Additionally, **Sir Bernard Hogan-Howe** has reassured the public “if the victim wants [the camera] to be turned off it will be turned off, but the suspect doesn’t have that right.”³¹

However, as **Hampshire Chief Constable, Andy Marsh**, has stated, “the public will be informed as soon as practical that they are being recorded.”³² There is therefore some ambiguity regarding when that ‘practical’ moment may be.

²⁸ The Metropolitan Police, *MPS launch body worn video pilot.* <http://content.met.police.uk/News/MPS-launches-Body-Worn-Video-pilot/1400023916227/1257246741786>

²⁹ Bedfordshire News, *Bedfordshire Police rolls out body-worn cameas to front line officers.* <http://www.bedfordshire-news.co.uk/News/Bedfordshire-Police-rolls-out-body-worn-cameras-to-front-line-officers-20140507165558.htm>

³⁰ Channel 4 News, *Factcheck: Does putting cameras on cops make them behave better?* <http://blogs.channel4.com/factcheck/factcheck-putting-cameras-cops-behave/16202>

³¹ BBC News, *Metropolitan Police officers start wearing body cameras.* <http://www.bbc.co.uk/news/uk-england-london-27313500>

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The **draft CCTV Code of Practice 2014** states that “*you must let people know that they are in an area where a surveillance system is being operated,*” and in the circumstance that “*audio recording is being used, this should be stated explicitly and prominently.*”³³

However, as BWCs are not always switched on, it is important for individuals to know exactly when they are being recorded. Officers should inform the individual immediately before and after the device is switched on. This will ensure that the individual is aware that they are being recorded throughout the entirety of the footage. Stating it after the device is turned on will also ensure there is video evidence that the individual was informed.

What if the police turn off the BWC during an incident?

The ability to turn the BWC on and off means that the decision to record or not record any incident remains with the individual officer. Therefore this raises concerns regarding whether an incident will be recorded or whether the officer will switch the camera off during the course of an incident

Bedfordshire Police Force has stated that officers “*must be mindful that failing to record incidents that are evidential will require explanation in court.*”³⁴ It is important that all police departments adopt this policy if police use of body worn video cameras was officially introduced.

³² The Metropolitan Police, *MPs launch body worn video pilot*. <http://content.met.police.uk/News/MPS-launches-Body-Worn-Video-pilot/1400023916227/1257246741786>

³³ Draft CCTV Code of Practice 2014.

http://ico.org.uk/about_us/consultations/~media/documents/library/Data_Protection/Research_and_reports/draft-cctv-cop.pdf

³⁴ Bedfordshire News, *Bedfordshire Police rolls out body-worn cameras to front line officers*.

<http://www.bedfordshire-news.co.uk/News/Bedfordshire-Police-rolls-out-body-worn-cameras-to-front-line-officers-20140507165558.htm>