

# Police Body Cameras in Missouri: Good or Bad Policy?

## An Academic Viewpoint Seen Through the Lens of a Former Law Enforcement Official

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***Editor's note:** Dr. Witherspoon spent sixteen years working in law enforcement, which included being a member of the force at St. Louis, Missouri Metropolitan, and Hazelwood police departments in Missouri, as well as at Roswell Police Department in Georgia. Working in various capacities, Dr. Witherspoon served as a patrol officer, undercover narcotic detective, and community/neighborhood officer, and completed his career at the rank of sergeant in Hazelwood.*

### The Ferguson Problem

Historically there have been, too often in my opinion, debates between practitioners and researchers about best methods to introduce new policy. Practitioners rely on their experiences, while academics resist anecdotal evidence to generalize to the larger population on appropriate strategies to effect change. It is my hope that in the aftermath of the Ferguson, Missouri, police shooting, both sides can genuinely come to an agreement on solutions to the relationships between the police and the African-American community. I am in the fortunate position to provide a perspective that draws from sixteen years as a law enforcement official who grew up in the predominantly African-American neighborhood of Walnut Park in the city of St. Louis and who currently resides in the city of Ferguson. My experiences can now be conjoined to what I consider extensive academic research conducted on the issues of race in the criminal justice system. I find that much of what I have analyzed over the years is certainly omnipresent in Ferguson, as many are grappling with what needs to be done to change the toxic climate between police and some African-American citizens.

On August 9, 2014, a Ferguson police officer shot and killed an unarmed subject, according to all accounts, during an altercation between the two. This incident initially seemed to spark outrage from citizens of various backgrounds. Consequently, the incident has gained national exposure, and now many police administrators are seeking ways to attenuate the damages caused by what some consider shoddy police work, as authorities disseminated little information the first few days of the shooting. With civil unrest nesting at a daily boiling point in Ferguson and perhaps other predominantly African-American neighborhoods throughout the US, changes to police behaviors, practices, policies and so forth are being examined and put into place. One such change in Ferguson is the use of body cameras to be worn by all sworn police personnel during the course of citizen contacts. In fact, departments across the US generally and in Missouri specifically are exploring body camera usage. The question becomes whether or not a new policy requiring officers to use body cameras is simply a knee-jerk reaction to the Ferguson incident or if it results from policymakers having examined the academic literature on the effectiveness of body cameras.

### Ineffective Policies and Politics

At times politics can impede sound judgment, particularly after a well-publicized incident. Unfortunately, millions of dollars are sometimes spent on initiatives that don't live up to expectations once carefully structured academic research has analyzed the effects of such enterprises.

For instance, Megan's Law has been in place across the US since it was established in the 1990s as a result of the horrible rape and murder of seven-year-old Megan Kanka by Jesse Timmendequas, who is a previously convicted sex offender. The law was an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration

Act. Both laws drove mandates for states to set up notification and/or registration programs for those convicted of sex offenses.<sup>1</sup> Although requirements for the laws vary between states, the general purpose for each is to decrease sexual offenses against children. While academic research shows that some sex offenders are likely to reoffend, there are still debates as to what extent sex offenders are different from other offenders. Nevertheless, policymakers put the law in place, which still exists regardless of research findings that indicate little evidence that Megan's Law prevents sex offenders from recidivating.<sup>2</sup>

Furthermore, society continues to spend millions of dollars toward the law's operation. While the Kanka case is horrific and the law resulting from it may never change, practitioners, politicians, and citizens should begin to understand the importance of unbiased academic research to limit possible wasteful expenditures. One can speak to other initiatives, such as three strikes laws, that are still functioning after academic research has shown them to be ineffective. It is hopeful that policymakers will learn from previous results of politically driven programs in their attempts to implement plans for body cameras.

### **Research on the Effectiveness of Body Cameras**

The way the body cameras work is that police officers may be required to wear the camera somewhere on their outer garments. Body cameras range from various types that clip onto uniforms, hats, or even eye wear. Officers will have to physically activate the camera to record contacts with citizens. From the standpoint of availability of video, the body camera appears to be an improvement from the dash camera, which only records activity typically within a frontal range of the hood of the police vehicle from the dashboard. Preliminary research suggests that when body cameras

are used, citizen complaints for physical and excessive force by police are fewer. Similar to other sociological behavior, studies propose that police change their behavior when aware that they are being observed.<sup>3</sup> Studies also argue that body cameras have cleared officers of wrongful accusations and serve as an objective witness during police/citizen encounters, which now provide some form of accountability.<sup>4</sup> With that said, a private company donated body cameras to the Ferguson police<sup>5</sup>, and some see this as a start to better police community relations. While it's too early to determine the effectiveness of body cameras in Ferguson, it is important for researchers to immediately start to assess the efficacy of the devices being used in Ferguson. We could find that if indeed the allegations of negative police attitudes towards African-American citizens in Ferguson are pervasive, body cameras might not do much to solve the problem.

### **A Personal Perspective on Officer Attitudes**

I do recall being required to make audio recordings of every contact with citizens while I was on the police force. I also remember there were many times that I sincerely forgot to turn on the recording device. Part of my forgetfulness was due to my inattention to department policy. Additionally, my resistance was related to the dislike of feeling monitored. My sentiments were not unique, as many officers expressed similar views. But I mostly felt no need to record activity, because I earnestly felt that I treated citizens with appropriate respect. I certainly can't generalize my actions to be consistent with other officers' reactions to being required to record their contacts. However, my experiences led me to believe that there are a number of police who reject any notion of Big Brother looking over his/her shoulder. Once accepted into the police culture, I found it quite

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<sup>1</sup> Robert E. Freeman-Longo, "Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem." Retrieved Oct. 8, 2014.

<http://tarrant.tx.networkofcare.org/library/revisitingmegan.pdf>.

<sup>2</sup> Susan K. Livio, "Report finds Megan's Law fails to reduce sex crimes, deter repeat offenders in N.J." Published Feb. 7, 2009. Retrieved Sept. 25, 2014.

[http://www.nj.com/news/index.ssf/2009/02/study\\_finds\\_megan\\_s\\_law\\_fails\\_t\\_1.html](http://www.nj.com/news/index.ssf/2009/02/study_finds_megan_s_law_fails_t_1.html).

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<sup>3</sup> Mike DeBonis and Victoria St. Martin, "D.C. police will wear body cameras as part of pilot program," *Washington Post*, Sept. 24, 2014, Retrieved Sept. 25, 2014.

[http://www.washingtonpost.com/local/crime/dc-police-will-wear-body-cameras-as-part-of-pilot-program/2014/09/24/405f7f5c-43e7-11e4-b437-1a7368204804\\_story.html](http://www.washingtonpost.com/local/crime/dc-police-will-wear-body-cameras-as-part-of-pilot-program/2014/09/24/405f7f5c-43e7-11e4-b437-1a7368204804_story.html).

<sup>4</sup> Ibid.

<sup>5</sup> Geetika Rudra, "Ferguson Police Receive Body Camera Donation," ABC News. Sep. 1, 2014. <http://abcnews.go.com/US/ferguson-police-body-cameras-donation/story?id=25204118>.

common to hear startling narratives from fellow officers with regard to treatment of citizens.

I am aware of much of the academic research that posits that implicit racism is a phenomenon that many citizens possess. Implicit racism is present when a parent or other influential person reinforces negative stereotypes on young people during their impressionable years. While some might be able to resist growing with such racially charged attitudes, these notions can be sometimes subconsciously triggered at the mere presence of a member of a protected group (particularly African-American) who has been historically discriminated against. This tripped attitude may carry over into discriminatory behaviors.<sup>6</sup> Having knowledge that the state of Missouri is mostly rural and that many rural communities lack diversity, some Missouri residents may not have been exposed to other ethnic groups and only base their knowledge on media portrayals of behavior. Unfortunately, many Missourians might be likely to have biases toward African-Americans. So there is little irony behind reports that the city of St. Louis ranks among the top ten most segregated cities in the United States.<sup>7</sup> But what types of individuals does law enforcement attract to join its ranks in Missouri?

In general, research suggests that there is no typical characteristic of the person attracted to police work, while others argue that those drawn to policing possess or develop a narcissistic personality.<sup>8</sup> Although these studies lack congruence, there are also studies that indicate that the problem lies in the selection process. The self-selection hypothesis argues that all types of people might be interested in law enforcement, but only a certain type is selected to join the “brother and

sisterhood” that creates the subculture that exists in policing.<sup>9</sup> Is it time for Missouri policymakers to enlist the assistance of academic professionals to try to determine the type of individuals attracted to the profession across the state? Are the numerous allegations of racial profiling in Missouri fabricated or based on real instances associated with a large population of police officers having racist attitudes toward African-Americans?

## **Bad Apples or Questionable Views**

While many academics are reluctant to make accusations without hard proof of racism within some Missouri police departments, it is also tragic to ignore the possibilities. Most research acknowledges the difficulty in providing valid studies that explain race as a motivating factor behind police behavior, because much of today’s racism is hidden.<sup>10</sup> Unfortunately, I have experienced enough to believe that some accusations of discrimination by police are warranted. I also believe that, similar to the study by Marvin Wolfgang that indicates that chronic offenders make up a small percent of the population but commit most violent crime, a small group of racist police officers account for most of the racially biased behavior that amounts to serious allegations of police misconduct. Perhaps I am underestimating the presence of this type of officer in the state of Missouri, as some argue that certain demographics are more prone to racist behavior.

Depending on where you surf on the Web, it takes little effort to find an article that links conservatism to racism. Additionally, one can find articles that associate low IQ and education to racism. Many of these articles can be found as part of political attacks against certain individuals and are rarely found in scientific research. There are also articles that refute these findings. Again, scientific research becomes very important when authors make scathing allegations that attack characteristics of particular racial and ethnic groups, political parties, and other organizations with members of a given background. For instance, some

<sup>6</sup> Lincoln Quillian, “New Approaches to Understanding Racial Prejudice and Discrimination,” *Annual Review of Sociology*. 2006 (32) 299-328.

<sup>7</sup> Ray Downs, “St. Louis is Sixth Most Segregated City in America, But Still Better than NYC, Chicago,” *Riverfront Times*. Sep. 25, 2014. Retrieved Sep 28, 2014. [http://blogs.riverfronttimes.com/dailyrft/2014/09/st\\_louis\\_is\\_sixth\\_most\\_segregated\\_city\\_in\\_america\\_but\\_still\\_better\\_than\\_nyc\\_chicago.php](http://blogs.riverfronttimes.com/dailyrft/2014/09/st_louis_is_sixth_most_segregated_city_in_america_but_still_better_than_nyc_chicago.php).

<sup>8</sup> Francis L. McCafferty M.D. and Margaret A. McCafferty R.N., “Corruption in Law Enforcement: A Paradigm of Occupational Stress and Deviancy,” *Journal of the American Academy of Psychiatry and the Law*. 26 (1) 57-65. <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=180091>.

<sup>9</sup> J.V.P Check and J.F. Klein, “Personality of the American Police: A Review of the Literature.” *Crime and Justice*, Volume: 5 Issue: 1 (May 1977) Pages: 33-46. <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=43197>.

<sup>10</sup> Ibid.

academic research shows that people without college education are no more likely to be racist than people with college education.<sup>11</sup> With regard to conservatism, much of the research indicates that conservatives are less supportive of Affirmative Action policies and the beneficiaries who are generally assumed to be African-American. Many link negative feelings toward Affirmative Action to racism, whether direct or indirect.<sup>12</sup> The purpose of this writing is not to contribute to any rhetoric that has a tendency to intentionally attack any group. However, having knowledge that scientific research finds it difficult to measure racism due to hidden factors, this writing will attempt to provoke thought in more hypothetical terms. What if racism is truly connected to conservatism and educational level? That is not to say that everyone within these groups are racist but perhaps are more likely to possess racially biased opinions. How does this affect Missouri law enforcement officials?

There is empirical evidence that indicates that college-educated police officers receive fewer excessive force complaints than less educated officers.<sup>13</sup> While officers are more likely today to have some college tutelage, many still possess the minimum level of schooling, as most departments only require a high school diploma or its equivalency. Fortunately, the US Department of Education has produced state-by-state rankings on education, and Missouri ranked within the middle range. On the other hand, the American Legislative Exchange Council (ALEC), a political activist group, ranked Missouri forty-seven out of the fifty states and the District of Columbia on education. One must undoubtedly take caution in using ALEC's findings as valid unbiased research; however, Missouri's low ranking raises questions as to how ALEC conducted its measurements, which is beyond the scope of this writing. Nevertheless, it might be worthwhile to

explore to what extent Missouri police departments hire less-educated officers. There are also studies that indicate that people from rural backgrounds are more likely to hold politically conservative attitudes. Although it is unlawful to recruit and hire individuals based on political affiliation, could it still be important to explore the extent that Missouri departments select employees who might coincidentally be more conservative? With Missouri consisting of considerably more rural than urban areas, it is fitting that Missouri was considered a red state during the last several presidential elections, which perhaps speaks to the potential likelihood that a larger percentage of police officers might hold conservative viewpoints compared to more liberal officers. Much of the scientific literature holds that liberal-minded people are more likely tolerant to diversity issues and less resistant to change.<sup>14</sup> These questions do not necessarily signify that police, who may have more conservative viewpoints and potentially biased attitudes, translate their attitudes into discriminatory behavior. Although research continues to attempt to uncover racist behavior within the criminal justice system, it is now challenged with discovering to what extent alleged police bias affects the use of body cameras in Missouri.

### **Police Resistance to Change**

Even though research shows that civilian review boards improve citizen confidence in the complaint process,<sup>15</sup> the St. Louis Metropolitan Police Department's Police Officers Association remains skeptical about allowing citizens to handle allegations of misconduct.<sup>16</sup> According to an article written in the *Los Angeles Times*, Missouri state Sen. Jeff Roorda, business manager for the St. Louis Police Officers'

<sup>11</sup> Joel Hoekstra, "Unpacking Racism," Regents of the University of Minnesota. Last modified May 27, 2014. Retrieved Sep. 26, 2014.

<http://cla.umn.edu/news/clatoday/winter2003/federico.php>.

<sup>12</sup> C. Lausanne Renfro, Anne Duran, and Walter Stephan, "The Role of Threat in Attitudes Toward Affirmative Action and Its Beneficiaries," *Journal of Applied Social Psychology*. 2006, 36 (1) 47-74. Retrieved Sep. 26 2014.

<http://onlinelibrary.wiley.com/doi/10.1111/j.0021-9029.2006.00003.x/abstract>.

<sup>13</sup> Jason Rydberg and William Terrill, "The Effect of Higher Education on Police Behavior," *Police Quarterly*. 2010. 13 (1) 1 92-120 . <http://pqx.sagepub.com/content/13/1/92.refs>.

<sup>14</sup> John Jost, Jack Glaser, Arie Kruglanski, and Frank Sulloway, "Political Conservatism as Motivated Social Cognition," *Psychological Bulletin*. 2003. 129 (3) 339-375. Retrieved Sept. 26, 2014.

[http://www.sulloway.org/PoliticalConservatism\(2003\).pdf](http://www.sulloway.org/PoliticalConservatism(2003).pdf).

<sup>15</sup> Samuel Walker, Cassia Spohn, and Miriam Delone, *The Color Of Justice: Race, Ethnicity, and Crime in America*. 3<sup>rd</sup> ed. Thomson and Wadsworth, 2004. Belmont, CA.

<sup>16</sup> Christine Byers, "St. Louis' New Police Chief Wants to Study Civilian Review," *St. Louis Post Dispatch*, Jan. 2013. Retrieved Sep. 26, 2014.

[http://www.stltoday.com/news/local/metro/st-louis-new-police-chief-wants-to-study-civilian-review/article\\_aa9064f5-ae08-5f4a-a9b8-2b9a7f8e9edf.html](http://www.stltoday.com/news/local/metro/st-louis-new-police-chief-wants-to-study-civilian-review/article_aa9064f5-ae08-5f4a-a9b8-2b9a7f8e9edf.html).

Association and vice president of the police union charity that provides support for Darren Wilson, the officer involved in the Ferguson incident, is incredulous about the use of the body cameras. While Roorda falls short in disclosing exactly where the police officers' association stands on the body camera debate, he explains that cameras will be used to nitpick at minor infractions committed by rank-and-file officers. He even argues that putting the cameras into action before the association's approval violates an official agreement.

There are certainly valid reasons to question the use of body cameras, as privacy issues on certain calls may be compromised. In fact, there are previous appellate court rulings that uphold complaints of various cases that exposed video of domestic violence incidents.<sup>17</sup> There is also good argument against using body cameras during rape cases, as the sensitive nature of such cases warrants.<sup>18</sup> But to what extent is Roorda's argument based on real circumstances, and to what extent does he feel obligated to perpetuate traditional stances against reasonable change? One can never satisfy all, which probably warrants a utilitarian approach to this issue. At stake are privacy concerns and the potential decline of historically questionable police behavior that seems to be at the forefront of racially charged civil disobedience.

The community accountability theory proposes that minority representation in police departments helps break down barriers between minority citizens and white police. The street-level behavior of police has a high degree of discretion along with low visibility. Thus, police are more likely to get away with inappropriately using extra-legal factors to handle what they believe to be threatening situations.

However, when influential minorities are present in the community or police agency, white officers might be cognizant of the potential of being held accountable for their actions. The assumption is that white officers working in these locations are more sensitive to minority concerns and are likely sensitive to the perceptions other minority officers may have on the

white officers' actions.<sup>19</sup> Perhaps the body camera serves as a good tool in the absence of influential minorities.

### **A Stab at Anecdotal Evidence for Support**

For sixteen years I had the opportunity to observe police culture and training, both formal and informal. I have also had the opportunity to travel across the country and meet officers who corroborate my experiences through informal conversations. Most shockingly, in my experiences, most white officers, whom I have conversed with on the topic of race, acknowledge having parents and siblings with biased attitudes toward African-Americans. Most imply that they resist allowing their upbringing to influence their professional demeanor.

It is important that I qualify my experiences as part of my reality and remind readers that I am in no way suggesting that these are the experiences of all or even most former or current African-American police officers. But I will say that after conducting years of research, I am confident that implicit racism is more prevalent than many could imagine. I am also convinced that a small percentage of officers commit most of the egregious acts against minorities and a larger percent of police react based on triggers that activate biases learned throughout childhood. Thus, the use of body cameras can only be as effective as those who are required to use them AND adhere to protocol.

<sup>17</sup> Matt Pearce, "Growing Use of Police Body Cameras Raises Privacy Concerns," *Los Angeles Times*, Sep. 27, 2014. Retrieved Sep. 28, 2014. <http://www.latimes.com/nation/la-na-body-cameras-20140927-story.html#page=1>.

<sup>18</sup> Ibid.

<sup>19</sup> Brad W. Smith and Malcolm D. Holmes, "Community accountability, minority threat, and police brutality: An examination of civil rights criminal complaints," *Criminology* (November 2003) 41 (4):1035-1063.

## Conclusion

Taking a page from general deterrence theory, how might officers behave if they knew that misconduct will “certainly” be detected with the body camera, and if they knew that the punishment would be “swift” and “harsh?”<sup>20</sup> While the small percentage of motivated rule violators under suspicion might find ways to circumvent body camera policies, similar to what is common with the police dash-cam recordings, the onus is on police administrators to devise plans that bring concepts of deterrence to life. The reality is that relationships grow into friendships within departments and police executives understandably find it difficult to penalize close friends.

Nevertheless, police leaders need to convince these same close friends to support top officials who are committed to change. But first, police executives must assess their own personal attitudes and biases and then the attitudes of rank-and-file officers. Once a sincere and genuine assessment has been completed, inquiries should be made. These inquiries should include the educational level of officers within a given department and to what extent officers grew up lacking exposure to diverse groups. Once these assessments are made, police executives might be better informed on approaches needed to encourage officers to adhere to body camera mandates.

After written policies on body camera usage are put in place, officers who violate such policies should suffer a significant financial loss for the first offense. That monetary fine should increase upon a second offense, and termination should be the consequence after a third offense, which implies a pattern of behavior. These harsh sanctions should only be used if the body camera policy violation hinders a complaint investigation. Of course one must take into account real issues regarding technological equipment malfunctions. Nevertheless, the consequences for violations might motivate officers to comply with the rules. There are also other real problems with implementing mandatory use of body cameras with cities that already struggle financially. However, while I think it is difficult to alter biases and perceptions learned from childhood, I do believe, as much of the limited research indicates, that the proper use of body

cameras will change behavior to the extent that relations between police and African-Americans will be ameliorated.

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<sup>20</sup> Larry J. Siegel, *Criminology: The Core*, 5th ed. (Stamford, CT: Cengage Learning, 2014).