



**BODY-WORN  
CAMERA**  
TRAINING & TECHNICAL ASSISTANCE

# **KEY TRENDS IN BODY-WORN CAMERA POLICY AND PRACTICE: A THREE-YEAR POLICY ANALYSIS OF US DEPARTMENT OF JUSTICE-FUNDED LAW ENFORCEMENT AGENCIES**

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## Executive Summary

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The CNA Corporation, Arizona State University (ASU), and Justice and Security Strategies (JSS) provide training and technical assistance (TTA) to law enforcement agencies who have received funding for body-worn cameras (BWCs) through the US Department of Justice Bureau of Justice Assistance (BJA) BWC Policy and Implementation Program (PIP). Administrative policy review is a central feature of TTA. The TTA team developed a BWC policy review process to assess the comprehensiveness of BWC policies, which is assessed through a BWC Policy Review Scorecard. This report describes the results of an analysis of 212 policies from FY 2015 (n=54), FY 2016 (n=75), and FY 2017 (n=83) grantees.

Through review of the 212 agency policies, we identified 24 key BWC policy trends across 10 important BWC issues. Several of the trends involve substantial policy differences between FY 2015, FY 2016, and FY 2017 grantees, suggesting that agencies have refined their approaches to specific policy issues over time.

### Activation

- (1) All FY 2015 and FY 2016 agencies mandate and prohibit activation for certain types of police-civilian encounters. All FY 2017 agencies mandate activation for certain types of encounters and all but one agency specify types of encounters in which activation is prohibited.
- (2) Most FY 2015 and FY 2016 agencies (60 percent) allow for discretionary activation under certain circumstances. Authority for discretionary activation increased among FY 2017 agencies (75 percent).

### Deactivation

- (3) All FY 2015, FY 2016, and FY 2017 agencies provide definitive guidance for BWC deactivation, both for encounters that have ended and for encounters where BWC recording is no longer permitted. However, officer discretion is a more prominent feature of deactivation than activation.
- (4) A comparison of FY 2015, FY 2016, and FY 2017 policies indicates that officer discretion in deactivation has continued to become much more prevalent over time. Nearly all FY 2016 and FY 2017 policies give officers authority to deactivate under certain circumstances (compared to 67 percent for FY 2015 policies).

### Citizen Notification

- (5) Most agencies do not explicitly mandate that officers notify citizens of the BWC (22 percent for FY 2015; 13 percent for FY 2016; 25 percent for FY 2017).
- (6) About 40 percent of agencies recommend, but do not require, citizen notification.

## Officer Authority to Review

- (7) The vast majority of FY 2015 (95 percent), FY 2016 (98 percent), and FY 2017 agencies (99%) allow officers to review their own BWC footage for routine report writing.
- (8) Most agencies do not allow an officer unrestricted access to BWC footage during an administrative investigation (31 percent for FY 2015; 23 percent for FY 2016; 23 percent for FY 2017). Common stipulations include first completing an interview or report, or requiring additional personnel be present (e.g., union representative, investigator, etc.).
- (9) With regard to a critical incident, the vast majority of agencies allow officers to view video before making a statement. Less than 10 percent require officers to give a statement first: FY 2015 (5 percent), FY 2016 (9 percent) and FY 2017 (8 percent).

## Supervisor Authority to Review

- (10) Nearly all FY 2015 (94 percent), FY 2016 (99 percent), and FY 2017 agencies (99 percent) permit supervisors to review BWC footage for administrative purposes, such as investigation of citizen complaints and use of force.
- (11) Nearly all of both FY 2016 (93 percent) and FY 2017 (93 percent) agencies give supervisors authority to review line officers' BWC footage for compliance with BWC policy and procedures. This authority was less common among FY 2015 agencies (50 percent).
- (12) The same trend has emerged with supervisor authority to review footage for general performance evaluation. About two-thirds of FY 2015 (67 percent) agencies gave supervisors that authority. Nearly all FY 2016 (93 percent) and FY 2017 (93 percent) agencies give supervisors authority to review line officers' BWC footage for general performance evaluation.

## Off-Duty Assignment

- (13) A comparison of FY 2016 and FY 2017 policies indicates that policy statements on the use of BWCs during off-duty assignments have become much more common. While just under one-third of FY 2016 agency policies addressed off-duty officers wearing BWCs (31 percent), the majority of FY 2017 agencies (84 percent) addressed BWCs during off-duty assignments.
- (14) Agencies are increasingly mandating BWCs during off-duty assignments. Just 28 percent of FY 2016 agencies required BWCs during off-duty work. The majority of FY 2017 agencies (52 percent) mandated off-duty BWC wear.

## Activation During Demonstrations

- (15) Most agencies do not address BWC use during public demonstrations (FY 2016, 71 percent; and FY 2017, 67 percent).

- (16) For those agencies that address BWC use during public demonstrations, the majority mandate activation. Overall, around 20 percent of FY 2016 and FY 2017 agencies require activation and recording during public demonstrations.

## Temporary Deactivation (and Muting)

- (17) All FY 2016 and FY 2017 agencies allow for some form of temporary deactivation of the BWC during specific circumstances (e.g., during strip searches, employee breaks, during tactical discussions).
- (18) Most agencies do not address muting of the BWC audio (85 percent for FY 2016; 81 percent for FY 2017).

## Frequency of Supervisory Auditing

- (19) The majority of FY 2016 (61 percent) and FY 2017 (63 percent) agencies specifically address how often (monthly, weekly, etc.) supervisors may review BWC footage of subordinate officers for policy compliance, performance review, or administrative investigations.
- (20) The most common interval for BWC supervisory review is monthly (33 percent for FY 2016; 41 percent for FY 2017).
- (21) The majority of FY 2016 (76 percent) and FY 2017 (66 percent) agencies do not specify how many videos are to be reviewed during each supervisory audit. For those that specify the number of videos to be reviewed, the most cited requirement is five videos per month (18 percent for both FY 2016 and FY 2017).
- (22) About one-quarter of FY 2016 (28 percent) and FY 2017 (25 percent) agencies require the selection of videos for auditing to be “random.”

## Mentions of Non-Patrol Units Wearing BWCs

- (23) Just over one-half of agencies (FY 2016, 52 percent; FY 2017, 59 percent) address BWC deployment for non-patrol units.
- (24) Of the policies that mention non-patrol use of BWCs, the majority state that it is either mandatory (31 percent FY 2016; 40 percent FY 2017) or discretionary (21 percent for FY 2016; 19 percent for FY 2017).

## Caveats and Conclusion

The authors undertook this analysis to assess the contours of BWC policy development among participants in BJA's BWC PIP grant program. While this analysis provides a unique window into BWC policies, we recognize that our sample may not be representative of national practices or trends. Nevertheless, the report does provide insights into the direction of trends in key policy areas and some benchmarks for agencies involved in BWC policy development and assessment.

This analysis reinforces the principle that BWC policy should be responsive to local circumstances, as well as the needs of local stakeholders. Moreover, BWC policies should not remain static. BWC policies should continue to evolve as the technology develops, as states weigh in with policy requirements, laws, or recommendations, and as BWC technology changes.

## Introduction

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In 2015, the US Department of Justice (DOJ) initiated a funding program called the Body-Worn Camera (BWC) Pilot Implementation Program (later changed to the Policy and Implementation Program, or PIP), whereby law enforcement agencies could seek funding to purchase and deploy police BWCs. The Bureau of Justice Assistance (BJA) manages the BWC PIP program, and in October 2015, BJA awarded more than \$19 million to 73 agencies to support the development and implementation of BWC programs. In September 2016, BJA awarded grants to 106 agencies, totaling more than \$20 million. In October 2017, BJA provided a third round of awards to more than 80 agencies, totaling approximately \$14 million. Since 2015, the BJA program has funded the deployment of more than 52,000 BWCs across the United States. In fall 2018, BJA will announce a fourth round of awards.

As part of the BWC PIP, DOJ created a Training and Technical Assistance (TTA) support system that is available to all grantees (as well as non-funded agencies). The TTA team is led by the CNA Corporation, Arizona State University (ASU), and Justice and Security Strategies (JSS). The TTA team provides a wide range of services and support to PIP grantees, such as assistance with BWC policy development, webinars, national and regional meetings, on-site support, a speaker's bureau, best practices technical assistance guides, and access to national experts.

One of the core features of the TTA is a BWC administrative policy review process. Four decades of research clearly demonstrates the importance of administrative policy in guiding police officer discretion across a wide range of field activities, including use of force (deadly and less-lethal), automobile pursuits, and arrest activity (Fyfe 1988; Walker and Katz 2013; White and Fradella 2016). BJA and the TTA team recognize the importance of administrative policy for effective planning, deployment, and management of a BWC program. The policy review is a critical element of the BWC PIP program.

## The BWC PIP Policy Review Process

As part of the PIP grant award process, agencies work collaboratively with their TTA providers to develop their BWC policy, then submit their BWC administrative policy to CNA for review. The TTA team—CNA, ASU, and JSS—developed the BWC Policy Review Scorecard<sup>1</sup> to assess the comprehensiveness of BWC policies. The scorecard rates the comprehensiveness of an agency's BWC policy across 11 categories (see Table 1). FY 2015 grantees were scored across 17 mandatory and 28 non-mandatory items. For a Scorecard to be approved, each policy had to address the 17 mandatory items, in addition to receiving an overall score of 36/45, or 80 percent. The scorecard was modified slightly for FY 2016 grantees to include 17 mandatory and 24 non-mandatory items. FY 2016 grantee

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<sup>1</sup> The BWC TTA Scorecard can be found at: <http://www.bwctta.com/resources/bwc-resources/body-worn-camera-policy-review-scorecard>

policies had to address the 17 mandatory items and receive an overall score of 33/41, or 80 percent. No changes were made to the Scorecard for FY 2017 grantees. Access to funding is tied to completion of the police review process. Agencies can access 10 percent of their funds immediately, but the remaining 90 percent is released only after policy approval. Once a Scorecard is approved by BJA, the agency is able to proceed with their BWC program planning and implementation.

The BWC Policy Review Scorecard rates comprehensiveness of the policy development process and the policy itself, but it is not prescriptive. That is, the policy itself is not approved since the Scorecard is not designed to impose policy prescriptions on an agency. BJA and the TTA team abide by the principle that the specific content of the policy should be determined locally by the law enforcement agency in consultation with relevant internal and external stakeholders. For example, the Scorecard requires that a policy provide officers with guidance on citizen notification or advisement of the BWC, but it does not dictate the nature of that guidance. A policy may mandate officers to advise citizens of the BWC or the policy could recommend (but not require) citizen advisement. Alternatively, the policy may simply state that officers are not required to notify citizens of the BWC. Each of these three example policies would satisfy the element of the Scorecard because they each provide guidance on citizen advisement.

**Table 1.**

<u>Policy Areas Addressed in the BWC Policy Review Scorecard</u>
<b>1. <u>Policy Development</u></b>
<b>2. <u>General Issues</u></b>
<b>3. <u>Video Capture – Activation</u></b>
<b>4. <u>Video Capture – Deactivation</u></b>
<b>5. <u>Data Transfer/Download</u></b>
<b>6. <u>Data Storage/Retention</u></b>
<b>7. <u>BWC Viewing</u></b>
<b>8. <u>BWC Training</u></b>
<b>9. <u>Public Release</u></b>
<b>10. <u>Policy and Program Evaluation</u></b>
<b>11. <u>BWCs and Use of Force</u></b>

## The Policy Analysis

The non-prescriptive approach employed in the Scorecard review process yields variation in how BWC PIP sites design their policies and creates an opportunity for a BWC policy analysis (e.g., what guidance do agencies across the country provide their officers on key policy issues?). ASU’s Center for Violence Prevention and Community Safety evaluated all FY 2015 PIP sites that had their policies approved by BJA between January 1, 2016, and September 10, 2016 (n=54), all FY 2016 PIP sites that had their policies approved between November 1, 2016, and July 1, 2017 (n=75), and all FY 2017 PIP sites that had their policies

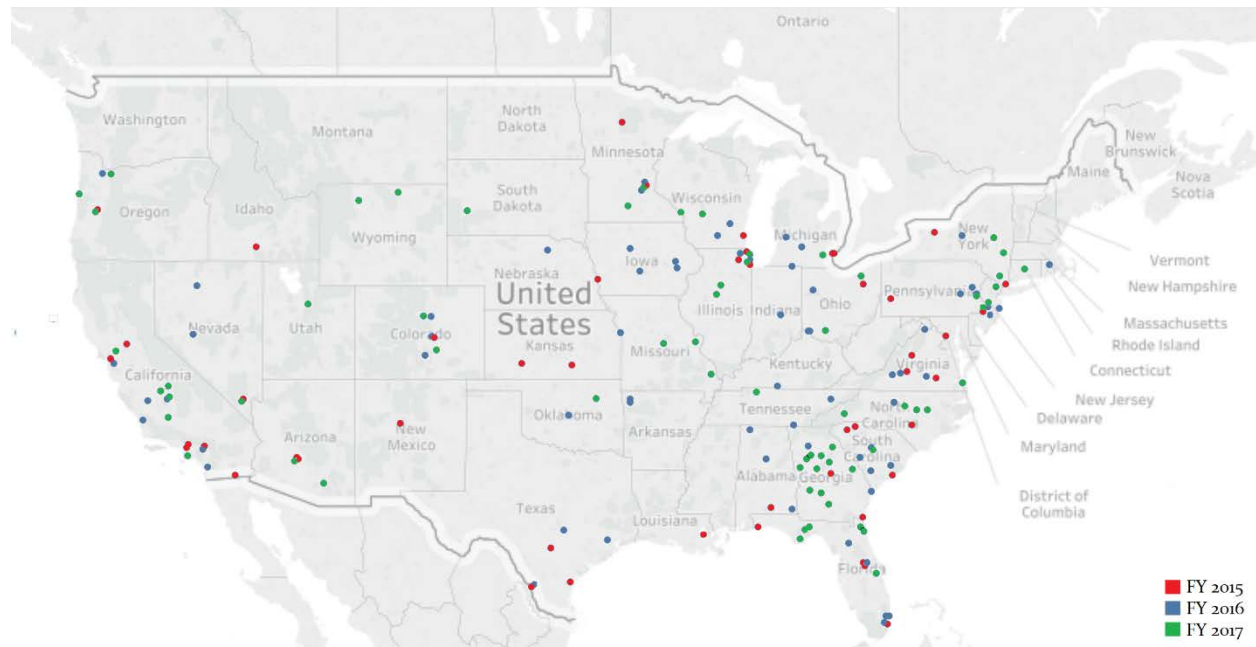


approved between November 1, 2017, and July 6, 2018 (n=83). Figure 1 shows the locations of all 212 FY 2015 (red), FY 2016 (blue), and FY 2017 (green) sites included in the policy analysis (note: Juneau, Alaska, and Municipio De Ponce, Puerto Rico, are included in the policy analysis but not pictured in Figure 1). The policy analysis is meant to identify common themes in BWC policies, with an eye toward identifying trends that could guide law enforcement agencies nationwide.

The results presented here may not be reflective of national trends, as the analysis relies on a convenience sample of agencies.

This report provides a three-year analysis of five mandatory items on the BWC Policy Review Scorecard, including activation, deactivation, citizen notification, officer authority to review their BWC footage, and supervisory review authority. The authors added 5 new policy issues for the FY 2016 and FY 2017 sites: off-duty assignments, activation during public demonstrations, temporary deactivation (and muting of audio), the specifics of supervisor auditing (how often? how many videos?), and mention of non-patrol units wearing BWCs. The BWC Policy Review Scorecard assesses administrative policy on many different issues, but for the purposes of this report, we selected issues that we believe are some of the most widely discussed and controversial topics related to BWCs. Based on the policy analysis, we have identified 24 key policy trends related to the ten major issues. The 24 policy trends provide important insights into emerging BWC policy and practice.

**Figure 1. FY 2015, FY 2016, and FY 2017 Grantees**



### *Issue #1: Officer Activation*

One of the most important features of a BWC policy is the guidance given to officers about when to activate the camera. Our review of PIP grantee policies uncovered a significant amount of variation in how departments address the activation issue, stemming from the varying degrees of discretion departments give their officers. We classified the degree of discretion permitted in activation on a three-level scale: mandatory (no discretion), discretionary, and restricted.

All FY 2015, FY 2016, and FY 2017 policies detail specific circumstances in which an officer shall activate (i.e., mandatory activation) a BWC. Some departments include a general statement mandating that officers shall record all formal encounters with citizens (e.g., officers will activate the BWC to record all contacts with citizens in the performance of calls for service). Alternatively, some departments actually provide a discrete list of incident types in which recording is mandated (e.g., pedestrian stops, car stops, arrests).

Similarly, nearly all FY 2015, FY 2016, and FY 2017 policies identify circumstances where activation is NOT to occur (restricted). Examples include privileged conversations (e.g., attorney, spouse, confidential sources), and places where there is an expectation of privacy (e.g., locker rooms).

Approximately 60 percent of both FY 2015 and FY 2016 policies allow officer discretion in activation if mandatory or restricted criteria are not met (e.g., the BWC may also be activated whenever a deputy feels its use would be beneficial to his or her sheriff's office duties). Comparatively, 75 percent of FY 2017 policies permit discretion in activation.

#### **Key BWC Policy Trends**

- (1) All FY 2015 and FY 2016 agencies mandate and prohibit activation for certain types of police-civilian encounters. All FY 2017 agencies mandate activation for certain types of encounters and all but one agency specify types of encounters in which activation is prohibited.
- (2) Most FY 2015 and FY 2016 agencies (60 percent) allow for discretionary activation under certain circumstances. Similarly, most FY 2017 agencies (75 percent) also allow for circumstantial discretionary activation.

### *Issue #2: Officer Deactivation*

It is equally important that BWC policies give officers clear guidance on when to deactivate the camera. Similar to activation, guidance on deactivation varies based on the degree of officer discretion permitted. For example, 83 percent of FY 2015 and 84 percent of FY 2016 policies mandate deactivation when the event has concluded (e.g., "BWCs shall remain activated for the entire duration of an event/encounter/episode and shall not be de-activated until it is concluded."). The remaining 16–17 percent of policies are discretionary and avoid "shall" or "must" language (e.g., "Department personnel may cease recording when he/she reasonably determines that the incident has concluded.").

The emphasis on discretionary deactivation in general policy statements has increased among FY 2017 policies; 30 percent avoid mandatory language.

In addition to a general statement on deactivation, many policies also identify specific circumstances in which officers have discretion to deactivate. Discretionary deactivation clauses address the need to protect persons (e.g., a crime victim's privacy), places (e.g., hospital locations) and information (e.g., tactical or operational discussions) during a police-citizen encounter. In these circumstances, officers may weigh the value of the video against the evidentiary value of information gathered from persons (e.g., if a person will only provide information if the BWC is turned off).

Approximately 67 percent of FY 2015 policies have discretionary deactivation language. Such language is much more common in FY 2016 (99 percent) and FY 2017 (98 percent) policies.

### Key BWC Policy Trends

- (3) All FY 2015, FY 2016, and FY 2017 agencies provide definitive guidance for BWC deactivation, both for encounters that have ended and for encounters where BWC recording is no longer permitted. However, officer discretion is a more prominent feature of deactivation than activation.
- (4) A comparison of FY 2015, FY 2016, and FY 2017 policies indicates that officer discretion in the deactivation decision has continued to become much more prevalent over time. Nearly all FY 2016 and FY 2017 policies give officers authority to deactivate under certain circumstances (compared to 67 percent for FY 2015 policies).

### *Issue #3: Citizen Notification*

There are persuasive arguments in favor of notifying a citizen that he or she is being recorded by a BWC. Many of the perceived benefits of BWCs (e.g., transparency, enhanced legitimacy, civilizing effect on behavior) are short-circuited when citizens are unaware of the technology.

Our review indicates that 22 percent of FY 2015 policies have a mandatory statement on notification (e.g., "Member shall inform all individuals identifiably present as soon as reasonably practical, that their oral/video communications will be or have been intercepted and recorded"). Mandatory notification is less common in FY 2016 policies (13 percent), but the prevalence returned to prior levels in FY 2017 policies (25 percent). Many of these policies prioritize officer safety or the practicality of the notification, but advisement of the BWC is mandatory (i.e., "shall").

About 40 percent of FY 2015, FY 2016, and FY 2017 policies recommend notification but do not require it (e.g., "Officers should inform subjects when they are being recorded, unless doing so would be unsafe, impractical, or impossible"). The remaining policies do not mandate or recommend notification (FY 2015: 37 percent; FY 2016: 45 percent; FY 2017: 37

percent); rather, the policy simply states that officers are not required to notify (e.g., “Officers are not required to advise citizens they are being recorded”).

### Key BWC Policy Trends

- (5) Most agencies do not explicitly mandate that officers notify citizens of the BWC (22 percent for FY 2015; 13 percent for FY 2016; 25 percent for FY 2017).
- (6) About 40 percent of agencies recommend, but do not require, citizen notification of the BWC.

### *Issue #4: Officer Review of BWC Footage*

The degree to which officers are permitted to review their own BWC footage is a controversial topic. Advocates of officer review point to the fact that BWC footage will increase the accuracy of reports and court testimony, as officers can use video and audio to support or refresh their memory of what has transpired. Critics argue that the BWC footage can color or alter an officer’s memory of an event. This debate is especially contentious in the wake of a critical incident, such as an officer-involved shooting.

Our policy review indicates that nearly all FY 2015 (95 percent), FY 2016 (98 percent), and FY 2017 (99 percent) agencies allow routine officer review of BWC footage for report writing and court preparation (e.g., “Officers assigned a BWC are encouraged to review BWC media prior to completing any investigative reports”).

Following a use of force incident, a complaint against an officer, or a critical incident (e.g., police shooting of a civilian or a vehicle pursuit), there is significantly less consensus across departments. Approximately one-third (31 percent) of FY 2015 agencies allow officers unrestricted access to their BWC footage during an administrative investigation (e.g., “An officer is permitted to review video footage of an incident in which she/he was involved, prior to making a statement regarding the incident”). This type of unrestricted access is less common among FY 2016 (23 percent) and FY 2017 (23 percent) agencies. More commonly, agencies allow officers to access their BWC footage, but only after certain stipulations have been met (FY 2015: 66 percent; FY 2016: 56 percent; FY 2017: 55 percent). The most common stipulations are that a union representative, command staff, or an investigator is present.

Critical incidents are typically addressed separately in BWC policy. Less than 5 percent of FY 2015 policies state that an officer is *not* permitted to view their BWC footage until *after* a formal statement about the incident is given to authorities. That is, the officer must give the statement first—then he or she can view the BWC footage. This policy position has remained steady among FY 2016 (9 percent) and FY 2017 (8 percent) agencies.

### Key BWC Policy Trends

- (7) The vast majority of FY 2015 (95 percent), FY 2016 (98 percent), and FY 2017 agencies (99 percent) allow officers to review their own BWC footage for routine report writing.

- (8) Most agencies do not allow an officer unrestricted access to BWC footage during an administrative investigation (31 percent for FY 2015; 23 percent for FY 2016; 23 percent for FY 2017). Common stipulations include first completing an interview or report or requiring additional personnel be present (e.g., union representative, investigator).
- (9) For a critical incident, the vast majority of agencies allow officers to view video before making a statement. Less than 10 percent require officers to give a statement first: FY 2015 (5 percent), FY 2016 (9 percent) and FY 2017 (8 percent).

### *Issue #5: Supervisor Review of BWC*

Supervisors can review BWC footage from line officers for a variety of reasons. Our policy review identified three mechanisms of supervisor review: administrative review (e.g., citizen complaints, use of force incidents), compliance review (e.g., officer compliance with the BWC policy), and performance review (e.g., individual officer actions and behaviors).

Nearly all FY 2015 (94 percent), FY 2016 (99 percent), and FY 2017 (99 percent) agencies allow first-line supervisors to access and review BWC footage as part of administrative investigations, such as in response to a citizen complaint or use of force (e.g., “Supervisors may review all captured media related to a complaint or incident resulting in a supervisory investigation”). The few policies that do not allow for supervisory review under these circumstances specifically assign the task to other personnel (e.g., internal affairs).

Half of FY 2015 agencies (50 percent) allow supervisors to review BWC footage, usually on a random or periodic basis, to insure compliance with BWC policy and procedures (e.g., “The Inspections Division will conduct random audits to ensure compliance with the policy and procedures of this directive”). This type of review is focused specifically on individual officers’ use of BWCs and whether that use complies with BWC policy. This type of compliance review is much more common among FY 2016 (93 percent) and FY 2017 (93 percent) agencies.

Approximately two-thirds of FY 2015 agencies (67 percent) allow supervisors to access BWC footage of line officers for the purposes of performance review, independent of organizational BWC compliance with policy. This type of review is focused on an officer’s general performance. Like compliance review, supervisor authority to review BWC footage for officer performance is much more common among FY 2016 (93 percent) and FY 2017 (93 percent) agencies. In some cases, supervisors are given full authority to review for performance (e.g., “BWC digital recordings shall be reviewed by supervisory staff for purposes of performance review and performance management”); in other cases, the review is periodic or random (e.g., “Conduct random weekly reviews of selected recordings in order to assess deputy performance as well as identify videos that may be appropriate for training”).

A handful of agencies limit the performance review to specific officers, such as those who are probationary or who have been flagged by an early intervention or warning system (e.g., “Supervisors are permitted to review a deputy’s BWC recordings under the following circumstances... C. When Department members are probationary police officers”).

### Key BWC Policy Trends

- (10) Nearly all FY 2015 (94 percent), FY 2016 (99 percent), and FY 2017 agencies (99 percent) permit supervisors to review BWC footage for administrative purposes, such as investigation of citizen complaints and use of force.
- (11) Nearly all FY 2016 (93 percent) and FY 2017 (93 percent) agencies give supervisors authority to review line officers’ BWC footage to determine compliance with BWC policy and procedures. This authority was less common among FY 2015 agencies (50 percent).
- (12) The same trend has emerged with supervisor authority to review footage for general performance evaluation. About two-thirds of FY 2015 (67 percent) agencies gave supervisors that authority. Nearly all FY 2016 (93 percent) and FY 2017 (93 percent) agencies give supervisors authority to review line officers’ BWC footage for general performance evaluation.

## Additional FY 2016 and FY 2017 Policy Issues

### *Issue #6: Off-Duty Assignment*

During 2017, the issue of off-duty wearing of BWCs drew significant attention. Additionally, several of the PIP sites asked for guidance on this issue while developing their policies. The authors examined FY 2016 and 2017 policies for direct mention of BWC use while off duty, extra duty, or secondary employment. Examples of these assignments include city overtime assignments, uniformed departmental overtime, special events, detail assignments, traffic details, and security details. Further, of the sites that discuss off-duty BWC use, many specify certain ranks that are (or are not) required to use BWCs while off duty. In most cases, lieutenants and commanders are not required to use BWCs off duty. Moreover, the chief of police is commonly cited as the decision maker for BWC requirements during off-duty assignments.

The utilization of BWC during off-duty assignments has become much more common. Of the FY 2016 policies, 31 percent made mention of BWC use while off duty. Comparatively, 84 percent of FY 2017 policies mention off-duty use. Of those policies that do reference off-duty use, the majority require officers to use the BWC while off duty (28 percent for FY 2016 policies; 52 percent for FY 2017 policies). The remaining policies either dictated that off-duty wear was not required or was prohibited (FY 2016: 3 percent; FY 2017: 28 percent) or discretionary (FY 2016: 1 percent; FY 2017: 5 percent).

### Key BWC Policy Trends

- (13) A comparison of FY 2016 and FY 2017 policies indicates that policy statements on the use of BWCs during off-duty assignments have become much more common. Just under one-third of FY 2016 agency policies addressed off-duty wear (31 percent), while the majority of FY 2017 agencies (84 percent) address BWCs during off-duty assignments.
- (14) Agencies are increasingly mandating BWCs during off-duty assignments. Just 28 percent of FY 2016 agencies required BWCs during off-duty work. More than 50 percent of FY 2017 agencies (52 percent) mandated off-duty BWC wear.

### *Issue #7: Activation during Demonstrations*

In 2017, events in Charlottesville, Virginia, Berkeley, California, and other jurisdictions have highlighted the sensitive issue of deploying BWCs at public demonstrations. The authors searched FY 2016 and FY 2017 policies for any mention of BWC use when police are responding to or handling demonstrations, protests, public events, First Amendment-protected events, civil disorder, crowd control, and political rallies.

The majority of FY 2016 (71 percent) and FY 2017 (67 percent) policies did not make any mention of BWC use during demonstrations. Some agencies indicate that BWC recording during such events is mandatory (FY 2016: 17 percent; FY 2017: 23 percent). Alternatively, some agencies prohibit BWC recording during demonstrations and protests (FY 2016: 5 percent; FY 2017: 4 percent). The remaining policies allow supervisors on scene to make determinations about the use of BWCs.

### Key BWC Policy Trends

- (15) Most agencies do not address BWC use during public demonstrations (FY 2016, 71 percent; and FY 2017, 67 percent).
- (16) For those agencies that address BWC use during public demonstrations, the majority mandate activation. Overall, around 20 percent of FY 2016 and FY 2017 agencies require activation and recording during public demonstrations.

### *Issue #8: Temporary Deactivation (and Muting)*

Officer decisions to temporarily deactivate or mute BWCs during police-citizen encounters, especially critical incidents (e.g., Sacramento police shooting of Stephon Clark in March 2018), have drawn controversy over the past year. BWC policies typically permit temporary deactivation for numerous reasons, including significant periods of inactivity, during discussions involving tactics with other officers or supervisors, during conversations with undercover officers or confidential informants, to protect the privacy of a victim of crime, or during strip searches. The authors searched FY 2016 and FY 2017 policies for any mention of temporary deactivation or muting the audio of a BWC.

All FY 2016 and FY 2017 policies addressed temporary deactivation and listed permissible reasons for doing so. Conversely, the majority of FY 2016 (85 percent) and FY 2017 (81 percent) do not address muting or disabling the audio of a BWC.

### Key BWC Policy Trends

- (17) All FY 2016 and FY 2017 agencies allow for some form of temporary deactivation of the BWC during specific circumstances (e.g., during strip searches, employee breaks, tactical discussions).
- (18) Most agencies policies do not address muting of the BWC audio (85 percent for FY 2016; 81 percent for FY 2017).

### *Issue #9: Frequency of Supervisory Auditing*

As previously mentioned, supervisors may review BWC footage from line officers for several reasons (e.g., administrative review, compliance review, and general performance review). However, the frequency of this review (e.g., weekly, monthly, annually, biannually), the number of videos reviewed (e.g., one per officer per month, five per unit per week, 30 minutes of video every other month), and how those videos are selected (e.g., random) has generated significant interest. The authors searched FY 2016 and FY 2017 policies for the details governing supervisory auditing of BWC footage.

Over half of FY 2016 (61 percent) and FY 2017 (63 percent) specifically addressed how often supervisors may audit officer BWC footage for policy compliance, performance review, or administrative reasons. There is significant variation in the frequency of mandated auditing, but for both FY 2016 and FY 2017 agencies, monthly supervisory review was the most common interval (33 percent and 41 percent, respectively).

Regarding the quantity of reviewed footage, most of the policies for FY 2016 (76 percent) and FY 2017 (66 percent) did not specify how many videos were to be viewed during a supervisory audit. For those that did, the most common requirements for both FY 2016 and FY 2017 agencies (18 percent) was five videos per month. Finally, most policies do not specify how supervisors are to select videos for audit. Only one quarter of policies require the video selection to be random (FY 2016, 28 percent; FY 2017, 25 percent).

### Key BWC Policy Trends

- (19) The majority of FY 2016 (61 percent) and FY 2017 (63 percent) agencies specifically address how often (e.g., monthly, weekly) supervisors may review BWC footage of subordinate officers for purposes of policy compliance, performance review, or administrative investigations.
- (20) The most common interval for BWC supervisory review is monthly (33 percent for FY 2016; 41 percent for FY 2017).
- (21) The majority of FY 2016 (76 percent) and FY 2017 (66 percent) agencies do not specify how many videos are to be reviewed during each supervisory audit. For



those that specify the number of videos to be reviewed, the most cited requirement is five videos per month (18 percent for both FY 2016 and FY 2017).

- (22) About one-quarter of FY 2016 (28 percent) and FY 2017 (25 percent) agencies require the selection of videos for auditing to be “random.”

### *Issue #9: Mentions of Non-Patrol Units Wearing BWCs*

Nearly all police departments begin their BWC rollouts with patrol officers. This makes sense given that patrol officers have the most frequent contact with citizens, witnesses, suspects, and victims. However, agencies may choose to expand their use of BWCs beyond patrol units to officers in other positions, such as gang units, school resource officers, detectives, or parking enforcement. The authors searched FY 2016 and FY 2017 policies for any mention of non-patrol units utilizing BWCs.

Just over half (52 percent) of FY 2016 agencies made mention of non-patrol units wearing BWCs, and that percentage increased slightly among FY 2017 agencies (59 percent). Among those policies that mention non-patrol use of BWCs, the most common category of use is mandatory (31 percent for FY 2016; 40 percent for 2017) and discretionary or chief’s decision (21 percent for FY 2016; 19 percent for FY 2017).

### **Key BWC Policy Trends**

- (23) Just over one-half of FY 2016 agencies (52 percent) address BWC deployment for non-patrol units; 59 percent of FY 2017 agencies discuss BWCs and non-patrol units.
- (24) Of the policies that mention non-patrol use of BWCs, the majority state that it is either mandatory (31 percent for FY 2016; 40 percent for FY 2017) or discretionary or chief’s decision (21 percent for FY 2016; 19 percent for FY 2017).

## **Caveats and Conclusions**

The authors undertook this analysis to assess the contours of BWC policy development among participants in BJA’s BWC PIP grant program. The BJA designed the BWC PIP program to ensure deliberate, collaborative, and comprehensive policy development as a prerequisite to BWC purchase and implementation. While this analysis provides a unique window into BWC policies and the mechanisms for implementing policies, we recognize that our sample of policies is opportunistic and is not necessarily statistically representative of national practice or trends. It does, however, provide some insights into how a number of agencies approach different policy issues, the prevalence of key practices, and the direction of trends. It also provides some benchmarks for agencies assessing their own policies.

This analysis reinforces the principles that undergird the BWC-PIP grant program. Foremost, it reinforces the tenet that BWC policy should be responsive to local

circumstances and the needs and demands of local stakeholders. BWC policies within individual departments will and should continue to evolve as the BWC technology develops and as states weigh in with policy requirements, laws, or recommendations. BWC technology is advancing to include facial recognition analysis, speech-to-text capabilities, and wireless upload of digital footage. BWC technology and practices will evolve continually, so a department's policy must not remain static. We look forward to working with our partners at BJA to provide future analysis of BWC policies.

## References

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Fyfe, J. J. (1988). "Police use of deadly force: Research and reform." *Justice Quarterly*, 5, 165-205.

Walker, S. and Katz, C. (2013). *The police in America: an introduction*. 8th edition. Boston: McGraw-Hill.

White, M.D. and Fradella, H.F. (2016). *Stop and frisk: The use and abuse of a controversial policing tactic*. New York: New York University Press.

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## About the Authors

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<sup>2</sup> The Body-Worn Camera Toolkit can be found at: <https://www.bja.gov/bwc>