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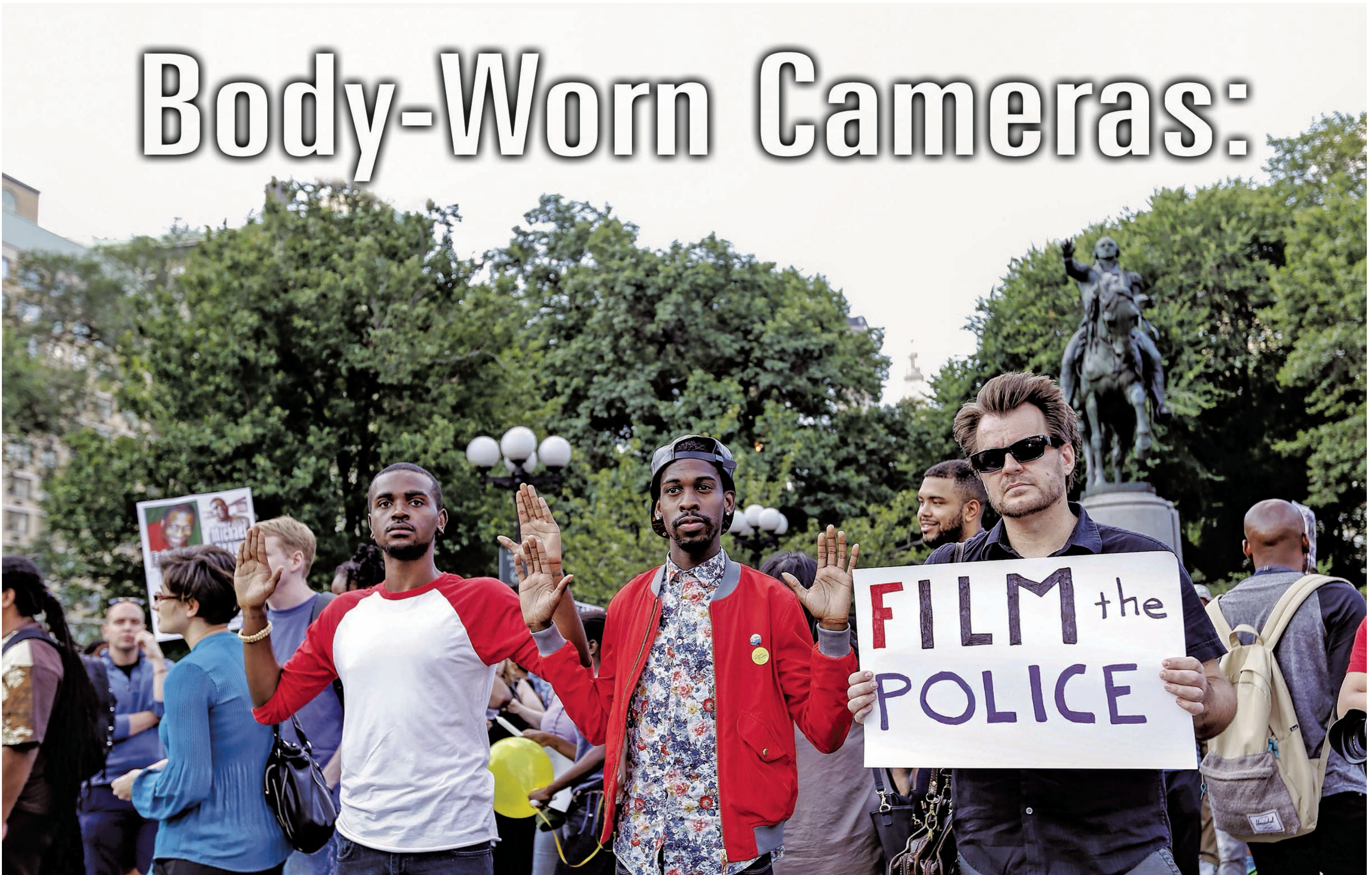
Body-Worn Cameras:



Rebuilding Public Trust Through Organizational Culture

John G. Peters, Jr., Ph.D.; Lt. Charles Wilhite, J.D.; & Lt. James LaRochelle ©2015. A.R.R.

PART 1: *This is Part I of a three part series about law enforcement body-worn cameras. Part II will discuss body-worn camera implementation issues and the need for competency-based training. Part III will examine policy and rule issues which are often overlooked during body-worn camera guidance development. All three articles will discuss important issues which are often not considered before adopting and implementing body-worn cameras.*

Public mistrust of law enforcement is the primary motivation municipalities across the democratic world are adopting Body-Worn Cameras (B-WCs). Governmental and law enforcement leaders hope the adoption and the *implementation* of B-WCs will help bridge this gap of public mistrust and aid in rebuilding it. Unfortunately, a number of recent high profile events which were videotaped by citizens and then uploaded to social media have only fueled, deepened and galvanized the public's mistrust of Law Enforcement Officers (LEOs).

This lack of confidence in law enforcement has spread like raging wildfires. Whether it was the shooting of an unarmed person; the shouting at a driver during a questionable traffic stop; the failure to explain a jail suicide; or the using of force on protesters, public mistrust of law enforcement is no longer limited to the local community. This condition of mistrust has spread to include many national, state, local and other politicians who want a "quick fix" remedy to these and other related community problems which many social activists often claim will happen after B-WCs are adopted.

The public is demanding *accountability* and *transparency* from governmental entities, including the police. Similar to fighting a raging wildfire without first carefully developing systematic and well thought-out plans, the hasty implementation of B-WCs has the potential for creating unintended outcomes: deeper public distrust, including causing a deep chasm of mistrust between LEOs and their administrators over the perception that B-WC video will be used against them.

This latter point was energetically presented by attorneys Mike Rains, J.D., and Rob Wexler, J.D., at the June 2015 Institute for the Prevention of In-Custody Deaths, Inc. (IPICD) Center for Excellence in Event Reconstruction (CEER) international camera-based systems symposium which was held in Las Vegas, NV. Messrs. Rains and Wexler cautioned governmental administrators not to use body-worn and/or other camera video indiscriminately and arbitrarily to "punish" officers. Such predatory use will only serve to add "employee distrust" to the law enforcement distrust equation.

Public Distrust of LEOs in the United States

The United States has a history of public distrust of law enforcement (particularly in minority communities), but, arguably, it has never been as visible as it is currently. Today, societal expectations have shifted. While, historically, many activities within law enforcement were conducted behind closed doors, there is a growing demand by today's public for accountability and transparency. Body-worn cameras play a small part in fulfilling these public demands. Video can be lost, destroyed, redacted or simply not made public which continues to promote the perception about the lack of accountability and transparency in our institutions. Of course, operator error, such as not turning the camera "on," will be viewed unfavorably and with skepticism in a high profile encounter with law enforcement.

Historically, reports such as the *Presidential Crime Commission* (1960s), the *Knapp Commission* (1970s), the *Christopher Commission* (1990s), the *Presidential Task Force 21st Century Policing* (2015), and various *Consent Decrees* have been completed or issued as an outcome of real or perceived accountability and transparency shortcomings by law enforcement. Many times, administrative controls put into place by police management have either missed the mark or have subsided with time. While there is no single solution to accountability and transparency concerns, a good, but often overlooked, place to begin is with *organizational culture*.

Organizational Culture

Organizational culture refers to what makes an employee's experience of working at one law enforcement agency different than working for another similarly situated agency. Wheelen and Hunger (2006) defined organizational culture as "the collection of beliefs, expectations and values learned and shared by the [organization's] members and transmitted from one generation of employees to another . . . and generally reflects the [leaders] and the mission of the [organization]." For many law enforcement agencies, the published *official* organizational culture in a policy manual or online only exists on paper or on the World Wide Web; the "real" organizational culture is far different.

In his book, *The 60 Second Leader*, Dourado noted, "The further away from the frontline and from actual worker and customer experience leaders are, the more likely the "official" culture is to depart from reality." Similarly, Chief Bernard Parks (Ret.), Los Angeles Police Department (LAPD), explained how the highly publicized Rampart scandal developed, "Our failure to carefully review reports; our failure to examine events closely to identify patterns; our failure to provide effective oversight and auditing created the opportunity for this cancer to grow."

Many managers and administrators with command and leadership experience in law enforcement agencies know that simply issuing a "memo," "training bulletin," "policy," or similar document will not instantly alter the organizational culture. Most change takes time to occur and involves systems planning. Planning or issuing "paper" in a vacuum will not affect positive change. Noted speaker and psychologist, Charles Lowery, Ph.D., says, "People are not against *change*. Ask them. What they are against is *changing*."

Organizational Subcultures

In affecting change through incorporating B-WCs as a tool, not only does the organizational culture need to be reinforced, but also the *subculture* of the units where officers work every day. Officer subculture is defined as the set attitudes and values that shape officers' behavior. The police subculture commands our attention because it is generally seen as a major obstacle to reform and, thus, a powerful force working to erode any reforms which are in fact achieved. Unwritten Ground Rules (UGR), according to Dourado, oftentimes produce the "actual" culture of the organizational unit and/or the organization. Many of us have experienced UGRs when we were told by experienced officers, "Hey, kid, forget what they told you at the academy. I'll show you how to do real police work."

The traditional concept of the police officer subculture suggests that all police are the same in all departments. Growing evidence, however, suggests this is not true and that there are meaningful differences between law enforcement agencies. Departmental change usually happens slowly, but sometimes it can be dramatic as a result of new leadership. Anecdotal evidence has always suggested that some departments have reputations for being more professional than others, while other departments may have ingrained patterns of corruption and officer violence against citizens.

In short, systems and processes must be developed and then put in place to handle and address what the video captures, whether it is addressing a problem with an individual employee or addressing a larger issue of the agency. Simply issuing B-WCs to officers without ensuring that organizational culture and subcultures have been revised, instilled into and adopted by each employee, will only guarantee video capturing behavior which will not always positively reflect on officers or the agency. Professional competency is what matters most.

Begin at the End

What is it that law enforcement administrators, trainers and/or supervisors want their officers to do so that accountability and transparency can be achieved? Hope and B-WC implementation will not magically create accountability and/or transparency. Hope is not a methodology to change policing, but systematic planning and competency-based training are two ingredients which will help achieve these and other goals.

Similarly, implementation of B-WCs will also not magically change policing, regardless of what vendors, the public and/or politicians may say. There is a chance that video evidence will create greater conflict in communities because the organizational culture, the organizational subculture, training and/or written directives have not been modified to meet the growing community expectations of officers. Remember, B-WCs will capture, possibly for the first time, what UGRs the officer uses on a daily basis which have morphed into "official" policy and practice.

Effecting Positive Change

To move policing to a higher professional standard, officer discretion must be further limited which means executives must provide administrative controls over officer discretion. It does not mean abolish discretion, since discretion is a necessary component of

effective policing. The flexibility found in discretion is still needed, but it must be selectively limited. This is a problem many law enforcement administrators and supervisors continue to wrestle with on a daily basis. Policing is a human endeavor; it is not robotic. Therefore, administrators and supervisors must look to reduce the gray areas. It is the gray areas which often get us into trouble; hence, the challenge.

One approach to creating positive organizational change is to promote the following: *investigate* the situation; *identify* successes and failures; and *institutionalize* the lessons learned. Townsend and Gebbhardt suggest the first step is to investigate the situation to determine what it is that needs to be changed or to remain the same. For example, why should the agency adopt B-WCs? What are the difficulties? What are the expected outcomes? What are the desired results?

To continue progress, it is important to identify the successes and failures of past programs through learning what went "right" and what needed to be changed. Apply this approach to the body-worn camera program and identify its successes and deficiencies. When performed correctly, this can create great "teaching moments" for officers.

To illustrate this point, Bob Willis, peace officer, trainer and IPICD Board member, recounts the story of an officer who confronted a young man who was heavily intoxicated. The officer was shouting at the man, threatening him with various force options. All this was captured on camera and audio. The outcome for this young man did not look good.

A backup officer responded and, after exiting his patrol car, did not threaten the young man, but engaged him using "Verbal Judo" techniques. The young man's aggressive posturing changed to listening and, eventually, cooperation. The young man was arrested without incident and, when the officers' lieutenant reviewed the video, he turned the incident into a "teaching moment." After calling in the initial officer, he discussed the second officer's response and how it quieted the young man and avoided a violent confrontation. It was a true teaching moment for the officer, without threats of discipline or a written report being placed into the officer's file.

Institutionalizing the lessons learned from what B-WCs capture is a key to changing organizational culture and subcultures. When officers try to say, "I did not do that," but the camera shows something different, there is now a "game film" of the event, not the subjective narration of an incident. This type of video footage gives supervisors greater ability to deliver a positive critique and create numerous "teaching moments."

The very best administrators and supervisors are able to institutionalize positive lessons so that it becomes "the way things are done around here." This is really an after-action review process which is very critical to the change process. Remember: You must use and act upon what you have learned – and this is an area in law enforcement which often falls short. How to avoid repeating the same mistakes is the challenge, but it can be overcome through changes in organizational culture and subculture, in addition to training, policy and leadership.

Summary

Incorporating B-WCs might seem like an easy fix to repair public mistrust and change organizational culture and subculture, but this is seldom the case. Instead, many successful agencies have a strong foundation which has supported and driven change: community participation; media; proven leadership; organized reform efforts (e.g., audits, training, internal committees); and the development of specialized units and/or sections (e.g., video unit, digital evidence unit).

Body-worn cameras are not the "quick fix" which many people (including the media; politicians; and, in some cases, law enforcement administrators) anticipate. The best officer selection process, coupled with excellent training and supervision, will not be a 100% guarantee that a rogue officer will not develop within the ranks. However, viewing organizational and community change as a *process* that is ongoing, and not a project, will serve administrators well. Under most circumstances, agency administrators, supervisors and trainers must learn to use B-WC video to teach officers. In the small minority of cases, when video footage shows officers are seriously deficient in performance or compromise their integrity through misconduct, then discipline is warranted.

Law enforcement must also educate the media and the public about the reality of working the streets, working inside a jail or prison and working with uncooperative or hostile people. As the agency's B-WC program moves forward, make it a priority to invite the media to training classes and demonstrate what video can do – including its shortcomings...and there are a few. Video is not three-dimensional. Video does not always show the angle of view the officer sees. Video may also see items (e.g., handgun, knife) the officer did not see. Through such training, the media and the public should gain a better appreciation that chaotic encounters between police officers and violent subjects can be messy.

As a final comment, video is another piece of equipment in the officer's toolbox which can resolve disputes about the circumstances surrounding a situation and help to rebuild community trust which should lead to officer and agency accountability and transparency. The outcome is greater professionalism in policing and that is a win-win for all. P&SN

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