

BACKGROUND

What are officer body-worn cameras?

Officer body-worn cameras (BWCs) are relatively small devices that record interactions between community members (e.g., the public, suspects and victims) and officers, from the officer's point of view. The video and audio recordings can be used by the police to document statements, observations, behaviors and other evidence; and can simultaneously be used to prevent and deter unprofessional, illegal, and inappropriate behaviors by both the police and the public. The recordings capture formal police activities as officers engage with citizens during traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings. This technology can be used to resolve disputes and build trust with the community by preserving a permanent record of critical events.

How does an officer body-worn camera work?

The technology consists of the camera, which is typically worn on the officer's uniform, placed optionally on the shoulder lapel, sunglasses, hat or upper placket, with a forward-facing viewable area. When thinking about the mounting location, an agency should consider the uniform types worn by officers, and how uniforms may vary throughout the year (summer, winter). Additional accessories may be required.

The camera includes user controls such as push to record, touch screen controls, video and audio feed and playback in field. After the officer completes his or her shift the video evidence is uploaded through a docking station on a local storage device (e.g., server) or through an online web-based digital media storage platform where the evidence can be encrypted and managed. Some models also allow for video upload while in the field.

How are body-worn cameras different from dashboard cameras and CCTV systems?

As the name suggests, dashboard cameras are installed on the dashboard of police vehicles. They video record activity that occurs in front of the car. Some dashboard cameras allow for audio recording near the police vehicle. The major difference between a dashboard camera and a body-worn camera is that a dashboard camera is restricted to capturing video and audio evidence close to and in front of the police vehicle. Body-worn cameras address this limitation by retaining the strengths of the dashboard camera and at the same time allowing for the technology to accompany the officer where ever he or she goes.

BWCs are also different from close-circuit television systems (CCTV). CCTVs are stationary systems that record behavior in a given public space. Sir Bernard Hogan-Howe of the London Metropolitan Police Service highlights the core differences between BWCs and CCTVs: "In London we have CCTVs, which are quite extensive and becoming even more so, but the distinction is that those cameras don't listen to your conversations. They observe behavior and

see what people do and cover public space, so you can see if there is a crime being committed. But CCTVs don't generally seek out individuals (PERF, 2014: 11)."

How many law enforcement agencies have adopted officer worn body cameras?

We do not have very good estimates of the number of law enforcement agencies that have initiated body-worn camera programs. Several law enforcement agencies in the United Kingdom have been experimenting with body-worn cameras as far back as 2005. In August 2013, the Police Executive Research Forum surveyed 500 law enforcement agencies regarding their use of body-worn cameras. Of the 254 agencies that responded, just 25% (n=63) indicated that they had deployed body-worn cameras. Interest in the technology has grown tremendously since then however. One body-worn camera vendor advertises that their product has been purchased by 4,000 law enforcement agencies worldwide (as of February 2015).

See PERF report for additional information:

<http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

What are the best available sources of information on officer-body-worn cameras?

As of the launch of this toolkit, there are a handful of useful resources on police officer body-worn cameras. PERF and the COPS Office published a report in 2014 that examines key issues and offers policy recommendations. The report is based on survey responses from 254 police departments, interviews with 40 police executives who have implemented body-worn cameras, and a one-day conference held on September 11, 2013 with more than 200 police executives, scholars and experts. In April 2014, the Office of Justice Programs Diagnostic Center published a report that describes the core issues surrounding the technology and examines the state of research on those issues (White, 2014). In March 2014, the National Institute of Justice published a market survey which compared BWC vendors across a range of categories. There are also a growing number of published evaluations that examine the implementation, impact and consequences of body-worn cameras. This website and toolkit is intended to be a warehouse of the latest available research, reports and knowledge on the technology.

For additional information see:

<http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

<https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>

<http://www.nij.gov/topics/law-enforcement/technology/Pages/body-worn-cameras.aspx#market>

Links to:

Evaluations: Rialto, Mesa, Phoenix, Operation Hyperion, Home Office report, Edmonton report.

How can law enforcement agencies benefit from officer body-worn cameras?

There are a number of potential benefits from officer body-worn cameras. Adoption of cameras can represent an effort by a police department to demonstrate transparency and accountability. The current body of research on body-worn cameras is limited, but available studies have suggested several additional benefits. Body-worn cameras likely have evidentiary value that can facilitate review of citizen complaints, and they may assist with prosecution of criminal cases. There is some research in Great Britain to support this potential benefit, but research in the United States has not sufficiently investigated the evidentiary value of BWCs. In several studies, citizen complaints against officers have decreased following adoption of body-worn cameras. The results from these studies are supported by in-person interviews with 40 police executives, conducted by PERF. In two studies, use of force by police officers decreased following adoption of body-worn cameras.

What are the primary concerns with officer body-worn cameras?

There are several concerns that a law enforcement agency must address before adopting body-worn cameras. One involves citizen privacy. Officer body-worn cameras do have the potential to violate citizens' expectations of privacy. The technology may also present concerns for vulnerably populations, such as children and victims of crime. Law enforcement agencies should full investigate privacy laws, and should engage relevant stakeholder groups (e.g., victim advocacy groups) before they adopt body-worn cameras.

There are also officer privacy concerns. Police unions have opposed body-worn cameras in a number of jurisdictions, arguing that adoption of the technology must be negotiated as part of the collective bargaining agreement. Officers have also expressed concerns about body-worn cameras because the technology gives supervisors the opportunity to go on "fishing expeditions" against officers in their command. Police chiefs need to gain buy-in from line officers and their unions at the beginning of the process.

The decision by a police department to start a body-worn camera program represents an enormous investment of money, manpower and resources. There are up-front costs in terms of buying the hardware, training officers and developing policy. There are also significant costs associated with operating a body-worn camera program, especially management of the vast amount of video data. In January 2105, the acting Chief of the Phoenix Police Department announced that it would cost their department \$3.5 million to 1) outfit all of their officers with body cameras, and 2) successfully manage the body-worn camera program.

*Link to Phoenix story.

What is the White House *Body Worn Camera Partnership Program*?

The White House Body Worn Camera Partnership Program seeks to establish, build and sustain trust between communities and their local and state law enforcement agencies through the deployment of body worn cameras. On December 1, 2014, President Obama announced a three-year, \$263 million plan to strengthen community policing through enhanced training, additional resources, and increased partnerships between the US Department of Justice and local law enforcement. The plan also includes a proposed \$75 million investment in a new Body-Worn Camera Partnership program that would provide a 50% match to state and local agencies for the purchase of up to 50,000 cameras and requisite video storage.

<http://www.whitehouse.gov/blog/2014/12/01/building-trust-between-communities-and-local-police>

Why was this toolkit developed?

The acquisition, implementation, and use of body worn camera video in state and local law enforcement agencies can be a costly, complex process. This toolkit was developed by BJA and your peers to provide agencies with the resources necessary to implement officer body-worn cameras in an efficient, equitable, and effective way. This toolkit seeks to help you become familiar with: many of the questions related to body-worn cameras; the hardware and software issues associated with the implementation of body-worn cameras; the steps for successful acquisition of body worn cameras; training officers and others to use body-worn cameras; the evidence produced through them; the liabilities and risks associated with body-worn cameras; the strengths of body-worn cameras as well as the concerns related to them; privacy and legal issues for citizens, victims and the accused; and the personnel and organizational challenges to implementing body-worn cameras in your agency.

Can I reuse the materials in the toolkit?

Those who contributed to the information and resources made available through this toolkit have developed them for your review and use. If you use content from the toolkit we only ask that you attribute the material to the site or the original author of the material.

Who contributed to this toolkit?

Members of the _____ expert advisory panel provided guidance on the development of the Body Worn Camera Toolkit. We would like to especially thank Dr. Charles M. Katz and Dr. Michael D. White from Arizona State University for their efforts in developing the toolkit. We would also like to acknowledge that this tool kit was modeled after BJA's Law Enforcement Naloxone Tool Kit, which can be found at

<https://www.bjatrainning.org/tools/naloxone/Naloxone%2BBackground>.

PERCEIVED BENEFITS OF BODY-WORN CAMERAS

Do body-worn cameras reduce complaints against the police?

While we do not have a definitive answer at this time, the available research has consistently shown that officer body-worn cameras have a substantial and significant impact on complaints against the police. For example, in Rialto, California citizen complaints against officers dropped by 88% after body-worn cameras were deployed in the field. In Mesa, Arizona body-worn cameras were associated with a 60% decrease in complaints against the police. In Phoenix, Arizona complaints against officers who wore the cameras declined by 23%, compared to a 10.6% increase among comparison officers and 45.1% increase among patrol officers in other precincts. Interviews with police executives also support this perceived benefit. Chief of Police Ron Miller of Topeka, Kansas stated, “There’s absolutely no doubt that having body-worn cameras reduces the number of complaints against officers (PERF, 2014: 6).” The reasons why body-worn cameras may cause reductions in citizen complaints is not known. The cameras may cause improved behavior (“civilizing effect”), may influence citizen reporting rates (less likely to file complaints, especially frivolous complaints), or both. A number of police executives indicate that their officers have observed that BWCs discourage citizens from filing unfounded complaints. More research is needed but the consistency of the complaint reduction findings is notable.

Do body-worn cameras reduce use of force by police?

There is even less information available about the impact of body-worn cameras on officer use of force. In Rialto, there were 61 use of force incidents before deployment of body-worn cameras, and just 25 incidents after deployment (60% drop). Additionally, “control” work shifts (officers who were not wearing cameras) produced double the number of use of force incidents compared to “treatment” shifts (camera-wearing officers) during the same period. The study in Mesa, Arizona also found significant reductions in use of force among officers wearing cameras, but in Phoenix there was no significant difference in use of force among camera-wearing and non-camera wearing officers. Much more research needs to be conducted to determine whether body-worn cameras reduce use of force by the police.

*link to the Rialto study, the Ariel et al. paper in Journal of Quantitative Criminology.

Do body-worn cameras increase or improve officer performance?

The answer to this question depends on how you measure officer performance.

With regard to paper work, the research is mixed. In Plymouth, England, body-worn cameras led to quicker resolution of cases which produced a 22.4% reduction in officer time devoted to paperwork and file preparation; and to an increase of 9.2% in officer time spent on patrol (an extra 50 minutes per nine-hour shift). But in Victoria, Canada and in Phoenix, Arizona officers spent significantly more time on paper work following the deployment of body-worn cameras.

With respect to evidentiary quality, research conducted in Plymouth and Essex (United Kingdom), Victoria (Canada), and Phoenix suggest that the use of body cameras increases the quality of evidence. Related, in Phoenix researchers reported that domestic violence incidents where an officer was wearing a body-worn camera were more likely to result in charging and conviction. Specifically, they found that when compared to non-camera cases, camera cases were more likely to be initiated by the prosecutor's office (40.9% vs. 34.3%), have charges filed (37.7% vs. 26%), have cases furthered (12.7% vs. 6.2%), result in a guilty plea (4.4% vs. 1.2%), and result in a guilty verdict at trial (4.4% vs. 0.9%).

If officer's performance is measured by number of citizen contacts the evidence is limited. In Rialto, there was an increase in the number of contacts between the police and the public after body-worn cameras were deployed in the field (3,178 more contacts after BWC deployments, compared to the prior year).

More generally, a number of police executives interviewed indicated that they had used body-worn cameras to identify and address larger structural issues in their department, and to develop solutions to those problems. This includes weaknesses in training, policy, and police officer field behavior (e.g., using video footage to investigate racial profiling; PERF, 2014).

Do body-worn cameras assist with the investigation of citizen complaints against police officers?

There is little empirical evidence on the impact of body-worn cameras on citizen complaint investigations. In Phoenix, researchers reported that camera-wearing officers who received a complaint were significantly less likely to have the complaint sustained, compared non-camera wearing officers and other patrol officers throughout the PPD. Evidence from the United Kingdom also suggests that body-worn cameras may result in quicker investigation of citizen complaints against police. The video evidence may also be used to provide citizens with additional information that helps them understand the police officer's behavior during a particular encounter (e.g., educational value).

There is also some evidence to suggest that BWCs can assist with the investigation of critical incidents, including officer-involved shootings. Chief Miller of the Topeka (KS) Police Department stated that a local district attorney cleared one of his officers of any wrongdoing during a critical incident after reviewing the body-worn camera footage of the deadly shooting (PERF, 2014).

Link to ODS Consulting (2011) report; link to Goodall (2007) report; Harris (2010) paper.

Do body-worn cameras assist with the prosecution of criminal cases?

There is little evidence on the effect of body-worn cameras on criminal prosecutions. In Phoenix, researchers found that domestic violence cases that involved a camera-wearing officer were more

likely to be initiated by the prosecutor's office (40.9% vs. 34.3%), have charges filed (37.7% vs. 26%), have cases furthered (12.7% vs. 6.2%), result in a guilty plea (4.4% vs. 1.2%), and result in a guilty verdict at trial (4.4% vs. 0.9%).

The Plymouth (England) Head Camera Project reported that the technology increased officers' ability to document that a violent crime had occurred, and the incidents recorded by body-worn cameras were more likely to be resolved through guilty pleas rather than criminal trials. In Renfrewshire, Scotland, body-worn camera cases were 70-80 percent more likely to result in a guilty plea, compared to other court cases. A more recent report from Essex that focused specifically on domestic abuse calls also found that criminal charges were more likely to be filed in cases where an officer was wearing a body-worn camera (Owens et al., 2014).

Anecdotal evidence from PERF (2014) interviews of police executives also suggest that BWCs may affect prosecution of cases through improved evidence collection. Chief Parker of the Dalton (GA) Police Department reported that BWCs have enhanced evidence collection at accident scenes, as officers work to secure a scene, interview witnesses and victims, and provide emergency medical care as needed. Several Chiefs also indicated that BWCs are useful in domestic violence cases.

HARDWARE AND SOFTWARE ISSUES

What types of body-worn cameras are available to law enforcement?

There are a large variety of body-worn cameras available for use by law enforcement. They vary by battery life length, event marking, weight, camera placement, camera size, quality of video, vision type (day or day and night), field of view, playback capacity, charge time, pre-event recording, police radio interface, video & audio format, video safeguards, download capability, and cost. In March 2014, the National Institute of Justice published a market survey which examined BWC vendors across a range of categories including location of the camera mount, recording capabilities, evidentiary safeguards, tracking features (e.g., chain of custody) and video management.

Link to NIJ Market Survey

What types of equipment are necessary to record and download video?

The types of equipment that are necessary to record and download video vary by manufacturer and end user choice. At a minimum, a camera and docking station is required; and some agencies elect to purchase accompanying car mounting equipment, extra batteries, tablets and GPS sensor.

What do we do with all of the data that is generated by officer body-worn cameras?

Video data storage is one of the most expensive aspects of BWC programs. Some manufacturers provide cloud-based storage. Law enforcement agencies that choose cloud-based storage typically have the option of paying by the amount of storage space that is used or paying on a per officer/camera basis. However, some agencies elect to store data on-site locally. This requires the agency to purchase their own data storage system, store, retrieve, and share the video evidence, as well as develop the means to address chain of evidence policies and laws.

The IACP has developed specific guidelines that departments should consider when contracting with third-party vendors for cloud-based data storage. Selected key issues include: the vendor's system should be compliant with the FBI's Criminal Justice Information Services Policy (CJIS); the law enforcement agency should retain ownership of the data; the vendor should be prohibited from mining or sharing data without consent from the agency; and the agency should be permitted to conduct audits of the vendor's cloud system. Agencies should consult the IACP guide before contracting with third-party vendors for data storage.

Link to IACP document ("IACP Guiding Principles on Cloud Computing in Law Enforcement" *CJIS Solutions*; www.cjissolutions.com)

When should the recorded data from BWCs be downloaded?

PERF recommends that officers download and tag the recorded data at the end of each shift. Some camera models do allow officers to download and tag videos while still in the field immediately after a call.

How long do we have to store the video?

Rules governing how long video must be stored may vary across cities and states. Video that depicts an arrest or critical incident may have to be stored for years. Departments have varied on how long they keep video that depicts an encounter where no formal action is taken. Some departments will store such video for at least as long as the period in which a citizen complaint can be filed. For example, if citizens can file a complaint for up to six months after an encounter with a police officer, it may be necessary to keep all video for six months so the video can be accessed to assist with the complaint investigation. State law may dictate the length of time for storage of more formal police-citizen encounters.

Many departments classify BWC video as either “evidentiary” or “non-evidentiary.” Evidentiary video includes footage that can be used for investigative purposes, and many departments have created sub-classification systems of types of videos (homicide, use of force, arrest, mental health commitment, etc.). The length of time a video is retained is then typically determined by how the video is classified: evidentiary or non-evidentiary; and if evidentiary, what type of encounter.

Departments vary on their retention policies. Many of those surveyed by PERF retain non-evidentiary video for 60-90 days. Regardless, retention times should be specifically stated in department policy, as should the process for data deletion. As an indicator of transparency, many departments publicly post their retention policies on their website.

Police departments should also consult with prosecutors and legal advisors as they design their data storage policies. The PERF (2014) report also identifies a number of data storage issues that should be covered by policy and put in place:

- The policy should clearly prohibit data tampering, editing or copying;
- There should be technological protections against tampering;
- The department should have an auditing system in place that documents who accesses each video, when the access occurs and why;
- The policy should identify who has authority to access video;
- Departments should develop a reliable back-up system for video;
- The police should provide guidance on when officers should download video (e.g., at the end of the shift)
- The policy should also be explicit about the use of third-party vendors.

ACQUIRING BODY-WORN CAMERAS

How much does it cost to implement a body-worn camera program?

Among the agencies surveyed by PERF, 39% of those who have not deployed body-worn cameras cited cost as the primary concern. The cost of implementing a body-worn camera program in a police agencies varies based on a number of issues such as the number and type of BWCs and the associated equipment needed or desired. However, in general, when estimating the cost of implementing a BWC program three types of costs should be considered. The first is related to initial capital outlay. This can include the BWCs, mounting kits, tablets, field viewers, and docking stations. The second is related operational costs such as data storage, software, and redaction costs; as well as costs associated with officer BWC administration (download time, reviewing video) and any efforts required to track and provide the video to the courts. The third type is replacement costs related to repairs, warranties, and replacements.

Law enforcement agencies may be required to follow city procurement processes in order to purchase body-worn cameras. This process sometimes requires the creation of a committee in charge of the procurement process, preparation of an RFP (request for proposals), review of vendor bids, and a selection process. Agency leaders should consult with municipal and city leadership to insure that requirements for equipment purchase are followed.

With the above issues in mind, the City of Baltimore estimated that the implementation of BWC would cost about \$2.6 million a year. In Wichita Kansas, it was estimated that the adoption of BWCs would cost the city about \$6.4 million over a decade. In San Diego, it was estimated that over five years 1,000 BWC cameras would cost about \$250,000 for each BWC and another \$3.6 million for other associated costs such as storage and other equipment. (This information was reported by the Oakland Tribune Online, published Feb 6, 2015 at:

http://hosted.ap.org/dynamic/stories/U/US_BODY_CAMERAS_HIDDEN_COSTS?SITE=CAANG&SECTION=HOME&TEMPLATE=DEFAULT)

In addition to the hardware and data storage costs, departments have identified other expenses including officer time to download and tag videos, redaction of videos, administrative costs associated with responding to public records requests, and reassignment of personnel to manage the program. In fact, PERF recommends assigning at least one full-time employee to manage a department's body-worn camera program.

The costs of managing a body-worn camera program are extensive. As a result, a number of departments have sought ways to reduce costs. Methods for reducing cost include: placing limitations on the types of encounters that must be recorded; adopting shorter data retention time periods; seeking private funding to support the program; developing "work-arounds" to limit the burden on officers for downloading and tagging videos; and developing other storage options for videos that must be kept for longer periods of time (e.g., saving critical incidents to a separate internal drive, or to a disc).

Departments should also evaluate the impact and effectiveness of their body-worn camera programs, including cost-benefit analysis. Evaluation can help agencies understand the costs and

benefits of the technology, and can facilitate conversations with other stakeholders about the technology.

What are the key policy areas we should consider before implementing a body-worn camera program?

There is a wide range of important issues that should be governed by administrative policy. The PERF report (2014: 37) identifies a range of key issues that should be covered by policy including:

- Basic camera usage: who will wear the cameras, where will the cameras be worn (hat, sunglasses, chest, etc.)
- Designated staff member in charge of maintenance, charging, reporting and documenting malfunctions, as well as issuing new cameras
- Recording protocols: when to activate and deactivate camera; when recording is required, discretionary and prohibited
- Video downloading process: who will download, when download will occur, where will data be stored, how it will be safeguarded from tampering
- Method for documenting chain of custody
- Data retention periods for different categories of recorded data (evidentiary, non-evidentiary)
- Process for accessing and reviewing data: who is authorized to review and under what circumstances (e.g., individual officers, supervisors)
- Process for releasing recorded data to the public, including redaction processes, timelines for release, and data specifically prohibited from release
- Process for contracting with third-party vendors for data storage.

Other resources for policy considerations include: a report by the National Institute of Justice Sensor, Surveillance, and Biometric Technologies (SSBT) Center of Excellence (2012); the IACP model policy; and the OJP Diagnostic Center Report (White, 2014). Several policy areas are described in greater detail below.

a. Activation and Deactivation

One key policy area involves activation – when are officers required to turn the camera on. Departments have varied considerably on this issue, from very conservative policies that require recording every police-citizen contact to highly discretionary policies. One study indicates that activation policy has a significant impact on how often cameras are used. The Mesa Police Department employed two different administrative policies during their evaluation period. For the first six months, the policy was very restrictive and gave officers little choice regarding camera activation. During the second six months, the policy was more discretionary. During the first six months (with the restrictive policy), the 50 camera-wearing officers averaged 2,327

video files per month. During the second six-month period (with the less restrictive policy), the same 50 officer's averaged 1,353 video files per month – a 42 percent decline in camera activations.

PERF has taken the position that recording every encounter with the public would create too many opportunities to violate privacy rights and hinder positive communication between police and citizens. PERF identified a number of problem areas including interviews with crime victims, intelligence-gathering interviews with confidential informants and citizens, and simple casual encounters with residents in a neighborhood. Results from the PERF surveys and interviews also indicated that most departments allow for some degree of officer discretion: “of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related activities, such as traffic stops, arrests, searches, interrogations and pursuits (PERF, 2014: 13).” A department's policy should clearly articulate when officers are required to record, when they can exercise discretion, and when they are prohibited from recording (e.g., interactions with colleagues during routine activities, during strip searches of suspects, during conversations involving tactics or strategy).

Most departments also require an officer to explain why he or she decided to not record an encounter. The policy should also state that an incident may not be recorded if doing so is impractical, impossible or unsafe for the officer or other individuals. Officers should also document in the official report when a video does exist.

A related key policy area is when officers should turn the camera off. Many departments have policies that state an officer can deactivate the BWC only at the conclusion of the encounter, and some also require supervisor approval for deactivation. PERF recommends that an officer continue to record the encounter until the incident is over, the officer has left the scene, or a supervisor has approved the deactivation. The officer should announce that the recording is being terminated prior to deactivation.

A department's policy should also clearly indicate what will happen to an officer who fails to activate a camera in circumstances where activation is required. Will the officer be subject to discipline? If so, what discipline? The consequences for failure to activate, as well as premature de-activation, should be clearly stated. Several departments have developed a strategy where for some preliminary period of time (e.g., six months), officers are not disciplined for failure to activate. During that preliminary or pilot period, agency leaders highlight the importance of activation in accordance with department policy and actively advertise that the discipline policy will change after the pilot period ends.

Link to the BWVSG website, NIJ SSBT report; COPS/PERF report; Mesa PD report.

b. Supervisor Review of Video

Among the police executives interviewed by PERF, one of the primary concerns cited is that body-worn cameras will weaken trust between line officers and the leadership of the department. That is, officers will view the requirement to wear cameras as an indication that they are not trusted. One of the most commonly cited concerns among line officers is that supervisors will have unfettered access to video, allowing them to go on “fishing expeditions” to search for minor violations committed by officers in their command.

One of the most important policy issues involves how camera footage will be used by a department. Departments vary widely on this point. Some departments have policies that state a supervisor can only review an officer’s footage in response to a specific complaint. Many departments also permit supervisors to review footage for training purposes, to insure that cameras are functioning properly, and to monitor compliance with the BWC program.

Some departments do allow their supervisors to randomly review officer video for the purpose of performance review. Inspector Inglis from Greater Manchester stated that: “Supervisors might now get a lot of face time with officers, so reviewing the video is a good way for supervisors to appraise officers and provide feedback (PERF, 2014: 25).” Many of the departments surveyed in the PERF report do not allow for such performance-based review. PERF recommends that a department’s internal audit unit conduct periodic reviews to insure compliance with administrative policy governing camera use.

Regardless, it is clear the BWCs present an opportunity for performance review of officers. The decision to take advantage of this opportunity should be made jointly by the department leadership, line officers and union representatives.

c. Officer Review of Video Prior To Making Statements

Another key policy issue involves whether officers should be allowed to review video footage of an incident, especially a critical incident, before filing a report or making a statement. The PERF (2014: 29) report notes:

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved. They believe that this approach provides the best evidence of what actually took place. PERF agrees with this position.

Some agency leaders, defense attorneys and civil rights advocates oppose officer review of footage before making a statement, arguing that review of the video may lead the officer to alter or tailor his or her statement. The decision to allow officers to review footage (or not) before making statements should be made locally based on discussion between the agency leaders, union representatives and other relevant stakeholders.

Should officers be able to wear their own cameras?

As agencies consider the formal adoption of body-worn cameras, some officers may choose to purchase and wear their own personal body-worn cameras. Or an officer may wish to do so if any agency does not deploy cameras to its entire sworn personnel. The decision to allow officers to wear personally-owned devices should be made locally, but both PERF (2014) and a number of police executives have expressed concern over the issue. Potential problems emerge from the fact that the data recorded by a personal BWC is not owned by the police department. Moreover, there may be insufficient protections in place for proper storage and safeguarding of the video (e.g., tampering, chain of custody). PERF specifically recommends that officers be prohibited from carrying their own privately-owned cameras on duty.

What do we need to do to prepare the prosecutor and other criminal justice agencies for the implementation of a body-worn camera program?

The “back end” of the implementation of BWC program requires a great deal of coordination. Criminal investigators, prosecutors, defense attorneys, forensic scientists, evidence technologists, public information officers, information technology specialists, and other personnel all need to be trained on BWC policies and need to develop their own policies and procedures for processing and using video obtained through BWCs. For example, personnel associated with the courts (e.g., prosecutors, defense attorneys) need to develop strategies for tracking and reviewing evidence obtained through BWCs; information technology specialists need to purchase and install equipment and software, and public information officers need to establish and implement protocols for releasing information obtained through BWCs. Prosecutors also need to have timely access to recorded data, as delays in gaining access could negatively impact the processing of a criminal case. Law enforcement agencies should keep prosecutors and judges apprised of changes to their body-worn camera program, especially with regard to expansion. As more cameras are deployed to officers, prosecutors (and defense attorneys) may have to adjust staffing accordingly. A study in Phoenix showed that for every 100 cameras added, the prosecutor’s office needed to hire or re-assign a new staff member.

Are there sample or model policies that we can examine before developing the administrative policy governing our body-worn camera program?

Agencies have varied considerably in the content and structure of their department policies. Many agencies have made their policies publicly available, or they will furnish their policy upon request. A number of policies have been collected by BJA and are available on the toolkit website. There are currently several model policies available for review. The International Association of Chiefs of Police (IACP) has devised a model policy. The PERF (2014) report also includes a number of policy recommendations. In the United Kingdom, policy resources are available through a UK Home Office report (Goodall, 2007).

*Links to the Goodall (2007) report, PERF (2014) report, and the IACP Model Policy.

LAW ENFORCEMENT TRAINING

Who should deliver training to law enforcement officers about the deployment of a body-worn cameras?

The answer to this question is dependent on the size, structure, and resources available to your agency. For some agencies a training officer or training unit might be involved; in others it might include a commander, legal counsel, information technology specialist or a combination of personnel. Regardless of the personnel assigned to train law enforcement officers on BWCs, at least four issues should be included in training.

1. Officers should be trained on departmental BWC policy and any applicable municipal ordinances and state laws.
2. Officers should be trained to conduct a pre-shift inspection of the BWC to ensure that it is in proper operating condition.
3. Officers should be trained on how and where to wear the BWC.
4. Officers should be trained on how to properly document recorded events and download the evidence for storage according to departmental policy.

The PERF survey indicated that 94% of the agencies that have deployed body-worn cameras use the video and audio footage to train officers. The PERF (2014: 7) report states “Many police agencies are discovering that body-worn cameras can serve as a useful training tool to help improve officer performance. For example, agencies are using footage from body-worn cameras to provide scenario-based training, to evaluate performance of new officers in the field, and to identify new areas in which training is needed.”

The PERF report concludes that “rigorous, ongoing officer training” regarding policy and protocols is essential for effective use of the technology. It may also be useful for an agency to create a training manual on body-worn cameras, and to make that manual available to officers. As use of body-worn cameras expands in an agency, training on the technology should be incorporated into academy curriculum, so that new recruits are exposed to the cameras during their formative training experience. The training may also be provided to other stakeholders including judges and prosecutors. Some departments have selected an officer to serve as a liaison on BWC issues. The liaison meets periodically with line officers wearing cameras to create a feedback loop regarding training, policy and use questions and concerns.

How can body-worn cameras facilitate review of critical incidents, including use of force?

Police-citizen encounters are transactional events, with each participant making decisions and responding to the decisions of the other participant. As a result, use of force by a police officer is the culmination of a series of earlier actions and reactions. However, review of force incidents traditionally ignores earlier stages of an encounter and focuses entirely on the final-frame decision (called the split-second syndrome). Body-worn cameras (BWCs) represent an opportunity to overcome the split-second syndrome because the technology can allow for a full review of all decisions made by the officer during an encounter, from start to finish. Did the

officer make decisions early on in the encounter that escalated the potential for violence? Did the officer miss opportunities to resolve the encounter peacefully? BWCs can facilitate a comprehensive review of forceful encounters to determine why they ended in violence; and to identify best practices for resolving encounters peacefully (which can then be incorporated into officer training).

How often do law enforcement officers need to be retrained on proper use of body-worn cameras?

All line-level sworn law enforcement officers should be retrained on the proper use of BWC on an annual basis (PERF, 2014). The in-service training should review department policies, ordinances, and laws related to BWCs, how to conduct a pre-shift inspection of the equipment, and how to properly document and download BWC evidence. Training may also be required to familiarize officers with the use of BWC footage during testimony on the stand during criminal and civil trials. The training should also allow for an open dialogue among officers regarding problems, concerns and questions about the technology.

Do investigators and detectives need special or different training on body-worn cameras?

Investigators and detectives might need different training on BWCs depending on the methods and means your agency uses to share evidence obtained through BWC. For many agencies, evidence obtained through BWCs will be downloaded by first responders into an in-house or cloud-based storage system. Investigators will need to be trained on how to identify when this evidence becomes available to them, how to retrieve the evidence, and any policies, procedures, ordinances, and laws governing their use. Training may also be required to familiarize detectives and investigators with the use of BWC footage during testimony on the stand during criminal and civil trials.

How do we train prosecutors about the changes related to our body-worn camera program?

Prosecutors will require substantial preparation and training for the implementation of police worn body cameras in their community. Representatives from the Prosecutor's Office should be included in the planning and implementation process. They will need to know the policies and procedures required of law enforcement, as well as ordinances and laws that govern and limit their use. They will also need to develop new policies and procedures for their own office. While there has been little discussion of the BWC issues confronting prosecutors, one evaluation reported that the Phoenix City Prosecutor's office was not prepared for the amount of video evidence that its prosecutors would be required to review. Complications arose related to the tracking of BWC evidence as well as the amount of time required to review each video file for evidence. If body-worn camera video exists for a particular case, prosecutors not only have a

legal obligation to review the evidence, they must also disclose it to the defense. As a result, communication between police and prosecutors on the existence of video is crucial.

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LIABILITY AND RISK

Do body-worn cameras reduce the liability of the city and police department related to police misconduct?

The evidence suggesting that BWCs can reduce liability for a police department and city is limited. It is reasonable to assume, however, that if BWCs reduce complaints against officers and officer use of force (as suggested by a handful of studies), that the technology may also reduce liability risk. Several police departments have used BWCs in a more targeted manner, by requiring that officers with a history of complaints wear the technology. Chief Chitwood of the Daytona Beach (FL) Police Department required an officer with a history of questionable complaints to wear a BWC (PERF 2014). After several incidents in which the officer claimed that his camera had malfunctioned, the department was able to determine that the camera was turned off intentionally and the officer was subsequently fired. Chief Lansdowne of the San Diego Police Department stated that BWC footage provides important information to investigate claims of racial profiling. “When it comes to collecting data, the raw numbers don’t always fully capture the true scope of a problem. But by capturing an audio and video account of an encounter, cameras provide an objective record of whether racial profiling took place, what patterns of officer behavior are present, and how often the problem occurs (PERF, 2014: 8).”

A number of agencies have found that the adoption of body-worn cameras can be helpful in response to external investigations, consent decrees and other forms of external scrutiny (PERF, 2014). Departments in Detroit, New Orleans, Spokane and Las Vegas have implemented body-worn camera programs as part of collaborative agreements with the COPS office or the Civil Rights Division of the US Department of Justice.

Do we have to tell a citizen that our officer is recording the encounter with a body-worn camera?

The issue of citizen notification is often determined by state law. Some states have two-party consent laws, meaning that the citizen must be notified of the recording and must consent – although several of those states have law enforcement exceptions to this rule. At the time of this writing, there are 10 states with two-party consent laws: California, Connecticut, Florida, Illinois, Maryland, Massachusetts, Montana, New Hampshire, Pennsylvania and Washington. Law enforcement agencies should consult their legal advisors and city attorney’s office before developing policy on citizen notification.

Aside from state law, the policy decision on citizen notification should be made locally. PERF recommends that police notify citizens that they are being recorded, unless there compelling reasons not to do so (e.g., officer safety). The rationale for PERF’s (2014: 40) position is the perceived “civilizing effect” – “the mere knowledge that one is being recorded can help promote civility during police-citizen encounters.” Departments should develop clear, specific policy on when officers should notify, when they are not required to notify, and how they should respond to citizen questions or objections to the notification.

How do we handle public and media requests for video from officer body-worn cameras?

Public and media requests for body-worn camera video are governed by state law. As a result, law enforcement agencies should work closely with legal advisors on this issue. States vary tremendously in the scope of their laws governing public access to government information, including body-worn camera video which is generally viewed as public record. PERF cautions agencies to balance the legitimate interest of openness with the need to protect privacy rights. For example, releasing a video that shows the inside of a person's home will likely raise privacy concerns. Also, most state laws have a provision that allows an agency to decline a public records request if the video is part of an ongoing investigation. PERF also cautions agencies to use their exceptions to releasing video "judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes. (PERF 2014: 18)." Departments should also provide clear reasons for why they decline to release a video.

Department policy should also specifically prohibit officers from accessing recorded data for personal use, and from uploading data to public websites. Departments should clearly articulate the punishments for such violations (PERF, 2014).

PRIVACY AND LEGAL ISSUES FOR CITIZENS, VICTIMS AND THE ACCUSED

What should our officers do if a citizen requests that the body-worn cameras be turned off?

A number of legal and policy issues might influence this decision. In some states, for example, an officer is allowed to continue to record even if a citizen requests that they turn off the camera, if the officer and citizen are in a public setting; but the officer is not permitted to continue to record in an individual's private dwelling unless the citizen grants the officer permission.

In general, however, officers wearing a BWC should be sensitive to the privacy and dignity of those who are being recorded; and should stop recording when requested if privacy concerns outweigh the legitimate interests of the police. If an officer decides to turn off their BWC based on the citizen's request they should first record the citizen's request to discontinue recording, and they should then verbally state that they are turning off the camera out of consideration to the citizen's request. These statements should be captured by BWC prior to turning off the BWC system.

Is it legal for the police to record incidents with citizens using body-worn cameras?

Each department must fully examine their state and local laws to determine when it is lawful to record events. Most communities, however, fall into one of two groups. The first group is comprised of those communities that require one-party consent. In these communities it is lawful to record communication when consent is obtained from one person (e.g., officer, suspect, victim). In these communities it is up to the police whether they inform the citizen they are recording. The Police Executive Research Forum (PERF) recommends that officers should inform citizens that they are being recorded "unless doing so would be unsafe, impractical, or impossible" (PERF, 2014: 40). PERF emphasizes that this does not mean that they are required to have consent to record, only that they inform citizens that they are recording. The second group are those communities that require two party consent. This means that it is not legal to record the interaction unless both parties consent to it being recorded. Two party consent laws present special problems to police agencies that are interested in implementing a BWC program because the police have to announce that they would like to record the interaction and obtain approval from the citizen. As a consequence, some states such as Pennsylvania have modified existing statutes to allow the police to use BWC without two part consent.

What concerns do victims have regarding body-worn cameras?

There are significant concerns regarding the recording of interviews with crime victims and other vulnerable populations (e.g., children, mentally ill citizens). PERF (2014) recommends that officers always obtain consent to record interviews with crime victims, and that consent should be recorded by the camera or obtained in writing.

Do body-worn cameras create concerns for rights of the accused?

The accused, as well as their defense lawyers, should have the same access to the video as the prosecuting attorney; and evidence gathered from BWV will be treated similar to all other forms of evidence. However, it will provide the accused with additional safeguards as it will allow them, for example, to further assess whether their constitutional rights have been violated, whether searches were conducted inappropriately, and whether agency policy or state law was violated during the suspects encounter with the police.

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OFFICER CONCERNS AND ORGANIZATIONAL CHALLENGES

What do sergeants and other supervisors need to know about officer body-worn cameras?

Sergeants and supervisors also require training. Supervisors need the same training as line officers if they are assigned to wear cameras (policy, operation, video downloading, etc.). They also need training in how to access and view officer video. Supervisors must clearly understand the department policy and how it governs their responsibilities and authority to review recorded data. Are they permitted to review officer video randomly? For what purpose? If they review video, are they required to notify the officer? What are the processes a supervisor should take if he or she observes problematic behavior by an officer in a video? Supervisors use body-worn camera video differently than line officers. As a result, they need specialized training.

Supervisors should recognize that line officers may vary in their acceptance of the technology, as well as the ease in which the technology is successfully incorporated into their daily routines. Older officers may have a steeper learning curve than younger officers because of less familiarity with technology, and because their work habits are more entrenched.

How can line officers and police unions participate in the implementation of officer body-worn cameras programs?

There is strong evidence to suggest that line officers and their union representatives should be engaged up front, as a department is planning its body-worn camera program. The engagement up front will help to garner support for the program, and it will also allow the line officers and union representatives to provide input into the planning and deployment process, most notably the creation of the administrative policy. Many police executives have noted that they spent a significant amount of time communicating with officers about the technology at roll call briefings and department meetings. Other departments have created “implementation teams” with representatives from various units throughout the department (PERF, 2014). The team meets regularly during the planning and implementation process, airs concerns and troubleshoots challenges, and develops policy and training.

What other units in the police department should be involved in the body-worn camera implementation process?

The implementation of a body-worn camera program affects nearly every unit in the police department. At a minimum, the affected officers and units include: patrol officers, patrol supervisors (sergeants through commanders), training instructors, legal staff, detectives/investigators, internal affairs/professional standards, evidence management and records, technology, and research and planning. Representatives from all of these units should participate, in some way, in the planning and implementation process.

What is the best way to implement a body-worn camera program?

Departments have varied in how they have implemented BWC programs. There are two common themes however. First, the vast majority of departments have implemented their body-worn camera programs with officers assigned to patrol. The rationale for deploying the technology with patrol officers is that officers in patrol have the most contact with citizens. Some departments have also expanded their use beyond patrol into specialized units such as K-9, SWAT, specialized DUI teams, and investigations. Second, many police departments have adopted an incremental approach to deployment by restricting use to a small number of officers for an initial pilot period. Departments have found that the incremental approach helps to overcome officer anxiety and resistance. Such a strategy also allows other units in the department the time to adapt to the new technology. In many cases, the initial group of officers who wear cameras are volunteers who can then become “internal champions” for the technology.

What do patrol officers need to know about body-worn cameras?

Much of what the officer needs to know about BWC can be administered through a pre-shift training session. The training session, at a minimum, should inform officers about the systems hardware components, how to operate the BWC system, how to conduct a pre-shift inspection of the equipment, departmental policies related to the use of BWC, including activation and de-activation protocols, procedures for reporting and documenting the use of the BWC, and they should be shown how to download the evidence.

Do body-worn cameras pose a health and safety risk to law enforcement officers?

There is currently no evidence from the U.S. documenting any sort of health and safety risks associated with body-worn cameras. The U.K. Home Office guide provides a comprehensive list of potential hazards to officers who wear head-mounted cameras, rates the risk level for each hazard, and discusses strategies to mitigate risk. Many of the hazards are deemed to be low-risk, such as being targeted for assault because of the camera, neck injury from the weight of the camera, and electrical shock. However, several hazards are rated as medium-risk, such as: strangulation with the lead (or wire) by an offender; head injury through impact of the camera by an assailant; and soreness, discomfort and headache from the headband. Most of the cited health concerns are mitigated by wearing the camera on other parts of the uniform (e.g., torso, not the head). The lack of evidence regarding the health and safety concerns does not mean there are not risks. Departments should explore potential risks as they adopt the technology.

COLLABORATION

What external stakeholders should be engaged in the planning and deployment process?

At a minimum, a law enforcement agency should collaborate with the prosecutor's office (city and county), the public defender and defense bar, the courts, and relevant leaders in city government (mayor, city council, city attorney, etc.). The law enforcement agency should also engage civil rights/advocacy groups, community leaders, and residents. A number of agencies have also engaged local media in the process to educate the public, advertise the decision to adopt the technology (e.g., demonstrate transparency), and to provide a mechanism to gather feedback.

By March 2015, there were nearly 30 states considering legislation governing police officer body-worn cameras, many of which mandate cameras for all law enforcement officials in the entire state. Law enforcement leaders should also engage state representatives to insure that legislatures fully understand the issues surrounding this technology, and that they engage in thoughtful deliberations regarding body-worn cameras. By engaging external stakeholders, the law enforcement agency can insure that expectations about the impact of the technology are reasonable.

How can we use body-worn cameras to increase trust between the police and the public?

Results from PERF surveys of police executives demonstrate that a number of agencies have engaged with their residents in a positive way regarding the deployment of body-worn cameras. A number of departments have used adoption of body-worn cameras as an opportunity to demonstrate transparency to the community. Numerous experts strongly recommend engaging in a dialogue with citizens about body-worn cameras *before* the technology is deployed on the street. Chief Farrar of the Rialto (CA) Police Department stated, "You have to engage the public before the cameras hit the street. You have to tell people what the cameras are going to be used for how everyone can benefit from them (PERF 2014: 21)." Other agencies, such as the LAPD, have solicited community input regarding the development of their administrative policy, and many agencies have used social media to engage residents on the technology.

How are other agencies informing the public that the department is implementing a body-worn camera program?

A number of departments have found that engaging the community prior to deployment of body-worn cameras has helped to generate community support. Agencies have used a number of methods to engage citizens, including press releases (television and print media), the use of social media (e.g., Facebook, Twitter), well-publicized demonstrations of the technology and in-person communications with community leaders. Experiences from police executives interviewed by PERF highlight the importance of community engagement.

Can body-worn cameras hurt police-community relationships?

There is no evidence suggesting the body-worn cameras have a negative impact on police-community relationships. However, a number of executives expressed concerns during their interviews with PERF. For example, the President of the Baltimore City Fraternal Order of Police said that, “Trust builds through relationships, and body-worn cameras start from a position of mistrust (PERF, 2014: 20).” Officers in several other agencies noted that body-worn cameras can hurt intelligence-gathering opportunities as citizen will be less likely to provide information if they know they will be recorded. Many police executives disagreed with this claim however. Chief Farrar of the Rialto (CA) Police Department stated that, “I disagree that cameras hurt community relationships. We have not seen any evidence of that. People will ask officers if they have a camera on, but it does not seem to bother them (PERF, 2014: 20).”

What are the primary limitations of body-worn cameras that should be conveyed to citizens, policy makers and other stakeholders?

There are clear limits to body-worn cameras, and agencies should educate citizens, advocacy groups and other stakeholders regarding those limitations. BWCs may not capture every aspect of an encounter based on camera angle, focus or lighting. Camera view may be obscured when an officer moves his or her body. Footage may also not capture the entirety of an encounter. And interpretations of what transpires in a video may still vary widely among those who view it.

There is also a relevant body of research on memory science: how officers perceive events during a high-stress critical incidents, and how they are able to accurately recall what transpired after the fact. Dr. Bill Lewinski, Executive Director of the Force Science Institute, testified before the President’s Task Force on 21st Century Policing regarding memory science, and how such issues provide an important context for understanding the impact of body-worn cameras. Dr. Lewinski has identified ten important limitations with body-worn cameras that should shape our review and understanding of police behavior during critical encounters.

1. A camera doesn’t follow officers’ eyes or see as they see.
2. Some important danger cues can’t be recorded.
3. Camera speed differs from the speed of life.
4. A camera may see better than a human does in low light.
5. An officer’s body may block the view.
6. A camera only records in 2-D.
7. The absence of sophisticated time-stamping may prove critical.
8. One camera may not be enough.
9. A camera encourages second-guessing.
10. A camera can never replace a thorough investigation.

Link to Lewinski paper, website: <http://www.forcescience.org/pressrelease.html>

Are there specific ways we can use body-worn cameras to increase legitimacy between the police and minority communities.

The deployment of a body-worn camera program, by itself, cannot alter police-community relations, especially if those relationships have been characterized by long-standing tension and anger. Camera deployment should not replace community policing. Expectations about the impact of body-worn cameras must be reasonable, and agencies should be proactive in their discussions about the technology. The key to increasing police legitimacy, especially in minority communities, rests with community-oriented policing and procedurally just treatment of citizens. Departments should think about body-worn cameras in terms of the achievement of these two objectives.

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THE FUTURE

Are there on-going research studies that will improve our understanding of body-worn cameras, their impact and consequences?

There are a number of on-going studies, many of which are using randomized controlled trial designs. The National Institute of Justice is currently funding studies in Las Vegas and Los Angeles. The Laura and John Arnold Foundation is funding studies in Spokane (WA), Tempe (AZ), Anaheim (CA), Pittsburgh (PA) and Arlington (TX), as well as a national cost-effectiveness study. A number of other research studies are underway or in the planning stages in the US and UK including: Pensacola and West Palm Beach (FL), Orlando (FL), Greenwood (IN), and the Isle of Wight and Essex (United Kingdom).

What type of funding is available to implement body-worn camera programs?

The Bureau of Justice Assistance has dedicated \$2 million to fund two or three body-worn projects as part of the Smart Policing Initiative in fiscal year 2015. As part of President Obama's Community Policing Initiative, \$20 million is available to support BWC purchases and programs in fiscal year 2015; an additional \$30 million is proposed in the fiscal year 2016 budget.

How can body-worn cameras be integrated with other technologies such as facial recognition systems?

There is potential to integrate body-worn cameras with facial recognition systems (e.g., much like license plate readers but for people). The use of facial recognition and body-worn cameras may pose serious risks to citizen privacy. Agencies that explore this integration should proceed very cautiously and should consult with legal advisors and other relevant stakeholders.

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