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[Home](#) > Body worn cameras—coming soon to a jurisdiction near you

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By Staley Heatly

District Attorney in Wilbarger, Hardeman, and Foard Counties

Body worn cameras have been a hot topic over the last year due to several high profile officer-involved shootings. Politicians, the media, and law enforcement reform groups have been clamoring for widespread implementation of body worn cameras (sometimes abbreviated as BWCs) across the country. Advocates for reform believe that BWCs will have a deterrent effect on officer use of force and will provide the best evidence in cases where force is used. Polling data shows that the vast majority of Americans are in favor of police wearing body cameras.

Additionally, technology has made body worn cameras much more user-friendly. The size and quality of body worn cameras has improved by leaps and bounds in recent years and they can very easily be worn on the chest, shoulder, or even on eyeglasses that weigh little more than regular sunglasses. The clarity of the video is incredible, much better than typical dashcam footage, and the cost has also decreased significantly, making body worn cameras very affordable.

The combination of strong public opinion, support from reform groups, improved technology, and decreasing costs has resulted in many jurisdictions across the country implementing full-scale BWC programs. Many other jurisdictions have implemented pilot programs or are considering how to use body worn cameras in the future. While the speed of implementation varies across the country, it is apparent that the body worn camera tidal wave will eventually sweep the land. In fact, the Texas legislature recently loosened the purse strings and set aside \$2 million in grant funding for law enforcement agencies that want to implement BWC programs.

What does all of this mean? Body worn cameras will be coming soon to a jurisdiction near you!

Reducing use of force

Body worn cameras have a number of potential benefits. The cameras can capture critical incidents and encounters between police and the public, strengthen police accountability and transparency, and provide valuable new evidence for the prosecution of criminal cases. Recent studies on the use of body worn cameras have been very positive about

their efficacy in reducing the use of force.

A recent study in Rialto, California, shows the profound effect that body worn cameras can have on officer use of force and on citizen complaints. From 2012 to 2013, the University of Cambridge's Institute of Criminology partnered with the Rialto Police Department on a large-scale study of body cameras. Rialto, a city of 100,000, has 115 sworn peace officers who deal with approximately 3,000 property crimes and 500 violent crimes per year. The homicide rate in Rialto is roughly 50-percent higher than the national average.

Over the course of one year, the Rialto PD randomly assigned all police shifts to either the experimental or control conditions. Experimental shifts had all of the officers wear high-definition BWCs. On the control shifts, no cameras were issued. The shifts were randomized on a weekly basis and at the end of the study, 489 shifts had used the body worn cameras, and 499 shifts had not. For purposes of the study, the "use of force" encompassed force more than a basic control or compliance hold, including the use of pepper spray, baton, Taser, canine bite, or firearm.

The results of the study are compelling. The study, which was published in the *Journal of Quantitative Criminology*, found that shifts without body worn cameras experienced twice as many use of force incidents as did the shifts with cameras. Additionally in the year prior to the implementation of the camera program, 28 citizen grievances had been filed against Rialto PD officers. In the year the cameras were used, the number of citizen grievances decreased to only three, an almost 90-percent drop. The study also noted an overall decrease of 60 percent from the previous year in the use of force by the Rialto PD following the implementation of camera deployment. Studies in other jurisdictions have shown similarly positive results.

Do BWCs decrease use of force and cut down on citizen complaints? The answer appears to be a resounding yes.

Valuable evidence

My own personal experience with body worn cameras has been overwhelmingly positive. In my jurisdiction, the Vernon Police Department has been using body worn cameras for over three years. The program was initiated by the police chief, and later my office used forfeiture funds to help purchase additional cameras to ensure that all on-duty officers could wear a BWC. While we have not conducted any studies related to the use of the cameras, I believe that they have had a strong, positive impact on prosecution.

Before I begin extolling the virtues of the camera footage, let me pause to say that BWCs do have side effects. The biggest side effect for prosecutors is the increase in the amount of time it takes to review a case at intake. A typical case may take an additional 30 to 45 minutes to review. A violent crime that involves several officers may include hours of camera footage, much of it being of no evidentiary value. Prosecutors are generally pressed for time as it is, and adding BWC footage to the mix can slow down the case review process. At the end of the day, however, the footage should increase efficiency as it provides us with powerful evidence that can potentially help us resolve more cases by plea. The footage is particularly powerful in family violence cases.

By way of example, in 2013, a Vernon police officer was approached by a man and a woman at a local truck stop. The woman quickly broke away from the man and ran to the police officer stating that the man had recently assaulted her. The woman's eye was obviously swollen. Officer Jerry Ranjel arrived at the scene as backup and interviewed the suspect who claimed that he had actually been assaulted by the victim. According to the suspect, the woman had assaulted him by scratching his face and body. Ranjel, wearing

his body worn camera, asked the man to show him where the scratches were located. The man rubbed his face as if to suggest that some scratches should be there, but the camera footage clearly showed no injuries. Then the man suggested that he was scratched on his chest and torso. Ranjel asked the man to take off his shirt and show the injuries. The man handed his cigarette to Ranjel who politely held it as the man lifted his shirt. The camera footage shows Ranjel walking around the man and examining his body for injuries. There were none. The man was arrested and taken to the Wilbarger County Jail for booking. After 30 minutes in a holding cell, the man asked to speak to an officer to complain that the woman should be in jail for assaulting him. At that time, 30 minutes after arrest, the man had a bleeding scratch on his right cheek and fresh blood on his hand. Imagine that! The video footage from the scene came in quite handy at trial when the defendant tried to claim that he was actually the victim.

That is just one of many examples that I could give about the effectiveness of body worn cameras in family violence cases. The camera captures victims right after they have called 911. They are shaking, crying, distraught, and disheveled. Anyone watching the footage can see the fear in their body language and hear it in their voices. As a prosecutor, looking at that footage has a powerful impact on the charging decision. It is one thing to read a dry piece of black and white paper where a victim's behavior is described and quite another to actually see her for yourself. The footage also has an incredible impact on defense attorneys and their clients. Once the defense attorney sees the actual footage of the victim on the night of the crime, he is much less likely to believe his client's story that the victim was "crazy" and that she actually just fell down and injured herself. This puts the State in a much stronger position during plea negotiations.

Do body worn cameras provide excellent evidence that can help prosecutors achieve better results? Again, in my experience, the answer is a strong yes.

Texas legislation

If you are wondering how law enforcement agencies in your jurisdiction can get funding for body worn cameras, look no further than the governor's office. The legislature recently passed Senate Bill 158, which provides \$2 million in grant funding for BWC programs. Any law enforcement agency in the state can apply for funding that will be used to purchase the cameras. This legislation takes effect on September 1, 2015, and the applying agency is required to match 25 percent of the grant money. As a condition of the grant, the law enforcement agency must report to TCOLE the costs of implementing the program, including the costs of data storage, which can be significant.

While SB 158 created this wonderful pot of money, it also put into place several statutory requirements for the operation of a body worn camera program. These statutory requirements apply to all law enforcement agencies that operate BWC programs, regardless of whether they receive grant funding. So if you already have a law enforcement agency operating a BWC program in your jurisdiction, make sure that they are aware of SB 158 and its requirements.

SB 158 requires any agency operating a body worn camera program to adopt a policy related to the use of the cameras. The policy must ensure that the cameras are activated only for law enforcement purposes and must include guidelines for when a peace officer should activate the camera or discontinue a recording currently in progress. The policy must also contain provisions related to data retention (with a minimum of 90 days), storage, guidelines for public access, procedures for internal review, and the documentation of equipment handling and malfunction. A BWC policy may not require that an officer keep her body worn camera activated for her entire shift. In addition, SB 158

provides an officer with the statutory right to review her body camera footage prior to making any statement about a recorded incident, including, presumably, any use of force by the officer.

The legislation also has a mandatory training component. All officers who will wear body worn cameras and all other personnel who will come into contact with the video footage must be trained by September 1, 2016. TCOLE is charged with developing or approving a model training curriculum by January 1, 2016.

While the training and policy provisions do not go into effect until September of 2016, there are some provisions that go into effect on September 1, 2015. One of the more interesting provisions is that an officer may choose not to activate his camera or may choose to discontinue a recording that is currently in progress during any “non-confrontational” encounter. The statute does not define non-confrontational—I guess officers are supposed to know it when they see it. Of course, this provision does not seem to take into account the numerous interactions that go from friendly to confrontational in a matter of seconds. Its intent seems to be to allow officers to interview cooperative witnesses or other members of the public who have information related to criminal activity without recording those people. However, this poorly worded provision may put officers in a tough spot when deciding whether to deactivate their body worn cameras as doing so could potentially increase their liability.

SB 158 also requires a peace officer who fails to activate her BWC when responding to an incident to note the reason that she failed to activate the camera in her offense report. This is something that we have asked our officers to do with limited success. Typically, we see officers fail to activate the camera when they have to respond quickly to a situation and simply do not think about turning it on. For example, defendants who flee a traffic stop on foot can be seen running away on the dash cam but sometimes the officer, while running after the suspect, forgets to activate his body camera. These lapses should be expected occasionally and should not be a problem if they are noted in the offense report.

One thing that all officers need to know is that it is a Class A misdemeanor for an officer or other law enforcement employee to release a body worn camera recording without the permission of the law enforcement agency. Finally, the body worn camera footage is subject to the Public Information Act. To obtain a copy, a person must deliver a written request that includes the date and approximate time of the recording, the specific location where the recording occurred, and the name of one or more of the persons known to be a subject of the recording. There are too many details regarding the release of the BWC footage to cover in this article, so if you are interested in this aspect, definitely read SB 158.

Conclusion

Body worn cameras will play an important role in the future of policing. Their use is supported by an overwhelming majority of the public, and studies show that they have a positive impact on interactions between citizens and police. As this technology continues to advance and become more affordable, we can expect to see body worn camera programs in jurisdictions from coast to coast.



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