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Suspects Caught in the Act:
Law Enforcements Use of Body-Worn Cameras

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ABSTRACT

For many years, law enforcement has been using video to document encounters with the public. Now there are camera systems so small that they can be worn by the officer. The devices are known as a body worn camera. Many times, officers are accused of some type of wrong doing during an encounter with the public. Officers are no longer considered to be credible by the public, and this has had a detrimental effect during the prosecution of a suspect. Officers are tied up waiting to testifying in criminal cases, costing law enforcement manhours and pay, which in dire economic times could have been better used in actual enforcement actions.

Based on this information, it is clear to see that law enforcement agencies should implement the use of body worn cameras. Law enforcement needs to be able to successfully document these encounters for several reasons. The officer will be able to secure video evidence of a situation, which will better result in successful prosecution of the suspect in a criminal case. An officer will also be able to complete a self-critique of an incident after the fact, making the camera a valuable training aid, which should improve officer safety and performance. The body-worn camera will add in reducing the number of complainants filed against an officer while preforming their daily duties. These devices can also aid an agency with transparency if a question was raised as to what happened during a situation. Based on these points, one can see that it is important that law enforcement implement the use of body worn cameras.

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INTRODUCTION

Law enforcement across the nation evolves every day. Police departments are changing their daily operations with the influx of current technology. Law enforcement can no longer operate in the past with outdated technology. New technology development, including social media and camera cell phones, has put law enforcement in the spotlight even more. In the age of the Internet, videos captured on cell phones and uploaded to social media sites almost immediately can cause a viral reaction. Gone is the time when an officer's word was the truth. The mentality is that if it was not recorded on video, then it did not happen is all too common. Due to this mentality, law enforcement must evolve with technology. However, monetary constraints have caused departments to have to do more with less funds. This also applies in the area of obtaining video evidence.

The use of video by law enforcement can trace its roots back to the 1960s. The equipment used then required two officers to use the system. One officer would conduct the field contact while the other officer recorded the event using the camera. Jump to the late 1980s, and law enforcement began to see wider scale use of video systems. The technology during the 1980s were typically systems that took a video camera mounted in the car, a wireless receiver for audio, and sometimes a small television monitor. Law enforcement used these systems with great success during those times. The main purpose for these cameras was to document intoxicated drivers and the roadside interaction with law enforcement.

During the late 1990s to about 2000, most video systems were VHS systems. Then the technology took another leap forward and entered the digital age. New

capabilities were spawned with this advancement. Recording devices became smaller, which opened up new avenues for law enforcement to research. One of the emerging technologies included the use of body-worn cameras. The first body-worn cameras were not very user-friendly and typically had a limited amount of memory for the video. Now, just a few years later, and the body-worn cameras have improved to the point that they are a valuable resource for law enforcement. Presently, agencies have the ability to take a camera the size of a pager, or one mounted on a set of glasses, and record events as seen through the eyes of the officer.

Law enforcement is no longer limited to the in car video of incidents an officer may be dealing with on a daily basis. From the time an officer exits their car and begins recording until the incident is concluded, people are right there with law enforcement in the fact that they can be used to reduce the number of complaints against officers. When an individual knows that there is video being recorded, they may be less likely to commit a harmful act against an officer, thus the camera acts as a deterrent. Any video obtained by the officer would be admissible in court and could lead to successful prosecution of the suspect. Body-worn cameras can also be used as a training aid for the department. Based on this information, law enforcement agencies should implement the use of body-worn cameras.

POSITION

In law enforcement, the possibility of an individual coming in and filing an allegation of misconduct is an all too often occurrence. Even when an officer has done nothing wrong, the public feels that by initiating a complaint against an officer, it may result in some type of action taken by the department for the infraction (IACP, 2004).

With the use of a body-worn camera, the accurate depiction of the incident could help reduce the number of complaints. A study conducted by the International Association of Chiefs of Police (IACP) (2004) stated that there were a number of reports in which the use of video cleared an officer of any wrong doing. The report also looked at the numbers which were sustained. According to the study, a mere "five percent were sustained, due to the recorded video" (IACP, 2004, p. 22). These studies were based on information obtained from the use of in-car camera systems. So, one can surmise that this information would hold true for the body-worn cameras as well. In 2010, a Duluth Minnesota officer was involved in shooting a 17-year-old offender wielding a baseball bat. The offender failed to follow the commands the officer gave him. Thanks to the video, the officer was cleared of any misconduct ("Candid (cop) Cameras," 2011).

The City of Plymouth, in the United Kingdom, equipped officers with body-worn cameras and observed a 14.3% reduction in complaints (City of Plymouth Community Safety Partnership, 2007). A study conducted by the National Law Enforcement and Correctional Technology Center (NLECTC) (2012) concluded that using a body-worn camera did, in fact, help in reducing the number of complaints against an officer. Therefore, when video was available, it clearly reduced the number of complaints. Policeone.com conducted a survey and determined a surprising fact in that out of 785 officers surveyed, 85% favored the use of body-worn cameras ("Survey: Police," Oct 2012). The officers felt that when the cameras were used, it dramatically reduced the possibility of a claim of officials' misconduct ("Case study: Lake Havasu," Oct 2012). So one can deduce that using a body-worn camera dramatically reduces the number of complaints against an officer. According to a New York Times article, one of the

reasons for using a device like a body-worn camera is that “Police spend $2 billion to $2.5 billion a year in paying off complaints of brutality” (Hardy, 2012, para.12).

According to Lafayette Police Department, which is in Colorado, “reasons to use the officer-worn cameras are to increase officer safety, reduce agency liability, reduce officer complaints and to improve the public perception of the police” (NLECTC, 2010, p. 7). An added benefit to the use of video is that if the citizen knew a camera was present, it would dramatically reduce the possibility of a complaint being filed. One study stated that 48% of respondents reported that when a camera was present they would be less likely to file a complaint (IACP, 2004). The same respondents also reported that if they knew they were being recorded, 51% claimed that they would have modified their behavior (IACP, 2004).

In the past, officers may have felt that the cameras in the cars were a way for a department to keep an eye on them. If a department simply gave these devices to an officer to record their work, chances are that it would be met with some harsh resistance. Some may consider it an extra concern, additional equipment for an already full utility belt, or something else to add to a written report (“The rise of video”, 2012). With proper encouragement and training, these body-worn cameras will change their minds. Now, many of these officers see the video systems as a valuable tool for training. Many officers feel that these cameras, especially the body-worn cameras, make a great training tool and allows them to conduct self-critiques of their actions (Draisin, 2011).

Since the camera is right there with the officer, it almost sees exactly what he is viewing during a field contact. An officer may go back and look at their performance

during a specific incident and determine what he did properly or if there are any areas of concern. With these critiques, any officer safety issues may be addressed at that point. Officers can review how they approached a specific situation, such as noting if they turned their back on a suspect, moved their attention elsewhere, left their gun side vulnerable, or made an unsafe entrance into a building. These are just a few examples among many that can be contrived for officer safety. Another positive aspect of the body-worn camera is that the officers strive to maintain a professional demeanor (IACP, 2004). Based on the fact that if an officer is acting in a professional manner, this reduces the likelihood of a citizen initiated complaint.

The use of this type of device during the Field Training Program is paramount. New officers can go back and review events with their Field Training Officer (FTO). The FTO can then offer an unbiased review of the actions, be it positive or negative behavior (IACP, 2004). When used in this aspect, the FTO should make sure that his review is done in an objective manner and does not demoralize the trainee. The body-worn cameras can also be utilized during special training scenarios, such as shoot/don't shoot, building clearing, or force on force applications. These devices can also be utilized by specialized units such as Bike Patrol or SWAT units. During a debriefing after a SWAT call out, the video obtained during the incident may be reviewed. The SWAT team can dissect the incident and determine what worked and where mistakes were made. This information can then be used at a later time in developing scenarios for training purposes.

These devices are not limited to patrol functions alone. They can also be used for training detectives when conducting field interviews. Once the interview is complete,

a detective can go back and review the video. During the review, an officer may observe some act or hear a part of the conversation which they may have originally missed. This information may play a vital role to their case. With this new information in hand, they could then conduct a second interview and address this new issue. Not only does it help in the aspect of training, but it also leads to added transparency of the department. In today's society, the public always questions the actions of an officer. As a whole, law enforcement is viewed by many citizens as being secretive. Law enforcement must constantly work at building and maintaining the trust of the public. Think back to the early 1990's and the Rodney King beating in Los Angeles and the effect a citizen with a camera had on law enforcement as a whole. Although the technology present today, namely body-worn cameras, was not present then, it could have dramatically changed the outcome of that incident.

These devices record the actions of an officer in real time, from the moment the situation begins until it ends (“Case study: How,” 2012). This, in itself, improves the image of a department by showing that the officer acted within the law and followed department policy. One way to gain public trust is to make these videos available to the public once they have met certain requirements. It can be said that in-car cameras and their video receive overwhelming support from the public since it enhances a department’s image (IACP, 2004); therefore, the use of body-worn cameras should have the same effect. One of the greatest benefits of video from a body-worn camera is the effect it has on preserving evidence, thereby increasing conviction rates.

The old adage “That a picture is worth a thousand words” also holds true in the use of video. Since the video from one of these devices would show what transpired

during the incident, it could have a great effect on successful prosecution. Many prosecutors, approximately 93%, rated that their use of video evidence as having a successful outcome on a case (IACP, 2004, p.22). It can also be concluded that this valuable evidence would likely lead to the offender pleading out in the case. A large majority of prosecutors, approximately 91%, use video in court today to prosecute their cases (IACP, 2004). The use of video allows the prosecutor to review what happened as seen through the eyes of the officer. This allows prosecutors to spend less time in court. Approximately 58% of prosecutors reported that they spent less time actually trying cases (IACP, 2004). For instance, in January 1991, Constable Darrel Lunsford was killed while on patrol in Nacogdoches, Texas. During a traffic stop, Constable Lunsford was overpowered by three individuals. This dramatic video, which was recorded on an in-car camera, was used to lead to the arrest and conviction of the suspects (Pilant, 1995).

For these videos to be allowed in court, they must be handled properly, as with any evidence. Any question regarding the validity of the video could have a detrimental effect on the case. Many of the systems available today only allow them to record and download this precious evidence. Once the recordings are made, the challenge should be for the department to ensure no possibility of the video being manipulated by the officer. Many of the systems available now have the ability to limit an officer's accessibility to editing video in any manner. One of the best policies to have in place is to safeguard the integrity of the evidence and to preserve the chain of custody (NLECTC, 2012).

Software available for these systems can authenticate that the video has not been edited or compromised. The information contained in this authentication will reflect a time and date and are generally imprinted on the media. This imprinted information can come in a variety of ways such as using GPS or other functions included in the camera unit itself. There are several ways in which this media can be stored. One form of storage is the video being placed upon a centralized protected server. These servers can either be within the department or at an off-site location, generally the manufacturer of the device. With on-site servers, safeguards need to be in place to ensure the video is backed up and will be available at a later date and time. With off-site storage, the service provider is responsible for maintaining the integrity and validity of the video once it is downloaded. Once placed on a server it can be downloaded and placed on an external memory device or DVD. This video, in turn, can then be logged into the property room and copies can be made for submission to the appropriate court. These media files will annotate the dates and times they were made and who was responsible for the video.

COUNTER POSITION

One issue with the deployment of body-worn cameras relates to the cost of the devices. With many departments facing cutbacks or limited budgets, there would be a struggle to purchase these systems. Some of these devices can range in the area of thousands of dollars per unit. Depending upon the size of the department, the cost to equip each officer with a body-worn camera can be overwhelming and financially burdensome. However, there are several systems available which are merely a fraction of the cost of the high end units. The cost of a mid-range model can range up to

$800.00, thus enabling more units to be purchased in comparison to one high end unit. Lower end models can range in cost from $100.00 to several hundred dollars (Draisin, 2011). One way in which a department may save money is by electing not to use in-car video and rely solely on body-worn cameras. Many systems are capable of usage like in-car video by being placed on a docking station in the vehicle. They can then be removed and placed on an officer's body while away from the vehicle.

Funding for these systems can be achieved by applying for state and federal grants. One grant, the Edward Byrne Memorial Justice Assistance Grant Program (JAG), is a source of funding available to law enforcement agencies for equipment (Schlegel, 2011). In addition, the American Police and Sheriffs Association also provides agencies in need of equipment with opportunities to apply for grants to fund such endeavors (Schlegel, 2011). Departments can also attempt to receive funding through the District Attorney's Office who has jurisdiction over their cases through asset forfeiture and seizure. These devices can also be purchased through the sale of surplus equipment or through public auction of abandoned property possessed by the department. Another avenue of cost savings would be purchasing these items while on sale or obtaining a bulk order discount through the manufacturer or distributor.

The savings that would accumulate over a period of time from the deterrent video evidence would provide to any litigation brought against the department would counteract any initial cost in obtaining these devices. As previously indicated, departments spend upwards to $2.5 billion a year in settlements from grievous filings against misconduct on the behalf of an officer (Hardy, 2012). Evidence obtained from body-worn cameras may prevent settlements of this nature. Also, money would be

saved in relation to court costs due to the payment of overtime to officers who would have needed to appear in court if there were no video footage from a body-worn camera (Howland, 2010).

A second issue with the deployment of body-worn cameras surrounds the quality of the video. Examples of poor video quality include substandard audio, fuzzy or blurry pictures, as well as stability of the picture. Many units have built in image stabilization and the ability to record in low light. To determine which unit best fits the department's needs, many distributors will allow a trial period in which to evaluate the functionality of the devices. When possible, an agency should research surrounding agencies to determine which device has worked best for those agencies. Agencies can go to manufacturers' websites to view captured videos from their systems to make a determination if their device suits their needs (NLECTC, 2012). Based on research done by the U.S. Department of Homeland Security (DHS), some of the minimum requirements are 640 x 480 pixels in resolution, 25 frames per second, a run time of at least 3 hours, with the same applicable amount of data storage, and a low lux rating or an IR illuminator for recording during low light or nighttime incidents (DHS SAVER, 2011).

RECOMMENDATION

With all the advancements in technology, law enforcement agencies should consider implementing the use of body-worn cameras. These systems could potentially decrease the number of complaints filed against officers. This would be achieved by building public trust, instilling proper training and reinforcing the professional conduct of an officer. Reviewing video captured by these systems allows officers in the

department to conduct critiques regarding how situations were handled, thus improving the abilities of the personnel. The systems may be utilized during daily patrol functions, specialized training scenarios, as well as field contacts, witness and suspect interviews, and any tactical incidents handled by SWAT teams. The use of body-worn cameras helps to alter the transparency of a department through improved public relations. The citizens see that law enforcement is not secretive by nature, and it works daily to improve public trust and maintain a positive image. With the implementation of body-worn cameras, departments would see higher conviction rates on their cases with officers spending less time in court. Departments need to ensure that the video captured is not altered from its original form, and that it is placed into a secure server or into the evidence room.

While some of these units can cost several thousands of dollars, many units are available at a fraction of the cost. Funding for these systems can be obtained through grants, seizure funds, public auctions, and various other means. Since body-worn cameras serve a dual purpose, namely in-car camera and personal wearing device, this negates the need for a separate in-car stand-alone system. This would free the funds used for in-car systems to be utilized for body-worn cameras. Although some of the lower end models have substandard video, many other mid-range and high end units are available with a higher quality output. Proper research would lead a department to select the best device available for their use.

For an agency to employ the use of these devices, first it should conduct research into which system best fits its needs. Once a device has been selected, a trial phase should be implemented to see if the system fits the department's needs and

fulfills its expectations. Proper funding should be set aside in anticipation of initializing these new devices. Policies and procedures need to be developed to guide personnel in the proper utilization of these devices. Officers would then need to receive extensive training when deploying these devices so that they are used to their utmost capabilities.

Based upon the information available, it is evident that body-worn cameras offer many advantages to law enforcement. Departments must look to the future for ways to improve upon themselves and their public image. Changes must be made to advance alongside technology. Law enforcement should implement the use of these officer-worn body cameras.

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