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Body Cameras are Beneficial to Law Enforcement



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ABSTRACT

Although, body worn cameras (BWC) are not a panacea for law enforcement, they can be used to improve overall police service by creating an image of transparency to hold citizens and officers accountable for their actions. Just like their predecessors, video cameras, BWCs will find their place in agencies throughout the United States of America. The studies in Rialto, California and Mesa, Arizona have shown BWCs are beneficial for the reduction of use of force complaints on officers and citizen complaints against officers. As stated in Capps (2015), a vital part of creating a BWC successful program lies with departments creating and implementing effective policies and procedures to properly train their officers. Their use will improve overall police service and will aid courts in the prosecution of offenders by providing valuable evidence. However, in order for any of this to occur, agencies throughout the United States need to adopt a BWC program.

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INTRODUCTION

Body worn cameras (BWC) are not new to policing. They have been in existence in the UK for nearly a decade. In the United States, law enforcement agencies are just starting to embrace the technology. California is leading the way, specifically Rialto, a suburb of Los Angeles. Rutkin (2014) stated Barak Ariel at the University of Cambridge conducted the first major study on body cameras and discovered a 60% decrease in use of force incidents and a sharp decrease in citizen complaints.

The recent deaths of unarmed civilians in New York City, New York and Ferguson, Missouri have brought the necessity for law enforcement to adopt a BWC program to the forefront. The tragic irony is that police in Ferguson have a stock of body-worn cameras but have yet to deploy them to officers (Mims, 2014). Had the officers involved in these incidents been wearing BWCs, the rioting that occurred afterward may have been avoided because the department would have been able to show the officer's perspective of what had occurred. Instead, the police sources were quoted as saying "Brown charged Wilson and reached for the officer's gun, leading the policeman to shoot Brown in self-defense" (Hannah-Jones & Obell, 2014, para. 2). If Officer Wilson was equipped with a body camera that had been purchased, the "he said, she said" argument could have been avoided (Hannah-Jones & Obell, 2014, para. 2).

Technology has improved since the first BWCs were introduced. The Justice Department surveyed 63 departments where BWCs were being utilized and concluded the "technology had the potential to 'promote the perceived legitimacy and sense of

procedural justice' in interactions between the public and law enforcement" (Johnson, 2014, para. 8). Camera placement is paramount to get the best video.

The placement of cameras on the chest, the most common location, could get in the way when an officer draws his sidearm, Taser, or aims a rifle. The most popular placement area is on the head or glasses because "the camera sees what the officer sees" (PERF, 2014, p. 39). For the aforementioned reasons, law enforcement should embrace the technology and back legislation supporting the wearing of BWCs.

POSITION

In the last year or two, events have spurred an interest in police departments purchasing and requiring officers to wear body video cameras. A powerful reason for this argument is high profile cases, where officers have discharged firearms leading the deaths of black men in Missouri and Florida. This has law enforcement departments across the country scrambling to adopt a body camera program to increase their accountability and transparency.

Some law enforcement agencies have adopted a body camera program because they have seen the benefits in presenting evidence to the courts for successful prosecution of the offender. For example, the U. S. Department of Justice Office of Justice Programs National Institute of Justice reported that a study by the District Attorney's Association and the American Prosecutors Research Institute stated the "presence of video evidence enhances their ability to obtain convictions and increases the number of guilty pleas prior to going to trial" (NIJ, 2012, p. 3). Agencies must take this into consideration in the planning stages for creating their own BWC program.

In the United Kingdom, body cameras have been in use for ten years. Their program has been the basis of many studies, and “these studies have shown they aid in the prosecution of crimes, by providing additional, and uniquely compelling, evidence” (Mims, 2014, para. 14). Other European countries like France, Sweden, Denmark, and Germany have adopted the technology for the same reasons.

The body camera has been effective in lowering the complaints being filed against officers for misconduct. In agencies where BWCs have been implemented, there have been dramatic decreases in citizen’s complaints of officer misconduct, and the American Civil Liberties Union (ALCU) has echoed the same sentiments in use-of-force situations. The most notable of these agencies is Rialto, California, where the first BWC program was introduced. In Rialto, complaints filed on officers had declined 88% in 2011. There were 24 complaints filed in 2010 and only 3 in 2011 (Ramirez, n. d., p.8).

In another study conducted, one half of the police force in Mesa, Arizona wore body cameras for a year with it always on. The officers on calls told the citizens they were being recorded on video and the people acted better. During the one year study conducted in Mesa, Arizona, citizen complaints dropped by 50% on officers wearing body cameras (Maney, 2014, para. 10).

COUNTER POSITION

Privacy and the rights of citizens has become a big concern for the public when the police are wearing BWCs. The ALCU has two recommendations to protect the privacy rights of citizens. The first is that it has to continuously record to get all the conversation and actions of the parties involved but cannot edit on the fly. The second

provision is that it has to have a secure back office data storage system that can be accessed by lawyers on both sides and the ability to automatically delete recordings that are of no value after 30 days (Marks, 2013, para. 9). Police officials and the ACLU both agree that requiring the camera to be on continuously is not practical. The ACLU has said “the balance that needs to be struck is to ensure that officers can’t manipulate the video record, while also ensuring that officers are not subjected to a relentless regime of surveillance without any opportunity for shelter from constant monitoring” (Ramirez, n.d., p. 12).

In the interest and fairness to the public, the ALCU is collaborating with law enforcement to ensure officers are recording or not recording an incident. How this can be accomplished would fall to the agencies utilizing BWCs. The departments would have to formulate and implement policies and procedures governing their use. One common approach taken by law enforcement to accomplish this task “is to require officers to activate their cameras when responding to calls for service and during law enforcement related encounters and activities such as; traffic stops, arrests, searches, interrogations, and pursuits” (PERF, 2014, p.13).

Law enforcement officers (LEOs) believe they are mistrusted by citizens, but the opposite is true. Most people support law enforcement. It is just the what officers see daily on the streets and in the media makes it seem like they are not trusted, i. e. what the mainstream media reports and what the public as a whole believes are not the same. A study by Tooley, Linkenbach, Lande, & Lande, (Public support of police, para. 2, 2009) in the state of Montana resulted in “85.3 percent of persons responding to the national survey conducted stated they were supportive of the law enforcement

community". With the advent of the cell phone with a camera, citizens have been videotaping the police for years, and police agencies have the responsibility to embrace technology to advance the profession. The current technological manner to accomplish this is body cameras because officers cannot walk around carrying a video camera to record events while doing their job.

The shooting death of Michael Brown in Ferguson, Missouri and the choking death of Eric Garner in New York City, New York earlier this year have been highly publicized events that have brought this problem by the public to the forefront. According to Mayor Bill de Blasio of New York City, the police department has introduced a BWC pilot program to combat this problem to show transparency, accountability, and protection of its citizens and officers (Bruinius, 2014, para. 19). The police officers in Ferguson, Missouri are now wearing BWCs. This is an effort to show the public they are accountable for their actions, to gain public trust, and show transparency to let the people know the police are looking out for the public's best interest.

Officers have a similar feeling towards the administration thinking they are always out to get them; the 'big brother or black helicopter' syndrome. The crux of this syndrome is that higher ranking officers are always watching what their subordinates are doing. To combat this syndrome, departments introduced video cameras in the cars and developed policies and procedures governing their use. The more the officers utilized video cameras, the greater understanding for their use. Today, administrators are reviewing 'use of force' incidents for compliance to policies, procedures, and training. The stigma of 'big brother or black helicopter' watching started to fade away.

Then words like accountability and transparency started to be bantered about because of recent incidents and the advent of BWC's, and all of the sudden, the stigma was back. Now the big brother syndrome has come full circle with the introduction of BCWs.

This syndrome can be lessened to a degree through establishing clear policies and procedures as to when, where, and why the body cameras should be used. The National Institute of Justice (NIJ) says that when training, "officers should understand the primary purpose of cameras is for the collection of evidence and officer safety" (2012, p. 9). This may be a challenge in and of itself because of generational differences of officers that need to be taken into account in the training process.

The cost of outfitting departments and the back-end secure data storage are major reasons agencies have not adopted a BWC program. The actual cost of the cameras is minimal, but the amount of capital it takes for data storage systems is why law enforcement is having problems implementing a program. It looks good on paper, but the fact is that the funds for smaller agencies, particularly in rural areas, makes it impossible to afford this type of program.

To offset this cost, agencies are turning to the 'cloud' to store data, but this is not a secure location as it has been hacked in the past. This has not occurred to any law enforcement agencies currently using the cloud as their data storage system, but it is a consideration that needs to be taken into account when creating a BWC program. In Fort Worth, Texas, the police department has purchased over 600 cameras and 64 terabytes of data storage for a year. This is "an amount equivalent to at least three times the contents of the 20 million books in the Library of Congress" (Johnson, 2014, para. 16). This is an amazing amount of data storage, but one has to remember that

past law enforcement has been viewed as being subdued and unapproachable to the public. In order to change this image, agencies have to be willing use new and innovative technology to show communities that departments are forthcoming in their dealings with the public.

To accomplish this, agencies have to be willing to spend the necessary funds or obtain federal funding in the form of grants. With the outcry by citizens in the wake of the incidents in New York City and Ferguson, federal grants are surfacing to allow agencies of all sizes the opportunity to institute their own BCW programs. Senator Claire McCaskill, a Democrat from Missouri has said, “if law enforcement agencies across the country wish to receive federal funding, officers should be required to wear cameras” (Prall, 2014, para. 2). This is a clue to agencies across the country that the federal government, especially the legislative branch, has seen a need for law enforcement to equip themselves with this technology, and they are willing to help foot the bill. In addition, they will pass legislation to ensure these programs come to fruition.

RECOMMENDATION

It is a duty and responsibility for departments to be accountable and transparent to their constituents. In order to accomplish this, they have to be willing to capitalize on technology. The newest technology available for law enforcement is the body camera, so departments have an obligation to the public to utilize this technology and be as transparent as they can to the communities they serve.

Law enforcement agencies across the country are utilizing body cameras to aid in the prosecution of offenders. To this end, the body camera is being seen as the “silent witness” because it cannot talk, but it records video and audio of the incident.

According to Ferrell (2013), “if the police officers and the department have a complete video that shows the circumstances leading up to the use of force and captures the entire incident, often times there will be no dispute as to material facts” (para. 4). Prosecuting attorneys have said this not only aids in the prosecution of offenders, but they tend to plead out more before going to trial.

Complaints against officers have been shown to decrease dramatically when officers are utilizing body cameras. In the case of the Rialto, California study, citizen complaints were reduced by 88%. Another study was in Mesa, Arizona, where there was a 50% decrease in complaints filed by citizens on officers. These studies prove that when officers are wearing body cameras, they tend to act differently toward the public, and the public’s demeanor changes toward officers when they have knowledge the police are wearing cameras. Thus, officers wearing cameras have led to the reduction of officer complaints.

A concern of members of the public is privacy issues when officers are wearing body cameras. The ACLU has arrived on the scene with two requests for departments where body cameras are deployed on officers. The two criteria are that the camera must be on at all times to record every incident, and the other was for a secure back-end storage system to hold the videos. Law enforcement told the ACLU the first one was not practical, so an agreement was reached for officers to have them on for certain incidents.

Public distrust is sometimes a huge obstacle to overcome. It depends on how the citizens of a city view their police department as to what percentage of the population is affected. In the past, officers have not been held accountable for their

actions and in some instances, they were able to get away with murder; figuratively speaking, of course. Agencies across the country have been trying to find a way to bridge this gap to increase accountability and to be more transparent in their dealings with the public. The use of body cameras is one way to increase transparency and hold officers accountable for their actions.

Officer distrust of the administration is another problem with the system. To what degree the problem exists depends on how the officers view the upper management. This can be combatted through training and establishing clear policies and procedures as to when the camera should be turned on. Some departments establish guidelines stating the camera should be turned on for every contact, and others break it down into specific incidents. Whichever type policy is adopted by an agency, it needs to meet the two requirements of the ACLU to prevent possible lawsuits.

As has been discussed, the cost of camera systems is relatively cheap. The real problem is the staggering cost of a secure data storage system. Even this can be overcome in several ways. The agency can opt to use the 'cloud' as this has been an option adopted by some departments. Other departments look for grant funding to purchase the camera equipment and budget the cost of storage systems in their operating budgets annually. There are other vendors who will loan the camera equipment for a monthly fee that includes the cost of storage. There are many options available to offset the costs of a system.

There are a few ways to implement a system to meet the requirements of an agency. One way is for the state legislature to pass laws, like Connecticut, requiring officers in that state to wear body cameras. Another way would be to have the local

government pass an ordinance requiring officers to wear cameras. A third option would be for police chiefs in every city or town to adopt a body camera program requiring officers to wear cameras. The third option would be the best for departments because they have the precious commodity of time to test, design, and implement a program. To obtain buy-in, agencies are utilizing officers to help design their BWC programs reduce the possibility of officer distrust.

Departments across the country have been clamoring in the wake of the tragic deaths in Ferguson, Missouri and New York City, New York in July and August. Some are being held accountable by state legislatures that passed laws requiring departments to wear BWCs. In other cities, the city government or the head law enforcement official has weighed in and made the decision in favor of them. These officials have been educated on the pros and cons of a program, and they are opting to require officers to wear cameras while on duty. It is clear that every department wants to be more transparent and hold their officers accountable for their actions. If every department across the country adopted a BWC program, it would go a long way in fulfilling their obligation to 'serve and protect' their community and become more transparent and accountable in the process.

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