

**The Bill Blackwood  
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**Body Worn Cameras:  
Making Them Mandatory**

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**A Leadership White Paper  
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## **ABSTRACT**

The evolution of law enforcement paints a clear picture detailing enormous change during the 21<sup>st</sup> century. Unfortunately, in most cases, the precursor to change is chaos. As a profession, law enforcement is constantly changing. In order for law enforcement agencies to grow, they need to change as well. Technology has become more advanced in the past 20 years, with one example being the application of the body worn camera. Due to the recent chaotic events surrounding law enforcement, body worn cameras have become a tool providing law enforcement agencies with an alternative avenue to achieve their objects. Some of these objectives include reducing use of force, aiding in agency transparency, increasing the number of unfounded complaints, and assisting with modifying officer behavior. Body worn cameras have proven to be an asset to officers and law enforcement. BWC are an additional item the officer can add to his or her toolbox that will assist them in fulfilling their duties, and assist them in protecting their community in which they serve. For these reasons, all law enforcement agencies should obtain body worn cameras

## TABLE OF CONTENTS

	Page
Abstract	
Introduction . . . . .	1
Position . . . . .	3
Counter Position . . . . .	7
Recommendation . . . . .	9
References . . . . .	12

## INTRODUCTION

As with most organizations, growth is essential in order to survive. Law enforcement is no exception. The growth within law enforcement comes in various forms. These forms can range from technological to sociological adaptations. Most recently, technological advances have come to the forefront by way of the body worn camera. Recording devices are not new to the world of law enforcement and date back as far as the early 1960's. Until as recently as the early 1980's, most agencies relied on pen and paper to assist their officers in remembering what occurred throughout an officer's shift. As technology advanced, law enforcement was forced to advance also. In-car 8mm/ VHS/ DVD recorders provided agencies with a way to capture evidence, record interviews, and document traffic stops. Although the in-car camera provided many positive features for law enforcement, there are many disadvantages as well. One disadvantage to the in-car system is the line of sight visual recording. Once the officer and citizen were outside of the arena of performance, agencies were only able to review the audio recording. To citizens and agencies alike, not being able to visually inspect an encounter between a citizen and an officer was cause for concern.

Agencies advancing forward by way of new technology opens the door for more growth. One form of growth is the body worn camera (BWC). BWCs have many advantages over their counterpart, the in-car camera. BWCs are adapted to fit on an officer's lapel, uniform shirt and even on glasses. Having BWCs affixed in these positions, allows the camera to capture the contact between officer and citizen in real time, allowing the viewer to see what the officer is seeing. BWCs are able to capture the officer's and suspect's emotions at the time of contact. BWCs also provide a clear

view when an officer is not in the line of sight of his in-car camera. Recently, the use of force by officers have come under scrutiny from the citizens and the media. Because of the scrutiny, the transparency of local and state police agencies has been called into question. BWCs allow for video recordings to be viewed within a matter of minutes, providing the transparency the media and public have requested.

BWCs also reduce the number of uses of force exhibited by officers. According to Carroll (2014), "Officers' use of force fell by 60%" (para. 10.). The presence of BWCs can change the dynamics of most contacts between officer and citizen. According to Rialto Chief of Police Tony Farrar, "When you are being watched you behave a little better" (Carroll, 2013, para. 11). Whether justified or not, use of force exhibited by an officer will be critiqued by professionals and non-professionals alike. BWCs provide a clear picture as to what transpired between the officer and citizen, providing those who are reviewing the video with an idea as to what occurred.

Law enforcement, like most professions, receive their share of complaints. According to Deputy Chief Jennifer Treadwell, "One of the biggest complaints you get is rudeness" (Davis, 2015, p.16). The perception of rudeness is ambiguous at best; however, with a BWC, supervisors and citizens can both view the recording to inspect the content. In some instances, the rudeness complaint will be sustained, but in the majority of cases, the complaint will be unfounded leading to the increase of unfounded complaints.

Another advantage of the BWC is the modification of officer behavior. The BWC provides the officer with a constant reminder that their actions are being viewed by supervisors, and the BWC is also a constant reminder that their actions could be viewed

by millions of people. The BWCs will allow the officer the opportunity to take a step back, gather his or her thoughts, and then proceed with the best course of action. With the information provided, all law enforcement agencies should be required to obtain body worn cameras.

## **POSITION**

Transparency in law enforcement has become a valuable commodity to most chiefs of police. Transparency reassures the citizens, the city council members, and the media outlets that their local police departments are honest and have nothing to hide. There are many avenues in which transparency can be obtained, but the most recent and most popular addition to the arsenal would be the body worn camera. Several major incidents have occurred over the last few years where body worn cameras would have eliminated those who second guessed the motives and actions of the officer involved. In addition, there are also instances where the body worn camera would have proven the citizen to be correct. One recent major incident occurred on August 9, 2014. Officer Darren Wilson with the Ferguson Police Department (FPD), who was not wearing a body worn camera, shot and killed Michael Brown. Because there was no recording of the incident, and the already volatile interactions between the citizens and FPD, the citizens of Ferguson, MO used the lack of transparency to fuel their actions. The actions of Officer Wilson, right or wrong, changed the world of law enforcement forever. The simple transparency the body worn camera would have provided during the incident would have shed some light as to what occurred on August 9<sup>th</sup>.

With transparency, comes trust. Trust has not been a term closely associated with law enforcement over the past few years. When citizen Tom Nagle was questioned

about contact with law enforcement he stated, “ I would be uncomfortable during my arrest if the police officer was not wearing a body camera or in some other way recording the event” (as cited in Herrera 2015, para. 2.). There are many different ways to combat the lack trust in law enforcement. Trust begins with the administration, working its way down to the officers on the streets. The BWC provides transparency, which builds trust at the same time. BWCs allow for videos to be viewed within minutes, and most importantly, allows for an accurate depiction of the event in question.

According to Bartels and Means (2015), “An officer’s willingness to wear a camera suggests that he / she has nothing to hide and begins to gain trust with the community” (para. 4). Law enforcement agencies are often criticized and condemned for their lack of transparency. Unfortunately, some law enforcement agencies do not heed this warning provided to them by the media. BWCs are just another tool to assist in building a transparent agency and allowing for positive media relations. Ultimately, BWCs have assisted with public relations by building trust and transparency. Another advantage of wearing a body camera is the reduction in the uses of force.

Uses of force occur on a daily basis in law enforcement. Not a day goes by across the United States that a law enforcement officer does not use some form of force. Use of force can range from an officer’s mere presence to the use of deadly force. During a use of force encounter, the BWCs plays a pivotal role in determining if the officer’s use of force was adequate and justifiable. Attempting to reduce uses of force within a law enforcement agency should always be a priority of the administration. Reduction of uses of force usually began with policy revisions and/or officer training. A recent year-long study was conducted by University of South Florida in reference to

BWC. Wing (2015) states, “In the 12 months from March 2014 through February 2015, use-of-force incidents — also known as “response to resistance” incidents — dropped 53 percent among officers with the cameras” (para.3). Even though the word “dropped” can be ambiguous, but with any drop in an officer’s use of force is considered encouraging. In California, the Rialto Police Department conducted a yearlong experiment involving the BWC. The experiment with the Rialto Police Department focused on the current number of uses of force and the total number of complaints complied by officers wearing BWCs. During the experiment, Rialto saw a reduction in the uses of force. According to Carroll (2014), “Officers’ use of force fell by 60%” (para. 10.). Uses of force are ever present in law enforcement. BWCs provide officers and citizens with an unbiased and impartial witness as to what transpired, and the agency with a shield from civil liability. One aspect seldom mentioned is how BWCs affect the citizen’s actions during a contact with an officer. When an officer is dispatched to a scene, tensions are normally elevated. This elevated tension can possibly cause an individual to react in a nonconformist manner. With the officer reminding the citizen(s) they are being recorded with a BWC, their actions tend to change. According to a study conducted by the International Association of Chiefs of Police (IACP) and COPS (n.d.), “51 percent of people would change their behavior if they knew they were being videotaped” (as cited in Scarberry & Nash 2014, (para. 7). Another benefit to obtaining BWCs is the increased number of unfounded complaints.

Law enforcement is no stranger to citizen complaints. Complaints can be generated by the citizen and directed toward patrol officers or investigators. Some of the more common complaints come in form of rudeness. To those not in law



enforcement, rudeness may not seem like a key issue, but to those in the law enforcement, rudeness is a direct reflection of their officers, their department, and their chief of police. With any complaint made, all officer's videos will be reviewed. With in-car cameras, the range in which sound can be heard can be limited. With BWCs, the range of audio is never a concern. BWCs are attached to the officer and are recording during every contact. The constant recording of the BWC will provide the supervisor reviewing the video and the citizen filing the complaint, with an accurate account as to what took place. With the accurate depiction from the BWC, citizens either drop the complaint or are informed the officer's actions were not deemed as rude. The presence of a BWC essentially acts as a mediator between the officer and citizen, allowing for a reduction in citizen complaints. BWCs do not lie and do not leave any doubt as to the officer's action. In an IACP (2014) study, "One study suggested stated that 48% of respondents reported that when a cameras was present they would be less likely to file a complaint (as cited in Carey 2014, p.5). Finally, another advantage supplied by the BWC is the modification of officer behavior.

The modification of officer behavior is an ongoing process. Officer behavior can be modified through policy and procedures, education / training and now, with the BWC. An officer's behavior modification simply put, is an adjustment of his or her behavior. This behavior modification can be adjusted through an internal source or an external source, with the external source being the BWC. Ethically, law enforcement officers are held to a higher standard, and BWCs reinforce those ethical traits the officers already exhibit. According to CATO Institute (n.d.), "A fairly common recommendation for reducing police misconduct is to increase use of body cameras" (p.1). Police

misconduct will never evaporate completely, even with the use of BWCs. One example of officer misconduct is the slanting of officer reports. According to Davis (2015), “Without cameras, officers can write their narratives as they see fit” (para. 16). BWCs have become another tool in assisting law enforcement officers in making the right decision the first time.

## **COUNTER POSITION**

One dilemma facing law enforcement agencies when attempting to obtain BWCs, are the initial expenses. Technology companies see the supply and demand of their product and make the appropriate adjustments in the price of their product. With BWCs receiving an extreme amount of publicity over the past few years, law enforcement agencies can expect to pay upward from \$400 to \$800 per camera. The initial cost of the BWC does not include available warranties, storage of videos and or maintenance fees associated with the camera. Law enforcement agencies must weigh the pros and cons of having BWCs and determine if their budget will support the purchasing of those items. Along with the initial purchase cost, law enforcement agencies will have to provide storage for all downloaded videos. Depending on the evidentiary value of the recording, most videos will have a retention date. Most law enforcement agencies have a retention date of 90 days for non-evidentiary recording, but have over a 90-day retention for videos held as evidence. The 90 days allow for an incredible amount of storage to be used. Because of the overabundance of videos, law enforcement agencies will need to purchase additional storage space. The additional storage space will also cut into the agencies budget. According to a cost analysis conducted by the City of San Antonio (n.d), “an officer will generate approximately three hours (2.7

gigabytes) of video per day (as cited in Kozlowski 2015, p. 9).” Law enforcement agencies range in size from small, medium, to large and they all operate within financial budget constraints. Depending on the number of cameras to be purchased, BWCs can be a budget killer. Due to the recent events involving the shooting of unarmed suspects and the citizen’s outcry for more police oversight, many agencies have been cutting into their budget to purchase BWCs. When an agency uses their budget to purchase items not slated to be bought, they have to prioritize the remaining items to be purchased. Fortunately for law enforcement agencies and concerned citizens, a petition was circulated asking the White House to create a law making BWCs mandatory. Once the petition circulated and the seriousness of mistrust between law enforcement and minority communities surfaced, President Obama asked Congress for \$263 million in funding for BWCs. According to Geoghegan (2015), “Pending congressional approval, the program includes \$75 million that would be allocated specifically for the purchase of 50,000 cameras for law enforcement nationwide (pg.3).” With the amount of money the federal government is providing and the amount of law enforcement grants available, most agencies will be able to start purchasing BWCs.

Another concern that faces the BWC, is the invasion of individual privacy. Both citizens and officers have questioned the amount of privacy in which the BWC invades when in use. Officers have questioned the right to privacy when sitting in their patrol vehicle having a conversation with a friend in person or on the phone. Although citizens support the use of BWCs, they insist there must be clear line drawn when an officer is recording to obtain evidence and when the officer is recording without just cause. The invasion of privacy issue is not new and has been brought to the attention of law

enforcement agencies by citizens, officers, and by specialty interest groups, such as the American Civil Liberties Union (ACLU). The ACLU clearly supports the use of BWCs because of their protection of the citizen and the oversight of law enforcement.

However, the ACLU also understand law enforcement officers must enter locations where privacy can be an issue. The ACLU has raised many concerns in reference to the BWC. For example: continuous recording by officers, recording when evidence will not be obtained at a scene, recording when making casual contact with a citizen, and the technology to store recordings without easy access. Each of these concerns have their own merit; however, most law enforcement agencies have been able to overcome these issues by putting in place policies that strictly outline when a BWC can be used. According to the ACLU (2015), "Confidence can be created if good policies are put in place and backed up by good technology (as cited in Stanley 2015, p.13)."

## **RECOMMENDATION**

With the ever growing concerns of police misconduct and the outcry from citizens for more oversight of law enforcement, every law enforcement officer should be afforded the protection provided by the body worn camera. The BWCs have provided law enforcement agencies with another valuable tool to assist officers with their assigned duties. One of the many assets provided by the BWC is the ability to provide transparency to a department. BWCs offer transparency to a law enforcement agency, which in turn builds trust. Transparency has become a very valuable commodity over the last few years and with the utilization of the BWC, law enforcement agencies can begin to rebuild their trust with the community. BWCs also provide an avenue for law enforcement agencies in lowering their uses of force. When officers are confronted with

a citizen who is agitated, officers should inform the citizens their actions are being recorded. Once notified of the recording, citizens often project a calmer image. BWCs also force officers in using more dialogue instead of using force. Law enforcement agencies will forever receive officer complaints. But BWCs will help in increasing the number of unfounded complaints in multiple ways. BWC video is never distorted and will provide those who are viewing the video with accurate facts. BWCs will also prevent citizens from making false or unfounded claims against the officer in question. The wearing of a BWC has also altered officer behavior. BWC video provides the most accurate of details, ensuring those who are viewing the video the officers acted accordingly and within department policy.

Although BWCs provide a clear benefit to law enforcement agencies, there have been several issues raised. A few of the issues include initial costs, privacy issues and unethical behavior by officers. Technology costs have increased with its advancement. With the BWC on the cutting edge of technology, agencies will need to increase their budget just to accommodate their purchase. Law enforcement agencies have sought other ways to purchase BWCs without cutting into their budget. Law enforcement agencies are now using different sources in obtaining BWCs. These sources include donations, grants, and the use of the Federal funds. The invasion of privacy is another concern by officers, citizens and public interest groups. When issuing BWCs, officers need to be educated as to when recording is mandatory and when recording is not. A clear policy also needs to be in place to provide answers and a guideline. Officers will also need to demonstrate their knowledge of the policy and their knowledge of the BWC. With the wearing of the BWC, officers will record the event as it occurred and

then transfer their findings into a report. BWCs will prevent officers from slanting their reports to accommodate their specific needs.

Based on the information provided, it is clear how BWCs provide law enforcement agencies with an advantage. Law enforcement agencies should use the advancing of technology in their favor and because of this, law enforcement agencies should obtain body worn cameras.

Law enforcement agencies can ensure officers are implementing the BWC in a beneficial manner by creating a detailed policy. The policy would include several major points. For example, officers would be required to record with their BWC when there is a legal reason to contact a citizen. Law enforcement agencies would also need to provide reoccurring training, detailing how to utilize the equipment and to show proficiency. Law enforcement agencies can also review the most up to date studies to determine if changes need to be made to the BWC program.

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