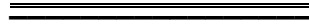


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Body Worn Cameras**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

Law enforcement officers are repeatedly being questioned on their interactions with the citizens within their community. Not only are law enforcement officers being questioned, they are being recorded and often displayed in a negative light from the recordings, which ultimately damages the credibility and legitimacy of law enforcement. The best way for law enforcement to combat this issue is to use the same technology for their benefit. Body-worn cameras are small cameras police officers can wear on their body, and the use of body-worn cameras by police officers during citizen interactions can lower the number of complaints and use of force issues as well as aid in the process of both criminal and internal investigations.

The goal of this publication is for law enforcement agencies to understand both the benefits and drawbacks of body-worn cameras. The advocates of body-worn cameras believe that the cameras provide increased transparency and citizen's views of law enforcement; they have a civilizing effect on citizens and officers; they can increase prosecutions in criminal and civil litigation; and they provide valued training opportunities (White, 2014). Those who oppose body-worn cameras discuss issues such as privacy concerns for both citizens and law enforcement officers and the cost of implementing a body-worn camera program (White, 2014).

The research indicates that the implementation of body-worn cameras provides benefits that offset any apprehensions, and law enforcement agencies should implement a body-worn camera program. These body-worn cameras can and will improve accountability. Improved accountability leads to increased transparency, ultimately leading to improved public image and legitimacy.

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## INTRODUCTION

Societal view on law enforcement is changing (Gaub et al., 2016). When it comes to use of force situations, police officers are being criticized and quickly accused of excessive force before all the facts are presented (Maury, 2016). The media and social media are playing a critical role in sensationalizing every use of force image caught on video (Edwards, 2007). Technology has evolved immensely over the past 15 years and just about every citizen has a cellphone that doubles as a video camera. When a use of force situation is witnessed, at some point during the incident, bystanders record the incident. Then the video gets edited and played over the news or on social media. Those videos usually display law enforcement negatively creating the belief that police officers use excessive force without a justified cause. These videos challenge the incident as described by the officers involved which ultimately undermines their credibility as well as the legitimacy of law enforcement (Coudert, Butin, & Le Metayer, 2015). What is rarely being recorded are the events that led up to the use of force which would justify the officer's use of force.

For example, in the summer of 2014 in Ferguson, Missouri there was the tragic shooting of Michael Brown, an 18 year old African-American male by a law enforcement officer (Coudert et al., 2015). The officer claimed the shooting was done in self-defense; however, witnesses at the scene painted a different story of the shooting. The incident took place outside the view of any camera as the officer was not equipped with a body camera. This is one of many use of force incidents that has led some to question the legitimacy of law enforcement in terms of the use of force.

Just as the way society and technology is being used to create the discontent towards the police, the police and their agencies can use the same technology to protect themselves and earn back the trust of the community. By providing officers with body-worn cameras to wear during the interactions they have with the public throughout the course of their duties, agencies can lower the number of complaints, use of force issues, and aid in the process of both criminal and internal investigations. The utilization of body-worn cameras by law enforcement officers has been recommended in court cases to help address liability from an objective vantage point (Floyd et al. vs City of New York et al., 2013).

Policing has widely been identified with the use of force in the pursuit of justice, order maintenance, and crime prevention (Lersch & Mieczkowski, 2005). Certain law enforcement codes of conduct allow officers to utilize the minimum amount of force necessary when maintaining order and enforcing laws (Prenzler, Porter, & Alpert, 2012). The incidents of police use of force are rare, which makes the management and study of them vitally important due to the possibility of that force causing injuries to citizens and officers alike (Prenzler et al., 2012). These incidents are a major law enforcement issue that may lead to negative attitudes towards law enforcement and community unrest (Alpert & Dunham, 2010). A 2008 study by the United States Justice Department, which involved about 60,000 respondents, found that only 16.9% of respondents at or over the age of 16 had face to face interaction with law enforcement (Eith & Durose, 2011). Of those contacts, only about 1.4% stated that they had some type of force threatened against them (Eith & Durose, 2011). In the study, 53.5% of the respondents who reported some use of force used against them stated law enforcement grabbed or

pushed them, 25.6% stated law enforcement pointed a firearm at them, 12.6% stated they had been kicked or hit by law enforcement, and 18.9% reported to have been injured (Eith & Durose, 2011). The 2008 study also reported that 83.9% of those who experienced the threat of force or the actual use of force against them believed that law enforcement acted improperly and 74.3% felt the police use of force against them was excessive (Eith & Durose, 2011).

The purpose of this publication is to provide law enforcement agencies key issues as to why they should provide their officers with body-worn cameras. Advocates for body-worn cameras state there are valuable benefits to officers having body-worn cameras. The benefits that come with body-worn cameras include increase transparency and citizen views of law enforcement; body worn cameras have a civilizing effect on officers and citizens; body worn cameras speed up prosecution of both civil and criminal litigation; and body-worn cameras provide valued training opportunities for law enforcement (White, 2014). Along with the advocates for body-worn cameras, there are some critics as well. Critics who oppose the use of body-worn cameras provide issues such as privacy concerns for law enforcement and citizens as well as the cost associated with body-worn camera programs as a counter argument in the debate with the advocates (White, 2014).

## **POSITION**

Advocates for police officers wearing body-worn cameras strongly suggest that the body-worn cameras make police departments more transparent, which ultimately increases their legitimacy. Being transparent is imperative in breeding a culture of openness within a community. According to White (2014), a department's willingness

to open up and become transparent is a vital perceived benefit to body-worn cameras. Transparency can demonstrate to the community that their officers' objectives are to act in a just and fair manner during every citizen contacts, which could increase the community perception on law enforcement legitimacy (Tyler, 1990). Clark (2013) stated in *Police Magazine* that body-worn cameras epitomize the pinnacle of transparency in law enforcement. The American Civil Liberties Union reported that transparency primes public trust and that trust benefits the community (Clark, 2013).

According to Coudert et al. (2015), the use of body-worn cameras by police officers fulfills three related goals. The first goal is to increase the transparency of law enforcement activities by recording the police-public interaction to provide an objective view of the incident serving as a reliable piece of evidence of the interaction (Coudert et al., 2015). The second goal is to expose both good and bad behavior of law enforcement officers and act as a deterrent towards unnecessary or excessive force as well as discrimination by law enforcement officers (Coudert et al., 2015). The third goal according to Coudert et al. (2015) is the deterrent effect of the body-worn cameras on law enforcement officers as they expect that policing will improve and community trust towards law enforcement will be restored.

Advocates believe that body-worn cameras also have a civilizing effect on both officers and citizens alike. This civilizing effect improves the behavior of officers and citizens ultimately reducing citizen complaints and use of force incidents. According to Harris (2010), body-worn cameras could improve officers complying with the fourth amendment protections from unreasonable search and seizure.

The use of body-worn cameras most likely will have psychological impact on both the police officer and the citizen they are interacting with (Ziv, 2014). It is human nature to act more properly when one knows they are being watched or recorded. A study by Newcastle University (2006) found that people tend to act better when they know they are being recorded. Jennings, Fridell, and Lynch (2014) report that body-worn cameras have a key advantage of improving the behavior of both community members and law enforcement officers. There has been research that indicates members of society are more likely to adhere to societal norms when they believe they are being recorded. Nagin (2013) reported when getting caught doing an act that is a violation of social or moral norms it is often deemed as a behavior that will result in negative consequences. There is an abundance of evidence on the perceived self-awareness, social surveillance (Wicklund, 1975), as well as socially preferred responses (Paulhaus, 2002), and purposes that individuals follow social norms while adapting their behavior due to them knowing that their actions are being watched by someone (Munger & Shelby, 1989).

Ariel, Farrar, and Sutherland (2014) conducted a randomized controlled trial utilizing body-worn cameras with the Rialto Police Department over a 12 month period. The focus of the study was on use-of-force and citizen's complaints, which Ariel et al. (2014) hypothesized to be affected by officers utilizing body-worn cameras as a deterrent effect on noncompliant behavior. During the trial period, there were a total of 25 use-of-force incidents that were recorded by Rialto PD (Ariel et al., 2014). Of those reported use-of-force incidents, eight were during the experimental shifts and 17 happened during the controlled shifts (Ariel et al., 2014). The incidents represent a mean rate of 0.33 and 0.78 incidents per 1,000 public-police interactions, respectively



(Ariel et al., 2014). Plainly speaking, the incident rate of use-of-force in the control condition is roughly twice that of the experimental condition (Ariel et al., 2014). Ariel et al. (2014) also reported a noticeable reduction in the prevalence of situations involving use-of-force: 64.3% reduction from 2009, 61.5% reduction from 2010, and a reduction of 58.3% from 2011.

The results of the Rialto PD study pertaining to citizen's complaints were not statistically significant due to the overall low incidences in both control and experimental conditions (Ariel et al., 2014). There were only three citizen's complaints filed during the study; one complaint was filed about an incident which happened during the control conditions and the other two were filed about an incident during the experimental conditions (Ariel et al., 2014). A significant reduction in complaints did occur, however. In the 12 month period prior to the study, there were 24 citizen's complaints filed compared to three overall during the study period (Ariel et al., 2014). The year-to-year decrease indicates 92% reduction of citizen's complaints in contrast to 2009, 94% reduction from 2010, and 88% decreased compared to 2011 (Ariel et al., 2014). These figures indicated citizen's complaints went from about 0.7 per one 1,000 police-citizen contacts to 0.07 per 1,000 police-citizen contacts (Ariel et al., 2014). Farrar (2013) reported two findings in connection to body worn cameras and use of force situations. The shifts that did not have body worn cameras were twice as likely to be involved in use of force incidents and a review of all the use of force incidents determined that officers who did not have body worn cameras were more likely to use force without have being threatened physically (Farrar, 2013).

In an attempt to duplicate the impact of body-worn cameras in the study at Rialto PD, Ariel et al. (2017) conducted a multisite study. A total of 1,539 complaints were filed against police officers in the 12 months prior to the study, 1.2 complaints per officer (Ariel et al., 2017). The results of the study indicated that the number of complaints dropped after the implementation of the body worn cameras to 113 complaints, 0.08 complaints per officer (Ariel et al., 2017). This decrease in citizen complaints against officers indicates a 93% reduction in complaints which did duplicate the findings in the Rialto Police Department study (Ariel et al., 2017).

Proponents of body-worn cameras believe that the cameras improve the behaviors of citizens during encounters with law enforcement, signifying that citizens will be more compliant and respectful (White, 2014). The UK Home Office Guide indicates that the behavior of citizens improves as a direct result from officers wearing body cameras (Goodall, 2007). Goodall (2007) reported that body worn cameras being utilized at citizen anti-social hotspots reduces citizen bad behaviors significantly more than just the mere presence of a police officers. The body-worn cameras have more of an impact compared to CCTV (closed circuit television) or dash-cam video as they can be deployed at any location within an incident and the citizens present understand that the body worn cameras record video as well as audio and body-worn cameras are more apparent compared to CCTV systems that eventually blend into the background environment (Goodall, 2007).

ODS Consulting (2011) conducted a study on the effects of body-worn cameras at Aberdeen to determine if officer with body-worn cameras impact citizen behaviors. During the study, 62 officers were assaulted; 61 of those officers were not equipped

with body-worn cameras (ODS Consulting, 2011). The researchers reported that had officers with body-worn cameras been assaulted proportionately with the overall number of assaults in Aberdeen, it would have been prudent to expect that 18 assaults would have occurred rather than just the one (ODS Consulting, 2011).

Proponents of body-worn cameras state that body worn cameras enable rapid resolutions to both criminal and civil litigation as well as officer complaints. There is no empirical data that supports the reduction of civil litigation against police officers, however there are indicators that supports an impact on citizen based complaint resolution. Police departments dedicate substantial resources to investigate complaints filed against officers (Walker & Katz, 2013). Many citizen complaints end with a not sustained disposition as it becomes the citizen's word against the officers with no witnesses (White, 2014). The presence of body-worn cameras can change that dynamic. According to ODS Consulting (2011), evidence produced by body-worn cameras reduced time taken to resolve complaints and added reassurance to the officer involved. Harris (2010) stated that evidence from the body-worn cameras provide citizens with the information known to the officer which also aids them understand the officer's actions or behavior that is the root of the complaint. Citizens are less likely to file false or frivolous complaints or lawsuits against officers who are equipped with body-worn cameras knowing the interaction with the officer was recorded and will immediately refute their accusations (White, 2014). In an interview with Rialto Police Chief Farrar, Stross (2013) reported that the availability of video from body-worn cameras has led to quick resolution of complaints. Goodall (2007) noted that a considerable number of complaints were reconsidered after the complainant reviewed

the video from body-worn cameras which ended in a decrease of unjustified complaints. For full disclosure purposes, if the video evidence from the body-worn camera supports the accusations of the complainant that will also aid in the expedited disposition of the citizen complaint and the officer being held accountable for his behavior or actions.

Studies from the United Kingdom support the advocate's argument that body-worn cameras facilitate expedited criminal case prosecutions. In a report by the Plymouth Head Camera Project, it was documented that body-worn cameras increased the ability of officers to document violent crimes and incidents that were recorded were more likely to result in a guilty plea by the offender than through a criminal trial (Goodall, 2007).

Scotland had two communities that performed studies on the usage of body-worn cameras and their impact (ODS Consulting, 2011). Renfrewshire deployed 38 cameras for a period of eight months between 2008 and 2009 (ODS Consulting, 2011). Aberdeen initially deployed 18 cameras but later changed the total number of body-worn cameras deployed to 30 for their three-month study in 2010 (ODS Consulting, 2011). Overall crime decreased by 26% during the study (ODS Consulting, 2011).

The results of the Renfrewshire study indicated that guilty pleas or verdicts occurred faster in cases with body-worn cameras than those outside the study period (ODS Consulting, 2011). Roughly 39% of cases involving body-worn cameras were settled at the earliest stage possible, compared to 29% among the cases without body-worn cameras (ODS Consulting, 2011). Only 4% of cases with body-worn cameras advanced to trial compared to 20% of cases without body-worn cameras (ODS Consulting, 2011).

Aberdeen results were more distinct than Renfrewshire. The results in Aberdeen indicated that cases were settled by pleas of guilt at the earliest stage possible; 85% compared to 18% of cases without body-worn cameras (ODS Consulting, 2011). Of the seven citizen complaints filed against officers, all were unfounded either by the review of the body-worn camera footage and substantiated the officer's account of the incident clearing them of any misconduct (ODS Consulting, 2011). The study also indicated a reduction in assaults against police officer who were equipped with the body-worn cameras (ODS Consulting, 2011).

Finally, advocates for body-worn cameras profess that the videos from both critical and non-critical incidents serve as a valuable training tool. White (2014) indicates that post-hoc review on officer behavior or actions could be particularly useful when critical situations, such as use of force incidents, are recorded by the officer's body-worn cameras. The ability and accessibility to review officer's actions in great detail after an incident provides a profound tool to highlight both effective and ineffective actions taken by officers (Goodall, 2007). Body-worn cameras have been used by Professional Development Units as a training aid to help better train new recruits in the UK (Goodall, 2007). According to White (2014), Miami Police Department has utilized body-worn cameras in their academy training since 2012. Miami PD Major Ian Moffitt stated that ability to go back and review how the recruit handled an incident allows them to go back showing what they did wrong, what they did right, and what they need to improve on ("Miami police considers...", 2013).

## COUNTER ARGUMENTS

Critics of officers being equipped with body-worn cameras have argued concerns over citizen privacy. Some states require a two-party consent before any lawful recording of private conversation (White, 2014). Texas however is a one-party consent state for recording of conversations.

Incidents recorded by body-worn cameras record events happening in the moment and have the potential to record traumatic events experienced by citizens that are victims of crimes, medical emergencies, and those who are being arrested (White, 2014). Officers are seeing citizens in the worst day of their lives and it is being captured on video from body-worn cameras which becomes subjected to public record (Hinds, 2013). Some critics also argue that some citizens, to include informants and witnesses alike, could be less probable to provide valuable information to officers if they know they are being recorded by the officers' body-worn camera which can be viewed by others at a later date (Harris, 2010).

Advocates for body-worn cameras refute these privacy concerns with the importance of detailed policies that govern the usage of body-worn cameras. Thorough policies and careful officer training can appease some citizens' objections to body-worn cameras (White, 2014). Policymakers should consider two mechanisms in the regulation of body-worn cameras: implement consent and notice requirements as well as policies about when the camera should be turned on and off (Maury, 2016). Policymakers need to decide if the cameras will be continuously running or should officers have the ability to turn the cameras on prior to calls for service and/or police-citizen interactions. According to Maury (2016) the ideal policy, in regard to officer

accountability, would be a policy that mandates continuous running cameras. The continuous running camera policy prevents any officer avoiding the use of the body-worn cameras in order to circumvent liability (Maury, 2016).

There should be exceptions when the body-worn cameras should be permitted to be turned off, however. Those situations that have privacy concerns should be described in and be adjusted for in the policy (Maury, 2016). Some possible incidents that create a privacy concern can include, but not limited to, discussions with confidential informants, severe domestic violence cases, sexual assaults, interviews with children, and child victim crimes (Maury, 2016). If an officer is going inside the private residence of an individual, the officer should inform the resident that they are recording and should ask for consent to record while inside the residence (Maury, 2016).

There should not be any restrictions on body-worn cameras being operational in situations where an officer is in an area that is open to the general public. Those situations include traffic stops, Terry stops, calls for service at businesses, or when interviewing witnesses or bystanders at a crime scene (Maury, 2016). There are court rulings that observed when citizens do not have a reasonable expectation of privacy for acts committed in public (Maury, 2016).

The next issue policy makers should consider with body-worn cameras is the access to the video recordings by members of the public and/or media. Access to officer's videos is crucial to the building of community trust and to transparency issues. Regarding accessibility, one consideration policymakers need to address is which videos should be retained (Maury, 2016). According to Maury (2016) some videos that

should be mandatory to retain include videos that involve detentions or arrests, use-of-force incidents, and any incident that involves a complaint, either formal or informal, on an officer. Policymakers need to ensure their policy is in compliance with state and federal regulations in reference to records retentions. Any department that is accredited should also be sure they are compliant with their accreditation organization's requirements as well.

In the state of Texas, Senate Bill 158 (2015) was the legislation which passed regarding body-worn cameras. The law mandates that any department that implements body-worn cameras must generate a policy that spells out when the cameras should be on and off, how the audio and video recordings are maintained and backed up, and how the general public can access the recordings. Senate Bill 158 (2015) allows officers the ability to review their videos. Agencies that have body-worn cameras have to provide training to their officers on the usage as well as to the individuals who have access to the videos (S.B. 158, 2015). The governing body on Texas Peace Officers, the Texas Commission on Law Enforcement, had to create a course for body-worn camera training. The bill also outlines procedures for the review of videos internally and how to handle and document any malfunctions of the equipment. Senate Bill 158 (2015) established a retention period of ninety days for body-worn camera videos and that a department does not have to require continuous camera activation for a full shift. Any and all body-worn camera video that recorded incidents under investigation, involving deadly force, or any issue involving officer misconduct shall not be destroyed, deleted, or released until all investigations are completed. Anyone who releases body-worn camera video footage without the effective consent of the agency can be charged



with a Class A Misdemeanor, which is punishable by up to a year in jail and a fine not to exceed \$4,000.00 or both.

Critics of body-worn cameras argue that the cost of implementing the program is costly and the department's budget cannot support the investment. The logistical and resource issue surrounding the implementation of a body-worn camera program are substantial and difficult to anticipate (White, 2014).

The price for body-worn cameras vary depending on manufacturer and level of sophistication with the camera capabilities. The video resolution should be taken into consideration when agencies decide what body-worn camera ultimately fits their department needs. Obviously, the cameras with better resolution and picture quality will cost more than the lower quality cameras. The same goes for videos that have better frames per second. The higher the frame rate is, the less likely there is a delay in video, skipping, or blurry images. Some cameras have wireless capabilities that allow the cameras to connect to the department's server and automatically download through a wi-fi connection when it is within a certain range of the agency's server.

The biggest consideration an agency needs to realize is the cost of the data storage for the videos. Data storage is the largest expense when considering body-worn cameras. The size of the data storage will depend on the number of videos from the body-worn cameras, the length of each video, and the retention requirements for each video. Individual department needs in this area will vary depending on agency size and call volume, which will ultimately affect the amount of expense this will have on an agencies budget. After agencies determine what size of data storage their department will need, the agency needs to then consider the cybersecurity of the digital

evidence they have stored. Agencies need to consult with their Information Technology department personnel and formulate a plan to prevent cyberattacks on the agency's servers to prevent evidence contamination or leaks.

While advocates agree with the debate of the costs associated with the implementation and continuation of body-worn camera programs, they point out the cost burden does not have to solely fall on the agency alone. There are governmental programs and grants available that agencies can apply for through the federal government. According to Tugade (2018) The U.S. Department of Justice's Bureau of Justice Assistance announced that it expects to award up to 28 flexible grants for the implementation of body-worn camera programs in law enforcement agencies. The projected total program funding available was cited as \$22.5 million with a maximum of \$1 million for each award in the program (Tugade, 2018).

## **RECOMMENDATION**

In recent years there have been several tragic incidents involving police use of deadly force that have damaged the legitimacy and public image of police departments nation-wide. Since those events, there has been a public demand for more transparency and accountability for police departments and police officers. Body-worn cameras are not a cure all or the final panacea for this issue, however they are a vital tool for law enforcement to gain back the trust of the community and regain its legitimacy. Thibaut and Walker (1975) reported that citizens' satisfaction in regard to an officers' decision making is influenced by their perceptions about the impartiality of the process. The use of the body-worn camera protects both the citizens and the police departments alike. The videos produced by the officers' body-worn cameras can help

improve public perception of the police by showing more of the incident than any partial video shown by those who only record part of the incident. According to Ariel et al. (2017) body-worn cameras leads to greater legitimacy.

Culhane, Boman, and Schweitzer (2016) conducted a study on the effect of video evidence on citizen perceptions involving police shootings. The study compared the citizen's perception both prior to and after the Ferguson PD shooting of Michael Brown (Culhane et al., 2016). The study consisted of an actual police shooting (not the Michael Brown shooting) which the citizens in the study watched the body-worn camera video footage of the incident, or either heard or read the transcript of the incident (Culhane et al., 2016). The results of the citizen perception prior to the Michael Brown shooting indicated that those who could see or hear the incident from the body-worn camera footage were substantially more likely to believe the shooting was justified compared to the citizens who just read the transcript of the incident (Culhane et al., 2016). The citizen perceptions in the study after the Michael Brown shooting indicated that the citizens that viewed the video of the police shooting produced the most citizens who believed the shooting was justified while those who only could hear the incident were least likely to view the shooting as justified (Culhane et al., 2016). This study indicated that citizens perceptions are impacted on the context in which the incident can be viewed (Culhane et al., 2016).

Crow, Snyder, Crichlow, and Smykla (2017) conducted a phone survey with Florida residents on their perceptions of body-worn cameras in the areas of benefits and privacy, perceptions towards procedural fairness and global policing performance. Of the residents that took the survey, 87.1% either agreed or strongly agreed that body-

worn cameras will have a positive impact on officer behavior and 79.4% believed it would positively impact the behavior of citizens (Crow et al., 2017). Over three quarters of the citizens surveyed (77.6%) agreed or strongly agreed that body-worn cameras would improve citizen views of police legitimacy (Crow et al., 2017). There was not a significant number of citizens who were concerned about privacy issues concerning body-worn cameras; only 11.4% agreed or disagreed with the sentiment of the body-worn cameras were an invasion of privacy (Crow et al., 2016).

Body-worn cameras also help improve officer accountability. The cameras record the daily interactions with citizens and can potentially record any police misconduct, to include use-of-force incidents. The research has shown that the body-worn camera does have a civilization effect on citizens as well as officers. To aid in officer accountability, departments upon reviewing of body-camera video footage can utilize the videos in inner-department training on topics that include use-of-force, de-escalation techniques, or officer safety.

The research indicates that the benefits of body-worn cameras outweigh any concerns and law enforcement agencies should implement this type of program. Improved accountability will lead to improved transparency. Improved transparency leads to improved public image and legitimacy. Law enforcement regaining the public's trust and legitimacy is priceless.

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