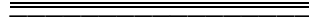


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Body-Worn Cameras are the Cure for the Curse of Official Police  
Misconduct and Unlawful Use of Force Complaints**



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



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## **ABSTRACT**

The law enforcement profession has become the target of intense scrutiny by the general public, mass media, and political operatives. This is because of the pervasive occurrences of citizen's interactions with police that concluded with perceived unreasonable utilizations of deadly force and unprofessional conduct by officers. These types of allegations, levied against officers, who are formal agents of social control, deteriorate the very fabric of American democracy, constitutional safeguards, and it insidiously erodes the credibility and integrity of the American institution of law enforcement. In response, law enforcement critics have espoused the notion that in order to rehabilitate the profession, departments should implement mandatory body-worn camera (BWC) programs. These critics have further alleged that audio and video recording of police interactions with citizens and suspects would mitigate the frequency of official misconduct, discriminatory practices, unprofessional interactions, and deadly force encounters. Opponents of BWC programs rebuff their utility, citing officer and citizen's privacy concerns, budgetary infeasibility, and data storage limitations.

This Leadership White Paper (LWP) will submit and support the thesis statement that police departments should implement BWC programs in an effort to decrease official police misconduct and use of force complaints against their officers. The thesis is presented within the theoretical framework of the 'Hawthorne' effect and the special and general deterrence models. The research revealed sufficient evidence to conclude that a moderately strong relationship exists between the reduction of official misconduct complaints and allegations of unreasonable uses of force by police and implemented BWC programs.

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## INTRODUCTION

The use of surveillance dates back to the 70s and 80s when closed-circuit television (CCTV) was used in policing for public places such as parking lots, retail business, and other privately owned public areas (Mateescu, Rosenblat, & Boyd, 2015). Recordings collected via video and audio surveillance provided credible evidence and factually based captured observations of criminals, employees, and other targets of interest. Video footage also can be an excellent tool for police investigations, courts, and exculpatory evidence (Heath, Hindmarsh, & Luff, 2010).

The old adage “a picture is worth a thousand words” finally made its grand introduction into the prosecutorial efforts of law enforcement agencies. Society has gradually transited from a society that touted “the reasonable expectation of privacy” to a society that now operates under the “default assumption” that video documentation of their actions are common place (Stanley, 2014). The pervasive use of video cameras eventually supported the installation of mounted video cameras in police vehicles (Stanley, 2014).

Texas recognized the value of audio and video recording interactions with motorist and police as a mechanism of creating substantive and procedural accountability and evidence accumulation. For example, with the passage of the Racial Profiling Report mandates, Texas intended to stem incidents of racial profiling. The actualization of this recognition came in the form of Texas’ Racial Profiling Statutes. Under the law, Texas law enforcement agencies may submit their reports by way of three (3) options. The first option entitled Exempt is for agencies that provide services that traditionally did not include making traffic stops). The second option entitled Partial

Exemption is reserved for those agencies that conduct traffic stops; however, their authorized emergency vehicles are equipped with audio and video equipment). The third option entitled Full Reporting is designated for agencies that do not have their authorized emergency vehicles equipped with audio and video equipment, yet their police officers routinely conduct motor vehicle stops) (Tex Code Crim. Proc., 2005).

Texas does not only strongly encourage installation and use of dashboard-mounted cameras; they codified the viability of vehicle mounted cameras in their Racial Profiling Report submission mandates. Texas also enumerates available reporting exemptions ensuring compliance. Stanley (2014) reported that most people own a camera and use it for different reasons such as on helmets, dashboards, private property, and glasses while the police are steadily adopting body-worn cameras. In addition to utilizing dashboard-mounted cameras in order to collect evidence of police wrongdoings and to protect itself from allegations of misconduct; police agencies are now deploying their officers with body-worn cameras (Wall & Linnemann, 2014). It is believed that technology such as the body-worn cameras are “transforming modern policing” because it “enhances crime fighting capabilities, police accountability, and police-community relationships” (Jennings, Fridell, & Lynch, M, 2014, p. 549). Unlike, dashboard-mounted cameras that are mounted and fixed to the dashboards of police cars, body-worn cameras (BWC) are affixed to the officer’s uniform and therefore are able to go everywhere the officer goes.

Drover and Ariel (2015) posited that because of this multi-functionality BWCs enhance the overall operational credibility of police department and their ability to police themselves. This is relevant because lately police officers have been recorded

engaging in instances of racial profiling, police misconduct, and unlawful uses of deadly force. These recordings are forcing law enforcement to use reasonable force in fear of exposure to media and disciplinary action from their department to being prosecuted (Van Tassell, 2013). Without the ability to review and analyze recorded footage miscarriages of justice could occur in some cases (Capps, 2015). However, one must be forewarned that police officers are not the only users of audio and video recording devices and their abilities. Van Tassell (2013) stated that “Audio and video recording, a capability in nearly every American’s pocket, has changed the way that citizens interact with police officers” (p. 183). The very nature of obtaining a video file implies that it will be viewed one day.

As a matter of fact, social media provides a forum for global sharing of photographs and video records (Jones & Raymond, 2012). With the world now using cellphones to record incidents with police officers, the body-worn cameras enable one to see incidents from an officer’s perspective (Miller, Toliver, & Police Executive Research Forum, 2014). Some major police departments that have adopted BWCs are: “Rialto, CA, Mesa, AZ, Phoenix, AZ, Seattle, WA, Albuquerque, NM, Orlando, FL, Oakland, CA, and New Orleans, LA” (Mateescu et al., 2015, p. 7). Some law enforcement agencies utilize body-worn cameras that allow for geotagging (a location identification feature) to further aid police administrators in investigating allegation of misconduct (Stanley, 2014). Although this topic is a hot button issue, previous scant research has been dedicated to the utility of the body-worn video cameras (Drover & Ariel, 2015; Harris, 2014; Fouche, 2014). Since the use of deadly force against

unarmed suspect have alarmingly increased, the utility of body-worn cameras have become the subject of international study (Garrison, 2015).

Furthermore, Ariel, Farrar, and Sutherland's (2014) journal article reported that police officer's use of force is now a national concern among stakeholders, mass media, politicians, police managers, and effected communities. The media is in favor of implementing body-worn cameras in order to protect citizens and officers alike from allegations of illegal activity and unprofessionalism that destroys the faith of the public in its police department (Ariel et al., 2014). The primary thesis of this Leadership White Paper is to assert the position that law enforcement agencies should deploy their peace officers with body-worn cameras in a concerted effort to accomplish the following justifications: (1) to compel polite and professional interactions between their peace officers and their constituents; (2) to mitigate the frequency of allegations of unlawful or unreasonable uses of force against their respective agencies; (3) to substantially reduce the number of official complaints of police misconduct; and (4) to provide credible evidence of what occurred on the scene. The 'Hawthorne' effect will be used as the theoretical framework as for the method of presenting an explanation of why body-cameras programs yield positive results. Positive results would, of course, include the actualization of the previously urged justifications. Additionally, positions counter to the cited thesis statement will be respectfully proffered and critically challenged.

The origins of the "Hawthorne" effect started with Hawthorne Work, a Chicago electric company, which requested a study on the motivational influences of their employee's productivity (Parson, 1974). The results of the study indicated that when company employees were exposed to increased levels of light, their levels of

productivity increased (Roethlisberger & Dickson, 1939). Researchers theorized that because employees knew that they were being observed (e.g. the level of light increased in the room) the employee wanted to please the researcher by increasing their levels of productivity. With this finding the “Hawthorne” effect as a theory was born (Levitt & List, 2011). BWC programs also utilize the theoretical principles of deterrence (i.e. specific and general deterrence). Not only does BWC programs constitute specific deterrence program as it relates to the officer equipped with the BWC. BWC programs are also general deterrence programs as they attempt to deter undesirable behavioral of other police officers and citizens. In an effort to support this thesis, this LWP will proffer scholarly support and empirical/statistical evidence to defend the aforementioned cited justifications.

For the sake of impartial scholarship, relevant counter arguments and subsequent rebuttal will also be submitted for audiences (i.e. officers, police managers, community leaders, and policy makers) review and consideration. This LWP will conclude with a concise summarization of the author’s positions, counter-positions, and their respective rationales and rebuttals. Lastly, credible recommendations and possible implementation strategies will be outlined for the audience’s consumption.

## **POSITION**

The first position of this LWP advances the thesis statement that the implementation of body-worn cameras will compel polite and professional interactions between peace officers and citizens. This position is the by-product of the result of the “Hawthorne” effect. It suggests that because officers and citizens are aware that they are being watched (or recorded) they are more likely than not to be polite and



professional during their interaction with one another. In the Mesa Study, 77% of the officers agreed that their level of professionalism would be enhanced as a result of the BWC program (Jennings et al., 2014). In support of this position please consider the correlation of the omnipresence concept, the purposes of visible traffic law enforcement, and the “Hawthorne” effect.

The concept of “omnipresence” started with the idea that if law enforcement could create the perception in the mind of criminals that cops were everywhere, the final result would be the reduction in crime (Brown, 1974). Through omnipresence, police departments attempt to create the notion in the mind of criminals that if they actually commit a crime, that crime will be immediately detected, investigated, which will lead to their arrest and subsequent prosecution. The impetus behind omnipresence is the desire to secure voluntary compliance with state laws because the criminals feel that they are under constant surveillance. The philosophy of attempting to obtain voluntary compliance with our laws has been expanded to support law enforcement visible traffic patrols. Again the underlying psychological intent of omnipresence from this perspective is to encourage motorist’ voluntary compliance to traffic statues because the motorists feel that they are being observed.

This psychological reaction is referred to as the “Hawthorne” effect. The “Hawthorne” effect describes the tendency of people to change their behavior when they are cognizant of the fact that they are being observed (Murray, Swan, Kirkluk, & Clarke, 1988). The knowledge that they are being observed influences their overall behavior. Audio and video recording of officer-citizen interactions are theorized to produce the same effect. If officers and citizens are aware that their interactions are

being recorded for posterity reasons, they will conduct themselves in a respectful manner. So in these cases, citizens and police tend not to be overzealous or overly aggressive (Bolton, 2015). Citizens and officers who are cognizant of being of filmed will adjust their conduct accordingly in the absence of direct supervision (Jennings et al., 2014). Typically police departments control their officer's behavior through policies, procedures, rules, regulations, and progressive discipline.

With the advent of body-worn cameras, police administrators can use this tool as a mechanism of control to increase departmental transparency, and relationship improvement. The point of the body-worn cameras by law enforcement is "to improve the behavior of both police officer and community member in an encounter" (Jennings et al., 2014, p. 549). Those critics, who claim that officer's discriminatory and racist behavior, will now have evidence to support their assertions if an incident occurs (Garrison, 2015). The body-worn cameras can promote accountability and show transparency in police-civilian encounters (Mateescu et al., 2015). Increased training in conjunction with the use of body-worn cameras encourages professional interactions with citizens (Daly, 2015).

A secondary position advanced by this LWP's thesis statement is that the implementation of body-worn cameras by police agencies will mitigate the frequency of allegations of unlawful or unreasonable uses of force and official police misconduct complaints against their respective agencies. This position is also premised on the notion that neither police, nor citizens tend to assault each other or break the law while knowingly being recorded. For years, minority citizens and socially economically disadvantaged communities have complained about police brutality and misconduct.

Mistrust, lack of confidence, and unnecessary or excessive force are just a few issues that communities perceive from the police force that are damaging the police-citizen relationship (Ariel et al., 2014). So it is not a new revelation that police-citizen relationships are strained for the myriad of reasons cited above. As a potential solution, some communities postulated the idea that body-worn cameras have the capability of changing police interactions for the better. The mass media has supported this idea. The public and media's goal by favoring body-worn cameras is so that they can change the unjust practices applied by the police (Ariel et al., 2014). A review of the literature suggests that police body-worn cameras do in fact have significant utility.

Noteworthy reductions have been observed in overall complaints of police misconduct when body-worn cameras are used. For example, "a survey of 254 law enforcement agencies revealed that there was a correlation between the use of body-worn cameras and the reduction of excessive use-of-force complaints" (Geoghegan, 2015, p. 31). This LWP will supplant anecdotal evidence with empirically supported evidence by providing concise summaries of three seminal studies on the topic of body-worn cameras. The Mesa Police Department, Rialto Police Department, and Phoenix Police Department were the subjects of body-worn camera research.

In a study by the Mesa Police Department, 50 ( $n = 50$ ) police officers were selected and provided body camera and 50 police officers were not provided body cameras for a period for approximately one year. After comparing the result, the police department discovered that 75 percent reduction in the use of force situations and a 40 percent reduction in overall complaints (Mesa Police Department, 2013).

For a period of approximately one year, a study by Cambridge University studied the use of wearable body cameras by the Rialto Police Department, in California. The year-long study focused on the compliance rates of their officers. The study consisted of a random selection of 54 ( $n= 54$ ) police officers based on their work assignments. The results of the study indicated an 87% decrease in citizen complaints city wide and a 59% decrease in the complaints regarding the use of force (Farrar & Ariel, 2013). In yet another study, the Phoenix Police Department outfitted 56 police officers with police body cameras and then compared the end results with 56 police officers that were not issued body-worn cameras. The results were consistent to previous studies and the literature, as the police department reported a reduction in complaints of 44 % (Katz & Kurtenbach, 2014; McMahon, Garner, Davis, & Kraus, 2002).

As an additional bonus, the study revealed a 60% decrease in self-reported complaints and police managers reported an increase in productivity after body-worn cameras were utilized. The results of the aforementioned studies on police department body-worn cameras and their ability to reduce the number of complaints against police officer were conclusive. There is significant evidence to conclude that there is a direct and substantial nexus with the use of body-worn cameras and the reduction of complaints concerning police misconduct and unreasonable use of force complaints against police officers.

As proffered by the "Hawthorne" effect, the citizen and the officer's knowledge that they are being recorded helps discourage professional misconduct and unnecessary use of force. Therefore, body-worn cameras programs act as both specific and general methods of deterrence. As a specific deterrence, BWC programs deter the

specific officer equipped with the body-worn camera from un-necessarily using deadly force and unprofessional conduct. With regard to general deterrence, BWC programs may deter the general public, which includes other police officers and citizens, from provoking a physical confrontation. Please note however, the use of body cameras will not result in the extinction of police misconduct or use of force complaints, but their use is a step in the right direction to reduce their occurrences (Daly, 2015).

A third position advanced by this LWP in its thesis statement is the notion that the implementation of a body-worn camera program by police departments will lead to the accumulation of credible evidence relevant to police investigations. This position is also rooted in the concept that if police and citizens are aware that their actions, work product, and official reports are observable (or subject to inspection) through quality control efforts neither party will lie on reports or produce shoddy work product. Knowing that video recordings will provide credible evidence of wrongdoing that can be used against the officers and citizens creates a specific and general deterrence. Having the ability to review audio and video recordings captured by body-worn cameras may allow police managers and their constituency to review police-citizen interactions. Review of audio or video recordings by citizens or individual police officers may be permissible as a result of the invocation of Chapter 614 of the Texas Local Government Code, a legally executed subpoena, or a Request for Open Records.

Stakeholders must keep in mind that just like police officers can record their interactions with the public, so can any citizen with a cellphone. With the help of video recordings, any citizen's encounter with a police officer can now range "from an

unprovable allegation of abuse to a media sensation” (Van Tassell, 2013, p. 183). Unfortunately for law enforcement, this is becoming a familiar occurrence.

Video recordings can provide useful evidence against both police and citizens. Investigating allegations of abuse properly then becomes vital to transparency. While investigating allegations of professional police misconduct or unreasonable uses of force, captured video and audio recordings should be used to augment investigations not replace direct testimony (Garrison, 2015). In the spirit of transparency, allowing public review of video recordings can provide the public with insight into the agency’s decision to either discipline their officers or exonerate them from any wrongdoing. Using video recordings in this manner causes BWC footage to become a not only a mechanism of transparency, but accountability as well. Depending on the factual content of the captured recording, police managers can actually justify exonerating the officer of complaints or subjecting the officer to progressive disciplinary action based on the findings of the entire investigation and collected evidence. The literature indicates that some police officers actually support the use of body-worn cameras in this manner. From time to time police officers use their own personal body-worn cameras to “shield themselves from false accusations of misconduct” (Van Tassell, 2013, p. 183).

For example, Fouche (2014) reported that because the video footage provided credible evidence that could lead to exoneration from a complaint, many of the University of George police officers supported the use of body-worn cameras. Another advantage of having actual video recordings is the ability to compare and contrast the veracity of police reports and written complaints against police personnel (Daly, 2015). Falsified reports can be easily identified, fabricated evidence can be discovered, and

the accuracy of police affidavits can be supported or impeached. In criminal matters, recordings from body-worn cameras can be used against police officers and citizens. Evidence collected by body-worn cameras can assist in the prosecutorial efforts, which includes plea bargaining, cooperation, or establishing exculpatory evidence (Bolton, 2015). Implementation of body-worn camera by police departments will lead to the accumulation of credible evidence relevant to police investigations (Young, 2014).

The first major victory for body-worn camera jurisprudence was the invalidation of New York Police Department's stop and frisk policies on constitutionality grounds based on the captured audio and video footage of a body-worn camera (Stanley, 2013). In *Floyd v. City New York* (2013), Judge Scheindlin, a federal judge, advocated the pervasive use of body-worn camera as a mean of safeguarding the constitutional rights of New York citizens. The general public, the mass media, and now the judiciary share the belief that body-worn cameras programs have merit in protected the rights of citizens. (*Floyd v. City of New York*, 2013).

## **COUNTER POSITION**

The first counter position raises the concern about the privacy rights of officers and citizens. Opponents of body-worn camera programs argued that unilateral video and audio recording by police officers, formal agents of social control, violate the privacy rights of innocent citizens. The fact that recording from body-worn camera could be used in either civil or criminal court exacerbates the situation (Mateescu et al., 2015). The constitutional provisions of the 4<sup>th</sup> Amendment have been cited as the cornerstone of their primary argument. Therefore, a brief review of the 4<sup>th</sup> Amendment as it relates to their argument is warranted. The 4<sup>th</sup> Amendment of the United States Constitution

guarantees “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures...” (Wetterer, 1998, p. 11).

Although the U.S. Constitution does not expressly state that citizens have a ‘privacy right’ the United States Supreme Court has repeatedly recognized the ‘right of privacy’ as an un-enumerated fundamental right. Similar constitutional protections are contained within the Texas Constitution as well (Tex. Const. Art. I, PmbI).

No contention will be offered to impeach their constitutionally sound, yet rudimentary interpretation of the right to privacy. To overcome this dilemma of privacy, the following rebuttal is offered. Specifically, the rebuttal will address issues concerning the appropriate location of recording, the determination of when consent is required, and the possible caveats to recording special victims and witnesses. First, in order to invoke your right to privacy, you must have a reasonable expectation of privacy. Case law interpretations, have pronounced that there is no privacy right that exist in a public place, except however at private locations. This is tricky sometimes, because from time to time there may be difficulty differentiating from one’s reasonable expectation of privacy, the ability to enforce a police officer’s right to record, and a citizen’s right to refuse recording (Van Tassell, 2013). If a citizen is in a public place, he or she will not have legal standing to contest the recording of a police officer. This is because public places typical do not qualify as locations in which a reasonable person would have an expectation of privacy.

However, if the same citizen was in a private place, like their home or a dressing room in clothing store, an expectation of privacy would be reasonable. Therefore, if a police officer was recording a citizen in either location, the officer could not record,



outside some specific exceptions. Those exceptions include the execution of an arrest or search warrant. To safeguard the privacy rights of citizen while police officers are in their private residence agencies through enforceable policies and procedures should mandate that their officers de-activate the video functionality of their body-worn camera. This is important because recordings from a public servant while executing his or his official duties could subject the captured recordings to jurisdiction of an open record request. Open Records Request would make recorded footage of the inside of someone home subject to public inspection. Procedural mechanisms should be established through departmental policy to guard against this. In case of inadvertent recording the departmental policies should have a strictly enforced provision governing “redaction qualifying events”. Upon the entry into someone’s home, the constitutional right to be free from unreasonable searches and seizures is triggered. Consequently, the result the homeowner or occupant should have the right to request the police cease video recording (Bolton, 2015).

Through legislative enactments, any recorded footage within a private residence should be rendered presumptively fruits of the poisonous tree. As long an arrest or search pursuant to a warrant does not occur within a citizen’s home, departmental policies should compel officers to honor citizens request to cease video recording (Durgin, 2015). In short, while police officers are in the private residences of citizens recording should be prohibited by departmental policy, statutory mandates, and evidentiary jurisprudence (i.e. fruits of the poisonous tree doctrine, exclusionary rule, and the plain view doctrine). If these privacy constitutional safeguards are adhered to BWC programs can be implemented successfully. Other opponents of BWC programs

claim that allowing officers to record anytime and anywhere should be prohibited. Opponents further contend that officer should be required to ascertain consent from citizen prior to activating their body-worn cameras. In order determine whether a police officer may legally be required to obtain consent depends upon the laws within their respective jurisdictions (i.e. federal circuit or state). Typically, states are either classified as '1' party-consent or '2' party-consent. Body-worn camera programs developed in '2' party consent states must require their officer to record only after they notify the citizen (Bolton 2015). Another alternative is to require the officer in aforementioned situation to turn off the audio recording feature of the BWC, leaving the video recording feature activated. Alternatively, BWC programs developed in '1' party consent states are not required to first obtain consent to record citizens, as long as one party to the recording consents. The party that typical consents in the officer-citizen encounter is the officer. Texas is a '1' one-party consent (Sullivan, 2004). Therefore, Texas police officers are not required to obtain consent to video or audio record before activating their BWCs.

The necessary consent' arguments proffered against BWC programs constitutes a legal indefensible position as it relates to Texas BWC programs. It is a legally untenable position because Texas law does not mandate that a recording party (i.e. police officers or citizen) to notify an individual that he or she is recording nor, request consent to record, or receive permission to record before the recording starts. The 'special victim or witness' argument against BWC programs assert that special victims or witnesses should not be recorded by BWC unless special circumstances exist.

However, privacy protections can be implemented contemporaneously with the promulgation of a BWC program.

To preserve the anonymity of “special victims and witnesses”, officers should have the ability to deactivate their body-worn cameras. To further safeguard their anonymity, should these parties be inadvertently recorded, representatives from the Internal Affairs Division should have the ability to redact privileged portions of the video file, only after an unaltered original copy of the video file has been placed in evidence for permanent storage, safe keeping, and prosecutorial review (Durgin, 2015). Fouché (2014) reported that “even though police and citizens may see body-worn cameras as invasive, the benefits of the cameras warrant officers wearing them” (p. 23).

The second counter position brings forth the concern with insufficient data storage capabilities. Opponents claim that inadequate storage capacity and retention policies will prevent the overall successful technological integration of BWC programs. With strategic planning and organization, storage capacity dilemmas can be successfully overcome (The President's Task Force on 21st Century Policing, 2015). According to Bolton (2015) the average police have 10 citizen contacts per shift, with an average length of 10 minutes. Each encounter would equal approximately 1.2 gigabytes. By the end of year one, one BWC would have accumulated 11 terabytes of data. Now multiply 11 terabytes times the average number of police officers with at an average sized police department. As one can predict, the number of terabytes of data accumulated that you would need to have storage capacity grows exponentially (Bolton, 2015, p. 14-17). Law enforcement agencies currently have the ability to upload and store voluminous amounts of data on either an onsite or offsite database server. This

this nothing new. However, at some point it is factually reasonable to conclude that police departments will experience a storage space issue. The alternative can now be cloud based storage.

Previous security protocols promulgated by the FBI made law enforcement video cloud storage virtually impossible until recently (Durgin, 2015). New footage collected can be secured in a cloud storage server or internal management software (Mateescu et al., 2015). The mere fact that an agency must plan and organize a viable plan to store BWC video files is an insufficient reason to justify abandoning BWC programs in their entirety. For centuries, police agencies have availed themselves of the technological innovations in an effort to meet the demands placed on them by crime in society. Agencies should also take into consideration that after retention policies are complied with, video files can be deleted to make room for new video files. After a diligent research, legitimately compelling reasons were not found to justify a law enforcement agency failure to implement BWC programs, especially since the storage capacity issues have been resolved. The benefits of BWC programs clear outweigh the temporary sets backs of investigating viable alternative to storage capacity.

The third and finale counter position confronts the budgetary conservatism issues concerning BWC program. Body cameras have the ability to provide “irrefutable evidence of departmental transparency” (Bolton, 2015, p. 17). Nevertheless, some police managers argue that attempts to implement body-worn camera programs are futile because they require extreme budgetary commitment. The same types of unpersuasive arguments were used against the implementation of dashboard cameras program, Tasers programs, Computer Aided Dispatch programs, and Automated Report

Reporting Programs. An initial investment of \$500 – \$800 per BWC has the potential to save the agency from integrity eroding allegations. The Agency's ability to prove or disapprove an allegation against one or more of its officers immediately is invaluable. A police manager's use of factual and statistical data to make informed policy decisions about BWC programs is an example of evidence based police management.

In the face of budgetary conservatism, this method of decision making is honorable. Supporters of budgetary conservatism rationales that seek to thwart capital expenditures for BWC programs clearly have not performed a cost benefit analysis. It is estimated, that millions of dollars could be saved in litigation expenses and attorney's fees as a result of properly executed BWC programs (Katz et al., 2014). In some cases, in order to save money one must spend money, especially for new programs. Just like any other program, sufficient budgetary allocations are necessary for a fledgling BWC program to be successful. These allocations must range from the initial establishment phase, capital expenditure purchases, vast storage capacity, to the funding appropriations for training time (Jennings et al., 2014). Research informs us that a large portion of the funds allocated for the creation of any BWC program will be dedicated to the purchase of equipment for infrastructure development and storage capacity for video files (Geoghegan, 2015). The lack of a police agency's budgetary resources is not an insurmountable obstacle. Agencies can receive budgetary assistance to develop their BWC programs.

Texas police agencies now have two avenues available to them to supplement their budgetary shortfalls and commitments to the BWC programs. First, the federal government has created a partnership program to help agencies defer the cost of

implementing BWC programs. The partnership made “\$263 million available over a three year period to equip 50,000 officers with the cameras” (Garrison, 2015, p. 34; Mateescu et al., 2015). Agencies that are qualified to be members of the partnership, may request up to 50% of matching funds to purchase BWCs as long as the agency pays the remaining outstanding balance itself. Secondly, in 2015, Senate Bill 158 created a state grant for Texas law enforcement agencies to assist them with the cost associated with purchasing BWCs (Tex. Occ. Code, 2015).

However, according to Texas’ newly created grant law enforcement agencies are required to pay up to 25% of the cost incurred as a result of developing and implementing their BWC programs (Tex. Occ. Code, 2015). Agencies can also save money by implementing BWC programs in phases and by the departmental operational priorities. Approaching implementation in this manner will help agencies determine what works and what does not work prior to full departmental implementation. Experts encourage police departments to first develop an “incremental approach” to implementation via a “polite program” (Geoghegan, 2015, p. 32). This means agencies should deploy their first wave of BWCs, with officers that have the most direct interaction with citizens.

## **RECOMMENDATION**

Technological advances in audio and video recording devices have made BWC’s availability to mainstream society and police a reality. Some law enforcement agencies have, progressively implemented body-worn camera programs, in an effort to protect the general public from police misconduct, and increase police operational transparency. Other police departments have fostered positive community relationships

by creating an additional mechanism of police accountability and encouraging police universal professionalism with the implementation Body-worn Cameras Programs (BWC) within their respective agencies. In that spirit, this LWP will propose specific recommendations should law enforcement commanders or stakeholders decide to fund and implement BWC programs.

If law enforcement agencies adhere to these recommendations, their BWC program implementation process will smoothly achieve the desired effect of reducing use of force complaints and official complaints of police misconduct. Through the theoretical framework of the ‘Hawthorne’ effect and omnipresence, position one explained how BWC programs discouraged inappropriate behavior between citizens and police officers. Position two suggested that decreased complaints of unreasonable uses of force and officer misconduct complaints occur because of specific and general deterrence effect of BWC programs. The accumulation of objective evidence, through factual observations, will also occur as a result of properly implemented BWC programs. Proponents of the first counter position claim that privacy concerns are sufficiently compelling to bar the implementation of BWC program. However, statutory enactments of prohibitions restricting the operation of BWCs, implementation of carefully drafted departmental policies governing the use of BWC, and routine BWC training can provide sufficient protections to allow operation of BWC in certain locations. Proponents of the second counter position, claim that law enforcement agencies lack adequate data storage capacity to sustain BWC programs. However, the recently relaxed standard of the law enforcement (sensitive data) cloud storage by the F.B.I. completely undermines the legitimacy of this position. Cloud storage accounts have essentially endless storage

capacity. Also deletion of video files in compliance to appropriate data or file retention policies will help relieve storage space.

Proponents of the third counter position, claim that the principles of budgetary conservatism prevent such fiscally crippling programs from being sustained in definitely. According to them, tax dollars can be better utilized than for the promulgation of BWC programs. However, agencies have access to federal and state sponsored grant programs to help fund their programs. Also to defer some initial cost implementation, the incremental approach has been suggested so that police agencies will not have to purchase BWC for all of their officers in one capital expenditure.

The result of the most popular research studies conclusive demonstrate a dramatic 40% to 85% reduction in reported official misconduct and use of force complaint. The first LWP recommendation is to take the temperature of the department prior to implementation. Before agencies decide to implement a body-worn camera program, agencies should determine the receptiveness of its police officers and then critically determine agency's ability to successfully implement the program (Jennings et al., 2014). Police managers need to be aware of the mood their police officers. This awareness is important because agency personnel have ability undermine the program's successful implementation. In order to successfully implement policies concerning the use of body video cameras in law enforcement agencies; the officer's actual perceptions of the camera's viability in the field should be considered (Jennings et al., 2014). Since police officer's will ultimately be responsible for activation and operation of the proposed body video cameras, police managers should take the officer opinions into consideration when promulgating subject matter policies governing their



respective implementation. Pilant (1995) reported that police managers should expect hesitation from police officers during the implementation phase of deploying body-worn cameras.

Empirical studies suggest that a correlation exist between the length of experience of police personnel and their academic achievement with respect to their body-worn camera support (Fouche, 2014). The second LWP recommendation is to implement a comprehensive BWC policy before the actual distribution and use of BWCs. The Police Executive Research Forum (PERF) collected data on the use of body-worn cameras that contained three sections: in “an informal survey of 500 (n = 500) law enforcement agencies nationwide, interviews with police executives and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras” (Miller et al., 2014, p. 2).

The results of the survey were that those agencies that did implement body-worn cameras programs did not have a written policy because they were unsure of what all the policies should entail (Miller et al., 2014). It was further discovered that over 33% of the law enforcement agencies that implemented body-worn cameras failed to promulgate polices governing their deployment and access to the video files (Geoghegan, 2015). The International Association of Chiefs of Police (IACP) has developed a generic model policy governing the implementation and use of body-worn cameras (IACP, p.1, 2015). Agencies should use the IACP model policy as starting point in developing their own BWC policies and then specifically tweak it to meet their departmental and procedural needs (Durgin, 2015). Departmental policies should regulate the location on the police uniforms that officers should affix the BWC (Bolton,

2015). Departmental policies should also require recordings, when applicable, to be from start to finish (Bolton, 2015; University of Georgia Police Department, 2013). BWC policies should cover ‘reluctant activation’ dilemmas that might occur amongst the officers in the creation of their policies (Bolton, 2015).

If an incident occurs where an officer should have activated his or her body-worn camera and fails to do so, the officer, pursuant to the “reluctant activation” provision of policy should complete and submit a detailed report explaining why a “Failure To Activate” occurred. This aforementioned “reluctant activation” notification could also be made on video prior to deactivating the BWC (Durgin, 2015). In required cases BWC policies should require an administrator’s authorization to alter or modify any recording video files. Editorial or modification authority should be restricted to the highest rank of the Internal Affairs Divisions, for obvious reasons (Durgin, 2015). The third LWP recommendation is for agencies to carefully vet selected BWC for the desired functionality so that the agency can actually purchase the right BWC for their respective agencies.

In purchasing BWC’s, departments should consider night and day times operations (Bolton, 2015). Chargeability issues and battery replacements in the field should also be considered by agencies. Agencies should consider the recording field of observation of their potential body cameras (Bolton, 2015). Bolton (2015) reported that typically “the field of view varies from 63 to 180 degrees” (p. 14). If agencies take heed to the aforementioned recommendations, implementation of their BWC programs will run into fewer obstacles. Policies on body cameras can only be effective with

preparation and partnerships with the community and the support of the police officers that actually have the BWCs attached to their body.

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