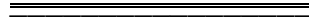
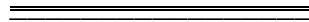


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Rebuilding Trust through Body-worn Cameras**



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



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February 2018**

## **ABSTRACT**

A problem in today's society involves the relationship between law enforcement and the community it serves. In some communities, a police officer's word is not considered truthful without supporting audio and video evidence. The recent deaths by law enforcement of unarmed black males in New York City, Ferguson, and Tulsa have reinforced the necessity of body-worn cameras (BWCs). Civilization cannot stand in defense of itself, therefore it is dependent on good and decent people to serve by standing guard on the front lines, hence the police (Delattre, 2011). Due to the erosion of public trust, these officers are tasked with proving they still possess good character, have high morals, and are ethical.

The public demands transparency and training regimens that focus on de-escalation to reduce use of force incidents and on implicit bias, procedural justice, and the use of technology such as BWCs are needed to improve outcomes and rebuild community trust (The President's Task Force on 21<sup>st</sup>, 2015). Trust between the community and law enforcement is essential in the development of a positive relationship. BWCs can help strengthen the police profession by promoting accountability and transparency, improve training, document evidence, and record contacts with the public (U.S. Department of Justice, 2014). Once the belief that police cameras are routinely recording, it has been assumed that everyone will be on their best behavior, be it the police and the public. Law enforcement should use body-worn cameras in order to rebuild public trust through transparency.

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## INTRODUCTION

Advancements in technology have provided law enforcement with a variety of tools that can be used to perform their jobs more efficiently. Technology is constantly evolving and thus it has made significant changes in the manner in which people live. In the present environment, most everyone has a cellular phone with the capability of recording both audio/video and still images of an event. These captured images are commonly uploaded to various social media websites and are available for immediate viewing by a vast audience throughout the world. These images can be used to promote any agenda and have the propensity to go viral overnight.

The audio/video recording of police interactions with motorists have become commonplace with many law enforcement agencies in the United States. Texas police agencies have been recording their traffic stops via the in-car video system since 2001 due to a state mandate requiring racial profiling documentation (Texas Statutes, 2001). The use of in-car cameras helped to dispel motorist complaints that were made on officers and further aided in the criminal prosecution of defendants by recording the evidence. Therefore, the adaptation of body-worn cameras (BWCs) is not alarming to most officers. BWCs are more versatile than in-car cameras because they are designed to be worn on the officer's body.

In some communities and groups, a police officer's word is not considered truthful without supporting video evidence. The development and implementation of a BWC program by law enforcement has been thrust into the spotlight with the goal of achieving transparency. The recent deaths by law enforcement of unarmed black males in New York City, Ferguson, and Tulsa have reinforced the necessity for BWCs.

According to the U.S. Department of Justice (2014) (Letter from the PERF Executive Director), "Body-worn cameras can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities have about their police departments".

The old adage that perception is one's reality holds true in today's environment. The local television news channels routinely run stories that involve law enforcement in both a positive and negative light. Once the belief that police cameras are routinely recording, it has been assumed that everyone will be on their best behavior, be it the police and the public. Law enforcement should use body-worn cameras in order to rebuild public trust through transparency.

## **POSITION**

Body-worn cameras can aid in rebuilding trust with the public. Police officers are held to a higher standard of conduct than the general public. These officers swear an oath, are honored to wear the badge, and have a strong desire to help people. In today's society with the erosion of the public trust, these officers are tasked with proving they still possess good character, have high morals, and are ethical. Civilization cannot stand in defense of itself, therefore it is dependent on good and decent people to serve by standing guard on the front lines, hence the police (Delattre, 2011). Positive relationships are vital in a community policing environment and public trust is necessary to promote legitimacy in law enforcement.

As shown in the Rodney King beating, public trust of law enforcement can be diminished rather quickly by poor decisions made by a few officers. In 1991, George Holliday, used a hand-held camcorder and recorded the beating of Rodney King by four

Los Angeles police department officers (LAPD), it was broadcast on national television and has been considered the first viral video pre-internet (Ortiz, 2015). Since this time, society has been inundated by videos taken by citizens that are depicting police officers using excessive force. Many of these privately taken videos are captured by someone with a personal agenda towards law enforcement and are taken from the videographer's perspective. Law enforcement should use body-worn cameras so the story can be told from the involved officer's perspective without bias or personal agenda.

The use of BWCs can be vital in reducing and eliminating some outlandish complaints concerning law enforcement misconduct. Police agencies are paying out large sums of money to settle lawsuits reference allegations of civil rights violations. New York City agreed to pay a \$5.9 million settlement to the estate of Eric Garner, he died in police custody as a result of a choke hold. A total of \$248 million was paid out in settlements in 2014 by the ten largest police agencies within the United States (Elinson & Frosch, 2015). The public demands transparency and the proper use of BWCs can rebuild the public's trust.

BWCs have a far-reaching benefit to the criminal justice system. A recording made on location of an active crime scene may aid in the investigation by documenting statements made by an involved person(s) that may later be useful in the investigation or prosecution (U.S. Department of Justice, 2014). Criminal cases with BWC footage most likely will settle at a far higher rate and cases may be resolved prior to trial due to suppression issues (Roberts, 2016).

The President's Task Force on 21<sup>st</sup> Century Policing, (Implementation Guide, 2015, p.20) stated that, "Law enforcement agencies are undertaking significant training

regimens that focus on de-escalation to reduce use of force incidents and on implicit bias, procedural justice, and the use of technology such as body-worn cameras to improve outcomes and community trust”.

There are obvious benefits for law enforcement to implement a BWC program in addition to rebuilding public trust. Cameras have routinely been shown to protect officers from false accusations, reduce use of force complaints, it provides officers a recording of the events to assist with report writing, and is extremely helpful in the training environment. The Oakland, California, Police Department began their use of BWCs in 2010, during a six year span they observed a 72 percent decrease in use of force incidents and a 54 percent reduction in complaints towards officers (Figueroa, 2016). To capture all relevant video, officers must record all interactions with the public with minimal exception. It is hard to speculate when a citizen encounter may turn hostile or even violent. BWCs are designed for documentation and should be used for the officer's advantage to reduce unjustly accusations.

The City of Rialto, California, police department has a population of 100,000 residents with half being minority. They conducted a one year experiment involving BWCs which were optional to officers. If a camera was worn, then it would be turned on during all citizen contacts. The use of force rate was reduced by 59 percent and citizen complaints dropped by an astounding 87 percent (Farrar, 2013).

The BWC holds police officers accountable for their actions and the perception that each recording may be reviewed by their supervisors seems to have attributed to the reduction of complaints. The video camera indiscriminately sees everything and everyone. A survey was conducted by Policeone.com in regards to BWCs. An

overwhelming response was received in favor of BWCs because it reduces false allegations of police misconduct (Wylie, 2012).

Police field training officers (FTO) are using the BWC footage to address training issues with police recruits. Athletes are routinely recorded during games for later reflection to see their mistakes so they can get better. BWCs have afforded FTOs the ability to debrief their recruits after each call for service in the same manner. This has benefited all parties involved in the training program. When used in this aspect, the FTO should make sure that his review is done in an objective manner. The BWCs can also be utilized during training scenarios or force on force applications. These devices can also be utilized by specialized units including search and arrest warrant entry teams. Law enforcement not only can learn from their own mistakes but can watch videos of their peers as a learning tool. In 1991, Constable Darrell Lunsford was disarmed and killed by three assailants while on a routine traffic stop and his murder was captured on his in-car mobile video (Officer Down Memorial Page, 1991). This tragedy was one of the first recorded incidents of this type captured on video. Police officers around the country have viewed this video for training purposes.

BWCs have aided officers with obtaining statements and confessions at the scene of the crime and provide the defense attorney with little or no ammunition to attack these statements. Documentation of evidence can easily be accomplished quickly and with accuracy. The court system will benefit with a widespread use of BWCs because the prosecution of criminal cases come down to credibility and police officers are commonly the only witness to a large portion of the crimes (Roberts, 2016).



BWCs are having an effect on the law enforcement community and seem to be having a positive impact on both the public and officers. Some examples are: In Bell County, Texas, officers have noticed a reduction in domestic violence cases being dismissed; an officer in Nampa, Idaho had to shoot an aggressive dog and the owner apologized for the dog's actions after reviewing the video, in New Carrollton, Maryland the police department has noticed that people tend to behave better and are less combative when being recorded on video, the Rialto, California Police Department has experienced a large reduction in complaints against their officers and use of force incidents (Policeone Staff, 2014).

## **COUNTER POSITION**

The use of BWCs raise oppositions due to privacy concerns for citizens and law enforcement. The Fourth Amendment of the U.S. Constitution affords the right for people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. The courts have been clear on this issue; a person's home is their castle and is the most sacred private place (U.S. Const. amend. IV). Law enforcement has been utilizing in-car videos for years but the courts found that there was not an expectation of privacy in a motor vehicle (U.S. v Chadwick, 1977). BWCs have presented new privacy concerns due to the versatility of the device. The camera is worn on a police officer and therefore has access to areas where a reasonable expectation of privacy may exist.

According to Stanley (2013), the recording may occur during many instances that include innocent behavior whenever police enter people's homes. This can include consensual entry to take a report of some sort and investigate a domestic call. The

public have seen the results of in-car video footage of celebrities and others being released online that capture embarrassing moments. The potential release of videos has only intensified with the use of BWCs.

In rebuttal, recording every encounter with the public would undermine privacy rights and public relations. The recording of crime victims in sensitive situations or the recording of witnesses concerned about retaliation require officer discretion to choose not to record (U.S. Department of Justice, 2014). Police agencies must train and develop policies governing the use of BWCs with privacy as a consideration and limit usage under certain circumstances.

The federal government has developed recommendations for BWCs that addresses many issues and concerns. Policies should incorporate direction to personnel that prevents access to the recordings for personal use to include the uploading of this data and prevent the unauthorized use. Stated protocols should be established to the release of this data to the public and media. The state freedom of information laws should be used for guidance during the release of videos that are taken inside private residences. Agencies must communicate their policy clearly and consistently to the public (U.S. Department of Justice, 2014).

Police officers contact many people throughout their shift and the vast amount of these contacts are when the citizen is at their worst. While investigating an accident, there may be follow up required that leads the officer to the hospital to make contact with an involved party. Privacy consideration should be given as the involved party has certain rights as specified through the health insurance portability and accountability act of 1996 (HIPAA). According to the police executive research forum (PERF), officers

should not record every encounter with the public due to privacy concerns and the damage it may cause to the relationship with the public. In certain situations, the recording of crime victims and witnesses are not needed. An agency's policy should give directives outlining when recording a citizen contact would be unreasonable (U.S. Department of Justice, 2014).

The costs of BWCs is too high for most police agencies to implement a program. The initial cost of the camera to an already strained police budget is a major consideration. According to Markowitz (2016) Data storage is where most of the cost is centered. Across the United States, there are debates among city leaders over police body cameras in an attempt to find the funds to pay for them. The cost of the BWCs range from \$300 to \$800 for each officer and the video storage can cost hundreds of thousands of dollars down the road. San Diego police department has estimated a cost of \$1,495 for storage costs per year for each unit.

In rebuttal, the costs of BWCs is minimal considering the benefits that can be achieved by rebuilding public trust. Police agencies can file for federal grants to assist in the purchase of BWCs. The United States Attorney General announced the Department of Justice has awarded over \$20 million to 106 police agencies for a body-worn camera program in an attempt to win and keep the trust of the citizens (Office of Public Affairs, 2016). The use of BWCs is beneficial as a defensive measure and can mitigate civil liability. In 2010, officers in Modesto California were confronted with a deranged man that approached officers with a pocket knife and was shot by an officer. He survived his injuries and a settlement was reached in 2016 for the sum of \$850,000 (Valine, 2016). This shooting occurred before BWCs were available but if this

encounter had been recorded it may have changed the outcome of the settlement. In 2014, the city of Philadelphia settled ten police involved shootings for an average of \$536,500 each (Elinson & Frosch, 2015). Many lawsuits filed by citizens claiming excessive force civil rights violations may have a different outcome if video of the incident was available. The cost to implement a BWC program is not just affordable but it is crucial for an agency's survival.

## **RECOMMENDATION**

In the current climate, it has been emphasized that law enforcement agencies need to strive to rebuild and strengthen public trust of the community. In 2014, the Department of Community Oriented Policing Services issued, Implementing a Body-Worn Camera Program report. This report has an in-depth review of problems and solutions that currently face law enforcement. A recommendation was made in this report that BWCs can help strengthen the policing profession, promote accountability, and transparency. The BWCs can increase professionalism, improve training, document evidence, and record contacts with the public (U.S. Department of Justice, 2014).

Technology is always progressing and law enforcement must strive to catch up and remain in tune with current trends. Currently, BWCs have been viewed as the latest crime fighting tool. In this technological age, most people have smart phones, routinely use social media websites, and skype. Police officers are routinely video recorded and judged by the actions of others within the law enforcement community (U.S. Department of Justice, 2014).

Body-worn cameras can aide in rebuilding public trust with the community because the video camera indiscriminately sees everything and everyone. The days when an officer's word was believed to be truthful because of his status as a law enforcement officer has passed. Today's law enforcement officer has to continually prove to the citizens that he is trustworthy, it is no longer assumed. Due to this current environment, law enforcement officers must use body-worn cameras to protect themselves from wrongful allegations and their agencies from civil liability (Elinson & Frosch, 2015).

BWCs are also being used for training purposes and provide instructors with an additional tool to evaluate progress. The BWC can be used during all types of training and during field operations. Since the widespread of in-car videos, officers have been able to critique their colleagues regarding traffic stops and learn from others mistakes and successes. Now with the introduction of BWCs, the range has broadened tremendously. BWCs are being used in the field to obtain statements, confessions, and the presentation of photo lineups (Roberts, 2016). The documentation of evidence can easily be accomplished quickly and with accuracy.

The use of BWCs have presented new privacy concerns for both citizens and law enforcement due to the versatility of the device. The Fourth Amendment of the U.S. Constitution affords the right for people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures (U.S. Const. amend. IV).

According to the police executive research forum (PERF), officers should not record every encounter with the public due to privacy concerns and the damage it may cause to public relations. In certain situations, the recording of crime victims and

witnesses are not needed. An agency's policy should give directives outlining when recording a citizen contact would be unreasonable (U.S Department of Justice, 2014,).

The initial purchase of BWCs is another concern for police agencies that are already facing a restricted yearly budget. According to Markowitz (2016), data storage is where most of the high cost is centered. Across the United States, there are debates among city leaders over police body cameras in an attempt to find the funds to pay for them and the reoccurring data storage fees.

The costs of BWCs is minimal considering the benefits that can be achieved by; rebuilding public trust, protection from false accusations, reduction in use of force and citizen complaints, record of the events for report writing, and use in the training environment. Police agencies can file for federal grants to assist in the purchase of BWCs (OAJ, 2016). The use of BWCs is beneficial as a defensive measure and can mitigate civil liability. Many lawsuits filed by citizens claiming excessive force civil rights violations may have a different outcome if video of the incident was available. The cost to implement a BWC program is not just affordable but it is crucial for an agencies survival (Elinson & Frosch, 2015).

There are obvious benefits for law enforcement to implement a BWC program. The Bureau of Justice Assistance (BJA) provides a tool kit for law enforcement agencies to aid in the implementation of a BWC program. First an understand of BWCs through research must occur then the development of an action plan. Policies and procedures need to be developed and aligned with the laws affecting the use, sharing, and seizure of video. Technology aspects regarding BWCs need to be determined and

communicated to all affected. The training of officers will then occur prior to the rollout of the BWCs (Bureau of Justice Assistance, 2015).

The implementation of BWCs is very important in the current environment because it will allow the public the ability to view what an officer sees during a particular situation and will foster transparency. Relationships and trust can be forged with the use of BWCs which is essential for both law enforcement and society.

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