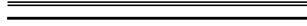


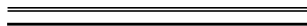
**The Bill Blackwood
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**Body-Worn Cameras: Can They Improve
Police Accountability and Transparency?**



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



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ABSTRACT

Body worn cameras are one way police departments across the country are using new technologies. The use of these cameras have some people excited about how they might bring changes to policing, but there are some people who are concerned about the use of them. The benefits of using body worn cameras could be fewer complaints against officers, better evidence collection and testimony for court, better training, officers and citizens behaving better knowing they are on camera, and the cameras would always be with the officer so it would catch all of their interactions with citizens. Two of the main reasons for having officers wear body cameras are to improve officer accountability and agency transparency.

Some concerns of using body worn cameras are the expense to purchase them, the cost of storing the media, privacy for citizens, especially in their own homes, and privacy for police officers. There are solutions for these concerns and police departments need to conduct research to find out how to resolve these concerns. Agencies also need to research the available types of body cameras to see what would work the best for their agency. Law enforcement agencies should implement a strong policy on the use of the cameras to make sure they are in accordance with any state laws prior to using the cameras.

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INTRODUCTION

Technology usually advances at a faster pace than law enforcement can keep up. Police agencies across the country are usually the last organizations to purchase and use new technology due to the cost of it. In the late 1990's, many police agencies were using in-car video cameras to document their interaction with people on traffic stops and in general contacts. Law enforcement has started to catch up with technology by using laptop computers, GPS, license plate readers, DNA testing, cell phone cameras, social media, and now body cameras. Body cameras differ from in-car cameras in that they are always with the officer and will record both audio and video, no matter how far away from the patrol car an officer goes. Advances in technology have made body cameras small enough to wear on eyeglasses or on the front of a uniform, and the quality of video has improved to the point it is almost like watching a movie at a theatre. Video recordings are invaluable when it comes to doing away with the proverbial "he said versus she said" when there are discrepancies and people are not sure who to believe.

The big push for the widespread use of body cameras has been due to recent events across the country such as when Michael Brown was shot by a Ferguson, MO police officer on August 8, 2014 (Brown, 2014); when Eric Garner was killed by an officer in Staten Island, NY on July 17, 2014 (Prokupecz & Sanchez, 2015); when Walter Scott was shot in the back as he ran from an officer in North Charleston, SC on April 4, 2015 (McClam, 2015); and when Freddie Gray died while in police custody in Baltimore, MD on April 19, 2015 (Graham, 2015). Unfortunately, law enforcement officers have made several mistakes recently, and the confidence in law enforcement

seems to be at a low point due to a few officers doing the wrong thing while the majority of law enforcement officers do the right thing on a daily basis. Law enforcement leaders, government leaders and the general public want better transparency and more accountability from police officers. Wearing body cameras should make police officers more accountable for their actions and for law enforcement agencies to be more transparent to the communities they serve.

POSITION

With the recent events involving police misconduct and perceived inappropriate uses of force against citizens on the rise, people all across the nation, including police leaders, are calling for the use of body worn cameras to improve accountability and transparency. Many people believe if police officers are wearing body cameras, then their behavior and conduct will improve, and the videos will show the majority of officers are conducting themselves in a professional manner on a daily basis. Deputy Chief Christensen of the Fort Collins Police Department stated, "It's inevitable that body cameras are going to capture the good and the bad. The community is going to expect to see both and will want answers for why certain courses of action have been taken" ("3 Tips," 2015, p.1). Although many police departments across the country have been using in-car cameras for many years, officers move away from the cars and their body microphone stops recording because it is too far from the car and all one can see is what is in front of the car. Body cameras are always with the officer and will record incidents from start to finish. These recordings should bring about better behavior by officers who are not always saying or doing the right thing. Agencies spending large sums of money on body cameras are taking a big step towards better transparency

knowing they are going to have to show the videos no matter what behavior is caught on camera.

The body camera should also affect how other people are acting towards the police. People usually behave a little better when they know their actions are being recorded and not just what they are saying. With people behaving better due to the cameras, more people will be following orders given by the police, and there should be fewer incidents of police officers using some type of force. This should reduce complaints and improve community relations.

A study was conducted with the Rialto, California police department in 2012, where half of their police officers were given body cameras while on patrol. The study revealed that “citizen complaints dropped by almost 88% and there was a 60% reduction in office use of force incidents with the deployment of body cameras” (Timm, 2014, p.1). The Police Executive Research Forum (“Implementing a body-worn camera program,” 2014) stated, “Another study involving the Mesa, Arizona police department in 2012 had similar results with 40% fewer complaints against officers and 75% fewer use of force complaints of the officers wearing the cameras” (p. 6). These studies are making people ask the question of whether cameras cause both police and civilians to act differently when they know they are being recorded on cameras. Police Chief Ken Miller of Greensboro, North Carolina said, “We actually encourage our officers to let people know that they are recording. Why? Because we think it elevates behavior on both sides of the camera” (“Implementing a body-worn camera program,” 2014, p. 6).

Body cameras could also help reduce the number of false complaints against officers (Ramirez, n.d.). When a citizen complains, it is easier to prove or disprove their

complaint with a video that captures the entire contact between the officer and the complainant. Supervisors do not have to rely on what each person can recall of the event, they can just watch the video. The videos also reduce the amount of time it takes to complete the investigation, therefore saving time and money. With more complaints being unfounded and the number of use of force complaints lowering, body cameras can also reduce the number of frivolous lawsuits savings taxpayers thousands of dollars every year.

Not only will the cameras reduce the amount of time spent on false complaints, it will improve the agencies' abilities to discipline those officers who are violating policies and procedures. This helps allows more transparency and accountability to the communities they serve. Body cameras will prove to be an asset to those officers doing the right thing on a daily basis and will only negatively affect those who are not.

Besides helping to improve accountability and transparency, body cameras will also assist officers and prosecutors in collecting evidence and improving courtroom testimony. Body cameras will more accurately record crime scenes, accident scenes, and witness and victim statements than an officer just going from memory or taking a few notes at the scene. Officers will be able to use their body cameras like a handheld video recorder to record the scene and then review the video at a later time, enabling them to write more accurate reports and be better prepared to testify in court. The courts will also have the video to assist them in prosecuting cases even when a victim refuses to cooperate with the courts. A majority of the time, defendants enter into a plea agreement with prosecutors when they find out there is a video of the crime they are accused of committing (White, 2014). This saves the court time and money in

prosecuting people, and it saves law enforcement agencies' money by not having their officers tied up in court, which keeps more officers on the streets.

Body cameras will also provide new opportunities for training. Body cameras can be used to record how an officer handles a situation and it can also be used to show officers how a particular incident should be handled ("Considering Police," 2015). Police leaders and training departments can analyze footage from body cameras to assess critical incidents and allow their agencies to learn from the mistakes seen on video. The videos can also be used to analyze the events leading up to an action taken by an officer to see if their decision making was correct for that particular incident. Video footage can be reviewed by a field training officer to observe a rookie officer's performance and provide immediate and accurate feedback. Videos from body cameras can also be used in active shooter training, SWAT training, defensive tactics and can be shared among different agencies.

COUNTER POSITION

Although body cameras provide law enforcement agencies and officers several positive uses, there are some concerns about the use of body cameras. One of the biggest concerns from law enforcement agencies is the expense of purchasing the cameras. The cameras can cost anywhere from \$200 to \$1,000 per camera depending on the brand of camera purchased and different functions on it (White, 2014). Agencies will also need to find a way to repair and replace cameras as they get older and stop working or when officers accidentally break them in the course of their duties.

With the recent events involving Michael Brown and Eric Garner, in December 2014, President Obama pledged approximately \$263 million dollars to help law

enforcement agencies purchase 50,000 body cameras (Harris, 2015). There are also several states that have legislation pending to determine if body cameras will be used in those states, and some of the legislation has funding available to assist in the purchase of the cameras. Other ways agencies can find money to help pay for the cameras and a server is through the use of seizure funds, private donations, purchasing the items in bulk or on sale to save money, by using proceeds from the sale of property at city/county auctions, or by purchasing a few at a time and implementing them slowly (Carey, 2014). Even though the initial expense can be high, the suggestions above can greatly reduce the initial cost to agencies. After the initial purchase costs, the cameras can save agencies' money through less time in court (less over time), less time spent on investigating complaints, and by lowering the number of frivolous lawsuits.

Another concern that comes into play with the deployment of body cameras is the issue of privacy. With the advances of technology in the form of video cameras, cell phone cameras and closed circuit televisions, people are generally used to being recorded. However, they are not used to being recorded inside their homes. The ACLU has historically been against government intrusion and video cameras watching people. However, they believe the use of body cameras by police is a "win-win situation" regarding the accountability of police officers versus the governmental invasion of privacy, but only if they are deployed with a strong policy in place (Stanley, 2013). Police officers go into private residences every day and the question remains as to under what circumstances police should be allowed to film inside homes. There are people who believe as long as an officer has a legal reason to be in a private residence, the officer should be allowed to record. Others believe officers should ask permission to

record their interaction with people, especially if the person they are recording is a victim of a crime. One way to provide privacy and leave the camera recording is to turn the camera, so it is not capturing video, only audio. Currently, there are no federal or state guidelines as to when an officer should and should not video record an incident (“Implementing a body-worn camera program,” 2014).

Another privacy concern is for the police officers. Most police officers do not want to have a policy that says they must record every minute of their shift. This would mean their personal conversations would be recorded as well as general conversations with other officers that have nothing to do with accountability or transparency with the public. There are some who think “side bar” conversations between police officers on a scene should not be recorded either. The ACLU expressed concern for the privacy of officers and citizens by saying they are concerned that “innocent behavior” of citizens and police officers could be recorded (Ramirez, n.d.).

To address the privacy concerns, law enforcement agencies need to develop a policy prior to deploying body cameras on their officers. Policies should clearly state who must wear a camera and when it should be turned on (“Implementing a body-worn camera program,” 2014). It would be hard to argue that body cameras should not be recording while in restrooms, locker rooms, used around undercover officers or confidential informants and inside hospital rooms where victims are being treated. Officers should have the discretion not to record when they believe it would be in the best interest of the department and/or victim. Police Chief Charlie Beck of the Los Angeles Police Department agreed that officers should have discretion and be able to turn off the camera, but said, “Officers should document, either on camera or in writing

the fact they did not record and their reasons for not recording” (“Implementing a body-worn camera program,” 2014, p.14). A strong policy can greatly reduce the concern of privacy for both the community and officers.

Officers and agencies are not only concerned about privacy but also about what the camera does not record and how it might affect them. Body cameras do not follow an officer’s eyes and therefore does not always record exactly what the officer is seeing. Therefore, an officer maybe looking a direction the camera is not pointing and may have to take action based on what the officer sees, which can cause people viewing the video to think the officer took inappropriate action. Or, the camera’s view may be blocked by a body part or is just not at the right angle to accurately depict the scene. What looks like a questionable action by an officer may be perfectly clear from a different angle. Cameras also do not record the sense of touch, meaning they cannot tell when a suspect tenses up when an officer goes “hands on” with someone. Officers can sometimes tell when a suspect is going to resist and apply a level of force, but on camera, it appears the officer used force for no reason (“10 Limitations,” 2014). A solution to this problem could be for officers to work in pairs, and they each have body cameras. Just like in sports when officials are reviewing calls, they look at all the different camera angles before making any decisions.

Not only are officers concerned about what the camera does not see, sometimes the camera will see things the officer does not or cannot and it can be detrimental to the officer in court (“10 Limitations,” 2014). An example would be a body camera that has night vision. If an officer goes into a dark room and has to take some kind of enforcement action or uses some level of force against a subject, the camera will make

it look like the room is lit up when it is viewed in court. Cameras may also record things the officer does not see because the officer is looking in a different direction than the camera is pointed or is focused on something or someone else in the room. This can make jurors, or anyone for that fact, question the officer as to why he/she did not see what they are seeing on the video. Agencies should be cautious about purchasing night vision body cameras for this point alone. Agencies and officers should want the public to see the situation as it was seen by the officers to have a better understanding of why the officer acted the way he/she did.

Video security is also a concern for many agencies and for the public. The public should feel secure in the fact the videos they might be on are in a secure location and will not end up on the internet like some arrest videos of famous people. Videos should be secured, and only specific people should have access to them, and the department's policy should state who is allowed to release videos through open records requests and court testimony. Officers should not have any type of access that allows them to alter the video or delete the video. However, they should be allowed to view them to complete accurate reports and review them before trial. There are some community activists who believe a police oversight committee should have control over the videos to ensure the police do not alter them and to make sure they are reviewed to ensure the police are following the rules and not covering up their mistakes (Williams, 2014).

Not only is the security of the video a concern, but the cost of storing the videos can be expensive for agencies. The more officers an agency has, the more cameras they will need, which means more video. Many of the cameras record in high definition, which takes up more storage space. An agency will need to buy a larger server or pay

for an outside company to house the recordings. A way to lower this cost is to have a policy that states how long an agency will retain the video. Many agencies currently use the 90-day policy to retain videos, at which time they will automatically be deleted unless they are tagged for court, for a complaint or for training. Keeping videos for a shorter time frame (7 days to 60 days) will decrease the amount of storage space needed.

RECOMMENDATION

As technology advances, law enforcement agencies need to keep up to help them protect and serve their communities to the best of their abilities. Body worn cameras are another piece of technology that needs to be used. The quality of these cameras have improved to the point they can be worn almost any place on an officer, and many of them provide high definition video of interactions between police and the public. Wearing body cameras are one way police officers can be held more accountable for their actions and for law enforcement agencies to be more transparent to the communities they serve.

Many people behave differently when they know they are on camera, and police are no different than citizens when they know they are being recorded. With this being said, citizens usually are more compliant in following officers' commands which leads to fewer use of force situations. Officers also tend to behave better when they know every word and every action is being recorded for their supervisors and potentially the world to see. With the change of behavior comes fewer complaints against officers, and the videos allow supervisors to quickly and effectively investigate complaints.

Not only are people in general behaving better, the cameras have proven invaluable in courtroom testimony. The cameras are helpful in recording incidents as they are occurring or immediately thereafter, allowing judges and juries to see everything. Often times, once the prosecutor shows the defendant the video of the incident, the defendant will take a plea deal which means cases are disposed of quicker saving tax dollars and allowing officers to stay on the streets and not in court.

Training police officers is another way body cameras have helped law enforcement agencies. Supervisors are able to quickly review an incident and point out the good actions and discuss the areas that need improvement. There is no longer an opportunity to argue about whether or not an officer did or did not do something; it was all caught on camera. Body cameras can also possibly affect the way officers think about how to handle a situation and maybe use more verbal skills. However, officers still need to be safe and use force when required.

Although there are many positives to body cameras, there are many questions about them as well. One of the biggest questions facing agencies is how to pay for them. The cameras can cost up to \$1,000 per camera depending on the manufacturer and the functions on the camera. The federal government and many states have legislation pending about adopting body cameras and providing funding for them. Another cost that agency leaders are concerned about is the cost of storage for the videos. There are different options for funding such as using seizure funds, private donations, and purchasing the items on sale or on a payment plan.

Along with the cost of the cameras, the government and citizens are concerned about their privacy and do not want their interaction with police to be seen on the

internet. There are questions about when officers can legally record people and these differ from state to state depending on their individual privacy laws. Law enforcement agencies need to develop a strong policy when it comes to when an officer should and should not record someone, especially if the person they are dealing with is a victim. The videos also need to be securely stored so unauthorized users cannot access them, change them or delete them. Agencies also need to hold their officers and civilians accountable if they do not follow the policies.

Body cameras can help in rebuilding accountability and transparency, but they are not the end all be all for this. Cameras do not always see what the officer is looking at. Cameras also cannot detect senses and cannot tell when a suspect tenses up. Cameras record actions, not intentions, and it cannot record feelings and perceptions. Different camera angles show different perspectives, which can lead people to different conclusions about what they see. Some cameras will have night vision and be able to see things at night that officers cannot. As stated above, body cameras are big step to providing better accountability and transparency, but human interpretation and a thorough investigation are always needed, and sometimes professional evaluations are needed to help translate what the video is showing. Police accountability has come a long way recently, and body worn cameras will assist with this process.

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