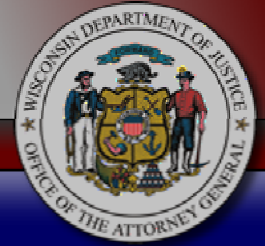


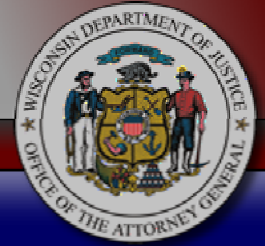
# WILENet, Statutorily-Required Training, & Body Worn Cameras

Glenn Rehberg



# WILENET

- Employment announcements
- Executive Boardroom
  - Hiring Requirements
  - Mandatory Policies
  - Policy Development
  - LESB Best Practices



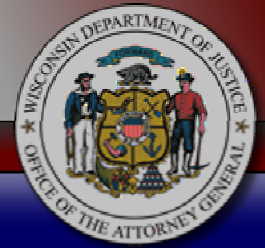
# Statutorily-Required Training

- Handgun Qualification course
  - Qualification v. Training
  - Off-duty
  - HR218
- Pursuit Training
  - <https://wilenet.org/secure/html/tsb/best-practices/pursuit/pursuit2015To2017/index.html>



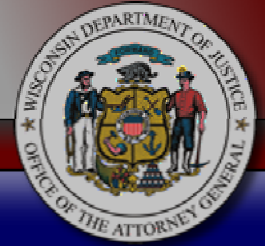
# Overview

- Perceived Benefits
- Concerns and Considerations
- Use of Force Limitations
- My Personal Basis & Bias



# Cameras in WI

- 2015 Wisconsin DOJ survey:
  - 19% not considering
  - 30% contemplating
  - 10% actively researching
  - 26% have active program



# Perceived Benefits

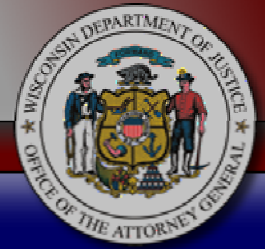
- Increased transparency & police legitimacy
- Improved police behavior
- Improved citizen behavior
- Expedited resolution of citizen complaints
- Evidence for arrest and prosecution
- Opportunities for police training



# Rialto, CA (2012)

- Shifts w/o cameras used force twice as often as shifts with cameras
  - Contact always initiated by suspect, when recorded
  - 4 of 17 initiated by police when no recording
- Complaints against officers plummeted on *all* shifts
  - 28/year to 3/year



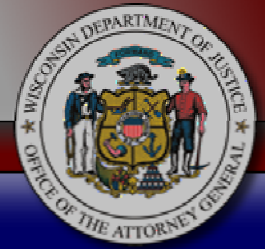


# Mesa, AZ (2012)

- 50 officers w/cameras; 50 without
- Officers with cameras:
  - 75% fewer uses of force than year prior
  - 40% fewer complaints than year prior

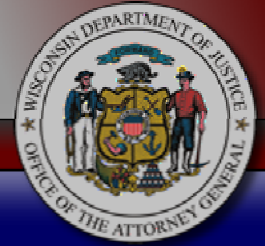






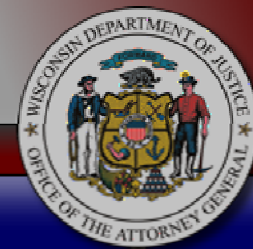
# Is it the Camera?

*“It may also be that lower rates of police misconduct are due to an increased culture of accountability on the force as opposed to the cameras themselves, an outcome that could arguably be achieved through other types of department changes.” – Harvard Law Review, 2015*



# Perceived Benefits

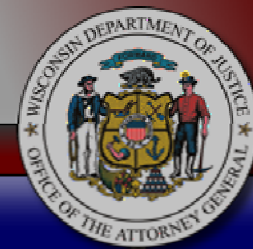
- Increased transparency & police legitimacy
- Improved police behavior
- Improved citizen behavior
- Expedited resolution of citizen complaints
- Evidence for arrest and prosecution
- Opportunities for police training



# Evidence - Benefit

*"Although body-worn cameras are just one tool, the quality of information that they can capture is unsurpassed. With sound policy and guidance, their evidentiary value definitely outweighs any drawbacks or concerns."*

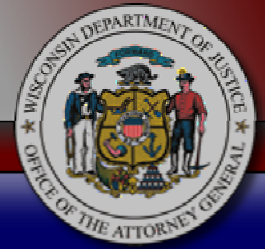
– Jason Parker, Chief of Police,  
Dalton (Georgia) Police Department



# Evidence - Detriment

Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. "Juries no longer want to hear just officer testimony—they want to see the video," said Detective Cherry of Baltimore.

It is also inevitable that video footage will not be available in every case, so creating such an expectation may be dangerous as juries could come to discount "other types of evidence, such as statements from police officers or other eyewitnesses."



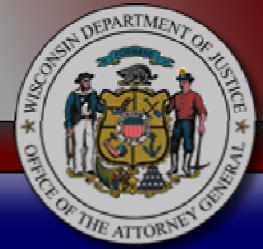
# Concerns & Considerations

- Citizens' privacy
- Officers' privacy
- Policy development
- Training
- Financial, resource, and logistical commitment



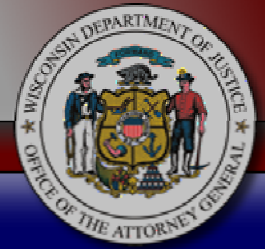
# Citizen Privacy

- Even camera advocates disagree on this issue
- Wisconsin is one-party consent
- No expectation of privacy talking to officer
  - But filming inside people's homes?
  - But sensitive crime interviews?
  - But neighbor's argument with spouse?
  - And more...



# When to Record a Witness

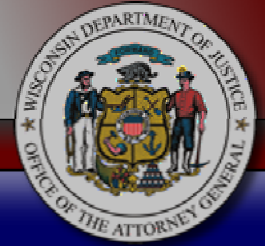
- PERF suggests:
  - Give cops discretion...
  - But not too much discretion!!
- Turn off recorder?
- Point away, to record audio but not video?
- Record later, in a private setting?
- Base decision on importance of statement?



# What to Record

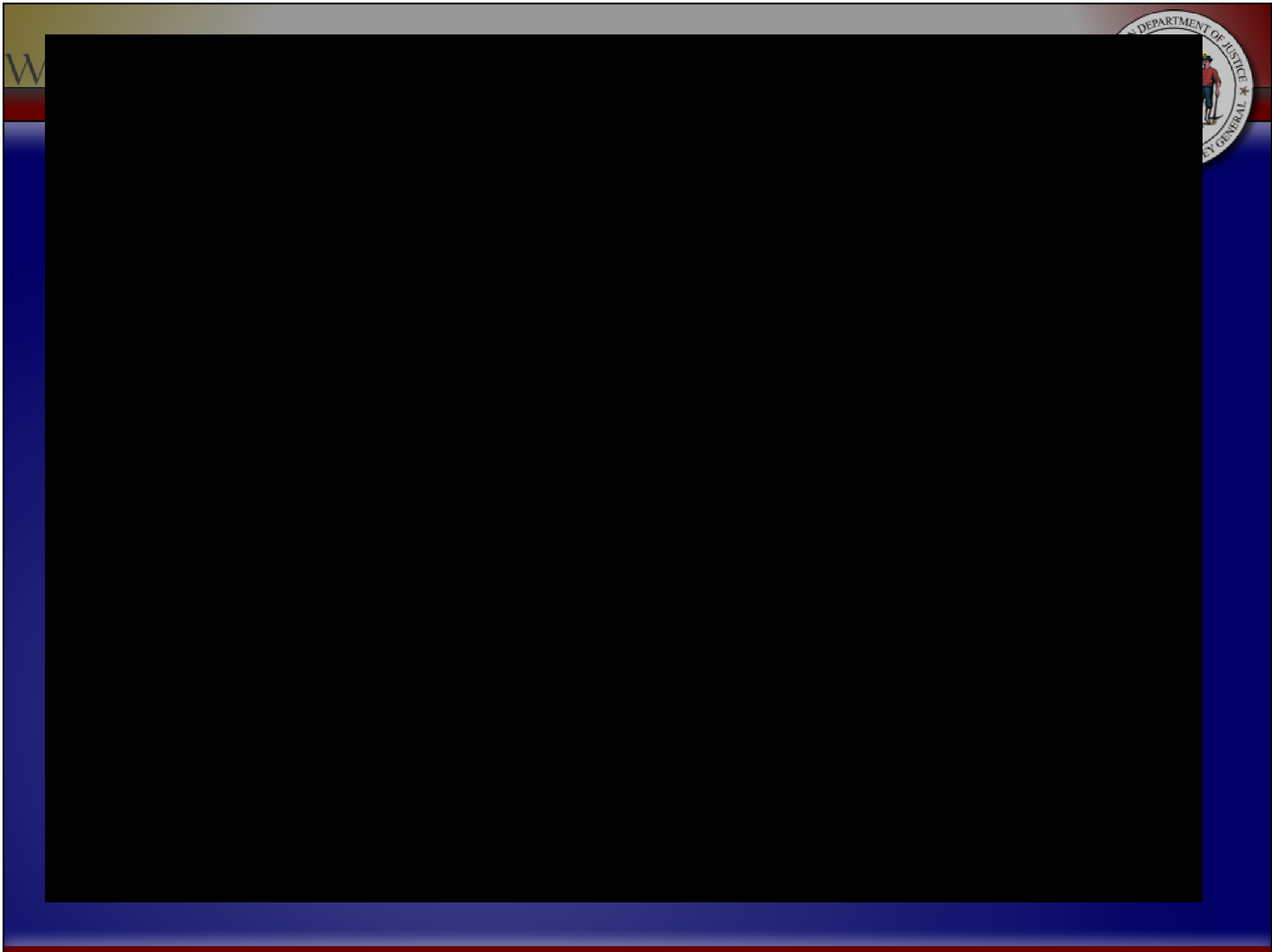
- Record entire shift?
- What are you trying to capture?
  - What problem are you trying to solve?
  - Citizen doing something wrong?
  - Cop doing something wrong?



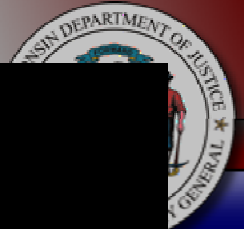


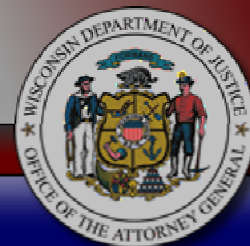
# Camera Types

- Head mounted
- Shoulder mounted
- Chest mounted



W





HOSTED ON

(a) **LiveLeak**

University of Akron Police



# Resources Required

- LAPD experience
- Officer non-compliance
- Data storage – local vs. cloud

Although the initial costs of purchasing the cameras can be steep, many police executives said that data storage is the most expensive aspect of a body-worn camera program. "Data storage costs can be crippling," said Chief Aden of Greenville. Captain Thomas Roberts of Las Vegas agreed. "Storing videos over the long term is an ongoing, extreme cost that agencies have to anticipate," said Roberts.



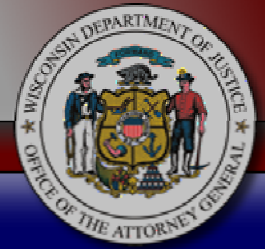
# Resources Required

- How to share w/DA & Court
- Maintenance
- Technical problems
- Where does it stop?



# Use of Force Limitations

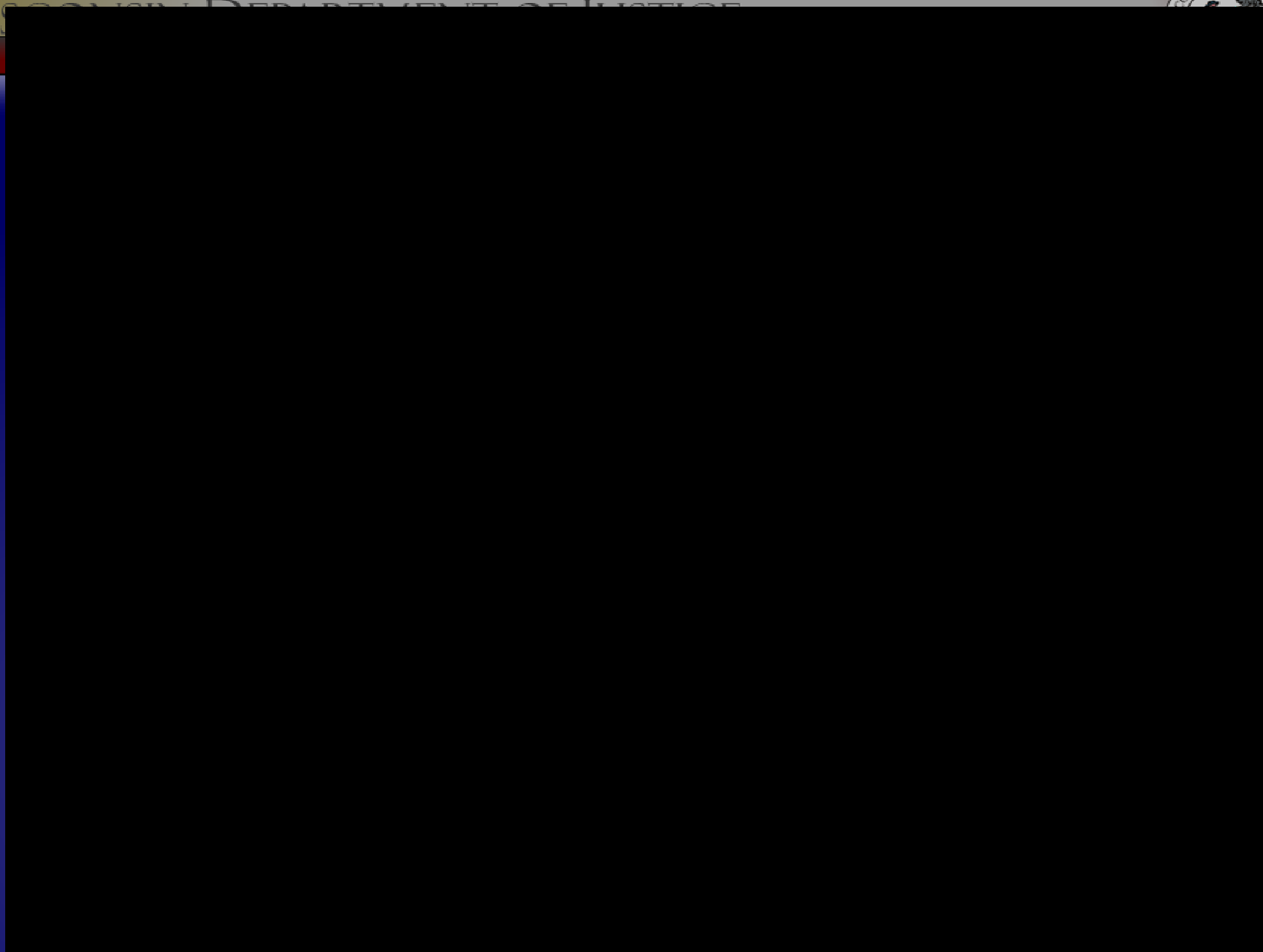
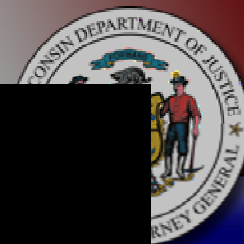
- Implementation driven by use-of-force concerns
- Officers Allowed to Review Video?
- Visual acuity vs. perception
- Human factors

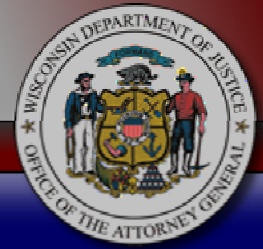


# Use of Force Limitations

- Officers Allowed to Review Video?
  - Are cameras evidence, or “gotcha”?
  - Recall vs. recording – how to have it all
  - Officer credibility
- Most OIS statements are given voluntarily
  - If officers cannot review, voluntariness may disappear

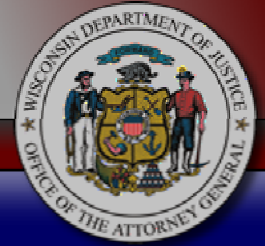






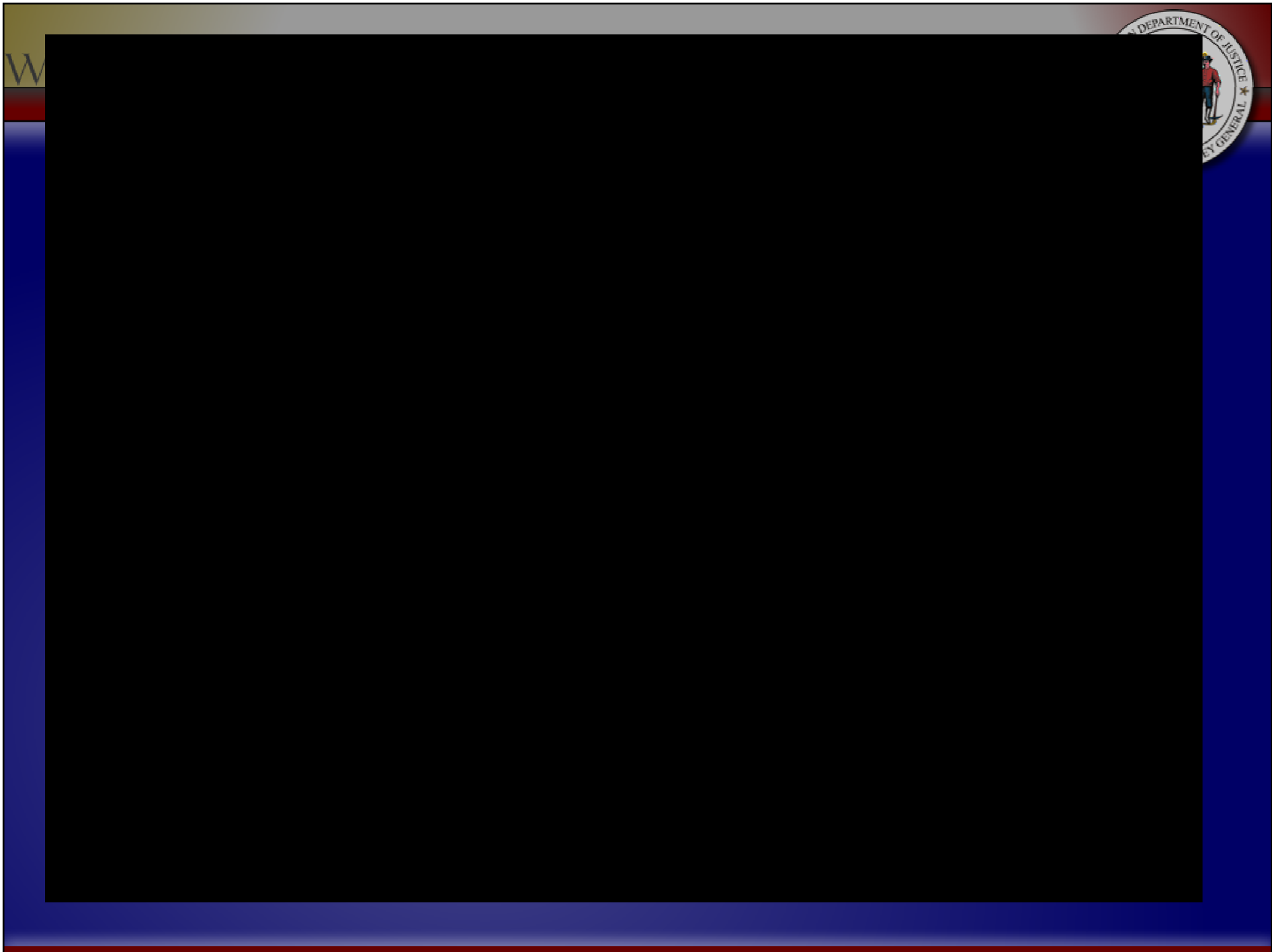
# Visual Acuity vs. Perception

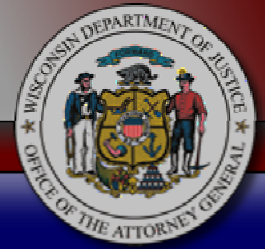
- Visual acuity is the clarity of vision
  - ability to see fine detail of objects
- Perception is comprehension of object's significance
- Camera may have visual acuity, but has no perception whatsoever
- Only the brain can perceive and process the significance of the incoming data



# Visual Acuity vs. Perception

- Camera does not show what the officer *perceived*
- Tunnel vision
  - 79% of officers experienced
- Auditory exclusion
  - 84% of officers experienced
- Time dilation





# Visual Focus

- Pause a video – you can see everything!
- In real life, your eyes see one thing at a time
- In one study, 8 of 11 officers in a critical incident didn't see the third person standing next to the suspect



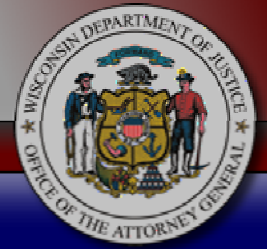
# Human Factors

- Removes humanity of officer from equation
  - Turns it into “first person shooter” video game
  - No fear behind a monitor
- *“Fear based on perception at a particular moment in time cannot be recreated. An officer lives the event, whereas a video (photograph) is the illusion of a literal description of how the camera ‘saw’ a piece of time and space.”*



# Human Factors

- Lay persons have little or no applicable experience
- Still requires expert interpretation
  - *Graham v. Connor* prohibits use of 20/20 hindsight
  - “coulda shoulda woulda”



# In Conclusion

- Cameras have many benefits
- Cameras won't solve everything
- They demand significant resources
- Policy considerations abound

If police departments deploy body-worn cameras without well-designed policies, practices, and training of officers to back up the initiative, departments will inevitably find themselves caught in difficult public battles that will undermine public trust in the police rather than increasing community support for the police.