

Body Worn Cameras

Brian O'Keefe

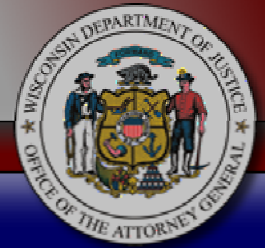
Administrator

Division of Law Enforcement Services



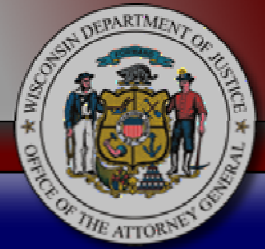
We'll Discuss

- Perceived Benefits
- Concerns and Considerations
- Use of Force Limitations



Camera Use

- South Carolina first state to require all agencies to use cameras
 - Footage not subject to open record laws
- 2015 Wisconsin Survey:
 - 19% not considering
 - 30% contemplating
 - 10% actively researching
 - 26% have active program



Summary:

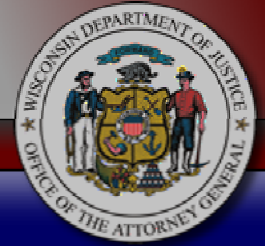
Perceived Benefits

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



Summary: Concerns & Considerations

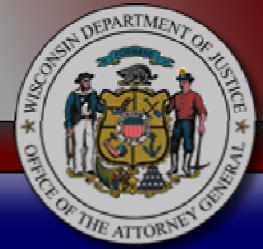
- Citizens' privacy
- Officers' privacy
- Investments in training and policy
- Substantial financial, resource, and logistical commitment



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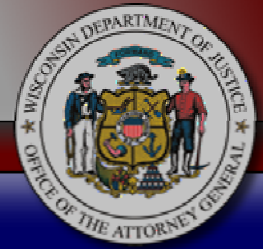
Use of Force Limitations

- Visual acuity vs. perception
- Human factors



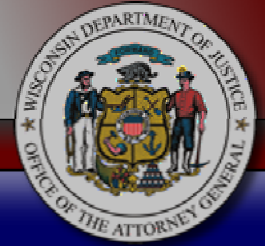
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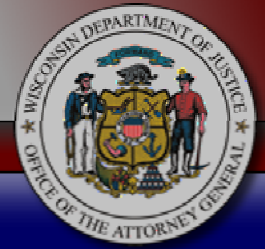
Transparency & Legitimacy

- High expectations!
 - “Root out racist, corrupt, and brutal officers”
 - “Remove any doubt whether force was justified”
- Expectations will not be met
 - Alone, camera cannot achieve this
 - Malfunctions may be seen as proof of conspiracy or corruption



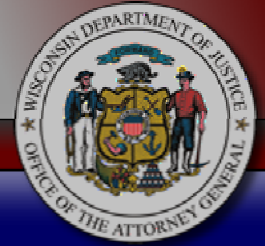
Transparency & Legitimacy

“Trust builds through relationships, and body-worn cameras start from a position of mistrust.” – Det. Cherry, Baltimore FOP



Perceived Benefits

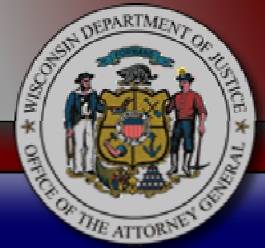
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Improved Police Behavior

- Rialto, CA study (2012)
 - 115 officers, 100k population
 - 500 violent crimes & 6-7 homicides per year
- Randomized, scientific study

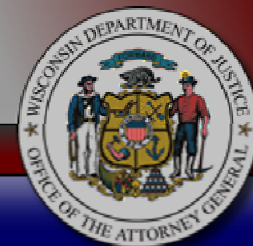




Rialto, CA (2012)

- 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





Rialto, CA (2012)

**Table 2: Use of Force, Citizens Complaints and Police-Public Raw Figures –
Baseline and Experimental Raw Data**

	2009	2010	2011	Jan 2012 - Feb 12 2012	13 Feb 2012 - 12 Feb 2013*
Use of Force	70	65	60	7	25 [^]
Complaints	36	51	28	5	3 ^{^^}
Police-Public contacts	-- [‡]	-- [‡]	40,111	4,993	43,289

* experimental period

[^] 8 during experimental shifts, 17 during control shifts (n=499)

^{^^} 2 during experimental shifts, 1 during control shifts (n=489)

[‡] data automatically collected starting in 2011

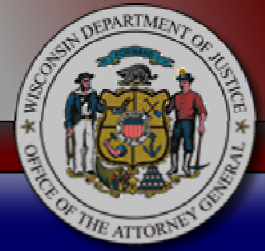




Mesa, AZ (2012)

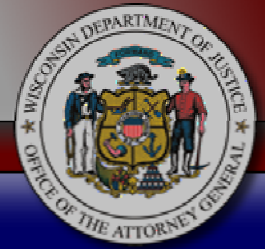
- 50 officers w/cameras; 50 without
- Officers with cameras:
 - 75% fewer uses of force than year prior
 - 40% fewer complaints than year prior





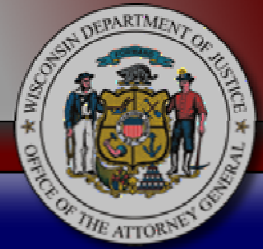
Is it the Camera?

“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



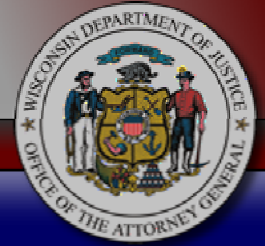
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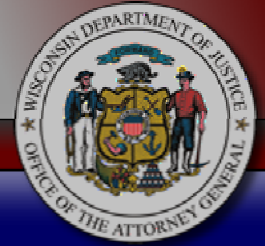
Improved Citizen Behavior

“When our officers encounter a confrontational situation, they’ll tell the person that the camera is running. That’s often enough to deescalate the situation.”
– Lt. Rankin, Mesa, AZ



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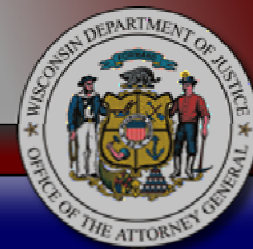
Resolution of Complaints

- PERF: #1 reason for cameras = more accurate record of citizen contacts
- All studies report fewer citizen complaints
 - Rialto: 80% fewer
 - Mesa: 40% fewer
 - *“There’s absolutely no doubt that having body-worn cameras reduces the number of complaints against officers.”* – Chief Miller, Topeka, KS



Perceived Benefits

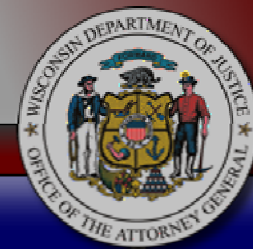
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Evidence - Benefit

"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

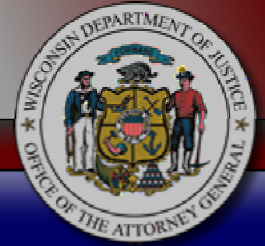
Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. "Juries no longer want to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



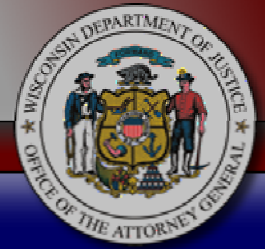
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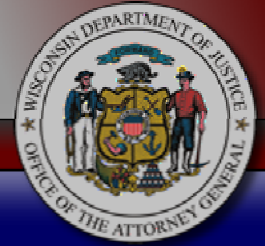
Police Training

- Valuable resource



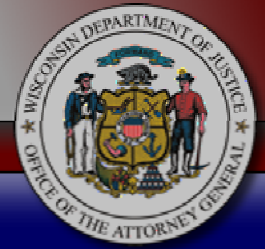
Concerns & Considerations

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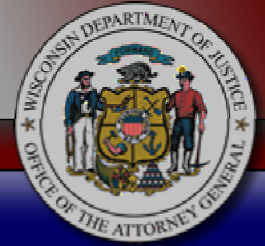
Citizen Privacy

- 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...



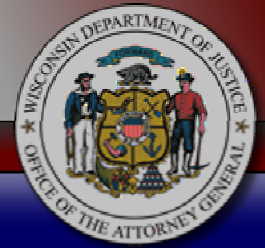
When to Record a Witness

- 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?



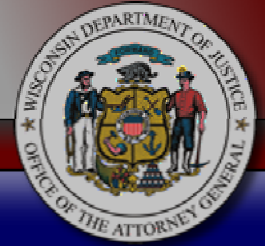
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Officer Privacy

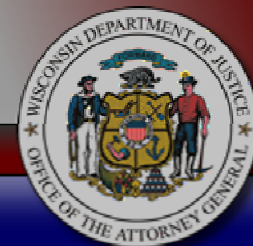
- Record throughout shift?
- If officer must remember to turn on camera...
- The officer will forget to turn it on...
- But...
 - Phone calls
 - Bathroom break
 - Fish bowl effect



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Model Policy



<i>Effective Date</i> April 2014		<i>Number</i>
<i>Subject</i> Body-Worn Cameras		
<i>Reference</i>		<i>Special Instructions</i>
<i>Distribution</i>	<i>Reevaluation Date</i>	<i>No. Pages</i> 3

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.¹

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

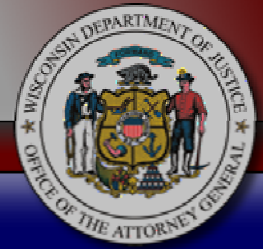
1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for

B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D.1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

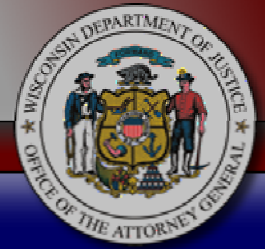
C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise



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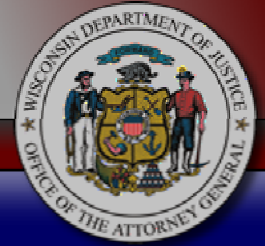
Resources Required

- Ongoing training
- Maintenance
- Technical problems
- Officer non-compliance
- Data storage



Resources

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

- Public record request processing

The Seattle Times

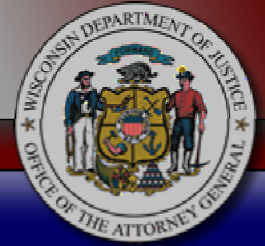
Winner of Nine Pulitzer Prizes

Local News

Originally published November 19, 2014 at 9:09 PM | Page modified November 20, 2014 at 8:12 AM

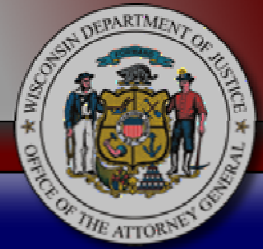
Costly public-records requests may threaten SPD plan for body cameras

Concerns about broad-reaching public-disclosure requests that Seattle officials say could cripple the city financially and tie up employees for countless hours may lead to canceling a plan to outfit Seattle police officers with body cameras.



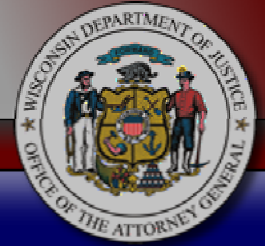
Use of Force Limitations

- Visual acuity vs. perception
- Human factors



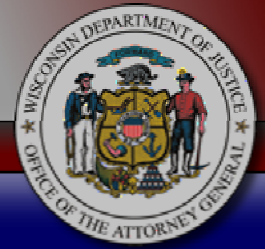
Visual Acuity vs. Perception

- 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



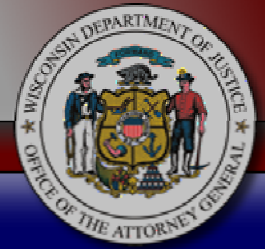
Visual Acuity vs. Perception

- 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

- Still requires expert interpretation
 - *Graham v. Connor* prohibits use of 20/20 hindsight
 - “coulda shoulda woulda”
- Officers can’t pause or rewind!!
 - [click for video illustrating 20/20 rewind](#)
- Yet lay persons have little or no applicable experience



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.