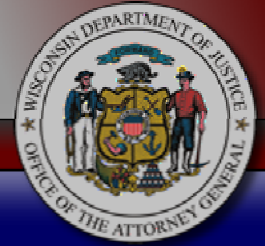


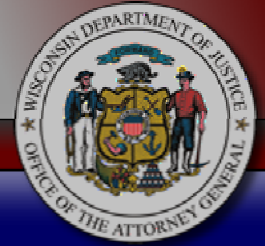
Body Worn Cameras

Glenn Rehberg
*Training Officer – Senior,
Training & Standards Bureau*



Overview

- Session Purpose
 - *“If you’re not at the table, you’re on the menu”*
 - *“It’s not ‘if’ you’re going to be recorded, but by how many people”*



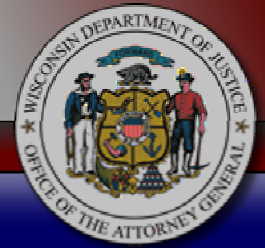
Overview

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



Cameras Nationally

- South Carolina first state to require all agencies to use cameras
 - Footage not subject to open record laws
 - State funding...or not



Cameras in WI

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



Legislation

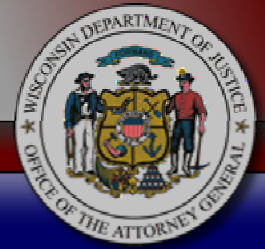
- High profile incidents:
 - Cut through legislative inertia
- Nationally, three kinds:
 1. Study requirement
 2. FOIA concerns
 3. Specific policy considerations



Summary:

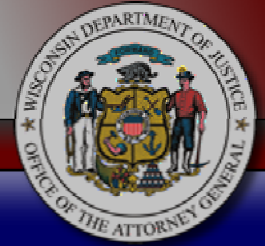
Perceived Benefits

- 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

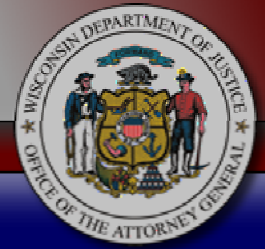
- Citizens' privacy
- Officers' privacy
- Policy development
- Training
- Financial, resource, and logistical commitment



Summary:

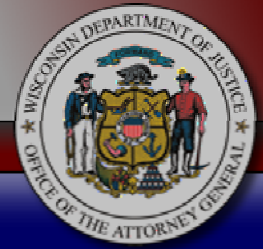
Use of Force Limitations

- Officers Allowed to Review Video?
- Visual acuity vs. perception
- Human factors



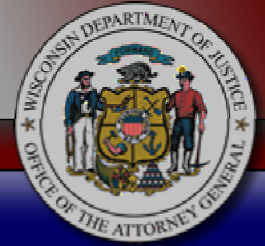
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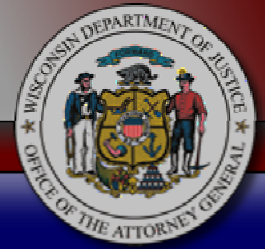
Transparency & Legitimacy

- 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

- 2% of population changing how 90% of population interacts with police
- *“Trust builds through relationships, and body-worn cameras start from a position of mistrust.”* – Det. Cherry, Baltimore FOP



Transparency & Legitimacy

- “Remove any doubt whether force is justified”
- [What happened here?](#)



Camera Tells the Truth...

- Judge: "I don't need some expert to tell me what I can see with my own eyes on the videos."

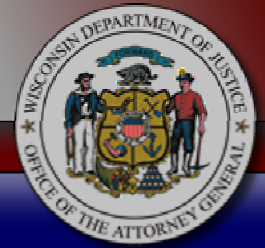
Camera Tells the Truth ???





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



Improved Police Behavior

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

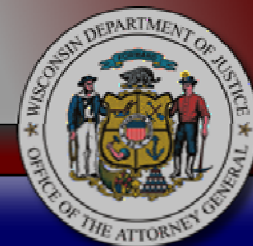




Rialto, CA (2012)

- 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

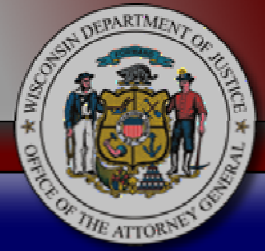




Mesa, AZ (2012)

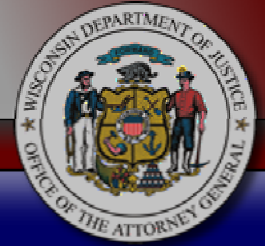
- 50 officers w/cameras; 50 without
- Officers with cameras:
 - 75% fewer uses of force than year prior
 - 40% fewer complaints than year prior





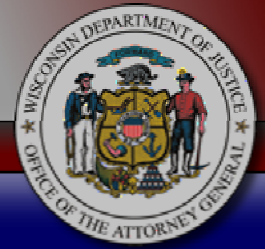
Is it the Camera?

“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



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



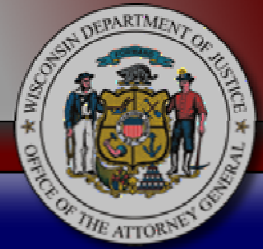
Improved Citizen Behavior

“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



Perceived Benefits

- Increased transparency & police legitimacy
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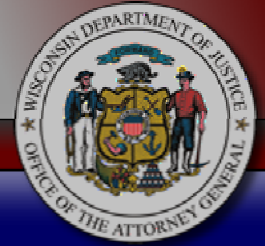
Resolution of Complaints

- 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



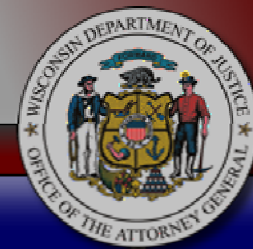
Resolution of Complaints

- Chief Miller: don't change complaint process!
 - Adopted 500 cameras; complaints down 40%
 - Complaints now back to pre-camera level
 - Change process = document fewer complaints; otherwise receiving same number
 - Use of force did decline (but as continuation of longer-term decline)
- How you measure matters!



Perceived Benefits

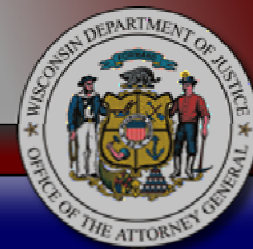
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Evidence - Benefit

"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

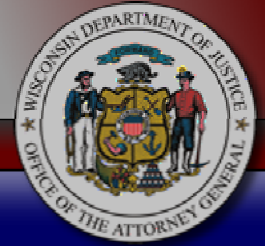
Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. "Juries no longer want to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



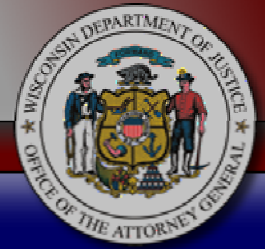
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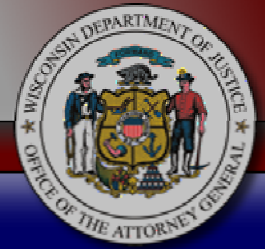
Police Training

- Valuable resource
- You'll see lots of training issues
 - Policy/practice on how to handle them
 - LAPD experiences
- Conduct random audit of recordings?



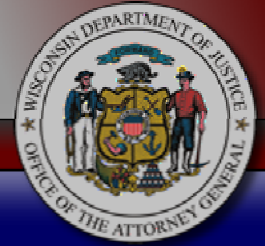
Concerns & Considerations

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



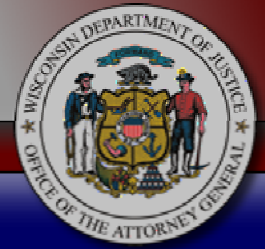
Citizen Privacy

- 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...



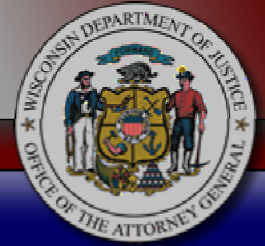
When to Record a Witness

- 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?



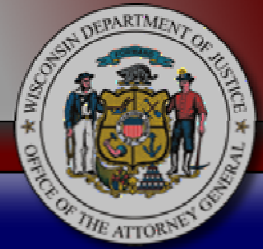
What to Record

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



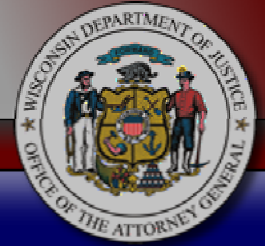
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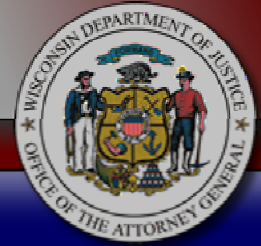
Officer Privacy

- 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



Concerns & Considerations

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



Policy

- Policy development crucial
- Resources available
 - IACP
 - [BJA toolkit](#)
 - and lots more
- We don't know what we don't know yet

BODY-WORN CAMERAS

Model Policy

Effective Date April 2014		Number
Subject Body-Worn Cameras		Special Instructions
Reference	Revision Date	No. Pages 3
Distribution		

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.

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:

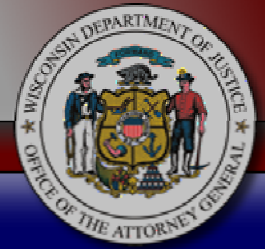
1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this

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.3-4).
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.

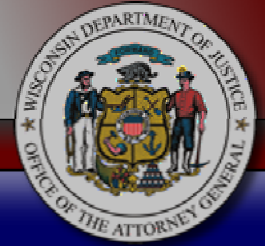
C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment



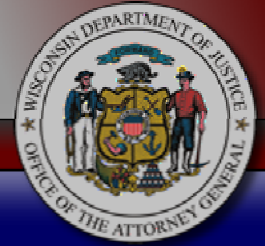
#1 Policy Consideration

- What is the purpose of the cameras? Who are the cameras for?
 - Evidence collection?
 - or
 - Officer accountability?



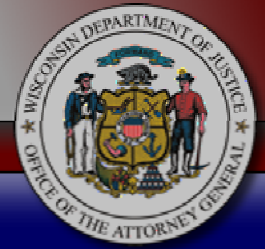
Policy Considerations

- What is the purpose of the cameras?
- Stakeholder meetings important
 - Why are you considering cameras?
 - Why do the stakeholders want cameras?
 - Does everyone fully understand ramifications and potential pitfalls?



Concerns & Considerations

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



Training

- Time & costs
- Operation
- Street use
- Your org's culture is now "out there"
- Report writing
 - "See video"



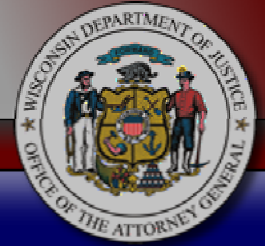
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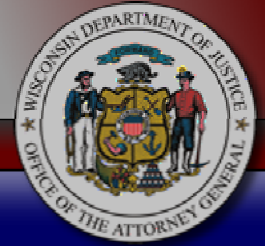
Camera Types

- Head mounted
- Shoulder mounted
- Chest mounted



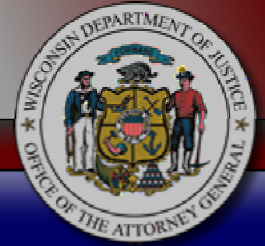
Head / Eyeglass Mount

- [Daytona Police](#)
 - 3:00 to 4:15



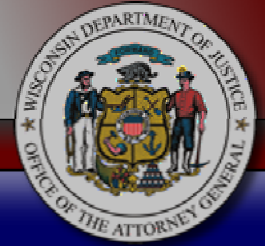
Shoulder Mount

- [Pedestrian stop](#)
 - 0:00 to 0:38



Chest Mount

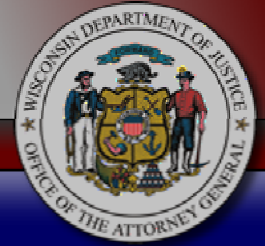
- [Suicide by cop](#)
 - 0:00 to 0:54
- Suspect “was unarmed”



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

- Record requests

The Seattle Times

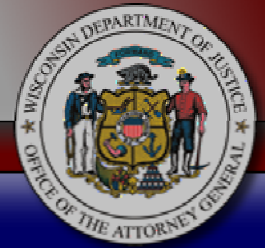
Winner of Nine Pulitzer Prizes

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.



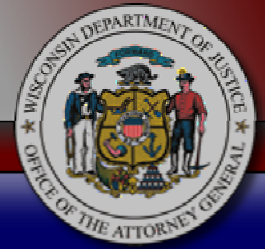
Resources Required

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



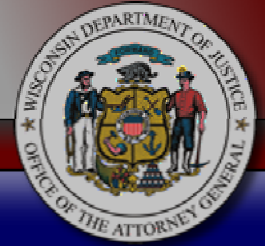
Use of Force Limitations

- 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

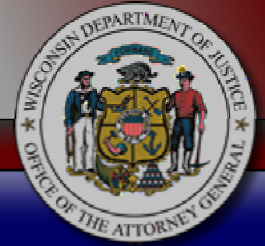


Humans \neq Cameras

- Example #1
- Hindsight is 20/20
- Example #2

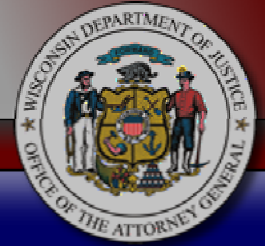
Cameras \neq Humans





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



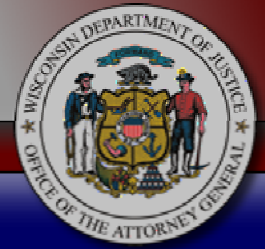
Visual Acuity vs. Perception

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



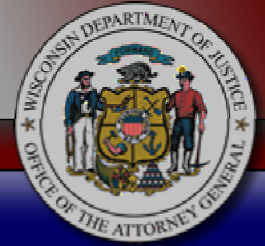
Visual Focus

- 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.