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December 1, 2014

Chairman Brian E. Frosh
Senate Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401

Chairman Joseph F. Vallario, Jr.
House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401

Dear Chairmen Frosh and Vallario:

Enclosed is the report issued by the *Workgroup on the Implementation and Use of Body Worn Cameras by Law Enforcement* that was staffed by the Governor's Office of Crime Control & Prevention. As you will see from the report, the use of body worn cameras by law enforcement officers has the potential to substantially improve police/community relations, reduce complaints against police officers and provide a more objective record of encounters between officers and citizens.

The report also shows that the development and implementation of a body worn camera program is a complex process involving many challenging issues that must be carefully considered. Law enforcement agencies vary substantially in terms of size, the nature of police services provided, constituencies served and available budgets. These differences among law enforcement agencies make it difficult to develop a model for a body worn camera program that would be appropriate for all agencies. Nevertheless, the Workgroup considered as many of the relevant issues as possible and attempted to make some reasonable recommendations regarding the use of this tool.

In the final analysis, the Workgroup was not able to conclusively resolve many of the key issues relating to the use of body worn cameras, but we hope that this report will help inform what will surely be a broader discussion involving the General Assembly, law enforcement leaders, policy makers, prosecutors, defense attorneys, civil liberties groups and members of the public.

Finally, I would like to thank the members of the Workgroup who volunteered their time and expertise to this project.

Sincerely,

A handwritten signature in blue ink that reads "Tammy M. Brown".

Tammy M. Brown
Executive Director

Enclosure

Workgroup on the Implementation & Use of Body Worn Cameras by Law Enforcement

Final Report

December 2014

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INTRODUCTION & OVERVIEW

Over the past few years, police departments across the country have either begun equipping their officers with Body Worn Cameras (BWC) or are considering their use. Among the police departments around the country using or considering BWC are Rialto, California; Los Angeles; New York City; Mesa, Arizona; Phoenix, AZ; Spokane, Washington; Topeka, Kansas; Albuquerque, New Mexico; Greensboro, North Carolina; Oakland, California; and Washington, D.C.

GOCCP conducted an informal poll by sending a survey instrument to all police chiefs and sheriffs in Maryland asking if they used BWC. Seventy-five agencies completed the survey. The results indicate that 15 police departments in Maryland – Hyattsville, Laurel, Colmar Manor, Pocomoke City, Greensboro, Snow Hill, Mt. Ranier, Crisfield, Hurlock, Berwyn Heights, the Baltimore Environmental Police, Princess Anne, Cambridge, Cheverly and New Carrollton – are currently using BWC. Others – including the Baltimore Police Department and the Prince George’s County Police Department – are considering their use.

The audio and video that these cameras record can potentially be used to resolve citizen complaints, train officers on proper procedures, document police and citizen behavior, and can even be used as evidence in criminal and civil litigation. In addition to these benefits, a recent study suggests that the mere presence of BWC may even serve to prevent negative interactions by modifying officer and citizen behavior. As a result, the use of these devices may lead to enhanced police accountability, as well as improved police-community relations.

While BWC have many possible benefits, their use also raises some difficult issues for members of the public, government agencies, civil liberties advocates, and even the officers who wear the devices. The *Workgroup on the Implementation and Use of Body Worn Cameras by Law Enforcement* (the Workgroup) attempted to consider as many of the key issues as possible and make appropriate recommendations.

In the final analysis, the Workgroup was not able to conclusively resolve some of the key issues relating to the use of BWC because, as a recent report published by the Department of Justice’s Office of Justice Programs indicated, there is limited empirical data on BWC. Nevertheless, the Workgroup hopes that this report will help inform what will surely be a broader and more detailed discussion involving the General Assembly, law enforcement leaders, policy makers, prosecutors, defense attorneys, civil liberties groups, and members of the public.

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POTENTIAL BENEFITS

There are several benefits that could be derived from instituting a BWC program. These devices have the potential to enhance public safety and improve relations between police and members of the public by reducing misconduct, facilitating the resolution of incidents that arise, and improving officer training. Other potential advantages include enhancing public confidence in the criminal justice system and reducing exposure to civil liability.

Reducing Misconduct Complaints through Improved Police/Citizen Encounters

The Rialto California Police Department is one of the few law enforcement agencies in the country to have studied the use of force and complaints against officers who used BWC relative to a control group of officers who did not use BWC. The results were significant. The study results indicated that the use of BWC reduced the number of incidents involving the use of force while also reducing the number of complaints filed against officers.

The Rialto Police Department assigned some of its officers to wear BWC to capture all of their encounters with citizens for the duration of each shift. The number of incidents in which these officers resorted to the use of physical force – including the use of pepper spray, batons, Tasers, firearms, and dogs – was compared against the number of incidents that arose during the shifts of other officers who were not wearing BWC. The shifts without the recording devices experienced about twice as many incidents involving the use of force as the shifts with cameras.

The Rialto study suggests that when officers and citizens are aware that their actions are being recorded, their behavior is modified. The result is that both may be less likely to engage in the type of conduct that leads to complaints. The Rialto Police Department cited a nearly 90 percent decrease in complaints against officers during the period studied as compared to the year preceding the study.

The use of BWC by law enforcement in Maryland may be able to yield similar reductions in citizen complaints and police use of force incidents. Moreover, the presence of BWC has the potential to foster a culture of more polite and respectful interactions between police and the public. This culture change may, in turn, lead to greater public engagement with police officers and ultimately to improved public safety.

Facilitating Citizen Complaint Resolution

Where clear audio and video recordings are available, BWC should provide additional evidence for use in investigating and resolving complaints of police misconduct, evidence that may be more objective than witness testimony and remain consistent over time.

Complaints of police misconduct often begin with a statement by a person alleging that one or more officers engaged in conduct that violates the law or departmental policy. Officers and other witnesses typically give statements to investigators, but in some cases, things boil down to the word of the officers against the word of civilian complainants. The resolution of the complaint may therefore rest on a credibility determination between the parties involved. Video and audio recordings of police/citizen encounters may bring added clarity to the investigations. It is also interesting to note that a recent Police Executive Research Forum report stated that, in most cases, the audio and video recorded by the BWC supported the officers' accounts of events.

Moreover, by supplementing the evidence gathered during the complaint investigation process, BWC footage may resolve many allegations more quickly and efficiently. Audio and video recordings may also be used to help investigators frame questions posed to officers and complainants. More objective evidence from the BWC combined with improved questions may enable law enforcement agencies to more quickly resolve complaints to hold officers accountable when necessary, but to also exonerate officers who have not engaged in misconduct. A faster and more effective complaint process would benefit police and citizens.

The DOJ/OJP report says that several empirical studies indicate that BWC assist in the resolution of citizen complaints.

Officer Training

Training for police officers in Maryland could potentially be improved in a number of ways through the use of BWC. Recordings could be used for remedial training by correcting the behavior of individual officers. If an officer engages in questionable or inappropriate conduct on camera, the recording could be replayed for that officer, with feedback from supervisors as to what the officer did incorrectly, how the officer should have acted in the situation based on agency policy and the law, and guidance on how he or she ought to handle similar situations in the future.

Video recordings of officer interactions could also serve as teaching tools in the training academy and continuing in-service educational programs. BWC footage will capture real-life examples of both positive and negative interactions with citizens. Unlike simulations, which may be contrived and viewed from a third-person perspective, recordings from BWC will depict an actual incident as it unfolds largely from the perspective of an involved officer.

Recordings from these cameras may also be used to monitor probationary officers' performance in the field. By spot-checking a new officer's activities once the officer graduates from the academy, a law enforcement agency could proactively identify potential problem areas or training deficiencies and correct them.

The Workgroup believes that BWC have the potential to be a useful training tool for law enforcement, although the DOJ/OJP report says that this claim is mostly untested. There is some evidence that BWC are being used for training in the United Kingdom and by the Miami Police Department here in the United States, but according to the DOJ/OJP report, more research is needed to fully evaluate the effectiveness of BWC as a training tool.

Improve Police & Community Relations

The Workgroup believes that the use of BWC will improve law enforcement's relationship with communities by increasing transparency and adding clarity to police-to-citizen encounters such as stop and frisks, field interviews, and arrests. The Workgroup believes that BWC have the potential to improve police-community relations by modifying the behavior of both police and citizens, and thereby increasing police accountability and the public trust in police.

Prosecution Support

The Workgroup concluded that the availability of a video and audio record may help prosecutors evaluate the evidence in a case, to include the credibility of witnesses, in deciding how to resolve cases

(e.g., plea deals, going to trial, stets, nol prosses, etc.). If BWC can help resolve cases short of trial, it may reduce police overtime for court appearances and reduce pending case backlogs in the courts. Moreover, where clear audio and visual exists, BWC may also help enhance the recollection of police officers for writing reports and for testimony in court.

It seems logical and intuitive to believe that recorded evidence of criminal activity will facilitate prosecutions, and the DOJ/OJP report pointed out that studies in the United Kingdom do show that BWC support the successful prosecution of criminal cases. One UK study indicated that cases with accompanying BWC evidence were 70 to 80 percent less likely to go to trial than similar cases without BWC evidence.

A BWC program may also promote efficiency in the criminal justice system by advancing case resolution and reducing time spent in court. The International Association of Chiefs of Police (IACP), in partnership with the National District Attorneys Association and the American Prosecutors Research Institute, conducted a survey in 2004 regarding the use of in-car police camera footage in criminal prosecutions. The survey of prosecutors “examined the positive and negative aspects of acquiring and using video evidence.” Among the prosecutors surveyed, 96 percent said that the use of video evidence improved their ability to prosecute cases. Furthermore, the survey reported anecdotal evidence that cases involving video evidence were more rapidly resolved. Perhaps most significantly, prosecutors told IACP that “the greatest value of video evidence is its ability to refresh the officer’s memory” and “to verify the accuracy of written reports and statements surrounding [an] incident.” If these types of benefits were derived from the use of in-car video, the audio and video recordings provided by BWC may be even more useful.

Reducing Civil Liability

It is generally accepted that BWC modify the behavior of both citizens and police. As such, BWC could play a role in risk management for law enforcement by reducing the incidents involving force, ultimately reducing civil liability and increasing officer safety. By decreasing the number of police misconduct complaints, improving the quality and completeness of investigations, and elevating police officer training, BWC may eventually result in a decrease in the number of lawsuits filed against law enforcement. In addition, lawsuits may be resolved more quickly through settlements in cases where the video evidence eliminates disputes about the facts of a case. Furthermore, as mentioned earlier in this report, BWC frequently show no misconduct on the part of officers. Audio and video footage may therefore deter the filing of some frivolous claims against police and help law enforcement agencies evaluate the merits of a case before engaging in any settlement negotiations. Police agencies that decide to use BWC may want to keep accurate data regarding civil liability before and after deployment to evaluate the benefit of the recording devices.

The Workgroup noted that the audio and video from BWC will only be useful as a defense against false and frivolous civil litigation if the BWC images are available for review when a complaint is filed. Stated another way, the agency’s data retention period would have to be long enough to ensure that relevant data are preserved for review in the context of civil litigation.

Officer Safety

As previously stated in this report, the use of BWC has the potential to dramatically reduce misconduct

complaints through improved police/citizen encounters. Based on data made available by law enforcement agencies using BWC, it appears as if the presence of the device modifies both police and citizen behavior to defuse what could otherwise be hostile situations. The Workgroup concluded that BWC may improve officer safety by reducing hostilities between police and the citizens they serve.

POTENTIAL LIMITATIONS & UNINTENDED CONSEQUENCES

Unfunded Mandates

While the use of BWC may be beneficial in a variety of ways, legislation requiring its use, or dictating the specific conditions of usage, may impose unfunded mandates on local jurisdictions. The Workgroup believes that any legislative requirements contemplated by the General Assembly regarding the use of BWC should carefully consider the financial impact on local law enforcement agencies and local jurisdictions.

Access

As the use of BWC expands throughout Maryland, the issue of access to recorded information is sure to arise.

The Maryland Public Information Act (MPIA) gives the public a broad right of access to public government records without unnecessary cost and delay. The MPIA applies to all three branches of Maryland state government, as well as local government entities. This would include state and local law enforcement agencies. A public record is defined as the original or copy of any documentary material in any form created or received by an agency in connection with the transaction of public business. The MPIA clearly states that public records include films and recordings. Most experts believe that audio and video recorded by BWC during the normal course of business will become public records subject to MPIA requests.

The MPIA allows an agency to withhold some records, to include investigatory records and the disclosure of records that would be “contrary to the public interest,” but the exceptions probably would not apply to BWC footage unless it could be clearly connected to an active investigation.

The desire for openness and transparency, combined with the requirements of the MPIA, may bring challenges. Police departments in other parts of the United States have been faced with broad requests for information under local public information acts, requests that some agencies found to be costly and time consuming.

While members of the Workgroup believe that access to BWC data will help foster an atmosphere of openness and transparency, the Workgroup suggests that the General Assembly be mindful of the fact that data requests under the MPIA could have a significant financial impact on law enforcement agencies. In fact, current MPIA rules may need to be modified to reflect this new technology.

Management Oversight

There was some concern that police officers who make split second decisions under stressful and chaotic conditions will be second guessed by virtue of BWC review. However, the Workgroup concluded that many of the benefits of BWC would be negated if police supervisors were unable to review the

police/citizen encounters involving officers under their command. The Workgroup believes, for example, that law enforcement agencies should have a policy that permits management to conduct random reviews of recorded data to monitor officer performance and that also enables management to make more frequent reviews of officers who have a history of prior citizen complaints.

Privacy

The Workgroup considered how the use of BWC fits in with Maryland's wiretap law and the requirement for two-party consent. Maryland's wiretap law is patterned after its federal counterpart but with some key differences. One important difference relative to law enforcement's use of BWC is that federal law allows for the interception and recording of an oral communication when one of the parties to that conversation provides consent. Maryland's wiretap law, on the other hand, generally prohibits the recording of conversations without two-party consent, but there is also a privacy requirement under Maryland law. In other words, for the wiretap law to apply there must also be an expectation of privacy on the part of the parties to the conversation. The Attorney General's Office, Maryland courts, prosecutors, and defense attorneys seem to agree that using BWC to record the audio and video interaction between police and civilians on public streets and in public places does not violate Maryland's wiretap law. However, the issue may become less clear if police are in a private residence or other area where the civilian party to the conversation may have some reasonable expectation of privacy. Under those circumstances, it has been suggested that police may want to ask permission before recording. Other members of the Workgroup believe that if a police officer is in any area where he/she has a legal right to be, to include entering a private residence in response to a call for service, the party interacting with the police has no reasonable expectation of privacy.

Although members of the Workgroup believe that the use of BWC by law enforcement officers is permissible under Maryland's wiretap law, Maryland's law enforcement executives and policy makers may want to study this issue in more detail, especially as it relates to recordings made in private residences and other areas where citizens may have an objective and subjective expectation of privacy. In the final analysis, some of the actual and perceived legal issues relating to BWC may need to be resolved in the courts. Given the complexity of this issue, the General Assembly may want to consider modifications to Maryland's current wiretap law to enable or prohibit the use of BWC under certain circumstances to include ones where BWC are used inside private homes and other places where citizens may have reasonable expectations of privacy.

The Workgroup also noted that BWC have the potential to record victims of crime who may have been emotionally or physically traumatized as well as accident victims and others who may be involved in medical emergencies. These concerns demonstrate the need for policies and procedures relating to privacy even when legal issues are not directly involved. As the DOJ/OJP report noted, law enforcement agencies using BWC should try to minimize the "collateral intrusion" of the devices.

Creation of Databases

There is some concern among the public that police may try to compile massive databases of recorded BWC data for purposes of facial and voice recognition. The Workgroup agrees that BWC data should not be compiled and used for arbitrary purposes, but that law enforcement access to BWC data is necessary and legitimate when used to solve crimes and identify suspects in the course of criminal

investigations. The Workgroup suggests that the General Assembly carefully weigh privacy issues against the legitimate needs of law enforcement to use all available tools to protect public safety.

Discovery

The existence of BWC may create discovery issues, especially with respect to making Brady material available to the defense. The Workgroup pointed out that a text file can easily be searched for relevant material, but searching recorded audio and video is very difficult unless sections can be identified by a police complaint number or some other identifier. The question arose as to who in a police department would search files for exculpatory information. This may become labor intensive and expensive for law enforcement agencies, especially if additional personnel are needed for that purpose. One possible solution would be for officers to, in some way, “tag” segments of audio and video that may be needed as evidence in criminal cases and note that in written offense reports. This may make it easier to locate evidence and help ensure that discovery rules are followed.

The potential challenges relating to discovery materials highlight a broader issue relating to BWC. Agencies using the technology must ensure that adequate support staff are available to effectively manage the volumes of recorded data and produce it as needed.

Motions to Redact

As part of criminal trials, members of the Workgroup suggested that recordings may need to be edited in response to defense motions and orders from the court. This may be expensive and labor intensive for law enforcement agencies, but the exact cost would be a function of the extent to which a law enforcement agency utilizes BWC as well as the number of arrests and prosecutions attributable to that agency. Because BWC are still an emerging technological tool, it is difficult to determine how extensive this issue may become in the future.

Labor Issues

The use of BWC by law enforcement may lead to alterations in working conditions under police collective bargaining agreements. In fact, a police union in Las Vegas threatened to sue the police department because the use of BWC “represented a clear change in working conditions.” The police union in New York City has made similar claims regarding the use of BWC.

One specific issue pointed out by the Workgroup is whether or not an officer who is the subject of an internal affairs investigation should be allowed to review recorded audio and video before responding to questions posed by investigators. On one hand, it may be valuable to have an officer review BWC footage to enhance recall of an incident or to make sure the reports are thorough and accurate. On the other hand, watching BWC images prior to providing a statement during a misconduct investigation may give the officer an advantage not available to a civilian complainant. Giving the officer, who is the subject of a misconduct investigation, access to the BWC recordings may prevent an investigator from having an opportunity to assess the accuracy and completeness of the officer's version of events.

The Workgroup suggested that without some consistency and clarity with respect to how the use of BWC fits in with existing collective bargaining agreements, circumstances may vary substantially from agency to agency.

The police departments in Phoenix, Rialto, and Mesa included rank-and-file officers in the development

and implementation phases of their BWC programs to help overcome objections. Although that collaborative approach shows promise, many unanswered questions remain with respect to BWC and the collective bargaining rights of police officers.

Police Morale

Some police officers are concerned that BWC recordings will be used to evaluate and critique their every move, and as such, some officers may shy away from engaging citizens in ways that are known to reduce crime, but that often lead to confrontation, such as stop and frisks, field interviews, and making arrests. Including rank and file officers in the development and implementation of BWC programs, combined with appropriate policies and procedures, may allay this concern among officers. Some members of the Workgroup pointed out that this same argument was raised with respect to the use of dashboard cameras, but there is no data to show that the presence of the dashboard cameras reduced police productivity. Similarly, there is no evidence available at this time to suggest that the use of BWC will negatively impact police productivity.

Chilling Effect on Community Members

While BWC are generally seen as improving openness and transparency, thereby leading to improved community relations, the use of BWC may have unintended consequences. Some communities, especially where there is lingering mistrust of police, may view BWC as a big brother tool for the mass recording of civilians. The presence of BWC may also dissuade citizens from speaking to police by adding an officious and legalistic tone to police/citizen interactions, even if police have the policy option of shutting down recording under such circumstances. Nevertheless, the Workgroup believes that the potential benefits derived from the use of BWC outweigh these concerns. Including members of the community during the implementation phase may help reduce tensions and suspicions before they arise. Moreover, agencies planning to adopt BWC programs may want to use citizen surveys to help determine how communities view this technology as it relates to trust and transparency.

POLICY DECISIONS

In order for law enforcement agencies in Maryland and members of the public to obtain all of the potential benefits discussed above, policies should be written and promulgated to provide proper controls for the use of this relatively new technological tool. Developing a thorough set of policies and procedures governing how audio and video are recorded, stored, and accessed will help ensure that the program has the community's support while meeting the needs of other entities that use the footage. Addressing these needs and policy concerns will also ensure that the implementation of this program is conducted appropriately while minimizing unanticipated costs and operational problems.

Equipment Considerations

One of the first steps facing a law enforcement agency when developing a BWC program will be to evaluate the products of various vendors. BWC are built in various formats, including: mounted on glasses, lapel mounted, chest mounted, and cap mounted. Lens type is also a factor. High resolution cameras provide a clearer and sharper image, but can add to the storage costs by requiring more storage capacity. Some BWC are built with GPS capability to improve officer safety, while other units provide

built-in playback features so officers may promptly review images that were just recorded. All of these features are certainly useful, but they also increase price.

The pre-record function is one that the Workgroup viewed as especially useful, particularly in agencies where turning the recording device on and off occurs at the discretion of the officer under some circumstances. BWC units with pre-record capability go back and capture images for some period of time prior to when the officer actually activates recording. The pre-record period can be adjusted. The benefit of the pre-record function is to provide a recorded record of the events leading up to the time when an officer actually activates recording. From the Workgroup's perspective, the audio component of the recording device is critical to reaping the full benefits of BWC. This is especially true with respect to resolving citizen complaints. Without discernible audio of both the officer and the citizen complainant with whom the officer is interacting, BWC recordings may have diminished evidentiary or training value.

Different agencies contemplating the use of BWC can be expected to value the various equipment options differently. Therefore, it is impossible for this Workgroup to make specific recommendations regarding equipment. Instead, the Workgroup suggests that agencies considering the use of BWC may want to convene an advisory panel of technical and operational experts to help examine the range of issues referenced above, and to evaluate vendor demonstrations and proposals in order to make the decisions that will maximize benefits for each agency. There are some key capability criteria that the Workgroup believes should be considered by any agency considering the use of BWC. These criteria also affect the price of the system selected.

- **Image Quality** refers to the system's ability to provide a sharp, clear image with minimal distortion so the user can identify people and objects. Image quality is typically affected by video resolution and frame rate, as well as image stabilization options.
- **Day/Night Operation** refers to the equipment's ability to record identifiable video in low light conditions and to adjust to changing lighting conditions.
- **Power** refers to the type and number of batteries required to power the BWC device. Other considerations relating to power are battery run time and the number of times rechargeable batteries can be recharged before replacement is necessary. Agencies may also want to consider some type of backup power source to reduce the possibility of malfunction.
- **Data Storage** refers to the capacity and type of data storage included with the initial system purchase.
- **Field of View** refers to the image width and height that is captured on video at a given distance.
- **Audio Quality** refers to the overall quality of the recorded sound. Audio recording can be affected by a number of factors to include wind and ambient noise.
- **Data Security** refers to software features that protect data integrity such as access, chain of custody documentation, and video authentication.
- **Tagging** refers to the ability of the BWC unit to capture things such as date and time stamps, case or complaint number and case notes.
- **Data Transfer** refers to the method by which data is removed from the BWC unit to an external storage medium, as well as how quickly this transfer can be accomplished.
- Where on the body or uniform the BWC is to be worn.

Initiating Recording

One of the major considerations of any BWC program is the degree to which officers have discretion over when the BWC units record. Fully recording all events may form a more complete record of the shift and minimize instances where an officer simply forgets to turn the camera on when engaging with the public, or intentionally fails to activate the recording. Recording an entire shift may also ensure that the moments leading up to an encounter are recorded and that hostile encounters are fully documented. Reducing officer discretion with respect to what and when to record will not only ensure that relevant events are captured and prevent the loss of relevant evidence, but also protect police officers from accusations of tampering with the videos.

However, there are several reasons why recording continuously for an entire 8-10 hour shift may not be practical. First, fully recording an entire shift would increase storage costs, increase the amount of time it takes to download recorded images to a local server or some other type of web-based storage medium at the end of a shift, and create more voluminous records of unimportant events that can make searching for relevant images more challenging. In addition, a fully recorded shift may make officers uncomfortable, possibly affecting their morale. Perhaps most importantly, a police department may not want to record certain situations, such as officer breaks from duty or interactions with informants or victims of certain crimes. Furthermore, the Workgroup noted that continuous recording requires additional power. While dashboard cameras in police patrol vehicles are able to draw power from the vehicle's battery, officers wearing BWC may have to carry some type of extra power source to record continually. This, along with the officer's other equipment, may become burdensome.

Use of BWC with pre-record capability (*Please refer the section above entitled Equipment Considerations*) may be a reasonable option to continuous recording for a law enforcement agency to consider.

The Workgroup believes that agencies using BWC should have a policy or general order clearly stating when officers must activate recording. The prevailing best practice seems to require officers to record all calls for service and all interactions with the public that are enforcement related. Some agencies using BWC have specific examples of events they consider to be “enforcement related” listed in their policies and general orders. They include but are not necessarily limited to the following:

- Arrests
- Car stops
- Terry stops
- Stop and frisks
- Field interviews
- Responding as back-up for another officer handling a call for service or who is engaged in an enforcement-related activity
- Foot pursuits
- Other encounters with the public that become hostile or adversarial and that may reasonably evolve into an arrest or other enforcement-related activity
- During the execution of arrest and search and seizure warrants

The need for a written policy governing when officers must activate recording is demonstrated by an

evaluation conducted by the Mesa, AZ Police Department (*Please see DOJ/OJP report*). During the one-year evaluation, Mesa used two different test policies governing BWC: one that gave officers wide discretion when to record and a much more restrictive policy that limited officer discretion. Recordings dropped by 42 percent under the discretionary policy.

While officers in the field may need some discretion with respect to recording crime victims, witnesses, children, informants and members of the community who wish to report information on criminal activity, an officer who fails to activate the BWC should be required to either document on camera or explain in an offense report the reason(s) why no recording was made.

Retention

The length of time that BWC recordings are retained must be carefully considered because this may have a significant impact on the privacy of officers and citizens alike. At the same time, for the recordings to provide the greatest value to police and citizens, they must be kept for some reasonable period of time.

The data retention period for BWC could be driven by a variety of factors, including but not limited to the following:

- The length of time allotted for a citizen to file a complaint against an officer
- The time it typically takes to resolve complaints and complete investigations
- The statute of limitations in criminal cases
- The period of time permitted for the filing of civil litigation

One factor that cannot be overlooked when deciding on a retention period is cost. Storing audio and video recordings for extended periods requires large storage capacity, and increased storage capacity requirements add to the overall cost of a BWC program.

Members of the Workgroup were unable to agree on an ideal retention period for images recorded by BWC. In the final analysis, data retention periods for BWC data may need to be established by either legislation or individual agency policy.

Privacy

Privacy is an important consideration in the implementation of a BWC program that is related to some of the issues referenced when discussing the MPIA. The privacy issue involves both policy and legal aspects. (*Please refer to Privacy, listed under Potential Limitations & Unintended Consequences for more information regarding legal issues*).

Although cameras may provide valuable evidence for complaint resolution and litigation, very sensitive information may also be recorded during police/citizen interactions or as police respond to emergencies. For example, some individuals may be afraid to report criminal information to the police if they believe their identity will be preserved and/or possibly made known during civil or criminal litigation. Officers also have privacy concerns. Even while on duty, officers sometimes discuss personal matters when not taking police action, and may have legitimate concerns regarding the potential of reprisal for protected speech. Moreover, police officers often enter people's homes and encounter bystanders and victims in a wide variety of sometimes stressful and embarrassing situations. Under some circumstances, officers may incidentally record people who have no involvement in the matter at hand. A law enforcement

agency's policy regarding continuous versus discretionary recording will play a significant role in this area. The Workgroup believes that agencies using BWC should have a clear policy in place addressing privacy issues to include how to handle inadvertent recordings and private conversations that have no relevance to enforcement activities.

Notice of Recording

The Workgroup believes that a law enforcement agency developing and implementing a BWC program may want to consider whether and how to notify members of the public that officers are recording their interactions. Although prior notification may not be a legal requirement (*Please refer to the section above entitled Privacy*), notifying people of the use of these body cameras may nonetheless be beneficial since, as discussed earlier in this report, some citizens may change their behaviors in a positive manner when they know they are being recorded.

Each Maryland law enforcement agency using BWC may want to consider this issue when implementing a program.

The General Assembly may want to conduct a more detailed legal review to determine if officers should, either routinely or under specific circumstances, be required to notify citizens that they are being recorded.

Access to the Recordings

As stated earlier in this report, the General Assembly may want to consider limiting access to BWC data under the MPIA. One option would be to limit the release of BWC data to persons in interest – those people whose voices and/or images have been recorded.

Maintaining the security and integrity of BWC images is vitally important. Agencies must be able to determine whether footage has been viewed or altered, when it was accessed or copied, and by whom. This “chain of custody” information will serve many purposes, including:

- Protecting the integrity of recordings for their use in investigations and court proceedings;
- Guaranteeing that the footage is not being used inappropriately, such as for commercial or entertainment purposes;
- Laying a foundation for court admissibility; and
- Establishing whether witnesses have viewed the video before providing a statement or testifying in court.

Written Policies & Procedures

In order to maximize the many advantages that BWC may provide, the Workgroup believes it will be crucial for Maryland law enforcement agencies to develop and implement clear policies governing recording, access, usage, storage, retention, and other issues. Law enforcement leaders, police union representatives, policy experts, and civil liberties experts nationwide have expressed concern that deploying BWC with no official policy in place could undermine public confidence in the program, as well as jeopardize the privacy of officers and the public.

Having a suitable policy in place is so critical to the deployment of a BWC program that the Police Executive Research Forum (PERF) Executive Director Chuck Wexler said in a recent report that if

police departments deploy body-worn cameras without well-designed policies and practices, the effectiveness of BWC and the public trust they seek to foster could be undermined. While law enforcement executives generally agree that policies and procedures are essential, they involve multi-faceted and complex issues. Every law enforcement agency in Maryland is unique by virtue of size, the constituency served, budgets, and other factors. Because of this, law enforcement agencies may find it necessary to craft policies and procedures that meet their individual needs and philosophies, as well as enforcement tactics and strategies.

Although there may not be a “one size fits all” policy that can applied to all law enforcement agencies in Maryland using BWC, there may be some key elements for agencies to consider.

The report recently issued by PERF contains additional suggestions for policies and procedures related to BWC (*Please see attached PERF report*) that may be used to help guide the General Assembly and individual law enforcement agencies as they consider policies and procedures.

MORE ACCURATE COST PROJECTIONS

The DOJ/OJP report states that the resource and logistical issues surrounding the use of BWC are considerable and are often difficult to fully anticipate. Many of the costs associated with BWC include equipment; data storage; staffing hours needed to train officers on the use of the devices; and transferring data at the end of a shift to a storage medium. Additional costs may include the processing of MPIA requests for data, as well as needed equipment and staff resources for an agency’s internal data production needs. Identifying the most accurate cost projections for this program upfront will reduce the potential for unanticipated costs at later stages of implementation.

Factors affecting price include the following:

- ***Type of equipment purchased:*** Cost will be affected by the type and quality of BWC selected for use.
- ***The storage medium chosen:*** Cost will also be impacted by a law enforcement agency's choice of storage medium, typically either a local server or some sort of web-accessible storage medium offered by a third party vendor. Either way, this will be an ongoing recurring expense that must be borne by an agency that uses BWC.
- ***The number of officers equipped with BWC:*** Not only will this decision affect the initial cost of the equipment, it will also impact cost by driving the amount of storage space needed for the recorded audio and video.
- ***The data retention period:*** A longer data retention cycle will increase an agency's data storage cost and may also increase costs related to responding to MPIA requests.
- ***The department's recording policy:*** A law enforcement agency's decision on when to require officers to record will have an impact on cost. Other things being equal, continuous recording will be more expensive than recording only during calls for service and other enforcement-related encounters with citizens due to the space requirements needed to store the recorded data.
- ***Type of police service provided:*** A police department that primarily does traffic enforcement will probably have less data to record and store than a busy urban agency that handles a high volume of calls for service and, due to the nature of the working environment, may have far

more contact with citizens.

The initial equipment costs for BWC could, depending on the type of equipment selected, be between \$400 and \$1,000 per unit. The cost of data storage is a recurring expense that could be substantial. The major equipment manufacturers of BWC offer cloud-based storage for a fee, but other police departments choose to manage data internally.

Program evaluations done in Mesa and Phoenix indicate that a BWC program affects far more people than the officers who wear the devices, and that an agency-wide commitment is needed to support a BWC program. What seems clear is that a BWC program requires a financial commitment that is much greater than the initial purchase of the cameras. Other things such as training, data storage, evidence production, and responding to MPIA requests require ongoing internal management and create recurring expenses that may be substantial. Because the effects of a BWC program are so far reaching and the costs are often difficult to predict, the DOJ/OJP report suggests that agencies considering the use of BWC proceed cautiously with implementation.

RESEARCH & BEST PRACTICES

According to White (2014), author of *Police Officer Body-Worn Cameras: Assessing the Evidence*, five empirical studies have been conducted as of September 2013 in reference to the use of BWC. Three of the studies were conducted in the United States (i.e., Rialto Police Department, Mesa Police Department, and Phoenix Police Department), whereas two were conducted outside of the country in England and Scotland. Although these studies were intended to help prospective users gain a better understanding of BWC, the studies have significant methodological limitations. For instance, the three studies that were conducted in the United States were either “carried out by the law enforcement agency deploying the technology,” and/or relied “heavily on officer surveys” that asked about “perceptions and attitudes rather than measuring behavior” (White, 2014, p. 16). While the three studies contained a comparative research design to identify the difference between officers wearing BWC and officers not wearing BWC, the same methodology was not used for the England and Scotland studies. While the results of the five empirical studies provide some insight into the potential benefits and limitations of BWC, design flaws in the studies make it difficult to conclude whether all the potential benefits can be realized. The Workgroup believes that as agencies consider implementation of BWC programs, they should be aware that conclusive research has not yet been conducted.

Although the DOJ/OJP report cautions against drawing firm conclusion with respect to BWC because available research is either limited or has design flaws, the Workgroup concluded that BWC have the potential to be useful tools for improving police/ community relations, improving the criminal justice system and modifying the behavior of both police and citizens.

Copies of the PERF and DOJ/OJP reports are attached for the General Assembly’s review.

RECOMMENDATIONS

In order to help law enforcement agencies in Maryland develop effective BWC programs, the Workgroup makes the following recommendations:

- Agencies contemplating the use of BWC should conduct a careful and thoughtful cost analysis to determine sustainability.
- Agencies considering the use of BWC should assemble a team of technical and operational experts to evaluate the equipment, storage options, and other products and services offered by various vendors.
- Agencies using BWC should have a policy or general order in place that has been written and promulgated to all officers using the devices, as well as support staff involved with the program.
- Policies or general orders should address, at minimum, the following:
 - Data retention
 - Access to data
 - Rules regarding activation and recording
 - Privacy rights
 - Where BWC should be worn on the officer's body or uniform
- Officers using BWC should be trained according to the requirements of the officer's own agency policy or general order.
- The Maryland General Assembly should study the current MPIA to ensure that it addresses the inevitable issues raised by requests for audio and video recorded by BWC. The General Assembly may want to consider limiting the release of data requested under the MPIA to persons in interest. This, for example, may include those citizens whose images and/or voices have been recorded by BWC.
- Law enforcement agencies should make the development and implementation of a BWC program a collaborative process by including relevant stakeholders such as citizens, community groups, civil liberties groups, police union leaders, and prosecutors.
- Law enforcement agencies contemplating the use of BWC should follow a thoughtful approach with respect to program development and implementation to ensure that all relevant factors are considered.

CONCLUSION

- Preliminary information on the use of BWC indicates that they modify the behavior of both police officers and citizens to improve police/community relations and reduce misconduct, but more research is needed.
- Options for funding may include, but are not necessarily limited to, federal grants from the Department of Justice; non-profits, foundations and other private donor sources; state subsidies; and local budget allocations.
- The use of BWC does not appear to violate Maryland's wiretap statute when used during police/citizen encounters on the street and in other public places.
- The use of BWC is probably permissible inside private homes and other private areas when an officer is invited there in response to a call for service or otherwise has a legal right to be in that

location, but the General Assembly may want to conduct a more detailed legal review regarding the usage of these devices. One option would be for the General Assembly to specifically authorize such use through modification to the state wiretap law.

- As the use of BWC expands, requests for information filed under the MPIA may correspondingly increase. An agency that decides to use BWC should consider how it will respond to data requests made under the MPIA.
- In a few known instances, law enforcement agencies in other states have received very large requests for BWC data under their local PIA laws, requests that were expensive and burdensome. Because such circumstances could occur in Maryland, we suggest that the General Assembly consider changes to the MPIA as they relate to BWC.
- Adequate security measures should be in place to prevent against unauthorized access to recorded information, data tampering and deletion and copying. Security procedures should include audit capabilities and Password/User ID controls.
- An agency using BWC should have a written policy governing their use that has been promulgated to all affected personnel.
- Written policies regarding the use of BWC should include rules regarding the following:
 - When to activate recording, when to turn it off and specific examples of circumstances when recording is required, allowed, encouraged, discouraged or prohibited.
 - A broad requirement for officers who are equipped with BWC to record all calls for service and all law enforcement-related activities and encounters with citizens. Some examples of law enforcement-related activities include:
 - Field interviews
 - Terry stops
 - Stop and frisks
 - Car stops
 - Arrests
 - Execution of arrest and search and seizure warrants
 - SWAT and other tactical deployments
 - Responding as back-up for another officer handling a call for service or who is engaged in an enforcement-related activity
 - Foot pursuits
 - During other encounters with the public that become hostile or adversarial and that may reasonably evolve into an arrest or other enforcement-related activity
 - Use of force
 - The procedure for transferring recorded audio and video from field units to the agency's preferred storage medium.
 - The length of time that recorded data is to be retained.
 - Who may access and review recorded data, as well as the circumstances under which those with access are permitted to conduct data reviews.
 - That BWC are strictly limited to official law enforcement usage, and that officers who use BWC for personal reasons may be subject to discipline.
 - Officers should be given some discretion regarding recording when dealing with crime victims, witnesses, informants, and members of the community who wish to report

information on criminal activity, but an officer who fails to activate the BWC should be required to either document on camera or explain in an offense report the reason(s) why no recording was made.

- A requirement that an officer note, in an offense report, whether BWC footage exists relative to the incident that is the subject of the report.
- That any BWC images needed as evidence are duly noted to prevent accidental destruction.
- That training is required for all officers who use BWC and for all other personnel involved in the BWC program.

APPENDICES

Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned



COPS

Community Oriented Policing Services
U.S. Department of Justice



POLICE EXECUTIVE
RESEARCH FORUM

Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned

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The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

The points of view expressed in this publication do not necessarily reflect the opinions of individual Police Executive Research Forum members.

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Letter from the PERF Executive Director

The recent emergence of body-worn cameras has already had an impact on policing, and this impact will only increase as more agencies adopt this technology. The decision to implement body-worn cameras should not be entered into lightly. Once an agency goes down the road of deploying body-worn cameras—and once the public comes to expect the availability of video records—it will become increasingly difficult to have second thoughts or to scale back a body-worn camera program.

A police department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record. By facing the challenges and expense of purchasing and implementing a body-worn camera system, developing policies, and training its officers in how to use the cameras, a department creates a reasonable expectation that members of the public and the news media will want to review the actions of officers. And with certain limited exceptions that this publication will discuss, body-worn camera video footage should be made available to the public upon request—not only because the videos are public records but also because doing so enables police departments to demonstrate transparency and openness in their interactions with members of the community.

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. Furthermore, departments that are already deploying body-worn cameras tell us that the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded. This is an important advance in policing. And when officers or members of the public break the law or behave badly, body-worn cameras can create a public record that allows the entire community to see what really happened.

At the same time, the fact that both the public and the police increasingly feel the need to videotape every interaction can be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions. As a profession, policing has come too far in developing and strengthening relationships with its communities to allow encounters with the public to become officious and legalistic. Body-worn cameras can increase accountability, but police agencies also must find a way to preserve the informal and unique relationships between police officers and community members.

This publication, which documents extensive research and analysis by the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), will demonstrate why police departments should not deploy body-worn cameras carelessly. Moreover, departments must anticipate a number of difficult questions—questions with no easy answers because they involve a careful balancing of competing legitimate interests, such as the public's interest in seeing body-worn camera footage versus the interests of crime victims who would prefer not to have their images disseminated to the world.

One of the most significant questions departments will face is how to identify which types of encounters with members of the community officers should record. This decision will have important consequences in terms of privacy, transparency, and police-community relationships. Although recording policies should provide officers with guidance, it is critical that policies also give officers

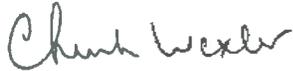
a certain amount of discretion concerning when to turn their cameras on or off. This discretion is important because it recognizes that officers are professionals and because it allows flexibility in situations in which drawing a legalistic “bright line” rule is impossible.

For example, an officer at a crime scene may encounter a witness who would prefer not to be recorded. By using discretion, the officer can reach the best solution in balancing the evidentiary value of a recorded statement with the witness’s reluctance to be recorded. The decision may hinge on the importance of what the witness is willing to say. Or perhaps the witness will agree to be recorded by audio but not video, so the officer can simply point the camera away from the witness. Or perhaps the witness will be willing to be recorded later, in a more private setting. By giving officers some discretion, they can balance the conflicting values. Without this discretion, body-worn cameras have the potential to damage important relationships that officers have built with members of the community. This discretion should not be limitless; instead, it should be guided by carefully crafted policies that set specific parameters for when officers may use discretion.

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.

This publication is intended to serve as a guide to the thoughtful, careful considerations that police departments should undertake if they wish to adopt body-worn cameras.

Sincerely,



Chuck Wexler, Executive Director
Police Executive Research Forum

Letter from the COPS Office Director

Dear colleagues,

One of the most important issues currently facing law enforcement is how to leverage new technology to improve policing services. Whether using social media to engage the community, deploying new surveillance tools to identify suspects, or using data analysis to predict future crime, police agencies around the world are implementing new technology at an unprecedented pace.

Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public, and to investigate and resolve complaints and officer-involved incidents.

Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public. Before agencies invest considerable time and money to deploy body-worn cameras, they must consider these and other important questions.

The COPS Office was pleased to partner with the Police Executive Research Forum (PERF) to support an extensive research project that explored the numerous policy and implementation questions surrounding body-worn cameras. In September 2013, the COPS Office and PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in this publication.

Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned offers practical guidance as well as a comprehensive look at the issues that body-worn cameras raise. I hope you find that the wide range of perspectives, approaches, and strategies presented in this publication are useful, whether you are developing your own body-worn camera program or simply wish to learn more about the topic. The goal of the COPS Office and PERF is to ensure that law enforcement agencies have the best information possible as they explore this new technology; therefore, we encourage you to share this publication, as well as your own experiences, with other law enforcement practitioners.

Sincerely,



Ronald L. Davis, Director

Office of Community Oriented Policing Services

Acknowledgments

PERF would like to thank the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) for supporting this research into body-worn cameras.

We are thankful to COPS Office Director Ronald Davis and Principal Deputy Director Joshua Ederheimer for recognizing the increasingly important role this technology plays for law enforcement agencies across the globe. We are also grateful to our program managers at the COPS Office, Helene Bushwick and Katherine McQuay, for their support and encouragement throughout the project.

We would also like to thank the law enforcement agencies that participated in our survey on body-worn cameras. Their thoughtful responses guided our research and the agenda for the executive session in Washington, D.C., in September 2013. We are also grateful to the more than 200 police chiefs, sheriffs, scholars, and other professionals who participated in our executive session (see appendix B for a list of participants). These leaders provided valuable information about their experiences with body-worn cameras and prompted an insightful discussion regarding the issues these cameras raise.

We are especially thankful for the more than 40 police executives who shared their body-worn camera policies with PERF and who participated in interviews with PERF staff. Their candid assessments of how this technology has impacted their agencies shaped the findings and recommendations found in this publication.

Finally, credit is due to PERF staff members who conducted the survey, prepared for and hosted the executive session, conducted interviews, and helped write and edit this publication, including Jessica Toliver, Lindsay Miller, Steve Yanda, and Craig Fischer.

Introduction

State of the field and policy analysis

Over the past decade, advances in the technologies used by law enforcement agencies have been accelerating at an extremely rapid pace. Many police executives are making decisions about whether to acquire technologies that did not exist when they began their careers—technologies like automated license plate readers, gunshot detection systems, facial recognition software, predictive analytics systems, communications systems that bring data to officers' laptops or handheld devices, GPS applications, and social media to investigate crimes and communicate with the public.

For many police executives, the biggest challenge is not deciding whether to adopt one particular technology but rather finding the right mix of technologies for a given jurisdiction based on its crime problems, funding levels, and other factors. Finding the best mix of technologies, however, must begin with a thorough understanding of each type of technology.

Police leaders who have deployed body-worn cameras¹ say there are many benefits associated with the devices. They note that body-worn cameras are useful for documenting evidence; officer training; preventing and resolving complaints brought by members of the public; and strengthening police transparency, performance, and accountability. In addition, given that police now operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, body-worn cameras help police departments ensure events are also captured from an officer's perspective. Scott Greenwood of the American Civil Liberties Union (ACLU) said at the September 2013 conference:

The average interaction between an officer and a citizen in an urban area is already recorded in multiple ways. The citizen may record it on his phone. If there is some conflict happening, one or more witnesses may record it. Often there are fixed security cameras nearby that capture the interaction. So the thing that makes the most sense—if you really want accountability both for your officers and for the people they interact with—is to also have video from the officer's perspective.

The use of body-worn cameras also raises important questions about privacy and trust. What are the privacy issues associated with recording victims of crime? How can officers maintain positive community relationships if they are ordered to record almost every type of interaction with the public? Will members of the public find it off-putting to be told by an officer, "I am recording this encounter," particularly if the encounter is a casual one? Do body-worn cameras also undermine the trust between officers and their superiors within the police department?

In addition to these overarching issues, police leaders must also consider many practical policy issues, including the significant financial costs of deploying cameras and storing recorded data, training requirements, and rules and systems that must be adopted to ensure that body-worn camera video cannot be accessed for improper reasons.

"Because technology is advancing faster than policy, it's important that we keep having discussions about what these new tools mean for us. We have to ask ourselves the hard questions. What do these technologies mean for constitutional policing? We have to keep debating the advantages and disadvantages. If we embrace this new technology, we have to make sure that we are using it to help us do our jobs better."

— Charles Ramsey, Police Commissioner,
Philadelphia Police Department

1. Body-worn cameras are small video cameras—typically attached to an officer's clothing, helmet, or sunglasses—that can capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings.

Project overview

Even as police departments are increasingly adopting body-worn cameras, many questions about this technology have yet to be answered. In an effort to address these questions and produce policy guidance to law enforcement agencies, the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), conducted research in 2013 on the use of body-worn cameras. This research project consisted of three major components: an informal survey of 500 law enforcement agencies nationwide; interviews with police executives; and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

First, PERF distributed surveys to 500 police departments nationwide in July 2013. The exploratory survey was designed to examine the nationwide usage of body-worn cameras and to identify the primary issues that need to be considered. Questions covered topics such as recording requirements; whether certain officers are required to wear body-worn cameras; camera placement on the body; and data collection, storage, and review.

PERF received responses from 254 departments (a 51 percent response rate). Although the use of body-worn cameras is undoubtedly a growing trend, over 75 percent of the respondents reported that they did not use body-worn cameras as of July 2013.

"I really believe that body-worn cameras are the wave of the future for most police agencies. This technology is driving the expectations of the public. They see this out there, and they see that other agencies that have it, and their question is, 'Why don't you have it?'"

– Roberto Villaseñor, Chief of Police,
Tucson (Arizona) Police Department

Of the 63 agencies that reported using body-worn cameras, nearly one-third did not have a written policy governing body-worn camera usage. Many police executives reported that their hesitance to implement a written policy was due to a lack of guidance on what the policies should include, which highlights the need for a set of standards and best practices regarding body-worn cameras.

Second, PERF staff members interviewed more than 40 police executives whose departments have implemented—or have considered implementing—body-worn cameras. As part of this process, PERF also reviewed written policies on body-worn cameras that were shared by departments across the country.

Last, PERF convened a one-day conference of more than 200 police chiefs, sheriffs, scholars, representatives from federal criminal justice agencies, and other experts to discuss the policy and operational issues surrounding body-worn cameras. The conference, held in Washington, D.C., on September 11, 2013, gave participants the opportunity to share the lessons they have learned, to identify promising practices from the field, and to engage in a dialogue about the many unresolved issues regarding the use of body-worn cameras.

Drawing upon feedback from the conference, the survey results, and information gathered from the interviews and policy reviews, PERF created this publication to provide law enforcement agencies with guidance on the use of body-worn cameras.

The first chapter discusses the perceived benefits of deploying body-worn cameras, particularly how law enforcement agencies have used the cameras to resolve complaints and prevent spurious complaints, to enhance transparency and officer accountability, to identify and address structural problems within the department, and to provide an important new type of evidence for criminal and internal administrative investigations.

The second chapter discusses the larger policy concerns that agencies must consider when implementing body-worn cameras, including privacy implications, the effect cameras have on community relationships and community policing, officers' concerns, the expectations cameras create, and financial costs.

The third chapter presents PERF's policy recommendations, which reflect the promising practices and lessons that emerged from PERF's conference and its extensive discussions with police executives and other experts following the conference.

The police executives referenced throughout this publication are those who attended the September conference; participated in a discussion of body-worn cameras at PERF's October 2013 Town Hall Meeting, a national forum held in Philadelphia; provided policies for PERF's review; and/or were interviewed by PERF in late-2013 and early-2014.² A list of participants from the September conference is located in appendix B.

2. The titles listed throughout this document reflect officials' positions at the time of the September 2013 conference.

Chapter 1. Perceived Benefits of Body-Worn Cameras

Among the police executives whose departments use body-worn cameras, there is an overall perception that the cameras provide a useful tool for law enforcement. For these agencies, the perceived benefits that body-worn cameras offer—capturing a video recording of critical incidents and encounters with the public, strengthening police accountability, and providing a valuable new type of evidence—largely outweigh the potential drawbacks. For example, Chief Superintendent Stephen Cullen of the New South Wales (Australia) Police Force said, “After testing out body-worn cameras, we were convinced that it was the way of the future for policing.”

Accountability and transparency

The police executives whom PERF consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that, by providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public. These officials also said that body-worn cameras are helping to prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

“Everyone is on their best behavior when the cameras are running. The officers, the public—everyone.”

– Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

Reducing complaints and resolving officer-involved incidents

In 2012, the police department in Rialto, California, in partnership with the University of Cambridge-Institute of Criminology (UK), examined whether body-worn cameras would have any impact on the number of complaints against officers or on officers' use of force. Over the course of one year, the department randomly assigned body-worn cameras to various front-line officers across 988 shifts. The study found that there was a 60 percent reduction in officer use of force incidents following camera deployment, and during the experiment, the shifts without cameras experienced twice as many use of force incidents as shifts with cameras. The study also found that there was an 88 percent reduction in the number of citizen complaints between the year prior to camera implementation and the year following deployment.³ Chief of Police William Farrar of Rialto, who oversaw the study, said, “Whether the reduced number of complaints was because of the officers behaving better or the citizens behaving better—well, it was probably a little bit of both.”

Body-worn camera results for Rialto (California) Police Department

- 60 percent reduction in officer use of force incidents following camera deployment
- Half the number of use of force incidents for shifts with cameras compared to shifts without cameras
- 88 percent reduction in number of citizen complaints between the year prior to and following camera deployment

A study conducted in Mesa, Arizona, also found that body-worn cameras were associated with a reduction in complaints against officers. In October 2012, the Mesa Police Department implemented a one-year pilot program in which 50 officers were assigned to wear body-worn cameras, and 50 officers were assigned to a control group without the cameras. The two groups were demographically

3. William Farrar, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* 81 (2014): 20–25.

similar in terms of age, race, and other characteristics. The study, which was conducted by Arizona State University, found that during the first eight months of deployment, the officers without the cameras had almost three times as many complaints as the officers who wore the cameras.⁴ The study also found that the officers assigned body-worn cameras had 40 percent fewer total complaints and 75 percent fewer use of force complaints during the pilot program than they did during the prior year when they were not wearing cameras.⁵

Body-worn camera results for Mesa (Arizona) Police Department

- Nearly 3x more complaints against officers without cameras, eight months after camera deployment
- 40 percent fewer total complaints for officers with cameras during pilot program
- 75 percent fewer use of force complaints for officers with cameras during pilot program

Police executives interviewed by PERF overwhelmingly report that their agencies experienced a noticeable drop in complaints against officers after deploying body-worn cameras. “There’s absolutely no doubt that having body-worn cameras reduces the number of complaints against officers,” said Chief of Police Ron Miller of Topeka, Kansas. One explanation for this is that the mere presence of a camera can lead to more civil interactions between officers and the public. “We actually encourage our officers to let

people know that they are recording,” said Chief of Police Ken Miller of Greensboro, North Carolina. “Why? Because we think that it elevates behavior on both sides of the camera.”

Lieutenant Harold Rankin, who oversaw the body-worn camera program in Mesa, agrees: “Anytime you know you’re being recorded, it’s going to have an impact on your 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.” Many police executives report that wearing cameras has helped improve professionalism among their officers. Chief Superintendent Cullen of New South Wales said,

“After testing out body-worn cameras, the overwhelming response from officers was that the cameras increased their professionalism because they knew that everything they said and did was being recorded.”

Many agencies have found that having video footage of an encounter also discourages people from filing unfounded complaints against officers. “We’ve actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out,” said Chief Miller of Topeka. Chief of Police Michael Frazier of Surprise, Arizona, reports a similar experience. “Recently we received an allegation that an officer engaged in racial profiling during a traffic stop. The officer was wearing his body-worn camera, and the footage showed that the allegation was completely unfounded,” Frazier said. “After reviewing the tape, the complainants admitted that they have never been treated unfavorably by any officers in my department.” As several police officials noted, preventing unfounded complaints can save departments the significant amounts of time and money spent on lengthy investigations and lawsuits.

“In the testing we did [of body-worn cameras], we had a number of tenured officers who wanted to wear the cameras and try them out, and their feedback was very positive. They said things like, ‘You’ll be amazed at how people stop acting badly when you say this is a camera, even if they’re intoxicated.’ And we also know that the overwhelming majority of our officers are out there doing a very good job, and the cameras will show just that.”

– Douglas Gillespie, Sheriff,
Las Vegas Metropolitan Police Department

When questions arise following an encounter, police executives said that having a video record of events helps lead to a quicker resolution. According to the results of PERF’s exploratory survey, the number one reason why police departments choose to implement body-worn cameras is to provide a more accurate documentation of police encounters with the public. Police executives report that when questions arise following an encounter or a major event such as an officer-involved shooting, having video from a body-worn camera can help resolve the questions.

4. Harold Rankin, “End of Program Evaluation and Recommendations: On-Officer Body Camera System” (Mesa, AZ: Mesa Police Department, 2013).

5. Ibid.

Agencies are also reporting that, in most of these cases, the resolution is in support of the officer's account of events. Chief of Police Mike Chitwood of Daytona Beach, Florida, recalled one example in which a member of the public threatened to file a complaint against officers following a contentious encounter. Alleging that the officers had threatened him and used racial epithets, the individual said that he would go to the news media if the department failed to take action. One of the officers involved had been wearing a body-worn camera. "We reviewed the video, and clearly the individual lied," recalled Chitwood. "The officer was glad to have the footage because the individual's allegations were absolutely not what was represented in the video."

Body-worn cameras have also helped to resolve more serious incidents, including officer-involved shootings. Chief Miller of Topeka said that the local district attorney cleared an officer in a deadly shooting incident after viewing the officer's body-worn camera footage. Miller described how the camera footage captured the event in real time and provided a record of events that would otherwise not have existed. "The entire event was captured on video from the perspective of the officer. Now tell me when that happened before the advent of body-worn cameras," said Miller.

Several police departments, including those in Daytona Beach, Florida, and Greenville, North Carolina, are finding that officers with a history of complaints are now actively requesting to wear cameras. For officers who behave properly but generate complaints because they have high levels of activity or frequent contacts with criminal suspects, cameras can be seen as beneficial. "We all have our small percentage of officers with a history of complaints," said Chief of Police Hassan Aden of Greenville. "Internal Affairs has told me that these officers have come in to request body-worn cameras so that they can be protected in the future."

Identifying and correcting internal agency problems

Another way that body-worn cameras have strengthened accountability and transparency, according to many police executives, is by helping agencies identify and correct problems within the department. In fact, PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews.

Many police agencies are discovering that body-worn cameras can serve as a useful training tool to help improve officer performance. For example, agencies are using footage from body-worn cameras to provide scenario-based training, to evaluate the performance of new officers in the field, and to identify new areas in which training is needed. By using body-worn cameras in this way, agencies have the opportunity to raise standards of performance when it comes to tactics, communication, and customer service. This can help increase the perceived legitimacy and sense of procedural justice that communities have about their police departments.

Law enforcement agencies have also found that body-worn cameras can help them to identify officers who abuse their authority or commit other misconduct and to assist in correcting questionable behavior before it reaches that level. In Phoenix, for example, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct. Following a complaint

"The use of body-worn video by frontline officers has real potential to reduce complaints of incivility and use of force by officers. The footage can also exonerate officers from vexatious and malicious complaints. In addition, I feel there are benefits to the criminal justice system in terms of more guilty pleas, reduced costs at court, and a reduction in the number of civil cases brought against the police service for unlawful arrest/excessive force. We already have good examples of body-worn video footage exonerating officers from malicious complaints."

– Paul Rumney, Detective Chief Superintendent,
Greater Manchester (UK) Police

"We have about 450 body-worn cameras actively deployed, and in the overwhelming majority of cases, the footage demonstrates that the officer's actions were appropriate."

– Sean Whent, Chief of Police,
Oakland (California) Police Department

against the officer, the police department reviewed footage from the incident along with video from prior shifts. Upon finding repeated instances of verbal abuse, profanity, and threats against members of the public, the department terminated the officer. "It clearly shocked the conscience when you saw all of the different incidents," said Assistant Chief of Police Dave Harvey of Phoenix.

In Daytona Beach, Chief Chitwood requested that the officers with a history of complaints be among the first to be outfitted with body-worn cameras. Although he found that usually the videos demonstrated that "the majority of the officers are hardworking, good police," he has also seen how body-worn cameras can help an agency address discipline problems. Chitwood said:

We had an officer who had several questionable incidents in the past, so we outfitted him with a camera. Right in the middle of an encounter with a subject, the camera goes blank, and then it comes back on when the incident is over. He said that the camera malfunctioned, so we gave him another one. A week later he goes to arrest a woman, and again, the camera goes blank just before the encounter. He claimed again that the camera had malfunctioned. So we conducted a forensic review of the camera, which determined that the officer had intentionally hit the power button right before the camera shut off. Our policy says that if you turn it off, you're done. He resigned the next day.

Body-worn cameras can also help law enforcement officials to address wide-reaching structural problems within the department. Many police officials that PERF consulted said that body-worn cameras have allowed them to identify potential weaknesses within their agencies and to develop solutions for improvement, such as offering new training programs or revising their departmental policies and protocols.

In Phoenix, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct.

For example, Chief of Police William Lansdowne of San Diego said that one reason his department is implementing body-worn cameras is to improve its understanding of incidents involving claims of racial profiling. "When it comes to collecting data, the raw numbers don't always fully capture the true scope of a problem," he said. "But by capturing an audio and video account of an encounter, cameras provide an objective record of whether racial profiling took place, what patterns of officer behavior are present, and how often the problem occurs."

Police agencies have also found that implementing a body-worn camera program can be useful when facing consent decrees and external investigations. Roy Austin, deputy assistant attorney general for the Civil Rights Division at the U.S. Department of Justice, said, "We want to get police departments out from under consent decrees as soon as possible. What is important is whether you can show that your officers are engaged in constitutional policing on a regular basis. Although it isn't an official Department of Justice policy, the Civil Rights Division believes that body-worn cameras can be useful for doing that."

Many police departments that have faced external investigations, including those in New Orleans and Detroit, are in various stages of testing and implementing body-worn cameras. Police executives in these cities said that cameras help them to demonstrate they are improving policies and practices within their agencies. Police Superintendent Ron Serpas of New Orleans, whose department is in the process of deploying more than 400 body-worn cameras, said, "Body-worn cameras will be good for us. The hardworking officers say, 'Chief, just give us a chance to show everyone that we are not like the people who went astray after Hurricane Katrina.' The one thing that New Orleans police officers want more than anything else is the independent verification that they are doing what they're

supposed to do.” The police departments in Las Vegas, Nevada, and Spokane, Washington are also implementing body-worn cameras to assist in complying with the collaborative agreements they entered into with the COPS Office of the U.S. Department of Justice.

Chief of Police Charlie Beck of Los Angeles, whose department is testing body-worn cameras, understands first-hand how video evidence can help in these situations. “We exited our consent decree last year, and one of the reasons that the federal judge signed off on us was that we implemented in-car video,” said Beck. “Recordings can help improve public trust.”

Evidence documentation

Police executives said that body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. Along with documenting encounters with members of the public, body-worn cameras can provide a record of interrogations and arrests, as well as what officers witness at crime scenes.

Chief of Police Jason Parker of Dalton, Georgia, described how body-worn cameras have helped officers to improve evidence collection at accident scenes. “It is always hard to gather evidence from accident scenes,” Parker said. He explained that officers are often focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion. This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. “Unlike in-car cameras, body-worn cameras capture everything that happens as officers travel around the scene and interview multiple people. The body-worn cameras have been incredibly useful in accurately preserving information.”

Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute. Chief Chitwood of Daytona Beach explained how body-worn cameras have changed how domestic violence cases are handled. “Oftentimes we know that the suspect is repeatedly abusing the victim, but either the victim refuses to press charges, or there is simply not enough evidence to go to trial,” he said. With the victim’s consent, Daytona Beach officers can now use body-worn cameras to videotape victim statements. “The footage shows first-hand the victim’s injuries, demeanor, and immediate reactions,” Chitwood noted. In some cases, officers capture the assault itself on video if they arrive on the scene while the incident is still ongoing. “This means that we can have enough evidence to move forward with the case, even if the victim ultimately declines to prosecute.”

Chief Miller of Topeka echoed this sentiment: “When we show suspects in domestic violence cases footage from the body-worn cameras, often they plead guilty without even having to go to trial.”

“Some police departments are doing themselves a disservice by not using body-worn cameras. Everyone around you is going to have a camera, and so everyone else is going to be able to tell the story better than you if you don’t have these cameras. And when the Civil Rights Division is looking at a police department, every piece of information that shows the department is engaged in constitutional policing is important. So of course body-worn cameras can help.”

– Roy L. Austin, Jr., Deputy Assistant Attorney General,
Civil Rights Division, U.S. Department of Justice

“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



Photo: Shutterstock/John Roman Images

Chapter 2. Considerations for Implementation

New technologies in policing raise numerous policy issues that must be considered. This is especially true with body-worn cameras, which can have significant implications in terms of privacy, community relationships, and internal departmental affairs. As agencies develop body-worn camera programs, it is crucial that they thoughtfully examine how their policies and practices intersect with these larger questions. Policy issues to look at include the effect these cameras have on privacy and community relationships, the concerns raised by frontline officers, the expectations that cameras create in terms of court proceedings and officer credibility, and the financial considerations that cameras present.

Privacy considerations

The proliferation of camera phones, advances in surveillance technology, and the emergence of social media have changed the way people view privacy, contributing to the sense that, as Police Commissioner Charles Ramsey of Philadelphia said, it sometimes feels as though “everyone is filming everybody.” As technology advances and expectations of privacy evolve, it is critical that law enforcement agencies carefully consider how the technology they use affects the public’s privacy rights, especially when courts have not yet provided guidance on these issues.

Body-worn cameras raise many privacy issues that have not been considered before. Unlike many traditional surveillance methods, body-worn cameras can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. In addition, while stationary surveillance cameras generally cover only public spaces, body-worn cameras give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service.

There is also concern about how the footage from body-worn cameras might be stored and used. For example, will a person be able to obtain video that was recorded inside a neighbor’s home? Will agencies keep videos indefinitely? Is it possible that the body-worn camera footage might be improperly posted online?

When implementing body-worn cameras, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. This means making careful decisions about when officers will be required to activate cameras, how long recorded data should be retained, who has access to the footage, who owns the recorded data, and how to handle internal and external requests for disclosure.

“In London we have CCTVs, which are quite extensive and becoming even more so, but the distinction is that those cameras don’t listen to your conversations. They observe behavior and see what people do and cover public space, so you can see if there is a crime being committed. But CCTVs don’t generally seek out individuals. So I think there is an important distinction there.”

– Sir Bernard Hogan-Howe, Commissioner,
London Metropolitan Police Service

Determining when to record

The issue with perhaps the greatest privacy implications is deciding which types of encounters and activities officers should record. Should officers be required to record every interaction with a member of the public? Or are there some situations in which recording should be discretionary or prohibited?

One approach is to require officers to record all encounters with the public. This would require officers to activate their cameras not only during calls for service or other law enforcement-related

“For the [American Civil Liberties Union], the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.”

—“Police Body-Mounted Cameras: With Right Policies in Place, a Win for All” (New York: ACLU, 2013).

encounters but also during informal conversations with members of the public (e.g., a person asking an officer for directions or an officer stopping into a store and engaging in casual conversation with the owner). This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013, “If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers’ ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public.”⁶

Scott Greenwood, an attorney with the ACLU, explained why the ACLU advocates recording all encounters. “You don’t want to give officers a list and say, ‘Only record the following 10 types of situations.’ You want officers to record all the situations, so when a situation does go south, there’s an unimpeachable record of it—good, bad, ugly, all of it. This is an optimal policy from a civil liberties perspective.”

Greenwood said this approach benefits not only the public but also officers. “Mandatory recording is also what will protect an officer from allegations of discretionary recording or tampering,” said Greenwood.

“You want activating the camera to be a reflexive decision, not

something that officers have to evaluate with each new situation. If officers have to determine what type of incident it is before recording, there are going to be a lot of situations in which a recording might have exonerated an officer, but the recording was never made.”

However, PERF believes that requiring officers to record every encounter with the public would sometimes undermine community members’ privacy rights and damage important police-community relationships. There are certain situations, such as interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community, that call for affording officers some measure of discretion in determining whether to activate their cameras. There are situations in which not recording is a reasonable decision. An agency’s body-worn camera policy should expressly describe these situations and provide solid guidance for officers when they exercise discretion not to record.

For example, officer discretion is needed in sensitive situations, such as encounters with crime victims or witnesses who are concerned about retaliation if they are seen as cooperating with the police. In other cases, officer discretion is needed for routine and casual situations—such as officers on foot or bike patrol who wish to chat with neighborhood residents—and turning on a video camera could make the encounter seem officious and off-putting.

6. Jay Stanley, “Police Body-Mounted Cameras: With Right Policies in Place, a Win for All” (New York: ACLU, 2013), https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf.

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits. In many cases, the department's written policy defines what constitutes a law enforcement-related encounter or activity, and some policies also provide a specific list of which activities are included. Many policies generally indicate that when in doubt, officers should record. Most policies also give officers the discretion to not record when doing so would be unsafe, impossible, or impractical, but most require officers to articulate in writing their reasons for not activating the camera or to say on camera why they are turning the camera off.

Police executives cite several reasons for favoring a more limited and flexible approach rather than requiring officers to record all encounters. One reason is that it gives officers the discretion to not record if they feel that doing so would infringe on an individual's privacy rights. For example, many police departments, including those in Oakland and Rialto, California; Mesa, Arizona; and Fort Collins, Colorado, give officers discretion regarding whether to record interviews with victims of rape, abuse, or other sensitive crimes. Some departments also extend this discretion to recording victims of other crimes. The Daytona Beach (Florida) Police Department recently changed its policy to require that officers obtain consent, on camera, from all crime victims prior to recording an interview. "This new policy is a response to the privacy concerns that arise when you are dealing with victims of crime," said Chief of Police Mike Chitwood of Daytona Beach.

Some agencies encourage officers to use discretion when determining whether to record encounters with or searches of individuals who are partially or completely unclothed. Chief of Police Don Lanpher of Aberdeen, South Dakota, said, "We had an incident when officers were called to assist a female on a landing in an apartment building who was partially undressed. All of the officers had cameras, but they did not record her until she was covered. Officers are encouraged to use discretion in those cases."

In addition to privacy concerns, police executives cite the potential negative impact on community relationships as a reason for not requiring officers to record all encounters with the public. Their goal, always, is to maintain an open dialogue with community members and preserve the trust in their relationships.⁷ "There are a lot of issues with recording every citizen contact without regard to how cooperative or adversarial it is," said Chief of Police Ken Miller of Greensboro, North Carolina. "If people think that they are going to be recorded every time they talk to an officer, regardless of the context, it is going to damage openness and create barriers to important relationships."

Commissioner Ramsey of Philadelphia agrees. "There has to be some measure of discretion. If you have a police interaction as a result of a 911 call or a reasonable suspicion stop, it is one thing—you should record in those situations. But you have to give officers discretion whether to record if they are just saying 'hello' to someone or if they are approached by an individual who wants to give them information."

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits.

7. See "Impact on community relationships" on page 19, "Securing community support" on page 21, "Protecting intelligence-gathering efforts" on page 22, and "Lessons learned about impact on community relationships" on page 24 for strategies departments have taken to address this impact.

Some police executives also believe that requiring officers to record all encounters can signal a lack of trust in officers, which is problematic for any department that wants to encourage its officers to be thoughtful and to show initiative. For example, a survey of officers conducted in Vacaville, California, found that although 70 percent of officers were in favor of using body-worn cameras,

a majority were opposed to a policy containing strict requirements of mandatory recording of all police contacts.

“In a sensitive investigation, such as a rape or child abuse case, if you have a victim who doesn’t want to be recorded, I think you have to take that into account. I think that you cannot just arbitrarily film every encounter. There are times when you’ve got to give your officers some discretion to turn the camera off. Of course, the officers should be required to articulate why they’re not recording or why they’re shutting it off, but we have to give them that discretion.”

– Charlie Beck, Chief of Police,
Los Angeles Police Department

“Legitimacy in policing is built on trust. And the notion of video-recording every interaction in a very tense situation would simply not be a practical operational way of delivering policing. In fact, it would exacerbate all sorts of problems. In the United Kingdom, we’re also subject to human rights legislation, laws on right to privacy, right to family life, and I’m sure you have similar statutes. It’s far more complicated than a blanket policy of ‘every interaction is filmed.’ I think that’s far too simplistic. We have to give our officers some discretion. We cannot have a policy that limits discretion of officers to a point where using these devices has a negative effect on community-police relations.”

– Sir Hugh Orde, President,
Association of Chief Police Officers (UK)

For departments whose policies do not require officers to record every interaction with the public, the goal is to sufficiently ensure accountability and adherence to the department’s body-worn camera policies and protocols. For example, when officers have discretion to not record an encounter, many departments require them to document, either on camera or in writing, the fact that they did not record and their reasons for not recording. Some departments also require officers to obtain supervisor approval to deactivate the camera if a subject requests to not be recorded.

Consent to record

In a handful of states, officers are legally required to inform subjects when they are recording and to obtain the person’s consent to record. This is known as a “two-party consent” law, and it can create challenges to implementing a body-worn camera program. In many two-party consent states, however, police executives have successfully worked with their state legislatures to have the consent requirement waived for body-worn police cameras. For example, in February 2014 Pennsylvania enacted a law waiving the two-party consent requirement for police using body-worn cameras.⁸ Efforts are under way to change two-party consent statutes in other jurisdictions as well. Each department must research its state laws to determine whether the two-party consent requirement applies.

Some police executives believe that it is good practice for officers to inform people when they are recording, even if such disclosures are not required by law. In Greensboro, for example, officers are encouraged—but not required—to announce when they are recording. Chief Miller of Greensboro said this policy is based on the belief that the knowledge that cameras are running can help defuse potentially confrontational situations and improve behavior from all parties.

However, many police executives in one-party consent states do not explicitly instruct officers to inform people that they are recording. “Kansas is a one-party consent state, so only the officer needs to know that the camera is running. But if a person asks, the officer tells them the truth,” said Chief of Police Ron Miller of Topeka, Kansas.

8. Police body cameras heading to Pennsylvania (February 10, 2014), ABC 27 News, <http://www.abc27.com/story/24686416/police-body-cameras-heading-to-pennsylvania>.

Recording inside private homes

Another privacy question is whether and under what conditions officers should be allowed to record while inside a person's home. Many law enforcement agencies have taken the position that officers have the right to record inside a private home as long as they have a legal right to be there. According to this approach, if an officer enters a home in response to a call for service, pursuant to a valid search warrant, or with consent of the resident, officers can record what they find inside.

There is a concern that footage taken inside a private home may be subject to public disclosure. Deputy Chief of Police William Roseman of Albuquerque described how this can be particularly problematic in states with broad public disclosure laws. "Here in Albuquerque, everything is open to public record unless it is part of an ongoing investigation. So if police come into your house and it is captured on video, and if the video isn't being used in an investigation, your neighbor can request the footage under the open records act, and we must give it to them." Scott Greenwood of the ACLU has expressed similar concerns:

An officer might be allowed to go into the residence and record, but that does not mean that everything inside ought to be public record. The warrant is an exception to the Fourth Amendment, not a waiver. We do not want this to show up on YouTube. My next-door neighbor should never be able to view something that happened inside my house without my permission.

Data storage, retention, and disclosure

Decisions about where to store video footage and how long to keep it can have a far-reaching effect on privacy. Many police executives believe that privacy concerns can be addressed through data storage, retention, and disclosure policies. However, when developing these policies, agency leaders must balance privacy considerations with other factors, such as state law requirements, transparency, and data storage capacity and cost.

Data storage policies

Among police executives interviewed by PERF, security, reliability, cost, and technical capacity were the primary factors cited for choosing a particular method for storing video files from body-worn cameras. Among the more than 40 departments that PERF consulted, all stored body-worn camera video on an in-house server (managed internally) or an online cloud database (managed by a third-party vendor).⁹

Police executives noted a number of strategies that can help agencies protect the integrity and privacy of their recorded data, regardless of which storage method is used. These lessons learned regarding data storage include the following:

- *Consult with prosecutors and legal advisors.* Legal experts can advise whether data storage policies and practices are in compliance with all relevant laws and adequately preserve evidentiary chain of custody.

"One of the things we are forgetting is that we already send officers into people's homes and have them document all these bits of information that we're worried about recording. If an officer enters someone's home, they document the condition of the home, especially if it's a case about a child or involves domestic violence or physical injury. So videos are just a technologically advanced type of police report that should be treated no differently from an initial contact form that we currently fill out every day. The advantage of a camera is now you have a factual representation as opposed to an interpretation by an officer."

– Chris Burbank, Chief of Police,
Salt Lake City (Utah) Police Department

9. Cloud storage is a method for storing and backing up electronic data. The data is maintained and managed remotely, generally by a third party, and made available to users over a network, or "cloud."

- *Explicitly prohibit data tampering, editing, and copying.*
- *Include protections against tampering with the data prior to downloading:* This helps to mitigate concerns that officers will be able to alter or delete recordings prior to downloading them. Some body-worn camera systems are sold with technological safeguards that make it impossible for an officer to access the data prior to downloading.
- *Create an auditing system:* It is important to have a record of who accesses video data, when, and for what purpose. Some storage systems include a built-in audit trail.
- *Explicitly state who will be authorized to access data:* Many written policies outline who will have access to the data (e.g., supervisors, Internal Affairs, certain other officers and department personnel, and prosecutors) and for what purpose (e.g., administrative review, training, and investigations).
 - *Ensure there is a reliable back-up system:* Some systems have a built-in backup system that preserves recorded data, and some departments copy recordings to disc and store them as evidence.
 - *Specify when videos will be downloaded from the camera to the storage system and who will download them:* The majority of existing policies require the camera operator to download the footage by the end of each shift. In the case of an officer-involved shooting or other serious incident, some policies require supervisors to step in and physically take possession of the camera and assume downloading responsibilities.
- *Consider third-party vendors carefully:* Overwhelmingly, the police executives whom PERF interviewed reported that their legal advisors and prosecutors were comfortable using a third-party vendor to manage the storage system. When deciding whether to use a third-party vendor, departments consider the vendor's technical assistance capabilities and whether the system includes protections such as an audit trail, backup system, etc. Police executives stressed the importance of entering into a legal contract with the vendor that protects the agency's data.

"Whether you store video internally or externally, protecting the data and preserving the chain of custody should always be a concern. Either way, you need something built into the system so that you know that video has not been altered."

– Ken Miller, Chief of Police,
Greensboro (North Carolina) Police Department

These strategies are important not only for protecting the privacy rights of the people recorded but also for preserving evidence and resolving allegations of data tampering.

Data retention policies

The length of time that departments retain body-worn camera footage plays a key role for privacy. The longer that recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. And community members' concerns about police departments collecting data about them in the first place are lessened if the videos are not retained for long periods of time.

The retention times are generally dictated by the type of encounter or incident that the footage captures. Although protocols vary by department, footage is typically categorized as either "evidentiary" or "non-evidentiary."

Evidentiary video involves footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. Evidentiary footage is usually further categorized by specific incident type, and the retention period is governed by state evidentiary rules for that incident. For example, many state laws require that footage involving a homicide

be retained indefinitely, but video of a traffic citation must be kept for only a matter of months. Departments often purge evidentiary videos at the conclusion of the investigation, court proceeding, or administrative hearing for which they were used.

Non-evidentiary video involves footage that does not necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or of general activities that an officer might perform while on duty (e.g., assisting a motorist or clearing a roadway). Agencies often have more leeway in setting retention times for non-evidentiary videos, which are generally not subject to state evidentiary laws.

Of the departments that PERF consulted, the most common retention time for non-evidentiary video was between 60 and 90 days. Some departments retain non-evidentiary video for an even shorter period. Fort Collins, Colorado, for example, discards footage after seven days if there is no citizen contact recorded and after 30 days if contact is made but no enforcement action is taken. On the other end of the spectrum, some departments, such as Albuquerque, retain non-evidentiary video for a full year.

Many police executives express a preference for shorter retention times for non-evidentiary video. Shorter retention periods not only address privacy concerns but also reduce the costs associated with data storage. On the other hand, police executives noted that they must keep videos long enough to demonstrate transparency and to have footage of an encounter in case a complaint arises about an officer's actions. For example, departments in Rialto, Fort Collins, Albuquerque, Daytona Beach, and Toronto base retention times in part on how long it generally takes for complaints to be filed.

Public disclosure policies

State public disclosure laws, often known as freedom of information laws, govern when footage from body-worn cameras is subject to public release. However, most of these laws were written long before law enforcement agencies began deploying body-worn cameras, so the laws do not necessarily account for all of the considerations that must be made when police departments undertake a body-worn camera program.

Although broad disclosure policies can promote police agency transparency and accountability, some videos—especially recordings of victims or from inside people's homes—will raise privacy concerns if they are released to the public or the news media. When determining how to approach public disclosure issues, law enforcement agencies must balance the legitimate interest of openness with protecting privacy rights.¹⁰

In most state public disclosure laws, exceptions are outlined that may exempt body-worn camera footage from public release. For example, even the broadest disclosure laws typically contain an exception for video that contains evidence or is part of an ongoing investigation. Some state disclosure laws, such as those in North Carolina, also exempt personnel records from public release. Body-worn camera videos used to monitor officer performance may fall under this type of exception.

"It is important to have retention policies that are directly linked to the purposes of having the video, whether that purpose is to have evidence of a crime or to hold officers and the public accountable. Agencies should not retain every video indefinitely, or else those videos could be used down the road for all sorts of inappropriate reasons."

— Lorie Fridell, Associate Professor,
University of South Florida

10. Scott Greenwood of the ACLU recommends that police executives work with the ACLU to ensure that state disclosure laws contain adequate privacy protections for body-worn camera videos. "If interpreted too broadly, open records laws can undermine the accountability of law enforcement agencies," said Greenwood. "You want to make sure that the video is not subject to arbitrary disclosure. It deserves the highest level of protection."

These exceptions to public disclosure can help police departments to avoid being required to release videos if doing so could jeopardize a criminal prosecution. The exceptions can also help police to protect the privacy of crime victims and witnesses. However, by policy and practice, law enforcement

“When developing body-worn camera policies, agencies have to consider how open the public disclosure laws are in their state. Are they going to have to give up all of their footage to any person that requests it? Or are there some protections? This is important to think about when it comes to privacy.”

– Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

agencies should apply these exceptions judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes. In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests. When an agency decides whether to release or withhold body-worn camera footage of a particular incident, the agency should articulate its reasons for doing so.

In addition, some agencies have adopted recording and retention policies that help to avoid violations of privacy. For example, some agencies allow officers to deactivate their cameras during interviews with crime victims or witnesses. And short retention times for non-evidentiary video footage can reduce the window of opportunity for requests for release of video footage that would serve no legitimate purpose.

Lessons learned on privacy considerations

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned regarding body-worn cameras and privacy rights:

- Body-worn cameras have significant implications for the public’s privacy rights, particularly when it comes to recording victim interviews, nudity, and other sensitive subjects and when recording inside people’s homes. Agencies must factor these privacy considerations into decisions about when to record, where and how long to store data, and how to respond to public requests for video footage.
- In terms of when officers should be required to activate their cameras, the most common approach is requiring officers to record all calls for service and law enforcement-related encounters and activities and to deactivate the camera only at the conclusion of the event or with supervisor approval.
- It is essential to clearly define what constitutes a law enforcement-related encounter or activity in the department’s written body-worn-camera policy. It is also useful to provide a list of specific activities that are included, noting that the list is not necessarily all inclusive. Many agencies give a general recommendation to officers that when they are in doubt, they should record.
- To protect officer safety and acknowledge that recording may not be possible in every situation, it is helpful to state in policies that recording will not be required if it would be unsafe, impossible, or impractical.
- Significant privacy concerns can arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. Some agencies prefer to give officers discretion regarding whether to record in these circumstances. In such cases, officers should take into account the evidentiary value of recording and the willingness of the victim to speak on camera. Some agencies go a step further and require officers to obtain the victim’s consent prior to recording the interview.
- To promote officer accountability, most policies require officers to document, on camera or in writing, the reasons why the officer deactivated the camera in situations that are otherwise required to be recorded.

- In one-party consent states, officers are not legally required to notify subjects when officers are recording. However, some agencies have found that announcing the camera is running promotes better behavior and defuses potentially confrontational encounters.
- When making decisions about where to store body-worn camera footage, how long to keep it, and how it should be disclosed to the public, it is advisable for agencies to consult with departmental legal counsel and prosecutors.
- Regardless of the chosen method for storing recorded data, agencies should take all possible steps to protect the integrity and security of the data. This includes explicitly stating who has access to the data and under what circumstances, creating an audit system for monitoring access, ensuring there is a reliable back-up system, specifying how data will be downloaded from the camera, and including protections against data tampering prior to downloading.
- It is important that videos be properly categorized according to the type of event contained in the footage. How the videos are categorized will determine how long they are retained, who has access, and whether they can be disclosed to the public.
- To help protect privacy rights, it is generally preferable to set shorter retention times for non-evidentiary data. The most common retention time for this video is between 60 and 90 days.
- When setting retention times, agencies should consider privacy concerns, the scope of the state's public disclosure laws, the amount of time the public needs to file complaints, and data storage capacity and costs.
- Evidentiary footage is generally exempt from public disclosure while it is part of an ongoing investigation or court proceeding. Deleting this video after it serves its evidentiary purpose can reduce the quantity of video stored and protect it from unauthorized access or release. It is important to always check whether deletion is in compliance with laws governing evidence retention.
- Informing the public about how long video will be retained can help promote agency transparency and accountability. Some agencies have found it useful to post retention times on the department's website.
- It is important for the agency to communicate its public disclosure policy to the community when the body-worn camera program is deployed to develop public understanding of the technology and the reasons for adopting it.

In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests.

Impact on community relationships

Building positive relationships with the community is a critical aspect of policing, and these relationships can exist only if police have earned the trust of the people they serve. Police rely on these community partnerships to help them address crime and disorder issues.

At the PERF conference, a number of participants expressed concern that excessive recording with body-worn cameras may damage the relationships officers have developed with the community and hinder the openness of their community policing interactions. Some police executives fear, for

example, that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

“Before we make a decision on where to go with body-worn cameras, I really think that all of us need to stop and consider some of these larger unanswered questions. We need to look at not only whether the cameras reduce complaints but also how they relate to witnesses on the street coming forward, what they mean for trust and officer credibility, and what messages they send to the public.”

– Bob Cherry, Detective of
Baltimore Police Department
and President of Baltimore City
Fraternal Order of Police

Detective Bob Cherry of the Baltimore Police Department, who is also the president of the Baltimore City Fraternal Order of Police, said, “Trust builds through relationships, and body-worn cameras start from a position of mistrust. The comments I hear from some officers are, ‘I’m worried that if I wear a camera, it is going to make it hard to continue the relationship I have with a business owner or the lady down the street. These are the people I’m working with now to clean up the neighborhood.’”

Some police executives reported that deploying body-worn cameras has in fact had a negative impact on their intelligence-gathering activities, particularly when officers are not allowed the discretion to turn off the camera. Chief of Police Sean Whent of Oakland, California, explained, “Our policy is to film all detentions and to keep recording until the encounter is over. But let’s say an officer detains someone, and now that person wants to give up information. We are finding that people are not inclined to do so with the camera running. We are considering changing our policy to allow officers to turn off the camera in those situations.”

The Mesa (Arizona) Police Department has also found that body-worn cameras can undermine information-gathering efforts. “We have definitely seen people being more reluctant to give information when they know that they are being videotaped,” said Lieutenant Harold Rankin.

However, other police executives said that these types of situations are rare and that body-worn cameras have not had a significant impact on their ability to gather information from the public. For some agencies, public reaction to the cameras has been practically nonexistent. Major Stephen Willis of the Charlotte-Mecklenburg (North Carolina) Police Department said, “We have had in-car cameras for many years, and in most instances the public has an expectation that they will be recorded. We encountered very little resistance from the public when we piloted body-worn cameras.” Deputy Chief of Police Cory Christensen of Fort Collins, Colorado, said, “We are not seeing much pushback from the community. Often people do not even notice the presence of the cameras.”

“I disagree that cameras hurt community relationships,” said Chief of Police William Farrar of Rialto, California. “We have not seen any evidence of that. People will ask officers if they have a camera on, but it does not seem to bother them.” In fact, in its evaluation of its body-worn camera program, the Rialto Police Department found that officers made 3,178 more contacts with the public (not counting calls for service) during the year that cameras were deployed than in the prior year.¹¹

Some police executives reported that body-worn cameras have actually improved certain aspects of their police-community relationships. These executives said that the presence of cameras leads to better behavior by both the officer and the person being recorded. “The cameras help defuse some of the tensions that might come up during encounters with the public. I think that 98 percent of the time, cameras help improve relationships with the community,” said Chief Chitwood of Daytona Beach. Deputy Chief Christensen of Fort Collins agreed: “Officers wearing cameras have reported a noticeable improvement in the quality of their encounters with the public. With both sides behaving better, community relations will improve.”

11. William Farrar, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* 81 (2014): 20–25.

Sir Robert Peel's Principles of Policing

Sir Robert Peel, who created London's Metropolitan Police Force in 1829, is known as the father of modern policing. He helped to establish a policing philosophy grounded in professionalism, ethics, and strong police-community cooperation, which continues to influence policing to this day. The "Nine Principles of Policing," which were issued to the first officers of the London Metropolitan Police and reflect Sir Robert Peel's philosophy, provide guidance on the role of police and the importance of maintaining strong police-community relationships.

The following principles attributed to Peel seem to have relevance for a discussion of how body-worn cameras can affect police officers' relationships with community members:

Police must recognize always that the power of the police to fulfill their functions and duties is dependent on

public approval of their existence, actions and behavior and on their ability to secure and maintain public respect.

Police must recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of laws.

Police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.*

* "Principles of Good Policing," Institute for the Study of Civil Society, <http://www.civitas.org.uk/pubs/policeNine.php>.

Cameras have also helped assure the public that an agency is serious about transparency and officer accountability, according to several police executives. "We have found that body-worn cameras can actually help strengthen trust and police legitimacy within the community," said Chief of Police Hassan Aden of Greenville, North Carolina. To illustrate this point, Aden shared the following story:

A local community group approached me with a genuine concern that certain officers were racially profiling subjects during traffic stops. We went back and looked at the footage from these officers' body-worn cameras and found that there was indeed a pattern of using flimsy probable cause when making stops. However, we determined that it was a training problem and immediately changed the relevant training protocols. The organization that had raised the complaint was happy with the outcome. They appreciated that we had the body-worn camera footage, that the officers' behavior was investigated, and that we used the video to help us improve.

Securing community support

To mitigate community concerns, many police executives found it useful to engage the community before rolling out their camera programs. The Rialto Police Department, for example, used social media to inform the public about its body-worn camera program. "You have to engage the public before the cameras hit the streets," said Chief Farrar of Rialto. "You have to tell people what the cameras are going to be used for and how everyone can benefit from them."

"We want our officers to go out, get out of their cars, and talk to the public about football or whatever it may be to establish an informal relationship. That's how you build partnerships and persuade people to give you information about crime in their area. I think if we say that every single interaction is going to be recorded, the danger is that it will lead to a more officious relationship. Maybe the public will get used to it, just as in our country they've gotten used to cameras on the streets. But as we start off, I think there's a danger that every interaction will become a formal interaction, and the informal relationships may be eroded."

– Sir Peter Fahy, Chief Constable,
Greater Manchester (UK) Police

The Los Angeles Police Department, which is in the process of testing body-worn cameras, plans to solicit public feedback when developing its camera policies. The Greensboro (North Carolina) Police Department partnered with the Greensboro Police Foundation, which launched a “Put Cameras on Cops” public information campaign that included posting billboards and reaching out to the community.

Chief Lanpher of Aberdeen said that it is also important for agencies to engage local policymakers and other stakeholders. “Police departments cannot do this alone,” he said. “We went to the mayor, the city council, and the state’s attorney’s office and showed them actual footage that officers had recorded to demonstrate why these cameras would be useful. Without their support, implementing the program would have been a challenge. Communication and developing those partnerships is critical.”

“My opinion is that body-worn cameras will help with community relationships. They will show when officers are doing a good job and help us correct when they aren’t. This is good for the community.”

— Lieutenant Dan Mark,
Aurora (Colorado) Police Department

“I think it’s absolutely critical that we talk to the public about [body-worn cameras]. We need to bring them on board and have them understand what this is about and go through the advantages and disadvantages and the issues.”

— Sir Peter Fahy, Chief Constable,
Greater Manchester (UK) Police

There are also indications that the public is more accepting of body-worn cameras if agencies are transparent about their camera policies and practices. Some agencies post their camera policies on their websites. In addition, some agencies, such as the Oakland Police Department, have proactively posted body-worn camera footage on their websites to demonstrate transparency and to help resolve questions surrounding controversial incidents.

In Phoenix, the police department released to the media body-worn camera footage from an officer who was fired for misconduct. Assistant Chief of Police Dave Harvey of Phoenix explained that the police union requested the release to demonstrate transparency.

“It is important that agencies are open and transparent with the community,” said Deputy Chief Christensen of Fort Collins. “If we only show the good and hide the bad, it will foster distrust of the police.”

Protecting intelligence-gathering efforts

In addition to engaging the public to mitigate concerns, some agencies have adopted recording policies that seek to minimize the potential damage that body-worn cameras have on police-community relationships. These agencies limit body-worn camera recordings to calls for service and law enforcement-related contacts, rather than recording every encounter with the public, so that officers do not feel compelled to record the kinds of casual conversations that are central to building informal relationships within the community.

Chief Miller of Topeka said that this approach has worked well. “I recently witnessed a community policing officer having a casual conversation with two citizens,” he said. “The officer was wearing a camera, but it was not running at the time. The camera was clearly visible, but it did not create a problem.” Chief Miller of Greensboro said, “From a community policing aspect, it does not make sense to record every single interaction with the public. If an officer sees someone on the street and just wants to talk about what is going on in the neighborhood, it is easier to have that conversation if the camera is not running.”

A number of agencies also give officers the discretion to turn off their cameras when talking with a person who wants to share information about a crime. This situation can occur when a person approaches an officer with information or if an officer interviews witnesses at a crime scene. In either case, police executives said that officers must weigh the evidentiary value of recording the statement with the reality that some people who share information may not want to talk on camera. "If officers encounter an informant or witness who isn't comfortable being recorded, they have to decide whether obtaining the information outweighs recording the statement," said Lieutenant Rankin of Mesa. "If so, our officers can either turn the camera off or position the camera so that they capture audio but not video. People usually feel more comfortable with just the audio."

Chief Farrar of Rialto said that it is important for officers to maintain credibility with people who might want to share information. "We teach our officers to consider the facts of each incident before they record," he said. "When officers encounter reluctant witnesses, I would suggest that they develop a rapport by being honest and not pressuring them to talk, especially on camera."

Many agencies, while allowing officers to turn off the camera at the request of the person being interviewed, nonetheless strongly encourage officers to record if at all possible. "It is important to remain flexible, as there are no absolutes," said Commander Michael Kurtenbach of Phoenix. "But we would generally recommend an officer to keep the camera on if possible when gathering information from witnesses."

Inspector Danny Inglis of Greater Manchester, United Kingdom, agreed. "I generally think there is more to gain than lose in terms of recording these kinds of statements," he said. "Recording is a way to capture critical intelligence and evidence. Our officers can turn the camera off at the person's request, but they should confirm the reason for this on camera."

The Topeka Police Department takes a similar approach. "Officers should try to leave the camera on to record exactly what a person says. If the person does not want to talk on camera, the officer can turn it off after stating the reason why," said Chief Miller. Again, it is important that officers weigh the situation before making a decision. "The detectives and the prosecutors will want witness interviews on camera if possible. But they would also rather have the good information than have the witness refuse to talk because of the camera," said Miller.

Some police executives said that the decision to record witnesses at a crime scene may depend on whether the scene is live or if it has been controlled. In many places, including Greensboro, Daytona Beach, and Rialto, officers typically leave their cameras running when responding to a live crime scene so they can capture spontaneous statements and impressions. Once the scene has been controlled (crime scene tape is put up, detectives arrive, etc.), it transitions into an investigative scene, and officers can turn the cameras off. Then they can determine whether to record more detailed statements taken from witnesses at the scene.

Agencies often include protections in their policies to ensure officers do not abuse their recording discretion. If an officer chooses not to record an encounter with someone giving information, he or she must typically document, on camera or in writing, the reason for not recording. In addition, many agencies require officers to activate the camera if an interaction becomes adversarial after the initial

"If officers are talking to a member of the community just to say hello or to ask what is going on in the neighborhood, it is usually better for the relationship if the officer does not record the conversation."

– Stephen Cullen, Chief Superintendent,
New South Wales (AUS) Police Force

"We view evidence collection as one of the primary functions of cameras. So in the case of interviewing witnesses, we would make every attempt to capture the statement on video. However, we do allow discretion if the person we approach requests that the camera be turned off. Officers just need to understand what the tradeoff is."

– Cory Christensen, Deputy Chief of Police, Fort Collins
(Colorado) Police Department

contact. Chief Chitwood said this approach has worked in Daytona Beach. “Between their experience and training, the officers know when they need to turn on their cameras. Activating the camera in these situations has become second nature to them,” he said.

Lessons learned about impact on community relationships

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned when addressing the impact body-worn cameras can have on community relationships:

- Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program in the community.
- Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.
- Social media is an effective way to facilitate public engagement.
- Transparency about the agency’s camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the department website and publicly releasing video recordings of controversial incidents.
- Requiring officers to record calls for service and law enforcement-related activities—rather than every encounter with the public—can ensure officers are not compelled to record the types of casual conversations that are central to building informal relationships within the community.
- In cases in which persons are unwilling to share information about a crime if they are being recorded, it is a valuable policy to give officers discretion to deactivate their cameras or to position the camera to record only audio. Officers should consider whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
- Recording the events at a live crime scene can help officers capture spontaneous statements and impressions that may be useful in the later investigation or prosecution.
- Requiring officers to document, on camera or in writing, the reasons why they deactivated a camera in situations that they are otherwise required to record promotes officer accountability.

Addressing officer concerns

For a body-worn camera program to be effective, it needs the support not only of the community but also of the frontline officers who will be wearing the cameras. Securing this support can help ensure the legitimacy of a camera program and make its implementation more successful. Agency leaders should engage in ongoing communication with officers about the program’s goals, the benefits and challenges of using cameras, and the agency’s expectations of the officers.

Officer concerns about body-worn cameras

One of the primary concerns for police executives is the fear that body-worn cameras will erode the trust between officers and the chief and top managers of the department. Some officers may view the cameras as a signal that their supervisors and managers do not trust them, and they worry that supervisors would use the cameras to track and scrutinize their every move. Inspector Inglis of Greater Manchester explained, “I have heard some resentment about the level of scrutiny that

officers will be under if they wear body-worn cameras. This is especially true with the first-level response officers, who already feel they are under an extraordinary amount of pressure to get everything right. I can understand this concern.”

Given these concerns, one of the most important decisions an agency must make is how it will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program.

However, there is some debate over whether supervisors should also periodically and randomly review videos to monitor officer performance. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period or after an officer has received a certain number of complaints. Some agencies prohibit random monitoring altogether because they believe doing so is unnecessary if supervisors conduct reviews when an incident occurs.

In Greater Manchester, Inspector Inglis encourages supervisors to randomly review camera footage. “We use random review as a teaching tool, not just a supervision tool,” he said. “Supervisors might not get a lot of face time with officers, so reviewing the video is a good way for supervisors to appraise officers and provide feedback. It also helps hold officers accountable and gives them incentive to record.”

Other agencies expressly prohibit supervisors from randomly monitoring body-worn camera footage. “Per our policy, we do not randomly review videos to monitor officer performance,” said Chief Chitwood of Daytona Beach. “Instead, our review is incident-based, so if there is an issue, we will review the footage. In those cases, we can also review prior videos to see if there is a pattern of behavior.”

The Topeka Police Department generally prohibits random monitoring, though supervisors can periodically review videos if officers have received numerous complaints. Chief Miller of Topeka said that this policy strikes a balance between showing trust in the officers and holding them accountable. “If an officer does something wrong, you do not want to be accused of deliberate indifference because you had the videos but ignored them,” he said. “You have to show that you reviewed the footage once you had a reason to do so.”

Some police officials suggested that an agency’s internal audit unit, rather than direct supervisors, should be responsible for periodic, random monitoring. They said this approach allows agencies to monitor compliance with the program and assess officer performance without undermining the trust between an officer and his or her supervisor. These officials stressed that internal audit reviews should be truly random (rather than targeted to a specific officer or officers) and should be conducted in accordance with a written standard of review that is communicated to the officers. Chief of Police Jeff Halstead of Fort Worth, Texas, said, “Random review of the camera footage, either by an internal auditor or a supervisor, is critical to demonstrating that an agency is doing what it is supposed to do and is serious about accountability.”

In addition to concerns about trust and supervisor scrutiny, police executives said that some officers worried about the difficulty of operating the cameras and learning a new technology. “Officers can feel inundated with technology,” said Chief of Police Roberto Villaseñor of Tucson. “In the past few

“I have heard officers say that while they are not opposed to using body-worn cameras, they do have some concerns. Some of these concerns are more practical, like whether adding new equipment will be overly burdensome. But the larger philosophical concern is whether these cameras send the wrong message about the trust we place in officers. What does it say about officer professionalism and credibility if the department has to arm every officer with a camera?”

– Bob Cherry, Detective of Baltimore Police Department and President of Baltimore City Fraternal Order of Police

years, our department has introduced a new records management system and a new digital radio system. So some officers see body-worn cameras as another new piece of technology that they will have to learn.” Some officers also said that cameras can be cumbersome and challenging to operate, and agencies often have to test several different camera models and camera placement on the body to determine what works best.

Addressing officer concerns

Agencies have taken various steps to address officer concerns about body-worn cameras. One of the most important steps, according to many police executives, is for agency leaders to engage in open communication with officers about what body-worn cameras will mean for them.

For example, a survey of officers conducted by the Vacaville (California) Police Department found that including officers in the implementation process—and allowing them to provide meaningful input—generated support for the cameras. Some police executives, like Chief Chitwood of Daytona Beach and Chief Lanpher of Aberdeen, have found it useful to attend officer briefings, roll calls, and meetings with union representatives to discuss the camera program. “My staff and I invested considerable time talking at briefings and department meetings with all employees who would be affected by body-worn cameras,” said Chief of Police Michael Frazier of Surprise, Arizona. “This has helped us gain support for the program.”

“I think police agencies can help the officer and fulfill their duties to the public by saying, ‘We have an officer [whom] we think is having problems, and we are going to look at those videos to determine behavioral patterns.’ You do not want to have a problem come up later and claim that you did not know about it even though you had videos. So to me, targeted monitoring makes sense.”

– Christy Lopez, Deputy Chief,
Special Litigation Section,
Civil Rights Division,
U.S. Department of Justice

Many police executives said that creating implementation teams comprised of representatives from various units within the department can help improve the legitimacy of a body-worn camera program. For example, as agencies develop body-worn camera policies and protocols, it can be useful to receive input from patrol commanders and officers, investigators, training supervisors, the legal department, communications staff, Internal Affairs personnel, evidence management personnel, and others across the agency who will be involved with body-worn cameras.

Police executives also said it is important to emphasize to officers that body-worn cameras are useful tools that can help them perform their duties. Chief Terry Gainer, U.S. Senate sergeant at arms, believes that framing body-worn cameras as a check on officer behavior is the wrong approach. “It’s going to be hard to encourage our officers to be the self-actualized professionals that we want them to be if we say, ‘Wear this because we’re afraid you’re bad, and cameras will help you prove that you’re good,’” said Gainer. “Body cameras should be seen as a tool for creating evidence that will help ensure public safety.”

Lieutenant John Carli of Vacaville, California, suggests that agencies frame the cameras as a teaching tool, rather than a disciplinary measure, by encouraging supervisors to review footage with officers and provide constructive feedback. One suggestion to accomplish this goal is to highlight officers whose videos demonstrate exemplary performance by showing their footage at training programs or by showing the video during an awards ceremony.

Incremental implementation

Some police executives have also found it helpful to take an incremental approach when implementing body-worn cameras. For example, the San Diego Police Department plans to deploy 100 cameras as part of a pilot program with the eventual goal of outfitting 900 uniformed officers with cameras.

The Greensboro Police Department took a similar approach. “When we first deployed the cameras, there was an undercurrent of apprehension on the part of the officers. So we rolled it out in small increments to help officers get more comfortable with the program,” said Chief Miller of Greensboro. Gradual implementation can also help agencies learn which policies, practices, and camera systems are the best fit for their departments. Some agencies, such as the Mesa Police Department, initially assigned cameras to the most tech-savvy officers as a way to ease implementation.

Many agencies have found that officers embrace body-worn cameras when they see evidence of the cameras’ benefits. “Our officers have been fairly enthusiastic about body-worn cameras because they have seen examples of how the cameras have cleared fellow officers of complaints,” said Lieutenant Dan Mark of Aurora, Colorado. “One officer was threatened by an individual, and it was captured on the officer’s camera. We took the footage to the city attorney’s office, and the individual was successfully prosecuted. Once that story got out among the officers, we saw a lot more acceptance of the cameras.”

Police executives said that in many cases, officers see these benefits once they begin wearing the cameras. “The more officers use the cameras, the more they want to have them,” said Lieutenant Gary Lewis from Appleton, Wisconsin. “If I could put cameras on all of my patrol officers, I would have 100 percent support.” Chief Farrar of Rialto agreed: “Now that the officers wear the cameras, they say that they could not do without them.”

Lessons learned about addressing officer concerns

Police executives revealed a number of lessons about addressing officers’ concerns about body-worn cameras:

- As with any other deployment of a new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.
- Briefings, roll calls, and meetings with union representatives are effective means to communicate information about a body-worn camera program.
- Creating an implementation team that includes representatives from across the department can help strengthen program legitimacy and ease implementation.

“You have to ask yourself, what is the main reason you are implementing the program? Is it because you want to give officers a helpful tool, or because you do not trust them? The answer to that question—and how you convey it—will influence how officers receive the program.”

– Lieutenant John Carli,
Vacaville (California) Police Department

“At first, officers had a lot of concerns about the ‘Big Brother’ aspect of body-worn cameras. But once they wear them and see the benefits, they are much more likely to embrace them. Resistance has been almost nonexistent.”

– Chris Burbank, Chief of Police,
Salt Lake City (Utah) Police Department

- Departments have found that officers support the program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.
- Recruiting an internal “champion” to help inform officers about the benefits of the cameras has proven successful in addressing officers’ hesitation to embrace the new technology.
- Body-worn cameras can serve as a teaching tool when supervisors review footage with officers and provide constructive feedback.
- Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech-savvy officers.

Managing expectations

“In the beginning, some officers were opposed to the cameras. But as they began wearing them, they saw that there were more benefits than drawbacks. Some officers say that they would not go out on the street without a ballistic vest; now they say they will not go out without a camera.”

– Lieutenant Harold Rankin,
Mesa (Arizona) Police Department

Police executives said that it has become increasingly common for courts, arbitrators, and civilian review boards to expect police departments to use body-worn cameras. “If your department has a civilian review board, the expectation now is that police should have cameras,” said Chief of Police Chris Burbank of Salt Lake City. “If you don’t, they will ask, ‘Why don’t your officers have cameras? Why aren’t your cameras fully deployed? Why does the next town over have cameras, but you don’t?’”

In addition, people often expect that officers using body-worn cameras will record video of everything that happens while they are on duty. But most police departments do not require officers to record every encounter. Many agencies have policies against recording when it is unsafe or impossible, and some agencies give officers discretion to deactivate their cameras in certain sensitive situations, such as during interviews with victims or witnesses. Camera malfunctions may also occur. Some agencies have taken steps to inform judges, oversight bodies, and the public about these realities of using body-worn cameras.

Police executives said that these expectations can undermine an officer’s credibility if questions arise about an incident that was not captured on video. This is one reason why many agencies require officers to articulate, either on camera or in writing, their reasons for turning a camera off in the middle of an incident or for not turning it on in the first place. These issues of credibility are also why it is important to provide rigorous, ongoing officer training on body-worn camera policies and

practices. Some agencies find that situational training can be particularly useful. For example, the Oakland Police Department incorporated a program into its police academy that involves officers participating in situational exercises using training model cameras.

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. “But the video only

“There is a learning curve that comes with using body-worn cameras. And the video cannot always be taken at face value—the full story has to be known before conclusions are reached about what the video shows.”

– Major Stephen Willis,
Charlotte-Mecklenburg
(North Carolina) Police Department

gives a small snapshot of events. It does not capture the entire scene, or show the officer's thought process, or show an officer's investigative efforts. This technology shouldn't replace an officer's testimony. I'm concerned that if juries rely only on the video, it reduces the important role that our profession plays in criminal court."

Officer review of video prior to making statements

Given the impact that body-worn cameras can have in criminal and administrative proceedings, there is some question as to whether officers should be allowed to review camera footage prior to making a statement about an incident in which they were involved. According to many police executives, the primary benefit to officer review is that it allows officers to recall events more clearly, which helps get to the truth of what really happened. Some police executives, on the other hand, said that it is better for an officer's statement to reflect what he or she perceived during the event, rather than what the camera footage revealed.

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved. They believe that this approach provides the best evidence of what actually took place. PERF agrees with this position.

"When you're involved in a tense situation, you don't necessarily see everything that is going on around you, and it can later be difficult to remember exactly what happened," said Police Commissioner Ramsey of Philadelphia. "So I wouldn't have a problem with allowing an officer to review a video prior to making a statement."

Chief Burbank of Salt Lake City agreed. "Officers should be able to review evidence that is gathered about an event, and that includes body-worn camera footage," he said. "Some of the most accurate reports are generated by officers who take a moment to go back and review the circumstances. For example, I was once involved in a pursuit that lasted 30 minutes. I went back and re-drove the route and documented every turn before filing my report. Otherwise, it would have been impossible to remember everything that happened."

Chief Miller of Topeka said that if an officer is not allowed to review video, and if the footage conflicts with the officer's statement, it can create unfair doubts about the officer's credibility. "What we are after is the truth," he said. "If you make a statement that you used force because you thought a suspect had a gun but the video later shows that it was actually a cell phone, it looks like you were lying. But if you truly thought he had a gun, you were not lying—you were just wrong. An officer should be given the chance to make a statement using all of the evidence available; otherwise, it looks like we are just trying to catch an officer in a lie."

Police executives who favor review said that officers will be held accountable for their actions regardless of whether they are allowed to watch the video recordings prior to making a statement. "Officers are going to have to explain their actions, no matter what the video shows," said Chief Burbank of Salt Lake City. Chief Frazier of Surprise, Arizona, said, "If an officer has acted

"Right from the start, officers now learn how to use the cameras as part of their regular training on patrol procedures. We want activating the cameras to become a muscle memory so that officers do not have to think about it when they are in a real-world situation."

— Sean Whent, Chief of Police,
Oakland (California) Police Department

"I tell the officers every day: You usually don't get hurt by the videos you have. What hurts you is when you are supposed to have a video but, for whatever reason, you don't."

— Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

inappropriately, and those actions were recorded, the officer cannot change the record and will have to answer for his or her actions. What will be gained by a review of the video is a more accurate accounting of the incident.”

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved.

Other police executives, however, said that the truth—and the officer’s credibility—are better served if an officer is not permitted to review footage of an incident prior to making a statement. “In terms of the officer’s statement, what matters is the officer’s perspective at the time of the event, not what is in the video,” said Major Mark Person of the Prince George’s County (Maryland) Police Department. “That perspective is what they are going to have to testify to. If officers watch the video before making a statement, they might tailor the statement to what they see. It can cause them to second-guess themselves, which makes them seem less credible.”

Lessons learned about managing expectations

In interviews with PERF staff members, police executives discussed lessons that they have learned for managing expectations about body-worn cameras:

- With more and more agencies adopting body-worn cameras, courts, arbitrators, and civilian review boards have begun to expect not only that agencies will use cameras but also that officers will have footage of everything that happens while they are on duty. If this footage does not exist, even for entirely legitimate reasons, it may impact court or administrative proceedings and create questions about an officer’s credibility. Agencies must take steps to manage expectations while also working to ensure that officers adhere to agency policies about activating cameras.
- Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations on how the cameras operate.
- Requiring an officer to articulate, on camera or in writing, the reason for not recording an event can help address questions about missing footage.
- Rigorous, ongoing officer training on body-worn camera policies and protocols is critical for improving camera usage. Situational training in which officers participate in exercises using mock cameras can be particularly useful in helping officers to understand how to operate cameras in the field.
- Many police executives believe that allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved provides the best evidence of what actually occurred.

Financial considerations

While body-worn cameras can provide many potential benefits to law enforcement agencies, they come at a considerable financial cost. In addition to the initial purchasing cost, agencies must devote funding and staffing resources toward storing recorded data, managing videos, disclosing copies of videos to the public, providing training to officers, and administering the program.

For some agencies, these costs make it challenging to implement a body-worn camera program. PERF's survey revealed that 39 percent of the respondents that do not use body-worn cameras cited cost as a primary reason. Chief Villaseñor of Tucson said that cost was a major obstacle to getting cameras. "In recent years, we've faced serious budget cuts and have had to reduce staffing levels," he said. "It can be hard to justify spending money on cameras when officers are fighting for their jobs." However, Villaseñor has put together a review committee to evaluate costs and explore how to implement body-worn cameras in Tucson.

Police Commissioner Ramsey said that in departments the size of Philadelphia's, which has 6,500 sworn officers, the cost of implementing a body-worn camera program would be extraordinary. "We've considered using cameras in Philadelphia, and we see all of the benefits they can provide," he said. "Cost is the primary thing holding us back."

Some police executives, however, said that body-worn cameras can save departments money. They said that by improving officer professionalism, defusing potentially confrontational encounters, strengthening officer training, and documenting encounters with the public, body-worn cameras can help reduce spurious lawsuits and complaints against officers. They also said that these savings more than make up for the considerable financial cost of implementing a camera program.

"If there is a lawsuit against the department, the settlements come from the department's operational budget," said Chief Chitwood of Daytona Beach. "By preventing these suits, the department has more money to spend on cars, technology, and other things that benefit officers."¹²

The London Metropolitan Police Service, working together with the College of Policing, is planning to conduct a cost-benefit analysis in conjunction with its upcoming pilot program of 500 cameras. The analysis will measure whether the cameras contribute to cost savings in terms of promoting early guilty pleas in criminal cases and quicker resolution of complaints against officers. The study will also measure community and victim satisfaction with the cameras, as well as how the cameras impact the length of sentences that offenders receive.

"I absolutely think that officers should be allowed to review camera footage from an incident in which they were involved, prior to speaking with internal investigators. With what we know of the effect of stressful incidents on the human mind, officers in most instances may not recall every aspect of the incident. Or they may recall events out of sequence or not remember everything until much later. For this reason alone, allowing an officer to review the video prior to making a statement seems prudent."

– Michael Frazier, Chief of Police,
Surprise (Arizona) Police Department

12. See "Perceived Benefits of Body-Worn Cameras" on page 5 for additional discussion of cost-benefit analysis.

Cost of implementation

The price of body-worn cameras currently ranges from approximately \$120 to nearly \$2,000 for each device. Most of the agencies that PERF consulted spent between \$800 and \$1,200 for each camera. Prices vary depending on factors such as functionality, storage capacity, and battery life. Agencies must make this initial purchase up front, and sometimes they purchase cameras as part of a contract with the manufacturer for related services, such as data storage and technical assistance.

"Once you put cameras in the field, you're going to amass a lot of data that needs to be stored. Chiefs need to go into this with their eyes wide open. They need to understand what storage is going to cost, what their storage capacities are, and the amount of time it takes to review videos for public release. It is a major challenge."

— Kenton Rainey, Chief of Police,
Bay Area Rapid Transit Police Department

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.

The cost of data storage will depend on how many videos are produced, how long videos are kept, and where the videos are stored. If the videos are stored on an online cloud database, the costs typically go toward paying a third-party vendor to manage the data and to provide other services, such as technical assistance and forensic auditing. If videos are stored on an in-house server, agencies must often purchase additional computer equipment and spend money on technical staff and systems to ensure the data are secure.

The New Orleans Police Department has launched a plan for deploying 350 body-worn cameras at an anticipated cost of \$1.2 million over five years—the bulk of which will go to data storage.¹³ One department reported that it will pay \$2 million per year, mostly toward data storage, to outfit 900 officers with cameras. Another department spent \$67,500 to purchase 50 cameras and will spend approximately \$111,000 to store the video on a cloud for two years. In terms of storage, Chief Miller of Topeka said, "I've seen a formula that says that if you have 250 officers that have body-worn cameras, in three years you will produce 2.3 million videos. If the officer was required to run the camera continuously during his or her entire shift, it would produce even more. Managing and storing that data is usually more expensive than buying the cameras."

In addition to the cost of purchasing cameras and storing data, administering a body-worn camera program requires considerable ongoing financial and staffing commitments. Many agencies appoint at least one full-time officer to manage the camera program. Agencies must provide ongoing training programs, ensure that cameras are properly maintained, fix technical problems, and address any issues of officer noncompliance. Some agencies also devote resources toward public information campaigns aimed at educating the community about the program.

According to many police executives, one of the most significant administrative costs—at least in terms of staff resources—involves the process of reviewing and categorizing videos. Although the exact process varies depending on the camera system, officers must typically label, or "tag," videos as evidentiary or non-evidentiary. Evidentiary videos are further categorized according to the type of incident captured in the footage (e.g., homicide, robbery, or traffic citation). This tagging process is critical for determining how a video will be used and how long it will be retained. Most agencies that PERF consulted require officers to download and tag videos by the end of each shift.

13. "NOPD Wearable Cameras Expected to Cost \$1.2 Million," The Times-Picayune, September 30, 2013, http://www.nola.com/crime/index.ssf/2013/09/post_346.html. Since The Times-Picayune published this article, New Orleans has increased the number of body-worn cameras it expects to deploy from 350 to more than 400.

Some officers have expressed concern about this increase to their administrative workload. “One of the major complaints we heard from officers was that they were spending so much time, after their shifts were over, downloading and tagging their videos,” said Commander Tony Filler from Mesa. The department explored several solutions to this problem, ultimately creating an automated process that linked videos to the department’s records management system (RMS). The department also purchased from the camera manufacturer electronic tablets that allow officers to view and tag videos while they are in the field. “The tablets were an additional cost, but they were worth it because they save officers a lot of time,” said Filler.

Police executives said that there are also significant administrative costs involved with responding to requests from the public or the news media for body-worn camera videos. When an agency receives a disclosure request, often under the Freedom of Information Act, officers or other department personnel must spend time reviewing videos to find the relevant footage, determining whether an exception to the presumption of disclosure applies, identifying portions that by law must be redacted, and performing the redaction process.

Cost-saving strategies

Police executives discussed several strategies that their agencies have employed to mitigate the considerable financial and staffing costs associated with body-worn cameras. These strategies focus primarily on managing the costs of data storage, which many police executives said represent the most expensive aspect of their programs.

Although managing data storage costs is not the primary reason why many agencies have decided against recording non-law enforcement related encounters with the public, it can be a factor. “There is a huge difference in the amount of money it would take to record all encounters versus adopting a more restrictive recording policy,” said Chief Miller of Greensboro. “If you record everything, there are going to be astronomical data storage costs. With 500 officers using cameras, we have already produced over 40,000 videos in just seven months. And we would have a lot more if we didn’t use a more restrictive recording policy.”

Some agencies, such as the police departments in Oakland and Daytona Beach, are working to adopt shorter data retention periods for non-evidentiary footage in an effort to keep data storage costs manageable. Although it is important to keep videos long enough to demonstrate transparency and preserve a record of an encounter, keeping these videos indefinitely would overwhelm an agency’s resources. Some agencies may even decide against adopting body-worn cameras due to the extraordinary costs of data storage.

“The two biggest challenges that we face in terms of cost are data storage and responding to records requests,” said Chief Chitwood of Daytona Beach. “We had to brainstorm about how to address those costs, and one way was through changing our retention times.”

As the public becomes more familiar with the existence of police body-worn camera programs, it is reasonable to expect that members of the public and the news media will increasingly want to obtain video recordings. Such public records requests will add to the workload of managing a camera program. Captain James Jones of the Houston Police Department said, “The cost of responding to

“Responding to public disclosure requests is one of the biggest challenges that my department faces. When a request for a video comes in, an officer has to sit for at least two hours and review the videos to find the footage and identify which portions must by law be redacted. And the actual redactions can take over 10 hours to complete.”

– Lieutenant Harold Rankin,
Mesa (Arizona) Police Department

open records requests played a role when we were deciding how long to keep the video. To protect privacy, you have to go through every video and make sure that you're not disclosing something that you shouldn't. It takes a lot of time, and personnel, to review and redact every tape. If you keep video for five years, it is going to take even more."

Agencies have also explored cheaper storage methods for videos that by law must be retained long-term, such as those containing evidence regarding a homicide or other serious felony. For example, the Greensboro Police Department deletes videos requiring long-term storage from the online cloud after importing them into its RMS or Internal Affairs case management systems. This reduces overall consumption of expensive cloud storage for videos that are required for future court proceedings or long-term retention under state personnel laws. The Charlotte-Mecklenburg Police Department recently completed a body-worn camera trial program, and Major Willis said that the department is exploring alternative storage methods. "Long-term storage costs are definitely going to be a problem. We are looking at cold storage, offline storage, and shorter retention times as a way to keep those costs more manageable," he said.

Many police agencies have also found it useful to conduct a cost-benefit analysis when exploring whether to implement body-worn cameras. For example, agencies can conduct an audit of their claims, judgments, and settlements related to litigation and complaints against officers to determine what costs they may already be incurring. The costs associated with deploying body-worn cameras may be offset by reductions in litigation costs, and agencies should carefully assess their ongoing legal expenses to determine how they could be reduced through the use of body-worn cameras.

Lessons learned about financial considerations

In interviews with PERF staff members, police executives and other experts revealed a number of lessons that they have learned about the financial costs of body-worn cameras:

- The financial and administrative costs associated with body-worn camera programs include costs of the equipment, storing and managing recorded data, and responding to public requests for disclosure.
- It is useful to compare the costs of the camera program with the financial benefits (e.g., fewer lawsuits and unwarranted complaints against officers, as well as more efficient evidence collection).
- Setting shorter retention times for non-evidentiary videos can help make the significant costs of data storage more manageable.
- Videos requiring long-term storage (e.g., those involving serious offenses) can be copied to a disc, attached to the case file, and deleted from the internal server or online cloud. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.
- Linking recorded data to the agency's records management system or using electronic tablets, which officers can use in the field, can ease the administrative burden of tagging and categorizing videos.

The Los Angeles Police Department's Approach to Financing Body-Worn Cameras

In September 2013, Los Angeles Police Commission President Steve Soboroff launched a campaign to raise money to purchase on-body cameras for the Los Angeles Police Department (LAPD). "Before being elected commission president, I heard from numerous leaders in the LAPD that getting on-body cameras was a top priority with a huge upside," said Soboroff in an interview with PERF. "After hearing all of the benefits that this technology could offer I wanted to find a way to proactively jump-start the project.

Realizing that trying to secure city funds for cameras would be challenging—the LAPD's in-car camera project has been going on for two decades and is only 25 percent complete—Soboroff devised a plan to identify private donors. Within five months, he had raised \$1.3 million for a body-worn camera program, exceeding its original goal. Contributors included a number of local companies, executives, and philanthropists, including the Los Angeles Dodgers, movie director Steven Spielberg, entertainment executive Jeffrey Katzenberg, and former Los Angeles Mayor Richard Riordan.[†]

This money will go toward purchasing 600 body-worn cameras for LAPD officers and for video storage, repairs, and other costs over two years.[‡] The LAPD said it would test several camera models before implementing its program.[§] According to Soboroff, the LAPD will eventually need hundreds more cameras to outfit every patrol officer, but he hopes the pilot program will convince city officials that the cameras are worth the money. "I think that the pilot will show that body-worn cameras are transformative. I think it will show so many public safety benefits, and so many savings in litigation settlement dollars, man hours, and attorney hours, that the return on the investment will be apparent and significant," he said.^{**}

Soboroff believes that other places can look at the LAPD's fundraising approach as a model. "Probably every city in America has financial concerns. But I believe that there are always going to be local businesses and philanthropists who are willing to help. You just have to show them that there is going to be a positive community and financial return on their investment or donation."^{††} However, Soboroff also said it is important that law enforcement agencies retain independence as they develop their programs: "The LAPD has complete control over which cameras it chooses and its camera policies. That is critical—there should be no outside influence from donors."^{§§}

As Soboroff indicates, police agencies outside of Los Angeles have also sought private funding for body-worn cameras. For example, the Greensboro (North Carolina) Police Department told PERF that the Greensboro Police Foundation raised \$130,000 from private donors to purchase 125 cameras. The Greensboro Police Foundation also created awareness by launching the "Put Cameras on Cops" public information campaign that included reaching out to potential donors and posting billboards in support of the program.

* Steve Soboroff (president, Los Angeles Police Commission), in discussion with PERF staff members, all 2013.

† "LAPD to Soon Start Testing Body Cameras," *CBS Los Angeles*, January 13, 2014, <http://losangeles.cbslocal.com/2014/01/13/lapd-officers-to-soon-start-testing-body-cameras/>.

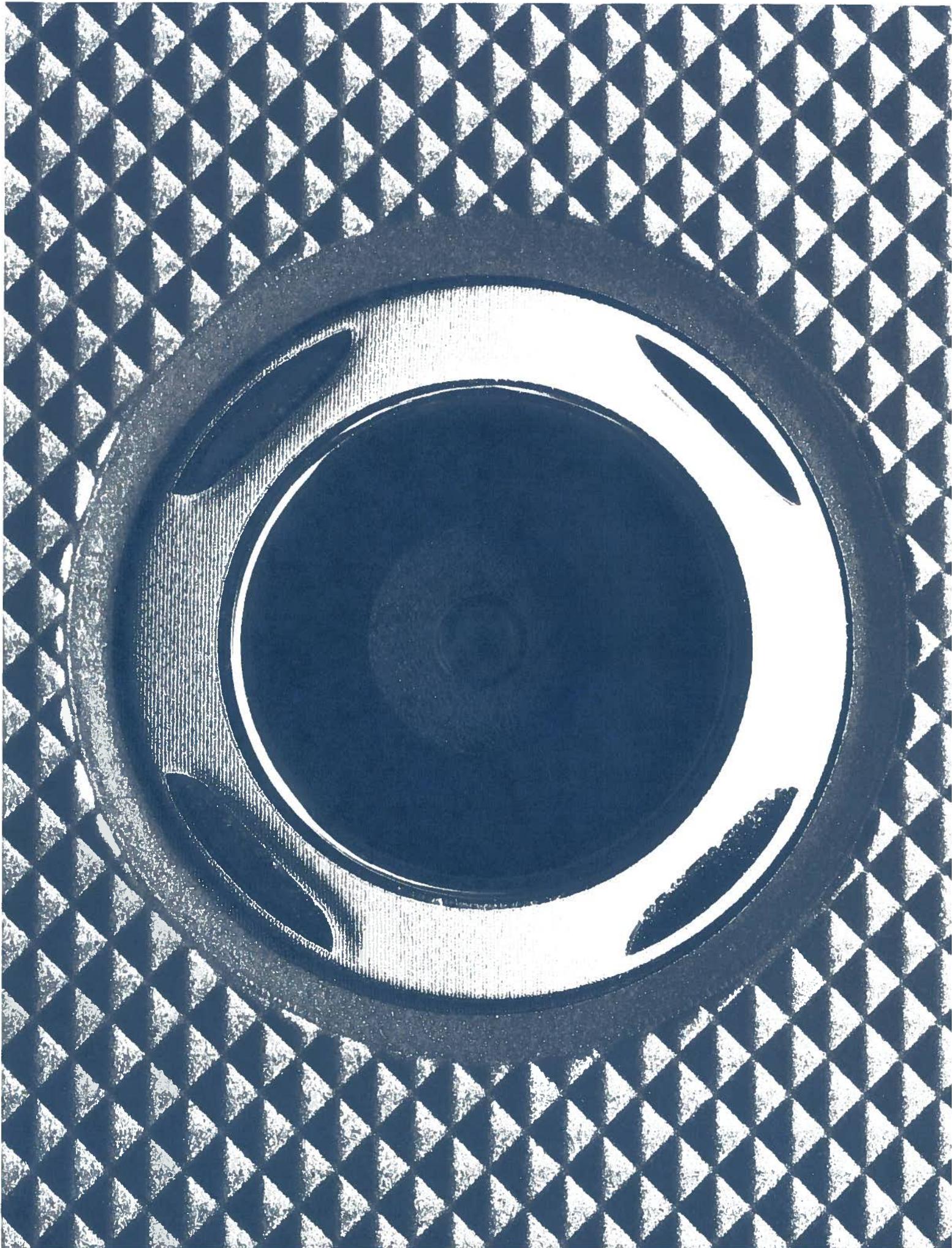
‡ "LAPD Surpasses Fundraising Goal for Officers' On-Body Cameras," *Los Angeles Times*, November 6, 2013, <http://articles.latimes.com/2013/nov/06/local/la-me-ln-lapd-cameras-20131106>.

§ "LAPD to Soon Start Testing Body Cameras."

** Soboroff, discussion with PERF staff members.

†† Ibid.

§§ Ibid.



Chapter 3. Body-Worn Camera Recommendations

The list of recommendations beginning on page 38 is intended to assist law enforcement agencies as they develop body-worn camera policies and practices. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this publication. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Each law enforcement agency is different, and what works in one department might not be feasible in another. Agencies may find it necessary to adapt these recommendations to fit their own needs, budget and staffing limitations, state law requirements, and philosophical approach to privacy and policing issues.

When developing body-worn camera policies, PERF recommends that police agencies consult with frontline officers, local unions, the department's legal advisors, prosecutors, community groups, other local stakeholders, and the general public. Incorporating input from these groups will increase the perceived legitimacy of a department's body-worn camera policies and will make the implementation process go more smoothly for agencies that deploy these cameras.

PERF recommends that each agency develop its own comprehensive written policy to govern body-worn camera usage. Policies should cover the following topics:

- Basic camera usage, including who will be assigned to wear the cameras and where on the body the cameras are authorized to be placed
- The designated staff member(s) responsible for ensuring cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured
- Recording protocols, including when to activate the camera, when to turn it off, and the types of circumstances in which recording is required, allowed, or prohibited
- The process for downloading recorded data from the camera, including who is responsible for downloading, when data must be downloaded, where data will be stored, and how to safeguard against data tampering or deletion
- The method for documenting chain of custody
- The length of time recorded data will be retained by the agency in various circumstances
- The process and policies for accessing and reviewing recorded data, including the persons authorized to access data and the circumstances in which recorded data can be reviewed

- Policies for releasing recorded data to the public, including protocols regarding redactions and responding to public disclosure requests
- Policies requiring that any contracts with a third-party vendor for cloud storage explicitly state that the videos are owned by the police agency and that its use and access are governed by agency policy

In summary, policies must comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent. Policies should be specific enough to provide clear and consistent guidance to officers yet allow room for flexibility as the program evolves. Agencies should make the policies available to the public, preferably by posting the policies on the agency website.

General recommendations

1. **Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.**

It is not feasible for PERF to make a specific recommendation about which officers should be required to wear cameras. This decision will depend on an agency's resources, law enforcement needs, and other factors.

Lessons learned: Some agencies have found it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).

2. **If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.**

For example, a specified number of complaints against an officer or disciplinary sanctions, or involvement in a particular type of activity (e.g., SWAT operations), might result in an officer being required to use a body-worn camera.

3. **Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.**

Rationale: Most of the police executives whom PERF interviewed believe that allowing officers to use their own personal cameras while on duty is problematic. PERF agrees with this position. Because the agency would not own the recorded data, there would be little or no protection against the officer tampering with the videos or releasing them to the public or online. In addition, chain-of-custody issues would likely prevent the video evidence from being admitted as evidence in court.

This recommendation applies regardless of whether the agency has deployed body-worn cameras.

4. Policies should specify the location on the body on which cameras should be worn.

The most appropriate camera placement will depend on several factors, such as the type of camera system used. Agencies should test various camera locations to see what works for their officers in terms of field of vision, comfort, functionality, and ease of use.

Lessons learned: Police executives have provided feedback regarding their experiences with different camera placements:

- **Chest:** According to the results of PERF's survey, the chest was the most popular placement location among agencies.
- **Head/sunglasses:** This is a very popular location because the camera "sees what the officer sees." The downside, however, is that an officer cannot always wear sunglasses. Some officers have also reported that the headband cameras are uncomfortably tight, and some expressed concern about the potential of injury when wearing a camera so close to the eye area.
- **Shoulder/collar:** Although some officers like the perspective that this placement offers, others have found the camera can too easily be blocked when officers raise their arms. One agency, for example, lost valuable footage of an active shooter incident because the officer's firearm knocked the camera from his shoulder.
- **Shooting side:** Some agencies specify that officers should wear cameras on the gun/shooting side of the body, which they believe affords a clearer view of events during shooting incidents.

5. Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.

Rationale: This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence. Prosecutors may need to give potentially exculpatory materials to defense attorneys.

6. Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See recommendations 7–13 for recording protocols.)

This may occur, for example, if an officer exercises recording discretion in accordance with the agency's policy because he or she cannot record due to unsafe conditions or if a person does not give consent to record when consent is required.

Rationale: This holds officers accountable and helps supervisors investigate any recording irregularities that may occur.

Recording protocols

7. As a general recording policy, officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.

7a: Policies and training materials should clearly define what is included in the description “law enforcement-related encounters and activities that occur while the officer is on duty.” Some agencies have found it useful to provide a list of examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits.

7b: Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.

Rationale:

- The policy affords officers discretion concerning whether to record informal, non-law enforcement-related interactions with members of the community, such as a person asking an officer for directions or officers having casual conversations with people they see on patrol. If officers were always required to record in these situations, it could inhibit the informal relationships that are critical to community policing efforts.
 - The policy can help to secure officer support for a body-worn camera program because it demonstrates to officers that they are trusted to understand when cameras should and should not be activated. Protocols should be reinforced in officer training.
 - The policy is broad enough to capture the encounters and activities that, because they are the most likely to produce evidence or lead to complaints from community members about the police, are most in need of accurate documentation. However, the policy is narrow enough to help keep the amount of recorded data more manageable. This can help reduce the costs associated with storing data, reviewing and tagging data, and responding to public records requests.
8. Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.

Some states have two-party consent laws that require a person making a recording to obtain the consent of the person or persons being recorded. In this case, officers must obtain consent unless the law provides an exception for police recordings. Most states have one-party consent policies, which allow officers to make recordings without obtaining consent.

PERF recommends that police in all states inform subjects that they are being recorded, aside from the exceptions stated already. This policy does not mean that officers in one-party consent states must obtain consent prior to recording; rather, they must inform subjects when the camera is running.

Rationale: The mere knowledge that one is being recorded can help promote civility during police-citizen encounters. Police executives report that cameras improve both officer professionalism and the public’s behavior, an observation that is supported by evaluations of body-worn camera programs.

9. **Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.**

Officers should also announce while the camera is recording that the incident has concluded and the recording will now cease.

See further discussion in recommendation 11b, "Lessons learned."

10. **Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.**

Rationale: There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.

This policy should apply regardless of whether consent is required under state law.

Crime victims should give or deny consent in writing and/or on camera.

11. **Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.**

11a: When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.

11b: Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.

Situations in which officers may need to exercise discretion include the following:

- When a community member approaches an officer to report a crime or share information
- When an officer attempts to interview witnesses, either at a crime scene or during follow-up interviews

Rationale: Some witnesses and community members may be hesitant to come forward with information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. This hesitancy can undermine community policing efforts and make it more difficult for officers to collect important information.

Lessons learned: Agencies have adopted various approaches for recording conversations with witnesses or other people who want to share information:

- Record unless the subject requests otherwise; after receiving such a request, the officer can turn the camera off.
- Require officers to proactively obtain consent from the subject prior to recording.
- Allow officers to position the camera so they capture only audio, and not video, of the person making the statement.
- Instruct officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions but to turn the camera off once the scene is controlled and moves into the investigative stage. Officers may then make a case-by-case decision about whether to record later interviews with witnesses on the scene.

If an officer does turn the camera off prior to obtaining information from a witness or informant, the officer should document on camera the reason for doing so.

- 12. Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.**

Under this policy, for example, officers may not record their partner while they are patrolling in their vehicle (unless they are responding to a call for service), are having lunch at their desks, are on breaks, are in the locker room, etc.

Rationale: This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues.

- 13. Policies should clearly state any other types of recordings that are prohibited by the agency.**

Prohibited recordings should include the following:

- Conversations with confidential informants and undercover officers (to protect confidentiality and officer safety)
- Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms)
- Strip searches
- Conversations with other agency personnel that involve case tactics or strategy

Download and storage policies

- 14. Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.**

15. Policies should include specific measures to prevent data tampering, deleting, and copying.

Common strategies include the following:

- Using data storage systems with built-in audit trails
- Requiring the supervisor to physically take custody of the officer's body-worn camera at the scene of a shooting or at another serious incident in which the officer was involved and to assume responsibility for downloading the data (see recommendation 14)
- Conducting forensic reviews of the camera equipment when questions arise (e.g., if an officer claims that he or she failed to record an incident because the camera malfunctioned)

16. Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.

Rationale: First, many camera systems recharge and clear old data during the downloading process, so this policy helps to ensure cameras are properly maintained and ready for the next use. Second, events will be fresh in the officer's memory for the purpose of tagging and categorizing. Third, this policy ensures evidence will be entered into the system in a timely manner.

17. Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.

If video contains footage that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public, it should be deemed "evidentiary" and categorized and tagged according to the type of incident. If the video does not contain evidence or it captures a routine, non-confrontational encounter, it should be considered "non-evidentiary" or a "non-event."

Rationale: Proper labeling of recorded data is critical for two reasons. First, the retention time for recorded data typically depends on the category of the event captured in the video. Thus, proper tagging is critical for determining how long the data will be retained in the agency's system. Second, accurate tagging helps supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.

Lessons learned: Some agencies report that reviewing and tagging recorded data can be a time-consuming process that is prone to human error. One agency addressed this issue by working with the camera manufacturer to develop an automated process that links the recorded data to the agency's records management system. Some camera systems can also be linked to electronic tablets that officers can use to review and tag recorded data while still in the field.

18. Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.

Agencies should clearly state all retention times in the policy and make the retention times public by posting them on their websites to ensure community members are aware of the amount of time they have to request copies of video footage.

Retention times for recorded data are typically subject to state laws and regulations that govern other types of evidence. Agencies should consult with legal counsel to ensure retention policies are in compliance with these laws.

- For evidentiary data, most state laws provide specific retention times depending on the type of incident. Agencies should set retention times for recorded data to meet the minimum time required by law but may decide to keep recorded data longer.
- For non-evidentiary data, policies should follow state law requirements when applicable. However, if the law does not provide specific requirements for non-evidentiary data, the agency should set a retention time that takes into account the following:
 - Departmental policies governing retention of other types of electronic records
 - Openness of the state's public disclosure laws
 - Need to preserve footage to promote transparency and investigate citizen complaints
 - Capacity for data storage

Agencies should obtain written approval for retention schedules from their legal counsel and prosecutors.

19. Policies should clearly state where body-worn camera videos are to be stored.

The decision of where to store recorded data will depend on each agency's needs and resources. PERF does not recommend any particular storage method. Agencies should consult with their department's legal counsel and with prosecutors to ensure the method for data storage meets any legal requirements and chain-of-custody needs.

Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Some agencies burn recorded data to discs as part of the evidence file folder.

Lessons learned: Factors that agency leaders should consider when determining storage location include the following:

- Security concerns
- Reliable methods for backing up data
- Chain-of-custody issues
- Capacity for data storage

Lessons learned: Police executives and prosecutors report that they have had no issues to date with using a third-party vendor to manage recorded data on an online cloud, so long as the chain of custody can be properly established. When using a third-party vendor, the keys to protecting the security and integrity of the data include the following:

- Using a reputable, experienced third-party vendor
- Entering into a legal contract that governs the vendor relationship and protects the agency's data
- Using a system that has a built-in audit trail to prevent data tampering and unauthorized access
- Using a system that has a reliable method for automatically backing up data
- Consulting with prosecutors and legal advisors

Recorded data access and review

20. **Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.**

This can occur, for example, if an officer is involved in a shooting and has to give a statement about the shooting that may be used in an administrative review or a criminal or civil court proceeding.

Rationale:

- Reviewing footage will help officers remember the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by letting officers have all possible evidence of the event.
 - Real-time recording of the event is considered best evidence. It often provides a more accurate record than an officer's recollection, which can be affected by stress and other factors. Research into eyewitness testimony demonstrates that stressful situations with many distractions are difficult even for trained observers to recall correctly.
 - If a jury or administrative review body sees that the report says one thing and the video indicates another, this can create inconsistencies in the evidence that might damage a case or unfairly undermine the officer's credibility.
21. **Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.**

Common situations in which supervisors may need to review footage include the following:

- To investigate a complaint against an officer or a specific incident in which the officer was involved
- To identify videos for training purposes and for instructional use

PERF also recommends that supervisors be permitted to review footage to ensure compliance with recording policies and protocols, specifically for the following situations:

- When officers are still in a probationary period or are with a field training officer
- When officers have had a pattern of allegations of verbal or physical abuse
- When officers, as a condition of being put back on the street, agree to a more intensive review
- When officers are identified through an early intervention system

- 22. An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.**

Rationale: PERF recommends that an agency's internal audit unit (e.g., the Staff Inspection Unit) conduct these random footage reviews to avoid undermining the trust between an officer and his or her supervisor.

The internal audit unit's random monitoring program should be governed by a clearly-defined policy, which should be made available to officers.

- 23. Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.**

Rationale: Agencies must take every possible precaution to ensure body-worn camera footage is not used, accessed, or released for any unauthorized purpose. This prohibition should be explicitly stated in the written policy.

Written policies should also describe the sanctions for violating this prohibition.

- 24. Policies should include specific measures for preventing unauthorized access or release of recorded data.**

Some systems have built-in audit trails. All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations.

- 25. Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).**

Policies should state who is allowed to authorize the release of data and the process for responding to public requests for data. PERF generally recommends a broad disclosure policy to promote agency transparency and accountability.

However, there are some videos—such as recordings of victims and witnesses and videos taken inside private homes—that raise privacy concerns if they are publicly released. These privacy considerations must be taken into account when deciding when to release video to the public. The policy should also identify any exemptions to public disclosure that are outlined in the state Freedom of Information laws.

In certain cases, an agency may want to proactively release body-worn camera footage. For example, some agencies have released footage to share what the officer's video camera showed regarding controversial incidents. In some cases, the video may support a contention that an officer was in compliance with the law. In other cases, the video may show that the department is taking appropriate action against an officer. Policies should specify the circumstances in which this type of public release is allowed. When determining whether to proactively release data to the public, agencies should consider whether the footage will be used in a criminal court case, and the potential effects that releasing the data might have on the case.

Lessons learned:

- While agencies that have implemented body-worn cameras report that responding to public disclosure requests can be administratively complicated, departments must implement systems that ensure responses to these requests are timely, efficient, and fully transparent. This process should include reviewing footage to locate the requested video, determining which portions are subject to public release under state disclosure laws, and redacting any portions that state law prohibits from disclosure (e.g., images of juveniles' faces).
- The most important element of an agency's policy is to communicate it clearly and consistently within the community.

Training policies

- 26. Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.**

This should include supervisors whose officers wear cameras, records/evidence management personnel, training personnel, Internal Affairs, etc.

Agencies may also wish to offer training as a courtesy to prosecutors to help them better understand how to access the data (if authorized), what the limitations of the technology are, and how the data may be used in court.

- 27. Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.**

- 28. Body-worn camera training should include the following:**

- All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training)
- An overview of relevant state laws governing consent, evidence, privacy, and public disclosure
- Procedures for operating the equipment safely and effectively
- Scenario-based exercises that replicate situations that officers might encounter in the field

- Procedures for downloading and tagging recorded data
 - Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data)
 - Procedures for preparing and presenting digital evidence for court
 - Procedures for documenting and reporting any malfunctioning device or supporting system
- 29. A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.**
- The training manual should be posted on the agency's intranet.
- 30. Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.**

Agencies should also require ongoing monitoring of body-worn camera technology for updates on equipment, data storage options, court proceedings, liability issues, etc.

Policy and program evaluation

- 31. Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.**

Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.

Rationale: Collecting and releasing statistical information about body-worn camera footage helps to promote transparency and trust within the community. It also allows agencies to evaluate the effectiveness of their body-worn camera programs and to identify areas for improvement.

- 32. Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.**

These studies should analyze the following:

- The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests
- The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers
- Potential funding sources for a body-worn camera program

33. Agencies should conduct periodic reviews of their body-worn camera policies and protocols.

Evaluations should be based on a set standard of criteria, such as the following:

- Recording policies
- Data storage, retention, and disclosure policies
- Training programs
- Community feedback
- Officer feedback
- Internal audit review discoveries
- Any other policies that govern body-worn camera usage

An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be performed on a regular basis as determined by the agency.

Rationale: Body-worn camera technology is new and evolving. In addition, the policy issues associated with body-worn cameras are just recently being fully considered and understood. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.

Conclusion

The recent emergence of body-worn cameras has already impacted policing, and this impact will increase as more agencies adopt this technology. Police agencies that are considering implementing body-worn cameras should not enter into this decision lightly. Once an agency travels down the road of deploying body-worn cameras, it will be difficult to reverse course because the public will come to expect the availability of video records.

When implemented correctly, body-worn cameras can help strengthen the policing profession. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which agencies must thoughtfully examine. Police agencies must determine what adopting body-worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers.

Police agencies should adopt an incremental approach to implementing a body-worn camera program. This means testing the cameras in pilot programs and engaging officers and the community during implementation. It also means carefully crafting body-worn camera policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

PERF's recommendations provide guidance that is grounded in current research and in the lessons learned from police agencies that have adopted body-worn cameras. However, because the technology is so new, a large body of research does not yet exist regarding the effects body-worn cameras have on policing. Additional research and field experience are needed before the full impact of body-worn cameras can be understood, and PERF's recommendations may evolve as further evidence is gathered.

Like other new forms of technology, body-worn cameras have the potential to transform the field of policing. To make sure this change is positive, police agencies must think critically about the issues that cameras raise and must give careful consideration when developing body-worn camera policies and practices. First and foremost, agencies must always remember that the ultimate purpose of these cameras should be to help officers protect and serve the people in their communities.

Appendix A. Recommendations Matrix

The tables below include the 33 policy recommendations and other lessons learned that are found throughout this publication. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this report. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Policy recommendations

General recommendations

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
1	Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.	The decision about which officers should wear body-worn cameras will depend on an agency's resources, law enforcement needs, and other factors. Implementation tip: <ul style="list-style-type: none">Some agencies find it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).	Assignment of cameras: p. 38 Incremental implementation: p. 27
2	If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.	Officers who are not otherwise assigned body-worn cameras may become required to wear one in certain circumstances, such as the following: <ul style="list-style-type: none">After receiving a specified number of complaints or disciplinary actionsWhen participating in a certain type of activity, such as SWAT operations	Use of body-worn cameras to improve officer performance: p. 7-9 Assignment of cameras: p. 38
3	Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.	The agency would not own recordings made from personal devices; thus, there would be little or no protection against data tampering or releasing the videos to the public or online. There would also be chain-of-custody issues with admitting personal recordings as evidence in court.	Personal cameras: p. 38 Data protection: pp. 15-16; 17-19; 42-47
4	Policies should specify the location on the body on which cameras should be worn.	Implementation tips: <ul style="list-style-type: none">Factors to consider when determining camera placement include field of vision, comfort, functionality, ease of use, and the type of camera system used.Agencies should field test various camera locations.	Camera placement: p. 39

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
5	Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.	This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence.	Documentation of camera usage: p. 39
6	Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See Recommendations 7-13 for Recording Protocols.)	<p>There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. This may arise under the following circumstances:</p> <ul style="list-style-type: none"> • When conditions make it unsafe or impossible to activate the camera • When an officer exercises discretion, per agency policy, to not record because doing so would be detrimental to other agency priorities (e.g., protecting privacy rights, preserving community relations, or facilitating intelligence gathering) • When the camera malfunctions or otherwise fails to capture the event/activity <p>In these situations, officers should document in writing and/or on camera their reasons for not recording. This holds officers accountable, allows supervisors to investigate recording irregularities, and documents the absence of video footage for investigations and court proceedings.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • The failure to record should be noted in the officer's written report. • If the officer deactivates the camera in the middle of recording, the officer should state on camera the reasons why. 	<p>Documenting the failure to record: pp. 13; 14; 18-19; 23; 28; 30; 39</p> <p>Recording discretion: pp. 12-14; 18-19; 22-23; 40</p>

Recording protocols

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
7	General recording policy: Officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.	<p>Rather than requiring officers to record all encounters with the public, most agencies that PERF consulted require officers to record during calls for service and during all law enforcement-related encounters and activities. PERF agrees with this approach. This means that officers have discretion whether to record informal, non-law enforcement-related interactions with the public.</p> <p>The reasons for adopting this approach include the following:</p> <ul style="list-style-type: none"> • Protecting relationships between the police and the community • Promoting community policing efforts • Securing officer support for the body-worn camera program by signaling that they are trusted to know when to record • Keeping data storage manageable 	Recording discretion: pp. 12–14; 18–19; 22–23; 40
7a	Policies and training materials should clearly define what is included in the description “law enforcement-related encounters and activities that occur while the officer is on duty.”	<p>Officers should have clear guidance about which specific types of activities, events, and encounters they are required to record.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> • Some agencies have found it useful to provide a list of specific examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits. Policies should note that these types of lists are not exhaustive. • These recording policies should be reinforced in training. 	Recording guidance: pp. 13; 18–24; 40
7b	Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.	<p>If officers are given discretion to not record informal, non-law enforcement-related encounters with the public, they should nonetheless be instructed to activate their cameras if the encounter becomes adversarial. This provides documentation of the encounter in the event that a complaint later arises. It also may help to defuse tense situations and prevent further escalation.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> • Officers may be called upon to activate their cameras quickly and in high-stress situations. Therefore, training programs should strive to ensure that camera activation becomes second-nature to officers. Situational training is particularly useful to achieve this goal. 	Recording adversarial encounters: pp. 23; 40 Preserving documentation for complaints: pp. 5–7 Situational training: pp. 28–29; 47

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
8	Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.	<p>The mere knowledge that one is being recorded can help promote civility during police encounters with the public. Many police executives have found that officers can avoid adversarial situations if they inform people that they are being recorded.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • In states with two-party consent laws, officers are required to announce they are recording and to obtain the subject's consent. Agencies should consult their state laws to determine whether this requirement applies. • In one-party consent states, PERF's recommendation that officers inform a person that he or she is being recorded does <i>not</i> mean that officers must also obtain the person's consent to record. • An officer may exercise discretion to not announce that he or she is recording if doing so would be unsafe, impractical, or impossible. 	<p>Consent (in general): pp. 14; 40</p> <p>Improving police-citizen encounters: pp. 6; 14</p> <p>Informing when recording: pp. 6; 14; 18-19; 40</p>
9	Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.	<p>Implementation tip:</p> <ul style="list-style-type: none"> • Prior to deactivating the camera, officers should announce that the incident has concluded and that the recording will now cease. 	Camera deactivation: pp. 18-19; 41
10	Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.	<p>There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Victims should give or deny consent in writing and/or on camera. • This policy should apply regardless of whether consent is required under state law. 	Recording crime victims: pp. 13; 18-19; 40-41

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
11	Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.	<p>One of the most important jobs of police officers is to gather information about crime that occurs in their communities. These intelligence-gathering efforts may be formal (e.g., through interviews with witnesses of a crime) or informal (e.g., through conversations with community members with whom the officer has a relationship). Some police executives report that body-worn cameras can inhibit intelligence-gathering efforts, as some witnesses and community members may be hesitant to report information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. Officers should have the discretion to keep their cameras turned off in these situations.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • If a person is not comfortable sharing information on camera, some agencies permit officers to position the camera so that they capture only audio, not video, recordings of the person making the statement. This affords greater privacy protections while still preserving evidentiary documentation. • It is useful for officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions made by people at the scene. Once the scene is controlled and has moved into the investigative stage, officers may make a case-by-case decision about whether to record later interviews with witnesses. • When encountering a reluctant witness, officers should attempt to develop a rapport by being honest and not pressuring the person to talk on camera. • If an officer turns the camera off prior to obtaining information, the officer should document on camera the reason for doing so. 	<p>Impact on intelligence-gathering efforts: pp. 19–21</p> <p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>
11a	When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.	<p>Recorded statements made by crime victims and members of the community can provide valuable evidence for investigations and prosecutions. Therefore, it is always preferable to capture these statements on camera when possible.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Many agencies instruct officers to keep the camera activated when speaking with witnesses or informants unless the person actively requests otherwise. • Agencies should work with prosecutors to determine how best to weigh the importance of having a recorded statement versus the importance of gathering information when a witness refuses to speak on camera. 	<p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>
11b	Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.	<p>Although discretion is important for protecting community policing efforts, this discretion must not be unlimited. Officers should always adhere to agency policies regarding discretion and should document when they exercise this discretion.</p>	<p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
12	Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.	<p>This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues. Situations that should not be recorded include the following:</p> <ul style="list-style-type: none"> • Non-law enforcement-related conversations held between officers while on patrol (except while responding to a call for service) • Conversations between agency personnel held during breaks, at lunch, in the locker room, or during other non-law enforcement-related activities 	Prohibited recordings: p. 42
13	<p>Policies should clearly state any other types of recordings that are prohibited by the agency. Prohibited recordings should include the following:</p> <ul style="list-style-type: none"> • Conversations with confidential informants and undercover officers to protect confidentiality and officer safety • Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms) • Strip searches • Conversations with other agency personnel that involve case tactics or strategy 	When determining whether a recording should be prohibited, agencies should consider privacy concerns, the need for transparency and accountability, the safety of the officer and the citizen, and the evidentiary value of recording.	<p>Prohibited recordings: pp. 37–38; 42</p> <p>Privacy considerations (in general): pp. 11–20</p>

Download and storage policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
14	Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.	In most cases, it is more efficient for an officer to download recorded data from his or her own body-worn camera. The officer will have the best access to the camera and knowledge of the footage for tagging/documentation purposes. However, if the officer is involved in a shooting or other incident that results in someone's bodily harm or death, it is prudent for the officer's supervisor to take immediate custody of the officer's camera for evidence preservation purposes.	Data protection: pp. 15–16; 18–19; 42–44
15	Policies should include specific measures to prevent data tampering, deleting, and copying.	<p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies should create an audit system that monitors who accesses recorded data, when, and for what purpose. Some camera systems come with a built-in audit trail. • Agencies can conduct forensic reviews to determine whether recorded data has been tampered with. 	Data protection: pp. 15–16; 18–19; 42–45
16	Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.	<p>The majority of agencies that PERF consulted require officers to download recorded data by the conclusion of his or her shift. The reasons for this include the following:</p> <ul style="list-style-type: none"> • Many camera systems recharge and clear old data during the downloading process. • Events will be fresh in the officer's memory for the purpose of tagging and categorizing. • Evidence will be entered into the system in a timely manner. 	Data protection: pp. 15–16; 18–19; 42–45
17	Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.	<p>Properly categorizing and labeling/tagging recorded video is important for the following reasons:</p> <ul style="list-style-type: none"> • The type of event/incident on the video will typically dictate data retention times. • It enables supervisors, investigators, and prosecutors to more easily identify and access the data they need. <p>Implementation tips:</p> <ul style="list-style-type: none"> • Some camera systems can be linked to an agency's records management system to allow for automated tagging and documentation. • Some camera systems can be linked to electronic tablets that officers can use to review and tag recorded data while in the field. This saves the officer time spent tagging data at the end of his or her shift. 	Data tagging: pp. 16–17; 18–19; 33–34; 43

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
18	Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.	<p>Most state laws provide specific retention times for videos that contain evidentiary footage that may be used for investigations and court proceedings. These retention times will depend on the type of incident captured in the footage. Agencies typically have more discretion when setting retention times for videos that do not contain evidentiary footage.</p> <p>When setting retention times, agencies should consider the following:</p> <ul style="list-style-type: none"> • State laws governing evidence retention • Departmental policies governing retention of other types of electronic records • The openness of the state's public disclosure laws • The need to preserve footage to promote transparency • The length of time typically needed to receive and investigate citizen complaints • The agency's capacity for data storage <p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies should make retention times public by posting them on their websites. • When setting retention times, agencies should consult with legal counsel to ensure compliance with relevant evidentiary laws. Agencies should obtain written approval for retention schedules from prosecutors and legal counsel. 	Data retention: pp. 16–19; 33–34; 43–45

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
19	Policies should clearly state where body-worn camera videos are to be stored.	<p>Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Factors that agencies should consider when determining where to store data include the following:</p> <ul style="list-style-type: none"> • Security concerns • Reliable methods for backing up data • Chain-of-custody issues • Capacity for data storage <p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies should consult with prosecutors and legal advisors to ensure data storage methods meet all legal requirements and chain-of-custody needs. • For videos requiring long-term storage, some agencies burn the data to a disc, attach it to the case file, and delete it from the internal server or online database. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times. • The agencies that PERF consulted report having no issues to date with using a third-party vendor to manage recorded data. To protect the security and integrity of data managed by a third party, agencies should use a reputable, experienced vendor; enter into a legal contract with the vendor that protects the agency's data; ensure the system includes a built-in audit trail and reliable backup methods; and consult with legal advisors. 	Data storage: pp. 15–16; 18–19; 32–34; 43–44

Recorded data access and review

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
20	Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.	<p>Most agencies that PERF consulted permit officers to review video footage of an incident in which they were involved, such as a shooting, prior to making a statement that might be used in an administrative review or court proceeding. The reasons for this policy include the following:</p> <ul style="list-style-type: none"> • Reviewing footage will help lead to the truth of the incident by helping officers to remember an incident more clearly. • Real-time recording is considered best evidence and provides a more accurate record than the officer's recollection. • Research into eyewitness testimony has demonstrated that stressful situations with many distractions are difficult for even trained observers to recall correctly. • Officers will have to explain and account for their actions, regardless of what the video shows. 	Officer review of footage: pp. 29–30; 45–47
21	Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.	<p>PERF recommends that supervisors be authorized to review footage in the following circumstances:</p> <ul style="list-style-type: none"> • When a supervisor needs to investigate a complaint against an officer or a specific incident in which the officer was involved • When a supervisor needs to identify videos for training purposes and for instructional use • When officers are still in a probationary period or are with a field training officer • When officers have had a pattern of allegations of abuse or misconduct • When officers have agreed to a more intensive review as a condition of being put back on the street • When an officer has been identified through an early intervention system 	Supervisor review of footage: pp. 24–26; 27–28; 45–47

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
22	An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.	<p>Randomly monitoring an officer's camera footage can help proactively identify problems, determine noncompliance, and demonstrate accountability. However, unless prompted by one of the situations described in recommendation 21, PERF does not generally recommend that supervisors randomly monitor footage recorded by officers in their chain of command for the purpose of spot-checking the officers' performance. Instead, an agency's internal audit unit should be responsible for conducting random monitoring. This allows agencies to monitor compliance with the program and assess performance without undermining the trust between an officer and his or her supervisor.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Internal audit reviews should be truly random and not target a specific officer or officers. • Audits should be conducted in accordance with a written standard of review that is communicated to officers. 	Internal audit unit review of footage: pp. 24–26; 28; 45–47
23	Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.	<p>Agencies must take every possible precaution to ensure that camera footage is not used, accessed, or released for any unauthorized purposes.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Written policies should describe the sanctions for violating this prohibition. 	Data protection: pp. 15–16; 18–19; 45–46
24	Policies should include specific measures for preventing unauthorized access or release of recorded data.	All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations. (See also recommendations 15 and 23.)	Data protection: pp. 15–16; 18–19; 45–46

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
25	Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).	<p>PERF generally recommends a broad public disclosure policy for body-worn camera videos. By implementing a body-worn camera program, agencies are demonstrating that they are committed to transparency and accountability, and their disclosure policies should reflect this commitment.</p> <p>However, there are some situations when an agency may determine that publicly releasing body-worn camera footage is not appropriate. These include the following:</p> <ul style="list-style-type: none"> • Videos that contain evidentiary footage being used in an ongoing investigation or court proceeding are typically exempted from disclosure by state public disclosure laws. • When the videos raise privacy concerns, such as recordings of crime victims or witnesses or footage taken inside a private home, agencies must balance privacy concerns against the need for transparency while complying with relevant state public disclosure laws. <p>Implementation tips:</p> <ul style="list-style-type: none"> • Policies should state who is allowed to authorize the release of videos. • When determining whether to proactively release videos to the public (rather than in response to a public disclosure request), agencies should consider whether the footage will be used in a criminal court case and the potential effects that releasing the data may have on the case. • Policies should clearly state the process for responding to public disclosure requests, including the review and redaction process. • Agencies should always communicate their public disclosure policies to the public. 	Public disclosure: pp. 17–19; 33–34; 46–47

Training policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
26	Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.	<p>Personnel who receive training should include the following:</p> <ul style="list-style-type: none"> • Officers who will be assigned or permitted to wear cameras • Supervisors whose officers wear cameras • Records/evidence management personnel • Training personnel • Internal Affairs • Anyone else who will be involved with the body-worn camera program <p>Implementation tip:</p> <ul style="list-style-type: none"> • As a courtesy, agencies may wish to offer training to prosecutors so they can better understand how to access the data, what the limitations of the technology are, and how the data may be used in court. 	Training: pp. 47–49
27	Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.	This ensures officers are prepared to operate the cameras safely and properly prior to wearing them in the field.	Training: pp. 25; 28–29; 47–49
28	<p>Body-worn camera training should include the following:</p> <ul style="list-style-type: none"> • All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training) • An overview of relevant state laws governing consent, evidence, privacy, and public disclosure • Procedures for operating the equipment safely and effectively • Scenario-based exercises that replicate situations that officers might encounter in the field • Procedures for downloading and tagging recorded data • Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data) • Procedures for preparing and presenting digital evidence for court • Procedures for documenting and reporting any malfunctioning device or supporting system 	<p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies can use existing body-worn camera footage to train officers on the proper camera practices and protocols. • Scenario-based training can be useful to help officers become accustomed to wearing and activating their cameras. Some agencies require officers to participate in situational exercise using training model cameras. 	Training: pp. 7; 26–30; 47–49
29	A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.	<p>Implementation tip:</p> <ul style="list-style-type: none"> • The training manual should be posted on the agency's intranet. 	Training: pp. 47–49
30	Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.	Body-worn camera technology is constantly evolving. In addition to yearly refresher courses, training should occur anytime an agency's body-worn camera policy changes. Agencies should also keep abreast of new technology, data storage options, court proceedings, and other issues surrounding body-worn cameras.	Training: pp. 47–49

Policy and program evaluation

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
31	Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.	<p>Collecting and releasing data about body-worn cameras helps promote transparency and trust within the community. It also helps agencies to evaluate the effectiveness of their programs, to determine whether their goals are being met, and to identify areas for improvement. Agencies can also use the findings when presenting information about their body-worn camera programs to officers, oversight boards, policymakers, and the community.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report. 	Engaging the public: pp. 21–22; 24; 28–29; 47–48
32	Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.	<p>A cost-benefit analysis can help an agency to determine the feasibility of implementing a body-worn camera program. The analysis should examine the following:</p> <ul style="list-style-type: none"> The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers Potential funding sources for a body-worn camera program 	<p>Financial considerations: pp. 30–34; 48–49</p> <p>Cost-benefit analysis: p.31</p> <p>Reducing complaints and lawsuits: pp. 6–9</p>
33	Agencies should conduct periodic reviews of their body-worn camera policies and protocols.	<p>Body-worn camera technology is new and evolving, and the policy issues associated with body-worn cameras are just recently being fully considered. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> Evaluations should be based on a set of standard criteria and outcome measures. An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be conducted on a regular basis as determined by the agency. 	Program evaluation: p. 48–49

Additional lessons learned: engaging officers, policymakers, and the community

According to the police officials whom PERF consulted, it is critical for agencies to engage the community, policymakers, courts, oversight boards, unions, frontline officers, and other stakeholders about the department's body-worn camera program. Open communication—both prior to and after camera deployment—can strengthen the perceived legitimacy of the camera program, demonstrate agency transparency, and help educate stakeholders about the realities of using body-worn cameras. The following table presents lessons that agencies shared with PERF with respect to engaging stakeholders.

No.	Lesson Learned	Page Reference(s)
1	Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program within the community.	pp. 21–22; 24
2	Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.	pp. 21–22; 24
3	Social media is an effective way to facilitate public engagement about body-worn cameras.	pp. 21–22; 24
4	Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the agency's website and publicly releasing video recordings of controversial incidents.	pp. 21–22; 24
5	When presenting officers with any new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.	pp. 26–27
6	Briefings, roll calls, and meetings with union representatives are effective means to communicate with officers about the agency's body-worn camera program.	pp. 26–27
7	Creating an implementation team that includes representatives from across the agency can help strengthen program legitimacy and ease implementation.	pp. 26–27
8	Agencies have found that officers support a body-worn camera program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.	pp. 26–27
9	Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' concerns about embracing the new technology.	pp. 26–27
10	Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech savvy officers.	pp. 26–27
11	Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations to judges, attorneys, and civilian review boards about how the cameras operate.	pp. 28–30

Appendix B. Conference attendees

PERF and the COPS Office convened this one-day conference on September 11, 2013, in Washington, D.C., to discuss the policy and operational issues surrounding body-worn cameras. The titles listed below reflect attendees' positions at the time of the conference.

Albuquerque (NM) Police Department

William Roseman
Deputy Chief of Police

Alexandria (VA) Police Department

David Huchler
Deputy Chief of Police

Eddie Reyes
Deputy Chief of Police

Anne Arundel County (MD) Police Department

Herbert Hasenpusch
Captain

Thomas Kohlmann
Lieutenant

Appleton (WI) Police Department

Gary Lewis
Lieutenant

Arlington County (VA) Police Department

Jason Bryk
Lieutenant

Michael Dunne
Deputy Chief of Police

Lauretta Hill
Assistant Chief of Police

Arnold & Porter LLP

Meredith Esser
Associate

Peter Zimroth
Partner

Atlanta (GA) Police Department

Todd Coyt
Lieutenant

Joseph Spillane
Major

Aurora (CO) Police Department

Dan Mark
Lieutenant

Baltimore County (MD) Police Department

Karen Johnson
Major

James Johnson
Chief of Police

Baltimore (MD) Fraternal Order of Police

Bob Cherry
President

Baltimore (MD) Police Department

Jeronimo Rodriguez
Deputy Police Commissioner

Bay Area Rapid Transit Police Department

Kenton Rainey
Chief of Police

Boyd (VA) Police Department

Michael Brave
Training Officer

Bureau of Justice Assistance

U.S. Department of Justice

David Adams
Senior Policy Advisor

Steve Edwards
Senior Policy Advisor

Kristen Mahoney
Deputy Director of Policy

Denise O'Donnell
Director

Brian Reaves
Senior Statistician

Cornelia Sigworth
Senior Advisor

Christopher Traver
Senior Policy Advisor

Calgary (AB) Police Service

Trevor Daroux
Deputy Chief of Police

Evel Kiez
Sergeant

Asif Rashid
Staff Sergeant

Camden County (NJ) Police Department

Orlando Cuevas
Deputy Chief of Police

Charlotte-Mecklenburg (NC) Police Department

Michael Adams
Major

Stephen Willis
Major

Cincinnati (OH) Police Department

Thomas Streicher
Chief of Police (Retired)

City of Akron (OH) Police Department

James Nice
Chief of Police

Civil Rights Division

U.S. Department of Justice

Roy L. Austin, Jr.
Deputy Assistant Attorney General

Christy Lopez
Deputy Chief

Zazy Lopez
Attorney

Jeffrey Murray
Attorney

Tim Mygatt
Special Counsel

Rashida Ogletree
Attorney

CNA Corporation

James Stewart
Director of Public Safety

Columbus (OH) Division of Police

Gary Cameron
Commander, Narcotics Bureau

Commission on Accreditation for Law Enforcement Agencies, Inc.

Craig Hartley
Deputy Director

CP2, Inc.

Carl Peed
President

Dallas (TX) Police Department

Andrew Acord
Deputy Chief of Police

Dalton (GA) Police Department

Jason Parker
Chief of Police

Daytona Beach (FL) Police Department

Michael Chitwood
Chief of Police

Denver (CO) Police Department

Magen Dodge
Commander

Des Moines (IA) Police Department

Judy Bradshaw
Chief of Police

Todd Dykstra
Captain

Stephen Waymire
Major

Detroit (MI) Police Department

James Craig
Chief of Police

Digital Ally, Inc.

Matthew Andrews
Engineer

Stan Ross
CEO

Eugene (OR) Police Department

James Durr
Captain

Fairfax County (VA) Police Department

Bob Blakley
Lieutenant

Fayetteville (NC) Police Department

Wayne Burgess
Lieutenant

Bradley Chandler
Assistant Chief of Police

Timothy Tew
Lieutenant

Federal Bureau of Investigation

Jacques Battiste
Supervisory Special Agent

Federal Emergency Management Agency

Roberto Hylton
Senior Law Enforcement Advisor

Edward Welch
Director

Fort Collins (CO) Police Department

Cory Christensen
Deputy Chief of Police

Garner (NC) Police Department

Chris Hagwood
Lieutenant

Glenview (IL) Police Department

William Fitzpatrick
Chief of Police

Grand Junction (CO) Police Department

John Camper
Chief of Police

Greater Manchester (UK) Police

Paul Rumney
Detective Chief Superintendent

Greensboro (NC) Police Department

Kenneth Miller
Chief of Police

George Richey
Captain

Wayne Scott
Deputy Chief of Police

Greenville (NC) Police Department

Hassan Aden
Chief of Police

Greenwood & Streicher LLC

Scott Greenwood
CEO

Gulf States Regional Center for Public Safety Innovations

Daphne Levenson
Director

Harrisonburg (VA) Police Department

John Hancock
Officer

Roger Knott
Lieutenant

Hayward (CA) Police Department

Lauren Sugayan
Program Analyst

Henrico County (VA) Division of Police

Douglas Middleton
Chief of Police

Herndon (VA) Police Department

Maggie DeBoard
Chief of Police

Steven Pihonak
Sergeant

Houston (TX) Police Department

Jessica Anderson
Sergeant

James Jones
Captain

Charles McClelland
Chief of Police

Indianapolis (IN) Department of Public Safety

David Riggs
Director

Innovative Management Consulting, Inc.

Thomas Maloney
Senior Consultant



International Association of Chiefs of Police

Mike Fergus
Program Manager

David Roberts
Senior Program Manager

Jersey City (NJ) Police Department

Matthew Dillon
Police ID Officer

Stephen Golecki
Sr. Police ID Officer

Samantha Pescatore
Officer

John Scalcione
Officer

Daniel Sollitti
Captain

L-3 Communications

Michael Burridge
Executive Director, Public Safety

Lakehurst (NJ) Police Department

Eric Higgins
Chief of Police

Lansing (MI) Police Department

Michael Yankowski
Chief of Police

Las Vegas Metropolitan (NV) Police Department

Liesl Freedman
General Counsel

Thomas Roberts
Captain

Leesburg (VA) Police Department

Carl Maupin
Lieutenant

Lenexa (KS) Police Department

Dawn Layman
Major

Los Angeles County Sheriff's Department

David Betkey
Division Chief

Kevin Goran
Division Chief

James Hellmold
Assistant Sheriff

Chris Marks
Lieutenant

Los Angeles Police Department

Greg Meyer
Captain (Retired)

Louisville (KY) Metro Police Department

Robert Schroeder
Major

Lynchburg (VA) Police Department

Mark Jamison
Captain

Ryan Zuidema
Captain

Madison (WI) Police Department

June Groehler
Lieutenant

Manning & Kass, Ellrod, Ramirez, Trester

Mildred Olinn
Partner

Eugene Ramirez
Senior Partner

Maryland State Police Department

Michael Brady
Sergeant

Clifford Hughes
Assistant Bureau Chief

Thomas Vondersmith
Director

Meriden (CT) Police Department

Jeffry Cossette
Chief of Police

Timothy Topulos
Deputy Chief of Police

Mesa (AZ) Police Department

Tony Filler
Commander

Metropolitan Nashville (TN) Police Department

Michael Anderson
Chief of Police

John Singleton
IT Security Manager

Metropolitan (DC) Police Department

Brian Bobick
Sergeant

Alfred Durham
Assistant Chief of Police

Barry Gersten
CIO

Lamar Greene
Assistant Chief of Police

Cathy Lanier
Chief of Police

Thomas Wilkins
Executive Director

Miami Beach (FL) Police Department

David De La Espriella
Captain

Milwaukee (WI) Police Department

Mary Hoerig
Inspector of Police

Minneapolis (MN) Police Department

Bruce Folkens
Commander

Janeé Harteau
Chief of Police

Montgomery County (MD) Police Department

Brian Acken
Director

Luther Reynolds
Assistant Chief of Police

Motorola Solutions, Inc.

Domingo Herraiz
Vice President

Kelly Kirwan
Corporate Vice President

Steve Sebestyen
Business Development Manager

MPH Industries Inc.

Larry Abel
Senior Training Officer

National Institute of Justice

U.S. Department of Justice

Brett Chapman
Social Science Analyst

William Ford
Division Director

National Law Enforcement Museum

Sarah Haggerty
Associate Curator

National Press Photographers Association

Mickey Osterreicher
General Counsel

New Haven (CT) Police Department

Luiz Casanova
Assistant Chief of Police

New Orleans (LA) Police Department

Ronal Serpas
Superintendent of Police

New South Wales (AUS) Police Force

Stephen Cullen
Chief Superintendent

New York City Police Department

Terrence Riley
Inspector

Newark (NJ) Police Department

Sheilah Coley
Chief of Police

Samuel DeMaio
Director

Michele MacPhee
Lieutenant

Brian O'Hara
Lieutenant

Norfolk (VA) Police Department

Frances Emerson
Captain

James Ipock
Lieutenant

Northern California Regional Intelligence Center

Daniel Mahoney
Deputy Director

Oakland (CA) Police Department

Sean Whent
Chief of Police

Office of Community Oriented Policing Services

U.S. Department of Justice

Melissa Bradley
Program Specialist

Helene Bushwick
Supervisory Policy Analyst

Joshua Ederheimer
Acting Director

Mora Fiedler
Social Science Analyst

Dean Kueter
Acting Chief of Staff

Debra McCullough
Senior Social Science Analyst

Katherine McQuay
Senior Policy Analyst

Tawana Waugh
Senior Program Specialist

John Wells
Program Specialist

Office of Justice Programs

U.S. Department of Justice

Linda Mansour
Intergovernmental Affairs

Katherine Darke Schmitt
Policy Advisor

Panasonic

Norihiro Kondo
Group Manager

Philadelphia (PA) Police Department

Charles Ramsey
Police Commissioner

Anthony Washington
Inspector

Phoenix (AZ) Police Department

Dave Harvey
Assistant Chief of Police

Police and Public Safety Consultant

Robert Lunney
Consultant

Police Foundation

Jim Bueermann
President

Jim Specht
Assistant to the President for
Communications and Policy

Poulsbo (WA) Police Department

Alan Townsend
Chief of Police

Prince George's County (MD) Police Department

Joshua Brackett
Corporal

Mark Person
Major

Henry Stawinski III
Deputy Chief of Police

Hector Velez
Deputy Chief of Police

**Prince William County (VA)
Police Department**

Charlie Deane
Chief of Police (Retired)

Javid Elahi
Lieutenant

Thomas Pulaski
Senior Administrative Manager

Ramsey County (MN) Sheriff's Office

Robert Allen
Director of Planning and Policy Analysis

Rialto (CA) Police Department

William Farrar
Chief of Police

Richmond (CA) Police Department

Allwyn Brown
Deputy Chief of Police

Richmond (VA) Police Department

Scott Booth
Major

Sydney Collier
Major

Roger Russell
Captain

Riverside (CA) Police Department

Bruce Loftus
Lieutenant

Roanoke (VA) County Police Department

Mike Warner
Assistant Chief of Police

Robinson & Yu LLC

David Robinson
Principal

Royal Canadian Mounted Police

K. Troy Lightfoot
Director of Operational Policy and Compliance

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Bureau of Investigations**

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About PERF

The **Police Executive Research Forum (PERF)** is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force, developing community policing and problem-oriented policing, using technologies to deliver police services to the community, and evaluating crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership, public debate of police and criminal justice issues, and research and policy development.

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies, educates hundreds of police officials each year in a three-week executive development program, and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF's work benefits from PERF's status as a membership organization of police officials, academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected president and board of directors and a board-appointed executive director. A staff of approximately 30 full-time professionals is based in Washington, D.C.

To learn more, visit PERF online at www.policeforum.org.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

In recent years, many law enforcement agencies have been deploying small video cameras worn by officers to record encounters with the public; investigate officer-involved incidents; produce evidence; and strengthen agency performance, accountability, and transparency. While body-worn cameras have the potential to improve police services, they also raise issues involving privacy, police-community relationships, procedural justice, and technical and cost questions, all of which agencies should examine as they consider this technology.

The Police Executive Research Forum, with support from the Office of Community Oriented Policing Services, conducted research in 2013 on the use of body-worn cameras. This research included interviews with police executives, a review of agencies' policies, and a national conference at which 200 police executives and other experts discussed their experiences with body-worn cameras. This publication describes the findings of this research, explores the issues surrounding body-worn cameras, and offers policy recommendations for law enforcement agencies.



COPS

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U.S. Department of Justice

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To obtain details on COPS Office programs, call the
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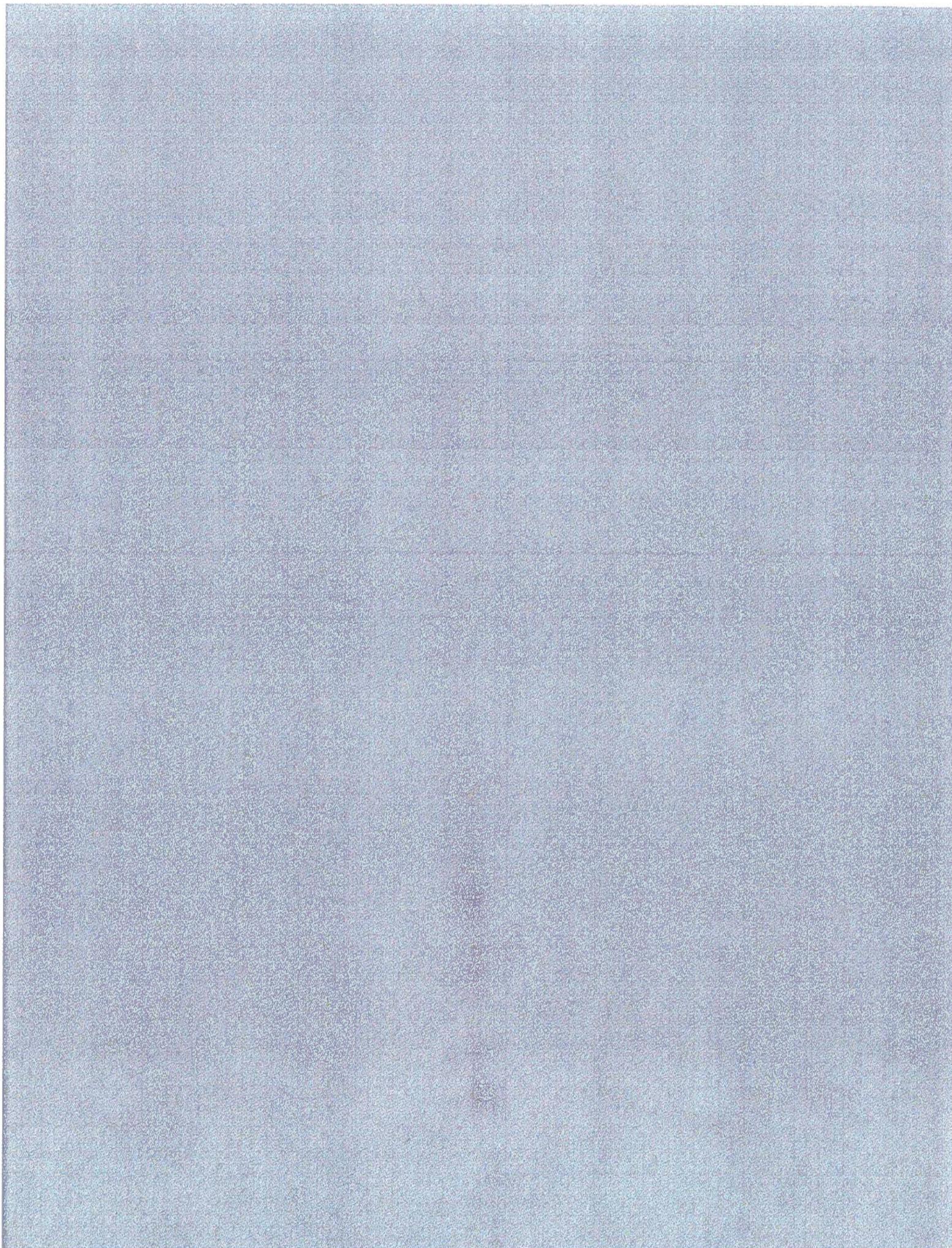
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Police Officer Body-Worn Cameras

ASSESSING THE EVIDENCE

by Michael D. White, PhD





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Letter from the Assistant Attorney General

Dear colleagues,

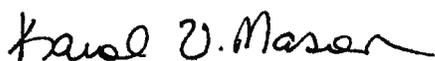
I am pleased to bring you this resource from the Office of Justice Programs (OJP) Diagnostic Center on body-worn video cameras. This review was produced for a Diagnostic Center client seeking to understand the costs and benefits to the law enforcement community to use body-worn camera technology, and we believe the information assembled by the Diagnostic Center can be of use to law enforcement departments throughout the country.

As you may know, OJP is committed to translating scientific evidence about what works in criminal justice and public safety to the field, ensuring it is both accessible and user friendly. OJP launched the Diagnostic Center in spring 2012 to facilitate this translation process of science into outcomes. The Diagnostic Center is a technical assistance resource for state, local, and tribal policymakers seeking to implement data-driven strategies to combat crime and improve public safety.

In pursuing that mission, the Diagnostic Center undertook this literature review of the current evidence on the challenges and benefits of body-worn video camera technology. I hope that this resource, which we are proud to be publishing jointly with our colleagues from the Office of Community Oriented Policing Services (COPS Office), helps inform your department's conversations about the use of body-worn video cameras in the field.

If you are interested in receiving services from the OJP Diagnostic Center, please visit www.OJPDiagnosticsCenter.org or call 1-855-657-0411 to learn more about how the Diagnostic Center engages with client communities to improve public safety.

Sincerely,



Karol V. Mason
Assistant Attorney General
Office of Justice Programs

Executive Summary

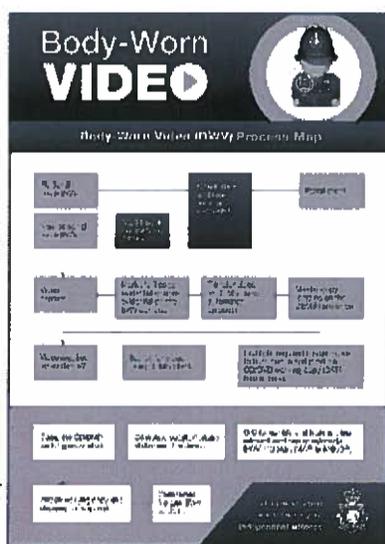
In recent years, technological innovation has continually shaped law enforcement, from less-lethal devices (e.g., TASER) and forensic evidence to advanced crime analysis. The most recent technological innovation that may redefine policing is officer body-worn camera systems.

The technology has received considerable attention in the media and among policing officials. For example, in her August 2013 ruling that declared the New York Police Department's (NYPD) stop, question, and frisk program unconstitutional, Judge Shira Scheindlin included body-worn cameras as part of the judicial order.

On September 11, 2013, the Police Executive Research Forum (PERF) held a conference on the technology. Although advocates and critics have made numerous claims regarding body-worn cameras, there have been few balanced discussions of the benefits and problems associated with the technology and even fewer discussions of the empirical evidence supporting or refuting those claims.

This publication provides a review of the available evidence on officer body-worn cameras. The goal is to provide a comprehensive resource that will help law enforcement agencies to understand

the factors they should consider to make informed decisions regarding the adoption of body-worn camera technology.



Resources and research

This publication reviews several available resources that offer a starting point for exploring the body-worn camera technology (see Appendix A for greater detail):

- The UK Home Office's Guidance for the Police Use of Body-Worn Video Devices (Goodall 2007)
- The National Institute of Justice's (NIJ) A Primer on Body-Worn Cameras for Law Enforcement (ManTech 2012)
- Body Worn Video Steering Group, www.bwvsg.com

This resource also provides an overview of empirical studies to date that have examined the implementation and impact of officer body-worn cameras. The overwhelming theme from this review is the lack of available research on the technology. This publication identifies five empirical studies:

1. Plymouth Head Camera Project (England)(Goodall 2007)
2. Renfrewshire/Aberdeen Studies (Scotland)(ODS Consulting 2011)

3. Rialto (California) Police Department (Farrar 2013)
4. Mesa (Arizona) Police Department (MPD 2013)
5. Phoenix (Arizona) Police Department (White 2013)

The five studies reviewed here, which vary widely in their methodological rigor, represent the entire body of evidence on body-worn cameras (see also Draisin 2011 for an internal review of the literature on in-car or body-worn cameras conducted for the Orlando Police Department).

Perceived benefits and concerns

The majority of this publication reviews the claims made by advocates and critics regarding body-worn camera technology and includes a discussion of the empirical evidence supporting each claim. Given the lack of research, there is little evidence to support or refute many of the claims, and there are outstanding questions regarding the impact and consequences of body-worn cameras. Nevertheless, the available studies have provided insight into several areas, suggesting that additional study of the technology is warranted. However, police departments should be cautious and deliberate in their exploration of the technology given the lack of research.

Perceived benefits (based on available research and conventional wisdom), along with a discussion of each claim, include the following:

- **Body-worn cameras increase transparency and citizen views of police legitimacy.** This claim has not been sufficiently tested. There have been virtually no studies of citizens' views of the technology.
- **Body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens.** Several of the empirical studies have documented substantial decreases in citizen complaints (Rialto, Mesa, Plymouth, and Renfrewshire/Aberdeen studies) as well as in use of force by police (Rialto) and assaults on officers (Aberdeen). There is also anecdotal support for a civilizing effect reported elsewhere (Phoenix and in media reports cited in the references list).

However, the behavior dynamics that explain these complaints and use of force trends are by no means clear. The decline in complaints and use of force may be tied to improved citizen behavior, improved police officer behavior, or a combination of the two. It may also be due to changes in citizen complaint reporting patterns (rather than a civilizing effect), as there is evidence that citizens are less likely to file frivolous complaints against officers wearing cameras (Goodall 2007; Stross 2013). Available research cannot disentangle these effects; thus, more research is needed.

- **Body-worn cameras have evidentiary benefits that expedite resolution of citizen complaints or lawsuits and that improve evidence for arrest and prosecution.** The available research offers support for the evidentiary benefits of body-worn camera systems. Several of the empirical studies (Plymouth and Renfrewshire/Aberdeen studies) indicate that body-worn cameras assist in the resolution of citizen complaints against police officers. Findings also suggest that body-worn cameras may reduce the likelihood that citizens will file untruthful complaints (Plymouth and Renfrewshire/Aberdeen studies). While some research has looked into the technology's impact on resolution of citizen complaints (all five studies listed in "Resources and research"), no research has tested the technology's impact on lawsuits against police.

There is no evidence from the U.S. studies regarding the impact of body-worn cameras on arrest and prosecution practices. Evidence from the UK studies indicates that the technology reduces officers' paperwork, enhances their ability to determine whether a crime occurred, and increases the likelihood that cases will end in a guilty plea rather than criminal trial. However, more research is needed.

- **Body-worn cameras provide opportunities for police training.** This claim is mostly untested. There is anecdotal evidence from the UK Home Office guide (Goodall 2007) regarding the use of the technology in police training, and there is one report of a U.S. police department (Miami) doing so (Local 10 2013). More research is needed.

Perceived concerns and problems (based on available research and conventional wisdom), along with a discussion of each claim, include the following:

- **Body-worn cameras create citizen privacy concerns.** Although civil rights advocates have generally supported the use of body-worn cameras by police (Stanley 2013), the impact of the technology on citizen privacy is not fully understood. Federal and state laws regarding the expectation of privacy place some restrictions on using audio and video recording. Moreover, body-worn cameras capture in real time the traumatic experiences of citizens who are victims of crime, who are involved in medical emergencies and accidents, and who are being detained or arrested. Recording these events may exacerbate citizens' trauma. In their model policy template (see Appendix B), the Body Worn Video Steering Group cautions law enforcement agencies about the collateral intrusion of the technology, particularly with regard to religious sensitivities, intimate searches, witnesses and confidential informants, victims, and communications governed by legal privilege. More research is needed.
- **Body-worn cameras create concerns for police officer privacy.** Law enforcement circles have not universally accepted the technology. Police unions in several cities, most recently New York, have claimed that the cameras represent a change in working conditions that must be negotiated

during contract talks (Schoenmann 2012; Celona 2013). There are also concerns that officers may be subjected to unsolicited fishing expeditions by supervisors (White 2013). Experiences from Phoenix and Rialto suggest that including line-level staff in the implementation process from the start, particularly with regard to policy development governing camera use, can alleviate many of these concerns. Nevertheless, everything an officer records is discoverable, even if the officer records events unintentionally (e.g., forgets to stop recording). The implications of the technology for officer privacy are not fully understood, and more research is needed.

- **Body-worn cameras create concerns for officer health and safety.** The UK Home Office guide (Goodall 2007) details a wide range of potential health and safety concerns, from neck injury resulting from the weight of the camera to electrical shock. The vast majority of concerns are rated as low risk. The guide does cite a few concerns as medium risk, including the potential for head injury (i.e., the camera striking the officer's head during an assault), soreness and headaches from the headband (most UK agencies use a unit attached to a headband), and transferred bodily fluids or infectious agents from shared cameras. However, wearing the camera on part of the uniform (e.g., lapel or torso) instead of the head can mitigate nearly all of the stated risks. Nevertheless, there has been no research examining health and safety issues associated with body-worn cameras.
- **Body-worn cameras require investments in terms of training and policy development.** Available research clearly demonstrates the importance of training and policy governing the deployment of body-worn cameras. Officers who wear cameras need to be trained in their use, from recording and downloading video to proper equipment maintenance. Departments must develop clear administrative policies that provide guidance to officers on a wide range of issues, such as when to record and when not to, whether to announce that the encounter is being recorded, and when supervisors can review video. The policies should also address video download procedures, video redaction procedures, preparation of video for prosecution, and data storage and management.

The Body Worn Video Steering Group developed a comprehensive policy template (see Appendix B) that can be used by agencies as a framework for developing their own policies.

Moreover, the Mesa (Arizona) Police Department's evaluation, which focused on the cameras' impact on reducing civil liability, addressing departmental complaints, and enhancing criminal prosecution, clearly demonstrates that administrative policy influences camera usage (MPD 2013). During the one-year evaluation, Mesa employed two different policies governing use of the

camera: one that was restrictive (implemented the first six months) and one that gave officers much more discretion in determining when to record events (implemented the last six months). Camera use declined by 42 percent when the discretionary policy was in effect. The Mesa evaluation also demonstrated that officers who volunteer to wear the technology are more likely to record encounters than officers who are required to wear it.

- **Body-worn cameras require substantial commitment of finances, resources, and logistics.** Available research demonstrates that the resource and logistical issues surrounding adoption of body-worn cameras are considerable and, in many cases, difficult to anticipate. There are direct costs associated with purchasing the hardware (from \$800 to \$1,000 per camera) as well as replacement costs as components break down (MPD 2013). One of the primary resource issues revolves around data storage and management. Body-worn cameras produce an enormous amount of video data that must be properly and securely stored. There are also questions about how quickly specific video can be retrieved (White 2013). The major vendors offer cloud-based storage solutions at a cost, or agencies can choose to manage and store the video locally.



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Further, when body-worn camera video footage is used in court, there are potential expenses associated with reviewing and redacting footage. The more frequently that body-worn camera footage is introduced in court, the greater these expenses will be.

The evaluations in Mesa and Phoenix clearly indicate that adopting body-worn camera technology has a substantial impact, both positive and negative, on the agency that far exceeds the effect on officers who wear the technology. Adopting the technology requires creating an agency-wide process to manage the program that includes nearly every unit, from line supervisors and patrol officers to detectives, technology and data analysts, legal staff, internal affairs, and agency leaders. The technology also impacts other stakeholders outside the law enforcement agency, including the prosecutor's office, defense attorneys, and the courts.

Recommendations

Based on the review of available literature on body-worn camera technology, this publication offers several recommendations for next steps to improve the knowledge base on the technology. These recommendations center on continued exploration of body-worn cameras through deliberate and cautious deployment of the technology, coupled with a methodologically rigorous portfolio of research.

- Agencies interested in adopting body-worn camera technology should proceed cautiously and consider the issues described in the previous section to fully inform their decisions.
- Agencies should collaborate with researchers to design rigorous implementation and impact evaluations of the technology and with experimental research designs.
- Leadership organizations in law enforcement, such as the International Association of Chiefs of Police (IACP), the Police Foundation, and PERF, should consider developing guidelines for implementation and evaluation of body-worn camera technology. IACP and other organizations should collaborate with their UK partners who have been experimenting with this technology for nearly a decade.
- Independent research on body-worn camera technology is urgently needed. Most of the claims made by advocates and critics of the technology remain untested. Federal agencies that support research and development should consider providing funding streams for comprehensive research and evaluation of body-worn camera systems. Researchers should examine all aspects of the implementation and impact of the technology—from its perceived civilizing effect, evidentiary benefits, and impact on citizen perceptions of police legitimacy to its consequences for privacy rights, the law enforcement agency, and other outside stakeholders.
- Body-worn camera systems hold great promise as a training tool for law enforcement, both in the academy and as part of performance evaluation. Post-hoc review of officer (or cadet) behavior during recorded encounters can serve as a mechanism for positive feedback, can identify problems in officer behavior, can help identify best practices in handling critical incidents (e.g., de-escalation), and can eliminate traditional reliance on “final frame” review of officer decisions to use force (i.e., the “split second syndrome” [Fyfe 1986]).

Introduction

“When you put a camera on a police officer, they tend to behave a little better, follow the rules a little better. And if a citizen knows the officer is wearing a camera, chances are the citizen will behave a little better.”

– William A. Farrar, Chief of Police,
Rialto (California) Police Department
(Lovett 2013)

“It would be a nightmare. We can't have your camera-man follow you around and film things without people questioning whether they deliberately chose an angle, whether they got the whole picture in.”

– Michael R. Bloomberg, Mayor,
New York City (Santora 2013)

Over the past several years, technological innovation has redefined numerous facets of policing, most notably as an extension of law enforcement's authority to use force (e.g., TASER [see White and Ready 2010]), as a tool for criminal investigation (e.g., DNA testing [see Roman et al. 2008]), and as a mechanism for improving their efficiency and effectiveness (e.g., hot spot analysis and CompStat [see Braga and Weisburd 2010; Weisburd et al. 2003; Braga et al. 2012]).

Technology has also been increasingly used as a mechanism for surveillance and observation, both by citizens and the police. In the early 1990s, dashboard cameras emerged as a new method for capturing the real-time encounters between police and citizens.

Despite early resistance to the dashboard cameras by officers (see Pilant 1995), research demonstrated that the cameras led to increased officer safety and accountability and reduced agency liability. As a result, the technology has been widely embraced by law enforcement (see IACP 2003).

Introduction

Closed circuit surveillance systems (CCTV) have also become increasingly popular among city leaders and law enforcement as both a method of surveillance (crime prevention) and as a tool for post-hoc criminal investigation (e.g., Boston Marathon bombing)(see Ratcliffe 2011; Welsh and Farrington 2009). And of course the proliferation of smartphones has also exponentially increased the ability to record events as they transpire, especially police-citizen encounters (see Erpenbach 2008; Harris 2010). As a result, video and audio recording has become a ubiquitous part of life in the 21st century.¹

The latest technological development for law enforcement in the area of surveillance involves officer body-worn cameras. There are a number of body-worn camera manufacturers, including Panasonic, VIEVU, TASER International, WatchGuard, and Wolfcom Enterprises.²

The technology includes several components that vary across manufacturers. For example, TASER International's AXON system includes a small camera worn by the officer (on a shirt lapel, hat, or sunglasses) that captures what the officer sees; a device (e.g., smartphone) that records and stores the video (similar to a DVR); and a battery pack that lasts typically from 12–14 hours and that includes the on/off switch for recording. The AXON system comes with a cloud-based data storage service (www.evidence.com) whereby the officer places the recording device in a docking station at the end of the shift, and the storage service securely uploads and stores all video evidence.³ The VIEVU system is a self-contained, pager-sized device that officers wear on their torso, and device includes a docking station for video download and cloud-based data storage.

Police officer body-worn camera technology received significant media attention in 2013. In August 2013, Judge Shira Scheindlin of the Federal District Court in Manhattan ruled that the New York Police Department's (NYPD) stop, question, and frisk (SQF) program is unconstitutional, and as part of the ruling, the judge ordered officers in the highest volume SQF precincts to wear cameras in an effort to prevent racial profiling (Santora 2013).⁴

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1. For example, the American Civil Liberties Union's smartphone app, called "Police Tape," records encounters with police (see ACLU-NJ n.d.). Consequently, many police leaders instruct their officers to always assume that their actions are being recorded.
 2. Though there are a number of competitor manufacturers, this publication refers primarily to the products developed by VIEVU and TASER International. There are two reasons for this. First, nearly all of the empirical studies reviewed for this publication were based on either the VIEVU or TASER International camera systems. Second, the author conducted an extensive literature review for this publication, and the manufacturers most commonly cited in the identified literature and media sources were, by far, VIEVU and TASER International. VIEVU claims that more than 3,000 police agencies are currently using their product (VIEVU LLC 2014). TASER offers the AXON FLEX and the AXON Body camera systems.
 3. Both VIEVU and TASER have protections in place to insure that video cannot be tampered with or destroyed.
 4. The New York case has continued to evolve. In October 2013, a federal court of appeals issued a stay on the lower court ruling and removed Judge Scheindlin from the case (questioning her objectivity). In November, Bill de Blasio was elected mayor of New York, and he replaced former Police Commissioner Raymond Kelly with Bill Bratton. At the time of this writing, the court of appeals had not scheduled a hearing to review evidence on the case. The implications of these developments for the adoption of body-worn cameras in the NYPD remain unknown.

On September 11, 2013, PERF held a one-day conference on law enforcement's use of the technology. Moreover, there have been dozens of media reports describing police use of the technology.

Unfortunately, there have been few balanced discussions of the merits and drawbacks of police officer body-worn cameras and even fewer empirical studies of the technology in the field. The perceived yet widely touted benefits of the camera technology range from improved citizen and police behavior (e.g., civilizing effect) to reduced use of force, citizen complaints, and lawsuits. The perceived benefits are grounded in a body of literature establishing that human beings change their behavior when they are observed and are more likely to "experience public awareness, become more prone to socially-acceptable behavior and sense a heightened need to cooperate with the rules," (Farrar 2013, 2).⁵ There have been fewer discussions of the technology's drawbacks, but criticism often centers on citizen privacy concerns, officer apprehension regarding unsolicited supervisor review of video, union concerns about changes to officer working conditions, and cost and resource concerns.

The goal of this publication is to provide law enforcement agencies, researchers, and other interested parties with a comprehensive, objective resource that describes the key issues to consider with the technology, that outlines the perceived advantages and limitations of the technology, and that assesses the body of empirical evidence supporting or refuting those claims.

The publication is divided into several major sections. The first section includes a discussion of the methodology employed for this review, as well as brief descriptions of available reports and resources that are useful for understanding body-worn camera technology. This section also provides an overview of the empirical studies that have tested officer body-worn cameras, as well as a summary of the perceived benefits and concerns with the technology. The empirical evaluations, which vary in methodological rigor and independence (e.g., internal agency reviews), serve as the foundation for the current knowledge base on body-worn camera technology.

The next two sections examine the benefits and drawbacks identified by advocates and critics of the technology and include descriptions of available empirical evidence to support or refute those claims. The last section summarizes the evidence on the technology's impact and outlines a series of recommendations for next steps to assess and understand the future of body-worn cameras in law enforcement.

Overall, this review provides a comprehensive discussion of the issues and evidence surrounding officer body-worn cameras. The review also provides a framework that will allow law enforcement agencies to consider the full range of issues regarding adoption of the technology.

5. Farrar (2013) provides a brief review of this literature (for original sources, see Gervais and Norenzayan 2012; Sproull et al. 1996; Milinski et al. 2002; Bateson et al. 2006). Deterrence theory may also be relevant (see Nagin 2013): e.g., risk of apprehension increases with the presence of a body-worn camera.

Resources and Research

A brief note on methodology

To identify the relevant literature on police officer body-worn cameras, the author conducted Internet searches using Google, the National Criminal Justice Reference Service (NCJRS), and the primary scholarly criminal justice and criminology electronic databases, which include the Academic Search Premier (EBSCOhost), HeinOnline, LexisNexis Academic, and Criminal Justice Abstracts. The author also reviewed works cited in identified documents and vetted the list of identified documents with several police scholars. In addition, the author reviewed the websites of the two popular manufacturers of body-worn cameras: i.e., TASER International for the AXON system at www.taser.com and VIEVU at www.viewu.com.

This review also uncovered dozens of newsprint and television news stories on body-worn cameras. This publication reviews many but not all of these news reports. Rather, it summarizes the key themes based on results from a handful of empirical studies and uses the media reports as supplemental documentation.

The following resources describe the technology and offer guidance on its adoption and deployment by police (see Appendix A for greater detail):

- The UK Home Office's *Guidance for the Police Use of Body-Worn Video Devices* (Goodall 2007)
- Body Worn Video Steering Group, www.bwvsg.com
- National Institute of Justice's (NIJ) *A Primer on Body-Worn Cameras for Law Enforcement* (ManTech 2012)
- System Assessment and Validation for Emergency Responders' (SAVER) *Wearable Camera Systems Focus Group Report* (SAVER 2011)
- SAVER's *Camera Systems, Wearable* (SAVER 2012)

These resources represent a starting point for law enforcement agencies considering adoption of body-worn camera technology. The UK Home Office guide, the Body Worn Video Steering Group website, and the National Institute of Justice guide are especially useful.

A handful of reports identified for this review describe evaluations of officer body-worn camera programs (see Table 1). These evaluations represent the only empirical tests to date of the implementation and impact of the technology, and they serve as the foundation of this publication.

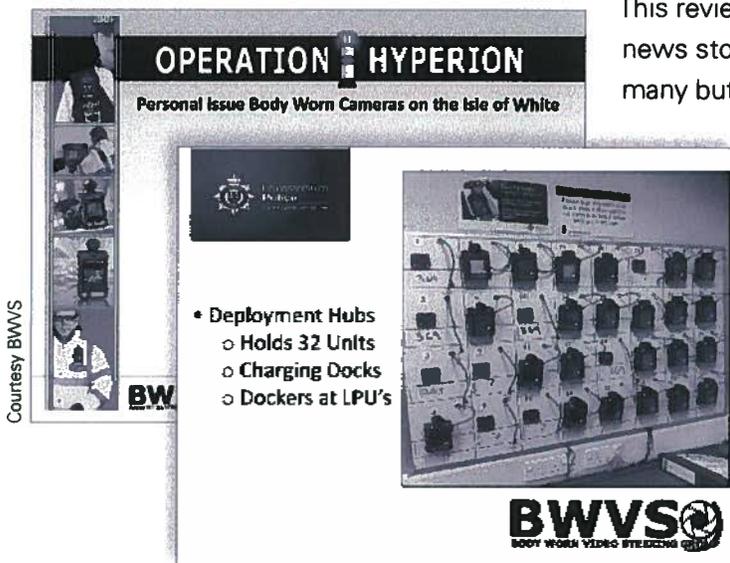


Table 1. Empirical studies of officer body-worn cameras as of September 2013

Country	Study	Citation	Independent evaluation	Comparative design
England	Plymouth Head Camera Project	Goodall 2007	Yes: Process Evolution, Ltd.	No
Scotland	Renfrewshire/Aberdeen Studies	(ODS Consulting 2011)	Yes: ODS Consulting	No
United States	Rialto (CA) Police Department	(Farrar 2013)	No	Yes
United States	Mesa (AZ) Police Department	(MPD 2013)	No*	Yes
United States	Phoenix (AZ) Police Department	(White 2013)	Yes: Arizona State University	Yes

* Arizona State University has conducted survey research of Mesa police officers and collected field contact reports for 400 police-citizen encounters; however, the Mesa Police Department directed the outcome evaluation.

Most of the evaluations described here have significant methodological limitations, either because the study does not employ a comparative design (i.e., no comparison group), or the study was carried out internally by the law enforcement agency deploying the technology (raising questions of independence). Also, several of the studies rely heavily on officer surveys that ask about perceptions and attitudes rather than measuring behavior.⁶ The absence of rigorous, independent studies using experimental methods has limited understanding of the impact and consequences of body-worn cameras.

Studies in the United Kingdom

British police agencies were among the first to experiment with and test officer body-worn camera technology. Harris (2010, 6) notes that “the initial pilot studies, small in size, transpired in Plymouth, England, in 2005 and 2006.” Based on positive results from the early pilot studies, the Plymouth Basic Command Unit initiated the “Plymouth Head Camera Project” in October 2006.

As part of the project, which lasted 17 months, the agency purchased 50 camera systems and trained 300 officers to use the technology (Goodall 2007). The camera systems were available for trained officers to sign out voluntarily. Officers recorded 3,054 incidents during the study. Although the Plymouth Head Camera Project study did not use a comparative research design, the goals of the project were as follows (Goodall 2007):

- To provide police officers with optical evidence that would reduce bureaucracy, improve sanction detections, and streamline the criminal justice process

6. See Draisin 2011 for literature review on in-car and body-worn cameras conducted for the Orlando Police Department. Also, the National Institute of Justice recently made an award to the CNA Corporation to evaluate the impact of body-worn cameras in the Las Vegas Metropolitan Police Department. The study is set to begin in early-2014.

- To reduce challenges to police officer evidence in court
- To increase early guilty pleas, reducing wasted police officer and court time
- To reduce the number of malicious complaints made against police officers
- To reduce the incidence of violent crime

Several police agencies in Scotland have also evaluated body-worn camera technology. In July 2011, ODS Consulting published evaluations of the technology in Renfrewshire and Aberdeen (Strathclyde and Grampian Police, respectively).⁷ In Renfrewshire, the Strathclyde police deployed 38 body-worn camera systems for eight months. In Aberdeen, the Grampian police deployed 18 camera systems for three months. Neither study employed a comparative research design. The evaluations focused on the technology's impact on citizen attitudes, criminal justice processing (guilty pleas), citizen complaints, and assaults on officers. In each department, the camera systems recorded approximately 2,500 events.

Studies in the United States

There have been three studies of the technology in the United States. The first study is an evaluation of the Rialto (California) Police Department body-worn camera project, led by Chief of Police William Farrar (Farrar 2013). The Rialto study began in February 2012 and continued through July 2013. The study involved a randomized controlled trial in which half of the department's 54 patrol officers were randomly assigned to wear the TASER AXON body-camera system (ibid.). The work shift was the study's unit of analysis.

"There are 19 shifts during any given week and 54 frontline officers conducted patrols in six teams: two teams work day shifts, three teams work nights, and two teams are cover shifts" (Farrar 2014). Shifts were randomly allocated to treatment and control conditions on a weekly basis. In total, the study assigned 988 shifts into 489 treatment and 499 control conditions over a 12-month period (Farrar, 5–6).

The Rialto experiment tested the impact of the cameras on citizen complaints and police use of force incidents, comparing officers who wear the cameras to officers who do not.⁸

For the second evaluation, the Mesa (Arizona) Police Department outfitted 50 officers with TASER AXON FLEX body-worn cameras on October 1, 2012, and the year-long study was completed in September 2013. The evaluation "focused on the system's impact on reducing civil liability, addressing departmental complaints and enhancing criminal prosecution" (MPD 2013, 1). The evaluation

7. The Strathclyde and Grampian police agencies applied for and received evaluation support from the Scottish Government's Community Safety Unit. The Community Safety Unit appointed ODS Consulting to conduct the evaluation.

8. The Rialto project served as the foundation for Farrar's master's thesis at the University of Cambridge. In 2013, Farrar received the award for Excellence in Evidence-Based Policing, from the Society of Evidence-Based Policing, for this study of body-worn cameras.

also examined officer perceptions of the technology at multiple points in time throughout the study period. The 50 AXON users are compared to a group of demographically similar officers who are not equipped with cameras.

The third evaluation, conducted by the Phoenix (Arizona) Police Department and Arizona State University, is part of the Bureau of Justice Assistance’s Smart Policing Initiative (SPI). The Phoenix study, which involves 56 officers wearing the VIEVU camera system, is testing whether the cameras deter unprofessional behavior from officers, lower citizen complaints, reduce citizen resistance, and disprove allegations against officers. The Phoenix SPI team is also assessing whether the cameras enhance response to domestic violence cases (e.g., increased charging, prosecution, and conviction rates).

Moreover, the third study includes both an extensive process evaluation, which captures implementation of the body-worn camera system, and an assessment of officer perceptions of the technology throughout the project period. The study has a comparative research design, focusing on differences in outcomes between two squads in the Maryvale precinct: the 56 officers wearing body cameras and 50 comparison officers. The officers began wearing the cameras during their shifts in April 2013 (shift periods covered 24 hours a day, seven days a week), and they will continue to do so for one year.

Perceived benefits and concerns

Table 2 provides a summary of the perceived merits and drawbacks of the technology. Such perceived benefits include enhanced transparency and legitimacy, improved behavior (citizen and officer), quicker resolution of complaints/lawsuits, improved evidence for arrest and prosecution and training opportunities. Critics of the technology have raised concerns about privacy (citizen and officer), officer health and safety, training and policy requirements and logistical/resource requirements. The next two sections describe each of the perceived benefits and concerns, as well as the available empirical evidence supporting or refuting each claim.

Table 2. Perceived benefits and concerns with officer body-worn cameras

Benefits	Concerns
<ul style="list-style-type: none"> ■ Increased transparency and legitimacy ■ Improved police officer behavior ■ Improved citizen behavior ■ Expedited resolution of complaints and lawsuits ■ Improved evidence for arrest and prosecution ■ Opportunities for police training 	<ul style="list-style-type: none"> ■ Citizens’ privacy ■ Officers’ privacy ■ Officers’ health and safety ■ Training and policy requirements ■ Logistical and resource requirements, including data storage and retrieval

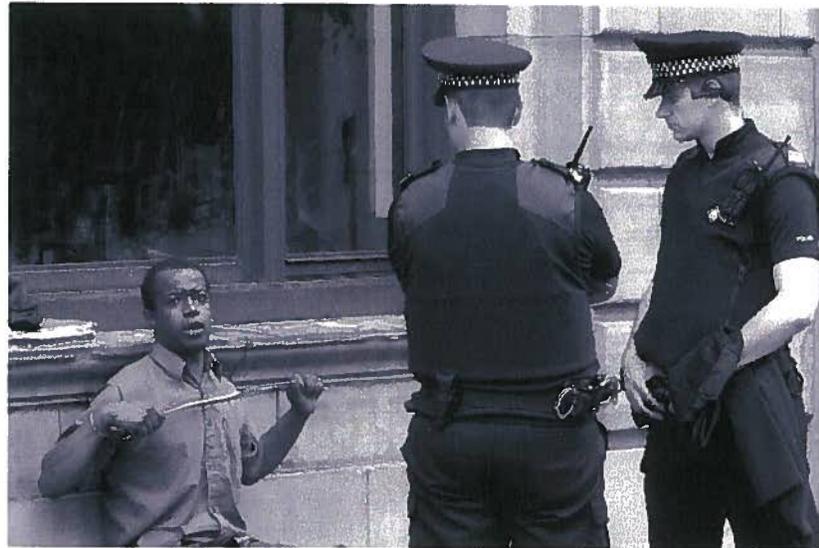
The Perceived Benefits of Officer Body-Worn Cameras

Increased transparency and police legitimacy

Transparency, or willingness by a police department to open itself up to outside scrutiny, is an important perceived benefit of officer body-worn cameras. Transparency can demonstrate to the community that officers aim to act in a fair and just manner (e.g., procedural justice) when interacting with citizens, which can increase perceptions of police legitimacy (Tyler 1990). A recent article in *Police Magazine* stated that “officer-worn cameras represent the pinnacle of transparency in law enforcement,” and according to the American Civil Liberties Union, “transparency leads to public trust and trust benefits the community” (Clark 2013).

In her recent ruling against the NYPD’s stop, question, and frisk program, Judge Scheindlin wrote that cameras

will provide a contemporaneous, objective record of stop-and-frisks allowing for the review of officer conduct [that] may either confirm or refute the belief of some minorities that they have been stopped simply as a result of their race.... Thus, the recordings should also alleviate some of the mistrust that has developed between the police and the black and Hispanic communities, based on the belief that stops and frisks are overwhelmingly and unjustifiably directed at members of these communities. (Floyd v. City of New York 2013, 26–27)



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Unfortunately, the assertion that body-worn cameras enhance the transparency of a police department has not

been sufficiently tested. To date, there has been little research examining the views and perceptions of citizens regarding police officer body-worn cameras, with the exception of a few studies overseas. The Renfrewshire/Aberdeen studies queried citizens through an online survey in Renfrewshire (n=97) and as part of a citizens panel in Aberdeen (n=701). Citizen support for the technology was high in both cities, at 64 to 76 percent (ODS Consulting 2011).

Also, the Plymouth Head Camera Project in England included brief surveys of 36 crime victims, and the responding officer was wearing a camera. Of the 36 victims, 26 (72 percent) reported that the body-worn camera was beneficial during the encounter with police, and 29 victims (81percent)

The Perceived Benefits of Officer Body-Worn Cameras

reported that they felt safer as a result of the cameras (Goodall 2007, 68). However, these results are far from definitive. Citizen support for use of body-worn cameras remains unclear, as does the impact of the technology on citizens' trust in the police (e.g., increased transparency and legitimacy).

Improved police officer behavior

Advocates of body-worn cameras have argued the technology will change police officer behavior during encounters with citizens. In the NYPD ruling, the judge noted:

If, in fact, the police do, on occasion, use offensive language—including racial slurs—or act with more force than necessary, the use of body-worn cameras will inevitably reduce such behavior. (*Floyd v. City of New York* 2013, 26–27)

Harris (2010) suggests the technology could increase officer compliance with the Fourth Amendment provisions governing search and seizure.⁹ Several of the empirical evaluations sought to test the potential for improving police officer behavior.

The Rialto evaluation reported that, following implementation of the body-worn camera program, citizen complaints against police declined by 88 percent—from 24 in 2011, a year before the study, to just three complaints during the camera project study period (Farrar 2013). Moreover, use of force by police officers dropped by 60 percent, from 61 to 25 instances, following the start of the body-worn camera study (*ibid.*).

Farrar (2013) reported two findings that seek to tie the use of force reduction to the body-worn cameras:

1. First, “shifts without cameras experienced twice as many incidents of use of force as shifts with cameras” (8).
2. Second, a qualitative review of all use of force incidents determined that officers without cameras were more likely to use force without having been physically threatened. This occurred in five of the 17 use of force incidents involving officers without cameras.

All use of force incidents involving camera-wearing officers began with a suspect physically threatening the officer.

Questions remain regarding the behavior dynamics that led to the decline in use of force and citizen complaints. For example, are the declines a result of changes in officer behavior (e.g., officers less



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9. Harris (2010) notes that approximately 30 percent of police searches are unconstitutional, and the vast majority of those illegal searches produce no evidence. As a result, citizens who experience those violations have no recourse through the exclusionary rule because there is no evidence to exclude.

likely to use force or behave improperly), citizen behavior (e.g., citizens act less aggressively), or some combination of the two? The drop in complaints may also be due to changes in citizen reporting patterns, as evidence suggests that body-worn cameras may reduce the filing of frivolous complaints by citizens.

The Mesa Police Department also assessed the impact of body-worn cameras on officer attitudes and officer behavior. With regard to attitudes, researchers at Arizona State University surveyed officers at multiple points in time regarding the body-worn camera project. To date, the results from only the first survey, as the project began, are available. Officers generally had positive views about the potential impact of the body-worn cameras: i.e., 77 percent believed the cameras would cause officers to behave more professionally (MPD 2013).¹⁰

The Phoenix evaluation addresses similar questions about attitudes and behavior and also includes officer surveys at multiple points in time. Preliminary results indicate that, prior to the start of the project, officers' attitudes were either ambivalent or negative. However, after wearing the camera for three months, some officers' attitudes improved significantly (White 2013).

The Mesa study also examined officer behavior measured through citizen complaints. The first part of the analysis compared the 50 officers who wore AXON cameras to 50 non-camera wearing officers. During the first eight months of the evaluation, the AXON users were the subject of eight complaints; during that same time, the control officers were the subject of 23 complaints.

The second part of the analysis examined the complaint trends of AXON users before and after they started wearing the cameras. In the year before the camera project started, officers were the subject of 30 complaints; at the officers' current pace, they were estimated to generate 12 complaints during the camera project study. If this trend holds, implementing the body-worn camera system will be associated with significant declines in complaints against officers, including:

- 60 percent decline among AXON users (year before compared to study period);
- 65 percent fewer complaints about AXON users compared to non-camera officers.

As with the Rialto study, the behavior dynamics that caused the decline in complaints remain unknown (e.g., civilizing effect on citizens, officers, or both or a change in complaint reporting).¹¹

10. However, officers were not entirely supportive of the body-worn camera project. Only 23 percent of the officers stated that the department should adopt a body-worn camera system, and less than half believed that their fellow officers would welcome the presence of a camera at a scene (MPD 2013).

11. Alternatively, critics have suggested that the body-worn cameras will have a "chilling effect" on police officers, meaning they will become less proactive and as a result, will become less effective in dealing with crime. There is currently no available evidence to support this claim. Farrar, chief of the Rialto Police Department, did address this concern in a recent interview. He stated, "The thinking was that some officers wearing cameras might try to hide and not really do their job. We found the opposite. We actually had 3,000 more officer-citizen contacts during the year (of the experiment)" (Dillon 2013).

The Perceived Benefits of Officer Body-Worn Cameras

The UK studies also sought to test the impact of the technology on officer behavior. For example, the Plymouth Head Camera Project reported a 14.3 percent reduction in citizen complaints during the first six months of the project as compared to the same six-month period from the prior year. During the project, there were no complaints filed against officers wearing head cameras (Goodall 2007). In the Renfrewshire/Aberdeen studies, officers wearing body cameras recorded more than 5,000 citizen encounters, and only five citizens filed complaints as a result of those incidents. There was no comparison to officers who did not wear cameras.¹²

Improved citizen behavior

Proponents of body-worn cameras have also argued that the technology will improve citizen behavior during encounters with police, suggesting that they will be more respectful and compliant. Unfortunately, there is currently very little evidence to support this assertion outside of anecdotal reports in the media (Lovett 2013) and preliminary results from a few evaluations (Goodall 2007).

The UK Home Office guide (ibid.) states that citizen behavior improves as a result of officer body-worn cameras, though the evidence used to support this statement is not clear:



Officers using [body-worn cameras] at anti-social behavior hotspots noted that persons present significantly reduce the level of their behavior when officers with head cameras attend, more so than just with the presence of a police officer or PCSO. The equipment can have a greater impact than street CCTV or vehicle-borne cameras as they can be deployed at any position within the incident; those present quickly learn that the recordings include sound, and [body-worn cameras] are more obvious than other CCTV systems that can blend into the background after a short time. (Goodall 2007, 8).

The Renfrewshire/Aberdeen studies examined assaults on officers to ascertain whether officer body-worn cameras change citizen behavior. During the 5,000 recorded encounters in both sites, officers were assaulted on four occasions (ODS Consulting 2011). In the Aberdeen study, there were 62 assaults on officers: 61 against officers not wearing cameras and one against a camera-wearing officer. The researchers concluded that “if police officers wearing [body-worn cameras] had been assaulted in proportion to the overall number of assaults in Aberdeen, it might have been expected that 18 assaults would have taken place” rather than one (ODS Consulting 2011, 12).¹³

12. It is unknown whether any of the agencies described here changed their citizen complaint intake and screening process, which could also explain changes in citizen complaint patterns.

13. The researchers’ logic is based on the premise that if 30 percent of officers on patrol are wearing cameras, those officers should experience about 30 percent of assaults against police (30 percent of 61 assaults is 18 assaults). This, of course, does not allow for any differences among officers wearing cameras and those not wearing cameras in terms of the number of encounters, types of encounters, patrol assignments, or time on patrol.

The U.S. empirical evaluations of body-worn cameras provide some insight into the potential for improved citizen behavior. First, the Mesa evaluation asked officers their perceptions of the impact of the cameras on citizen behavior. However, officers were skeptical: only 45 percent of surveyed officers stated that cameras would cause citizens to act more respectfully (MPD 2013). Second, anecdotal evidence from the Phoenix evaluation suggests the technology appears to have a “civilizing effect” on citizens once they realize that a camera is recording their behavior (White 2013).

Last, the Rialto experiment documented a substantial drop in officer use of force. It is possible that this finding may be explained in part by changes in citizen behavior. To be more specific, citizens may have altered their behavior during encounters with officers who are wearing cameras, such as being more respectful and compliant, which led to fewer incidents in which officers needed to use force. Farrar (2013) acknowledges this possibility but notes that his study is unable to offer definitive evidence on citizen behavior:

Members of the public with whom the officers communicated were also aware of being videotaped and therefore were likely to be cognizant that they ought to act cooperatively. However, we did not collect any evidence from these individuals to be able to ascertain this question. (ibid., 10)

Additional research on the dynamics of encounters between citizens and police who wear cameras is required to better understand the nature of the behavior changes that are occurring.¹⁴

Expedited resolution of citizen complaints/lawsuits

Advocates of body-worn cameras have also argued that the technology will facilitate quick resolution of complaints and lawsuits against police officers. While there is no empirical evidence regarding the impact of body-worn cameras on lawsuits against police, there is evidence of a positive impact on citizen complaint resolution. Police departments devote considerable resources to the investigation of citizen complaints (Walker and Katz 2013). However, complaints against police are often adjudicated as “not sustained” because typically no witnesses are present and the complaint involves the officer’s word against the citizen’s. Video evidence changes this dynamic. The researchers of the Renfrewshire/Aberdeen studies concluded:

What is clear is that the process of considering any complaint was made much easier by using the evidence from [body-worn] cameras. This will have provided some reassurance to the officer involved; reduced the time taken to resolve the complaint; and reduced police time in resolving complaints. (ODS Consulting 2011, 12)

14. The Plymouth Head Camera Project sought to reduce crime by 10 percent in the areas where the body-worn cameras were deployed. The simple pre-/post-comparison of crime (year before project compared to year of implementation) indicated little change at 1.2 percent. The Renfrewshire/Aberdeen studies of body-worn cameras documented a significant drop in crime in Aberdeen following deployment of the technology, but limitations in the research design prevent any definitive conclusions about the connection between the cameras and the crime trends (ODS Consulting 2011).

The Perceived Benefits of Officer Body-Worn Cameras

Harris (2010) notes that the video evidence can provide citizens with additional information that helps them understand the police officer's behavior:

If citizens can see that they were, perhaps, mistaken, or that they did not understand the situation from the officer's point of view, or that they did not have all the facts, they may come away with a better grasp of the situation and feeling that they need not continue with the complaint process. (ibid., 7)

Citizens may be less likely to file "frivolous" or untruthful complaints against officers wearing cameras because citizens know that the video evidence can instantly refute their claims. Rialto Chief of Police Farrar has noted in interviews that the ability to access video has led to quick resolution of potential complaints (Stross 2013). The UK Home Office guide draws similar conclusions, noting that "in a number of cases the complainants have reconsidered their complaint after this [video] review, thus reducing investigation time for unwarranted complaints" (Goodall 2007, 7).¹⁵

Even if we assume that in most cases the recording supports the officer's version of events and not the citizen's, the opposite will surely be true some of the time. In such a case, the officer's conduct can be examined and he or she held accountable for mistakes made or violations committed (Harris 2010, 10).

Evidence for arrest and prosecution

Advocates of body-worn cameras state that the video evidence will facilitate the arrest and prosecution of offenders, as it offers a real-time, permanent record of the events that transpired.

Though U.S. studies have not sufficiently examined this claim, results from several UK studies lend support. The Plymouth Head Camera Project reported that the technology increased officers' ability to document that a violent crime had occurred, and the incidents recorded by body cameras were more likely to be resolved through guilty pleas rather than criminal trials (Goodall 2007).

The UK Home Office guide also noted that quicker resolution of cases led to a 22.4 percent reduction in officer time devoted to paperwork and file preparation and an increase of 9.2 percent in officer time spent on patrol, which amounts to an extra 50 minutes per nine-hour shift. The Renfrewshire/Aberdeen studies also documented quicker resolution of criminal cases through guilty pleas. In Renfrewshire, body-worn camera cases were 70 to 80 percent less likely to go to trial, compared to other court cases. In Aberdeen, none of the body-worn camera cases resulted in a criminal trial (ODS Consulting 2011). The UK Home Office guide comments on this benefit for domestic violence cases:

15. For additional discussion, see also Stecklein 2012.

The evidence gathered using [body-worn cameras] at the scene of a domestic abuse incident has assisted greatly in supporting reluctant witnesses through the court process. In providing an exact record of the demeanor and language of the accused, the disturbance throughout the scene and the emotional effect on the victim, the use of [body-worn cameras] can significantly strengthen the prosecution case. (Goodall 2007, 8)

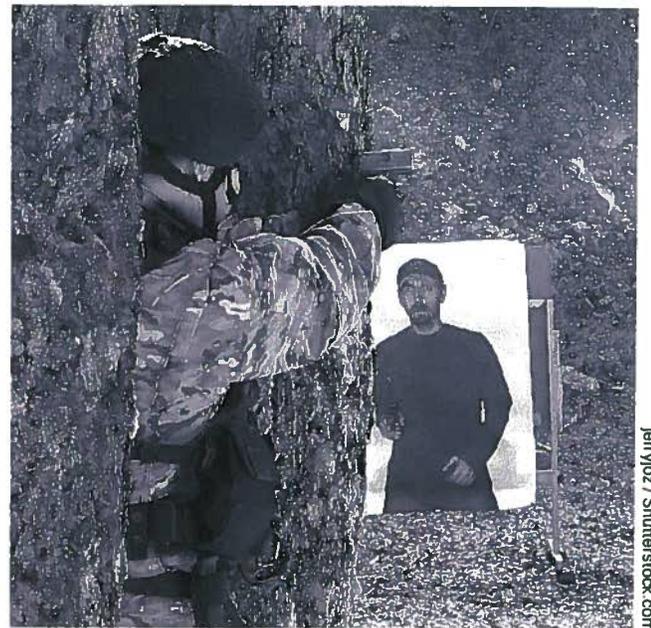
Results from the Mesa officer survey support the UK Home Office, showing that 80 percent of officers believe that the cameras will improve evidence quality and 76 percent believe that video evidence will facilitate prosecution of domestic violence cases (MPD 2013).

Opportunities for police training

Advocates of body-worn cameras have also suggested the technology can serve as an important training tool (Harris 2010). Post-hoc review of officer behavior could be especially useful when critical incidents, such as use of force, are recorded. The UK Home Office guide identifies professional development as one of the most important benefits of the technology:

[A body-worn camera] has been used by Professional Development Units as a training aid for student officers. The ability to review their performance in detail after an incident is a powerful tool for officers to highlight effective and ineffective actions. When reviewing their evidence, experienced officers who have used the equipment have also been able to assess their behavior and can professionalize their performance accordingly. (Goodall 2007, 8)

There is evidence of at least one police department in the U.S. employing the technology as a training tool. As part of its exploration of the technology, the Miami Police Department has been using body-worn cameras in the training academy since 2012. Miami Police Major Ian Moffitt stated that “we can record a situation, a scenario in training, and then go back and look at it and show the student, the recruit, the officer what they did good, what they did bad, and [what they can] improve on” (Local 10 2013).



Body-worn cameras could also be very useful during investigations of critical incidents, such as use of force. Fyfe (1986) argued that departmental review of officer decision-making during critical incidents traditionally focuses only on the circumstances immediately preceding the use of force or

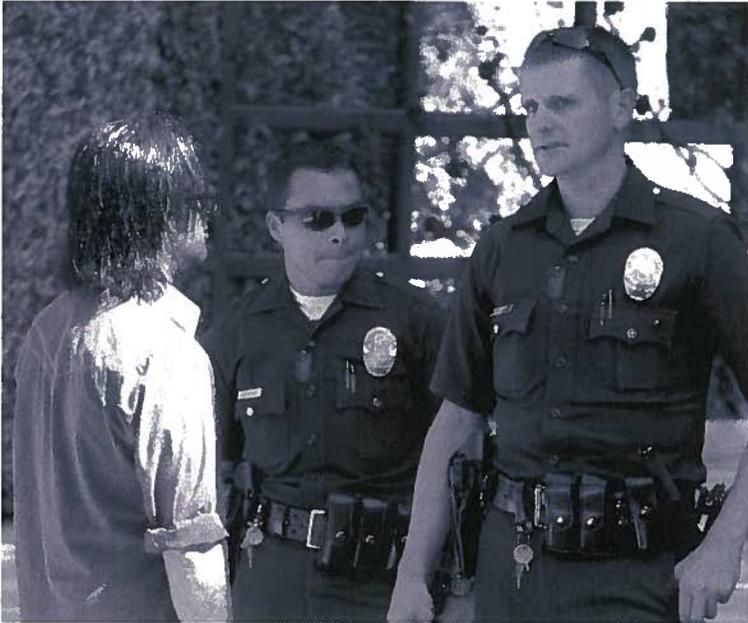
The Perceived Benefits of Officer Body-Worn Cameras

what he calls the “split-second syndrome.” However, reliance on the split-second syndrome inhibits “the development of greater police diagnostic expertise” by ignoring the decisions that an officer made prior to the use of force (ibid.). But body-worn cameras can address this problem:

Instead of asking whether an officer ultimately had to shoot or fight his way out of perilous circumstances, we are better advised to ask whether it was not possible for him to have approached the situation in a way that reduced the risk of bloodshed and increased the chances of a successful and nonviolent conclusion. (Fyfe 1986, 224)

The limited available evidence shows that body-worn camera technology could hold great promise both as a training tool for police and as a mechanism for more thorough and fair reviews of officer behavior during critical incidents. Future research should explore these areas.

Concerns and Considerations Regarding Body-Worn Cameras



Concerns for citizens' privacy

Critics of body-worn cameras have cited numerous concerns over citizen privacy. First, the National Institute of Justice (NIJ) guide (ManTech 2012, 7) notes that "federal law blocks the warrantless capturing of photo or video images of people where they have an expectation of privacy, and most states have similar laws."

Moreover, a number of states require two-party consent before lawful recording of private conversations. The NIJ guide (ManTech 2012, 7) states that "When using [body-worn cameras], considerations on whether or not audio recording is allowed during video recording will require specific research prior to purchases or even

piloting devices" (see also Draisin 2011). For example, in September 2011, the Seattle Police Department determined that use of body-worn cameras would violate Washington state law:

State law bars audio recording of private conversations without the consent of all directly involved. Unauthorized recording exposes police to potential civil suits. State law does allow an exception for dashboard-mounted cameras in police cars but not body cameras on police officers.... The city law department has informed the police department that "it would be unwise to implement a body camera program without first obtaining a legislative exception to the Washington Privacy Act." (Rosenberg 2011)

In addition, police scholar Sam Walker noted in a recent interview that "the camera will capture everything in its view and that will include people who are not suspects in the stop" (Hinds 2013).

Skeptics have also suggested that citizens, including witnesses and confidential informants, may be less willing to provide information to police, knowing that the encounter is recorded and can be viewed by others later (Harris 2010). A sergeant with the Albuquerque Police Department observed that "officers a lot of times are seeing people on the worst day of their lives, and we're capturing that on video that's now a public record" (Hinds 2013).

Body-worn cameras capture in real time the potentially traumatic experiences of citizens who are victims of a crime, those who are involved in medical emergencies and accidents, or those who are being detained or arrested. As such, citizens' emotional trauma could be exacerbated when they

Concerns and Considerations Regarding Body-Worn Cameras

realize that the experience has been caught on video. Moreover, the potential for body-worn cameras to be coupled with other technologies, such as facial recognition software, may present additional concerns for citizen privacy.

These concerns highlight the importance of developing detailed policies governing when the body-worn cameras should be turned on and off. For example, the model policy template developed by the Body Worn Video Steering Group provides specific guidance on how to minimize the “collateral intrusion” of the technology, specifically with regard to private dwellings, religious sensitivities, intimate searches, vulnerable witnesses and victims,¹⁶ and communications governed by legal privilege (see Appendix B).

Detailed policies and careful officer training can assuage some citizens’ objections to body-worn cameras. Nevertheless, there are many unanswered questions regarding citizens’ privacy concerns, and additional research is needed.

Concerns for officers’ privacy

Some resistance to body-worn cameras has come from officers themselves. These concerns have echoed the response to dashboard cameras in the mid-1990s (Pilant 1995). Officers expressed concerns over the potential for supervisors to go on unsolicited “fishing expeditions” in an effort to find behavior that will get an officer into trouble (White 2013).

The response from the NYPD following the judicial order to deploy body-worn cameras has been almost universally negative. Former Police Commissioner Raymond Kelly stated that “the body camera issue opens up certainly more questions than it answers” (Lovett 2013).

In May 2012, the Las Vegas Metropolitan Police Department announced that it planned to pilot test body-worn cameras. The Las Vegas Police Protective Association, a police union, responded by threatening to file suit against the department because the cameras represented a “clear change in working conditions” that would have to be negotiated through the union contract (Schoenmann 2012). The NYPD union has made similar claims (Celona 2013).

The experiences of several other police departments shed light on how leaders can respond to officers’ concerns. In Phoenix, police leadership engaged officers from the beginning of the project. Leadership attended every briefing to explain the goals and objectives of the project and to answer officer questions. Line officers were invited to participate in the “scope of work” group that developed the request for proposals from vendors, and they participated in pilot and durability testing

16. The policy template developed by the Body Worn video Steering Group does not provide a definition of “vulnerable witnesses and victims.” Presumably, this category of citizens would include confidential informants, witnesses whose safety may be in jeopardy as a result of the information they provide, and victims of certain types of crime such as domestic violence and sexual assault.

(White 2013). The leadership also engaged the officer union in developing policies and procedures governing camera use. Commander Michael Kurtenbach of the Phoenix Police Department stated that it is “just as important to be transparent with officers as it is with the community” (White 2013).

Similarly, Rialto’s police union participated in developing their department’s administrative policy (Dillon 2013), and the Mesa Police Department created a stakeholder workgroup to manage the implementation of the body-worn camera project. The workgroup included officials from the department’s records unit, evidence section, information technology unit, policy management unit, training unit, and internal affairs as well as the Mesa City Prosecutor’s Office. “The objectives of the workgroup were to minimize the impact on officers and to integrate the on-officer body camera system into existing processes” (MPD 2013, 1).

Although the experiences from Mesa and Phoenix provide important insight, more research is needed to understand police officers’ concerns with the technology.

Concerns for officers’ health and safety

Critics of body-worn cameras have raised questions about the impact of the technology on officer health and safety. For example, Pat Lynch, head of the NYPD’s Patrolmen’s Benevolent Association (PBA), recently questioned numerous aspects of body-worn cameras, including their effect on officer health and safety:

There is simply no need to equip patrol officers with body cams.... Our members are already weighed down with equipment like escape hoods, Mace, flashlights, memo books, ASPs, radio, handcuffs and the like. Additional equipment becomes an encumbrance and a safety issue for those carrying it. (Celona 2013)

The UK Home Office guide (Goodall 2007) provides a comprehensive list of potential hazards to officers who wear cameras and rates the risk level for each hazard.¹⁷ The guide deems many of the hazards low-risk, such as being targeted for assault because of the camera, neck injury from the weight of the camera, and electrical shock. However, the guide does rate several hazards as medium-risk, such as assailants strangulating officers with the camera strap or wire; assailants hitting officers with the camera and causing head injury; cameras transferring infectious agents or bodily fluids when officers share units; and headbands causing soreness, discomfort, and headache (Goodall 2007, 29). The guide also offers measures to reduce the risks. For example, wearing the camera on other parts of the uniform (e.g., a lapel or torso) can mitigate many of the cited health concerns.

Nevertheless, there is little empirical evidence on the potential health and safety risks associated with the technology.

17. The UK Home Office guide (Goodall 2007) deals solely with head-mounted cameras.

Concerns and Considerations Regarding Body-Worn Cameras

Investments in training and policy

There is consensus from numerous sources regarding the critical importance of developing policies and procedures regarding camera use and training officers in how to use the camera. Many of the camera systems are simple and intuitive in terms of use, but training and policy requirements vary depending on the system.

The NIJ guide (ManTech 2012) states that officer training should emphasize that the technology's primary purpose is for evidence collection, officer safety, and improved public relations, but monitoring officer performance is also a benefit of the system. Police officer reluctance to accept the technology can be minimized by their active involvement in policy development. The NIJ guide highlights the importance of department policy:

If cameras are to be used, policies and procedures will have to be put in place, or expanded on, to address several legal issues. These issues extend beyond the more obvious privacy and civil liberties protections toward which agencies must be sensitive. For example, a policy would have to address when a camera should be used and when it should be turned on or not turned on to ensure fair treatment of all citizens. Parameters would need to be set for voluntary, compulsory and prohibited use of the camera. Camera video may also be considered a public record item and a procedure would need to be created for public assessment and information requests. This policy should be in place before any testing or deployment. (ManTech 2012, 8)

There is a wide range of important issues that should be governed by administrative policy. The Body Worn Video Steering Group's policy template (see Appendix B) outlines many of the key policy areas, such as the following:

- Selection of technology vendor
- Elements of officer training
- Data storage and management
- Video download procedures
- Redaction of video
- Preparation of video for prosecution
- Maintenance and upkeep of the equipment

The policy template also addresses the following questions:

- Will officers volunteer to wear cameras, or will it be required?
- When should officers turn on the camera; when should they turn it off?
- How should officers divide responsibilities if multiple cameras are on scene?
- Whether or not (and how) officers should announce that an encounter is being recorded?
- What should officers record and not record during an encounter?
- When can supervisors review video?

Departments that have adopted body-worn cameras have varied widely on many of these issues. For example, many departments have set limits on how long video will be archived, but the Oakland (California) Police Department is currently storing video indefinitely (Lovett 2013). In terms of camera activation, the Rialto Police Department requires officers to turn on the camera whenever they leave the patrol car to speak with a civilian (Stross 2013).

The Mesa Police Department employed two different policies during their evaluation period. For the first six months, the policy stated, “When practical, officers will make every effort to activate the on-officer body camera when responding to a call or have any contact with the public” (MPD 2013, 2). During the second six months, the policy was less restrictive, asking officers to “exercise discretion and activate the on-officer body camera when they deem it appropriate” (ibid.). The two different administrative policies resulted in the following:

- During the first six months of the Mesa project (with the restrictive policy), the 50 camera-wearing officers averaged 2,327 video files per month (ibid.).
- During the second six-month period (with the less restrictive policy), the same 50 officers averaged 1,353 video files per month (ibid.).

These results represent a 42 percent decline in camera system activations and clearly demonstrate that department policy affects how often officers use the technology.



Concerns and Considerations Regarding Body-Worn Cameras

Furthermore, the Mesa project included officers who volunteered to wear the camera as well as officers who were assigned to wear it. Results showed that volunteers were more likely to activate the system: each volunteer averaged 71 video files per month, compared to just 28 video files for assigned officers (ibid.).

The Mesa results suggest that officers' use of the technology may decline with less restrictive policies about activation. Discretionary activation may raise concerns among the public and advocacy about the potential for police to record encounters only when it suits them (and failing to record when it may not serve the interests of the officer). As a result, police leaders should consider the activation policy question from an accountability and transparency perspective.

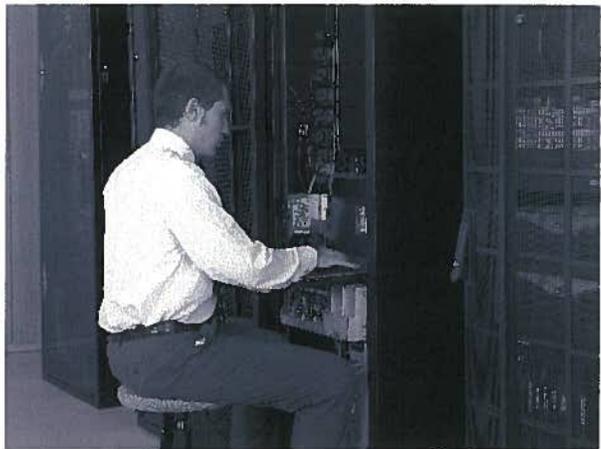
Substantial financial, resource, and logistical commitment

The resource and logistical issues surrounding adoption of body-worn camera technology are considerable and, in many cases, difficult to anticipate. There are direct costs associated with the technology, most notably the costs of each camera (from \$800 to \$1,000 for the TASER AXON and VIEVU models).¹⁸ There may also be replacement costs for hardware such as batteries and cameras. One

of the most important logistical issues involves how the agency will manage the vast amounts of video data that are generated. The NIJ guide states:

This leads to one of the more important items for an agency to consider before purchasing [body-worn camera] units: data storage, management and retention. Not only must the data be protected and backed up regularly, but it must be accessible to all parties involved. Some data needs to be retained forever; other data can be deleted quickly. Crime recordings must be managed by law and through

policies. Even video of standard officer interaction may be retained for a default period of time to cover potential performance complaints. Policies should control the period of time this data is maintained. As recordings become more or less important to [the] agency, adjustments need to be made. The length of storage time can cost numerous man-hours in addition to the actual cost of the storage device. (ManTech 2012, 9)



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18. Departments have dealt with the financial costs of body-worn camera technology in several ways, including state and federal grants, confiscated drug money, and asset forfeiture funds.

The major manufacturers of body-worn cameras offer cloud-based data storage solutions at an annual subscription cost, though a department can also choose to manage the video internally. The Phoenix Police Department has chosen to maintain the video internally while both Rialto and Mesa have employed Evidence.com, which

eliminates the need for on-site storage space by storing the files off-site and allowing agencies to share the files via secure access to the server. Prosecutors can simply log into a remote portal and get the videos they need for their cases. Additionally, the system tracks every activity associated with every file and stores it in an audit log. (Clark 2013)

Regardless of the approach taken, the cost of data storage and management can be significant. The Mesa (2013, 10) report states that "the initial purchase of fifty AXON FLEX cameras, including applicable sales tax was \$67,526.68. The current proposal includes a second year pricing option for video storage with Evidence.com for \$93,579.22 and a third year option for \$17,799.22."

The Phoenix Police Department has had to devote considerable staff and resources to manage the video data internally, to conduct video redaction for publicly requested files, and to coordinate with the city and county prosecutor offices (White 2013).

The Mesa report (2013) describes the integration issues between Evidence.com and the department's internal data system (CAD/RMS) that had to be overcome to facilitate evidence discovery and public records requests. The initial procedure required officers to manually record the department report number associated with each video file. However, officers initially failed to record this number in 60 percent of video files, which significantly increased the workload associated with locating files (MPD 2013). Department officials worked with Evidence.com to create a system that would auto-populate the department number, thereby reducing the workload of the officers and the records unit staff. The Mesa report also describes in detail the process and resources required for redacting video footage:

All public records requests involving on-officer video are forwarded to the officer who produced the video.... When an officer receives the public records video request, the officer is required to review the video in its entirety. The review consists of identifying images and information that should not be released, including NCIC/ACJIS information, personal biographical information, juvenile faces, undercover officers, informants, nudity and other sensitive information as determined by the staff attorney. Any items that need to be redacted are identified by the officer by providing a description and time stamp of the selected images. The request is then forwarded to the MPD Video Services Unit (VSU) for action. (MPD 2013, 10)

Concerns and Considerations Regarding Body-Worn Cameras

This redaction process requires substantial time commitment from the officers, as well as record management and video technician staff. During the Mesa project period, the department received three to four video records requests each month (MPD 2013). If no redaction is necessary, the resource burden is limited to the officer who must review the video (and those who manage the process to release the video). In three cases, redaction was necessary, and each case required about 10 hours to complete the video editing (ibid.).

The experiences in both Mesa and Phoenix highlight the considerable resources required to manage a body-worn camera project. Commander Michael Kurtenbach of the Phoenix Police Department noted that the project has a “profound” impact on the police department and other outside agencies (White 2013). The Mesa report concluded:

Program management of 50 on-officer body camera systems requires a considerable amount of operational commitment.... These duties will exponentially increase with any expansion of the on-officer body camera program.... Properly managed, the program is an asset to the organization; however, it can also expose the department to increased liability without effective oversight. (MPD 2013, 5–6)

Conclusion and Recommendations

This publication seeks to provide a comprehensive, objective review of the available evidence on police officer body-worn cameras. The overall goal is to provide a document that describes the primary issues departments should consider when weighing adoption of the technology and that assesses the empirical support for claims made about the technology.

The handful of resources reviewed for this publication represents a good starting point for exploring body-worn cameras. The UK Home Office guide (Goodall 2007), the Body Worn Video Steering Group website (www.bwvsg.com), and the NIJ guide (ManTech 2012) are particularly useful (see Appendix A).

There is little evidence regarding most of the perceived benefits and drawbacks of the technology. For example, little is known about citizen attitudes toward body-worn cameras, most notably whether the technology increases trust, legitimacy, and transparency of the police. The potential for the technology to serve as a training tool for police is also largely unexplored. Moreover, the privacy implications of body-worn cameras, for both citizens and police officers, are not clearly understood and may vary considerably as a result of differences in state law.

Simply put, there is not enough evidence to offer a definitive recommendation regarding the adoption of body-worn cameras by police. Departments considering body-worn cameras should proceed cautiously, consider the issues outlined in this review, and recognize that most of the claims made about the technology are untested.

That said, the evaluations described in this review do offer insights in several key areas, including a potential civilizing effect; evidentiary benefits; and the logistical, resource, and stakeholder commitment required to successfully manage a body-worn camera program. These insights provide an early glimpse into the potential impact and consequences of body-worn cameras.

Civilizing effect

Most of the empirical studies document a reduction in citizen complaints against the police and, in some cases, similar reductions in use of force and assaults on officers.

- The evaluations in Mesa and Rialto documented substantial drops in citizen complaints following deployment of the technology. The UK studies documented a similar effect.
- The Rialto study also documented a substantial drop in use of force incidents, and review of video indicated that officers wearing cameras appeared to be more restrained in their use of force.
- The Aberdeen study documented substantially fewer assaults on camera-wearing officers compared to other officers.

Conclusions and Recommendations

These findings, which are supported by anecdotal evidence from Phoenix, suggest that the cameras may have a civilizing effect. However, the dynamics of police-citizen encounters are complex, and there are numerous potential explanations for the decline in citizen complaints and use of force. One explanation is that body-worn cameras dissuade citizens from filing complaints, especially frivolous complaints (see “Evidentiary benefits” below). Under this explanation, the reductions are not caused by a civilizing effect; rather, they are driven by changes in citizen complaint reporting patterns.

An alternative explanation is that the reduction in complaints, and use of force, is a consequence of improved behavior (i.e., the civilizing effect) – whether it is citizen behavior, officer behavior, or both.

The majority of studies are unable to disentangle these potential effects. Additional independent research, with rigorous methodologies, is required to substantiate these preliminary findings and to identify the underlying dynamics of behavior that are driving the noted reductions.

Evidentiary benefits

The available research offers credible support for the evidentiary benefits of body-worn camera technology:

- Evidence from several studies (Goodall 2007; ODS Consulting 2011) indicates that body-worn cameras assist in the investigation and resolution of citizen complaints and that the technology may reduce the likelihood that citizens will file frivolous or untruthful complaints.
- Results from the UK studies suggest that video evidence from body-worn cameras reduces officer time devoted to paperwork, enhances officers’ ability to determine whether a crime occurred, and increases the likelihood that cases will end in guilty plea rather than criminal trial.

Body-worn cameras create a real-time, permanent record of what transpires during a police-citizen encounter. This video is useful for police, citizens, and prosecutors. Additional research should continue to explore this benefit and quantify the impact in a more formal cost-benefit analysis that assesses both financial and resource savings as well as costs.

Impact on law enforcement agencies and other stakeholders

Results strongly suggest that adopting body-worn camera technology requires a substantial commitment by the law enforcement agency, a commitment that far exceeds the initial outlay of funds to purchase the cameras. Several agencies have described the considerable groundwork that they must complete before camera deployment, such as selecting a vendor; overcoming officer (and union) objections; and developing training and a policy that covers a wide range of critically important issues, from when to turn the cameras on and off to supervisor review and video redaction.

One of the most pressing resource decisions involves storing and managing the video data. Departments that choose to maintain the data locally as opposed to using a storage service must overcome numerous challenges to manage effectively the vast amount of video that officers record and to respond to requests from the public, prosecutors, etc., for that data.

Commander Kurtenbach of the Phoenix Police Department notes that agencies must fully articulate the goals they seek to accomplish with body-worn cameras and that they should be deliberate in their decision-making process because the technology affects all aspects of the law enforcement agency as well as other stakeholder agencies (White 2013).

Recommendations

The following recommendations, which are based on the literature reviewed for this publication, are to help improve and expand the knowledge base on body-worn camera technology:

1. Any agency interested in adopting body-worn camera technology should proceed cautiously and consider the issues described in this review to fully inform their decisions. Other available resources include the UK Home Office guide (Goodall 2007), the published evaluations in the United States (Mesa and Rialto) and abroad (Plymouth and Renfrewshire/Aberdeen evaluations), and the forthcoming proceedings of the September 2013 PERF conference.
2. Independent research on body-worn camera technology is urgently needed. Most of the claims made by advocates and critics of the technology remain untested. Federal agencies that support research and development should consider providing funding streams for comprehensive research and evaluation of body-worn camera systems. Law enforcement agencies that adopt the technology should partner with researchers to evaluate the implementation and impact of body-worn camera systems.
3. Professional organizations in law enforcement, such as the IACP, the Police Foundation, and PERF, should consider developing guidelines for implementation and evaluation of body-worn camera technology. U.S. professional organizations should collaborate with their UK partners who have been experimenting with the technology for nearly a decade.
4. Law enforcement agencies that are planning to adopt officer body-worn cameras should employ rigorous evaluations of the implementation and impact of such systems. The evidence base for this technology is scant, and agencies can increase this knowledge by partnering with independent evaluators to empirically study the impact of the cameras.
5. Research on implementation and impact of body-worn cameras should include citizen surveys that capture perceptions of the technology, particularly with regard to trust, satisfaction, transparency, and legitimacy.
6. Body-worn camera systems hold great promise as a training tool for law enforcement, both in the academy and as part of performance evaluation. Post-hoc review of officer (or cadet) behavior during recorded encounters can serve as a mechanism for positive feedback, can identify problems in officer behavior, can help identify best practices in handling critical incidents (e.g., de-escalation); and can eliminate traditional reliance on "final frame" review of officer decisions to use force (i.e., the "split second syndrome" [Fyfe 1986]).

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APPENDIX A

Useful Guides to Body-Worn Camera Technology

This publication has identified several documents and reports that describe body-worn camera technology and offer guidance on its adoption and deployment by police (see “A brief note on methodology” on page 15). Law enforcement agencies in the United Kingdom have been experimenting with this technology for nearly a decade, and there are a number of valuable resources based on their work.

For example, the UK Home Office published *Guidance for the Police Use of Body-Worn Video Devices* (Goodall 2007). This comprehensive document provides recommendations for policy and practice across a wide range of operational issues, as well as discussions of legal requirements, implementation issues, and health and safety concerns. The document’s executive summary provides definitive statements on the benefits of police body-worn camera systems:

- **Evidential quality:** The cameras provide accurate, real-time evidence of what occurred.
- **Time saving:** The cameras create less written record keeping and enable quicker resolution of cases (guilty pleas).
- **Public order policing:** When citizens see officers wearing cameras, they are less likely to engage in anti-social behavior, and when they do, the cameras help to resolve cases faster.
- **Critical incidents:** The cameras provide a detailed record of police use of force.
- **Domestic abuse:** The cameras aide in prosecution of domestic violence by assisting reluctant witnesses.
- **Professional development:** The cameras provide an excellent tool to review cadet performance at the academy as well as post-hoc review of critical incidents. (Goodall 2007, 7–8)

Police in the United Kingdom have also created the Body Worn Video Steering Group (BWVSG). According to its website (www.bwvsg.com), the mission of the BWVSG is

to bring together organizations experienced in deploying and using Body Worn Video technology so that a code of best practice can be developed and shared with others; to provide a central library of information, a forum for debate, a group of experienced people willing to help others; to promote the use of Body Worn Video; and to design the future of Body Worn Video.

Appendix A: Useful Guides to Body-Worn Camera Technology

The BWVSG holds quarterly meetings (the first was in January 2013) to share information, discuss new and emerging practices, and learn from subject matter experts. The BWVSG website also makes available a range of resources, most notably a comprehensive administrative policy template (see Appendix B) that departments can use as a starting point for developing their own policies.

The U.S. Department of Justice has also developed resources to guide police departments in their consideration of body-worn camera technology. In September 2012, the National Institute of Justice published *A Primer on Body-Worn Cameras for Law Enforcement* (ManTech 2012), which covers a range of important topics, including the reasons why body-worn cameras are useful for law enforcement and the implementation issues that come with the technology (e.g., policies, training, and data storage). The document also includes a “camera market survey” that compares the products of seven leading camera manufacturers along a range of operational and technical specifications as well as cost (see also TechBeat 2010; 2012).

Last, the U.S. Department of Homeland Security (DHS) has examined body-worn camera technology through its System Assessment and Validation for Emergency Responders (SAVER). The goal of the SAVER program is to provide local, state, tribal, and federal authorities with information to assist with purchasing emergency responder equipment, from physical security and decontamination equipment to information technology. SAVER has produced two documents on body-worn cameras, a *Wearable Camera Systems Focus Group Report* with recommendations for product selection and a detailed assessment report, *Camera Systems, Wearable*, that includes a comparative evaluation of different systems.¹⁹

19. At the time this publication was completed, the SAVER resources were in the process of being transferred to <https://www.ilis.dhs.gov/>. Note that many of the documents available through SAVER are restricted access.

APPENDIX B

Body-Worn Camera Policy Template

The follow text is reprinted with permission from the Body-Worn Video Steering Group. A Word document version can be downloaded from its website by clicking the "Police BWV Policy Document" hyperlink at www.bwvsg.com/resources/procedures-and-guidelines/.

Title: Body Worn Video

Policy

1 Introduction

- 1.1 This policy is required to ensure police officers using Body Worn Video (BWV) equipment as part of their operational duties are aware of their responsibilities in relation to its use to secure 'best evidence' and to safeguard the integrity of the digital images captured should they need to be produced for evidential purposes.

2 Application

- 2.1 This policy is effective immediately and applies to all police officers and police staff who use BWV or come into contact with the material recorded by BWV.

3 Purpose

- 3.1 The purpose of this policy is to ensure BWV is used correctly so that the Force gains maximum benefit from the operational use of BWV, and that all staff coming into contact with either the equipment or the images are able to comply with legislation and Force requirements.

4 Scope

- 4.1 This policy covers all aspects of the use of BWV equipment by members of staff and the subsequent management of any images obtained.

5 Policy Statement

- 5.1 *X Police* is committed to making the best use of its resources to capture best evidence by taking full advantage of new technology and the use of Body Worn Video in all appropriate circumstances.

6 Benefits

- 6.1 This policy will facilitate the use of BWV to:
 - Enhance opportunities for evidence capture;
 - Increase early guilty pleas, reducing officer case preparation and court time;

Appendix B: Body-Worn Camera Policy Template

- Assist police officers and PCSOs to control anti-social behavior;
- Reduce protracted complaint investigations by providing impartial, accurate evidence;
- Give greater insight into service delivery and identifying good practice.

7 Responsibilities

7.1 This policy will be monitored and reviewed by *X Department*.

The practical implementation of this policy at local level will be monitored by the Divisional Operations Chief Inspectors, District Single Point of Contacts (SPOCS) and supervisors of the BWV users.

Procedure (All procedures are ****RESTRICTED****)

1 Introduction

- 1.1 The use of BWV devices must complement the use of other video and digital evidence gathering devices within the Force. These procedures should be considered a minimum standard for the use of BWV devices.
- 1.2 These procedures have been designed with regard to the current legislation and guidance for the use of overt video recording of police evidence.
- 1.3 All images recorded are the property of the Force and must be retained in accordance with force procedures and the Association of Chief Police Officers (ACPO) Practice Advice on Police Use of Digital Images. They are recorded and retained for policing purposes and must not be shown or given to unauthorized persons other than in accordance with specified exemptions.

2 Objectives

- 2.1 BWV is an overt method by which officers can obtain and secure evidence at the scene of incidents and crimes. These procedures are intended to enable officers to comply with legislation and guidance to create evidence for use in court proceedings.
- 2.2 When used effectively BWV can promote public reassurance, capture best evidence, modify behavior, prevent harm and deter people from committing crime and anti-social behavior. Recordings will provide independent evidence that will improve the quality of prosecution cases and may reduce the reliance on victim evidence particularly those who may be vulnerable or reluctant to attend court.
- 2.3 Using recordings can also affect the professionalism of the service and in the professional development of officers. Officers, trainers and supervisors can use the equipment to review and improve how incidents are dealt with.
- 2.4 The use of BWV relates to crime reduction and investigation strategies and should NOT be confused with the deployment of Public Order trained Evidence Gatherers, which is the subject of other policies.

2.5 Professional Standards Department and line management will not routinely search the back office system for misdemeanors or offences committed by users, but if a complaint is received interrogation of the system can be an appropriate line of enquiry.

3 Equipment

3.1 The BWV equipment is generally a body-mounted camera with built in microphone. The camera stores digital files that, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout.

3.2 To support the camera systems, stand-alone computers and appropriate software have been purchased for the downloading and storage of digital video files. These provide a full audit trail ensuring evidential continuity is maintained.

4 Upkeep of Equipment

4.1 It will be the responsibility of X supported by Single Points of Contact (SPOC) to keep records of the serial numbers and location of the cameras on their division.

4.2 Any malfunction of the equipment must be reported immediately to the SPOC for that division.

4.3 The divisions will be responsible for the upkeep of the cameras, including the cost of any repairs or damage to equipment.

4.4 Any new equipment must be purchased via the divisional SPOC.

4.5 It will be the responsibility of Divisional Support Services Managers to ensure that there are sufficient DVDs available for use. If staff notices that resources are running low, they should notify the Divisional Support Services Manager accordingly.

5 Training

5.1 All uniform frontline Officers and PCSOs will be trained and have access to BWV.

5.2 Training in the use of the BWV device will be available via an eLearning package on NCALT. Additional guidance on the X software has also been produced by L&D and is available via the Neighborhood Policing Branch intranet site (part of the Communications Department).

5.3 In order to use BWV equipment officers should receive training in all necessary technical aspects of the specific equipment being used and its use. A training package for the equipment will include:

- Legal implications
- Practical use issues
- Evidential continuity
- Health and safety

Appendix B: Body-Worn Camera Policy Template

- Diversity issues
- Professional standards

5.4 The eLearning may be completed individually or as a team led by a supervisor. Once a supervisor is satisfied that a member of staff has completed the eLearning, details of authorized users will be supplied to the SPOC who will issue the necessary log on details.

6 Equipment Issue

6.1 When not in use all equipment must be securely stored in a suitable location within the police station.

6.2 Only officers and PCSOs who have received the appropriate training will be able to “self issue” the equipment. Priority will be given to Neighborhood Response Team (NRT) officers, with any remaining cameras available for issue to Local Support Team (LST) or Neighborhood Policing Team (NPT) staff.

6.3 Cameras will be signed out by the user using their network login and BWV password on *X software*.

6.4 The user must ensure it is working correctly prior to leaving the station, check that the battery is fully charged and the date and time stamp is accurate.

7 Recording an Incident

7.1 The following is guidance on the use of BWV when recording incidents.

a. Decide

Guiding principles are:

- NRT officers will wear BWV when on operational response duty.
- The camera should be switched on when footage might support ‘professional observation’ or would corroborate what would be written in a pocket book.
- The decision to record or not to record any incident remains with the user.
- The user should be mindful that failing to record incidents that are of evidential value may require explanation in court.

b. Start recording early

It is evidentially important to record as much of an incident as possible; therefore recording should begin at the earliest opportunity from the start of an incident.

c. Recordings to be Incident specific

Recording must be incident specific. Users should not indiscriminately record entire duties or patrols and must only use recording to capture video and audio at incidents that would normally be the subject of PNB entries or as ‘professional observation’, whether or

not these are ultimately required for use in evidence. There are a few instances where recording should not be undertaken and further guidance on when not to record is included later in this section.

d. Talk

At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated. If possible this should include:

- Date, time and location
- Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio

e. Inform

If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward speech that can be easily understood by those present, such as, "I am wearing and using body worn video."

f. Collateral intrusion

In so far as is practicable, users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimize collateral intrusion to those not involved.

g. Private dwellings

In private dwellings, users may find that one party objects to the recording taking place; for example, where domestic abuse is apparent. In such circumstances, users should continue to record and explain the reasons for recording continuously. These include:

- That an incident has occurred requiring police to attend
- That the officer's presence might be required to prevent a Breach of the Peace or injury to any person
- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video and the video evidence will be more accurate and of higher quality and therefore in the interests of all parties
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party
- An incident having previously taken place may reoccur in the immediate future
- Continuing to record will safeguard the officer against any potential allegations from either party

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h. Sensitivities connected with faith.

The filming in domestic circumstances could be an issue with some faiths. An example may be a situation in which the female may not have a face covering within the home. Officers should be aware of this fact and be sensitive to the wishes of those involved in these cases.

i. Do not interrupt filming.

Unless specific circumstances dictate otherwise (see below) recording must continue uninterrupted from commencement of recording until the conclusion of the incident or resumption of general patrolling.

j. Concluding filming.

It is considered advisable that the officer continues to record for a short period after the incident to demonstrate clearly to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Recording may also be concluded when the officer attends another area such as a custody center where other recording devices are able to take over the recording.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

- Date, time and location
- Reason for concluding recording

k. Don't delete!

Once a recording has been completed this becomes police information and must be retained and handled in accordance with the Code of Practice on the Management of Police Information. **Therefore, any recorded image must not be deleted by the recording user and must be retained as required by the procedures.** Any breach of the procedures may render the user liable to disciplinary action or adverse comment in criminal proceedings.

7.2 Stop & Search

All 'stop and search' encounters should be recorded unless the search is an 'intimate search' or 'strip search' or if the search requires removal of more than outer clothing.

A video recording does not replace the need for a 'record of search' to be completed by the officer.

There is currently no specific power within PACE to take a photographic or video image of a person during a stop search, although such action is not explicitly prohibited.

8 Selective Capture and Bookmarking

- 8.1 Selective capture does not involve deletion of any images, merely the user making a choice of when to record and when not to record. It also describes the process of temporarily stopping and restarting recording in order to 'bookmark' the recorded footage.

There are no circumstances in which the deletion by the user of any images already recorded can be justified and any such action may result in legal or disciplinary proceedings.

8.2 Selective Capture

In general, the BWV user should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases, the user should exercise their professional judgment in deciding whether to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident, they should record their decision in a PNB or similar log including the grounds for making such a decision.

8.3 Bookmarking

In recording an incident, it is likely that BWV users will encounter victims, offenders and witnesses as well as recording the visual evidence at the scene itself. Bookmarking is a means by which users may separate encounters with each of these types of person or occurrence in order to allow for easier disclosure later. For example if a police officer has recorded an encounter with a witness including disclosure of their name and address, this section should not be shown to the suspect or their legal representative.

It is recognized that bookmarking is not always practicable due to the nature of incidents and therefore this should only be attempted if the situation is calm and the operator is easily able to undertake this procedure.

Prior to any temporary suspension for the purpose of bookmarking the user should make a verbal announcement for the recording to clearly state the reason for suspending recording. The user should also announce that they have recommenced recording at the same incident as before.

The bookmarking process will be demonstrated on the final whole recording by a missing section of a few seconds. In creating the master disk exhibit for court the user must include all bookmarked sections for the incident as one complete master recording of the incident.

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9 Witness First Accounts

- 9.1 If the BWV user is approached by victims or witnesses who are giving their first account of the crime the user may record the encounter using BWV but this should be considered against the needs of the individual with due sensitivity to the nature of the offence being reported. Any initial disclosure from victims and witnesses recorded by BWV should be treated as an evidential recording and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.
- 9.2 Such recordings do not replace the need for formal written statements from victims or witnesses but they can be used as supporting evidence for the statements and can also be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003.
- 9.3 If this recording amounts to the victim's first notes or initial description of suspects they may refer to the relevant section of the video when making their written statement. Care must be taken to ensure that only the witnesses account is reviewed by the witness and they must not be allowed access to other sections of the recording. The extent of any review by the witness to assist with making their statement must also be recorded in their statement.
- 9.4 Care should be taken to ensure that should a victim or witness provide a 'first description' of the offender on video, that this fact should be recorded and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.
- 9.5 In the case of victims of serious sexual offences the user must consider the guidance in ACPO (2009) Guidance on Investigating and Prosecuting Rape. The victim's explicit permission for video recording of the initial disclosure should be sought and if the victim is in any way unsure of the need for the recording to be made or is uncomfortable with the thought of being recorded then the user should not record using video.
- 9.6 If the victim does not consent to being video recorded the user may consider the option to divert the camera away from the victim, or obscuring the lens and then record the encounter using the audio only facility. Again in these circumstances the explicit consent of the victim must be obtained prior to audio only recording.
- 9.7 Initial accounts from the victim should be limited to asking about:
 - Need for medical assistance
 - Nature of the incident (to ascertain if a Sexual Offences Liaison Officer is required)
 - Identity of the suspect (if known)
 - Location of the suspect (if known)
 - First description of the suspect (for circulation if appropriate)
 - Time of the offence in order to prioritize action

- Location of the crime scene(s)
- Identification of forensic opportunities, including information for forensic medical examinations
- Activities since the offence took place (to establish forensic evidence opportunities)
- Identity of any other person(s) informed of the incident by the victim (to ascertain early complaint)
- Identity or existence of any witness(es) to the offence or to events immediately prior to or after the offence

10 Recording of Interviews

- 10.1 BWV should not be used to record interviews of suspects under caution that occur at a police station. It may be used to record interviews that take place other than at a police station. However, recording of interviews under such circumstances does not negate the need for them to be recorded contemporaneously. There is no provision within the Police and Criminal Evidence Act 1984 for this.
- 10.2 BWV can and should be used to capture hearsay evidence. An example of this is a situation in which a store detective gives his account of a suspected shoplifter's actions to an investigating officer, in the presence and hearing of the suspect.

11 Scene Review

- 11.1 An additional use of BWV is to record the location of objects and evidence at the scene of a crime or incident. This can be particularly beneficial in allowing the Senior Investigating Officer an opportunity to review scenes of serious crime or in effectively recording the positions of vehicles and debris at the scene of a serious road traffic collision.
- 11.2 If reviewing a scene this should be treated as an evidential recording and where possible the officer should provide a running commentary of factual information to assist later viewers.

12 Limitations on Use

- 12.1 BWV is an overt recording medium and can be used across a wide range of policing operations. There are a few examples of situations where the use of BWV is not appropriate. In all cases users and supervisors must use their professional judgment with regard to recording.
- 12.2 The following examples of where the use of BWV is not appropriate are for guidance only and this list is not exhaustive.
- *Intimate searches* – BWV must not be used under any circumstances for video or photographic recording to be made of intimate searches.
 - *Legal privilege* – users must be careful to respect legal privilege and must not record material that is or is likely to be subject of such protections.

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- *Private dwellings* – whilst use of video at the scene of domestic violence incidents is covered in other sections, users must consider the right to private and family life, in accordance with Article 8 of the Human Rights Act, and must not record beyond what is necessary for the evidential requirements of the case.
- *Vulnerable Witness interview (VWI)* - the use of BWV is not a replacement for VWI and vulnerable victims must be dealt with in accordance with force policy 1130/2012 - Investigative Interviewing Policy.
- *Explosive devices* - like many electrical items, BWV cameras could cause electrostatic interference, which may trigger explosive devices. Therefore, BWV equipment **MUST NOT** be used in an area where it is believed that explosive devices may be present.

13 Audit Trail

13.1 An audit trail is covered by use of the *X software*.

14 Production of Exhibits

14.1 All footage recorded to the BWV unit will be downloaded at the end of the officer's tour of duty. Officers should return the units to their home station.

14.2 Evidential footage downloaded will be saved on the relevant stand-alone BWV computer as per the approved procedure. It will be identified by exhibit number, incident type, name(s) of any accused person(s) and the Storm reference, if appropriate.

14.3 Evidential footage will be considered any data that is:

- Evidence of an offence
- Supporting evidence for any process (e.g., charge, Fixed Penalty Notice, Penalty Notice for Disorder)
- Footage that is required for a relevant and proportionate policing purpose - i.e. footage taken of an overcrowded town center taxi-rank to highlight the need for an extended facility to Local Authority partners
- Footage that is revealable under The Criminal Procedure and Investigations Act of 1997

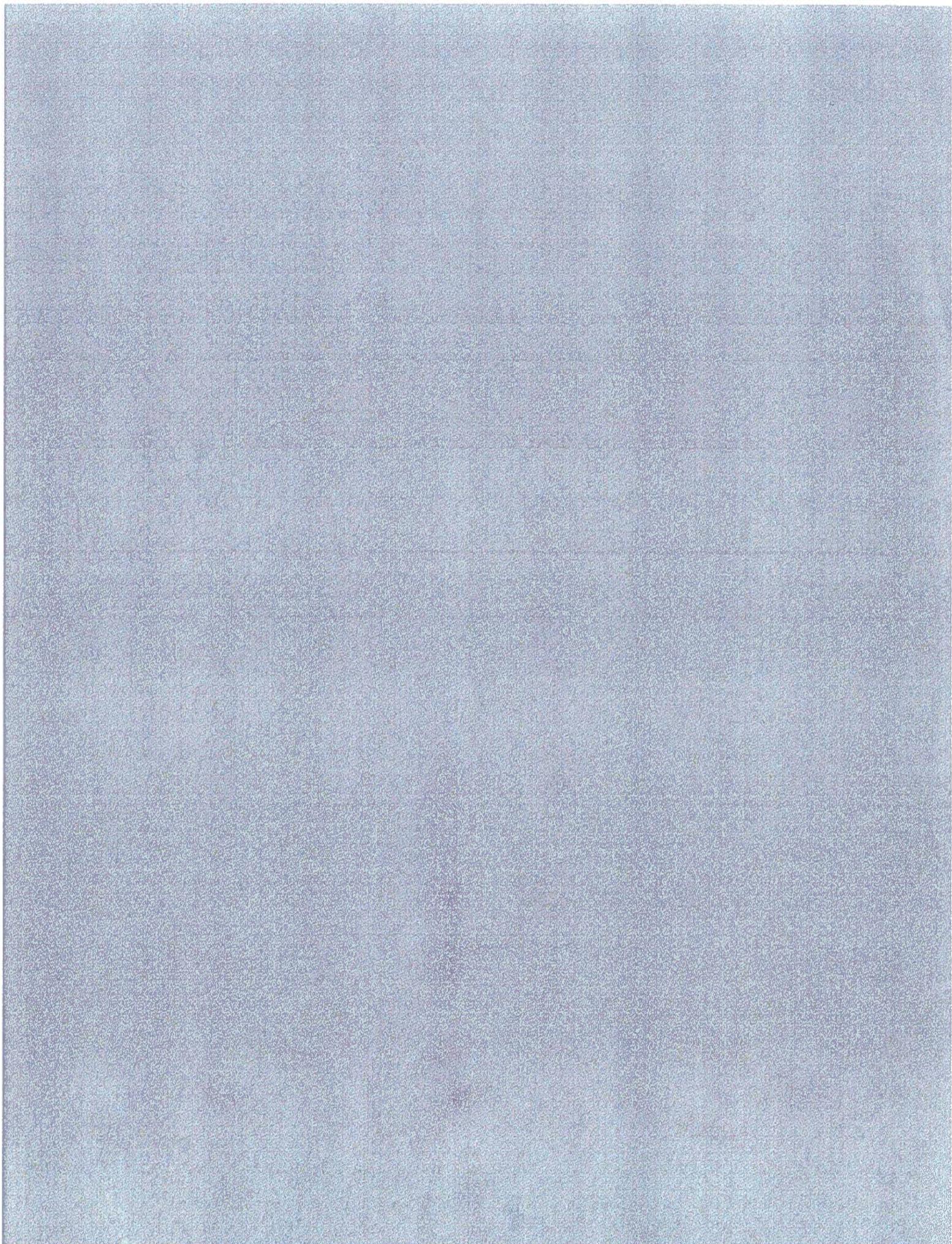
14.4 Data will not be downloaded to any device other than the dedicated stand-alone BWV computer provided.

14.5 *X software* will be used to book out BWV units.

- 14.6 Data downloaded as **non-evidential** will be stored on DEMS for 31 days. During that time it is searchable and can be retrieved and marked as evidential. After this period it will be automatically deleted.
- 14.7 As soon as reasonably practical, the user will make two DVD copies. The first will be a master copy, which will be sealed, labeled, and entered into the G83. The second will be a 'working copy' for investigation and file preparation purposes. DVDs should be retained in line with force policy 610/2012 - Audio and Video Unit Procedures Policy.
- 14.8 If the 'working' copy contains any sensitive information, i.e. witness details, and has not been sanitized, clearly mark it **'Do not disclose.'**
- 14.9 BWV is supporting evidence and officers will be required to provide written statements, which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD. This can be complied with through *X software*. A separate statement evidencing arrests or evidence not captured on BWV should be supplied to the investigation.
- 14.10 For details of what to include in a statement refer to the File Preparation Guidance on the Force intranet.
- 14.11 In order that the recorded evidence can be presented in court the master copy must be preserved as an exhibit. It is recommended for reasons of security that this takes place as soon as practicable after the footage is recorded and that users do not start duty with a recording device that contains evidence of cases from a previous duty or day.
- 14.12 Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system the officer in the case (OIC) must ensure that all available footage of the incident is secured as exhibits in consideration of any defense arguments that may be presented.

About the Author

Michael D. White is a professor in the School of Criminology and Criminal Justice at Arizona State University (ASU) and is associate director of ASU's Center for Violence Prevention and Community Safety. He is also a subject matter expert for the Bureau of Justice Assistance Smart Policing Initiative and a senior diagnostic specialist for the Office of Justice Programs Diagnostic Center.



Body-worn cameras represent the latest technological innovation for law enforcement. The perceived benefits of these cameras are far-ranging and touch on core elements of the police mission, including enhanced police legitimacy, reduced use of force, and fewer citizen complaints. Criticism of the technology centers on equally important issues, such as violations of citizen and officer privacy, and on enormous investments in terms of cost and resources. Unfortunately, there have been few balanced discussions of body-worn cameras and even fewer empirical studies of the technology in the field. As such, *Police Officer Body-Worn Cameras: Assessing the Evidence* provides a thorough review of the merits and drawbacks regarding the technology and assesses the available empirical evidence on each of those claims. Overall, this publication articulates the key questions surrounding the technology and provides a framework for informed decision-making regarding adoption and empirical evaluation of body-worn cameras.



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