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Law Enforcement Use of Body Worn Cameras

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ABSTRACT

Law enforcement has come under fire more and more in the technological era. The advent of social media and camera phones has become a weapon in the hands of those who lobby against police officers and how they deal with the public. Police departments around the world have been combating this issue by arming their officers with their own style for recording citizen contacts. The body-worn camera is the newest of these recording devices made for documenting citizen contacts. These new cameras have done well in the law enforcement community as far as quick action taken by police departments in citizen complaints whereas, before, it was a long process (White, 2014). The camera adds a unique third party witness component (International Association of Chiefs of Police [IACP] , 2014). The third party witness can alter the conduct of both the officer and the citizen for the better. The theory behind this is that if a person knows they are being recorded, then they will alter their behavior for the better. However, while there are concerns about the cameras by the public that deal with privacy (Erstad, 2016), the Freedom of Information Act gives access to anyone to view sensitive situations and the citizens involved. Another concern for the cameras is the cost of the camera and the storage. Strong policies put in place by departments can minimize privacy issues, and government grants are available to police agencies with depleted budgets. Body-worn cameras are a good tool for law enforcement transparency and should be implemented by any agency for their officers.

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INTRODUCTION

Law enforcement is continually evolving into the technological era. One example of this is the body-worn camera. The body-worn camera has become one of the biggest topics in the media and in the court of public opinion. In recent years, the demand for transparency in law enforcement has been on the rise (Florida Atlantic University, 2015). In the age of social media and camera phones, law enforcement is scrutinized in how they conduct themselves in their day-to-day operations. Public scrutiny has become a common issue in police departments nationwide (Kelsh, 2016). Because of citizen complaints and lawsuits against police officers, the need for an unbiased third party witness is crucial (International Association of Chiefs of Police [IACP], 2014). This unbiased witness has come in the form of video (IACP, 2014).

Police video is not a new concept in law enforcement. Law enforcement has been using video for over two decades now. The most popular and most widely used video is the dash camera video systems. Police departments have been using dash camera videos for many reasons such as recording violator contacts as well as interviews with witnesses, complaints, and suspects. However, the dash camera video only takes the viewer as far as the front windshield of the police car. The need for a more detailed depiction of the officer to public interaction has become increasingly crucial. This is where the body-worn camera comes in.

The body-worn camera technology in law enforcement is a fairly new concept but is becoming a commonly used piece of everyday equipment nationwide. Body-worn cameras give a better vantage point for the viewer, which helps with transparency in today's law enforcement. The body-worn cameras also give a more intimate view of

actions and behavior of police officers as well as citizens in any given situation. There are many reasons why body-worn cameras are beneficial to law enforcement agencies. This paper will focus on the topics of expedited resolution of complaints and lawsuits, training, and officer behavior as well as suspect behavior.

Research has shown that when using the body-worn camera systems, complaints against officers are less likely (White, 2014). The body worn-camera not only alters the behavior of the officer but the suspect as well (White, 2014). With the use of the Open Records Act as it pertains to video, the body-worn camera lends itself to a greater transparency in law enforcement (White,2014). The body-worn camera has become a valuable training tool in law enforcement for the classroom and field training. Based on this research, law enforcement should implement the use of body-worn cameras.

POSITION

Law enforcement agencies nationwide have to deal with citizen complaints. Before the technological age and the evolution of video cameras, law enforcement leaders had handled these complaints with nothing more than the word of the complainant and the named officer. The police body-worn camera has made the resolution of citizen complaints a much faster process (White, 2014). With the advancement of digital playback, law enforcement supervisors can quickly access these videos with little effort. These videos are also available for the citizen to view as well. The body-worn camera also adds an unbiased third party witness component (IACP, 2014). The advantage of the third party unbiased witness is that it offers irrefutable evidence to prove or disprove allegations made by citizens against officers. With this

component now in play, citizens may not be as likely to file frivolous complaints against officers utilizing the body-worn cameras due to its ability to refute their claims (White, 2014).

Results derived from agencies utilizing the body-worn cameras are positive. A study done by the Rialto, California police department found that the deployment of body-worn cameras resulted in an 87.5% drop in officer complaints (Ariel, Farrar, & Sutherland, 2015). This decrease in citizen complainants can also result in a decrease in the time and recourses used in investigating citizen complaints and possible civil litigation (Erstad, 2016). Law enforcement critics and protesters have demanded change law enforcement as it regards transparency. The body-worn camera provides transparency and builds public trust (Kelsh, 2016)

Another benefit of the body-worn camera is that it can alter the behavior of suspects who know they are being recorded by police officers during officer-suspect contacts (McFarlin, 2015). The presence of video camera is also shown to alter the conduct of people who know they are under scrutiny (Ready & Young, 2015). Mungar and Harris (1989) found that while people usually act within accepted social boundaries, they tend to change their behavior to more accepted standards when they are being watched (as cited in Ready & Young, 2015). The benefit goes beyond just attitude and conduct of suspect behavior. The camera will also reduce the likelihood of aggressive behavior on police officers by the suspect (Erstad, 2016). Officers wear all kinds of protective gear every day to help prevent injury or death. The body-worn camera is used, in part, the same as a bulletproof vest. The protective gear that police officers wear keeps them from becoming injured during violent encounters with suspects. The

body-worn camera will help de-escalate hostile suspects and defuse volatile situations (IACP, 2014).

Just as the body-worn camera alters the behavior of citizens and suspects, advocates of the cameras also maintain that it also alters the behavior of officers as well (White, 2014). One concern by the public referring to law enforcement is the use of force by officers against citizens (Ariel, Farrar, & Sutherland, 2015). Another concern and complaint against officers are simply their demeanor during citizen contacts (Ariel, Farrar, & Sutherland, 2015). In 2015, Florida Atlantic University conducted a study that measured law enforcement leadership attitudes about officers wearing body-worn cameras. The study was conducted in Sunshine County, Florida, which is a large county with a population of approximately 1.3 million. The study included 27 local law enforcement agencies. The participants were leadership positions such as chief, sheriff, major, colonel, and captain. Fifty percent of those surveyed supported the deployment of body-worn cameras in their agencies. One-third believes that body-worn cameras would improve police officer behavior during officer-citizen contacts: 50% were neutral. Another 50% agreed that the body-worn cameras will impact the decision of an officer to use force during encounters with citizens (Florida Atlantic University, 2015). More and more studies like these are taking place nationwide and in Europe as the demand for police transparency is rises.

A study conducted in Mesa, Arizona used a controlled experiment with the Mesa Police Department. The study was to determine how body cameras influence police-citizen interactions. A study done by Justin Ready and Jason Young of Arizona State University studied 3,698 reports done by 100 sworn patrol officers, half of who were

given body-worn cameras. All of the officers filled out reports after contact with citizens between November 1, 2012 and October 1, 2013. Officers who did not wear the cameras effected more stop-and frisks and arrests than those that did, and officers who did not wear the cameras made 6.9 % more arrests. Those wearing the camera issued 23.1% more citations than those not wearing the cameras. Officers with body cameras had 13.5% more contacts with citizens (Ready & Young, 2015). The study showed that officers were more cautious when wearing the camera. It suggests that the officers may have made fewer arrests because they thought more carefully about criminal policy and procedures (Kelsh 2016).

The body-worn camera playback feature is not just utilized during complaint and civil proceedings (IACP, 2014). Supervisors also have been using the cameras to monitor officers on a sometimes daily, weekly, or monthly basis. They are using it as a tool to make sure the camera is being used and is used correctly (IACP, 2014). Most departments have a policy on the use of the camera. The playback feature is an excellent way to monitor that. This is another reason why body-worn cameras alter officer's behavior. It is because it is the perception that they are being watched by their supervisors.

Body-worn cameras also open up great opportunities for training (White, 2014). Many police departments nationwide use body-worn cameras every day. Field training officers use body-worn camera footage along with dash camera video as a tool to give their trainees an outside third party perspective of their performance. Before the body and dash camera videos were introduced, field training officers had to document every event on paper in order to be able to discuss performance issue with their trainees. Now

any event long or short can be rewound and played as many times as it is needed for review. Not only can it be used for evaluations between the field training officer and their trainee, but it can also serve as a tool for validating the trainee's progress in the field to the department leadership.

Police instructors and field training officers alike can also use past recordings in the classroom or in the field training program. Goodall (2007) found that the body-worn cameras provide a great tool to review cadets at the academy as well as review of incidents (as cited in White, 2014). The advantage of this is every video recorded and stored now serves as a witness to actual law enforcement activity. Regardless of whether the activity in the video shows positive or negative topics, it is still valuable. Field training officers and police instructors often use videos that contain unsafe or negative actions taken by the officer in the video to show their trainees and students what not to do. Police videos and training videos can now be viewed online. Watching police videos on line is not a new concept but they are usually found on open sites such as You-tube. Policeone is a police training web site that uses the videos they collect for training purposes. Policeone.com features thousands of instruction and real time videos of officers involved in just about every situation imaginable. A secondary site of Policeone.com is Policeoneacademy.com, which uses video for actual credited police training. Policeoneacademy.com is exclusive to the law enforcement community.

COUNTER POSITION

One issue with implementing the use of body-worn cameras is the cost of the cameras. In today's economy, budget cuts and scaling down has become commonplace in many departments nationwide (Erstad, 2016). With the demands for

law enforcement transparency on the rise, law enforcement agencies are in need for an unbiased witness to help combat these issues (Florida Atlantic University, 2015). While the body-worn cameras are by far the most popular answer to that need, some law enforcement agencies are not funded enough to cover the costs of these cameras. However, there are ways for these agencies to get money through grants. For example, the justice department is spending twenty million dollars on police body-worn cameras nationwide (Berman, 2015). These body-worn cameras are supposed to local and tribal police departments improve relationships with their citizens. This program does not cover the cost of the storage of video storage; however, in addition to the cameras, they will help agencies that apply with training and technical assistance (Berman, 2015).

Police departments have been utilizing the in car cameras for years. In the current economy, their costs have turned into a viable component to crime suppression effectiveness of video for a much smaller price. These body-worn cameras can cost anywhere in the range of \$70 to \$900 dollars, which is a much more accommodating cost for smaller and less funded departments (Police Grants Help Staff, 2011). There are also grant opportunities that will help with the cost of the body-worn cameras. For federal and state grant submissions, the body-worn camera's use and purchase must be included in a program or policy strategy that lines up with the purpose of the grant chosen. The policy and procedures have to follow or fall within certain guidelines before a grant will be considered (Police Grants Help Staff, 2011). Responders Knowledge Base is a website that lists all of the federal grants in which the purchase of body-worn cameras is allowable.

For state grants applied for in the State of Texas, the 84th Legislative Session passed Senate Bill 158, which authorizes ten million dollars for body-worn cameras to Texas police agencies who engage in traffic enforcement and who respond to calls for assistance to the public. The applying agency must have a policy and training program in place prior to application for the grant. The grant is provided through the governor's office (Texas municipal league, n.d.).

New federal assistance programs as it refers to police body worn cameras are available for law enforcement agencies to apply for (Berman, 2015). This, of course, is due to a recent trend in negative public perception of law enforcement (Berman, 2015). One factor also to consider is the risk versus reward. Civil litigation deriving from complaints against police officer can be considerably higher than the cost of the body worn camera system as a whole (Erstad, 2016). The grants provided by the state and federal government makes it considerably less cost intensive for law enforcement agencies (Police Grants Help Staff, 2011). There are other ways to solicit the help for funding body-worn cameras. One way is to contact local businesses and civic leaders. These groups often are pivotal in inciting local interest in their local police departments. These groups can often help with local fund raising funds for needed law enforcement projects (Police Grants Help Staff, 2011).

Another concern regarding the use of police body-worn cameras is privacy for citizens (Erstad, 2016). There is concern that because of the Freedom of Information Act, the images of their lives in vulnerable situations are available for anyone to view. By their own privacy laws, some states violate the law if officers do not get consent of non-criminal persons they are interviewing. These issues should bring to light the

importance of having policies governing the use of body-worn cameras. A model policy template created by the Body Worn Video Steering Group gives specific rules on how to control and lower privacy concerns such as homes, religious beliefs, intimate searches, and sensitive witnesses and victims (White, 2014). Through specific policies regarding the use of the body-worn camera along with thorough training regarding this issue, it will make the use of the camera less intrusive. Officers should also consider letting the citizen know they are being recorded when they can. This will result in positive attitude changes (McFarlin, 2015). Staying aligned with the Fourth Amendment protections, the United States Supreme Court has historically always balanced the degree of law enforcement intrusion against a citizen's reasonable expectation of privacy. Being a delicate line, the majority of police-citizen contacts happen in a public place where the police officer has legal justification to be. Given this fact, the court is not likely to view police-citizen contacts as an unreasonable intrusion into privacy (McFarlin, 2015).

RECOMMENDATION

With the demand for law enforcement transparency continuing to rise (Florida Atlantic University, 2015), police departments should consider the implementing the use of body-worn cameras. The use of these cameras could be looked upon by the public as a big step in the right direction. It would build trust in citizens toward law enforcement as a whole. It would also decrease the number of complaints against officers by changing the behavioral dynamic between both the officer and citizen during contacts (White, 2014). Mungar & Harris (1989) found that people who know they are being watched tend to alter their behavior with what is socially accepted by society (as cited in Ready & Young, 2015). This goes for both the citizen and the officer (White,

2014). This also reduces the frequency of use of force encounters with citizens (Ariel, Farrar, & Sutherland, 2015). Officers will be less likely to react with force that may be deemed unnecessary (Ariel, Farrar, & Sutherland, 2015). Suspects who know they are being recorded may also be less likely to use violence against a police officer (Erstad, 2016). The capability of being able to review these videos so quickly also expedites the resolution of citizen complaints and could prevent lawsuits (White, 2014). The review of these videos also gives department supervisors an insight of an officer's behavior in citizen contacts on a day-to-day basis (IACP, 2014).

Training is a common issue with law enforcement agencies. The body-worn camera is an excellent tool for both field training officers and police instructors alike. The field training officer can use the videos to enforce or correct any issues that result during incidents or encounters with citizens. The recordings give police trainees a third party perspective of how they conduct themselves during the day such as officer safety and citizen contacts. The recordings also lend credibility to both the training provided as well as the progress of a police trainee.

Police instructors can use the past recordings of events for scenarios in the classroom. These recordings can depict both positive and negative outcomes from past events for officers to learn from. There are law enforcement websites that have thousands of police training videos for instructors to use. These websites often show both positive and negative portrayals of police incidents to give a broader spectrum of what to do and what not to do. Training is a vital component of any law enforcement agency. Police recordings of incidents are an invaluable tool to keep with training needs.

The cost of body-worn cameras can be high depending on the need of the agency. Some agencies simply do not have the financial backing to purchase the systems without aid. However, there are several state and federal grants that can help law enforcement agencies purchase the cameras as long as the use of the camera as well as the implemented policies are both in place and aligned with the governing agency of the grant.

The issue of privacy as it pertains to citizens being recorded is a concern. Many citizens feel that through the Freedom of Information Act, recordings of themselves can be viewed by anyone (Erstad, 2016). This concern can be resolved by implementing policies and training that specifically address these issues such as when the officer should turn the camera off while recording citizens in vulnerable situations. Officers should also make it commonplace to notify citizens that they are being recorded. Officers should use proper discretion but stay within the policies and guidelines of their department.

Law enforcement agencies looking to implement the use of body-worn cameras should evaluate their needs for the camera such as cost efficiency of the individual systems. Different systems have different features that may fit the needs of the agency better. Conducting pilot programs using systems can also be helpful in determining which system fits their needs. Agencies should have policies and procedures for use and training in place before deploying the camera systems. Not only the use of the camera, but also the proper use of the camera should be considered.

Based upon the information on body-worn cameras available, it is clear that it is a necessity for the future of law enforcement. The public view of law enforcement has

become paramount in the credibility of the individual agency and law enforcement as a whole. Body-worn cameras are an invaluable tool to achieve transparency, legitimacy, and credibility. Law enforcement agencies should implement the use of body-worn cameras.

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