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The Benefits of In Car Video For Police Officers and Departments

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ABSTRACT

The purpose of this research paper is to show the many benefits of using in-car video cameras in police patrol cars. The paper will show how police departments can obtain in-car video cameras, either by budgeting for them, by grants or other ways if they have no funding available.

In-car video cameras have been available since the 1980's. Officers started realizing that having a video camera in the patrol car was a very effective tool. The in-car video camera is used to gather evidence, to protect the officer and the citizen from false accusations, and as a training tool.

A telephone poll of 6 law enforcement agencies was used in the research for the paper. The police agencies called each have from 18 to 28 police officers. All 6 agencies were positive in their praise of in-car video.

At first, some police officers were worried about using the in-car video cameras. They felt they were being watched. However, after the officers learned how much the in-car cameras offered, both as evidence and protection from accusations, they have gladly accepted them.

One of the largest causes of highway fatalities are DWI cases. By using the in-car video camera, officers are able to make better cases and have a higher conviction rate. Police officers use the in-car video camera to train new officers and veteran officers in DWI field sobriety testing.

From this research paper, law enforcement agencies in Texas will learn about the use of in-car video. The research will show police departments how to obtain the in-car video cameras and a few of the uses for the in-car video cameras once they have them.

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INTRODUCTION

The use of in car video cameras in police patrol cars has become a serious issue for Texas police officers. Not only does the use of in-car cameras contribute greatly to officer safety and liability, it also enhances convictions in traffic cases, DWI cases and numerous other criminal cases. Also, the Texas Legislature, in September 2001, passed a law entitled “ Racial Profiling Prohibited” (Texas Code of Criminal Procedure, article 2.131) that requires police departments to document all contacts. Cameras are one way of accomplishing this, and a way that eliminates the need for paper documentation.

The purpose of this research is to show the numerous benefits of having in-car video cameras in police patrol cars. It will also examine how different sized police departments obtain in-car videos and keep the proper number of tapes supplied to the officers required under the new profiling law. Many small departments have trouble getting the funding to supply the in-car videos, plus the expense of 90 days of tapes per officer as required by law. Large departments also will have trouble supplying the number of in-car cameras needed for their larger fleets.

Information for this research will come from current publications, books, surveys, and interviews. Many departments already have in-car cameras and will have policies in place to explain their use in that particular department. Each department has it's own peculiar rules and regulations for the use of the in-car video and the proper checking out of the tapes. Once a tape is used to record a criminal or traffic offense, it must be entered into evidence. These practices will vary from department to department. Every officer in a police department that is working in the patrol division must be given instruction on the importance and use of the in-car video. Numerous police agencies will be surveyed to determine the amount and type of training given in each department.

The paper will show the various benefits of in-car video plus the different ways a police

department can obtain in-car video cameras. Police Officers that have in-car video have a silent partner in the car with them. The in-car video cameras provide back up for the officer when a citizen makes a complaint about his/her actions on a particular traffic stop or call. The in-car video also provides citizens with back up. The video tape shows the investigating department whether the citizen is telling the truth or lying about a particular incident or officer.

There are several methods available to police agencies to acquire in-car video cameras. The State of Texas has mandated that grants be made available to all police departments in the state for the purchase of in-car video cameras. The Texas Department of Public Safety has been tasked with the job of making the grants available and determining which agencies will be able to get in-car videos, and how many per agency, from this grant.

This research will allow police departments around the state of Texas to learn some of the benefits of having in-car video available to their officers. The research will also give law enforcement agencies an idea on ways to make in-car video cameras available to their officers at no or little cost. If a police department does not have their patrol cars outfitted with an in-car video system, that agency is just waiting for a disaster. It is hoped that this research will show how to protect a police department and its officers from liability, and citizen complaints.

REVIEW OF LITERATURE

In-car video has been around since the 1980s. When this started 10 years ago, there was a “big brother” syndrome among officers (Edwards, 1999). Jim Kuboviak, County Attorney for Brazos County Texas, cites another use for in-car video “CYA”(cover your assets). Kuboviak says this is a benefit of in-car video that no one expected (Paynter, 1999). Protecting officers from false accusations is a very important benefit of using in-car video. For example, in Dade County Florida, deputies arrested a female for DUI, conducted field sobriety tests and

transported the woman to jail. Upon arrival, the woman accused the deputy of raping her on the way to jail. The deputies in-car video tape was checked and the results allowed the deputy to be exonerated and charges of filing a false report placed on the female (Watson, 1999).

Since the 1980's, video has grown from a tool used only in jails to record the treatment of prisoners to one of the most important items in a police officers equipment. In 1992, one of the most publicized incidents in police work, the Rodney King incident, showed police departments the importance of video as evidence in the courtroom (Wark, 1993). The use of in-car video has also been proven to be valuable to the police officer on patrol when citizens make complaints against the officer of misconduct. Using in-car video gives the officer and his/her department two types of evidence, audio and video (Paynter,1999).

There are two basic types of in-car video available from several manufacturers; the VCR deck system and the camcorder system (Kuboviak, 1996). Officers should be trained extensively in the use of the in-car video so as to make the best use of both types of evidence (audio/video). It is not enough to show them how to turn it on and how to turn it off. Officers need to be trained to articulate their actions on tape prior to stopping a vehicle (Kubiak,1994[a]). By talking into the video before the actual stop, the officer can show in court or at an investigation of alleged misconduct, the reasons he/she had to initiate a traffic stop. This should include the officers observations, such as weaving, running a stop sign or red light, etc.

As is sadly the case in a lot of instances, it takes a tragedy to get an idea going. In East Texas in January 1991, Constable Darryl Lunsford stopped a car with 3 illegal immigrants inside. In less than 5 minutes, Constable Lunsford was dead, killed with his own gun. The only witness to the killing was Constable Lunsford's in-car video camera. The tape was used to locate and capture the killers (Pilant, 1995). Due to this tragedy, many people in law

enforcement began to see the benefits of in-car video.

By having an in-car video in his/her patrol car, an officer can show the actual facts of an incident rather than depending on his/her word against the other person. Many situations are defused and complaints dropped when the citizen is shown that a video was made of the situation. District Attorneys observe the video tapes and determine whether to drop the case a degree or prosecute it, with a guilty plea on many occasions without the expense of a trial (Pilant, 1995). The in-car video has also become a very important training tool. Videos like the one from Constable Lunsford's vehicle are shown to officers around the country, not to critique his actions, but to teach other officers how to avoid the same type of tragedy. Officers can watch their own traffic stops and learn ways to improve their technique.

Another very important use of video is the taping of an interview of victims, suspects, and witnesses. Before the introduction of video, victims of violent crimes, rape, assault, robbery etc., were asked to tell their account of the crime over and over again to each link of the criminal justice chain, patrol officers, detectives, prosecutors and finally in the court room. With the use of video, a victim is now taped just one time and that tape is used in the criminal process from then on (Giacoppo,1991). The video taping really becomes important in a child sexual abuse case. It is important to the case for the prosecutors and judge to observe the emotions and facial expression of the victims (Giacoppo,1991), and this is why the video tape is able to replace the child retelling over and over again his/her horrible version of the attack.

The taping of victims and suspects relates to in-car video due to the same idea of catching the actions of the suspect on tape during the process of the illegal actions, or the actions of the officer when accused by the suspect of wrong doings. As far back as 1986, the Georgia State Police were using in-car videos in their cars. At first they were used for drug interdictions,

however, it soon became apparent that the in-car videos were very valuable in other areas such as citizen complaints. The Georgia State Police realized that the in-car cameras provided unbiased evidence in citizen complaints (Clark,1991).

In January, 1999, the Cincinnati Police Department installed 9 in-car video units in 5 cars per district, for a total of 45 cars (Trapp, 2000). After using the in-car videos for a time, the Cincinnati Police Department has since installed 217 in-car videos in the entire patrol fleet. The officers use the tapes to sharpen their police skills, and of course as evidence in court.

Not all Police Chiefs accepted in-car video at first. Some felt the idea was just to police their officers and to see what was being done on any certain shift. A poll taken among some police administrators in 1992 showed 76% did not believe videotaping cops on duty was necessary, however, they thought it might not hurt (Sharp, 1992).

In September, 2001, the State of Texas passed a law titled "Racial profiling prohibited" (Texas Code of Criminal Procedure, 2001) . This law is quite lengthy and is designed to protect persons of all races against unfair treatment. The law requires numerous recordings of information and a report at the end of each year to the governing body of a law enforcement entity. However, the one exception to all of the reporting process is that each vehicle used by a police officer to make traffic and pedestrian stops is equipped with an in-car video and transmitter (Texas Code of Criminal Procedure 2.135). Since the passing of this law, Texas law enforcement agencies have started gearing up with in-car video and training their officers in the proper use. Many law enforcement agencies had already been using the in-car video, however, since the Racial Profiling law was passed, that number is increasing rapidly.

The use of in-car video has been a tool for law enforcement since the 1980's. However, as more and more benefits are discovered, officer safety against false accusations, video taping

of victims, video of DWI and other crimes in progress etc., the in-car video is now as important as any other tool in the law enforcement arsenal. As with everything, along with the benefits comes added responsibilities. Officers must be well trained in the use of the in-car video. An officer cannot be put in a patrol car and just be told, "there is the video, push the red button to start the tape."

Police departments have had to write policies and training schedules to cover the use of the in-car video so as to be covered in the event of any civil action regarding a video taped incident. The officers are also trained in the use of the in-car video so the tapes can be entered into evidence in criminal cases.

In many instances, minorities make complaints against an officer for inappropriate behavior, imagined or real. With the use of the in-car video, these allegations can be verified or dismissed. The State Legislature passed a Racial Profiling Law in 2001 to prevent officers from using race as a reason to stop a person for questioning. With the passing of the Racial Profiling law, the State of Texas has provided grants for the purchase of in-car video, plus there are other ways to purchase in-car videos. Cities and County agencies can receive help from their communities and organizations such as TEEX, Lions Clubs, Rotary Clubs etc.. A city or county agency can put in-car videos in the budget to be purchased. A telephone survey was completed on law enforcement agencies in McLennan and Hill County, Texas.

METHODOLOGY

The benefits of in-car video for police officers and police departments are the research questions for this paper. The benefits of in-car video for police officers and police departments have been shown in numerous ways. From using the tapes in court as evidence, to protecting officers and citizens from false accusations, the in-car video has become an important tool in

police work. When an officer is confronted by an accusation of an improper or illegal act, the in-car video is his/her best weapon, and sometimes the only weapon (other than his/her word) to prove his/her innocence.

Training police officers by using the tapes from the in-car videos has also become an important use of the in-car video. By using the in-car video tapes of his/her shift, the officer can observe any actions that may be unsafe or improper and make the correct changes in his/her work style.

A telephone poll was taken of 6 law enforcement agencies in McLennan and Hill counties. All 6 police departments questioned, have from 18 to 28 police officers. Five of the six departments are in McLennan County, with one in Hill County. Both counties are rural, farm and ranch communities. All six law enforcement agencies that were polled responded in a positive fashion about the in-car videos. They were all interested in the other departments polled to see if there were any policies or training ideas each department could share.

The information provided in the survey will be analyzed to show how police departments in the Central Texas area feel about in-car video. The information in the survey provides information about what the small to medium size departments are doing with in-car video, if they have them or not, and if they plan to pursue the state grant available to purchase them.

FINDINGS

The use of in-car video dates back to the early 1980s. At first, law enforcement agencies were not happy using in-car video, feeling that “big brother” was watching (Edwards, 1999). However, after observing the numerous uses and benefits of in-car video, every law enforcement agency, state or local, that was studied in the research agree that in-car video is one of the most important tools available to law enforcement. The use of in-car video has grown from observing

jail procedures to several uses both in-car and in the police department itself. Departments use video to tape interviews, which saves victims from having to relive the horror of the crime again and again. The video is used to record witness statements, keeping the witness from going to trial in some cases.

In-car video is a valuable tool in several other ways also. Probably about half of the 40,000 to 50,000 fatalities that occur each year involve a drinking driver (Kuboviak, 1992).

Recording an offense such as DWI while the offense is actually occurring adds tremendous credibility to an officers case, so much credibility that in many cases the suspect pleads guilty without going to trial. When a jury can actually watch the suspect as he/she was on the day of the crime, it adds a sense of reality to the officers case. The in-car video is an important training tool. By utilizing the in-car video of both a probationary and a veteran officer, a police department can show him/her where they are making mistakes and how to correct them. By using in-car videos during the FTO (field training officer) process, the FTO can use the tape both for documentation and for retraining purposes if needed (Kuboviak, 1994[B]).

The in-car video is like a silent partner for a police officer, it can save him/her against fraudulent accusations. The in-car video does not lie or make things up. If an officer gets permission to search a vehicle from the driver and finds an illegal weapon under a drivers seat, the officer can place both suspects in his patrol unit, activate the in-car microphone, and record the conversation between the 2 suspects as they make up their stories about where the weapon came from (Stockton, 1999). A tape from an in-car video can show a bad officer doing illegal or improper actions, or the same tape may exonerate the officer from malicious accusations. In many instances, after being informed an incident has been taped, the citizen will drop a charge of misconduct against an officer. The video of Constable Lunsford and several other officer

involved shootings and deaths are used by numerous law enforcement agencies around the country as invaluable training tools. These tapes are not used to criticize the officers, but to show other officers how to avoid the pitfalls that occurred in these cases. An officer can watch his/her in-car video and fine tune his/her contacts, improve the way he/she makes violator contact and watch for safety issues that might need improvement.

After the racial profiling law went into effect in September, 2001, in-car video became even more important to law enforcement in Texas. By having in-car video in all patrol units that make violator contact, Texas peace officers have 2 advantages. One advantage is like a high wire artist having a safety net. If something goes wrong, the acrobat can land in the net. If a violator accuses an officer of wrong doing, the in-car video can save him/her, if the allegations are wrong. The second advantage is not having to document all of the information required under the racial profiling law. A police department only has to keep the in-car video tapes for 90 days after each shift, then the tapes can be recorded over.

Results of the poll taken showed 5 of the 6 law enforcement agencies had in-car videos in some cars but not all of their cars, with one agency not having in-car video. Of the five cities that had in-car videos, all agreed that the most valuable rewards of having the in-car videos was protection from citizen complaints against their officers. The five agencies agreed that prosecution of DWI and other observed criminal cases was the second best benefit of having in-car video. Out of 6 agencies contacted, 5 had at least 2 in-car videos, with one agency having none. Out of the five that are currently using in-car video cameras, all stated the biggest help provided by the cameras was citizen complaints, with conviction rates being the second highest benefit. All 6 agencies stated they have applied to the Texas Department of Public Safety for the purchase of in-car videos. All 6 of the law enforcement agencies polled have an average of 18

to 28 officers. The 2 counties (McLennan and Hill) are rural counties in central Texas with Waco being the largest city in either county. Waco was not included in the poll due the large population of the city and number of officers on the Waco Police department. With this information from the 6 law enforcement agencies polled, a trend can be observed.

The trend seems to be that all law enforcement agencies realize the importance of using in-car videos. They only need the funding to supply enough of the in-car cameras to equip each police vehicle used in stopping traffic offenders, pedestrians and other types of crimes or situations that arise.

The research done on the topic of in-car video has shown some of the history of video and in-car video in law enforcement. Some uses were not looked at favorably at first, such as the Rodney King incident. However, even the Rodney King incident was useful to law enforcement as it showed the value of recording incidents, both good and bad. As law enforcement looked further into the use of video, several uses were discovered. Better prosecution of criminals through use of in-car video showing the incident as it occurred. Better training for police officers by using in-car videos and watching both their own tapes and the tapes of other officers. The greatest use of the in-car video seems to be however, protecting the officers against fraudulent accusations of wrongdoing.

Of course the use of in-car video is also a tool to discover an officer that is abusing the powers of his/her position. The use of in-car video is so important to law enforcement that it was incorporated into a new law in the State of Texas, the racial profiling law. This law is intended to stop the abuse of different races and ethnic groups by law enforcement officers. The legislators knew that all Texas police agencies would not have the funds available to purchase in-car videos, so part of the profiling law provides that grants be made available to all Texas

law enforcement agencies. The grants are available through the Texas Department of Public Safety and each agency has the opportunity to make application for the number of in-car videos needed for their size department.

Law enforcement agencies also have other areas to reach out to for the purchase of in-car videos. Each agency can apply for money in their budgets for the purchase of in-car videos. Another alternative is to go into the community through groups such as Lions Club, Rotary Club, Neighborhood Watch groups and others. These groups usually are willing to help their local law enforcement agency purchase in-car videos or other equipment their city or county law enforcement agency may need.

DISCUSSION/CONCLUSIONS

The benefits of in-car video and the ability for all Texas law enforcement agencies to purchase them is a very important issue. The in-car video offers law enforcement a variety of tools for it's arsenal. Every law enforcement agency in the State of Texas has the ability to provide in-car videos for the officers it employs. Some agencies may not know the benefits of having in-car video, however, that list is becoming smaller and smaller every day.

In-car video, although it started out as a tool for prisoner security and safety, soon became very important to law enforcement. By putting in-car video in patrol vehicles, law enforcement agencies were not only able to get better prosecution of cases, they were also able to protect their officers from false accusations by citizens. Another benefit, the taping of victim and witness statement, was also a big improvement in the way cases were handled.

In conclusion, the use of in-car video in patrol vehicles has become one of the most important tools law enforcement can use. The in-car video is used both as a detection tool, by observing a violators actions or statements, and a protection tool, by allowing departments to

prove or disprove accusations of wrong doing by an officer. The in-car video is also a tool for the courtroom, both in showing the violators actions, and allowing victims and witnesses to testify just once. All of the research done for this paper supports the idea that in-car video is an important tool for law enforcement.

All law enforcement agencies in the State of Texas and other states will benefit from this research by learning how to obtain in-car videos for their departments, and the numerous ways the in-car video s can be of service. There are still many law enforcement agencies in the State of Texas that do not have in-car video. These are mainly small cities and rural counties without the means or knowledge to obtain the in-car videos. The research shows that by applying through the Texas Department of Public Safety for a grant, or by asking the community for assistance, every agency should be able to obtain some numbers of in-car videos.

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