Body-Worn Camera Frequently Asked Questions

1. What are officer body-worn cameras?

Officer body-worn cameras (BWCs) are relatively small devices that record interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers. The video and audio recordings from BWCs can be used by law enforcement to demonstrate transparency to their communities; to document statements, observations, behaviors, and other evidence; and to deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public.

2. How does an officer body-worn camera work?

The technology consists of the camera, which is typically worn on the officer's uniform (placed optionally on the shoulder lapel, sunglasses, or hat), with a forward-facing viewable area. When thinking about the mounting location, an agency should consider the uniform types worn by officers and how uniforms may vary throughout the year (summer, winter). Additional accessories may be required to ensure the camera is properly positioned, securely attached and protected to support the officer and his or her unique mission.

There are a number of different types of camera with differing options, including user controls such as push to record, touch-screen controls, video and audio feed, and playback in field. The video evidence is uploaded through a docking station on a local storage device (e.g., server) or through an online web-based digital media storage platform where the evidence can be encrypted and managed. Some models also allow for video upload while in the field.

At the February 26-27, 2015 Bureau of Justice Assistance Body-Worn Camera Expert Panel convening, Donna Twyford of the U.S. Customs and Border Protection Service shared a warning that "cameras with lots of options are not always beneficial–they may simply just present more items that can be lost or broken." During those same discussions, Maggie Goodrich of the Los Angeles Police Department (LAPD) explained it is important to critically look at and transparently share equipment capabilities. In the LAPD, "there was an officer evaluation–if the vendor said that the camera did A, B, and C, we tested it to prove it. We conducted reviews of different mounts and presented the videos to evaluate quality. It was a fully transparent process; we felt responsible to demonstrate and share with groups when video did not fully capture or represent the entire event."

3. How are body-worn cameras different from dashboard cameras and CCTV systems?

Dashboard cameras are fixed to the law enforcement vehicles, therefore only capturing video from the front of the vehicle. Some dashboard cameras allow for audio recording near the law enforcement vehicle. Body-

worn cameras (BWCs) retain the strengths of the dashboard camera, but they allow the technology to accompany the officer wherever he or she goes. In some instances, using BWCs and dashboard cameras together can be beneficial, documenting an event from two different perspectives.

BWCs are different from close-circuit television systems (CCTV). CCTVs are stationary systems that record behavior in a given public space. Sir Bernard Hogan-Howe of the London Metropolitan Police Service highlights the core differences between BWCs and CCTVs: "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" (PERF, 2014: 11).

For additional information, see Police Executive Research Forum (PERF), Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf.

4. How many law enforcement agencies have adopted officer worn-body cameras?

Currently, we do not have an accurate estimate of the number of law enforcement agencies that have initiated body-worn camera (BWC) programs. Several law enforcement agencies in the United Kingdom were experimenting with BWCs as far back as 2005. In August 2013, the Police Executive Research Forum (PERF) surveyed 500 law enforcement agencies regarding their use of BWCs. Of the 254 agencies that responded, just 25% (n=63) indicated that they deployed BWCs. Interest in the technology has grown tremendously since then. One BWC vendor advertised in February 2015 that its product has been purchased by 4,000 law enforcement agencies worldwide, but this figure has not been verified. One expert has estimated that between 4,000 and 6,000 law enforcement agencies are planning to adopt or have already adopted BWCs. The Bureau of Justice Statistics (BJS) is performing a survey to better understand the number of law enforcement agencies that have implemented a BWC program.

For additional information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics (LEMAS),
http://www.bjs.gov/index.cfm?ty=dcdetail&iid=248#Related_topics

5. What are the best available sources of information on officer body-worn cameras?

There are a handful of useful resources on body-worn cameras (BWCs). The Police Executive Research Forum (PERF) and the Community Oriented Policing Services (COPS) Office published a report in 2014 that examines key issues and offers policy recommendations. The report is based on survey responses from 254 agencies, interviews with 40 law enforcement executives who have implemented BWCs, and a one-day conference held on September 11, 2013 with more than 200 law enforcement executives, scholars, and experts. In April 2014, the Office of Justice Programs Diagnostic Center published a report that describes the core issues surrounding the technology and examines the state of research on those issues (White, 2014). In March 2014, the National Institute of Justice (NIJ) published a market survey that compared BWC vendors across a range of categories. There is also a growing number of published evaluations that examine the implementation, impact, and consequences of body-worn cameras. This web site and toolkit is intended to be a clearinghouse of the latest available research, reports, and knowledge on the technology.

For additional information, see:

National Law Enforcement and Corrections Technology Center (NLECTC) for the National Institute of Justice, Primer on Body-Worn Cameras for Law Enforcement: https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf

Office of Justice Programs Diagnostic Center, Police Officer Body-Worn Cameras: Assessing the Evidence: https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf

System Assessment and Validation for Emergency Responders (SAVER) for the Science and Technology Directorate, Body-Worn Video Cameras for Law Enforcement Assessment Report: http://www.firstresponder.gov/SAVER/Documents/Body-Worn-Cams-AR_0415-508.pdf

National Law Enforcement and Corrections Technology (NLECTC) for the National Institute of Justice, Body-Worn Cameras for Criminal Justice: Market Survey: https://www.justnet.org/pdf/Body-Worn-Camera-Market-Survey-508.pdf

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

Police and Crime Standards Directorate, Guidance for the Police Use of Body-Worn Video Devices: http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf

Privacy Commissioner of Canada, Canada's Guidance for the Use of Body-Worn Cameras by Law Enforcement Authorities: https://www.priv.gc.ca/information/pub/gd_bwc_201502_e.pdf

For additional evaluations from around the United States, United Kingdom, and Canada, see:

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

Rialto, California:
http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf

Mesa, Arizona: http://issuu.com/leerankin6/docs/final_axon_flex_evaluation_12-3-13-

Isle of Wight, U.K.: http://www.port.ac.uk/media/contacts-and-departments/icjs/downloads/Ellis-Evaluation-Worn-Cameras.pdf

Essex, U.K.: http://college.pressofficeadmin.com/repository/files/BWV_Report.pdf

Paisley & Aberdeen, U.K.: http://www.bwvsg.com/wp-content/uploads/2013/07/BWV-Scottish-Report.pdf

Plymouth, U.K.: http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf

Edmonton, Canada: http://www.cacole.ca/confere-reunion/pastCon/presentations/2014/maryS.pdf

Los Angeles Police Department & Las Vegas Metro Police Department: http://nij.gov/topics/law-enforcement/technology/pages/body-worn-cameras.aspx#ongoing

Or view BWC Toolkit Research Resources with the category of Implementation Experiences

6. How can law enforcement agencies benefit from body-worn camera program?

Body-worn cameras (BWCs) are only one of the tools available to law enforcement for improving community trust, transparency, and accountability. There are several benefits for law enforcement officers who wear BWCs. BWCs provide an additional layer of safety for the officer. Adoption of a BWC program can represent a law enforcement department's effort to demonstrate transparency and accountability. In several studies, community member complaints against officers decreased following adoption of BWCs (Katz et al., 2015; Ariel, Farrar, & Sutherland, 2014; Mesa Police Department, 2013). The results from these studies are

supported by in-person interviews with 40 law enforcement executives conducted by the Police Executive Research Forum (PERF). In one study, use-of-force by law enforcement officers decreased following adoption of BWCs (Ariel, Farrar, & Sutherland, 2014). Continuing research seeks to identify the underlying cause of the benefits. Additionally, video from BWCs may assist with prosecution of criminal cases or assist in the review of community members' complaints against officers. While research in Great Britain supports this potential evidentiary benefit, research in the United States has not sufficiently investigated the evidentiary value of BWCs (Goodall, 2007).

During the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel, Inspector Steve Goodier of the Hampshire Constabulary in the United Kingdom shared highlights from their yearlong study of 180 body-worn videos. He cited reductions in crime, police-generated incidents, and assaults against police officers. The Inspector further explained "a large-scale public opinion survey was done before and after program implementation that concluded 85% of the public support for BWC technology. This survey was complemented by an officer survey–an overwhelming positive for support for BWCs"

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http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

Rialto, California:
http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf

Mesa, Arizona: http://issuu.com/leerankin6/docs/final_axon_flex_evaluation_12-3-13-

Isle of Wight, U.K.: http://www.port.ac.uk/media/contacts-and-departments/icjs/downloads/Ellis-Evaluation-Worn-Cameras.pdf

7. What are some of the concerns with a body-worn camera program?

The decision by a law enforcement agency to implement a body-worn camera (BWC) program represents an enormous investment of time and resources. The following are some of the concerns related to BWC programs:

- Buying the hardware and managing the data. In January 2015, the acting Chief of the Phoenix Police Department announced that it would cost the department $3.5 million to outfit its 3,000 officers with body cameras and manage the BWC program. Overall, the costs vary depending on the type of

camera, type of storage, IT support and use of video. Agencies have been able to save money by joining with others to purchase cameras and storage.

- Privacy considerations: Privacy rights of the public are a primary concern. BWCs have the potential to impinge on community members' expectation of privacy. The technology may also present concerns for vulnerable populations such as children and victims of crime. Law enforcement agencies should fully investigate state privacy laws and engage relevant stakeholder groups (e.g., victim advocacy groups) before adopting BWCs. Officer privacy should also be addressed. Some law enforcement unions have opposed BWCs, arguing that adoption of the technology must be negotiated as part of the collective bargaining agreement. Also, at the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel, some of the audience expressed concerns about BWCs because the technology gives supervisors the opportunity to go on "fishing expeditions" against officers in their command. Discussions among law enforcement executives and line officers are an important aspect of the policy development for implementing a BWC program.
- Prosecution: Prosecutors and defense attorneys will want to review BWC video related to their cases, but they too have an obligation to protect the privacy of community members captured in the video. Therefore, it is important that the impact on prosecutorial and defense bar resources is taken into account when implementing a BWC program.
- Policy development: During the BWC Expert Panel, participants shared very specific concerns and examples about BWC policy. For instance, Maggie Goodrich of the Los Angeles Police Department discussed her agency's concerns about not wanting officers to put themselves in danger because of any additional distraction caused by the cameras. Deputy Chief Michael Kurtenbach of the Phoenix Police Department walked through an example of a video used in a prosecution that resulted in an assault conviction of the officer. Triggered by the egregious behavior in the video, the agency reviewed three months of prior video to discover a pattern of inappropriate behavior. Upon the officer's termination, the police union expressed concerns about evaluation of prior video, because the department had said it would not use video for administrative purposes. Kurtenbach suggested this illustrates the need for thoughtful consideration of policies even though, in this example, "once the videos were seen everyone agreed the officer should be fired."
- Training considerations: Law enforcement agencies should plan for additional training on camera use, video review, and video expungement and redaction.
- Advocacy considerations: Cynthia Pappas from the Office of Juvenile Justice and Delinquency Prevention reminded BWC Expert Panel participants that "95% of youth and juveniles commit non-violent offenses so there should be great precautions made to protect them, including protections from public screening" of the video. Krista Blakeney-Mitchell from the Office of Violence Against Women went on to describe how victim confidentiality should be addressed during a call for assistance for domestic violence. If an officer is entering the home of a domestic violence victim, the victim is exposed. "We need to consider how that plays out later in recordings. Will the video be used against the victim based on her demeanor near the time of the incident? Will she be re-victimized?" Another concern is the use of BWCs when dealing with sexual assault victims and the need to decide

how video will be used in these situations. Lastly, Blakeney-Mitchell explained that it is "hard for victims to come forward when everyone will know their story based on video footage…there is a concern that victim reporting will go down."

For more information, see:

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

8. What is the Body-Worn Camera Pilot Partnership Program?

In May 2015, Department of Justice Today announced a $20 million Body Worn Camera (BWC) Pilot Partnership Program to respond to the immediate needs of local and tribal law enforcement organizations. The investment includes $17 million in competitive grants for the purchase of BWCs, $2 million for training and technical assistance, and $1 million for the development of evaluation tools to study best practices. The pilot program is part of President Obama's proposal to invest $75 million over three years to purchase 50,000 BWCs for law enforcement agencies.

Administered by the Bureau of Justice Assistance, under the Justice Department's Office of Justice Programs (OJP), the BWC Pilot Partnership Program will provide support to help law enforcement agencies develop, implement, and evaluate BWC programs across the United States.

The Justice Department expects to provide 50 awards to law enforcement agencies, with about one-third of the grants directed toward smaller law enforcement agencies. The grants, which require a 50/50 in-kind or cash match, can be used to purchase equipment, but applicants must establish a strong plan for BWC implementation and a robust training policy before purchasing cameras. The long-term costs associated with storing this information will be the financial responsibility of each local agency.

Another $2 million will fund a national BWC training and technical assistance provider through a competitive process. This training and technical assistance will provide support to law enforcement agencies to successfully develop and implement their BWC programs.

OJP's Bureau of Justice Statistics (BJS) will receive $1 million of the funds to collect data on BWC usage through surveys of law enforcement agencies. BJS will also design data collection forms that can be used in future surveys of prosecutors and defense attorneys to measure how BWC footage is being used by the courts in criminal cases.

For more information, see:

The White House Blog, President Obama's Plan to Strengthen Community Policing:
http://www.whitehouse.gov/blog/2014/12/01/building-trust-between-communities-and-local-police

Office of Justice Programs, Comprehensive Body-Worn Camera Program Fact Sheet:
http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/05/01/body-worn_camera_fact_sheet_.pdf

9. Why was this BJA Body-Worn Camera Toolkit developed?

The acquisition, implementation, and use of body-worn camera (BWC) video in state, local, and tribal law enforcement agencies can be a costly and complex process. This toolkit was developed by the Bureau of Justice Assistance in partnership with an expert panel of criminal justice practitioners with BWC experience to provide law enforcement agencies with the resources necessary to implement officer BWCs in an efficient, equitable, and effective way. This toolkit seeks to help you become familiar with a broad array of considerations to include:

- Defining the concrete steps to follow for successful planning and implementation of a BWC program.
- Identifying personnel and internal organizational challenges to an agency when implementing a BWC initiative to include training and labor management considerations.
- Discussing technical issues associated with the implementation of BWCs.
- Assessing the impact of BWCs and the evidence they collect on a law enforcement agency and the entire criminal justice system, including courts, prosecutors, defense attorneys, and victims.
- Recognizing privacy and legal issues as they relate to members of the public, a law enforcement agency, and the accused.

10. Can I reuse the materials in the toolkit?

This toolkit is community sourced. That is, most of the material in this clearinghouse was contributed by your colleagues representing various disciplines from across the country and the world, and it is available for your use, education, and consideration. If you use content from the toolkit, we only ask that you attribute the material to the web site or the original author of the material. This toolkit does not endorse any one resource but asks you to evaluate the appropriate resources for your communities' needs as you work your way through the Body-Worn Camera Toolkit implementation checklist. And, if you have something to contribute, just e-mail us at askbwc@usdoj.gov.

11. Who contributed to this toolkit?

Members of the Bureau of Justice Assistance (BJA) Body-Worn Camera (BWC) Expert Panel provided guidance on the development of the BWC Toolkit. This panel was composed of law enforcement leaders, experienced practitioners, and national policy leaders from across the United States, United Kingdom, and Canada. Dr. Charles M. Katz and Dr. Michael D. White of the Arizona State University provided the BJA with expert assistance in developing this toolkit.

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12. Do body-worn cameras contribute to positive effects between law enforcement and the communities they serve?

Available research consistently shows that officer body-worn cameras (BWCs) contribute to a substantial and significant reduction of complaints against law enforcement officers. For example, in Rialto, California, community member complaints against officers dropped by 88% after BWCs were deployed in the field (Ariel et al., 2014). In Mesa, Arizona, BWCs were associated with a 60% decrease in complaints against law enforcement (Mesa Police Department, 2013). In Phoenix, Arizona, complaints against officers who wore the cameras declined by 23%, compared to a 10.6% increase among comparison officers and 45.1% increase among patrol officers in other precincts (Katz et al., 2015).

Law enforcement executives agree that BWCs reduce complaints. Former Police Chief Ron Miller of Topeka, Kansas stated, “There’s absolutely no doubt that having BWCs reduces the number of complaints against officers” (PERF, 2014: 6). The reasons BWCs may cause reductions in community member complaints are not known. During the February 26-27, 2015 Bureau of Justice Assistance (BJA) BWC Expert Panel, Dr. Michael White highlighted the importance of these findings and noted that the cameras may cause improved behavior (“civilizing effect”), may influence community member reporting rates (less likely to file complaints, especially frivolous complaints), or both. A number of law enforcement executives indicated that their officers have observed that BWCs discourage members of the public from filing unfounded complaints. More research is needed (especially in identifying the underlying cause of the benefit), but the consistency of the complaint reduction findings is notable.

BWCs can improve relationships between law enforcement and communities but are not a panacea, and community engagement should occur before or simultaneous to implementation. Joe Perez, President of the

Hispanic National Law Enforcement Association and Hispanic American Police Command Officers Association–National Capitol Region, stated during the BJA BWC Expert Panel, "in regards to building trust with communities, having a BWC isn't going to build a better relationship with the community. Relationships need to be built before putting on the camera. Just because I put on a camera doesn't mean that it's building a relationship or more trust." Kay Chopard Cohen, Executive Director of the National District Attorneys Association, stated, "If a chief is worried about community relationships, then the chief has to do more than just give an officer a camera. He or she needs to go out and engage the community." Michael Kurtenbach of the Phoenix Police Department added, "Develop relationships with the community on the front-end because it's too late to try to make those connections after an incident."

Also during the BWC Expert Panel, Inspector Steve Goodier of the Hampshire Constabulary in the United Kingdom shared highlights from their yearlong study of 180 body-worn videos citing reductions in crime, police-generated incidents, and assaults against police officers. Inspector Goodier further explained that "a large-scale public opinion survey was done before and after program implementation that concluded 85% of the public support for BWC technology. This survey was complemented by an officer survey–an overwhelming positive for support for BWCs."

For more information, see:

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

Rialto, California:
http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf

Mesa, Arizona: http://issuu.com/leerankin6/docs/final_axon_flex_evaluation_12-3-13-

13. Do body-worn cameras reduce use-of-force by law enforcement?

In Rialto, California, there were 61 use-of-force incidents before deployment of body-worn cameras (BWC) and just 25 incidents after deployment (a 60% drop). Additionally, "control" work shifts (officers who were not wearing cameras) produced double the number of use-of-force incidents compared to "treatment" shifts (camera-wearing officers) during the same period. The study in Mesa, Arizona also found significant reductions in use-of-force among officers wearing cameras, but in Phoenix, Arizona there was no significant difference in use-of-force incidents among camera-wearing and non-camera-wearing officers. Much more research needs to be conducted to determine whether BWCs reduce use-of-force by law enforcement. In addition, the Community Oriented Policing Services (COPS) Office Implementation Guide emphasizes that

BWCs produce benefits in terms of change in behavior (civilizing effect), but those benefits can only be realized if the citizen is aware of the recording.

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

Rialto, California: http://link.springer.com/article/10.1007/s10940-014-9236-3

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

14. Do body-worn cameras change officer daily practices?

The answer to this question depends on how you measure officer daily practices.

With regard to paper work, the research is mixed. In Plymouth, England, body-worn cameras (BWC) led to quicker resolution of cases, which produced a 22.4% reduction in officer time devoted to paperwork and file preparation; and to an increase of 9.2% in officer time spent on patrol (an extra 50 minutes per nine-hour shift) (Goodall, 2007). But in Victoria, Canada and in Phoenix, Arizona, officers spent significantly more time on paperwork following the deployment of BWCs (Laur et al., 2010; Katz et al., 2015).

With respect to evidentiary quality, research conducted in Plymouth and Essex, United Kingdom, Victoria, Canada, and Phoenix, Arizona suggest that the use of BWCs increases the quality of evidence (Goodall, 2007; Laur et al., 2010; Owens et al., 2014; Katz et al., 2015). Related to these results, in Phoenix researchers reported that domestic violence incidents where an officer was wearing a BWC were more likely to result in charging and conviction. Specifically, they found that when compared to non-camera cases, camera cases were more likely to be initiated by the prosecutor's office (40.9% vs. 34.3%), have charges filed (37.7% vs. 26%), have cases furthered (12.7% vs. 6.2%), result in a guilty plea (4.4% vs. 1.2%), and result in a guilty verdict at trial (4.4% vs. 0.9%) (Katz et al., 2015).

If officer's performance is measured by the number of contacts with members of the public, the evidence is limited. In Rialto, California, there was an increase in the number of contacts between law enforcement and the public after BWCs were deployed in the field (3,178 more contacts after BWC deployments, compared to the prior year) (Ariel, et al. 2014). We do not know why there was this increase but intend to do further research to find out if an increase is consistent with what is happening with other departments and why.

More generally, a number of law enforcement executives interviewed indicated that they had used BWCs to identify and address larger structural issues in their department, and to develop solutions to those problems. This includes weaknesses in training, policy, and law enforcement officer field behavior (e.g., using video footage to investigate racial profiling) (PERF, 2014).

For more information, see:

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

Rialto, California:
http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf

15. Do body-worn cameras assist with the investigation of community member complaints against law enforcement officers?

There is little empirical evidence on the impact of body-worn cameras (BWCs) on community member complaint investigations. In Phoenix, Arizona, researchers reported that camera-wearing officers who received a complaint were significantly less likely to have the complaint sustained, compared to non-camera-wearing officers and other patrol officers throughout the Phoenix Police Department (Katz et al., 2015). Evidence from the United Kingdom also suggests that BWCs may result in quicker investigation of community member complaints against law enforcement (Goodall, 2007)). The video evidence may also be used to provide members of the public with additional information that helps them understand the law enforcement officer's behavior during a particular encounter (e.g., educational value). Legal scholar David Harris stated, "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" (Harris, 2010: p. 7).

There is also some evidence to suggest that BWCs can assist with the investigation of critical incidents, including officer-involved shootings. Former Chief of Police Miller of the Topeka (Kansas) Police Department

stated that a local district attorney cleared one of his officers of any wrongdoing during a critical incident after reviewing the BWC footage of the deadly shooting (PERF, 2014).

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf

Office of Justice Programs Diagnostic Center, Police Officer Body-Worn Cameras: Assessing the Evidence:
https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf

United Kingdom Home Office, Guidance for the Police Use of Body Worn Video Devices:
http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf
David A. Harris, University of Pittsburgh, Picture This: Body Worn Video Devices as Tools for Ensuring Fourth Amendment Compliance by Police: http://www.nlg-npap.org/sites/default/files/Harris-Video.pdf

16. Do body-worn cameras assist with the prosecution of criminal cases?

There has been little research conducted on the effect of body-worn cameras (BWCs) on criminal prosecutions. In Phoenix, Arizona, researchers found that domestic violence cases that involved a camera-wearing officer were more likely to be initiated by the prosecutor's office (40.9% vs. 34.3%), have charges filed (37.7% vs. 26%), have cases furthered (12.7% vs. 6.2%), result in a guilty plea (4.4% vs. 1.2%), and result in a guilty verdict at trial (4.4% vs. 0.9%) (Katz et al., 2015).

The Plymouth (England) Head Camera Project reported that the technology increased officers' ability to document that a violent crime had occurred, and the incidents recorded by BWCs were more likely to be resolved through guilty pleas rather than criminal trials (Goodall, 2007). In Renfrewshire, Scotland, BWC cases were 70-80% more likely to result in a guilty plea, compared to other court cases. A more recent report from Essex, Scotland that focused specifically on domestic abuse calls also found that criminal charges were more likely to be filed in cases where an officer was wearing a BWC (Owens et al., 2014).

Anecdotal evidence from the Police Executive Research Forum interviews of law enforcement executives (PERF, 2014) also suggests that BWCs may affect prosecution of cases through improved evidence collection. Chief Parker of the Dalton (Georgia) Police Department reported that BWCs have enhanced evidence collection at accident scenes, as officers work to secure a scene, interview witnesses and victims, and provide emergency medical care as needed. Several chiefs also indicated that BWCs are useful in

domestic violence cases when it is difficult for a victim to participate. In these cases, BWC policies regarding victims, to include children and other vulnerable persons, must be carefully crafted.

For more information, see:

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Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

ACLU's Jay Stanley video: https://www.bja.gov/bwc/videos/BWC_Interview_Stanley_Embed.mp4

17. What types of body-worn cameras are available to law enforcement?

There are a large variety of body-worn cameras (BWCs) available for use by law enforcement. They vary by battery life length, event marking, weight, camera placement, camera size, quality of video, vision type (day or day/night), field of view, playback capacity, charge time, pre-event recording, law enforcement radio interface, video and audio format, video safeguards, download capability, and cost. In March 2014, the National Institute of Justice published a market survey that examined BWC vendors across a range of categories, including location of the camera mount, recording capabilities, evidentiary safeguards, tracking features (e.g., chain of custody), and video management.

For more information, see:

System Assessment and Validation for Emergency Responders (SAVER) for the Science and Technology Directorate, Body-Worn Video Cameras for Law Enforcement Assessment Report:
http://www.firstresponder.gov/SAVER/Documents/Body-Worn-Cams-AR_0415-508.pdf

National Law Enforcement and Corrections Technology (NLECTC) for the National Institute of Justice, Body-Worn Cameras for Criminal Justice: Market Survey: https://www.justnet.org/pdf/Body-Worn-Camera-Market-Survey-508.pdf

United Kingdom Home Office, Guidance for the Police Use of Body Worn Video Devices:
http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf

18. What types of equipment are necessary to record and download video?

The types of equipment that are necessary to record and download video vary by manufacturer and end user choice. At a minimum, a camera and docking station is required; some agencies elect to purchase accompanying car-mounting equipment, extra batteries, tablets, and GPS sensors.

19. What do law enforcement agencies do with all of the data that is generated by officer body-worn cameras?

Video data storage is one of the most expensive aspects of body-worn camera (BWC) programs. Some manufacturers provide cloud-based storage. Law enforcement agencies that choose cloud-based storage typically have the option of paying by the amount of storage space that is used or paying on a per-officer/camera basis. However, some agencies elect to store data onsite locally. This requires the agency to purchase its own data storage system and store, retrieve, and share the video evidence, as well as develop the means to address chain-of-custody policies and laws of evidence.

The International Association of Chiefs of Police (IACP) has developed specific guidelines that departments should consider when contracting with third-party vendors for cloud-based data storage. Selected key issues include: the vendor's system should be compliant with the FBI's Criminal Justice Information Services Policy (CJIS); the law enforcement agency should retain ownership of the data; the vendor should be prohibited from mining or sharing data without consent from the agency; and the agency should be permitted to conduct audits of the vendor's cloud system. Agencies should consult the IACP guide before contracting with third-party vendors for data storage.

For more information, see:

International Association of Chiefs of Police, IACP Technology Policy Framework:
http://www.theiacp.org/Portals/0/documents/pdfs/IACP%20Technology%20Policy%20Framework%20January%202014%20Final.pdf

Law Enforcement Information Management, 2013 Conference Opening Plenary, Leveraging the Cloud for Law Enforcement:
http://www.theiacp.org/Portals/0/pdfs/LEIM/2013Presentations/2013%20LEIM%20Opening%20Plenary%20-%20Leveraging%20the%20Cloud%20for%20Law%20Enforcement.pdf

International Association of Chiefs of Police, Guiding Principles on Cloud Computing in Law Enforcement:
http://www.theiacp.org/portals/0/pdfs/GuidingPrinciplesonCloudComputinginLawEnforcement.pdf

IJIS Institute for IBM Center for The Business of Government, Mitigating Risk in the Application of Cloud Computing in Law Enforcement: https://c.ymcdn.com/sites/www.ijis.org/resource/collection/232074EF-6453-4014-BC4E-018BF818D291/Mitigating_Risks_in_the_Application_of_Cloud_Computing_in_Law_Enforcement.pdf

Booz Allen Hamilton, Economics of Cloud Computing: Addressing the Benefits of Infrastructure Cloud: http://www.boozallen.com/media/file/Economics-of-Cloud-Computing.pdf

20. When should the recorded data from body-worn cameras be downloaded?

The Police Executive Research Forum (PERF) study recommends that officers download and tag the recorded data at the end of each shift. Some camera models do allow officers to download and tag videos while still in the field immediately after a call (PERF, 2014).

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

21. How long do law enforcement agencies have to store the video?

Law enforcement agencies should consult with their local prosecutors and legal counsel as they design their data storage policies. Laws governing how long video must be stored may vary across cities, tribal governments, and states. Video that depicts an arrest or critical incident may have to be stored for an extended period of time. Departments have varied policies on how long they keep video that depicts an encounter where no formal action is taken. Some departments will store such video for at least as long as the period in which a community member complaint can be filed. For example, if members of the public can file a complaint for up to six months after an encounter with a law enforcement officer, it may be necessary to keep all video for six months so the video can be accessed to assist with the complaint investigation. State law may dictate the length of time for storage of more formal law enforcement encounters with members of the public. These are important issues that law enforcement agencies should discuss with their prosecuting authority before procuring storage systems or enacting any policies regarding storage.

Some departments classify body-worn camera video as either “evidentiary” or “non-evidentiary.” Evidentiary video includes footage that can be used for investigative purposes, and many departments have created

sub-classification systems of types of videos (homicide, use-of-force, arrest, mental health commitment, etc.). The length of time a video is retained is then typically determined by how the video is classified (evidentiary or non-evidentiary) and, if evidentiary, the type of encounter.

Many of those surveyed by the Police Executive Research Forum (PERF) retain non-evidentiary video for 60-90 days. Regardless, retention times should be specifically stated in department policy, as should the process for data deletion. As an indicator of transparency, many departments publicly post their retention policies on their web site.

The PERF report (PERF, 2014) also identifies a number of data storage issues that should be covered by policy and put in place:

- The policy should clearly prohibit data tampering, editing, or copying.
- There should be technological protections against tampering.
- The department should have an auditing system in place that documents who accesses each video, when the access occurs, and why.
- The policy should identify who has authority to access video.
- Departments should develop a reliable back-up system for video.
- Law enforcement should provide guidance on when officers should download video (e.g., at the end of the shift).
- The policy should be explicit about the use of third-party vendors.

22. How much does it cost to implement a body-worn camera program?

In general, when estimating the cost of implementing a body-worn camera (BWC) program, three types of costs should be considered.

- Capital outlay. This can include the number of BWCs, mounting kits, tablets, field viewers, and docking stations.
- Operational costs. Data storage, software, and redaction costs are included in this category as well as costs associated with officer BWC administration (download time, reviewing video) and any efforts required to track and provide the video to the courts.
- Replacement costs. This is related to repairs, upgrades to next-generation technology, warranties, and replacements.

Law enforcement agencies may be required to follow their jurisdiction's procurement processes in order to purchase BWCs. This process sometimes requires the creation of a committee in charge of the procurement process, preparation of an RFP (request for proposals), review of vendor bids, and a selection process.

Agency leaders should consult with their jurisdiction's leadership to ensure that requirements for equipment purchase are followed.

In addition to the hardware and data storage costs, departments have identified other expenses. For example, "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" (PERF, 2014: 32).

The costs of managing a BWC program are extensive and must be considered long term. Weighing costs has helped departments place principled limitations on their program. This analysis should be part of the implementation design and discussion with other criminal justice officials and the community at large. Considerations may include:

- Limiting the types of encounters that must be recorded.
- Adopting shorter data-retention time periods.
- Seeking private funding to support the program.
- Developing other storage options for videos that must be kept for longer periods of time (e.g., saving critical incidents to a separate internal drive or to a disk).

This type of evaluation can help agencies understand the costs and benefits of the technology, and can also facilitate conversations with other stakeholders about the technology.

For more information, see:

Washington, D.C.:
http://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Final%20policy%20rec%20body%20camera.pdf or http://mpdc.dc.gov/bwc

Baltimore, Maryland:
http://mayor.baltimorecity.gov/sites/default/files/20150218BWCWorkingGroupRecommendations.pdf

Spokane, Washington: https://my.spokanecity.org/police/accountability/body-cameras/

Wichita, Kansas: https://lintvksnw.files.wordpress.com/2014/12/police-body-worn-camera-report.pdf

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf

23. What are the key policy areas law enforcement should consider before implementing a body-worn camera program?

There is a wide range of important issues that may be governed by a law enforcement agency's internal administrative policy. The Police Executive Research Forum report (PERF, 2014: 37) identifies a range of key policy issues, including:

- Basic camera usage: who will wear the cameras; where will the cameras be worn (hat, sunglasses, chest, etc.)
- Designated staff member: who is responsible for maintenance, charging, reporting, documenting malfunctions, and issuing new cameras
- Recording protocols: when to activate and deactivate camera, and when recording is required, discretionary, and prohibited
- Video downloading process: who will download, when download will occur, where data will be stored, and how it will be safeguarded from tampering
- Method for documenting chain of custody
- Data retention periods for different categories of recorded data (evidentiary, non-evidentiary)
- Process for accessing and reviewing data: who is authorized to review and under what circumstances (e.g., individual officers, supervisors)
- Process for releasing recorded data to the public, including redaction processes, timelines for release, and data specifically prohibited from release
- Process for contracting with third-party vendors for data storage

Other resources for policy considerations include: a report by the National Institute of Justice Sensor, Surveillance, and Biometric Technologies (SSBT) Center of Excellence (2012); the IACP Body-Worn Cameras Model Policy; and the OJP Diagnostic Center Report (White, 2014).

Several policy areas are described in greater detail below.

National Law Enforcement and Corrections Technology Center (NLECTC) for the National Institute of Justice, Primer on Body-Worn Cameras for Law Enforcement: https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf
International Association of Chiefs of Police, Body-Worn Cameras Model Policy and Paper: http://www.theiacp.org/ViewResult?SearchID=2401

System Assessment and Validation for Emergency Responders (SAVER) for the Science and Technology Directorate, Body-Worn Video Cameras for Law Enforcement Assessment Report: http://www.firstresponder.gov/SAVER/Documents/Body-Worn-Cams-AR_0415-508.pdf

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

24. When should an officer activate and deactivate video capture?

One key policy area involves activation–when are officers required to turn on the camera? Departments have varied considerably on this issue, from very broad policies that require recording every law enforcement–community member contact to highly discretionary policies. One study indicates that activation policy has a significant impact on how often cameras are used. The Mesa (Arizona) Police Department employed two different administrative policies during its evaluation period. For the first six months, the policy was very restrictive and gave officers little choice regarding camera activation. During the second six months, the policy was more discretionary. During the first six months (with the restrictive policy), the 50 camera-wearing officers averaged 2,327 video files per month. During the second six-month period (with the less restrictive policy), the same 50 officer's averaged 1,353 video files per month–a 42% decline in camera activations (Mesa Police Department, 2013).

The Police Executive Research Forum (PERF) has taken the position that recording every encounter with the public would create too many opportunities to violate privacy rights and hinder positive communication between law enforcement and members of the public. PERF identified a number of problem areas, including interviews with crime victims, intelligence-gathering interviews with confidential informants, and simple casual encounters with residents in a neighborhood. Results from the PERF surveys and interviews also indicated that most departments allow for some degree of officer discretion. "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 activities, such as traffic stops, arrests, searches, interrogations, and pursuits" (PERF, 2014: 13–https://www.bja.gov/bwc/pdfs/PERF-ImplementingBWCProgram2014.pdf). A department's policy should clearly articulate when officers are required to record, when they can exercise discretion, and when they are prohibited from recording (e.g., interactions with colleagues during routine activities, during strip searches of suspects, and during conversations involving tactics or strategy). Most departments also require an officer to explain why he or she decided to not record an encounter. The policy may also state that an incident may not be recorded if doing so is impractical, impossible, or unsafe for the officer or other community members. Officers should also document in the official report when a video does exist.

A related key policy area is when officers should turn off the camera. Many departments have policies that state an officer can deactivate the body-worn camera (BWC) only at the conclusion of the encounter, and some also require supervisor approval for deactivation. PERF recommends that an officer continue to record

the encounter until the incident is over, the officer has left the scene, or a supervisor has approved the deactivation. The officer should announce that the recording is being terminated prior to deactivation.

A department's policy should also clearly indicate what will happen to an officer who fails to activate a camera in circumstances where activation is required. Will the officer be subject to discipline? If so, how will he or she be disciplined? The consequences for failure to activate as well as premature deactivation should be clearly stated. Several departments have developed a strategy where, for some preliminary period of time (e.g., six months), officers are not disciplined for failure to activate. During that preliminary or pilot period, agency leaders highlight the importance of activation in accordance with department policy and actively advertise that the discipline policy will change after the pilot period ends.

Lively conversation took place at the February 2015 Bureau of Justice Assistance BWC Expert Panel around this topic. Some notable examples include privacy comments from the American Civil Liberties Union (ACLU) and CATO Institute, labor organization comments from the Hispanic National Law Enforcement Association and Hispanic-American Police Command Officer Association, and victim issues raised by the Baltimore Child Abuse Center.

Jay Stanley, from the ACLU, suggested, "there needs to be clear policies and clear expectations of line officers when they record and clear consequences when they don't follow those policies." Matthew Finey of the CATO Institute emphasized the need for specific third-party policy citing two examples: "if the policy states that footage is released when it is not part of an investigation, under what circumstances individuals can ask for information to be held?" Finey asked, "if a community member walks past an officer and is captured on video, can that community member ask for the video to be redacted?"

Asserting that officers need room for discretion when electing to turn cameras on and off, Michael Rubin from the Hispanic-American Police Command Officer Association stated, "if officers don't have the ability to make this decision, they will record things they don't need too. We give an officer the judgment to use a weapon, but we can't give them judgment to turn off the camera? For example, an officer going into people's homes where they have valuables and photos of family members and that video goes into the public domain. The same goes for a business where security data/equipment is shown that can lead to potential casing when released to the public."

Chief Daniel Zehnder, Las Vegas Police Department (LVPD), explained "the LVPD camera turn on/off policy is very detailed. Officers are required to state, while on camera, why the video is being turned off–for example, an officer may turn off the camera if a child enters into the video/scene." Adam Rosenberg of the Baltimore Child Abuse Center then explained, "video technology is used for children interviews by social workers and this footage is used for conducting peer reviews. This could be an analogy for BWC. It would be great to do a peer review of regular policing to improve outcomes."

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

Mesa, Arizona: http://issuu.com/leerankin6/docs/final_axon_flex_evaluation_12-3-13-

National Law Enforcement and Corrections Technology Center (NLECTC) for the National Institute of Justice, Primer on Body-Worn Cameras for Law Enforcement: https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf

25. When should a supervisor be able to review officer video?

One of the primary concerns that law enforcement executives cited when interviewed by the Police Executive Research Forum (PERF) is that body-worn cameras (BWCs) will weaken trust between line officers and the leadership of the department. That is, officers will view the requirement to wear cameras as an indication that they are not trusted. One of the most commonly cited concerns among line officers is that supervisors will have unfettered access to video, allowing them to go on “fishing expeditions” to search for minor violations committed by officers in their command.

One of the most important policy issues involves how camera footage will be used by a department. Departments vary widely on this point. Some departments have policies that state a supervisor can only review an officer’s footage in response to a specific complaint. Some departments also permit supervisors to review footage for training purposes, to ensure that cameras are functioning properly, and to monitor compliance with the BWC program.

Some departments do allow their supervisors to randomly review officer video for the purpose of performance review. Chief Inspector Inglis from Greater Manchester, United Kingdom stated, “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" (PERF, 2014: 25). Many of the departments surveyed in the PERF report do not allow for such performance-based review. PERF recommends that a department’s internal audit unit conduct periodic reviews to ensure compliance with administrative policy governing camera use.

Regardless, it is clear the BWCs present an opportunity for performance review of officers. The decision to take advantage of this opportunity should be made jointly by the department leadership, line officers, and union representatives.

Law enforcement executives who attended the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel shared relevant examples of key supervisor review policies. Specifically, Chief Whent of the Oakland Police Department stated, "supervisors are required to review each subordinate's video, but the policy is being revised to be more specific so officers are randomly reviewed, because supervisors would simply watch the shortest videos to avoid spending too much time." Lieutenant Daniel Zehnder from the Las Vegas Metropolitan Police Department (LVMPD) shared that in LVMPD "the supervisor is required to report to the scene for any use-of-force scenario. The policy was crafted to ensure there is never a time that the video is viewed by a supervisor without the officer being notified. On the scene the video is viewed together".

26. Should an officer be able to review the video prior to making a statement?

Another key policy issue involves whether officers should be allowed to review video footage of an incident, especially a critical incident, before filing a report or making a statement. The Police Executive Research Forum (PERF) report notes, "The majority of law enforcement executives interviewed by PERF are in favor of allowing officers to review body-worn camera (BWC) 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, 2014: 29).

Some agency leaders, defense attorneys, and civil rights advocates oppose officer review of footage before making a statement, arguing that review of the video may lead the officer to alter or tailor his or her statement. The decision to allow officers to review footage (or not) before making statements should be made locally based on discussion between the agency leaders, union representatives, and other relevant stakeholders such as prosecutors and independent law enforcement review boards, if applicable.

There is also the potential for inconsistencies to exist between the written report and the video. Departments vary in how they handle this. Some agencies do not permit officers to review the video post-event before their reports are written. These agencies take the perspective that they want the "officer's perception" of the event described in the departmental report without the assistance of reviewing the video so that the department better understands how the officer perceived the event as it occurred in the field. One criticism of this approach is that evidence presented through the officer's report and the video evidence might be inconsistent with one another, which could create complications in court. Other agencies permit the officer through agency policy to review the video of the incident while writing the departmental report. This allows the officer more opportunity to ensure that the police report does not omit things that were captured in the video. There have been no evaluations to date that have examined the strengths and weaknesses of each approach. Each agency should work with its in-house legal counsel, local prosecutors, and local defense attorney to determine which approach is best for its jurisdiction.

Lively conversation about allowing or not allowing officer viewing of video took place during the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel. Although participants provided examples of when officer viewing of videos should be limited or constrained, they also discussed a number of examples illustrating the benefits derived from officers' assessment of their video, including affording valuable opportunities for self-awareness and development. Moreover, Inspector Steve Goodier, Hampshire Constabulary, U.K., also explained that his agency found situations where a video review with a supervisor or mentor proved instrumental in realizing that "certain training and instructions were not quite translating to real life, giving both an opportunity to reflect on their performance." Los Angeles Police Department's (LAPD) Maggie Goodrich shared, "the purpose of BWCs is the collection of evidence and to find what really happened. Though studies show that if wrongdoers don't know what is on the video, it makes them more likely to lie. LAPD does not take the approach that assumes wrongdoing or lying."

Jumani Musa, National Association of Criminal Defense Lawyers, warned against giving officer's the ability to view video after a community member encounter, explaining that the purpose of "the officer's testimony is to get their assessment of what happened in the moment, so it is important to capture what happened as it happened, but during testimony the officer is processing what they saw on the video rather than what they recalled and then this could change the nature of the statement. We are also getting statements from others involved, and they aren't getting the opportunity to review the video." In response, Chief Whent of the Oakland Police Department said, "when people can view the videos, officers can view them as well, but not prior to statements in the event of an officer-involved shooting. Statements must be given first so they aren't simply recounting video." Maggie Goodrich, LAPD CIO, said, "with use-of-force and officer-involved shootings, they can review the video first before making a statement–the two involved officers are separated, and the line supervisor takes cameras and shuts them off so nothing can be altered".

27. Should officers be able to wear their own cameras?

As agencies consider the formal adoption of body-worn cameras (BWCs), some officers may choose to purchase and wear their own personal BWCs, or an officer may wish to do so if any agency does not deploy cameras to its entire force of sworn personnel. The decision to allow officers to wear personally owned devices should be made locally, but both the Police Executive Research Forum (PERF, 2014) and a number of law enforcement executives have expressed concern with self-purchase of BWCs. Such cameras are a potential problem because the data recorded by a personal BWC is not owned by the law enforcement agency. Moreover, there may be insufficient protections in place for proper storage and safeguarding of the video (e.g., tampering, chain of custody). PERF specifically recommends that officers be prohibited from carrying their own privately owned cameras on duty. Officers who utilized personally owned technology may have this technology seized and examined and be subject to extensive review (of personal and professional data, video, photos, etc.), which could be used to impeach the officer in legal proceedings.

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf

28. What do law enforcement agencies need to do to prepare the prosecutor and other criminal justice agencies for the implementation of a body-worn camera program?

The "back end" of the implementation of a body-worn camera (BWC) program requires a great deal of coordination. Criminal investigators, prosecutors, defense attorneys, forensic scientists, evidence technologists, public information officers, information technology specialists, and other personnel all need to be trained on BWC policies and need to develop their own policies and procedures for processing and using video obtained through BWCs. For example, personnel associated with the courts (e.g., prosecutors, defense attorneys) need to develop strategies for tracking and reviewing evidence obtained through BWCs; information technology specialists need to purchase and install equipment and software; and public information officers need to establish and implement protocols for releasing information obtained through BWCs. Prosecutors also need to have timely access to recorded data, as delays in gaining access could affect the adjudication of a criminal case. Law enforcement agencies should keep prosecutors and judges apprised of changes to their BWC program, especially with regard to expansion. As more cameras are deployed to officers, prosecutors (and defense attorneys) may have to adjust staffing accordingly. According to Vicki Hill from the Phoenix City Prosecutor's Office, for every 100 cameras added by the Phoenix Police Department, the prosecutor's office needed to hire or re-assign a new staff member.

Participants in the February 26-27, 2015 Bureau of Justice Assistance BWC Camera Expert Panel were unanimous in emphasizing the early and ongoing involvement of the prosecution community in planning and implementing a BWC program. Like other law enforcement participants, Michael Kurtenbach, Phoenix Police Department, stated, "agencies need to involve prosecutors, the community, etc....because the development of BWC policy needs to be well-understood and comprehensive." To expound on the need, Deputy District Attorney Damon Mosler from San Diego County said, "anybody in charge of developing a body-worn camera policy should first consult prosecutors and civil liabilities attorneys." He further warned that "agencies will have problems, so they need policies in place about retention, access, and timely discovery before activation, or cases will be delayed." Vicki Hill, Phoenix City Prosecutor, reminded the panel about the significant impact BWCs have on the prosecutor community, sharing that the "Arizona state statute dictates that we have to redact certain personal identifier information (PII) about the victims before turning it over to the victim or the defense attorney. Prosecutors have to view it, determine what has to be redacted, then render it–which takes twice as long as the length of the video to get the output. Huge financial staffing resources [are required] for editing video files." Expounding upon the need for prosecutor involvement, Kay

Choppard-Cohen, National District Attorney Association, explained, "from a prosecutor's perspective, we need to worry about victim safety and confidentiality, about the safety of innocent bystanders." Choppard-Cohen further explained, "BWCs add a layer of complexity; we want to see what happened, but sometimes when an officer responds, it is not ripe for public viewing. There are situations where we have to educate the public and legislatures that this should not be available for public viewing."

29. Are there sample or model policies that we can examine before developing the administrative policy governing our body-worn camera program?

Agencies have varied considerably in the content and structure of their department policies. Many agencies have made their policies publicly available, or they will furnish their policy upon request. A number of policies have been collected by the Bureau of Justice Assistance and are available in this toolkit. In addition, there are currently several model policies available for review. The International Association of Chiefs of Police (IACP) has devised a model policy. The Police Executive Research Forum report (PERF, 2014) also includes a number of policy recommendations. In the United Kingdom, policy resources are available through a U.K. Home Office report (Goodall, 2007).

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

International Association of Chiefs of Police, Body-Worn Cameras Model Policy and Paper:
http://www.theiacp.org/ViewResult?SearchID=2401

United Kingdom Home Office, Guidance for the Police Use of Body Worn Video Devices:
http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf

30. Who should deliver training to law enforcement officers about the deployment of body-worn cameras?

The answer to this question is dependent on the size, structure, and resources available to the agency. For some agencies, a training officer or training unit might be involved; in others, it might include a commander, legal counsel, information technology specialist, or a combination of personnel. Regardless of the personnel assigned to train law enforcement officers on body-worn cameras (BWCs), at least four fundamentals should be included in training:

1. Officers should be trained on departmental BWC policy (specifically when a BWC should be activated) and any applicable local/tribal ordinances or state laws.
2. Officers should be trained to conduct a pre-shift inspection of the BWC to ensure that it is in proper operating condition.
3. Officers should be trained on how and where to wear the BWC.
4. Officers should be trained on how to properly document recorded events and download the evidence for storage according to departmental policy.

The Police Executive Research Forum (PERF) report concludes that "rigorous, ongoing officer training" regarding policy and protocols is essential for effective use of the technology. It may also be useful for an agency to create a training manual on BWCs, and to make that manual available to officers. As use of BWCs expands in an agency, training on the technology should be incorporated into academy curriculum, so that new recruits are exposed to the cameras during their formative training experience. The training may also be provided to other stakeholders, including judges and prosecutors. Some departments have selected an officer to serve as a liaison on BWC issues. The liaison meets periodically with line officers wearing cameras to create a feedback loop regarding training, policy, and use of questions and concerns.

Some helpful considerations were shared by participants in the February 26-27 Bureau of Justice Assistance BWC Expert Panel. Specifically, Patty Wolfhope, Science and Technology Directorate in the Department of Homeland Security, offered several considerations: "Training officers is highly dependent on what you want the outcome to be. When considering the technology, think about the use case first. How do you plan to use what you get back from the video from the back end? Is it face recognition? Is it face detection? When officers start to see the payback of the camera, then they buy-in and are more interested in the use of the technology. Technology is almost always ahead of privacy and policy issues."

Sergeant Dan Gomez of the Los Angeles Police Department indicated that its training was integrated into roll calls for every section, "so it would hit every unit." Gomez said, "we also did a pre-deployment training. We selected a field officer to be a liaison with the front-line troops for one-on-one interviews to get real feedback vs. what they felt they had to tell implementation team and leadership. We required the vendor to participate in the training as well, but all training was led by cops to the cops. The team also trained the DA's office, who were also involved in policy discussions. A great success is the in-house train-the-trainer program, so each division had a BWC training designee. Transparency and accountability are intermixed. We expect the officer to do the right thing and focused the organization on this. When review of the video with the officer and the footage turns criminal in nature–the nature of the investigation is changed. If we know a criminal act has occurred, then the officer does not view the video–this is a different process. We educated the community that there are two different courses of action. The community didn't know this and are satisfied with that role and expectations."

The PERF survey indicated that 94% of the agencies that have deployed BWCs use the video and audio footage to train officers. The report states, "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 performance of new officers in the field, and to identify new areas in which training is needed" (PERF 2014: 7).

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

31. How can body-worn cameras facilitate review of critical incidents, including use-of-force?

Law enforcement–community member encounters are transactional events, with each participant making decisions and responding to the decisions of the other participant. As a result, use-of-force by a law enforcement officer is the culmination of a series of earlier actions and reactions. However, review of force incidents traditionally ignores earlier stages of an encounter and focuses entirely on the final-frame decision (called the split-second syndrome). Body-worn cameras (BWCs) represent an opportunity to overcome the split-second syndrome because the technology can allow for a full review of all actions made by the officer during an encounter, from start to finish. For example, BWCs can help answer questions such as:

- How did the officer act early on in the encounter that deescalated or escalated the potential for violence?
- Upon review of the video, is there anything that officer might have missed to resolve the encounter differently?

BWC recordings can be a part of a comprehensive review of use-of-force encounters to determine why they ended in violence, and to identify better practices for resolving encounters peacefully (which can then be incorporated into officer training). During his testimony before the President's Task Force on 21st Century Policing, Dr. Michael White stated:

"BWCs represent an opportunity to overcome the split-second syndrome because the technology can provide a permanent video record of the entire police–citizen encounter. BWCs allow for a full review of all decisions made by the officer during an encounter, from start to finish. Did the officer make decisions early on in the encounter that escalated the potential for violence? Did the officer miss opportunities to resolve the

encounter peacefully? BWCs can facilitate a comprehensive review of forceful encounters to determine why they ended in violence; and to identify best practices for resolving encounters peacefully."

Maggie Goodrich, Los Angeles Police Department, and Kay Choppard-Cohen, National District Attorney Association, offered related thoughts in the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel. Goodrich explained, "the purpose of BWCs is the collection of evidence and to find out what really happened. Though studies show that if wrongdoers don't know what is on the video, it makes them more likely to lie. LAPD does not take the approach that assumes wrongdoing or lying." Choppard-Cohen asserted, "criminal investigations today are so much more complex than years ago. We did not have the same techniques before. There was no DNA, just a few eyewitnesses. Today we have lots of corroboration. We need to weigh civil liability with requirements for civil prosecution and balance those so we are looking out for both sides in any cases. From a prosecutor's prospective, we need to worry about victim safety and confidentiality. We need to worry about safety of innocent bystanders. BWCs add a layer of complexity; we want to see what happened, but sometimes when an officer responds, it is not right for public viewing. There are situations where we have to educate the public and legislatures that this should not be available for public viewing. We need to be the protector of that and uphold the Constitution to make complexities work."

32. How often do law enforcement officers need to be retrained on proper use of body-worn cameras?

All line-level sworn law enforcement officers should minimally be retrained in some way on the proper use of body-worn cameras (BWCs) on an annual basis (PERF, 2014). The training could review department policies, ordinances, and laws related to BWCs; how to conduct a pre-shift inspection of the equipment; and how to properly document and download BWC evidence. Training may also be required to familiarize officers with the use of BWC footage during testimony on the stand during criminal and civil trials. The training should also consider offering a forum for open dialogue among officers regarding problems, concerns, and questions about the technology.

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf

33. Do investigators and detectives need special or different training on body-worn cameras?

Investigators and detectives might need different training on body-worn cameras (BWCs) depending on the methods and means the agency uses to share evidence obtained through BWCs. For many agencies, evidence obtained through BWCs will be downloaded by first responders into an in-house or cloud-based storage system. Investigators will need to be trained on how to identify when this evidence becomes available to them, how to retrieve the evidence, and any policies, procedures, ordinances, and laws governing their use. Training may also be required to familiarize detectives and investigators with the use of BWC footage during testimony during criminal and civil trials. All of these procedures should be reviewed by your legal counsel and prosecuting authority prior to implementation.

34. What are some good ways for law enforcement agencies to work with prosecuting authorities on a body-worn camera program?

Representatives from the prosecutor's office should be included in the planning and implementation process of any body-worn camera (BWC) effort. Prosecutors and your legal advisor's office will have, or be able to quickly develop, a familiarity with the ordinances and laws that may govern and limit their use. Prosecutors will need to participate at some level in the development of internal law enforcement policies and procedures while simultaneously developing new training, policies, and procedures for their own office.

In addition, prosecutors and defense attorneys will have to plan for internal expenses associated with BWCs. For example, while there has been little research regarding the BWC issues confronting prosecutors, one evaluation reported that the Phoenix City Prosecutor's Office was not prepared for the amount of video evidence that its prosecutors would be required to review. Complications arose related to the tracking of BWC evidence as well as the amount of time required to review each video file for evidence (Katz et al., 2015). If BWC video exists related to a particular case, prosecutors may have a legal obligation to review the evidence, and will likely have to disclose it to the defense. As a result, communication between law enforcement and prosecutors on the existence of video is crucial.

Finally, communities should anticipate requests from the judiciary for training and orientations for their judges and clerks regarding the technology.

35. Do body-worn cameras reduce the liability of the city and law enforcement agency related to law enforcement misconduct?

The evidence suggesting that body-worn cameras (BWCs) can reduce liability for a law enforcement agency and city is limited. It is reasonable to assume, however, that if BWCs reduce complaints against officers and

officer use-of-force (as suggested by several studies), then the technology may also reduce liability risk. Several law enforcement agencies have used BWCs in a more targeted manner, by requiring officers with a history of complaints to wear the technology. Chief Chitwood of the Daytona Beach (Florida) Police Department required an officer with a history of questionable complaints to wear a BWC (PERF, 2014). After several incidents in which the officer claimed that his camera had malfunctioned, the department was able to determine that the camera was turned off intentionally and the officer was subsequently fired. Chief Lansdowne, formerly of the San Diego Police Department, stated that BWC footage provides important information to investigate claims of racial profiling: "When it comes to collecting data, the raw numbers don't always fully capture the true scope of a problem. 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" (PERF, 2014: 8).

A number of agencies have found that the adoption of BWCs can be helpful in response to external investigations, consent decrees, and other forms of external scrutiny (PERF, 2014). Departments in Detroit, New Orleans, Spokane, and Las Vegas have implemented BWC programs as part of agreements with the Community Oriented Policing Services Office or the Civil Rights Division of the U.S. Department of Justice.

During the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel, Damon Mosler, Deputy District Attorney of San Diego County, explained, "there is a cost or consequence of stopping tape or not recording–it may have adverse impact that could call into question officers' motives, creating civil liability for [the] department." Expounding on the liability "cost," Donald Pappy, Chief Deputy City Attorney of Miami Beach Attorney's Office, shared, "as a city attorney I defend civil claims and there is extraordinary value in the civil realm as well as criminal." In contemplation about how much money is saved by having BWCs, Pappy offered that "many court cases would not need to proceed if a BWC showed it was not necessary–this should be studied." Further, Pappy suggested that "liability and attorney's fees are huge, especially for a city" and then provided an example of a case that could have been dropped if BWCs had been available: "a fellow was chased and during pursuit he smashed into a telephone pole and police found him in the passenger side of the car. He ended up paralyzed. He claimed he got out of car to see the damage and the police beat him into paralysis. In reality, he was spun to the passenger side of the car during the accident. If the officer had a BWC, the video would have showed the truth."

36. Should there be efforts by the law enforcement agency to educate the public about body-worn cameras?

Law enforcement agencies will benefit from a public education campaign that is focused on increasing public awareness of the body-worn camera (BWC) program, the goals for the program (why the agency has adopted the cameras), and what to expect in terms of benefits and challenges. The public education campaign can be part of a larger effort by the agency to demonstrate transparency and to improve outcomes

with the community. The local media can be an important partner in the public education campaign, through print, radio, and television reporting on the BWC program. Decisions about how much information to provide and how to provide it (web site, public service announcements, media reporting, etc.) should be made locally.

Several participants of the Bureau of Justice Assistance BWC Expert Panel shared their community outreach efforts. Michael Wagers, CIO of the Seattle Policy Department, explained Seattle took three months to rewrite its BWC policy because it posted the policy publically to seek input from stakeholders. Wagers emphasized the significant value in this approach: "we had an agreement with the police union and included them in the policy development process–we ended up using a lot of input from external stakeholders as well." Inspector Steve Goodier, Hampshire Constabulary, U.K. suggested a pre- and post-survey of both the community and officers, explaining that it was wonderful to have the data to demonstrate internal and external support of BWCs ("85% support among the public support as well as overwhelming positive support from officers").

37. How do law enforcement agencies handle public and media requests for video from officer body-worn cameras?

Public and media requests for body-worn camera (BWC) video are governed by local, tribal and state laws. As a result, law enforcement agencies should work closely with their legal counsel on this issue. States vary tremendously in the scope of their laws governing public access to government information, including BWC video, which is generally viewed as a public record. The Police Executive Research Forum (PERF) cautions agencies to balance the legitimate interest of openness with the need to protect privacy rights. For example, releasing a video that shows the inside of a person's home will likely raise privacy concerns. Also, most local, tribal and state laws have a provision that allows an agency to decline a public records request if the video is part of an ongoing investigation. PERF also cautions agencies to use their exceptions to releasing video "judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes" (PERF, 2014: 18). Departments should also provide clear reasons for why they decline to release a video.

Department policy should also specifically prohibit officers from accessing recorded data for personal use, and from uploading data to public web sites. Departments should clearly articulate the punishments for such violations (PERF, 2014).

Bureau of Justice Assistance BWC Expert Panel participants further emphasized the value of having open forums to discuss BWC programs. Lieutenant Daniel Zehnder, Las Vegas Metropolitan Police Department, explained that they "hosted an extensive media day–set up scenarios and spent hours training local media on how the cameras work. We found this extremely important to build rudimentary knowledge." Matthew

Scheider, Assistant Director for Research and Development at the Community Oriented Policing Services Office, suggested, "the key is for officers and policymakers to engage with the public before implementation; this engagement at the community level is critical. I encourage this group to think about the future of BWC–what does the future hold and what are the pitfalls it holds? One potential future and pitfall is facial recognition with BWC, including those in the background. The notion of FOIA and access of records is important, and concerns over storage will get easier but community members will want access."

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

38. What should law enforcement officers do if a community member requests that the body-worn cameras be turned off?

A number of legal and policy issues might influence this decision. In some states, for example, an officer is allowed to continue to record even if a person requests that the officer turn off the camera, if the encounter occurs in a public setting; but the officer is not permitted to continue to record in an individual's private dwelling unless permission is granted to the officer. Before creating a policy, law enforcement agencies must check with the agency and legal counsel on the applicable state, local, and tribal law on consent to record.

In general, however, officers wearing a body-worn camera (BWC) should be sensitive to the privacy and dignity of those who are being recorded, and should stop recording when requested if privacy concerns outweigh the legitimate interests of law enforcement. If an officer decides to turn off their BWC based on the person's request, they should first record the request to discontinue recording, and then verbally state that they are turning off the camera out of consideration to that request. These statements should be captured by the BWC prior to turning off the BWC system.

39. Is it legal for law enforcement to use body-worn cameras to record incidents with community members?

Each department must fully examine its state, local, and tribal laws to determine when it is lawful to record events. Most communities, however, fall into one of two groups.

The first group is composed of those communities that require one-party consent. In these communities it is lawful to record communication when consent is obtained from one person (e.g., officer, suspect, or victim). Within these laws, there might already be exceptions that would cover body-worn cameras (BWC).

Nonetheless, in these communities, it is up to law enforcement to determine whether they inform the individual of the recording. The Police Executive Research Forum (PERF) recommends that officers should inform members of the public that they are being recorded "unless doing so would be unsafe, impractical, or impossible" (PERF, 2014: 40). PERF emphasizes that this does not mean that they are required to have consent to record, only that they inform the person that they are recording. The rationale for this is straightforward. If BWCs do produce benefits in terms of change in behavior (civilizing effect), those benefits can only be realized if the citizen is aware of the recording.

The second group are those communities that require two-party consent. This means that it is not legal to record the interaction unless both parties consent to it being recorded. As stated above, there might also be exceptions within these laws that may cover BWC recordings. Two-party consent laws can present special problems to law enforcement agencies that are interested in implementing a BWC program because the law enforcement officers have to announce that they would like to record the interaction and obtain approval from the member of the public. As a consequence, some states such as Pennsylvania have successfully modified existing statutes to allow the law enforcement to use BWCs without two-part consent (Mateescu, Rosenblat and Boyd, 2015).

For more information, see:

Data & Society Police Body-Worn Cameras (Mateescu, Rosenblat and Boyd, 2015):
http://www.datasociety.net/pubs/dcr/PoliceBodyWornCameras.pdf

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

40. What concerns do victims have regarding body-worn cameras?

There are significant concerns regarding the recording of interviews with crime victims and other vulnerable populations (e.g., children and the mentally ill). Victims of crime have experienced a traumatic event, and law enforcement officers should be sensitive to the possibility that recording their interaction with the victim may exacerbate that trauma. The Police Executive Research Forum report (PERF, 2014) recommends that officers always obtain consent to record interviews with crime victims and that consent should be recorded by the body-worn camera (BWC) or obtained in writing. Officers should also be aware of the laws governing the recording of interviews with juveniles, which may vary from laws governing adults. Officers may require additional training regarding the recording of interviews with vulnerable populations.

Participants in the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel discussed the understandable fears victims express about the public release of their recorded statements. Damon Mosler, Deputy District Attorney of San Diego County, suggested that those concerns are broader than one may initially consider: "most policies record all law enforcement activities, but you will capture confidential, biographical, and financial data of victims and witnesses. What are victim impacts for juveniles being recorded? What about informants caught on tape? Ancillary bystanders–when you have multiple officers responding, you have different tapes. Some may shut off, some may not." Of additional consideration, panel participants discussed the fear victims also have about how the video may be used against them.

Further illustrating the complexity of this issue, Maggie Goodrich from the LAPD shared that she talked to victims' rights advocates, and "some want recordings–such as a rape treatment center, whereas some prosecutors say that victims' memories right after trauma is initially fuzzy and becomes clearer over time, and prosecutors don't want two different statements."

For more information, see:

Police Executive Research Forum (PERF) for Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned:
http://www.justice.gov/iso/opa/resources/47201491213471524686 9.pdf

41. Are there any other suggestions regarding the handling of body-worn camera evidence and the rights of the accused?

An important consideration is to have prosecutor's office at the table when developing a policy to have consistency across agencies who will be bringing their cases to that prosecutor's office. The evidence gathered from body-worn cameras (BWCs) should be treated similarly to all other forms of evidence within a jurisdiction and in accordance with the Constitution and state, federal, local, and tribal laws. For this reason, many county prosecutors have suggested that all law enforcement agencies in a particular county, serving the same jury pool, work collaboratively to ensure BWC policies are consistent with regard to these critical evidentiary issues. This would be the same case for city prosecutors in cities where there are multiple law enforcement agencies providing service in addition to the primary law enforcement agency (e.g., school, transit, and university law enforcement).

A second important consideration is to have the defense bar be a part of the decision making process regarding policy creation. Including the defense bar helps law enforcement agencies understand how the defense and their clients view and use the video. Communities will decide at what point in the implementation process that the defense bar should receive an orientation regarding the program. Ensuring

that the representatives of the accused understand the program will eliminate potential obstacles later on in actual criminal cases.

A final consideration is whether civilian members of the community should be a part of the policy decision making process. Carlton Mayer from the NAACP summed it up best in a statement shared at the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel: "there needs to be a transparent relationship with law enforcement. In order for that to happen there needs to be a give and take on both ends. The community needs to understand the role of law enforcement and their limitations, whereas law enforcement must understand what is ideal and what the community is experiencing."

42. What do sergeants and other supervisors need to know about officer body-worn cameras?

Sergeants and supervisors also require training. Supervisors should have the same training as line officers if they are required to wear cameras (policy, operation, video downloading, etc.). But in a supervisory capacity, supervisors use body-worn camera (BWC) video differently from line officers. As a result, they need specialized training as well. Supervisors must clearly understand departmental policy and how it governs their responsibilities and authority to review recorded data. Topics to be addressed in training include:

- Are supervisors permitted to review officer video randomly? For what purpose?
- If supervisors review video, are they required to notify the officer?
- What are the processes a supervisor should take if he or she observes problematic behavior by an officer in a video?

Supervisors should recognize that line officers' acceptance and incorporation of the technology into their daily routine may vary, and that the speed of adoption can vary based on their comfort with technology.

Some examples of key issues in this area were shared at the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel. Chief Sean Whent of the Oakland (California) Police Department said their supervisors "are required to review each subordinate's video but the policy is being revised to be more specific so officers are randomly reviewed." Lieutenant Daniel Zehnder of the Las Vegas Metropolitan Police Department explained that they "require an annual recertification for supervisors which is separate from the training for line officers." Maggie Goodrich from the Los Angeles Police Department highlighted that supervisors may have specific responsibilities regarding BWCs following a critical incident, such as taking possession of cameras from the involved officers.

43. How can line officers and law enforcement bargaining units participate in the implementation of officer body-worn cameras programs?

There is strong evidence that suggests that line officers and their bargaining units should be engaged up front as a department plans its body-worn camera (BWC) program. Such engagement helps to garner support for the program and will allow line officers and bargaining unit representatives to provide input into the planning and deployment process, most notably the creation of the administrative policy.

In addition to the one-on-one contact with bargaining unit representation, many law enforcement executives have noted that they have spent a significant amount of time communicating with officers about the technology at roll call briefings and department meetings prior to launch. Other departments have created "implementation teams" with representatives from various units throughout the department (PERF, 2014). These types of teams meet regularly during the planning and implementation process, air concerns and troubleshoot challenges, and develop policy and training.

Participants in the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel all agreed that early and ongoing collaboration between agencies and labor organizations was critical to successful BWC program implementation. Chief Sean Whent of the Oakland Police Department said that their success hinged on the "union being involved in creation of policy and they were most concerned about [the] department saying officers are lying about what is on video." Lieutenant Clarence Trapp from the Pittsburgh Bureau of Police urged that implementers make collaboration a priority, noting that "when deploying the cameras, the Pittsburgh Bureau of Police worked with the prosecuting attorney, a professor from ACLU, and union president to make this work." Chief Jeff Halstead (retired) from the Fort Worth Police Department said "let the union board draft the first policy document and let them have a seat at the policy table and training."

44. What other units in the law enforcement agency should be involved in the body-worn camera implementation process?

The implementation of a body-worn camera (BWC) program affects nearly every unit in a law enforcement agency. At a minimum, the affected officers and units include: patrol officers, patrol supervisors (sergeants through commanders), training instructors, legal staff, detectives/investigators, internal affairs/professional standards, evidence management and records, technology, and research and planning. Additionally, in some departments, tactical units also wear BWCs. Representatives from all of these units should participate, in some way, in the planning and implementation process.

45. What is the best way to implement a body-worn camera program?

'Departments vary in how they have implemented body-worn camera (BWC) programs. However, there are two common themes.

First, the vast majority of departments have implemented their BWC programs with officers assigned to patrol. The rationale for deploying the technology with front-line patrol officers is that officers on patrol have the most contact with the public. Some departments have also expanded their use of BWCs beyond patrol into specialized units such as K-9, SWAT, specialized DUI teams, and investigations.

Second, many departments have adopted an incremental approach to deployment by restricting use to a small number of officers for an initial pilot period. Departments have found that this type of approach helps to overcome potential officer anxiety and resistance and enables a department to make mid-term revisions as it learns how this technology affects the community as a whole. Such a strategy also allows other units in the department the time to adapt to the new technology. In many cases, the initial group of officers assigned to wear cameras are volunteers who often become "internal champions" for the technology.

Lindsay Miller from the Police Executive Research Forum (PERF) stated, "The decision to implement a BWC program should not be entered lightly–once implemented it is hard to scale back from that course. Agencies need to thoughtfully examine the idea of a BWC program and have written policies in place (something not all agencies do)."

46. What are the critical training elements for patrol officers regarding body-worn cameras?

Much of what the officer needs to know about body-worn cameras (BWC) can be administered through a pre-shift/roll call training session. The training session, at a minimum, should:

- Point out the systems' hardware components (docking station, lens, on/off button, how to wear, etc.).
- Demonstrate how to operate the BWC system.
- Walk officers through a pre-shift inspection of the equipment.
- Review departmental policies related to the use of BWCs (including activation and deactivation protocols).
- Discuss how to effectively use the BWC to assist with the incident report writing and evidence collection.
- Explain how to download the video and what happens to it after download.

When asked this question during the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel, participants offered these thoughts about critical elements of successful training:

"Training programs for officers should be dependent on what you want the outcome to be," said Patty Wolfhope, Program Manager for the Department of Homeland Security.

"Training was worked into roll calls for every section and hit every unit," said Sgt. Dan Gomez, Los Angeles Police Department.

"We developed training based on what the end user needed to know how to use," Deputy Chief Loretta Hill, Miami Beach Police Department.

47. Do body-worn cameras pose a health and safety risk to law enforcement officers?

There is currently no evidence from the United States documenting any sort of health and safety risks associated with body-worn cameras. The U.K. Home Office guide provides a comprehensive list of potential hazards to officers who wear head-mounted cameras, rates the risk level for each hazard, and discusses strategies to mitigate risk. Many of the hazards are deemed to be low-risk, such as being targeted for assault because of the camera, neck injury from the weight of the camera, and electrical shock. However, several hazards are rated as medium-risk, such as strangulation with the lead (or wire) by an offender; head injury through impact of the camera by an assailant; and soreness, discomfort, and headache from the headband. Most of the cited health concerns are mitigated by wearing the camera on other parts of the uniform (e.g., the torso, not the head). The lack of evidence regarding the health and safety concerns does not mean there are no risks. Departments should explore potential risks as they adopt the technology.

For more information, see:
United Kingdom Home Office, Guidance for the Police Use of Body Worn Video Devices:
http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf

48. What external stakeholders should be engaged in the planning and deployment process?

At a minimum, a law enforcement agency should collaborate with the prosecutor's office (city, county, state, federal, and/or tribal), the public defender and defense bar, the courts, and relevant leaders in local/tribal government (mayor, city council, city attorney, etc.).

The law enforcement agency should also engage civil rights/advocacy groups, community leaders, and residents. A number of agencies have also engaged local media in the process to educate the public, advertise the decision to adopt the technology (i.e., to demonstrate transparency), and provide a mechanism to gather feedback.

In March 2015, there were nearly 30 states considering legislation governing officer body-worn cameras (BWC), many of which mandate cameras for all law enforcement officials in the entire state. Law enforcement leaders should also engage state representatives to ensure that legislatures fully understand the issues surrounding this technology, and that they engage in thoughtful deliberations regarding BWCs. By engaging external stakeholders, the law enforcement agency can ensure that expectations about the impact of the technology are reasonable and their outcomes obtainable.

49. How can we use body-worn cameras to increase trust between law enforcement and the public?

Results from the Police Executive Research Forum (PERF) surveys of law enforcement executives demonstrate that a number of agencies have engaged with their residents in a positive way regarding the deployment of body-worn cameras (BWCs). A number of departments have used adoption of BWCs as an opportunity to demonstrate transparency to the community. Numerous experts strongly recommend engaging in dialogue with members of the public about BWCs before the technology is deployed on the street. Chief Farrar of the Rialto (California) Police Department stated, “You have to engage the public before the cameras hit the street. You have to tell people what the cameras are going to be used for, how everyone can benefit from them" (PERF, 2014: 21). Other agencies, such as the Los Angeles Police Department, have solicited community input regarding the development of their administrative policy, and many agencies have used social media to engage residents on the technology.

The February 25-26, 2015 Bureau of Justice Assistance BWC Expert Panel participants emphasized that BWC programs are only one piece of the puzzle, offering the following thoughts:

“Just because I put on a camera doesn’t mean that it’s building a relationship or more trust. Police departments needs to use the cameras as part of a larger engagement strategy,” Said Joe Perez, President, Hispanic National Law Enforcement Association.

“Trust needs to be established. How can we establish more trust amongst those we serve? There should be more dialogue on this topic rather than on logistics,” said Dr. Michael White, Arizona State University.

Chief Operating Officer Michael Wagers from the Seattle Police Department stated, "We are posting our video to a YouTube page with redacted videos as a pilot to get transparency and accountability up and requests for videos down."

Similarly, Inspector Steve Goodier from the Hampshire Constabulary, United Kingdom, stated, "Over the last two years there has been a change; more transparency and legitimacy in policing, and the government invested more money (increased to $6 million pounds) into the BWC program."

50. How are other agencies informing the public that the department is implementing a body-worn camera program?

A number of departments have found that engaging the community prior to deployment of body-worn cameras (BWCs) has helped to generate community support. Agencies have used a number of methods to engage the public, including press releases (e.g., television, print media), the use of social media (e.g., Facebook, Twitter), well-publicized demonstrations of the technology, and in-person communications with community leaders. Experiences from law enforcement executives interviewed by the Police Executive Research Forum highlight the importance of community engagement.

Community engagement was a recurrent them at the February 26-27, 2015 Bureau of Justice Assistance BWC Expert Panel, including the following comments:

"Our chief hosted multiple community outreach groups to give folks an opportunity to weigh in on our body-worn camera program. In addition, we conducted an online survey of the community and used UCLA as an independent body to evaluate the survey," Said Sgt. Dan Gomez, Los Angeles Police Department.

"We brought in the community–even those community members that didn't like us–to watch our training. And, they loved it," said Chief Jeff Halstead (retired), Fort Worth Police Department.

"Train with the community through the community member's Review Board. Temper what the camera can do with the reality of what it captures," Said Lieutenant Daniel Zehnder, Las Vegas Metropolitan Police Department.

51. Can body-worn cameras hurt law enforcement–community relationships?

There is no evidence suggesting that body-worn cameras (BWCs) have a negative impact on law enforcement–community relationships. However, a number of executives expressed concerns during their interviews with the Police Executive Research Forum (PERF). For example, 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."

Officers in several other agencies noted that BWCs can hurt intelligence-gathering opportunities, as members of the public will be less likely to provide information if they know they will be recorded. Some law enforcement executives disagreed with this claim, pointing out that BWCs in and of themselves are not responsible for an agency's relationship with the community.

52. What are the primary limitations of body-worn cameras that should be conveyed to community members, policymakers, and other stakeholders?

There are limitations to body-worn cameras (BWC), and agencies should educate the public, advocacy groups, and other stakeholders regarding those limitations. BWCs may not capture every aspect of an encounter based on camera angle, focus, or lighting. For example, the camera view may be obscured when an officer moves his or her body. Footage may also not capture the entirety of an encounter. There may be different interpretations of what transpires on a video among those who view it.

There is also a relevant body of research on memory science: how officers perceive events during a high-stress critical incidents, and how they are able to accurately recall what transpired after the fact. Dr. Bill Lewinski, Executive Director of the Force Science Institute, testified before the President's Task Force on 21st Century Policing regarding memory science and how such issues provide an important context for understanding the impact of BWCs. Dr. Lewinski has identified 10 important limitations with BWCs that should shape our review and understanding of law enforcement behavior during critical encounters:

1. A camera does not follow officers' eyes or see as they see.
2. Some important danger cues cannot be recorded.
3. Camera speed differs from the speed of life.
4. A camera may not see as well as a human does in low light.
5. An officer's body may block the view.
6. A camera only records in 2-D.
7. The absence of sophisticated time-stamping may prove critical.
8. One camera may not be enough.
9. A camera encourages second-guessing.
10. A camera can never replace a thorough investigation.

Force Science Institute Ltd Executive Director testimony: http://www.forcescience.org/pressrelease.html

Participants at the February 2015 Bureau of Justice Assistance BWC Expert Panel also stressed the importance of communicating the limits of the technology. Michael Kurtenbach from the Phoenix Police Department said, "Sit down with the community and have discussions about limitations for a constructive dialogue." Inspector Steve Goodier from the Hampshire Constabulary added, There is a gap in the limitations of the human and camera, and it is important to make that distinction."

53. Are their specific ways we can use body-worn cameras to increase legitimacy between law enforcement and minority communities?

The deployment of a body-worn camera (BWC) program, by itself, cannot alter law enforcement–community relations, especially if those relationships have been characterized by long-standing tension and anger. Camera deployment cannot replace community policing. Expectations about the impact of BWCs must be reasonable, and agencies should be proactive in their discussions about the technology. The key to increasing law enforcement legitimacy, especially in minority communities, rests with ensuring procedural justice and community policing. Departments should think about BWCs in terms of the achievement of these two objectives.

In his testimony before the President's Task Force on 21st Century Policing, Dr. Michael White stated the police leaders should, "Emphasize that expectations about the impact of BWCs must be reasonable. In cities like Ferguson [Missouri], the relationship between police and the community is defined by long-standing anger and distrust. BWCs, on their own, cannot alter that relationship. But BWCs can represent a starting point for police to demonstrate transparency and a willingness to engage with citizens. This first step is especially important in cities like Ferguson where police officers are seen as enemies and threats, rather than public servants and problem solvers."

54. Are there ongoing research studies that will improve our understanding of body-worn cameras, their impact, and consequences?

There are a number of ongoing studies, many of which are using randomized controlled trial designs. The National Institute of Justice (NIJ) is currently funding studies in Las Vegas and Los Angeles. The Laura and John Arnold Foundation is funding studies in Spokane (Washington), Tempe (Arizona), Anaheim (California), Pittsburgh (Pennsylvania), and Arlington (Texas), as well as a national cost-effectiveness study. A number of other research studies are underway or in the planning stages in the United States and United Kingdom, including Pensacola (Florida), West Palm Beach (Florida), Orlando (Florida), Greenwood (Indiana), Miami Beach (Florida), Oakland (California), and the Isle of Wight and Essex (United Kingdom).

55. What type of funding is available to implement body-worn camera programs?

The Bureau of Justice Assistance (BJA) has dedicated $2 million to fund two or three body-worn camera (BWC) projects as part of the Smart Policing Initiative in fiscal year 2015. As part of President Obama's Community Policing Initiative, $20 million is available to support BWC purchases and programs in fiscal year 2015. The President has proposed an additional $30 million in the fiscal year 2016 budget. Finally, the BJA Edward Byrne Memorial Justice Assistance Grant (JAG) is a valuable resource for communities to use to procure this equipment.

For more information, see:

FY2015 BWC Pilot Implementation Program solicitation: https://www.bja.gov/Funding/15BWCsol.pdf

2015 JAG solicitation: https://www.bja.gov/Funding/15JAGStateSol.pdf

56. How can body-worn cameras be integrated with other technologies such as facial recognition systems?

There is potential to integrate body-worn cameras (BWCs) with facial recognition systems and other new technologies like live feed and auto recording. The use of facial recognition and BWCs may pose serious risks to public privacy. Agencies that explore this integration and other new technologies should proceed very cautiously and should consult with legal counsel and other relevant stakeholders.

57. What are the benefits of collaborating on a county-wide body-worn camera policy?

Collaborating on a body-worn camera (BWC) policy among all interested parties from a county ensures that all parties follow the same policies and evidence retention schedule. Regional collaboration would establish consistent processes from law enforcement to the district attorney. Santa Clara County, California collaborated on a model policy that involved the county law enforcement agencies, the district attorney, and California Highway Patrol. This BWC model policy serves as an effective example of county-wide collaboration. However, such collaborative efforts might be more difficult in other jurisdictions and result in long delays in BWC implementation. Communities need to weigh the costs and benefits of collaboration and determine the best course of action for their jurisdiction over the short, medium, and long term.

58. Are there any studies that show that body-worn cameras increase the likelihood of successful prosecutions?

Yes, there is some evidence that suggests that body-worn cameras (BWCs) improve the likelihood of successful prosecutions. In Phoenix, Arizona, a Bureau of Justice Assistance-sponsored project examined the impact of BWCs on domestic violence case processing, concluding the following: "Analysis of the data indicated that following the implementation of body cameras, cases were significantly more likely to be initiated, result in charges filed, and result in a guilty plea or guilty verdict. The analysis also determined that cases were completed faster following the implementation of body cameras, [in part because of the] addition of a court liaison officer who facilitated case processing between the Phoenix Police Department and city prosecutor's office" (Katz et al., 2015).

59. How do you decide when to release a video that may contain sensitive footage?

While there has been little research about this issue, it is clear that an agency needs to carefully consider its policy options with respect to the release of video that may contain sensitive footage. As agencies develop policies, they need to be mindful of the impact of the video release on victims, suspects, police officers, businesses, witnesses, family members, and the investigation and prosecution of the case. In the absence of clear policy, the release of sensitive video might be left to the discretion of an administrator or a redaction specialist on a case-by-case basis.

60. What policies should a small or tribal law enforcement agency use?

A small or tribal agency could use the same documents on technology and implementation as any other agency. One key difference might be in policy development. The deployment of body-worn cameras (BWC) might have different policy implications for town, township, village, or tribal law enforcement agencies. Agencies should identify key reasons for developing a BWC program and what laws, rules, and cultural expectations are specific to them. Small and tribal agencies also need to be especially mindful of how their BWC program will be affected by personnel and resource limitations in their agency. They can search the BWC Toolkit to find policy references relevant to their agency size or type.

61. Where can I find an Implementation Checklist and Toolkit Guide to help me get started?

A two-page BWC Implementation Checklist and Toolkit Guide was created for your download and use in implementing a new body-worn camera program from learning the fundamental all the way to a phased

rollout. This guide captures the seven key focus areas to a comprehensive program plan and provided references back to this BWC Toolkit where relevant.

Body-Worn Camera Toolkit Law Enforcement Implementation Checklist:
https://www.bja.gov/bwc/pdfs/BWCImplementationChecklist.pdf

62. What States have pending body camera legislation?

Per the National Conference of State Legislatures (http://www.ncsl.org/research/civil-and-criminal-justice/law-enforcement.aspx), an increasing number of states—30 as of Feb. 20—are considering legislation that address body-worn cameras for police officers.
Proponents of body-worn cameras believe that video and audio recordings of law enforcement's interactions with the public will provide the best evidence of, and defense to, accusations of police misconduct. They also believe that being on camera reduces some tension between police officers and the public. For example, a field experiment conducted on body-cameras with the Rialto, Calif., Police Department found that incidents where police used force and citizen complaints against police officers were reduced 50 and 90 percent respectively compared to the previous year.

Several municipalities—including Chicago, the District of Columbia, Los Angeles, New York and Seattle—have recently implemented body-camera programs and their experiences will inform body-camera policy moving forward.

While many are enthusiastic about the potential benefits of body-cameras, there are practical and constitutional hurdles to their implementation including funding, data storage and retention, open records laws, recording in areas protected by the Fourth Amendment and appropriate regulations for police use. Many of these and other issues are addressed in state legislation.

So far there have been few enactments addressing body-worn cameras by police officers, and all became law in 2014. Pennsylvania (30 Pa.C.S.A. § 901, PA ST 34 Pa.C.S.A. § 901) enacted legislation allowing waterway and game conservation officers to wear body cameras and Vermont (VT ST T. 20 § 2367) enacted a law that, in part, requested a study of their use in conjunction with Tasers. Oklahoma enacted a law classifying video and audio files from body-worn cameras, if kept, as records under their Open Records Law. Oklahoma's (51 Okl.St.Ann. § 24A.8) law also specified situations where video could be redacted prior to being released including portions that depict the death of a person or a dead body, nudity or the identity of individuals younger than 16 years of age.

63. How should we evaluate the effectiveness of our BWC program?

Evaluations of BWC programs vary is scope and nature. At a minimum, however, we believe that the implementing agency should consider conducting both process and impact evaluations. The process evaluation should capture the planning and deployment process, including the names of officers who have been assigned cameras. These officers should undergo routine compliance audits to determine whether they are activating their BWC when required by departmental policy. These audit reports should be provided to the officer and their supervisor on a monthly basis, and should be compiled into an annual department wide compliance report. This annual report should be provided to the community's risk management unit. Impact evaluations vary considerably in their methodological rigor, from one group pre-post studies to randomized controlled trials. Generally, the more rigorous the better. The impact evaluation should, at a minimum, compare various outcome measures by individual assigned a BWC one year pre and post-implementation. Outcome measures examining the impact of the BWC's might include number of complaints, number of complaints sustained, use of force incidents, and number of resisting arrest incidents. For example, a department might compare the number of complaints one year prior to an officer being assigned the BWC to the one year period following the assignment of the BWC. For many agencies it is helpful to partner with a local college or university to evaluate the implementation of the BWC program, particularly in the programs first few years of implementation.

For more information, see:

Phoenix, Arizona:
http://cvpcs.asu.edu/sites/default/files/content/projects/PPD_SPI_Final_Report%204_28_15.pdf

Is This a Good Quality Outcome Evaluation Report? A Guide for Practitioners:
https://www.bja.gov/evaluation/reference/Quality_Outcome_Eval.pdf

The Maryland Scientific Methods Scale: https://www.ncjrs.gov/App/publications/Abstract.aspx?id=198650

64. As a community member what questions should I be asking if my law enforcement agency decides to implement BWCs?

Questions from community members are likely to focus on several key issues. The first involves aspects of BWC policy. For example, citizens will likely ask questions such as: when will officers turn the camera on? Do they have to tell me before they turn it on? Can I ask the officer to turn the camera off? Am I allowed to request a copy of the video?

Citizens are also likely to ask privacy-related questions, such as: Are officers allowed to film in my house or apartment? What happens if the officer records my children? Who is allowed to watch the video? Is this video going to end up on the internet or YouTube? Will my neighbor be able to see this video?
Citizens may also want to know about the goals of the BWC program. They may ask: Why are police officers wearing BWCs? What does the agency hope to accomplish with BWCs? Will all officers be wearing cameras? BWCs will have a significant impact on citizens, and community buy-in is critical to the success of a BWC program. As a result, Law enforcement agencies should be prepared to provide detailed responses to these and other questions