

BJA Body Worn Camera Training & Technical Assistance

Sean Smoot- Special podcast commemorating the anniversary of the President's Task Force on 21st Century Policing

Michael White: Hello, I'm Dr. Michael White from the School of Criminology and Criminal Justice at Arizona State University. I'm also the co-director of the Bureau of Justice Assistance Body-Worn Camera Training and Technical Assistance Program. With this broadcast, we're commemorating the one year anniversary of the release of the BJA national Body-Worn Camera Toolkit, a resource development in part as a result of the president task force on 21st century policemen

Today, I'm speaking with Sean Smoot about his perspectives regarding body-worn cameras. Mr. Smoot, serves as Director and Chief Council for the Police Benevolent and Protected Association of Illinois and the Police Benevolent Labor Committee. In this capacity he's responsible for administering the provision of legal services for over 7,500 legal defense plan participants.

As the organization's primary legislative advocate, Mr. Smoot's writes legislation, testifies before legislative bodies and speaks often regarding police and labor related topics. Mr. Smoot also served as the elected Treasurer of the National Association of Police Organization, a national law enforcement advocacy group representing over 250,000 police officers

He served on the Advisory Committee for the National Law Enforcement Officers Right Center in Washington, DC since 1996. Mr. Smoot is a member of the Advisory Committee and a speaker at the Chicago Kent College of Law's annual Illinois Public Sector Labor Relations Law Program. He was admitted to the United States Supreme Court Bar in June of 2011 and has served as the police and public safety policy adviser to the Obama-Biden and Presidential Transitions Team.

Mr. Smoot is a member of the Executive Session On Policing and Public Safety at the Kennedy School of Government like Harvard University. He also holds several certificates in Police Union Leadership from the Harvard

Law School. And last in 2014, Mr. Smoot was appointed by the President of the United States to the President's Task Force on 21st Century Policing

Thank you for joining us today, Sean.

Sean Smoot: It's a pleasure to (meet you guys).

Michael White: Sean, could you just talk about some of the ways in which body-worn cameras were discussed in the listening session before the President's Task Force both in terms of the formal testimony, but also the public comment?

Sean Smoot: Sure. I would be happy to and it's a real pleasure and honor to be with you today as we celebrate kind of the one year anniversary of the final report being released. The task force actually took a good deal of live witness testimony that included several references to body-worn cameras throughout the task force proceedings.

But in particular the task force when it had its listening session related to technology and social media in Cincinnati, we actually had a witness present, a sergeant from the Fort Worth Police Department named Rick Van Houten who actually wore a Taser Axon Camera during his testimony to the task force. And then was kind enough to provide us with demonstration after the testimony, showing us – showing the task force members kind of how the camera worked and how he used it in his duties performing as a street patrol officer in the City of Fort Worth

We've heard a lot of testimony about the promise of body-worn cameras as a technology, not just as a tool for evidence collection for officers but some officers even referred to the presence of a camera as having kind of technological silent partner there to assist them and witness and then testify as to what their conduct was. And several officers who submitted testimony indicated, they thought this was very helpful tool for them as they perform their work and then certainly enhanced their ability to make that type of record beyond what even dashboard cameras which are fairly widely used now provide.

Michael White: Excellent. Thanks, Sean. As you mentioned the, you know body-worn cameras were prominently featured in the technology and social media pillar both in the testimony as well as the final report of the task force. Could you talk a little bit about how you see body-worn cameras fitting into the other pillars?

Sean Smoot: Absolutely, so you know the first pillar is building trust and legitimacy and you know that piece, building trust and legitimacy is kind of wrapped in this theory of procedural justice. And I think – and it's a two way (street), I don't think a lot of people understand it as well as they should but in terms of having internal procedural justice and legitimacy within the police organization and then external procedural justice in a way in which numbers of the agency interact with the public

One of the great assets that cameras provide in terms of building trust and legitimacy is actually you know making that record. And you see this kind of borne out in terms of public opinion. For instance, last week the New York Times and the Kaiser Family Foundation release the poll that they took in the City of Chicago and they pulled over 1100 citizens randomly throughout the city of all different demographics

And one of the questions they were asking was in relation to police involved uses of force and review of police involved uses of force. And they were asked to identify the things that they felt would be effective in reducing the number of officer involve shootings. The number one thing identified by citizens, 91 percent felt that increasing the use of video cameras and body-worn cameras that record as events occur would result in a reduction in officer involve shootings.

So you know, my point in kind of bringing up the poll is that when we're talking about establishing and building trust and legitimacy, I think there is starting to be an expectation amongst the citizens and communities at large that the availability of this technology kind of means that department should be using it. And when they site, when over 90 percent of them site that as a source or an effective source of reducing police involve violence, I think we really need to pay attention to that

Then you know policy and oversight was another of our pillars. Again, you know the cameras provide kind of an electronic impartial witness to one occurred. So you know when we're talking about things like independent review of officer involved shootings or officer involve uses of force. You know the fact that officers actually have cameras some of what you could potentially even show the officers point of view at the time extremely useful under that pillar

In terms of community policing and crime reduction, you know I think there's some challenges there. On the one hand, building trust and legitimacy certainly advances the core values of community policing. On the other hand, we did hear concerns from both law enforcement and civilian witnesses that there's a concern about the presence of cameras kind of interfering with the relationship officers have one on one with members of the communities that they serve.

And I think you know, since the task force report has come out OJP has done a very thorough review of body-worn cameras and other groups have done significant work on how to implement body-word cameras and including policies that kind of deal with those issues and give officers the discretion to turn off cameras for instance when they're having a conversation that a citizen may not want a record of in terms of maybe getting some information on a crime that it occurred or who had committed a crime. You know some folks frankly just aren't comfortable speaking on a camera, having a camera present when they're just having a casual conversation.

So I think a lot of the best practices in terms of policy with the cameras that have been adapted now had recognized that and allow officers when they're conducting kind of community care non-enforcement activity to turn the camera off. Or at the very least if this isn't request to hey can you turn the camera off, I'd like to talk to you. You know the officer has the discretion to do that.

In terms of training and education which was another of the pillars, I really see that cameras being an amazing tool. In terms of training for officers not

just in correcting officers actions, but you know going back and I think if you could, if departments could couple the use of body-worn camera data would certainly weren't review, where they bring everybody who was involved in a certain activity or certain situation together along with all of the video that would be generated by folks who were wearing body-worn cameras and the dashboard video and video from other sources and actually sit down and analyze the situation in how it unfolded and who saw what and what was picked up by the cameras and what wasn't.

I think it's a tremendous learning tool particularly for tactics in looking at things like tactical entries and those types of things. And then just I want to briefly touch on you know officer wellness and safety as it was the final pillar and I think that I see two very significant (outputations) for body-worn cameras under this pillar one. I think there's been a significant amount of research that has shown now that the presence of the cameras themselves have de-escalating the fact. And so obviously if situations that otherwise would have escalated, you know move in a calmer direction that normally equates to less necessity for officers to have physical interaction with suspects or with the citizens

And it just turns to make the officer jobs a lot easier. And the other is frankly there's – And I think (Sergeant Ben Holton) testified about this in his testimony before the task force. There's a bit of a reduction in the stress that officers face when allegations are made against them when they know that there's a recording of the incident that exonerates them which isn't there if the camera is not there, and it's one person's word against the other. So from that context, I think they're also very helpful.

Michael White: Great. Thanks, Sean. You know it's interesting because body-worn cameras as I said you know people generally think of them in terms of the technology implications but you just demonstrated that really, you know they represented opportunity for police department to do good work in all six of the pillars that are identified in the President's Task Force report.

I was wondering if you could talk a little bit about some of the concerns or questions that were raised about body-worn cameras during the listening

session? And particularly because your background perhaps you could talk a little bit about the labor of the union perspective on body-worn camera?

Sean Smoot:

Sure. So I think one of the primary concerns that were raised not just by rank and file officers but also by citizens are (their) privacy. And very real concern that you know private conversations or private information could be captured maybe inadvertently by body-worn cameras. And that has a – I think that's really a foremost in people's minds and interestingly enough, you know maybe coming out from different angles.

But it was interesting to see that the silver libertarian kind of view and their concerns about privacy were very much in line with the views of officers and their concerns about privacy, you know perhaps mistaken or accidental videotaping of a private conversation between an officer and his spouse on the telephone that occurred you know while he was sitting in a squad car or something like that

Or the citizen's concern that you know officers would be videotaping the inside of their homes when they're on a call for service. So I thought that was, those concerns are very, very much at the forefront of the discussion. And by the way, I think those things are could certainly be addressed with appropriate you know body-worn camera policies and procedures.

The other thing to your you know specific question about officer concerns, the other thing that became very evident was of a great concerns in the rank-in-file officers is that a body-worn camera data would be kind of used for trolling purposes, in other words that there would be someone in the department, supervisor, the internal affairs that you know would essentially just be sitting around watching everyone's video and trying to find officers doing things that are wrong.

And in terms of you know maybe an officer didn't have his head on when he should he had his head on under policy and then the officers getting in trouble for kind of minor types of the uniform violations or things like that. Those were really significant concerns I would say voiced by the rank-in-file and union representatives that we heard from.

Again, something that can be dealt with, with policies that prohibit that, in fact in Illinois, the state legislatures pass the law that essentially enabled the use of body-worn cameras by police in the statute itself prohibits the use of body-worn camera video in essence what I'm characterizing as trolling or for you know identifying minor policy violations random basis. So those are kind of the big concerns that we heard from citizens in rank-in-file officers.

The other concern that we heard on a more of a systemic level which is there's a lot of unknowns and that's always the case when there's technology body cameras are relatively new. And in terms of what the cost would be in the kind of what we call the back end across employing that technology was another concern. I think that can overwriting concern of a task force was that you know if we rely to heavily on a technology like body-worn cameras, they could be viewed as kind of the answer to the solution to all of the problems

And this concern was given voice by a number of witnesses as well that you know in policing in particular, we seem to grab onto something that might be like the latest trend or the latest best practice and say well once we do this, you know once we adapt this technology all of these problems will go away. And you know putting a camera on every officer is going to eliminate all questionable conduct or all bad interactions with civilians.

And I think you know people need to realize that using the cameras is like using any other tool. They're extremely powerful tool and then they have a lot of promise but they should never be viewed as the end all, be all to police community engagement issues.

Grant Johnson: This concludes part 1 of BJA's Body Worn Camera Podcast with Sean Smoot from Police Benevolent & Protective Association of and the Police Benevolent Labor Committee and Dr. Mike White from Arizona State University. Part 2 of this podcast will be broadcast in the next episode so be sure to tune in next time for the conclusion of this podcast. And as always, please remember to visit the body-worn camera toolkit at www.bja.gov/bwc and submit your ideas for new content through the BWC support link at the bottom of the homepage. Thank you for listening today.