

**BJA Body Worn Camera Training & Technical Assistance
Mr. Adam Rosenberg, Baltimore Child Abuse Center Podcast Part 1**

Lauren Gonzales: Hello. I'm Lauren Gonzales, part of the Bureau of Justice Assistance Body-Worn Camera Team. And today, I'm speaking with Adam Rosenberg as part of our podcast series. Mr. Rosenberg is currently the executive director for the Baltimore Child Abuse Center, dedicated to providing victims of child abuse with comprehensive forensic interviews, medical, and mental health treatment with the goal of preventing future trauma.

Mr. Rosenberg was the first male prosecutor to join the domestic violence unit of the Baltimore City State's Attorney's Office. He frequently testifies, lectures, conducts audit, and runs workshops for youth services regarding sexual child abuse. Today, Mr. Rosenberg will give us his perspective on body-worn cameras in relation to juveniles. Thank you for joining us today, Mr. Rosenberg.

Adam Rosenberg: Thank you, Lauren.

Lauren Gonzales: I want to open up the conversation on the issue of privacy and juveniles. As you often used videos for your interviews, what do you find to be the biggest difference between the way your organization uses these recordings and the way law enforcement officials use the footage from their body-worn cameras?

Adam Rosenberg: So, there's a few things that make this different and perhaps, even some similarities as well. Every trial that we interview at our center is digitally recorded, and you know, we're recording the conversation between the forensic interviewer and the child who's been suspected of being a victim of abuse or some witness to crime. I think the – one of the big differences is that, you know, the system is hard wired into the rooms so that there's no recording taking place until the child is physically in the room. So, we're making everybody aware of the fact that there are recordings going on prior to being introduced to the camera itself, and we're letting caregivers know, parents or other caretakers.

And then once the child is in the room, we're very much pointing out that, you know, the room is recorded for sound. I think there's a big difference from the

situation where a body-worn camera, you know, suddenly appears at a house or at an incident and that the presence of the camera is sort of introduced into the room versus bringing the suspect or victim to the camera.

I think that's one of the big difference is that, we're bringing someone to the camera versus bringing the camera to them. That's one of the big differences there. And maybe it doesn't sound like much, but I think it's – in terms of, you know, how it's phrased in there. Look, the second difference, I think, in some ways is that, the camera is on a fixed point. So, it's really taking a very static image of what the room sees versus body-worn camera, which is, obviously, moving and it's almost the officers' perspective. So, you know, as the officer's body turns, the officers are going to be capturing other information there.

So, the footage from the body-worn camera is going to be capturing the entire scene versus just, you know, the one-on-one interaction between the forensic interviewer and the child. At least with our system, our rooms, not only are recording, but the feed is sent into a viewing room where police officers and child protective services and the health professionals and prosecutors are both watching the interview and interacting with the interviewer through an (earbud). So, you know, where the interview – the body-worn camera is just a very unscripted, you know, live interaction there. You know, the forensic interview that's recorded is really different in the sense that it's a structured conversation.

There is a dialogue going back and forth between – well really going one way – between the people watching the interview and the interviewer who has (inaudible) the, you know, the difficulty of asking questions, listening to a child and hearing someone talk in her ear about, you know, what are the questions to be asked to you there. So, you know, they're able to direct the conversation and provide information for the interviewer versus the body-worn camera which, you know, really is capturing the very raw footage. You know, that's the significant difference to there is to how they're capturing these issues.

Lauren Gonzales: Absolutely.

Adam Rosenberg: Yeah. I think going a little bit further about, you know, capturing sensitive issues, is the body-worn camera, you know, with law enforcement, I guess, some of it depends on which law enforcement officers have a body-worn camera. You know, is it all police? Is it only patrol? But typically, in child abuse or domestic violence cases, specialty units, detectives are coming on the scene. And you know, in some jurisdictions, it's my understanding that they don't necessarily have body-worn cameras. So, the arrival of the special unit may not be capturing that footage in the same way that a patrol officer may be.

Lauren Gonzales: Right.

Adam Rosenberg: And conversely, those patrol officers or those first responders who are capturing the footage there, there's a risk inherent especially when dealing with child witnesses there that, one, I think it's capturing, you know, the entire scene as it plays out. So, from a prosecutor standpoint, we're able to – you know, if we can use that footage, able to more adequately convey to a jury, to a fact-finder what's actually transpiring there. We can give a sense as to the chaos that was present in a domestic violence scene or the chaos that was present in a child sexual assault, because the body-worn cameras, we're going to be able to not just see the victim but also see the room. You know, very different than the forensic interview camera where it's a child retelling what happened to them. This is present tense impression.

This is really live footage of a child's potential first disclosure to a first responder. And so, I think they're able to capture a lot of real raw emotion that may not necessarily manifest itself or may manifest itself very differently in the safety and security of a forensic interview room. I mean, you'll get crying. You'll get tears. You'll maybe get nothing. You may get no child talking because they're so stunned and overwhelmed by what they just saw. You'll get a caution with body-worn cameras when a first responder shows up on a scene where the victims is making sure that the first responder understands what their responsibility is when it comes to talking to children and to victims.

It's not their role to conduct a full-blown interview of the child but rather to collect what we referred to as minimal facts, having a minimal facts

intervention. So, they really need a good understanding about what are the very basic things they should be talking to a child or a victim about. And then knowing that once they've received an allegation of something's occurred, that they're able to then contact their local children's advocacy center or their specialty units to conduct follow up. Those are the real experts who know how to talk to kids and are instructed to be able to get the information available there using national standards and protocols.

The first responder who asks too many questions or asks leading questions could be accused of putting words in the kid's mouth. And that's great fodder for, you know, for any defense attorney to be able to say that the child was – you know, that the child was suggested as to what had happened there. The first responders need to know that if they're using body-worn cameras when they meet these kids the first time, they really don't want to be asking too many questions because they don't want to be prejudicing or biasing what actually happened in the case, because now we'll have two recordings available as to what happened to that kid from the body-worn camera and from the subsequent forensic interview. And the subsequent forensic interview is really where the meat of that comes up there.

Lauren Gonzales: Absolutely. Well, I think that ties in really well to my next question, which is, how exactly do you balance a victim's right to privacy with the need to capture information as evidence?

Adam Rosenberg: I think that's a tough question and I think that – you know, we're balancing – I think you used the right word there. We're balancing, you know, these different things there that quite often – we – if we do this right, you know, if we capture the right evidence and the right statements, oftentimes, we may not even need a victim to testify a trial because we'll have terrific footage from a scene where there is, you know, visual representation of bruises or the, you know, the very perceived – you know, we may even capture these – the act on film. You know, if an officer shows up and you know, sees that, you know, the man is striking the kid at that moment in time, you've caught it there. But that said, though, is – you know, I think there is some privacy that you'll come across – in situations that with very delicate moments there.

That people, you know, in various states of undress, nudity. And I think that, in some ways, you know, made – it could be inappropriate to capture there. That we – you know, we don't want to be capturing, you know, people, you know, very – you know, with their genitals and private parts there. And that's what, you know – and that is – you know, they have that right to privacy. At the same time, though, obviously, it presents a good case for a prosecutor to be able to say things (inaudible) officer saw.

I think that we have to be careful about what happens with that footage as well, because the scenes of chaos, we don't want ending up on Fox News or some other media outlet. We want to be able to make sure that they are protected, you know, with tight, rigid standards there so that, you know, the – as the videos are turned over during discovery, that we put, you know, strict restrictions on them as to how they're able to be viewed and maybe – you know, we're not – we're making the videos accessible but we're not necessarily making them available for, you know, for take-home usage there.

The – there are probably some victims who, you know, don't want to be recorded and don't want to be talking about it on a camera. And I think we have to figure out, you know, how do we balance that, you know, in an age that, I think the goal is to leave the body-worn camera running to be able to capture the whole scene for both the protections of the subject of the video, as well as the officer. But – you know, and that becomes – you know, it's a difficult moment. You know, perhaps even one that – we don't want that as a (foil), right, to the situation that – you know, we wouldn't want someone to say, well, my kids are here, turn off the video and then there's an allegation of some sort officer misconduct. So, I think that – you know, with departments need to be able to come up with standards as to, you know, what happens when you come up on a scene and that there are certain – in certain circumstances that may necessitate turning the camera off, you know, or is the camera always on.

And I think that – you know, that's when for a department to grapple with it. It's going to be much more than just, you know, interaction on the street, but there'll be a lot of kids and there'll be a lot of, you know, of raw instances occurring there. I think one of the interesting parts also in terms of, you know,

right and privacy in capturing information which may not necessarily, you know, have this thought of – you know, with the advent of the body camera, but that if we're reviewing the footage afterwards. So, if there's a, you know, an incident – a domestic incident and you know, officers, you know, appear up on the scene and the camera is rolling, that the camera is not just capturing the interaction between the officer and the subject but it captures the entire setting and room.

So, if you – you know, if you've come upon a suspected domestic violence or suspected child abuse, but, you know, there's visible evidence of – you know, of – you know, narcotics, you know, narcotics dealing, you know, guns or whatever, you know, other illegal activity, you know, one has to wonder, you know, what can we do with that and vice versa. That if they're coming upon one set of crimes and there's children present in the room, I think, we want to be able to capture that there.

Lauren Gonzales: Right.

Adam Rosenberg: I think the bottom-line is, with anything, I think it's coming up with a policy and then figuring out how to balance from there. So, you know, local jurisdictions need to have a – you know, need to be able to commit to some form of writing, in my opinion. What their policy would be if upon coming out of scene, there were children present or there's allegations of abuse present or you know, there were other things but then there are – officers know what to do as opposed to the officer making a decision in their own best judgment, which in the end, isn't the best interest of the case if the officer said, well, I've turned off the camera because, you know, the woman asked me to or there was a child that was naked or whatever it is. But I think that it's really got to stick with the policy they need to be versus, you know, what one's discretion as to that point there so that we're consistent in what we're doing and what we're not doing.

Narrator: This concludes part 1 of BJA's Body Worn Camera Podcast with Mr. Adam Rosenberg, Executive Director of the Boston Children's Abuse Center. Part 2 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.

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