

Bureau of Justice Assistance
Calgary Police Services Body-Worn Camera Interview
5/14/2015

PM: Pat McCreary
TD: Trevor Daroux
AR: Asif Rashid

PM: Hello, I'm Pat McCreary, associate deputy director at the Bureau of Justice Assistance, and today I'm speaking with Deputy Chief Trevor Daroux as part of BJA's body-worn camera podcast series. Deputy Chief Daroux joined the Calgary Police Services in Calgary, Alberta, Canada in 1991 and currently leads the Bureau of Community Policing including all uniformed patrol members deployed in seven districts.

The Calgary police service implemented a body-worn camera pilot program in 2012 and has since expanded the program to outfit all front line officers with body-worn cameras. Deputy Chief Daroux, thank you for speaking with me today and if you would introduce Staff Sergeant Asif Rashid that would be great and then we'll turn to questions shortly.

TD: Great, thanks Pat, happy to be here and thanks for having us. I have with me Staff Sergeant Asif Rashid, he is not only our project coordinator for the body-worn cameras but also the implementation coordinator so he'll be the one that's responsible for physically implementing the 11,000 cameras that we will be deploying to the front line.

AR: Good afternoon Pat, and thanks for having us.

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PM: Great, glad to have you Asif. Well, let me start with can you explain how you've gone about developing a draft body-worn video policy and training program.

TD: Yeah, that's been, it's been probably one of the biggest challenges and probably the most important tasks. One of the things I would say right out front is that we are in draft I think 23 now of our policy. And I say that because it, and I don't think we'll ever be finished with respect to how it goes. It's a policy that the evergreen philosophy certainly applies here.

So one of the biggest challenges I think that we saw was, especially in Canada this is uncharted territory. This hasn't happened anywhere else, we've got no court rulings with respect to the use and the use of these cameras. So it really became looking at other jurisdictions and in 2012 when we started the pilot very little information was available.

So we ran a pilot from 2012 to 2013. One of the initial challenges for our policy was the privacy considerations of course versus operational needs. And so throughout our policy as it's being drafted that's one of the constant considerations that we made when we start talking about the use of these cameras. Probably one of the more controversial ones and I know reading the information from other places, the UK, the U.S. as well as here is the use in a dwelling house.

And recognizing the enhanced privacy considerations around something like a private dwelling house, how is that going to be used. So that was one of the areas

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that we actually explored quite a bit, we had a number of different legal opinions here and what we needed up really recognizing is that there are really no cases that discuss the actual use of that in a dwelling house so we've landed on probably what most agencies had, most agencies have, that is if you're lawfully placed and you would normally be taking notes, the expectation is that that camera will be on.

The other probably controversial issue was discretion, whether the officers had that discretion to turn it on and off and that leads to a whole host of issues is if the officers have that discretion, there's people out there, some of the citizens who say well they'll just simply turn it off if there's going to be misconduct so how does this enhance transparency and accountability for police.

We, for a number of reasons, have chosen that that discretion will be there just like it's the officers' discretion with respect to when they take notes and what part of an incident will be covered in their notebook. So, the officers though in part of their training will be determining why and explaining why they chose to turn it on and be prepared as we tell them when they're testifying in court to explain why they actually turned it off as well, or if they do choose to turn it off.

One of the other areas...sorry, go ahead Pat.

PM: Oh, go right ahead, go right ahead.

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TD: One of the other points, and I know reading some of the things in San Diego, some of the concerns expressed there with respect to note taking procedures and this was one of the areas that we explored very early on and you know there's talk even across this country whether officers should be allowed to review the video before, before they actually make their notes.

What we've landed on is the officers will be, as they would be any other time, make the notes as the incident is occurring and that really came to us as a result of our, our pilot project. Because we learned that officers thought, maybe thought they had the video on or the camera on and in fact it wasn't, or they thought that the camera cap was capturing audio, video and in some cases like a license premise of course the noise actually precluded that from being captured.

So as they normally would we say, and kind of the philosophy is this does not replace good note taking and in fact it was there to enhance it, so our procedure will be they'll take notes at the time, return back to the office after the incident or when they get back to the office they'll download the video, they'll review the video, and they'll make supplemental notes. Part of the training there...sorry, yeah, go ahead.

PM: Oh, I was just going to say, I think your observations are really, will be appreciated by the field. You're the first interviewer that, interviewee I should say that has described your policy somewhat as a living policy that's changing as

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need requires, I think that's a good concept for folks that are contemplating implementing a body-worn camera program.

TD: Yeah, I think it is, I think when you look around the UK, the U.S. and us as well, it's so new that I think we have to be prepared to change and evolve as, even with court rulings, as court rulings come I think we're going to have to adjust our policies as well. So, the other probably, one of the concerns with reviewing the notes or doing initial notes and then having to review them, or reviewing the video, is trying to account for discrepancies.

And that's going to be part of their training, through our pilot project we've seen officers testify you know, especially, we use the car digital video as well where the officer will say you know that individual had a blue jacket on, reviewed the notes, or reviewed the video, and recognized that the jacket wasn't blue, it was in fact red. So the training will include accounting for those discrepancies or if the video depicts the event as they recall it and as they accounted in their initial notes they'll make note of that as well.

AR: You know I just wanted to, if I may Pat, one of the biggest challenges for myself as the project leader, operationalizing and implementation zing the implementation of our program is at the outset some three years ago is defining what is the operational need to have body-worn cameras and I think that's a question that other agencies contemplating the same need to consider.

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Because your operational need, i.e. is this an evidence gathering tool, is it a performance management tool, will ultimately depict how prescription or how discretionary your policy is going to be. What your training is going to look like, and what your engagement model with internal and external stakeholders is going to be, is going to look like as well. So I think defining the need of the technology within the agency is paramount before, before going ahead.

PM: That's a good comment, and I would expect for many agencies it very well may be a blended solution to help both with you know, officer safety, community engagement, and as a recording tool as well for, to help with prosecution.

AR: And then also, sorry Pat, and then just to expect an unintended consequences are going to be as well. You know what are the metrics of the functionality of the technology and the deployment, is it going to be a real benefit to the police agency and the community as well, these are considerations that need to be defined prior to operationalizing a program like this.

PM: Great point. Well, let me turn to a second question for either Deputy Chief or Staff Sergeant. What would you identify or discuss as the biggest challenge you experienced in implementing your body-worn camera program?

AR: You know I think one of the biggest issues we faced in Canada, we have the luxury of leveraging the experience of some 18,000 law enforcement agencies in the U.S., some of our partners and brothers and sisters down there have great

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experience in implementing these programs over the last two or three years. In Canada we're kind of pioneers in this regard, we're the largest police jurisdiction in Canada is taking it to full blown deployment in our area.

And one of the differences we found was the issue of shared versus individual use of the cameras. Speaking with our partners in the United Kingdom, and they've since revised their policies as well, but at the outset they were equipping their officers with cameras in a shared deployment, so a group of 20 or so officers would come in for a shift for example, and take out a camera, only if it was available.

And they found that when they altered their policy and when they went to individual deployment of the cameras, they were finding that officers were taking better care of their cameras, compliance with policy increased, and in fact they were capturing more video and video of better quality. There was accountability and ownership in the type and amount of video they were capturing. So that's one of the biggest differences we found between the UK and our own deployment model but again they've since revised their practice there as well.

PM: Oh, that's interesting as well. How about in developing your program, you reached out to law enforcement agencies again in the United Kingdom and United States, what would you share as the biggest implementation differences that you found between the UK, U.S., and how they compared to Canada?

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TD: Well, I think the fact that it was so new here I think has been one of the biggest challenges and it hadn't been used in, in Canada and it was really gaining acceptance, not only public acceptance but also from the members themselves so I think it, it was, I think that was one of the things and Asif mentioned it earlier was really what is the purpose for these cameras?

And some of the associations or the unions, the police unions and the members themselves across camera were rejecting them initially because they said this is really just a performance management tool so it was really about going about, and I think there was a lot of resistance across this country for that initially but I think once the members themselves, certainly in Calgary it's been our experience, they accept the fact that this does enhance their ability to present the facts as they're demonstrated.

And in fact, through the transparency it eliminates a lot of the complaints or a lot of the false allegations that were made against officers. So it is brand new, so a lot of these bridges that we were crossing over I think both the UK and the U.S. had transferred across much earlier than us.

PM: Oh, that's great. How about looking ahead to the future of body-worn camera programs, what do you envision being some of the biggest issues surrounding the cameras and some of the associated technology?

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TD: Well, one of the things that I would say and we're seeing this now when our current prosecutors and our prosecutors, or the whole court procedures, we have very stringent disclosure requirements in Canada and one of the challenges, so what would have taken, would be a real minor off sense and would take minimal prep time for the criminal prosecutor can now take, if you can imagine when I, if I just have to read one piece of paper in preparation for trial sometimes these were done minutes before the actual court case.

Now, I've got five body-worn camera videos that I have to review and the prosecutors certainly aren't going to be willing to take a matter to court when they haven't actually viewed those videos before so that's been, I think that's going to be one of the big challenges and that same preparation time will be reflected in our individual officers as well. Because again, they can prepare for court by reading through their notebook but now they actually have to have reviewed the video as I said earlier.

Being able to account for any discrepancies and be able to explain those, so you can see that whole court preparation time being increased. The other part I think is you know, one of the one's that's interesting and we watch, learned a lot of this from the U.S. is, is the public ready to see parts of policing that they really haven't seen before? And I think that's going to be a really interesting example as we go forward.

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You know there's parts of policing that are certainly glamorous and the public sees those in media or they'll see it in TV shows or things like that but now they're going to be exposed to parts of policing that they maybe haven't seen before.

PM: I think that goes to your point about policies being flexible and those considerations being thoughtfully contemplated with appropriate stakeholders to come up with appropriate policies for the individual community that you serve. I think that makes good sense.

TD: And that's a really good point. I think, and this is one of the things we stress when we talk to a lot of people is the fact that yeah, what maybe works in this community even not only in this country but in this city of Calgary may not work in other places and I think it's important to recognize that there will be, that there will be some differences.

One of the other challenges as we move forward and it's interesting because this comes up, I was speaking with some of our front line officers yesterday and the thought that if it isn't captured on video it didn't occur, and so you know we've experienced that in the courts for years with respect to notes, well if it's not captured in your notebook it didn't happen and now more and more we're starting to see, or I think we'll see as we move forward, that if an officer didn't engage their video or doesn't have video you know the, will that be accepted, their testimony be accepted by itself?

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But I would argue that that exists today anyway, most of our officers recognize that what they do, we're in a city of 1.2 million people. When our officers are working, they're likely being recorded anyway and I think the courts are starting to rely more and more on video as we move forward so while that is probably a concern as we move forward, I think it's one that has little to do with the fact that police actually capture body-worn video as opposed to the fact that it's so readily available.

AR: And I think similarly you know agencies have to be mindful that you can't rely exclusively on body-worn cameras as well because there are certain elements that the camera won't capture, social, psychological stimulants in the environment the officers are operating in. And there will be increased pressure on the officers to articulate some of those things that weren't captured in the video in a court type setting.

TD: One of the things, and I'll say this because it was brought up by our police commission, one of the police commission members that I hadn't, and I hadn't heard in all the conversations we would have, we had had, we we're going to try and actually measure it as we deploy is the lack of discretion employed by officers for minor offenses.

And one of the examples given so there's you know, in Canada it's still illegal of course marijuana's illegal. So there's a joint in a house and our members are in

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the house, in the past they would generally you know, you know it doesn't matter what policy is they would probably get rid of that, use their discretion with respect to that whatever it is, whether it's drugs or something like that, they would apply that discretion.

Now that it's captured on video, will the officers be less hesitant, or more hesitant or more reluctant to actually use that discretion and how is that going to play out with the public's trust and confidence? Because I would argue that the public gains their, or gains trust and confidence in the police because they are seen as being, when they are seen as being fair and discretion is often, equates to that fairness, their perception of fairness.

So it's something we're going to look at because it was honestly something we had never considered before and it'll be interesting to see as we move forward.

PM: That's a great point and even though we haven't touched on it, I know when BJA had its expert panel with over 100 people that have implemented programs including the UK and Canada, the role of the district attorney or the prosecutor is really key and I would think that coordination regarding that last discretionary discussion would be key so that if the prosecutor and the law enforcement agency is on the same page so that there weren't, what would be considered reasonable action by a law enforcement officer in exercising that discretion would be key.

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TD: Exactly, yeah. And just, one more I think challenge is going to be with respect to when officers forget to turn the video on and the fallibility I think of memory is I think the realization that memory isn't as accurate as once thought and I think that's going to play out in the courts and be quite interesting because when they don't turn that on and the courts, you know the judges have listened to you know many cases where what the initial, what the officer initially saw and then what the video depicted are significantly different.

So it'll be, I think it'll be interesting to monitor as we go forward is, is it fallibility of memory, you know is it someone that's being untruthful on the stand or is it in fact just that, just a mistake.

PM: That's a good point. I have two questions left, let me ask the next one. What is the most important advice you would give an agency considering implementation of a body-worn camera program?

TD: I would say from an acceptance perspective really the focus on, and as Asif talked about the purpose of the, of the camera. I think you can have great technology, I think you can have really strong policy and I think if your membership doesn't accept the use of these cameras I think you're going to have a lot of problems. And I think, so it's really important to go out and have the members recognize the front line police officers recognize the value of this, of this piece of technology.

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Value for capturing evidence, value for, you know with respect to enhancing the public's trust and confidence and transparency. You know even enhancing officer accountability and professionalism. And one of the things that we see as well is the ability to deescalate situations once they're recorded. And they deescalate as the research is showing on both sides, the officer side as well as the citizen's.

I think there's great value to individual police officers, I think there's a danger when they see it as only a disciplinary tool. Having said that of course it will be used as that, it will be used as training and disciplinary as well but I think it's really important to come out with a strong description of the advantages to using these types of technology.

AR: Also I think...

PM: Go right ahead.

AR: I was going to say I think the overarching theme is that the agency would have to support a culture of change within the organization and how do you do that, I mean just you know thinking back the three and a half years that we've been engaged in this, is ensuring that you're identifying the appropriate stakeholders both within and outside the agency.

That you continue to engage them in an ongoing basis and as Deputy Darrow said, be flexible in your approach, have that evergreen approach and have a

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standing committee that meets on a regular basis to talk about operational considerations, case law as it emerges and continually revising and updating the policy based on the feedback that you're getting from your membership and the community as well.

TD: And I would just...

PM: Great.

TD: Just final point if I could is stakeholder engagement and I, we started out certainly with the pilot with limited engagement and you learn very quickly how quickly or how vast the interdependencies become and how many systems, whether it's internal or external systems this touches. So I think it's important to get that engagement out very soon on it.

PM: No, that's great. You may have covered this but let me give you one last question, opportunity for you to emphasize any other point. If you were going to start your body-worn camera program over from the beginning, based on what you've learned, what would you do differently?

TD: One of the things I would say, and we've actually started, we have provinces here in Canada of course, very similar to the states that you have. But within the province we started a steering committee looking at what are some of the legislative changes that we can make within the province, can we have body-worn

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camera legislation for instance. And that could eliminate a lot of the risks and challenges that we talked about very early on with respect to note taking, with respect to discretionary use, disclosure.

You know announcing whether you have to turn, when you have to announce before you turn it on or turn it off. Mandatory use for officers that are trained, you know individual versus shared deployment. I think that the more that you can cover in that type of, in our case would be provincial legislation, the better. And we probably should have started that earlier.

We're looking at can we legislate this and if you can't, can we have provincial standards as you would have state standards around the use of, and then after that would be policy and then standard operating procedures. I think the more these arguments that you can put into legislation or the more of these issues that you can address through legislation it makes it, it'll make it a lot easier during court proceedings and you know less of a challenge for the individual officers to have to address these kind of more controversial issues.

Retention, you know length of retention, retention periods, things like that could be included in that legislation.

PM: I'm really glad you made that comment in response. BJA has found looking at our research and pending legislation in different states actions and it seems apparent that states that are taking action like you are in your Canadian provinces

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that are looking at a state wide kind of guidance for the field along with tying in the prosecution piece because you can imagine if different agencies within a state or province just goes out and buys their own cameras, you know haphazardly, you might have an event on a borderline of a jurisdiction and multiple agencies responding and clearly a prosecutor wants to be able to access the information and.

So we think states that do that are going to be ahead of the game, so that's a great comment. Let me thank you Deputy Chief Darrow and Staff Sergeant Asif Rashad. We're very grateful you could speak with us today and share your knowledge on this important topic. We encourage law enforcement, justice, and public safety leaders whose agencies are interested in learning more about the implementation of body-worn camera programs to visit the body-worn camera toolkit at www.bja.gov/bwc.

This toolkit offers a variety of resources that agencies can use to help with adoption and use for community engagement, police development, data collection, officer training, and educational purposes.

We also encourage listeners to share and promote these resources with your colleagues and staff. Lastly, all of these resources and especially the body-worn camera toolkit have been designed as a national resource. Your resource, so please submit your ideas for new content through the body-worn camera support

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link at the bottom of the homepage. This is Pat McCreary, with the Bureau of Justice Assistance, signing off, thank you to our listeners for joining us today.

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