



Body-worn cameras are believed to improve conduct of the public and professionalism of police.

Police Body-Worn Cameras: Implementing Best Practices



Connecticut Interlocal Risk Management
Agency 545 Long Wharf Drive, 8th Floor
New Haven, Connecticut 06511
www.CIRMA.org

November 2015

Use of body-worn cameras has been found to strengthen accountability and transparency within Police Departments.

"Body cameras are a tool to keep the truth safe."
Charlie Hales,
Mayor of Portland, Oregon

Accountability and Transparency

In an effort to capture evidence about specific incidents involving police officers, many agencies in Connecticut are implementing department-issued body-worn cameras (BWCs). They are relying on the Police Executive Research Forum (PERF) Best Practices Guide, which is based on current usage, and on newly available grant money and recent legislation.

A police department that deploys body-worn cameras makes a statement that it believes the actions of its officers are a matter of public record. By taking on the expense and challenges of purchasing and implementing a body-worn camera system, developing policies, and training its officers in how to use the cameras, a department creates the reasonable expectation that members of the public and the news media will be able to review the actions of officers. With certain exceptions, body-worn camera video footage may fall under the Freedom of Information Act (FOIA) and be available to the public upon request. By enabling the creation of videos deemed to be FOIA accessible, use of BWCs enables police departments to demonstrate transparency and openness in their interactions with members of the community. (PERF Best Practices Guide: Implementing a Body-Worn Camera Program).

The police executives whom PERF consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that by providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public. These officials also said that body-worn cameras help prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

Training and Administrative Reviews

Another way that body-worn cameras have strengthened accountability and transparency, according to many police executives, is by helping agencies identify and correct problems within the department. In fact, PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews. This has now been empirically validated by the Rialto California study:

"The average interaction between an officer and a citizen in an urban area is already recorded in multiple ways. The citizen may record it on his phone. If there is some conflict happening, one or more witnesses may record it. Often there are fixed security cameras nearby that capture the interaction. So the thing that makes the most sense—if you really want accountability both for your officers and for the people they interact with—is to also have video from the officer's perspective." (Scott Greenwood of the American Civil Liberties Union (ACLU) September 2013)

Whose Behavior is Affected: the Public, the Police, or Both?

Although the Rialto California study (The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints against the Police: A Randomized Controlled Trial) did not focus on how cameras affected the citizens the police came in contact with, meaning that the analyses do not directly address the "demeanor" hypothesis.

What they found was that, at least as officially recorded by the police (bearing in mind caveats associated with this data source), it is nearly always the case that officers responded with force and did not initiate the use-of-force. Also found was that alcohol is a factor in more than half of all use-of-force cases, which merits further

A 12-month trial in Rialto, California conducted by the University of Cambridge's Institute of Criminology, found that body-worn cameras reduced the use of force by roughly 50 percent. Complaints against police also fell 90 percent during the study period compared with the previous year.

research. More broadly, we do not know on which party in an encounter the cameras had an effect on, or how the two effects—on officers and on suspects—interact. Do cameras affect the conduct of suspects, which then moderates the need of officers to react with force to such behavior? Or, do cameras affect the conduct of officers, who might have otherwise acted with unnecessary or excessive force regardless of the suspects' demeanor? Does it do both?

While it is difficult to isolate the mechanism in play, it at least suggests that cameras have affected the overall result of police–citizen encounters. Whether police use-of-force—justified or unwarranted, excessive or proportional, reasonable or unreasonable—is a function of suspects' demeanor, or whether it is caused by unprofessional or inexperienced officers, the circumstances in which use-of-force occurred have changed, and resulted in what can be interpreted as a socially desirable response: force-free police–public encounters. The study *On Normative Order*, MacCormick (2007: 20) reminds us that,

“Human beings are norm users, whose interactions with each other depend on mutually recognizable patterns that can be articulated in terms of right versus wrong conduct, or of what one ought to do in certain settings...”

The study concludes that the cameras communicated the deterrence message, through self-awareness of being observed, that the acceptable behavioral response in a given situation was not one of force. In short, whether they affected officers, citizens, or both, body-worn cameras resulted in less force.

Despite the proven benefits to the implementation of a BWC program, officers still harbor concern about the use of these devices. One of the primary concerns for police executives is the fear that body-worn cameras will erode the trust between officers, the chief, and top managers of the department. Some officers may view the cameras as a signal that their supervisors and managers do not trust them, and they worry that supervisors would use the cameras to track and scrutinize their every move (PERF Best Practices Guide - Implementing a Body-Worn Cameras Program). Law Enforcement leaders should consider developing a process to manage the expectation of the BWC program for both leadership and officers. This can include processes, such as:

- A formalized process to address officers' concerns.
- Conduct required training outlined in the Connecticut House Bill 7103.
 - (*Effective October 1, 2015*) Each police basic or review training program conducted or administered by the Division of State Police within the Department of Emergency Services and Public Protection, the Police Officer Standards and Training Council established under Section 7-294b of the general statutes or a municipal police department in the State shall include tactical training for police officers regarding the use of physical force, training in the use of body-worn recording equipment and the retention of data created by such equipment, and cultural competency and sensitivity and bias-free policing training.
- Engage officers in discussion of the expected goals and benefits of the BWC program.
- Conduct “roll call” discussions on the BWCs and any recent lessons learned.
- Create an implementation team.
- Implement a policy to either allow or not allow the officer to view the recording prior to the officers written statement:
 - There are two very different schools of thought on this. Some police executives, have stated that it is better for an officer's statement to reflect what he or she perceived during the event, rather than what the camera footage revealed. However, the majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera 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 agrees with this position.

- This position is further supported by Connecticut House Bill 7103: HB 7103, Section (4)(e) A police officer may review a recording from his or her body-worn recording equipment in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.

Voluntary Programs

One strategy is to start a BWC program using volunteers. While officers with both voluntary and mandatory issue body-worn cameras reported that having the technology was helpful in a variety of encounters, the volunteers viewed them much more favorably. A voluntary program is a good way to phase in a BWC program; once positive results are experienced, it can be expanded department-wide after reluctant officers have been won over.

Policy Statements and Communication

Having clearly articulated and understood policies that address the above areas can put the control of an encounter back in officers' hands with the confidence that his actions will be able to prove or disprove complaints made against him or her and to support their decisions in the field during arrest and control encounters.

Following the best practices outlined in the PERF document and the National Institute of Justice (NIJ) primer along with the best practices below will ensure a smooth integration of this valuable tool into the law enforcement profession. (Dr. Christopher McFarlin, criminal justice faculty, American Military University)

- Departments should have a clearly defined and vetted camera policy. (Sample policy is included as an appendix to this document.)
- Officers should be briefed on the new policies and have an opportunity to ask questions as well as understanding the legal implications associated with the use of the cameras.
- Have clearly articulated electronic discovery standards for evidence storage and image preservation.
- Be transparent in the use and non-use of cameras with community partners.
- Include the required training as outlined in Connecticut House Bill 7103 of June 2015.

Impact on Officer Decision-Making

One key finding of the recent Mesa, Arizona study (The Impact of On-Officer Video Cameras on Police–Citizen Contacts: Findings From a Controlled Experiment in Mesa, Arizona. Justin T. Ready & Jacob T. N. Young) was that deploying body-worn cameras could influence officer discretion, making them more risk-averse when it comes to making arrests or initiating stops based on reasonable suspicion. Interestingly, officers with body-worn cameras issued more infraction tickets. It is important for Chiefs to realize that this technology does influence officer decision-making and there might be unintended consequences (good or bad).

Body-worn cameras are by no means a panacea; other reforms are still necessary in order to achieve "good policing" (Sgt. Jerimiah Johnson, Ph.D.). The use of body-worn cameras has proven to be highly beneficial; any agency with high instances of citizen contact and self-initiated calls should strongly consider BWCs to be standard equipment for officers in these units. BWCs have also been a great benefit in resolving complaints and allegations against officers. (NIJ Primer on Body-Worn Cameras for Law Enforcement, September 2012)

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

(See Sample Policy on following pages.)

SAMPLE POLICY

1.0 BODY-WORN CAMERAS

1.1 Purpose and Policy

The use of body-worn audio/video cameras (BWCs) within the general operational police environment provides a potentially valuable resource for law enforcement operations in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees.

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with this policy and the law.

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of their official duties and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

The purpose of officers using BWCs is to:

- Enhance opportunities for evidence capture for investigative and prosecutorial purposes.
- Enhance the accuracy of officer reports and testimony in court.
- Facilitate resolution of complaint investigations by providing impartial, accurate evidence.
- Provide insight into police service delivery and identify good practices.
- Be used as a training tool to identify and support best practices in police/citizen interactions.

1.2 Equipment

The BWC equipment is generally a body mounted camera with a built-in microphone. Officers will wear the camera on their clothing in a location consistent with training that allows the camera to record events. The camera stores digital files which, once recorded, cannot be deleted or altered by the operator. Each file carries a unique identifier and is time and date stamped throughout. While on duty, officers may not carry or use any personally-owned camera or device for the purposes of recording enforcement activity. Only camera units issued by the department are authorized.

The software system _____ supports the camera system, automatic downloading, and storage of the digital video files to an electronic digital storage device located in the police department building.

When not in use, all BWCs must be stored in the charging station.

The assigned officer must ensure the BWC is working correctly prior to leaving headquarters. At the start of the shift, officers will perform a check, as outlined in the BWC training, for any issues related to:

- Damage.
- Camera mounting.
- Recording functionality.
- Previous uploads.
- Battery charging.

Any time the officer is aware of equipment malfunctions, the officer will:

- Notify a supervisor.
- Note the malfunction including the screening supervisors name.

The Chief of Police or his/her designee is responsible for keeping records of the serial numbers and to whom the camera is assigned. Any malfunction of the equipment must be reported immediately to a supervisor and/or the Chief of Police, who shall inspect the equipment and repair or replace it as necessary.

1.3 Training

Only officers who have received the appropriate training will be able to wear the BWC equipment. Officers shall receive training in all necessary technical aspects of the specific cameras being used. This training will be provided through the manufacturer or a member of the agency designated by the Chief of Police. Such training shall include:

- Agency policy on BWC usage.
- Legal implications.
- Practical use issues.
- Evidentiary continuity.
- Camera operation.
- Proper placement of camera.
- Recording advisements.
- Downloading and software use.

Supervisors shall ensure that officers are using the BCWs consistent with training and this policy and shall identify any officer(s) that need additional training in their use.

1.4 Procedures and Restrictions on Use

All officers working a patrol or investigative assignment (including supervisors) shall wear a BWC. Investigators shall use the BWC consistent with this policy.

Officers shall wear BWCs on the exterior of their uniform or plain clothes consistent with training.

Officers will use the BWCs to record the following activities:

- Terry stops.
- Traffic stops.
- Observed criminal activity.
- Arrests and seizures.
- Tactical activities such as building searches.
- Searches and inventories of vehicles or persons (occurring outside of the booking area).
- Questioning suspects.
- Any other situation in which the officer believes the video may be beneficial or used for evidentiary purposes.

Once recording has begun, the officer shall record the entire event, and shall not stop the recording until the event has concluded. The event concludes when the officer has completed his/her part of the active investigation, there is little possibility that the officer will have further contact with any person involved in the event, and the officer is leaving the area of the event. Officers need not record travel from one area to another even though they may be recording the same event.

If circumstances prevent recording (such as being unsafe, impractical or impossible) with the BWC at the beginning of the event, the officer shall begin recording as soon as practical. If an officer does not record the entire contact or interrupts the recording, the officer shall document in writing or verbally on the BWC why a recording was not made, was interrupted, or was terminated.

Whenever possible, officers should inform individuals that they are being recorded. The request and any response shall be recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or individuals.

Officers shall **not** record the following activities:

1. Conversations with other agency members unless done contemporaneous with a call for service or unless expressly authorized by the Chief of Police.
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal activities.
4. Strip searches.
5. Persons undergoing a medical evaluation, procedure or treatment.
6. People who are lawfully exercising their freedom of speech, press, association, assembly, religion or the right to petition the government for redress or grievances. Protected activity as described above which is unintentionally captured while recording an event as otherwise required by this policy is not a violation.
7. Places where a heightened expectation of privacy exists such as restrooms, locker rooms or hospitals, unless for direct law enforcement purpose such as a crime in progress or the recording location is material to a criminal investigation.

If an officer inadvertently records any of the above activity, they shall notify their supervisor and the Chief of Police at the earliest possible opportunity. No recording of any activity described in items (1-7) above shall be deemed a public record for purposes of section 1-210 of the Connecticut General Statutes. In addition, no record created by an officer using BCWs of a scene of an incident that involved a victim of domestic or sexual abuse, or a victim of a homicide or suicide, or a deceased victim of an accident shall be subject to disclosure under the provisions of section 1-210 of the general statutes to the extent that disclosure of such record could reasonably be expected to constitute an unwarranted invasion of privacy.

Officers shall not use the BWC for personal recording purposes or non-work-related purposes. Cameras are to be stored at _____ Police Headquarters when not in use.

1.5 Downloading of Video and Reports

At the conclusion of their shift, each officer shall download the video from their BWC by placing the unit in the charger/downloading cradle located in the patrol office and downloading the video using the _____ software. If an officer needs to 'flag' a video for retention, they will do so using the _____ software. If an officer is unable to download video at the end of their shift, they may do so upon their return to duty.

Officers may review their own video recordings to assist them in completing police reports unless restricted by the State's Attorney's Office.

Recordings do not replace the need for written reports. Officers must complete all necessary reports and forms prior to the end of their tour of duty in accordance with agency policy.

Videos from BWCs will be stored on a local server located in the police building. This data will be backed up consistent with agency policy and Town IT procedures. Backup storage is located off site at _____.

The Chief of Police or his/her designed may review BWC video for the following purposes:

- Investigation of a personnel complaint.
- Criminal investigation.
- Assault on officer.
- Use of force by officer.
- Officer-involved collision.
- Vehicle pursuit investigation or review.
- Public disclosure request.
- As part of the Early Warning System.
- Training purposes, with the permission of the involved officers.
- Audit and quality control.

At least monthly, the Chief of Police or his/her designee will randomly review BWC recordings to ensure compliance.

1.6 Retention of Recorded Video

All images and sounds recorded using the BWCs are property of the _____ Police Department. They are recorded and maintained for official policing purposes and shall not be accessed, copied, viewed by or released to any unauthorized person, posted to any other locations, or used for any other purposes not explicitly authorized in this policy.

Only the Chief of Police or his/her designee shall have access and authorization to delete, copy or otherwise modify the video files. All view-only access to BWC files must be authorized by the Chief of Police. No employee may attempt to copy a BWC video or in any way manipulate the software to enable them to make a copy.

Recorded video from the BWCs shall be released only by the Chief of Police consistent with law.

Recorded video will be stored for the minimum period of 45 days, except that certain video as noted below will be stored for longer periods of time. Officers may 'flag' certain videos of value that will be retained for longer periods. Any time an officer 'flags' a video that they have recorded, they shall notify the Chief of Police in writing (or via e-mail).

The following videos will be stored for longer periods as noted. Videos involving:

- The use of force will be stored for 3 years.
- Videos relating to citizen complaints will be stored for 3 years.
- Videos of evidentiary value will be downloaded and retained as such and consistent with other items of evidence in criminal investigations and pursuant to agency policy.
- Videos that may be of value for training purposes shall be downloaded and retained as such.
- Videos whose incidents are believed by the officer or supervisor to possibly result in a complaint or civil litigation shall be retained for 3 years.
- Any other video as designated by the Chief of Police.

1.7 Use of Video Recording for Disciplinary Purposes

In the context of BWC video review, minor acts of misconduct will be handled either through counselling or training. Examples of minor misconduct include but are not limited to uniform violations, rudeness and profanity. However, profanity and slurs that disparage a particular group or protected class under town, state, or federal law are not considered minor misconduct.

If in the course of viewing BCW video, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline or a sustained finding. However, such acts may result in a training referral or counselling and may be included in the officers' performance evaluation.

The Connecticut Interlocal Risk Management Agency, CIRMA, is Connecticut's leading provider of municipal risk financing and risk management services. A member-owned and governed agency, CIRMA provides high quality insurance for municipalities, school districts, and local public agencies. CIRMA operates two risk pools, the Workers' Compensation and the Liability-Auto-Property pool. It also provides Heart & Hypertension claims services and claims administration and risk management services to self-insured municipalities. CIRMA's financial strength enables it to provide assured rate stability, open availability, and expert risk management and claims services.

Police Body-Worn Cameras: Implementing Best Practices

© 2015 Connecticut Interlocal Risk Management Agency.

All Rights Reserved. This publication or any part thereof may not be reproduced, transmitted, or stored in any type of retrieval system by any means, electronic or mechanical, without prior written consent of the Connecticut Interlocal Risk Management Agency. This book is intended for the exclusive use of the members of the Connecticut Interlocal Risk Management Agency and for the employees of its members.

This publication is intended for general purposes only and is not intended to provide legal advice. If you have questions about particular legal issues or about the application of the law to specific factual situations, CIRMA strongly recommends that you consult your attorney.

Rev. 11/20/15