



# Police Body-Worn Cameras

## Lessons from the Early Adopters

Body-worn cameras reduced the use of force by roughly 60 percent in Oakland, California, and the department reported 18 months without an officer-involved shooting, in a city that used to average about eight such incidents a year.<sup>1</sup> In Mesa, Arizona, police reported 75% fewer use of force complaints and a 50% decline in citizen complaints during a body-worn camera pilot.<sup>2</sup> But many law enforcement agencies are still weighing their options and hesitating to implement body-worn cameras because of uncertainty regarding policies and practices. This paper highlights some of the key policy issues that early adopters have faced and offers perspectives from their experiences.

Early users cite numerous practical applications and benefits from having law enforcement officers wear cameras, including:

- **Documenting evidence.** Cameras provide evidentiary benefits, including expedited resolution of citizen complaints and lawsuits.
- **Officer training.** With capture of in-the-moment officer behavior, video presents excellent training and coaching opportunities for how best to handle an incident.
- **Preventing and resolving complaints brought by members of the public.** Improvements have been shown in both police and citizen behavior when cameras are worn in a visible location.
- **Strengthening police accountability.** Cameras provide transparency, which can improve police accountability and performance.

But there are also concerns that law enforcement agencies need to address before implementing video as a form of police reporting.

- **Citizen privacy.** Body-worn cameras capture crime victims in traumatic experiences, often in their own homes, as well as witnesses and confidential informants. Privacy considerations need to be balanced against the need for police transparency and evidence collection.
- **Impact on community relationships.** Police rely on positive community relationships to do their jobs. Policies need to include open communications about cameras with community members in order to respect and protect these relationships.
- **Compliance requirements.** Video connected to a criminal case is required by the FBI to comply with CJIS Security Policy. Agencies need to ensure video storage platform supports CJIS compliance.
- **Logistical and resource requirements.** Data storage, retention, and disclosure are key concerns when implementing video policies. Security, reliability, cost, and technical capacity are critical factors when choosing a method for storing video files from body-worn cameras.

"Body-worn cameras can increase accountability, but police agencies also must find a way to preserve the informal and unique relationships between police officers and community members."

Chuck Wexler, Executive Director  
Police Executive Research Forum

<sup>1</sup>CBS, SF Bay Area, "Oakland Mayor Says Police Body Cameras Have Cut Use-of-Force Incidents Significantly in 5 Years," December 17, 2014.

<sup>2</sup>Michael D. White, PhD, "Police Officer Body-Worn Cameras: Assessing the Evidence," Washington, DC: Office of Community Oriented Policing Services, 2014.

# Policy considerations

Before jumping into deployment of body-worn cameras, police departments would do well to develop a set of well-designed policies, practices, and training of officers to back up the initiative and minimize issues that might otherwise undermine public trust in the police. The following policy considerations are drawn from research and examples of other agencies who have led the way.

## Wearing the camera

**When to record.** Early adopters offer differing opinions on whether to allow officer discretion for turning cameras off. Some departments leave them on all the time and others require turning them on at the beginning of an incident. Many agencies report allowing for limited discretion by officers, provided there are clear requirements to document reasons for not recording. A common approach is to require officers to activate cameras when responding to calls or during any enforcement activity with the public. "We try to develop muscle memory in officers to turn on cameras enroute to a call," one police chief advised, "because it's easy for them to forget once they're engaged." Typical exceptions include interviews with sexual assault victims or hospital visits, or conversations with confidential informants.

**Notification.** According to a recent survey of police executives<sup>3</sup>, many believe it is a good practice to inform citizens when they are being recorded, whether or not it is required by law. Many police departments have policies that give officers the right to record inside a private home as long as they have a legal right to be there. The Body Worn Video Steering Group provides a body-worn camera policy template that gives specific guidance on recording in private dwellings.

## Viewing the video

**Internal Audits.** Many police departments use video to audit officer performance, either during random monitoring or when reviewing specific incidents. This can help identify policy or training issues, as well as positive behaviors to be commended. According to many police executives, the primary benefit to using video for internal audits is that it helps get to the truth of what really happened. But officers may be concerned about an erosion of trust with their superiors. It is important to involve officers in the implementation of body-worn cameras and to position cameras as an evidentiary rather than disciplinary tool.

**Police reports.** Should an officer be able to view an incident video before filing the incident report? According to Paul Capitelli, law enforcement specialist and consultant, there is much controversy around this question, as some agencies assume objective video evidence allows them to get the most accurate view of the story, while others believe it's important to capture an officer's memory of what they heard and observed on the scene rather than reporting what the camera saw, which may taint their perceptions. Guidelines should be clearly spelled out.

**Public access.** Law enforcement agencies are subject to state freedom-of-information laws regarding public access to police records. In many states, cases under prosecutorial review are not open to public access until they've been adjudicated. However, these laws may not be explicit about video capture from body-worn cameras, so agencies have to review public disclosure laws carefully. There may be exceptions for video that contains evidence or that is used to monitor officer performance. Redaction of video records may be permissible in sensitive cases to obscure the identity of subjects, but should be disclosable. Agency policy should clearly articulate guidelines for public access and balance the legitimate interest of openness with protecting privacy rights.

Over **75%** of 254 respondents reported that they did not use body-worn cameras as of July 2013.<sup>3</sup>

Of the 63 agencies that reported using body-worn cameras, nearly **one-third** did not have a written policy governing body-worn camera usage.<sup>3</sup>

"If police are free to turn the cameras on and off as they please, the cameras' role in providing a check and balance against police power will shrink and they will no longer become a net benefit."

Jay Stanley  
American Civil Liberties Union

<sup>3</sup>Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned, Police Executive Research Forum and COPS, U.S. Dept. of Justice

## Storing the footage

**Storage options.** A Model Policy for body-worn cameras published by the IACP<sup>4</sup> suggests a storage policy requiring all camera recordings and related files to be securely downloaded "periodically and not later than the end of each shift." Agencies should consult with legal advisors to ensure that data storage policies and practices are in compliance with all relevant laws and preserve evidentiary chain of custody. In addition, agency storage policies should outline who is authorized to access data and include an audit system for monitoring access. As with any data storage, it is important to have a reliable back-up system in case of any damage to stored video data.

**Retention policies.** A recent ACLU report<sup>5</sup> recommended that data retention be limited to the length of time necessary to conduct investigations, suggesting that the time be "weeks not years." But many departments are retaining video far longer with some making one year their new policy. In some cases a video may be flagged for longer retention, which typically happens for incidents involving use of force, incidents that lead to detention or arrest, or where a complaint has been registered. Sometimes a video will be flagged if it provides a good training or coaching opportunity. The ACLU also suggests a police department should flag a video if there's reasonable suspicion it contains evidence of a crime or that police misconduct may have occurred.

**CJIS compliance.** The FBI's Criminal Justice Information Services Policy includes specific requirements for audit and accountability controls as well as media protection for all information. In choosing a system for data storage, law enforcement agencies should be careful to ensure that the platform has government-validated support for CJIS compliance. Without it departments may face liability when using body-worn cameras, as integrity of the data cannot be assured. Departments that choose to leverage cloud storage should ensure their provider supports CJIS compliance and signs the CJIS Security Addendum.

**Staffing considerations.** According to Deputy Chief David Downing, the Oakland, CA police department has used body worn cameras for nearly 5 years, and storage requirements have gone from 2TB/month in 2013 to 4-5TB/month today. "IT staff should be prepared to manage significantly more data, and agency leadership should be prepared to perform ROI analysis to determine whether on-site servers or cloud storage will be most cost effective," Downing advises. In addition, "public records requests will change drastically; redaction is more complex with video and requires specially trained people."

### Interesting times

In a time of increasing police scrutiny, and widespread capture of police activity by civilian video devices, body-worn cameras provide a valuable opportunity to capture an officer's side of the story, start-to-finish. "These are very interesting times," says Chief Dombkowski of the West Lafayette Police Department in Indiana. "It's rare that a social issue and a specific technology can have this perfect a match. But with the boiling over of emotions around police use of force, this technology can give you a lot of credibility in your community when it's really needed."

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Chief Dombkowski  
West Lafayette Police Department

Contact your Microsoft representative or visit <http://aka.ms/cjiscloud> to find out about the Microsoft Azure Government: the CJIS-capable cloud designed for law enforcement

For more JPS solutions visit: [www.microsoft.com/PublicSafety](http://www.microsoft.com/PublicSafety)

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<sup>4</sup>International Association of Chiefs of Police, IACP National Law Enforcement Policy Center Body-Worn Cameras Model Policy, April 2014.

<sup>5</sup>Jay Stanley, Police Body-mounted Cameras: With Right Policies in Place, a Win for All. American Civil Liberties Union Blog of Rights, Oct. 2013.