



**BODY-WORN
CAMERA**
TRAINING & TECHNICAL ASSISTANCE

KEY TRENDS IN BODY-WORN CAMERA POLICY AND PRACTICE: A SIX-YEAR POLICY ANALYSIS OF US DEPARTMENT OF JUSTICE—FUNDED LAW ENFORCEMENT AGENCIES

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May 2022



This project was completed with support from our partners at CNA. Dr. White has a consulting relationship with compensation from CNA.

This project was supported by Grant Nos. 2015-DE-BX-K002 and 2019-BC-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Executive Summary

The CNA Corporation, Arizona State University (ASU), and Justice and Security Strategies, Inc. (JSS) provide training and technical assistance (TTA) to law enforcement agencies that have received funding for body-worn cameras (BWCs) through the US Department of Justice (DOJ) Bureau of Justice Assistance (BJA) BWC Policy and Implementation Program (PIP). Administrative policy review is a central feature of the TTA provided to the PIP sites. The TTA team developed a policy review process and BWC Policy Review Scorecard to assess the comprehensiveness of BWC policies. This report describes the results of an analysis of 447 policies from fiscal year (FY) 2015–2020 grantees that successfully completed this review process. Through review of the 447 agency policies, we identified key BWC policy trends across 11 important BWC issues. Several of the trends involve substantial policy differences between agencies funded in different years.

1. Activation

- Nearly all agencies (97 percent) mandate and prohibit activation for certain types of encounters.
- Most agencies (70 percent) allow for discretionary activation under certain circumstances. Discretionary activation has increased steadily over time.

2. Deactivation

- All but two agencies provide a general statement or definitive guidance for BWC deactivation, both for encounters that have ended and for encounters where BWC recording is no longer permitted.
- Nearly all agency policies (95 percent) give officers flexibility to exercise discretion in deactivation decisions under certain circumstances.

3. Citizen Notification

- Most agencies (80 percent) do not explicitly mandate citizen notification of the BWC recording.
- About 41 percent of agencies recommend, but do not require, citizen notification of the BWC recording.

4. Officer Authority to Review

- Nearly all (95 percent) agencies allow officers to review their own BWC footage for routine report writing or court preparation.
- Most agencies (77 percent) do not allow an officer unrestricted access to BWC footage during an administrative investigation. Common stipulations include first completing an interview or report or requiring that additional personnel be present at the time of viewing (e.g., a member of command staff, an investigator).
- With regard to a critical incident (e.g., officer-involved shooting), most agencies (85 percent) allow officers to view video of the incident before making a statement, though

most policy language includes restrictions or other stipulations along with viewing privileges.

5. Supervisor Authority to Review

- Nearly all agencies (95 percent) explicitly permit supervisors to review BWC footage for administrative purposes, such as investigations of citizen complaints and use of force incidents.
- Most agencies give supervisors authority to review line officers' BWC footage to determine compliance with BWC policy and procedures (83 percent) and for general performance review (83 percent). This authority has become more common over time regarding BWC policy compliance, but less so regarding general performance review.

6. Off-Duty Assignment

- Just under half of agencies (45 percent) mandate agency BWCs be used during off-duty engagements by uniformed officers. This trend has decreased since FY 2019.

7. Activation During Demonstrations

- Most agencies do not address BWC use during public demonstrations (76 percent).
- Of those that do discuss activation, most require activation only during an official contact with a protestor or if there is a threat or active violation taking place (88 percent).

8. Temporary Deactivation (and Muting)

- Most agencies (89 percent) allow for some form of temporary deactivation of the BWC during specific circumstances (e.g., during strip searches, during tactical discussions, in a space with an expectation of privacy).
- Most agencies (79 percent) do not address muting BWC audio.

9. Frequency of Supervisory Auditing

- The majority of agencies address how often (e.g., monthly, weekly) supervisors must review BWC footage of subordinate officers for policy compliance, performance review, or administrative investigations (66 percent).
- The most common interval for BWC supervisory review is monthly (44 percent).
- Most agencies do not specify a specific number of videos that must be reviewed during each supervisory audit (67 percent).
- Most agencies also do not require the selection of videos to be random (69 percent), although random selection has become more common over time.

10. Mentions of Specialty Units Wearing BWCs

- Slightly more than half of agencies mention officers in specialty assignments using BWCs (55 percent). About one-third (32 percent) require BWCs for some specialty assignments (e.g., SWAT, investigations, undercover/plainclothes).

11. Video Release of Critical Incidents (FY 2019–2020 agencies)

- The vast majority of FY 2019 and FY 2020 departments do not have a set policy for public release of BWC footage involving a critical incident.

Caveats and Conclusion

This analysis was undertaken to understand the range of policy variation among FY 2015–2020 participants in BJA’s BWC PIP. Although this analysis provides valuable insight into BWC policies, we recognize that this sample of policies is not necessarily representative of national trends. Further, many components of BWC policies are somewhat nuanced and may not be as clearly delineated as others. This analysis reinforces the fact that policies evolve due to dynamic local circumstances, state laws or mandates, and the needs and demands of local stakeholders. Because BWC technology and protocols will continue to shift, a department’s BWC policy must undergo frequent review and be refined as needed.

Introduction

In 2015, the US Department of Justice (DOJ) initiated a funding program called the Body-Worn Camera (BWC) Policy and Implementation Program (PIP), through which law enforcement agencies could seek funding to purchase and deploy police BWCs. The Bureau of Justice Assistance (BJA) manages the BWCPIP. In October 2015, BJA announced the first round of awards. Altogether, BJA has awarded nearly \$150 million to more than 550 agencies over the past seven years, resulting in the deployment of thousands of BWCs across the United States.

To support agencies with BWC implementation, DOJ created a training and technical assistance (TTA) system that is available to all grantees (as well as non-funded agencies). The TTA team is directed by the CNA Corporation, in partnership with Arizona State University (ASU) and Justice and Security Strategies, Inc. (JSS). The TTA team provides support and services to PIP grantees, including webinars, national and regional meetings, onsite support, a speaker's bureau, best practices, technical assistance guides, and access to national experts.

One of the fundamental features of the TTA is a BWC administrative policy review process. Research has illustrated the importance of sound policy in guiding discretionary decisions across a wide range of field activities, including use of force (deadly and less lethal), vehicle pursuits, and arrest activity (Fyfe, 1988; Walker and Katz, 2013; White and Fradella, 2016). BJA and the TTA team recognize the importance of administrative policy for strategic planning, proper deployment, and management of a BWC program. Essentially, sound BWC policy provides clarity, guidance, and leads to good BWC practice.

The BWCPIP Policy Review Process

As part of the BWCPIP grant award process, agencies submit a BWC administrative policy to the TTA team for review. The TTA team developed the BWC Policy Review Scorecard to assess the comprehensiveness of BWC policies (<https://www.bwctta.com/resources/bwc-resources/body-worn-camera-policy-review-process>). The scorecard assesses an agency's BWC policy across nine categories (see Table 1), although the specific items and scoring have continued to evolve.¹ Once an agency completes the review process, the agency can proceed with its BWC procurement and continued program development. The BWC Policy Review Scorecard evaluates the depth of the policy development process and the policy itself, but it is flexible. BJA and the TTA team believe the specific content featured in the policy should be determined locally by the law enforcement agency in consultation with relevant internal and external stakeholders.

¹ BJA and the TTA team also offer an expedited policy certification process for agencies that are more experienced with BWCs, have an existing policy in place, and/or have previously been funded through the PIP.

Table 1. Policy areas addressed in the BWC Policy Review Scorecard

1. Policy Development
2. General Issues
3. Video Capture – Activation
4. Video Capture – Deactivation
5. Data Transfer/Download
6. BWC Viewing
7. BWC Training
8. Public Release
9. Policy and Program Evaluation

The Policy Analysis

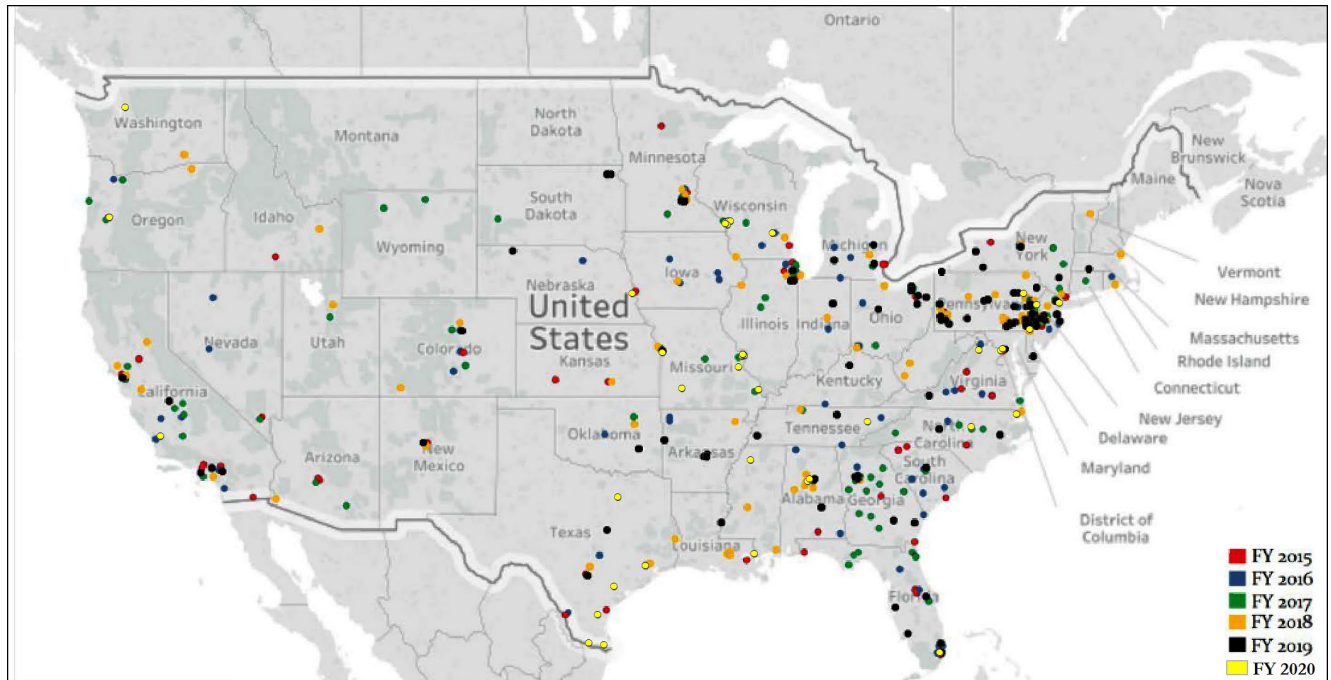
The non-prescriptive approach employed in the scorecard review process emphasizes the importance of local input, which leads to variation in policy content. These differences provide an opportunity for a detailed BWC policy analysis (e.g., what is the guidance that agencies across the country provide to their officers on key issues?). ASU's Center for Violence Prevention and Community Safety evaluated 447 BJA-approved policies from agencies funded in FY 2015 (n=54), FY 2016 (n=75), FY 2017 (n=83), FY 2018 (n=92), FY 2019 (n=101), and FY 2020 (n=42). (This report does not include all funded agencies in each year—only those that had their policies approved by BJA at the time we conducted each annual analysis.) Figure 1 shows the locations of the sites included in the policy analysis. (A few agencies in Alaska, Hawaii, and Puerto Rico are included in the policy analysis but not pictured in Figure 1.) The purpose of the policy analysis is to identify common themes in BWC policies, with an eye toward identifying trends or themes that could serve as a guide for law enforcement agencies nationwide.

The results presented here may not reflect what is occurring nationally, as the analysis relies on a convenience sample of agencies funded through the BJA BWCPIP. Also, the results presented here reflect each agency's policy positions at the time of the policy review. It is possible that post-review policy modifications were made, and those changes are not reflected here—for example, if an agency did not initially include language on muting, but added it after the review, the policy analysis will reflect no mention of such language.

This report provides a six-year analysis of policy language regarding activation, deactivation, citizen notification, officer authority to review BWC footage, supervisory review authority, and other relevant topics. The authors added six new policy issues for the FY 2016, 2017, 2018, 2019, and 2020 sites: off-duty assignments, activation during public demonstrations, temporary deactivation (and muting of audio), the specifics of supervisor auditing (how often, how many videos), mention of specialty units wearing BWCs (e.g., K-9), and how departments handle video release requests. All FY 2019 and FY 2020 sites were queried specifically about video release policy involving footage of critical incidents (e.g., officer-involved shootings). Based on the policy analysis, we have identified

22 key policy trends related to 11 major issues. The 22 policy trends provide important insights into emerging BWC policy and practice.

Figure 1. BWCPIP grantees (FY 2015–FY 2020)



Issue #1: Officer Activation

All FY 2015–2020 policies detail specific circumstances during which an officer shall activate a BWC (i.e., mandatory activation). Most departments include a general statement mandating that officers “shall” record all formal encounters with citizens (e.g., officers will activate the BWC to record all contacts with citizens in the performance of their official law enforcement duties). Alternatively, some departments provide a detailed list of incident types during which recording is mandated (e.g., calls for service, vehicle stops), although these lists are not exhaustive.

Officers will activate the BWC to record all contacts with citizens in the performance of their official law enforcement duties.

Similarly, nearly all FY 2015–2020 policies also identify situations in which activation is not permitted (i.e., prohibited use). Examples include privileged conversations (e.g., attorney, spouse, confidential sources, tactical discussions) and places where there is an expectation of privacy (e.g., locker rooms, hospitals, restrooms).

“Nothing in this policy precludes an officer from activating the BWC system if the officer determines in the course of their duties the circumstances are such that it is reasonably prudent to activate the device at his/her discretion.”

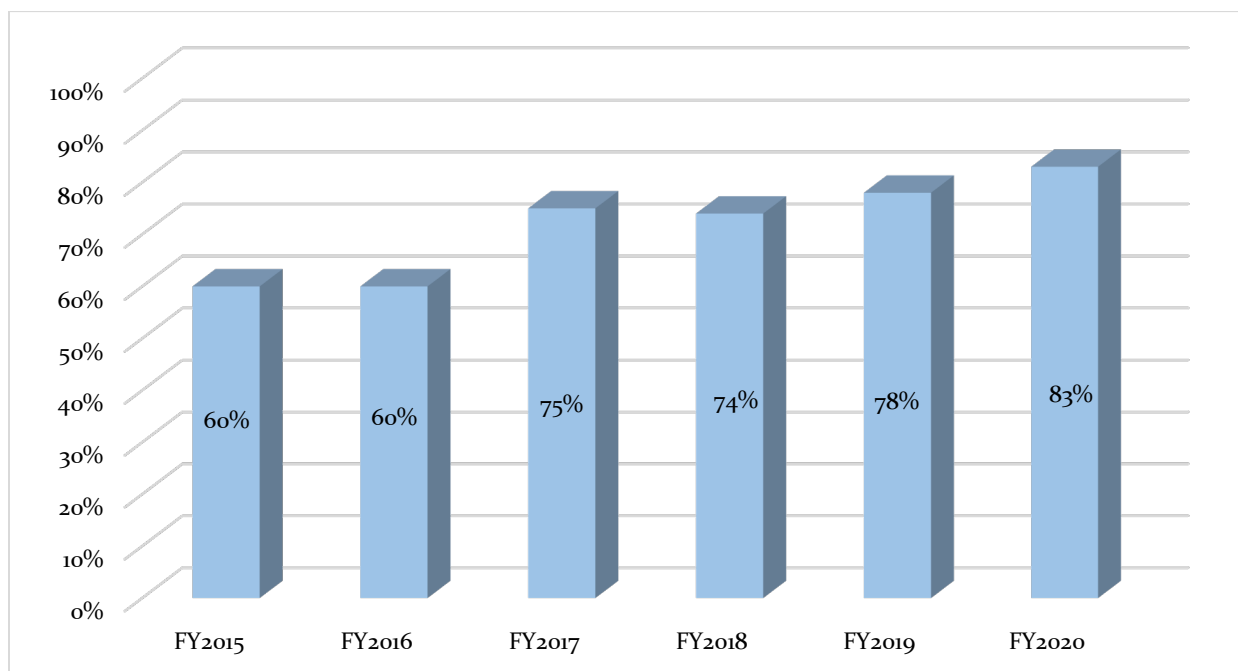
—District of Columbia
Department of Corrections

Approximately 60 percent of FY 2015 and FY 2016 policies allow officer discretion in activation if mandatory or restricted criteria are not met. Comparatively, Figure 2 shows that 75 percent of FY 2017 policies, 74 percent of FY 2018 policies, 78 percent of FY 2019 policies, and 83 percent of FY 2020 policies have specific language permitting discretion (see the District of Columbia Department of Corrections policy language).

Key BWC Policy Trends

- (1) Nearly all agencies (97 percent) mandate and prohibit activation for certain types of encounters.
- (2) Most agencies (70 percent) allow for discretionary activation under certain circumstances. Discretionary activation has increased steadily over time.

Figure 2. Discretionary activation permitted under certain circumstances



Issue #2: Officer Deactivation

Like activation, policy guidance on deactivation varies based on the degree of officer discretion permitted. For example, 83 percent of FY 2015 and 84 percent of FY 2016 policies mandate deactivation when an event has concluded. The remaining 16 to 17 percent of policies are discretionary and avoid the “shall” or “must” language. Comparatively, 98 percent of the FY 2019 policies and 88 percent of the FY 2020 policies include specific language that mandates deactivation when the event has concluded (see the Belton Police Department policy language).

“Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.”

—Belton (MO)
Police Department

Many policies also identify specific circumstances during which officers have discretion to deactivate. Discretionary deactivation clauses address the need to protect persons (e.g., crime victims), places (e.g., hospitals or other medical offices), and information (e.g., tactical or operational discussions) during a police-citizen encounter (see the Berkeley Police Department policy language). Approximately 67 percent of FY 2015 policies allow for discretionary deactivation through specific circumstances. This is much more common in FY 2016 (99 percent), FY 2017 (98 percent), FY 2018 (98 percent), FY 2019 (100 percent), and FY 2020 (100 percent) policies.

“Officers will be sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by adjusting the method in which the law enforcement activity is recorded.”

—Berkeley (CA)
Police Department

Key BWC Policy Trends

(3) All but two agencies provide a general statement or definitive guidance for BWC deactivation, both for encounters that have ended and for encounters where BWC recording is no longer permitted.

(4) Almost all agency policies (95 percent) give officers flexibility to exercise discretion in the deactivation decision under certain circumstances.

Issue #3: Citizen Notification

“An officer shall verbally notify persons with whom the officer is conversing that the BWC has been activated unless it is unsafe or infeasible to provide such notification.”

—North Bergen (NJ)
Police Department

Our review indicates that 22 percent of FY 2015 policies have a mandatory statement on citizen notification of BWC recording. Mandatory notification is less common in FY 2016 policies (13 percent), but the prevalence returned to prior levels in FY 2017 (25 percent), FY 2018 (20 percent), FY 2019 policies (20 percent), and FY 2020 (24 percent) policies (see the North Bergen Police Department policy language). Many of these policies prioritize officer safety over notification and/or the

practicality of the notification, but advise that the BWC is still mandatory (e.g., “shall”). See Figure 3.

About 41 percent of FY 2015–2020 policies *recommend* notification but do not require it. The remaining policies do not require or recommend notification, with most simply stating that officers are not required to notify citizens of the BWC (FY 2015: 37 percent; FY 2016: 45 percent; FY 2017: 37 percent; FY 2018: 37 percent; FY 2019: 39 percent; FY 2020 43 percent)—see the Cape Girardeau Police Department policy language.

“Officers may notify citizens that their BWC is recording their interaction; however, they are not required to make such notification.”

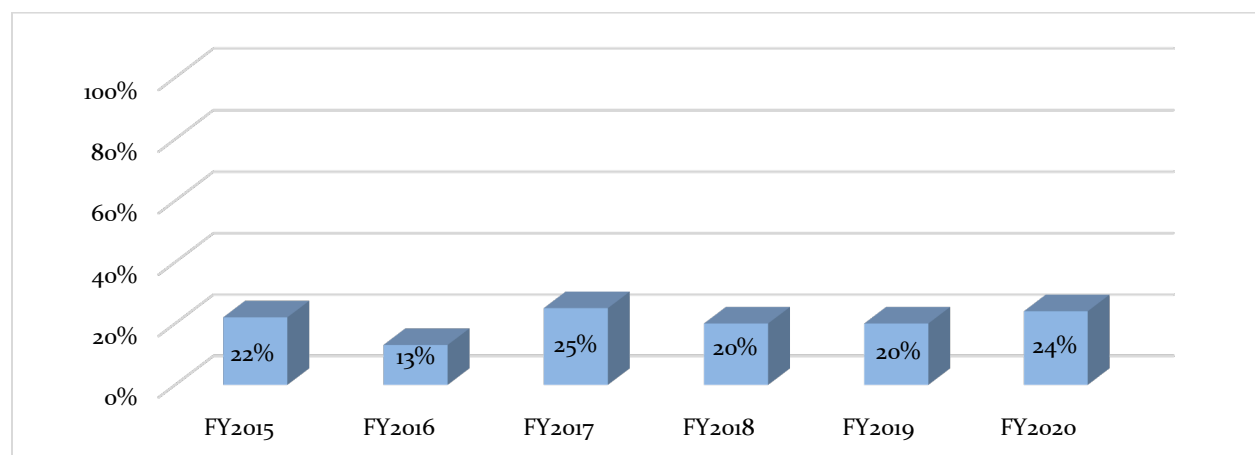
—Cape Girardeau (MO)
Police Department

Key BWC Policy Trends

(5) Most agencies (80 percent) do not explicitly mandate citizen notification of the BWC recording.

(6) About 41 percent of agencies recommend, but do not require, citizen notification of the BWC recording.

Figure 3. Mandatory citizen notification of BWC recording



Issue #4: Officer Review of BWC Footage

Our policy review (see Figure 4) indicates that nearly all FY 2015 (95 percent), FY 2016 (98 percent), FY 2017 (99 percent), FY 2018 (89 percent), FY 2019 (95 percent), and FY 2020 (95 percent) agencies specify that officers may routinely review BWC footage for report writing and court preparation (see the La Crosse Police Department policy language).

“Officers will have access to their own videos for viewing to assist in completing reports.”

—La Crosse (WI)
Police Department

Following a use of force incident, a complaint against an officer, or a critical incident (e.g., a lethal-force encounter), there is significantly less agreement across departments. Approximately one-third (31 percent) of FY 2015 agencies allow officers unrestricted access to their BWC footage during an administrative investigation.

“Deputies are allowed to review their MVR prior to writing a report when involved in a critical incident.”

—Pearl River (WI)
Sheriff's Office

This type of unrestricted access is less common among FY 2016 (23 percent), FY 2017 (23 percent), FY 2018 (20 percent), FY 2019 (18 percent), and FY 2020 (19 percent) agencies. Many agencies allow officers to access their BWC footage, but only after certain conditions have been met (FY 2015: 66 percent; FY 2016: 56 percent; FY 2017: 55 percent; FY 2018: 30 percent; FY 2019: 47 percent; FY 2020: 45 percent).

The most common stipulations are required approval by a member of leadership, the presence of a command staff member or investigator, or an initial statement given prior to viewing footage. Critical incidents, such as officer-involved shootings or use of force incidents resulting in serious injury, are often discussed separately in BWC policy. Most FY 2015 policies (95 percent) state that an officer is permitted to view his or her BWC footage before providing a statement (see the Pearl River Sheriff's Office policy language). This position remained consistent among FY 2016 (91 percent), FY 2017 (92 percent), and FY 2018 (88 percent) agencies, but was less common among FY 2019 (64 percent) and FY 2020 (71 percent) agencies. See Figure 5.

Key BWC Policy Trends

(7) Nearly all (95 percent) agencies allow officers to review their own BWC footage for routine report writing or court preparation.

(8) Most agencies (77 percent) do not allow an officer unrestricted access to BWC footage during an administrative investigation. Common stipulations include first completing an interview or report or requiring that additional personnel be present (e.g., a member of command staff, an investigator).

(9) With regard to a critical incident (e.g., officer-involved shooting), most agencies (85 percent) allow officers to view video of the incident before making a statement, though most policy language includes restrictions or other stipulations along with viewing privileges.

Figure 4. Officer routine review of BWC footage permitted

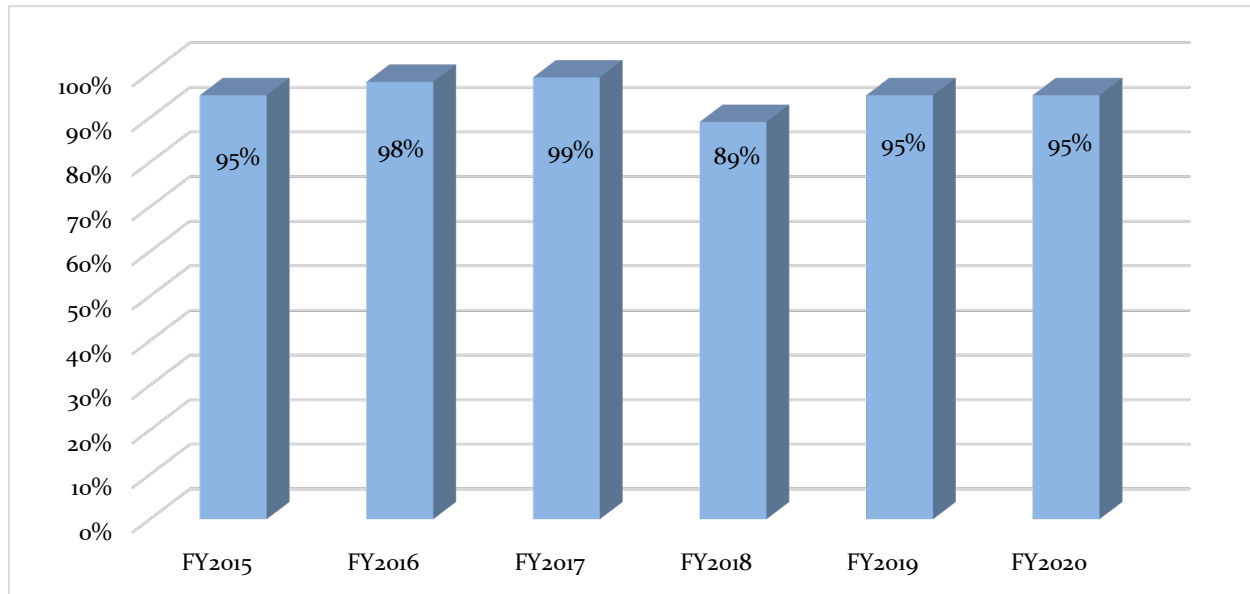
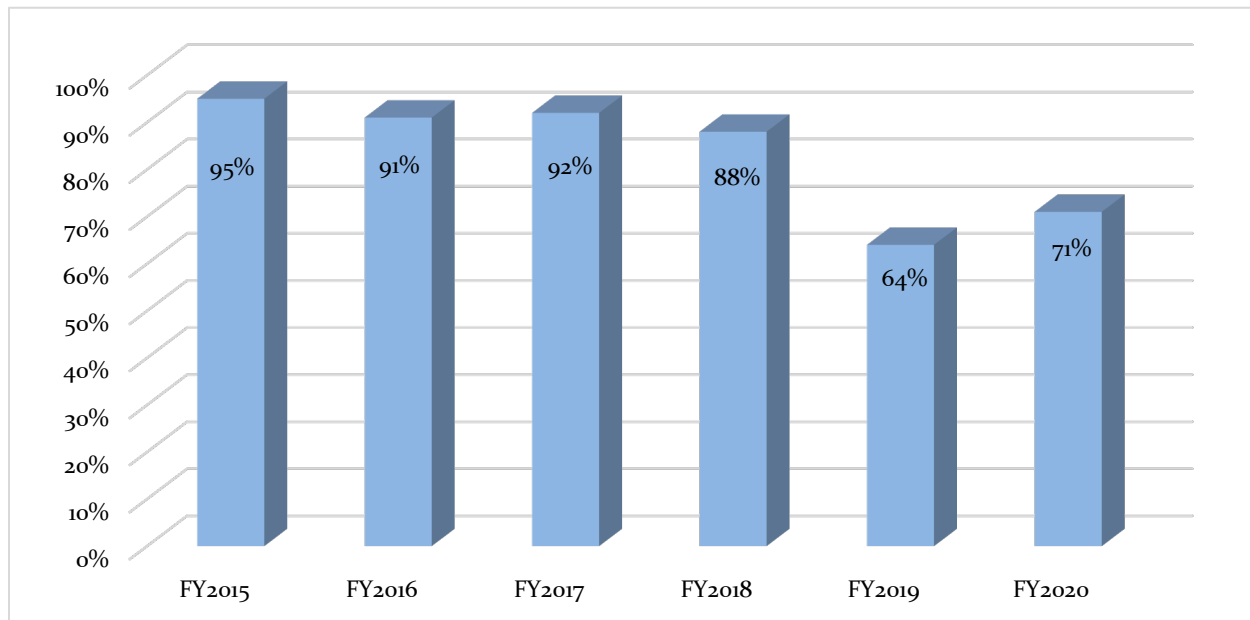


Figure 5. Officer permitted to review video first after critical incident



Issue #5: Supervisor Review of BWC

Our policy analysis identified three avenues for supervisor review: administrative review (e.g., citizen complaints, use of force incidents), compliance review (e.g., compliance with the BWC policy, particularly activation), and general performance review (e.g., overall officer performance).

Nearly all FY 2015 (94 percent), FY 2016 (99 percent), FY 2017 (99 percent), FY 2018 (100 percent), FY 2019 (100 percent), and FY 2020 (95 percent) agencies include language that allows supervisors to access and review the BWC footage of their officers as part of administrative investigations, such as in response to a citizen complaint or use of force (see the Belton Police Department policy language).

Half of FY 2015 agencies (50 percent) allow supervisors to review BWC footage, usually on a random or periodic basis, to ensure compliance with BWC policy and procedures. This type of compliance review appears more frequently among FY 2016–2020 agencies (86–93 percent)—for example: “First-line supervisors will be responsible for conducting at a minimum one compliance audit of one full incident a month per subordinate officer to verify officer compliance with policy, BWC performance and usage” (Miami, Florida Police Department).

“Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.”

—Belton (MO)
Police Department

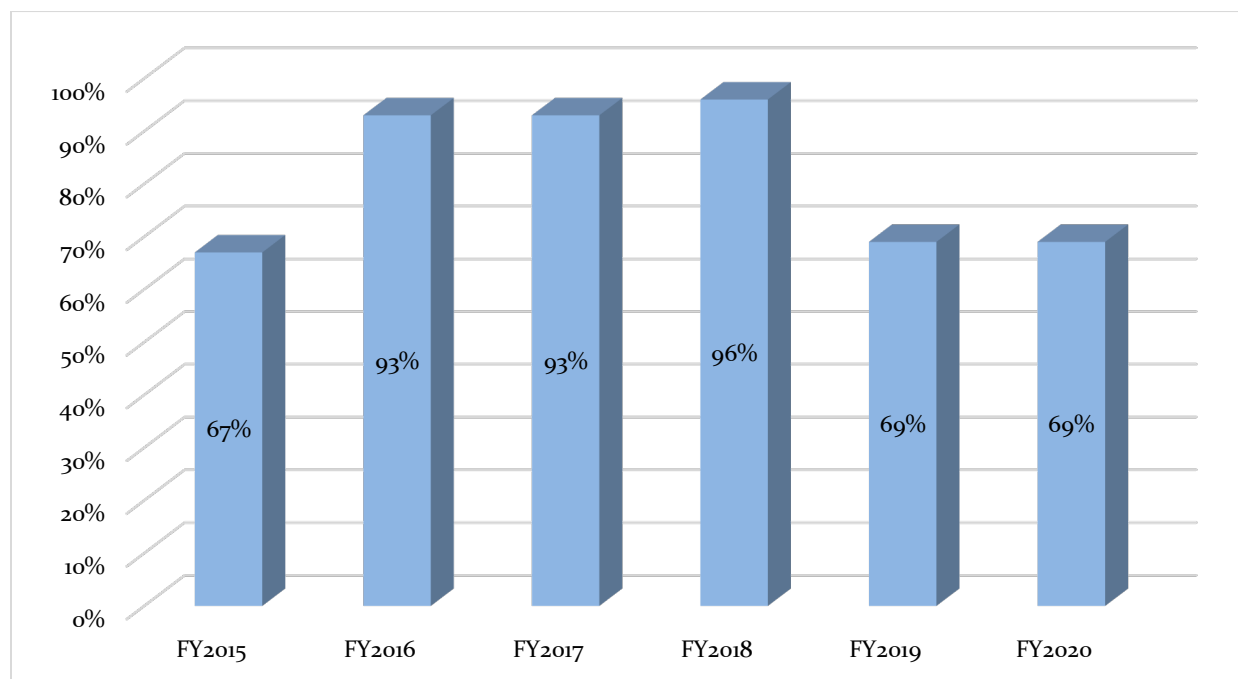
Over half of FY 2015 agencies (67 percent) allow supervisors to access BWC footage of line officers for general performance review, independent of compliance with the BWC policy. Supervisor authority to review BWC footage for officer performance is much more common among FY 2016 (93 percent), FY 2017 (93 percent), and FY 2018 (96 percent) agencies. This became less common again among FY 2019 and FY 2020 agencies (both 69 percent). See Figure 6.

Key BWC Policy Trends

(10) Nearly all agencies (95 percent) permit supervisors to review BWC footage for administrative purposes, such as investigation of citizen complaints and use of force incidents.

(11) Most agencies give supervisors authority to review line officers’ BWC footage to determine compliance with BWC policy and procedures (83 percent) and for general performance review (83 percent). This authority has become more common over time regarding BWC policy compliance, but less so regarding general performance review.

Figure 6. Supervisor review of BWC footage for general performance



Additional Policy Issues

Issue #6: Off-Duty Assignment

BWC use off-duty, which refers to work performed in uniform and as a representative of the agency, is also addressed in the policy review after it emerged as an area of guidance in 2015. While some agencies consider uniformed work as being all-encompassing, other agencies have developed specific policy language addressing this type of work. To assess this type of BWC use, we reviewed FY 2016–2020 policies for direct mention of BWC use during off-duty, extra-duty, or secondary employment. Policy coverage of the use of BWCs during off-duty assignments has become much more common over time.

“Deputies will activate the BWC to record by placing it in Green Mode prior to responding to calls for service and during law enforcement-related encounters to include on and off duty assignments, special details/assignments, and activities, such as traffic stops, arrests, searches, interviews, and pursuits.”

—Jefferson County (AL)
Sheriff’s Office

Of the FY 2016 policies, 69 percent made no mention of off-duty BWC use. Comparatively, only 16 percent of FY 2017 and 20 percent of FY 2018 policies failed to mention off-duty use. Of those policies that do reference off-duty use, the majority require officers to use BWC while working secondary employment, such as the Jefferson County (Alabama) Sheriff’s Office policy (28 percent for FY 2016 policies; 52 percent for FY 2017 policies; 49 percent for FY 2018 policies; 52 percent for FY 2019 policies; 43 percent for FY 2020 policies).

Key BWC Policy Trends

(12) Just under half of agencies (45 percent) mandate BWCs during off-duty assignments. This trend has decreased since FY 2019.

Issue #7: Activation during Demonstrations

The authors searched FY 2016–2020 policies for any mention of BWC use when police are responding to or handling demonstrations, protests, major public events, First Amendment–protected events, civil unrest, political rallies, and other related incidents. The majority of FY 2016 (71 percent), FY 2017 (67 percent), FY 2018 (70 percent), FY 2019 (77 percent), and FY 2020 (69 percent) policies did not make any mention of BWC use during demonstrations. Some agencies indicated that BWC recording during such events is mandatory or recommended (FY 2016: 17 percent; FY 2017: 23 percent; FY 2018: 23 percent; FY 2019: 19 percent; FY 2020: 12 percent). Alternatively, some agencies prohibit BWC recording during demonstrations, protests, and so forth (FY 2016: 5 percent; FY 2017: 4 percent; FY 2018: 5 percent; FY 2019: 3 percent; FY 2020: 5 percent).

Key BWC Policy Trends

(13) Most agencies do not address BWC use during public demonstrations (76 percent).

(14) Of those that do discuss BWC activation, most require activation only during an official contact with a protestor, or if there is a threat or active violation taking place (88 percent).

Issue #8: Temporary Deactivation (and Muting)

BWC policies typically permit temporary deactivation for a variety of reasons: significant periods of inactivity, discussions involving tactics with other agency personnel, conversations with undercover officers or confidential informants, privacy for a victim of crime when in a location with an expectation of privacy (e.g., locker room), or other special circumstances as stipulated in policy.

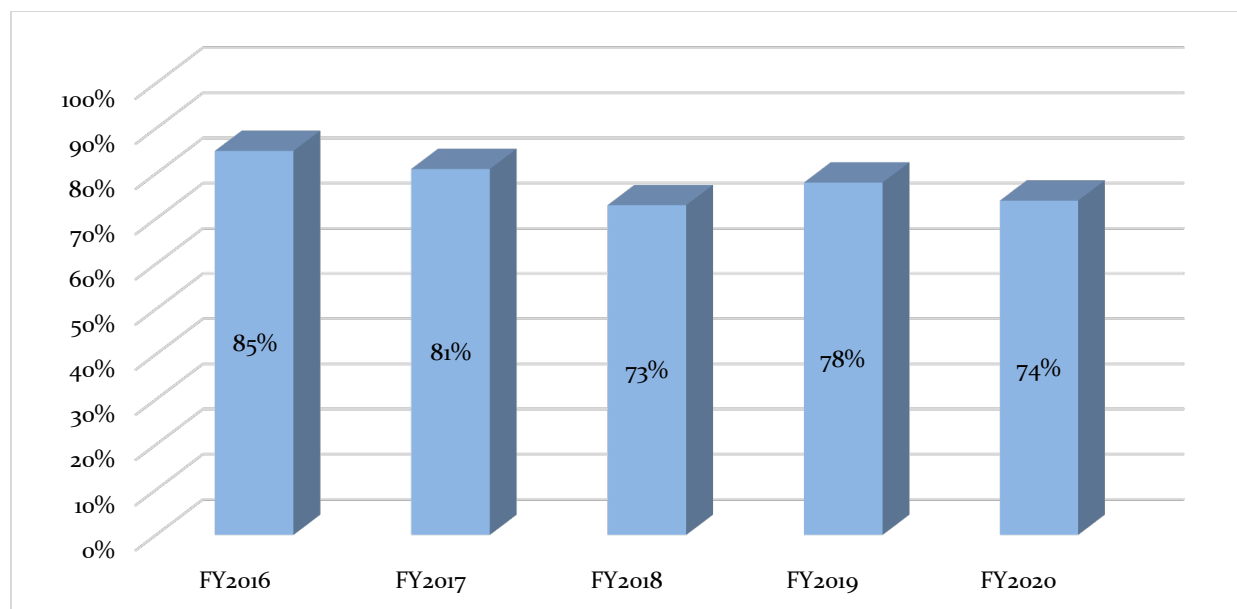
All FY 2016 and FY 2017 policies, and the majority of FY 2018 (84 percent) FY 2019 (71 percent), and FY 2020 (93 percent) policies, addressed temporary deactivation and listed permissible reasons for doing so. Conversely, the majority of FY 2016 (85 percent), FY 2017 (81 percent), FY 2018 (73 percent), FY 2019 (78 percent), and FY 2020 (74 percent) policies do not address muting or disabling the audio of a BWC. See Figure 7.

Key BWC Policy Trends

(15) Most agencies (89 percent) allow for some form of temporary deactivation of the BWC during specific circumstances (e.g., during strip searches, during tactical discussions, in a space with an expectation of privacy).

(16) Most agencies (79 percent) do not address muting BWC audio.

Figure 7. Muting of audio not addressed in BWC policy



Issue #9: Frequency of Supervisory Auditing

Over half of FY 2016 (61 percent), FY 2017 (63 percent), FY 2018 (61 percent), FY 2019 (80 percent), and FY 2020 (57 percent) agencies addressed specifically how often supervisors may audit officer BWC footage for policy compliance, performance review, and administrative reasons. Monthly supervisory review was the most common interval among those that make mention of auditing (33 percent, 41 percent, 61 percent, 37 percent, and 52 percent, respectively).

“At least monthly, supervisors will randomly review at least three (3) BWC recordings of each deputy under their command to ensure that the equipment is operating properly and that deputies are using the devices appropriately and in accordance with this, and other office policies, and laws, and to identify any areas of administrative issues in which additional training or guidance may be required.”

—Wake County (NC)
Sheriff's Office

Regarding the quantity of reviewed footage, most of the policies for FY 2016 (76 percent), FY 2017 (66 percent), FY 2018 (75 percent), FY 2019 (52 percent), and FY 2020 (57 percent) did not specify how many videos were to be viewed during a supervisory audit. For those that did, the most common requirement for both FY 2016 and FY 2017 agencies (18 percent) was five videos per month. The most cited requirement for FY 2018 (18 percent), FY 2019 (21 percent), and FY 2020 (20 percent) was one video recording per month.

Last, most policies do not specify how supervisors are to select videos for audit. Only one-quarter of FY 2016 (28 percent) and FY 2017 (25 percent) policies require the video selection

to be random. Random review is more common for FY 2018 agencies (40 percent) and FY2019 agencies (50 percent). This decreased slightly with FY 2020 agencies (36 percent).

Key BWC Policy Trends

(17) The majority of agencies address how often (e.g., monthly, weekly) supervisors must review BWC footage of subordinate officers for policy compliance, performance review, or administrative investigations (66 percent).

(18) The most common interval for BWC supervisory review is monthly (44 percent).

(19) Most agencies do not specify how many videos are to be reviewed during each supervisory audit (67 percent).

(20) Most agencies also do not require the selection of videos to be random (69 percent), although random selection has become more common over time.

Issue #10: Mentions of Specialty Units Wearing BWCs

Officers assigned to patrol are those most often required to wear BWCs. It is not uncommon, however, for officers serving in other roles or assignments to be assigned BWCs. These include positions in investigations, SWAT, K-9, task force officers, and other units with high citizen contact rates. Just over half (52 percent) of FY 2016 agencies mention specialty units wearing BWCs, and that percentage increased slightly among FY 2017 (59 percent) and FY 2018 agencies (58 percent). Half (50 percent) of FY 2019 and FY 2020 (52 percent) agencies mentioned specialty units wearing BWCs within their policy.

“BWC equipment is issued to uniformed personnel, detectives, and other personnel who experience a high citizen contact rate. Officers who are assigned BWC equipment will use the equipment in the manner expected unless otherwise authorized by the Chief of Police or his designee.”

—Woodson Terrace (MO)
Police Department

Among those policies that mention specialty unit use of BWCs, the most common category of use is “mandatory,” meaning that officers in those units are required to wear cameras (31 percent for FY 2016; 40 percent for FY 2017; 34 percent for FY 2018; 22 percent for FY 2019; 21 percent for FY 2020).

Key BWC Policy Trends

(21) Slightly more than half of agencies mention officers in specialty assignments using BWCs (55 percent). About one-third (32 percent) require BWCs for some specialty assignments (e.g., SWAT, investigations, undercover/plainclothes).

Issue #11: Video Release of Critical Incidents (FY 2019 and 2020 agencies only)

Over the past few years, a number of agencies have been criticized for failing to release BWC footage that captured an officer-involved shooting. In 2019, California passed a law requiring agencies to release such footage within 45 days of the incident. In contrast, North Carolina requires a court order for any video release, except between law enforcement partners.

Given the controversy surrounding this issue, we did a quick analysis of agency policies approved in the past two years. When we first examined the issue with FY 2019 agencies, 80 agencies responded to a specific inquiry about BWC video release in the event of a critical incident, such as an officer-involved shooting. None of the responding agencies specified a timeline in their policies for release of these videos. Most departments stated that they treat these incidents on a case-by-case basis, and that the decision to release BWC video of a critical incident is typically left up to the discretion of the District Attorney, Chief of Police, or City Attorney (or an entire chain of command). FY 2020 policies rarely mention the release of critical incident footage (14 percent), instead including general language regarding the release of video footage and related directives. The remaining policies stipulate that the release of such video is at the discretion of the Chief.

Key BWC Policy Trends

(22) The vast majority of FY 2019 and FY 2020 departments do not have a set policy for public release of BWC footage involving a critical incident.

Caveats and Conclusions

The authors completed this analysis to assess the range of policy variation among FY 2015–FY 2020 participants in BJA’s BWCPIP. Although this analysis provides a unique window into BWC policies and the mechanisms used to implement the policies, we recognize that this sample of policies is not necessarily representative of national trends. This analysis, however, provides some insights into the prevalence of key practices and the direction of trends and provides benchmarks for agencies involved in assessing their own policies. This analysis reinforces the fact that policies evolve due to dynamic local circumstances, state laws or guidance, and the needs and demands of local stakeholders. As new questions emerge, technology improves, and other pertinent features of agency practices begin to take shape, BWC practices may change. As a result, a department’s BWC policy must undergo frequent review and refinement as needed. We look forward to ongoing analysis of BWC policies and enhancing our understanding of the evolution of such policies over time.

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About the Authors

Dr. Michael D. White is a Professor in the School of Criminology and Criminal Justice at Arizona State University and is Associate Director of ASU's Center for Violence Prevention and Community Safety. He is also Co-Director of Training and Technical Assistance for BJA's BWCPIP. He received his PhD in criminal justice from Temple University in 1999. Prior to entering academia, Dr. White worked as a deputy sheriff in Pennsylvania. Dr. White's primary research interests involve the police, including use of force, technology, and misconduct. His recent work has been published in *Criminology*, *Justice Quarterly*, *Criminology and Public Policy*, and *Criminal Justice and Behavior*. Dr. White has commented extensively in the media on police issues, especially BWCs, including in *Scientific American*, *The Wall Street Journal*, *The New York Times*, *The Washington Post*, *TIME* magazine, NPR, and MSNBC. He also testified on BWCs before the President's Task Force on 21st-Century Policing and served as one of two primary authors of the US DOJ BWC Toolkit (<https://www.bja.gov/bwc/>). Dr. White is also the author of *Cops, Cameras, and Crisis: The Potential and the Perils of Police Body-Worn Cameras* (with Aili Malm).

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Dr. Aili Malm is a Professor in the School of Criminology, Criminal Justice, and Emergency Management at California State University, Long Beach. She is also a subject matter expert for BJA's BWCPIP. Dr. Malm is interested in the assessment and evaluation of policing strategies and intelligence. Her research requires an ability to blend theory with advanced methodologies, including social network analysis (SNA). Dr. Malm was one of the pioneers in applying SNA to help understand illicit networks and has used SNA to examine several different types of markets, including arms, drugs, art, and human trafficking. She trains law enforcement in the use of SNA for intelligence analysis. She has worked as a PI or Co-PI for

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