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The How and Why of Body-Worn Camera Policy Change Over Time: Lessons from the Field

Dr. Michael D. White, BWC TTA Co-Director, Arizona State University

Robert C. Looney, Senior Management Analyst, San Antonio, TX Police Department

Lt. Theodore Stroope, Des Moines, IA Police Department

Kyle Carkhuff, Systems Administrator, Houston, TX Police Department

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Webinar Logistics

- Webinar is recorded
- Questions
- Webinar evaluation
- Resources



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The Prevalence and Nature of Body-Worn Camera (BWC) Policy Change Over Time



Opening Remarks

- Dr. Michael D. White, BWC TTA Co-Director, Arizona State University

Presenters

- Robert C. Looney, Senior Management Analyst, San Antonio, TX Police Department
- Theodore Stroope, Lt., Des Moines, IA Police Department
- Kyle Carkhuff, Systems Administrator, Houston, TX Police Department
- Dr. Michael D. White, BWC TTA Co-Director, Arizona State University

Facilitator

- John Markovic, Senior Policy Advisor, Bureau of Justice Assistance



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Overview

**Dr. Mike White, BWC TTA Co-Director, Arizona
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Overview

- **Bureau of Justice Assistance (BJA) BWC Policy and Implementation Program (PIP)**
 - The policy review process
 - The policy analysis
 - Policy analysis 2.0
- **The New Analysis – Within-Agency Policy Change**
 - The design and methods
 - The results so far
 - Summary and next steps

Bureau of Justice Assistance (BJA) BWC PIP



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BWC PIP Funding - FY 2015-2021

BWCPIP FUNDING FY2015 to 2022

Fiscal Year	Grant Awarded	Grant Amount	BWCs Funded
2015	73	\$21.3M	18,925
2016	106	\$20.0M	16,365
2017	84	\$14.0M	12,914
2018	75	\$12.0M	11,007
2019	82	\$20.5M	13,915
2020	40	\$7.8M	7,891
<i>SRT Microgrant</i>	<i>267</i>	<i>\$10M</i>	<i>5,694</i>
2021	94	\$24.4M	18,019
<i>SRT Microgrant</i>	<i>123</i>	<i>\$4M</i>	<i>2,361</i>
2022	25	10.9M	9,260
<i>New Proposed Areas</i>	<i>10</i>	<i>\$.9.2M</i>	<i>NA</i>
<i>SRT Microgrant</i>	<i>300 (estimate)</i>	<i>\$8M</i>	<i>3,000 (est)</i>
Total	1,279	\$162.1M	119,351

Beginning in FY2020 funds set aside for a targeted Small, Rural, and Tribal (SRT) Microgrant program.

In FY 2022, funds set aside for specialized digital evidence demonstration projects for agencies with established BWC programs

Policy Review as a Centerpiece



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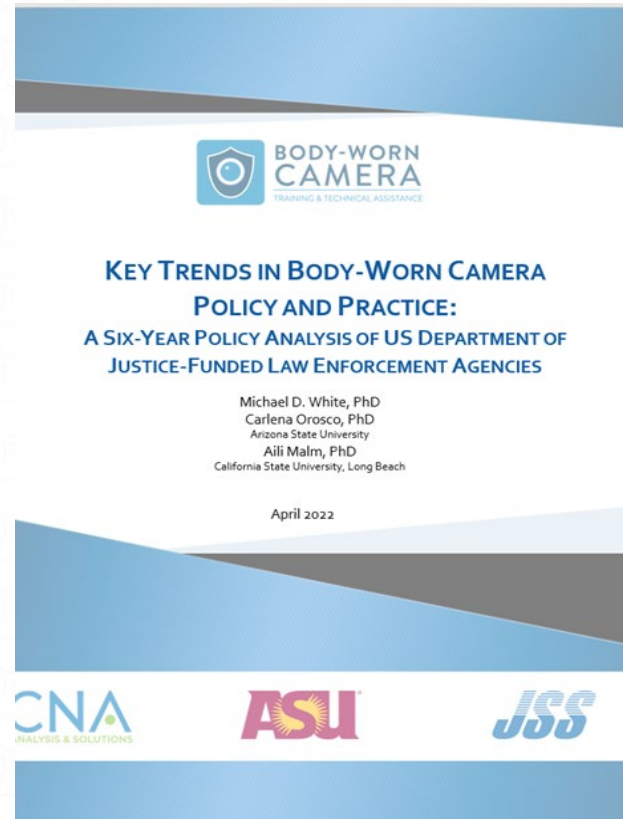
9 policy areas; 36 specific issues; some **mandatory**; **comprehensiveness** only;
<https://www.bwctta.com/score-your-bwc-policy-0>

Body-Worn Camera Policy Review Scorecard		Evidence
BWC PIP Site: City of Port Jervis PD		
Is scorecard review for a primary grantee or subgrantee?	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> Subgrantee	
Department Size (Number of sworn officers): 31 full-time, 8 part-time	39	
Grant Number: 15PBJA-21-GG-04402-BWCX		<i>Note: For the TTA Team: the grant number is listed in the Summary Sheet on SharePoint</i>
Number of Cameras Requested Through BWC PIP Grant:	30	<i>Note: This is total between federally funded and match-funded BWCs for the current grant</i>
Federal Grant Amount: \$18,381.00		
Date of Policy Iteration: 3 March 2022		
Policy Issue	Check, if yes	If present in the policy, copy word-for-word here:
Policy Development		
Did agency review National BWC Toolkit and related reports?	<input checked="" type="checkbox"/> Yes	Yes, the site review the National BWC Toolkit when developing their policy.
Did agency review other agencies or model policies on BWCs?	<input checked="" type="checkbox"/> Yes	ACP model policy and Ilexipol BWC policy
Were internal agency perspectives involved in policy development (officers, union, supervisors, IT/Records)?	<input checked="" type="checkbox"/> Yes	Yes, Command staff, supervisors, officers, union representative, records personnel and city IT section was involved in policy development.
Were external criminal justice/local stakeholders made aware of your decision to deploy BWCs? (Prosecutors, Defense Attorneys, etc.)	<input checked="" type="checkbox"/> Yes	Yes, Orange County District Attorney's Office
Were community and advocacy groups made aware of your decision to deploy BWCs?	<input checked="" type="checkbox"/> Yes	Yes, social media postings, a public radio interview, and information sessions at various public meetings, such as the Port Jervis City Police Committee (Oversite), Neighborhood Watch, and Ward Meetings to educate, inform and receive feedback of stakeholder concerns and needs.
Does the policy have a date-timestamp? (If so, indicate it.)	<input type="checkbox"/> Yes	
Did you confirm whether your state mandates a specific BWC policy or elements of BWC policy?	<input checked="" type="checkbox"/> Yes	Yes, Section 234 New York state police body-worn cameras program and NY Executive Order 203: NY State Police Reform and Reinvention

BWC Policy Analysis (n=447)



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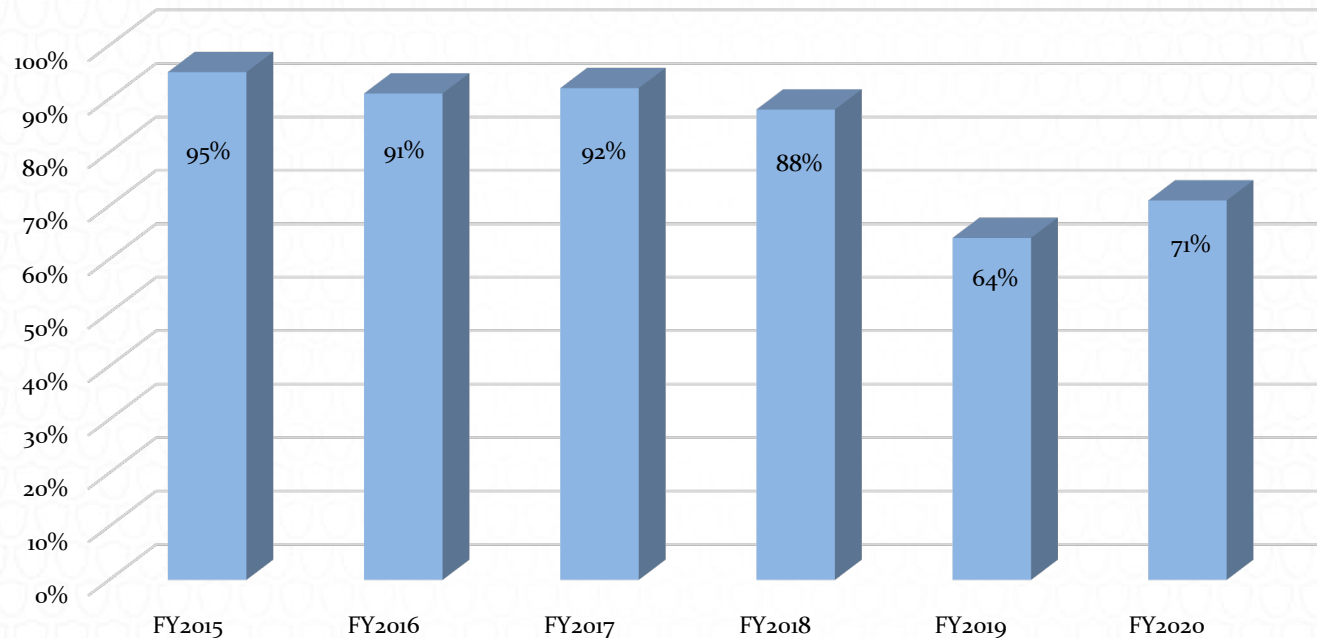


<https://www.bwctta.com/key-trends-body-worn-camera-policies>

Critical Incident Review- Officer can review before making statement



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



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Policy Analysis 2.0

- **Limitation of the old approach**
 - Captures policy only as the agency is getting started
 - Different group of agencies every year
- **An agency's policy SHOULD change over time-**
 - we have not captured that
- **Policy analysis 2.0 will capture the change**
 - How have agency policies changed over time?
 - For example:
 - LAPD policy in 2016; LAPD policy now – is it different? How?

The New Analysis – Policy Change Over Time

Policy Analysis 2.0

- We have collected 160 current BWC policies of prior BWC PIP grantees
- We already have their original policy scorecard.
- We now have their current.
- Let's scorecard the current and compare to the original.

Results So Far



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160 policies
reviewed

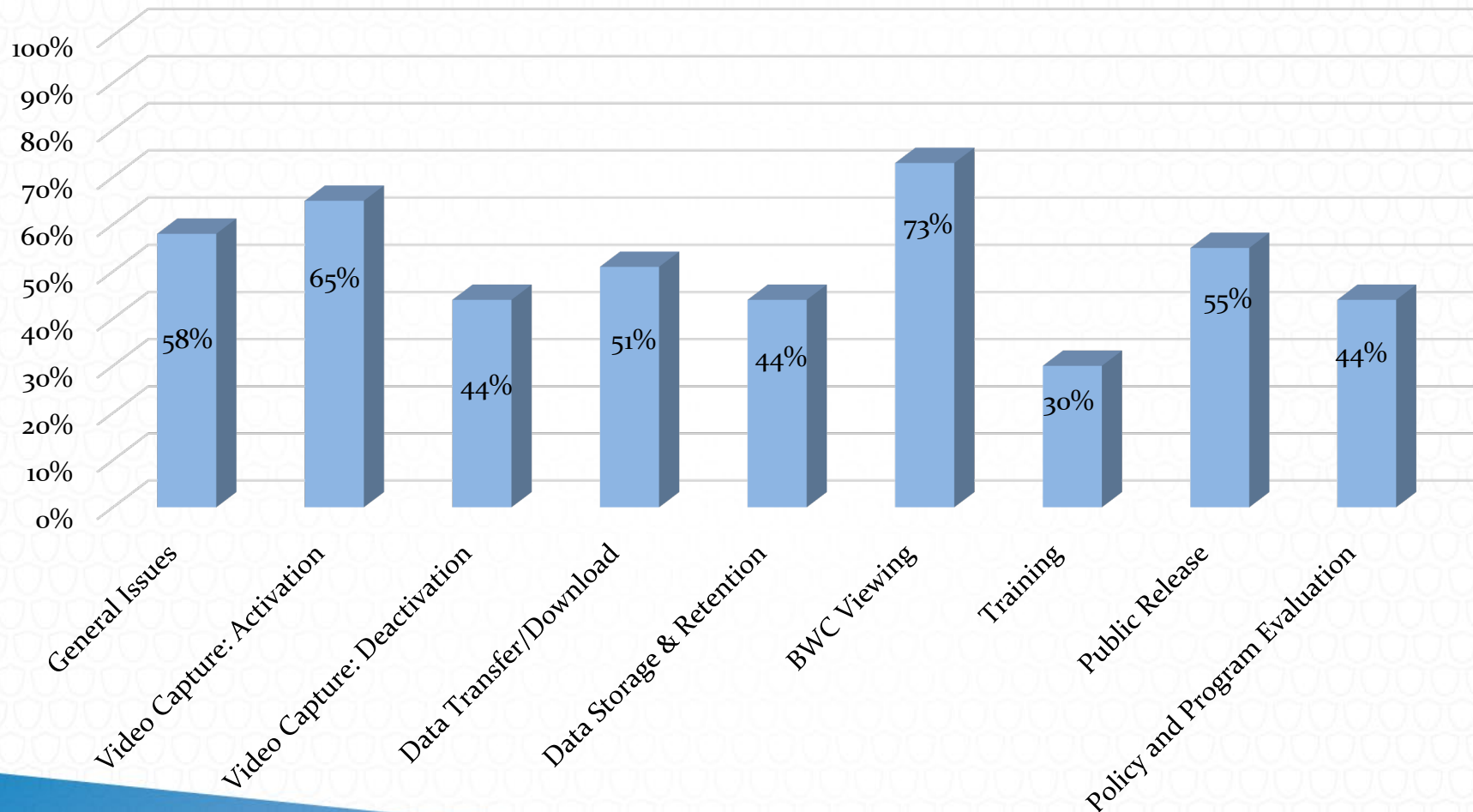
131 did change

29 did not
change

Areas of Change (% of agencies, by category)



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The Dual Scorecards

- Original (2/7/17)– Current (12/21/21)



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Add header

Body Worn Camera Policy Review Scorecard				
BWC PIP Site: Agency 1 (AZ)Police Department				
Date: (Date of policy iteration) February 7, 2017			12/21/2021	2/7/2017
Policy Issue	Possible Score	Agency Score		If present in the policy, copy word-for-word here:
Policy Development				
TOTAL - GENERAL ISSUES	#REF!	#REF!		
Video Capture: Activation				
Does policy specify/require that officers document existence of BWC recording?	1	1	When the BWC or MVR system is used to record an event, this fact will be documented on any report prepared regarding the event (e.g., incident report, supplemental report, citation report, or field interview, etc.).	When the BWC system is used to record any investigation or public contact, this fact will be documented on any citation and/or report prepared regarding the event. When preparing an Incident Report, Supplemental Report, Citation Report, or Field Interview, in connection with an investigation or police event, the assigned member shall indicate that a recording was made. Members shall document on any citation and/or report why a camera was not utilized in instances where a camera is required.
Does policy specify if officers have discretion on when to activate BWC?	1	1	BWC users may activate their BWC or MVR to record work-related activity not outlined previously if they believe it to be beneficial to the department	No. Limited to when recording a victim contact, consideration may be given if the victim asks not to be recorded. Alternative means of operating the BWC can be used to audio record but not video record victims (camera in pocket or lens blocked). The victim's request to not be recorded shall be recorded to document this if possible.
Does policy provide guidance on citizen notification of BWC?	1	1	BWC users are encouraged to notify members of the public of a BWC recording. If asked, members shall inform the person that the contact is being recorded.	BWC users are not required to notify members of the public of a BWC recording. However, upon inquiry, members shall inform the person that the contact is being recorded.
Does policy specify circumstances when recording is prohibited? (e.g., locker room, supervisor/officer conversations, strip searches)	1	1	The BWC system shall not be activated in places where privacy would be expected (e.g., locker/dressing rooms, restrooms, etc.), except in the official performance of a law enforcement function. In accordance with General Orders, members shall not surreptitiously record other department members unless approved by the Chief of Police.	In accordance with General Order 1330.20(D), members shall not surreptitiously record other Department members unless approved by the Chief of Police. Officers shall not activate the recording function during the following activities: <input type="checkbox"/> While on employee breaks <input type="checkbox"/> While writing a report <input type="checkbox"/> When discussing a case with other Department members <input type="checkbox"/> During other administrative functions <input type="checkbox"/> During general discussions with Department members The BWC system shall not be activated in places where privacy would be expected, such as

Policy Review & Score Recommendations



Another Example of Change

- Agency 1: (GA) Police Department
 - General Issues
 - Off-Duty BWC use changed from “**Not required**” to “**Required**”

General Issues

Does policy address wearing of BWCs during off-duty assignments?	1	1	"2. Officers assigned a BWC are required to wear Wearable Video Recorder, (WVR), during normal tours of duty, as well as all off-duty assignments or extra-duty jobs when acting in their official capacity."	B. User Responsibilities (Page 3) 10. May it be known that officers are not required to wear WVRs during off-duty assignments, unless directed to do so, in writing, by his/her departmental supervisor.
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Another Example of Change

- Agency 2: (TX) Police Department
 - BWC Viewing
 - Supervisory review changed from “**shall not**” to “**shall**” randomly review for performance and compliance

BWC Viewing

Does policy specify process for auditing of BWC footage for performance review or policy compliance?

Performance Review: Supervisors shall conduct six random monthly reviews of recordings pertaining to his/her area of responsibility in order to assess a member's work performance. These reviews will be used to enhance the annual performance review of members and allow for the additional monitoring of members on a probationary status.

Compliance Review: Supervisors shall randomly review six recordings pertaining to his/her area of responsibility to ensure that the equipment is operating properly and that members are using the cameras appropriately and in accordance with this policy and training.

Recordings shall not be randomly reviewed or audited by supervisors, professional standards, or the chain of command. Should a need arise to review recordings for a valid, articulable reason related to job performance, the request shall be documented and made directly to the Bureau Chief of Support Services.

Supervisors are authorized to review relevant recordings when a citizen complaint is made, when investigating alleged misconduct or when reports of meritorious conduct are received. Supervisors, and or the chain of command, may randomly review recordings of Members who are on a probationary status or are in training. This will allow for monitoring, and for training/mentoring opportunities.



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Summary and Next Steps

- Is time a factor in change?
- Identify most stable and unstable issues
- Is there consistency in change?
- Interview agencies about changes
 - The “why” question



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San Antonio, TX PD Perspective

**Robert C. Looney, Senior Management Analyst,
San Antonio, TX Police Department**

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San Antonio Police Department

Body Worn Camera Policy

William P. McManus
Chief of Police

BACKGROUND

- Directed to develop a BWC T&E program December 2013
- Presented proposal to City Council February 2014
- Began testing March 2014
- Completed testing December 2014
- Selected vendor July 2015
- Began deployment November 2015

Policy Development

- Surveyed other agencies
- IACP Technology Policy Framework January 2014
- NIJ NLECTC *A Primer on Body-worn cameras for Law Enforcement* September 2012
- Used PERF COPS recommendation matrix
 - 16 recommendations met
 - 7 added to training curriculum
 - 9 reviewed for possible expansion
 - 5 considered as policy change/addition
- US DOJ *“Recommendations and Lessons Learned”*

Policy Development

- Developed policy for pilot program February 19, 2014
 - Initial policy was for test program
- First draft policy adopted November 10, 2015
 - This was first Department wide policy
- Updated:
 - Feb. 12, 2016, clarify instructions on the wearing of and use of BWC
 - Jul. 6, 2016, clarify start-up of BWC, who may view videos, and follow-up detective responsibilities
 - Jan. 31, 2017, the use of the portable Coban (in-car system) microphone is mandatory only if the Taser camera malfunctions

Policy Development

- Updated (cont.):
 - Dec. 5, 2019, substantial changes/clarifications including new terminology on camera status, requirements, and documentation on camera usage, when to record, camera inventory control, supervisors review responsibilities, etc.
 - Dec. 21, 2020, separated into two (2) sections; Section A Operations, Section B - Critical Incident Information Release. Sect. B establishes criteria for cases when SAPD will release video recordings and 911 records related to Critical Incidents
 - Sep. 12, 2022, reduced the period to release BWC video from 60 days to 30 days

Policy Development

- Factors Impacting Policy Development and Updates:
 - Collective Bargaining Agreement between City and San Antonio Police Officers Association
 - State Statutes, SB 158 adopted in 2015
 - Citizen concerns
 - Changes in Technology



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Des Moines, IA PD Perspective

**Lt. Theodore Stroope, Des Moines, IA Police
Department**

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Houston, TX PD Perspective

**Kyle Carkhuff, Systems Administrator, Houston,
TX Police Department**

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Audience Q and A

Resources:

BWC Toolkit - <https://bja.ojp.gov/program/bwc>

BWC TTA website - <https://www.bwctta.com/>

THANKS!



Questions?

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