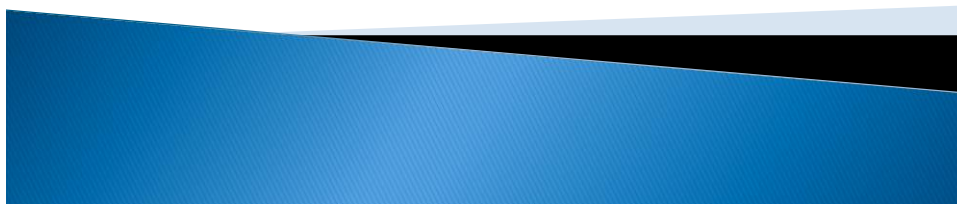




# Body-Worn Camera Policy Issues and Trends

Dr. Michael White, BWC TTA Co-Director & Professor,  
Arizona State University  
Dr. Charles Katz, Professor, Arizona State University



## Overview

### **Part I: Body-Worn Camera (BWC) Policy**

- › The Importance of Policy
- › BJA BWC Policy and Implementation Program (PIP)
  - › Policy review process and Policy Review Scorecard

### **Part II: Policy Analysis of Year 1 Grant Awardees**

- › Current focus on four selected operational areas of PIP sites
- › Key Issues and Trends

### **Part III: BWC Policy Resources**

*Final questions and/or comments*



## The Importance of Policy



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## Why is Policy Important?

- **FACT: 4 decades of research demonstrate policy as an effective way to guide/control officer discretion**
  - Policy effectiveness – deadly force, less-lethal force, automobile and foot pursuits, K-9 deployments, domestic violence responses
- **Policy works IF:**
  - Policy is **CLEAR** (what is and what is not expected)
  - Policy is **KNOWN** (training, widely available)
  - Policy is **ENFORCED** (compliance monitored)



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## Why is Policy Important?

- ▶ **Administrative Policy Proponents:**

IACP, ABA, US DOJ (Civil Rights), ACLU, PERF, and so on.

- ▶ **Commission on Accreditation of Law Enforcement Agencies (CALEA)**

“CALEA Accreditation requires an agency to develop a comprehensive, well thought out, uniform set of *written directives*. This is one of the most successful methods for reaching administrative and operational goals, while also providing direction to personnel.”



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## Why is BWC Policy Important?

- ▶ Communicates goals of the BWC program
- ▶ Conveys expectations to officers
- ▶ Allows for internal and external collaboration
- ▶ Allows for internal and external transparency
- ▶ Guides officer decision-making and behavior
- ▶ Provides a foundation for accountability
  - ▶ Do officers follow policy?
  - ▶ What to do if they don't?



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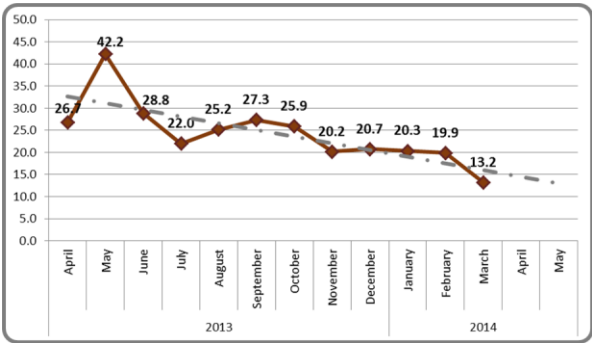
## BWC Policy and Officer Accountability

- ▶ **BWCs hold great promise:**
  - ▶ Greater transparency
  - ▶ Enhanced legitimacy
  - ▶ Reduced citizen complaints and use of force
  - ▶ Civilizing effect
  - ▶ Evidentiary value
- ▶ **The benefits of BWCs are short-circuited by officer noncompliance with policy**
- ▶ **Very few studies of officer compliance with BWC policy**
  - ▶ Hedberg et al. (2016) – Phoenix PD
  - ▶ Ariel et al. (2016) – 10 agencies (UK and US)



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## Phoenix SPI: Activation Compliance



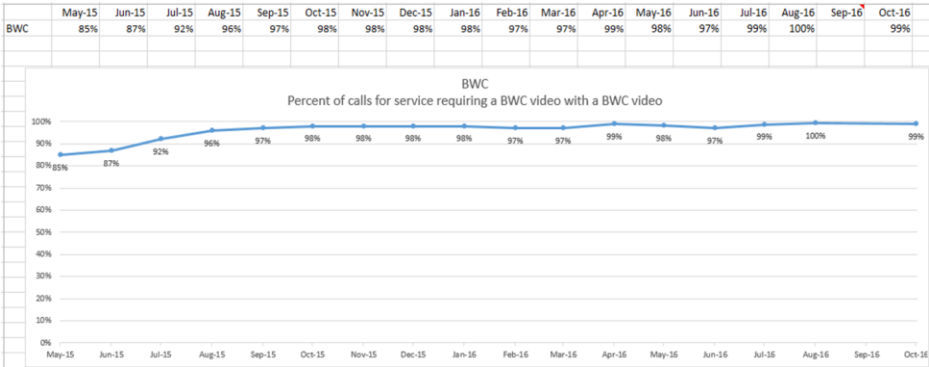
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# Studies of BWC Policy Compliance

- ▶ Hedberg et al. (2016: 16)
  - ▶ “if BWCs are employed as prescribed [i.e., 100 percent activation compliance], a majority of complaints against officers would be eliminated”
- ▶ Ariel et al. (2016)
  - ▶ Officers followed policy (activation and citizen advisement)
    - ▶ use of force declined by 37%
  - ▶ Officers did not follow policy
    - ▶ use of force increased by 71%



## Activation Compliance, New Orleans PD, May 2015 through October 2016



## BJA BWC Policy and Implementation Program (PIP)



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## BJA BWC Policy and Implementation Program (PIP)

- ▶ 2015: 73 grants awarded totaling \$19.3 Million
- ▶ 2016: 106 awards totaling \$16.9 million
- ▶ Training and Technical Assistance (TTA) Team support for awardees
  - ▶ Administrative policy review
  - ▶ BWC TTA website (<http://www.bwctta.com/>)



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# Policy Review Process

- Grantees can access 10% of funds immediately upon reward
- To access remaining funds, grantee submits their BWC policy to the TTA team and assurances are made that the policy development process was **comprehensive** and **deliberate**.
  - TTA team reviews the policy with the Policy Review Scorecard framework
  - Assessment of policy considerations against core 41 elements
  - TTA team works with grantee to modify policy (as needed)



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# Overview of Scorecard and Review Process

- Eleven areas of BWC policy covering 41 specific issues
- **Mandatory** issues must be covered in policy to pass (n=17)
- Score of 80% or better total (17/17 for mandatory issues)
- Comprehensiveness only, **not prescriptive nor directional**

Policy Issue	Possible Score	Agency Score
<b>Policy Development</b>		
Did agency review National BWC Toolkit and PERF/COPS report?	1	1
Did agency review other agency policies on BWCs?	1	1
Did the agency review or revise its Use of Force policy during the BWC policy development? If so, how?	1	1
Did agency involve appropriate internal units in policy development?	1	1
Did agency involve appropriate external criminal justice/local actors in policy development?	1	1
Did agency share policy with community and advocacy groups?	1	1
Did community members and advocacy groups play a role in policy development?	1	1
<b>TOTAL - POLICY DEVELOPMENT</b>	<b>7</b>	<b>7</b>



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## Scorecard Policy Areas

1. Policy Development
2. General Issues
3. Video Capture – Activation
4. Video Capture – Deactivation
5. Data Transfer/Download
6. Data Storage/Retention
7. BWC Viewing
8. BWC Training
9. Public Release
10. Policy and Program Evaluation
11. BWCs and Use of Force



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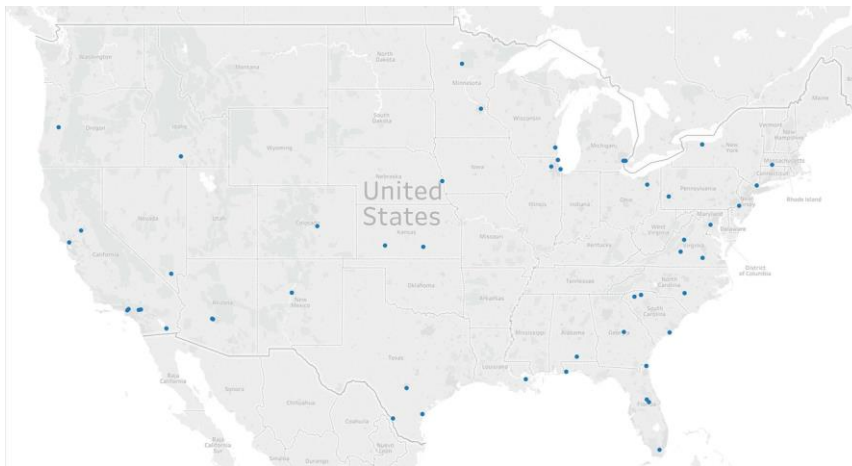
## Policy Analysis of Year 1 PIP Sites



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## TTA Team has reviewed policies for 54 PIP agencies



*Fifty-four agencies across 26 states within the first year award have approved policies as of September 10, 2016.*



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## Selected Policy Analysis Findings

- BWC Activation and Deactivation
- Citizen Notification
- Officer Authority to Review
- Supervisor Authority to Review
- <http://bwctta.com/resources/bwc-resources/key-trends-body-worn-camera-policies>



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# Activation of the BWC: 3 Approaches

## 1. Mandatory

*Officers will activate the BWC to record all contacts with citizens in the performance of calls for service in which official contact is made with citizens.*

## 2. Restriction

*The BWC should not be used when interacting with known confidential informants or undercover officers.*

## 3. Discretion or ‘with conditions’

*The BWC may also be activated whenever the deputy feels its use would be beneficial to his/her sheriff’s office duties.*



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# BWC Policy Trends on Activation

## 1. All law enforcement agencies mandate and/or prohibit activation for certain types of encounters.

No agency allows full officer discretion on BWC activation.

## 2. Most law enforcement agencies (60%) allow for discretionary activation under certain circumstances.

The most common circumstances are situations dealing with crime victims or witnesses.



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# Citizen Notification of the BWC

## 1. Mandatory

*Member shall inform all individuals identifiably present as soon as reasonably practical, that their oral/video communications will be or have been intercepted and recorded*

## 2. Recommended

*It is recommended that Officers inform subjects when they are being recorded, unless doing so would be unsafe, impractical, or impossible*

## 3. Not Required

*Officers are not required to advise citizens they are being recorded*



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# BWC Policy Trends on Citizen Notification

## 1. Less than one-quarter (22%) have a mandatory statement on notification.

*An additional one-third of policies mandate notification under certain circumstances, such as if a citizens asks or if dealing with an arrestee.*

## 2. 41% recommend notification but do not require it.

## 3. 37% simply state that officers are not required to notify citizens of the BWC.



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## Officer Authority to Review

### 1. Routine Review

*Department personnel can view their own captured video while on duty to refresh their memory prior to completion of incident reports or preparing for court proceedings.*

### 2. Post-Critical Incident/Internal Investigation Review

*Upon advisement that the officer is the subject of (or witness to) an internal or criminal investigation or complaint, the officer can no longer view the BWC video of the event in question unless expressly authorized by Internal Affairs or the Shift Lieutenant or designee if the investigation or inquiry is being conducted in the chain of command.*



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## BWC Policy Trends on Officer Review

**1. Nearly all agencies (98%) allow officer review for report writing and court preparation.**

**2. Approximately one-half (46%) allow officers access to their BWC footage during an administrative investigation (critical incident).**

**One-quarter reserve right to limit; or require approval (Prosecutor; Chief)**

**3. Less than 5% state that officer is not permitted to view BWC until AFTER a statement is given.**



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# Supervisor Authority to Review

## 1. Administrative Review

*A supervisor may review specific BWC media or data for the purpose of training, civil claims, and administrative inquiry.*

## 2. Compliance Review

*Monthly, supervisors will randomly review 10 recordings pertaining to his/her area of responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training*

## 3. Performance Review

*Supervisors will conduct random weekly reviews of selected recordings in order to assess deputy performance as well as to identify videos that may be appropriate for training.*



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# BWC Policy Trends on Supervisor Review

**1. Nearly all agencies allow supervisor review for administrative purposes (94%).**

**2. About half of agencies allow supervisor review for policy compliance.**

**3. Two-thirds of agencies allow supervisor review for officer performance**

- General performance review – often periodic, random (52%)
- Limited circumstances: probationer; EI system (15%)



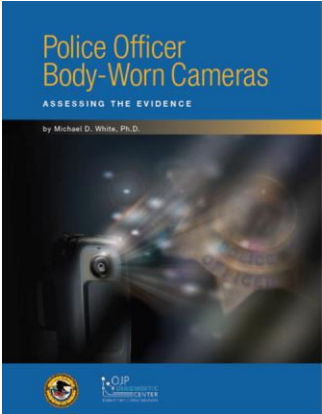
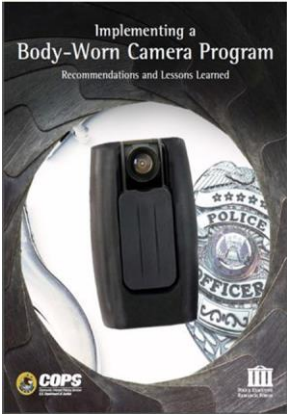
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# BWC Policy Resources



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## PERF/COPS and “Assessing the Evidence” Reports



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# BJA National Body-Worn Camera Toolkit

- ▶ February 26-27, 2015: Two-day expert panel at the White House
- ▶ May 2015: Toolkit “goes live” at: <https://www.bja.gov/bwc>
- ▶ Serves as an information warehouse on BWCs
  - ▶ FAQ format in the areas of:
    - ▶ Research
    - ▶ Policy
    - ▶ Technology
    - ▶ Privacy
    - ▶ Training
    - ▶ Stakeholders

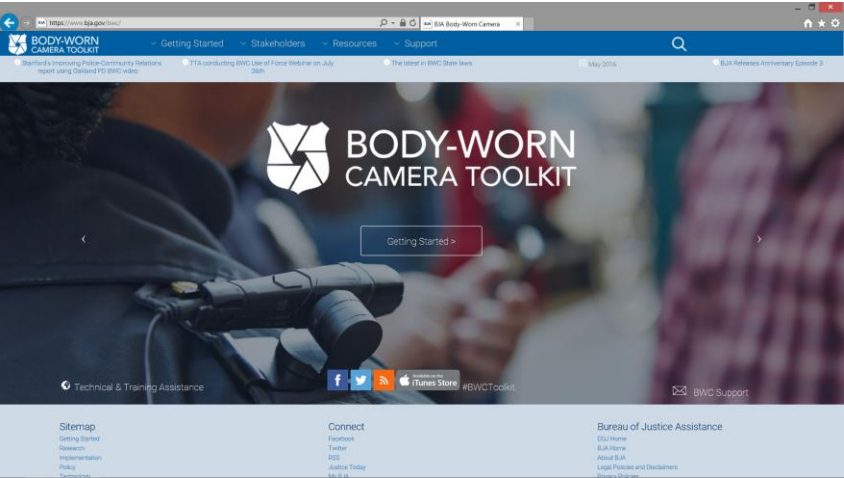


- ▶ Law Enforcement Implementation Checklist




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# BJA National Body-Worn Camera Toolkit



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# Toolkit Podcast Series



BODY-WORN  
CAMERA TOOLKIT

[Getting Started](#)
[Stakeholders](#)
[Resources](#)
[Support](#)

<https://www.sjsa.gov/body-worn-camera-podcast-series>



BODY-WORN  
CAMERA  
TOOLKIT

PODCAST  
SERIES

Episode 30: BWC Pilot Program Spotlight - NYFD


Download Transcript

Body-Worn Camera Podcast Series

The BWC Podcast Series was created as an accompaniment to the SJA National Body-Worn Camera Toolkit. This new podcast series is an interview style podcast series focusing on important issues regarding implementing body-worn cameras (BWCs) in the law enforcement environment. The podcast series will focus on diverse aspects of the implementation and includes input from law enforcement, prosecutors, defenders, advocates, unions, civil rights, and more to cover the most pressing issues concerning BWCs.

To listen to an audio podcast, click on the title to load in the player and then click **Play**.

Episode	Released	Category
<div> <div>Episode 30: BWC Pilot Program Spotlight - NYFD</div> <div> <p>Todd Maxwell from SJA's Body-Worn Camera's Team interviews Sergeant Joseph Freier from New York Police Department to discuss lessons learned from their recently completed Volunteer BWC pilot program and how they will apply those to their upcoming court ordered pilot program. Sgt. Freier contributed to the SJA Expert Panel on Body-Worn Cameras that helped form the SJA National Body-Worn Camera Toolkit. For more information on implementing BWCs please see the SJA National Body-Worn Toolkit at <a href="http://www.sjsa.gov/bwc">www.sjsa.gov/bwc</a>.</p> </div> </div>	6/24/2016	Privacy, Community Stakeholders
<div> <div>Episode 25: BWC Vendor Selection Considerations - Arlington PD, TX</div> <div> <p>Chip Childers from SJA's Body-Worn Camera Training and Technical Assistance Team interviews Arlington Police Department's Chief Will Johnson to discuss vendor and cost considerations when it comes to body-worn cameras. For more information on implementing BWCs please see the SJA National Body-Worn Toolkit at <a href="http://www.sjsa.gov/bwc">www.sjsa.gov/bwc</a>.</p> </div> </div>	6/17/2016	Privacy, Community Stakeholders
<div> <div>Episode 24: BWC Pilot Program Spotlight - Philadelphia PD</div> </div>	6/10/2016	Privacy, Community



BODY-WORN  
CAMERA

TOOLKIT

## Toolkit: Policy Resources

[Home](#)
[Getting Started](#)
[Stakeholders](#)
[Resources](#)
[Support](#)

[Policy](#)
[BIA National Body...](#)

Policy

Most studies on body-worn cameras (BWC) and leaders that have implemented programs in their jurisdiction highlight the need for comprehensive written policies prior to launching a BWC program. Although the policies should allow for flexibility as the program and technology evolve, it is critical that officers, key stakeholders, and the public at large define and have access to clear and consistent guidelines that address when and how video is captured, when the video is viewed and discarded, and with whom and under what circumstances the video is used and shared. Beyond these operational and privacy considerations, agencies must also adopt protocols that provide for system security and equipment sustainability.

In this section, you will find local- and state-authored policies and resources as well as broader recommendations and model policies.

### Subject Matter Experts Share

Prosecution Perspective on BWC by Damon Mosier, Deputy District Attorney, San Diego County District Attorney's Office

### BWC Podcast Series

For more about these topics, please check out the [BWC Podcast Series](#)

[Learn More](#)



·BODY-WORN· CAMERA TOOLKIT	
Law Enforcement Implementation Checklist	
BJA BUREAU OF JUDICIAL ADMINISTRATION	
<b>Step 1: Learn the Fundamentals</b>	
1.1. Become familiar with available materials	Review <a href="#">Why Trust this Toolkit</a> , and the "Implementation" toolkit page Review the "National Landscape" materials to access the most up-to-date shared resources from across the country
1.2. Build a basic understanding of body-worn cameras and related considerations	Read through the background and essential reading materials on the "Getting Started" toolkit page Identify key links, available templates, and other resources available on the "Research" toolkit page
<b>Step 2: Develop a Plan</b>	
2.1. Define program goals, objectives, and desired outcomes	Review materials available on the "Implementation" toolkit page
2.2. Understand program costs and identify potential funding sources	Perform a search on "cost" in the toolkit and read the "Implementation" toolkit page materials about cost Seek out information about regional resource and partnership opportunities
2.3. Identify stakeholders and define a stakeholder engagement/communication plan	Engage law enforcement stakeholders and discover/seek champions for each community - Union, patrol, training, supervisors, legal, internal affairs, records, technology, research/planning Engage broader justice stakeholders and discover/seek champions for each community - City and county prosecutor, public defender, courts Engage external (non-justice) stakeholders and discover any obvious champions - City leadership, privacy/advocacy groups, community leaders, residents, media
2.4. Build project plan and identify a project sponsor, project manager, and stakeholder leads	Review the "Implementation" toolkit page materials and templates related to planning
2.5. Develop a plan and identify research partner to document process and image of BWC program	Implementation process, officer outcomes, departmental outcomes, case outcomes, citizen outcomes
<b>Step 3: Form Working Group(s) and Identify Collaboration Opportunities</b>	
3.1. Identify any regional opportunities that offer economy of scale, program sponsorship, or governance	Seek out whether any existing regional procurements, data storage capabilities, multi-disciplinary working groups, and/or community oversight/relations groups could offer opportunities for reduced cost or overhead



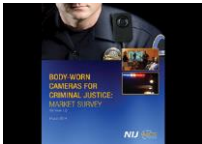
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## Other Policy-Related Resources

- ▶ Model Policies: IACP, ACLU
- ▶ National Institute of Justice (NIJ) Market Survey



INTERNATIONAL ASSOCIATION of CHIEFS OF POLICE  
Serving the Leaders of Today,  
Developing the Leaders of Tomorrow



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THANKS!

Questions?

Comments?

