

OCTOBER 27, 2015 | NUMBER 782

## Watching the Watchmen

### Best Practices for Police Body Cameras

BY MATTHEW FEENEY

#### EXECUTIVE SUMMARY

Coverage of recent police killings has prompted a much-needed debate on law enforcement reform, and proposals for police body cameras have featured heavily in these discussions. Body cameras undoubtedly gather valuable evidence of police misconduct, and although research on the effects of body cameras is comparatively limited there are good reasons to believe that they can improve police behavior.

However, without the right policies in place the use of police body cameras could result in citizens' privacy being needlessly violated. In addition, poorly considered police body camera policies governing the storage and release of footage might be too costly to implement.

This paper examines the research on the costs and benefits of police body cameras, arguing that the devices can, if properly deployed and regulated, provide a

valuable disincentive to police abuses as well as valuable evidence for punishing abuses when they occur.

No one-size-fits-all set of body camera policies should be imposed on the thousands of police departments across the United States, which vary significantly in size as well as the crime rates they face. Nonetheless, the policies that municipal, state, and federal actors adopt will need to address transparency, accountability, and privacy in order to realize the potential benefits of wearable cameras. Toward that end, this paper outlines a number of best practices designed to help law enforcement agencies at all levels address the privacy and fiscal issues associated with body cameras.

By themselves, body cameras are not a police misconduct panacea. Police misconduct can only be adequately addressed by implementing significant reforms to police practices and training. Still, body cameras can serve as an important component of police reform.

“It is undoubtedly true that body cameras can provide valuable additional information related to tragic incidents such as Brown’s killing.”

## INTRODUCTION

On November 24, 2014, a St. Louis County grand jury declined to indict Ferguson, Missouri, police officer Darren Wilson for the August 2014 killing of 18-year-old Michael Brown. Brown’s killing, and the news that Wilson would not be indicted, sparked protests in Ferguson and elsewhere in the United States.

Two different accounts of the moments leading up to Brown’s death emerged following his killing. In one, Brown was slain by a police officer who was too quick to use lethal force against an unarmed teenager. In another, Brown was shot and killed by an officer who legitimately feared for his life.

At the time of the shooting Wilson was not wearing a body camera and his car was not equipped with a dash camera. Footage of Wilson’s encounter with Brown would have helped members of the grand jury determine which of the two accounts mentioned above was a more accurate description of what occurred.<sup>1</sup> Unsurprisingly, Brown’s death prompted a renewed debate on the use of police body cameras.<sup>2</sup> In the wake of the news that Wilson would not face charges over the shooting, the Obama administration proposed a \$75 million, three-year, 50 percent matching funding program for the purchase of 50,000 police body cameras.<sup>3</sup>

It is undoubtedly true that body cameras can provide valuable additional information related to tragic incidents such as Brown’s killing. Nevertheless, it is also true that body cameras present unique challenges in terms of crafting policies that hold officers accountable and prevent infringements on citizens’ privacy. Unfortunately, some lawmakers and law enforcement professionals have proposed body camera policies that will not provide adequate accountability and that may allow police departments to use the cameras as a means to unfairly exculpate officers involved in lethal use-of-force incidents.

The use of body cameras doesn’t just raise concerns related to privacy and police use of footage. The costs associated with the cameras and storing footage can be considerable. A police body camera policy that protects

privacy rights while providing increased transparency and accountability is of no use if its fiscal impact would be too devastating for local governments to manage.

This paper examines the research on the costs and benefits of police body cameras, arguing that the devices can, if properly deployed and regulated, provide a valuable disincentive to police abuses as well as valuable evidence for punishing abuses when they occur. It stresses that, by themselves, the cameras are not a police misconduct panacea. Police misconduct can only be adequately addressed by implementing significant reforms to police practices and training. Still, body cameras can serve as an important component of police reform.

To be sure, no one-size-fits-all policy can or should be imposed over the roughly 18,000 law enforcement agencies in the United States—which is one reason why the federal government should focus on developing body camera policies for police organizations at the federal level.<sup>4</sup> Nor can any one policy comprehensively predict and address the challenges and opportunities this new technology will present across America’s broad array of police departments. That will have to be sorted out through trial and error in federalism’s laboratories of democracy.

Nonetheless, the policies that municipal, state, and federal actors adopt will need to address transparency, accountability, and privacy in order to realize the potential benefits of wearable cameras without infringing privacy rights. Toward that end, this paper proposes a set of best practices for law enforcement that take into account the costs of body cameras and would, if implemented, reconcile privacy rights with the desire to improve law enforcement accountability and transparency.

## THE CASE FOR BODY CAMERAS

Sir Robert Peel, the 19th-century British prime minister and statesman, is often credited as the father of modern policing. In 1829 Peel, then serving as Home Secretary, established London’s Metropolitan Police Service.<sup>5</sup>

Every member of this first modern police force was issued the “General Instructions,” which included the “Peelian Principles.”<sup>6</sup> The principles provided a framework for ethical policing.<sup>7</sup> Although almost 190 years have passed since the establishment of the Metropolitan Police Service, the Peelian Principles still offer a valuable outline of good policing that is useful in discussions on modern law enforcement, including those concerning body cameras. Indeed, New York City Police Commissioner William Bratton lists the Peelian Principles on his blog.<sup>8</sup>

The fourth Peelian Principle refers explicitly to the use of force, and states that officers should “recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.”<sup>9</sup> The sixth Peelian Principle counsels officers “To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.”<sup>10</sup>

Today, as in 1829, ethical policing requires law enforcement officers to understand that public cooperation reduces the need for physical force and that such force ought to be used sparingly and to a minimal degree. Yet only a minority of Americans believe that law enforcement agencies do a good job at using the right amount of force and holding officers accountable for misconduct.<sup>11</sup> Given the state of current public opinion, it is important to examine whether body cameras will reduce police abuse and improve the relationship between police officers and citizens.

### What the Research Shows

Experimental research on the effect body cameras have on police and citizen behavior or their impact on crime is difficult to conduct, and there are very few such studies. Nonethe-

less, what studies do exist tend to support our intuition that cameras can have a positive effect on citizen-police encounters.

In a year-long experiment beginning in February 2012, Barak Ariel and Alex Sutherland, both of Cambridge University’s Institute of Criminology, and William A. Farrar, the chief of the Rialto, California, police department, examined the effects of body cameras on police and citizen behavior.<sup>12</sup> Throughout the 12-month period, 54 front-line officers were randomly assigned to wear body cameras. Nine hundred and eighty-eight shifts were examined, and the researchers assigned 489 for treatment with the body cameras and 499 for control conditions. Rialto police officers who were wearing the body cameras during the shifts were instructed to have them on for all interactions with the public except when dealing with informants and “incidents involving sexual assaults of minors.”<sup>13</sup>

The chart in Figure 1 is based on data from the study and shows that use-of-force incidents and complaints against the police both fell during the experimental period compared to prior years.

Of the 25 use-of-force incidents that took place in the experimental period, 17 occurred in shifts when the officer was not wearing a body camera, while less than half that number (8) occurred in shifts when the officer was.

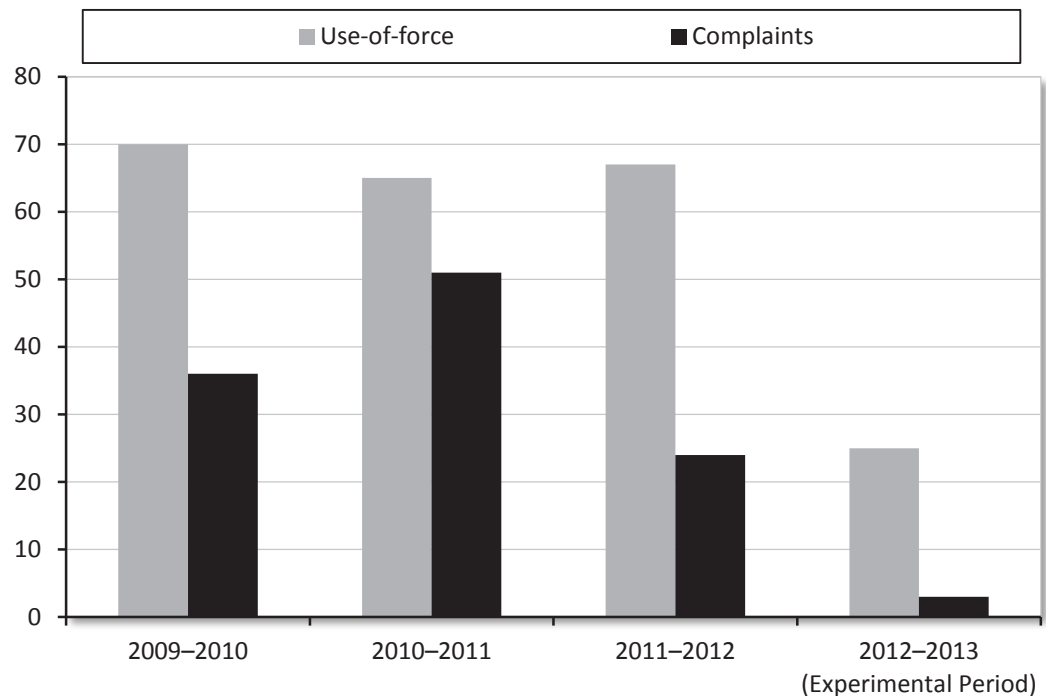
The Rialto study suggests that body cameras can help contribute to fewer use-of-force incidents and complaints. What’s less clear is whether that’s due to police body cameras influencing civilian behavior, police behavior, or both: “we do not know on which party in an encounter the cameras have had an effect on, or how the two effects—on officers and on suspects—interact,” the authors note.<sup>14</sup>

The sample size is admittedly small, covering one municipality’s experience over 12 months. Nor is it clear whether other reforms that Farrar, the Rialto police chief, instituted during or shortly before the experimental period also had an impact on declining complaints and use-of-force incidents.<sup>15</sup> Still, the Rialto study provides reassuring, if hardly

“The Rialto study suggests that body cameras can help contribute to fewer use-of-force incidents and complaints.”

“The Rialto study highlights the importance of isolating what, if any, ‘civilizing effect’ body cameras have on police and members of the public.”

**Figure 1**  
Number of Police Use-of-Force Incidents and Complaints against Police Officers in Rialto, California



Source: Barak Ariel, William A. Farrar, and Alex Sutherland, “The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints against the Police: A Randomized Controlled Trial,” *Journal of Quantitative Criminology* 31, no. 3 (September 2015): 509–35.

conclusive, evidence that police body cameras can play a useful role in a broader package of policing reforms.

The Rialto study highlights the importance of isolating what, if any, “civilizing effect” body cameras have on police and members of the public. Farrar believes that this civilizing effect acts on police as well as citizens: “When you put a camera on a police officer, they tend to behave a little better, follow the rules a little better. And if a citizen knows the officer is wearing a camera, chances are the citizen will behave a little better.”<sup>16</sup> Farrar’s assessment conforms to our intuitions about surveillance and employee monitoring as well as research on observation and behavior.<sup>17</sup>

A separate experiment with police body cameras in Mesa, Arizona, also resulted in a reduction in complaints against police officers. The Mesa experiment lasted 12 months (October 2012 to September 2013) and included 50

officers. For the first six months, the officers were required to have their cameras on, while in the second six-month period officers could turn the cameras on at their own discretion. Officers who wore the cameras experienced a 40 percent decline in “departmental complaints” and a 75 percent decline in use-of-force complaints when compared to the previous 12 months.<sup>18</sup>

The officers involved in the Mesa study were a mixture of volunteers, who accounted for nearly half of those taking part in the study, and those assigned to wear the body cameras. Aside from the reduction in complaints, the researchers also found that in the period when activation of the body cameras was left to officer discretion there was a 42 percent reduction in body camera use. Officers who volunteered to wear the body cameras were 60.5 percent more likely to activate the body cameras than their assigned colleagues.

As with the results of the Rialto study, the Mesa experiment's findings are suggestive but not conclusive. A decline in the number of complaints against the police is a welcome result. However, the number of complaints in Mesa was small and it remains unclear to what extent body cameras are responsible for the decline.<sup>19</sup>

Body cameras were also studied elsewhere in Arizona. As in Rialto and Mesa, the use of police body cameras in Phoenix was followed by a reduction in complaints.<sup>20</sup> The authors of the evaluation noted that "complaints against the police declined significantly. Complaints against officers who wore the cameras declined by 23%, compared to a 10.6% increase among comparison officers and 45.1% increase among patrol officers in other precincts."<sup>21</sup>

Body cameras are, of course, not the only cameras used by police officers. Dash cameras have been used in police cruisers for much longer than body cameras, and research on their use has, like body camera research, produced encouraging results.

In 2003 the International Association of Chiefs of Police released a study on dash cameras, examining their effects on the 21 law enforcement agencies that received dash-camera grants from the Office of Community Oriented Policing Services (COPS).<sup>22</sup>

Researchers found that one-fifth of police officers taking part in the study reported that dash cameras improved their courtesy and professionalism and that 8 percent of officers with dash cameras experienced a fall in complaints. During interviews with officers, researchers also discovered that "a majority of officers confessed that when they are aware that they are on camera, they strive to present the best possible professional image." It is worth keeping in mind that although officers were reporting their own behavior, officers who reported an improvement in their behavior were more likely to experience a decline in complaints.<sup>23</sup>

### **Holding Abusive Officers Accountable**

It seems that dash cameras do, albeit to a

small degree, improve some police officers' behavior.

And, even when dash cameras do not deter misbehavior, they can provide valuable evidence after the fact to sanction officers who misbehave on camera. There's good reason to believe that police body cameras can perform a similar function.

There are numerous examples of dash cameras in police cruisers filming incidents of police misconduct. In July 2015, dash camera footage revealed that Brian Encinia, a Texas state trooper, had been needlessly aggressive with 28-year-old Sandra Bland following a routine traffic stop.

Encinia ordered Bland out of her car after she refused to put out her cigarette. He then tried to forcibly remove her from the car. During the ensuing struggle, Encinia told Bland that she was under arrest but he never told her what she was under arrest for. Bland did step out of the car shortly after Encinia threatened to tase her. The dash camera footage reveals Encinia telling his sergeant on the radio after Bland's arrest that "technically she is under arrest when a traffic stop is initiated," which is not true.<sup>24</sup>

Bland later died in jail. According to an autopsy carried out by the Harris County medical examiner, she committed suicide. The Texas Department of Public Safety said that Encinia did not behave properly during the incident and he was placed on administrative leave. He may face further sanctions thanks to a wrongful death lawsuit filed by Bland's mother against Encinia; the Texas Department of Public Safety; Waller County, Texas; and two officers at the jail where she was incarcerated.<sup>25</sup>

Another example of dash camera footage providing valuable evidence against police officers shows a needlessly violent traffic stop in New Jersey. In 2013 Marcus Jeter was facing charges of eluding the police, resisting arrest, and aggravated assault of an officer.<sup>26</sup> Thanks to dash camera footage he was later exonerated. Sean Courter and Albert Sutterlin, the two officers who pulled Jeter over on the Garden State Parkway in 2012, ordered him to get

“There are numerous examples of dash cameras in police cruisers filming incidents of police misconduct.”

“Even if an officer does provide a falsified or misleading account of a deadly incident, body camera footage can help investigators discover what that officer omitted or exaggerated in his report.”

out of the car at gunpoint after responding to a domestic violence call at Jeter’s home. Jeter was dragged from his vehicle and repeatedly punched in the head.

Soon after Courter and Sutterlin pulled Jeter over another officer, Orlando Trinidad, arrived at the scene. Dash camera footage from Trinidad’s cruiser, which was not included in any police reports, shows that the vehicle passed through oncoming traffic before running into Jeter’s SUV.<sup>27</sup> The footage also shows, contrary to police reports, that Jeter did not hit Trinidad or reach for Courter’s weapon.

At the time of publication, Trinidad and Courter are awaiting a trial where they will face charges of conspiracy, official misconduct, false swearing, and tampering with records.<sup>28</sup> Sutterlin pleaded guilty to tampering with records and is awaiting sentencing.<sup>29</sup>

To be sure, video footage can be subject to competing interpretations.<sup>30</sup> In addition, video footage can’t solve every disputed case, but in some cases it will be dispositive. The Walter Scott incident, which prompted additional support for police body cameras, is powerful evidence of that. The cell-phone video of that horrific incident served as dramatic support for the intuition that camera footage might deter police abuses before the fact—or, failing that, bring abusers to justice following an unlawful use of force.

On April 4, 2015, Michael Slager, an officer in the North Charleston, South Carolina, police department shot and killed 50-year-old Walter Scott. Scott was running from Slager after a scuffle following a traffic stop when he was shot three times in the back.<sup>31</sup> According to police reports, Slager told dispatchers after the shooting that Scott had grabbed his Taser.<sup>32</sup> Unbeknownst to Slager, a passerby was filming the shooting. The footage reveals that Scott did not have Slager’s Taser when he was shot and that Slager placed what appears to be his Taser next to Scott after shooting him. It is difficult to imagine that Slager would have behaved in the same way if he had been wearing an activated body camera.

Even if an officer does provide a falsified or misleading account of a deadly incident, body camera footage can help investigators discover what that officer omitted or exaggerated in his report. One police encounter in Cincinnati, Ohio, clearly illustrates this point.

In July 2015 University of Cincinnati police officer Ray Tensing shot and killed Samuel DuBose, an unarmed 43-year old, during a routine traffic stop promoted by DuBose’s vehicle missing its front license plate. Tensing claimed that DuBose had dragged him down the street with his car and that he was forced to shoot him.<sup>33</sup> DuBose is only one of the hundreds of Americans killed every year by police officers.<sup>34</sup> Many of these killings are not filmed by police officers. However, Tensing was wearing a body camera.

Tensing’s body camera video shows that he was not dragged by DuBose’s car. Rather, the footage reveals that, after Tensing asked DuBose to take his seatbelt off, the car started to move forward slowly. Tensing then very quickly reached for his weapon and shot DuBose in the head.

Tensing is facing murder and voluntary manslaughter charges. When announcing the indictment Hamilton, Ohio, prosecutor Joe Deters described the body camera footage as “invaluable.”<sup>35</sup> A reporter asked Deters at that announcement if he thought Tensing had deliberately misled investigators.<sup>36</sup> Deters replied that he thought Tensing had done so. The reporter then went on to ask, “Even with the bodycam video?” Deters replied, “I’m not saying he’s smart, I’m just saying what I think he did.”

Another notable case of police body camera footage providing evidentiary benefits occurred in New Mexico. In January 2015, prosecutors in Albuquerque announced that they would pursue murder charges against two police officers who, in March 2014, shot and killed James Boyd, a homeless paranoid schizophrenic camping in the Sandia Mountains.<sup>37</sup> Boyd’s killing, like Samuel DuBose’s, was filmed by an officer’s body camera.

The footage of the killing shows that officers used firearms as well as beanbag rounds,

a police dog, and a stun grenade during the standoff with Boyd.<sup>38</sup> After five hours, Boyd agreed to walk towards the officers, saying, “All right, don’t change up the agreement.”<sup>39</sup> Albuquerque Police Department officers then fired the stun grenade at Boyd. After the stun grenade went off, Boyd dropped his bags, reached into his pockets, and pulled out what appear to be knives, one in each hand. He then turned his back on the officers and was shot. After the shooting, the officers approached Boyd, who was lying motionless on the ground, and shot him with bean bags before setting a dog on him. An autopsy and toxicology report revealed that Boyd had no illegal drugs or alcohol in his system and that he was shot in the lower back and both arms. The bullet which entered his lower back exited his body and then reentered his left arm.<sup>40</sup>

In an attempt to save Boyd’s life doctors amputated his right arm and removed his spleen as well as a section of his colon. He was pronounced dead 6 hours and 40 minutes after arriving at the University of New Mexico Hospital.<sup>41</sup> Two of the officers involved in the incident are facing second-degree murder, voluntary manslaughter, and battery charges.<sup>42</sup>

Boyd’s and DuBose’s deaths and others like them highlight the fact that although cameras on police officers’ uniforms do not necessarily deter police abuse of citizens, they can provide valuable evidence. When speaking about the murder charges in the Boyd case the district attorney for Bernalillo County said, “We have evidence in this case to establish probable cause we didn’t have in other cases.”<sup>43</sup>

Body camera footage that captures police misconduct tends to garner the most media attention. But it shouldn’t be forgotten that police body camera footage has vindicated police officers who used lethal force and has also exculpated officers accused of wrongdoing.

Once such incident involving the lethal use of force took place in May 2015, when two officers with the Palestine, Texas, police department shot and killed James Bushey, a robbery suspect. Both of the officers were wearing body cameras. Soon after officers escorted

Bushey out of a restaurant he pulled a BB gun from his pocket and was shot multiple times by both officers.<sup>44</sup> The footage shows that both officers reasonably feared for their lives and were justified in using lethal force. In another example, camera footage revealed that a young woman, who was arrested for drunk driving in late 2014, had lied when she accused an Albuquerque, New Mexico, police officer of sexual assault.<sup>45</sup>

The use of body camera footage in Albuquerque and Palestine are both examples of the kind of footage law enforcement officials should welcome. Such footage highlights appropriate conduct as well as baseless complaints filed against officers.

Body cameras may not eliminate police misconduct, yet research on their effects is encouraging and they have proven to be valuable in police-abuse investigations. However, without the right policies in place the widespread use of police body cameras could result in privacy violations and ongoing investigations being compromised.

## PRELIMINARY CONSIDERATIONS FOR BODY CAMERA POLICIES

A worthwhile police body camera policy must address a range of issues, including transparency, privacy, officer safety, and the cost of body cameras as well as the cost of storing and redacting footage.

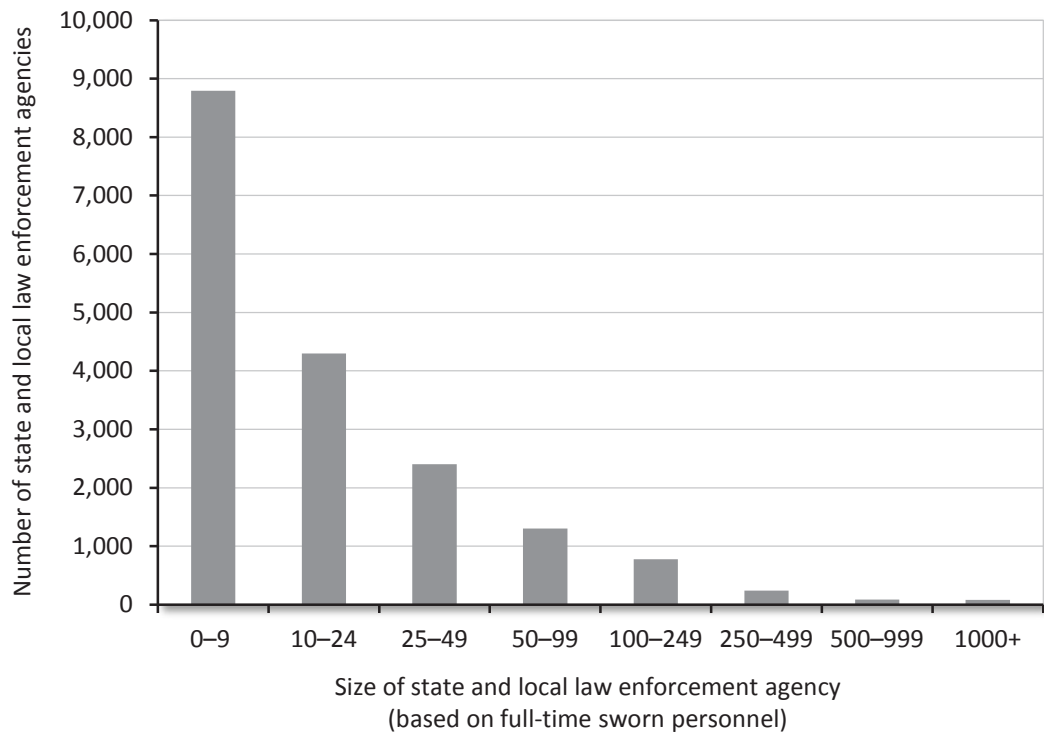
### Federalism

Before deciding any of those issues, however, it’s important to consider which level of government should be making the relevant decisions. The range of opportunities and challenges police body cameras present, as well as the wide variety of American law enforcement agencies, suggests that policy ought to be crafted at the state and local level. Considering the importance of police accountability and transparency as well as the diversity of America’s police departments, it is crucial that local lawmakers craft police body camera legislation that is appropriate for their con-

“Body cameras may not eliminate police misconduct, yet research on their effects is encouraging and they have proven to be valuable in police-abuse investigations.”

“Regardless of what body camera policy a police department implements, it is important that the policies are made public.”

**Figure 2**  
Number of Law Enforcement Agencies by Size (2008)



Source: Brian A. Reaves, “Census of State and Local Law Enforcement Agencies, 2008,” Bureau of Justice Statistics (July 2011), <http://www.bjs.gov/content/pub/pdf/cslea08.pdf>.

stituencies. According to 2008 data from the Bureau of Justice Statistics, almost half (48.9 percent) of local and state law enforcement agencies have fewer than 10 full-time sworn personnel (Figure 2).<sup>46</sup> The fact that American law enforcement agencies vary so significantly in size makes it very unlikely that a policy designed for a department with thousands of police officers would be appropriate for a department with only nine officers.

Law enforcement agencies are diverse not only in their size, but also in the crime rates they face. Metropolitan areas tend to have higher rates of violent crime and property crime than nonmetropolitan counties.<sup>47</sup>

A body camera policy for police in Bozeman, Montana, should be different from the body camera policy in Los Angeles. Federalism allows experimentation with different approaches, allowing competing jurisdictions to learn from each other’s successes and failures.

Rather than the federal government taking a top-down approach to police body cameras, it should develop body camera policies for federal agencies with arrest powers, such as the Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Customs and Border Protection (CBP); and Alcohol, Tobacco, Firearms and Explosives (ATF). These agencies should be equipped with body cameras, and those crafting body camera policies for federal agencies will have to consider the same privacy concerns, such as those relating to when the cameras should be on and when the footage is released, that affect state and local law enforcement agencies.

### Transparency

Regardless of what body camera policy a police department implements, it is important that the policies are made public. Police departments have not always been open about the details of such policies.



In October 2014 the American Civil Liberties Union (ACLU) asked 20 of the country's largest police departments, as well as 10 departments that attended a body camera conference hosted by the Police Executive Research Forum (PERF), for details of their body camera policies and best practices. According to the ACLU's Sonia Roubini, "Only five of these 30 departments sent me their policies. The remaining 25 cited various reasons for not doing so."<sup>48</sup> Of the five that provided their policies, only one had its police body camera policy available online. Law enforcement agencies interested in presenting themselves as transparent and accountable should make their body camera policies available online, even if not required to do so by legislation.

### Officer Safety

Any policy related to police body cameras must consider how difficult they are to operate and how safe they are to use. If a camera is hard to operate, it may not only make complying with a camera policy difficult, it could be dangerous.

Some law enforcement officials have expressed skepticism, if not outright hostility, to the idea of officers wearing body cameras. Speaking in August 2013, Patrick Lynch, the president of the Patrolmen's Benevolent Association of the City of New York, said, ". . . there is simply no need to equip patrol officers with body cams [. . .] Our members are already weighed down with equipment like escape hoods, Mace, flashlights, memo books, ASPs, radio, handcuffs and the like [. . .] Additional equipment becomes an encumbrance and a safety issue for those carrying it."<sup>49</sup> But contrary to Lynch's concerns, most popular police body cameras in circulation are relatively light, easy to use, and safe.

A recent study evaluating body camera deployment in Phoenix, Arizona, noted that "in general the technology was found to be comfortable and easy to use."<sup>50</sup> A common sentiment expressed by the officers was that the VIEVU body camera, which is activated by swiping a cover away from the lens, is less

complex than the Taser AXON.<sup>51</sup> Unlike the VIEVU, the Taser AXON continually records and deletes in 30-second increments. However, if an officer activates the camera by double tapping the "event" button, the previous 30 seconds of footage captured before activation is saved, although it doesn't include audio.<sup>52</sup> This buffering system may take some getting used to, but being well-trained in using the Taser AXON, which is one of the most popular body camera models, will ensure that officers better understand some of the more counterintuitive features of the camera. Training will be required for the use of any body cameras, but the devices are not difficult to operate.

Nor do the cameras pose much of a safety risk to officers. The British Home Office's guide for body-worn cameras rates the risk of injuries associated with the devices, such as electrocutions from damaged cameras, neck strains, and entanglements with the equipment, as "low." The guide also states that risks associated with body cameras causing injury during an assault can be mitigated by officers wearing camera wires below the uniform.<sup>53</sup>

Presently the technology does not pose a significant risk to police officers, and as technology improves we can reasonably expect that the body cameras will become increasingly lighter and less burdensome.

### BEST PRACTICES FOR BODY CAMERA POLICIES

Despite their potential benefits, police body cameras could cause significant harm if not governed by policies that protect privacy rights. Such policies must address when the cameras are on, when the footage is released, and when police officers can access the footage.

#### When Should the Cameras Be On?

A key question that any policy will have to answer is when officers should be required to activate their cameras. Advocates of police accountability and transparency may be tempted to argue for a policy requiring that officers

“Despite their potential benefits, police body cameras could cause significant harm if not governed by policies that protect privacy rights.”

“There are some situations when it would be inappropriate for police officers to turn on their body cameras.”

have their body cameras on for most or all of their shifts. But there are significant problems with such a proposal.

Police officers regularly interact with members of the public in tragic and embarrassing situations that can sometimes involve young children as well as informants and undercover agents. They also regularly enter private residential properties, hospitals, and schools. A policy requiring cameras to be on during most encounters with the public would have to describe clearly what kinds of footage could be requested and what information ought to be redacted. As we will see in the discussion below, the cost of storing and redacting police body camera footage can be considerable.

Police officers also have legitimate privacy concerns. Any policy that requires cameras to be on for most of a shift would lead many officers to feel they were under constant threat of a superior intent on carrying out a “fishing expedition.” A body camera policy should allow officers to engage in office gossip while in their cruisers without having to worry about their chief looking through the footage.

Taking into account the privacy risks, a workable body camera policy should require police officers to have their body cameras on during some, although not all, of their interactions with members of the public. In order for police body cameras to increase police accountability, officers should be required to have their body cameras on when they are responding to a 911 call; performing an arrest, search, detention, or traffic stop; and any time when they reasonably suspect that they will soon be conducting an arrest, search, traffic stop, or detention.

There are some situations when it would be inappropriate for police officers to turn on their body cameras, either because doing so could potentially compromise an ongoing investigation or citizens’ privacy. For instance, officers should not have to turn their body camera on if they are in a school or speaking to informants or undercover officers. Nor should they be required to have the cameras on inside a hospital, mental health care facility, rape

treatment center, or social service facility unless they are responding to a 911 call, making an arrest, or detaining someone on site. An officer who exits his vehicle to buy a coffee from a café or engages in short casual conversation with a member of the public should not be required to turn his body camera on.

When they do have to turn their cameras on, officers should notify subjects as soon as is practicable. Officers should also make sure that their camera is clearly visible to members of the public. Once officers turn their body camera on they should not deactivate it until the incident at hand (an arrest, search, etc.) is concluded. If an officer’s vehicle is not equipped with an in-car camera the officer should keep his body camera on while transporting an arrestee.

Given that police body cameras will inevitably capture very disturbing moments that include violence, nudity, sexual abuse, and graphic injuries, it is extremely important that law enforcement agencies are governed by robust policies regulating the storage and release of the footage.

### Who Should Have Access to the Footage?

A police body camera policy should clearly outline under what circumstances the footage will be released and what information will be redacted. Here again, there are important considerations involving privacy rights and cost.

Lawmakers across the country have addressed the privacy issues related to police body camera footage in a variety of ways. Some have overreacted by pushing policies that explicitly exempt police body camera footage from public-record requests. For example, in June 2015, South Carolina Governor Nikki Haley signed a bill exempting body camera footage from state Freedom of Information Act requests.<sup>54</sup> Legislation passed by the Kansas Senate in February 2015 would exempt body camera footage from Kansas’s open records act.<sup>55</sup> In California, proposed legislation states that body camera footage should be exempt from public-record requests because the

need to protect privacy “outweighs the interest in the public disclosure.”<sup>56</sup>

Legislation preventing the public from requesting police body camera footage does not improve law enforcement accountability and transparency. The public has an interest in knowing how police officers behave, and body cameras can offer key insights into how officers conduct arrests, traffic stops, and searches. Laws that exempt body camera footage from public-record requests put potentially revealing information behind a veil of secrecy.

Lawmakers who have written secretive body camera policies often cite privacy concerns. But these concerns can be adequately addressed without restricting public access to video.

The cost of redacting footage can be considerable, however. The cost of buying body cameras and paying for footage storage and redaction play a significant role in decisions on whether a police department will purchase body cameras. In 2014, PERF sent surveys to 500 police departments across the United States, 254 of which responded, and found that “39 percent of the respondents that do not use body-worn cameras cited cost as a primary reason.”<sup>57</sup> Speaking to PERF, Hassan Aden, then chief of the Greenville, North Carolina, police department, described the data storage costs associated with police body cameras as “crippling.”<sup>58</sup>

In May 2015, the *Associated Press* reported that the Cleveland, Ohio, police department expected to spend up to \$3.3 million over five years on 1,500 Taser body cameras and data storage.<sup>59</sup> That same month the *Albany Democrat-Herald* reported that the storage of body camera footage was adding significantly to the workload in the Linn County, Oregon, court system.<sup>60</sup> The Linn County District Attorney’s office, which had only 45 gigabytes of media downloads in 2011, had to store 351 gigabytes of downloaded evidence in just the first three months of 2015.

Even the mayor of Baltimore, a city with a heavily criticized police department, vetoed a body camera proposal in December 2014 in

part because of its predicted price tag. Baltimore officials estimated that the cost of storing body camera footage and the additional staff needed to manage it would be up to \$2.6 million a year.<sup>61</sup>

The police department in Seattle, Washington, a state with some of the country’s most open public-records laws, released indiscriminately blurred and silent police body camera footage on a YouTube channel following a request made in September 2014 by Tim Clemans, a 24-year-old computer programmer. Clemans requested both police body camera and dash camera footage from the last six years—a collection of about 1.6 million recordings amounting to a little more than 360 terabytes of data.<sup>62</sup> Selectively redacting the footage, rather than universally blurring and muting it, would have been prohibitively time-consuming and expensive.<sup>63</sup>

The footage, of course, had to be blurred in order to protect the privacy of those caught on camera. By March 2015 the Seattle Police Department was burning some 7,000 DVDs a month in order to comply with public-record requests.<sup>64</sup>

Even comparatively short videos can take a long time to redact. During the Mesa body camera study, the Mesa Police Department Video Services Unit redacted three police body camera videos. The videos, which ranged from one to two hours long, took a total of 30.5 hours to redact.<sup>65</sup>

It’s not only footage of violent or controversial police encounters that may take a long time to redact. Indeed, footage of an arrest that takes place without violence or injury and with the suspect’s cooperation could include information that some would like redacted, such as the faces of third parties, license plates, and the audio of third-party conversations. Depending on how strict the redaction and access policy is, police departments could face significant costs associated with complying with public-record requests.

Lawmakers and regulators could try to mitigate the costs associated with body cameras in a number of ways. In August 2015 Illinois

“Legislation preventing the public from requesting police body camera footage does not improve law enforcement accountability and transparency.”

“The distinction between the expectations of privacy in private residential properties (strong), and in public (weak), ought to guide policies regulating the release and redaction of police body camera footage.”

Governor Bruce Rauner signed a bill which helps fund the use of body cameras via a \$5 increase in traffic tickets.<sup>66</sup> The increase will reportedly raise around \$5 million a year.<sup>67</sup>

The cost of body cameras could also be reduced by passing some of the costs of redaction on to those requesting the footage. Some requesters, such as commercial actors and journalists, should contribute to some of the costs of processing body camera footage. However, a policy should be implemented which gives subjects, their next of kin, or their attorneys access to body camera footage free of charge.<sup>68</sup> In addition, a body camera policy should provide footage that is in the public interest without a fee.<sup>69</sup>

A feasible police body camera policy that accounts for the privacy and cost issues outlined above while also providing the much-needed increase in law enforcement accountability will limit the storage of data not related to contentious incidents as well as the redaction of footage captured in public.

While some potentially revealing information about third parties could be captured on a police body camera, there ought to be very few instances in which police body camera footage captured in public should be edited in order to redact primary or third parties. After all, there isn't the same expectation of privacy in public or privately owned areas open to the public, such as coffee shops and gyms, that there is in a private residence.

A man having dinner at a restaurant with a mistress risks his infidelity being exposed by a member of the public who might take a picture of the couple. Likewise, a drunk man on a Saturday night cannot reasonably expect that his inebriated antics during a bar crawl will be safe from online ridicule.

The distinction between the expectations of privacy in private residential properties (strong), and in public (weak), ought to guide policies regulating the release and redaction of police body camera footage.

Regardless of who is requesting the body camera footage, a body camera policy should outline how long footage is stored and who

can demand access. The ACLU's Jay Stanley has provided a framework that offers good guidelines on storage and access.<sup>70</sup> What follows uses many of Stanley's recommendations as a foundation.

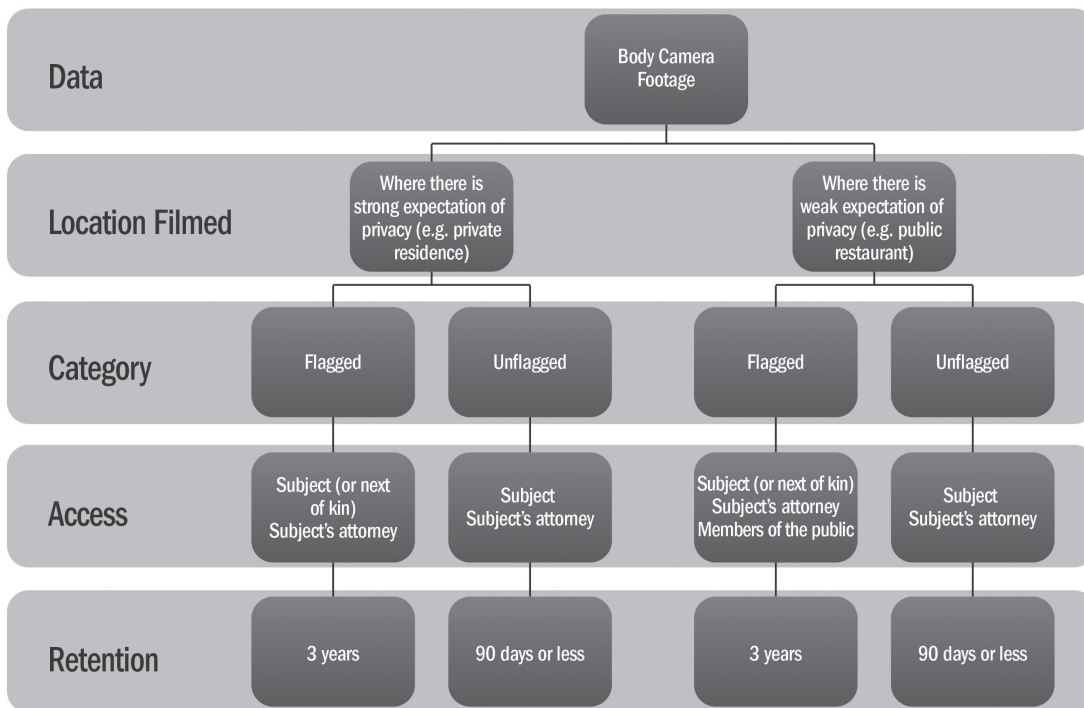
Stanley proposes that footage be put into two categories, “flagged” and “unflagged,” and that flagged footage be on a deletion schedule with a much longer time period than unflagged footage.

Flagged footage should include video that shows arrests, detentions, use-of-force incidents, or is related to an event that is the subject of a formal or informal complaint. In addition, Stanley proposes that anyone who is the subject of police body camera footage should be able to flag the footage, regardless of whether they are filing a complaint. Law enforcement agencies and third parties should be able to flag footage if they suspect that misconduct has occurred, or that the footage includes evidence of a crime. Given the reduced expectation of privacy in open spaces, flagged footage captured in public, including private property open to the public (such as restaurants), ought to undergo minimal redaction.

While flagged footage captured in a public place should, after necessary redaction, be made available to the public, unflagged footage should not be subject to public-disclosure requests. Unflagged footage would not contain information related to any arrest, detention, use-of-force incident, or complaint. Nor would law enforcement officials or any subject of the footage have asked for the footage to be flagged. Although unflagged footage would not contain any information relating to incidents that would warrant flagging, any subject of unflagged body camera footage or their legal representative should be able to request video in which they appear, provided that they not make the footage public.

Ideally, unflagged footage would be deleted after no more than a month, although in some jurisdictions the retention period for unflagged footage would have to be longer. For example, in Maryland excessive-force complaints must be made within 90 days. There-

**Figure 3**  
**Police Body Camera Footage Access and Retention Policy**



Source: Author's diagram based in large part on policy recommendations outlined in Jay Stanley, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All—Version 2.0," American Civil Liberties Union, March 2015, [https://www.aclu.org/sites/default/files/assets/police\\_body-mounted\\_cameras-v2.pdf](https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf).

fore, it makes sense that unflagged body camera footage in Maryland be kept for 90 days in case a complaint is filed within that time.

Exempting unflagged footage from public-record requests and scheduling such footage for relatively quick deletion means that the husband treating his mistress to a meal at a restaurant is unlikely to have his affair exposed by police body camera footage. But, if an incident at the restaurant, such as an arrest, prompts police body camera footage to be flagged, then members of the public could see the footage. Figure 3 shows a possible access and release policy for flagged and unflagged footage.

Flagged footage should be subject to public-record requests, which should be specific to a particular incident. As the Seattle experience suggests, broad public-record requests may result in the release of heavily redacted and unhelpful footage. But there ought to be different redaction policies in place depending

on whether the footage was captured in a private residential property or in public.

Some flagged footage of public incidents ought to be redacted if released. For instance, members of the public who tell officers where a fleeing suspect is hiding should have their identities concealed via blurring in order to protect them from retaliatory attacks. In addition, flagged footage of sexual assault victims captured in public should be heavily redacted in order to protect their identities.

There are some other possible exceptions to body camera footage captured in public being released without redaction. Police officers are often among the first at the scene of emergencies such as fires and auto accidents. In such cases arrests may be made, prompting the flagging of the body camera footage. Members of the public involved in these emergencies, as well as their families, may understandably be concerned that body camera footage of an

“Members of the public who tell officers where a fleeing suspect is hiding should have their identities concealed via blurring in order to protect them from retaliatory attacks.”

“Rather than require that body camera footage captured inside a person’s home undergo extensive redaction, such footage should be exempt from public-record requests.”

auto accident or fire could be widely circulated on the Internet. While much of the footage of such incidents will not be flagged, there will be some that is. In these situations the footage should be redacted in a manner that protects the dignity of those involved in the accidents while also serving the public interest.

If, for example, an elected official kills someone in a drunk-driving accident and is arrested at the scene, the body camera video filmed by the officer should be available via public-record request, although footage of the victim’s body ought to be redacted. Such a policy will limit the number of requests filed by individuals who are more interested in seeing the gory details of tragic incidents than they are in serving the public interest by holding police officers or elected officials to account.

Of course, incidents of public interest involving police officers often occur inside private residential property. In such cases, there should be clear policies in place that protect the privacy of homeowners.

Footage of a home’s interior could potentially reveal information about the occupant’s political views, sexual orientation, religion, and other private matters. The release of such personal information could have a devastating impact on homeowners who would like such information kept private. Although tempting, a policy of selectively redacting all of this information would be very time consuming and expensive. Taken to an extreme, a policy of redacting all potentially revealing information would require the blurring of all bookshelves, posters, DVDs, photos, flags, and refrigerator magnets inside a home.

Rather than require that body camera footage captured inside a person’s home undergo extensive redaction, such footage should be exempt from public-record requests.

This proposal may initially be treated with skepticism by some law enforcement accountability advocates. After all, some of the most disturbing instances of police misconduct take place inside private residences. The public have a clear interest in knowing how police officers conduct themselves while inside a home,

particularly given the prevalence of violent SWAT raids.<sup>71</sup>

In order to ensure that police officers are held accountable for their actions inside someone’s home, the body camera footage taken inside a private residence should be available to the subject of the footage, the subject’s attorney, or the subject’s next-of-kin, who can choose whether or not to release the footage (with whatever redaction they think is necessary) to the public.

Under such a policy, police officers could not expect their behavior in homes to be kept secret and citizens would not have to fear footage from inside their homes being released without their approval.

Similar proposals are already in place in some states. In April 2015, North Dakota Governor Jack Dalrymple signed a bill that exempts police body camera footage “taken in a private place” from public-record requests.<sup>72</sup> In May 2015, Florida Governor Rick Scott signed similar legislation related to police body camera footage taken inside health care facilities and private residences.<sup>73</sup> In the coming years more lawmakers may well pass similar legislation, citing privacy as a major concern.

### When Should Officers Have Access?

Privacy is one of the key concerns motivating many lawmakers to pass body camera legislation, but unfortunately some law enforcement officials and lawmakers have suggested policies that are not designed to protect privacy. Rather, these policies could allow police officers to unfairly exculpate themselves and mislead investigators after deadly use-of-force incidents.

It is standard practice in the United States for police officers to file reports after lethal use-of-force incidents. These reports are supposed to record what an officer believed happened during such incidents. Some police departments and lawmakers risk interfering with the accuracy of the reports by allowing officers to view body camera footage before making an initial statement.

The Los Angeles Police Department made such a proposal in April 2015. Included in body

camera policy proposals drafted by Chief Charlie Beck, which were later approved by the Los Angeles Police Commission in a 3–1 vote, was a section stating that an officer involved in a “Categorical Use of Force” incident<sup>74</sup> shall be allowed to view relevant body camera footage with an employee representative before being interviewed by investigators.<sup>75</sup> Proposed legislation in California would also allow officers to view body camera footage before making an initial statement or report on use-of-force incidents, unless a law enforcement agency says otherwise.<sup>76</sup>

The majority of police executives consulted for a 2014 PERF paper on body cameras favor allowing officers to view body camera footage before making a statement.<sup>77</sup> The paper quoted Ron Miller, then Chief of Topeka (Kansas) Police Department: “If you make a statement that you used force because you thought a suspect had a gun but the video later shows that it was actually a cell phone, it looks like you were lying.”<sup>78</sup>

But after a use-of-force incident it is important to gather evidence of how the officer involved felt, up to and during the incident. If an officer is allowed to view body camera footage before making an initial report, no one will ever know for sure what the officer’s actual recollection of the incident was. This is especially important because the legality of a use-of-force incident depends in part on what the officer thought was happening at the time.

Such policies could further undermine public confidence in police accounts of use-of-force incidents, since the public may come to doubt all police statements relating to such incidents, believing them to be attempts by the police to absolve themselves of blame. It is important to remember that lawmakers and law enforcement agencies are not asking that citizens view body camera footage before making a statement, despite the fact that members of the public, like police officers, might make a statement contradicted by video footage.

Police body camera policies ought to prohibit officers from viewing body camera footage before they file use-of-force reports. Al-

lowing officers, but not citizens, to view body camera footage of use-of-force incidents before making a report is not only unfair, it also makes it harder for investigators to know what an officer felt and knew during the incident under investigation.

## CONCLUSION

Police body cameras undoubtedly have potential to improve police accountability and assist police misconduct investigations. They are also very popular, with a wide range of support across political and racial demographics, as the charts based on YouGov 2015 data show (Figure 4 and Figure 5).<sup>79</sup>

Police body cameras may be popular, but it is worth considering to what extent they will influence citizen behavior.

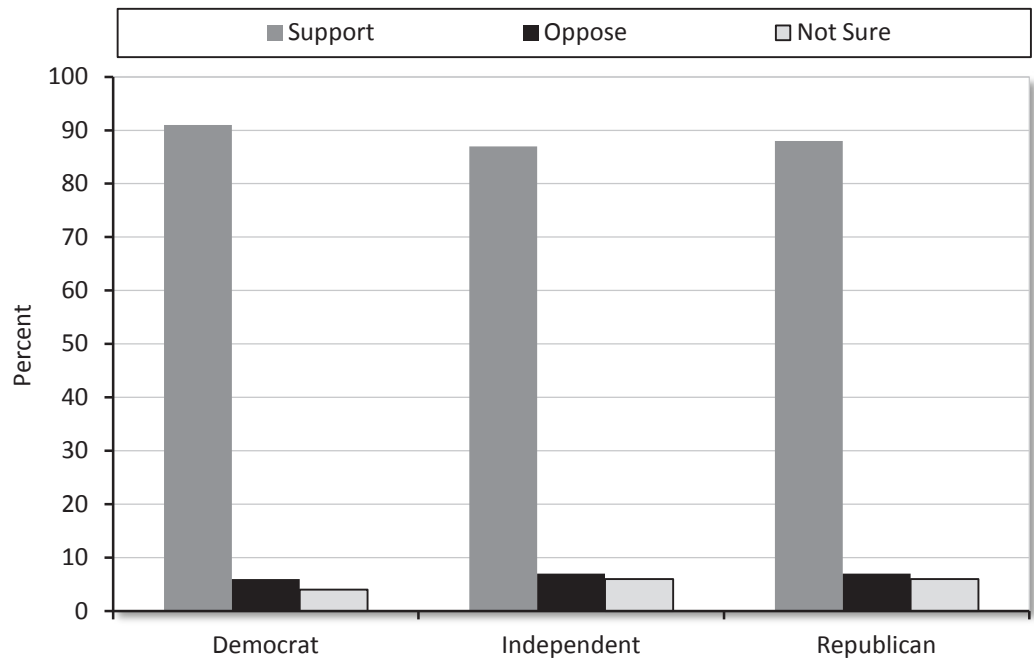
Human beings change their behavior when they are under observation, and any discussion on police body cameras should consider the effect they might have on the public. The privacy policies outlined in this paper would protect citizens’ privacy while also serving the public interest. However, the increased proliferation of police body cameras raises concerns for law-abiding citizens, who may change their behavior in an environment with more police body cameras.

Research shows that individuals are prone to behave differently around other people than if they are alone, being more likely to work harder and present themselves better.<sup>80</sup> Unsurprisingly, the research on body cameras suggests that the technology encourages improved behavior.

Advances in technology have made it possible for police officers to wear cameras on their uniforms. Similar advances have also made it possible for millions of citizens to have high quality and easy-to-use recording devices in their pockets. Smartphones, like police body cameras, can record embarrassing and tragic public, as well as private, events. Desirable or not, the widespread use of recording devices is an inescapable feature of modern American life.

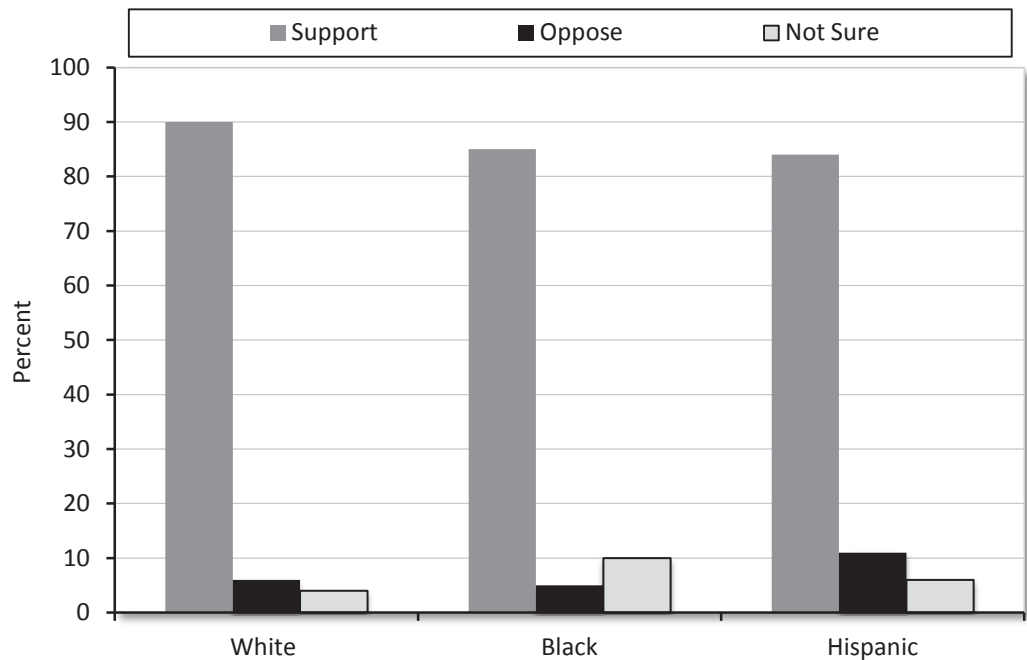
“Police body cameras are also very popular, with a wide range of support across political and racial demographics.”

**Figure 4**  
Support for Police Body Cameras by Political Affiliation



Source: Peter Moore, "Overwhelming Support for Police Body Cameras," YouGov, May 7, 2015, <https://today.yougov.com/news/2015/05/07/body-cams/>.

**Figure 5**  
Support for Police Body Cameras by Race



Source: Peter Moore, "Overwhelming Support for Police Body Cameras," YouGov, May 7, 2015, <https://today.yougov.com/news/2015/05/07/body-cams/>.



As with smartphone technology, police body cameras present privacy challenges, but they can also help expose police abuse when it happens. The limited research on police body cameras to date shows that, at the very least, body cameras may contribute to a decline in police use-of-force incidents and complaints. In addition, police body cameras have been shown to provide valuable evidence in alleged cases of police misconduct.

Notwithstanding the worries associated with the use of police body cameras, they could, with the right policies in place, improve law enforcement accountability and transparency while also protecting privacy. States will continue to draft body camera legislation, and in the coming years we should expect a range of body camera policies to be implemented. Department of Justice officials and federal lawmakers have proposed body camera grant programs, yet while it is good for discussions on body camera policy to include a variety of participants, the federal proposals should not come with financial incentives attached. Federal departments, such as the Department of Justice, ought to consider body camera policies for federal agencies and let America's laboratories of democracy craft body camera policy at a local level.

Ultimately, while police body cameras may play a larger role in police misconduct investigations, they are not a police misconduct panacea. After all, police officers have committed alleged abuses despite wearing body cameras. Reducing incidents of police misconduct will require reforms of use-of-force policy and training, and changes to how police misconduct is investigated, in addition to the increased use of body cameras. They should be thought of as the first in a series of necessary reforms.

## APPENDIX A

### The "Peelian Principles"

1. To prevent crime and disorder, as an alternative to their repression by military

force and severity of legal punishment.

2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent

“Ultimately, while police body cameras may play a larger role in police misconduct investigations, they are not a police misconduct panacea.”

on every citizen in the interests of community welfare and existence.

8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

## NOTES

1. The evidence presented to the grand jury was collected by CNN. See CNN, “Documents from the Ferguson Grand Jury,” November 25, 2014, [http://www.cnn.com/interactive/2014/11/us/ferguson-grand-jury-docs/index.html?hpt=hp\\_t1](http://www.cnn.com/interactive/2014/11/us/ferguson-grand-jury-docs/index.html?hpt=hp_t1).
2. In this paper I will use the term “police body camera” to describe cameras that are attached to the front of an officers’ uniform and cameras that are designed to be attached to shoulder lapels, glasses, and helmets.
3. “FACT SHEET: Strengthening Community Policing,” White House press release, December 1, 2014, <https://www.whitehouse.gov/the-press-office/2014/12/01/fact-sheet-strengthening-community-policing>.
4. Brian A. Reaves, “Census of State and Local Law Enforcement Agencies, 2008,” Bureau of Justice Statistics (July 2011), <http://www.bjs.gov/content/pub/pdf/csllea08.pdf>.
5. Peel introduced the Metropolitan Police Act 1829. The text of the act can be found at Legislation.gov.uk. “Metropolitan Police Act 1829: 1829 Chapter 44 10 Geo 4,” The National Archives, <http://www.legislation.gov.uk/ukpga/Geo4/10/44/introduction>.
6. The “Peelian Principles,” listed in Appendix A, are excerpted from the 1829 “General Instructions” issued to police officers. See Home Office, “Policing by Consent,” December 10, 2012, <https://www.gov.uk/government/publications/policing-by-consent>.
7. Ibid. Although called “Peelian Principles,” Peel did not write the list himself. According to the British Home Office, “. . . there is no evidence of any link to Robert Peel and it [the list of Peelian Principles] was likely devised by the first Commissioners of Police of the Metropolis (Charles Rowan and Richard Mayne).”
8. “Sir Robert Peel’s Nine Principles of Policing,” *New York Times*, April 15, 2014, [http://www.nytimes.com/2014/04/16/nyregion/sir-robert-peels-nine-principles-of-policing.html?\\_r=1](http://www.nytimes.com/2014/04/16/nyregion/sir-robert-peels-nine-principles-of-policing.html?_r=1).
9. “Peelian Principles,” Appendix A (see note 6 above).
10. Ibid.
11. Carroll Doherty, Alec Tyson, and Rachel Weisel, “Few Say Police Forces Nationally Do Well in Treating Races Equally,” Pew Research Center, August 25, 2014, <http://www.people-press.org/files/2014/08/8-25-14-Police-and-Race-Release.pdf>.
12. Barak Ariel, William A. Farrar, and Alex Sutherland, “The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints against the Police: A Randomized Controlled Trial,” *Journal of Quantitative Criminology* 31, no. 3 (September 2015): 509–35, <http://link.springer.com/article/10.1007%2F510940-014-9236-3>. This study was the foundation of Farrar’s Cambridge master’s thesis for Cambridge University’s Institute of Criminology.
13. In this paper I will refer to body cameras that are activated (recording both audio and video) as being “on” for simplicity’s sake. One of the most popular body cameras, the Taser AXON, records in 30-second increments when it is in buffering mode but only records longer videos with audio once an officer has put the camera in event

mode. Taser® AXON body™ Camera User Manual, [https://www.taser.com/images/support/downloads/product-resources/axon\\_body\\_product\\_manual.pdf](https://www.taser.com/images/support/downloads/product-resources/axon_body_product_manual.pdf), pp. 12–15.

14. Ariel, Farrar, and Sutherland, “The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints.”

15. Farrar emphasized technology, volunteerism, and community relations while also giving new assignments to some officers. He was also described by then National Institute of Justice executive fellow Jim Buermann (and current president of the Police Foundation) as “one of the new breed of police chiefs, looking at research to see what is effective to control crime and disorder.” See Jim Steinberg, “New Rialto Police Chief Stresses Education, Technology as Key to Future Success,” *San Bernardino County Sun*, January 8, 2012, <http://www.sbsun.com/general-news/20120108/new-ri-alto-police-chief-stresses-education-technology-as-key-to-future-success>.

16. Ian Lovett, “In California, a Champion for Police Cameras,” *New York Times*, August 21, 2013, <http://www.nytimes.com/2013/08/22/us/in-california-a-champion-for-police-cameras.html?pagewanted=all&r=0>.

17. Lee Sproull, Manu Subramani, and Sara Kiesler, “When the Interface Is a Face,” *Human-Computer Interaction* 11, no. 2 (June 1996): 97–124; Lamar Pierce, Daniel Snow, and Andrew McAfee, “Cleaning House: The Impact of Information Technology Monitoring on Employee Theft and Productivity,” MIT Sloan Research Paper No. 5029-13, October 15, 2014; and K. Mungler and J. H. Shelby, “Effects of an Observer on Hand Washing in a Public Restroom,” *Perceptual and Motor Skills* 69, no. 3 (1989): 733–35.

18. Mesa Police Department, *On Officer Body Camera System: Program Evaluation and Recommendations* (Mesa, AZ: Mesa Police Department, 2013).

19. Although there was a 40 percent fall in com-

plaints, this only represents a decline from 30 complaints in the 12 months prior to the study to 18 during the evaluation period. Likewise, the 75 percent decline in use-of-force complaints in the same time period represents a decline from four complaints to only one.

20. Charles M. Katz, David E. Choate, Justin R. Ready, and Lidia Nuño, “Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department, Phoenix, AZ,” Center for Violence Prevention and Community Safety, Arizona State University, December 2014, [https://publicservice.asu.edu/sites/default/files/ppd\\_spi-feb\\_20\\_2015\\_final.pdf](https://publicservice.asu.edu/sites/default/files/ppd_spi-feb_20_2015_final.pdf).

21. Ibid.

22. International Association of Chiefs of Police, “The Impact of Video Evidence on Modern Policing,” Office of Community Oriented Policing Services (2004), <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0404>.

23. Ibid.

24. Eli Hager, “What You May Have Missed in the Sandra Bland Video,” *The Marshall Project*, July 22, 2015, <https://www.themarshallproject.org/2015/07/22/what-you-may-have-missed-in-the-sandra-bland-video>.

25. The complaint can be read at: Geneva Reed Veal v. Brian Encinia, Texas Department of Public Safety, Elsa Magnus, Oscar Prudente, and Waller County, T.X.S.D. (2015), <https://www.documentcloud.org/documents/2191124-bland.html>.

26. Sasha Goldstein, “Police Dash Cam Video Exonerates New Jersey Man, Leads to Indictment of Cops,” *New York Daily News*, February 25, 2014, <http://www.nydailynews.com/news/crime/police-dash-cam-video-exonerates-nj-man-implicates-cops-article-1.1701763>.

27. Ibid.

28. Bill Wichert, “Trial Delayed for N.J. Cops Ac-

cused of Official Misconduct in Dash-cam Case,” *Nj Advance Media*, July 13, 2015, [http://www.nj.com/essex/index.ssf/2015/07/trial\\_delayed\\_for\\_bloomfield\\_cops\\_in\\_dash\\_cam\\_case.html](http://www.nj.com/essex/index.ssf/2015/07/trial_delayed_for_bloomfield_cops_in_dash_cam_case.html).

29. *Ibid.*

30. A decision handed down by the country’s highest court demonstrates this phenomenon. In *Scott v. Harris* the Supreme Court ruled in an 8–1 decision that a police officer who had deliberately run a speeding car off the road had not violated the driver’s Fourth Amendment rights. Dash camera footage played a key role in the decision, with Justices Breyer and Scalia both mentioning the footage in their opinions. While most of the justices thought that the footage showed clear evidence of dangerous driving, Justice Stevens wrote in his opinion that the chase did not resemble something out of a Hollywood movie, as was argued by Justice Scalia. See Dan M. Kahan, “Whose Eyes Are You Going to Believe? *Scott v. Harris* and the Perils of Cognitive Illiberalism,” Faculty Scholarship Series paper 97 (2009), [http://digitalcommons.law.yale.edu/fss\\_papers/97](http://digitalcommons.law.yale.edu/fss_papers/97).

31. An attorney for Scott’s family said the coroner told him Scott was shot three times in the back, once in the ear, and once in the upper buttocks. Michael S. Schmidt and Matt Apuzzo, “South Carolina Officer Is Charged With Murder of Walter Scott,” *New York Times*, April 7, 2015, [http://www.nytimes.com/2015/04/08/us/south-carolina-officer-is-charged-with-murder-in-black-mans-death.html?\\_r=0](http://www.nytimes.com/2015/04/08/us/south-carolina-officer-is-charged-with-murder-in-black-mans-death.html?_r=0).

32. *Ibid.*

33. University of Cincinnati Police Division, “Information Report,” July 20, 2015, <https://www.uc.edu/content/dam/uc/ucomm/docs/incident-report.pdf>.

34. Kimberly Kindy, “Fatal Police Shootings in 2015 Approaching 400 Nationwide,” *Washington Post*, May 30, 2015, <http://www.washingtonpost.com/national/fatal-police-shootings-in-2015-approaching-400-nationwide/2015/05/30/d322256a->

058e-11e5-a428-c984e077d4e\_story.html. See also “The Counted: People Killed by Police in the US,” *The Guardian* (New York), <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>. This project documents the number of people killed in the United States by police in 2015. The website Killed by Police, which aggregates news on police killings, recorded around 1,100 individuals killed by police in 2014, the year Boyd was killed. See “Killed by Police 2014,” [Killedbypolice.net](http://www.killedbypolice.net/kbp2014.html), <http://www.killedbypolice.net/kbp2014.html>.

35. Nicole Flatow and Jamiles Lartey, “Senseless’ and ‘Asinine’: Prosecutor’s Words on Samuel Dubose Killing a Win for Reformers,” *The Guardian* (New York), July 29, 2015, <http://www.theguardian.com/us-news/2015/jul/29/prosecutor-samuel-dubose-shooting-remarks-asinine-senseless>.

36. “Transcript of Deters’ Press Conference,” *Cincinnati Enquirer*, July 29, 2015, <http://www.cincinnati.com/story/news/2015/07/29/transcript-deters-press-conference/30856359/>.

37. Joseph J. Kolb and Rick Rojas, “Albuquerque Officers Are Charged with Murder in Death of Homeless Man,” *New York Times*, January 12, 2015, [http://www.nytimes.com/2015/01/13/us/2-albuquerque-officers-face-murder-charges-in-death-of-homeless-man.html?\\_r=0](http://www.nytimes.com/2015/01/13/us/2-albuquerque-officers-face-murder-charges-in-death-of-homeless-man.html?_r=0).

38. Jocelyn Samuels, acting assistant attorney general, Civil Rights Division, Department of Justice, and Damon P. Martinez, acting U.S. attorney, District of New Mexico, letter to Albuquerque Mayor Richard Berry, April 10, 2014, <http://www.justice.gov/sites/default/files/usao-nm/legacy/2015/01/20/140410%20DOJ-APD%20Findings%20Letter.pdf>.

39. Olivier Uyttebrouck, “Crisis Unit not Deployed to Boyd Standoff,” *Albuquerque Journal*, April 3, 2014, <http://www.abqjournal.com/378251/news/apd-didnt-send-specialized-team-on-mental-illness.html>. See also Dan McKay, “Video: Camper Turning from Officers When Shot,” *Albuquerque Journal*, March 22, 2014, <http://www>

- abqjournal.com/372844/news/video-camper-turning-away.html.
40. Odey Ukpo and Sam Andrews, "James Boyd Death Investigation Summary," Office of the Medical Investigator, May 29, 2014, [http://www.kob.com/kobtvimages/repository/cs/files/james\\_boydautopsy.pdf](http://www.kob.com/kobtvimages/repository/cs/files/james_boydautopsy.pdf).
41. Ibid.
42. Erik Ortiz, "2 Albuquerque Cops to Stand Trial in Fatal Shooting of Homeless Man James Boyd," *NBC News*, August 18, 2015, <http://www.nbcnews.com/news/us-news/2-albuquerque-cops-stand-trial-fatal-shooting-homeless-man-james-n411986>.
43. Kolb and Rojas, "Albuquerque Officers Are Charged with Murder in Death of Homeless Man."
44. John Moreno, "Texas Officer's Body Cam Captures Video of Fatal Police Shooting," *KTLA* 5, July 2, 2015, <http://ktla.com/2015/07/02/texas-police-shooting-video-body-cam-palestine-camera-officer-restaurant/>.
45. Caleb James, "Lapel Cam Captures Woman Trying to Frame APD Officer for Sexually Assaulting Her," *KOB* 4, October 16, 2014, <http://www.kob.com/article/stories/s3592956.shtml#.Vbp7rPIVikp>.
46. Brian A. Reaves, "Census of State and Local Law Enforcement Agencies, 2008," Bureau of Justice Statistics (July 2011), <http://www.bjs.gov/content/pub/pdf/csleao8.pdf>.
47. Data on violent crime and property crime rates is collected by the FBI's Criminal Justice Information Services Division. See Uniform Crime Reports, "Crime in the United States 2013, Table 18," Federal Bureau of Investigation, [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-18/table\\_18\\_rate\\_by\\_metropolitan\\_and\\_nonmetropolitan\\_counties\\_by\\_population\\_group\\_2013.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-18/table_18_rate_by_metropolitan_and_nonmetropolitan_counties_by_population_group_2013.xls).
48. Sonia Roubini, "Police Need to Make Body-Camera Policies Transparent," *ACLU*, December 18, 2014, <https://www.aclu.org/blog/free-future/police-need-make-body-camera-policies-transparent>.
49. Larry Celona, "NYPD in a 'Snap' Judgment: PBA and Brass Resist Order to Carry Cameras," *New York Post*, August 14, 2013, <http://nypost.com/2013/08/14/nypd-in-a-snap-judgment-pba-and-brass-resist-order-to-carry-cameras/>.
50. Katz, Choate, Ready, and Nuño, "Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department."
51. Ibid.
52. Taser® AXON body™ Camera User Manual.
53. Martin Goodall, *Guidance for the Police Use of Body-Worn Video Devices* (London: Home Office, 2007), [http://library.college.police.uk/docs/home\\_office/guidance-body-worn-devices.pdf](http://library.college.police.uk/docs/home_office/guidance-body-worn-devices.pdf).
54. 2015 S.C. S.47. The South Carolina legislation does allow for subjects of body camera footage, including criminal defendants; "a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related"; and civil litigants and attorneys representing these people to access body camera footage. Unfortunately, it does not allow for journalists and advocacy organizations to request footage.
55. 2015 Kan. 2015 Sess. SB 18. As with South Carolina's body camera bill, this legislation allows subjects of body camera footage and their attorneys to view body camera footage.
56. 2015 Cal. AB 1246.
57. Lindsay Miller, Jessica Toliver, and Police Executive Research Forum, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* (Washington: Office of Community Oriented Policing Services, 2014), <http://www>.

policeforum.org/assets/docs/Free\_Online\_Documents/Technology/implementing%20a%20body-worn%20camera%20oprogram.pdf.

58. Ibid.

59. “Cost for Cleveland Body Camera Program Could Rise to \$3.3 Million over 5 Years, Contract Shows,” Associated Press, May 7, 2015, <http://www.foxnews.com/us/2015/05/07/cost-for-cleveland-body-camera-program-could-rise-to-33-million-over-5-years/>.

60. Kyle Odegard, “More Police Videos, More Work for Courts System,” *Albany Democrat-Herald*, May 10, 2015, [http://democratherald.com/news/local/more-police-videos-more-work-for-courts-system/article\\_5e5449ac-b1e3-593a-8473-e5b35bd8e8a2.html](http://democratherald.com/news/local/more-police-videos-more-work-for-courts-system/article_5e5449ac-b1e3-593a-8473-e5b35bd8e8a2.html).

61. Brian Bakst and Ryan J. Foley, “For Police Body Cameras, Big Costs Loom in Storing Footage,” Associated Press, February 7, 2015, <http://news.yahoo.com/police-body-cameras-big-costs-loom-storing-footage-174207101.html>.

62. Mark Harris, “The Body Cam Hacker Who Schooled the Police,” *Backchannel*, May 22, 2015, <https://medium.com/backchannel/the-body-cam-hacker-who-schooled-the-police-c046ff7f6f13>.

63. Seattle Police Department’s Chief Operating Officer Mike Wagers said, “And the hacker came along—I mean, this anonymous requester—and wanted every piece of that video data—all 360-plus terabytes. And that really just blew everybody’s mind. You couldn’t think about how in the world could we possibly redact 360 terabytes of data? (sic).” See “Seattle Police Body Camera Program Highlights Unexpected Issues,” NPR, April 15, 2015, <http://www.npr.org/2015/04/15/399937749/seattle-police-body-camera-program-highlights-unexpected-issues>. According to one estimate, the cost of selectively redacting the footage “represented thousands of person-years, and hundreds of millions of dollars.” See “Harris, “The Body Cam Hacker Who Schooled the Police.”

64. David Kravets, “Seattle Police Unveil Blurred, Soundless Body Cam YouTube Channel,” *Ars Technica*, March 2, 2015, <http://arstechnica.com/tech-policy/2015/03/seattle-police-unveil-blurred-soundless-body-cam-youtube-channel/>.

65. Mesa Police Department, *On Officer Body Camera System: Program Evaluation and Recommendations*.

66. 2015 Ill. SB 1304.

67. Seth A. Richardson, “Lawmakers Come to Solution on Body Cameras, Police Reform,” *State Journal-Register* (Springfield, Illinois), May 27, 2015, <http://www.sj-r.com/article/20150527/NEWS/150529498>.

68. The CIA has a similar policy in place. Requesters are not charged for information about themselves, but media outlets, educational institutions, and commercial actors may be charged for costs associated with the reproduction, search, and review of requested material. See Central Intelligence Agency, “Fees and Waivers (FOIA),” <http://www.foia.cia.gov/fees-and-waivers-foia>.

69. A similar policy governs Freedom of Information Act requests. See 5 U.S.C. § 552 4 (a) (iii): “Documents shall be furnished without any charge or at a charge reduced [...] if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

70. Jay Stanley, “Police Body-Mounted Cameras: With Right Policies in Place, a Win for All—Version 2.0,” American Civil Liberties Union, March 2015, [https://www.aclu.org/sites/default/files/assets/police\\_body-mounted\\_cameras-v2.pdf](https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf).

71. In a February 2014 article, the *Washington Post*’s Radley Balko cited criminologist Peter Kraska, who has estimated that there are between 50,000 and 80,000 SWAT deployments per year. See Radley Balko, “Shedding Light on

the Use of SWAT Teams,” *Washington Post*, February 17, 2014, <http://www.washingtonpost.com/news/the-watch/wp/2014/02/17/shedding-light-on-the-use-of-swat-teams/>. Balko’s 2006 Cato Institute white paper “Overkill: The Rise of Paramilitary Police Raids in America,” cites Peter Kraska’s 2001 research on the annual number of SWAT deployments. According to Kraska, there were an estimated 40,000 SWAT deployments in 2001, an increase from 30,000 in 1996 and 3,000 in the early 1980s. See Radley Balko, “Overkill: The Rise of Paramilitary Police Raids in America,” Cato Institute White Paper, July 17, 2006, <http://www.cato.org/publications/white-paper/overkill-rise-paramilitary-police-raids-america>; and Peter Kraska, “Researching the Police-Military Blur: Lessons Learned,” *Police Forum* 14, no. 3 (2005): 11.

72. 2015 N.D.HB 1264.

73. 2015 Fla. SB 248.

74. Categorical use-of-force incidents are “incidents involving use of deadly force by an LAPD officer, including Officer Involved Shootings, neck restraints and head strikes, Law Enforcement Related Injury where the use of force requires hospitalization of the arrestee, and all

other uses of force resulting in death.” Los Angeles Police Department, “Use of Force Review Division,” 2015, [http://www.lapdonline.org/categorical\\_use\\_of\\_force/content\\_basic\\_view/47397](http://www.lapdonline.org/categorical_use_of_force/content_basic_view/47397).

75. Kate Mather, “Divided Police Commission Approves Rules for LAPD Body Cameras,” *Los Angeles Times*, April 28, 2015, <http://www.latimes.com/local/lanow/la-me-ln-lapd-body-cameras-rules-20150427-story.html#page=1>.

76. 2015 Cal. AB 66.

77. Miller, Toliver, and Police Executive Research Forum, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*.

78. *Ibid.*

79. “Support” and “Oppose” represent the combination of “support strongly” and “support somewhat,” as well as “oppose strongly” and “oppose somewhat.” Data is from Peter Moore, “Overwhelming Support for Police Body Cameras,” YouGov, May 7, 2015, <https://today.yougov.com/news/2015/05/07/body-cams/>.

80. Munger and Shelby, “Effects of an Observer on Hand Washing in a Public Restroom.”

## RELATED PUBLICATIONS FROM THE CATO INSTITUTE

REAL ID: A State-by-State Update by Jim Harper, Cato Institute Policy Analysis no. 749 (May 12, 2014)

Overkill: The Rise of Paramilitary Police Raids in America by Radley Balko, Cato Institute White Paper (July, 2006)

Deployed in the U.S.A.: The Creeping Militarization of the Home Front by Gene Healy, Cato Institute Policy Analysis no. 503 (December 17, 2003)

## RECENT STUDIES IN THE CATO INSTITUTE POLICY ANALYSIS SERIES

- 781. **In Defense of Derivatives: From Beer to the Financial Crisis** by Bruce Tuckman (September 29, 2015)
- 780. **Patent Rights and Imported Goods** by Daniel R. Pearson (September 15, 2015)
- 779. **The Work versus Welfare Trade-off: Europe** by Michael Tanner and Charles Hughes (August 24, 2015)
- 778. **Islam and the Spread of Individual Freedoms: The Case of Morocco** by Ahmed Benchemsi (August 20, 2015)
- 777. **Why the Federal Government Fails** by Chris Edwards (July 27, 2015)
- 776. **Capitalism's Assault on the Indian Caste System: How Economic Liberalization Spawned Low-caste Dalit Millionaires** by Swaminathan S. Anklesaria Aiyar (July 21, 2015)
- 775. **Checking E-Verify: The Costs and Consequences of a National Worker Screening Mandate** by Alex Nowrasteh and Jim Harper (July 7, 2015)
- 774. **Designer Drugs: A New, Futile Front in the War on Illegal Drugs** by Ted Galen Carpenter (May 27, 2015)
- 773. **The Pros and Cons of a Guaranteed National Income** by Michael Tanner (May 12, 2015)
- 772. **Rails and Reauthorization: The Inequity of Federal Transit Funding** by Randal O'Toole and Michelangelo Landgrave (April 21, 2015)



Published by the Cato Institute, Policy Analysis is a regular series evaluating government policies and offering proposals for reform. Nothing in Policy Analysis should be construed as necessarily reflecting the views of the Cato Institute or as an attempt to aid or hinder the passage of any bill before Congress. Contact the Cato Institute for reprint permission. All policy studies can be viewed online at [www.cato.org](http://www.cato.org). Additional printed copies of Cato Institute Policy Analysis are \$6.00 each (\$3.00 each for five or more). To order, please email [catostore@cato.org](mailto:catostore@cato.org).