

Body Worn Cameras

What is the technology?

Body Worn Cameras (BWCs) are video camera equipment that is often used by law enforcement officers to record their interactions with the public, gather evidence at crime scenes, and increase both citizen and officer accountability.

While BWCs have been in use in the United States since the late 2000's, the shooting of Michael Brown in Ferguson, Missouri has turned a white hot light on the issue of equipping all police officers on patrol with BWCs. In the subsequent weeks, thousands of petitioners have demanded a "Mike Brown Law" to require all state, county, and local police officers to wear a camera while on patrol.

BWCs are traditionally placed on the front of an officer's shirt, providing a first person perspective and ultimately a more complete chain of evidence. The cameras operate as a form of closed-circuit television, with officers uploading videos at the end of their shifts. Police departments have the discretion to determine how long the videos are retained.

How does the technology affect local government?

Advocates and observers alike note that BWCs promise to bring transparency, enhanced legitimacy and accountability to police conduct on the street where most encounters with citizens occur and where the vast majority of controversial incidents, including officer involved shootings and use of force, occur. Both experts and citizens believe that having a record of what happened will curb police abuse and provide an avenue for addressing it when it does. But the benefits of the technology extend beyond that goal.

Studies suggest that BWCs both improve officer behavior toward citizens and citizen conduct during encounters with the police. Other benefits noted include expedited resolution of citizen complaints when made and resolution of lawsuits. BWCs can make substantial contributions to the detection, identification, arrest and successful prosecution of criminal offenders, as well as the exoneration of innocent subjects. BWC data can also contribute to police training by bringing the reality of the street to the classroom.

However, there are legitimate concerns about deployment of BWCs. First and foremost is the concern for citizens' privacy. Once activated, a BWC is indiscriminate in what it records, capturing everything in its "field of vision." This includes not only citizens engaged with police officers, but victims who might be injured or otherwise traumatized, and even uninvolved bystanders. Further, when an officer enters a home or other private place, even legitimately, the "intrusion" is made more pronounced by the fact it is being recorded. As such, any policies that are adopted need to be tailored to minimize such "collateral intrusion."

There are also concerns for officer privacy, both on duty and when on "Code 7," and how BWCs will affect the officer's "workplace," internal affairs inquiries and discipline and officer safety in carrying and deploying the technology.

Deployment of BWCs pose significant challenges for law enforcement agencies. Quite apart from the resource and logistic commitment for the equipment and storage and retrieval of the data, there are issues of policy development, training, and administration

of the technology and the data. Prosecutors and the courts will be required to address issues including access to and discovery of BWC data in criminal proceedings—issues which are just now emerging within our legal system.

Addressing many of the issues and concerns engendered by the deployment of BWCs is a matter of policy choices, administrative and management decision making, logistics and costs constraints and best practices. The technology is relatively new and model guidelines for implementation are in the developmental stages by law enforcement and justice agencies, as is the recognition of best practices.

What are local governments doing about it?

While a federal mandate is questionable and unlikely, it appears that BWCs are going to become de rigeur for officers on patrol across the nation in the coming years. Some recent examples of their use include:

- The Ferguson Police Department beginning deployment of BWCs in the weeks since the shooting death of Michael Brown
- The City of Rialto Police Department concluding a study indicating that officers without BWCs experienced twice as many officer involved use of force incidents as those deploying the technology. Overall, Rialto PD saw complaints against officers decline by 88% and use of force incidents decline by 60% during the study period with just 50% deployment.
- The cities of Houston and Rochester, among others, conducting ongoing testing in hopes of implementing BWCs.

Legal Issues to Watch Out For:

BWCs present multiple legal issues that are expected to arise nationwide over the next few years. They include:

- Best Practices will need to be developed to take into account public safety and privacy concerns, and to minimize collateral intrusions.
- Officer privacy and the use of BWCs in internal affairs investigations may create various legal problems, including labor contract issues which find unions fighting BWCs due to worries that management will use the captured footage as a means of oversight and compliance.
- Issues of access to and discovery of BWC data in criminal proceedings, which are currently emerging in our legal system.



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