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Body-Worn Cameras for Law Enforcement Officers

Caution while blazing a trail

By Leonard Dietzen, III

➤ **Though the public and the media are demanding body-worn cameras (BWC) for law enforcement officers, there is little empirical data to back up the supposed benefits of a BWC program. The few studies that have been conducted so far have significant limitations.**

However, it seems that BWCs are here to stay, like other technological advances such as in-car cameras and Tasers. Because this is such a relatively new area of technology with mostly anecdotal support for its claims, agencies who implement a BWC program will be blazing a trail for others to follow.

While an agency could load up its wagons and head the entire organization directly into the technological wilderness of BWC programs, there is a wiser choice. Nominate some trailblazers. Send them ahead to scout the route, find resources, and note potential dangers. When they return, they can lead the wagon train safely through the wilderness.

Who should these trailblazers be? They could be administrators, members of management, officers from a variety of divisions, finance staff, technical staff, or all of the above. The agency may also wish to invite someone from the State Attorney's office, the agency's General Counsel, or a local community representative.

Scouting the Route

Implementing a program without defining its purpose would be a waste of time and money, opening the agency to expensive lawsuits, and creating problems with the public. The trailblazers should decide which purposes best suit the agency, its officers and staff, and the public it serves. Those purposes will then determine the route the agency will follow to implementation.

After the trailblazers have defined a purpose for the BWC program, they must identify the resources which would best accomplish that purpose and which would best suit the agency's budget. First, which company offers the best products? There are at least 20 different companies offering BWCs and related devices. Trailblazers should choose a reputable company that has a good return policy, reliable technical support, and a menu of services but that does not force the agency into a long-term contract.



Second, which camera has the hardware specifications the agency requires? The cost of the cameras is an obvious consideration as is the position in which the camera will be worn. There are many styles: lapel, glasses, headband and chest. Each has its advantages and disadvantages. What about battery life and the recording limit of the device? Is camera focal width important?

What should the quality of the video be? Should an agency choose cameras that have the best night vision? Will the BWCs integrate with the agency's radio system? How is the video transmitted from the camera to the storage system? The trailblazers should examine the pros and cons of the different BWC and systems available. They may order two or three different types and have a few volunteers (perhaps some of the trailblazers themselves) 'test drive' the cameras for a set period of time. This will allow the trailblazers to assess not only the equipment, but also the vendor's other services and technical support.

Third, what other systems or services does that company offer? What kind of warranty does the company offer? How accessible is its tech support? How good are its technicians? Do the cameras record metadata? Do they record GPS information? Does the company offer automatic transfer of video data or cloud storage? How secure is that transfer/storage system? Is the access to that system restricted? Does the system record the name of each person who has had access to the data? The trailblazers should choose the one which most closely supports the purposes they chose for the agency's BWC program.

Noting Potential Dangers

After the trailblazers have selected the equipment and services they will recommend to the agency, they must develop policies, create a training program, familiarize the public with BWCs, and institute a program review system. The trailblazers will have noted many potential issues, which will affect the agency's BWC program.

First, privacy. Many states have laws that allow recording of video in public places without consent, but audio recordings generally require the consent of both parties. In

some states, law enforcement officers have certain exemptions to this law when they are conducting criminal investigations or responding to calls. However, not all contact between law enforcement officers and the public takes place within that context. The circumstances under which a citizen has a reasonable expectation of privacy when encountering an officer with a BWC will have to be addressed by policy.

Second, public records. Many states have expansive public records laws, which may require that "any records made or received by any public agency in the course of its official business [be] available for inspection." Audio-visual recordings made by officers wearing BWCs will be considered public records and the agency would be responsible for storing these records and retrieving them efficiently in response to public records requests. Failure to timely produce these public records could result in expensive lawsuits.

Third, data storage and retention. Both audio and video data require much computer hard-drive space. The agency might have to create a database specifically for maintaining these records and might also have to hire additional personnel at great expense. Alternately, the agency could hire a third-party vendor to organize, maintain and retrieve the data. Many third-party vendors store the captured data in the cloud.

Fourth, chain of custody. The agency will need to protect the integrity of its recordings. One way to do this is by capturing metadata. Another is to choose a system that downloads automatically instead of manually. This prevents anyone from accusing an officer of editing the data. The data must be categorized so that it can be saved as evidence in a case, retained for the correct period of time, and disclosed appropriately.

Fifth, officer discretion. The agency will need to decide under what circumstances the officers will activate and deactivate their cameras. Should the cameras run for the entire shift? Should the officer decide when to activate or deactivate the camera? Should policy dictate voluntary, compulsory and prohibited use of the camera? How will officers be disciplined for failure to follow policy?

Sixth, training. The agency will need to create not only an initial training program for the BWC system but also a continuing education program. The training should cover the use of the camera and its hardware, the use of any related software, and the availability of any corresponding systems or services offered by the company. Scenario-based training must be considered.

Trailblazers must consider the perceptions of the officers and the community and the expectations they may have in response to the implementation of a BWC program. The agency can manage officer perception by openly communicating the goals and potential benefits of the program; including officers in camera selection and policy development; demonstrating advantages of BWC to officers; designating an officer as liaison between officers and administration; implementing the

POSSIBLE PURPOSES FOR A BWC PROGRAM

- to document encounters between police and the public
- to improve evidence collection
- to increase officer and citizen safety
- to enhance agency transparency
- to strengthen officer performance and accountability
- to promote community trust
- to provide better training
- to prevent or quickly resolve complaints brought by members of the public
- to ensure events are captured from an officer's perspective
- to save time and money on criminal and civil lawsuits

program in increments; reviewing video to provide constructive feedback; and using videos demonstrating exemplary performance for training or during awards ceremonies.

The agency can manage community perception by engaging local leaders before the program is implemented and by posting camera, disclosure and retention policies on the agency website. Clearly defining the circumstances under which recordings will be used may help prevent the community from expecting videos of everything and from interpreting a lack of video evidence as a cover-up.

When developing policy, the trailblazers should consider model BWC policies, such as those provided by the IACP, or recommendations by state and national law enforcement organizations, such as those provided by PERF.

One of the most important steps is to institute an initial review of the program. After the program has been completely implemented and has run for a set period of time, the trailblazers should meet to evaluate every element of the program. Statistical data about the program, including its financial impact, should be collected so the trailblazers can evaluate whether the program is meeting its purpose. They will then suggest changes based on their evaluation and set a time for another review.

Before setting out on the trail, agencies should consider all of the information its trailblazers can provide, evaluate that information as it relates to the agency's needs and purposes, and then proceed carefully into the wilderness.

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