

# **In-Car Cameras for Law Enforcement: The Role it Plays Enforcing Driving under the Influence Investigations**

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## **Abstract**

The paper describes the impact that in-car cameras have had on modern day policing and the communities they serve. The paper suggests that the number one reason an agency should endeavor to acquire in-car cameras is officer safety, and not to use the system as a “big brother” is watching you program. The effects of starting a program go far beyond just purchasing the system, but into what kind of support the company gives the agency after the purchase, officer training and “buy in” for the system, and how and where to store the evidence after it has been collected. A survey was sent out to agencies in the southeast portion of Florida. The agencies reported that they acquired their current in-car camera systems from grants or the vehicles are purchased with specific equipment already installed and the in-car camera in each vehicle is a required piece of equipment. Some agency members reported that they received minimal training in the operation of the in-car video system. The impact that the in-car camera system has had on the successful prosecution of driving while impaired cases seems to be significant, and the local state attorney’s seem to be in favor of having the video in order to successfully prosecute the cases. Officers have used the in-car camera system to self critique themselves and improve their tactics which leads to better officer safety techniques being used in the field. The officers also review the video evidence to better prepare their written reports and get exact quotes from suspects. This translates into a more professionally written report that is very detailed and looks professional. The bottom line is that the in-car camera system has improved the professionalism and performance of law enforcement officers.

## **Introduction**

The introduction of the In-car Camera into the law enforcement community can be broken down into three distinct significant events in law enforcement history. The first event occurred in the 1980’s when the Mothers against Drunk Drivers (MADD) was formed and brought nation attention to the problem of drinking and driving in the United States to the fore front with media blitzes, a strong presence on the court room making the prosecutors accountable for the number of convictions and judges accountable for the sentencing of drivers convicted of drunk driving. Law enforcement agencies installed in-car camera to document the infractions leading up to the initial stop and the eventual field sobriety test. This was followed by the war on drugs in the 1990’s, when law enforcement agencies were using in-car cameras to document interdiction stops.

This was mandated because it was difficult for jurors to believe that an individual transporting large quantity of narcotics and hundreds-of-thousands of dollars of unexplainable cash would actually give law enforcement officials permission to search their vehicle. The third event in law enforcement history that influenced the use of in-car camera was the allegations of racial bias or racial profiling were being lodged against police agencies across the United States by 1999. ("The In-car camera:" 2004)

The introduction of an In-Car camera system into an agency should only be done with thorough research into the different operating platforms available to the law enforcement agencies. The planning for the introduction of the In-Car camera system into a law enforcement officer's vehicle, along with proper implementation, and research are the keys to the successful introduction of an In-Car camera system. The In-car camera system program should be geared to protecting officers, their respective agency, and the general public they are sworn to protect and serve. (Albright, 2005)

### Literature Review

The general public is expecting modern day police departments to embrace technology for improved case presentation in court. The video evidence that is produced by the In-Car camera helps support what the police officer is testifying to in court and is almost expected as substantiating officer testimony by the jury in today's electronic age. "In the late 1990s, lawsuits alleging race-based traffic stops were being filed against state police and highway patrol agencies throughout the United States. In some instances, the courts ruled that racial profiling was occurring. These court findings strengthened the public perception that racial profiling by police did occur and weakened the public's confidence in the police. "(Westphal, 2004).

The In-Car camera is important because it will produce visual and audio evidence that will assist in the presentation of how professional police officers are conducting themselves in day to day operations. The In-Car camera will also produce evidence that will substantiate a law enforcement officer's testimony in court, and also vindicate a law enforcement officer's action(s) when a complaint is filed. (Stockton, 1999)

The In-Car camera system will also assist in a department's goal of working cooperatively with the community they police by providing visual and audio proof of the events as they unfolded by a non partisan entity that has safe guards in place to ensure the integrity of the product that is produced by the camera. (Westphal, 2004).

An area that will need to address when implementing an In-Car camera system is 'officer by in'. The law enforcement officer(s) must be presented with a training program that shows the camera operator what is expected of them and how to operate the system. (Stockton, 1999)

Evidence gathering and retention policy has to be written in order to be incorporated into an agency's Standard Operating Procedures in order to properly maintain the evidence after the officer gathers it. The proper labeling and storage will ensure that once the evidence is gathered it is stored properly and the chain of evidence can be maintained. This will ensure that the evidence submitted will withstand court challenges and maintain the integrity of the evidence once collected. ("The In-car camera:," 2004)

The proper research and evaluation of the different camera platforms should also be evaluated and field tested by the agency. An emphasis should be on field testing the camera platform in the 'real world'. The camera operating system should also be able to be upgraded to keep up with technology or the agencies unique needs. This will enable the agency to save time and money in testing and evaluating a new camera system every five years. (Westphal, 2004).

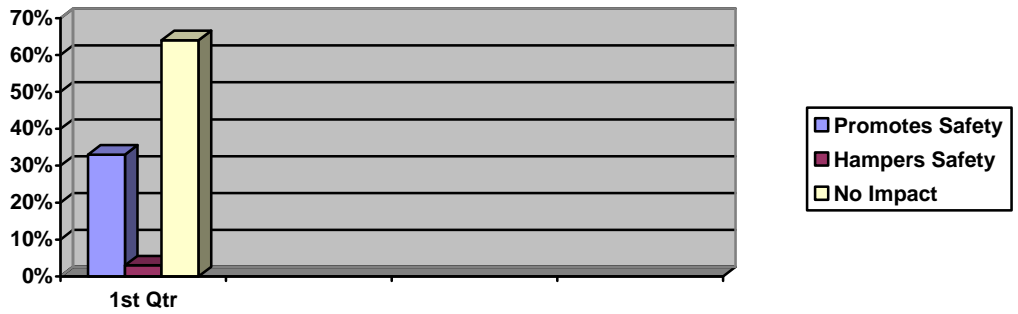
Very often staff found agencies had failed to view the entire camera system continuum, failing short on key 'back end' components such as storing, filing and retrieving video evidence. ("The In-car camera:," 2004)

Improper installation of systems was identified as a problem that might endanger officers. Audio transmitters were constantly cited as unreliable, due to durability issues and frequency limitations. ("The In-car camera:," 2004)

The majority of agencies found that they encounter one or more of the following problems; the absence of an organized infrastructure for the management, storage and handling of audiovisual recordings; officers' concern over cameras being used as a tool to monitor their performance; lack of training, funding, and written policies and procedures prior to the use of in-car camera system. ("The In-car camera:," 2004)

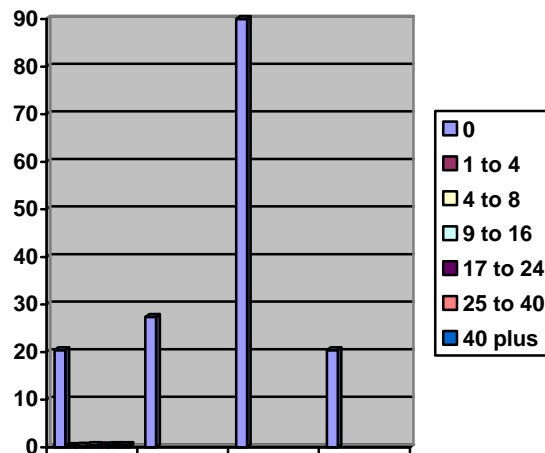
In terms of their personal safety, in an IACP study done in 2002 found that 33% of the officers stated that the use of the cameras caused them to feel safer on the job, while 64% stated that the use of the camera has had no impact on their level of personal safety.

### **Level of Personal Safety**



The remaining 3% stated that the camera has diverted their attention from the violator when they were operating the system, or they find themselves adapting their actions for the camera. Some officers believe that attempting to orchestrate situations to obtain the best possible camera angle may cause them to place themselves in an unsafe or less than favorable position. In general, the more experience officers had with cameras, the more likely they were to report an increased perception of safety resulting from the presence of the camera.

### **Percentage Reporting Camera Promotes Safety**



The same effect holds true with the issue of training. On average, the more in-car camera training an officer has received, the more likely he is to have reported that the in-car camera promotes safety. It should be noted that the majority of officers using in-car cameras (77%) reported that they had never received any, or had received less than four hours, formal training in the operation of their systems. Of those surveyed, fewer than half received training that covered departmental policies and/or related laws that apply to the use of audio/visual recording. (“The In-car camera:,” 2004)

The value of the in-car camera for the purposes of training cannot be overlooked. Not only are officers using the cameras as an effective tool for self-critique, they have found them to be an invaluable resource for training new officers. New officers can review their actions with their training officers, through the objective eye of the camera immediately after an event occurs. It is important to remember that recordings from the field that depict either positive or negative police behavior are an asset to the training division of any agency; however, care must be taken to present the material in a way that will not embarrass an officer or undermine morale. (“The In-car camera:,” 2004)

Internal affairs sections also recognized the value of the in-car cameras. They found that following installation, an increasing number of cases were resolved or dealt with at the first line supervisor level rather than being forwarded to their office for formal Investigations. (“The In-car camera:,” 2004) The in-car camera is not only a reactive tool that will expedite the internal investigative process and provide conclusive evidence of guilt or innocence, it is also proactive in preventing misconducts, officers are expected to conduct themselves more professionally when being recorded. The internal affairs investigation and external review of complaints are reactive measures to misconducts. Proactive measures such as the screening of applicants, training, and policy adjustments are necessary to prevent misconducts from occurring in the first place. (“The In-car camera:,” 2004)

The amount of distrust generated by workplace surveillance depends on how officers perceive the purpose of the cameras. To determine the officer's perception, officers were asked what they believed was the reason their agency decided to install in-car cameras. Overall, officers believed that the most important reason was to collect evidence for trial and to protect the officers against false accusations. ("The In-car camera:," 2004)

A successful in-car camera program requires that the users, managers, and judicial recipients have a clear understanding of how the equipment operates its limitations, as well as potential drawbacks of the equipment. The following course of action is recommended:

1. Implement a course of instruction, that incorporates pertinent laws, Federal Rules of Evidence, departmental policies and procedures, and use and operation of the audio/video equipment.
2. Implement an introductory in-car camera course designed specifically for new recruits.
3. Implement a refresher course for advanced officer training. As with any new technology, failure to properly train officers in the use, operation, and legal implications of improper use can result in disaster. ("The In-car camera:," 2004)

The majority of police work is accomplished out of the supervisor's view and control, and this is more prominent in state police and highway patrol agencies due to the vast geographic area to be patrolled. While officers are aware that the in-car camera provides additional scrutiny of their performance, the question of whether or not it impacts their performance remains. A majority of officers found that the camera has not altered their performance. Officers feel that the presence of the camera improved their professionalism and courtesy. ("The In-car camera:," 2004)

Police encounters with the public involve an exchange of words and gestures, and previous research has demonstrated that the demeanor of the police and public are interdependent. Citizen mannerisms and responses have been used to interpret police actions and tactics<sup>6</sup>. If citizens are aggressive towards officers, the officers are more likely to react with aggressiveness and vice versa. A systematic observational study conducted for the Presidents' Commission on Law Enforcement and Administration of Justice found that nearly half of the observed use of excessive force cases occurred when the victims verbally defied police authority. ("The In-car camera:," 2004)

Researchers are aware that allegations of misconduct are not the only variable dictating the number of complaints concerning police practices. Previous research<sup>9</sup> on this topic confirms that complaints can, and do, result from good police work as well. More strenuous law enforcement efforts are sometimes accompanied by an increase in the number of citizen complaints. The public's willingness to file complaints is another factor that might affect the number of

complaints. The more confidence the public has in complaint investigation, the more likely they are to report abnormal police behaviors. Changes in the procedures for complaint intake and demographics also cause fluctuations in the number of complaints an agency receives. The effects of in-car cameras on the number of complaints vary among departments. In some departments, the number of in-car cameras is too few to influence the number of complaints. Complaints might drop as a result of improved officer demeanor, and frivolous complaints may decrease if the public understands that in-car cameras will support the truth. ("The In-car camera:," 2004)

The in-car camera documents the actions and demeanor of both the violator and the officer. A police chief may regard the in-car camera as a method of ensuring honesty, integrity and accountability. However, the officer may regard the same equipment as a disciplinary tool. This difference in philosophy must be taken into account when implementing or measuring the effectiveness of an in-car camera program. The value of in-car cameras hinges, to a great extent, upon the willingness of officers to record their daily actions and subject themselves to periodic scrutiny. ("The In-car camera:," 2004)

Most of the agencies have developed a policy for reviewing videotapes to ensure integrity and accountability. This process is a valuable supervisory and management tool, yet a degree of caution should be exercised. If officers feel they are singled out and disciplined for minor infractions (i.e.; not wearing a hat or tie) following a review of their tapes, this could have a detrimental impact on the program and affect the morale of the officers and the program itself. Instead, these minor policy violations should be addressed through training or informal counseling. Therefore, to ensure understanding and to promote trust with the in-car camera user, the agency may consider using the following or similar statements in their general order and/or policies and procedures: "*Minor infractions (not criminal in nature) discovered during routine review of the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action be repetitive after being informally addressed the appropriate disciplinary or corrective action shall be pursued.*" ("The In-car camera:," 2004)

Line officers need a clear understanding of what is expected of them. Mid-level managers and executives need to be cognizant of all problems the officers are facing and become actively involved in problem solving, while also engaging line officers in the decision making and problem solving process. ("The In-car camera:," 2004)

The in-car camera is an unbiased witness to events to ensure the accountability and the integrity of their officers. Although the "virtual ride-along" can never, nor should it ever, take the place of the personal contact between supervisor and subordinate, periodic review of the officers' recordings by the supervisor cannot be overvalued. Issues of officer safety, demeanor and

professionalism can be diagnosed and addressed accordingly. The recordings, along with other supervisor observations, may serve as an early warning of an officer experiencing problems that should be addressed. The normally professional officer, who suddenly becomes easily agitated or short with the public, may alert the supervisor that the officer in question is under additional stress. The camera, in effect, can provide another level of supervision while providing additional protection for the agency against liability. ("The In-car camera:," 2004)

Once the agency commits to the use of the in-car cameras, the use of the systems will become the norm and not the exception. Community leaders, the courts, and investigators will expect video evidence in all cases. This became apparent during one site visit where it was reported by officers that many prosecutors would not try a driving while intoxicated case without video evidence.

Many officers that use in-car cameras do not wish to patrol without them. Building a successful in-car camera program requires much more than the simple purchase and installation of the systems. There must be appropriate policies and guidelines in place to ensure that while citizens are being protected, their personal privacy is not being violated. Agency executives and community leaders must ensure adequate resources for the proper management, storage, and retrieval mechanisms in hardware, software, and personnel are provided. When dealing with the many forms of analog and digital media, for instance, automation may be the most cost effective method to pursue. The value of this technology is self-evident. Public safety and citizen support for law enforcement will benefit from having in-car video cameras available for all police officers. All of these objectives can be accomplished through the efforts of law enforcement and our partners – the public. ("The In-car camera:," 2004)

## Method

The purpose of the research into In-car camera systems is to determine if the Orange County Sheriff's Office should utilize them, and if in-car camera systems should be used at all in a law enforcement capacity. The answer to those questions will then determine which camera platform to purchase, if there is a need to develop standards guidelines by which to follow in the operation of the camera system, the need for education of the law enforcement professional in the use of the camera system, and the storage and data retrieval of the evidence collected by the camera system. The data was collected through surveys with law enforcement agencies within the State of Florida that have a in car camera systems within their respective departments. The survey addresses the issues surrounding the research and implementation of the camera system, as well as the development of policy and basic camera instruction given to the law enforcement professional.



All Florida police departments operate within the same rules of evidence that is mandated by case law, the Florida Department of Law Enforcement, and their respective agencies guidelines. The survey will determine the size of the agency being surveyed, the rank of the person completing the survey, and if that person is currently assigned to the traffic section. The survey will also determine if the department being surveyed has a full time unit dedicated to enforcing impaired driving, and if they currently have an in-car camera system already installed. The survey will also establish why the in-car camera system was initiated by the department.

The survey will also determine if an agency that has an in-car camera system has policy governing the use of the camera. The survey will also determine if the agencies that have an in-car camera system have documented a greater number of impaired driving prosecutions because of the use of the camera systems.

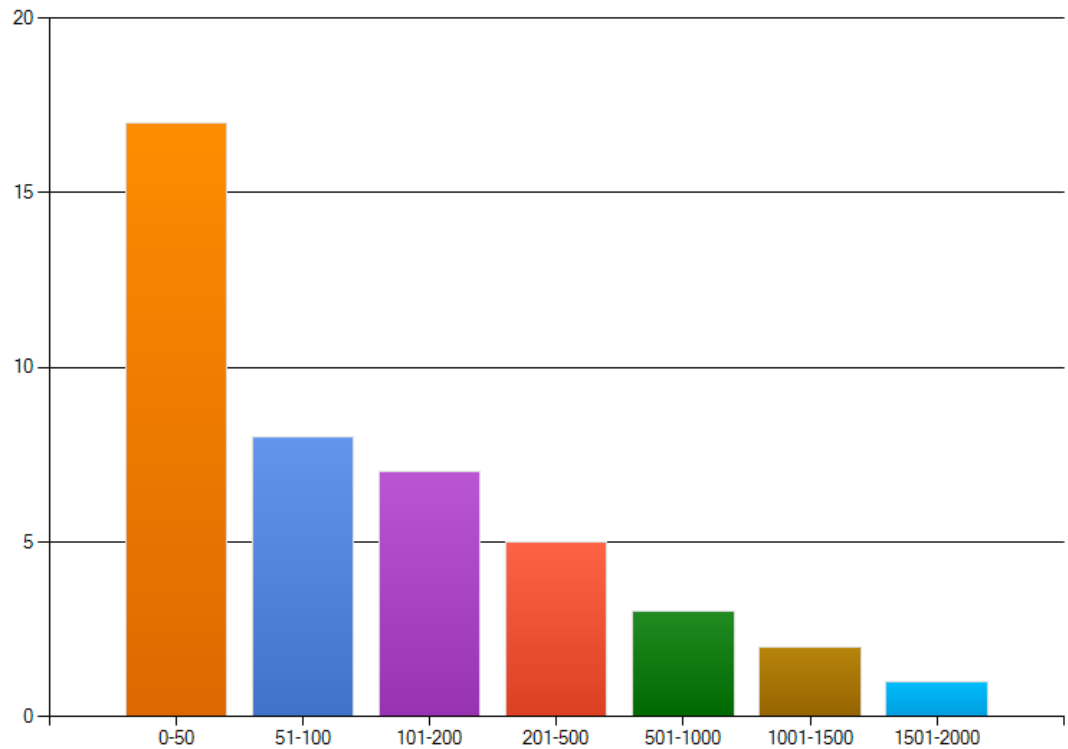
The survey will also determine if the state attorney supports in their area supports the use of the in-car cameras to collect video evidence during impaired driving cases. The survey will also focus on how the supervisors of the traffic enforcement section perceived a decrease in the amount of time investigating complaints due to the collection of video evidence.

The survey was sent to 120 law certified law enforcement agencies that reside in the southeast portion of the state of Florida. A survey was sent to each agency via electronic mail. Of the 120 agencies that were asked to participate in the survey, 15 of the 120 agency electronic mail addresses were returned subsequently as not being a valid address. Of the agencies asked to participate, 43 responded, and answered all the questions. I received a 40% response rate through electronic mail.

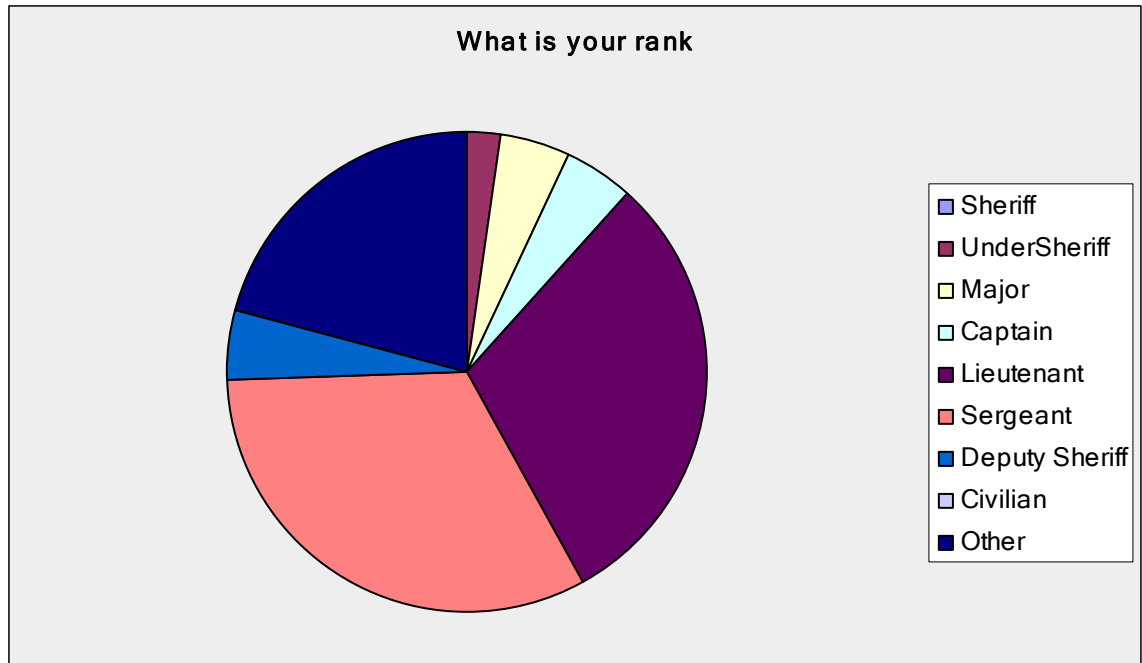
## Results

The survey revealed that the majority of the agencies or 39.5% have 50 sworn officers or fewer within their respective departments. The second largest or 18.6% of the agencies that were surveyed have between 51 and 100 sworn officers. The third largest or 16.3% of the agencies that were surveyed have between 101 and 200 officers. The smallest number of respondents to the survey or 2.3% of the agencies surveyed have between 1501 and 2000 sworn officers.

What is the size of your Department?



The survey also identified who was taking the survey. The survey revealed that one police chief and one Deputy Chief and Under Sheriff respectively took the survey. The majority of the sworn officers taking the survey hold the rank of Sergeant at 32.5%, and the second largest number of sworn officers or 30.2% taking the survey hold the rank of Lieutenant. The third largest population of sworn officers taking the survey was line officers.

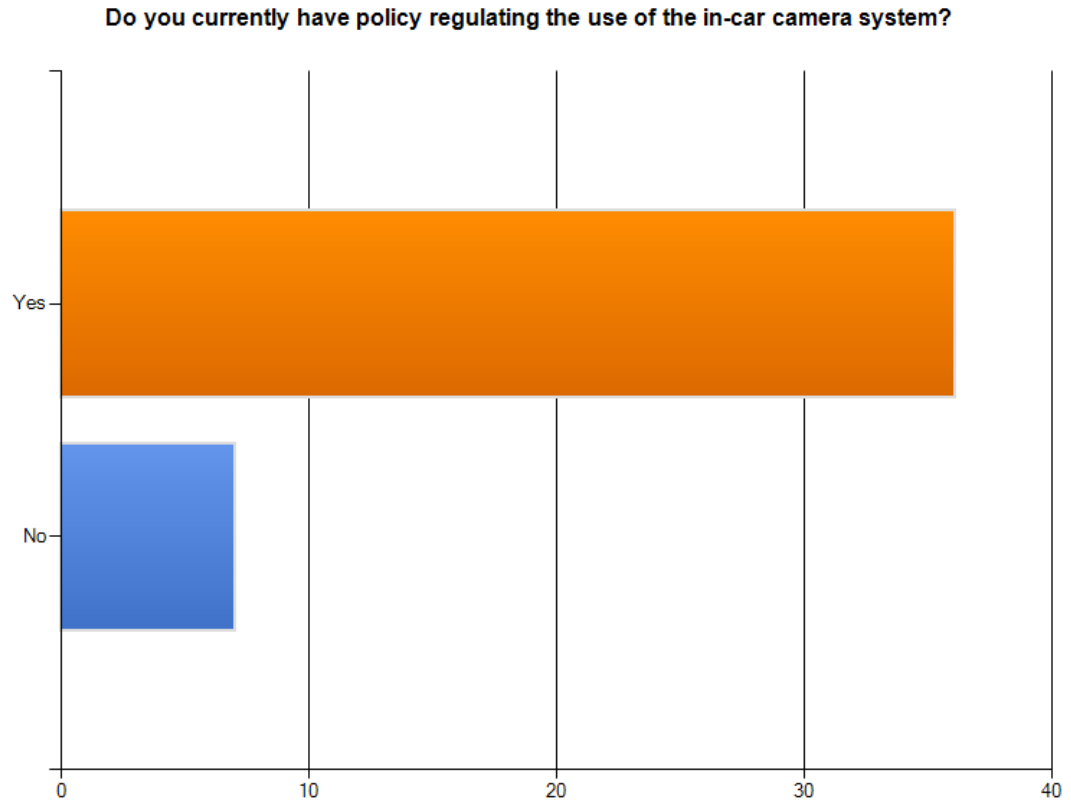


Of the law enforcement personnel that took the survey, the majority of 51.2% of them were not currently assigned to a traffic enforcement unit. The majority or 69.5% of the law enforcement personnel that took the survey stated that they do not have a full time unit dedicated to the enforcement of impaired driving in their respective agencies. The agencies with traffic enforcement units replied that 69.8% currently have in-car camera systems in their traffic enforcement unit vehicles.

The law enforcement officers that answered the surveyed had a variety of reasons why their departments have an in-car camera system. The responses ranged from not knowing, or only knowing that the vehicle came equipped with the in-car camera system at the time of delivery to the department. Other responders stated that the in-car camera system was only purchased because grant money was obtained by the agency. Only a few respondents stated that the camera system was for the safety of the officer and the preservation of evidence. No one stated that it was used as a training tool.

The fact that the agency recognizes, that the in-car camera system is invaluable in preserving evidence of traffic violations, as well as contacts with members of the public. Some agencies also recognized that Lengthy and time consuming complaints against officers can be resolved immediately with in-car camera footage.

The survey showed that 83.7 percent of the agencies surveyed had policy governing the use of the in-car camera. The survey also showed that 16.3 % of the departments did not have a policy governing the use of the in-car camera system.



The majority of the agencies or 62.8% did report that because of the in-car camera evidence presented in court, a greater number of impaired driving prosecutions were being documented. Only 37.2% of the agencies stated that they did not document a greater number to impaired driving prosecutions. The agencies had an overwhelming 97.3% response from the survey stated that the local state attorney supported the collection of video evidence in impaired driving cases.

The survey also identified that 60.5% of the agencies surveyed noticed that the supervision for the traffic enforcement section had a reduction in the amount of time spent in investigating complaints due to the collection of video data. 39.5% of the agencies stated that they did not notice a decrease in the amount of time spent investigating the complaints.

## Discussion

This writer found it interesting that the majority of the agencies that responded to the survey had a sworn number of fifty (50) people or less. The survey showed that most agencies do not have a dedicated traffic unit that looks for impaired drivers. The statistics from the National Transportation Safety Board clearly shows that traffic fatalities are greater than homicides throughout the country, therefore a unit dedicated to enforcing traffic laws and looking for impaired drivers seems to be a necessity in law enforcement. This writer also noticed that the reasons behind deploying in-car cameras were diverse. This writer prior to receiving the survey answers would have assumed that the number one reason for deploying in-car camera systems is the safety of the individual officers and the collection of evidence to further a criminal investigation. This writer also thought that training would be articulated in some of the responses as part of the top three reasons to have in-car cameras, but that did not occur. It seems that the majority of the reasons were dealing with the civil liability that comes from complaints. Some respondents stated that they had no idea why the in-car camera systems were deployed. The agencies that were polled never mentioned anything about having buy-in by the individual officers before implementing the in-car camera.

Some agencies still have no policy in place that governs the use of the in-car camera system during day to day operations. In such a litigious society, it does not seem possible that any agency would deploy a piece of equipment such as this without guidelines. The potential for individual officers to misuse the video is high. The individual officer may post a video on a site such as *YouTube.Com* without fear of being disciplined.

## Recommendations

In reviewing the information gathered in the literature reviews and the information obtained by the surveys, some recommendations can be made regarding the implementation of in-car camera systems by individual departments. Such as:

- The extensive testing and evaluation of the in-car camera platform it self.
- The amount of storage that will be needed to store the video evidence.
- The storage system will need to have a back up in case of a natural disaster or man made catastrophe.
- Policy must be written to govern the use of the in-car camera system.
- The main objective of the in-car camera system in the safety of the individual officer using the system.
- Officer buy-in must be developed and maintained through the use of in-service training.

- The complaints must be handled in a timely manner and the use of the video system to clear the individual must be acknowledged by the staff e use

Lieutenant Jose A. Campina has worked with the Orange County Sheriff's Office since 1990. He has worked in both the Operational Services Bureau and the Administrative Services Bureau, as well as working in the Professional Standards Division which answers to the Office of the Undersheriff. Within those Bureaus, he has worked in the Career Criminal Unit (Felony Squad), Gang Unit, Juvenile Arrest and Monitor Unit (J.A.M.), Fugitive Apprehension Unit, Tactical Patrol, and Uniform Patrol Division both as a Patrol Deputy and a Watch Commander. Lieutenant Campina is currently an Acting Captain in the Special Operations and Investigations Division in the Traffic Section. The Traffic Section comprises the Motor Unit, Evening Traffic Unit, D.U.I. Center, and the Civilian Volunteer Parking Enforcement Program. Lieutenant Campina has a bachelor's degree from Columbia College in General Education, and a Masters Degree from the University of Central Florida in Criminal Justice.

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