

# The Development, Implementation, and Management of a Body Worn Camera Program

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## **Abstract**

*Body Worn Cameras (BWC's) have become a staple within law enforcement. The implementation of video recording is nothing new. CCTV (closed circuit television) and video surveillance have long been used as a deterrent for criminal activity and as an evidentiary tool when criminal acts occur. In years past video camera systems were bulky, expensive, and primarily limited to residential and commercial security applications. With technological innovations highly advanced camera systems have been miniaturized, and are readily accessible to anyone. Think of the smart phone, Go Pro, RING Doorbell cameras and other similar devices. The innovations, and miniaturization of camera systems have afforded the public the ability to readily record, document, edit, and narrate law enforcement encounters. Simultaneously, law enforcement is increasingly implementing the Body Worn Camera as a means to deter, document, and increase transparency in law enforcement operations. As with any new innovation, legal, moral, and ethical questions will arise. How will, and in what instances will Body Worn Cameras be utilized? What are the implications of recording every officer/citizen interaction? Most importantly, is this an effective means to deter negative officer/citizen interactions?*

## **Introduction**

The utilization of video-recording technologies has rapidly permeated throughout all spectrums of law enforcement over recent decades, to include closed circuit television (CCTV) body worn cameras (BWC's) and smart phone technologies. Strategically placed CCTV cameras have consistently provided invaluable evidence that has led to the resolution and prosecution of traffic and criminal offenders by providing photographic images of traffic crashes, infractions, and criminal offenses, leading to positive identification of victims, witnesses, and offenders. Body-Worn Cameras provide a perspective from the officer's viewpoint, and have contributed to increased transparency, professionalism, and accountability for law enforcement agencies employing the technology. Video footage captured by smartphone technology have also helped provide clarity in instances where officers were accused of wrongdoing by providing additional evidence. Approximately 120 million smartphones, most with video recording capabilities, were sold in the United States last year alone. Groups such as **COPWATCH** are more frequently using smartphones to record officers. The American Civil Liberties Union (ACLU) has even launched an app for recording officers and transmitting the video (Wallentine, 2015)

In recent years we have witnessed the proliferation of the Body-Worn Camera equipment (BWC) and the improved portability of these devices the discussion about their place in policing has intensified. Today, there are a multitude of companies soliciting this

technology and providing a vast range of options, including “eyewear mount (and clear lens protective eyewear options), shoulder mount, hat mount or chest mount.” (Wallentine, 2015)

Nearly a third of the United States’ law enforcement agencies report implementing Body Worn Camera technologies as of 2013 (Piza, 2021) with many more transitioning toward its use.

In this research paper, I will explore the roots and reasoning behind the surge in Body Worn Cameras in law enforcement. Additionally, this research paper will explore the cost-benefit of employment of these systems and the limitations. Finally, we will take a detailed look at the development, deployment, and maintenance of a Body Worn Camera program.

## Literature Review

Both, Body Worn Cameras and CCTV technologies are rooted in the “deterrence theory” with their presence expected to convince potential offenders to refrain from engaging in delinquent behavior. The President’s Task Force articulated a commonly held belief that “when officers tell citizens that the cameras are recording their behavior, everyone behaves better.” (Piza, 2021) Simultaneously, many agencies that employ BWC’s do so to deter officers from engaging in misconduct, and to document officer/citizen contact(s). The deterrent effect of BWC’s and CCTV can be considered situational, and is contingent on the individual(s) experiencing the required level of fear of swift apprehension, and that the penalty(s) for the commission of a crime will be certain and severe. (Piza, 2021)

“**Deterrence theory** says that people don’t commit crimes because they are afraid of getting caught - instead of being motivated by some deep moral sense. According to deterrence theory, people are most likely to be dissuaded from committing a crime if the punishment is swift, certain and severe. For example, in the candy bar theft, if there is a low likelihood that you’ll get caught or if the punishment for getting caught is just a warning, deterrence theory says you’ll be more likely to steal it.” (Boyd, 2021)

Based on the above, potential offenders must perceive that the presence of cameras significantly increases the likelihood of apprehension in response to crime or delinquency. If citizens know that they are on video, they may refrain from behavior that could reasonably require police officers to respond with some measure of force. They may also be less likely to make false claims of officer misconduct when they know that there is a video recording of their encounter with the officer. (Wallentine, 2015)

The use of Body-Worn cameras by frontline officers has the real potential to reduce complaints of incivility and use of force by officers. “The footage can also exonerate officers from vexatious and malicious complaints. This could potentially result in a reduced number of civil cases brought against the police for unlawful arrest or excessive force, an increase in guilty pleas, and lesser court costs.” (Geoghegan, 2015)

While the cost–benefit analysis is a key consideration, in the Body Worn Camera discussion, it should be noted that findings may actually underestimate the financial benefits of BWCs. While reduced counts of complaints were used to monetize the BWC effect, other benefits of BWCs can provide substantial monetary benefits, including

factors such as enforcement actions (i.e., arrest or citation) and officer use of force. For example, costs of use of force incidents could be informed by cost of necessary medical treatment for suspects. (Piza, 2021)

The Michael Brown incident in Ferguson, Missouri (2014) served as a catalyst for the increased utilization of Body Worn Cameras among law enforcement agencies. The disputed circumstances surrounding the shooting led to civil disorder and protests that went on for several weeks. Many feel that had Officer Darren Wilson and members of the Ferguson Police Department been equipped with Body Worn Cameras, the facts surrounding Officer Wilson and Michael Brown's encounter would have been more clear-cut. (Geoghegan, 2015) The same claims are heard in many other officer-involved shootings and uses of force that capture national headlines.

Following the Michael Brown incident and the subsequent civil unrest that spread across the nation, the White House received a petition requesting that all law enforcement officers be mandated to wear Body Worn camera(s.) The petition garnered approximately 100,000 signatures within the first week. As a result, then-president Barack Obama asked Congress for \$263 million in funding for police body cameras, and additional training as part of a program designed to improve relations between minority communities and law enforcement. (Geoghegan, 2015)

To punctuate the sentiment surrounding the Officer Wilson and Michael Brown encounter, the U.S. Department of Justice Office of Community Oriented Policing Services released a report outlining recommendations and best practices on the use of body-worn cameras by police in September 2014. This report included a survey of 254 law enforcement agencies, which revealed that there was a correlation between the use of body-worn cameras and the reduction of excessive use-of-force complaints. (Geoghegan, 2015)

In addition to the aforementioned research Rialto CA. Police Department, Chief William Farrar studied the impact of his agency's use of body-worn cameras as part of his graduate thesis work at Cambridge University in Great Britain. With support from TASER International, he studied two groups, one equipped with TASER Axon cameras worn on the officers' eyeglasses and the other without cameras. Chief Farrar's results created a great buzz in the public safety world. His study showed that use of body-worn cameras reduced use-of-force incidents by 59 percent and reduced citizens' complaints by an astonishing 87.5 percent. (Wallentine, 2015)

The Mesa (Ariz.) Police Department experienced similar results. Eight months after camera deployment, there were nearly three times more complaints against officers without body-worn cameras. During the pilot program to test the cameras, there were 40 percent fewer total complaints and 75 percent fewer use of force complaints for officers wearing cameras." (Wallentine, 2015)

A goal of many agencies that implement BWCs is to deter officers from engaging in misconduct. BWCs, if activated, are thought to increase the likelihood that misconduct will be observed. This, in turn, is thought to increase the possibility of an officer being disciplined for misconduct. Therefore, BWCs might decrease the benefit associated with misconduct because the potential cost increases (e.g. certainty of punishment). It is estimated that out of about 18,000 law enforcement agencies, in the United States, between 4000–6000 have adopted BWC programs. (E. C. Hedberg, 2017)

Citing the above, one would reason that the inclusion of Body Worn Cameras in law enforcement is without any detriment, and should be implemented by all law enforcement agencies without delay. However as with all technologies Body Worn Cameras are not without drawbacks, some manifested by the limitations of the equipment itself, and others by the human factor.

Arizona State University School of Criminology and Criminal Justice professors Justin Ready and Jacob Young pointed to three “myths” associated with the use of officer-worn cameras. “After studying the use of cameras by the Mesa Police Department and officer interactions with the public, they concluded that while the technology holds tremendous promise, concerns about unrealistic expectations attributed to the use of this equipment are warranted.” (Geoghegan, 2015)

Myth one addresses objectivity and perception, and how the interpretation of a video capturing police activity differs from person to person. Their research pointed out that any captured footage may be inconclusive and not show the events that precipitated an officer complaint or use of force event. In many cases the primary officer(s) does not have the opportunity to activate his BWC until the event is occurring or shortly thereafter. Additionally, any captured video outside of a body-worn camera is subject to alteration, editing, and the limitations of the equipment used.

An obvious consideration when discussing limitations is the quality of the images the cameras produce. The performance of BWC’s at night has been somewhat variable, with cameras in certain systems providing higher quality images than others. Image quality may also be negatively impacted by the limited storage capacity of the system i.e. “choppy” footage with widespread image gaps. (Piza, 2021) A camera equipped with infrared technology may well “see” in the dark when a deputy cannot. Remember, too, that a point of aim camera may not reach peripheral vision, may not quickly transition from light to dark and vice versa, and may not capture images at the same speed of the human eye. (Wallentine, 2015)

In addition to the technical limitations of camera technologies, human factors must be taken in to consideration. Video of police encounters captured by private citizens may be altered and/or edited for more dubious intentions. Two examples of these instances include Los Angeles television station KTLA editing footage of the Rodney King video which they purchased from a private citizen. Most of America saw only what KTLA thought would bring in ratings. The cellphone footage captured by a citizen in Ferguson only showed the aftermath of the shooting “What was missing in the Rodney King and Michael Brown videos? The preamble—the event that lead to direct police-citizen contact.”

Even under ideal circumstances, an officer wearing a Body-Worn Camera may use his/her own discretion when deciding to record, and behave in accordance with his/her agency training and policy. These instances of course bring about the following questions: Why did the officer turn off the audio? Why was the camera not recording? Why was only some of the video captured? (Wallentine, 2015) Discretionary activation policy might also result in critics questioning why BWCs were sometimes not activated, which could intensify conflict within a community; but on the other hand, they posited that a mandatory activation policy might result in increased privacy violations, the needless recording of non-serious crimes, and result in officers being more risk adverse and less productive. (E. C. Hedberg, 2017)

Myth two addresses the misconception that body-worn cameras are a “silver bullet” for improved police officer-citizen relations. “Research indicates that less than 20 percent of police calls are for felony crimes, with officer use of force occurring in only 1 percent of police-citizen contacts. In fact, law enforcement officers spend the majority of their time mediating disputes and assisting injured and mentally ill persons. (Geoghegan, 2015) Because law enforcement officers respond to a myriad of incidents, the use of body-worn cameras can raise issues of privacy, and legal questions in regard to Fourth Amendment rights. These issues can potentially affect future legislation, agency policy, public perception of the officer(s) actions and litigation. “Officers should remain sensitive to the dignity of all individuals being recorded, and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the deputy that privacy interests may outweigh any legitimate law enforcement interest in recording.” (Wallentine, 2015)

Officers often see people on their worst days, and should be afforded the latitude to cease recording particularly when dealing with people with mental illness, victims of sexual assault or domestic violence and/or when circumstances deem appropriate. Another example would be if body-worn cameras are used in a jail, there must be explicit policy provision for restricting recording in strip searches, showers and other areas of personal privacy. (Wallentine, 2015) Civil liberties have raised concerns over recording in homes and other places where citizens may have an expectation of privacy.

Some states have all party (not just two-party) consent laws that may limit deputy/citizen encounter recording. In most states, only one person must know that an encounter is being recorded. Nonetheless, agency policy cannot supersede state statute, and must be taken in to consideration when developing policy(s) for Body Worn Cameras. It is also fundamentally polite, to tell a citizen that the encounter is being recorded. Finally, law enforcement officers must be consistent with informing individuals they interact with if the device is actively recording.

“Statutes designed to protect privacy are already colliding with public records laws impacting body-worn camera video. The Duluth (Minn.) Police Department petitioned the Minnesota Information Policy Analysis Division to classify law enforcement body camera video as private. The state refused, opening the door to media release of video of in-home encounters with mentally ill persons, domestic violence victims and many other persons in vulnerable and intensely private circumstances. Some Minnesota legislators have already questioned the decision and legislative action is likely.” (Wallentine, 2015)

Data retention policies can present similar challenges. Due to the importance of maintaining privacy, police agencies restrict the amount of time that footage remains on their servers. While precise time frames can vary across cities and states, there is general consensus that “retention periods should be measured in weeks not years” as shorter time frames help maximize privacy (Stanley, 2015, p. 6). However, shorter time frames obviously mean that investigators have a finite amount of time to review footage for evidentiary purposes. (Piza, 2021)

Short retention times may also unintentionally hinder the transparency that law enforcement agencies are striving for in the event that a citizens’ complaint arises after the mandated retention period has expired. In those cases, footage pertaining to the complaint would not have been previously flagged as evidentiary, and, thus, would have been deleted. (Piza, 2021) Video footage can be stored on either an in-house server or

an online cloud database. Each of these solutions has their own benefits and drawbacks in terms of security and data accessibility.

Myth three challenges the concept that the use of body worn cameras will help reduce controversy and civil and unrest. In fact, an on-officer video can actually heighten controversy by inciting those with the strongest convictions about the events captured on video and their speculation(s) as to what occurred in the blind spots. (Geoghegan, 2015)

“Remember—the public must be educated on the limitations of the camera. (Wallentine, 2015)

“Despite the challenges posed by body-worn camera technology, Jacob and Ready concluded that monitoring police behavior and establishing accountability can benefit both the public and law enforcement, as long as agencies recognize the responsibilities inherent in the use of this technology.” The 2014 COPS (Community Oriented Policing Services) report concluded that body worn cameras, when implemented correctly, can help strengthen the policing profession by promoting agency accountability and transparency. They can also be useful for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. The report recommends that police agencies should adopt an incremental approach to implementing a body-worn camera program by testing the cameras in pilot programs and engaging officers and the community during implementation. (Geoghegan, 2015)

## **Methods**

The purpose of this research is to identify and analyze the pros and cons of developing, implementing, and maintaining a Body Worn Camera Program (BWC.) Because of recent incidents involving law enforcement and citizen interactions, there are now increased calls for accountability from both within the civilian and law enforcement communities. The miniaturization of hand-held technologies have provided avenues for this increased accountability. Citizen interactions with law enforcement are regularly captured by mobile devices. Due to the increased scrutiny, calls for transparency and accountability many agencies are turning to the Body Worn Cameras

The implementation, development, and maintenance of Body Worn Camera program have a multitude of tangible and intangible benefits. These benefits include increased transparency, accountability, restoration of public faith in law enforcement, and collection of evidence for criminal prosecutions. Conversely, as with any emergent technology there are drawbacks, including monetary costs, technical limitations, and resistance from law enforcement entities to adapting new technologies, and legal concerns from potential violations of civil liberties.

The final purpose of this study is to examine the benefits and drawbacks of Body Worn Camera Programs. To this end, I have gathered survey data from both civilian and law enforcement populations. Data gathered from the survey included these demographics age, gender, level of education, employment history as a law enforcement officer, length of service as a law enforcement officer. The surveyed respondents for law enforcement were pooled from sworn members of the Nassau County (NCSO) and Jacksonville Sheriff's Offices (JSO) which are neighboring jurisdictions in Northeast Florida. The Jacksonville Sheriff's Office has a well-established Body Worn Camera

Program, while the Nassau County Sheriff's Office only recently launched its Body Worn Camera Program in January 2022.

The questionnaire consisted of 13 survey questions that elicited basic demographic information about survey participants, and information about their level(s) of experience and perceptions with Body Worn Cameras.

Lack of candid responses from survey participants is among the chief concerns when analyzing the validity of responses from members of law enforcement. Participants currently serving in a law enforcement capacity may not respond truthfully out of fear of reprisals from their peers, and supervision within their respective agencies. To mitigate these challenges, all participants were encouraged to respond truthfully.

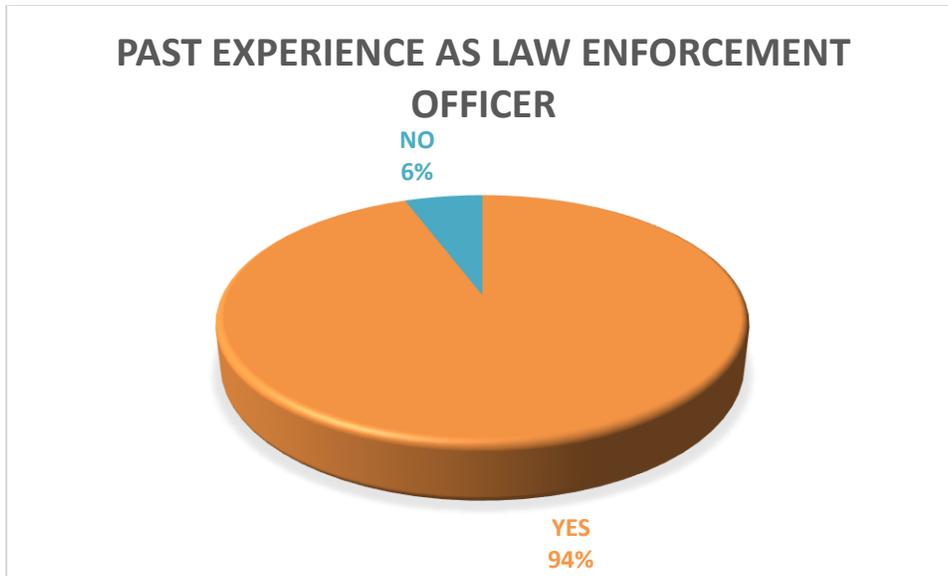
All respondents were informed that their responses and identities would remain confidential, and that the survey was being conducted independently of their respective agencies. The surveys were electronically delivered to the Nassau County and Jacksonville Sheriff's Offices using Power DMS and Survey Point respectively. It should be noted that surveyed agencies did receive differing formats of the questionnaire. The survey questions while substantively equivalent were presented differently to each agency. This was an unintentional error, as the survey questions presented to the Jacksonville Sheriff's Office were released prematurely. Among the survey results from each Sheriff's Office, I discovered that a small number of respondents answered that they were not currently sworn law enforcement officers. I could not if this was an unintentional error by the LEO respondents, or if those individuals were not sworn officers.

The survey results among civilian respondents may be skewed by regional norms, perceptions, and attitudes towards law enforcement. Additionally, the method of delivery could present as problematic as visitors to website domains and social media sites associated with law enforcement tend to harbor highly polarized opinions, pro or anti-law enforcement. Finally, distributing the civilian survey using Google Forms and Facebook assumes that none of the respondents are currently law enforcement officers. The civilian surveys were electronically delivered utilizing Google Forms, Facebook, and the Nassau County Sheriff's Office website.

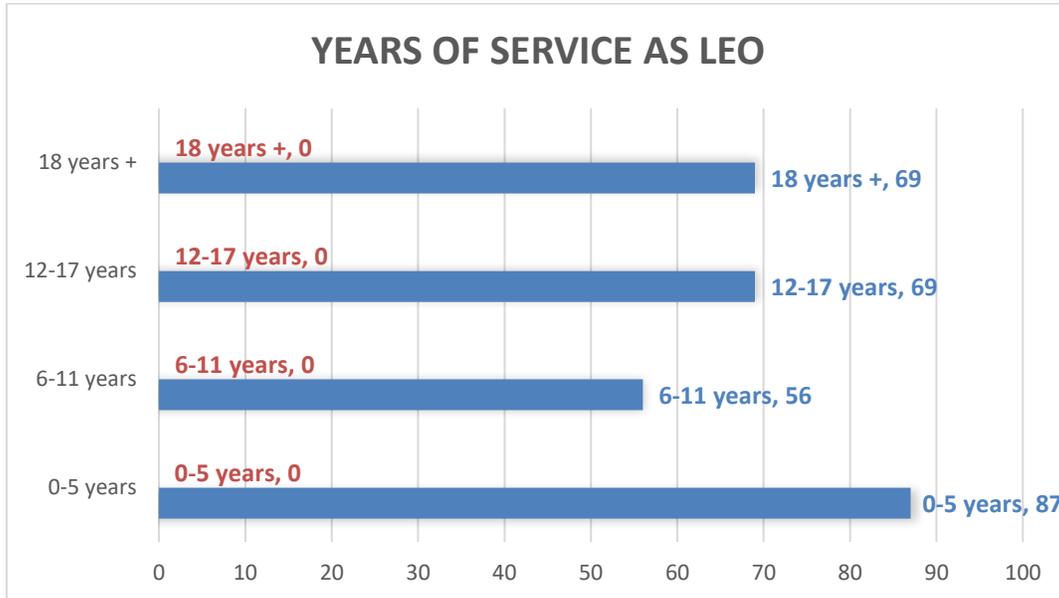
## Results

The Nassau County and Jacksonville Sheriff's Offices received the following questionnaire, which was delivered via Power DMS and Survey Point respectively. The questionnaire was electronically delivered to 87 members of the Nassau County Sheriff's Office, yielding 74 responses and a return rate of 85%. The survey was electronically delivered to 862 members of the Jacksonville Sheriff's Office of which 209 were completed yielding a return rate of 24%. The return rate on the surveys for both agencies was 54.5%. There were a combined **283** responses from both agencies.

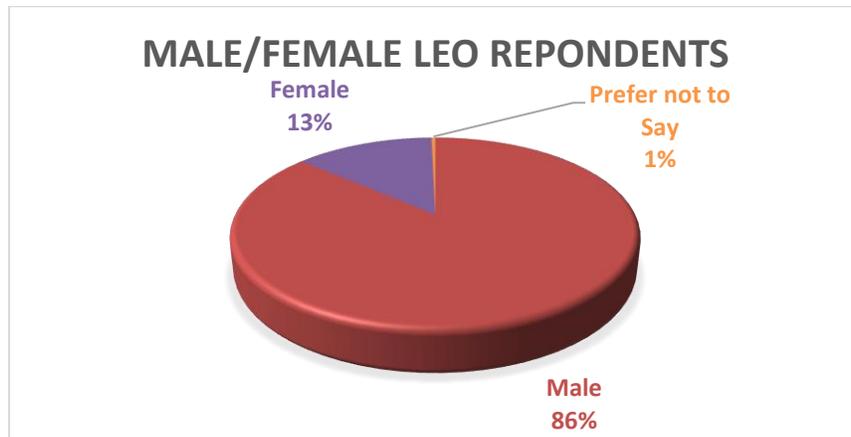
Question 1 asked current law enforcement officers about their prior background serving as a law enforcement officer. Out of 280 respondents 264 (94%) answered 'yes' while 16 (6%) answered 'no.'



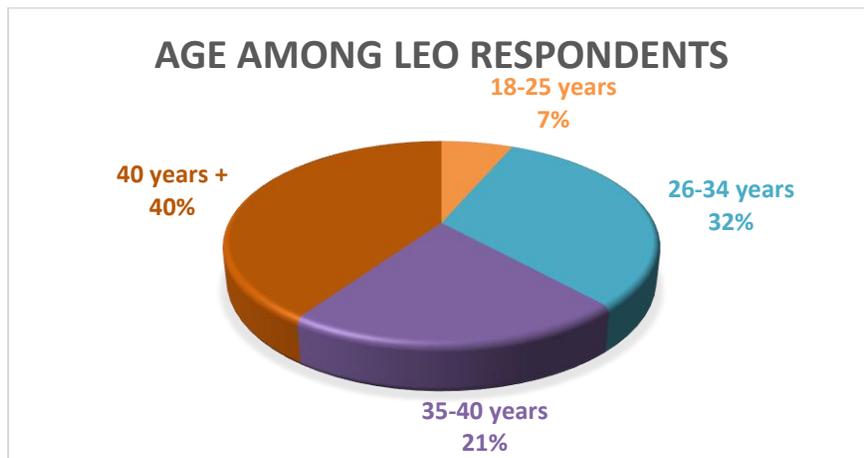
Question 2 asked current law enforcement officers about their year of service as a law enforcement officer. 281 officers responded to this question with the following results; 87 (31%) answered 0-5 years, 56 (20%) answered 6-11 years, 69 (24%) answered 12-17 years, 69 (25%) answered 18 years or more.



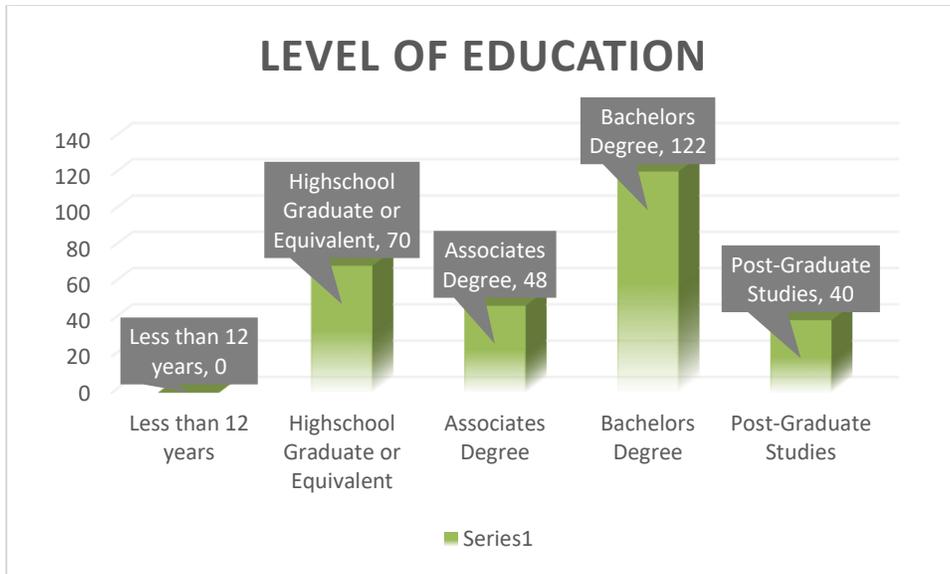
Question 3 asked current law enforcement officers about the gender that they identify as. Out 271 responses were received 234 (86%) identified as male, 36 (13%) identified as female, 1 (1%) opted not to identify as either.



Question 4 asked law enforcement respondents about their age. 280 officers responded to this question as follows; 18 (7%) 18-25 years of age, 89 (32%) 26-34 years of age, 60 (21%) 35-40 years of age, 113 (40%) 40 years of age or older.



Question 5 asked current law enforcement officers about their years of education. 280 officers responded to this question as follows; 0 (0%) Less than 12 years, 70 (25%) High School Graduate or Equivalent, 48 (17%) Associates Degree, 122 (44%) Bachelor's Degree, 40 (14%) Post-Graduate Studies Degree.

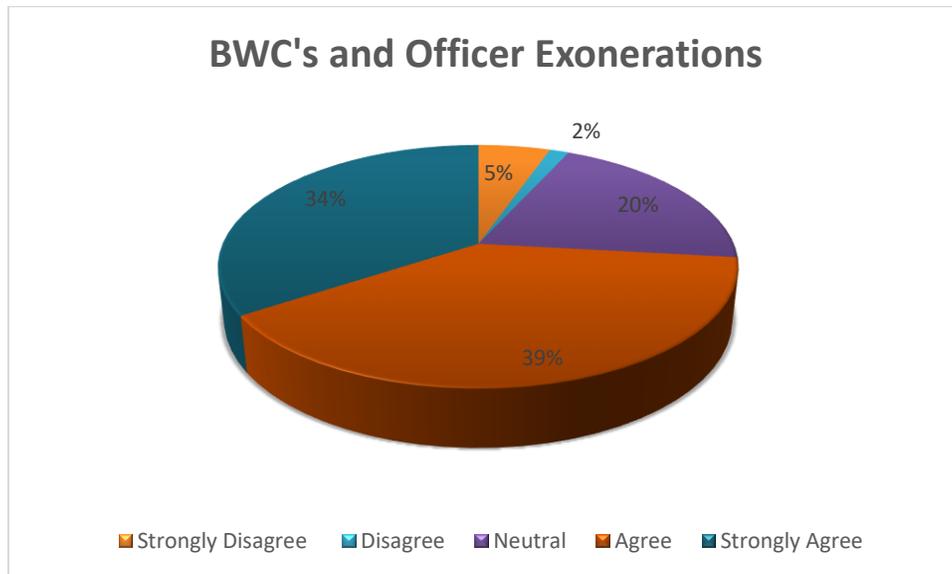


Question 6 asked current law enforcement officers if they believed if the use and implementation of BWC's (Body Worn Cameras) has been useful in proving a citizen's claim of officer misconduct. 279 officers responded to this question. 40 or (14%) of respondents Strongly Disagreed, 44 (16%) Disagreed, 72 (26%) indicated no opinion, 77 28% Agreed, 46 (16%) Strongly Agreed with this statement. Most LEO respondents agreed that BWC's has some use in providing evidence of misconduct.

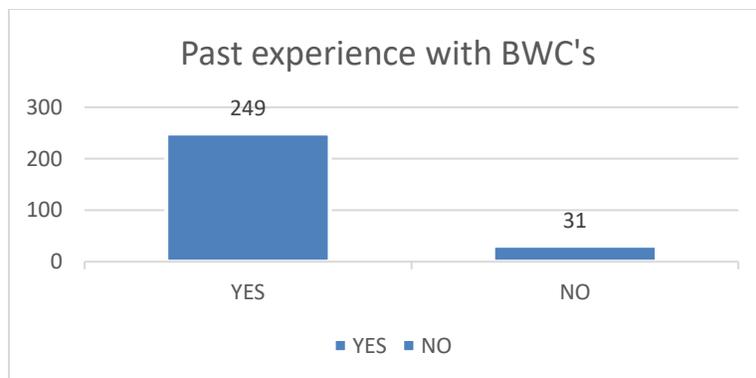


Question 7 asked current law enforcement officers if they believed that the use and implementation of BWC's (Body Worn Cameras) was useful in providing evidence leading to the exoneration of an officer accused of misconduct: 280 officers responded to this question as follows; 15 (5%) Strongly Disagreed, 4 (2%) Disagreed, 56

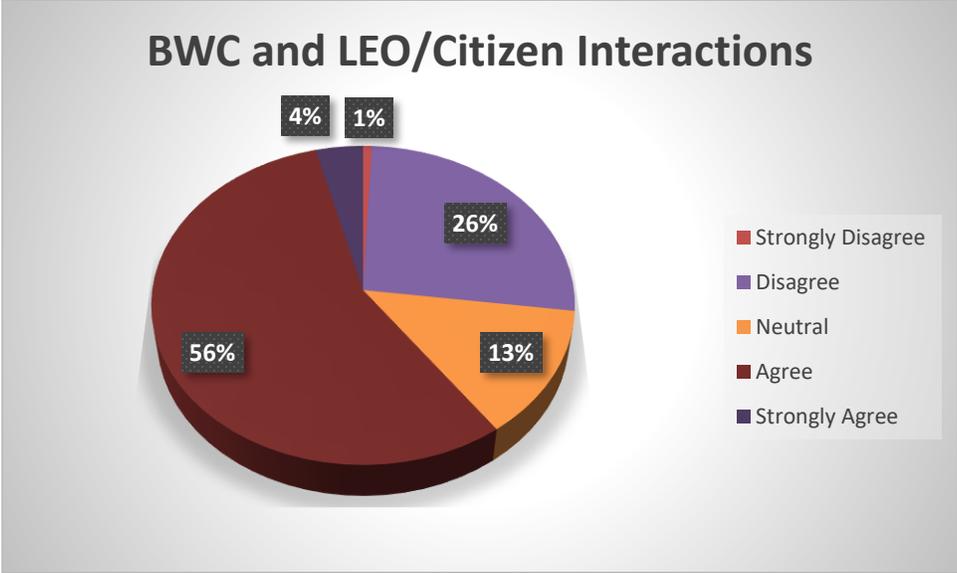
(20%) did not express an opinion either way. 109 (39%) Agreed, 96 (34%) Strongly believe that BWC footage has helped with the exoneration of an officer accused of misconduct.



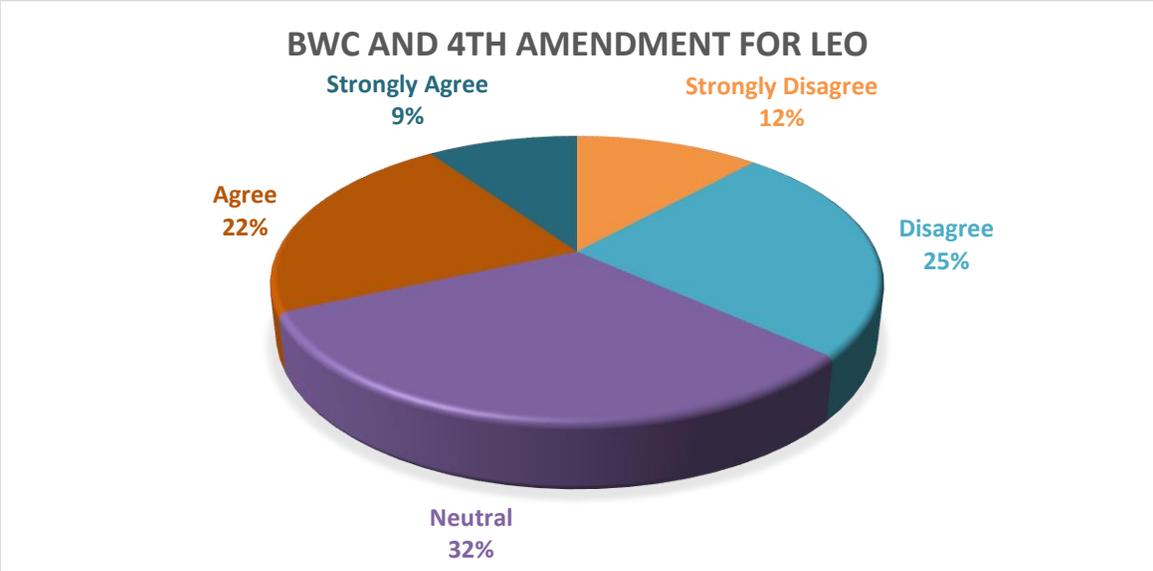
Question 8 asked current law enforcement officers about their exposure to Body Worn Cameras at law enforcement agencies they were previously employed with. 280 officers responded to this question as follows; 249 (89%) indicated exposure at prior law enforcement agencies that they worked for. The remaining 31 (11%) indicated that they no prior experience with Body Worn Cameras in agencies that they worked for in the past.



Question 9 asked current law enforcement officers if they believed that the use and implementation of BWC's (Body Worn Cameras) in law enforcement activities has had a positive effect on law enforcement/citizen interactions. 277 officers answered this question as follows: 2 (1%) Strongly Disagreed, 73 (26%) Disagreed, 36 (13%) indicated a Neutral opinion, 155 (56%) Agreed, 11 (4%) Strongly Agreed with this statement.

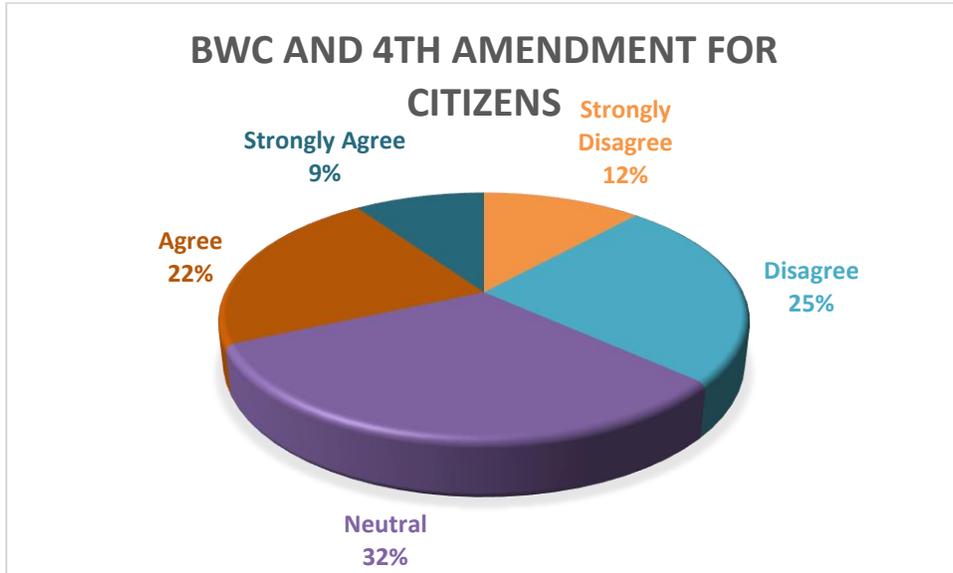


Question 10 asked current law enforcement officers if they believed that the implementation of Body Worn Cameras would negatively impact Fourth Amendment (expectation of privacy for law enforcement officers. 21 (12%) Strongly Disagreed, 55 (25%) Disagreed, 84 (32%) indicated a Neutral opinion, 77 (22%) Agreed, 42 (9%) Strongly Agreed with this statement.

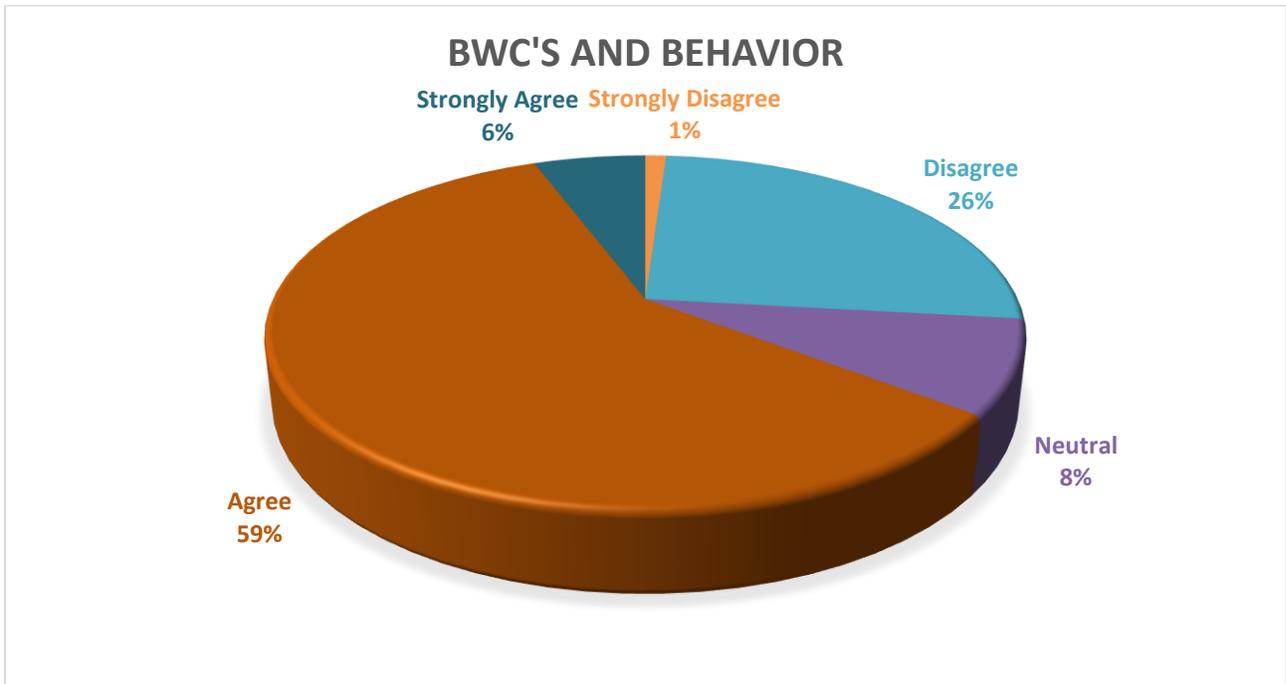


Question 11 asked current law enforcement officers if they believed the implementation of Body Worn Cameras would have negative implications on the Fourth Amendment (expectation of privacy for private citizens.) 281 officers responded. 33 (12%)

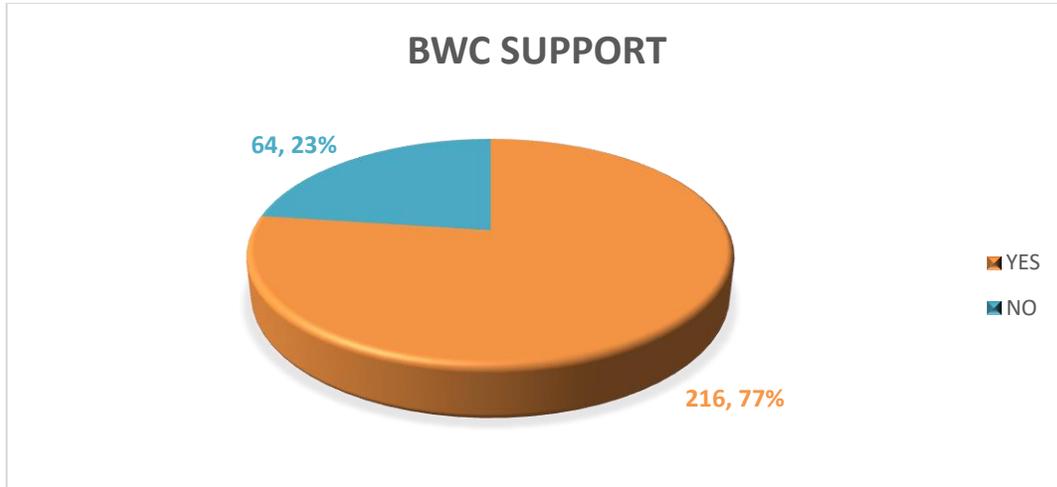
Strongly Disagreed, 70 (25%) Disagreed, 62 (22%) Agreed, 27 (9%) Strongly Agreed with this statement.



Question 12 asked current law enforcement officers if they believed the implementation and use of a Body Worn Camera Program is an effective tool for improving the behavior(s) of both citizens and officers in law enforcement encounters. 280 officers responded to this question. 3 (1%) Strongly Disagreed, 72 (26%) Disagreed 24 (8%) indicated Neutral opinion, 165 (59%) Agreed, 16 (6%) of law enforcement officers agreed with this statement.

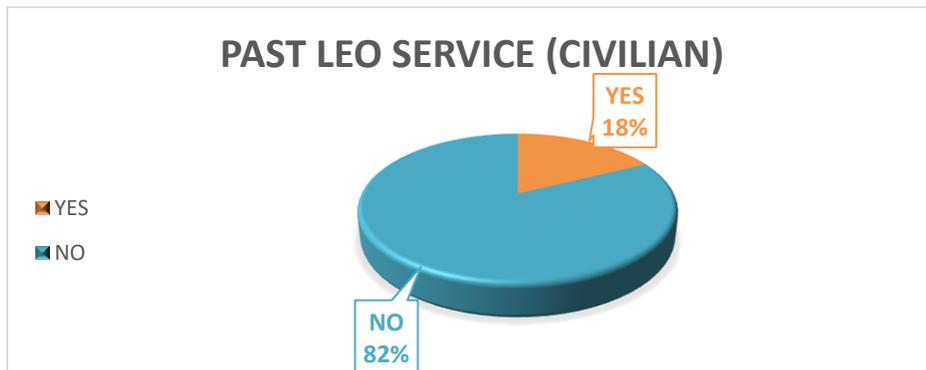


Question 13 asked current law enforcement officers if they supported the implementation and utilization of BWC's (Body Worn Cameras) in law enforcement related activities: 280 officers responded to this question yielding the following results 216 (77%) expressed support for BWC's while 64 (23%) gave a negative response.

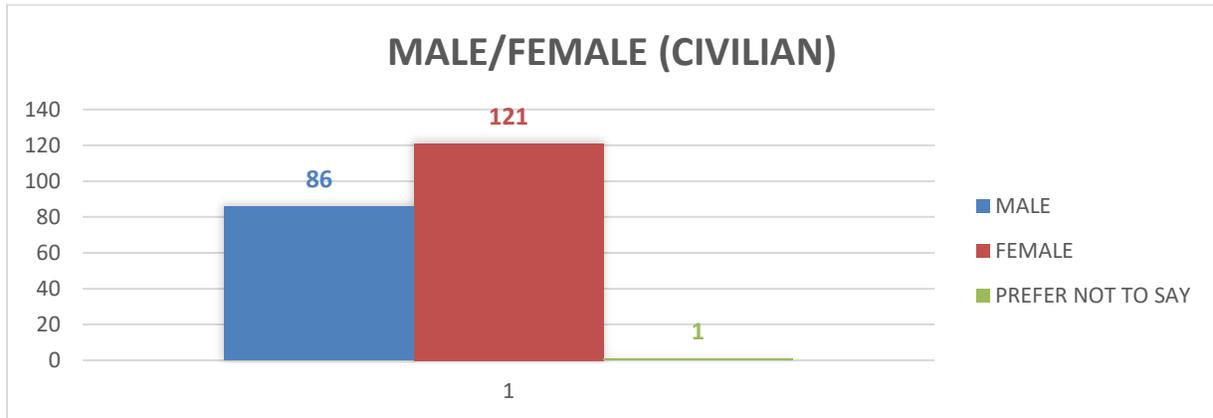


The civilian sample population's responses are indicated below. The survey was delivered via the Nassau County Sheriff's Office website and Facebook. The questionnaire was open to visitors to the Nassau County Sheriff's Office website and social media site (Facebook.) The questionnaire elicited a total of 210 responses from a varied range of demographic groups.

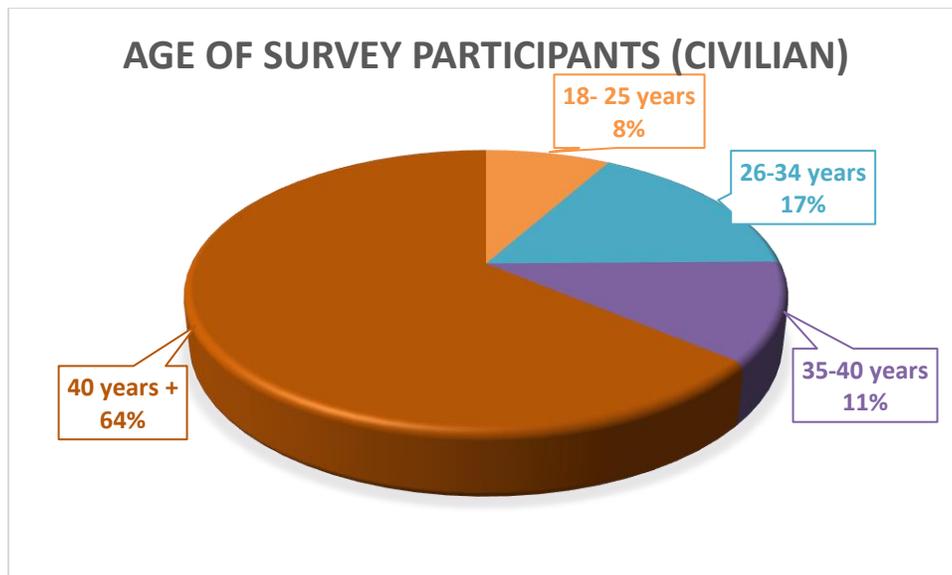
Question 1-2 asked the civilian population about their past experience serving as a law enforcement officer. 210 responses were received. 37 (18%) indicated past experience as a law enforcement officer, while 173 (82%) indicated no prior LEO experience.



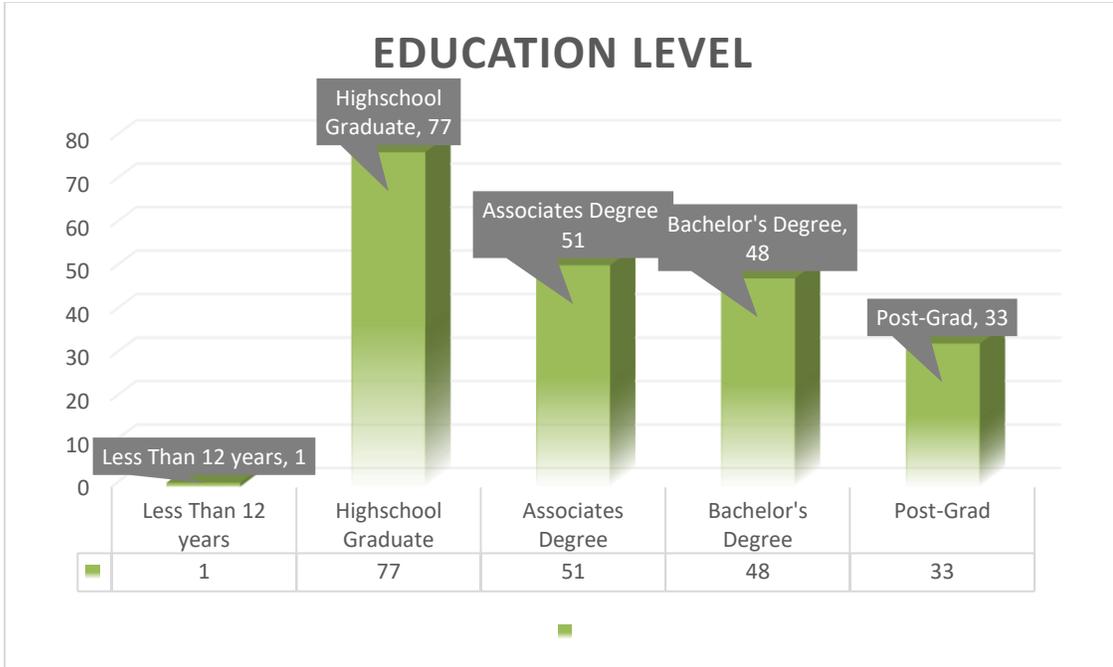
Question 2-2 asked civilian respondents about the gender they identify as. 208 responses were received. 86 (41%) Male, 121 (58%) Female, 1 (1%) opted not say.



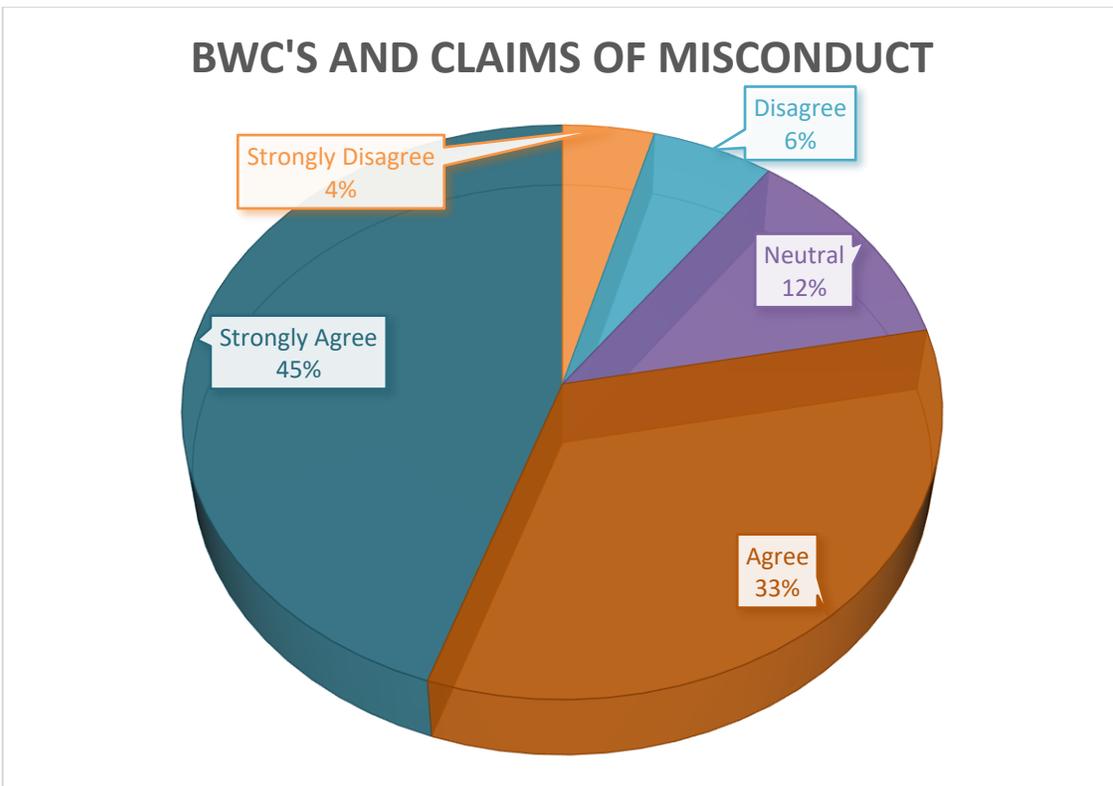
Question 3-2 asked civilian respondents about their age. 210 responses were received. 17 (8%) 18-25 years of age, 35 (17%) 26-34 years of age, 24 (11%) 35-40 years of age, 134 (64%) 40 years of age or older.



Question 4-2 asked civilian respondent about their level of education. 210 responses were received. 1(0%) Less Than 12 Years, 77 (37%) High School Graduate or Equivalent, 51 (24%) Associates Degree, 48 (23%) Bachelor's Degree, Post Graduate Degree 33 (16%)



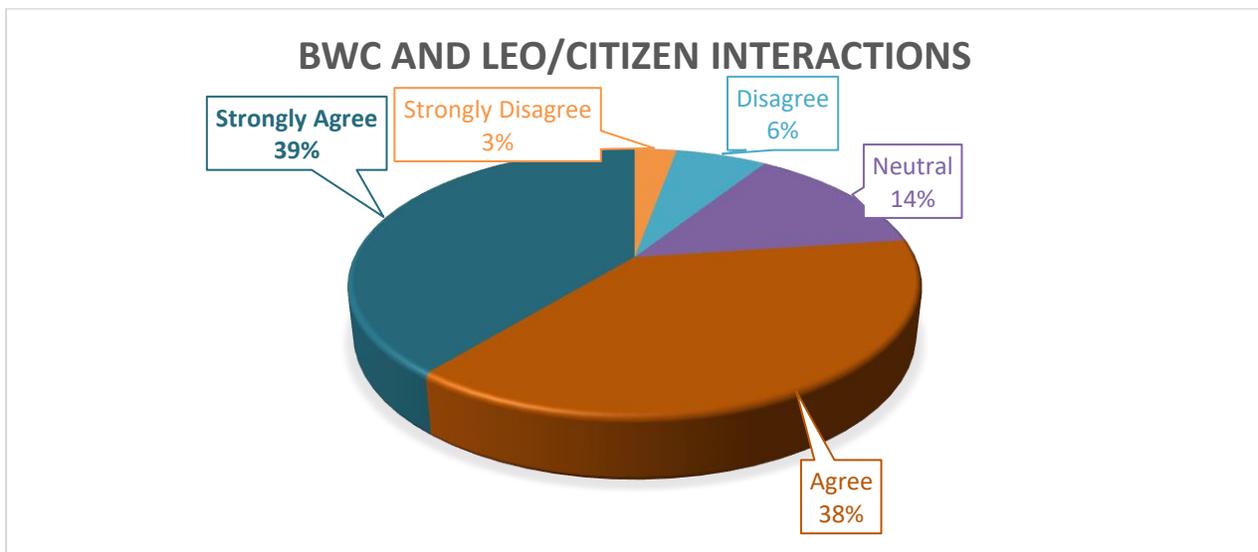
Question 5-2 asked civilian respondents if they believed that the use and implementation of BWC's (Body Worn Cameras) was useful in providing evidence that supported a citizen's claim of officer misconduct. 210 responses were received. 9 (4%) Strongly Disagreed, 12 (6%) Disagreed, 25 (12%) indicated Neutral opinion, 70 (33%) Agreed. 94 Strongly Agreed.



Question 6-2 asked civilian respondents if they believed the use and implementation of BWC's (Body Worn Cameras) has been useful in providing evidence that led to the exoneration of an officer accused of misconduct. 210 responses were received. 6 (2%) Strongly Disagreed, 7 (3%) Disagreed, 10 (5%) indicated a Neutral opinion, 64 (31%) Agreed, 123 (59%) Strongly Agreed.

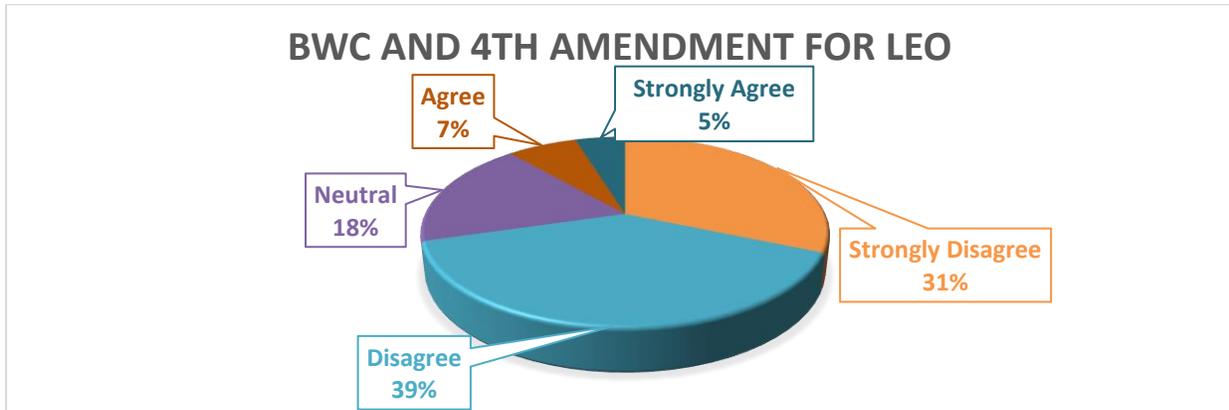


Question 7-2 asked civilian respondents if they believed the use and implementation of BWC's (Body Worn Cameras) in law enforcement activities had positive effect(s) on law enforcement/citizen interactions. 210 responses were received. 6 (3%) Strongly Disagreed, 13 (6%) Disagreed, 29 (14%) indicated a neutral opinion. 80 (38%) Agreed, 82 (39%) Strongly Agreed BWC's had a positive effect on law enforcement/citizen interactions.

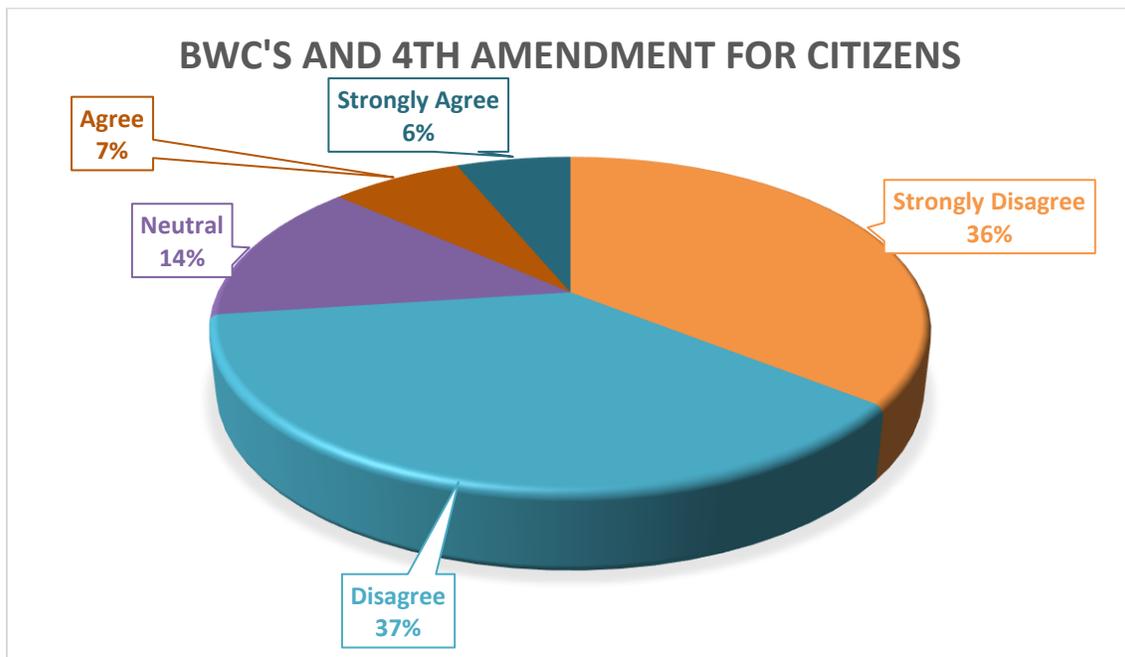


Question 8-2 asked civilian respondents if they believed Body Worn Cameras would have negative impacts on the Fourth Amendment (expectation of privacy for law

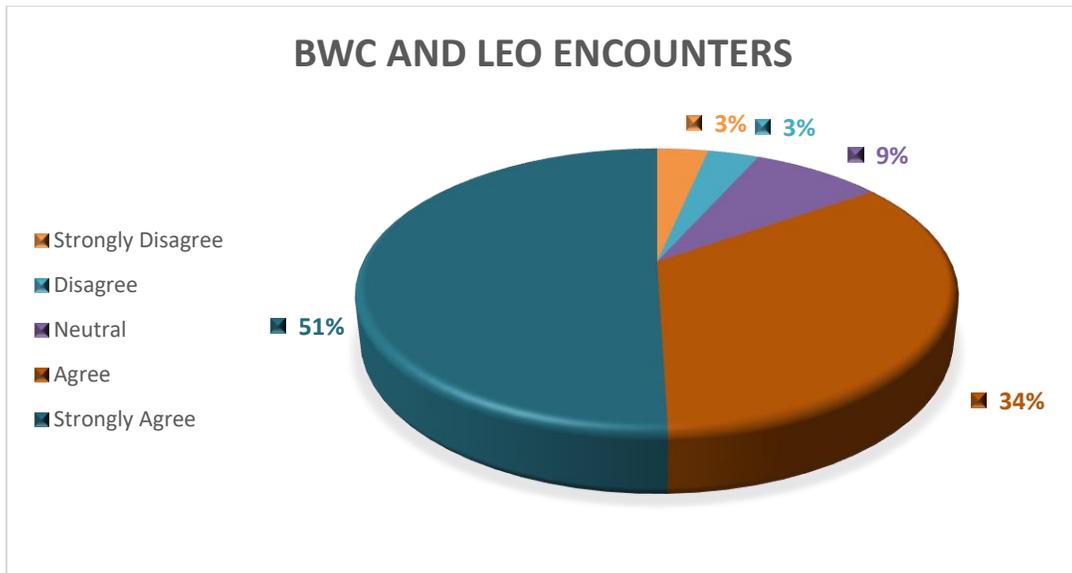
enforcement officers. 210 were received. 66 (31%) Strongly Agreed, 82 (39%) Disagreed, 38 18% indicated a Neutral opinion, 14 (7%) Agreed 10 (5%) believed that BWC's would have negative implications on law enforcement officers' Fourth Amendment rights.



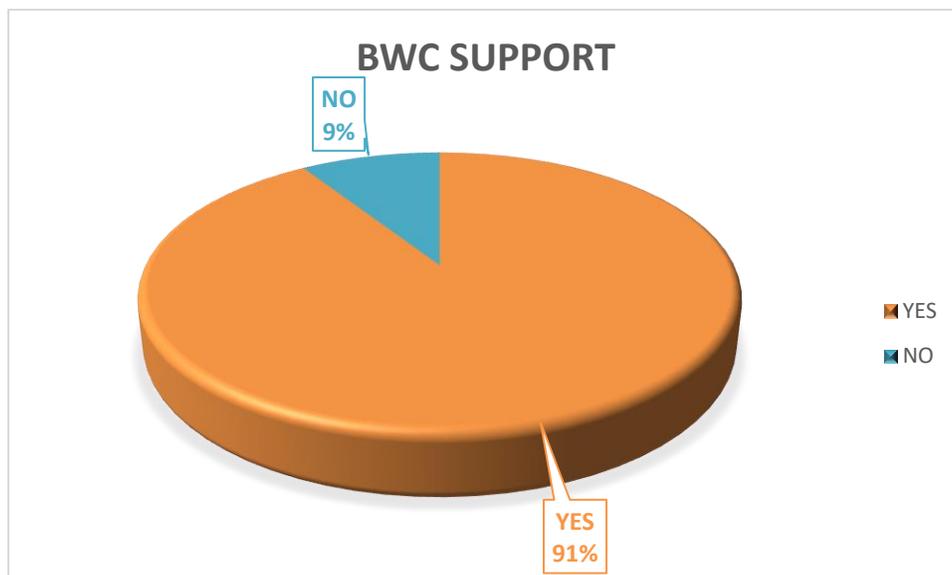
Question 9-2 asked civilian respondents if they believed the the implementation of Body Worn Cameras would have negative implications on the Fourth Amendment (expectation of privacy for private citizens. 210 responses were received. 75 (36%) Strongly Disgareed, 78 (37%) Disagreed, 29 (14%) indicated a Neutral opinion, 15 (7%) Agreed, 13 (6%) Strongly Agreed that BWC's will not have negative implications on private citizens' Fourth Amendment rights.



Question 10-2 asked civilian respondent if they believed the implementation and use of a Body Worn Camera Program is an effective tool for improving the behavior(s) of both citizens and officers in law enforcement encounters. 210 responses were received. 7 (3%) Strongly Disagreed, 7 (3%) Disagreed, 18 (9%) indicated a Neutral opinion, 72 (34%) Agreed, 106 (51%) Strongly Agreed.



Question 11-2 asked civilian respondents if they support the implementation and utilization of BWC's (Body Worn Cameras) in law enforcement related activities. 209 responses were received. 190 (91%) expressed support for BWC's, 19 (9%) responded in the negative to this question.



## Discussion

Based on current trends in law enforcement, we can fully expect that Body Worn Cameras will become a mandatory equipment requirement for all law enforcement entities. The public has always been enamored with law enforcement as evidenced by mass media featuring crime and police as a subject matter. Simultaneously, the public has also become increasingly critical of law enforcement actions, resulting in a climate where there is a demand for transparency in the processes of investigating officers accused of wrong-doing. Law enforcement administrators bear the burden of explaining the actions(s) of their subordinates. Additionally, the citizenry demands that their voices be heard when the legality, morality, and ethics of law enforcement actions are questionable.

To reinforce the proliferation of Body Worn Cameras, we find that more law enforcement administrators and officers are coming to rely on the benefits of Body Worn Cameras. The above study espouses the support of the implementation and utilization of Body Worn Cameras. Electronic surveys delivered to the Nassau County and Jacksonville Sheriff's Office's revealed that an overwhelming majority of law enforcement officers express support in favor of Body Worn Camera's. (Table 13-1) reveals that out of 283 officers surveyed 77% expressed strong support for the use of Body Worn Cameras. To compare, 91% of civilian respondents support the use of Body Worn Cameras (Table 11-2.) But why?

The video footage gathered by Body Worn Cameras lends itself as direct evidence, allowing law enforcement to accurately record statements, document crime scenes, and provide an instrument of record when an officer's actions or lack thereof are being scrutinized. A major concern among line level officers was and continues to be how the video footage collected from Body Worn Cameras could be manipulated by administrators, news media, and anti-police activist groups seeking to use the footage for nefarious activities. The advent of any new technology will unquestionably bring about previously unimagined legal and ethical scenarios.

In most states it is illegal to record any in-person conversation or phone call without the consent of party being recorded, particularly when there is a reasonable expectation of privacy. Among concerns for law enforcement officers are private communications, including in-person and telephonic conversations, text messages, email, and any other electronic correspondence that could be captured by the Body Worn Camera.

Among 279 LEO respondents 31% felt that the implementation of Body Worn Cameras would negatively affect the expectation of privacy for officers. 37% felt that it would not. 32% of LEO respondents did not express any sentiment positive or negative toward the question (Table 10-1.) 57% of LEO respondents believe that Body Worn Cameras will compromise the expectations of privacy for private citizens, however the same officers believe that the benefits of wearing a Body Worn Camera outweigh any concession of their 4<sup>th</sup> Amendment Rights, as indicated by the overwhelming support for BWC's (77% among LEO respondents) Table 13-1. Further, the fact that the responses among current law enforcement officers are so evenly divided is indicative of the novelty of Body Worn Cameras in the law enforcement arena. We have yet to experience the full implications of Body Worn Cameras on law enforcement, and further research should be carried out to qualify the data gathered.

Alternatively, 70% of civilian respondents indicated that they believe Body Worn Cameras will not negatively affect the 4<sup>th</sup> Amendment Rights of law enforcement officers (Table 8-2.) Only 12% of respondents felt that Body Worn Cameras would have negative implications on the expectations of privacy for LEO. The remaining 18% did not express an opinion either way (Table 8-2.) Based on the wide disparity in responses from LEO and citizen respondents on the same question it could be surmised that the public has a lack of understanding of the intrusiveness of Body Worn Cameras, which could be attributed newness of the technology.

The public is largely consumed with law enforcement themes in media, entertainment, and literature. The average citizen is educated on the working facets of police work only by what they see in these mediums. In a large sense there is lack of a personal connection among citizens and LEO. Because most citizens don't have an intimate connection with the law enforcement community, they do not associate the expectation of privacy with law enforcement officers while on duty.

Additionally, there is a sentiment that because law enforcement officers are considered public servants, they should be subservient to the public. At times this manifests in the general public believing they should have unfiltered access to BWC footage of any and all police activities. The question then becomes, does the agents attempts at increased transparency and oversight breach of the officers' expectation privacy? What communications are protected while the officer is on duty, written, electronic verbal, and where is that line drawn? Because of the nature law enforcement, line level officer regularly interacts with the public, and the oftentimes these interactions are dynamic. Line level officers encounter situations that become volatile instantaneously, and policy requires that the BWC be activated, what footage is inadvertently captured prior to activation. Most BWC systems work in a passive recording mode, capturing as much as 30 seconds of footage prior to the officer physically activating the camera. Is the officer compelled to expose every moment of his/her working day for the sake of transparency and oversight?

The attitudes of officers on Body Worn Cameras indicate that while there is some concern among law enforcement officers with regard to the expectation of privacy, there is also a sentiment that benefits outweigh the cost.

When posed with the question of Body Worn Cameras and them providing evidence that exonerated law enforcement officers of wrong-doing, 73% of LEO respondents agreed that Body Worn Cameras were effective in provided exculpatory evidence that cleared an officer(s) of wrong-doing. Twenty percent of the participants indicated a neutral opinion (Table 7-1.) Similarly, 60% percent of civilian respondents agreed with this statement (Table 6-2.)

Do Body Worn Cameras positively affect citizen and LEO behavior? An overwhelming majority of civilian and LEO survey participants believe that people do behave better when they know that they are on camera. An overwhelming, 85% of civilian respondents believe the affirmative of this statement (Table 10-2.) Simultaneously, 65% of surveyed law enforcement officers indicate that they agree with this sentiment. The use of Body Worn Cameras as an evidentiary tool has proven invaluable. As increasing numbers of law enforcement agencies adopt Body Worn Camera Programs, the benefits are abundantly clear. The footage gathered by the BWC instantly becomes an item of record for later reference internal, disciplinary, administrative, and criminal investigations.

Recorded LEO interactions with citizens can also be a valuable de-escalation training tool, in addition to providing an accurate account of the actions of both parties.

A direct result of recording citizen LEO interactions is the marked change in the behaviors of law enforcement officers and civilians. Everyone behaves when the camera is recording. The fact that tone, demeanor, and the content of communications are captured immediately, and can be brought up in disciplinary criminal, and civil proceedings available give law enforcement officers and citizens better gauge their actions.

Both citizens and law enforcement officers agree that the introduction of Body Worn Cameras has been the impetus to improved interactions between law enforcement officers and citizens. 77% of civilian respondents believe that the employment of Body Worn Cameras has had a positive influence on interactions between law enforcement and citizens (Table 7-2.) Table 12-1 indicates that 65% of law enforcement feel the same way. It should be noted that issuing Body Worn Cameras is in no way a substitute for continued Critical Incident Training (CIT) de-escalation training

## **Recommendations**

The first iterations of Body Worn Cameras appeared in the United Kingdom around 2005, as a measure by those law enforcement agencies to increase accountability and transparency. Since then, multitudes of law enforcement agencies have followed suit by adopting Body Worn Camera Programs of their own. With so many Body Worn Cameras, and readily accessible recording devices available, why is officer misconduct still a matter for discussion? At this point, the public demands instantaneous access to this video to make their own determination as to the validity of the officer(s) actions. Further, law enforcement administrators as a measure to keep their officers “honest” and provide the public with a security blanket in hopes to satisfy the need for the ability to access and scrutinize police actions.

The proliferation of Body Worn Cameras will never substitute for continued officer training in de-escalation techniques, critical incident training, defensive tactics, sound judgement, and quality leadership. However, because law enforcement, and the public have become reliant on the benefits of Body Worn Cameras law enforcement administrators must adopt best practices in an effort to maximize the investment in this technology.

Because of the demand for access to Body Worn Camera footage, law enforcement agencies should establish standardized records retention time frames that are consistent with State, Local, and Federal mandates. By establishing these standards agencies afford themselves with a time frame that Body Worn Camera footage is retained, and available for public records request. Establishing clear cut records retention policies sets standards as to how long any Body Worn Camera footage will be available by Public Records Request. Further, the public at large and community stakeholders must be educated on the limitations of Body Worn Camera Programs and equipment.

Law enforcement agencies must also consider proper oversight of their Body Worn Camera Programs, which includes adequate training of support staff in the management of records, redaction of sensitive information, chain of custody, and other relevant state

and federal law for public records retention. These records custodians should also be trained in public records request protocols.

Specialized Training in the operation of Body Worn Cameras should not be limited to line-level officers and supervisors. Administrators should be formally trained and educated on the ethical use of Body Worn Cameras, applicable policy and procedure, and the expectations of community stakeholders. Line level officers should be properly trained on the use operation, and limitations of the equipment. Additionally, newly trained officers should be afforded an acclimation period to familiarize themselves with the operation of the BWC equipment and agency policy and procedures.

When planning and during the initial stages of implementing a Body Worn Camera Program, an often ignored aspect is technical limitations of the system itself. All camera systems are not equally, and agencies must consider their own needs and weigh them against the features offered by each manufacturer.

### **Factors to consider:**

- ❖ **mounting location(s)**
- ❖ **internal storage and battery limitations,**
- ❖ **infrastructure requirements for equipment**
- ❖ **internet availability**
- ❖ **cloud based vs on premise data storage options**
- ❖ **usability, and compatibility with existing equipment**
- ❖ **capabilities and deficiencies of the camera in poor visibility**
- ❖ **portability (how will media be accessed and in what format that is compatible with partner agencies State Attorney's Office, outside LEO agencies, media outlets, and the public.**

Policy makers must also consider the 4<sup>th</sup> Amendment Rights of both officer and citizen. Agencies must establish a clear cut policy that determines if use of the Body Worn Camera will be discretionary or mandatory. Policies should also detail instances where activation is mandatory, and circumstances where deactivation of the camera is permissible i.e. victim/witness interviews, private conferences between officers and supervisor, instances when medically sensitive information may be captured (potential HIPAA violations.)

Finally, the law enforcement community, and the public must realize that the implementation of any Body Worn Camera Program is no substitute for adequate training. We cannot rely upon BWC's to be a magic bullet for officer misconduct, overuse of force, and general complaints on law enforcement officers. Moreover, law enforcement need increased training in de-escalation techniques, recognition of mental health crises, and the proper execution and articulation of the Use of Force techniques. Body Worn Cameras are a valuable tool that will not disappear from the law enforcement landscape in the conceivable future, however they only document LEO/citizen interactions. The burden of bridging the divide with law enforcement rests with the law enforcement officers and the communities they serve.

Lieutenant Chauncey C. Mason has been with the Nassau County Sheriff's Office for 14 years. He currently serves as the Special Operations Lieutenant, where he supervises the Agricultural/Marine Unit, Civil Division, Criminal Intervention Unit, Reserve Unit, School Resource Officers, and Crossing Guards. Lieutenant Mason began his career with the Nassau County Sheriff's Office in 2008 as a Detention Deputy and served in that capacity until 2013. In 2012, Lieutenant Mason completed the Basic Law Enforcement curriculum at the Northeast Florida Criminal Justice Center (Jacksonville FL) and was subsequently transferred to the Nassau County Sheriff's Office Patrol Division. He served in the Patrol Division from May 2013 until December 2021 as a Patrol Deputy, Field Training Officer, Patrol Sergeant, and Patrol Lieutenant. Additionally, Lieutenant Mason was a member of the Nassau County Sheriff's Office Special Response Team. Lieutenant Mason has his General Instructor Certification in addition to earning a Bachelor's Degree in Criminal Justice from Alabama State University.

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## Appendix A

### **Body Worn Camera Survey Questions (LEO)**

1. Are you currently or have in the past served in the capacity as a law enforcement officer?
  - Yes
  - No
  
2. What is your level of experience as a law enforcement officer?
  - 0-5 years
  - 6-11 years
  - 12-17 years
  - 18 years +
  
3. Are you (optional)
  - Male
  - Female
  - Prefer not to say
  
4. What is your age?
  - 18-25 years
  - 26-34 years
  - 35-40 years
  - 40 years +
  
5. What is your level of education?
  - Less than 12 years
  - High School Graduate or equivalent
  - Associates Degree
  - Bachelor's Degree
  - Post-Graduate Studies
  
6. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) been useful in providing evidence that supported a citizen's claim of officer misconduct?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
7. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) been useful in providing evidence that led to the exoneration of an officer accused of misconduct?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree

8. Have any of the law enforcement agencies you have worked for implemented and/or utilized a BWC (Body Worn Camera Program?)
  - Yes
  - No
  
9. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) in law enforcement activities had a positive effect on law enforcement/citizen interactions?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
10. Please indicate your level of agreement with the following statement: The implementation of Body Worn Cameras will have negative implications on the Fourth Amendment (expectation of privacy for law enforcement officers.)
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
11. Please indicate your level of agreement with the following statement: The implementation of Body Worn Cameras will have negative implications on the Fourth Amendment (expectation of privacy for private citizens.)
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
12. Please indicate your level of agreement with the following statement: The implementation and use of a Body Worn Camera Program an effective tool for improving the behavior(s) of both citizens and officers in law enforcement encounters?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
13. Do you support the implementation and utilization of BWC's (Body Worn Cameras) in law enforcement related activities?
  - Yes
  - No

### **Body Worn Camera Survey Questions (Civilian)**

1. Are you currently or have in the past served in the capacity as a law enforcement officer?
  - Yes
  - No
  
2. Are you (optional)
  - Male
  - Female
  - Prefer not to say
  
3. What is your age?
  - 18-25 years
  - 26-34 years
  - 35-40 years
  - 40 years +
  
4. What is your level of education?
  - School Graduate or equivalent
  - Associates Degree
  - Bachelor's Less than 12 years
  - High Degree
  - Post-Graduate Studies
  
5. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) been useful in providing evidence that supported a citizen's claim of officer misconduct?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
6. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) been useful in providing evidence that led to the exoneration of an officer accused of misconduct?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
  
7. Please indicate your level of agreement with the following statement: The use and implementation of BWC's (Body Worn Cameras) in law enforcement activities had a positive effect on law enforcement/citizen interactions?
  - Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree

8. Please indicate your level of agreement with the following statement: The implementation of Body Worn Cameras will have negative implications on the Fourth Amendment (expectation of privacy for law enforcement officers.)
- Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
9. Please indicate your level of agreement with the following statement: The implementation of Body Worn Cameras will have negative implications on the Fourth Amendment (expectation of privacy for private citizens.)
- Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
10. Please indicate your level of agreement with the following statement: The implementation and use of a Body Worn Camera Program an effective tool for improving the behavior(s) of both citizens and officers in law enforcement encounters?
- Strongly Disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly Agree
11. Do you support the implementation and utilization of BWC's (Body Worn Cameras) in law enforcement related activities?
- Yes
  - No