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BODY-WORN CAMERAS AND
OFFICER BEHAVIOR

Criminal Justice

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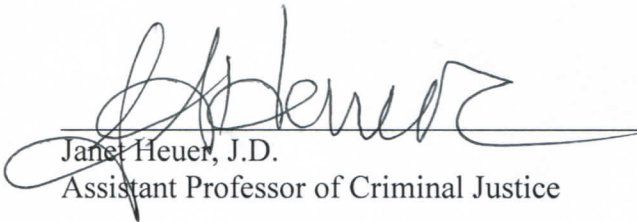
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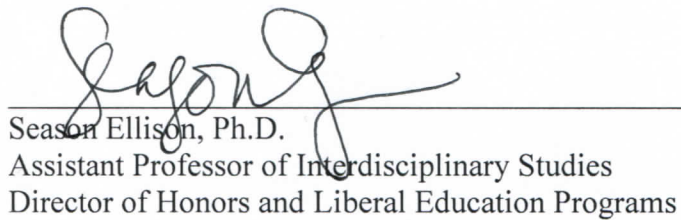
Body-Worn Cameras and Officer Behavior

by

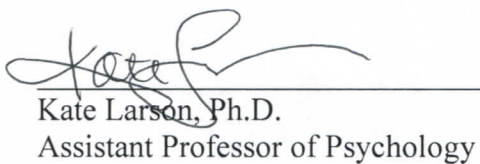
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Abstract

The use of body-worn cameras in law enforcement is controversial because there are possible disadvantages among the numerous advantages. Body-worn cameras are often implemented to reduce use of force by officers. A majority of studies on the effects of law enforcement using body-worn cameras found that the use of body-worn cameras reduced use of force as well as other aspects of officer behavior. Law enforcement officers using body-worn cameras are more likely to write citations, less likely to arrest, and will often report more self-initiated incidents. This may be because officers wearing body-worn cameras worry that the use of discretion on recorded incidents could lead to disciplinary action. Body-worn cameras are simply a new tool for law enforcement agencies and it will take time for them to become socialized within departments.

Introduction

Body-worn cameras in law enforcement are a broadly controversial topic. Many departments have difficulty deciding whether or not they should implement the use of body-worn cameras. While policy is a large factor for many departments, so is the use of force. It is unknown for departments what effect body-worn cameras have on the use of force. This leaves some departments to do their own research on the topic, while others are waiting to have research provided to them.

While body-worn cameras are used globally, this paper is concerned with their use in the United States amongst law enforcement agencies. The reason for this focus is the major difference in laws and ideologies across the globe that would likely result in different use of force without the body-worn cameras being a factor.

Body-worn cameras have been determined to be useful by officers that have had the chance to use them. Some uses include video evidence for prosecution, deterring the public from instigating officers, and eliminating or easily resolving frivolous complaints. These benefits are similar to those that have been experienced by police vehicle dashboard cameras, or audio recorders. There is also a public demand to have all interactions recorded and available to the public. While the use of body-worn cameras would help this issue, there are still privacy laws that would prohibit all video being available to the public.

Public access to videos is one reason that many departments will cite as to why they have not yet started using body-worn cameras. Data privacy is a concern for many departments, as it is unknown what may be recorded. After the video is recorded, departments, along with state

legislators, will then have to determine what can be released to the public. Privacy concerns are important to the department's administration, as mishandling can lead to lawsuits or other litigation. For law enforcement officers, there are other concerns with body-worn cameras. The cameras that have been used thus far are one directional, which means that the camera cannot see everything that the officer can see. This can be an issue when an officer uses force, has a complaint filed against him/her, or if the camera falls on the ground. If an officer uses force and the incident ends up in a courtroom, a jury or judge will be involved. In determining if force was necessary, the video will typically be reviewed, and it is very likely that the video will see more or not see at all what the officer saw. This means that the video could include very fine details that the officer may not have noticed in the moment, or the video would not include what the officer saw in their wider field of vision. Beyond the other snap decisions an officer makes in use of force situations, their departmental policy will usually require them to activate their body-worn cameras, when safe to do so. It may not be safe to activate a camera until after an incident is resolved.

There is a needed change to improve the disadvantages of body-worn cameras. Like with many issues in law enforcement, further training could not only be useful, but necessary. Officers are trained on every aspect of their jobs, such as report writing, traffic patrol, and how to use their equipment. Along with those other trainings, it would be possible to add training for body-worn cameras. This training would include not only how to use them, but also policy that would make it clear exactly when cameras are supposed to be turned off and on, and when the public has to be notified. Another issue that goes beyond departments is legislation that could assist departments with policy and laws governing when it is appropriate to release footage and what type of footage can be released.

Research on body-worn cameras and all of the effects that they may have on law enforcement agencies is important for the agencies that have yet to start using them. Most, if not all, states do not require officers to use body-worn cameras and many departments are undecided on the issue. While this issue is fairly new, it is important to many different equality groups protesting for transparency. Body cameras would not only provide transparency, but have also been implemented in some areas in an attempt to build trust between the police and the public. Former Minneapolis Police Chief Harteau said, “Making sure that our community knows that our officers are wearing these cameras is critically important in building public trust.”

There are many factors to consider regarding body cameras and their effect on the use of force. In every interaction regarding use of force, the body camera could have an effect on both the officers’ and the publics’ behavior. This paper will analyze the use of body cameras in law enforcement to see how the use of body cameras connects with officer behavior with the public.

Discussion

Although the topic of body-worn cameras is currently controversial, there is constantly new research being conducted on the cameras and all of the different affects those cameras could have. As recently as five years ago, body-worn cameras were scarce and were unlikely to be found in any big cities. Now most major cities such as New York, Minneapolis, Chicago, and Los Angeles have all integrated body-worn cameras into their police departments. While camera adoption has been rapidly increasing, research has been slow to catch up. This is because there are many limitations for researchers, mostly due to the samples that are available.

Research done on law enforcement agencies is often subject to convenience sampling due to the fact that the department has to be willing to be a part of the study. Therefore, researchers can only choose from departments that are willing to participate in the study, which can exclude departments that may have provided valuable data. Departments willing to participate in studies will typically deploy body-worn cameras to a certain section of the department, and compare the results to those that do not wear the body-worn cameras. Studies so far show that body-worn cameras are likely to work in some cases, some of the time. A study in Denver, Colorado showed correlation between the use of body-worn cameras and a reduction of crime (Ariel, 2016). During the study, there were less reported crimes, but it is important to note that a correlation effect does not indicate causation. Another limitation of studies within law enforcement agencies is that unreported crimes are typically excluded from the study. This study does not attempt to find the rate of crimes that are unreported due to the implementation of body-worn cameras. Body-worn cameras are not likely going to change everything about policing, but they must be implemented with specific policies to ensure that they are effective.

There are cases where body-worn cameras may not be effective. A person's experience of trust or distrust in an encounter with a law enforcement officer will likely determine the willingness of that person to cooperate with law enforcement in general (Voigt et al., 2017). Body-worn cameras also carry the expectation they are recording every incident during an officer's shift. However, recording requirements are typically part of either mandatory or discretionary policies. Mandatory policies generally require officers to record certain incidents. Some policies may only require recording during incidents where force is used and other policies may require officers to record their entire shift. Discretionary policies will allow an officer to decide when to activate their cameras and may even allow an officer to delete footage.

Discretionary policies may actually limit the effectiveness of body-worn cameras. Body-worn cameras should increase compliance and result in less use of force; however, there were some cases where use of force increased (Ariel et al. 2016). During trials when officers used body-worn cameras with a high level of compliance, there was a decrease in the use of force. However, during trials when officers used full discretion, there was an increase in the use of force (Ariel et al. 2016). Overall, when reviewing use of force between the eight different police forces in the study, there were no significant differences. This is because the cases of high compliance and discretion balance each other out. In order for body-worn cameras to be effective, they need to be worn, activated, consistently used, and suspects need to be aware of the camera. If the officer is not required to wear the camera, they may not have it when they want or need it. If the camera is not on, it will not have a deterrent effect for the officer. The camera also has to be used during each encounter between law enforcement and the public. Finally, the officer making suspects aware of the camera is often done by the officer announcing it at the beginning of the interaction. If these four points are met, it can result in a reduction of use of

force by law enforcement officers. When law enforcement officers used discretion on activating their body-worn cameras during a study, reported use of force increased (Ariel et al., 2016). One explanation could be that officers using discretion may activate their body-worn cameras while a situation is escalating, and in doing so, further escalate the situation to one where force is used.

There are also several studies that indicate the use of body-worn cameras lowers officer use of force (Ariel, Farrar & Sutherland, 2015; Gaub, Choate, Todak, Katz & White, 2016; Hedberg, Katz & Choate, 2017; Jennings, Lynch & Fridell, 2015). For this reason, body-worn cameras were implemented in New York City after the city was sued for police officers discriminating and being prejudicial while performing stop-and-frisk encounters (Floyd v. City of New York). The cameras were deployed with the hopes of creating an objective record for future incidents. While body-worn cameras have shown a decrease in the use of force, studies do not necessarily show that there is a change in officer behavior. There are many factors that could result in a decrease in the use of force. One possible outcome of the presence of body-worn cameras is a change in citizen behavior. Citizens that interact with law enforcement officers may be more likely to cooperate if they know the situation is being recorded. This is one reason that officers may notify suspects they are being recorded early in their conversation. It is also possible that a decrease in use of force could be caused by officers decreasing willingness, and increasing hesitation to do what is necessary and use appropriate force in a situation when they are on camera (McCammon & Culhane, 2017).

Although body-worn cameras are in many departments, there are still members of the law enforcement community that are skeptical regarding their use. A study conducted at the Phoenix Police Department in Phoenix, Arizona from 2013-2014 is an example of one city that was not receptive towards body-worn cameras (Hedberg et al., 2017). The study included Area 81 and

Area 82 of Phoenix. Area 82 was used as the treatment group and Area 81 was used as the control group. The research design was quasi-experimental and used two areas within a larger city that both had similar crime rates and demographics. While complaints for officers wearing body-worn cameras were lowered during the study, other information was found to be statistically insignificant. A higher compliance rate would have been likely to create more significant data, as officers only activated their cameras 32% of the time. Self-report data from officers that participated in the study showed that less than one percent of officers reported that body-worn cameras were received well by their coworkers (Hedberg et al., 2017). The officers' perceptions of the cameras likely had an impact on the outcome of the study and their compliance in using the cameras.

Law enforcement command staff in Sunshine County, Florida, also have varying opinions regarding body-worn cameras. In a 2015 study given to 36 law enforcement agency leaders, one third agreed that body-worn cameras would improve police officer behavior during interactions with citizens. There were also 54% that believe the implementation of body-worn cameras will not make it difficult to recruit and retain quality police officers (Smykla, Crow, Crichlow & Snyder, 2016). This does not mean there will be no affect for all officers, but that they believe quality officers would not be bothered by the aspect of being recorded in their daily duties. Almost half (47.8%) agree body-worn cameras will impact officers' decision to use force in encounters with citizens, and 54.2% believe body-worn cameras will make officers more reluctant to use necessary force in encounters with citizens. Law enforcement leadership is important to understand, because they will have control over implementation, resource management, and policies for body-worn cameras (Smykla, Crow, Crichlow & Snyder, 2016).

The leadership also works directly with the officers that will be using the technology and it is common for leadership to listen to perceptions and concerns among officers in their department.

As law enforcement leaders are addressed, it is important that civil unrest in the public is addressed as well. Community and Problem oriented policing are not merely concepts, but tools that have been used as a means to help lower corruption and raise public trust. Body-worn cameras are particularly important to the public to be current technology that can help build trust with the public. There are concerns surrounding body-worn cameras, their effect on law enforcement officers and how they do their job. A 2015-2016 study at Hallandale Beach Police Department in Hallandale, Florida concluded that body-worn cameras do not cause officers to stop performing their regular duties (Headley, Guerette & Shariati, 2017). The study included a total of 51 officers. There were 26 officers that were given body-worn cameras as the treatment group, and 25 officers that did not have cameras as the control group. Over the course of a year, there was no significant difference in Hallandale between the officers in the treatment group versus those in the control group for complaints or use of force. The officers in the treatment group reported more field contacts to indicate that officers wearing body-worn cameras are more willing to report self-initiated activities than the officers that are not. Those in the treatment group also wrote more citations during the study, while recording fewer arrests. The data indicates that officers utilizing body-worn cameras were still active in the community throughout the study. Those officers also actively made citizen contacts while using less intrusive methods to resolve conflicts that arose, such as writing citations instead of making arrests.

The change in officer behavior to less intrusive methods of resolving conflicts indicates that examining a change in officer behavior is more complex than studying use of force. While the goal for many departments and communities is to lower use of force by implementing body-

worn cameras, it is likely that the camera is having a wider affect than was previously known. Part of the reduction of use of force would come from citizens' reactions to knowing they are being recorded throughout an incident. An officer may also change behavior in unexpected ways when body-worn cameras are implemented. The use of body-worn cameras may not be favorable to the public. Body-worn cameras are likely to cause more citations with less discretion going in the favor of the public (McCamman & Culhane, 2017). Officers may feel as though they are constantly being watched and that the use of discretion may lead to disciplinary action. It is safer for the officer to write a citation, rather than give a warning, in order to satisfy leadership personnel within the officer's department.

Law enforcement leadership want their officers to work "by the book" in order to create an environment that is safe for the officer and has low liability for the department. A 2014 study at the Orlando Police Department in Orlando, Florida included questions on officers' perceptions regarding their behavior and attitudes with body-worn cameras. A high number of officers agreed that wearing body-worn cameras would not reduce their likelihood of responding to calls for service (Jennings, Fridell & Lynch, 2014). This is an important factor as it would have to be addressed immediately if there was a negative response. Law enforcement is an important service in any community and it is important that all officers continue with their daily duties regardless of disagreements. There were 29.7% of the officers that agreed body-worn cameras would increase their likelihood of behaving "by the book." While that is just under a third of the officers, 42.9% of officers believed the body-worn cameras would increase the "by the book" behavior of other officers (Jennings, Fridell & Lynch, 2014). Officers were more willing to admit others in their department were likely to be affected by the cameras. It is common, especially in surveys, for respondents to under report for themselves and over report for others.

This is likely due to belief that other officers would decrease the discretion they otherwise would use.

When officers are required to activate their cameras for certain incidents, they lose the discretion that would allow them to misjudge a situation. A randomized controlled experiment in Rialto, California from 2012-2013 had a policy in place for officers to follow. The officers were to activate the camera for every incident with two exceptions. Incidents that involved sexual assaults of minors and incidents with police informants would be excluded due to their sensitive nature (Ariel et al., 2015). Studies typically use officers as treatment and control variables; however, different shifts were used as the variable in this study. There were two day shifts, three night shifts, and two cover shifts. Treatment and control conditions were assigned weekly and resulted in 489 treatment shifts and 499 control shifts. The research method eliminates error that other studies create by using different shift, such as day and night shift, which may have different levels of police activity. During the experimental period, there were a total of 25 incidents involving the use of force. A majority of the use of force incidents (17) occurred during control shifts and less than one third (8) occurred during treatment shifts (Ariel et al., 2015). The difference in use of force incidents indicates the body-worn cameras were likely an influence on officers for deciding when to use force.

Body-worn cameras may also influence how much force is used, if any. A study at the Orlando Police Department in Orlando, Florida, from 2013-2014 focused on serious external complaints and response-to-resistance (Jennings et al., 2015). Response-to-resistance incident forms are filled out whenever an officer uses force. Therefore, a decrease in response-to-resistance would indicate a reduction in the use of force by those officers. In a study, there is the possibility of unreported use of force as well. Serious external complaints include complaints

from citizens that officers are aggressive, intimidating, or the officer used excessive force. The use of body-worn cameras resulted in a decrease in both response-to-resistance and serious external complaints. There was a 53.4% reduction in response-to-resistance, and a 65.4 % reduction in use of force. While the treatment group showed a decrease in both areas, the control group showed an increase in both response-to-resistance and use of force. When asked, 25.6% of officers agreed or strongly agreed that the implementation of body-worn cameras had directly impacted their behavior in the community. Also, 41% of officers agreed or strongly agreed the implementation of body-worn cameras has impacted the behavior of other officers in the community (Jennings et al., 2015).

As previously stated, body-worn cameras can effect more than use of force, as shown in a study from 2012-2013 at the Mesa Police Department in Mesa, Arizona. The evaluation of body-worn cameras focused on the camera's ability to increase accountability, reduce external complaints, and strengthen criminal prosecutions. There were 50 treatment officers that had body-worn cameras assigned to them and 50 control officers that did not have a camera assigned to them (Ready and Young, 2015). There were four major outcomes from the study. Officers in the treatment group conducted significantly less stop and frisks. Although stop and frisks require less cause than an arrest, an officer may have been concerned there was not enough objective evidence to make a lawful stop while the camera was recording the encounter. Officers with body-worn cameras also issued significantly more citations for ordinance violations. It appeared there was concern of a reprimand if an officer saw a citizen violate an ordinance or traffic law while they were recording if the officer did not write a ticket. Officers with body-worn cameras initiated more contacts with citizens than officers that did not have cameras. Officers may feel safer to make more contacts with the use of the body-worn camera, or the camera could

influence them to spend more time being proactive. The officers in the treatment group also reported that having the body-worn cameras were helpful in police-citizen encounters (Ready and Young, 2015). The cameras could be helpful in lowering complaints against the officers or increasing trust and cooperation with the officer while they are completing their duties.

Body-worn cameras may not be useful if they are perceived negatively during deployment. Police officers from three cities were surveyed on their perceptions of body-worn cameras. The three cities were Phoenix and Tempe, Arizona, and Spokane, Washington. All three departments were in the process of deploying body-worn cameras, which resulted in the study being less intrusive due to the cities already implementing programs. Each city was surveyed both before and after deployment of body-worn cameras to see the difference in perceptions of police officers before and after the use the cameras (Gaub et al., 2016). Before deployment of the body-worn cameras, over half of the officers in each department believed that officers will feel like they have less discretion. Between 44.3% and 62.6% of officers believed that body-worn cameras would affect an officer's decision to use force. After the body-worn cameras were deployed, perceptions stayed similar in regards to use of force and discretion. Overall, there was a 2.1% increase in the belief that body-worn cameras affect an officer's decision to use force. The lack of change before and after in perceptions of discretion and professionalism can be explained by the Phoenix, Arizona study. Officers within Phoenix tended to answer questions with negative perceptions both before and after deployment of the cameras. The department was not compliant in using the body-worn cameras overall with a 32% activation rate. The low activation rate is likely due to officer hostility and lack of comfort in change with the new technology. Over half of the officers at both Spokane and Tempe agreed the advantages outweighed the disadvantages, with 80.4% of Tempe officers agreeing. Only 14% of Phoenix

officers agreed the advantages outweighed the disadvantages (Gaub et al., 2016). While this number is higher than the pre-deployment number, it still shows a negative attitude after the cameras were implemented.

The effect in Phoenix, Arizona is not common among most police departments. It is common that after departments implement body-worn cameras, officers see the benefits they provide for themselves as well as for collecting evidence. It is common for there to be a subculture in law enforcement agencies that resists change. Many departments resisted the change towards community and problem oriented policing, but those are now common widespread practices.

The issues of low compliance rates with Phoenix could be solved by policies that mandate when officers have to activate their cameras. Officers will not be affected by body-worn cameras if they have full discretion in using them. Another factor that could influence effectiveness is whether or not citizens were told about the cameras during encounters.

Interviews

Todd Weeres is an officer for Waite Park Police Department in Minnesota. He has been using a body-worn camera since September 1st, 2017. Weeres believes there are several benefits for the community as well as for officers (Weeres, T., Personal Communication, November 21, 2017). One significant benefit is that citizens with hostile behaviors will change their behavior when they become aware of the camera. It is common for suspects to give false names and that evidence is captured. The body-worn cameras also help resolve false complaints against officers. Similar to dashboard cameras, the body-worn cameras are useful for collecting evidence and filming inside buildings in case something happens. Weeres stated, "I was the one that was the most resistant to it," with the belief that the cameras would work against officers, but now Weeres records everything he can (Weeres, T., Personal Communication, November 21, 2017).

Along with benefits, there are also drawbacks to the cameras. Weeres said he has been in situations where citizens would refrain from giving information, because they knew they were being recorded. Another issue is the view that the camera has. Weeres stated, "It is a one way view and not everything is caught on camera." Other than those issues, Weeres has been successful and has appreciates the use of the body-worn camera (Weeres, T., Personal Communication, November 21, 2017).

In regards to uncooperative individuals, Weeres said those who are verbally combative will walk away because they know they are being recorded. He is unsure what affect the cameras will have on those that are physically combative. He has been in one major altercation since using the body-worn camera and the other male did not know he was recording (Weeres, T., Personal Communication, November 21, 2017).

Another officer, Dave Bentrud, is the Chief of Police for Waite Park Police Department in Minnesota. Bentrud said that Waite Park held off on using body-worn cameras for a while, as there was concern over privacy with the videos. Body-worn cameras are more intrusive and can enter personal homes, where previous technology was limited to what the public could see (Bentrud, November 21, 2017).

Bentrud saw many benefits with the body-worn cameras in the short time that Waite Park had been using them. He was already starting to see the cameras being used to build cases and assist with prosecution. The video evidence is particularly helpful, as it helps to corroborate officer reports. Overall, Bentrud believed there would be a reduced use of force and an increase in prosecutions (Bentrud, D., Personal Communication, November 21, 2017).

With the benefits the body-worn cameras provide, Bentrud also focused on some drawbacks or expectations that may follow with the cameras. There is an expectation that everything will be recorded with the cameras, but that does not always happen. Waite Park does not require their officers to record their entire shift, which causes a variation in the amount of recording by different officers. Bentrud stated, “body cameras are not 100%,” believing that they would not necessarily stop corrupt officers. There are many variables to take into consideration, including if a corrupt officer would use their body-worn camera while committing a crime (Bentrud, D., Personal Communication, November 21, 2017).

There is the belief that officers will change what they say and how they react due to always being recorded. On the other hand, when criminals realize their actions are being recorded, that could help to deescalate the situation. Bentrud stated, “The frequency of use of force, because of the body-worn camera, should go down.” They will go a long way protecting

officers from frivolous complaints. While some officers did not agree with the decision to use body-worn cameras, they have come around to see the value the cameras provide (Bentrud, D., Personal Communication, November 21, 2017).

An officer with a different point of view, Brett Mushatt, works for the administration at St. Cloud Police Department in Minnesota. St. Cloud Police Department has not yet implemented body-worn cameras among their officers. Mushatt spoke on both benefits and drawbacks that body-worn cameras have in a police setting (Mushatt, B., Personal Communication, November 21, 2017).

Benefits of the body-worn cameras include complaints with how officers do jobs, including false complaints, and they have an objective view of what actually happens. These benefits would likely be noticeable as they are already experienced through the squad cameras that the department uses (Mushatt, B., Personal Communication, November 21, 2017).

Mushatt saw many drawbacks in the cameras, which may improve with time, but ultimately lead to St. Cloud not yet using them. Mushatt stated, “They don’t capture exactly what the officer is seeing,” as a camera would not have a subjective view of the situation and may not share the same knowledge that the officer has (Mushatt, B., Personal Communication, November 21, 2017).

There are also concerns regarding privacy issues on when they can be turned on and when they would have to be turned off. It would be very difficult to develop policies, especially in private residences. There is also an issue if you legitimately forgot the camera and force is used. With the transparency the cameras often provide, it will likely be assumed to have been intentional. The body-worn cameras would also not be helpful in reducing use of force situations,

as those situations typically involve individuals making snap decisions in which a body-worn camera would not be noticed. When speaking about body-worn cameras for St. Cloud Police Department, Mushatt stated, “It is a matter of when, not if” (Mushatt, B., Personal Communication, November 21, 2017).

Conclusion

Body-worn cameras are continuously being used by more departments throughout the United States. Many departments are looking for research on both the benefits and drawbacks that body-worn cameras have to offer. Most studies have concluded that the cameras are useful to officers and the public and also, officers tend to value the use of the cameras after they are implemented.

There is extensive research that supports the notion that the use of body-worn cameras causes a change in officer behavior. Studies began trying to measure changes in officer behavior through the use of force, but often failed to account for outside variables that could have influenced the results. Changes in officer behavior include more contact with citizens, less arrests, more citations for ordinance and traffic violations, and less use of force.

There are several policy implications for body-worn cameras. Mandatory recording policies work better in lowering use of force, whereas discretionary policy has the chance of increasing use of force. With mandatory policies, body-worn cameras act as self-awareness mechanisms in that officers that wear the cameras will improve their behavior to avoid disciplinary action (Coudert, Butin & Metayer, 2015). Past recordings from body-worn cameras can also be used for future training to teach officers what they should do in different scenarios. Officers that are displaying negative behaviors can likewise be sanctioned, where they would have otherwise gone unnoticed. Overall, body-worn cameras create positive changes in officer behavior, increase transparency and accountability, reduce citizen complaints and crime, increase citizen and officer compliance, enhance policy legitimacy, improve evidence collection and documentation, provide training benefits, and provide assistance to the courts. Current research shows and officers agree, that the advantages of body-worn cameras outweigh the disadvantages.

I would recommend departments that do not have the cameras put a strict policy in place and adopt the body-worn cameras.

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