

Body Cameras: Helpful or Hindrance

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National Command and Staff College, Session #004

July 2019

TOP CAPSTONE AWARD



Abstract

Law enforcement leaders have similar issues to business leaders and leaders of industry. These strong men and women must assess multiple issues on a daily basis, weigh the pertinent data, and make the tough decisions. One important issue facing law enforcement leaders today is whether or not to implement the wearing of body cameras by their officers. In making this critical determination, leaders must weigh many factors. This paper will address the program cost, its effect on media relations, and the fallout from critical incidents, some of which were captured on body cameras, and some that were not. The decision is not an easy one to make. Each leader must weigh the pros and cons for their respective agencies. Indeed, each agency head serves in a distinct and separate public arena and therefore must weigh the program's implementation with the public's best interest in mind.

Body Cameras: Helpful or Hindrance

An emerging trend in law enforcement today is body cameras. Industry leaders are faced with a decision of whether or not to implement the use of body cameras. At first glance, the camera system may seem like a win for all involved: the police who can solve crimes more quickly and effectively, and the public who can monitor their tax dollars at work. According to Demir (2019), citizens overwhelmingly support the use of body cameras, believing that body cameras improve officer behavior, enhance transparency, improve citizen and police relations, and reduce police corruption. However, several problematic issues have surfaced across the nation which are directly related to the implementation of body camera programs.

Many agencies have learned that the enormous cost of the camera system makes implementation financially impossible. While video cameras are relatively affordable, the storage of video data is not; and that cost rises exponentially depending on the number of cameras deployed.

The relationship between law enforcement entities and the media is sometimes strained due to conflicting priorities. While law enforcement agencies are singularly focused on the proper handling of a criminal case from start to finish, the media is often focused on being the

first to tell a story to the public. This conflict will not end, but effective communicators can help to ease the conflict.

Recent noteworthy cases have emerged which have directly affected law enforcement agencies: specifically, the Michael Brown shooting incident in Ferguson, Missouri. This incident and others like it have influenced the behaviors of both law enforcement and those persons who come into contact with law enforcement. Effective police leaders have now inherited the burden of handling the “Ferguson Effect.” This paper will address some of the important issues police leaders face in balancing the positive versus the negative when determining whether to implement a body camera program.

Cost

Body cameras and their associated costs are expensive. All law enforcement agencies are not created equal. Sizes of agencies may vary wildly from 2-3 sworn officers to 20-30 thousand sworn officers. In many instances agencies, both small and large, find themselves priced out of the purchase of body cameras and any related data-storage costs. At first glance, it would seem that the purchase of a body camera might be feasible for all. Indeed, a large number of agencies can afford a body camera that likely costs several hundred dollars. However, there are significant hidden costs associated with data-storage, maintenance, and upgrade costs of video files. This is the technology elephant in the room.

When an officer enters into a police interaction with a citizen, any number of outcomes may be expected: (1) an arrest; (2) a warning; (3) or perhaps, simply the gathering of information. In each of these instances, there is always the possibility that litigation may follow. It is for this reason that agencies must consider the cost of storing video data gathered during an interaction. This is expensive.

Departments large and small can expect to encounter astronomical costs associated with the data storage of video files. Research indicates that the Mesa Police Department in Arizona deployed 330 body cameras to nearly half of its police department members in 2018 (Police Executive Research Forum, 2018). The cost per camera was estimated to be \$2,198 per camera *per year* (Police Executive Research Forum, 2018). Multiplying the number of body cameras purchased and deployed by the cost of video storage per year gives police executives a difficult question to answer: can the agency afford these costs? Or perhaps the question is: can the agency afford not to have body cameras? Interestingly, it is often the police officer who is not wearing a body camera who wishes he had been wearing one, following an encounter that has escalated into a use-of-force situation. Each agency head must weigh these cost-benefit decisions every day.

Meanwhile, in New York City, body cameras were deployed to approximately 20,000 police officers from 2017 to present (NYC.gov, 2019). Using the Mesa Police Department's cost estimate from above to compare the agencies' costs, New Yorkers can expect an approximate price tag of \$43,960,000, *per year*, to purchase and maintain its law enforcement body cameras. While the idea of body cameras may, at first, seem to be one that law enforcement agencies cannot pass up, the costs are substantial and in some instances, prohibitive. Indeed, body camera manufacturer Axon has stated that every one of its clients who have canceled their body camera program cited excessive costs as the reason (Kindy, 2019).

Credible leaders should strive to build trust with both their subordinates and the community (Long, 2017). Trust is built through fairness and impartiality. At first glance, it would seem that body cameras are fair, impartial, and free from bias. Impartiality is a paramount topic when discussing a leader's moral compass (Snyder, 2017). Law enforcement leaders are

held to a high standard, and must always exhibit fairness and be free from bias. One might ask: what can be more fair and free from bias than a body camera recording a police interaction in its entirety? This is a fair question that credible law enforcement leaders should address. How a video is received, though, depends on the perspective, background, and personal lens of the viewer (Cochran & Gonzales, 2017). So, deploying law enforcement body cameras may not provide a clean and clear result that most expect.

In today's climate of pervasive social media outlets and the "instant news cycle" world we live in, the media wants access to police information at all times. This can be either a help or a hindrance for law enforcement. Sometimes the police want information publically disseminated instantly, perhaps in the case of a missing child. On the other hand, however, it is sometimes more prudent for law enforcement to thoroughly investigate a situation before informing the public. In the following section, we address the media's role in whether body cameras are the answer.

Media

An emerging trend in the field of law enforcement is that members of both the public and the media consistently request body camera footage following interactions with law enforcement officers. If body camera footage is not immediately released by the agency involved, members of the public and the media often begin to make assumptions on what may or may not have occurred during the interaction. This relatively newer trend is generational. The members of Generation Y, also referred to as "millennials," are keenly attuned to technology and are the founders of the age of instant gratification (Snyder, 2017). In simpler terms, Generation Y members want information, and they want it now.

Clearly, there are many members of the public and the media who have no understanding that the early release of video footage may hinder an investigation. It is vital for law enforcement industry leaders to effectively communicate with the public and members of the media concerning agency policies and the manner in which critical incidents are handled. When dealing with their constituents, credible agency leaders must recall and implement the cornerstones of their moral compass: peace, justice, equity, and service. It is the duty of both the agency leader and his subordinates to remain true to their moral compass values. One of the six traits of a successful police leader is communication (Long, 2017). Police leaders must communicate effectively. So, even if a police leader declines to release video footage for justifiable reasons, it is advisable to effectively communicate the reasons for withholding the video. For instance, incidents such as officer-involved shootings are handled in a vastly different manner than traffic fatalities. A leader should explain the reasons that video is being withheld, especially if an investigation has not been concluded.

All too often we hear that police leaders overreact to public protests over the non-release or untimely release of law enforcement body camera videos. It is the public's right to peacefully protest. Police leaders should understand this right as it relates to the release or non-release of police video footage (Cochran & Gonzales, 2017). This is part of the process, and expecting the public to change is unreasonable. Effective communication in this regard by police agency leaders is important in maintaining the credibility of an agency (Long, 2017).

The Los Angeles Police Department (LAPD) has taken a step in the right direction by conducting critical incident community briefings (Zercoe, 2017). LAPD leaders walk members of the public and the media through police videos step-by-step, narrating their video(s) while using subtitles (Zercoe, 2017). In this way, LAPD leaders follow the guidelines discussed by Dr.

Larry Long (2017) in the National Command and Staff College; LAPD's leaders can educate any civilians (whether the public or the media) viewing the footage so that nothing is left in question or to chance. A civilian, perhaps, might not notice hostile perpetrator movements or hidden weapons as quickly as a seasoned law enforcement officer would. Additionally, the LAPD has a 48-page media relations handbook, aimed to ensure that the department efficiently handles all media contacts (Brechtner, 2018).

The Las Vegas Metropolitan Police Department (LVPD) established a private viewing room at their headquarters (Zercoe, 2017). LVPD leaders have the ability to facilitate the viewing of police actions while LVPD police personnel are in attendance to decipher and explain police actions. LVPD charges a fee of \$50 per hour for any footage that must be redacted before being released to the public or the media (Zercoe, 2017). Sensitive video matter of a criminal or internal nature is not released until the matter has been appropriately resolved (Zercoe, 2017). The LVPD implemented different rules for viewing videos, depending on the circumstances (Zercoe, 2017). For instance, parties who are personally involved in the interaction, *e.g.*, witnesses, may get a different viewing opportunity than the media.

In San Diego County, the policy for the release of officer-involved shooting videos requires the County District Attorney to first review the related video(s) and present any findings to the police agency involved before releasing the video footage to the public or to the media (Zercoe, 2017). If criminal charges are filed, the video is not released (Zercoe, 2017). The County also takes into account privacy, due process and any related public safety issues before releasing video footage to the public or to the media (Zercoe, 2017). Comparatively speaking, San Diego County's policy is different from the other agencies discussed herein as it relates to the imposed delay and the purposeful review of video footage by authorities before release. San

Diego also requires that any video footage release be accompanied by a news conference which includes the results of the District Attorney's initial review (Zercoe, 2017).

Everyone has the right to have an opinion on any given topic. Trials by public opinion offer little in the way of the effective administration of justice. In the case of police body camera video footage, cases can either unravel or become strengthened, depending on viewpoints, when body camera videos are prematurely released. With this in mind, the San Diego model discussed herein appears to offer a fair compromise to all parties: officials are not opposed to releasing body camera video footage to the public or the media, but only if the release does not compromise or otherwise affect the proper administration of justice.

The Ferguson Effect

Cameras cause people to act differently than they ordinarily would. Consider someone who is asked to pose for a picture. Before taking the picture, the person may appear in a normal state of being, perhaps even appearing uninterested. Once the camera is set to take a picture, a person generally will adjust to a smile, smirk, or perhaps they may act differently than prior to the picture.

In responding to a critical incident while wearing a body camera, it is imperative that law enforcement professionals maintain emotional intelligence through the duration of the incident. An officer's body language and verbal interactions are important. When the average citizen videotapes an event, they have the opportunity to retake the video if it is not perfect in style or quality. Officers wearing body cameras enjoy no such luxury. Officers are aware that the body camera is on, and may alter their actions, facial expressions, and demeanor during an interaction. Similarly, members of the public may also adjust their attitude and demeanor during filmed incidents.

Following the widely publicized officer-involved shooting incident in Ferguson, Missouri, there was a paradigm shift away from proactive law enforcement. This has been called the “Ferguson Effect”. Cameras seem to have adjusted the behaviors of those involved in law enforcement. The term “Ferguson Effect” was coined by Chief Sam Dotson of the St. Louis [Missouri] Police Department, and was said to reference the increase in burglaries and assaults in the aftermath of the Michael Brown shooting. Relatedly, there has also been a demonization of the law enforcement profession which resulted in a sudden decrease in arrests and proactive policing (Cochran & Gonzales, 2017).

This decrease in arrests and proactive policing has been labeled as “de-policing”. “De-policing occurs whenever a police officer decides not to get out of a patrol car for fear that the encounter will be recorded for public release, and the recording may portray the officer in a negative light” (Cochran & Gonzales, 2017, p. 307).

In reviewing the Ferguson Effect, it may be helpful to take a look at the good, the bad, and the ugly.

- The Good: Although none of the studies reported a direct correlation counterbalance to the Ferguson Effect, most data indicated a significant reduction in citizen complaints and use of force encounters when compared to instances in which the officer(s) did not wear body cameras. The question, however, still remains whether the reported reductions were due to enhanced citizen behavior, enhanced officer behavior, or a mixture of both. As stated in above, people have the tendency to act differently once they are aware that a body camera is recording an interaction. According to a United States Department of Justice study, body cameras have the potential to promote “perceived legitimacy and

sense of procedural justice” in these encounters (Cochran & Gonzales, 2017, p. 310). Due to these reported results, it appears that body cameras may encourage proactive policing.

- **The Bad:** National Political Correspondent Aamer Madhani stated in his 2017 USA Today article that 72% of the law enforcement officers in the United States were reluctant to engage in suspicious person stops and two thirds of the nation’s officers were reluctant to use force (Madhani, 2017). Officers who are compelled to wear body cameras have expressed legitimate concerns. For instance, in a critical incident scenario, no matter the severity, will the officer be judged or held to increased scrutiny if the incident was not recorded for one reason or another? Officers may inherently fear being second-guessed by supervisors, or that video footage may somehow be used against them in the court of public opinion. Camera angles may not capture the exact viewpoint of the officer at all times, as an officer’s head may be turned while a camera is pointing in another direction. Clearly, video science is not foolproof.
- **The Ugly:** As disturbing as this fact is, it must be stated that not everyone likes law enforcement officers. There are websites, social media groups, and actual persons who thrive on procuring and posting video footage of police officers, often in an unflattering manner. These groups regularly use information legally obtained via the Freedom of Information Act (5 U.S.C. § 552) with the intent of posting only the clips that fit certain agendas. These efforts undermine law enforcement as a whole.

Conclusion

Credible law enforcement leaders deal with a multitude of issues on any given day, from personnel decisions, to finances, to manpower deployment and training. The list sometimes

seems never-ending, with new issues arising every day. An effective leader must embrace change while honoring certain practices of the past that remain effective today.

In modern society, nearly everyone on the planet has a camera in their possession at all times in the form of a cellular telephone. Relatedly, law enforcement leaders are struggling with whether or not to implement body camera technology. With a high price tag, unresolved media issues, and officers sometimes hesitant to perform their duties for fear of reprisal, the implementation of body camera systems remains an unresolved issue for law enforcement leaders.

When a law enforcement agency leader is determining whether or not to implement a body camera program, he or she should be prepared to face scrutiny no matter the decision. Effective communication skills are paramount for the leader to successfully navigate the public minefield this decision brings to bear.

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