



The Basics of Selecting and Issuing Body-Worn Cameras

Part II of III

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Some government decision makers are responding to community pressure concerning transparency and accountability by urging law enforcement administrators to quickly purchase and issue Body-Worn Cameras (BWCs) to their officers without considering all of the ramifications of such an adoption. While research has shown BWCs can reduce citizen complaints and has other positive effects, a systems approach will help to identify critical preimplementation, implementation and postimplementation issues. These issues include, but are not limited to, camera specs; storage issues; storage costs now and in the future; training; and policy development. Policy will be discussed in Part 3 of this series.

Arguably, no other technology in the past 100 years of policing has been deployed so rapidly, extensively and with potentially greater positive and negative impact than BWCs. Many agencies have been hurled into the BWC implementation process because of the events of the last 18 months. This rush to put cameras on officers has presented a host of challenges which can lead to costly

mistakes and waste of resources if the agency focuses solely on procurement, policy and deployment without giving the entire implementation process careful thought. BWC implementation is a complex endeavor – regardless of the size of the agency. Presumably, smaller agencies will find the task somewhat more manageable compared to the challenges faced by larger agencies, but the task can be daunting without proper planning. The following are some of the more critical implementation considerations.

As discussed in Part 1 of this series, an agency's organizational culture (officially stated versus practiced) is being documented the first day a camera is placed on an officer. Is what the camera captures a true reflection of the agency? Administrators need to conduct a thorough appraisal of the organizational culture to identify those areas which need immediate attention; develop a plan to address these shortcomings; implement a course of action to improve and/or correct them; and then evaluate the corrective progress throughout the implementation process.

Formal Planning

If a detailed plan has not been developed, throwing darts at a wall containing pictures of BWCs may be more effective. Formalized planning for the procurement, deployment and management of a BWC system is absolutely critical for success – regardless of agency size. The failure to plan will cause costly mistakes. To maximize success, place one person in charge of the process; preferably, someone with project management skills. If a project manager is not available, there is often “that person” in an organization who seems to get the job done regardless of the challenges. Support this person with a multidisciplinary team of folks from all internal and external disciplines who will affect positive outcomes. Building a stakeholder teamwork approach and understanding of the challenges will pay dividends throughout the process. The first stop for any project manager is the Bureau of Justice Assistance’s National Body-Worn Camera Toolkit available at <https://www.bja.gov/bwcl>. This is an absolutely essential source of valuable information concerning all aspects of implementation.

BWC Policy

One critical task and major challenge is the writing of a comprehensive BWC policy. A strong policy is the foundation which supports and impacts a myriad of other aspects of the agency’s BWC program. A weak or incomplete policy can enhance liability. For example, when is an officer permitted to “turn off” his (or her) camera? Policy not only directs how officers should utilize the cameras, but also impacts areas such as retention, storage solutions and the dissemination of recordings in compliance with public records laws, to name just a few.

Each agency will have to develop its policy to meet its unique requirements. The BJA Toolkit provides recommendations on a structured policy outline. Policies from other agencies can be reviewed, but they should only be seen as illustrative. Avoid the temptation to “cut and paste” sections about activation, deactivation, retention, special circumstances and locations, officer involved shootings, public privacy and dissemination. These are the areas where an agency will face the most public scrutiny.

One agency, for example, may permit officers to watch BWC video *before* writing reports, whereas another agency may not permit this practice. Some agency administrators and legal advisors recommend having officers write their reports from memory, then watch the BWC video and then write a supplemental report which identifies any changes in recollection after watching the video. *Transparency* is important during this process. Defendant and/or plaintiff lawyers will attack the reports, regardless of how and when they were written, but being transparent from the beginning will help to minimize the attack.

Testing, Selection and Procurement

Another early and critical task faced by the project manager will be the testing, selection and procurement of the BWC system. There are many BWC vendors. Choose the best four to six cameras which meet the desired agency selection criteria. Get these cameras into the hands of select officers who will conduct rigorous testing of them in the field. Have an evaluation plan in place so that the officers are looking at those key product criteria. This testing should take place over a number of months which can be challenging when there is external pressure to get cameras fielded rapidly. However, administrators must remain firm. The selected BWC system is the largest cost of a BWC program. Accelerating this step for the sake of expediency is not being fiscally responsible which could result in the purchase of an inadequate product and/or fail to identify future operational requirements.

While officers are conducting field-testing, the project manager must review the storage solutions and content management software of each system. Talking to managers in other agencies about their experiences and satisfaction with potential selections may reveal other issues. While the initial purchase of BWCs may stretch budgets, storage costs may exponentially increase and run into the millions of dollars.



The BJA’s National Body-Worn Camera Toolkit provides a myriad of valuable information and resources.

Storage and the Future

Data storage concerns – now and in the future – will require the project manager and other decision makers to become *futurists*. How much data will be stored and for how long? What happens to the data and to costs if vendors or initial storage plans are changed?

Agencies need to consider looking at internal server solutions. If the municipality has a robust Information Technology (IT) department, this may be a good choice. Data are kept in-house and not stored in foreign places. Up-front costs may initially be higher, but the systems will eventually pay for themselves and may be configured for other storage needs which can’t be met by a cloud solution.

In contrast, cloud storage may be the preferred option when large amounts of data are projected to be stored. Negotiate a favorable contract and take into consideration future storage needs. Request information from the vendor about its cloud security compliance, redundancy and physical storage locations worldwide. Give some thought to a future change of providers as the agency requirements evolve and storage costs adapt to the market. What would the plan be to migrate data to a new provider and how would it be done? This may impact the choice of your initial provider.

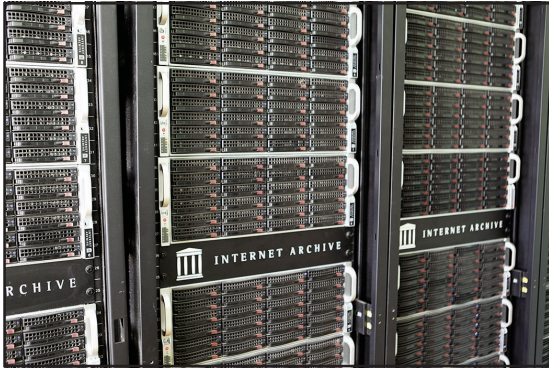
What if three years after deployment of BWCs a decision is made to change storage vendors? How will the data be given to your municipality? Will it come back in “1s and 0s”? How will it be guaranteed that all data were returned when data were stored in several different locations? These are important questions which need to be asked *before* it becomes an issue.

Finally, conduct an exhaustive review of the content management software provided by the vendor. The program is more than just a database of videos. The ability to edit, redact, share, audit, manage, conduct basic content analysis and analytics are essential components of the software supporting the system. There is a lot of ongoing development in this competitive area. Remember, this is the command center of any BWC system and it must have a robust set of features to support the management of the recordings.

One last note in the area of system selection: Smaller agencies should also consider the possibility of an “à la carte” system solution. Hardware, storage and software all provided by different vendors may be more fiscally practical. The challenge here is to ensure system compatibility and ease of integration.

Data Review = Real Time

It has been estimated that, for every 100 BWCs which are put into the field, it will take one full-time person to review the recordings. Reviewing ten minutes of recordings requires ten minutes of time (real time). Additional personnel and the associated costs must be factored into BWC program costs. While specific agency costs will vary, someone will need to review and retrieve the recordings for criminal or civil litigation, media requests and similar events.



Storage solutions and content management are as important (if not more so) as choosing camera systems during the selection process.

Training Issues

Training officers in the use of the selected camera system is extremely important and cannot be understated. Officers must be trained before cameras are deployed and that training must be competency-based. Besides initial training, consider annual recertification training, training for supervisors upon promotion and management training. The importance of training to any BWC program is discussed in more detail later in this article.

BWC Deployment Issues

BWC deployment must be planned, too. Smaller agencies may be able to deploy all of the authorized cameras at one time. Larger agencies may have to do it in phases. Regardless, it is important that the agency keep the community apprised of its plans. This will be much easier if community and government leaders have been involved throughout the planning process. For example, phased deployments should be made after considering a host of local factors such as, but not limited to, community recommendations; areas of operations generating more complaints or uses of force; and special operating areas such as nightlife districts. Communicate this to the community and expect a healthy debate if community expectations are not in line with agency deployment plans.

This is also a great time to engage the media in promoting the agency's cameras and their deployment. Every local news outlet is following the BWC story with great interest. Consider hosting a media day at the beginning of the deployment. Invite media representatives and let them see and operate the cameras. Explain agency policy in detail, recording management, storage and dissemination procedures. Role-play scenarios which demonstrate the difference in perspective from an officer's point of view and that of a bystander with a cell phone. This effort with the media will pay dividends for the life of the program; will build a foundation of understanding with the media; and will help educate the community on the realities of what BWCs can and cannot do.

Postdeployment Management Issues

After deployment, BWC managers have a number of essential responsibilities managing the BWC program. Among the most important are policy oversight, enforcement and compliance. BWC policy, as with other policies, must not be viewed as a "project," but as a "process." BWC policy must be constantly monitored to ensure that it is revised based on relevant national and local best practices, internal "lessons learned," community input and court rulings. BWC and collateral BWC policies must be reviewed and revised on a regular basis throughout the first year and as needed following BWC deployment. Policy without enforcement becomes *only* words on paper. Agency managers and administrators must develop systems to ensure that officers adhere to BWC policy, especially in the area of activation compliance. Compliance may also be impacted by existing Collective Bargaining Agreements (CBAs).

Content management software can assist immensely in this



Like other types of instruction, training in the proper use of body worn cameras will likely be the subject of future litigation.

area. Vendors are working to ensure that their systems can integrate with other systems. The public expects officers to use BWCs according to agency policies. Agency credibility is negatively affected when this does not happen. Audits conducted through the content management software help to identify and manage compliance requirements.

First line supervisors play an important role, too. They should be involved in reviewing video about use of force and other high profile incidents, citizen complaints, identifying policy and/or performance problems. Their review of recordings beyond these areas should be carefully considered and limited and must comply with CBAs. Each agency will have its unique perspective on this, but caution is advised.

When misconduct is identified through review, audits, the citizen complaint process and/or other review processes, it must be handled proportionally by the agency. Consider handling lesser BWC policy violations with a goal of correcting behavior which may be more a result of adapting to new technology than of blatant disregard for policy. On the other hand, willful and malicious failure to record or tamper with recordings should be dealt with quickly and firmly. Again, the public expects no less. To do nothing or very little would strike at the core of the purpose of BWCs.

Dissemination of BWC Recordings

Dissemination of BWC recordings is another "hot button" issue. Many state laws have yet to catch up with this subject. Administrators find themselves trying to adhere to laws which reflect requirements and processes for dissemination of paper documents rather than video. Some states have dealt with this question by enacting laws which run the gamut from full disclosure to disclosure only under a lengthy number of criteria. Either position may not meet the public expectation of accountability. Negative impact may ultimately affect the judicial process, privacy and operations. BWC best practices are likely somewhere along the disclosure continuum. The challenge for administrators – in the absence of thoughtful state law – is to balance disclosure against often emotional public demands for full disclosure. Municipalities will find themselves in the unenviable position of being guardians of public privacy and will undoubtedly take criticism, no matter how it has been handled.

There are some things administrators can do to mitigate the challenges. In most cases, simply defaulting to state law will not be enough because it could lead to negative consequences if the law is flawed. Making the agency dissemination process open and public will serve to educate the public and reinforce a sense of transparency. Clearly state what information will, and will not, be released, with noted exceptions such as ongoing investigations. Creating steps in the dissemination process which minimizes impact on agency resources saves time and money for citizens and guards against the unintentional release of recordings where there is an expectation of privacy are absolutely essential. Don't wait until after the first

BWC has been deployed to begin thinking about public records acts compliance or similar requests. Make this part of the initial and ongoing planning process.

Finally, administrators and BWC project managers must consider where BWC technology and its recording by-products are going. Failure to do so may eventually impact the agency in a number of resource areas and place it in a position of playing catch-up. Camera and recording technology are constantly changing and improving. One only needs to look at the exponential growth of technology over the past five years to see what is coming. BWCs which are smaller, better, cheaper, and with enhanced capabilities are coming. Storage costs will most likely drop, but costs overall may increase because more data will be stored. Content management and use of recordings for other purposes than police accountability are already topics of discussion. Video content analytics, crime analysis integration and individual officer performance optimization through processes such as biometric monitoring are already on the horizon. Agencies would be well served by keeping a watchful eye on these developments, planning for them and becoming a vocal part of the discussions.

BWC Training

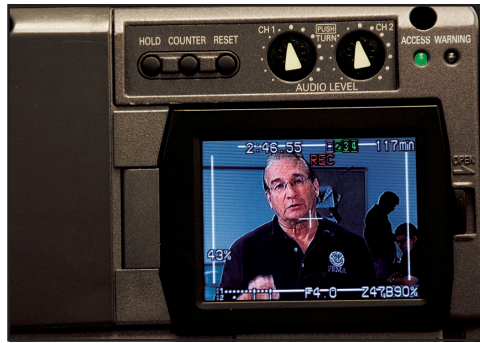
There is no established law in regards to BWC training. It is likely, however, that training conducted in the proper use of BWCs will be the subject of future litigation. Government entities may be liable under 42 USC §1983 if they fail to properly train employees and that failure to train amounts to “deliberate indifference to the rights of persons with whom the [untrained employees] come into contact” (*Canton v. Harris*, 489 U. S. 378, 388 [1989]). Whether or not a failure to train amounts to deliberate indifference is a question a judge or jury must answer based on the evidence presented. For this reason, it is imperative that agencies maintain thorough written records related to training on department policies, lesson plans, testing, etc. concerning proper use of BWCs.

The courts have always had an affinity for the written word and generally oral evidence will not be admissible to contradict the contents of a writing (e.g., California Evidence Code §1523). The importance of good policies will be discussed in the final article in this series. Courts, however, have found that departments must properly train their employees concerning those policies to avoid liability (*Munger v. City of Glasgow*, 227 F.3d 1082 [9th Cir. 2000]). Courts have also indicated that written training documents and records of course attendance can be used to show that the agency was not deliberately indifferent in providing training. The involved officers, however, must be able to testify that the training actually presented matched that in the training documents (*Paul v. City of Altus*, No. 96-6376 [10th Cir. 1998]).

Competency-based Training

BWC training (like all law enforcement training) is grouped under Career and Technical Education (CTE). Lesson plans must be in writing to describe and document what was taught. The lesson plans must not be topical outlines because they do not describe what was taught.

The content of the BWC lessons must be accurate, relevant and in alignment with agency policy, procedures and rules. Lessons about how to wear the camera; where it is to be located; and when it is to be activated, paused, and turned off are required topics. Other topics include, but are not limited to, acceptable behavior when the camera is “on”; how to download the data; how often the data must be downloaded; what recordings are not permitted; what data can be released to the public; what data are to be redacted (blurred) and the guidelines to be followed for these decisions; plus other



Additional personnel may have to be factored in when considering reviewing recorded videos.

relevant topics and information. Rules about reporting broken or lost cameras are also important unit lessons.

BWC training must be designed to develop officer competency about camera usage, including collateral tasks such as downloading of data, redacting information, etc. It will be difficult or impossible to discipline officers who violate policy, etc. unless training about these and other important topics is first completed.

Competency-based Testing

Attendance in class **does not** equal competency. Officers' competencies about their use of BWCs must be objectively measured to accurately determine if they are competent to perform the camera tasks. This will require an assessment in each learning domain: cognitive, affective and psychomotor.

Cognitive domain testing is often done with pencil and paper tests or online testing. The assessment focus might be on agency policy, procedures, rules, labeling the parts of a BWC, etc. Assessing affective domain behavior is often done through role-playing. Psychomotor domain testing is done by requiring officers to correctly demonstrate camera tasks (e.g., proper wearing, downloading data, etc.). Each competency is graded using a predeveloped rubric which is based upon a quantitative performance objective or measure. Unless the trainer can demonstrate objective and quantifiable testing in each learning domain, the governmental entity will be unable to prove competency-based testing or that the officer was competent to use the BWC.

Summary

Selecting and issuing BWCs is not a simple task. In fact, it is a complex project which involves diverse groups of individuals and topics: training, legal, vendors, supervisors, etc. There are few times in one's career where what is happening is truly “pioneering,” and BWC adoption can be said to be one of those times. Therefore, it must be done well. As Steven Covey noted in his text on the habits of successful individuals, begin at the end. In other words, what are the desired outcomes of adopting BWCs? Identify the outcomes, and then reverse engineer how to get there by developing a sound and logical BWC selection process, policy, competency-based training, and auditing process. In Part 3 of this series, policy development and associated issues will be discussed. **P&SN**

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