



PUBLIC SAFETY

Lights, Cameras, Arrests

As police begin using body-worn cameras, cities must address their costs, and policy and privacy issues.

by William Lampkin

Late one night in September 2013, **Daytona Beach** police officers responded to a domestic violence call. A man was holding his girlfriend at knifepoint.

After talking with the suspect's mother and other witnesses outside, the officers – fearing for the woman's safety – kicked in the front door and entered the house. **Jermaine Green** was holding a butcher knife to **Katrina Johnson** and forcing her into a bedroom.

As Green fell back onto a mattress, pulling Johnson with him, officers shot Green multiple times. Johnson, who was also wounded, was quickly helped from the house.

The whole incident – from the officers' arrival until after the shooting – was recorded on body cameras worn by the two officers who fired their weapons.

"When I first got to the scene 15 minutes later," Daytona Beach **Police Chief Mike Chitwood** said, "I was bombarded with 'Your cops shot an unarmed man. It took (officers) 30 minutes to get here.' The stories were swirling. The mayor was out there; a city commissioner was out there; and they're telling me, 'You've got a problem here.'"

But unlike more serious, and fatal, confrontations involving police in Missouri, New York and Ohio last year, this shooting didn't lead to community outrage or protests.

"At 6 a.m., I brought the mayor in and said, 'I want you to watch this,'" Chitwood said.

The body-camera videos showed how quickly the officers responded to the call, their demeanor in dealing with witnesses, and the events leading up to and following the shooting.

"The mayor sat there and said to me, 'This isn't what we were being told.' Then

I called community leaders in," Chitwood said. "It quelled everything by being able to put them in a room and saying, 'Watch this.'"

Daytona Beach is one of a growing number of cities in Florida and around the nation equipping police officers with body cameras to record first-person views of their interactions with the community.

In December, **President Obama** proposed a three-year, \$263-million plan to strengthen community policing. The proposal includes \$75 million to help state and local police agencies purchase and use 50,000 body cameras.

In **Flagler County**, "almost all 117 patrol deputies are equipped with body cameras," said **Commander Bob Weber**, the sheriff's office public information officer. The sheriff's office provides policing for the **City of Palm Coast**, which authorized purchase of the cameras in April 2014.

The **Pensacola Police Department** began equipping officers with body cameras in February 2015.

"**Chief (Chip) Simmons** and the department have been looking at body cameras

for several years, and it fit well with my administration's goal to be more open and transparent in everything we do," Pensacola **Mayor Ashton Hayward** said in an email. "I wholeheartedly supported the idea, and believe body cameras will make both our officers and citizens safer."

As Hayward indicates, documenting police-public encounters for evidence is only one function of the cameras. A scientific study of police body cameras in **Rialto, Calif.**, by the University Cambridge's Institute of Criminology illustrates this point.

"The technology is perhaps most effective at actually preventing escalation during police-public interactions: whether abusive behavior towards police or unnecessary use-of-force by police," the institute said when it released the study.

One of the study's authors was Rialto **Police Chief Tony Farrar**.

The study, whose results were published in the *Journal of Quantitative Criminology* in November, showed that for officers wearing body cameras, the use of force dropped 59 percent and public

POLICIES TO CONSIDER

A report by the **Police Executive Research Forum** recommends that policies address:

- >> Basic camera use, including who wears cameras and where on the officer they are worn
- >> Who maintains the equipment
- >> Recording protocols, including when cameras are turned on/off and when recording is required, allowed or prohibited
- >> Procedures for downloading, tagging and safeguarding videos
- >> Documenting chain of custody
- >> How long videos will be retained
- >> Who has access to videos, and circumstances in which videos may be reviewed
- >> Public records requests, including how videos are redacted and released
- >> Contracts with third-party vendors regarding ownership and security of videos

Source: policeforum.org

LAWMAKERS FOCUS ON BODY CAMERAS

Florida lawmakers are considering bills concerning police body cameras during the 2015 legislative session, including:

HB 57 and SB 248 originally mandated that all uniformed patrol officers across Florida wear the cameras. That mandate was removed from the House bill, and the new version now only requires that police agencies adopt policies and procedures for the cameras. SB 248 was amended in committee to create a public records exemption for audio or video recordings made by a law enforcement officer in the course of the officer performing his or her official duties and responsibilities if the recording meets certain criteria.

complaints dropped 87 percent in 2012, the cameras' first year of use. Of course, that was only a one-year study; data from long-term body camera use has not been addressed.

Officials from both Flagler County and Daytona Beach say they have seen similar results.

"The cameras have helped to reduce complaints against officers," Weber said. "A deputy who receives a citizen complaint is either quickly exonerated once the video is reviewed, or the citizen drops their complaint once they learn that the interaction may have been recorded by the deputy."

Daytona Beach's Chitwood said, "Everybody tends to behave better when the camera is on."

The body cameras also help police departments better monitor their officers. In Daytona Beach, videos are randomly checked each month to note any deficiencies in police practices. For instance, Chitwood said, a lieutenant may notice that an officer is using bad tactics when approaching a pulled-over car, or an officer has a bad attitude when making stops. "That's something we can fix," he said. "Let's bring (the officers) in and retrain them before it becomes a problem down the line."

But not everyone has bought into the technology. Some argue that buying and maintaining the cameras, and storing and managing the video data, is expensive – consuming funds that could be used for additional officers or services.

The City of Palm Coast spent \$76,380 to purchase an initial 60 cameras and their accessories. **West Palm Beach** recently said it is spending more than \$800,000 over the next five years to put cameras on 250 of its police officers.

Daytona Beach is paying around \$50,000 a year for three years to have its videos stored and managed remotely. Chitwood, though, says that if the cameras reduce lawsuits against the department, "the program would pay for itself."

There are also questions that need to be addressed by policies: Who should be recorded? When? Where? And for what reasons?

"Body-worn cameras are an emerging technology that may very well benefit

public-safety efforts," the **Florida Police Chiefs Association** said in a position statement. "However, this technology brings about special privacy concerns, such as public records accessibility, records retention, costs for maintenance, and proper release and procedural considerations within the judicial system."

A workgroup, put together by the **Florida Department of Law Enforcement** and including the association and other law enforcement agencies, hopes to develop statewide standards for implementing and using body cameras.

Florida lawmakers are considering legislation addressing the use of police body cameras in the current legislative session. (See sidebar.)

Daytona Beach, Flagler County and Pensacola all say they have policies and procedures in place for using the cameras and for handling videos. In Flagler County, as in Daytona Beach, videos are stored remotely by the camera vendor, while Pensacola stores its videos in-house.

"The video from the body cameras will automatically be transmitted by the officer when the camera is plugged in," Pensacola's Simmons said in an email. "Officers will not be able to manipulate or prevent the video from transmitting to the server."

But just as officers turn the cameras on, they can turn them off. That happened during an arrest in Daytona Beach in June 2013. A woman later filed a complaint against the department for using excessive force during her arrest; several of her teeth were knocked out, she said, when a police officer shoved a flashlight into her mouth.

An internal investigation found that an officer had turned off his body camera

during the arrest. "The officers conspired to make up a story that the camera malfunctioned," Chitwood said. The officer who turned off his camera quit, while the other officer was fired.

Not only do policies need to address when cameras are turned on and off, but also when and where they are to be used.

"Special consideration should be given when recording inside a private residence," Pensacola's Simmons said. "Whenever feasible, officers should get consent prior to recording inside a victim's or witness's home, unless the officer is responding to an in-progress emergency call, i.e., burglaries in progress, domestic violence calls, assaults and/or batteries. Additionally, whenever possible, officers shall inform victims and witnesses they are being recorded in places where they do not have an expectation of privacy."

Daytona Beach's Chitwood, speaking about his officers, said, "If you are out on the street or you have the legal right to be somewhere, you can record. Just like John Q. Citizen can flip open their iPhone and film us doing our thing, we have the same rights to do that."

But Chitwood cautions that a body camera isn't a magic wand.

"This is not a panacea: You get body cameras and all is right with the world," he said. "The pros outweigh the cons immensely, but we're still working through the cons. I'm sure there are going to be court challenges to the recordings, and there are going to be challenges to the evidence storage, and even the public records. There are a lot of things that have to be worked through."

William Lampkin is a freelance writer. **QC**