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## Can Body-worn Cameras and Policy Changes Assist Within Police Agencies?

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Can Body-worn Cameras and Policy Changes Assist  
Within Police Agencies?

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### **Abstract**

Police agencies across the globe are facing a crisis as it pertains to the diminishment of public trust within their communities, stemming from highly-publicized instances where police officers have had to use force on a citizen, which can sometimes be deadly. Because of many different factors such as social media, biased mainstream media outlets, and rapid information sharing, public opinion and trust for the police are at an all-time low, and use of force incidents are commonly questioned and critiqued by those with no police training or law enforcement knowledge.

It is not accurate to state that police agencies and officers cannot use force to do their jobs. It is sometimes a necessary task that needs to be done to effectively subdue a violent, resistant, or combative subject so that an arrest can be made. However, using force improperly can diminish community relations, and can cause problems within the entire criminal justice system.

The caveat to this, is that to totally remove or to not use force could create anarchy and could lead to a less-than-civilized society. Police agencies are actively seeking ways to increase public trust and cooperation, all while still being able to effectively and safely do their jobs.

Because of recent events involving police using force on a subject, which were highly controversial and publicized, experts believed that one of the solutions to increase public trust was the implementation of Body-Worn Camera Systems (BWCs) by police agencies.

This study aims to show that the use of Body-Worn Camera Systems (BWCs), and changing agencies' policies on uses of force can aid law enforcement in gaining trust within their communities by showing when the use of force is necessary, and by punishing those officers who use excessive force. Trust between the community and the police is vital, and not trusting the police can lead to mistrust in the entire judicial system as a whole. (Thibaut, J., & Walker, L. 1975).

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### **Introduction**

Since the early 1990s, there have been calls across the nation for police reform, retraining, and even defunding, which has culminated as a part of police use of force incidents that have been seen as racially motivated. These use of force incidents have led to months of civil unrest, diminished trust within communities and their police departments, and police being seen in a negative way they never have been before by the public.

The civil unrest across the nation has reportedly costs a record-breaking amount of damage costs. Between May 26, 2020 – June 8, 2020, alone, an estimated amount of \$1-2 Billion in damage claims have been reported, per Axios, an American news outlet (Kingson, 2020).

Jennifer Kingson, a reporter with Axios, further stated in her report that “A company called Property Claim Services (PCS) has tracked insurance claims related to civil disorder since 1950. It classifies anything over \$25 million in insured losses as a "catastrophe," and reports that the unrest this year (from May 26 to June 8) will cost the insurance industry far more than any prior one.” (Kingson, 2020)

This is exceptionally alarming due to the fact that as far as November 2020, instances of civil unrest due to police uses of force are still occurring, and more property is being damaged. To put the amount of damage into a better perspective, the damage cost amount for the Rodney King riots in Los Angeles in 1992 was \$775 million (Kingson, 2020).

Within these protests and riots are calls for police reform and claims of racial bias. The protestors state that the deaths of those killed by the police are racially-motivated, and believe that the police are not the protectors of the public that they were once seen as. Since the Rodney King incident in 1991, police agencies across the country have felt the “shift” towards being now seen as the enemy of the people.

### **Rodney King**

On March 3, 1991, a young African-American male, named Rodney King, was violently beaten by five Los Angeles Police Department officers, at the end of a lengthy pursuit involving both the California Highway Patrol and Los Angeles Police Department. Mr. King was beaten with batons, fists, kicks, and shot with a “tazer” by LAPD officers. Unbeknownst to the officers at the time, the entire incident was filmed on a camcorder by a Los Angeles resident, George Holliday.

The officers who were involved in the incident attempted to justify their use of force on Rodney King by stating he was resisting arrest. However, the video taken by George Holliday showed otherwise. The video taken shows King being beaten while posing no threat of resistance or harm to the officers that were beating him. In the Holliday video, the involved police officers delivered a total of thirty-three baton strikes and six kicks being to Rodney King as he was on the ground.

The video of this incident taken by Mr. Holliday was broadcasted all over the country on multiple different news outlets. The outrage was felt throughout the country as citizens believed that the attack was racially motivated, seeing as the officers were white, and King was black. To add insult to injury, all four of the officers who were indicted by the Los Angeles County District Attorney for the incident were acquitted in a jury trial. This led to riots across the city, as well as the country.

Since this incident, which occurred nearly 28 years ago, the use of force and suspected racism within police agencies all over the country has been a hot-button topic. Within the last 5-7 years, the world has seen an influx of new camera and information sharing technology, such as cell phones with high-quality cameras and recording capabilities, and social media platforms. Because of this new technology, police agencies and their officers are under a new level of public scrutiny in reference to how they respond to resistance, unlike anything they have ever had before.

### **Michael Brown**

More recently, the United States has seen multiple instances of police officers shooting both armed and unarmed persons of color, which has caused the idea of racial inequality to be called into question.

One of these instances was the fatal shooting of Michael Brown, an 18-year-old black man who was fatally shot by Officer Darren Wilson, who was employed at the time by the City of Ferguson, Missouri Police Department. After being called for a theft in which Mr. Brown was

the alleged suspect, Mr. Brown was shot and killed by Officer Wilson after a physical altercation. The event was seen by multiple witnesses, who were uninvolved with the event.

Along with the witnesses and their different stories and recollections of the events that led to the fatal shooting, another main issue with the fatal shooting is that Officer Wilson's recollection of the events that led to the shooting was vastly different than that of another man who was with Michael Brown at the time, named Dorian Johnson. While Officer Wilson stated that Michael Brown was wrestling and fighting him for his gun at the time, Mr. Johnson stated that Michael Brown was actually running from Officer Wilson (McLaughlin, 2014).

With vastly different stories being told, a good majority of the public was led to believe that the shooting was caused by racial bias. This shooting was the first of highly-publicized recent police shooting events, and led to multi-month protests and civil unrest, across the country, which caused multiple millions of dollars in damage across many states and cities. This shooting also spearheaded the creation of the "Black Lives Matter" movement, which has become a group that calls for police reform and the end of racial injustice and bias.

The main issue that the public has had with the fatal shooting of Michael Brown, was the lack of body-worn cameras by the officers who were involved in the shooting. This shooting is highly influential within the policing world, because of this shooting and the public outcry and the call for more oversight within police agencies, and in response to the civil unrest that came from the shooting, President Barack Obama created the President's Task Force on 21<sup>st</sup> Century Policing. A part of this task force, among other things, led to the US Department of Justice

awarding over \$23 million in funding via federal grants to support the implementation of Body-worn Camera systems. (DOJ, 2015)

While some agencies and officers are/were hesitant to use new technology, it has been revealed in the past that agencies can adapt and overcome, and be able to effectively use new tools to their advantage. In the early 1990's police agencies started to use dashboard/ in-car cameras. While most officers were apprehensive about the idea of having a camera in their vehicles, they were proven through research to lead to greater officer safety, accountability, and reduced liability. (White, M. & Malm, A., 2020)

### **Breonna Taylor**

Even while body cameras have become more accepted and utilized by police agencies not just across the United States, but across the world, there have been instances of police shootings where the devices were not used appropriately, or at all, which has led to public outcry.

An example of this would be the fatal police shooting of Breonna Taylor, a 26-year-old African-American woman, by the City of Louisville Police Department in March of 2020. Ms. Taylor was shot and killed after Officers of the Louisville Police Department were shot at by Breonna Taylor's boyfriend, while serving a search warrant at their residence.

The main issue associated with this shooting had to do with not only the lack of body cameras worn by the officers but the fact that their stories and Ms. Taylor's boyfriend's story did not corroborate each other. While officers were granted a no-knock warrant, they stated that they did knock and announce themselves before making forcible entry into the residence. Ms.

Taylor's boyfriend, Kenneth Walker, who fired at officers and struck one in the leg with a handgun as they entered their apartment, stated that he did not know the officers were the police and was just trying to protect himself and Ms. Taylor.

Had the officers been wearing body cameras, which are used by Louisville Metro Police Department but were not required to be used by the team who executed the search warrant, there would be no question as to what had happened the night of the shooting, or the events that led to the death of Ms. Taylor. The public also viewed the lack of body cameras to be a form of a nefarious act by the officers involved. This shooting has led to multi-month protests and civil unrest, as well as police reform. This shooting has been so controversial, it has been brought up in presidential debates.

In police shootings where the officer, or officers, were wearing body cameras such as the fatal Deon Kay police shooting in Washington DC, the fatal shooting of Amari Malone in Fort Worth, as well as many other police shootings where the officer was wearing a body camera, there was less, if not any, civil unrest or argument about the use of force used by the officers. Another factor in these police shootings could be the transparency used by the Department's and releasing the videos in a timely manner, so the public could have a better understanding as to what transpired.

Because of recent technology such as smartphones with high-definition quality video cameras and social media platforms that allow users to upload videos and share them at the push of the button, amateur videos of police interactions and uses of force can be shared across the

country in as little as seconds. In most of, if not all of the videos posted from civilians showing police using force on a person, the video does not share the whole story, but only a small clip of the officer using force on another subject.

Since most police agencies do not share their videos that have to do with investigations quickly, the only video that people see is normally seen negatively, as they only see the force used on someone, and not the reason why. The videos normally also have some sort of commentary from the person taking it, which can be untrue or misinterpreted. This could sway public opinion on the police, even if the officer may not be in the wrong.

### **Negative Views on the Police**

In today's age, public opinions on police are not positive. In today's news, you see hundreds if not thousands of people marching the streets or large cities with signs and screams to defund, abolish, and even sometimes to murder police officers. Current songs and music videos produced and performed by many famous and influential artists also call for the killing and defunding of police departments across the nation. Police agencies are not seen as the trustworthy, helpful, and protecting forces that they once were viewed as. Police are now seen as the enemy, and this is largely because of the influx of false information that is being shared daily.

An example of the negative view on police being the norm can be shown in the movie "Queen and Slim," which released in theaters November 27, 2019, and is about an African-American couple, who shoot and kill a police officer in "self-defense." This movie is been

highly controversial, however, most of the American populous seems to be in favor of its release. The fact that a movie with this type of premise is acceptable, is a great example of how the public opinion on police is not positive.

Negative views on police agencies by their community can greatly affect the justice system as a whole. A study showed that citizens' satisfaction with the decisions made by legal authorities is independently influenced by their judgments about the fairness of the process (Thibaut & Walker, 2015). In 1829, Sir Robert Peel, the “father” of modern policing, as some refer to him as, created the Nine Principles of Law Enforcement. Peel’s Second principle states, “The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior and the ability of the police to secure and maintain public respect.” (Peel, 1829)

With the current climate the way that it is, police agencies are in a desperate need to regain public trust. Lack of trust from the communities that they serve will inevitably make crime-fighting exponentially more difficult for police agencies. One way to increase that trust is to implement the use of body-worn camera (BWC) systems.

Some studies do show that the proper application of these tools can be very beneficial to police agencies in improving the trust and cooperation within their communities. Utilizing these tools appropriately can allow police agencies to be more transparent with the communities that they serve, and in theory, could give a more clear view and understanding to the public as to why

police officers use the amount of force they deemed was necessary. Furthermore, body-worn camera systems can also help police agencies hold their officers accountable for their actions.

## **Literature Review**

### **In regards to Body-worn Camera Systems:**

Several studies have been performed which examined body-worn cameras, and the impact that they have on the public and agencies which use them.

For example, Ariel, Farrar, and Sutherland (2015) examined results from a body-worn camera system trial program, which was implemented in Rialto, CA. The study showed that officers who wore the body-worn camera systems had fewer use of force incidents while attempting to arrest subjects than officers who did not wear the body camera systems.

The study also showed a drastic reduction in the number of citizen complaints against officers who wore and operated body camera systems while performing their normal duties.

The next year, the researchers evaluated whether or not body-worn camera systems could deter police from using force, or deter suspects from engaging in physical altercations. This study showed that “when officers adhered to their department BWC protocol, UOF incidents fell by 37%, in relation to those officers that did not use BWCs.” Researchers reasoned that “the combination of the camera plus the early warning creates awareness that the encounter is being filmed, thus, modifying the behavior of everyone involved.” (Ariel, Et al., 2016)

In short, it seems as though the use of body-worn camera systems not only reduced the number of use of force incidents, but it also reduced the number of citizen complaints filed against Rialto Police Department officers. This shows that body-worn cameras can be beneficial to the community.

Another study, independent from the Rialto, CA study, corroborated the findings that body-worn camera systems can lower citizen complaints and use of force incidents. This study completed by Jennings, Lynch, and Fridell (2015), tried to see if there was a correlation between use of force incidents with body cameras available and the number of citizen complaints that were filed within the Orlando, Florida Police Department.

The study found that within the testing period of the officers using body-worn camera systems, Orlando PD officers who were assigned to wear the camera systems had “a significantly lower amount of use of force incidents, and received a significantly lower amount of citizen complaints against them, than the officers who did not use the body camera systems.”

The study on Orlando PD also showed that while the amount of use of force incidents lowered for those individual officers who used body-worn cameras, the number of citizen complaints and use of force incidents were lowered for all officers who were present when a body camera system was used.

The study showed a drastic decrease in the number of complaints and use of force incidents in relation to the year prior for Orlando PD, where there was no body camera use for

any officers. The study stated that this “suggests that the positive impact of BWCs may extend beyond those officers assigned to wear them.” (Jennings, Et al., 2015)

Both studies showed a positive impact when it came to community relations between citizens and the police when body cameras were used. The second study also showed that just the mere presence, or thought of body camera presence, can help officers and that individuals do not have to wear the body cameras themselves to see the positive effects. (Jennings, Et al., 2015)

### **In regards to body-worn cameras and transparency**

Utilizing a body-worn camera system can assist a police agency with having access quickly to a video of the events that led up to a police officer using force on a subject, as well as real-time application of that force being used and the manner in which it was done. This can allow agencies to share videos of use of force incidents with the public, rather quickly, allowing police departments to be more transparent with the communities they serve.

In theory, one would believe that increased transparency could lead to a higher level of public trust between the community and police, and a better understanding of why an officer used the amount of force that they did on a suspect. Furthermore, it could increase trust by also showing when an officer does something wrong and is punished for it.

Sousa, Miethe, & Sakiyama (2018), completed a study attempting to see how the public viewed the use and sharing of videos taken by body-worn camera systems worn by officers within their respective police departments. Their study showed that out of all factors (public trust

& citizen relations) the public appeared the most enthusiastic about the potential for body-worn cameras to improve the transparency of police work. (Sousa, Et al., 2018)

However, it is interesting to note that their study also showed and stated that while the public showed approval for police transparency, some subjects in their test were a bit unsettled at the idea of police interactions with private citizens being given to the media and shared with the public. In the study, it states, “The transparency of BWCs might make police more accountable, but that same transparency can expose private citizens to public scrutiny as well.” (Sousa Et. al., 2018)

**In regards to media and the perceptions of police:**

Use of force incidents involving the police has become a large focus within social media and other media outlets. The large and increasing media attention to officer-involving shootings and other use of force incidents can be linked to several different factors. First, the increasing amount of readily available camera devices, such as cell phones, body cameras, security cameras, etc., has made it easier to distribute video and pictures to social media outlets, and other media sources. Second, media reports with video footage of police use of force incidents involving Black males have intensely created public outrage about police policy and practices regarding the use of force. (Cox, 2017)

In a study done by Oglesby-Neal, A., Tiry, E., & Kim, K. (2019), it showed that current perceptions of police in America are not positive. The researchers stated that by using Twitter,

their research showed that the attitude towards police had declined substantially after the police-related death of Freddie Gray, which was a highly-publicized and media covered use of force incident, in which a black man died while in police custody.

This study showed that the media's coverage of that specific event changes the public's view on their own local police agencies, and police agencies as a whole across the United States.

In a study done by Schultz, J. (2019), showed that the modern-day media continually sway the opinion of the public when it comes to the police, by showing and frequently highlighting “violent” behavior by the police, and police misconduct. It is also stated that the media tends to highlight and show more instances of these behaviors between the police and minority citizens.

It is stated in this study that, “The public’s fear of persecution by police as the result of stereotyping is what keeps them from trusting law enforcement initially, and the constant portrayal shown in the media reinforces this belief.” The study furthermore states that “The community actively retaining constant fear and skepticism of law enforcement creates a mutual distrust of the citizens on the part of the police. The media directly highlighting acts of aggression against unarmed minorities has placed intense scrutiny on police departments across the nation.” (Schultz, 2019)

### **In regards to use of agency policy changes**

A study showed that if certain policies within police departments are enacted that are related to officers using less force on subjects, similar to deadly force policies, instances of

officer injuries, citizen injuries, and civil lawsuits might also be expected to be less likely. Also, less forced tactics over citizens may improve community relations and the legitimacy of the police as an institution, as violations of procedural justice during arrest decisions may also be less likely (Jackson, Bradford, Hough, et al. 2012)

While reforms aimed at improving departmental effectiveness and community relations are important in their own right, they will likely ring hollow to the officers responsible for implementing them if they do nothing to improve their daily lives, or worse, detract from their well-being in some way (Trinker, Tyler, & Goff, 2016).

It is also stated that policy changes can exacerbate the stress that officers may already have, associated with the duties of their jobs. Officers want from their agencies the same thing that citizens want from officers: to be treated with respect in an honest and fair manner by those around them (Trinker, Et al., 2016).

A podcast done by Hall (2016), stated that while difficult, implementing new policies and practices and changing existing policies and practices, no matter how small, within law enforcement agencies can improve that agency's overall image to the public they serve. For example, when Victor Cizanckas was appointed to be the Chief of the Menlo Park Police Department in California, he changed many different aspects of the agency, such as training requirements, pre-hiring requirements, and even uniforms for his officers. By doing so, Chief Cizanckas was able to improve his agency's image to the public, and ultimately gain the trust of the public back which was previously lost (Hall, 2016).

## **Positive Reviews of Body Camera Utilization**

### **Marshall County Sheriff Eddie McGuire**

Most departments who have utilized the use and implementation of body-worn cameras, have seen positive results and feedback from the community. I sat down with Sheriff Eddie McGuire, who is the current Sheriff of the Marshall County Sheriff's Office in Marshall County, Kentucky. We spoke about his department and the use of body-worn cameras within it. The Marshall County Sheriff's Office implemented the use of these cameras starting in March of 2019. They currently use the Bodyguard camera system.

“The cameras have definitely been a very useful tool for us,” said Sheriff McGuire. “Not only are they incredibly useful for evidentiary purposes, but they also help keep my deputies and the public accountable for their actions.” Sheriff McGuire cited multiple complaints that his office received on deputies, which were found to be false due to the body-worn cameras.

“Before the cameras, we would get claims from people frequently citing racism, excessive force, and other issues,” said McGuire. “When we first started wearing the cameras, the same people still called at first with complaints, but we were able to quickly determine through the use of the camera footage those claims were completely false. When we confronted the people about these false claims, the complaints stopped. Once the citizens realized that everything was recorded, they quit calling in these complaints. Also, it seems like they tend to act a little better once they realize they are being recorded.”

Sheriff McGuire also spoke about how the body cameras were incredibly useful for his department as far as for evidentiary value. “The system we have has totally changed the game in how we do investigations. These cameras completely take away the guesswork involved in having to remember who said what or how they said it. For every call for service my deputies go to, they have their camera on from the time they pull up to the time they clear the call. They say a picture is worth a thousand words, if that’s the case, then how many words is a full-HD video of an incident? We can record interviews, statements, and give a real-time look from the eyes of the deputy on the call.”

### **Marshall County Attorney Jason Darnall**

I spoke to the Marshall County Attorney Jason Darnall, who is the prosecutor for the district court system in Marshall County. Mr. Darnall prosecutes all misdemeanor, juvenile, and traffic cases in Marshall County, Kentucky.

“Over my years prosecuting cases in Marshall County, both as the County Attorney and Assistant County Attorney, I have seen many advances in policing that helps the prosecution make our cases air-tight,” said Darnall. “The body cameras worn by four of our five main police agencies (Marshall County Sheriff’s Office, Benton Police Department, Calvert City Police Department, & KY Park Rangers) are the most valuable tool that we have gained in the last ten years.”

Darnall went on to say, “Those cameras have literally made cases for us. In some cases, such as DUI cases, the cameras show what the citation’s narrative can’t. You’ll get a citation that

says ‘subject could not perform tests’ and that’s all we’d have in the past. It sounds good, but there’s no evidence of impairment that we can use to prosecute. With the cameras, it can show the judge and jury a real-time video of just how the subject was acting. With that, it paints a much better picture of the impairment by them actually seeing how that person was acting.”

As far as complaints against officers, Darnall said, “Often you’ll see a defendant say things like ‘the officer targeted me’ or ‘the officer was aggressive first, I just reacted to them.’ While this isn’t an excuse, without video evidence, a decent defense attorney could spin this narrative and attempt to make a good case and create reasonable doubt in a trial. With the cameras, we are able to refute these claims and show what really happened.”

Darnall went on to say, "another positive of these cameras is that they are somewhat helping the court system be more efficient. When most defendants would prolong their cases and fight them in the past, they are now pleading guilty to their charges and taking deals because their attorneys and they are realizing that there is no chance in fighting a video of themselves, or convincing someone that they didn’t do something when they are clearly on video committing the crime.”

### **Wrongdoing captured by body-worn cameras**

As stated earlier, body-worn cameras can be extremely beneficial to regaining the trust the police need within their respective communities they serve. One way to regain this trust, is to use these devices to not only capture incidents of wrongdoing by police officers but to ensure that the appropriate action is taken and being transparent with the community about the

incidents. There are multiple instances across the nation of officers being removed from their positions, and even criminally charged as a result of footage captured by their own body-worn camera systems.

### **Baltimore Police**

In the summer of 2017, an African-American man in Baltimore, MD was arrested on charges of drug possession by officers of the Baltimore Police Department. The officer who made the arrest and found the suspected narcotics, named Richard Pinheiro, stated in his report that he had located a bag with suspected drugs in a soup can, which was within reach to the suspect, who they had detained due to witnessing a suspected drug transaction. Officer Pinheiro activated his body-worn camera system, in an apparent attempt to document the finding of the narcotics. (Anderson, 2018)

Unbeknownst to him, the camera system he was using backtracks and starts recording without audio thirty seconds before the manual activation of the body-worn camera. In the thirty seconds leading up to the activation of Officer Pinheiro's camera system, he can be seen “planting” the evidence in the can. (Anderson, 2018)

When this was discovered by the suspect's court-appointed attorney, the suspect in this case, who had been held in jail for months related to this trial, had all charges dropped against him. The public defender's office then started to raise concerns about Officer Pinheiro, citing his mishandling of evidence, and questioning his credibility. At the time, Officer Pinheiro was also

the complaining witness for approximately 53 other cases, which were then called into question due to the video of him planting evidence. (PBS, 2017)

Officer Pinheiro was ultimately charged by the city of Baltimore Police Department's Internal Affairs division with two misdemeanor charges: fabricating evidence and misconduct in office. Furthermore, all cases in the court system which listed Officer Pinheiro as a witness were dropped by their respective prosecutors, and the prosecutor's office stated that they would never utilize Officer Pinheiro or his reports in court as evidence in a case again.

Officer Pinheiro claims that he did not plant the evidence and that the act was him attempting to document the drugs, which he had already found but he did not have his body camera activated when he found them. He stated he did this, rather than do the appropriate thing and report the oversight, as an attempt to not face "repercussions from the agency," for failing to abide by their body-worn camera policy. Two other officers, who were on scene when the incident occurred, testified to his integrity during his trial. (Anderson, 2018)

While we do not know whether or not the drugs were actually "planted" by Officer Pinheiro, or it really was an attempt at documentation, this particular incident led to outrage across the nation within the African American community. To add to that outrage, Officer Pinheiro kept his job with the Baltimore Police Department, which has made for more calls for police reform. (Anderson, 2020)

**Milwaukee**

In September of 2020, after being tipped off by a private citizen of an incident of possible police misconduct while engaging with an individual, two officers with the Milwaukee Police Department in Milwaukee, Wisconsin were found to have used unnecessary force against an African American male, accused of stealing. (Shine, 2020)

The incident, which occurred on June 30, 2020, and was captured in full by body-worn camera systems, shows two officers named Eric Ratzmann and Eric Fjeld responding to a call for service, with the caller alleging a strong-armed robbery. After arriving on the scene, the officers make contact with a male who they believe is the alleged suspect in the complaint.

In the body-worn camera footage, officers Ratzmann and Fjeld are seen engaging with the individual. During the interaction, the officers became increasingly aggressive against the male, and the incident later became physical. You can see in the footage officer wrestling with, punching, cursing, and degrading the male. At one point in the video, an officer is heard stating “You better not talk sh\*t about BLM (Black Lives Matter) over here” (Shine, 2020).

After being alerted to the alleged wrongdoing by the officers involved, the Milwaukee Police Department launched an internal investigation into their actions. The Chief of the police department, Michael Brunson, called the officer’s actions “disturbing and unacceptable” (Shine, 2020).

Chief Brunson said in a statement to the local media, "These are the types of incidents that bring disrepute to the Milwaukee Police Department. We can ill-afford to have this type of display of unacceptable behavior during this time or any time. And if anyone engages in this type of

behavior that you will see displayed on this video, you will be separated from the Milwaukee Police Department. There is no place for individuals who treat people like this in our city."

(Shine, 2020)

The video was released to the public to view, as well as the internal punishment decision making by the department.

In a statement by the Milwaukee Police Department, they stated, "This is a pivotal time for our country and for our agency as we work to stop officer misconduct from occurring in our department. The Milwaukee Police Department is committed to working and engaging with our community to ensure that all of our neighborhoods are safe, vibrant, and livable." (Shine, 2020)

Both officers Ratzmann and Fjeld resigned from their positions on August 05, 2020. This incident is a perfect example of a police agency using their own body-worn camera systems to hold officers accountable for their actions, and being transparent with their community. Because of this transparency, Milwaukee did not see the type of outrage that other departments and communities have resulting from similar instances.

### **Los Angeles**

In 2019, two Los Angeles, California Police Department officers were dispatched to a report of a deceased person. Officers went to the call for service and found a deceased female in a home. When one of the officers on the call left the room the deceased female was in, the other officer, named David Rojas, attempted to deactivate his body-worn camera, which is against Los Angeles Police Department Policy. (Shepherd, 2019)

Officer Rojas was unaware though, that the body-worn camera system that he attempted to deactivate continued to record. In the video, the officer can be observed fondling the deceased woman's breast. The video was located during a random video review by Los Angeles Police Department supervision. In November, 2019, the police department added into their policy the ability to randomly review officers' body-worn camera footage, in an attempt to make sure officers were acting in accordance with the department's policies and procedures. (Shepherd, 2019)

Immediately, the Los Angeles Police Department sent out a press release in the interest of transparency. Initially, Officer Rojas was not named by the police department, but the department did state that he was removed from his duties, pending an internal investigation. They also stated that they would be reviewing footage from other calls for service officer Rojas responded to.

The Los Angeles Police Union released a statement on the incident stating, "If this allegation is true, then the behavior exhibited by this officer is not only wrong, but extremely disturbing, and does not align with the values we, as police officers, hold dear," the Los Angeles Police Protective League said in a statement shared with The Post. "This behavior has no place in law enforcement."(Shepherd, 2019)

Later, Officer Rojas was publicly named by the police department as the officer involved in the incident. Rojas was charged by the Los Angeles Police Department's Internal Affairs with one count of having sexual contact with human remains. As of August 2020, Officer Rojas is

still employed by the police department and is out on bail awaiting trial. However, he is not on active duty. (Leonard & Lozano, 2020)

As a result of this incident, officer Rojas is currently named as a defendant in a civil lawsuit that was filed by the deceased woman's family. It is interesting to note though, that the Los Angeles Police Department was not listed as a defendant in the civil case. (Leonard & Lozano, 2020)

This case is especially interesting because it shows both the use of body-worn cameras, transparency with the public, and policy changes within a department to hold officers accountable for their wrongdoings. Had it not been for the policy change allowing the random review of videos, this action may not have been seen by supervision and addressed as it was. Furthermore, the transparency and swift action taken by the police department may have been a large factor in relieving them from possible liability in the lawsuit that followed this incident.

### **Types of Body-worn Camera Devices**

With the influx of available federal grant money available, and the high demand for quality body-worn cameras from police agencies across the nation, companies everywhere are attempting to produce the best camera system they can offer. There are many companies that are attempting to draw agencies to their body-worn cameras. Some of these companies are relatively new, and some have been household names for police tools for years.

From head-worn cameras, to chest, and shoulder-mounted cameras, these camera systems all have the same operating principles. This is to allow an officer to be able to record an interaction with a citizen with good video quality, all while not sacrificing safety or being in the way of performing his or her duties. Where the companies differ are things such as cloud storage, accessibility to videos, quality of videos, and other applications, such as being able to sync body camera footage to in-car camera footage.

### **Axon Body Camera Systems**

Axon Enterprises, which was formerly known as TASER International, started its company in Scottsdale, AZ in 1991. (Gelles, 2016) TASER became a household name in the police world for its non-lethal weapon, the “Taser”. The “Taser” is an electric weapon which was made as a non-lethal and safe option for police to have while attempting to arrest combative suspects. This tool is still used today by most police agencies across the world.

TASER International’s introduction into camera systems started in 2005 when the company introduced a “TASER Cam,” which was an optional accessory for police agencies to purchase which allowed them to have clear video of the events leading up to the deployment of a “taser” by a police officer on a subject.

In 2008, TASER International produced its first body-worn camera, the “AXON Pro.” This particular camera was a head-worn camera, and the company also unveiled their cloud-like video storage system, Evidence.com. The “AXON Pro” camera system gained notoriety in the police world in 2009 when Fort Smith, AR police officer Brandon Davis was found justified in

the shooting of Eric Berry in both Arkansas State Courts, and in the federal civil trial that followed because he had been wearing a body camera which captured the entire event (Hughes, 2015).

The Axon system has also been beneficial to the public in showing instances of wrongdoing by police officers. In 2014, a controversial shooting in Albuquerque, NM was captured by an Axon body camera system. In this instance, officers with the Albuquerque Police Department shot a homeless man, even though they were not provoked or attacked. Because of the Axon body camera footage, the officers were charged with Murder in the case (Gelles, 2016).

With the Michael Brown shooting in Ferguson, MO in 2014, the demand grew exponentially for body-worn cameras (Gelles, 2016). This ultimately led to the company's quick growth and expansion. In 2016, the company was worth approximately \$1.3 Billion (Gelles, 2016).

In 2017, TASER International rebranded, and became AXON. While they still do make the Taser weapon products, the company rebranded due to the high demand and their sales in the body-worn camera department, and because of the negativity associated with the name "TASER." (Reilly & Wing, 2017)

AXON continues to make technological strides and it develops more camera technology for police agencies. As of now, AXON offers many different versions of in-car camera systems, body-worn cameras, and Taser products, that the majority of police agencies across the world

use (Reilly & Wing, 2017), as well as their cloud-like video storage system, Evidence.com, which holds more video footage storage in their servers of police interactions than Netflix has in movies and shows (Gelles, 2016).

In light of the police-involved death of George Floyd, AXON systems are now working on a new software for their body-worn camera systems. The proposed system will be used to help with accountability within police departments, to detect wrongdoing by officers.

The software will use artificial intelligence and algorithms to identify possible red flags in body camera footage, such as racial slurs, profanity, and other keywords and phrases. This software will help by allowing supervising officers to be alerted to instances of possible officer wrongdoing easier, rather than they have to watch hours upon hours of body camera footage, which can be overwhelming and can cause supervisors to miss things. (Alcorn, 2020)

AXON's Chief Product Officer, Jeff Kunins, stated "All of these [new features] are means that would enable a department to be taking a much more proactive role in having data in their hands to see how their officers are behaving in a wide variety of circumstances and being able to drive changes to policy." (Alcorn, 2020)

The camera systems produced by AXON are easy to use, and produce a high-definition video of police interactions, and their evidence.com system is also easy to use and makes reviewing the interactions quick and painless for both prosecutors and police supervision.

### **Motorola (Formerly “Watchguard”)**

Motorola is a well-renowned technology company, based in the United States. Motorola has made many advances in many areas, but their greatest possible achievements could be within the technology within policing.

Based out of Chicago, Illinois, Motorola first introduced the police world to the new technology of in-car radios in the 1930s (Motorola, 2020). The technology was so advanced, that it is actually the namesake of the company. The name “Motorola” is derived from “Motor”- for motorcar, and “ola”, which implied the sound (Motorola, 2020).

After unveiling the in-car radios, Motorola continued sales, some even international, of them for approximately 10 years, and continued to make strides in the area of public safety technology with the introduction of portable radios and walkie-talkies in the 1940’s. (Motorola, 2020)

Motorola expanded their reach to police agencies with the introduction of their own brand of in-car cameras in 2004. However, it wasn’t until 2015, after the fatal police shooting of Michael Brown, that the company began producing body-worn cameras. In 2019, Motorola expanded their body-worn camera’s capabilities by purchasing WatchGuard, Inc., another body-worn & in-car camera producer.

As of today, Motorola offers multiple in-car and body-worn high-definition camera systems. Their cameras offer both cloud based storage, and SD card storage. Motorola is particularly liked by law enforcement officers because of their cameras ease of use, and the fact

that they make the cameras small and not cumbersome for the officer wearing them. Motorola has even come up with a way to integrate a high-definition camera system into an officer's radio system, keeping them from having yet another piece of equipment to have to carry.

### **Cons with Body-worn Camera Systems**

The idea and implementation of using body cameras in the world of policing is still relatively new. Like with most new technology, there are some downfalls and shortcomings. Also, certain groups who were once for, and pushed the use of body-worn cameras by police agencies are now lobbying against them, citing various constitutional and civil concerns. Furthermore, there are issues with the technology itself. Agencies and companies who make these devices are struggling with finding ways to retain and store all the information and data collected by them.

### **Costs**

The costs of body-worn cameras is becoming a major issue within the police world when it comes to the use of body-worn cameras. Not just for the devices themselves, which can be expensive for good-quality video, but also the costs of storage that the companies who make them charge for data storage. Video storage can be very expensive for police agencies, and for small-town agencies, this can cause them to discontinue use of the devices to save taxpayer money.

For example, the Unified Police Department in Utah were forced with making the hard decision of discontinuing the use of body cameras in February, 2019. While the department

initially procured the body cameras that they used from a federal grant, that grant had run out and the department was looking at having to pay almost \$400,000.00 for data storage alone.

(Tarallo, 2019)

Another example of these agencies not being able to afford the storage fees is the small-town department of East Dundee, IL, which only has a staff of approximately seventeen officers. The department initially ordered body-worn cameras for all of its officers, however the program was cancelled before the cameras could be put to use. This is because the Chief of the department stated that they could not afford the \$20,000.00 annual storage fee that the department would be charged for the data the cameras produced. (Tarallo, 2019)

With more storage being needed literally by the minute, companies and police agencies are scrambling to create a cost-effective way that allows for police agencies to be able to afford and use these devices to their fullest potential. However, it does seem as though they have some work to do before that is a reality. With calls for defunding the police by the public, and with agencies' budgets becoming less and less across the country, they may not be able to afford to use these devices.

### **Lack of Research Showing Effectiveness**

Like with any new technology, there is little research showing that body-worn cameras are indeed effective at curbing public and police behavior.

In 2019, Maine State Senator Susan Deschambault introduced a bill in Maine (LD 636), which would require all police officers in the state of Maine to wear body-worn cameras while performing their official duties, starting on January 1, 2021. (WGME, 2019)

With the introduction of the bill, the Maine state senate forced some opposition from various groups across the state. Police agency officials and other elected officials cited concerns related to the costs and the need for all officers to have to use the devices. The American Civil Liberties Union, who has in the past pushed heavily for the use of body-worn cameras by police officers, opposed the bill. They stated that more studies needed to be done before the bill became law in Maine. (Van Ness, 2019)

While researching the issue, the Senate ran into an issue that most are seeing. That is that there is little research actually done on the effect of body-worn cameras. Furthermore, the research that has been done can be extremely contradicting. While some studies do show effectiveness, almost just as many studies show that the body-worn cameras have little, if any, effect on instances of uses of force and citizen behavior.

These studies also fail to show if the effectiveness of these devices are worth the costs associated with them. As stated earlier, these devices can be extremely costly. With little research to show if the cameras are effective, agencies across the country are having issues with determining if the costs associated with these systems are worth outfitting their officers with the devices.

## **Issues with Equipment**

Like with any type of new equipment, there are always going to be issues while using it. For the body-worn cameras, there is no difference. While these cameras can, in theory, be incredibly useful in assisting police agencies in many different ways, they can also be a hindrance to some.

As stated in the name, body-worn cameras are just that- cameras that are used by officers to record public interactions that are able to be mobile by being affixed in some way to the officers body. Because of the mobility of these cameras, they are susceptible to problems such as being damaged, or knocked off of the officer during a struggle.

For example, in the summer of 2020, a Carmel, Indiana Police Officer named Shane VanNatter shot and killed a man who was suspected to have shot and killed a person, and alleged to have shot another. Before the shooting, the Carmel Police Department had spent approximately \$912,000.00 to outfit their officers with body-worn cameras (Lange, 2020). While Officer VanNatter was outfitted and wearing a body-worn camera, the shooting was not captured on it because Officer VanNatter's body-worn camera was knocked off of his chest by his rifle while he was running towards the subject (Lange, 2020).

Another instance of this is the highly-controversial fatal police shooting of Justin Grant by two officers with the Austin, Texas Police Department. The shooting itself, and a part of the struggle leading up to it was caught on camera by a citizen using a camera phone, but it did not show the events leading up to it. The officers who shot Grant alleged that he was reaching for a

knife, however during the struggle their body-worn cameras had fallen off, and did not capture the entire event (Lange, 2020).

With no camera footage showing the incident, and only the video taken by the citizen via their phone camera, which shows the two officers punching Grant repeatedly in the head before fatally shooting him, there was a large public outcry for the officers involved to be fired and charged, even though both stated they believed Grant to be reaching for a deadly weapon.

In 2019, in Aurora, Colorado three Aurora Police Department officers' body-worn cameras were knocked off while struggling with a combative subject named Elijah McClain. Because of the McClain's aggressiveness, officers placed McClain in a vascular neck restraint, also known as a "choke hold" and emergency medical technicians and paramedics injected the man with Ketamine, a sedative, to try and calm him down and stop him from struggling. While in the back of the ambulance, McClain went into cardiac arrest during the and later died, as believed to be a result of the sedative he was given. (Slevin, 2020)

Because of the public outcry and state and federal-level investigations into the incident, the officer's involved body-worn camera footage of the incident was requested. While the footage did show the initial contact with McClain and the struggle, due to them being knocked off, there was no footage to be released or shown to corroborate the officer's and medical personnel's account of the incident relating to them injecting McClain with the sedative, Ketamine (Ortiz, 2020).

It is also interesting to note, that in all three aforementioned instances, the officers involved and their respective departments were using AXON made body-worn cameras and mounts, which are held into place by a small magnet-like system, placed on the officer's chest.

While there are no studies or data currently showing how often body-worn cameras falling off of officers occur, it is believed that this is a fairly common occurrence. During an interview with the IndyStar newspaper in 2020 about this issue, Natalie Todak, a professor at the University of Alabama in Birmingham, who has done extensive research on police body-worn cameras stated, "It's not unheard of and it has been a concern that the field has had since the beginning. This does still happen in the field despite different manufacturers doing different things to make them stay on stronger." (Lange, 2020)

### **Privacy Concerns**

A large concern is growing from the public in reference to the privacy issues associated with body-worn cameras, and the releasing of their videos taken of private citizens. Releasing these videos can cause further trauma to a victim or witness to a crime, by them having to relive it. It could also potentially cause people to lose their jobs or careers, should their employer or boss see them on body-worn camera footage acting a certain way. It could even cause some people's medical history or illness to become public, which can be very embarrassing or detrimental to someone.

In a study done by Mary Fan with the University Of Washington School Of Law, she looked into the issue of privacy when it came to body-worn cameras by the police. Her study showed that while the majority of the public support body-worn cameras by the police, some do worry about privacy issues (Fan, 2016).

Furthermore, the study goes on to say that while agencies are able to redact certain things from videos to protect those involved, it is incredibly time consuming and difficult (Fan, 2016). Because of this, agencies sometimes just do not release the video, or they release it publicly while possibly endangering those involved (Fan, 2016).

Recently, there have been proposals to use facial recognition software on police worn body cameras. In May of 2018, Axon, who is the lead producer of body-worn cameras for police agencies, produced a patent for a new camera software, which can find and detect faces and things in real-time.

Researchers argue that this technology could be used nefariously by the user of the system, and could be used negatively against people of color and repeat offenders (Ringrose, 2019). In his study, Ringrose stated that this technology could cause people to lose their freedom of speech. Ringrose stated that these cameras could decrease American's willingness to speak freely, stating that they would not feel free to speak their mind or how they normally would, based on the fact that they were being recorded, and feared that their views would be shared negatively (Ringrose, 2019).

While some privacy issues have been brought to light, agencies and states across the country can enact policies and procedures to curb some of these perceived issues.

### **Officer Safety**

The last negative effect that will be discussed in reference to body cameras will be the effect that they have on police officers and their own personal safety. While they can help exonerate perceived wrongdoing and keep officers accountable in their actions, they can be another risk, or hinder an officer performing their duties in some instances.

In a study done in the United Kingdom in 2016, it was found that police officers were assaulted nearly 14% more when they were wearing body cameras (Ariel, B. et al, 2016). People, especially those who could be under the influence of alcohol or drugs, could respond violently to the idea of being recorded (Ariel, B. et al, 2016). Because of this, theoretically, this would mean that uses of force would also increase. While the body cameras would show that the use of force against the combative subject would be justified, it still puts the officer in inherent danger of injury or death.

Also, cameras could interfere with police officer's mental health. Officers who wear these body-worn cameras can face issues when it comes to the idea of constant surveillance on them, and the underlying fear that everything they do will be watched and judged by others.

In an article published by the University of Oklahoma, the author, Professor Stephen Henderson stated, "nobody does well to be under constant surveillance." (Henderson, 2016), and

further went to state that this could lead to psychological damages to the officers who wear them and feel this way (Henderson, 2016).

Another issue of psychological damage to officers with the implementation of body-worn cameras systems would be the stress associated with adding another item of equipment that officers had to keep up with and use. Police officers already carry in excess of 25-40 pound of gear, in which they have to be trained to use.

Body-worn cameras are no different in this aspect that an officer's gun, mace, or electric control weapon (tazer). All of these items have some form of training, and rules in which they are to be used by the officer. Adding another piece of equipment, especially when first introduced, can be very stressful for an officer to learn how to appropriately use, all while dealing with the inherent stress of the job and/or type of call that the officer could be on. Implementing these devices can lead to a higher burnout rate, which is not particularly favorable for a career that already has a higher burnout rate than almost any other (Adams, Mastracci, 2019).

While rare, officers using these devices could be faced with other physical injuries or illnesses caused by the devices themselves (Goodall, 2007). Like any type of equipment, especially electronic equipment, there is an inherent risk that the user could be in danger of electric burns caused by faulty batteries or systems (Goodall, 2007). When wearing camera devices that are attached to their head or glasses, which some police agencies do use, police

officers could be in danger of neck, head, and back issues caused by carrying around the equipment for a long period of time (Goodall, 2007).

Another issue associated with the overall well-being of officers who use these devices could be the transmitting of infectious diseases or illnesses, caused by officers sharing cameras and devices with each other (Goodall, 2007).

### **Implementation**

As stated by Peak and Giacomazzi (2019), there are many hindrances when it comes to policy change and new technology implementation. The idea of “this is how we always do things around here” can be very detrimental to the success of new ideas and actions within an agency. To properly enact these new provisions, the organizational culture within these agencies has to change.

Even with the implementation of new policies and technology to help agencies curb the use of force issue, the body-worn camera systems alone will not help the issue. Officer within these agencies have to rely on their own decision making, away from department policies. As stated by Peak and Giacomazzi (2019), officers cannot just rely on agency rules policies to act in encounters with the public.

As it pertains to the officers rights, and how they are protected with these new provisions, it does not appear to be a vital issue when it comes to these new changes. The only aspect of their rights that could come into question would be the privacy aspect. Some officers in

departments could be against the body-worn camera systems, stating that it is an invasion of their privacy.

This is not so much when officers are dealing with the public, but these devices could be seen as an invasion of privacy if they are directed to be on during an entire shift. Having a camera on during an officers every move, and while they are alone in a patrol car can make officers uneasy and can add an unnecessary stress, as stated earlier. If agencies wanted to not run into this issue, then the policy could state that officers only have body cameras on while dealing with the public.

Police agencies, from small to large, all operate under the same beaurocratic, business-type model. While slightly different because of the lack of profit and the difference in the job being done, agencies still have to operate under the same type of organizational theories that businesses would to increase efficiency within their department.

The organizational systems theory that could be the most successful in regards to the implementation of body-worn camera systems is called the “systems management” theory. The systems management theory is a “teamwork” based theory, and is shown by its design which is to bring the individual and the organization together.

This theory does state that while working as a team, it is still necessary to have some form of hierarchy within the organization. The supervisors of the organization must be able to work interdependently with the other employees, and have the ability to recognize and deal with conflict and change within the organization (Peak and Giacomazzi, 2019).

To be applied, higher ranking officers need to understand and show the need for the use of body-worn camera systems as a whole. Officers and superiors see the change as a form of “teamwork” and not just someone telling them what to do. By definition, this theory can be used by bringing the officer and the agency together, so they can all complete a common goal. In this instance, the goal is to reduce the amount of use of force incidents.

This theory is also shown in the higher-ranking officers and supervisors implementing policies and procedures, and using the lower-ranking officers to reach their goal by adhering to what is being asked of them. The supervisors, per definition of the theory, need to know more than just the technical skills required for implementation of these policies and devices.

Supervisors need to know the people using these devices, the money needed to buy them, the time needed to train and effectively use the devices, and have knowledge of the equipment itself. To implement something such as body cameras agency wide, cooperation within the department is essential.

### **Recommendations**

As stated earlier, police agencies are facing a crisis when it comes to instances of uses of force and the loss of public trust associated with them. It is not accurate to state that agencies and officers cannot use force to do their jobs. It is sometimes a necessary task that needs to be done to effectively subdue a subject for arrest.

However, using force improperly can diminish community relations, and can cause problems within the entire criminal justice system. The caveat to this is that to totally remove or not use force could create anarchy and could lead to a less-than-civilized society.

By using all available research available and while being cognizant of the risks associated with the use of body-worn camera systems, it still seems that the devices are highly recommended for use by police agencies. For the most part, when used and implemented correctly, these devices can be extremely beneficial to both police agencies, and the communities they serve.

The research stated that the use of body-worn cameras can decrease the amount of use of force incidents between the police and citizens. The use of these devices has also been shown to decrease the amount of citizen complaints and aggressiveness with offenders, with some exceptions. By reducing use of force incidents, officers and citizens are at less of a risk of injury.

The use of body-worn camera systems can also increase transparency within the agencies who use them, by showing what actually happened during a use of force incident. By showing the event as a whole, and by sharing the video footage with the public, trust between the citizens and police can be increased.

As shown, by using these devices and releasing information appropriately, agencies allow themselves to be more transparent with the public they serve. This transparency can allow for the creation of a larger amount of trust between the community and the police, which is

incredibly vital for police agencies to be able to effectively work and serve their communities (Thibaut, J., & Walker, L. 1975).

While there may be some issues with departments and the costs associated with these devices, it can be argued that these device can almost pay for themselves by saving departments on legal fees and settlement payouts.

Agencies can also implement policy revisions and changes when it comes to use of force incidents. By having these policies in affect, and by making sure officers adhere to these policies, agencies can reduce the amount of uses of force. By doing so, instances of officer injuries, citizen injuries, and civil lawsuits against agencies are likely to diminish. Also, less use of force instances can improve community relations, and create a sense of trust between the police and citizens.

In conclusion, the implementation and use of body-worn camera systems will, in theory, improve community trust and relations. By using these devices to improve transparency and hold officers accountable for their actions, departments can be seen as more trustworthy. Furthermore, using these devices and showing the public why and how officers did what they did in certain instances can help cease the civil unrest that we have seen recently across the world.

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