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**THESIS**

**AN ASSESSMENT OF THE DATA ON BODY-WORN  
CAMERAS**

by

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March 2019

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**AN ASSESSMENT OF THE DATA ON BODY-WORN CAMERAS**

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## **ABSTRACT**

Throughout history, citizens' opinions of law enforcement have fluctuated between confidence and mistrust. This ebb and flow can coincide with many factors, such as historical events like 9/11, personal interaction with an officer, and media/social media reporting of the public's encounters with police. A citizen's confidence and trust in law enforcement may also differ based on the person's gender, race, or socioeconomic status. Law enforcement has invested millions of dollars in research, new initiatives, equipment, and technology—such as body-worn cameras (BWCs)—to regain the public's confidence and trust. Those who support BWCs suggest that their use corresponds with declining use of force and citizen complaints, which shows increased public trust in law enforcement. This paper seeks to determine, however, if these factors—use of force and citizen complaints—are the proper metrics for measuring law enforcement transparency, accountability, and citizen trust. This thesis provides a comparative analysis of the quantity and quality of BWC information that police departments make easily accessible to the public and provides a recommendation for law enforcement to develop and implement a BWC incident-based reporting system.

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
BART	Bay Area Rapid Transit Police Department
BWC	Body-Worn Camera
CALEA	Commission on Accreditation for Law Enforcement Agencies
CCPD	Cape Coral Police Department
DOJ	United States Department of Justice
FBI	Federal Bureau of Investigation
FOIA	Freedom of Information Act
GPD	City of Greenville Police Department
IACP	International Association of Chief of Police
LVMPD	Las Vegas Metropolitan Police Department
MPD	Metropolitan Police Department (Washington, DC)
NCSL	National Conference of State Legislatures
NIBRS	National Incident-Based Reporting System
PERF	Police Executive Research Forum
UCR	Uniformed Crime Report

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## EXECUTIVE SUMMARY

Transparency, accountability, and trust are paramount to effective police–community relations, as well as to democracy.<sup>1</sup> Local law enforcement agencies rely on the public to report suspicious and dangerous activity, and citizens rely on law enforcement agencies for “participation, trust in government, prevention of corruption, informed decision-making, the accuracy of government information, and provision of information to the public, companies, and journalists, among other essential functions in society.”<sup>2</sup> Throughout history, citizens’ opinions of law enforcement have fluctuated between an abundance of confidence and mistrust. Since 2014, a series of police deadly force encounters have once again eroded trust and caused communities to question the actions and accountability of law enforcement. In response, law enforcement has invested millions of dollars in research, new initiatives, equipment, and technology to regain the public’s confidence and trust; body-worn cameras (BWCs) are one such recent attempt. Community leaders and chiefs of police believe BWCs reduce violent interactions during police and citizen encounters and improve agency transparency, accountability, and trust. This thesis does not examine if BWC technology itself affects these factors; the thesis is, instead, a comparative analysis of the amount, type, and consistency of BWC information that law enforcement makes available to the public.

Transparency refers to the disclosure of, access to, and use of information by the public.<sup>3</sup> Accountability is a complex concept that involves meeting a multitude of expectations—based on differing sets of norms from a variety of individuals or groups who

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<sup>1</sup> John Carlo Bertot, Paul T. Jaeger, and Justin M. Grimes, “Promoting Transparency and Accountability through ICTs, Social Media, and Collaborative E-government,” *Transforming Government: People, Process and Policy* 6, no. 1 (2012), <https://www.doi.org/10.1108/17506161211214831>.

<sup>2</sup> Bertot, Jaeger, and Grimes.

<sup>3</sup> Wendy Ginsberg et al., *Government Transparency and Secrecy: An Examination of Meaning and its Use in the Executive Branch*, CRS Report No. R42817 (Washington, DC: Congressional Research Service, 2012), 1.

may pass differing judgments.<sup>4</sup> Trust, if developed and leveraged, has the potential to create unparalleled success and prosperity in every dimension of life; yet trust is “the least understood, most neglected, and most underestimated possibility of our time.”<sup>5</sup> State and federal freedom of information laws and law enforcement accreditation standards provide a legal framework and some guidelines for the release of police BWC information and data to the public. The purpose of these laws and accreditation programs is to enhance transparency and implement consistent best practices; “inconsistent messages that occur anywhere in an organization” are “one of the fastest-moving destroyers of trust.”<sup>6</sup>

This thesis compares five police departments that participate in law enforcement accreditation programs and are located in jurisdictions with liberal freedom of information laws. The analysis shows inconsistencies in the type and amount of BWC information these departments provide to the public. To mitigate inconsistencies, the thesis ultimately recommends that law enforcement agencies develop a BWC incident-based reporting system similar to the existing National Incident-Based Reporting System (NIBRS). The conclusion further recommends that the District of Columbia’s current BWC program and reporting requirements be examined and considered as the model for other agencies.

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<sup>4</sup> Mark Bovens, Thomas Schillemans, and Robert E. Goodin, “Public Accountability,” in *The Oxford Handbook of Public Accountability*, ed. Mark Bovens, Robert E. Goodin, and Thomas Schillemans (New York: Oxford University Press, 2014), <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199641253.001.0001/oxfordhb-9780199641253-e-012?result=1&rskey=AU2QmP>.

<sup>5</sup> Stephen M. R. Covey and Rebecca R. Merrill, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2008), 1.

<sup>6</sup> Robert M. Gladford and Anne Seibold-Drapeau, “The Enemies of Trust,” *Harvard Business Review*, August 1, 2014, <https://hbr.org/2003/02/the-enemies-of-trust>.

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## I. INTRODUCTION

Transparency, accountability, and trust are paramount to effective police–community relations. Since 2014, a series of police deadly force encounters have eroded this trust and caused communities to question the actions and accountability of law enforcement. According to a survey conducted by the Pew Research Center in 2016, the public and law enforcement have contrasting views about the deaths of African Americans during encounters with police.<sup>1</sup> Specifically, the study found that “67% of the police but only 39% of the public describe these deadly encounters as isolated incidents rather than signs of a broader problem between blacks and police.”<sup>2</sup> These deadly encounters and discord between the police and the public have led police departments across the nation to implement body-worn camera (BWC) programs to help improve police–community relations. Indeed, the Pew Research study also reports “that majorities of the police and public favor the use of body cameras by officers to record interactions with the public.”<sup>3</sup>

Local law enforcement agencies rely on the public to report suspicious and dangerous activity. Every day, the media reports examples of citizen engagement and tips that help law enforcement catch criminals or prevent crime. In November 2017, for example, “a tip called in to police led to the capture of the man wanted in the shooting deaths of three people at a suburban Denver Walmart.”<sup>4</sup> According to the *Orlando Sentinel*, citizen engagement and tips are so important to homeland security that “law enforcement has made reporting suspicious activity as easy as pushing a button.”<sup>5</sup> The National Sheriff’s Association agrees and has collaborated with the National Fusion Center and the

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<sup>1</sup> Travis Mitchell, “Police Views, Public Views,” Pew Research Center, January 11, 2017, <http://www.pewsocialtrends.org/2017/01/11/police-views-public-views/>.

<sup>2</sup> Mitchell.

<sup>3</sup> Mitchell.

<sup>4</sup> Erik Ortiz, “Police Arrest Suspect Wanted in Killing of 3 at a Colorado Walmart,” NBC News, November 2, 2017, <https://www.nbcnews.com/news/us-news/gunman-kills-3-walmart-thornton-colorado-n816746>.

<sup>5</sup> Caitlin Doornbos, “With New App, Citizens Can Report Terrorism with the Push of a Button,” *Orlando Sentinel*, May 30, 2017, <https://www.orlandosentinel.com/news/crime/os-terrorism-tips-app-20170525-story.html>.

Department of Homeland Security to develop the BlackBox digital reporting app.<sup>6</sup> According to the BlackBox developer, citizens can download the app on their smartphones and then upload video, audio, and GPS coordinates to a secure cloud server. Once all information has been uploaded, the local police department receives a text message or email about the situation.<sup>7</sup>

Unfortunately, even with law enforcement community initiatives and the use of technology, police–community relations have still experienced periods of disharmony. Smartphones, citizen journalists, real-time video, and the use of social media are restructuring the public’s view of modern-day policing. Police respond to emergency and non-emergency calls for service—and the public is watching. When the officer arrives on the scene, bystanders record the police–citizen encounter with their smartphones. The onlooker can upload the recording to social media or provide it to mainstream media for distribution. The video may or may not contain audio but almost always contains commentary describing what the viewer should glean from the video.

The officer-involved deaths of Eric Garner, John Crawford, Michael Brown, Laquan McDonald, Akai Gurley, and Tamir Rice in 2014 sparked outcry, fueled mistrust, and hurt police–community relations. All six men were African American and all but one death was recorded by bystanders. Grand juries were convened to review each of these deaths and, with the exception of Gurley’s case, none of the officers involved were indicted.<sup>8</sup> In the Gurley case, Officer Peter Liang was indicted for manslaughter and sentenced to five years of probation and 800 hours of community service. Overall, however, the lack of indictments for the police officers involved in the other deaths prompted anti-police protests throughout the country.<sup>9</sup> During the demonstrations,

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<sup>6</sup> Doornbos.

<sup>7</sup> BlackBox, accessed September 28, 2018, <http://www.iceblackbox.com/>.

<sup>8</sup> Kathleen M. O’Reilly, “Transparency, Accountability, and Engagement: A Recipe for Building Trust in Policing” (master’s thesis, Naval Postgraduate School, 2017), 1.

<sup>9</sup> O’Reilly, 1

protestors chanted phrases threatening law enforcement officers, such as “What do we want? Dead cops! When do we want them? Now!”<sup>10</sup>

“These events initiated a national interest in equipping law enforcement officers with body-worn cameras,” and political discussions began, up to the level of the White House.<sup>11</sup> These discussions led to federal grant funding to help police departments implement BWCs as one initiative to increase police transparency and accountability. By 2015, “the Justice Department had awarded grants totaling more than \$23.2 million to 73 local and tribal agencies in 32 states to expand the use of body-worn cameras and explore their impact.”<sup>12</sup> This thesis seeks to contribute to the body of knowledge and conceptual debate surrounding BWCs and their intended purposes as defined by the U.S. Department of Justice’s Office of Community Oriented Policing (COP), the Police Executive Research Forum (PERF), law enforcement practitioners, and community members.

Since 2014, industry experts, academics, and law enforcement organizations have been conducting endless research studies, collecting and analyzing BWC data. The National Institute of Justice funded a CNA Corporation study that examined the impact of body-worn cameras in the Las Vegas Metro Police Department in 2013, and a 2014 study conducted by the Los Angeles Police Foundation evaluated BWC video technology in the Los Angeles Police Department.<sup>13</sup> In 2016 and 2017, respectively, the University of South Florida publish a report on the Orlando Police Department’s yearlong BWC pilot program and the San Diego Police Department published the findings of its BWC study.<sup>14</sup> These

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<sup>10</sup> O’Reilly, 1

<sup>11</sup> Giacomo Sacca, “Not Just Another Piece of Equipment: An Analysis for Police Body-Worn Camera Policy Decisions” (master’s thesis, Naval Postgraduate School, 2017), 1.

<sup>12</sup> “Justice Department Awards over \$23 Million in Funding for Body Worn Camera Pilot Program to Support Law Enforcement Agencies in 32 States,” Department of Justice, November 10, 2016, <https://www.justice.gov/opa/pr/justice-department-awards-over-23-million-funding-body-worn-camera-pilot-program-support-law>.

<sup>13</sup> “Research on Body-Worn Cameras and Law Enforcement,” National Institute of Justice, December 5, 2017, <https://www.nij.gov/topics/law-enforcement/technology/pages/body-worn-cameras.aspx>.

<sup>14</sup> Nick Wing, “Study Shows Less Violence, Fewer Complaints When Cops Wear Body Cameras,” Huffington Post, December 19, 2016, [https://www.huffingtonpost.com/entry/police-body-camera-study\\_us\\_561d2ea1e4b028dd7ea53a56](https://www.huffingtonpost.com/entry/police-body-camera-study_us_561d2ea1e4b028dd7ea53a56); David Garrick, “San Diego Police Body Cameras Reducing Misconduct, Aggressive Use of Force, Report Says,” *Los Angeles Times*, February 10, 2017, <http://www.latimes.com/local/lanow/la-me-san-diego-body-cameras-20170210-story.html>.

studies and reports yielded findings similar to those of other studies, which have found that BWC technology provides objective and indisputable evidence of an incident, and lends clarity and accuracy to the event record.<sup>15</sup> As such, community leaders and chiefs of police believe BWCs reduce violent interactions during police and citizen encounters.<sup>16</sup> Other supporters of BWCs believe the technology provides additional law enforcement–related benefits. Ronald L. Davis notes: “Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public, and to investigate and resolve complaints and officer involved incidents.”<sup>17</sup>

The Office of the Press Secretary for the White House issued a BWC fact sheet in 2014, noting that BWC technology and footage are acceptable metrics for measuring community trust and confidence in law enforcement.<sup>18</sup> Some, but not all, police departments currently using BWCs do report a reduction in citizen complaints.<sup>19</sup> The Metropolitan Police Department (MPD) in Washington, DC, in its BWC study, found “no discernible impact on citizen complaints or officers’ use of force.”<sup>20</sup> Researcher Anita Ravishankar of the MPD reported, “We found essentially that we could not detect any statistically significant effect of the body-worn cameras.”<sup>21</sup> MPD Chief of Police Peter Newsham said that he was surprised by the results of the study, adding that “a lot of people were suggesting that the body-worn cameras would change behavior; however, there was

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<sup>15</sup> “Strengthening Community Policing,” White House, December 1, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/12/01/fact-sheet-strengthening-community-policing>.

<sup>16</sup> White House.

<sup>17</sup> Lindsay Miller and Jessica Toliver, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned, Community Oriented Policing Services* (Washington, DC: Department of Justice, 2014), vii, <https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P296>.

<sup>18</sup> White House, “Strengthening Community Policing.”

<sup>19</sup> White House.

<sup>20</sup> Nell Greenfieldboyce, “Body Cam Study Shows No Effect on Police Use of Force or Citizen Complaints,” WLRN, October 20, 2017, <http://wlrn.org/post/body-cam-study-shows-no-effect-police-use-force-or-citizen-complaints>.

<sup>21</sup> Greenfieldboyce.

no indication that the cameras changed behavior at all.”<sup>22</sup> Dr. Michael White of Arizona State University, an expert in police use of BWCs, suggests that MPD’s BWC results are to be expected because MPD experienced “a decade of federal oversight to help improve the department”; White continues: “They’re hiring the right people; they’ve got good training; they’ve got good supervision; they’ve got good accountability mechanisms in place.”<sup>23</sup> A department that has those types of procedures in place, White says, will not likely see a large reduction in complaints against personnel or uses of force because the procedures are working.<sup>24</sup>

#### **A. RESEARCH QUESTION**

This thesis does not examine if BWC technology itself impacts transparency, accountability, and trust—this has been examined countless times. Instead, this thesis examines the amount, type, and consistency of BWC information and data that law enforcement makes available to the public. The thesis also examines if there is consistency among law enforcement agencies in the amount and types of BWC information and data released to the public, what methods police departments employ to release BWC information/data, and how easily accessible that information is to the public. Furthermore, this study seeks to determine if the quantity and quality of BWC information and data offered by departments meets established transparency metrics. Lastly, the thesis specifically asks: Has law enforcement agencies’ implementation of BWCs and release of BWC information/data met its intended purpose of improving community trust by increasing police transparency and accountability?

#### **B. LITERATURE REVIEW**

In its final report, the President’s Task Force on 21st Century Policing identifies several pillars essential for developing and sustaining police–community trust and collaboration. Pillar 1 begins with “building trust and nurturing legitimacy on both sides

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<sup>22</sup> Greenfieldboyce.

<sup>23</sup> Greenfieldboyce.

<sup>24</sup> Greenfieldboyce.

of the police-citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.”<sup>25</sup> John Carlo Bertot, Paul T. Jaeger, and Justin M. Grimes assert that transparency and accountability are core components of trust.<sup>26</sup> As noted by these experts, the national focus has transitioned to a need for government openness through transparency—a need for public access to government information.

Bertot et al. also believe that transparency and accountability are crucial functions of democracy; these functions include “participation, trust in government, prevention of corruption, informed decision-making, the accuracy of government information, and provision of information to the public, companies, and journalists, among other essential functions in society.”<sup>27</sup> Federal, state, and local police organizations are subsections of government. As such, Bertot et al. believe that police departments that have established a culture of transparency and accountability stand a greater chance of gaining public trust.

### C. DEFINITIONS

Advocates of BWCs believe that BWC technology offers transparency and accountability. Law enforcement leadership and BWC supporters believe that transparency and accountability lead to trust, and trust in turn leads to a reduction in both citizen complaints and uses of force by officers. One key hurdle for law enforcement and communities to overcome is a lack of mutual understanding for the terms *trust*, *transparency*, and *accountability*. This section offers industry definitions of these terms and attempts to establish how transparency and accountability lead to public trust.

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<sup>25</sup> President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services., 2015), iii, [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

<sup>26</sup> John Carlo Bertot, Paul T. Jaeger, and Justin M. Grimes, “Promoting Transparency and Accountability through ICTs, Social Media, and Collaborative E-government,” *Transforming Government: People, Process and Policy* 6, no. 1 (2012), <https://www.doi.org/10.1108/17506161211214831>.

<sup>27</sup> Bertot, Jaeger, and Grimes.

## 1. Transparency

The Congressional Research Service defines transparency as the disclosure of, access to, and use of information by the public,” and transparency supporters sometimes tout that more transparency is better. However, full disclosure of information poses challenges for law enforcement, as police departments are bound by privacy laws codifying what and when information may and may not be disclosed.<sup>28</sup> Jenny de Fine Licht, citing Mansbridge, “suggests that full transparency may not be the best practice in policy making.”<sup>29</sup> Licht further suggests that “a limited amount of transparency that focuses on decision makers providing reasons for their choices can be a good alternative when transparency may have costs, such as preventing decision makers from acting in an effective way.”<sup>30</sup>

Ben Brucato credits Jeremy Bentham, an eighteenth-century utilitarian, as the first person to use the term *transparency* as it relates to public officials and accountability.<sup>31</sup> Bentham believed that “transparency and accountability were equally important in ... administration,” and he described transparency and accountability as “devices to ensure the maximization of intellectual, moral, and active aptitude in public officials.”<sup>32</sup> Following Bentham’s philosophy, Brucato writes that transparency encourages “governments and their agents to make themselves visible to their publics via self-disclosure.”<sup>33</sup> Brucato further states that “police are not immune from the expectation that, as an agency of government, they should publicly disclose their activities.”<sup>34</sup>

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<sup>28</sup> Wendy Ginsberg et al., *Government Transparency and Secrecy: An Examination of Meaning and its Use in the Executive Branch*, CRS Report No. R42817 (Washington, DC: Congressional Research Service, 2012), 1.

<sup>29</sup> Jenny de Fine Licht, “Transparency Actually: How Transparency Affects Public Perceptions of Political Decision-Making,” *European Political Science Review* 6, no. 2 (2014): 309–330, <https://doi.org/10.1017/S1755773913000131>.

<sup>30</sup> Licht, 6.

<sup>31</sup> Ben Brucato, “Big Data and the New Transparency: Measuring and Representing Police Killings,” *Big Data & Society* 4, no. 1 (June 2017): 1–5, <https://doi.org/10.1177/2053951717696332>.

<sup>32</sup> James E. Crimmins, “Jeremy Bentham,” *Stanford Encyclopedia of Philosophy*, February 1, 2017, <https://plato.stanford.edu/entries/bentham/>.

<sup>33</sup> Brucato, “Big Data and the New Transparency,” 1.

<sup>34</sup> Brucato, 2.

The United States Department of Justice (DOJ) provides a historical perspective on the public's right to access information from the government. DOJ reminds us that the "assurances of open government exist in the common law, in the first state laws after colonization, in territorial laws in the west and even in state constitutions."<sup>35</sup> DOJ further explains that "the basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society."<sup>36</sup> Open-access laws are not just limited to the federal government. All states have passed laws requiring state and local governments to make information available to citizens upon request. State laws further provide citizens open access to government proceedings. According to DOJ, many of these laws were written "in direct response to the scandals spawned by government secrecy."<sup>37</sup>

Monika Bauhr and Marcia Grimes's research found that organizations that lack a strong internal audit system and do not permit citizens to provide input or express grievances in the process are not transparent organizations.<sup>38</sup> Even when organizations go to great lengths to make information publicly accessible, they concluded, citizens' may lack the capacity to act on the information. Their research, with contribution from Niklas Harring, shows that "increasing transparency does not provide a simple lever to pull in order to cultivate trust in public institutions."<sup>39</sup> Bauhr and Grimes further state that the government's

concept of transparency contains a host of contested issues including: where to draw the line between the principles of transparency and national security, individual integrity, and corporations' desire for nondisclosure; whether government offices must publish information proactively or simply provide information upon request; who should incur the cost of information provision (public offices versus those seeking access); whether access to

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<sup>35</sup> "Open Government Guide," Reporters Committee for Freedom of the Press, November 15, 2011, <https://www.rcfp.org/browse-media-law-resources/guides/open-government-guide/introduction>.

<sup>36</sup> Freedom of Information Act (FOIA), accessed October 6, 2018, <https://www.foia.gov/>.

<sup>37</sup> Reporters Committee for Freedom of the Press, "Open Government Guide."

<sup>38</sup> Monika Bauhr and Marcia Grimes, *What Is Government Transparency? New Measures and Relevance for Quality of Government* (Gothenburg, Sweden: University of Gothenburg, 2012), 5, [https://qog.pol.gu.se/digitalAssets/1418/1418047\\_2012\\_16\\_bauhr\\_grimes.pdf](https://qog.pol.gu.se/digitalAssets/1418/1418047_2012_16_bauhr_grimes.pdf).

<sup>39</sup> Monika Bauhr, Marcia Grimes, and Niklas Harring, *Seeing the State: The Implications of Transparency for Societal Accountability* (Gothenburg, Sweden: University of Gothenburg, 2010), 13, [https://qog.pol.gu.se/digitalAssets/1350/1350160\\_2010\\_15\\_bauhr\\_grimes\\_harring.pdf](https://qog.pol.gu.se/digitalAssets/1350/1350160_2010_15_bauhr_grimes_harring.pdf).

information is sufficient and meaningful absent conditions such as an independent and investigative media, and institutional arrangements for redressing abuses once brought to light.<sup>40</sup>

They insist that “a key component of the definition is the emphasis, not only on the provision of information, but also the ability of external actors to demand and gain access to information not provided routinely by political and administrative institutions,” including agent (government)-controlled transparency but also, importantly, non-agent-controlled transparency.<sup>41</sup>

Catharina Lindstedt and Daniel Naurin define non-agent-controlled transparency as the use of information by non-government organizations, the media, and citizens.<sup>42</sup> Bauhr and Grimes believe that three principal dimensions (government openness, whistleblower protection, and publicity) offer a metric by which to measure transparency.<sup>43</sup> Bauhr and Grimes do not simply subscribe to the notion that the establishment and/or enforcement of strong open-access legislation is the sole proper metric for transparency research. They conclude that “transparency, despite a surge of attention in policy and academic arenas, has received insufficient, rigorous theoretical attention and therefore remains somewhat shrouded in conceptual ambiguity.”<sup>44</sup> Bauhr and Grimes’s research provides initial support for the principal-agent model of transparency.<sup>45</sup> In this model, “transparency is used by the principal to monitor the agent, rather than a more normatively oriented model of transparency in which transparency reforms signal a commitment to improve government institutions and thereby increase trust and confidence that the government will deal with its problems internally.”<sup>46</sup> They further explain that “logic of principal agent theory

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<sup>40</sup> Bauhr and Grimes, *What Is Government Transparency*, 5.

<sup>41</sup> Bauhr and Grimes, 5.

<sup>42</sup> Catharina Lindstedt and Daniel Naurin, “Transparency against Corruption” (academic paper, University of Gothenburg, 2010), 9, [https://www.sahlgrenska.gu.se/digitalAssets/1358/1358046\\_transparency-against-corruption-\\_accepted-version\\_.pdf](https://www.sahlgrenska.gu.se/digitalAssets/1358/1358046_transparency-against-corruption-_accepted-version_.pdf).

<sup>43</sup> Bauhr and Grimes, *What Is Government Transparency*, 5.

<sup>44</sup> Bauhr and Grimes, 22.

<sup>45</sup> Bauhr, Grimes, and Harring, *Seeing the State*, 13.

<sup>46</sup> Bauhr, Grimes, and Harring, 18.

suggests that because the interests of agents and principals may diverge, principals must find ways of monitoring the actions taken by agents.”<sup>47</sup>

H. J. M. (Erna) Ruijer sought to understand how government communicators identify preemptive transparency and how those observations influence the way the government implements proactive transparency practices<sup>48</sup>. Ruijer’s research addresses the transparency literature’s constant notion that “an automatic link is assumed from transparency to increased accountability or trust.”<sup>49</sup> Ruijer’s study moves the focus from the public’s access to data and the readiness of data to communication approaches to government transparency, and addresses data access, information sharing, and the intended audience of information. This study is particularly interesting because Ruijer states—as the author of this thesis has also experienced in her thirty-four years of policing—that law enforcement executive and/or government communicators still know very little about how to perceive and implement transparency initiatives. Ruijer stresses that, unless disclosed information can be analyzed, understood, and tracked by the receiver, it may not satisfy what the public needs to trust the government. Information is accountable, according to Ruijer, if it is balanced and forthcoming, if it acknowledges errors, and if it is open to censure or disapproval.<sup>50</sup>

Ruijer’s research is relevant because law enforcement executives are often their own communications officials and are responsible for the timely and accurate release of information to the public. Ruijer’s findings reveal that government communicators who proactively recognize that transparency is essential will disclose considerably more relevant and accountable data regarding the internal workings of their agency.<sup>51</sup> Furthermore, Ruijer believes that government officials can improve transparency by

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<sup>47</sup> Bauhr, Grimes, and Harring, 18.

<sup>48</sup> H. J. M. (Erna) Ruijer, “Proactive Transparency in the United States and the Netherlands,” *The American Review of Public Administration* 47, no. 3 (2016): 354, <https://www.doi.org/10.1177/0275074016628176>.

<sup>49</sup> Ruijer, 354.

<sup>50</sup> Ruijer, 360.

<sup>51</sup> Ruijer, 360.

providing relevant, understandable, and more accessible information to the public. Her study finds that effective communicators anticipate and project stakeholders' opinions and questions before the organization makes decisions. Ruijer's study also provides some empirical support that communicators, at times, deliberately withhold information or do not provide the whole story—or that they may highlight positive information more than negative information. Ruijer concludes that framing or emphasizing (withholding or highlighting) information can cause confusion as the receiver assesses the organization's transparency and secrecy.<sup>52</sup> Ruijer's findings are reflected in Figure 1.

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<sup>52</sup> Ruijer, 359.

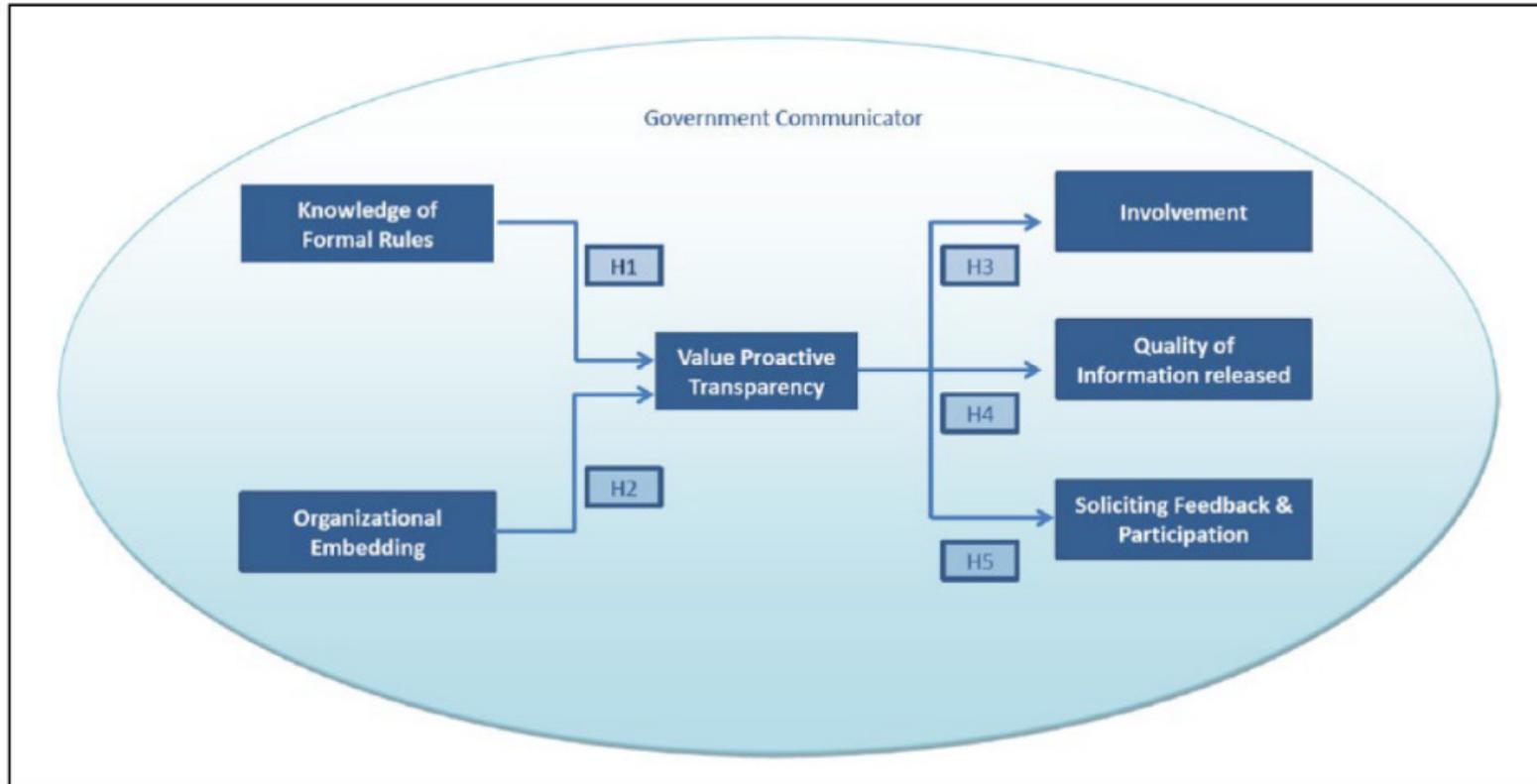


Figure 1. Proactive Government Communicators<sup>59</sup>

<sup>59</sup> Source: Ruijer, 359.

Ruijer's research shows that an organization's commitment and support are stronger predictors for transparency, although the perceptions of communication officials are also an important factor.<sup>60</sup> Ruijer states that "government communicators will provide substantial and accountable information, and are less likely to use spin techniques" in organizations that are supportive of proactive transparency.<sup>61</sup> Ruijer further concludes that when organizations are supportive, their government communicators are more likely to ask stakeholders to participate in mutual dialogue and request their feedback. She concludes that organization support is important to employees. As Ruijer's study reveals, "An organization that supports proactive transparency helps in reaping the benefits but also in managing the possible harms of communication."<sup>62</sup>

## 2. Accountability

Accountability can mean different things to different people and can be perceived as negative or positive. Jeffrey Morgan writes that accountability works in conjunction with goals, objectives, consequences, and the expectation of continuous improvement.<sup>63</sup> Mark Bovens agrees, noting that accountability can be an effective tool but that it does not exist in a vacuum.<sup>64</sup> He summarizes accountability as a complex concept that involves meeting a multitude of expectations, based on differing sets of norms from a variety of individuals or groups.<sup>65</sup> Barbara S. Romzek and Melvin J. Dubnick agree, stating that "public administration accountability involves the means by which public agencies and

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<sup>60</sup> Ruijer, 360.

<sup>61</sup> Ruijer, 367.

<sup>62</sup> Heungsik Park and John Blenkinsopp, "Transparency Is in the Eye of the Beholder: The Effects of Identity and Negative Perceptions on Ratings of Transparency via Surveys," *International Review of Administrative Sciences* 83, no. 1S (2016): 177, <https://www.doi.org/10.1177/0020852315615197>.

<sup>63</sup> Jeffrey Morgan, "Accountability in the Public Sector," *Careers in Government*, October 8, 2016, <https://www.careersingovernment.com/tools/gov-talk/about-gov/accountability-public-sector/>.

<sup>64</sup> Mark Bovens, "Public Accountability," in *The Oxford Handbook of Public Management*, ed. Ewan Ferlie, Laurence E. Lynn Jr., and Christopher Pollitt (New York: Oxford University Press, 2005).

<sup>65</sup> Bovens.

their workers manage the diverse expectations generated within and outside of an organization.”<sup>66</sup>

In politics and the government—including law enforcement—accountability is an important facet of a leader’s professional life. Bovens writes, “Public managers, especially those with a professional or legal background, often find political accountability difficult to handle, if not threatening, because of the fluid, contingent, and ambiguous character of political agendas.”<sup>67</sup> Bovens is somewhat critical, arguing that accountability, particularly in the public realm, can be used as a scheme for blaming. He explains that accountability involves responsibility, which also means shouldering the blame should something go awry or if the responsible individual’s conduct breaches the norm—and norms are sometimes deliberately vague and convoluted, or established after the fact.<sup>68</sup> For law enforcement leaders, this terrain may be challenging; law enforcement leaders must answer to boards of directors, city and county managers, and the public, all of which have differing norms and expectations.

However, many law enforcement leaders across the nation are steadfast, and do not tolerate unethical and corrupt acts among their forces. For example, in September 2018 Police Chief James Craig immediately suspended a rookie police officer without pay for an offensive Snapchat and Facebook post in which the officer referred to citizens as “zoo animals.”<sup>69</sup> The officer was subsequently terminated. Afterward, Chief Craig noted, “We emphasize in the academy: integrity and service to community; when we make a statement like this, what’s the message?”<sup>70</sup> In January of 2018, Fairfax County Police Chief Edwin Roessler released a dashboard camera video of a Fairfax officer who assisted in a United

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<sup>66</sup> Barbara S. Romzek and Melvin J. Dubnick, “Accountability in the Public Sector: Lessons from the Challenger Tragedy,” *Public Administration Review* 47, no. 3 (1987): 228, <https://www.doi.org/10.2307/975901>.

<sup>67</sup> Bovens, “Public Accountability,” 189.

<sup>68</sup> Bovens.

<sup>69</sup> Caitlin O’Kane, “‘I’m Appalled’: Detroit Police Chief Fires Officer Almost Immediately after Offensive Snapchat Post,” CBS News, September 24, 2018, <https://www.cbsnews.com/news/im-appalled-detroit-police-chief-fires-officer-almost-immediately-after-snapchat-post-with-offensive-caption/>.

<sup>70</sup> O’Kane.

States Park Police vehicle pursuit, which ended when U.S. Park officers fatally shot and killed twenty-five-year-old Bijan Ghaisar of McLean, Virginia. Chief Roessler explained his reasoning for releasing the video: “As a matter of transparency to all in our community, especially the Ghaisar family, and as the administrative custodian of the video, I am releasing the in-car video of the U.S. Park Police shooting.”<sup>71</sup> He continues, with reference to the Federal Bureau of Investigation (FBI): “The video does not provide all the answers; however, we should all have confidence in the FBI’s investigation of this matter as I know it will be thorough, objective and professional.”<sup>72</sup> Reporting police misconduct and corruption extends beyond local and state police reporting. The FBI publishes press releases on its website of public corruption cases that it investigates.<sup>73</sup> The information is available to the public through an open-source Internet search. Bovens also believes that transparency and accountability strengthens community trust and confidence in government and bridges discourse between the people and their representatives.<sup>74</sup>

Sheldon Adelberg and C. Daniel Batson, though they agree about the importance of the concepts, note that excessive attention on accountability and transparency may result in weak or ineffective decision-making instead of improved organizational performance.<sup>75</sup> They designed a study to test how decision-makers would distribute limited college grant funding to students who met the formal grant requirements. One set of grant distributors was told that their decisions would be scrutinized and that they would have to account for their funding distribution decisions after the awards were made.<sup>76</sup> The second set was not given any information regarding scrutiny of their decision-making. During the study, the first set tried to avoid risk, student dissatisfaction, or public criticism by giving each grant

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<sup>71</sup> “Chief Roessler Releases Video of November U.S. Park Police Shooting in Fairfax County,” Fairfax County Police Department, January 24, 2018, <https://fcpdnews.wordpress.com/2018/01/24/chief-roessler-releases-video-of-november-u-s-park-police-shooting-in-fairfax-county/>.

<sup>72</sup> Fairfax County Police Department.

<sup>73</sup> “What We Investigate,” FBI, May 3, 2016, <https://www.fbi.gov/investigate/public-corruption/news>.

<sup>74</sup> Bovens, “Public Accountability.”

<sup>75</sup> Sheldon Adelberg and C. Daniel Batson, “Accountability and Helping: When Needs Exceed Resources,” *Journal of Personality and Social Psychology* 36, no. 4 (1978): 343–350, <https://www.doi.org/10.1037/0022-3514.36.4.343>.

<sup>76</sup> Adelberg and Batson.

applicant the same amount of money. The equal distribution of very small grants resulted in grant awards that were insufficient for any of students to continue their studies. The second set of grant distributors weighed options and made a conscious choice to award the grant money to the grant applicants who demonstrated most financial need. As a result, larger grant awards were distributed to fewer grant applicants; however, the grant awards were enough for those students to continue their education. Adelberg and Batson concluded that even though the second group was not specifically told they would be held accountable, the group still felt some measure of accountability, without undue pressure, which led them to make more efficient use of the grant funds. Adelberg and Batson further concluded that if leaders believe their accountability is going to be judged too severely, they are more likely to make decisions based on risk avoidance rather than data and facts.<sup>77</sup>

### 3. Trust

Stephen Covey and Rebecca Merrill explain the power of trust when they write:

There is one thing that is common to every individual, relationship, team, family, organization, nation, economy, and civilization throughout the world—one thing which, if removed, will destroy the most powerful government, the most successful business, the most influential leadership, the greatest friendship, the strongest character, the deepest love.... On the other hand, if developed and leveraged, that one thing has the potential to create unparalleled success and prosperity in every dimension of life; yet, it is the least understood, most neglected, and most underestimated possibility of our time.... That one thing is trust.<sup>78</sup>

Influential leaders acknowledge the power of trust and look for ways to measure it, yet few codify its meaning for mutual understanding. Covey and Merrill provide a simple definition: “[T]rust means confidence.”<sup>79</sup> They also address the opposite of trust, distrust, emphasizing: “Distrust is suspicion.”<sup>80</sup>

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<sup>77</sup> Ibid.

<sup>78</sup> Stephen M. R. Covey and Rebecca R. Merrill, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2008), 1.

<sup>79</sup> Covey and Merrill, 5.

<sup>80</sup> Covey and Merrill, 5.

Industry professionals agree that trust is essential between the public and government entities. In May 2017, the Pew Research Center published a study titled “Public Trust in Government: 1958–2017.” The opening paragraph of the report states: “Public trust in the government remains near historic lows.”<sup>81</sup> The study found that “only 20% of Americans today say they can trust the government in Washington to do what is right ‘just about always’ (4%) or ‘most of the time’ (16%).”<sup>82</sup> The study provides historical references to events that have affected public trust in government, specifically references war, government scandals, and the economy as major influences; the report notes: “Trust in government began eroding during the 1960s, amid the escalation of the Vietnam War, and the decline continued in the 1970s with the Watergate scandal and worsening economic struggles.”<sup>83</sup> The study does reference short periods of public confidence in the government, such as the late 1990s when the U.S. economy was growing, and a short-lived “three-decade high shortly after the 9/11 terrorist attacks.”<sup>84</sup>

The Pew Research center also reported “a downward trajectory in trust in government ... across racial and ethnic lines.”<sup>85</sup> Historically, according to the report, minorities express a greater feeling of distrust in government, specifically in African American and Hispanic communities. The study found that minorities’ trust increases and decreases depending on which political party controls the presidency. “During the Republican presidencies of Reagan and G.W. Bush, more whites than blacks said they trusted the government to do the right thing. Conversely, during the Democratic administrations of Clinton and Obama blacks were more likely than whites to express trust in government.”<sup>86</sup>

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<sup>81</sup> Peter Bell, “Public Trust in Government: 1958–2017,” Pew Research Center, May 2, 2017, <http://www.people-press.org/2017/05/03/public-trust-in-government-1958-2017/>.

<sup>82</sup> Bell.

<sup>83</sup> Bell.

<sup>84</sup> Bell.

<sup>85</sup> Bell.

<sup>86</sup> Bell.

In 2014, recognizing that trust between the police and the communities they serve is important, President Barack Obama appointed a task force to examine community–police relations and to “identify best policing practices and offer recommendations on how those practices can promote effective crime reduction while building public trust.”<sup>87</sup> The first sentence of the President’s Task Force on 21st Century Policing specifically states: “Trust between law enforcement agencies and the people they protect and serve is essential in a democracy.”<sup>88</sup> The report goes on to provide numerous recommendations, categorized into six main topics or “pillars,” the three most relevant of which are Pillars One, Two, and Three.<sup>89</sup> The first pillar, “Building Trust and Legitimacy,” describes how years of research support the idea that citizen will obey laws when they have faith in those who are enforcing the laws. The public will confer authority on those they believe are performing in an unbiased and fair manner. The report found that “law enforcement cannot build community trust if it is seen as an occupying force coming in from outside to impose control on the community.”<sup>90</sup> The report recommends establishing a policing environment with a foundation of transparency and accountability.

The second pillar, “Policy and Oversight,” emphasizes that “if police are to carry out their responsibilities according to established policies, those policies must reflect community values.”<sup>91</sup> Under this pillar, the task force recommends that law enforcement agencies “develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.”<sup>92</sup> Pillar Two encourages community input in the development of law enforcement; however, agencies will need to define *engagement* and *input* with the goal of educating the community about appropriate police responses to “use of force (including training on the importance of de-escalation), mass demonstrations (including the

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<sup>87</sup> President’s Task Force on 21st Century Policing, *Final Report*, 2.

<sup>88</sup> President’s Task Force, 5.

<sup>89</sup> President’s Task Force, 5.

<sup>90</sup> President’s Task Force, 1.

<sup>91</sup> President’s Task Force, 2.

<sup>92</sup> President’s Task Force, 2.

appropriate use of equipment, particularly rifles and armored personnel carriers), consent before searches, gender identification, racial profiling, and performance measures.”<sup>93</sup> Encouraging community input during policy development will also educate citizens about police tactics and the types of equipment that law enforcement officers use when responding to incidents.

The third pillar, “Technology and Social Media,” finds that “the use of technology can improve policing practices and build community trust.”<sup>94</sup> Implementing new technology, such as BWCs, the report suggests, will give police agencies the chance to involve the public in discussions about expectations for transparency, accountability, and privacy.<sup>95</sup> The report does caution that technology, when implemented without well-defined goals, a proper policy framework, and built-in privacy protections may negatively affect transparency, accountability, and trust.<sup>96</sup> For police agencies considering implementing BWC programs, the task force recommends adopting the Bureau of Justice Assistance Body-Worn Camera Toolkit as a guide.<sup>97</sup>

#### **D. HYPOTHESIS**

Transparency and accountability are trumpeted by government officials and law enforcement leadership as vital to gaining and maintaining public trust. My hypothesis is that if government presents itself as open, explains to the people what and how decisions are made, and then provides the results of those decisions, citizens will feel trust in government; however, the relationship between transparency, accountability, and trust may not be as straightforward as advocates would profess. In fact, transparency and over-reliance on accountability may decrease trust.

As previous research has found, some police departments that use BWCs have seen fewer uses of force and fewer complaints from citizens against officers. This thesis asks:

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<sup>93</sup> President’s Task Force, 2.

<sup>94</sup> President’s Task Force, 2.

<sup>95</sup> President’s Task Force, 3.

<sup>96</sup> President’s Task Force, 31.

<sup>97</sup> President’s Task Force, 36.

Is simply measuring uses of force and citizen complaints the appropriate metric for determining the success or failure of an agency's BWC program, or whether a police department has attained transparency, accountability, and public trust? Transparency, accountability, and trust are three separate considerations that must be evaluated individually. BWC technology does record events for law enforcement, citizens, media, courts, and juries to review, frame, and interpret based on the reviewer's individual cognitive bias, but relying solely on the deployment of BWC technology may not be the correct metric for measuring or assuring transparency, accountability, and trust.

## **E. RESEARCH DESIGN**

This thesis presents a comparative analysis of BWC information and data that law enforcement agencies provide to their citizens. This study has begun with a discussion on public trust, and has established an understanding for the terms transparency, accountability, and trust, particularly as they relate to the implementation of BWCs. In subsequent chapters, the study examines the legal foundations that direct the release—or withholding—of information, and examines law enforcement commissioning entities and the professional standards for establishing policies and procedures specifically related to BWC data recording, analysis, and reporting. Next, the text reviews five law enforcement agencies located in states that require patrol officers to be equipped with BWCs, and that require law enforcement agencies to share BWC information with the public.

The five police agencies' BWC programs were researched through open sources, such as police department websites, civic and non-profit organizations' resources, police department policies, and internal affairs records. The BWC information and data is used for a comparative analysis to discern the type, timeliness, relevance, and consistency of the information across the agencies. Ultimately, this helps to establish metrics for measuring transparency, accountability, and public trust.

The research is limited to exploring if the type, quantity, quality and consistency of BWC data released to the public is meeting the intended purposes of facilitating police transparency, improving police accountability, and improving the community's trust in law enforcement. This research does not focus on the legality or privacy concerns for the use

of BWCs. Additionally, this research does not conduct a monetary cost-benefit analysis or explore the methods in which BWC data have been stored by police departments.

## **F. THESIS OUTLINE**

This chapter has described the importance of police–community relations and law enforcement’s need for public trust to effectively maintain safety and security. The chapter also provided the thesis research question and problem statement, followed by a literature review surrounding transparency, accountability, and trust as they relate to government and law enforcement in general. The literature review also established metrics for judging the effectiveness of government transparency, accountability, and trust.

Chapter II provides the legal framework for law enforcement agencies that employ BWC technology. This chapter discusses state-mandated BWC laws, state and federal freedom of information laws, and law enforcement accreditation standards. The chapter also discusses law enforcement professional standards related to establishing BWC policies, procedures, data collection, and reporting. Chapter III discusses the type, amount, and relevance of BWC data gathered, analyzed, and reported to the public by each of the law enforcement agencies examined in the study. The chapter also discusses the public’s ease of access to the information.

Chapter IV provides a comparative analysis of the BWC data and assesses the effectiveness and relevance of the departments’ BWC information as it relates to transparency, accountability, and building public trust. The chapter also identifies the benefits and challenges of information contained within or missing from the data. Finally, Chapter IV provides recommendations for increasing transparency and accountability between police departments and the communities they serve.

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## II. LEGAL FRAMEWORK FOR BODY-WORN CAMERAS

Law enforcement organizations across the nation have implemented BWCs to record police interactions with the community. As BWC programs expand, so do the considerations and conversations surrounding them. Law enforcement must consider which officers should be required to wear BWCs; the circumstances that warrant recording interactions with the public; how to classify, retain, and store the video recordings; how to use the recordings as evidence; and how to release BWC video and data. Initial BWC data assumes, and in some instances states, that BWC technology provides objective and indisputable evidence of an incident and lends clarity and accuracy to the event record. PERF suggests that police agencies that implement successful BWC programs will experience an increase in transparency and accountability and a decrease in uses of force and complaints against personnel.<sup>98</sup> BWC manufacturers also argue that their technology offers transparency and accountability by providing video and audio documentation of police–community interactions. The COPS and PERF 2014 BWC fact sheet suggests that BWC technology and video footage are acceptable metrics for measuring community trust and confidence, as well as law enforcement transparency and accountability.<sup>99</sup> PERF’s exploratory survey found that “the number one reason why police departments choose to implement body-worn cameras is to provide a more accurate documentation of police encounters with the public.”<sup>100</sup>

However, neither the accuracy of the video footage recorded by BWCs nor the act of determining who is accountable based on the video footage are the focus of this chapter. This chapter also does not focus on whether BWC technology reduces citizen complaints against law enforcement officers or prevents use-of-force incidents; these topics have already been examined through other comprehensive studies, including a 2017 Center for Naval Analyses study on the Las Vegas Metro Police, which concluded that BWC

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<sup>98</sup> Miller and Toliver, *Implementing a Body-Worn Camera Program*, vii.

<sup>99</sup> Miller and Toliver.

<sup>100</sup> Miller and Toliver, 18.

technology is associated with “significant reductions in complaints of police misconduct and police use of force incidents.”<sup>101</sup> Conversely, in 2017 The Lab @ DC—a team of researchers and data scientists based in the Office of the City Administrator in Washington, DC—published contradictory findings; its study “failed to detect any statistically significant effects of BWC on reducing citizen complaints or uses of force by officers.”<sup>102</sup> The Lab @ DC further recommended that “law enforcement agencies that are considering adopting BWCs should not expect dramatic reductions in use of force or complaints, or other large-scale shifts in police behavior, solely from the deployment of this technology.”<sup>103</sup>

This chapter concentrates, instead, on the legal frameworks that guides BWC use, implementation, and policies, along with the release of BWC information to the public. This chapter also examines law enforcement professional standards and accreditation, specifically the mandates concerning BWC audio and video recording that law enforcement agencies must meet if they want to be accredited. Privacy advocates and the Electronic Privacy Information Center (EPIC) have expressed concerns that BWCs could “become the next surveillance technology disproportionately aimed at the most marginalized members of society.”<sup>104</sup> However, the American Civil Liberties Union (ACLU), a leading civil rights advocate, believes that monitoring law enforcement behavior can be helpful. The ACLU has publicly stated that they “accept body cameras if

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<sup>101</sup> Anthony A. Braga et al., “The Effects of Body-Worn Cameras on Police Activity and Police-Citizen Encounters: A Randomized Controlled Trial,” *Journal of Criminal Law and Criminology* 108, no. 3 (Summer 2018): 514, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7632&context=jclc>.

<sup>102</sup> David Yokum, Anita Ravishankar, and Alexander Coppock, “Evaluating the Effects of Body-Worn Cameras: A Randomized Controlled Trial” (working paper, The Lab @ DC, October 20, 2017), 22, [https://bwc.thelab.dc.gov/TheLabDC\\_MPD\\_BWC\\_Working\\_Paper\\_10.20.17.pdf](https://bwc.thelab.dc.gov/TheLabDC_MPD_BWC_Working_Paper_10.20.17.pdf).

<sup>103</sup> Yokum, Ravishankar, and Coppock, 22.

<sup>104</sup> “State Law Enforcement Body Camera Policies,” Electronic Privacy Information Center, accessed October 12, 2018, <https://epic.org/state-policy/police-cams/>.

they are deployed with strong policies, despite the fact that they are government cameras with a very real potential to invade privacy.”<sup>105</sup>

#### **A. STATE BWC LEGISLATION AND POLICIES**

Police departments—along with federal, state, and local representatives—have attempted to address concerns with BWCs by enacting legislation. Law enforcement associations and government organizations such as the International Association of Chief of Police (IACP), Major Cities Chief Association, the Police Executive Research Forum (PERF), and the Bureau of Justice Assistance have developed guidelines, model policies, and other resources to help police departments formulate BWC policies. As I was reviewing BWC policies for this thesis, I discovered that BWC policies can significantly differ from one police department to another. Some policies discuss the features and functions of BWC systems and provide specific guidance for BWC operations during routine and critical situations. Other departments have implemented vague BWC policies that provide limited guidance beyond explaining which officers are required to wear the cameras and under what circumstances they should be activated. There are even police departments that have implemented BWC programs but have yet to establish policies.

State legislation also attempts to address areas of concern from non-governmental organizations and the public. These laws provide police departments with specific criteria to address in BWC policies. The legislation directs BWC video retention and provides video release guidelines that align with state Freedom of Information Act (FOIA) laws.

The bi-partisan nongovernmental organization National Conference of State Legislatures (NCSL) was established in 1975 to serve the state legislatures members and staffs in the United States (including commonwealths and territories).<sup>106</sup> “The NCSL has three objectives: to improve the quality and effectiveness of state legislatures; to promote

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<sup>105</sup> Chad Marlow and Jay Stanley, “Should We Reassess Police Body Cameras Based on Latest Study?” American Civil Liberties Union, November 20, 2017, <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/should-we-reassess-police-body-cameras-based>.

<sup>106</sup> “Body-Worn Camera Laws Database,” National Conference of State Legislators (NCSL), February 28, 2018, [http://www.ncsl.org/research/civil-and-criminal-justice/body-worn-cameras-interactive-graphic.aspx#//](http://www.ncsl.org/research/civil-and-criminal-justice/body-worn-cameras-interactive-graphic.aspx#/).

policy innovation and communication among state legislatures; and to ensure state legislatures a strong, cohesive voice in the federal system.”<sup>107</sup> The NCSL maintains an active database dedicated to current BWC legislation; it was last updated on February 28, 2018.<sup>108</sup> According to the NCSL, “Body cameras continue to be a significant focus for state law makers as they consider and enact legislation to address police-community relations.”<sup>109</sup> As of February 2018, thirty-four states and the District of Columbia have enacted laws relating to BWCs.<sup>110</sup> The NCSL examines state laws to discern if the state has passed legislation that:

1. Requires that certain police officers wear BWCs
2. Requires written police policies for BWC programs
3. Provides state funding to support BWC programs
4. Has open-records laws<sup>111</sup>

#### **B. THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)**

In addition to examining state BWC legislation, I also researched law enforcement agencies that participate in accreditation programs. To be eligible for accreditation, a police department must meet explicit standards of excellence and must function according to best practices developed by public safety practitioners. The Commission on Accreditation for Law Enforcement Agencies (CALEA) has standards that specifically address BWCs.

CALEA Standard 41.3.8, entitled “In-Car and/or Body-Worn Audio/Video,” mandates that participating law enforcement agencies with BWC programs must provide a written directive (policy) that addresses:

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<sup>107</sup> NCSL.

<sup>108</sup> NCSL.

<sup>109</sup> NCSL.

<sup>110</sup> NCSL.

<sup>111</sup> NCSL.

- The purpose and organization philosophy regarding use
- The requirements and restrictions for activation and deactivation of the device
- Criminal and administrative use of camera captured data
- Data storage and retention requirements
- Equipment maintenance and inspection procedures
- Training requirements for users and supervisors
- Requirements for documented review of camera captured data including frequency and quantity<sup>112</sup>

CALEA standards do not mandate the release of BWC information to the public. The release of BWC video footage and statistical information is guided or mandated by individual state statutes.

Further, CALEA Standard 1.3.13 requires police agencies to conduct an annual analysis of the agency’s use-of-force activities. The analysis examines incidents of force to discern patterns or trends that could indicate the need for policy modifications, officer training, or additional equipment or equipment upgrades.<sup>113</sup> Lastly, CALEA Standard 52.1.5 requires police agencies to compile annual statistical summaries of internal affairs and use-of-force investigations, and to make these summaries available to the public and agency personnel.<sup>114</sup>

### **C. CHALLENGES AFFECTING THE PUBLIC’S TRANSPARENCY, ACCOUNTABILITY, AND TRUST EXPECTATIONS**

Police departments must balance privacy with public accessibility to information—which, in turn, affects transparency, at least in very broad strokes. As such, several considerations and laws dictate which information police may and may not release.

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<sup>112</sup> “The Commission,” CALEA, December 18, 2012, <http://www.calea.org/content/commission>.

<sup>113</sup> CALEA.

<sup>114</sup> CALEA.

Denying a citizen's request for information, even if legally, can produce transparency challenges for police agencies.

Since 1967, the public has been able to access records from any federal agency by filing a Freedom of Information Act (FOIA) request.<sup>115</sup> FOIA generally provides that “any person has the right to request access to federal agency records or information except to the extent the records are protected from disclosure by any of nine exemptions contained in the law or by one of three special law enforcement record exclusions.”<sup>116</sup> The withholding of information to make a FOIA request is authorized. However, under the following nine exemption categories:

- Classified information for national defense or foreign policy
- Internal personnel rules and practices
- Information that is exempt under other laws
- trade secrets and confidential business information
- Inter-agency or intra-agency memoranda or letters that are protected by legal privileges
- Personnel and medical files
- Law enforcement records or information
- Information concerning bank supervision
- Geological and geophysical information<sup>117</sup>

Some law enforcement records and those pertaining to national security are provided special protections from FOIA requests.<sup>118</sup> These protections are narrowly defined into three categories: 1) to protect ongoing criminal investigations, when the target is unaware that he or she is being investigated, or the investigation may be jeopardized by disclosure;

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<sup>115</sup> “The Freedom of Information Act,” Department of State, accessed November 5, 2017, <https://foia.state.gov/Learn/FOIA.aspx>.

<sup>116</sup> Department of State.

<sup>117</sup> Department of State.

<sup>118</sup> Department of State.

2) to protect the identity of informants; and 3) to protect FBI intelligence and terrorism investigations. Any records that fall within these three exclusions are not subject to release under requirements of the FOIA.<sup>119</sup>

In addition to the FIOA, individual states also provide additional protections from FOIA requests. Some of these protections are for civil records like adoptions records, juvenile histories, and medical information.<sup>120</sup> Other protections include the identity of victims in certain sexual assault cases and additional law enforcement records. The U.S. Department of State and state governments offer guides on using the FOIA to request government records; however, citizens and media still report frustration when attempting to receive information in a timely manner.

Chapter III establishes the precise information and data that was examined for this thesis and asks specific questions regarding that data. The data examined and questions asked are based on the type of information state legislation and CALEA require law enforcement agencies to record and analyze.

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<sup>119</sup> Department of State.

<sup>120</sup> Department of State.

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### III. AGENCY DATA REPORTING

The law enforcement agencies I chose to examine for this study are located in states that have met all four BWC categories established by the National Conference of State Legislators (NCSL), as described in Chapter II. As previously stated, the focus of this study is a comparative analysis of the quality, quantity, consistency, and relevance of BWC information and data released by police departments through their websites and Internet searches. Table 1 lists the states, sorted according to the four NCSL categories. The bolded states are those that fall within all four of the NCSL categories.

Table 1. States Reviewed, by NCSL Category

States Requiring BWC	Body Camera Funding	Open Records Laws	BWC Policy Required
<b>California</b>	<b>California</b>	<b>California</b>	<b>California</b>
<b>Connecticut</b>	Colorado	<b>Connecticut</b>	<b>Connecticut</b>
<b>District of Columbia</b>	<b>Connecticut</b>	<b>District of Columbia</b>	<b>District of Columbia</b>
<b>Florida</b>	<b>District of Columbia</b>	<b>Florida</b>	Delaware
<b>Nevada</b>	<b>Florida</b>	Georgia	<b>Florida</b>
<b>South Carolina</b>	Illinois	Illinois	Illinois
	Kentucky	Kansas	Kentucky
	Massachusetts	Louisiana	Maryland
	North Carolina	Michigan	Michigan
	New Jersey	Missouri	Minnesota
	<b>Nevada</b>	North Carolina	North Carolina
	Pennsylvania	North Dakota	Nebraska
	<b>South Carolina</b>	New Hampshire	New Hampshire
	Texas	<b>Nevada</b>	<b>Nevada</b>
		Oklahoma	Oregon
		Oregon	Pennsylvania
		Pennsylvania	<b>South Carolina</b>
		<b>South Carolina</b>	Texas
		Tennessee	Utah
		Texas	Washington
		Utah	
		Washington	

Based on the report from the NCSL, there are five states and one district—California, Connecticut, Florida, Nevada, and South Carolina, plus the District of Columbia—that address all four NCSL categories. Next, the search criteria further narrowed to data from CALEA-accredited police departments operating within these areas. Lastly, police departments under consent decrees were also considered for this study, as consent decrees have mandatory reporting requirements. I found four CALEA-accredited police departments within the five states (see Table 2): the Bay Area Rapid Transit Police Department (BART), Cape Coral Police Department (CCPD), Las Vegas Metropolitan Police Department (LVMPD), and the City of Greenville Police Department (GPD). The Metropolitan Police Department (MPD) in Washington, DC, is also CALEA-accredited. None of the police departments in Connecticut both deploy BWCs and are CALEA-accredited.

Table 2. Accredited Law Enforcement Agencies Reviewed

California	Connecticut	DC	Nevada	Florida	South Carolina
Bay Area Rapid Transit P.D.	N/A	Metropolitan P.D.	Las Vegas Metropolitan P.D.	Cape Coral P.D.	City of Greenville P.D.

I researched the police departments using open-source methods, agency websites, and the Internet in an attempt to answer the following questions:

1. Does the police department post its BWC policy online or make the information readily available to the public?
2. Are officers are required to wear and activate BWCs?
3. Does the police department post BWC deployment information online or make the information readily available to the public?
4. Does the police department post BWC technology failure information online or make the information readily available to the public?

5. Does the police department post data online, or make information readily available to the public, regarding the number of times officers have failed to turn on their BWCs?
6. Does the police department post monthly, quarterly, or annual BWC statistical data regarding quality assurance review/audits online or make the information readily available to the public?
7. Does the police department post the number of BWC FOIA requests and the disposition of those requests online or make the information readily available to the public?
8. Does the police department release BWC video footage to the public or are BWC videos only released under special conditions?
9. Does the police department complete annual use-of-force and complaints-against-personnel reports?
10. Does the police department post annual use-of-force and complaints-against-personnel reports online or make the information readily available to the public?

I examined the data for consistency and ease of access; I then tabulated and analyzed the results to determine if the police agencies are meeting the definitions of transparency and accountability set forth by the United States Government Accountability Office and/or the University of Manchester's Institute for Development Policy and Management.

## A. CALIFORNIA—BAY AREA RAPID TRANSIT POLICE DEPARTMENT

According to BART’s website, “The BART Police Department is one of the first agencies in California to require all patrol officers and sergeants to wear a body camera.”<sup>121</sup> BART police officers and sergeants began using BWCs in November 2012.<sup>122</sup> In June 2013, BART completed the implementation of its BWC program; today, all BART patrol officers and sergeants wear BWCs.<sup>123</sup>

BART’s “Use of Axon Flex” policy is posted on the agency’s website.<sup>124</sup> BART’s BWC policy includes guidance on the operation and activation of the BWCs and addresses video retention. BWC video in general is not released to the public; however, the public may obtain a video through a FOIA request. BART’s BWC policy also provides a provision for the chief of police to release BWC video at his her or her discretion. However, the policy lacks specific language relating to supervisory review and/or audits of BWC video for compliance or training purposes, and does not address CALEA’s requirements for “documented review of camera captured data including frequency and quantity.”<sup>125</sup>

BART does publish data about complaints against personnel and uses of force on the agency website annually. The agency’s annual internal affairs reports for 2010 through 2016 are posted online and are available to the public for review. The reports include “statistical data compiled by BART PD Office of Internal Affairs, addressing the number and nature of misconduct allegations resulting from both Citizen Issues and Administrative Investigations.”<sup>126</sup> In addition, the reports compute agency use-of-force data. BART’s website does not provide specific BWC statistical data.

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<sup>121</sup> “BART Police Department Report,” Bay Area Rapid Transit Police (BART), October 16, 2017, [https://www.bart.gov/sites/default/files/docs/BART%20Police%20AR%2010\\_16\\_17.pdf](https://www.bart.gov/sites/default/files/docs/BART%20Police%20AR%2010_16_17.pdf).

<sup>122</sup> BART.

<sup>123</sup> BART, 10.

<sup>124</sup> See <https://www.bart.gov/about/police/reports>.

<sup>125</sup> “PowerDMS,” CALEA, accessed November 24, 2017, <https://powerdms.com/assessments/1546/node/4265287?tooltbid=Tasks>.

<sup>126</sup> “BART’s Focused Approach to Addressing the Homeless Crisis,” BART, accessed July 21, 2017, <https://www.bart.gov/about/police/reports>.

**B. CONNECTICUT—LAW ENFORCEMENT DATA NOT AVAILABLE**

The NCSL reports that “Connecticut (HB 7103) (2015) requires the Commissioner of Emergency Services and Public Protection and the Police Officer Standards and Training Council to set minimum specifications for body-worn cameras.”<sup>127</sup> HB 7103 further mandates that the Office of Policy and Management provide grants to police departments in Connecticut to purchase BWCs and to provide digital data storage for those devices.

According to CALEA’s database, there are currently twenty-four CALEA-accredited police agencies in Connecticut, as shown in Table 3. Of those twenty-four agencies, only four are in the process of implementing BWC programs; three are in their infancy or in pilot-program stage. None of the four agencies post their BWC policies or information online or make the policy or information easily accessible to the public.

Table 3. CALEA-Accredited Agencies in Connecticut

Avon Police Department	Berlin Police Department
Bethel Police Department	Bloomfield Police Department
Connecticut State Police	Connecticut State Capitol Police
Coventry Police Department	East Hartford Police Department
East Haven Police Department	Enfield Police Department
Farmington Police Department	Glastonbury Police Department
Granby Police Department	Guilford Police Department
Madison Police Department	Manchester Police Department
Milford Police Department	New Canaan Police Department
North Haven Police Department	Norwalk Police Department
Rocky Hill Police Department	Simsbury Police Department
Wethersfield Police Department	Willimantic Police Department

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<sup>127</sup> Information and quote obtained from the 2017 NCSL Body-Worn Camera Database.

**C. DISTRICT OF COLUMBIA—METROPOLITAN POLICE DEPARTMENT**

According to MPD’s 2016 annual report, MPD began its BWC pilot program in October 2014 and fully implemented the program in 2016.<sup>128</sup> As stated on the agency’s website, MPD has issued approximately 2,800 BWCs to its patrol officers.<sup>129</sup> MPD’s BWC policy is accessible on the MPD website.<sup>130</sup> As mentioned in Chapter II, the District of Columbia’s Body-Worn Camera Regulation and Reporting Requirements Act of 2015 requires MPD to publish BWC data every six months.<sup>131</sup> In addition, every six months MPD collects, analyzes, and publishes a variety of BWC data. The bi-annual BWC report can be accessed on the MPD website by typing in “Body Cameras” and clicking on the link provided.<sup>132</sup> BWC data from MPD bi-annual reports is depicted in Table 4.

Table 4. BWC Data from MPD Bi-annual Reports<sup>133</sup>

	01/01/15 – 06/29/15	06/30/15 – 12/31/15	01/01/16 – 06/30/16	07/01/16 – 12/31/16
<b>BWC recording hours collected?</b>	4,554 Hours	25,021 Hours	47,409 Hours	86,011 Hours
<b>BWC technology failures</b>	2	40	129	110
<b>IA investigations for officers failing to turn on BWCs</b>	4	23	103	89
<b>BWC video reviewed for other IA investigations</b>	1	83	286	709

<sup>128</sup> Metropolitan Police Department (MPD), “Metropolitan Police Department Annual Report: 2016” (report, Government of the District of Columbia, 2017), <https://mpdc.dc.gov/publication/mpd-annual-report-2016>.

<sup>129</sup> “District Crime Data at a Glance,” MPD, accessed February 8, 2018, <https://mpdc.dc.gov/page/bwc>.

<sup>130</sup> See [https://go.mpdonline.com/GO/GO\\_302\\_13.pdf](https://go.mpdonline.com/GO/GO_302_13.pdf).

<sup>131</sup> “Reports on MPD’s Use of Body-Worn Cameras,” MPD, April 7, 2016, <https://mpdc.dc.gov/node/1116387>.

<sup>132</sup> See <https://mpdc.dc.gov/publication/reports-mpds-use-body-worn-cameras>.

<sup>133</sup> Adapted from MPD, “Annual Report: 2016”; MPD, “Metropolitan Police Department Annual Report: 2015” (report, MPD, 2016), <https://mpdc.dc.gov/node/1179346>.

	01/01/15 – 06/29/15	06/30/15 – 12/31/15	01/01/16 – 06/30/16	07/01/16 – 12/31/16
<b>BWC video reviewed for IA citizen complaints</b>	0	7	30	53
<b>BWC in use—Cameras / districts / special units</b>	126 cameras, 7 districts, 0 special units	400 cameras, 2 districts, 0 special units	1,242 cameras, 10 districts, 3 special units	2,820 cameras, 10 districts, 9 special units
<b>Freedom of Information requested / released</b>	5 requests, 0 videos released	3 Requests, 0 videos released	18 requests, 23 videos released	35 Requests, 9 videos released

MPD’s published agency annual reports for 2013, 2014, 2015, and 2016 provides some limited data concerning citizen complaints against MPD officers, as shown in Table 5.

Table 5. Citizen Complaints against MPD Officers, 2013–2016<sup>134</sup>

	2013	2014	2015	2016
<b>Type of Complaint</b>				
Harassment	29	45	35	25
Use of Force	34	28	37	16
Discrimination	7	9	9	0

#### D. FLORIDA—CAPE CORAL POLICE DEPARTMENT

The Cape Coral Police Department (CCPD) publishes statistical data through a general annual report and an internal affairs annual report. According to the 2017 internal affairs report, the CCPD began deploying BWCs to first responders in 2015 and completed the distribution to all first responders by the end of 2017.<sup>135</sup> CCPD does not provide a link to its BWC policy on its website, and a general open-source data search did not yield

<sup>134</sup> Adapted from MPD, “Annual Report: 2016”; MPD, “Annual Report: 2015”; MPD, “Metropolitan Police Department Annual Report: 2014” (report, MPD, 2015), <https://mpdc.dc.gov/node/1102842>; MPD, “Metropolitan Police Department Annual Report: 2013” (report, MPD, 2014), <https://mpdc.dc.gov/node/878852>.

<sup>135</sup> “Cape Coral Police Department 2017 Professional Standards Annual Report,” Cape Coral Police Department (CCPD), 5, accessed February 5, 2018, <https://www.capecops.com/publications/>.

CCPD's BWC policy. CCPD does provide citizens with the opportunity to ask general questions via the "Ask CCPD" link on the agency website, where the agency posts the citizens' questions and CCPD's answers. There is currently one question about the agency's BWC program on the site: "Since the release of your body cameras have you had any issues with the function that causes your officers to dislike them?"<sup>136</sup> Public Affairs Officer Corporal Phil Mullen provided a detailed explanation regarding the type of BWC CCPD uses, including the name of the camera and the manufacturer's information about the functions of the camera.

As previously stated, CCPD publishes annual statistical data. Table 6 shows CCPD's complaints against personnel and use-of-force information for 2014 through 2017. CCPD's 2015 annual report states that the Public Safety Advisory Committee discussed BWCs; however, the report fails to provide specifics.<sup>137</sup> The 2016 annual report informs readers that 120 officers have been equipped with BWCs.<sup>138</sup> The report specifically states that CCPD "will continue to refine our internal policies regarding their proper usage, to ensure we remain in compliance with legal guidelines, while meeting the needs of the community."<sup>139</sup> The 2016 internal affairs report further states: "It is believed that the Body-Worn Camera (BWC) Program, which was implemented in 2015, has attributed to the decreased number of citizen complaints and sustained dispositions when compared to 2014."<sup>140</sup> In 2014, CCPD received forty-eight complaints against officers; in 2016, there were forty-six complaints. The report fails to mention that in 2015 CCPD received forty-two complaints against officers, which reflects an increase in complaints in 2016.

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<sup>136</sup> "Ask CCPD #17: Lights, Body-Camera, Action!," Cape Coral Police Department, accessed February 8, 2018, 12, <https://www.capecops.com/blog/2017/5/19/ask-ccpd-17-lights-body-camera-action>.

<sup>137</sup> "Cape Coral Police Department 2015 Annual Report," CCPD, 12, accessed February 5, 2018, <https://www.capecops.com/publications/>.

<sup>138</sup> "Cape Coral Police Department 2016 Annual Report," CCPD, 4, accessed January 5, 2018, <https://www.capecops.com/publications/>.

<sup>139</sup> CCPD, 4.

<sup>140</sup> "Cape Coral Police Department 2016 Professional Standards Annual Report," CCPD, 6, accessed February 5, 2018, <https://www.capecops.com/publications/>.

Table 6. CCPD Personnel Complaints, 2014–2017

	<b>Complaints against Personnel</b>	<b>Uses of Force</b>
2014	48	79
2015	42	58
2016	46	82
2017	27	68

The 2016 internal affairs report also reveals that CCPD is conducting reviews of BWC videos to identify situations where officers failed to act, which CCPD suggests have amplified risk of injury to arrestees and officers.<sup>141</sup> According to the 2017 annual report, CCPD believes its BWC program “has significantly impacted the IA [internal affairs] process, both reducing the number of complaints taken, and ensuring accurate results of IA investigations.”<sup>142</sup>

Open-source research did not reveal if CCPD has received or responded to BWC FOIA requests, nor does open-source data reveal information regarding CCPD committing BWC policy violations.

#### **E. NEVADA—LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

LVMPD’s 2016 annual report states that the department began outfitting officers with BWCs in 2014; by the end of 2016, “LVMPD had completed the training and deployment of over 1,800 body worn cameras for officers who have daily operational interactions with the citizens in the community.”<sup>143</sup> LVMPD does not publish the agency’s BWC policy on its website, but it can be found online via a Google search.<sup>144</sup>

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<sup>141</sup> CCPD, 11, 14.

<sup>142</sup> “Cape Coral Police Department 2017 Annual Report,” CCPD, 14, accessed February 5, 2018, <https://www.capecops.com/publications/>.

<sup>143</sup> Las Vegas Metropolitan Police Department (LVMPD), accessed January 5, 2018, <http://www.lvmpd.com/en-us/Pages/default.aspx>.

<sup>144</sup> See <http://ipicd.com/ceer/files/LVMPD%20BWC%20Policy.pdf>.

LVMPD provides BWC information on its website, including information about how to request to view BWC video—whether in person, by telephone, or in writing.<sup>145</sup> The website further states that

BWC recordings that are evidence in an ongoing investigation, judicial or administrative proceeding, are not public records until either the matter is concluded or, in the case of a criminal proceeding, the evidence is submitted in a public forum (filed with the court or submitted in open court)... Such recordings will not be released until they become public.<sup>146</sup>

The LVMPD’s “Use of Force Statistical Analysis 2012-2016 Report” is accessible to the public via the website’s “Internal Oversight and Constitutional Policing.”<sup>147</sup> The document reports that LVMPD’s “non-deadly use of force incidents have decreased by 8% over the past five years.”<sup>148</sup> This reflects a 42-percent decrease, from 1,345 non-deadly use-of-force incidents in 2008 (which was a ten-year high) to 775 in 2016 (a ten-year low).<sup>149</sup> LVMPD also publishes an annual internal affairs report on its website; it covers the previous year only and does not provide any statistical analysis for the data. For 2016, the report was one page long and contained the total number of complaints against officers received in 2016 (there were 1,844 complaints).<sup>150</sup> The report also provides a limited breakdown of the types of complaints—213 uses of force, 204 interactions with the public, 195 standards of conduct, 166 neglect of duty, and 95 conformity to rules and regulations—and the disposition of the complaints, but does not provide specific details regarding the complaint or what, if any, discipline was given.<sup>151</sup>

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<sup>145</sup> “Body Worn Camera Video Request,” LVMPD, accessed December 16, 2018, <https://www.lvmpd.com/en-us/Pages/BodyCameraVideoRequest.aspx>.

<sup>146</sup> “Body Worn Camera Recordings,” LVMPD, accessed December 16, 2018, <https://www.lvmpd.com/en-us/Pages/BodyCameraVideo.aspx>.

<sup>147</sup> See <https://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Pages/StatisticalDataandReports.aspx>.

<sup>148</sup> “Use of Force Statistical Analysis 2012-2016: Deadly and Non-deadly Use of Force,” LVMPD, 26, accessed December 15, 2018, <https://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Documents/Use%20of%20Force%20Statistical%20Analysis%202012-2016%20-%20051117.pdf>.

<sup>149</sup> LVMPD.

<sup>150</sup> “2016 Internal Affairs Bureau Total Complaints,” LVMPD, accessed October 3, 2017, [https://www.lvmpd.com/en-us/Documents/2016\\_IAB\\_Totals.pdf](https://www.lvmpd.com/en-us/Documents/2016_IAB_Totals.pdf).

<sup>151</sup> LVMPD.

## F. SOUTH CAROLINA—GREENVILLE POLICE DEPARTMENT

The City of Greenville Police Department (GPD) devotes a section of its website to BWC information.<sup>152</sup> According to the website, the agency began broad implementation of BWCs in May of 2017.<sup>153</sup> The first objective in GPD’s current strategic plan (also available on the agency’s website) is to build trust and confidence with the community through the development of internal strategies.<sup>154</sup> BWCs are one initiative toward this goal, as a potential means to resolve disputed community interactions through transparency and accountability.<sup>155</sup>

The homepage also contains a link to GPD’s BWC policy, which explains that GPD issues BWCs to “uniformed officers whose primary function is to answer calls for service and interact with the public (e.g., patrol, traffic, K-9, SRO), or officers who have a reasonable expectation that they will.”<sup>156</sup> The policy directs sergeants to “conduct monthly random reviews of BWC footage captured by their assigned officers” to ensure that officers are properly using the BWCs and to single out events that may be of importance for training.<sup>157</sup> However, I was not able to determine through open-source information if the reviews are being completed, or what has been found during the reviews. Citing South Carolina Freedom of Information Act (S.C. Code § 23–1-240(G) (1976, as amended), the policy informs residents that “BWC footage is not a public record subject to disclosure under the South Carolina FOIA.”<sup>158</sup> GPD’s policy further states that “often times, public confidence and trust will hinge upon the release of records and video in a highly charged environment”; as such, GPD “will balance each of these interests in a timely and

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<sup>152</sup> “Body-Worn Cameras Project,” Greenville Police Department (GPD), accessed January 8, 2018, <http://police.greenvillesc.gov/1180/Body-Worn-Cameras-Project>.

<sup>153</sup> GPD.

<sup>154</sup> “Greenville Police Department Strategic Plan 2016-2021,” GPD, 5, accessed January 5, 2018, <http://police.greenvillesc.gov/DocumentCenter/View/6653/GPD-Strategic-Plan?bidId=>.

<sup>155</sup> GPD, 14.

<sup>156</sup> “Policies & Procedures,” GPD Organizational Chart | Greenville, SC - Official website, 2017, accessed January 08, 2018, <http://police.greenvillesc.gov/1393/Policies-Procedures>.

<sup>157</sup> GPD, “Body-Worn Cameras Project.”

<sup>158</sup> GPD.

responsible manner.”<sup>159</sup> However, GPD does not provide any specific exceptions for the release of BWC video to the public.

GPD’s Internal Affairs Division also publishes an annual report; the 2014, 2015, and 2016 reports are currently available on the agency’s website.<sup>160</sup> The reports include complaints against personnel and of excessive force. Table 7 is a summary of GPD’s complaints against personnel and citizen complaints of excessive use of force. The current reports do not reference BWCs, nor do they explain how BWCs may or may not be influencing complaints against officers or use-of-force incidents; this may be because the department’s BWC program is so new (it has only existed since May of 2017). It is possible that information about BWCs may appear in the 2017 internal affairs report, but this report is not currently available on the website.

Table 7. GPD Personnel Complaints, 2014–2016<sup>161</sup>

	Complaints against Officers	Excessive Force
2014	26	7
2015	36	6
2016	29	6

The next chapter provides an analysis of the data to determine if BWC information across the agencies is easily accessible, consistent, and relevant. The chapter also determines if the type, quantity, and quality of information meets Bauhr or Grimes’s metrics for measuring transparency: government openness, whistleblower protection, and publicity. Finally, Chapter IV makes recommendations to improve the consistency and release of BWC information and data moving forward.

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<sup>159</sup> GPD.

<sup>160</sup> GPD.

<sup>161</sup> Adapted from Denise R. Mapp, “Greenville Police Department 2014 Internal Affairs Investigations Summary Report” (report, Greenville Police Department, 2015), [www.greenvillesc.gov/533/Reports](http://www.greenvillesc.gov/533/Reports); Denise R. Mapp, “2015 Internal Affairs Investigations Summary Report” (report, Greenville Police Department, 2016), [www.greenvillesc.gov/533/Reports](http://www.greenvillesc.gov/533/Reports); Denise R. Mapp, “2016 Internal Affairs Investigations Summary Report” (report, Greenville Police Department, 2017), [www.greenvillesc.gov/533/Reports](http://www.greenvillesc.gov/533/Reports).

## IV. DATA ANALYSIS AND RECOMMENDATIONS

### A. DATA ANALYSIS

Table 8 provides a snapshot of the data gathered to answer the ten questions posed earlier in the thesis.

Table 8. Data Variables Summary

	California B.A.R.T.	Connecticut	DC MPD	Nevada LVMPD	Florida Cape Coral	South Carolina Greenville	%
BWC policy online	X	N/A	X	X		X	80%
Officers required to wear BWC	X	N/A	X	X	X	X	100%
BWC deployment information	X	N/A	X	X	X	X	100%
BWC technology failures		N/A	X				20%
Officer failure to turn on BWC		N/A	X		N		20%
Quality assurance data online		N/A	X				20%
FOIA requests & dispositions		N/A	X				20%
BWC video released to public		N/A	X	X	X		60%
Complete annual complaints against personnel & use of force data available to public	X	N/A	X	X	X	X	100%
Annual complaints against personnel & use of force data posted online	X	N/A	X	X	X	X	100%

An analysis of the results reveals that, of the five police agencies examined, 80 percent of the agencies post their BWC policy online or make the policy easily available to the public. CCPD's BWC policy was the only policy not posted online or uncovered during an open-source search.

The research also revealed that 100 percent of the agencies require, at a minimum, that uniformed officers and their supervisors wear BWCs. Additionally, several of the agencies have BWC provisions in their policies for non-uniformed officers (e.g., detectives and undercover officers). Those provisions state that a detective may wear BWCs when gathering evidence or conducting interviews. The provision prohibits officers conducting undercover or sensitive investigation from wearing BWCs.

All five of the agencies examined in this study provide general BWC “deployment” information to the public. The deployment information usually only addresses how many BWCs have been issued. MPD is the only agency that describes exactly how many BWCs were deployed in each district and specialty unit. In addition, MPD provides information regarding the total number of BWC recording hours collected agency-wide. This information is posted on MPD’s website every six months. MPD is also the only agency that provides statistical data regarding:

- How many BWC technology failures the agency experienced over a specific period of time
- How many times officers failed to turn on their BWCs in violation of policy
- Specific quality assurance examinations and the results of those examinations
- The total number of BWC FOIA requests the agency received over a specific period of time and the dispositions of the FOIA requests

MPD, LVMPD, and CCPD have provisions in their BWC policies that permit the release of BWC video record; however, each policy includes restrictions and/or caveats regarding the release of the videos. Those restrictions/caveats include:

- BWC recordings may not be released if they are considered evidence in an ongoing investigation

- BWC recordings of juveniles, sexual assault, child abuse, or other vulnerable abuse investigations may not be released
- BWC recordings may only be released with the permission of the chief of police, or his or her designee

As previously stated, GPD informs its South Carolina residents that “BWC footage is not a public record subject to disclosure under the South Carolina FOIA.”<sup>162</sup> BART does not specifically mention releasing BWC video to the media or the public, but the policy addresses the release of BWC video to the “District Attorney’s office or court personnel otherwise authorized to review evidence in a related case;” and “independent BART Police Auditor or his/her investigator ... with the expressed permission of the Chief of Police or authorized designee.”<sup>163</sup>

The data also revealed that 100 percent of the agencies complete annual reports to detail complaints against personnel and use-of-force incidents, and each agency makes general data contained in those reports—such as the number of complaints received and the number and types of force used—available to the public online. Those reports also provide some statistical analysis of the data reported.

## **B. TRANSPARENCY, ACCOUNTABILITY, AND TRUST**

I analyzed the data based on the transparency and accountability definitions, criteria, and research cited in previous chapters (Grimes, Bauhr, Ruijer, Bovens, and Covey). I then measured how each agency met the various transparency, accountability, and trust metrics established by those researchers. The examination seeks to answer the following questions:

- Do the agencies share BWC data with the public?
- Does the BWC data reach its intended audience?

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<sup>162</sup> GPD, “Body-Worn Cameras Project.”

<sup>163</sup> “Bay Area Rapid Transit Police Department Policy Manual,” BART, January 5, 2017, <https://www.bart.gov/sites/default/files/docs/LEXIPOL%20POLICY%20JANUARY%202017.pdf>.

- Is the BWC data balanced and forthcoming, does it acknowledge errors, and is it open to censure or disapproval?
- Can the BWC data be analyzed, understood, and tracked?
- Do the agencies highlight or withhold BWC data from the public?
- Do the agencies solicit feedback from the public regarding the BWC data?

All five agencies collect and share general and limited BWC data with the public; however, the amount and types of data vary from agency to agency. Whether the data reaches its intended audience is too subjective to measure. The data is released through open sources; however, some of the data is difficult to find. Individuals seeking the data may have to search through several sections of an agency's website or may need to search for the information through other open-source avenues.

All five agencies report, in general, that BWCs are deployed. However, MPD is the only agency that provides detailed information regarding exactly how BWCs are deployed monthly (and to whom), total hours of BWC footage recorded, BWC technology failures, officers' failure to record BWC video per policy, BWC audit information, and training and disciplinary information. The other four agencies only provide general BWC information on their websites or through other open-source means. BWC and internal affairs software is available should agencies choose to aggregate and analyze such data.

I found that agencies do highlight and withhold BWC data from the public. Each agency policy provided guidelines regarding if, how, or when BWC video is to be made public. However, it does not appear that communities have the ability to monitor their respective agencies—a problem that occurs when there is not enough reliable or consistent data.<sup>164</sup> Without this ability, there is an increased chance for abuses, such as fraud and

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<sup>164</sup> Gene L. Dodaro, "Open Data for Government Accountability, Efficiency, and Effectiveness," (GAO-15-240CG, Government Accountability Office, 2014), <https://www.gao.gov/assets/670/667158.pdf>.

waste.<sup>165</sup> MPD was the only agency in the study that provided consistent and timely BWC data to the public, and MPD analyzes the data in an open forum.

BWC technology and law enforcement BWC programs continue to evolve. Public outcry and industry support for transparency and accountability will continue the dialogue on the challenges and benefits of law enforcement BWC programs. The next section provides recommendations for how law enforcement agencies may provide consistent, timely, and accurate BWC data that meets the public's needs.

### C. RECOMMENDATIONS

The responsibility for establishing cooperative and meaningful police–community relations—built on transparency, accountability, and trust—is not an obligation solely of law enforcement. The International Association of Chiefs of Police (IACP) recognizes that it is imperative for police executives to assume a leadership roles in moving this effort forward.<sup>166</sup> In addition, IACP stresses that chances of success are diminished if both sides are not willing participants.<sup>167</sup> Police organizations can develop innovative programs, report data, and implement technology in an effort to improve transparency, accountability, and trust; but without public participation, these efforts are less likely to succeed.

Bauhr and Grimes's research on transparency concludes that the field is still plagued with conceptual ambiguities.<sup>168</sup> The area of study lacks definitive concepts attributed to transparency and not linked as an attribute to good governance.<sup>169</sup> They believe this is due to a lack of theoretical attention by academics. Furthermore, many

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<sup>165</sup> Dodaro.

<sup>166</sup> Community Oriented Policing Services, “Building Trust between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement” (report, Department of Justice, 2009), <https://www.theiacp.org/resources/document/building-trust-between-police-and-citizens>.

<sup>167</sup> Community Oriented Policing Services.

<sup>168</sup> Bauhr and Grimes, *What Is Government Transparency? New Measures and Relevance for Quality of Government*, report, Department of Political Science, University of Gothenburg, series 16 (Gothenburg, Sweden: University of Gothenburg, 2012), 23

<sup>169</sup> Bauhr and Grimes, *What Is Government Transparency*, 23.

organizations that profess they are transparent lack robust internal audit systems, nor do they invite the public to contribute or to express grievances.<sup>170</sup>

Esmael Ansari, director of government affairs at Axon, asserts that “the development of body-worn cameras for law enforcement created a new way to collect and manage evidence and provided a clearer avenue of transparency between officers and citizens.”<sup>171</sup> According to the *Implementing a Body-Worn Camera Program Recommendations and Lessons Learned* report, many police executives agree and have expressed that “providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public.”<sup>172</sup> Ansari notes that the implementation of BWCs in 2013 did not address issues of privacy due to a lack of legislation.<sup>173</sup> Since 2013, however, statues and policies that direct the deployment and use of BWCs have been enacted by all fifty states and the District of Columbia, at all levels of government.<sup>174</sup> In addition, numerous BWC research studies have reported variances in state statues concerning the release of public information, law enforcement BWC policies, BWC data aggregation, analysis and reporting, and the release of BWC videos. These inconsistencies have led to public outcry.

Consistency is a critical characteristic of authentic leadership and a core component of transparency, accountability, and trust-building; yet consistency is under-utilized in the law enforcement profession. The law enforcement profession attempts consistency by implementing best practices based on research; however, best practices are only recommendations and do not mandate law enforcement leaders to act. Factors such as varying interpretations of best practices, political pressure, and state statues may cause inconsistencies in the implementation of law enforcement strategies and procedures.

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<sup>170</sup> Bauhr and Grimes.

<sup>171</sup> Miller and Toliver, *Implementing a Bod-Worn Camera Program*.

<sup>172</sup> Miller and Toliver, 5.

<sup>173</sup> Miller and Toliver.

<sup>174</sup> Miller and Toliver.

The data analyzed in this thesis reveals that there is no consistent form of BWC data collection or reporting. Individual state statutes set mandates requiring the use of BWCs by law enforcement agencies, and state and freedom-of-information laws govern the release of BWC videos recordings to the public; however, neither type of statute mandates or provides procedures for the collection, processing, production, release, and distribution of BWC statistical data. I further determined from the data that statistical data reporting varies; some agencies report no data, some little data, and some robust data. The District of Columbia's police department is the only law enforcement agency in the study that provides robust and specific reporting of BWC data to the public. MPD is mandated by statute to report the data. The other four law enforcement agencies provide limited and vague information, even though those agencies are located in states that have laws governing BWCs and the release of information to the public.

In general, law enforcement agencies are not meeting Bauhr and Grimes's metric for transparency: government openness, whistleblower protection, and publicity. The limited and inconsistent release of BWC information does not reflect "openness" of government. I also found no whistleblower protection for those who may release BWC information, and BWC publicity frequently consists of the media reporting the police agency's refusal to release BWC video.

To overcome inconsistencies in data reporting, and to provide transparency, the law enforcement profession has developed incident-based reporting systems. Incident-based reporting systems provide large amounts of information that can be structured in intricate ways to reflect the many diverse facets of an incident.<sup>175</sup> Incident-based reporting is also designed to accept consistent data from all participating agencies, and to provide easily accessible and up-to-date information for research, policy development, and strategic planning.<sup>176</sup> Finally, incident-based reporting can help agencies complete annual or bi-annual reports of aggregated and analyzed BWC data, which can be provided to the public.

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<sup>175</sup> "Resource Guide National Incident-Based Reporting System," Institute for Social Research, accessed June 2, 2017, <https://www.icpsr.umich.edu/icpsrweb/NACJD/NIBRS/>.

<sup>176</sup> "Uniform Crime Reporting Statistics," Bureau of Justice Statistics (BJS), accessed June 10, 2017, <https://www.bjs.gov/ucrdata/abouttheucr.cfm>.

The Uniformed Crime Report (UCR) and the National Incident-Based Reporting System (NIBRS) are two examples of incident-based reporting systems. “The UCR is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.”<sup>177</sup> The FBI administers the UCR program. According to the FBI’s UCR website, the UCR’s “primary objective is to generate reliable information for use in law enforcement administration, operation, and management; however, its data have over the years become one of the country’s leading social indicators.”<sup>178</sup> NIBRS is an expansion of the UCR that “captures up to 57 data elements via six types of data segments: administrative, offense, victim, property, offender, and arrestee.”<sup>179</sup> The FBI reports that it began receiving NIBRS data from law enforcement agencies in 1989. NIBRS has since expanded its information to include bias incidents, gang activity across the United States, thefts of cargo, and the assault and killing of law enforcement officers.<sup>180</sup>

As a result of this research, I recommend the development of a BWC incident-based reporting system or the expansion of a preexisting incident-based reporting systems, such as NIBRS, to include BWC data. A BWC incident-based reporting system may be implemented at the local, state, or federal level. Advances in BWC software and police records management now include capabilities to document specific BWC data sets; the data can include the number of BWCs distributed to personnel by the division/district; total hours of BWC video recorded, BWC malfunctions, cross-references to police calls for service and BWC activation to assure proper activation of BWC, FOIA requests and disposition of those requests, and BWC video downloads/reviews and the reasons for those downloads/reviews.

I further recommend that the District of Columbia’s Code, “Body-Worn Camera Program,” and its reporting requirements be examined and considered as the model for

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<sup>177</sup> BJS.

<sup>178</sup> BJS.

<sup>179</sup> BJS.

<sup>180</sup> BJS.

creating BWC reporting guidelines for other law enforcement agencies. The District of Columbia statute requires the MPD to collect data from its BWC program, and provide it to the public in an accessible format every six months.<sup>181</sup> The statute also requires the MPD to report the number of hours of BWC recordings, the number of officers on duty by shift, as well as BWC failures for the same six-month period. In addition, mandated reporting includes the number of internal investigations initiated for failing to use a BWC during an interaction, as well as the number of recordings used for conducting internal investigations and investigating complaints. The number of BWCs assigned by district and police unit is also reported for the same time period. MPD must also report the number of FOIA requests, how the requests were fulfilled, and the cost analysis for fulfilling the requests. Reporting requirements further include the number of redactions and the type of incident captured by each BWC for defined categories of interaction.<sup>182</sup>

BWC technology, policy, and practices will evolve; the pros and cons of BWCs will carry on in discussions and debates; and the public's demand for law enforcement transparency and accountability will continue. Bauhr and Grimes claim: "A state may go to great lengths to make information accessible and publically available in a country in which citizens' capacity to act on the information are low."<sup>183</sup> Timely, accurate, and consistent release of BWC data to the public may be the conduit for meeting the transparency, accountability, and trust concerns and needs of the public.

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<sup>181</sup> Body-Worn Camera Program, Code of the District of Columbia § 42–210, accessed June 2, 2017, <https://code.dccouncil.us/dc/council/code/sections/5-116.32.html>.

<sup>182</sup> Body-Worn Camera Program.

<sup>183</sup> Bauhr and Grimes, *What Is Government Transparency*.

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