

BEFORE THE IOWA PUBLIC INFORMATION BOARD

**FILED**

SEP 10 2015

IOWA PUBLIC INFORMATION BOARD

**The Hawk Eye,**

Complainant,

v.

**Iowa Division of Criminal Investigation;  
Burlington Police Department; and Des  
Moines County Attorney's Office,**

Respondents.

**Case No. 15FC:0030**

**Appendix to Complainant's Brief in  
Support of Its Iowa Open Records Act  
Access Complaint**

Complainant *The Hawk Eye*, by and through its attorneys Faegre Baker Daniels LLP, submits this Appendix to Complainant's Brief in Support of Its Iowa Open Records Act Access Complaint:

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Dated: September 10, 2015

**FAEGRE BAKER DANIELS LLP**

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**ATTORNEYS FOR *THE HAWK EYE*,  
COMPLAINANT**

**Certificate of Service**

The undersigned hereby certifies that a true copy of the foregoing **Appendix to Complainant's Brief in Support of Its Iowa Open Records Act Access Complaint** was served upon the below-listed counsel by email delivery of a copy at the address shown below on the 10th day of September, 2015.

/s/ Michael A. Giudicessi

Copy to:

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*hcorkery@lynchdallas.com*

Jeffrey C. Peterzalek  
*jpeterz@ag.state.ia.us*

Amy K. Beavers  
*beaversa@dmccatty.org*

ATTORNEYS FOR RESPONDENTS

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*aklein@adamkleinlaw.com*

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*jms@shelnuttlaw.com*

ATTORNEY FOR GINA COLBERT

US.98240598.01

From: Andy Hoffman <ahoffman@thehawkeye.com>  
Subject: Burlington Police Officer Jesse Hill  
Date: February 16, 2015 2:11:32 PM CST  
To: Amy Beavers <beaversa@dmccatty.org>  
Cc: Steve Delaney <sdelaney@thehawkeye.com>, Dale Allison <dallison@thehawkeye.com>, Randy Miller <rmiller@thehawkeye.com>

---

Andy Hoffman  
800 S. Main St.  
Burlington, Iowa 52601

Feb. 16, 2015

Amy Beavers  
Des Moines County Attorney

Dear Ms. Beavers:

Under Iowa Open Records Law Section 22.1 et seq., I am requesting an opportunity to inspect or obtain copies of all public records, including but not limited to, investigative reports by the Iowa Division of Criminal Investigation and the Burlington Police Department, involving the Jan. 6, 2015, fatal shooting of Autumn Steele by Burlington Police Officer Jesse Hill.

If there are any fees for searching or copying these records, please inform me. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest, and will contribute significantly to the public's understanding of the incident and your subsequent decision. I am acting as a representative of The Burlington Hawk Eye and my request is related to news-gathering purposes only.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you may feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Andy Hoffman  
(319) 758-8136  
ahoffman@thehawkeye.com

TAB A

February 27, 2015

TO: DCI - AGENT MATTHEW GEORGE

RE: OFFICER INVOLVED SHOOTING OF MRS. AUTUMN STEELE  
OFFICER INVOLVED – OFFICER JESSE HILL

Dear Agent George,

I am writing to you to advise that I have completed my review of the DCI investigation involving the fatal shooting of Mrs. Autumn Steele by City of Burlington, Iowa Police Officer Jesse Hill that occurred on January 6, 2015. My findings are as follows:

Code Of Iowa Section 331.756(1) provides that a county attorney shall diligently enforce or cause to be enforced in the county, state laws and county ordinances, violations of which may be commenced or prosecuted in the name of the state, county, or as county attorney, except as otherwise provided.

The Iowa DCI investigated the shooting incident, and forwarded the details of the investigation to me, pursuant to my statutory duties as Des Moines County Attorney, to determine whether criminal charges are warranted against Officer Hill. In the course of my review, I, along with one of my Victim/Witness Coordinators and the DCI, met with Mr. Gabriel Steele and his attorney, Mr. Trent Henkelvig. Mr. Steele was a witness to the incident, as well as the spouse of Mrs. Steele.

In summary, the facts are as follows:

On or about January 5, 2015, Autumn Steele was arrested and charged with Serious Domestic Abuse Assault in Des Moines County Cause No. SRIN022279 for an assault on Gabriel Steele. Autumn Steele appeared before the Court on the morning of January 6, 2015, at which time a No Contact Order was entered prohibiting her from making/ having contact with Mr. Steele, preliminary hearing was scheduled, and she was released by the Court from custody.

At some time in the morning after being released from custody on January 6, 2015, Autumn Steele went to the residence she and Gabriel Steele share at 104 South Garfield Street,

Burlington, Des Moines County, Iowa. There was snow on the ground on this date. Gabriel Steele called 911 to report a domestic assault occurring involving Autumn Steele and further advised Dispatch that she had been arrested the previous day.

Officer Jesse Hill responded from the Indian Terrace area to the Steele residence. As Officer Hill was arriving, he observed a man (Gabriel Steele) coming out of the house walking fast with a child in his hands. He observed Autumn Steele outside running behind Gabriel Steele, grabbing the back of Gabriel Steele's shirt, pulling him down, and hitting Gabriel Steele in the back of the head. Officer Hill advised Police Dispatch that the two individuals were outside fighting. He opened the door of his police vehicle, activated his body camera video, and ran over to where Autumn and Gabriel Steele were.

Upon approaching, Officer Hill made contact with Autumn Steele to try to pull her away from Gabriel Steele and split them up, as she was then punching and slapping Gabriel Steele. Officer Hill moved a couple steps with Autumn Steele, and a dog owned by the Steeles started growling and ultimately bit Officer Hill on the thigh. Photographs were taken of Officer Hill's injury. The dog is an adult, male German Shepherd named Sammy.

Officer Hill had advised the Steeles to get the dog, but the dog continued toward Officer Hill. Officer Hill drew his duty weapon, the dog continued toward Officer Hill, and Officer Hill fired his weapon as he fell backwards. Officer Hill fired his weapon a second time as he fell backwards into the snow.

Officer Hill was unaware he had shot Autumn Steele, and was advised by Gabriel Steele that she had been shot. An ambulance was requested through Dispatch for Autumn Steele. Officer Merryman arrived at the scene and began to provide assistance. Officers could not locate a gunshot wound on Autumn Steele. Officers performed chest compressions on Autumn Steele while awaiting an ambulance. Gabriel Steele was asked to put the dog away, and he remained on scene. Autumn Steele and the Steele's dog sustained gunshot wounds. The wound to the dog appeared to the veterinarian to be a grazing injury – no projectile was recovered from the dog.

There are two independent witnesses who reported the following:

1. A neighbor reported that he saw the dog running and jumping up and down at the Steeles as they came outside of their residence in an argument. He observed Autumn Steele swinging and "wailing" on Gabriel Steele. He reported that he "saw the dog and thought it was going to be a mess." He reported that the dog saw the officer running, the dog came running toward the officer, and the dog jumped on the officer's back. He stated that the officer probably did not see the dog until then. The officer spun around and tried to back peddle away, and started falling backward. In a matter of seconds, he believed one shot was fired before the officer fell and was 100% certain that one shot was fired while the officer was falling. The neighbor did not personally know the Steeles. This statement was audio recorded.

2. A second witness was driving by the residence going south at the time of the incident. She observed two people come out of the residence, one was punching the other on the back and in the face. She observed a dog that was "riled up" and following the two individuals. She observed the officer run up to the individuals. At this time, she passed by and then heard gunshots. She saw the dog and a person on the ground. This statement was audio recorded.

Autumn Steele was subsequently pronounced deceased, and an autopsy was conducted by Dr. Dennis Firchau, M.D. at the University of Iowa Hospitals and Clinics. Autopsy revealed a gunshot wound to her right arm and a gunshot wound to her chest. The gunshot wound to her chest was determined to be the cause of death. The manner of death was homicide. Homicide in the medical sense is a death at the hands of another, and not the legal criminal definition of homicide. The legal criminal elements are discussed below.

Alcohol and drug tests were negative for both Autumn Steele and Officer Hill. It was determined that Officer Hill fired two gunshots.

The above-described facts are corroborated in the body camera video evidence, witness statements, reports and documentation provided in the DCI Investigation.

Additionally, in a separate incident on October 11, 2014, Officer Hill responded to 110 North Garfield Street, Burlington, Iowa on a call of a pit bull running loose. Dispatch advised Officer Hill that the dog had been vicious in the past. Upon arrival, Officer Hill observed a red and white pit bull in between the houses at 110 N. Garfield and 114 N. Garfield. The complainant at 110 N. Garfield reported to Officer Hill that the pit bull had attacked her dog a couple of weeks prior. Officer Hill proceeded to 114 N. Garfield to speak with the dog's owner. A female exited that residence with a black and white pit bull mix named Ram. She was advised to put that dog back inside the residence. Ram barked a couple times as she was doing so, and the red and white pit bull that was loose (named Raw) ran to Ram and began to attack Ram. Raw was biting Ram on the neck and back areas. Efforts to separate the dogs were unsuccessful. Officer Hill asked the female to get herself and her child out of the way, and he then deployed a cartridge from his taser, striking Raw. After the charge, Raw ran to the back yard of 114 N. Garfield.

#### ANALYSIS:

Code of Iowa Chapter 707 (2015) sets out Homicide and Related Crimes.

Section 707.1 defines Murder as follows:

A person who kills another person with malice aforethought either express or implied commits murder.

The Iowa Jury Instruction defining "Malice Aforethought" states the following:

"Malice is a state of mind which leads one to intentionally do a wrongful act [to the

injury of another] [in disregard of the rights of another] out of actual hatred, or with an evil or unlawful purpose. It may be established by evidence of actual hatred, or by proof of a deliberate or fixed intent to do injury. It may be found from the acts and conduct of the defendant, and the means used in doing the wrongful and injurious act. Malice requires only such deliberation that would make a person appreciate and understand the nature of the act and its consequences, as distinguished from an act done in the heat of passion.

"Malice aforethought" is a fixed purpose or design to do some physical harm to another which exists before the act is committed. It does not have to exist for any particular length of time."

Section 707.2 sets out the crime of Murder in the First Degree:

1. A person commits murder in the first degree when the person commits murder under the following circumstance:
  - a. The person willfully, deliberately, and with premeditation kills another person.

There is no evidence that would show that Officer Hill willfully, deliberately, and with premeditation killed Autumn Steele. Officer Hill did not know Autumn Steele, he made no threats towards her, and was unaware that he had shot her.

Section 707.3 sets out the crime of Murder in the 2<sup>nd</sup> Degree:

1. A person commits murder in the second degree when the person commits murder which is not murder in the first degree.

A charge of Murder in the 2<sup>nd</sup> Degree must also be supported by evidence of malice aforethought consistent with Section 707.1. The facts do not show that Officer Hill acted with an evil or unlawful purpose directed at Autumn Steele. There is no proof of a deliberate act by Officer Hill to do injury to Autumn Steele. There is nothing in the investigation that would suggest or show that Officer Hill had a design to kill Autumn Steele before he fired his weapon.

There is no evidence that supports a finding that Officer Hill intended to use deadly force against Autumn Steele. The evidence shows that Officer Hill drew and fired his duty weapon in response to the unconfined dog to protect himself from injury. One of the two shots fired appears to have been fired as a result of Officer Hill falling down into the snow.

Therefore, a Murder charge is not warranted against Officer Hill.

Iowa Code Section 707.4 provides for Voluntary Manslaughter:

A person commits voluntary manslaughter when that person causes the death of another person, under circumstances which would otherwise be murder, if the person causing the death acts solely as the result of a sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a person and there is not an interval between the provocation and the killing in which a person or ordinary reason and temperament would regain control and suppress the impulse to kill.

In analyzing the matter to determine if a charge of Voluntary Manslaughter is warranted, Officer Hill did cause the death of another person, but for the reasons stated above, the circumstances would not otherwise be murder. Autumn Steele was engaged in a physical domestic assault against her husband at the time of Officer Hill's response. Officer Hill did not cause her death as a result of a sudden, violent, and irresistible passion resulting from serious provocation by Autumn Steele.

Officer Hill fired his weapon in response to the unconfined dog to protect himself from injury. The facts do not show that he fired his weapon at Autumn Steele in response to provocation from her or that he had a violent, irresistible passion as a result.

Iowa Code Section 707.5 provides for Involuntary Manslaughter:

A person commits voluntary manslaughter when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

The facts do show that Officer Hill unintentionally caused the death of Autumn Steele. For a charge of Involuntary Manslaughter to be warranted, Officer Hill must have been committing a public offense at the time he caused her death.

Officer Hill was responding to the 911 call from Gabriel Steele for assistance in a domestic assault. Officer Hill was not committing a public offense, he was there to investigate a public offense. In the course of that response, Officer Hill essentially engaged in two acts: (1) Officer Hill acted to separate Autumn and Gabriel Steele as Autumn Steele was physically assaulting Gabriel Steele, and (2) Officer Hill fired two shots from his duty weapon to protect himself from injury from the dog.

The first act is not a public offense.

The second act resulted in the death of Autumn Steele, but also injury to the dog.

In considering whether the act of injuring the dog constitutes a public offense, Iowa Code Section 717B.2, Animal Abuse, provides:

A person is guilty of animal abuse if the person intentionally injures, maims, disfigures or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal. This section shall not apply to:

(9) A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

By firing the first shot, it can be inferred that Officer Hill likely intended to injure the dog. The second shot appears to have been fired as a result of Officer Hill falling into the snow, and not done intentionally. The question becomes whether Officer Hill reasonably acted to protect a person from injury or death caused by an unconfined animal when he fired the first shot.

Clearly the dog was unconfined. This is corroborated by the independent witnesses, Mr. Steele, and Officer Hill.

Iowa Criminal Jury Instructions set forth "Reasonable Belief" as follows:

The defendant was not required to act with perfect judgment. However, [he] [she] was required to act with the care and caution a reasonable person would have used under the circumstances which existed at that time. If in the defendant's mind the [danger] [danger of loss of property] [need to use force to prevent (name of forcible felony)] was actual, real, imminent or unavoidable, even though it did not exist, that is sufficient if a reasonable person would have seen it in the same light.

Therefore, was Officer Hill's act of firing the first shot reasonable?

The facts are:

1. The dog attacked Officer Hill.
2. The neighbor reported that the dog jumped on Officer Hill's back.
3. Officer Hill advised the Steeles to get the dog.
4. Neither Gabriel nor Autumn Steele restrained the dog.
5. The dog again attacked Officer Hill and bit Officer Hill on his thigh.
6. The dog caused Officer Hill to fall backwards, and Officer Hill ultimately fell into the snow. This caused Officer Hill to fire a second shot.
7. This was a physical domestic assault situation in which witnesses observed Autumn Steele punching, hitting, and slapping Gabriel Steele.
8. Officer Hill was alone responding to a volatile situation.
9. This was the second call of a domestic assault involving the Steeles in a 2-day period.
10. Autumn Steele was at the residence in violation of a No Contact Order that was issued that morning before she was released from custody.
11. The neighbor made a statement to DCI that once he saw the dog, he thought it was going to be a mess.
12. Officer Hill had responded to a vicious animal complaint in October, 2014 in which even though he had deployed his taser, the pit bull in that matter was able to run off.

Based upon all of the factors described in this review, Officer Hill's actions could be determined to be reasonable under the circumstances to protect himself from injury.

Therefore, based upon my review of the case with the Iowa Division of Criminal Investigation and a full review of the facts and circumstances provided to me concerning the death of Mrs. Autumn Steele, it is determined that no criminal charges against Officer Jesse Hill are supported by the evidence. Officer Hill was faced with the decision to shoot in an instant. He had to process the situation alone, and made the decision at the time the threat was occurring.

Finally, although this was not a deciding factor in my determination, it is unknown which gunshot struck Autumn Steele, but it was the gunshot to the chest that resulted in her

death. It is possible that it was the second gunshot that went to Autumn Steele's chest. It is without saying that her death was tragic.

No criminal charges will be filed against Officer Jesse Hill. If you need further assistance or have any questions, please do not hesitate to contact me. I will return the case file to you.

Sincerely,

Amy K. Beavers  
Des Moines County Attorney

**From:** "Amy Beavers" <beaversa@dmcatty.org>  
**Subject:** RE: Burlington Police Officer Jesse Hill  
**Date:** March 4, 2015 3:30:27 PM CST  
**To:** "Andy Hoffman" <ahoffman@thehawkeye.com>

---

Andy,

I wanted to respond to your Open Records Request. After completion of my review of the incident, all investigative materials were returned to the DCI. If you are seeking copies of any video, you may want to direct your request to the Burlington Police Department. You may want to submit your request to the Iowa DCI.

Thank you,  
Amy

-----Original Message-----

**From:** Andy Hoffman [mailto:ahoffman@thehawkeye.com]  
**Sent:** Monday, February 16, 2015 2:17 PM  
**To:** Amy Beavers  
**Cc:** Steve Delaney; Dale Alison; Randy Miller  
**Subject:** Burlington Police Officer Jesse Hill

Andy Hoffman  
800 S. Main St.  
Burlington, Iowa 52601

Feb. 16, 2015

Amy Beavers  
Des Moines County Attorney

Dear Ms. Beavers:

Under Iowa Open Records Law Section 22.1et seq., I am requesting an

TAB C

opportunity to inspect or obtain copies of all public records, including but not limited to, investigative reports by the Iowa Division of Criminal Investigation and the Burlington Police Department, involving the Jan. 6, 2015, fatal shooting of Autumn Steele by Burlington Police Officer Jesse Hill.

If there are any fees for searching or copying these records, please inform me. However, i would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest, and will contribute significantly to the public's understanding of the incident and your subsequent decision. I am acting as a representative of The Burlington Hawk Eye and my request is related to news-gathering purposes only.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you may feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Andy Hoffman  
(319) 758-8136  
ahoffman@thehawkeye.com

Andy Hoffman <ahoffman@thehawkeye.com>

To: beird@burlingtoniowa.org

Cc: Steve Delaney <sdelaney@thehawkeye.com>, Dale Alison <dalison@thehawkeye.com>, Randy Miller <rmiller@thehawkeye.com>

FOI Jesse Hill Investigation

March 2, 2015 9:55 AM



Andy Hoffman  
800 S. Main St.  
Burlington, Iowa 52601

March 2, 2015

Doug Beard  
Burlington Police Chief

Dear Chief Beard:

Under Iowa Open Records Law Section 22.1et seq., I am requesting an opportunity to obtain copies of all public records, including but not limited to, investigative reports by the Iowa Division of Criminal Investigation, the Burlington Police Department, any police audio, body camera videos and 911 calls, involving the Jan. 6, 2015, fatal shooting of Autumn Steele by Burlington Police Officer Jesse Hill.

If there are any fees for searching or copying these records, please inform me. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest, and will contribute significantly to the public's understanding of the incident and your subsequent decision. I am acting as a representative of The Burlington Hawk Eye and my request is related to news-gathering purposes only.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you may feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Andy Hoffman  
(319) 758-8136  
[ahoffman@thehawkeye.com](mailto:ahoffman@thehawkeye.com)

TAB D

Andy Hoffman <ahoffman@thehawkeye.com>

To: dcinfo@dos.state.ia.us

Cc: Steve Delaney <sdelaney@thehawkeye.com>, Dale Alton <dalton@thehawkeye.com>, Randy Miller <rmler@thehawkeye.com>

FOI request for Jesse Hill investigation

March 3, 2015 1:07 PM

Andy Hoffman  
806 S. Main St.  
Burlington, Iowa 52601

March 3, 2015

Special Agent Rick Rahn  
Iowa Division of Criminal Investigations

Agent Rahn:

Under Iowa Open Records Law Section 22.1et seq., I am requesting an opportunity to obtain copies of all public records, including but not limited to, investigative reports by the Iowa Division of Criminal Investigation, the Burlington Police Department, any police audio, body camera videos and 911 calls, involving the Jan. 6, 2015, fatal shooting of Autumn Steele by Burlington Police Officer Jesse Hill.

If there are any fees for searching or copying these records, please inform me. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest, and will contribute significantly to the public's understanding of the incident and your subsequent decision. I am acting as a representative of The Burlington Hawk Eye and my request is related to news-gathering purposes only.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you may feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Andy Hoffman  
(319) 758-8136  
ahoffman@thehawkeye.com

TAB E

**Holly Corkery**

---

**From:** Doug Beard <beairdd@burlingtoniowa.org>  
**Sent:** Monday, March 09, 2015 10:42 AM  
**To:** Holly Corkery  
**Subject:** Fwd: Re: FOI Jesse Hill

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

FYI

----- Forwarded Message -----

**Subject:** Re: FOI Jesse Hill  
**Date:** Mon, 2 Mar 2015 14:52:23 -0600  
**From:** Andy Hoffman <ahoffman@lchawkeye.com>  
**To:** Doug Beard <beairdd@burlingtoniowa.org>

Thanks, Chief. Good luck tonight! Andy

On Mar 2, 2015, at 1:49 PM, Doug Beard wrote:

Andy,

We have received several of these requests, I have forwarded them to our legal counsel. I will let you know there response to this request when I know, also I do not have the authority to release anything created by the DCI. What we do have in our possession is initial reports, body cam video's of Officer Hill and Officer Merryman, and the 911 calls.

If you have any questions please feel free to give my a call.

Chief Beard

On 3/2/2015 10:28 AM, Andy Hoffman wrote:

Andy Hoffman  
800 S. Main St.  
Burlington, Iowa 52601

March 2, 2015

Doug Beard

ALEX J. ANDERSON  
CORINNE R. BUTKOWSKI  
HOLLY A. CORKERY  
EMILY K. ELLINGSON  
STEPHEN B. JACKSON, SR.  
STEVEN C. LEIDINGER  
JON M. McCRIGHT  
SCOTT E. McLEOD  
MATTHEW J. MACLE  
BRETT S. NITZSCHKE  
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DAVID L. WENZEL

H. EDWARD BEATTY  
1934 - 2014

MAILING ADDRESS:  
P.O. Box 2457  
Cedar Rapids, IA 52406-2457

March 19, 2015

Andy Hoffman  
800 S. Main St.  
Burlington, IA 52601

Re: City of Burlington Open Records Request

Dear Mr. Hoffman,

The City is in receipt of your March 2, 2015 e-mail. In that e-mail you requested all public records, including but not limited to: investigative reports by the Iowa Division of Criminal Investigation, the Burlington Police Department, any police audio, body camera videos and 911 calls, involving the Jan. 6, 2015, fatal shooting of Autumn Steele by Burlington Police Officer Jesse Hill pursuant to Iowa Code Chapter 22. While the goal of Chapter 22 is to provide public access to governmental bodies' records, Chapter 22 also provides several exceptions for confidential records. Please be advised that the records you have requested are confidential records pursuant to Iowa Code Section 22.7(5). Iowa Code Section 22.7(5) provides that peace officers' investigative reports, which include video recordings and photographs, are confidential records. Iowa Code § 22.7(5) (2014); see also *Neer v. State*, 798 N.W.2d 349 (Iowa Ct. App. 2011). At this time, the City cannot produce these confidential records pursuant to your open records request.

Iowa Code Section 22.7(5) does provide that "the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section." Iowa Code § 22.7(5). Enclosed please find the County Attorney's memorandum provided at the conclusion of the investigation into Ms. Steele's death which contains the "date, time, specific location, and immediate facts and circumstances surrounding" Ms. Steele's death.

If you have any questions or concerns, please contact me.

Very truly yours,

LYNCH DALLAS, P.C.

By:

Holly A. Corkery

HAC:rms

TAB G

800 S. Main St.  
Burlington, Iowa 52601

March 27, 2015

Special Agent Rick Rahn  
Iowa Division of Criminal Investigations

Agent Rahn:

Under terms of the Iowa Open Records Law and as a representative of The Hawk Eye, I requested on March 3, 2015, copies of all public records the Department of Criminal Investigation accumulated regarding the Jan. 6, 2015, fatal shooting of Autumn Steele in Burlington. On March 23, 2015, the department produced a 12-second video clip from Officer Jesse Hill's body camera but no other investigative reports, audio, 911 transcripts, etc., related to the incident. Furthermore, no reason was stated for denying access to the additional records.

My request is related to news-gathering purposes only. I believe release of the information would contribute substantially to the public's understanding of this incident.

Rather than making a new request, I am reasserting my March 3 solicitation for the copies of those public records — including portions of Officer Hill's body camera before and after the 12 seconds that was provided. Again, I remind you state code requires a response within 10 to 20 business days. If the records requested cannot be produced before March 31 — the 20th business day of the original request, please contact me with information about when I might expect them. Additionally, if there is a reason any portion of this request is denied, I would ask that you please cite the specific exemption under state code you believe justifies the refusal to release the information and, as stated previously, notify me of the appeal procedures available to me under the law.

I would like to note for the record the city of Burlington Police Department, the Des Moines County Attorney's office and your department have considered the investigation into this incident closed.

Thank you for your consideration.

**TAB H**

Sincerely,

Andy Hoffman  
(319) 758-8136  
[ahoffman@thehawkeye.com](mailto:ahoffman@thehawkeye.com)

Terry E. Branstad  
Governor  
Kim Reynolds  
Lt. Governor



Department of Public Safety

Roxann M. Ryan  
Commissioner

March 27, 2015

Andy Hoffman  
The Hawk Eye  
P.O. Box 10  
800 S. Main Street  
Burlington, Iowa 52601

Re: Autumn Steele investigation  
City of Burlington PD Shooting  
Date of shooting: 01-06-2015

Dear Mr. Hoffman:

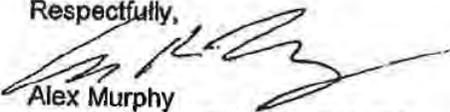
I am writing in response to your reassertion of the FOIA you originally filed on March 3, 2015, with our office.

DPS has responded to all open records requests relating to this incident by providing substantial and detailed information relating to the immediate facts and circumstances regarding this incident and have thus complied fully with the law.

The items that you have requested are part of an investigative file that is protected from disclosure for reasons that include, but are not limited to, Iowa Code section 22.7(5). Although you state that the investigation into this incident is closed, that does not change an investigative file's confidentiality status under Iowa law.

If you have any further questions or concerns, please contact Iowa Assistant Attorney General Jeff Peterzalek at (515)281-4213.

Respectfully,

  
Alex Murphy  
Public/Media Relations, Iowa DCI

DIVISION OF CRIMINAL INVESTIGATION • 215 EAST 7<sup>TH</sup> STREET • DES MOINES, IOWA 50319-0041 • 515-725-6010

Integrity, Fairness, Respect, Honesty, Courage, Compassion, Service

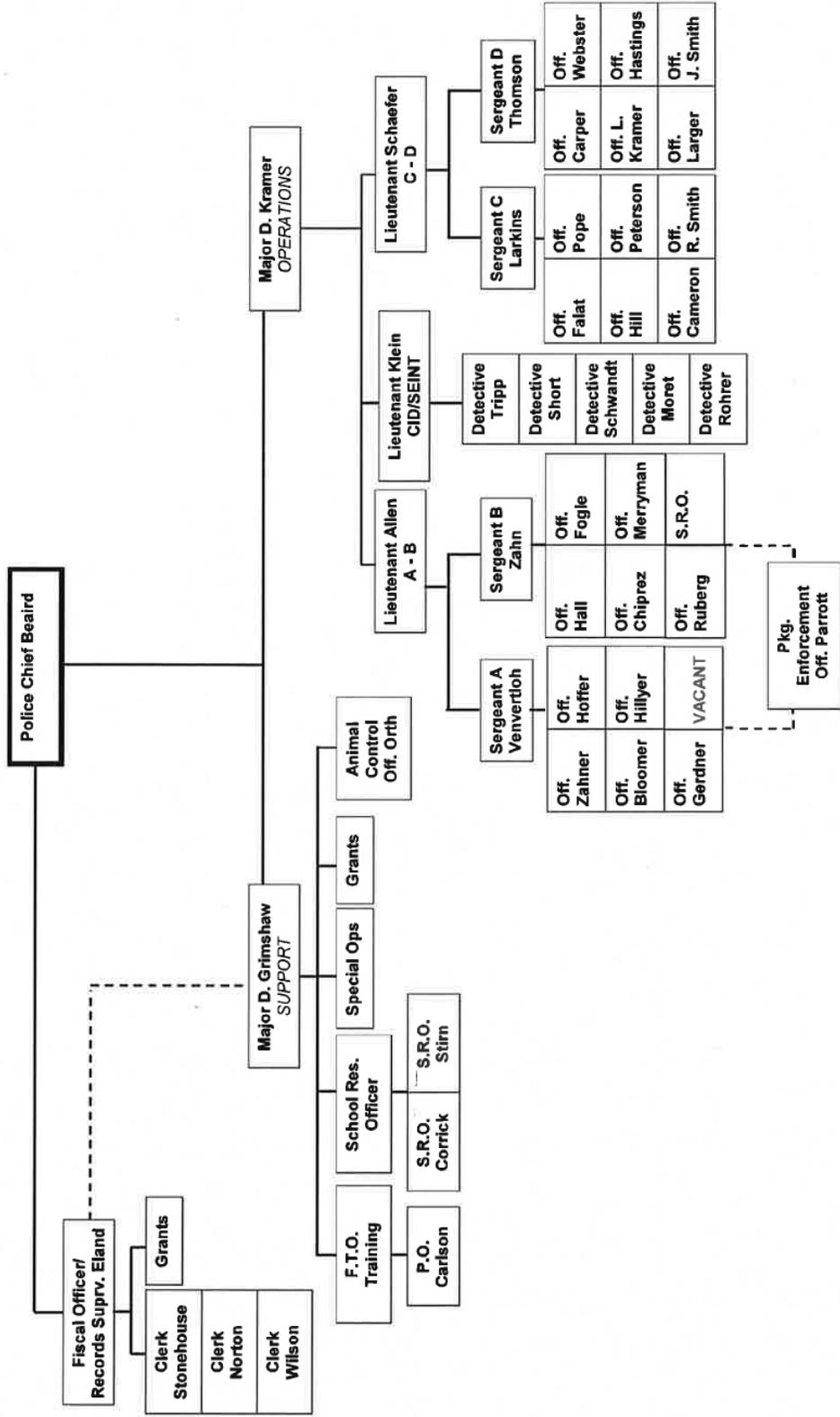
TAB I

# Burlington Police Department

## 2014 Annual Report



# BURLINGTON POLICE DEPARTMENT ORGANIZATIONAL CHART

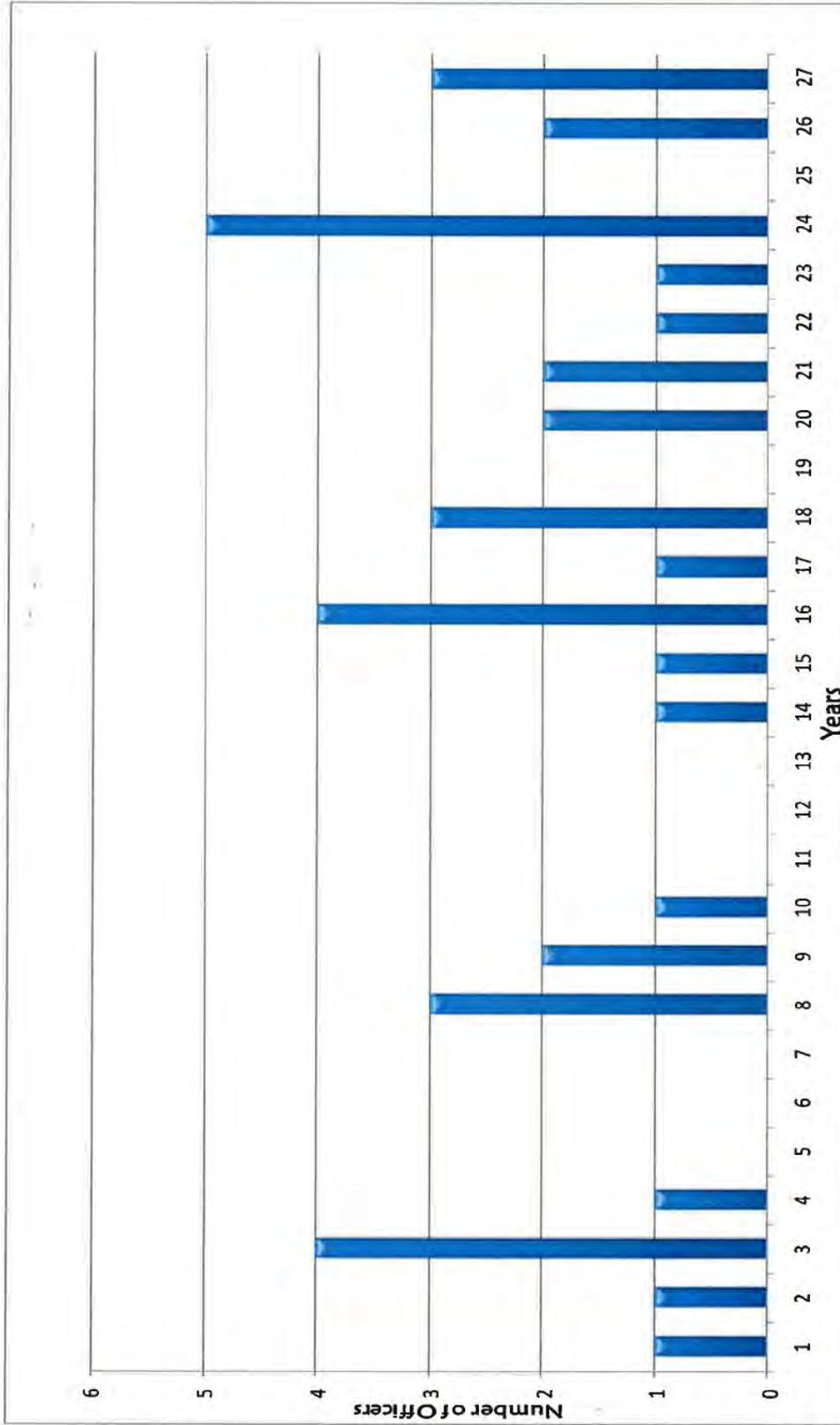




## Burlington Police Department 2014 Key Accomplishments

- ◆ The community, in partnership with the David A. Wunnenberg Community Policing Foundation, raised over \$50,000 for the establishment of a Reserve Police Officer Unit.
- ◆ Deployed ten point-of-view cameras for the Patrol Division.
- ◆ Completed the transition from the Police Department Communications Center to DesCom, a separate legal entity.
- ◆ The Parking Enforcement Attendant identified over 550 abandoned vehicles (a 29% increase over 2013) resulting in 52 vehicles being towed from the streets. The remaining vehicles were moved by the vehicle owners in a cooperative effort.
- ◆ All communications operators have completed Emergency Medical Dispatch training.
- ◆ Accomplished a 98.6% compliance rate for seatbelt usage.
- ◆ Established a full-time middle school S.R.O.
- ◆ Significant progress was made in converting analog radio technology to a more current digital radio technology.
- ◆ Completed officer safety awareness training through the 'Below 100' nationwide initiative.
- ◆ Utilized Justice Assistance Grant funding for the purchase of updated Panasonic Tough Pads for patrol cars.
- ◆ Recognized the need to connect with our citizens through social media by building and launching a Burlington Police Department Facebook page. In a few short months, the Facebook page has been "liked" by nearly 2900 people.
- ◆ Protecting the children in the community continues to be one of our highest priorities. Therefore, each school day, a Burlington Police officers spends an average of one-half hour in each school in addition to the S.R.O.'s assigned to the Burlington High School and the two Middle Schools.
- ◆ In partnership with the Iowa Division of Narcotics Enforcement, a hazardous materials container has been provided for the safe disposal of chemicals involved in manufacturing methamphetamine. This container will greatly reduce our hazardous material disposal costs.

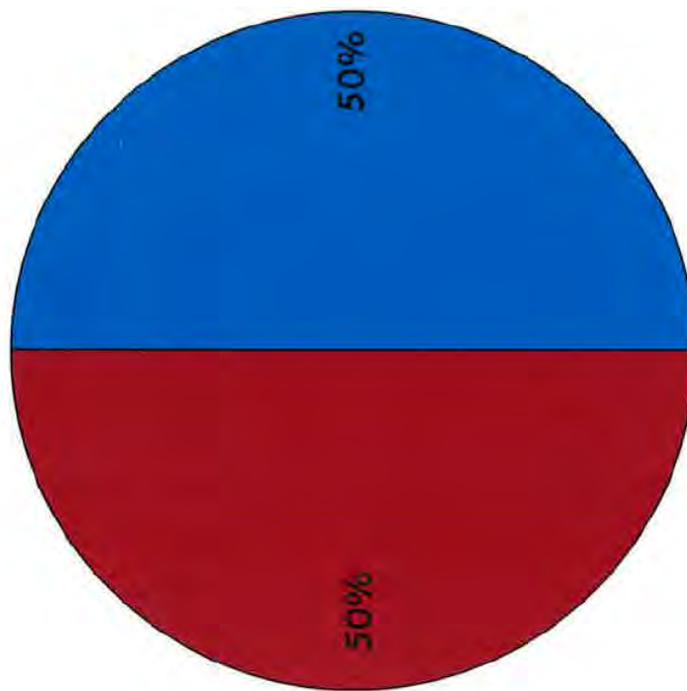
## Years of Service



This graph indicates the number of years sworn police officers have worked for the Burlington Police Department as of December 31, 2014. The average number of years of service to the Burlington Police Department by sworn officers is 15.7 years.

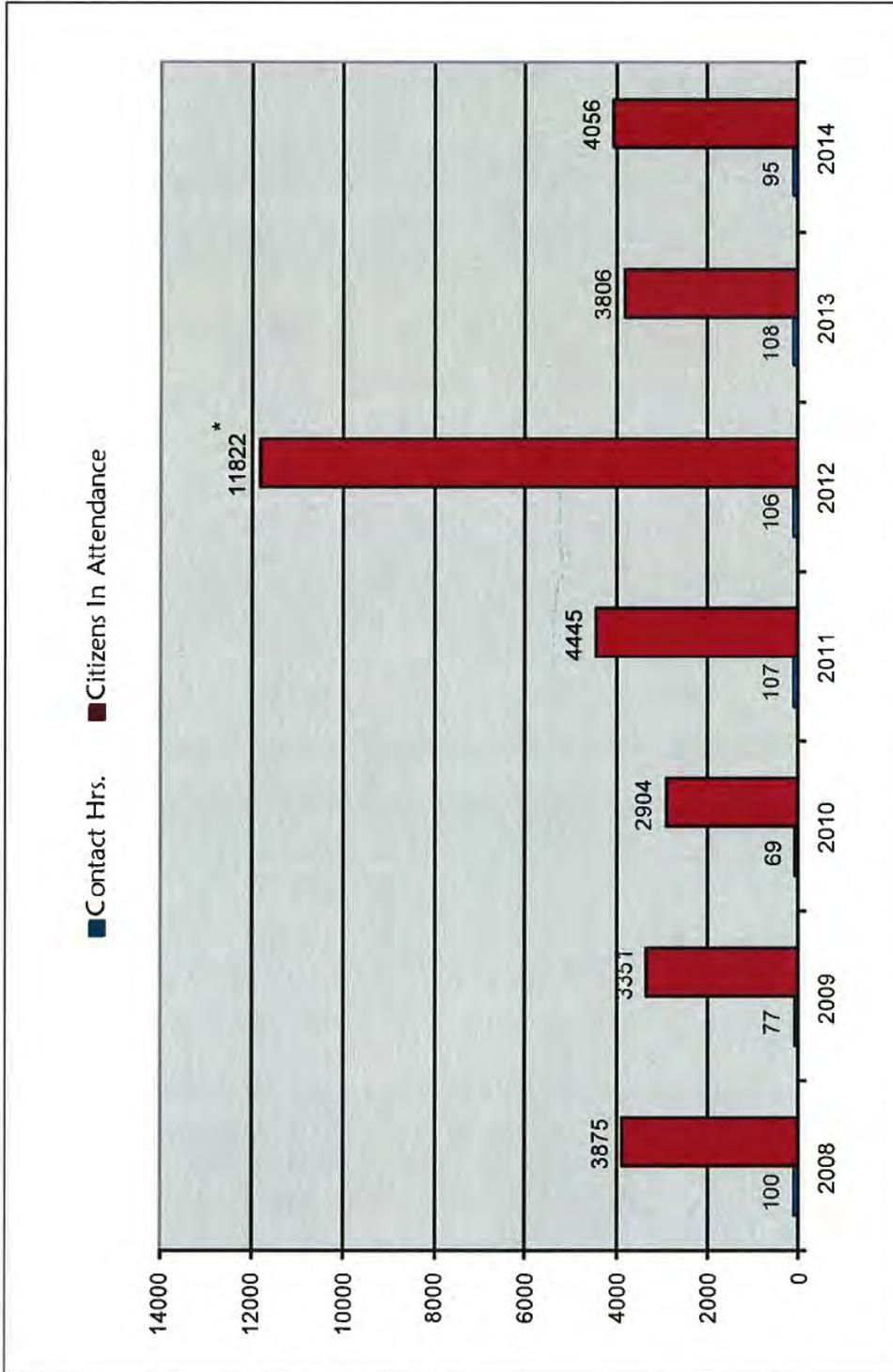
## Post-Secondary Education of Sworn Officers

■ 4 or more years of college education    ■ 2 years or less of college education



This graph demonstrates the years of education, following high school, that each sworn officer of the Burlington Police Department has obtained as of December 31, 2014.

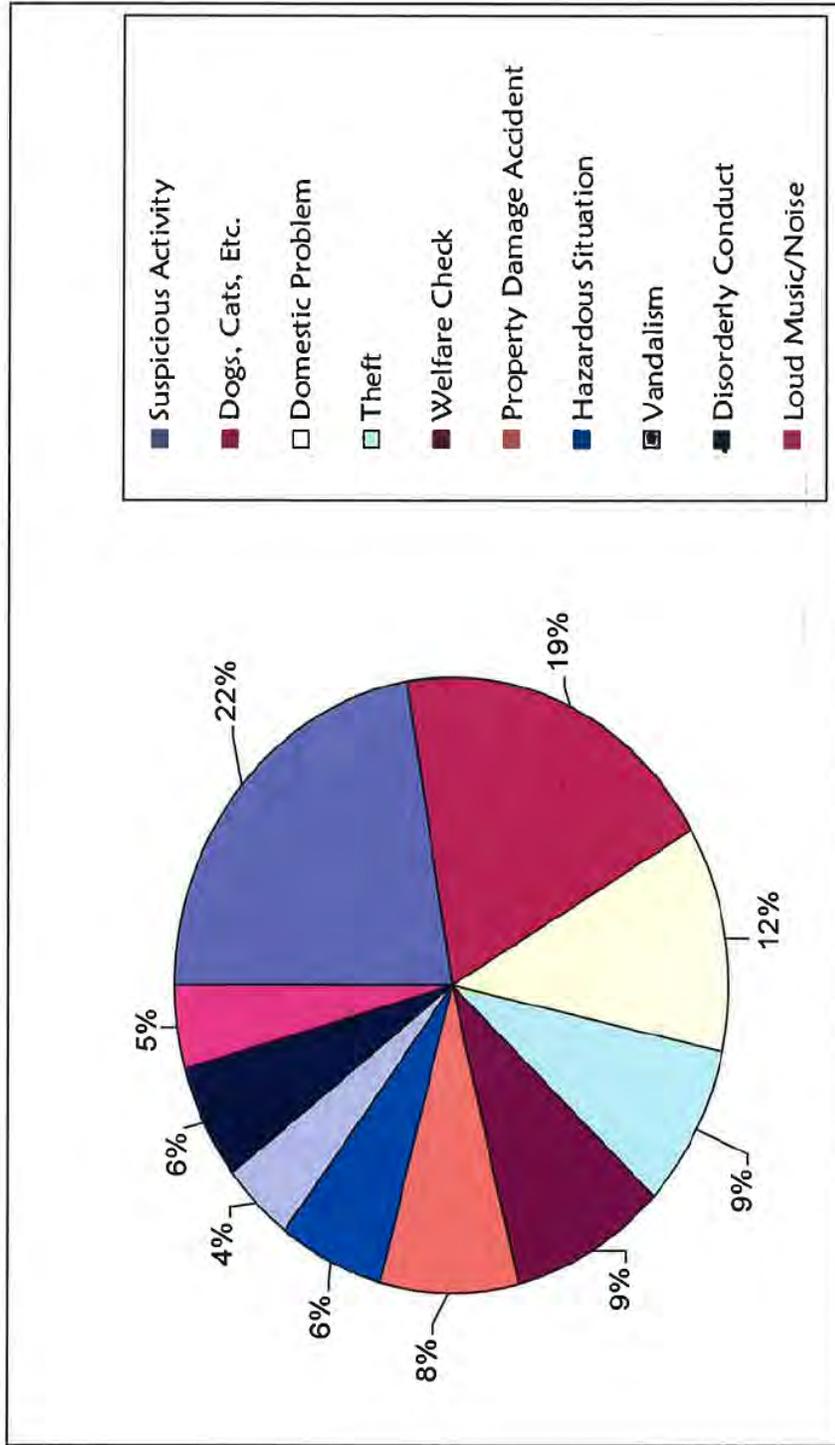
# Presentations



This graph indicates the number of citizens in attendance and the amount of hours police officers utilized to educate and inform about various law enforcement topics during 2014.

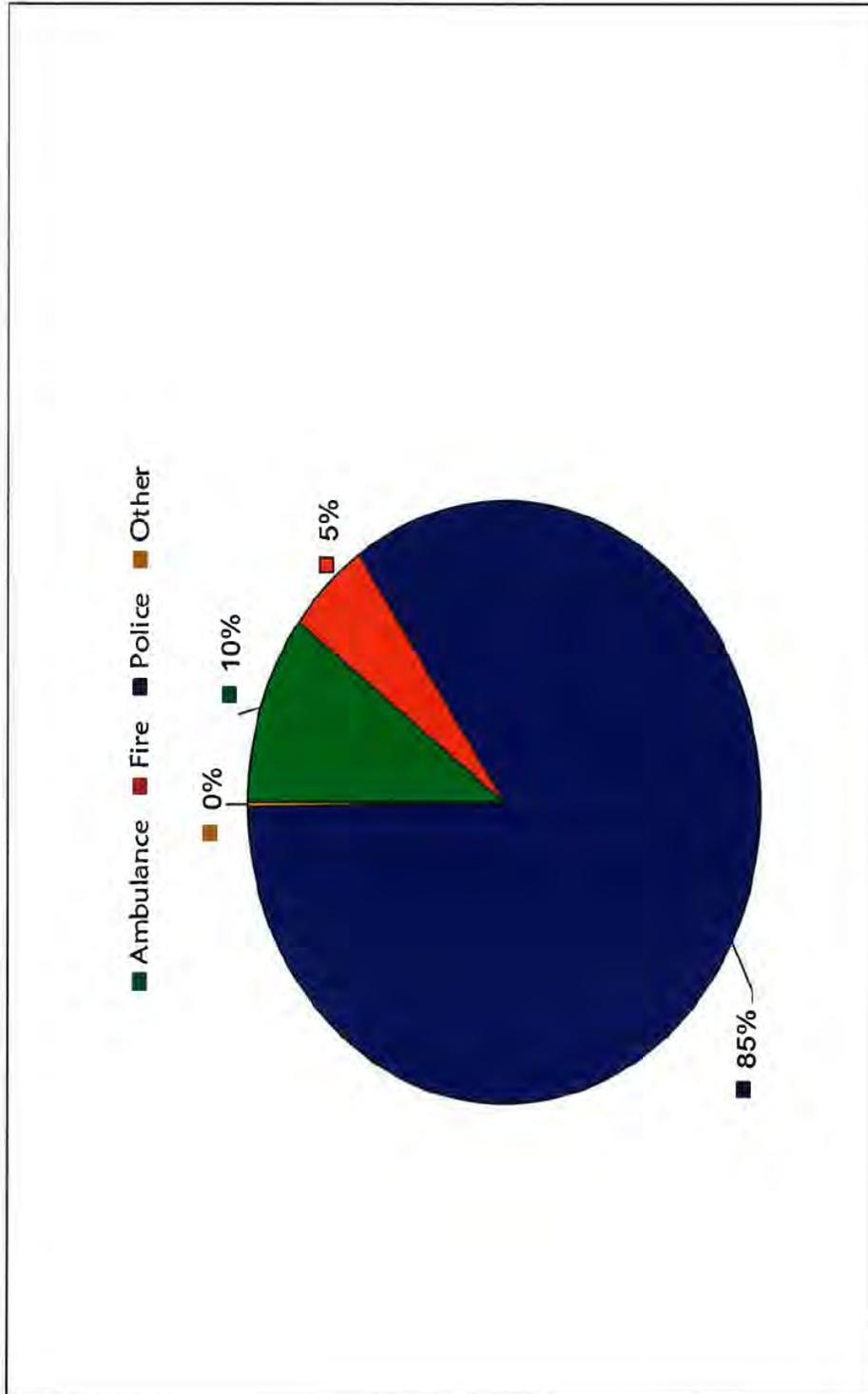
\*This includes an Operation Lifesaver presentation at Burlington Steamboat Days

## Top 10 Calls for Service



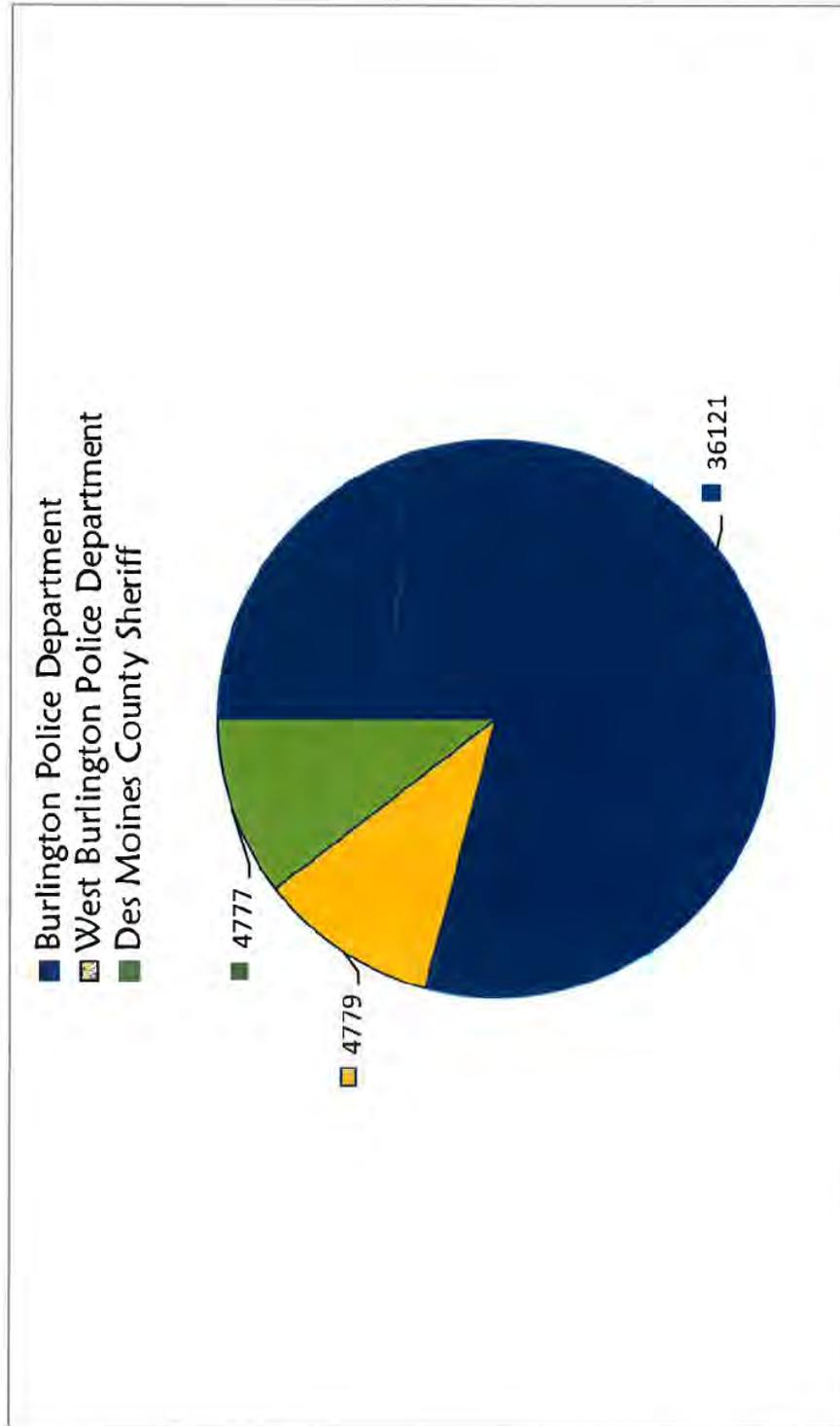
This graph reflects the top ten call types that were received in 2014. These call types were also the most common in 2013. The top two, Suspicious Activity and Animal calls, consistently remain in the top two positions each year.

## Police & Fire & Ambulance Comparison of Calls for Service



This graph represents the percentage of calls that the ambulance (EMT's/Paramedics), fire (fire fighters/command), police (police officers/deputies/command) and other (streets department, sanitation department, etc.) responded to during 2014. This graph represents all of Des Moines County

## Law Enforcement Agencies Calls for Service

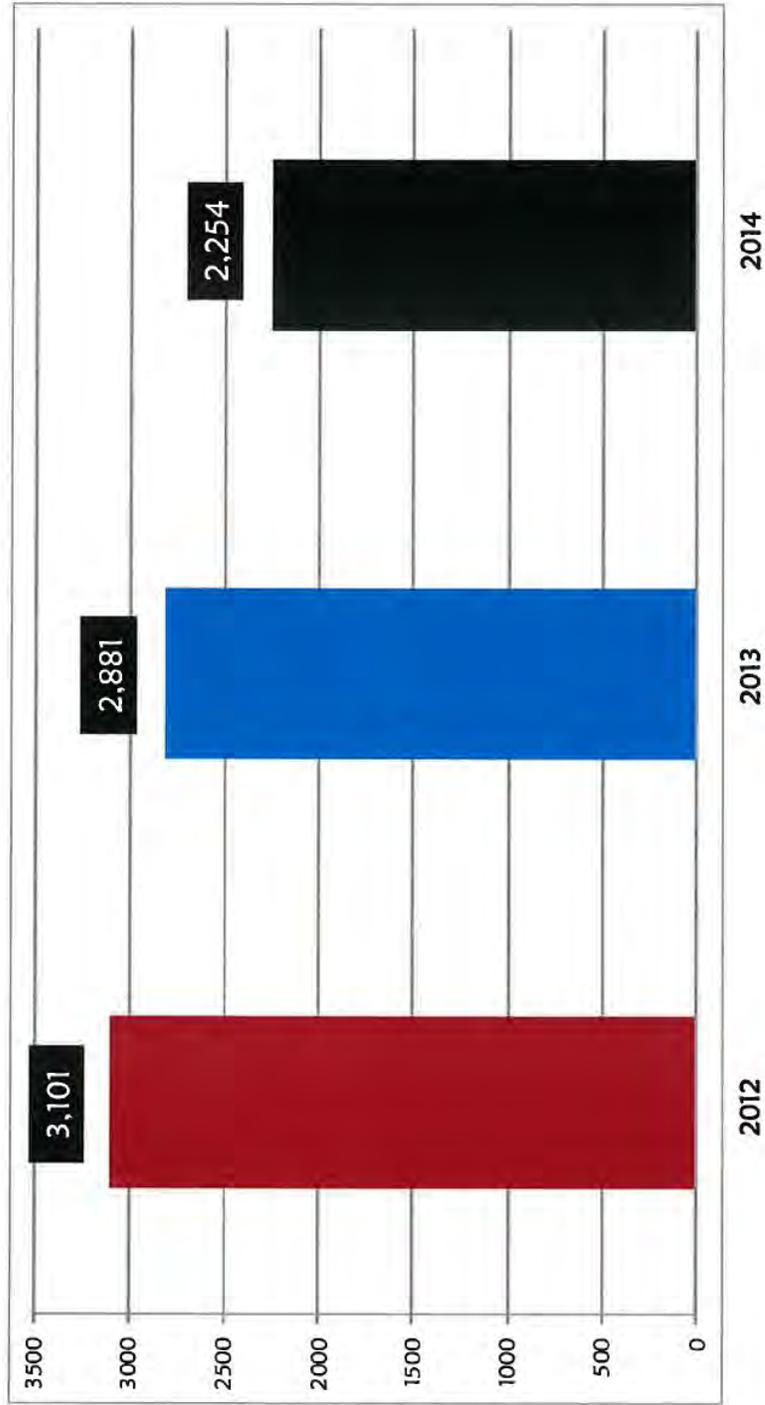


This graph represents the number of calls for service that each law enforcement agency was assigned to in 2014 thru DesCom. A call for service is when someone requests a police response as well as the documentation of statistical information such as criminal history checks and airport alarm checks required by the FAA.

**Eight Most Frequent Traffic Citations Issued  
2012 - 2014**

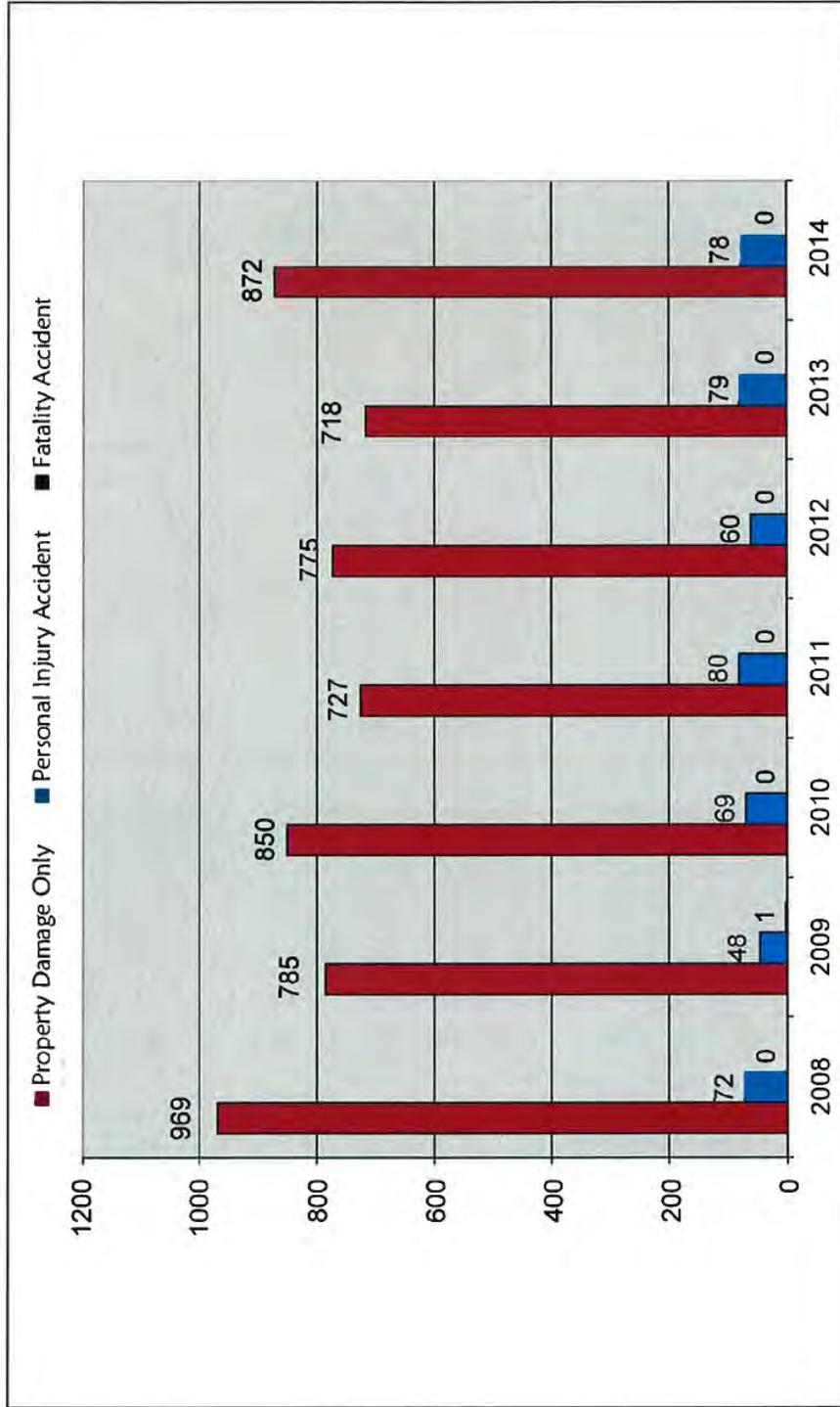
	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>SPEEDING</b>	1056	667	502
<b>SEATBELT VIOLATION</b>	492	152	142
<b>CHILD RESTRAINT VIOLATION</b>	48	34	16
<b>NO PROOF OF INSURANCE</b>	234	492	394
<b>LICENSE SUSPENDED OR REVOKED</b>	619	624	543
<b>OPERATING WHILE INTOXICATED</b>	184	141	116
<b>FAILURE TO STOP AT TRAFFIC SIGNAL</b>	178	138	114
<b>NON-REGISTERED VEHICLE</b>	333	361	268

## Yearly Comparison of Traffic Citations Issued 2012 - 2014



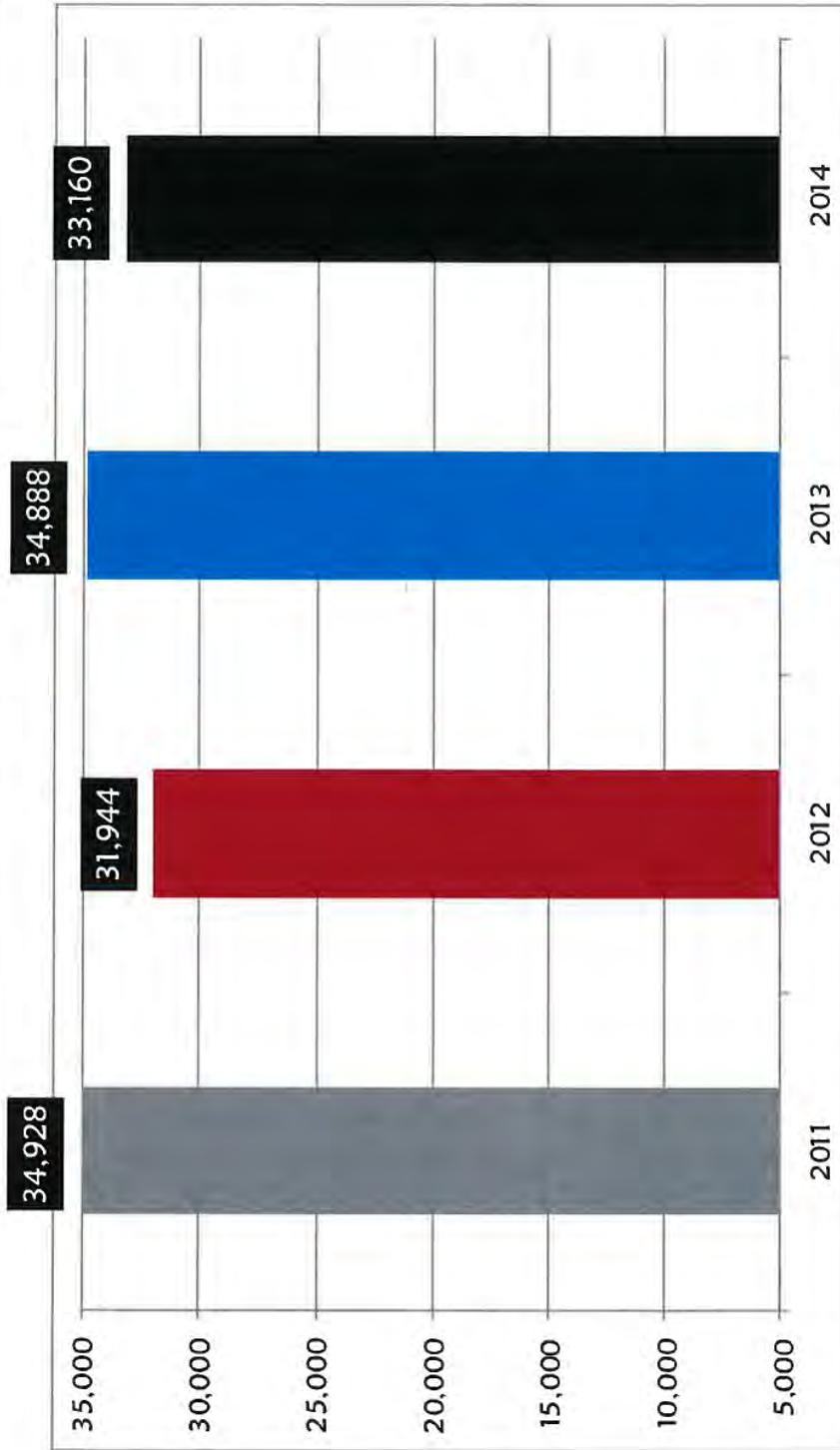
The graph represents the total number of traffic citations issued by the Burlington Police Department from 2012 through 2014. The table on the following page gives additional information about traffic citations issued.

## Motor Vehicle Accidents 2008 - 2014



This graph represents the number of motor vehicle crashes that police officers responded to from 2008 through 2014. The accidents are further broken down based on if only property damage occurred, if a person was injured or if a person was killed.

## Calls for Service 2011 - 2014



This chart represents the total number of calls for service that required a police response for the Burlington Police Department from 2011 through 2014. The following table further breaks down the information into specific call types.

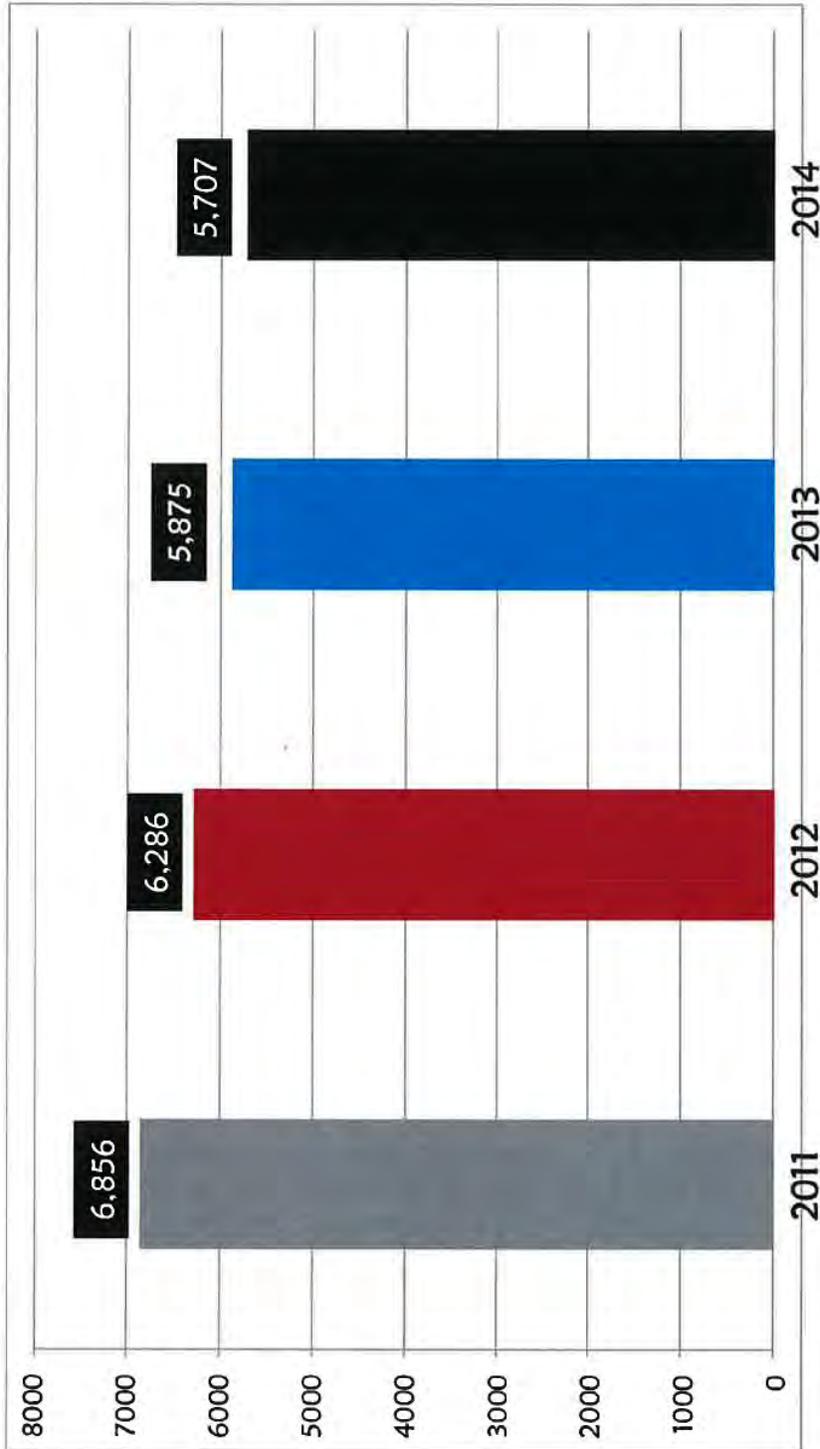
Call Type	2011	2012	2013	2014
911 - ALARM REPAIRS	13	10	17	6
ASSAULT	353	348	299	258
ABANDONED VEHICLE	505	324	395	547
AIRPORT CHECK	271	334	316	315
ALARM - BURGLAR	361	363	379	406
ALARM - CARBON MON.	27	11	18	14
ALARM-CAR	18	10	7	16
ALARM-MEDICAL	1	2	0	0
ALARM-MULTIPLE	2	2	3	1
AMBULANCE - ASSIST WITH	5	3	5	6
ANIMAL	2,155	2,109	1,892	2,057
ANIMAL/LIVESTOCK PERMIT	2	4	2	0
ASSIST	92	82	124	85
BAG - COURT	3	4	104	42
BIKEPATH PATROL	0	0	0	44
BOAT PATROL	1	0	3	4
BOMB	2	0	1	1
BURGLARY - BUSINESS	62	70	29	21
BURGLARY - MOTOR VEH.	348	332	215	216
BURGLARY - RESIDENCE	307	293	236	250
BURN COMPLAINTS	1	2	2	0
BUS VIOLATION	34	65	37	10
CHILD ABUSE	32	23	25	26
CRIMINAL HISTORY	3,792	3,493	3,311	3,170
CHILD - MISSING/FOUND	62	68	55	47
CIGARETTE COMPLAINTS	92	41	42	45
CIVIL COMPLAINT	273	275	410	480
CHILD NEGLECT	23	22	28	28
CONSERVATION INFO	2	2	1	0
CONTACT ORDERS	264	249	261	225
COUNTERFEIT MONEY	13	26	23	17
CRIMESTOPPERS CALL	97	92	119	194
CURFEW VIOLATION	14	5	8	5
DELIVER MESSAGE/PERSON	49	44	48	53
DHS CONTACT	7	5	7	1
DISABLE VEHICLE	454	427	412	522
DISORDERLY CONDUCT	382	454	520	648

	2011	2012	2013	2014
DRIVER'S LICENSE RECORD	26	20	34	18
DECEASED SUBJECT	13	24	19	31
DOMESTIC PROBLEM	1,242	1,192	1,187	1,272
DRIVING UNDER SUSPEN.	31	28	29	52
ESCAPE FROM CUSTODY	4	2	0	2
ESCORT (BANK, FUNERAL)	11	9	15	4
FATALITY ACCIDENT	0	0	1	0
FIGHT	313	419	336	347
FILE PURPOSES	2	1	0	0
FIRE	171	167	167	130
FIREWORKS	113	182	156	173
FOOT PATROL	150	229	1,084	856
FORGERY	89	86	83	69
FOUND PROPERTY	379	375	346	345
FRAUDULENT ACTIVITY	0	0	0	41
GAS DRIVE-OFF	173	114	184	123
GRAFFITI	19	20	56	3
GUN CALLS	45	63	57	59
HIT & RUN	210	237	248	281
HANDICAP PARKING VIOL.	6	12	5	14
HARASSMENT	341	336	270	294
HAZARDS - NON HAZMAT	518	572	644	657
HAZMAT	0	0	1	1
HOUSE LOCKOUT	2	1	5	15
IAAP SECURITY TEST	0	2	0	0
INFO PURPOSES ONLY	120	139	132	106
INTERNET INVESTIGATION	0	1	0	0
INTOXICATED PERSON	183	209	160	217
JUVENILE COURT ORDER	23	27	25	24
KIDNAPPING	1	1	0	0
KNOXBOX	1	0	0	0
LEAVES RAKED INTO STREET	8	4	8	6
LITTER/ILLEGAL DUMPING	74	59	77	76
LOST/THEFT MOTOR VEH.	76	69	81	65
LOST PROPERTY	46	52	83	60
LIQUOR VIOLATION	56	67	26	38
MENTAL SUBJECT(S)	30	37	23	39
MISSING ADULT	40	57	51	34
MURDER	0	1	1	1

	2011	2012	2013	2014
NEIGHBORHOOD PROBLEM	162	146	127	143
NOISE COMPLAINT	438	381	441	471
OPEN DOOR OR WINDOW	76	85	98	140
OTHER	23	48	87	92
OPERATING WHILE INTOX.	149	149	117	121
PARKING VIOLATION	317	328	321	356
PATROL - REQUEST FOR	154	210	300	228
PBX (SUSPICIOUS PHONE CALL)	463	395	402	408
PROPERTY DAMAGE ACCIDENT	728	766	721	862
PEACE - KEEP THE	113	109	90	106
PERSONAL INJURY ACCIDENT	79	71	79	92
PROSTITUTION, SELL OR SOLICIT	0	2	1	3
PROWLER CALLS	49	32	14	7
PUBLIC SERVICE	3	1	1	1
ROBBERY	11	16	13	20
RUNAWAY	150	114	89	146
RADAR REQUEST	2	8	8	11
RECKLESS DRIVER	371	398	387	471
RECORDS CHECK	94	95	100	81
SEXUAL ASSAULT	55	73	72	67
SALVATION ARMY	9	7	5	4
SCHOOL PATROL	0	0	440	688
SEARCH WARRANT	9	16	19	5
SEX OFFENDER REGISTRY	2	1	5	4
SHOTS FIRED	80	80	109	24
SKATEBOARDING COMPLAINT	20	6	2	6
SNOW/EMERGENCY TOW	10	1	37	19
SPEEDING COMPLAINT	27	36	31	45
STALKING COMPLAINT	3	6	6	2
SUBPOENA - SERVICE OF	5	3	13	9
SUICIDE OR ATTEMPTED	143	175	154	154
SUSPICIOUS PERSON	2,614	2,234	2,251	2,394
THEFT	1,101	1,005	913	916
TATTOO COMPLAINTS	2	2	0	2
TAVERN CHECK	120	91	180	229
TAXI CAB INSPECTION	12	14	18	13
TEST - CIVIL DEFENSE	6	6	3	2
TEST - COUNTY FIRE	23	43	44	38
THREATS MADE	254	249	252	253

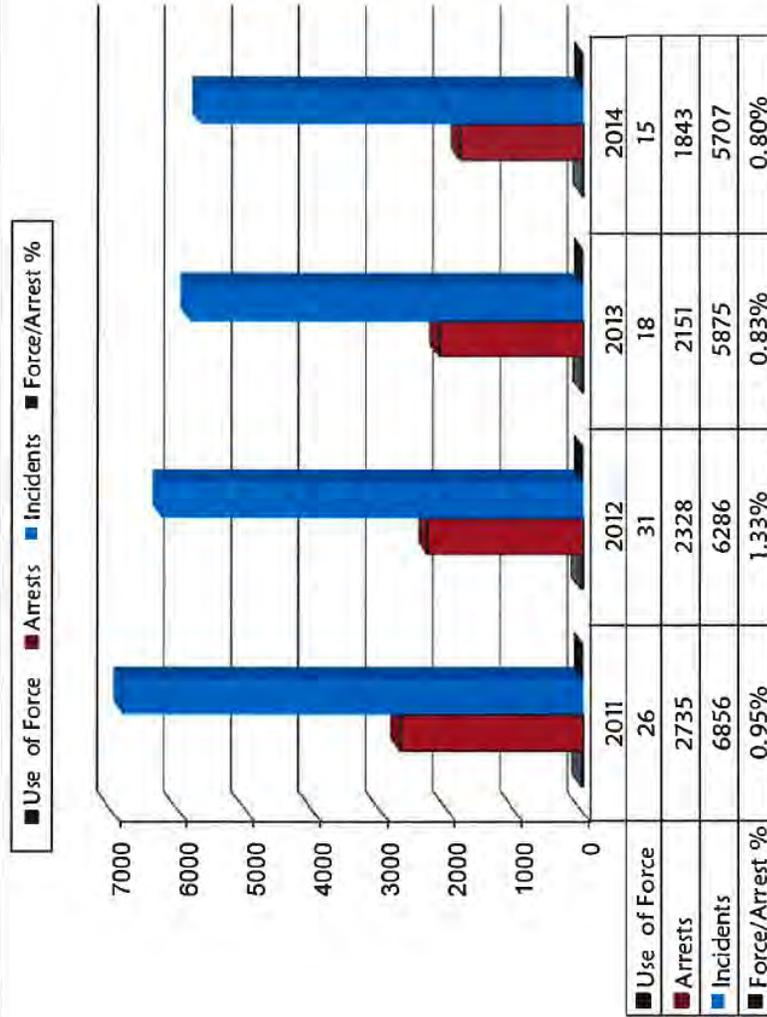
	2011	2012	2013	2014
THROW ROCKS, CORN, ETC.	55	51	47	52
TOW	6	8	4	0
TRAFFIC CONTROL ASSIGNMENT	37	18	32	25
PATIENT TRANSFER	0	2	0	1
TRESPASS	190	281	296	326
TRAFFIC STOP	7,904	6,740	8,389	6,163
UNLOCK MOTOR VEHICLE	2	6	8	4
VANDALISM	584	541	549	453
VACATION CHECKS	25	18	17	20
WEAPON - GUN PERMITS	2,279	1,321	1,406	984
WEATHER LOG	17	13	22	19
WELFARE CHECK	782	734	810	976
WARRANT SERVICE	240	224	188	156
<b>Total</b>	<b>34,928</b>	<b>31,944</b>	<b>34,888</b>	<b>33,160</b>

**Count of Offenses per Year  
2011- 2014**



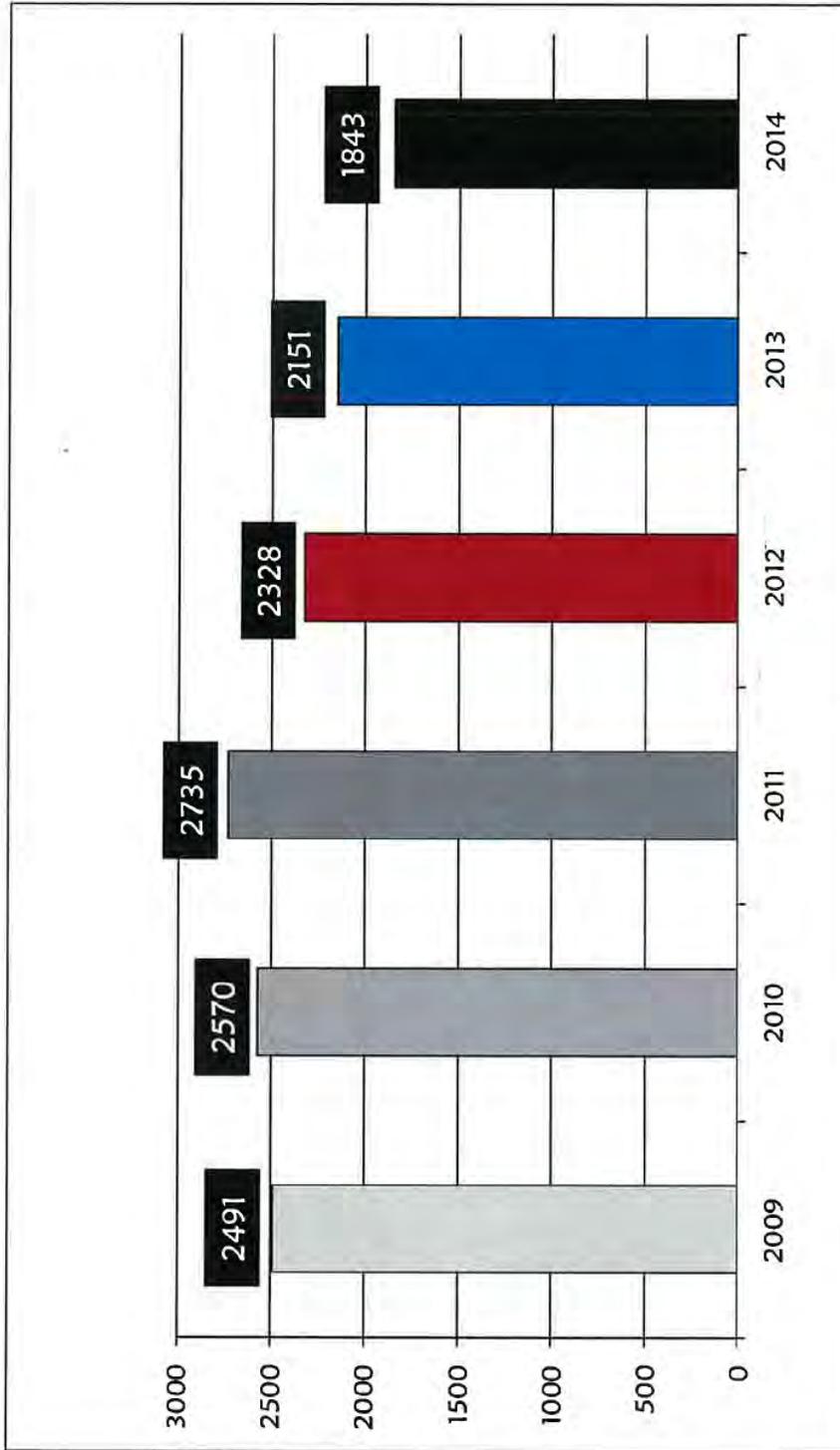
This graph represents calls for service that generated a police report (offense).

## Use of Force 2011 - 2014



This graph represents how many times Burlington police officers used force to arrest an individual from 2011 through 2014. It is valuable to compare the number of incidents and arrests to the use of force. Force is defined as anything more than verbal commands needed to handcuff a noncompliant arrestee. The National Average for Use of Force by a law enforcement agency is 1.4% for police contacts with the public.

### Count of Arrests Per Year 2009 - 2014



This graph represents the number of arrests made by Burlington police officers from 2009 through 2014.



# Burlington Police Department

## Community Relations

Burlington P.D. Explorer Post	School Resources Officers
PIECES Afterschool Programming	Daily Officer School Visits
High School Job Shadows	Steamboat Days
College Internship Program	Local Parades
SAFE Alternative Trick-or-Treat	A Day in the Park
Special Olympics	Dr. Martin Luther King Jr. Celebration
Grade School Reading Programs	Juneteenth
Shop with a Cop	City Week
Citizen's Police Academy	Snake Alley Criterium
Middle School Career Fairs	Daily Officer School Visits
Neighborhood Watch	Pink Heels Tour
CrimeStoppers	Boy Scouts
South Hill Neighborhood Association	Girl Scouts
Saunderson Heights Neighborhood Association	Safety Town
SURGE Neighborhood Revitalization	Red Ribbon Week



## Burlington Police Department

### 2015 Goals



- Establish a culturally diverse group to open the lines of communication that will assist the police department in the recruitment of minority police officers through community relations.
- Maintain a 98.6% compliance rate for seatbelt usage.
- Outfit every officer in the Patrol Division with a point-of-view camera. This project will be 100% funded by the Justice Assistance Grant.
- Complete the upgrade of the countywide law enforcement digital radio communication creating an atmosphere of interoperability.
- Stabilize and enhance the safety and security of the current police department building.
- Establish a Problem Oriented Police (POP) Unit.
- Upgrade to electronic management of the Field Training Officer program to increase operational efficiency.
- Target Federal prosecution of major drug trafficking in collaboration with the D.E.A., A.T.F., and U.S. Attorney's office.

# Bureau of Justice Assistance

<b>Award Title:</b> 2014 JAG Body Worn Cameras Project	
<b>Award Description:</b> <p>The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).</p> <p>The disparate jurisdictions will utilize grant funds to augment in-car video systems with body-worn video cameras. The project goals are to enhance officer's ability to obtain convictions and increase the number of guilty pleas prior to trial. NCA/NCF</p>	
<b>Awardee Name:</b> Burlington City	<b>Award Number:</b> 2014-DJ-BX-0207
<b>Solicitation Title:</b> BJA FY 14 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local	<b>Fiscal Year:</b> 2014
<b>Supplement Number:</b> 00	<b>Amount:</b> \$22,375.00
<b>Earmark:</b> No	<b>Recovery Act:</b> No
<b>State/Territory:</b> IA	<b>County:</b> Des Moines
<b>Congressional District:</b> 02	<b>Award Status:</b> Open



---

The U.S. Department of Justice (DOJ), Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

## Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2015 Local Solicitation

### Eligibility

Applicants are limited to units of local government appearing on the FY 2015 JAG Allocations List. To view this list, go to [www.bja.gov/programs/jag/15jagallocations.html](http://www.bja.gov/programs/jag/15jagallocations.html). For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff.

For additional eligibility information, see section C. Eligibility Information.

### Deadline

Applicants must register in OJP's Grants Management System (GMS) prior to submitting an application for this funding opportunity. Registration is required for all applicants, even those previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 8:00 p.m. eastern time on June 26, 2015.

For additional information, see "How to Apply" in Section D. Application and Submission Information.

### Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to [GMS.HelpDesk@usdoj.gov](mailto:GMS.HelpDesk@usdoj.gov). The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to midnight eastern time, except federal holidays.

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA contact identified

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# **Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2015 Local Solicitation (CFDA #16.738)**

## **A. Program Description**

### **Overview**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. § 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.

### **Program-Specific Information**

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs, including indigent defense.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

#### **\*Please note that JAG funding may be utilized in support of:**

- Systems upgrades (hardware/software), including potential upgrades necessary for state, territories, units of local government and/or tribes to come into compliance with the [FBI's UCR Redevelopment Project \(UCRRP\)](#).
- Developing or sustaining state compatible incident based reporting systems.

### **Goals, Objectives, and Deliverables**

The Chief Executive Officer (CEO) of an eligible unit of local government or other officer designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting quarterly financial status (SF-425) and performance metrics reports and semi-annual programmatic reports; and providing ongoing oversight and assistance to any subrecipients of the funds.

### **Evidence-Based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates.

- Integrating evidence into program, practice, and policy decisions within OJP and the field.
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's [CrimeSolutions.gov](http://CrimeSolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through the [Center for Evidence-Based Crime Policy](#) at George Mason University. In the reentry field, a summary of research-based reentry strategies is available on the National Reentry Resource Center's [What Works in Reentry Clearinghouse](#). BJA offers a number of program models designed to effectively implement evidence-based strategies including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense and Smart Prosecution. BJA encourages states to use JAG funds to support these "smart on crime" strategies, including effective partnerships with universities and research partners and with non-traditional criminal justice partners.

#### **JAG Priority Areas**

BJA recognizes that there are significant pressures on state and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. In light of this, it is important to make SAAs and local JAG recipients aware of several areas of priority that may be of help in maximizing the effectiveness of JAG funding at the state and local level. The following priorities represent key areas where BJA will focus nationally and invite each state and local JAG recipient to join us in addressing these challenges as a part of our JAG partnership:

#### Reducing Gun Violence

Gun violence has touched nearly every state, county, city, town, and tribal government in America. In an effort to address this continuing need BJA encourages states and localities to invest valuable JAG funds in programs to: combat gun violence, enforce existing firearms laws, improve the process used to ensure that those prohibited from purchasing or owning guns are prevented from doing so, enhance reporting to the Federal Bureau of Investigation's (FBI) [National Instant Criminal Background Check System \(NICS\)](#) and provide active shooter response training to law enforcement officers and first responders.

While our nation has made great strides in reducing violent crime over the last decade, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. In 2014, as part of BJA's longstanding commitment to support effective strategies to reduce violent crime, BJA launched the [Violence Reduction Network](#). By the end of FY 2015, 10 VRN sites, working with a broad network of federal, state, and local partners will be implementing data-driven evidence-based strategies to reduce deeply entrenched violent crime in those communities. SAAs and localities with VRN sites are strongly

encouraged to join the VRN and help address funding gaps in violence reduction efforts in those communities. For information on VRN, see [www.bja.gov/Programs/VRN.html](http://www.bja.gov/Programs/VRN.html).

#### Body-Worn Cameras, Storage, and Policies

Over the past several years, law enforcement agencies across the country have begun equipping their officers with body-worn cameras (BWCs). The important benefits of BWCs, and the challenges in implementing BWC programs, are highlighted in several recent publications: see the Office of Justice Programs' Diagnostic Center report *Police Officer Body-Worn Cameras: Assessing the Evidence*, and the COPS Office and Police Executive Research Forum paper, *Implementing A Body-Worn Camera Program: Recommendations and Lessons Learned*.

JAG funding is an important potential source of funding for law enforcement agencies implementing new BWC programs or enhancing existing programs. JAG funds may be used to purchase BWCs and for costs associated with the BWC program, such as storage and policy development. Similarly, SAAs are encouraged to use either their Variable Pass-Through (VPT) or their "less than \$10,000" funding that is added into the state award to set aside funds to assist small departments in implementing BWC programs.

Agencies using JAG funds to purchase BWC equipment or to implement or enhance BWC programs should, as a best practice, have policies and procedures in place related to equipment usage, data storage, privacy, victims, access, disclosure, training, etc. Officers, prosecutors, defenders, victims and privacy advocates, and community groups should be consulted early in the BWC policy development process to guide and inform policy and procurement decisions. BJA plans to release a BWC Toolkit and web site in spring 2015 that will share model BWC policies, resources, and best practices to assist departments in implementing BWC programs.

#### Recidivism Reduction, Pretrial Reform, and Justice System Realignment

In this time of fiscal austerity and smaller state and local budgets, reducing unnecessary incarceration in a manner that promotes public safety is a paramount goal. Effective community supervision of non-violent offenders coupled with evidence-based program interventions can result in significant reductions in recidivism. A priority funding area is the implementation of effective pretrial services programs. The use of validated risk assessment tools to inform pre-trial release decisions is critical. For a variety of resources, or to request BJA supported technical assistance from the Pretrial Justice Institute, see [www.pretrial.org](http://www.pretrial.org). Another priority for JAG funding is to support innovative programs and approaches in probation and parole supervision that improve services to offenders and increase collaborative efforts among community supervision agencies with law enforcement and the courts.

Another promising approach to justice systems reform is the Justice Reinvestment Initiative (JRI), a public-private partnership between BJA and the PEW Public Safety Performance Project. Currently, 17 states and 17 local governments are working to control spiraling incarceration costs through JRI and reinvesting in evidence-based criminal justice programs and strategies. Strategic investment of JAG funds to implement JRI legislation and policy changes in those states and localities can augment federal funds and achieve greater cost savings and reinvestments in programs to promote public safety. (See the Urban Institute's Justice Reinvestment Initiative State Assessment Report.)

#### Indigent Defense

Another key priority area is support for indigent defense. BJA continues to encourage states and SAAs to use JAG funds to support the vital needs of the indigent defense community, as

indigent defense reform continues to be a concern that needs to be addressed across the nation. In 2002, the American Bar Association (ABA) published Ten Principles of a Public Defense Delivery System which represent fundamental building blocks for implementing quality legal representation for indigent defendants.

#### Improving Mental Health Services

Disproportionate numbers of people with mental illness are involved in the criminal justice system often as a result of untreated or undertreated mental illness. This is an issue that impacts numerous facets of the criminal justice system. BJA encourages states to utilize JAG funding in support of programs and policy changes aimed at the following: identifying and treating people with severe mental illness before they reach crisis point; training law enforcement and correctional officers on mental health and mental health related crisis-intervention; increasing justice system diversion strategies to divert offenders with mental illness from unnecessary arrest and incarceration to more appropriate and cost-effective community-based treatment and supervision; mental health courts, allowing inmates to continue psychotropic medication in jails; and improving oversight of mental health care in jails, increasing post-jail housing options and enhancing community mental health services. (See Adults with Behavioral Health Needs under Correctional Supervision.) BJA provides technical assistance to states with increasing access to health care benefits. Information can be found at: [www.bjatrain.org](http://www.bjatrain.org).

## **B. Federal Award Information**

BJA estimates that it will make up to 1,100 Local and 56 State/Territory awards totaling an estimated \$255.7 million.

Awards of at least \$25,000 are 4 years in length, and award periods will be from October 1, 2014 through September 30, 2018. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via GMS no less than 30 days prior to the grant end date.

Awards of less than \$25,000 are 2 years in length, and award periods will be from October 1, 2014 through September 30, 2016. Extensions of up to 2 years can be requested for these awards via GMS no less than 30 days prior to the grant end date, and will be automatically granted upon request.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

Eligible allocations under JAG are posted annually on BJA's JAG web page: [www.bja.gov/ProgramDetails.aspx?Program\\_ID=59](http://www.bja.gov/ProgramDetails.aspx?Program_ID=59).

#### **Type of Award<sup>1</sup>**

BJA expects that it will make any award from this solicitation in the form of a grant.

JAG awards are based on a statutory formula as described below:

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<sup>1</sup> See generally 31 U.S.C. §§ 6301-6305 (defines and describes various forms of federal assistance relationships, including grants and cooperative agreements (a type of grant)).

Once each fiscal year's overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).
2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.
3. Dividing each state's final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.
4. Determining local unit of government award allocations, which are based on their proportion of the state's 3-year violent crime average. If a local eligible award amount is less than \$10,000, the funds are returned to the state to be awarded to these local units of government through the state agency. If the eligible award amount is \$10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

#### **Financial Management and System of Internal Controls**

If selected for funding, the award recipient must:

(a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

(c) Evaluate and monitor the non-federal entity's compliance with statute, regulations and the terms and conditions of federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

In order to better understand administrative requirements and cost principles, award applicants are encouraged to enroll, at no charge, in the Department of Justice Grants Financial Management Online Training available [here](#).

### **Budget Information**

Administrative Funds – A unit of local government may use up to 10 percent of the award, including interest, for costs associated with administering JAG funds.

Disparate Certification – A disparate allocation occurs when a city or municipality is allocated one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crimes. A disparate allocation also occurs when multiple cities or municipalities are collectively allocated four times (400 percent) more than the county, and the county bears more than 50 percent of the collective costs associated with prosecution or incarceration of each municipality's Part 1 violent crimes.

- Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to [www.bja.gov/Funding/JAGMOU.pdf](http://www.bja.gov/Funding/JAGMOU.pdf).

Supplanting – Supplanting is prohibited under JAG. Applicants cannot replace or supplant non-federal funds that have been appropriated for the same purpose. See the JAG FAQs on BJA's JAG web page for examples of supplanting.

Leveraging of Grant Funds – Although supplanting is prohibited, the leveraging of federal funding is encouraged. For example, a city may utilize JAG and Homeland Security Grant Program (HSGP) money to fund different portions of a fusion center project. In instances where leveraging occurs, all federal grant funds must be tracked and reported separately and may not be used to fund the same line items. Additionally, federal funds cannot be used as match for other federal awards.

Trust Fund – Units of Local government may draw down JAG funds in advance. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. This trust fund requirement does not apply to direct JAG award recipients or subrecipients that draw-down on a reimbursement basis rather than in advance.

Prohibited and Controlled Uses – JAG funds may only be expended within the JAG purpose areas. Within these purpose areas JAG funds may not be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. In addition, JAG funds may not be used directly or indirectly to purchase items listed at: [www.bja.gov/Funding/JAGControlledPurchaseList.pdf](http://www.bja.gov/Funding/JAGControlledPurchaseList.pdf).

This JAG controlled purchase list represents a combination of BJA controlled items and those controlled under the Executive Order on "Federal Support for Local Law Enforcement Equipment Acquisition" that was signed on January 16, 2015. Pursuant to Executive Order 13688 (Federal Support for Local Law Enforcement Equipment Acquisition), a federal inter-agency working group has been charged with, among other things, 'developing a consistent Government-wide list of controlled equipment allowable for acquisition by LEAs, as well as a list of those items that can only be transferred with special authorization and use limitations.' The working group's recommendations, which are due to be delivered to the President in mid-May, may alter the BJA controlled items list. Grantees are reminded that they must follow the most current version of the controlled items list in order to purchase the equipment.

No items on this list can be purchased without first submitting a detailed justification that supports the need for this equipment. Applicants must show both extraordinary and exigent circumstances that require the purchase of such equipment. Upon approval from the BJA Director, this equipment may be purchased with JAG funds. Grantees are **strongly encouraged** to submit this justification at the time of application. In particular, any justification that cannot show the exigent nature of the purchase and why it could not be submitted at time of application will not be approved.

Please note that the Controlled Equipment List also includes items that are strictly prohibited under JAG.

Additional information on JAG controlled and prohibited items, along with the process for requesting a waiver to obtain BJA certification for any controlled item, can be found within the JAG FAQs: [www.bja.gov/Funding/JAGFAQ.pdf](http://www.bja.gov/Funding/JAGFAQ.pdf).

#### **Cost Sharing or Match Requirement**

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

#### **Pre-Agreement Cost Approvals**

OJP does not typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. If approved, pre-agreement costs could be paid from grant funds consistent with a grantee's approved budget, and under applicable cost standards. However, all such costs prior to award and prior to approval of the costs are incurred at the sole risk of an applicant. Generally, no applicant should incur project costs before submitting an application requesting federal funding for those costs. Should there be extenuating circumstances that appear to be appropriate for OJP's consideration as pre-agreement costs, the applicant should contact the point of contact listed on the title page of this announcement for details on the requirements for submitting a written request for approval. See the section on Costs Requiring Prior Approval in the [Financial Guide](#), for more information.

#### **Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs**

OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully – before submitting an application – the OJP policy and guidance on conference approval, planning, and reporting available at [www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm](http://www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm). OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most such costs for cooperative

agreement recipients and of some such costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.

#### **Costs Associated with Language Assistance (if applicable)**

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Solicitation Requirements" in the [OJP Funding Resource Center](#).

#### **Other JAG Requirements**

##### Body Armor Certification

- Ballistic-resistant and stab-resistant body armor can be funded through two BJA-administered programs: the JAG Program and the Bulletproof Vest Partnership (BVP) Program.
- The BVP Program is designed to provide a critical resource to state and local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. A jurisdiction is able to request up to 50 percent of the cost of a vest with BVP funds. For more information on the BVP Program, including eligibility and application, refer to the [BVP web page](#).
- JAG funds may also be used to purchase vests for an agency, but they may not be used to pay for that portion of the ballistic-resistant vest (50 percent) that is not covered by BVP funds. Unlike BVP, JAG funds used to purchase vests do not require a 50 percent match.
- Vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, vests purchased must be American-made. Information on the latest NIJ standards can be found at: [www.nij.gov/topics/technology/body-armor/safety-initiative.htm](http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm).

As is the case in BVP, grantees who wish to purchase vests with JAG funds must certify that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at [www.bja.gov/Funding/JAGFAQ.pdf](http://www.bja.gov/Funding/JAGFAQ.pdf). This policy must be in place for at least all uniformed officers before any FY 2015 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification **must** be signed by the Authorized Representative and **must** be attached to the application. If the grantee proposes to change project activities to utilize JAG funds to purchase bulletproof vests after the application period (during the project period), the grantee must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center [vests@usdoj.gov](mailto:vests@usdoj.gov) or toll free at 1-877-758-3787.

A copy of the certification related to the mandatory wear can be found at:  
[www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf](http://www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf).

#### DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

If JAG Program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database operated by the FBI by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ DNA Backlog Reduction Program, available at [www.nij.gov/topics/forensics/lab-operations/evidence-backlogs/Pages/backlog-reduction-program.aspx](http://www.nij.gov/topics/forensics/lab-operations/evidence-backlogs/Pages/backlog-reduction-program.aspx).

In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS.

#### Interoperable Communications

Grantees (including subgrantees) that are using FY 2015 JAG Program funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order) must ensure:

- Compliance with the FY 2015 SAFECOM Guidance on Emergency Communications Grants (including provisions on technical standards that ensure and enhance interoperable communications).
- Adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band.
- Projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the 56 states and territories. Contact [OEC@hq.dhs.gov](mailto:OEC@hq.dhs.gov).
- All communications equipment purchased with grant award funding (plus the quantity purchased of each item) is identified during quarterly performance metrics reporting.

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantees shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

### **JAG Showcase**

The JAG Showcase was designed to identify and highlight JAG projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. BJA has now expanded the concept of the JAG Showcase to other BJA grant programs and created a new BJA Success Story web page. This web page will be a valuable resource for states, localities, territories, tribes and criminal justice professionals who seek to identify and learn about JAG and other successful BJA funded projects linked to innovation, crime reduction, and evidence based practices.

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. If you have a JAG Success Story you would like to submit, sign in to your My BJA account to access the Success Story Submission form. If you do not have a My BJA account, please Register. Once you register, one of the available areas on your My BJA page will be "My Success Stories." Within this box, you will see an option to add a Success Story.

Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page.

### **C. Eligibility Information**

For eligibility information, please see the Title Page.

#### **Cost Sharing or Match Requirement**

For additional information on cost sharing or match requirement, see Section B. Federal Award Information.

#### **Limit on Number of Application Submissions**

If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. For more information on system-validated versions, see How to Apply.

### **D. Application and Submission Information**

#### **What an Application Should Include**

Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under How to Apply to be sure applications are submitted in permitted formats.

Refer to the BJA Grant Writing and Management Academy and OJP's Grants 101 for an overview of what should be included in each application requirement. These trainings can be found at [bja.ncjrs.gov/gwma/index.html](http://bja.ncjrs.gov/gwma/index.html) and [www.ojp.gov/grants101/](http://www.ojp.gov/grants101/).

*OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all attachments. Also, OJP recommends that applicants include resumes in a single file.*

**Failure to submit the required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.**

**1. Information to Complete the Application for Federal Assistance (SF-424)**

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant's profile to populate the fields on this form.

**Intergovernmental Review:** This funding opportunity is subject to Executive Order 12372. Applicants may find the names and addresses of their state's Single Point of Contact (SPOC) at the following web site: [www.whitehouse.gov/omb/grants\\_s poc/](http://www.whitehouse.gov/omb/grants_s poc/). Applicants whose state appears on the SPOC list must contact their state's SPOC to find out about, and comply with, the state's process under Executive Order 12372. In completing the SF-424, applicants whose state appears on the SPOC list are to make the appropriate selection in response to question 19 once the applicant has complied with their state's E.O. 12372 process. (Applicants whose state does not appear on the SPOC list are to make the appropriate selection in response to question 19 to indicate that the "Program is subject to E.O. 12372 but has not been selected by the State for review.")

**2. Project Abstract**

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- Written for a general public audience and submitted as a separate attachment with "Project Abstract" as part of its file name.
- Include applicant name, title of the project, a brief description of the problem to be addressed and the targeted area/population, project goals and objectives, and a description of the project strategy, any significant partnerships and anticipated outcomes.
- Identify up to 5 project identifiers that would be associated with proposed project activities. The list of identifiers can be found at [www.bja.gov/funding/JAGIdentifiers.pdf](http://www.bja.gov/funding/JAGIdentifiers.pdf).

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

**3. Program Narrative**

Applicants **must** submit a program narrative that generally describes the proposed program activities for the two or four year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

A plan for collecting the data required for this solicitation's performance measures should also be included. To assist the Department with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. **Quarterly accountability metrics reports must be submitted through BJA's PMT, available at [www.bjaperformancetools.org](http://www.bjaperformancetools.org). The accountability measures can be found at: [www.bjaperformancetools.org/help/JAGMeasuresQuestionnaire.pdf](http://www.bjaperformancetools.org/help/JAGMeasuresQuestionnaire.pdf).**

Submission of accountability measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for accountability measures.

#### **Note on Project Evaluations**

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements likely do not constitute "research." Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge" 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the "Research and the Protection of Human Subjects" section of the [OJP Funding Resource Center Web page \(www.ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm\)](http://www.ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm). Applicants whose proposals may involve a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that Web page.

#### **4. Budget Detail Worksheet and Budget Narrative**

##### **a. Budget Detail Worksheet**

A sample Budget Detail Worksheet can be found at [www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf](http://www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet.

For questions pertaining to budget and examples of allowable and unallowable costs, see the Financial Guide at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).

##### **b. Budget Narrative**

The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project

activities). This narrative should include a full breakdown of administrative costs, as well as an overview of how funds will be allocated across approved JAG purpose areas.

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

**c. Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold**

If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold), which is currently set at \$150,000, the application should address the considerations outlined in the Financial Guide.

**d. Pre-Agreement Costs**

For information on pre-agreement costs, see "Pre-Agreement Cost Approvals" under Section B. Federal Award Information

**5. Indirect Cost Rate Agreement (if applicable)**

Indirect costs are allowed only if the applicant has a current federally approved indirect cost rate. (This requirement does not apply to units of local government.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their cognizant federal agency, which will review all documentation and approve a rate for the applicant organization, or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. For the definition of Cognizant Federal Agency, see the "Glossary of Terms" in the Financial Guide. For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at [www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf](http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf).

**6. Tribal Authorizing Resolution (if applicable)**

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the grant. A consortium of tribes for which existing consortium bylaws allow action

without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

Applicants unable to submit an application that includes a fully-executed (i.e., signed) copy of appropriate legal documentation, as described above, consistent with the applicable tribe's governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, BJA will make use of and access to funds contingent on receipt of the fully-executed legal documentation.

#### 7. Applicant Disclosure of High Risk Status

Any applicants currently designated as high risk by another federal grant making agency must disclose that status. This includes any status requiring additional oversight by the federal agency due to past programmatic or financial concerns. If an applicant is designated high risk by another federal grant making agency, you must email the following information to [OJPComplianceReporting@usdoj.gov](mailto:OJPComplianceReporting@usdoj.gov) at the time of application submission:

- The federal agency that currently designated the applicant as high risk
- Date the applicant was designated high risk
- The high risk point of contact name, phone number, and email address, from that federal agency
- Reasons for the high risk status

OJP seeks this information to ensure appropriate federal oversight of any grant award. Unlike the Excluded Parties List, this high risk information does not disqualify any organization from receiving an OJP award. However, additional grant oversight may be included, if necessary, in award documentation.

#### 8. Additional Attachments

##### a. Review Narrative

Applicants **must** submit information documenting that the date the JAG application was made available for review by the governing body of the state, or to an organization designated by that governing body, not less than 30 days before the application was submitted to BJA. The attachment must also specify that an opportunity to comment was provided to citizens prior to application submission to the extent applicable law or established procedures make such opportunity available.

**Below are notification language templates that can be utilized in completing this section of the application.**

The (provide name of State/Territory) made its Fiscal Year 2015 JAG application available to the (provide name of governing body) for its review and comment on (provide date); or intends to do so on (provide date).

The (provide name of State/Territory) made its Fiscal Year 2015 JAG application available to citizens for comment prior to application submission by (provide means of

**notification**); or the application has not yet been made available for public review/comment.

**b. Memorandum of Understanding (if applicable)**

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The signed MOU must be attached to the application. For a sample MOU, go to [www.bja.gov/Funding/JAGMOU.pdf](http://www.bja.gov/Funding/JAGMOU.pdf).

**c. Applicant Disclosure of Pending Applications**

Applicants are to disclose whether they have pending applications for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to State agencies that will subaward federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable funding agency.

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Applicants should include the table as a separate attachment, with the file name "Disclosure of Pending Applications," to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g., "[Applicant Name on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same

project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”).

**d. Research and Evaluation Independence and Integrity**

If a proposal involves research and/or evaluation, regardless of the proposal's other merits, in order to receive funds, the applicant must demonstrate research/evaluation independence, including appropriate safeguards to ensure research/evaluation objectivity and integrity, both in this proposal and as it may relate to the applicant's other current or prior related projects. This documentation may be included as an attachment to the application which addresses BOTH i. and ii. below.

- i. For purposes of this solicitation, applicants must document research and evaluation independence and integrity by including, at a minimum, one of the following two items:
  - a. A specific assurance that the applicant has reviewed its proposal to identify any research integrity issues (including all principal investigators and sub-recipients) and it has concluded that the design, conduct, or reporting of research and evaluation funded by BJA grants, cooperative agreements, or contracts will not be biased by any personal or financial conflict of interest on the part of part of its staff, consultants, and/or sub-recipients responsible for the research and evaluation or on the part of the applicant organization;

OR

- b. A specific listing of actual or perceived conflicts of interest that the applicant has identified in relation to this proposal. These conflicts could be either personal (related to specific staff, consultants, and/or sub-recipients) or organizational (related to the applicant or any subgrantee organization). Examples of potential investigator (or other personal) conflict situations may include, but are not limited to, those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization could not be given a grant to evaluate a project if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), as the organization in such an instance would appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
  - ii. In addition, for purposes of this solicitation applicants must address the issue of possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
    - a. If an applicant reasonably believes that no potential personal or organizational conflicts of interest exist, then the applicant should provide a brief narrative

explanation of how and why it reached that conclusion. Applicants MUST also include an explanation of the specific processes and procedures that the applicant will put in place to identify and eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or sub-recipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest.

OR

- b. If the applicant has identified specific personal or organizational conflicts of interest in its proposal during this review, the applicant must propose a specific and robust mitigation plan to address conflicts noted above. At a minimum, the plan must include specific processes and procedures that the applicant will put in place to eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or sub-recipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

Considerations in assessing research and evaluation independence and integrity will include, but are not be limited to, the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the organization in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

#### **9. Financial Management and System of Internal Controls Questionnaire**

In accordance with 2 CFR 200.205, Federal agencies must have in place a framework for evaluating the risks posed by applicants before they receive a Federal award. To facilitate part of this risk evaluation, **all** applicants (other than an individual) are to download, complete, and submit this form.

#### **10. Disclosure of Lobbying Activities**

Any applicant that expends any funds for lobbying activities is to provide the detailed information requested on the form, Disclosure of Lobbying Activities (SF-LLL).

#### **How to Apply**

Applicants must submit applications through the Grants Management System (GMS), which provides cradle to grave support for the application, award, and management of awards at OJP. Applicants **must register in GMS for each specific funding opportunity**. Although the registration and submission deadlines are the same, OJP urges applicants to **register promptly**, especially if this is their first time using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmscbt/. Applicants that experience technical difficulties during this process should e-mail GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), Monday – Friday from 6:00 a.m. to midnight, Eastern Time, except federal holidays. OJP recommends that applicants **register promptly** to prevent delays in submitting an application package by the deadline.

**Note on File Types: GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

OJP may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time the federal awarding agency is ready to make a federal award, the federal awarding agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

All applicants should complete the following steps:

**1. Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their application for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.

**2. Acquire registration with the System for Award Management (SAM).** SAM is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the SAM database. Applicants must **update or renew their SAM registration annually** to maintain an active status.

Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

**3. Acquire a GMS username and password.** New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to [www.ojp.gov/qmscbt](http://www.ojp.gov/qmscbt).

**4. Verify the SAM (formerly CCR) registration in GMS.** OJP requests that all applicants verify their SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.

**5. Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select BJA and the **FY 15 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**.

**6. Register by selecting the "Apply Online" button associated with the funding opportunity title.** The search results from step 5 will display the funding opportunity title along with the registration and application deadlines for this funding opportunity. Select the "Apply Online" button in the "Action" column to register for this funding opportunity and create an application in the system.

7. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges applicants to submit the application **at least 72 hours prior** to the application due date.

**Note: Duplicate Applications**

If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. See Note on "File Names and File Types" under How to Apply.

**Experiencing Unforeseen GMS Technical Issues**

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must contact the GMS Help Desk or the SAM Help Desk to report the technical issue and receive a tracking number. Then the applicant must e-mail the BJA contact identified in the Contact Information section of this solicitation **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties and include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any GMS Help Desk or SAM tracking number(s). **Note: BJA does not approve requests automatically.** After the program office reviews the submission, and contacts the GMS Help Desk to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant's request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- Failure to register in SAM or GMS in sufficient time
- Failure to follow GMS instructions on how to register and apply as posted on the GMS web site
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment, including firewalls

**Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding web page at [www.ojp.gov/funding/Explore/CurrentFundingOpportunities.htm](http://www.ojp.gov/funding/Explore/CurrentFundingOpportunities.htm).**

## **E. Application Review Information**

### **Review Process**

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to ensure statutory requirements have been met.

OJP reviews applications for potential awards to evaluate the risks posed by applicants before they receive an award. This review may include but is not limited to the following:

1. Financial stability and fiscal integrity
2. Quality of management systems and ability to meet the management standards prescribed in the Financial Guide
3. History of performance
4. Reports and findings from audits
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

## F. Federal Award Administration Information

### Federal Award Notices

OJP award notification will be sent from GMS. Recipients will be required to login; accept any outstanding assurances and certifications on the award; designate a financial point of contact; and review, sign, and accept the award. The award acceptance process involves physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

### Administrative, National Policy, and other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the agency-approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements, including but not limited to OMB, DOJ or other federal regulations which will be included in the award, incorporated into the award by reference, or are otherwise applicable to the award. OJP strongly encourages prospective applicants to review the information pertaining to these requirements **prior** to submitting an application. To assist applicants and recipients in accessing and reviewing this information, OJP has placed pertinent information on its [Solicitation Requirements](#) page of the [OJP Funding Resource Center](#) webpages.

Please note in particular the following two forms, which applicants must accept in GMS prior to the receipt of any award funds, as each details legal requirements with which applicants must provide specific assurances and certifications of compliance. Applicants may view these forms in the Apply section of the [OJP Funding Resource Center](#) and are strongly encouraged to review and consider them carefully prior to making an application for OJP grant funds.

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Standard Assurances](#)

Upon grant approval, OJP electronically transmits (via GMS) the award document to the prospective award recipient. In addition to other award information, the award document contains award terms and conditions that specify national policy requirements<sup>2</sup> with which recipients of federal funding must comply; uniform administrative requirements, cost principles,

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<sup>2</sup> See generally 2 C.F.R. 200.300 (provides a general description of national policy requirements typically applicable to recipients of federal awards, including the Federal Funding Accountability and Transparency Act of 2006 (FFATA)).

and audit requirements; and program-specific terms and conditions required based on applicable program (statutory) authority or requirements set forth in OJP solicitations and program announcements, and other requirements which may be attached to appropriated funding. For example, certain efforts may call for special requirements, terms, or conditions relating to intellectual property, data/information-sharing or -access, or information security; or audit requirements, expenditures and milestones, or publications and/or press releases. OJP also may place additional terms and conditions on an award based on its risk assessment of the applicant, or for other reasons it determines necessary to fulfill the goals and objectives of the program.

Prospective applicants may access and review the text of mandatory conditions OJP includes in all OJP awards, as well as the text of certain other conditions, such as administrative conditions, via OJP's Mandatory Award Terms and Conditions page of the OJP Funding Resource Center.

#### **General Information about Post-Federal Award Reporting Requirements**

Recipients must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, an annual audit report in accordance with 2 CFR Part 200, if applicable, and Federal Funding Accountability and Transparency Act (FFATA) reports through the FFATA Sub-award Reporting System (FSRS) as necessary. Future awards and fund drawdowns may be withheld if reports are delinquent.

Special Reporting requirements may be required by OJP depending on the statutory, legislative or administrative requirements of the recipient or the program.

### **G. Federal Awarding Agency Contact(s)**

For additional Federal Awarding Agency Contact(s), see Title Page.

For additional contact information for GMS, see the Title page.

### **H. Other Information**

#### **Provide Feedback to OJP**

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please e-mail your resume to [ojppeerreview@lmbps.com](mailto:ojppeerreview@lmbps.com). The OJP Solicitation Feedback email account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

## Application Checklist

### Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2015 Local Solicitation

This application checklist has been created to assist in developing an application.

#### What an Applicant Should Do:

##### *Prior to Registering in GMS:*

- \_\_\_\_\_ Acquire a DUNS Number (see page 21)
- \_\_\_\_\_ Acquire or renew registration with SAM (see page 21)

##### *To Register with GMS:*

- \_\_\_\_\_ For new users, acquire a GMS username and password\* (see page 21)
- \_\_\_\_\_ For existing users, check GMS username and password\* to ensure account access (see page 21)
- \_\_\_\_\_ Verify SAM registration in GMS (see page 21)
- \_\_\_\_\_ Search for correct funding opportunity in GMS (see page 21)
- \_\_\_\_\_ Select correct funding opportunity in GMS (see page 21)
- \_\_\_\_\_ Register by selecting the "Apply Online" button associated with the funding opportunity title (see page 21)
- \_\_\_\_\_ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see page 22)

\*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contacts designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

#### General Requirements:

- \_\_\_\_\_ Review [Solicitation Requirements](#) webpage in the OJP Funding Resource Center.

#### Scope Requirement:

- \_\_\_\_\_ The federal amount requested is within the allowable limit(s) of the FY 2015 JAG Allocations List as listed on BJA's [JAG web page](#)

#### Eligibility Requirement:

- \_\_\_\_\_ State/Territory listed as the legal name on the application corresponds with the eligible State/Territory listed on BJA's [JAG web page](#)

#### What an Application Should Include:

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 14)
- \_\_\_\_\_ Project Abstract (see page 14)
- \_\_\_\_\_ Program Narrative (see page 14)
- \_\_\_\_\_ Budget Detail Worksheet (see page 15)
- \_\_\_\_\_ Budget Narrative (see page 15)
- \_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting

available at

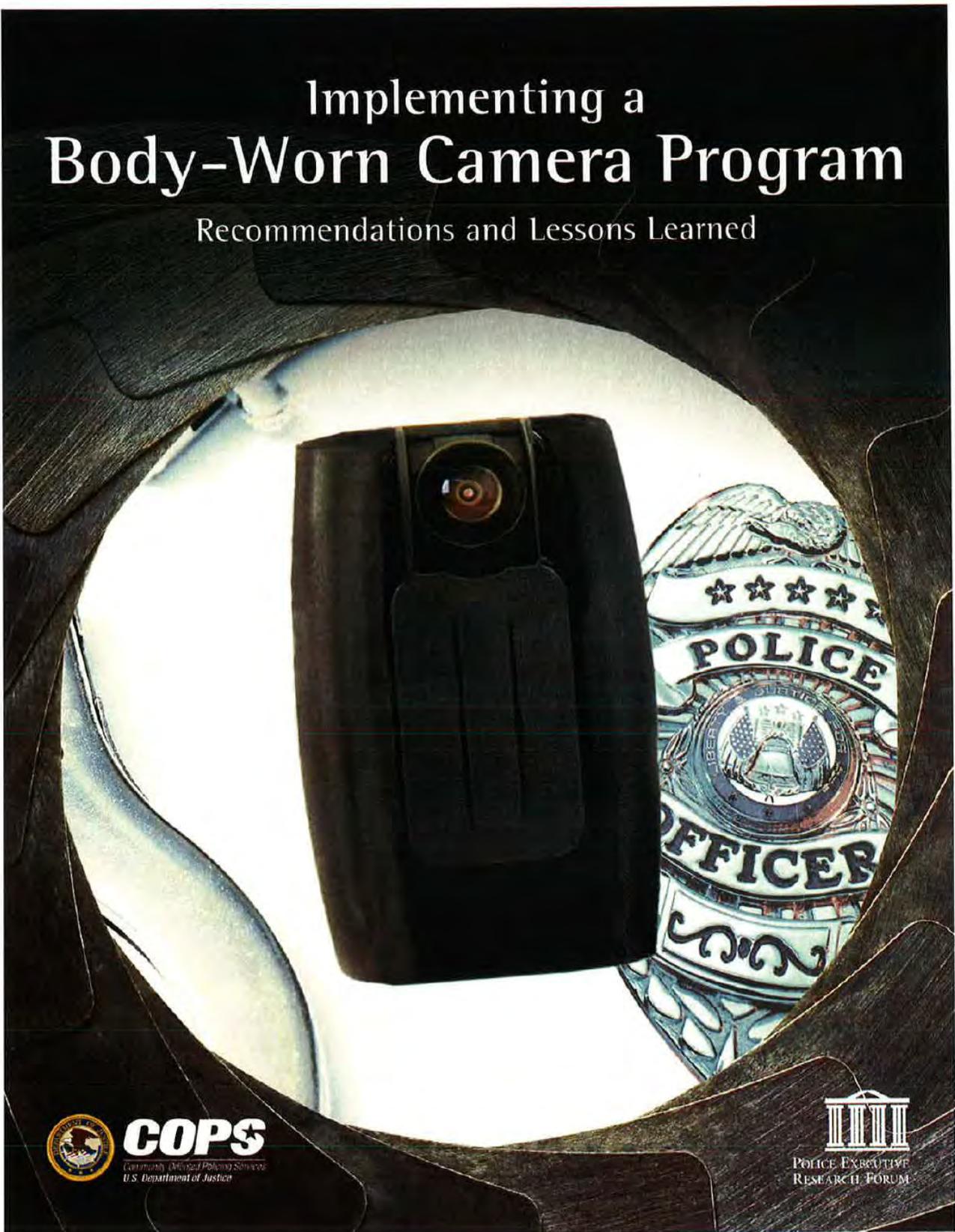
[www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm](http://www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm)

(see page 10)

- \_\_\_\_\_ Disclosure of Lobbying Activities (SF-LLL) (if applicable) (see page 20)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 16)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 16)
- \_\_\_\_\_ Applicant Disclosure of High Risk Status (see page 16)
- \_\_\_\_\_ Additional Attachments
  - \_\_\_\_\_ Review Narrative (see page 17)
  - \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 18)
  - \_\_\_\_\_ Research and Evaluation Independence and Integrity (see page 19)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (if applicable) (see page 20)

# Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned



TAB M

# Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned

This project was supported by cooperative agreement number 2012-CK-WX-K028 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

The points of view expressed in this publication do not necessarily reflect the opinions of individual Police Executive Research Forum members.

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## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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# Letter from the PERF Executive Director

The recent emergence of body-worn cameras has already had an impact on policing, and this impact will only increase as more agencies adopt this technology. The decision to implement body-worn cameras should not be entered into lightly. Once an agency goes down the road of deploying body-worn cameras—and once the public comes to expect the availability of video records—it will become increasingly difficult to have second thoughts or to scale back a body-worn camera program.

A police department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record. By facing the challenges and expense of purchasing and implementing a body-worn camera system, developing policies, and training its officers in how to use the cameras, a department creates a reasonable expectation that members of the public and the news media will want to review the actions of officers. And with certain limited exceptions that this publication will discuss, body-worn camera video footage should be made available to the public upon request—not only because the videos are public records but also because doing so enables police departments to demonstrate transparency and openness in their interactions with members of the community.

Body-worn cameras can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities have about their police departments. Furthermore, departments that are already deploying body-worn cameras tell us that the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded. This is an important advance in policing. And when officers or members of the public break the law or behave badly, body-worn cameras can create a public record that allows the entire community to see what really happened.

At the same time, the fact that both the public and the police increasingly feel the need to videotape every interaction can be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions. As a profession, policing has come too far in developing and strengthening relationships with its communities to allow encounters with the public to become officious and legalistic. Body-worn cameras can increase accountability, but police agencies also must find a way to preserve the informal and unique relationships between police officers and community members.

This publication, which documents extensive research and analysis by the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), will demonstrate why police departments should not deploy body-worn cameras carelessly. Moreover, departments must anticipate a number of difficult questions—questions with no easy answers because they involve a careful balancing of competing legitimate interests, such as the public's interest in seeing body-worn camera footage versus the interests of crime victims who would prefer not to have their images disseminated to the world.

One of the most significant questions departments will face is how to identify which types of encounters with members of the community officers should record. This decision will have important consequences in terms of privacy, transparency, and police-community relationships. Although recording policies should provide officers with guidance, it is critical that policies also give officers



## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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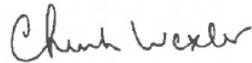
a certain amount of discretion concerning when to turn their cameras on or off. This discretion is important because it recognizes that officers are professionals and because it allows flexibility in situations in which drawing a legalistic “bright line” rule is impossible.

For example, an officer at a crime scene may encounter a witness who would prefer not to be recorded. By using discretion, the officer can reach the best solution in balancing the evidentiary value of a recorded statement with the witness’s reluctance to be recorded. The decision may hinge on the importance of what the witness is willing to say. Or perhaps the witness will agree to be recorded by audio but not video, so the officer can simply point the camera away from the witness. Or perhaps the witness will be willing to be recorded later, in a more private setting. By giving officers some discretion, they can balance the conflicting values. Without this discretion, body-worn cameras have the potential to damage important relationships that officers have built with members of the community. This discretion should not be limitless; instead, it should be guided by carefully crafted policies that set specific parameters for when officers may use discretion.

If police departments deploy body-worn cameras without well-designed policies, practices, and training of officers to back up the initiative, departments will inevitably find themselves caught in difficult public battles that will undermine public trust in the police rather than increasing community support for the police.

This publication is intended to serve as a guide to the thoughtful, careful considerations that police departments should undertake if they wish to adopt body-worn cameras.

Sincerely,



Chuck Wexler, Executive Director  
Police Executive Research Forum

# Letter from the COPS Office Director

Dear colleagues,

One of the most important issues currently facing law enforcement is how to leverage new technology to improve policing services. Whether using social media to engage the community, deploying new surveillance tools to identify suspects, or using data analysis to predict future crime, police agencies around the world are implementing new technology at an unprecedented pace.

Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. 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.

Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public. Before agencies invest considerable time and money to deploy body-worn cameras, they must consider these and other important questions.

The COPS Office was pleased to partner with the Police Executive Research Forum (PERF) to support an extensive research project that explored the numerous policy and implementation questions surrounding body-worn cameras. In September 2013, the COPS Office and PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in this publication.

*Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* offers practical guidance as well as a comprehensive look at the issues that body-worn cameras raise. I hope you find that the wide range of perspectives, approaches, and strategies presented in this publication are useful, whether you are developing your own body-worn camera program or simply wish to learn more about the topic. The goal of the COPS Office and PERF is to ensure that law enforcement agencies have the best information possible as they explore this new technology; therefore, we encourage you to share this publication, as well as your own experiences, with other law enforcement practitioners.

Sincerely,



Ronald L. Davis, Director  
Office of Community Oriented Policing Services

# Acknowledgments

**P**ERF would like to thank the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) for supporting this research into body-worn cameras.

We are thankful to COPS Office Director Ronald Davis and Principal Deputy Director Joshua Ederheimer for recognizing the increasingly important role this technology plays for law enforcement agencies across the globe. We are also grateful to our program managers at the COPS Office, Helene Bushwick and Katherine McQuay, for their support and encouragement throughout the project.

We would also like to thank the law enforcement agencies that participated in our survey on body-worn cameras. Their thoughtful responses guided our research and the agenda for the executive session in Washington, D.C., in September 2013. We are also grateful to the more than 200 police chiefs, sheriffs, scholars, and other professionals who participated in our executive session (see appendix B for a list of participants). These leaders provided valuable information about their experiences with body-worn cameras and prompted an insightful discussion regarding the issues these cameras raise.

We are especially thankful for the more than 40 police executives who shared their body-worn camera policies with PERF and who participated in interviews with PERF staff. Their candid assessments of how this technology has impacted their agencies shaped the findings and recommendations found in this publication.

Finally, credit is due to PERF staff members who conducted the survey, prepared for and hosted the executive session, conducted interviews, and helped write and edit this publication, including Jessica Toliver, Lindsay Miller, Steve Yanda, and Craig Fischer.

# Introduction

## State of the field and policy analysis

Over the past decade, advances in the technologies used by law enforcement agencies have been accelerating at an extremely rapid pace. Many police executives are making decisions about whether to acquire technologies that did not exist when they began their careers—technologies like automated license plate readers, gunshot detection systems, facial recognition software, predictive analytics systems, communications systems that bring data to officers' laptops or handheld devices, GPS applications, and social media to investigate crimes and communicate with the public.

For many police executives, the biggest challenge is not deciding whether to adopt one particular technology but rather finding the right mix of technologies for a given jurisdiction based on its crime problems, funding levels, and other factors. Finding the best mix of technologies, however, must begin with a thorough understanding of each type of technology.

Police leaders who have deployed body-worn cameras<sup>1</sup> say there are many benefits associated with the devices. They note that body-worn cameras are useful for documenting evidence; officer training; preventing and resolving complaints brought by members of the public; and strengthening police transparency, performance, and accountability. In addition, given that police now operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, body-worn cameras help police departments ensure events are also captured from an officer's perspective. Scott Greenwood of the American Civil Liberties Union (ACLU) said at the September 2013 conference:

The average interaction between an officer and a citizen in an urban area is already recorded in multiple ways. The citizen may record it on his phone. If there is some conflict happening, one or more witnesses may record it. Often there are fixed security cameras nearby that capture the interaction. So the thing that makes the most sense—if you really want accountability both for your officers and for the people they interact with—is to also have video from the officer's perspective.

The use of body-worn cameras also raises important questions about privacy and trust. What are the privacy issues associated with recording victims of crime? How can officers maintain positive community relationships if they are ordered to record almost every type of interaction with the public? Will members of the public find it off-putting to be told by an officer, "I am recording this encounter," particularly if the encounter is a casual one? Do body-worn cameras also undermine the trust between officers and their superiors within the police department?

In addition to these overarching issues, police leaders must also consider many practical policy issues, including the significant financial costs of deploying cameras and storing recorded data, training requirements, and rules and systems that must be adopted to ensure that body-worn camera video cannot be accessed for improper reasons.

1. Body-worn cameras are small video cameras—typically attached to an officer's clothing, helmet, or sunglasses—that can capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings.

*"Because technology is advancing faster than policy, it's important that we keep having discussions about what these new tools mean for us. We have to ask ourselves the hard questions. What do these technologies mean for constitutional policing? We have to keep debating the advantages and disadvantages. If we embrace this new technology, we have to make sure that we are using it to help us do our jobs better."*

— Charles Ramsey, Police Commissioner,  
Philadelphia Police Department

## Project overview

Even as police departments are increasingly adopting body-worn cameras, many questions about this technology have yet to be answered. In an effort to address these questions and produce policy guidance to law enforcement agencies, the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), conducted research in 2013 on the use of body-worn cameras. This research project consisted of three major components: an informal survey of 500 law enforcement agencies nationwide; interviews with police executives; and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

First, PERF distributed surveys to 500 police departments nationwide in July 2013. The exploratory survey was designed to examine the nationwide usage of body-worn cameras and to identify the primary issues that need to be considered. Questions covered topics such as recording requirements; whether certain officers are required to wear body-worn cameras; camera placement on the body; and data collection, storage, and review.

PERF received responses from 254 departments (a 51 percent response rate). Although the use of body-worn cameras is undoubtedly a growing trend, over 75 percent of the respondents reported that they did not use body-worn cameras as of July 2013.

*"I really believe that body-worn cameras are the wave of the future for most police agencies. This technology is driving the expectations of the public. They see this out there, and they see that other agencies that have it, and their question is, 'Why don't you have it?'"*

– Roberto Villaseñor, Chief of Police,  
Tucson (Arizona) Police Department

Of the 63 agencies that reported using body-worn cameras, nearly one-third did not have a written policy governing body-worn camera usage. Many police executives reported that their hesitance to implement a written policy was due to a lack of guidance on what the policies should include, which highlights the need for a set of standards and best practices regarding body-worn cameras.

Second, PERF staff members interviewed more than 40 police executives whose departments have implemented—or have considered implementing—body-worn cameras. As part of this process, PERF also reviewed written policies on body-worn cameras that were shared by departments across the country.

Last, PERF convened a one-day conference of more than 200 police chiefs, sheriffs, scholars, representatives from federal criminal justice agencies, and other experts to discuss the policy and operational issues surrounding body-worn cameras. The conference, held in Washington, D.C., on September 11, 2013, gave participants the opportunity to share the lessons they have learned, to identify promising practices from the field, and to engage in a dialogue about the many unresolved issues regarding the use of body-worn cameras.

Drawing upon feedback from the conference, the survey results, and information gathered from the interviews and policy reviews, PERF created this publication to provide law enforcement agencies with guidance on the use of body-worn cameras.

The first chapter discusses the perceived benefits of deploying body-worn cameras, particularly how law enforcement agencies have used the cameras to resolve complaints and prevent spurious complaints, to enhance transparency and officer accountability, to identify and address structural problems within the department, and to provide an important new type of evidence for criminal and internal administrative investigations.

## Introduction

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The second chapter discusses the larger policy concerns that agencies must consider when implementing body-worn cameras, including privacy implications, the effect cameras have on community relationships and community policing, officers' concerns, the expectations cameras create, and financial costs.

The third chapter presents PERF's policy recommendations, which reflect the promising practices and lessons that emerged from PERF's conference and its extensive discussions with police executives and other experts following the conference.

The police executives referenced throughout this publication are those who attended the September conference; participated in a discussion of body-worn cameras at PERF's October 2013 Town Hall Meeting, a national forum held in Philadelphia; provided policies for PERF's review; and/or were interviewed by PERF in late-2013 and early-2014.<sup>2</sup> A list of participants from the September conference is located in appendix B.

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2. The titles listed throughout this document reflect officials' positions at the time of the September 2013 conference.

# Chapter 1. Perceived Benefits of Body-Worn Cameras

Among the police executives whose departments use body-worn cameras, there is an overall perception that the cameras provide a useful tool for law enforcement. For these agencies, the perceived benefits that body-worn cameras offer—capturing a video recording of critical incidents and encounters with the public, strengthening police accountability, and providing a valuable new type of evidence—largely outweigh the potential drawbacks. For example, Chief Superintendent Stephen Cullen of the New South Wales (Australia) Police Force said, “After testing out body-worn cameras, we were convinced that it was the way of the future for policing.”

## Accountability and transparency

The police executives whom PERF consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that, by 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. These officials also said that body-worn cameras are helping to prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

*“Everyone is on their best behavior when the cameras are running. The officers, the public—everyone.”*

— Ron Miller, Chief of Police,  
Topeka (Kansas) Police Department

## Reducing complaints and resolving officer-involved incidents

In 2012, the police department in Rialto, California, in partnership with the University of Cambridge–Institute of Criminology (UK), examined whether body-worn cameras would have any impact on the number of complaints against officers or on officers’ use of force. Over the course of one year, the department randomly assigned body-worn cameras to various front-line officers across 988 shifts. The study found that there was a 60 percent reduction in officer use of force incidents following camera deployment, and during the experiment, the shifts without cameras experienced twice as many use of force incidents as shifts with cameras. The study also found that there was an 88 percent reduction in the number of citizen complaints between the year prior to camera implementation and the year following deployment.<sup>3</sup> Chief of Police William Farrar of Rialto, who oversaw the study, said, “Whether the reduced number of complaints was because of the officers behaving better or the citizens behaving better—well, it was probably a little bit of both.”

### Body-worn camera results for Rialto (California) Police Department

- 60 percent reduction in officer use of force incidents following camera deployment
- Half the number of use of force incidents for shifts with cameras compared to shifts without cameras
- 88 percent reduction in number of citizen complaints between the year prior to and following camera deployment

A study conducted in Mesa, Arizona, also found that body-worn cameras were associated with a reduction in complaints against officers. In October 2012, the Mesa Police Department implemented a one-year pilot program in which 50 officers were assigned to wear body-worn cameras, and 50 officers were assigned to a control group without the cameras. The two groups were demographically

3. William Farrar, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* 81 (2014): 20–25.

## Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned

### Body-worn camera results for Mesa (Arizona) Police Department

- Nearly 3x more complaints against officers without cameras, eight months after camera deployment
- 40 percent fewer total complaints for officers with cameras during pilot program
- 75 percent fewer use of force complaints for officers with cameras during pilot program

similar in terms of age, race, and other characteristics. The study, which was conducted by Arizona State University, found that during the first eight months of deployment, the officers without the cameras had almost three times as many complaints as the officers who wore the cameras.<sup>4</sup> The study also found that the officers assigned body-worn cameras had 40 percent fewer total complaints and 75 percent fewer use of force complaints during the pilot program than they did during the prior year when they were not wearing cameras.<sup>5</sup>

Police executives interviewed by PERF overwhelmingly report that their agencies experienced a noticeable drop in complaints against officers after deploying body-worn cameras. "There's absolutely no doubt that having body-worn cameras reduces the number of complaints against officers," said Chief of Police Ron Miller of Topeka, Kansas. One explanation for this is that the mere presence of a camera can lead to more civil interactions between officers and the public. "We actually encourage our officers to let people know that they are recording," said Chief of Police Ken Miller of Greensboro, North Carolina. "Why? Because we think that it elevates behavior on both sides of the camera."

Lieutenant Harold Rankin, who oversaw the body-worn camera program in Mesa, agrees: "Anytime you know you're being recorded, it's going to have an impact on your behavior. When our officers encounter a confrontational situation, they'll tell the person that the camera is running. That's often enough to deescalate the situation." Many police executives report that wearing cameras has helped improve professionalism among their officers. Chief Superintendent Cullen of New South Wales said,

*"In the testing we did [of body-worn cameras], we had a number of tenured officers who wanted to wear the cameras and try them out, and their feedback was very positive. They said things like, 'You'll be amazed at how people stop acting badly when you say this is a camera, even if they're intoxicated.' And we also know that the overwhelming majority of our officers are out there doing a very good job, and the cameras will show just that."*

– Douglas Gillespie, Sheriff,  
Las Vegas Metropolitan Police Department

"After testing out body-worn cameras, the overwhelming response from officers was that the cameras increased their professionalism because they knew that everything they said and did was being recorded."

Many agencies have found that having video footage of an encounter also discourages people from filing unfounded complaints against officers. "We've actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out," said Chief Miller of Topeka. Chief of Police Michael Frazier of Surprise, Arizona, reports a similar experience. "Recently we received an allegation that an officer engaged in racial profiling during a traffic stop. The officer was wearing his body-worn camera, and the footage showed that the allegation was completely unfounded," Frazier said. "After reviewing the tape, the complainants admitted that they have never been treated unfavorably by any officers in my department." As several police officials noted, preventing unfounded complaints can save departments the significant amounts of time and money spent on lengthy investigations and lawsuits.

When questions arise following an encounter, police executives said that having a video record of events helps lead to a quicker resolution. According to the results of PERF's exploratory survey, 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. Police executives report that when questions arise following an encounter or a major event such as an officer-involved shooting, having video from a body-worn camera can help resolve the questions.

4. Harold Rankin, "End of Program Evaluation and Recommendations. On-Officer Body Camera System" (Mesa, AZ: Mesa Police Department, 2013).

5. Ibid.

Agencies are also reporting that, in most of these cases, the resolution is in support of the officer's account of events. Chief of Police Mike Chitwood of Daytona Beach, Florida, recalled one example in which a member of the public threatened to file a complaint against officers following a contentious encounter. Alleging that the officers had threatened him and used racial epithets, the individual said that he would go to the news media if the department failed to take action. One of the officers involved had been wearing a body-worn camera. "We reviewed the video, and clearly the individual lied," recalled Chitwood. "The officer was glad to have the footage because the individual's allegations were absolutely not what was represented in the video."

Body-worn cameras have also helped to resolve more serious incidents, including officer-involved shootings. Chief Miller of Topeka said that the local district attorney cleared an officer in a deadly shooting incident after viewing the officer's body-worn camera footage. Miller described how the camera footage captured the event in real time and provided a record of events that would otherwise not have existed. "The entire event was captured on video from the perspective of the officer. Now tell me when that happened before the advent of body-worn cameras," said Miller.

Several police departments, including those in Daytona Beach, Florida, and Greenville, North Carolina, are finding that officers with a history of complaints are now actively requesting to wear cameras. For officers who behave properly but generate complaints because they have high levels of activity or frequent contacts with criminal suspects, cameras can be seen as beneficial. "We all have our small percentage of officers with a history of complaints," said Chief of Police Hassan Aden of Greenville. "Internal Affairs has told me that these officers have come in to request body-worn cameras so that they can be protected in the future."

### *Identifying and correcting internal agency problems*

Another way that body-worn cameras have strengthened accountability and transparency, according to many police executives, is by helping agencies identify and correct problems within the department. In fact, PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews.

Many police agencies are discovering that body-worn cameras can serve as a useful training tool to help improve officer performance. For example, agencies are using footage from body-worn cameras to provide scenario-based training, to evaluate the performance of new officers in the field, and to identify new areas in which training is needed. By using body-worn cameras in this way, agencies have the opportunity to raise standards of performance when it comes to tactics, communication, and customer service. This can help increase the perceived legitimacy and sense of procedural justice that communities have about their police departments.

Law enforcement agencies have also found that body-worn cameras can help them to identify officers who abuse their authority or commit other misconduct and to assist in correcting questionable behavior before it reaches that level. In Phoenix, for example, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct. Following a complaint

*"The use of body-worn video by frontline officers has real potential to reduce complaints of indvility and use of force by officers. The footage can also exonerate officers from vexatious and malicious complaints. In addition, I feel there are benefits to the criminal justice system in terms of more guilty pleas, reduced costs at court, and a reduction in the number of civil cases brought against the police service for unlawful arrest/excessive force. We already have good examples of body-worn video footage exonerating officers from malicious complaints."*

– Paul Rumney, Detective Chief Superintendent,  
Greater Manchester (UK) Police

*"We have about 450 body-worn cameras actively deployed, and in the overwhelming majority of cases, the footage demonstrates that the officer's actions were appropriate."*

– Sean Whent, Chief of Police,  
Oakland (California) Police Department

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

against the officer, the police department reviewed footage from the incident along with video from prior shifts. Upon finding repeated instances of verbal abuse, profanity, and threats against members of the public, the department terminated the officer. "It clearly shocked the conscience when you saw all of the different incidents," said Assistant Chief of Police Dave Harvey of Phoenix.

In Daytona Beach, Chief Chitwood requested that the officers with a history of complaints be among the first to be outfitted with body-worn cameras. Although he found that usually the videos demonstrated that "the majority of the officers are hardworking, good police," he has also seen how body-worn cameras can help an agency address discipline problems. Chitwood said:

We had an officer who had several questionable incidents in the past, so we outfitted him with a camera. Right in the middle of an encounter with a subject, the camera goes blank, and then it comes back on when the incident is over. He said that the camera malfunctioned, so we gave him another one. A week later he goes to arrest a woman, and again, the camera goes blank just before the encounter. He claimed again that the camera had malfunctioned. So we conducted a forensic review of the camera, which determined that the officer had intentionally hit the power button right before the camera shut off. Our policy says that if you turn it off, you're done. He resigned the next day.

Body-worn cameras can also help law enforcement officials to address wide-reaching structural problems within the department. Many police officials that PERF consulted said that body-worn cameras have allowed them to identify potential weaknesses within their agencies and to develop solutions for improvement, such as offering new training programs or revising their departmental policies and protocols.

*In Phoenix, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct.*

For example, Chief of Police William Lansdowne of San Diego said that one reason his department is implementing body-worn cameras is to improve its understanding of incidents involving claims of racial profiling. "When it comes to collecting data, the raw numbers don't

always fully capture the true scope of a problem," he said. "But by capturing an audio and video account of an encounter, cameras provide an objective record of whether racial profiling took place, what patterns of officer behavior are present, and how often the problem occurs."

Police agencies have also found that implementing a body-worn camera program can be useful when facing consent decrees and external investigations. Roy Austin, deputy assistant attorney general for the Civil Rights Division at the U.S. Department of Justice, said, "We want to get police departments out from under consent decrees as soon as possible. What is important is whether you can show that your officers are engaged in constitutional policing on a regular basis. Although it isn't an official Department of Justice policy, the Civil Rights Division believes that body-worn cameras can be useful for doing that."

Many police departments that have faced external investigations, including those in New Orleans and Detroit, are in various stages of testing and implementing body-worn cameras. Police executives in these cities said that cameras help them to demonstrate they are improving policies and practices within their agencies. Police Superintendent Ron Serpas of New Orleans, whose department is in the process of deploying more than 400 body-worn cameras, said, "Body-worn cameras will be good for us. The hardworking officers say, 'Chief, just give us a chance to show everyone that we are not like the people who went astray after Hurricane Katrina.' The one thing that New Orleans police officers want more than anything else is the independent verification that they are doing what they're

supposed to do.” The police departments in Las Vegas, Nevada, and Spokane, Washington are also implementing body-worn cameras to assist in complying with the collaborative agreements they entered into with the COPS Office of the U.S. Department of Justice.

Chief of Police Charlie Beck of Los Angeles, whose department is testing body-worn cameras, understands first-hand how video evidence can help in these situations. “We exited our consent decree last year, and one of the reasons that the federal judge signed off on us was that we implemented in-car video,” said Beck. “Recordings can help improve public trust.”

## Evidence documentation

Police executives said that body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. Along with documenting encounters with members of the public, body-worn cameras can provide a record of interrogations and arrests, as well as what officers witness at crime scenes.

Chief of Police Jason Parker of Dalton, Georgia, described how body-worn cameras have helped officers to improve evidence collection at accident scenes. “It is always hard to gather evidence from accident scenes,” Parker said. He explained that officers are often focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion. This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. “Unlike in-car cameras, body-worn cameras capture everything that happens as officers travel around the scene and interview multiple people. The body-worn cameras have been incredibly useful in accurately preserving information.”

Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute. Chief Chitwood of Daytona Beach explained how body-worn cameras have changed how domestic violence cases are handled. “Oftentimes we know that the suspect is repeatedly abusing the victim, but either the victim refuses to press charges, or there is simply not enough evidence to go to trial,” he said. With the victim’s consent, Daytona Beach officers can now use body-worn cameras to videotape victim statements. “The footage shows first-hand the victim’s injuries, demeanor, and immediate reactions,” Chitwood noted. In some cases, officers capture the assault itself on video if they arrive on the scene while the incident is still ongoing. “This means that we can have enough evidence to move forward with the case, even if the victim ultimately declines to prosecute.”

Chief Miller of Topeka echoed this sentiment: “When we show suspects in domestic violence cases footage from the body-worn cameras, often they plead guilty without even having to go to trial.”

*“Some police departments are doing themselves a disservice by not using body-worn cameras. Everyone around you is going to have a camera, and so everyone else is going to be able to tell the story better than you if you don’t have these cameras. And when the Civil Rights Division is looking at a police department, every piece of information that shows the department is engaged in constitutional policing is important. So of course body-worn cameras can help.”*

– Roy L. Austin, Jr., Deputy Assistant Attorney General,  
Civil Rights Division, U.S. Department of Justice

*“Although body-worn cameras are just one tool, the quality of information that they can capture is unsurpassed. With sound policy and guidance, their evidentiary value definitely outweighs any drawbacks or concerns.”*

– Jason Parker, Chief of Police,  
Dalton (Georgia) Police Department



Photo: Shutterstock/John Roman Images

## Chapter 2. Considerations for Implementation

New technologies in policing raise numerous policy issues that must be considered. This is especially true with body-worn cameras, which can have significant implications in terms of privacy, community relationships, and internal departmental affairs. As agencies develop body-worn camera programs, it is crucial that they thoughtfully examine how their policies and practices intersect with these larger questions. Policy issues to look at include the effect these cameras have on privacy and community relationships, the concerns raised by frontline officers, the expectations that cameras create in terms of court proceedings and officer credibility, and the financial considerations that cameras present.

### Privacy considerations

The proliferation of camera phones, advances in surveillance technology, and the emergence of social media have changed the way people view privacy, contributing to the sense that, as Police Commissioner Charles Ramsey of Philadelphia said, it sometimes feels as though "everyone is filming everybody." As technology advances and expectations of privacy evolve, it is critical that law enforcement agencies carefully consider how the technology they use affects the public's privacy rights, especially when courts have not yet provided guidance on these issues.

Body-worn cameras raise many privacy issues that have not been considered before. Unlike many traditional surveillance methods, body-worn cameras can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. In addition, while stationary surveillance cameras generally cover only public spaces, body-worn cameras give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service.

There is also concern about how the footage from body-worn cameras might be stored and used. For example, will a person be able to obtain video that was recorded inside a neighbor's home? Will agencies keep videos indefinitely? Is it possible that the body-worn camera footage might be improperly posted online?

When implementing body-worn cameras, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. This means making careful decisions about when officers will be required to activate cameras, how long recorded data should be retained, who has access to the footage, who owns the recorded data, and how to handle internal and external requests for disclosure.

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*"In London we have CCTVs, which are quite extensive and becoming even more so, but the distinction is that those cameras don't listen to your conversations. They observe behavior and see what people do and cover public space, so you can see if there is a crime being committed. But CCTVs don't generally seek out individuals. So I think there is an important distinction there."*

– Sir Bernard Hogan-Howe, Commissioner,  
London Metropolitan Police Service

### *Determining when to record*

The issue with perhaps the greatest privacy implications is deciding which types of encounters and activities officers should record. Should officers be required to record every interaction with a member of the public? Or are there some situations in which recording should be discretionary or prohibited?

One approach is to require officers to record all encounters with the public. This would require officers to activate their cameras not only during calls for service or other law enforcement-related

*"For the [American Civil Liberties Union], the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks."*

*"Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (New York: ACLU, 2013).*

encounters but also during informal conversations with members of the public (e.g., a person asking an officer for directions or an officer stopping into a store and engaging in casual conversation with the owner). This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013, "If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public."<sup>6</sup>

Scott Greenwood, an attorney with the ACLU, explained why the ACLU advocates recording all encounters. "You don't want to give officers a list and say, 'Only record the following 10 types of situations! You want officers to record all the situations, so when a situation does go south, there's an unimpeachable record of it—good, bad, ugly, all of it. This is an optimal policy from a civil liberties perspective."

Greenwood said this approach benefits not only the public but also officers. "Mandatory recording is also what will protect an officer from allegations of discretionary recording or tampering," said Greenwood.

"You want activating the camera to be a reflexive decision, not

something that officers have to evaluate with each new situation. If officers have to determine what type of incident it is before recording, there are going to be a lot of situations in which a recording might have exonerated an officer, but the recording was never made."

However, PERF believes that requiring officers to record every encounter with the public would sometimes undermine community members' privacy rights and damage important police-community relationships. There are certain situations, such as interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community, that call for affording officers some measure of discretion in determining whether to activate their cameras. There are situations in which not recording is a reasonable decision. An agency's body-worn camera policy should expressly describe these situations and provide solid guidance for officers when they exercise discretion not to record.

For example, officer discretion is needed in sensitive situations, such as encounters with crime victims or witnesses who are concerned about retaliation if they are seen as cooperating with the police. In other cases, officer discretion is needed for routine and casual situations—such as officers on foot or bike patrol who wish to chat with neighborhood residents—and turning on a video camera could make the encounter seem officious and off-putting.

6. Jay Stanley, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (New York: ACLU, 2013). [https://www.aclu.org/files/assets/police\\_body-mounted\\_cameras.pdf](https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf).

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits. In many cases, the department's written policy defines what constitutes a law enforcement-related encounter or activity, and some policies also provide a specific list of which activities are included. Many policies generally indicate that when in doubt, officers should record. Most policies also give officers the discretion to not record when doing so would be unsafe, impossible, or impractical, but most require officers to articulate in writing their reasons for not activating the camera or to say on camera why they are turning the camera off.

Police executives cite several reasons for favoring a more limited and flexible approach rather than requiring officers to record all encounters. One reason is that it gives officers the discretion to not record if they feel that doing so would infringe on an individual's privacy rights. For example, many police departments, including those in Oakland and Rialto, California; Mesa, Arizona; and Fort Collins, Colorado, give officers discretion regarding whether to record interviews with victims of rape, abuse, or other sensitive crimes. Some departments also extend this discretion to recording victims of other crimes. The Daytona Beach (Florida) Police Department recently changed its policy to require that officers obtain consent, on camera, from all crime victims prior to recording an interview. "This new policy is a response to the privacy concerns that arise when you are dealing with victims of crime," said Chief of Police Mike Chitwood of Daytona Beach.

Some agencies encourage officers to use discretion when determining whether to record encounters with or searches of individuals who are partially or completely unclothed. Chief of Police Don Lanpher of Aberdeen, South Dakota, said, "We had an incident when officers were called to assist a female on a landing in an apartment building who was partially undressed. All of the officers had cameras, but they did not record her until she was covered. Officers are encouraged to use discretion in those cases."

In addition to privacy concerns, police executives cite the potential negative impact on community relationships as a reason for not requiring officers to record all encounters with the public. Their goal, always, is to maintain an open dialogue with community members and preserve the trust in their relationships.<sup>7</sup> "There are a lot of issues with recording every citizen contact without regard to how cooperative or adversarial it is," said Chief of Police Ken Miller of Greensboro, North Carolina. "If people think that they are going to be recorded every time they talk to an officer, regardless of the context, it is going to damage openness and create barriers to important relationships."

Commissioner Ramsey of Philadelphia agrees. "There has to be some measure of discretion. If you have a police interaction as a result of a 911 call or a reasonable suspicion stop, it is one thing—you should record in those situations. But you have to give officers discretion whether to record if they are just saying 'hello' to someone or if they are approached by an individual who wants to give them information."

7. See "Impact on community relationships" on page 19, "Securing community support" on page 21, "Protecting intelligence-gathering efforts" on page 22, and "Lessons learned about impact on community relationships" on page 24 for strategies departments have taken to address this impact.

*Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits.*

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Some police executives also believe that requiring officers to record all encounters can signal a lack of trust in officers, which is problematic for any department that wants to encourage its officers to be thoughtful and to show initiative. For example, a survey of officers conducted in Vacaville, California, found that although 70 percent of officers were in favor of using body-worn cameras, a majority were opposed to a policy containing strict requirements of mandatory recording of all police contacts.

*"In a sensitive investigation, such as a rape or child abuse case, if you have a victim who doesn't want to be recorded, I think you have to take that into account. I think that you cannot just arbitrarily film every encounter. There are times when you've got to give your officers some discretion to turn the camera off. Of course, the officers should be required to articulate why they're not recording or why they're shutting it off, but we have to give them that discretion."*

— Charlie Beck, Chief of Police,  
Los Angeles Police Department

*"Legitimacy in policing is built on trust. And the notion of video-recording every interaction in a very tense situation would simply not be a practical operational way of delivering policing. In fact, it would exacerbate all sorts of problems. In the United Kingdom, we're also subject to human rights legislation, laws on right to privacy, right to family life, and I'm sure you have similar statutes. It's far more complicated than a blanket policy of 'every interaction is filmed.' I think that's far too simplistic. We have to give our officers some discretion. We cannot have a policy that limits discretion of officers to a point where using these devices has a negative effect on community-police relations."*

— Sir Hugh Orde, President,  
Association of Chief Police Officers (UK)

For departments whose policies do not require officers to record every interaction with the public, the goal is to sufficiently ensure accountability and adherence to the department's body-worn camera policies and protocols. For example, when officers have discretion to not record an encounter, many departments require them to document, either on camera or in writing, the fact that they did not record and their reasons for not recording. Some departments also require officers to obtain supervisor approval to deactivate the camera if a subject requests to not be recorded.

### *Consent to record*

In a handful of states, officers are legally required to inform subjects when they are recording and to obtain the person's consent to record. This is known as a "two-party consent" law, and it can create challenges to implementing a body-worn camera program. In many two-party consent states, however, police executives have successfully worked with their state legislatures to have the consent requirement waived for body-worn police cameras. For example, in February 2014 Pennsylvania enacted a law waiving the two-party consent requirement for police using body-worn cameras.<sup>8</sup> Efforts are under way to change two-party consent statutes in other jurisdictions as well. Each department must research its state laws to determine whether the two-party consent requirement applies.

Some police executives believe that it is good practice for officers to inform people when they are recording, even if such disclosures are not required by law. In Greensboro, for example, officers are encouraged—but not required—to announce when they are recording. Chief Miller of Greensboro said this policy is based on the belief that the knowledge that cameras are running can help defuse potentially confrontational situations and improve behavior from all parties.

However, many police executives in one-party consent states do not explicitly instruct officers to inform people that they are recording. "Kansas is a one-party consent state, so only the officer needs to know that the camera is running. But if a person asks, the officer tells them the truth," said Chief of Police Ron Miller of Topeka, Kansas.

8. Police body cameras heading to Pennsylvania (February 10, 2014), ABC 27 News, <http://www.abc27.com/story/24686416/police-body-cameras-heading-to-pennsylvania>.

### Recording inside private homes

Another privacy question is whether and under what conditions officers should be allowed to record while inside a person's home. Many law enforcement agencies have taken the position that officers have the right to record inside a private home as long as they have a legal right to be there. According to this approach, if an officer enters a home in response to a call for service, pursuant to a valid search warrant, or with consent of the resident, officers can record what they find inside.

There is a concern that footage taken inside a private home may be subject to public disclosure. Deputy Chief of Police William Roseman of Albuquerque described how this can be particularly problematic in states with broad public disclosure laws. "Here in Albuquerque, everything is open to public record unless it is part of an ongoing investigation. So if police come into your house and it is captured on video, and if the video isn't being used in an investigation, your neighbor can request the footage under the open records act, and we must give it to them." Scott Greenwood of the ACLU has expressed similar concerns:

An officer might be allowed to go into the residence and record, but that does not mean that everything inside ought to be public record. The warrant is an exception to the Fourth Amendment, not a waiver. We do not want this to show up on YouTube. My next-door neighbor should never be able to view something that happened inside my house without my permission.

*"One of the things we are forgetting is that we already send officers into people's homes and have them document all these bits of information that we're worried about recording. If an officer enters someone's home, they document the condition of the home, especially if it's a case about a child or involves domestic violence or physical injury. So videos are just a technologically advanced type of police report that should be treated no differently from an initial contact form that we currently fill out every day. The advantage of a camera is now you have a factual representation as opposed to an interpretation by an officer."*

— Chris Burbank, Chief of Police,  
Salt Lake City (Utah) Police Department

### Data storage, retention, and disclosure

Decisions about where to store video footage and how long to keep it can have a far-reaching effect on privacy. Many police executives believe that privacy concerns can be addressed through data storage, retention, and disclosure policies. However, when developing these policies, agency leaders must balance privacy considerations with other factors, such as state law requirements, transparency, and data storage capacity and cost.

#### Data storage policies

Among police executives interviewed by PERF, security, reliability, cost, and technical capacity were the primary factors cited for choosing a particular method for storing video files from body-worn cameras. Among the more than 40 departments that PERF consulted, all stored body-worn camera video on an in-house server (managed internally) or an online cloud database (managed by a third-party vendor).<sup>9</sup>

Police executives noted a number of strategies that can help agencies protect the integrity and privacy of their recorded data, regardless of which storage method is used. These lessons learned regarding data storage include the following:

- *Consult with prosecutors and legal advisors:* Legal experts can advise whether data storage policies and practices are in compliance with all relevant laws and adequately preserve evidentiary chain of custody.

9. Cloud storage is a method for storing and backing up electronic data. The data is maintained and managed remotely, generally by a third party, and made available to users over a network, or "cloud."

## Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned

- *Explicitly prohibit data tampering, editing, and copying.*
- *Include protections against tampering with the data prior to downloading:* This helps to mitigate concerns that officers will be able to alter or delete recordings prior to downloading them. Some body-worn camera systems are sold with technological safeguards that make it impossible for an officer to access the data prior to downloading.
- *Create an auditing system:* It is important to have a record of who accesses video data, when, and for what purpose. Some storage systems include a built-in audit trail.
- *Explicitly state who will be authorized to access data:* Many written policies outline who will have access to the data (e.g., supervisors, Internal Affairs, certain other officers and department personnel, and prosecutors) and for what purpose (e.g., administrative review, training, and investigations).

*“Whether you store video internally or externally, protecting the data and preserving the chain of custody should always be a concern. Either way, you need something built into the system so that you know that video has not been altered.”*

– Ken Miller, Chief of Police,  
Greensboro (North Carolina) Police Department

- *Ensure there is a reliable back-up system:* Some systems have a built-in backup system that preserves recorded data, and some departments copy recordings to disc and store them as evidence.
- *Specify when videos will be downloaded from the camera to the storage system and who will download them:* The majority of existing policies require the camera operator to download the footage by the end of each shift. In the case of an officer-involved shooting or other serious incident, some policies require supervisors to step in and physically take possession of the camera and assume downloading responsibilities.

- *Consider third-party vendors carefully:* Overwhelmingly, the police executives whom PERF interviewed reported that their legal advisors and prosecutors were comfortable using a third-party vendor to manage the storage system. When deciding whether to use a third-party vendor, departments consider the vendor’s technical assistance capabilities and whether the system includes protections such as an audit trail, backup system, etc. Police executives stressed the importance of entering into a legal contract with the vendor that protects the agency’s data.

These strategies are important not only for protecting the privacy rights of the people recorded but also for preserving evidence and resolving allegations of data tampering.

### Data retention policies

The length of time that departments retain body-worn camera footage plays a key role for privacy. The longer that recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. And community members’ concerns about police departments collecting data about them in the first place are lessened if the videos are not retained for long periods of time.

The retention times are generally dictated by the type of encounter or incident that the footage captures. Although protocols vary by department, footage is typically categorized as either “evidentiary” or “non-evidentiary.”

Evidentiary video involves footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. Evidentiary footage is usually further categorized by specific incident type, and the retention period is governed by state evidentiary rules for that incident. For example, many state laws require that footage involving a homicide

be retained indefinitely, but video of a traffic citation must be kept for only a matter of months. Departments often purge evidentiary videos at the conclusion of the investigation, court proceeding, or administrative hearing for which they were used.

Non-evidentiary video involves footage that does not necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or of general activities that an officer might perform while on duty (e.g., assisting a motorist or clearing a roadway). Agencies often have more leeway in setting retention times for non-evidentiary videos, which are generally not subject to state evidentiary laws.

Of the departments that PERF consulted, the most common retention time for non-evidentiary video was between 60 and 90 days. Some departments retain non-evidentiary video for an even shorter period. Fort Collins, Colorado, for example, discards footage after seven days if there is no citizen contact recorded and after 30 days if contact is made but no enforcement action is taken. On the other end of the spectrum, some departments, such as Albuquerque, retain non-evidentiary video for a full year.

Many police executives express a preference for shorter retention times for non-evidentiary video. Shorter retention periods not only address privacy concerns but also reduce the costs associated with data storage. On the other hand, police executives noted that they must keep videos long enough to demonstrate transparency and to have footage of an encounter in case a complaint arises about an officer's actions. For example, departments in Rialto, Fort Collins, Albuquerque, Daytona Beach, and Toronto base retention times in part on how long it generally takes for complaints to be filed.

#### Public disclosure policies

State public disclosure laws, often known as freedom of information laws, govern when footage from body-worn cameras is subject to public release. However, most of these laws were written long before law enforcement agencies began deploying body-worn cameras, so the laws do not necessarily account for all of the considerations that must be made when police departments undertake a body-worn camera program.

Although broad disclosure policies can promote police agency transparency and accountability, some videos—especially recordings of victims or from inside people's homes—will raise privacy concerns if they are released to the public or the news media. When determining how to approach public disclosure issues, law enforcement agencies must balance the legitimate interest of openness with protecting privacy rights.<sup>10</sup>

In most state public disclosure laws, exceptions are outlined that may exempt body-worn camera footage from public release. For example, even the broadest disclosure laws typically contain an exception for video that contains evidence or is part of an ongoing investigation. Some state disclosure laws, such as those in North Carolina, also exempt personnel records from public release. Body-worn camera videos used to monitor officer performance may fall under this type of exception.

*"It is important to have retention policies that are directly linked to the purposes of having the video, whether that purpose is to have evidence of a crime or to hold officers and the public accountable. Agencies should not retain every video indefinitely, or else those videos could be used down the road for all sorts of inappropriate reasons."*

—Lorie Fridell, Associate Professor,  
University of South Florida

10. Scott Greenwood of the ACLU recommends that police executives work with the ACLU to ensure that state disclosure laws contain adequate privacy protections for body-worn camera videos. "If interpreted too broadly, open records laws can undermine the accountability of law enforcement agencies," said Greenwood. "You want to make sure that the video is not subject to arbitrary disclosure. It deserves the highest level of protection."

These exceptions to public disclosure can help police departments to avoid being required to release videos if doing so could jeopardize a criminal prosecution. The exceptions can also help police to protect the privacy of crime victims and witnesses. However, by policy and practice, law enforcement

*“When developing body-worn camera policies, agencies have to consider how open the public disclosure laws are in their state. Are they going to have to give up all of their footage to any person that requests it? Or are there some protections? This is important to think about when it comes to privacy.”*

– Ron Miller, Chief of Police,  
Topeka (Kansas) Police Department

agencies should apply these exceptions judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes. In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests. When an agency decides whether to release or withhold body-worn camera footage of a particular incident, the agency should articulate its reasons for doing so.

In addition, some agencies have adopted recording and retention policies that help to avoid violations of privacy. For example, some agencies allow officers to deactivate their cameras during interviews with crime victims or witnesses. And short retention times for non-evidentiary video footage can reduce the window of opportunity for requests for release of video footage that would serve no legitimate purpose.

### *Lessons learned on privacy considerations*

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned regarding body-worn cameras and privacy rights:

- Body-worn cameras have significant implications for the public's privacy rights, particularly when it comes to recording victim interviews, nudity, and other sensitive subjects and when recording inside people's homes. Agencies must factor these privacy considerations into decisions about when to record, where and how long to store data, and how to respond to public requests for video footage.
- In terms of when officers should be required to activate their cameras, the most common approach is requiring officers to record all calls for service and law enforcement-related encounters and activities and to deactivate the camera only at the conclusion of the event or with supervisor approval.
- It is essential to clearly define what constitutes a law enforcement-related encounter or activity in the department's written body-worn camera policy. It is also useful to provide a list of specific activities that are included, noting that the list is not necessarily all inclusive. Many agencies give a general recommendation to officers that when they are in doubt, they should record.
- To protect officer safety and acknowledge that recording may not be possible in every situation, it is helpful to state in policies that recording will not be required if it would be unsafe, impossible, or impractical.
- Significant privacy concerns can arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. Some agencies prefer to give officers discretion regarding whether to record in these circumstances. In such cases, officers should take into account the evidentiary value of recording and the willingness of the victim to speak on camera. Some agencies go a step further and require officers to obtain the victim's consent prior to recording the interview.
- To promote officer accountability, most policies require officers to document, on camera or in writing, the reasons why the officer deactivated the camera in situations that are otherwise required to be recorded.

- In one-party consent states, officers are not legally required to notify subjects when officers are recording. However, some agencies have found that announcing the camera is running promotes better behavior and defuses potentially confrontational encounters.
- When making decisions about where to store body-worn camera footage, how long to keep it, and how it should be disclosed to the public, it is advisable for agencies to consult with departmental legal counsel and prosecutors.
- Regardless of the chosen method for storing recorded data, agencies should take all possible steps to protect the integrity and security of the data. This includes explicitly stating who has access to the data and under what circumstances, creating an audit system for monitoring access, ensuring there is a reliable back-up system, specifying how data will be downloaded from the camera, and including protections against data tampering prior to downloading.
- It is important that videos be properly categorized according to the type of event contained in the footage. How the videos are categorized will determine how long they are retained, who has access, and whether they can be disclosed to the public.
- To help protect privacy rights, it is generally preferable to set shorter retention times for non-evidentiary data. The most common retention time for this video is between 60 and 90 days.
- When setting retention times, agencies should consider privacy concerns, the scope of the state's public disclosure laws, the amount of time the public needs to file complaints, and data storage capacity and costs.
- Evidentiary footage is generally exempt from public disclosure while it is part of an ongoing investigation or court proceeding. Deleting this video after it serves its evidentiary purpose can reduce the quantity of video stored and protect it from unauthorized access or release. It is important to always check whether deletion is in compliance with laws governing evidence retention.
- Informing the public about how long video will be retained can help promote agency transparency and accountability. Some agencies have found it useful to post retention times on the department's website.
- It is important for the agency to communicate its public disclosure policy to the community when the body-worn camera program is deployed to develop public understanding of the technology and the reasons for adopting it.

*In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests.*

## Impact on community relationships

Building positive relationships with the community is a critical aspect of policing, and these relationships can exist only if police have earned the trust of the people they serve. Police rely on these community partnerships to help them address crime and disorder issues.

At the PERF conference, a number of participants expressed concern that excessive recording with body-worn cameras may damage the relationships officers have developed with the community and hinder the openness of their community policing interactions. Some police executives fear, for

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example, that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

*“Before we make a decision on where to go with body-worn cameras, I really think that all of us need to stop and consider some of these larger unanswered questions. We need to look at not only whether the cameras reduce complaints but also how they relate to witnesses on the street coming forward, what they mean for trust and officer credibility, and what messages they send to the public.”*

– Bob Cherry, Detective of  
Baltimore Police Department  
and President of Baltimore City  
Fraternal Order of Police

Detective Bob Cherry of the Baltimore Police Department, who is also the president of the Baltimore City Fraternal Order of Police, said, “Trust builds through relationships, and body-worn cameras start from a position of mistrust. The comments I hear from some officers are, ‘I’m worried that if I wear a camera, it is going to make it hard to continue the relationship I have with a business owner or the lady down the street. These are the people I’m working with now to clean up the neighborhood!’”

Some police executives reported that deploying body-worn cameras has in fact had a negative impact on their intelligence-gathering activities, particularly when officers are not allowed the discretion to turn off the camera. Chief of Police Sean Whent of Oakland, California, explained, “Our policy is to film all detentions and to keep recording until the encounter is over. But let’s say an officer detains someone, and now that person wants to give up information. We are finding that people are not inclined to do so with the camera running. We are considering changing our policy to allow officers to turn off the camera in those situations.”

The Mesa (Arizona) Police Department has also found that body-worn cameras can undermine information-gathering efforts. “We have definitely seen people being more reluctant to give information when they know that they are being videotaped,” said Lieutenant Harold Rankin.

However, other police executives said that these types of situations are rare and that body-worn cameras have not had a significant impact on their ability to gather information from the public. For some agencies, public reaction to the cameras has been practically nonexistent. Major Stephen Willis of the Charlotte-Mecklenburg (North Carolina) Police Department said, “We have had in-car cameras for many years, and in most instances the public has an expectation that they will be recorded. We encountered very little resistance from the public when we piloted body-worn cameras.” Deputy Chief of Police Cory Christensen of Fort Collins, Colorado, said, “We are not seeing much pushback from the community. Often people do not even notice the presence of the cameras.”

“I disagree that cameras hurt community relationships,” said Chief of Police William Farrar of Rialto, California. “We have not seen any evidence of that. People will ask officers if they have a camera on, but it does not seem to bother them.” In fact, in its evaluation of its body-worn camera program, the Rialto Police Department found that officers made 3,178 more contacts with the public (not counting calls for service) during the year that cameras were deployed than in the prior year.<sup>11</sup>

Some police executives reported that body-worn cameras have actually improved certain aspects of their police-community relationships. These executives said that the presence of cameras leads to better behavior by both the officer and the person being recorded. “The cameras help defuse some of the tensions that might come up during encounters with the public. I think that 98 percent of the time, cameras help improve relationships with the community,” said Chief Chitwood of Daytona Beach. Deputy Chief Christensen of Fort Collins agreed: “Officers wearing cameras have reported a noticeable improvement in the quality of their encounters with the public. With both sides behaving better, community relations will improve.”

11. William Farrar, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* 81 (2014): 20–25.

### Sir Robert Peel's Principles of Policing

Sir Robert Peel, who created London's Metropolitan Police Force in 1829, is known as the father of modern policing. He helped to establish a policing philosophy grounded in professionalism, ethics, and strong police-community cooperation, which continues to influence policing to this day. The "Nine Principles of Policing," which were issued to the first officers of the London Metropolitan Police and reflect Sir Robert Peel's philosophy, provide guidance on the role of police and the importance of maintaining strong police-community relationships.

The following principles attributed to Peel seem to have relevance for a discussion of how body-worn cameras can affect police officers' relationships with community members:

Police must recognize always that the power of the police to fulfill their functions and duties is dependent on

public approval of their existence, actions and behavior and on their ability to secure and maintain public respect.

Police must recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of laws.

Police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.\*

\* "Principles of Good Policing," Institute for the Study of Civil Society, <http://www.civitas.org.uk/pubs/policeNine.php>.

Cameras have also helped assure the public that an agency is serious about transparency and officer accountability, according to several police executives. "We have found that body-worn cameras can actually help strengthen trust and police legitimacy within the community," said Chief of Police Hassan Aden of Greenville, North Carolina. To illustrate this point, Aden shared the following story:

A local community group approached me with a genuine concern that certain officers were racially profiling subjects during traffic stops. We went back and looked at the footage from these officers' body-worn cameras and found that there was indeed a pattern of using flimsy probable cause when making stops. However, we determined that it was a training problem and immediately changed the relevant training protocols. The organization that had raised the complaint was happy with the outcome. They appreciated that we had the body-worn camera footage, that the officers' behavior was investigated, and that we used the video to help us improve.

### Securing community support

To mitigate community concerns, many police executives found it useful to engage the community before rolling out their camera programs. The Rialto Police Department, for example, used social media to inform the public about its body-worn camera program. "You have to engage the public before the cameras hit the streets," said Chief Farrar of Rialto. "You have to tell people what the cameras are going to be used for and how everyone can benefit from them."

*"We want our officers to go out, get out of their cars, and talk to the public about football or whatever it may be to establish an informal relationship. That's how you build partnerships and persuade people to give you information about crime in their area. I think if we say that every single interaction is going to be recorded, the danger is that it will lead to a more officious relationship. Maybe the public will get used to it, just as in our country they've gotten used to cameras on the streets. But as we start off, I think there's a danger that every interaction will become a formal interaction, and the informal relationships may be eroded."*

— Sir Peter Fahy, Chief Constable,  
Greater Manchester (UK) Police

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

The Los Angeles Police Department, which is in the process of testing body-worn cameras, plans to solicit public feedback when developing its camera policies. The Greensboro (North Carolina) Police Department partnered with the Greensboro Police Foundation, which launched a "Put Cameras on Cops" public information campaign that included posting billboards and reaching out to the community.

Chief Lanpher of Aberdeen said that it is also important for agencies to engage local policymakers and other stakeholders. "Police departments cannot do this alone," he said. "We went to the mayor, the city council, and the state's attorney's office and showed them actual footage that officers had recorded to demonstrate why these cameras would be useful. Without their support, implementing the program would have been a challenge. Communication and developing those partnerships is critical."

*"My opinion is that body-worn cameras will help with community relationships. They will show when officers are doing a good job and help us correct when they aren't. This is good for the community."*

— Lieutenant Dan Mark,  
Aurora (Colorado) Police Department

*"I think it's absolutely critical that we talk to the public about [body-worn cameras]. We need to bring them on board and have them understand what this is about and go through the advantages and disadvantages and the issues."*

— Sir Peter Fahy, Chief Constable,  
Greater Manchester (UK) Police

There are also indications that the public is more accepting of body-worn cameras if agencies are transparent about their camera policies and practices. Some agencies post their camera policies on their websites. In addition, some agencies, such as the Oakland Police Department, have proactively posted body-worn camera footage on their websites to demonstrate transparency and to help resolve questions surrounding controversial incidents.

In Phoenix, the police department released to the media body-worn camera footage from an officer who was fired for misconduct. Assistant Chief of Police Dave Harvey of Phoenix explained that the police union requested the release to demonstrate transparency.

"It is important that agencies are open and transparent with the community," said Deputy Chief Christensen of Fort Collins. "If we only show the good and hide the bad, it will foster distrust of the police."

### *Protecting intelligence-gathering efforts*

In addition to engaging the public to mitigate concerns, some agencies have adopted recording policies that seek to minimize the potential damage that body-worn cameras have on police-community relationships. These agencies limit body-worn camera recordings to calls for service and law enforcement-related contacts, rather than recording every encounter with the public, so that officers do not feel compelled to record the kinds of casual conversations that are central to building informal relationships within the community.

Chief Miller of Topeka said that this approach has worked well. "I recently witnessed a community policing officer having a casual conversation with two citizens," he said. "The officer was wearing a camera, but it was not running at the time. The camera was clearly visible, but it did not create a problem." Chief Miller of Greensboro said, "From a community policing aspect, it does not make sense to record every single interaction with the public. If an officer sees someone on the street and just wants to talk about what is going on in the neighborhood, it is easier to have that conversation if the camera is not running."

A number of agencies also give officers the discretion to turn off their cameras when talking with a person who wants to share information about a crime. This situation can occur when a person approaches an officer with information or if an officer interviews witnesses at a crime scene. In either case, police executives said that officers must weigh the evidentiary value of recording the statement with the reality that some people who share information may not want to talk on camera. "If officers encounter an informant or witness who isn't comfortable being recorded, they have to decide whether obtaining the information outweighs recording the statement," said Lieutenant Rankin of Mesa. "If so, our officers can either turn the camera off or position the camera so that they capture audio but not video. People usually feel more comfortable with just the audio."

Chief Farrar of Rialto said that it is important for officers to maintain credibility with people who might want to share information. "We teach our officers to consider the facts of each incident before they record," he said. "When officers encounter reluctant witnesses, I would suggest that they develop a rapport by being honest and not pressuring them to talk, especially on camera."

Many agencies, while allowing officers to turn off the camera at the request of the person being interviewed, nonetheless strongly encourage officers to record if at all possible. "It is important to remain flexible, as there are no absolutes," said Commander Michael Kurtenbach of Phoenix. "But we would generally recommend an officer to keep the camera on if possible when gathering information from witnesses."

Inspector Danny Inglis of Greater Manchester, United Kingdom, agreed. "I generally think there is more to gain than lose in terms of recording these kinds of statements," he said. "Recording is a way to capture critical intelligence and evidence. Our officers can turn the camera off at the person's request, but they should confirm the reason for this on camera."

The Topeka Police Department takes a similar approach. "Officers should try to leave the camera on to record exactly what a person says. If the person does not want to talk on camera, the officer can turn it off after stating the reason why," said Chief Miller. Again, it is important that officers weigh the situation before making a decision. "The detectives and the prosecutors will want witness interviews on camera if possible. But they would also rather have the good information than have the witness refuse to talk because of the camera," said Miller.

Some police executives said that the decision to record witnesses at a crime scene may depend on whether the scene is live or if it has been controlled. In many places, including Greensboro, Daytona Beach, and Rialto, officers typically leave their cameras running when responding to a live crime scene so they can capture spontaneous statements and impressions. Once the scene has been controlled (crime scene tape is put up, detectives arrive, etc.), it transitions into an investigative scene, and officers can turn the cameras off. Then they can determine whether to record more detailed statements taken from witnesses at the scene.

Agencies often include protections in their policies to ensure officers do not abuse their recording discretion. If an officer chooses not to record an encounter with someone giving information, he or she must typically document, on camera or in writing, the reason for not recording. In addition, many agencies require officers to activate the camera if an interaction becomes adversarial after the initial

*"If officers are talking to a member of the community just to say hello or to ask what is going on in the neighborhood, it is usually better for the relationship if the officer does not record the conversation."*

– Stephen Cullen, Chief Superintendent,  
New South Wales (AUS) Police Force

*"We view evidence collection as one of the primary functions of cameras. So in the case of interviewing witnesses, we would make every attempt to capture the statement on video. However, we do allow discretion if the person we approach requests that the camera be turned off. Officers just need to understand what the tradeoff is."*

– Cary Christensen, Deputy Chief of Police, Fort Collins  
(Colorado) Police Department

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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contact. Chief Chitwood said this approach has worked in Daytona Beach. “Between their experience and training, the officers know when they need to turn on their cameras. Activating the camera in these situations has become second nature to them,” he said.

### *Lessons learned about impact on community relationships*

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned when addressing the impact body-worn cameras can have on community relationships:

- Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program in the community.
- Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.
- Social media is an effective way to facilitate public engagement.
- Transparency about the agency’s camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the department website and publicly releasing video recordings of controversial incidents.
- Requiring officers to record calls for service and law enforcement-related activities—rather than every encounter with the public—can ensure officers are not compelled to record the types of casual conversations that are central to building informal relationships within the community.
- In cases in which persons are unwilling to share information about a crime if they are being recorded, it is a valuable policy to give officers discretion to deactivate their cameras or to position the camera to record only audio. Officers should consider whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
- Recording the events at a live crime scene can help officers capture spontaneous statements and impressions that may be useful in the later investigation or prosecution.
- Requiring officers to document, on camera or in writing, the reasons why they deactivated a camera in situations that they are otherwise required to record promotes officer accountability.

### **Addressing officer concerns**

For a body-worn camera program to be effective, it needs the support not only of the community but also of the frontline officers who will be wearing the cameras. Securing this support can help ensure the legitimacy of a camera program and make its implementation more successful. Agency leaders should engage in ongoing communication with officers about the program’s goals, the benefits and challenges of using cameras, and the agency’s expectations of the officers.

#### *Officer concerns about body-worn cameras*

One of the primary concerns for police executives is the fear that body-worn cameras will erode the trust between officers and the chief and top managers of the department. Some officers may view the cameras as a signal that their supervisors and managers do not trust them, and they worry that supervisors would use the cameras to track and scrutinize their every move. Inspector Inglis of Greater Manchester explained, “I have heard some resentment about the level of scrutiny that

officers will be under if they wear body-worn cameras. This is especially true with the first-level response officers, who already feel they are under an extraordinary amount of pressure to get everything right. I can understand this concern."

Given these concerns, one of the most important decisions an agency must make is how it will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program.

However, there is some debate over whether supervisors should also periodically and randomly review videos to monitor officer performance. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period or after an officer has received a certain number of complaints. Some agencies prohibit random monitoring altogether because they believe doing so is unnecessary if supervisors conduct reviews when an incident occurs.

In Greater Manchester, Inspector Inglis encourages supervisors to randomly review camera footage. "We use random review as a teaching tool, not just a supervision tool," he said. "Supervisors might not get a lot of face time with officers, so reviewing the video is a good way for supervisors to appraise officers and provide feedback. It also helps hold officers accountable and gives them incentive to record."

Other agencies expressly prohibit supervisors from randomly monitoring body-worn camera footage. "Per our policy, we do not randomly review videos to monitor officer performance," said Chief Chitwood of Daytona Beach. "Instead, our review is incident-based, so if there is an issue, we will review the footage. In those cases, we can also review prior videos to see if there is a pattern of behavior."

The Topeka Police Department generally prohibits random monitoring, though supervisors can periodically review videos if officers have received numerous complaints. Chief Miller of Topeka said that this policy strikes a balance between showing trust in the officers and holding them accountable. "If an officer does something wrong, you do not want to be accused of deliberate indifference because you had the videos but ignored them," he said. "You have to show that you reviewed the footage once you had a reason to do so."

Some police officials suggested that an agency's internal audit unit, rather than direct supervisors, should be responsible for periodic, random monitoring. They said this approach allows agencies to monitor compliance with the program and assess officer performance without undermining the trust between an officer and his or her supervisor. These officials stressed that internal audit reviews should be truly random (rather than targeted to a specific officer or officers) and should be conducted in accordance with a written standard of review that is communicated to the officers. Chief of Police Jeff Halstead of Fort Worth, Texas, said, "Random review of the camera footage, either by an internal auditor or a supervisor, is critical to demonstrating that an agency is doing what it is supposed to do and is serious about accountability."

In addition to concerns about trust and supervisor scrutiny, police executives said that some officers worried about the difficulty of operating the cameras and learning a new technology. "Officers can feel inundated with technology," said Chief of Police Roberto Villaseñor of Tucson. "In the past few

*"I have heard officers say that while they are not opposed to using body-worn cameras, they do have some concerns. Some of these concerns are more practical, like whether adding new equipment will be overly burdensome. But the larger philosophical concern is whether these cameras send the wrong message about the trust we place in officers. What does it say about officer professionalism and credibility if the department has to arm every officer with a camera?"*

– Bob Cherry, Detective of  
Baltimore Police Department  
and President of Baltimore City  
Fraternal Order of Police

## Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned

years, our department has introduced a new records management system and a new digital radio system. So some officers see body-worn cameras as another new piece of technology that they will have to learn." Some officers also said that cameras can be cumbersome and challenging to operate, and agencies often have to test several different camera models and camera placement on the body to determine what works best.

### *Addressing officer concerns*

Agencies have taken various steps to address officer concerns about body-worn cameras. One of the most important steps, according to many police executives, is for agency leaders to engage in open communication with officers about what body-worn cameras will mean for them.

For example, a survey of officers conducted by the Vacaville (California) Police Department found that including officers in the implementation process—and allowing them to provide meaningful input—generated support for the cameras. Some police executives, like Chief Chitwood of Daytona Beach and Chief Lanpher of Aberdeen, have found it useful to attend officer briefings, roll calls, and meetings with union representatives to discuss the camera program. "My staff and I invested considerable time talking at briefings and department meetings with all employees who would be affected by body-worn cameras," said Chief of Police Michael Frazier of Surprise, Arizona. "This has helped us gain support for the program."

*"I think police agencies can help the officer and fulfill their duties to the public by saying, 'We have an officer [whom] we think is having problems, and we are going to look at those videos to determine behavioral patterns.' You do not want to have a problem come up later and claim that you did not know about it even though you had videos. So to me, targeted monitoring makes sense."*

– Christy Lopez, Deputy Chief,  
Special Litigation Section,  
Civil Rights Division,  
U.S. Department of Justice

Many police executives said that creating implementation teams comprised of representatives from various units within the department can help improve the legitimacy of a body-worn camera program. For example, as agencies develop body-worn camera policies and protocols, it can be useful to receive input from patrol commanders and officers, investigators, training supervisors, the legal department, communications staff, Internal Affairs personnel, evidence management personnel, and others across the agency who will be involved with body-worn cameras.

Police executives also said it is important to emphasize to officers that body-worn cameras are useful tools that can help them perform their duties. Chief Terry Gainer, U.S. Senate sergeant at arms, believes that framing body-worn cameras as a check on officer behavior is the wrong approach. "It's going to be hard to encourage our officers to be the self-actualized professionals that we want them to be if we say, 'Wear this because we're afraid you're bad, and cameras will help you prove that you're good,'" said Gainer. "Body cameras should be seen as a tool for creating evidence that will help ensure public safety."

Lieutenant John Carli of Vacaville, California, suggests that agencies frame the cameras as a teaching tool, rather than a disciplinary measure, by encouraging supervisors to review footage with officers and provide constructive feedback. One suggestion to accomplish this goal is to highlight officers whose videos demonstrate exemplary performance by showing their footage at training programs or by showing the video during an awards ceremony.

### *Incremental implementation*

Some police executives have also found it helpful to take an incremental approach when implementing body-worn cameras. For example, the San Diego Police Department plans to deploy 100 cameras as part of a pilot program with the eventual goal of outfitting 900 uniformed officers with cameras.

The Greensboro Police Department took a similar approach. "When we first deployed the cameras, there was an undercurrent of apprehension on the part of the officers. So we rolled it out in small increments to help officers get more comfortable with the program," said Chief Miller of Greensboro. Gradual implementation can also help agencies learn which policies, practices, and camera systems are the best fit for their departments. Some agencies, such as the Mesa Police Department, initially assigned cameras to the most tech-savvy officers as a way to ease implementation.

Many agencies have found that officers embrace body-worn cameras when they see evidence of the cameras' benefits. "Our officers have been fairly enthusiastic about body-worn cameras because they have seen examples of how the cameras have cleared fellow officers of complaints," said Lieutenant Dan Mark of Aurora, Colorado. "One officer was threatened by an individual, and it was captured on the officer's camera. We took the footage to the city attorney's office, and the individual was successfully prosecuted. Once that story got out among the officers, we saw a lot more acceptance of the cameras."

Police executives said that in many cases, officers see these benefits once they begin wearing the cameras. "The more officers use the cameras, the more they want to have them," said Lieutenant Gary Lewis from Appleton, Wisconsin. "If I could put cameras on all of my patrol officers, I would have 100 percent support." Chief Farrar of Rialto agreed: "Now that the officers wear the cameras, they say that they could not do without them."

### *Lessons learned about addressing officer concerns*

Police executives revealed a number of lessons about addressing officers' concerns about body-worn cameras:

- As with any other deployment of a new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.
- Briefings, roll calls, and meetings with union representatives are effective means to communicate information about a body-worn camera program.
- Creating an implementation team that includes representatives from across the department can help strengthen program legitimacy and ease implementation.

*"You have to ask yourself, what is the main reason you are implementing the program? Is it because you want to give officers a helpful tool, or because you do not trust them? The answer to that question—and how you convey it—will influence how officers receive the program."*

– Lieutenant John Carl,  
Vacaville (California) Police Department

*"At first, officers had a lot of concerns about the 'Big Brother' aspect of body-worn cameras. But once they wear them and see the benefits, they are much more likely to embrace them. Resistance has been almost nonexistent."*

– Chris Burbank, Chief of Police,  
Salt Lake City (Utah) Police Department

## Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned

- Departments have found that officers support the program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.
- Recruiting an internal “champion” to help inform officers about the benefits of the cameras has proven successful in addressing officers’ hesitation to embrace the new technology.
- Body-worn cameras can serve as a teaching tool when supervisors review footage with officers and provide constructive feedback.
- Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech-savvy officers.

### Managing expectations

*“In the beginning, some officers were opposed to the cameras. But as they began wearing them, they saw that there were more benefits than drawbacks. Some officers say that they would not go out on the street without a ballistic vest; now they say they will not go out without a camera.”*

– Lieutenant Harold Rankin,  
Mesa (Arizona) Police Department

Police executives said that it has become increasingly common for courts, arbitrators, and civilian review boards to expect police departments to use body-worn cameras. “If your department has a civilian review board, the expectation now is that police should have cameras,” said Chief of Police Chris Burbank of Salt Lake City. “If you don’t, they will ask, ‘Why don’t your officers have cameras? Why aren’t your cameras fully deployed? Why does the next town over have cameras, but you don’t?’”

In addition, people often expect that officers using body-worn cameras will record video of everything that happens while they are on duty. But most police departments do not require officers to record every encounter. Many agencies have policies against recording when it is unsafe or impossible, and some agencies give officers discretion to deactivate their cameras in certain sensitive situations, such as during interviews with victims or witnesses. Camera malfunctions may also occur. Some agencies have taken steps to inform judges, oversight bodies, and the public about these realities of using body-worn cameras.

Police executives said that these expectations can undermine an officer’s credibility if questions arise about an incident that was not captured on video. This is one reason why many agencies require officers to articulate, either on camera or in writing, their reasons for turning a camera off in the middle of an incident or for not turning it on in the first place. These issues of credibility are also why it is important to provide rigorous, ongoing officer training on body-worn camera policies and

practices. Some agencies find that situational training can be particularly useful. For example, the Oakland Police Department incorporated a program into its police academy that involves officers participating in situational exercises using training model cameras.

Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. “Juries no longer want to hear just officer testimony—they want to see the video,” said Detective Cherry of Baltimore. “But the video only

*“There is a learning curve that comes with using body-worn cameras. And the video cannot always be taken at face value—the full story has to be known before conclusions are reached about what the video shows.”*

– Major Stephen Willis,  
Charlotte-Mecklenburg  
(North Carolina) Police Department

gives a small snapshot of events. It does not capture the entire scene, or show the officer's thought process, or show an officer's investigative efforts. This technology shouldn't replace an officer's testimony. I'm concerned that if juries rely only on the video, it reduces the important role that our profession plays in criminal court."

### *Officer review of video prior to making statements*

Given the impact that body-worn cameras can have in criminal and administrative proceedings, there is some question as to whether officers should be allowed to review camera footage prior to making a statement about an incident in which they were involved. According to many police executives, the primary benefit to officer review is that it allows officers to recall events more clearly, which helps get to the truth of what really happened. Some police executives, on the other hand, said that it is better for an officer's statement to reflect what he or she perceived during the event, rather than what the camera footage revealed.

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved. They believe that this approach provides the best evidence of what actually took place. PERF agrees with this position.

"When you're involved in a tense situation, you don't necessarily see everything that is going on around you, and it can later be difficult to remember exactly what happened," said Police Commissioner Ramsey of Philadelphia. "So I wouldn't have a problem with allowing an officer to review a video prior to making a statement."

Chief Burbank of Salt Lake City agreed. "Officers should be able to review evidence that is gathered about an event, and that includes body-worn camera footage," he said. "Some of the most accurate reports are generated by officers who take a moment to go back and review the circumstances. For example, I was once involved in a pursuit that lasted 30 minutes. I went back and re-drove the route and documented every turn before filing my report. Otherwise, it would have been impossible to remember everything that happened."

Chief Miller of Topeka said that if an officer is not allowed to review video, and if the footage conflicts with the officer's statement, it can create unfair doubts about the officer's credibility. "What we are after is the truth," he said. "If you make a statement that you used force because you thought a suspect had a gun but the video later shows that it was actually a cell phone, it looks like you were lying. But if you truly thought he had a gun, you were not lying—you were just wrong. An officer should be given the chance to make a statement using all of the evidence available; otherwise, it looks like we are just trying to catch an officer in a lie."

Police executives who favor review said that officers will be held accountable for their actions regardless of whether they are allowed to watch the video recordings prior to making a statement. "Officers are going to have to explain their actions, no matter what the video shows," said Chief Burbank of Salt Lake City. Chief Frazier of Surprise, Arizona, said, "If an officer has acted

*"Right from the start, officers now learn how to use the cameras as part of their regular training on patrol procedures. We want activating the cameras to become a muscle memory so that officers do not have to think about it when they are in a real-world situation."*

— Sean Whent, Chief of Police,  
Oakland (California) Police Department

*"I tell the officers every day: You usually don't get hurt by the videos you have. What hurts you is when you are supposed to have a video but, for whatever reason, you don't."*

— Ron Miller, Chief of Police,  
Topeka (Kansas) Police Department

inappropriately, and those actions were recorded, the officer cannot change the record and will have to answer for his or her actions. What will be gained by a review of the video is a more accurate accounting of the incident.”

*The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved.*

Other police executives, however, said that the truth—and the officer’s credibility—are better served if an officer is not permitted to review footage of an incident prior to making a statement. “In terms of the officer’s statement, what matters is the officer’s perspective at the time of the event, not what is in the video,” said Major Mark Person of the Prince George’s County (Maryland) Police Department. “That perspective is what they are going to have to testify to. If officers watch the video before making a statement, they might tailor the statement to what they see. It can cause them to second-guess themselves, which makes them seem less credible.”

### *Lessons learned about managing expectations*

In interviews with PERF staff members, police executives discussed lessons that they have learned for managing expectations about body-worn cameras:

- With more and more agencies adopting body-worn cameras, courts, arbitrators, and civilian review boards have begun to expect not only that agencies will use cameras but also that officers will have footage of everything that happens while they are on duty. If this footage does not exist, even for entirely legitimate reasons, it may impact court or administrative proceedings and create questions about an officer’s credibility. Agencies must take steps to manage expectations while also working to ensure that officers adhere to agency policies about activating cameras.
- Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations on how the cameras operate.
- Requiring an officer to articulate, on camera or in writing, the reason for not recording an event can help address questions about missing footage.
- Rigorous, ongoing officer training on body-worn camera policies and protocols is critical for improving camera usage. Situational training in which officers participate in exercises using mock cameras can be particularly useful in helping officers to understand how to operate cameras in the field.
- Many police executives believe that allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved provides the best evidence of what actually occurred.

## Financial considerations

While body-worn cameras can provide many potential benefits to law enforcement agencies, they come at a considerable financial cost. In addition to the initial purchasing cost, agencies must devote funding and staffing resources toward storing recorded data, managing videos, disclosing copies of videos to the public, providing training to officers, and administering the program.

For some agencies, these costs make it challenging to implement a body-worn camera program. PERF's survey revealed that 39 percent of the respondents that do not use body-worn cameras cited cost as a primary reason. Chief Villaseñor of Tucson said that cost was a major obstacle to getting cameras. "In recent years, we've faced serious budget cuts and have had to reduce staffing levels," he said. "It can be hard to justify spending money on cameras when officers are fighting for their jobs." However, Villaseñor has put together a review committee to evaluate costs and explore how to implement body-worn cameras in Tucson.

Police Commissioner Ramsey said that in departments the size of Philadelphia's, which has 6,500 sworn officers, the cost of implementing a body-worn camera program would be extraordinary. "We've considered using cameras in Philadelphia, and we see all of the benefits they can provide," he said. "Cost is the primary thing holding us back."

Some police executives, however, said that body-worn cameras can save departments money. They said that by improving officer professionalism, defusing potentially confrontational encounters, strengthening officer training, and documenting encounters with the public, body-worn cameras can help reduce spurious lawsuits and complaints against officers. They also said that these savings more than make up for the considerable financial cost of implementing a camera program.

"If there is a lawsuit against the department, the settlements come from the department's operational budget," said Chief Chitwood of Daytona Beach. "By preventing these suits, the department has more money to spend on cars, technology, and other things that benefit officers."<sup>12</sup>

The London Metropolitan Police Service, working together with the College of Policing, is planning to conduct a cost-benefit analysis in conjunction with its upcoming pilot program of 500 cameras. The analysis will measure whether the cameras contribute to cost savings in terms of promoting early guilty pleas in criminal cases and quicker resolution of complaints against officers. The study will also measure community and victim satisfaction with the cameras, as well as how the cameras impact the length of sentences that offenders receive.

*"I absolutely think that officers should be allowed to review camera footage from an incident in which they were involved, prior to speaking with internal investigators. With what we know of the effect of stressful incidents on the human mind, officers in most instances may not recall every aspect of the incident. Or they may recall events out of sequence or not remember everything until much later. For this reason alone, allowing an officer to review the video prior to making a statement seems prudent."*

— Michael Frazier, Chief of Police,  
Surprise (Arizona) Police Department

<sup>12</sup>. See "Perceived Benefits of Body-Worn Cameras" on page 5 for additional discussion of cost-benefit analysis.

### *Cost of implementation*

The price of body-worn cameras currently ranges from approximately \$120 to nearly \$2,000 for each device. Most of the agencies that PERF consulted spent between \$800 and \$1,200 for each camera. Prices vary depending on factors such as functionality, storage capacity, and battery life. Agencies must make this initial purchase up front, and sometimes they purchase cameras as part of a contract with the manufacturer for related services, such as data storage and technical assistance.

*"Once you put cameras in the field, you're going to amass a lot of data that needs to be stored. Chiefs need to go into this with their eyes wide open. They need to understand what storage is going to cost, what their storage capacities are, and the amount of time it takes to review videos for public release. It is a major challenge."*

– Kenton Rainey, Chief of Police,  
Bay Area Rapid Transit Police Department

Although the initial costs of purchasing the cameras can be steep, many police executives said that data storage is the most expensive aspect of a body-worn camera program. "Data storage costs can be crippling," said Chief Aden of Greenville. Captain Thomas Roberts of Las Vegas agreed. "Storing videos over the long term is an ongoing, extreme cost that agencies have to anticipate," said Roberts.

The cost of data storage will depend on how many videos are produced, how long videos are kept, and where the videos are stored. If the videos are stored on an online cloud database, the costs typically go toward paying a third-party vendor to manage the data and to provide other services, such as technical assistance and forensic auditing. If videos are stored on an in-house server, agencies must often purchase additional computer equipment and spend money on technical staff and systems to ensure the data are secure.

The New Orleans Police Department has launched a plan for deploying 350 body-worn cameras at an anticipated cost of \$1.2 million over five years—the bulk of which will go to data storage.<sup>13</sup> One department reported that it will pay \$2 million per year, mostly toward data storage, to outfit 900 officers with cameras. Another department spent \$67,500 to purchase 50 cameras and will spend approximately \$111,000 to store the video on a cloud for two years. In terms of storage, Chief Miller of Topeka said, "I've seen a formula that says that if you have 250 officers that have body-worn cameras, in three years you will produce 2.3 million videos. If the officer was required to run the camera continuously during his or her entire shift, it would produce even more. Managing and storing that data is usually more expensive than buying the cameras."

In addition to the cost of purchasing cameras and storing data, administering a body-worn camera program requires considerable ongoing financial and staffing commitments. Many agencies appoint at least one full-time officer to manage the camera program. Agencies must provide ongoing training programs, ensure that cameras are properly maintained, fix technical problems, and address any issues of officer noncompliance. Some agencies also devote resources toward public information campaigns aimed at educating the community about the program.

According to many police executives, one of the most significant administrative costs—at least in terms of staff resources—involves the process of reviewing and categorizing videos. Although the exact process varies depending on the camera system, officers must typically label, or "tag," videos as evidentiary or non-evidentiary. Evidentiary videos are further categorized according to the type of incident captured in the footage (e.g., homicide, robbery, or traffic citation). This tagging process is critical for determining how a video will be used and how long it will be retained. Most agencies that PERF consulted require officers to download and tag videos by the end of each shift.

13. "NOPD Wearable Cameras Expected to Cost \$1.2 Million," The Times-Picayune, September 30, 2013, [http://www.nola.com/crime/index.ssf/2013/09/post\\_346.html](http://www.nola.com/crime/index.ssf/2013/09/post_346.html). Since The Times-Picayune published this article, New Orleans has increased the number of body-worn cameras it expects to deploy from 350 to more than 400.

Some officers have expressed concern about this increase to their administrative workload. “One of the major complaints we heard from officers was that they were spending so much time, after their shifts were over, downloading and tagging their videos,” said Commander Tony Filler from Mesa. The department explored several solutions to this problem, ultimately creating an automated process that linked videos to the department’s records management system (RMS). The department also purchased from the camera manufacturer electronic tablets that allow officers to view and tag videos while they are in the field. “The tablets were an additional cost, but they were worth it because they save officers a lot of time,” said Filler.

Police executives said that there are also significant administrative costs involved with responding to requests from the public or the news media for body-worn camera videos. When an agency receives a disclosure request, often under the Freedom of Information Act, officers or other department personnel must spend time reviewing videos to find the relevant footage, determining whether an exception to the presumption of disclosure applies, identifying portions that by law must be redacted, and performing the redaction process.

### Cost-saving strategies

Police executives discussed several strategies that their agencies have employed to mitigate the considerable financial and staffing costs associated with body-worn cameras. These strategies focus primarily on managing the costs of data storage, which many police executives said represent the most expensive aspect of their programs.

Although managing data storage costs is not the primary reason why many agencies have decided against recording non-law enforcement related encounters with the public, it can be a factor. “There is a huge difference in the amount of money it would take to record all encounters versus adopting a more restrictive recording policy,” said Chief Miller of Greensboro. “If you record everything, there are going to be astronomical data storage costs. With 500 officers using cameras, we have already produced over 40,000 videos in just seven months. And we would have a lot more if we didn’t use a more restrictive recording policy.”

Some agencies, such as the police departments in Oakland and Daytona Beach, are working to adopt shorter data retention periods for non-evidentiary footage in an effort to keep data storage costs manageable. Although it is important to keep videos long enough to demonstrate transparency and preserve a record of an encounter, keeping these videos indefinitely would overwhelm an agency’s resources. Some agencies may even decide against adopting body-worn cameras due to the extraordinary costs of data storage.

“The two biggest challenges that we face in terms of cost are data storage and responding to records requests,” said Chief Chitwood of Daytona Beach. “We had to brainstorm about how to address those costs, and one way was through changing our retention times.”

As the public becomes more familiar with the existence of police body-worn camera programs, it is reasonable to expect that members of the public and the news media will increasingly want to obtain video recordings. Such public records requests will add to the workload of managing a camera program. Captain James Jones of the Houston Police Department said, “The cost of responding to

*“Responding to public disclosure requests is one of the biggest challenges that my department faces. When a request for a video comes in, an officer has to sit for at least two hours and review the videos to find the footage and identify which portions must by law be redacted. And the actual redactions can take over 10 hours to complete.”*

— Lieutenant Harold Rankin,  
Mesa (Arizona) Police Department

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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open records requests played a role when we were deciding how long to keep the video. To protect privacy, you have to go through every video and make sure that you're not disclosing something that you shouldn't. It takes a lot of time, and personnel, to review and redact every tape. If you keep video for five years, it is going to take even more."

Agencies have also explored cheaper storage methods for videos that by law must be retained long-term, such as those containing evidence regarding a homicide or other serious felony. For example, the Greensboro Police Department deletes videos requiring long-term storage from the online cloud after importing them into its RMS or Internal Affairs case management systems. This reduces overall consumption of expensive cloud storage for videos that are required for future court proceedings or long-term retention under state personnel laws. The Charlotte-Mecklenburg Police Department recently completed a body-worn camera trial program, and Major Willis said that the department is exploring alternative storage methods. "Long-term storage costs are definitely going to be a problem. We are looking at cold storage, offline storage, and shorter retention times as a way to keep those costs more manageable," he said.

Many police agencies have also found it useful to conduct a cost-benefit analysis when exploring whether to implement body-worn cameras. For example, agencies can conduct an audit of their claims, judgments, and settlements related to litigation and complaints against officers to determine what costs they may already be incurring. The costs associated with deploying body-worn cameras may be offset by reductions in litigation costs, and agencies should carefully assess their ongoing legal expenses to determine how they could be reduced through the use of body-worn cameras.

### *Lessons learned about financial considerations*

In interviews with PERF staff members, police executives and other experts revealed a number of lessons that they have learned about the financial costs of body-worn cameras:

- The financial and administrative costs associated with body-worn camera programs include costs of the equipment, storing and managing recorded data, and responding to public requests for disclosure.
- It is useful to compare the costs of the camera program with the financial benefits (e.g., fewer lawsuits and unwarranted complaints against officers, as well as more efficient evidence collection).
- Setting shorter retention times for non-evidentiary videos can help make the significant costs of data storage more manageable.
- Videos requiring long-term storage (e.g., those involving serious offenses) can be copied to a disc, attached to the case file, and deleted from the internal server or online cloud. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.
- Linking recorded data to the agency's records management system or using electronic tablets, which officers can use in the field, can ease the administrative burden of tagging and categorizing videos.

### The Los Angeles Police Department's Approach to Financing Body-Worn Cameras

In September 2013, Los Angeles Police Commission President Steve Soboroff launched a campaign to raise money to purchase on-body cameras for the Los Angeles Police Department (LAPD). "Before being elected commission president, I heard from numerous leaders in the LAPD that getting on-body cameras was a top priority with a huge upside," said Soboroff in an interview with PERF. "After hearing all of the benefits that this technology could offer, I wanted to find a way to proactively jump-start the project."

Realizing that trying to secure city funds for cameras would be challenging—the LAPD's in-car camera project has been going on for two decades and is only 25 percent complete—Soboroff devised a plan to identify private donors. Within five months, he had raised \$1.3 million for a body-worn camera program, exceeding its original goal. Contributors included a number of local companies, executives, and philanthropists, including the Los Angeles Dodgers, movie director Steven Spielberg, entertainment executive Jeffrey Katzenberg, and former Los Angeles Mayor Richard Riordan.<sup>†</sup>

This money will go toward purchasing 600 body-worn cameras for LAPD officers and for video storage, repairs, and other costs over two years.<sup>‡</sup> The LAPD said it would test several camera models before implementing its program.<sup>§</sup> According to Soboroff, the LAPD will eventually need hundreds more cameras to outfit every patrol officer, but he hopes the pilot program will convince city officials that the cameras are worth the money. "I think that the pilot will show that body-worn cameras are transformative. I think it will show so many public safety benefits, and so many savings in litigation settlement dollars, man hours, and attorney hours, that the return on the investment will be apparent and significant," he said.<sup>¶</sup>

Soboroff believes that other places can look at the LAPD's fundraising approach as a model. "Probably every city in America has financial concerns. But I believe that there are always going to be local businesses and philanthropists who are willing to help. You just have to show them that there is going to be a positive community and financial return on their investment or donation."<sup>††</sup> However, Soboroff also said it is important that law enforcement agencies retain independence as they develop their programs: "The LAPD has complete control over which cameras it chooses and its camera policies. That is critical—there should be no outside influence from donors."<sup>‡‡</sup>

As Soboroff indicates, police agencies outside of Los Angeles have also sought private funding for body-worn cameras. For example, the Greensboro (North Carolina) Police Department told PERF that the Greensboro Police Foundation raised \$130,000 from private donors to purchase 125 cameras. The Greensboro Police Foundation also created awareness by launching the "Put Cameras on Cops" public information campaign that included reaching out to potential donors and posting billboards in support of the program.

\* Steve Soboroff (president, Los Angeles Police Commission), in discussion with PERF staff members, fall 2013.

† "LAPD to Soon Start Testing Body Cameras," *CBS Los Angeles*, January 13, 2014, <http://losangeles.cbslocal.com/2014/01/13/lapd-officers-to-soon-start-testing-body-cameras/>.

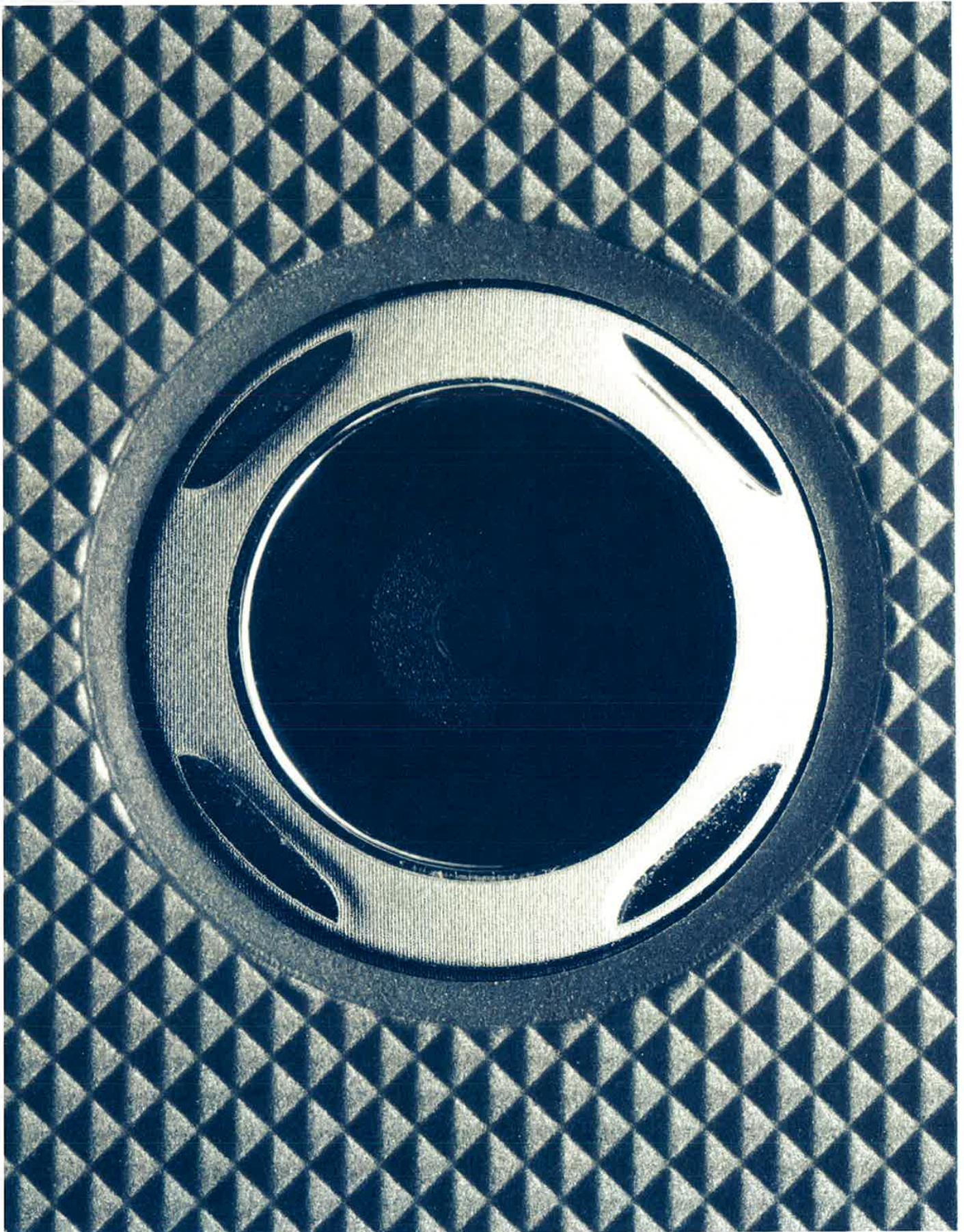
‡ "LAPD Surpasses Fundraising Goal for Officers' On-Body Cameras," *Los Angeles Times*, November 6, 2013, <http://articles.latimes.com/2013/nov/06/local/la-me-ln-lapd-cameras-20131106>.

§ "LAPD to Soon Start Testing Body Cameras."

¶ Soboroff, discussion with PERF staff members.

†† *Ibid.*

‡‡ *Ibid.*



## Chapter 3. Body-Worn Camera Recommendations

The list of recommendations beginning on page 38 is intended to assist law enforcement agencies as they develop body-worn camera policies and practices. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this publication. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Each law enforcement agency is different, and what works in one department might not be feasible in another. Agencies may find it necessary to adapt these recommendations to fit their own needs, budget and staffing limitations, state law requirements, and philosophical approach to privacy and policing issues.

When developing body-worn camera policies, PERF recommends that police agencies consult with frontline officers, local unions, the department's legal advisors, prosecutors, community groups, other local stakeholders, and the general public. Incorporating input from these groups will increase the perceived legitimacy of a department's body-worn camera policies and will make the implementation process go more smoothly for agencies that deploy these cameras.

PERF recommends that each agency develop its own comprehensive written policy to govern body-worn camera usage. Policies should cover the following topics:

- Basic camera usage, including who will be assigned to wear the cameras and where on the body the cameras are authorized to be placed
- The designated staff member(s) responsible for ensuring cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured
- Recording protocols, including when to activate the camera, when to turn it off, and the types of circumstances in which recording is required, allowed, or prohibited
- The process for downloading recorded data from the camera, including who is responsible for downloading, when data must be downloaded, where data will be stored, and how to safeguard against data tampering or deletion
- The method for documenting chain of custody
- The length of time recorded data will be retained by the agency in various circumstances
- The process and policies for accessing and reviewing recorded data, including the persons authorized to access data and the circumstances in which recorded data can be reviewed

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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- Policies for releasing recorded data to the public, including protocols regarding redactions and responding to public disclosure requests
- Policies requiring that any contracts with a third-party vendor for cloud storage explicitly state that the videos are owned by the police agency and that its use and access are governed by agency policy

In summary, policies must comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent. Policies should be specific enough to provide clear and consistent guidance to officers yet allow room for flexibility as the program evolves. Agencies should make the policies available to the public, preferably by posting the policies on the agency website.

### General recommendations

1. **Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.**

It is not feasible for PERF to make a specific recommendation about which officers should be required to wear cameras. This decision will depend on an agency's resources, law enforcement needs, and other factors.

**Lessons learned:** Some agencies have found it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).

2. **If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.**

For example, a specified number of complaints against an officer or disciplinary sanctions, or involvement in a particular type of activity (e.g., SWAT operations), might result in an officer being required to use a body-worn camera.

3. **Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.**

**Rationale:** Most of the police executives whom PERF interviewed believe that allowing officers to use their own personal cameras while on duty is problematic. PERF agrees with this position. Because the agency would not own the recorded data, there would be little or no protection against the officer tampering with the videos or releasing them to the public or online. In addition, chain-of-custody issues would likely prevent the video evidence from being admitted as evidence in court.

This recommendation applies regardless of whether the agency has deployed body-worn cameras.

**4. Policies should specify the location on the body on which cameras should be worn.**

The most appropriate camera placement will depend on several factors, such as the type of camera system used. Agencies should test various camera locations to see what works for their officers in terms of field of vision, comfort, functionality, and ease of use.

**Lessons learned:** Police executives have provided feedback regarding their experiences with different camera placements:

- **Chest:** According to the results of PERF's survey, the chest was the most popular placement location among agencies.
- **Head/sunglasses:** This is a very popular location because the camera "sees what the officer sees." The downside, however, is that an officer cannot always wear sunglasses. Some officers have also reported that the headband cameras are uncomfortably tight, and some expressed concern about the potential of injury when wearing a camera so close to the eye area.
- **Shoulder/collar:** Although some officers like the perspective that this placement offers, others have found the camera can too easily be blocked when officers raise their arms. One agency, for example, lost valuable footage of an active shooter incident because the officer's firearm knocked the camera from his shoulder.
- **Shooting side:** Some agencies specify that officers should wear cameras on the gun/shooting side of the body, which they believe affords a clearer view of events during shooting incidents.

**5. Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.**

**Rationale:** This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence. Prosecutors may need to give potentially exculpatory materials to defense attorneys.

**6. Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See recommendations 7–13 for recording protocols.)**

This may occur, for example, if an officer exercises recording discretion in accordance with the agency's policy because he or she cannot record due to unsafe conditions or if a person does not give consent to record when consent is required.

**Rationale:** This holds officers accountable and helps supervisors investigate any recording irregularities that may occur.

## Recording protocols

7. As a general recording policy, officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.

**7a:** Policies and training materials should clearly define what is included in the description "law enforcement-related encounters and activities that occur while the officer is on duty." Some agencies have found it useful to provide a list of examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits.

**7b:** Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.

**Rationale:**

- The policy affords officers discretion concerning whether to record informal, non-law enforcement-related interactions with members of the community, such as a person asking an officer for directions or officers having casual conversations with people they see on patrol. If officers were always required to record in these situations, it could inhibit the informal relationships that are critical to community policing efforts.
  - The policy can help to secure officer support for a body-worn camera program because it demonstrates to officers that they are trusted to understand when cameras should and should not be activated. Protocols should be reinforced in officer training.
  - The policy is broad enough to capture the encounters and activities that, because they are the most likely to produce evidence or lead to complaints from community members about the police, are most in need of accurate documentation. However, the policy is narrow enough to help keep the amount of recorded data more manageable. This can help reduce the costs associated with storing data, reviewing and tagging data, and responding to public records requests.
8. Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.

Some states have two-party consent laws that require a person making a recording to obtain the consent of the person or persons being recorded. In this case, officers must obtain consent unless the law provides an exception for police recordings. Most states have one-party consent policies, which allow officers to make recordings without obtaining consent.

PERF recommends that police in all states inform subjects that they are being recorded, aside from the exceptions stated already. This policy does not mean that officers in one-party consent states must obtain consent prior to recording; rather, they must inform subjects when the camera is running.

**Rationale:** The mere knowledge that one is being recorded can help promote civility during police-citizen encounters. Police executives report that cameras improve both officer professionalism and the public's behavior, an observation that is supported by evaluations of body-worn camera programs.

9. Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.

Officers should also announce while the camera is recording that the incident has concluded and the recording will now cease.

See further discussion in recommendation 11b, "Lessons learned."

10. Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.

**Rationale:** There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.

This policy should apply regardless of whether consent is required under state law.

Crime victims should give or deny consent in writing and/or on camera.

11. Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.

**11a:** When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.

**11b:** Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.

Situations in which officers may need to exercise discretion include the following:

- When a community member approaches an officer to report a crime or share information
- When an officer attempts to interview witnesses, either at a crime scene or during follow-up interviews

**Rationale:** Some witnesses and community members may be hesitant to come forward with information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. This hesitancy can undermine community policing efforts and make it more difficult for officers to collect important information.

**Lessons learned:** Agencies have adopted various approaches for recording conversations with witnesses or other people who want to share information:

- Record unless the subject requests otherwise; after receiving such a request, the officer can turn the camera off.
- Require officers to proactively obtain consent from the subject prior to recording.
- Allow officers to position the camera so they capture only audio, and not video, of the person making the statement.
- Instruct officers to keep their cameras running during the initial response to an ongoing/ live crime scene to capture spontaneous statements and impressions but to turn the camera off once the scene is controlled and moves into the investigative stage. Officers may then make a case-by-case decision about whether to record later interviews with witnesses on the scene.

If an officer does turn the camera off prior to obtaining information from a witness or informant, the officer should document on camera the reason for doing so.

- 12. Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.**

Under this policy, for example, officers may not record their partner while they are patrolling in their vehicle (unless they are responding to a call for service), are having lunch at their desks, are on breaks, are in the locker room, etc.

**Rationale:** This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues.

- 13. Policies should clearly state any other types of recordings that are prohibited by the agency.**

Prohibited recordings should include the following:

- Conversations with confidential informants and undercover officers (to protect confidentiality and officer safety)
- Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms)
- Strip searches
- Conversations with other agency personnel that involve case tactics or strategy

## **Download and storage policies**

- 14. Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.**

**15. Policies should include specific measures to prevent data tampering, deleting, and copying.**

Common strategies include the following:

- Using data storage systems with built-in audit trails
- Requiring the supervisor to physically take custody of the officer's body-worn camera at the scene of a shooting or at another serious incident in which the officer was involved and to assume responsibility for downloading the data (see recommendation 14)
- Conducting forensic reviews of the camera equipment when questions arise (e.g., if an officer claims that he or she failed to record an incident because the camera malfunctioned)

**16. Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.**

**Rationale:** First, many camera systems recharge and clear old data during the downloading process, so this policy helps to ensure cameras are properly maintained and ready for the next use. Second, events will be fresh in the officer's memory for the purpose of tagging and categorizing. Third, this policy ensures evidence will be entered into the system in a timely manner.

**17. Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.**

If video contains footage that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public, it should be deemed "evidentiary" and categorized and tagged according to the type of incident. If the video does not contain evidence or it captures a routine, non-confrontational encounter, it should be considered "non-evidentiary" or a "non-event."

**Rationale:** Proper labeling of recorded data is critical for two reasons. First, the retention time for recorded data typically depends on the category of the event captured in the video. Thus, proper tagging is critical for determining how long the data will be retained in the agency's system. Second, accurate tagging helps supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.

**Lessons learned:** Some agencies report that reviewing and tagging recorded data can be a time-consuming process that is prone to human error. One agency addressed this issue by working with the camera manufacturer to develop an automated process that links the recorded data to the agency's records management system. Some camera systems can also be linked to electronic tablets that officers can use to review and tag recorded data while still in the field.

**18. Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.**

Agencies should clearly state all retention times in the policy and make the retention times public by posting them on their websites to ensure community members are aware of the amount of time they have to request copies of video footage.

Retention times for recorded data are typically subject to state laws and regulations that govern other types of evidence. Agencies should consult with legal counsel to ensure retention policies are in compliance with these laws.

- For evidentiary data, most state laws provide specific retention times depending on the type of incident. Agencies should set retention times for recorded data to meet the minimum time required by law but may decide to keep recorded data longer.
- For non-evidentiary data, policies should follow state law requirements when applicable. However, if the law does not provide specific requirements for non-evidentiary data, the agency should set a retention time that takes into account the following:
  - Departmental policies governing retention of other types of electronic records
  - Openness of the state's public disclosure laws
  - Need to preserve footage to promote transparency and investigate citizen complaints
  - Capacity for data storage

Agencies should obtain written approval for retention schedules from their legal counsel and prosecutors.

**19. Policies should clearly state where body-worn camera videos are to be stored.**

The decision of where to store recorded data will depend on each agency's needs and resources. PERF does not recommend any particular storage method. Agencies should consult with their department's legal counsel and with prosecutors to ensure the method for data storage meets any legal requirements and chain-of-custody needs.

Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Some agencies burn recorded data to discs as part of the evidence file folder.

**Lessons learned:** Factors that agency leaders should consider when determining storage location include the following:

- Security concerns
- Reliable methods for backing up data
- Chain-of-custody issues
- Capacity for data storage

**Lessons learned:** Police executives and prosecutors report that they have had no issues to date with using a third-party vendor to manage recorded data on an online cloud, so long as the chain of custody can be properly established. When using a third-party vendor, the keys to protecting the security and integrity of the data include the following:

- Using a reputable, experienced third-party vendor
- Entering into a legal contract that governs the vendor relationship and protects the agency's data
- Using a system that has a built-in audit trail to prevent data tampering and unauthorized access
- Using a system that has a reliable method for automatically backing up data
- Consulting with prosecutors and legal advisors

## Recorded data access and review

20. Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.

This can occur, for example, if an officer is involved in a shooting and has to give a statement about the shooting that may be used in an administrative review or a criminal or civil court proceeding.

**Rationale:**

- Reviewing footage will help officers remember the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by letting officers have all possible evidence of the event.
  - Real-time recording of the event is considered best evidence. It often provides a more accurate record than an officer's recollection, which can be affected by stress and other factors. Research into eyewitness testimony demonstrates that stressful situations with many distractions are difficult even for trained observers to recall correctly.
  - If a jury or administrative review body sees that the report says one thing and the video indicates another, this can create inconsistencies in the evidence that might damage a case or unfairly undermine the officer's credibility.
21. Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.

Common situations in which supervisors may need to review footage include the following:

- To investigate a complaint against an officer or a specific incident in which the officer was involved
- To identify videos for training purposes and for instructional use

PERF also recommends that supervisors be permitted to review footage to ensure compliance with recording policies and protocols, specifically for the following situations:

- When officers are still in a probationary period or are with a field training officer
  - When officers have had a pattern of allegations of verbal or physical abuse
  - When officers, as a condition of being put back on the street, agree to a more intensive review
  - When officers are identified through an early intervention system
22. **An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.**

**Rationale:** PERF recommends that an agency's internal audit unit (e.g., the Staff Inspection Unit) conduct these random footage reviews to avoid undermining the trust between an officer and his or her supervisor.

The internal audit unit's random monitoring program should be governed by a clearly-defined policy, which should be made available to officers.

23. **Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.**

**Rationale:** Agencies must take every possible precaution to ensure body-worn camera footage is not used, accessed, or released for any unauthorized purpose. This prohibition should be explicitly stated in the written policy.

Written policies should also describe the sanctions for violating this prohibition.

24. **Policies should include specific measures for preventing unauthorized access or release of recorded data.**

Some systems have built-in audit trails. All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations.

25. **Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).**

Policies should state who is allowed to authorize the release of data and the process for responding to public requests for data. PERF generally recommends a broad disclosure policy to promote agency transparency and accountability.

However, there are some videos—such as recordings of victims and witnesses and videos taken inside private homes—that raise privacy concerns if they are publicly released. These privacy considerations must be taken into account when deciding when to release video to the public. The policy should also identify any exemptions to public disclosure that are outlined in the state Freedom of Information laws.



In certain cases, an agency may want to proactively release body-worn camera footage. For example, some agencies have released footage to share what the officer's video camera showed regarding controversial incidents. In some cases, the video may support a contention that an officer was in compliance with the law. In other cases, the video may show that the department is taking appropriate action against an officer. Policies should specify the circumstances in which this type of public release is allowed. When determining whether to proactively release data to the public, agencies should consider whether the footage will be used in a criminal court case, and the potential effects that releasing the data might have on the case.

**Lessons learned:**

- While agencies that have implemented body-worn cameras report that responding to public disclosure requests can be administratively complicated, departments must implement systems that ensure responses to these requests are timely, efficient, and fully transparent. This process should include reviewing footage to locate the requested video, determining which portions are subject to public release under state disclosure laws, and redacting any portions that state law prohibits from disclosure (e.g., images of juveniles' faces).
- The most important element of an agency's policy is to communicate it clearly and consistently within the community.

## Training policies

- 26. Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.**

This should include supervisors whose officers wear cameras, records/evidence management personnel, training personnel, Internal Affairs, etc.

Agencies may also wish to offer training as a courtesy to prosecutors to help them better understand how to access the data (if authorized), what the limitations of the technology are, and how the data may be used in court.

- 27. Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.**

- 28. Body-worn camera training should include the following:**

- All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training)
- An overview of relevant state laws governing consent, evidence, privacy, and public disclosure
- Procedures for operating the equipment safely and effectively
- Scenario-based exercises that replicate situations that officers might encounter in the field



## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

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- Procedures for downloading and tagging recorded data
  - Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data)
  - Procedures for preparing and presenting digital evidence for court
  - Procedures for documenting and reporting any malfunctioning device or supporting system
29. **A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.**
- The training manual should be posted on the agency's intranet.
30. **Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.**
- Agencies should also require ongoing monitoring of body-worn camera technology for updates on equipment, data storage options, court proceedings, liability issues, etc.

### Policy and program evaluation

31. **Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.**
- Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.
- Rationale:** Collecting and releasing statistical information about body-worn camera footage helps to promote transparency and trust within the community. It also allows agencies to evaluate the effectiveness of their body-worn camera programs and to identify areas for improvement.
32. **Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.**
- These studies should analyze the following:
- The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests
  - The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers
  - Potential funding sources for a body-worn camera program



**33. Agencies should conduct periodic reviews of their body-worn camera policies and protocols.**

Evaluations should be based on a set standard of criteria, such as the following:

- Recording policies
- Data storage, retention, and disclosure policies
- Training programs
- Community feedback
- Officer feedback
- Internal audit review discoveries
- Any other policies that govern body-worn camera usage

An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be performed on a regular basis as determined by the agency.

**Rationale:** Body-worn camera technology is new and evolving. In addition, the policy issues associated with body-worn cameras are just recently being fully considered and understood. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.

## Conclusion

The recent emergence of body-worn cameras has already impacted policing, and this impact will increase as more agencies adopt this technology. Police agencies that are considering implementing body-worn cameras should not enter into this decision lightly. Once an agency travels down the road of deploying body-worn cameras, it will be difficult to reverse course because the public will come to expect the availability of video records.

When implemented correctly, body-worn cameras can help strengthen the policing profession. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which agencies must thoughtfully examine. Police agencies must determine what adopting body-worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers.

Police agencies should adopt an incremental approach to implementing a body-worn camera program. This means testing the cameras in pilot programs and engaging officers and the community during implementation. It also means carefully crafting body-worn camera policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

PERF's recommendations provide guidance that is grounded in current research and in the lessons learned from police agencies that have adopted body-worn cameras. However, because the technology is so new, a large body of research does not yet exist regarding the effects body-worn cameras have on policing. Additional research and field experience are needed before the full impact of body-worn cameras can be understood, and PERF's recommendations may evolve as further evidence is gathered.

Like other new forms of technology, body-worn cameras have the potential to transform the field of policing. To make sure this change is positive, police agencies must think critically about the issues that cameras raise and must give careful consideration when developing body-worn camera policies and practices. First and foremost, agencies must always remember that the ultimate purpose of these cameras should be to help officers protect and serve the people in their communities.

# Appendix A. Recommendations Matrix

The tables below include the 33 policy recommendations and other lessons learned that are found throughout this publication. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this report. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

## Policy recommendations

### General recommendations

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
1	Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.	The decision about which officers should wear body-worn cameras will depend on an agency's resources, law enforcement needs, and other factors.  Implementation tip: <ul style="list-style-type: none"> <li>Some agencies find it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).</li> </ul>	Assignment of cameras: p. 38  Incremental implementation: p. 27
2	If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.	Officers who are not otherwise assigned body-worn cameras may become required to wear one in certain circumstances, such as the following: <ul style="list-style-type: none"> <li>After receiving a specified number of complaints or disciplinary actions</li> <li>When participating in a certain type of activity, such as SWAT operations</li> </ul>	Use of body-worn cameras to improve officer performance: p. 7-9  Assignment of cameras: p. 38
3	Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.	The agency would not own recordings made from personal devices; thus, there would be little or no protection against data tampering or releasing the videos to the public or online. There would also be chain-of-custody issues with admitting personal recordings as evidence in court.	Personal cameras: p. 38  Data protection: pp. 15-16; 17-19; 42-47
4	Policies should specify the location on the body on which cameras should be worn.	Implementation tips: <ul style="list-style-type: none"> <li>Factors to consider when determining camera placement include field of vision, comfort, functionality, ease of use, and the type of camera system used.</li> <li>Agencies should field test various camera locations.</li> </ul>	Camera placement: p. 39

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
5	Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.	This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence.	Documentation of camera usage: p. 39
6	Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See Recommendations 7-13 for Recording Protocols.)	<p>There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. This may arise under the following circumstances:</p> <ul style="list-style-type: none"> <li>• When conditions make it unsafe or impossible to activate the camera</li> <li>• When an officer exercises discretion, per agency policy, to not record because doing so would be detrimental to other agency priorities (e.g., protecting privacy rights, preserving community relations, or facilitating intelligence gathering)</li> <li>• When the camera malfunctions or otherwise fails to capture the event/activity</li> </ul> <p>In these situations, officers should document in writing and/or on camera their reasons for not recording. This holds officers accountable, allows supervisors to investigate recording irregularities, and documents the absence of video footage for investigations and court proceedings.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• The failure to record should be noted in the officer's written report.</li> <li>• If the officer deactivates the camera in the middle of recording, the officer should state on camera the reasons why.</li> </ul>	<p>Documenting the failure to record: pp. 13; 14; 18-19; 23; 28; 30; 39</p> <p>Recording discretion: pp. 12-14; 18-19; 22-23; 40</p>

## Recording protocols

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
7	<p>General recording policy: Officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.</p>	<p>Rather than requiring officers to record all encounters with the public, most agencies that PERF consulted require officers to record during calls for service and during all law enforcement-related encounters and activities. PERF agrees with this approach. This means that officers have discretion whether to record informal, non-law enforcement-related interactions with the public.</p> <p>The reasons for adopting this approach include the following:</p> <ul style="list-style-type: none"> <li>• Protecting relationships between the police and the community</li> <li>• Promoting community policing efforts</li> <li>• Securing officer support for the body-worn camera program by signaling that they are trusted to know when to record</li> <li>• Keeping data storage manageable</li> </ul>	<p>Recording discretion: pp. 12–14; 18–19; 22–23; 40</p>
7a	<p>Policies and training materials should clearly define what is included in the description “law enforcement-related encounters and activities that occur while the officer is on duty.”</p>	<p>Officers should have clear guidance about which specific types of activities, events, and encounters they are required to record.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> <li>• Some agencies have found it useful to provide a list of specific examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits. Policies should note that these types of lists are not exhaustive.</li> <li>• These recording policies should be reinforced in training.</li> </ul>	<p>Recording guidance: pp. 13; 18–24; 40</p>
7b	<p>Officers should also be required to activate the camera during the course of <b>any</b> encounter with the public that becomes adversarial after the initial contact.</p>	<p>If officers are given discretion to not record informal, non-law enforcement-related encounters with the public, they should nonetheless be instructed to activate their cameras if the encounter becomes adversarial. This provides documentation of the encounter in the event that a complaint later arises. It also may help to defuse tense situations and prevent further escalation.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> <li>• Officers may be called upon to activate their cameras quickly and in high-stress situations. Therefore, training programs should strive to ensure that camera activation becomes second-nature to officers. Situational training is particularly useful to achieve this goal.</li> </ul>	<p>Recording adversarial encounters: pp. 23; 40</p> <p>Preserving documentation for complaints: pp. 5–7</p> <p>Situational training: pp. 28–29; 47</p>

## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
8	Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.	<p>The mere knowledge that one is being recorded can help promote civility during police encounters with the public. Many police executives have found that officers can avoid adversarial situations if they inform people that they are being recorded.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>In states with two-party consent laws, officers are required to announce they are recording and to obtain the subject's consent. Agencies should consult their state laws to determine whether this requirement applies.</li> <li>In one-party consent states, PERF's recommendation that officers inform a person that he or she is being recorded does <i>not</i> mean that officers must also obtain the person's consent to record.</li> <li>An officer may exercise discretion to not announce that he or she is recording if doing so would be unsafe, impractical, or impossible.</li> </ul>	<p>Consent (in general): pp. 14; 40</p> <p>Improving police-citizen encounters: pp. 6; 14</p> <p>Informing when recording: pp. 6; 14; 18-19; 40</p>
9	Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.	<p>Implementation tip:</p> <ul style="list-style-type: none"> <li>Prior to deactivating the camera, officers should announce that the incident has concluded and that the recording will now cease.</li> </ul>	Camera deactivation: pp. 18-19; 41
10	Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.	<p>There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>Victims should give or deny consent in writing and/or on camera.</li> <li>This policy should apply regardless of whether consent is required under state law.</li> </ul>	Recording crime victims: pp. 13; 18-19; 40-41



No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
11	Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.	<p>One of the most important jobs of police officers is to gather information about crime that occurs in their communities. These intelligence-gathering efforts may be formal (e.g., through interviews with witnesses of a crime) or informal (e.g., through conversations with community members with whom the officer has a relationship). Some police executives report that body-worn cameras can inhibit intelligence-gathering efforts, as some witnesses and community members may be hesitant to report information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. Officers should have the discretion to keep their cameras turned off in these situations.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• If a person is not comfortable sharing information on camera, some agencies permit officers to position the camera so that they capture only audio, not video, recordings of the person making the statement. This affords greater privacy protections while still preserving evidentiary documentation.</li> <li>• It is useful for officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions made by people at the scene. Once the scene is controlled and has moved into the investigative stage, officers may make a case-by-case decision about whether to record later interviews with witnesses.</li> <li>• When encountering a reluctant witness, officers should attempt to develop a rapport by being honest and not pressuring the person to talk on camera.</li> <li>• If an officer turns the camera off prior to obtaining information, the officer should document on camera the reason for doing so.</li> </ul>	<p>Impact on intelligence-gathering efforts: pp. 19–21</p> <p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>
11a	When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.	<p>Recorded statements made by crime victims and members of the community can provide valuable evidence for investigations and prosecutions. Therefore, it is always preferable to capture these statements on camera when possible.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• Many agencies instruct officers to keep the camera activated when speaking with witnesses or informants unless the person actively requests otherwise.</li> <li>• Agencies should work with prosecutors to determine how best to weigh the importance of having a recorded statement versus the importance of gathering information when a witness refuses to speak on camera.</li> </ul>	<p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>
11b	Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.	<p>Although discretion is important for protecting community policing efforts, this discretion must not be unlimited. Officers should always adhere to agency policies regarding discretion and should document when they exercise this discretion.</p>	<p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>



## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
12	<p>Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.</p>	<p>This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues. Situations that should not be recorded include the following:</p> <ul style="list-style-type: none"> <li>• Non-law enforcement-related conversations held between officers while on patrol (except while responding to a call for service)</li> <li>• Conversations between agency personnel held during breaks, at lunch, in the locker room, or during other non-law enforcement-related activities</li> </ul>	<p>Prohibited recordings: p. 42</p>
13	<p>Policies should clearly state any other types of recordings that are prohibited by the agency. Prohibited recordings should include the following:</p> <ul style="list-style-type: none"> <li>• Conversations with confidential informants and undercover officers to protect confidentiality and officer safety</li> <li>• Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms)</li> <li>• Strip searches</li> <li>• Conversations with other agency personnel that involve case tactics or strategy</li> </ul>	<p>When determining whether a recording should be prohibited, agencies should consider privacy concerns, the need for transparency and accountability, the safety of the officer and the citizen, and the evidentiary value of recording.</p>	<p>Prohibited recordings: pp. 37–38; 42</p> <p>Privacy considerations (in general): pp. 11–20</p>



*Download and storage policies*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
14	Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.	In most cases, it is more efficient for an officer to download recorded data from his or her own body-worn camera. The officer will have the best access to the camera and knowledge of the footage for tagging/documentation purposes. However, if the officer is involved in a shooting or other incident that results in someone's bodily harm or death, it is prudent for the officer's supervisor to take immediate custody of the officer's camera for evidence preservation purposes.	Data protection: pp. 15–16; 18–19; 42–44
15	Policies should include specific measures to prevent data tampering, deleting, and copying.	Implementation tips: <ul style="list-style-type: none"> <li>• Agencies should create an audit system that monitors who accesses recorded data, when, and for what purpose. Some camera systems come with a built-in audit trail.</li> <li>• Agencies can conduct forensic reviews to determine whether recorded data has been tampered with.</li> </ul>	Data protection: pp. 15–16; 18–19; 42–45
16	Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.	The majority of agencies that PERF consulted require officers to download recorded data by the conclusion of his or her shift. The reasons for this include the following: <ul style="list-style-type: none"> <li>• Many camera systems recharge and clear old data during the downloading process.</li> <li>• Events will be fresh in the officer's memory for the purpose of tagging and categorizing.</li> <li>• Evidence will be entered into the system in a timely manner.</li> </ul>	Data protection: pp. 15–16; 18–19; 42–45
17	Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.	Properly categorizing and labeling/tagging recorded video is important for the following reasons: <ul style="list-style-type: none"> <li>• The type of event/incident on the video will typically dictate data retention times.</li> <li>• It enables supervisors, investigators, and prosecutors to more easily identify and access the data they need.</li> </ul> Implementation tips: <ul style="list-style-type: none"> <li>• Some camera systems can be linked to an agency's records management system to allow for automated tagging and documentation.</li> <li>• Some camera systems can be linked to electronic tablets that officers can use to review and tag recorded data while in the field. This saves the officer time spent tagging data at the end of his or her shift.</li> </ul>	Data tagging: pp. 16–17; 18–19; 33–34; 43



## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
18	Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.	<p>Most state laws provide specific retention times for videos that contain evidentiary footage that may be used for investigations and court proceedings. These retention times will depend on the type of incident captured in the footage. Agencies typically have more discretion when setting retention times for videos that do not contain evidentiary footage.</p> <p>When setting retention times, agencies should consider the following:</p> <ul style="list-style-type: none"> <li>• State laws governing evidence retention</li> <li>• Departmental policies governing retention of other types of electronic records</li> <li>• The openness of the state's public disclosure laws</li> <li>• The need to preserve footage to promote transparency</li> <li>• The length of time typically needed to receive and investigate citizen complaints</li> <li>• The agency's capacity for data storage</li> </ul> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• Agencies should make retention times public by posting them on their websites.</li> <li>• When setting retention times, agencies should consult with legal counsel to ensure compliance with relevant evidentiary laws. Agencies should obtain written approval for retention schedules from prosecutors and legal counsel.</li> </ul>	Data retention: pp. 16–19; 33–34; 43–45



No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
19	Policies should clearly state where body-worn camera videos are to be stored.	<p>Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Factors that agencies should consider when determining where to store data include the following:</p> <ul style="list-style-type: none"> <li>• Security concerns</li> <li>• Reliable methods for backing up data</li> <li>• Chain-of-custody issues</li> <li>• Capacity for data storage</li> </ul> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• Agencies should consult with prosecutors and legal advisors to ensure data storage methods meet all legal requirements and chain-of-custody needs.</li> <li>• For videos requiring long-term storage, some agencies burn the data to a disc, attach it to the case file, and delete it from the internal server or online database. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.</li> <li>• The agencies that PERF consulted report having no issues to date with using a third-party vendor to manage recorded data. To protect the security and integrity of data managed by a third party, agencies should use a reputable, experienced vendor; enter into a legal contract with the vendor that protects the agency's data; ensure the system includes a built-in audit trail and reliable backup methods; and consult with legal advisors.</li> </ul>	Data storage: pp. 15-16; 18-19; 32-34; 43-44



*Recorded data access and review*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
20	Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.	<p>Most agencies that PERF consulted permit officers to review video footage of an incident in which they were involved, such as a shooting, prior to making a statement that might be used in an administrative review or court proceeding. The reasons for this policy include the following:</p> <ul style="list-style-type: none"> <li>• Reviewing footage will help lead to the truth of the incident by helping officers to remember an incident more clearly.</li> <li>• Real-time recording is considered best evidence and provides a more accurate record than the officer's recollection.</li> <li>• Research into eyewitness testimony has demonstrated that stressful situations with many distractions are difficult for even trained observers to recall correctly.</li> <li>• Officers will have to explain and account for their actions, regardless of what the video shows.</li> </ul>	Officer review of footage: pp. 29–30; 45–47
21	Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.	<p>PERF recommends that supervisors be authorized to review footage in the following circumstances:</p> <ul style="list-style-type: none"> <li>• When a supervisor needs to investigate a complaint against an officer or a specific incident in which the officer was involved</li> <li>• When a supervisor needs to identify videos for training purposes and for instructional use</li> <li>• When officers are still in a probationary period or are with a field training officer</li> <li>• When officers have had a pattern of allegations of abuse or misconduct</li> <li>• When officers have agreed to a more intensive review as a condition of being put back on the street</li> <li>• When an officer has been identified through an early intervention system</li> </ul>	Supervisor review of footage: pp. 24–26; 27–28; 45–47



No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
22	An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.	<p>Randomly monitoring an officer's camera footage can help proactively identify problems, determine noncompliance, and demonstrate accountability. However, unless prompted by one of the situations described in recommendation 21, PERF does not generally recommend that supervisors randomly monitor footage recorded by officers in their chain of command for the purpose of spot-checking the officers' performance. Instead, an agency's internal audit unit should be responsible for conducting random monitoring. This allows agencies to monitor compliance with the program and assess performance without undermining the trust between an officer and his or her supervisor.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>Internal audit reviews should be truly random and not target a specific officer or officers.</li> <li>Audits should be conducted in accordance with a written standard of review that is communicated to officers.</li> </ul>	Internal audit unit review of footage: pp. 24-26; 28; 45-47
23	Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.	<p>Agencies must take every possible precaution to ensure that camera footage is not used, accessed, or released for any unauthorized purposes.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>Written policies should describe the sanctions for violating this prohibition.</li> </ul>	Data protection: pp. 15-16; 18-19; 45-46
24	Policies should include specific measures for preventing unauthorized access or release of recorded data.	All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations. (See also recommendations 15 and 23.)	Data protection: pp. 15-16; 18-19; 45-46



## Implementing a Body-Worn Camera Program: *Recommendations and Lessons Learned*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
25	Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).	<p>PERF generally recommends a broad public disclosure policy for body-worn camera videos. By implementing a body-worn camera program, agencies are demonstrating that they are committed to transparency and accountability, and their disclosure policies should reflect this commitment.</p> <p>However, there are some situations when an agency may determine that publicly releasing body-worn camera footage is not appropriate. These include the following:</p> <ul style="list-style-type: none"> <li>• Videos that contain evidentiary footage being used in an ongoing investigation or court proceeding are typically exempted from disclosure by state public disclosure laws.</li> <li>• When the videos raise privacy concerns, such as recordings of crime victims or witnesses or footage taken inside a private home, agencies must balance privacy concerns against the need for transparency while complying with relevant state public disclosure laws.</li> </ul> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>• Policies should state who is allowed to authorize the release of videos.</li> <li>• When determining whether to proactively release videos to the public (rather than in response to a public disclosure request), agencies should consider whether the footage will be used in a criminal court case and the potential effects that releasing the data may have on the case.</li> <li>• Policies should clearly state the process for responding to public disclosure requests, including the review and redaction process.</li> <li>• Agencies should always communicate their public disclosure policies to the public.</li> </ul>	Public disclosure: pp. 17-19; 33-34; 46-47



*Training policies*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
26	Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.	Personnel who receive training should include the following: <ul style="list-style-type: none"> <li>• Officers who will be assigned or permitted to wear cameras</li> <li>• Supervisors whose officers wear cameras</li> <li>• Records/evidence management personnel</li> <li>• Training personnel</li> <li>• Internal Affairs</li> <li>• Anyone else who will be involved with the body-worn camera program</li> </ul> Implementation tip: <ul style="list-style-type: none"> <li>• As a courtesy, agencies may wish to offer training to prosecutors so they can better understand how to access the data, what the limitations of the technology are, and how the data may be used in court.</li> </ul>	Training: pp. 47–49
27	Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.	This ensures officers are prepared to operate the cameras safely and properly prior to wearing them in the field.	Training: pp. 25; 28–29; 47–49
28	Body-worn camera training should include the following: <ul style="list-style-type: none"> <li>• All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training)</li> <li>• An overview of relevant state laws governing consent, evidence, privacy, and public disclosure</li> <li>• Procedures for operating the equipment safely and effectively</li> <li>• Scenario-based exercises that replicate situations that officers might encounter in the field</li> <li>• Procedures for downloading and tagging recorded data</li> <li>• Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data)</li> <li>• Procedures for preparing and presenting digital evidence for court</li> <li>• Procedures for documenting and reporting any malfunctioning device or supporting system</li> </ul>	Implementation tips: <ul style="list-style-type: none"> <li>• Agencies can use existing body-worn camera footage to train officers on the proper camera practices and protocols.</li> <li>• Scenario-based training can be useful to help officers become accustomed to wearing and activating their cameras. Some agencies require officers to participate in situational exercise using training model cameras.</li> </ul>	Training: pp. 7; 26–30; 47–49
29	A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.	Implementation tip: <ul style="list-style-type: none"> <li>• The training manual should be posted on the agency's intranet.</li> </ul>	Training: pp. 47–49
30	Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.	Body-worn camera technology is constantly evolving. In addition to yearly refresher courses, training should occur anytime an agency's body-worn camera policy changes. Agencies should also keep abreast of new technology, data storage options, court proceedings, and other issues surrounding body-worn cameras.	Training: pp. 47–49

*Policy and program evaluation*

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
31	Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.	<p>Collecting and releasing data about body-worn cameras helps promote transparency and trust within the community. It also helps agencies to evaluate the effectiveness of their programs, to determine whether their goals are being met, and to identify areas for improvement. Agencies can also use the findings when presenting information about their body-worn camera programs to officers, oversight boards, policymakers, and the community.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> <li>Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.</li> </ul>	Engaging the public: pp. 21–22; 24; 28–29; 47–48
32	Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.	<p>A cost-benefit analysis can help an agency to determine the feasibility of implementing a body-worn camera program. The analysis should examine the following:</p> <ul style="list-style-type: none"> <li>The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests</li> <li>The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers</li> <li>Potential funding sources for a body-worn camera program</li> </ul>	<p>Financial considerations: pp. 30–34; 48–49</p> <p>Cost-benefit analysis: p.31</p> <p>Reducing complaints and lawsuits: pp. 6–9</p>
33	Agencies should conduct periodic reviews of their body-worn camera policies and protocols.	<p>Body-worn camera technology is new and evolving, and the policy issues associated with body-worn cameras are just recently being fully considered. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> <li>Evaluations should be based on a set of standard criteria and outcome measures.</li> <li>An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be conducted on a regular basis as determined by the agency.</li> </ul>	Program evaluation: p. 48–49

## Additional lessons learned: engaging officers, policymakers, and the community

According to the police officials whom PERF consulted, it is critical for agencies to engage the community, policymakers, courts, oversight boards, unions, frontline officers, and other stakeholders about the department's body-worn camera program. Open communication—both prior to and after camera deployment—can strengthen the perceived legitimacy of the camera program, demonstrate agency transparency, and help educate stakeholders about the realities of using body-worn cameras. The following table presents lessons that agencies shared with PERF with respect to engaging stakeholders.

No.	Lesson Learned	Page Reference(s)
1	Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program within the community.	pp. 21–22; 24
2	Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.	pp. 21–22; 24
3	Social media is an effective way to facilitate public engagement about body-worn cameras.	pp. 21–22; 24
4	Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the agency's website and publicly releasing video recordings of controversial incidents.	pp. 21–22; 24
5	When presenting officers with any new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.	pp. 26–27
6	Briefings, roll calls, and meetings with union representatives are effective means to communicate with officers about the agency's body-worn camera program.	pp. 26–27
7	Creating an implementation team that includes representatives from across the agency can help strengthen program legitimacy and ease implementation.	pp. 26–27
8	Agencies have found that officers support a body-worn camera program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.	pp. 26–27
9	Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' concerns about embracing the new technology.	pp. 26–27
10	Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech savvy officers.	pp. 26–27
11	Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations to judges, attorneys, and civilian review boards about how the cameras operate.	pp. 28–30

## Appendix B. Conference attendees

PERF and the COPS Office convened this one-day conference on September 11, 2013, in Washington, D.C., to discuss the policy and operational issues surrounding body-worn cameras. The titles listed below reflect attendees' positions at the time of the conference.

### **Albuquerque (NM) Police Department**

**William Roseman**  
Deputy Chief of Police

### **Alexandria (VA) Police Department**

**David Huchler**  
Deputy Chief of Police

**Eddie Reyes**  
Deputy Chief of Police

### **Anne Arundel County (MD) Police Department**

**Herbert Hasenpusch**  
Captain

**Thomas Kohlmann**  
Lieutenant

### **Appleton (WI) Police Department**

**Gary Lewis**  
Lieutenant

### **Arlington County (VA) Police Department**

**Jason Bryk**  
Lieutenant

**Michael Dunne**  
Deputy Chief of Police

**Lauretta Hill**  
Assistant Chief of Police

### **Arnold & Porter LLP**

**Meredith Esser**  
Associate

**Peter Zimroth**  
Partner

### **Atlanta (GA) Police Department**

**Todd Coyt**  
Lieutenant

**Joseph Spillane**  
Major

### **Aurora (CO) Police Department**

**Dan Mark**  
Lieutenant

### **Baltimore County (MD) Police Department**

**Karen Johnson**  
Major

**James Johnson**  
Chief of Police

### **Baltimore (MD) Fraternal Order of Police**

**Bob Cherry**  
President

### **Baltimore (MD) Police Department**

**Jeronimo Rodriguez**  
Deputy Police Commissioner

### **Bay Area Rapid Transit Police Department**

**Kenton Rainey**  
Chief of Police

### **Boyd (VA) Police Department**

**Michael Brave**  
Training Officer

### **Bureau of Justice Assistance**

U.S. Department of Justice

**David Adams**  
Senior Policy Advisor

**Steve Edwards**  
Senior Policy Advisor

**Kristen Mahoney**  
Deputy Director of Policy

**Denise O'Donnell**  
Director

**Brian Reaves**  
Senior Statistician

**Cornelia Sigworth**  
Senior Advisor

**Christopher Traver**  
Senior Policy Advisor

**Calgary (AB) Police Service**

**Trevor Daroux**  
Deputy Chief of Police

**Evel Kiez**  
Sergeant

**Asif Rashid**  
Staff Sergeant

**Camden County (NJ) Police Department**

**Orlando Cuevas**  
Deputy Chief of Police

**Charlotte-Mecklenburg (NC) Police Department**

**Michael Adams**  
Major

**Stephen Willis**  
Major

**Cincinnati (OH) Police Department**

**Thomas Streicher**  
Chief of Police (Retired)

**City of Akron (OH) Police Department**

**James Nice**  
Chief of Police

**Civil Rights Division**  
U.S. Department of Justice

**Roy L. Austin, Jr.**  
Deputy Assistant Attorney General

**Christy Lopez**  
Deputy Chief

**Zazy Lopez**  
Attorney

**Jeffrey Murray**  
Attorney

**Tim Mygatt**  
Special Counsel

**Rashida Ogletree**  
Attorney

**CNA Corporation**

**James Stewart**  
Director of Public Safety

**Columbus (OH) Division of Police**

**Gary Cameron**  
Commander, Narcotics Bureau

**Commission on Accreditation for Law Enforcement Agencies, Inc.**

**Craig Hartley**  
Deputy Director

**CP2, Inc.**

**Carl Peed**  
President

**Dallas (TX) Police Department**

**Andrew Acord**  
Deputy Chief of Police

**Dalton (GA) Police Department**

**Jason Parker**  
Chief of Police

**Daytona Beach (FL) Police Department**

**Michael Chitwood**  
Chief of Police

**Denver (CO) Police Department**

**Magen Dodge**  
Commander

**Des Moines (IA) Police Department**

**Judy Bradshaw**  
Chief of Police

**Todd Dykstra**  
Captain

**Stephen Waymire**  
Major

**Detroit (MI) Police Department**

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**Wayne Burgess**  
Lieutenant

**Bradley Chandler**  
Assistant Chief of Police

**Timothy Tew**  
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**Federal Bureau of Investigation**

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**Edward Welch**  
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**Garner (NC) Police Department**

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**Glenview (IL) Police Department**

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Chief of Police

**Grand Junction (CO) Police Department**

**John Camper**  
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**Greater Manchester (UK) Police**

**Paul Rumney**  
Detective Chief Superintendent

**Greensboro (NC) Police Department**

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Chief of Police

**George Richey**  
Captain

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**Greenville (NC) Police Department**

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Sergeant

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Sergeant

**James Jones**  
Captain

**Charles McClelland**  
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**Ryan Zuidema**  
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**Tampa (FL) Police Department**

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**Tennessee Association of Chiefs of Police**

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**Topeka (KS) Police Department**

**Ronald Miller**  
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**Toronto (ON) Police Service**

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Deputy Chief of Police

**John Sandeman**  
Unit Commander

**Peter Sloly**  
Deputy Chief of Police



**Tucson (AZ) Police Department**

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Deputy Chief of Police

**Jim Rizzi**  
Captain

**UCLA Anderson School of Management**

Peter Scranton

**University of California,  
San Diego Police Department**

**Orville King**  
Chief of Police

**David Rose**  
Captain

**University of South Florida**

**Lorie Fridell**  
Associate Professor

**U.S. Capitol Police Department**

**Kim Dine**  
Chief of Police

**Daniel Malloy**  
Inspector

**U.S. State Department**

**Jody Platt**  
Public Diplomacy Officer

**VIEVU**

**Steven Lovell**  
President

**Virginia Beach Police Department**

**James Cervera**  
Chief of Police

**Richard Cheatham**  
PTO Coordinator

**Todd Jones**  
Lieutenant

**West Palm Beach (FL) Police Department**

**Anthony Kalil**  
Captain

**Sarah Mooney**  
Captain

**Yakima (WA) Police Department**

**Jeff Schneider**  
Captain

## About PERF

The **Police Executive Research Forum** (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force, developing community policing and problem-oriented policing, using technologies to deliver police services to the community, and evaluating crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership, public debate of police and criminal justice issues, and research and policy development.

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies, educates hundreds of police officials each year in a three-week executive development program, and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF's work benefits from PERF's status as a membership organization of police officials, academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected president and board of directors and a board-appointed executive director. A staff of approximately 30 full-time professionals is based in Washington, D.C.

To learn more, visit PERF online at [www.policeforum.org](http://www.policeforum.org).



## About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

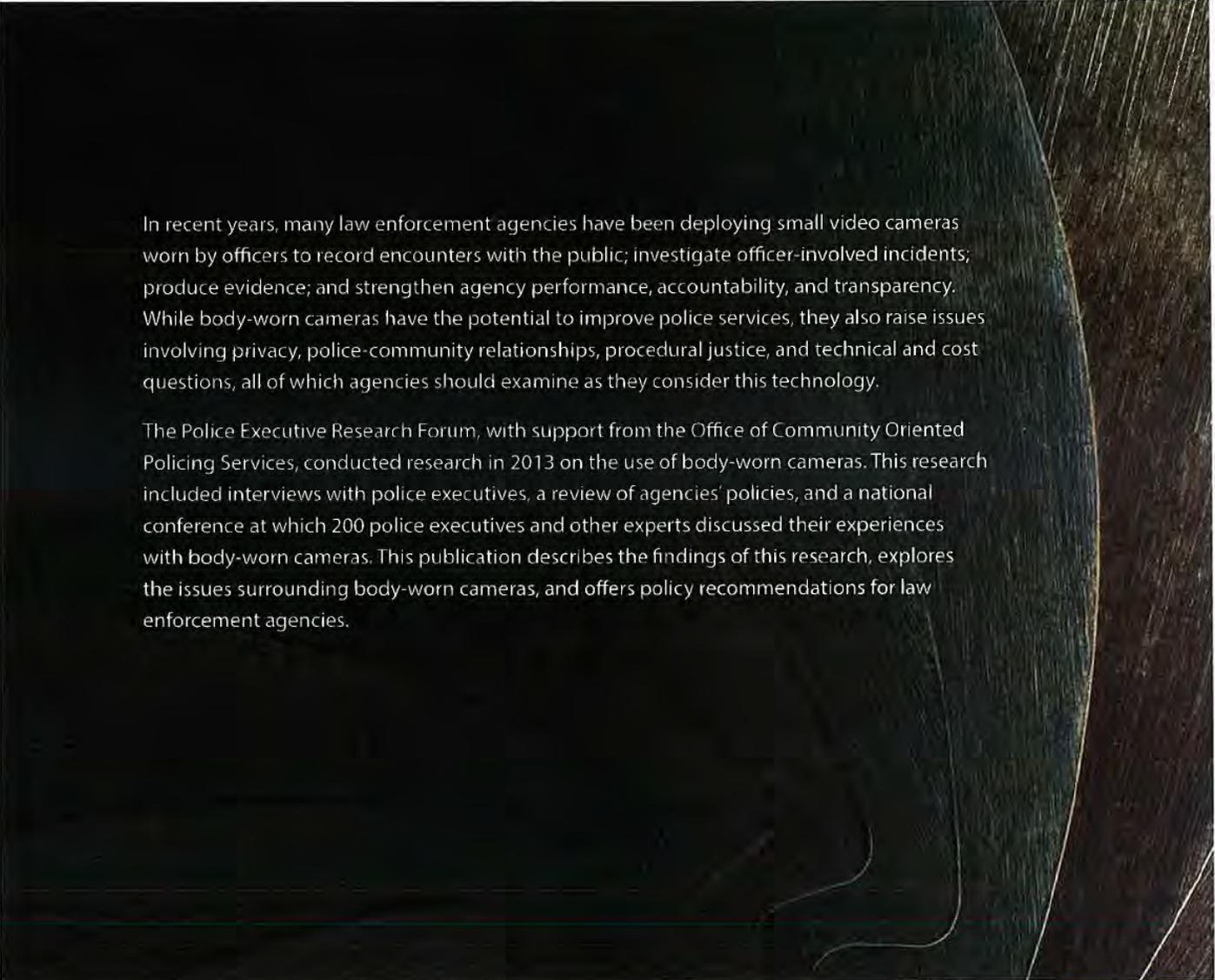
Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at [www.cops.usdoj.gov](http://www.cops.usdoj.gov). This easy-to-navigate website is also the grant application portal, providing access to online application forms.



In recent years, many law enforcement agencies have been deploying small video cameras worn by officers to record encounters with the public; investigate officer-involved incidents; produce evidence; and strengthen agency performance, accountability, and transparency. While body-worn cameras have the potential to improve police services, they also raise issues involving privacy, police-community relationships, procedural justice, and technical and cost questions, all of which agencies should examine as they consider this technology.

The Police Executive Research Forum, with support from the Office of Community Oriented Policing Services, conducted research in 2013 on the use of body-worn cameras. This research included interviews with police executives, a review of agencies' policies, and a national conference at which 200 police executives and other experts discussed their experiences with body-worn cameras. This publication describes the findings of this research, explores the issues surrounding body-worn cameras, and offers policy recommendations for law enforcement agencies.



**COPS**

Community Oriented Policing Services  
U.S. Department of Justice

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To obtain details on COPS Office programs, call the  
COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).



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