

# **BODY-WORN CAMERAS IN COMMUNITY SUPERVISION**

**American Probation and Parole Association**

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**ISSUE PAPER**

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## INTRODUCTION

Video technology has been an important public safety tool for decades. From the earliest closed-circuit television (CCTV) systems in correctional facilities to in-dash cameras in police vehicles, video technology has been used to deter criminal behavior, document encounters or behaviors of interest, and to investigate and solve crimes. The current iteration of video technology in public safety is body-worn cameras (BWC). The use of BWCs dates back to 2005 when small-scale tests were conducted in police departments in the United Kingdom (Goodall, 2007). In the United States, law enforcement has been the earliest adopter within the criminal justice system. By 2016, 60% of police departments and 49% of sheriff's offices had fully deployed BWCs (Hyland, 2018). Recently, a number of correctional institutions (primarily jails) started outfitting their officers with BWCs<sup>1</sup> and, not surprisingly, community supervision agencies are beginning to explore the potential benefits of this technology. This issue paper will provide background information about BWCs, potential uses within a community supervision context, issues agencies should consider before implementation, and policy development guidance.

## WHAT IS A BWC?

A BWC is a relatively small device that allows for video and audio recording of interactions between community supervision officers and their clients<sup>2</sup> and other individuals they may encounter during the course of their duties.

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<sup>1</sup> See, for example, Smith, 2013; or Bui, 2016.

<sup>2</sup> The term client will be used in this paper to refer to adults and juveniles involved with community corrections agencies as pretrial or presentence defendants or persons under probation, parole or other forms of community supervision.

## CASE STUDY



The Georgia Department of Community Supervision has made a significant, enterprise-wide, investment in BWCs. This move was prompted by a desire to completely change the supervision process. In 2016 the agency adopted the Effective Practices in Correctional Settings - II (EPICS-II); however, leadership recognized the need for an additional mechanism to determine how well staff were utilizing the new supervision protocols. The agency explored ways to leverage video technology to help accelerate adoption and assimilation of EPICS-II among officers. Cellphones and handheld cameras to record officer/client interactions were considered; however, the agency concluded that neither approach suited their needs. They settled on BWCs, and leaders reported positive results. All case management interactions are recorded by BWCs, and footage has replaced the chronological note system. Supervisors and officers periodically review interactions together and supervisors provide feedback for professional development. Further, the agency believes that the BWCs have enhanced the organization's application of the EPICS-II model which leverages evidence-based practices.

## HOW DO BWCS WORK?

As the name implies, the major component of the technology is the camera, which is typically worn on the officer's outer-clothing or protective equipment, with a forward-facing viewable area (Bureau of Justice Assistance, 2019). Some models have cameras integrated into "wearables" such as head gear or glasses. There are several commercially available systems, which offer different features including user controls such as push to record, touch-screen controls, video and audio feed, and playback in the field. The recordings may be uploaded through a docking station on a local storage device (e.g., server) or through an online web-based digital media storage platform where the evidence can be encrypted and managed (e.g., cloud storage). Some systems also allow for video upload while the officer is in the field.

## WHY USE BWCS?

The use of BWCs in the United States has been accelerated by a series of high-profile cases involving alleged excessive use of force by law enforcement resulting in the death of unarmed individuals (Lum, Stoltz, Koper, & Scherer, 2019). In response, many police departments have deployed BWCs as part of an effort to improve community relations and reduce liability by providing better transparency and accountability in officer interactions with the public. Other potential benefits include increased civility between police officers and citizens, quicker resolution of complaints, stronger evidence gathering and corroboration, and enhanced training opportunities (Chapman, 2019).

## POTENTIAL BENEFITS OF BWCS IN COMMUNITY SUPERVISION

Community supervision agencies are just beginning to explore how BWCs can improve operations. According to a survey conducted by APPA of its membership in 2017 (*unpublished*), five agencies reported using BWCs. Several more indicated using other, more accessible and affordable means of recording encounters, primarily smartphones and tablets.<sup>3</sup> The survey results revealed that those community supervision agencies that are deploying BWCs (and other recording devices) are doing so for many, but not all, of the same reasons as law enforcement.

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***Agencies should understand legal requirements as some states have a “two-party consent” law meaning that both parties (i.e., officer and client/subject) must be informed and consent to recording.***

### Training Support and Performance Evaluation

Several of the responding agencies reported using footage from a BWC (or another device) as a staff development tool. In these agencies, managers may review recordings of situations, like officer-client interviews or field tactics, in order to critique the officer’s performance, offer guidance to improve an officer’s techniques, and identify training needs. Recorded interactions can also provide additional information when agencies are making promotional decisions. The Georgia Department of Community Supervision reports that their hiring panel reviews a random sample of BWC interactions to help determine how well an officer is applying the principles of EPICS-II and if they are treating offenders with respect and dignity.

<sup>3</sup> A total of 593 survey responses were received. Respondents were not required to provide contact data and, as a result, APPA was not able to distinguish the number of responses from the same agency in all cases. Acknowledging this significant research limitation, 291 responses indicated that some form of technology was being used to record client interactions. Of this number, we were able to identify five agencies using BWCs (one state probation & parole system, and four county probation departments). The use of other technology (smartphone, tablet, etc.) was linked to 23 agencies.

## Increased Accountability and Transparency

Some agencies have cited increased accountability as a rationale for recording officer interactions with clients and other contacts. Accountability, of course, goes both ways. Recordings can provide transparency and protect officers against false accusations of wrongdoing; however, it also can be used to document inappropriate behaviors by the officer.

## Officer Safety/Deter Negative Behaviors

A number of agencies reported that interactions are recorded as an officer safety measure in the belief that BWCs may have the potential to protect staff by deterring violent behaviors. The hypothesis is that clients or other individuals may be less likely to assault an officer if they know they are being recorded.

## Documentation

Recordings can be helpful in documenting general case notes of interactions with clients and can support allegations of supervision violations. For example, footage can provide corroborating evidence that a specific directive was issued to a client and the client acknowledged the directive. Similarly, footage documenting threats or the presence of weapons or drugs found during a search of the client's home, person, or property, can facilitate a more expedient resolution of alleged violations by providing evidence that is very difficult to dispute.

## AGENCY CONSIDERATIONS

BWCs clearly have some potential to be part of a modern community supervision agency's toolkit; however, there are several considerations that should be explored before deployment. The following section will outline some of the key issues that agencies should examine.

### Articulating Objectives

The importance of thoroughly analyzing a challenge or opportunity and determining the appropriate response cannot be overstated. Agencies must clearly understand and articulate the objectives they are trying to address before they can make a determination that BWCs can be part of a cost-effective solution. Agencies should resist the impulse to reflexively adopt technology used in other settings and assume it will work for them. Agencies should be clear about what they are trying to accomplish and develop goal-based deliverables and performance indicators for the program to effectively monitor outcomes against objectives.

## Understanding the Costs

Agencies must be prepared to invest funds, time and sweat-equity into the development of a BWC program. Overall, costs will vary depending on the scale of deployment, type of camera system, type of storage, IT support, and the volume of recordings. The literature identifies several types of costs that should be considered (Miller, Toliver, & Police Executive Research Forum; 2014, Bureau of Justice Assistance, 2019). Further, the cost of managing a BWC program must be considered over the long term, and programs should be structured to limit project scope which, if left unchecked, can cause project costs to quickly spiral out of control.

- Capital outlay: Includes the number of BWCs, mounting kits, tablets, field viewers, and docking stations. The cost of a BWC ranges from \$199 to \$2,000; popular models are available in the \$400-\$600 range (Hung, Babin, & Coberly, 2016).
- Operational costs: Data storage is one of the most expensive aspects of BWC programs. There are three options: premise-based storage (onsite at the agency location), cloud-based storage, or a hybrid approach. The approach selected, along with the volume of data to be stored will dictate overall costs. Software and redaction costs also should be accounted for, along with the costs associated with agency administration of the initiative. These costs include the effort required to track and provide recordings to the courts or other stakeholders, time for officer-level actions (uploading and reviewing video), and time for supervisors to address policy compliance issues and provide additional coaching/training of officers as needed.
- Maintenance and replacement costs: Include regular maintenance, repairs, software and hardware upgrades to next-generation technology, warranties, and replacements.
- Agencies also must consider opportunity costs; investments in this area may mean resources are unavailable for other initiatives.

## Strategies to Reduce Costs

- Explore the viability of partnerships to purchase cameras and data storage. There may be opportunities for enterprise purchasing if multiple entities can agree on a similar scope of services (e.g., partnering with a local police department).
- Investigate the availability of private funding to support the program.
- Consider limiting both the types of interactions that must be recorded, as well as the data-retention time required. That said, these decisions should be driven by agency objectives and jurisdictional regulations rather than strictly cost.
- Explore alternate options for storing the recordings that must be retained for longer periods of time (e.g., saving critical incidents to a separate internal drive managed by the agency IT department, a special purpose cloud storage having longer retention periods rather than the main cloud storage repository).
- Consult with your jurisdiction's risk management department to determine whether the use of BWCs qualifies the agency for a reduction in insurance rates.

Agencies should apply a Return-On-Investment (ROI) methodology so that they can readily articulate the long-term value proposition of the BWC program. One important consideration is the potential for cost avoidance, as BWCs can reduce risk of lawsuits based on false allegations of staff misconduct. For an example of how to develop a ROI for public safety agencies, see: *Pew Foundation's Results First Clearinghouse*.

## Securing Staff Buy-In

A BWC program represents a significant shift in practice; therefore, individual officers may be resistant to this change (Miller, Toliver, & Police Executive Research Forum, 2014). Further, some law enforcement labor unions have argued that adoption of the technology must be negotiated as part of the collective bargaining agreement. Some in the law enforcement community believe BWCs distract officers who must remember to activate the camera as a potentially dangerous situation evolves. Other concerns include that BWCs will be used to surveil officers, exposing them to additional scrutiny and punishment for missteps including failure to operate the BWC in accordance with policy. Some officers may be concerned about their personal privacy will be violated if recordings are made public. A key to successful implementation is to include labor unions, as applicable, and line staff in the planning and implementation process. Agency executives should clearly articulate the objectives of the program and allow staff to openly express their concerns.

## Privacy Issues

While officers may have their own privacy concerns, it is important to consider other parties as well, such as clients in a variety of settings (e.g., their homes, treatment locations, workplace). Further, there will likely be other individuals also in these settings but not under supervision. Interactions with crime victims (e.g., domestic violence) warrant special consideration. Victims may feel they are unable to speak freely if they are being recorded. They may have concerns about how the recordings are later used and who may have access, including the client/perpetrator. Agencies should consider the policy implications and establish clear guidelines articulating the situations in which recordings *must* occur, where they *may* occur, and where they *must not* occur (e.g., privileged communications, settings where protected health information may be discussed, or places where there is a reasonable expectation of privacy). Further, agencies will need to decide whether officers are to inform parties that they are being recorded, understanding that there may be situations (e.g., arrests, warrant execution) in which a “stealth mode” is tactically advantageous. State law is a major factor in this determination. Agencies should understand legal requirements as some states have a “two-party consent” law meaning that both parties (i.e., officer and client/subject) must be informed and consent to recording.

## Training

The deployment of BWCs requires an investment in training to clarify camera use, video review, and video expungement and redaction. When procuring BWCs, agencies should include specifications mandating the provision of both basic training and Train-the-Trainer sessions. Further, agencies should take a broad view when determining which staff should be trained. In addition to line staff who will wear BWCs, agencies should also consider providing training to other personnel (e.g., executives, supervisors, and information technology, legal, procurement, policy/research, public information staff).

## Information Sharing

Agencies deploying BWC's can expect requests for access to recordings, perhaps in high volume. These requests may come from law enforcement agencies, community review boards, advocacy groups, and the media, as well as the general public. Agencies will need to plan for this eventuality and establish policies that govern how they will respond to these requests.

## Impact on Officer Practices

Agencies will need to consider the potential impact of BWCs on how officers perform their work. Unlike law enforcement, where interactions are situational and often one-time only events, community supervision officers work with the same clientele over long periods of time. Further, the nature of these interactions is significantly different, focusing on criminogenic needs and behavioral change. Agencies will need to consider what effect recording interactions might have on the officer's ability to establish relationships with clients. For example, will the dynamic change? Will clients be less forthcoming if they know that they are being recorded? Will recording encounters mean officers will lose their discretion to respond to different situations, knowing that a supervisor can always review the tape and scrutinize the officer's actions? Will officers begin to over-enforce violations?

Conversely, will recording interactions actually improve the officer/client relationship? Could the quality of service delivery increase, producing better outcomes? Will officers apply evidence-based practices more consistently? Will the application of sanctions be applied across clients in a manner more consistent with agency policy? These are all questions that need to be anticipated and considered, and agencies will have to use their best judgement until a solid body of empirical evidence emerges. The limited evidence in law enforcement settings suggests that recording interactions *may* change interpersonal dynamics, at least initially. For example, an ethnographic study observed exchanges between police officers and citizens becoming more "constrained and scripted" and "stilted and artificial" (Rowe, Pearson, and Turner, 2018).

## Impact on Agency

As discussed, BWCs are likely to introduce significant new demands on staff. Officers will need to learn how to use the devices. Supervisors will need to periodically review footage and take opportunities to coach officers. Other agency staff will need to process external requests for footage. Information technology staff will need to plan for hardware acquisition, maintenance and data storage strategies. Executive staff will need to provide overall guidance, policy, and ongoing review.

## Technical Issues

A BWC program should be deployed in consultation with agency information technology (IT) professionals. IT staff have the expertise to evaluate data storage options and implications on resources, identify redundancy/backup requirements, and understand the importance of compliance with IT security standards. The use of cloud-based data storage warrants particular attention. The International Chiefs of Police Association has developed specific guidelines for law enforcement agencies that may be useful for community supervision agencies (IACP, 2015). Selected key issues include: specifying contract language requiring compliance with the FBI's Criminal Justice Information Services Policy (CJIS); articulation of agency ownership of the data; prohibitions against mining or sharing data without the agency's consent; and stipulations permitting agency audit of the provider's cloud-based storage system. Further, agencies should consider procuring only those cloud-based storage systems that are compliant with Fed-RAMP security standards<sup>4</sup>.

## Need for Research

Unsurprisingly, there is no known empirical research on the use of BWCs (or other video technology) in community supervision agencies. Lum et al., 2019 have identified approximately 70 research studies on law enforcement use of BWCs; however, they note that the quality of research is variable, and many of the results are inconsistent and/or statistically weak.

According to Lum et al., there seems be general agreement in the following areas: Officers value BWCs as a tool for their protection against false or exaggerated accusations of misconduct, for improved evidence collection, and for accuracy of reporting events. Citizens are also generally supportive of BWCs. Both officers and citizens seem to believe that BWCs can protect them from each other. Further, BWCs seem to be correlated to a reduction in citizen complaints although it is not known why this is the case.

The studies revealed no significant differences in assaults on officers or resisting arrest indicating that the anticipated "civilizing effect" of BWCs may be overstated. No definitive conclusions have been reached on whether BWCs can reduce officer use of force, arrests or on the impact of officer proactivity with regard to the officer's contacts with the public. Very few studies have examined the impact of BWCs on police organizations to include cost effectiveness, efficacy as a training tool, and effects on officer workload.

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<sup>4</sup> For more information on FedRAMP, please visit: <https://www.fedramp.gov/>.

These findings indicate that, while the use of BWCs has grown rapidly in law enforcement, the body of evidence suggests that there is still much more to learn. As discussed, the use of BWCs in community supervision agencies has not yet been studied; however, some of the experiences within the law enforcement setting may be useful in the interim. Given the reality that agencies have, and will, deploy, technologies before the body of research emerges, agencies deciding to move forward should develop strong policies around the use of BWCs and adapt as evidence emerges.

## Policy Development

It is imperative that agencies develop written policies to guide the operation of BWCs. As applicable, policies should be developed with the assistance of key stakeholders to include legal counsel, labor unions, line staff, and information technology staff. Agencies should consider a range of key policy issues in developing written guidelines for BWC use. The list below was informed by Miller, Toliver, & Police Executive Research Forum, 2014 and the Georgia Department of Community Supervision's policy on body-worn cameras (unpublished):

- Authority: citation of the statutes or regulations that authorize an agency/officers to use a device to record interactions in the course of their duties.
- Basic camera usage: who will wear the cameras; where will the cameras be worn (hat, sunglasses, chest, etc.); when cameras will be worn.
- Recording protocols: when to activate and deactivate camera; when recording is required, discretionary, and prohibited; when subjects should be informed that they are being recorded or when “stealth” or “covert” recording is permissible. Agencies should provide clear guidelines describing situations in which recording is prohibited (e.g., places where individuals have a reasonable expectation of privacy, privileged communications, settings where protected health information may be discussed). Agencies should also provide clear guidelines regarding the recording of crime victims.
- Process for documenting and investigating failure to record a required event.
- Process for reporting malfunctions as well as damaged, lost or stolen equipment.
- Designated staff member: who is responsible for maintenance, charging, reporting, documenting malfunctions, and issuing new cameras.
- Video downloading process: who will download, when download will occur (e.g., at the end of the shift or specific type of event), and the method for documenting chain-of-custody.
- Data retention periods for different categories of recorded data (evidentiary, non-evidentiary).
- Process for requesting, accessing, and reviewing data: who is authorized to review and under what circumstances (e.g., individual officers, supervisors, managers, union representatives).
- Process for releasing recorded data to external agencies and the public, including redaction processes, timelines for release, and data specifically prohibited from release.

- Process for contracting with third-party vendors for data storage, where data will be stored, and how it will be safeguarded from tampering.
- Processes for preventing unauthorized alteration, editing, erasure, and duplication.
- The policy should clearly prohibit data tampering, editing, or copying.

## CONCLUSION

Body-Worn Cameras have the potential to provide several benefits to community supervision agencies, including increased transparency and accountability. BWCs can provide staff with protection against false accusations and may reduce the likelihood of violence during recorded encounters. BWCs may be able to improve evidence collection and corroboration. Perhaps the greatest potential is for staff training and development, as BWCs can allow supervisors to ensure that officers are applying evidence-based practices with fidelity and identify opportunities for coaching. On the other hand, implementing BWCs will introduce a new set of challenges. Agencies will need to anticipate and manage privacy issues, including compliance with protected health information regulations; the potential impact on the officer/client relationship; and how to handle requests for footage from the public and other stakeholders. BWCs represent a significant resource investment, and initial hardware acquisition and data storage can be costly. Further, supervisors will need to dedicate more time to reviewing footage and working with officers to address issues as they arise.

Clearly more research is needed to better understand how BWCs can be best applied in community supervision. Until this knowledge gap is filled, some general guidance may help. As with any situation, agencies must carefully consider the specific challenges they face and the objectives they hope to achieve. BWCs may be a cost-effective response for some but not for others. Each agency will need to make that determination for themselves. Nonetheless, agencies that move forward should carefully consider the policy implications associated with BWCs and should develop clear guidance to ensure that officers use this tool in a responsible manner.

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