



# Police Body-Worn Cameras: How to Do it Right in Massachusetts

## The Problem

High-profile incidents in which police officers have harmed civilians—often people of color—have highlighted a need for increased police transparency and accountability. Allegations of police misconduct, whether accurate or unfounded, damage trust between police and civilians, and erode their ability to work together to protect communities.

Factual disputes are a crucial part of this problem. In some cases, such as the killing of Walter Scott in South Carolina, cameras have revealed police misconduct that might otherwise have gone unproved.<sup>i</sup> Likewise, in Chicago, Officer Jason Van Dyke was charged with murdering Laquan McDonald only after dashboard camera footage revealed that McDonald did not lunge at police with a weapon, as Van Dyke had claimed.<sup>ii</sup>

In other cases, such as the killing of Angelo West in Roxbury, video has allayed community concerns about possible misconduct.<sup>iii</sup> In all cases, for both the community and the police, learning the facts is vitally important.

## The Solution

To protect both law enforcement officers and community members, police should use body-worn cameras (BWCs) during interactions with the public and implement BWC policies that (1) reflect community participation; (2) protect privacy; and (3) ensure public accountability.

The evidence supporting this solution is clear. In Rialto, California, a BWC study found a 60% reduction in officer use of force and an 88% reduction in civilian complaints.<sup>iv</sup> In Orlando, Florida, a BWC study found a 53% reduction in use of force and a 65% reduction in civilian complaints.<sup>v</sup> According to recent polls, 90% of Americans support BWCs for police,<sup>vi</sup> and 95% of large police departments have either deployed BWCs or have committed to do so.<sup>vii</sup>

Although no Massachusetts agency has issued guidance on BWCs, the ACLU of Massachusetts has drafted a [model policy](#) reflecting the principles of participation, privacy, and public accountability.

### 1. Participation

- ***Engage the community to assess local priorities.***

Body-worn camera policies should be shaped and approved through a public process, allowing community stakeholders to address local concerns.

- ***Disclose policies and key footage to the public.***

Community members have a right to know how the police use BWCs. Policies governing BWCs, as well as key footage, should be publicly available.

## 2. Privacy

- ***Prohibit recording without notice and, in private spaces, without consent.***

Police should notify people that they are being recorded, and BWCs should be turned off *at a civilian's request* in sensitive situations such as recording inside of homes or when interviewing sexual assault victims. Videos with highly private footage should not be released to the public.

- ***Never surveil activists or use biometric analyses.***

BWCs should not be used to gather information based on First Amendment-protected speech, association, or religion. Data from BWCs must not be used in any facial recognition system.

- ***Promptly delete video that doesn't involve the use of force, a complaint, or a detention or arrest.***

Body-worn camera video should be deleted in a matter of weeks unless a recording is flagged at the subject's request or because it documents the use of force, involves an encounter that is the subject of a complaint, or led to a detention or arrest.

## 3. Public Accountability

- ***Limit officer discretion to turn off the cameras.***

Body cameras don't advance accountability if police can turn them off any time they want. Officers should record when responding to a call for service or any investigative encounter. That includes stops, frisks, searches, arrests, consensual interviews and searches, enforcement actions of all kinds, and any encounter that becomes hostile or violent.

- ***Officers should write initial reports before viewing camera footage.***

Letting officers preview videos of an incident before giving a statement undermines the credibility of their statements and the integrity of investigations.

- ***Discipline officers who violate policy.***

An investigation spurred by Laquan McDonald's killing in Chicago found that 80% of dashcams in city patrol cars could not record sound due to "intentional destruction" or "officer error."<sup>viii</sup> To prevent this kind of behavior, officers who violate BWC policies must face sanctions.

<sup>i</sup> "Walter Scott Shooting Footage Synced with Police Scanner Audio," [The Guardian](#), April 9, 2015.

<sup>ii</sup> "Police Reports in Laquan McDonald Case Appear to Contradict Dashcam Video," [ABC News Chicago](#), Dec. 4, 2015.

<sup>iii</sup> "Video Released of City Officer Being Shot," [The Boston Globe](#), April 10, 2015.

<sup>iv</sup> *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Miller, Lindsay, Jessica Toliver, and [Police Executive Research Forum](#). Washington, DC: Office of Community Oriented Policing Services, 2014.

<sup>v</sup> "University of South Florida Study: Body Cameras Help Police Do Their Jobs Better," [Tampa Bay Times](#), Oct. 12, 2015.

<sup>vi</sup> "Negative View of US Race Relations Grows, Poll Finds," [New York Times](#), May 4, 2015.

<sup>vii</sup> "Almost All Police Departments Plan to use Body Cameras," [Governing](#), Jan. 26, 2016.

<sup>viii</sup> "80 Percent of PD Dash-cam Videos Are Missing Audio Due to 'officer error' or 'intentional destruction,'" [The Washington Post](#), Jan. 29, 2016.