

Body cameras: Not a cure, but a step in right direction

By Jonathan T. Hasebe



In response to the deaths of Michael Brown in Ferguson, Missouri and Eric Garner in Staten Island, New York, there has been a nationwide outcry for the adoption of body camera technology by police departments. In a December 2014 Pew Research poll, 87 percent of respondents supported the idea of requiring police officers to wear body cameras to record interactions. The proposal received bipartisan support with 79 percent of Republicans, 90 percent of Democrats, and 88 percent of Independents backing the idea.

Test studies involving body cameras in the last few years seem to back up the idea that body cameras are beneficial to interactions between police on patrol and the public at large. In the city of Rialto, California, all 70 of the department's uniformed officers were equipped with body cameras beginning in February 2012. Rialto's adoption of the body cameras led to some encouraging findings: After the implementation of the program, public complaints against officers plunged 88 percent from the previous 12 months and officers' use of force fell by 60 percent.

In a similar study conducted in Mesa beginning in October 2012, two demographically similar groups of 50 officers participated in a body camera study with one of the groups wearing body cameras and the other control group going camera-less. The study found that the 50 officers assigned to wear body cameras had 40 percent fewer complaints and 75 percent fewer use of force complaints, as compared to the previous year. Eight months after the camera deployment, the officers without cameras had nearly three times as many complaints than those who wore the cameras.

One obvious explanation for the drop in complaints against officers is that those who are being recorded (or who are doing the recording) tend to be more civil if they know their interaction will be documented on tape. Lieutenant Harold Rankin, who oversaw the body-worn camera program in Mesa, agreed with this finding and stated, "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

Legal

Ease

person that the camera is running. That's often enough to deescalate the situation."

Although not yet mandated state-wide among all law enforcement agencies, the Maricopa County Sheriff's Office may soon join the growing ranks of agencies adopting the body camera technology, which currently includes the Mesa, Chandler and Surprise police departments. In 2013, U.S. District Court Judge G. Murray Snow found that the MCSO had improperly profiled Latinos during their patrols. As a result, Judge Snow issued an order with the goal of preventing future discrimination. One of the suggested reforms ordered by Judge Snow was the use of camera technology on all patrol vehicles, although the order was recently amended to replace the term "in-vehicle" to "on-person."

The adoption of on-body cameras, like many new technologies adopted by law enforcement, will not come without some controversy. Some police officers may have hesitations at having their entire patrol filmed, arguing that it could hinder their investigative ability. Further, those who interact with police might have first-amendment concerns regarding an invasion of their right to privacy by having their conversations with police recorded. Additionally, the various agencies would need to iron out specific policies in regards to the use of the cameras (e.g., will the officers have the ability to turn the cameras on and off). Still, the cost savings associated with the reduction of complaints against officers as well as the ability to have an impartial, unbiased recording of police-citizen interactions would be a win-win for both police and the public. While not a panacea, the adoption of body cameras would be a positive move towards rebuilding the public's trust in law enforcement.

Jonathan Hasebe is an associate at Gallagher & Kennedy. He practices in the areas of both general commercial litigation and transactional law. For more information about Mr. Hasebe, please visit gknet.com.