



Durham Police Department



Body Camera Listening Forums Questions

The Durham Police Department (DPD) held six public listening forums in May and June to give residents an opportunity to speak about the department's use of body-worn cameras. Police staff used the feedback to help guide and shape the body camera implementation process.

During the forums many important questions and ideas were discussed. Realizing that all residents could not attend the forums—and in alignment with DPD's goal of transparent, informative communications—each question posed during the public forums is listed and addressed below.

Policy

1. Why is DPD considering the use of cameras?

Law enforcement as a profession is constantly evolving, changing, and developing new techniques and tools. Aside from the evidentiary benefits, the public also sees body cameras as another layer of accountability for officers; and in some cases, another layer of protection for residents. The Durham Police Department views it as a win-win for both officers and residents.

2. What is the current policy?

The department has not finalized its policy regarding the use of body cameras. There is an existing policy with respect to the in-car camera systems. That policy, *General Order 4064*, is a public record and may be found on the department website, www.durhampolice.com, under the "Durham Police Department General Orders" link, page 689. The final body camera policy will also be a public record and will be added to the department's general orders.

3. When on a call, when will officers be required to start recording?

The proposed plan is that the officer will begin recording immediately upon being dispatched to a call for service, when responding to assist on a call for service, and/or when engaging in other investigative contacts with residents such as traffic/pedestrian stops, consent searches, etc. There will be some exceptions in the policy to these general requirements. For example, witnesses or victims wishing to provide anonymous or non-recorded information regarding criminal activities are not required to be recorded.

4. What about internal audits? Or police report guidelines?

If the question is whether the officer's camera footage will be randomly reviewed to evaluate the officer's interactions with residents, the answer is "yes." The Commission

on Accreditation for Law Enforcement Agencies (CALEA) now requires documented review of camera captured data. Random spot-checks are already being conducted on officers' in-car camera footage. Likewise, this same practice will be employed with the body cameras as well.

As for report writing, there are many opinions for and against using the footage to aid in report writing. The department has opted to allow officers the option of reviewing their footage solely for the purpose of improving the clarity and accuracy of reports. Law enforcement encounters are sometimes volatile, dynamic, and evolve very rapidly. It is reasonable to make every effort to be as accurate as possible for the benefit of the resident, the violator, and the officer. While nothing is fool-proof, the department sees this as more beneficial than harmful to the resident – and the officer.

5. *When will the decision be made on body cameras?*

A Request for Proposal (RFP) was published; and vendors had 30 days in which to respond to the solicitation. Additionally, department staff contacted all known vendors directly to make them aware of the solicitation. Also, there was a pre-bid conference in July of 2015 which allowed vendors to come in and ask specific questions of the project team prior to submitting their respective proposals. Once all of the proposals were in, they were reviewed and whittled down to three companies which were reviewed through the City's equity assurance process. A decision was made and some short-term testing was done. We are in the midst of negotiating a contract and hope to have that item on the next City Council Work Session agenda if all parties can come to an agreement. The tentative goal was to begin distributing cameras to officers by the end of this year; however, we were unable to meet that exact date. Once the contract has council approval, it can be executed and we should begin receiving units in January. Our IT staff will need some time to master the accompanying video management software and initiate a training schedule for the officers prior to distribution.

6. *How will DPD prevent a back log of video footage needed for court proceedings?*

Presently, the department has two EIS (IT) staff members who manage the in-car camera program and accompanying video file retrieval and management. The retention period for videos that are not needed for court is 180 days, after which time such videos will be purged. Videos retained as evidence may be maintained anywhere from three years to indefinitely. The purging will create some space; however, at some point additional storage servers will need to be acquired to manage the video files, and additional staffing may be required to manage the videos. This is one of the considerations that further supports not having the cameras recording an entire shift non-stop. As we progress in deploying cameras and managing footage, we will assess the need for adjusting the retention period of the videos, and/or the need for additional staff or storage space. Ultimately a balance must be struck between costs, the law, the needs of the department and public confidence.

7. *For what other purpose(s) will video be used?*

Body camera videos will serve as evidence in criminal and administrative investigations.

There is a possibility that some footage may be used as a training aid to assist officers in improving their tactics, practices and interactions.

8. *Is serious consideration going to be given for violations (not turning the camera on, destroying camera evidence, obstructing video)?*

Yes, there will be penalties for failing to abide by department policy, just as there always have been. Please keep in mind that this is a new tool, thus new habits will need to be formed. There will be a learning curve to instill the habit of turning the camera on when required. The department's current in-car camera policy speaks to penalties for failing to utilize the camera and failing to document malfunctions prior to beginning a work shift. The body camera policy will do likewise and disciplinary action will be a clearly defined consequence.

9. *This is a nationwide problem. I think every country and every place should have cameras.*

While DPD certainly cannot, and should not, evade the larger national discussion, the Durham Police Department is most concerned with fulfilling its obligations to its residents while working towards the shared goal of a safe and secure community. DPD cannot speak to the practices of other jurisdictions or to any national directives that may or may not be given in the future.

10. *Will school resource officers have body cameras?*

School resource officers are deputies with the Durham County Sheriff's Office and are not governed by Durham Police Department policies. The department does assign Gang Resistance, Education, and Training (G.R.E.A.T.) officers to elementary and middle schools to teach the G.R.E.A.T. curriculum. Presently, there are no plans to deploy body cameras on G.R.E.A.T. officers. There is always the possibility that the program might be expanded to include this group of officers, however there are significant legal and policy considerations that would need to be worked through with respect to recording children in a school setting.

11. *Will private security firms wear body cameras?*

The department is not in a position to speak to the activities or policies of private security companies and their respective staff.

12. *Could peripheral evidence that the camera catches be used?*

Yes, anything that is captured within an officer's plain view may potentially be used as evidence.

13. *Will it be a requirement for the officer to wear the camera the entire time?*

If "entire time" means the entire work day, then the answer would be "yes," although, that doesn't mean that the camera will be recording the entire day – only when required according to policy, or when the officer feels that an encounter needs to be recorded.

14. What is the process of passing cameras from shift to shift?

Cameras will not be passed shift to shift. Unlike some departments, the Durham Police Department plans to issue cameras to individual officers. The serial number for that device will only be associated with that particular officer. This adds accountability for the use and maintenance of the device, as well as for any video that is captured with that particular device.

15. If recordings are not personnel records when are they going to be released to the public?

Video footage captured by Durham Police Department body cameras constitutes records of a criminal investigation under North Carolina General Statute §132-1.4 and are not public records. The department generally does not release upon request any type of criminal investigative records unless production is otherwise required by law. However, the department maintains the authority and discretion to disseminate footage to the public if it determines there is a significant public interest in doing so and that release will not otherwise compromise an ongoing administrative or criminal investigation or prosecution.

16. Will officers themselves be filmed?

With some calls for service requiring a multi-officer response it is inevitable that officers will film each other during the performance of their duties. In today's world of cell phone cameras anyone is subject to being recorded by anyone at any time. Officers will be prohibited from secretly recording fellow employees in the workplace, or for using the City-issued body camera for any type of personal recording whatsoever.

17. Given the attitude of the public will you have citizens working with you to develop policies?

In a manner of speaking, "yes," citizen involvement in the policy decisions came in the form of the feedback from the various listening sessions, emails and phone calls, and the questions submitted during the listening sessions. Additionally, the draft policy is available to the public and a time period and method for providing comments has been provided.

18. Where is the Sheriff's Department with their process? Maybe redundancy could be eliminated on the back in if you two collaborate.

DPD cannot speak on the plans of another agency.

19. Will the NC Legislature set standards and laws for all police departments to use body cameras?

While DPD is aware of some proposed bills in the legislature, administration felt it prudent to move forward with program and policy development, rather than wait to see what was going to happen. If laws are passed that impact the DPD policy administration will certainly adjust the policy accordingly to comply with the law.

20. I'd like to know a little more about the final decision process –kind of a step-by-step process.

A Request for Proposal (RFP) was published on and vendors had 30 days to respond to the solicitation. Additionally, department staff contacted all known vendors directly to make them aware of the solicitation. There was a pre-bid conference on July 21, 2015, which allowed vendors to come in and ask specific questions of the project team prior to submitting their respective proposals. Once all of the proposals were in they were reviewed and cut down to three companies which were reviewed through the City's equity assurance process. A decision will be made and some short-term testing will be done. Assuming there are no issues with the testing, then a final decision can be made and a proposal will be submitted to the City Council for approval. It is at this stage that the costs and funding source(s) will be disclosed.

21. We are all subject to random video of smart phones and such. I see no difference in the risk of those cameras and police body cameras. What is policy in respect to bystanders filming interactions?

The law allows a bystander to film police activity within his or her plain view when the individual is filming from a public place, or from private property absent objection from the owner or person in charge of the property. A couple of stipulations should be noted: 1) An area that is designated as a crime scene, and marked as such by some type of barrier, may not be entered without permission of the officer(s); however, you may stand behind the barrier and film whatever the eye can see; 2) You must maintain a distance that allows the officer to perform his or her duties without being distracted or obstructed and you may not in any way interfere with the officer's performance of his or her duties or you may be in violation of *North Carolina General Statute §14-223*.

Privacy

22. How will officers notify citizens that they are being recorded? Will there be any markings on the officer to let public know?

There are no plans for any type of markings on the uniform to indicate that a camera is in use. Most body camera devices can be seen fairly easily. The current plan is for officers to record all investigative or law enforcement encounters with residents, so residents may safely assume that if they see a camera on an officer engaged in a law enforcement function, then he/she is most likely recording. The present plan is that officers will be given the discretion to inform or not inform residents that they are being recorded.

23. Will 'Miranda' type statements be required of officers wearing these cameras to avoid self-incrimination of alleged offenders?

Officers will advise a suspect of his or her Miranda rights when required by law to do so. Contrary to popular belief, Miranda warnings are not required in any and all encounters, discussions, or questioning between a resident and the police. Miranda only applies

when a person is “in custody,” meaning that person is under arrest or the functional equivalent of an arrest. Miranda warnings are not applicable during consensual encounters, detentions that do not rise to the level of an arrest, or to questions that are not likely to elicit an incriminating response, such as routine booking questions regarding an arrestee’s name, address, date of birth, etc.

24. How much can media request? How much is public record?

Video footage captured by Durham Police Department body cameras constitutes records of a criminal investigation under *North Carolina General Statute §132-1.4* and are not public records. The department generally does not release upon request any type of criminal investigative records unless production is otherwise required by law. The department maintains the authority and discretion to disseminate footage to the public if it determines there is a significant public interest in doing so and that release will not otherwise compromise an ongoing administrative or criminal investigation or prosecution.

25. What about personnel records? Not just the police officers but the citizens being recorded. What will keep that person from being on the news?

While the average Durham resident currently enjoys little protection from being recorded and shown in the media, body camera footage is somewhat different and is governed by laws as outlined in the answers above.

26. Will camera evidence be allowed in court?

The Durham Police Department will provide body camera footage for use in court proceedings in accordance with statutory discovery obligations or as otherwise required by law. Whether the footage is actually admitted into evidence in any civil or criminal proceeding is determined by the presiding judicial official.

27. Will cameras be worn when officers are in people’s homes? Will they be on in every situation?

Officers with an assigned body camera will be required to wear the camera during their entire shift. The proposed plan is that generally the body camera must be activated upon being dispatched to a call for service, when responding to assist on a call for service, and/or when engaging in other investigative contacts with residents even if these encounters occur within an individual’s home. It is anticipated that the camera will be required to remain on until the incident to which the officer is responding or investigating has stabilized or concluded. That being said, officers will have the discretion to deactivate a recording at the request of a non-suspect, particularly when it appears that continued activation will cause the individual to become uncooperative, less than forthcoming or adversarial.

28. How does the Freedom of Information Act apply to public requests for recordings?

The Freedom of Information Act is a series of federal laws applicable to certain federal

agencies. The Durham Police Department is not an agency governed by these statutes. Access to public records created and/or possessed by the Durham Police Department is governed by the North Carolina public records laws found in *Chapter 132 of the North Carolina General Statutes*.

29. Will people be recorded without their permission? Can citizens object to the use of body cameras?

Officers will have some limited discretion to stop recording – under very narrow circumstances, i.e. juvenile victims for example. In general, when residents call 911 and an officer responds to assist them, he/she will be prohibited from deactivating the camera. In addition, officers will have the discretion to deactivate a recording at the request of a non-suspect, particularly when it appears that continued activation will cause the individual to become uncooperative, less than forthcoming or adversarial.

30. What is the level of availability for the public? And what about the privacy rights of other citizens being put on camera that were not involved in the incident?

With respect to public availability of the footage, video footage captured by Durham Police Department body cameras constitutes records of a criminal investigation under *North Carolina General Statute §132-1.4* and are not public records. The department generally does not release upon request any type of criminal investigative records unless production is otherwise required by law. However, the department maintains the authority and discretion to disseminate footage to the public if it determines there is a significant public interest in doing so and that release will not otherwise compromise an ongoing administrative or criminal investigation or prosecution. With respect to uninvolved residents being recorded, that is a risk that is presently shared by all. Anyone can video anyone else in a public place – there is no expectation of privacy for activities that occur in full view of the general public. As for activities occurring within private premises, once the police lawfully enter the premises, the camera is only recording what the officer could otherwise lawfully view.

31. Will rape victims appear on camera? Abused children?

Officers will have some limited discretion with respect to stopping recordings. Rape victims and juvenile victims would fall within the parameters of that discretion.

Transparency

32. Will officers be allowed to take the cameras home?

Officers will be allowed to take the cameras home. The plan is for the cameras to be an assigned piece of equipment just like their firearm or radio. It is worth noting that the officers will not be able to tamper with, alter, or delete recorded video, or copy the video onto a personal computer. This will be prohibited by both policy and technical means.

33. How much could be done to make an officer appear in a better light?

If the question is can the video be altered or edited to exclude negative behavior by the officer, the answer is “no.”

34. What’s in place to prevent improper use?

Two things: first, any personal use of Durham Police Department body camera video is prohibited by policy. Second, it is the intention of the department to purchase a device that has security features built into the device, and its software, to prevent improper use.

35. Will DPD make public any report it has produced related to performance of the body camera pilot project? Can you share any info on the 90-day test pilot and how it went?

The department does not intend to “report out” in detail on the pilot testing. The officers responded well to the use of the cameras that were tested. The three key concerns from the officers’ perspective were (1) ensuring that the method of attaching the device to the uniform is as secure as possible; (2) the amount of time it takes to upload the recorded videos and (3) clear direction on when the device had to be turned on and off. The results were pretty inconsistent with respect to those two issues and administration will be looking at various solutions as the process moves forward.

36. Will we know what other jurisdictions will be researched to form the DPD policy?

The department reviewed policies from several other police departments to include: Denver Police Department; D.C. Metropolitan Police Department; Seattle Police Department; Louisville Metro Police Department; Duke University Campus Police Department and the Greensboro Police Department.

Three publications on this subject from the U.S. Department of Justice were reviewed; and administration used the current DPD in-car camera policy as a base template. The American Civil Liberties Union (ACLU) published a paper in 2013 with a list of recommendations, which was also used to help shape decision-making. The local chapters of the ACLU and NAACP also submitted letters which listed many recommendations.

37. Were Durham residents notified of the 90-day pilot?

There was no public announcement prior to beginning the 90-day pilot testing. Administration did speak to it publicly via the media during the end of the pilot testing phase. The community was also engaged in the numerous public listening sessions.

38. Who has access to the camera footage?

Any videos recorded are the property of the Durham Police Department. Supervisors and investigators within the department may access the video footage for official business only, i.e. criminal investigations, administrative investigations (complaints), and spot-checking officer interactions with residents.

39. Will the camera keep track of the time/date it is turned on/off?

The department will be looking to explore every technical means available to track and document any misuse of the camera. Presently our in-car camera system has a video integrity check within its video management software setup; the department would want a similar process for any Body Camera selected.

40. If an officer has a body camera, and a civilian has a camera, and their video shows different things, whose will be used?

It is quite probable that both videos might be used, assuming the department has access to the civilian video. It is possible that two cameras filming the same event might capture different actions due to different positioning around the incident; or recording the incident at different points in time. It is important to note that video from varying perspectives might prove helpful in outlining what happened, but the officers' actions must be judged based on what they could see/perceive at that moment in time.

Safety

41. Will the equipment affect officer's safety?

DPD has not found it to be a safety issue. Most vendors shield the various indicator lights so that only the officers can see them at night. Additionally, in a rapidly evolving incident, the expectation is that the officer activates their camera when it is safe to do so. If activation requires the officer to take their eyes off of a potential threat, the expectation is that the officer maintains eye contact with the threat and only starts recording when it is safe to do so.

42. What part of the equipment does an officer have to wear? Will it affect officers when they are tussling with someone?

The camera will be affixed to the officer's body in some manner. It is very common for name tags and badges to be torn off during struggles with non-compliant/combative people; the same can be expected of the cameras. The department experimented with several different attachment options and will select a solution that balances effectiveness with costs.

43. Are the devices heavy? Could they affect officer's demeanor and safety.

The cameras come in a variety of shapes, sizes and weights. Some models don't weigh much more than a cellular phone or pager, while others have a bit more girth. Ultimately the officers will have to get adjusted to whatever device is chosen.

44. What happens if police-sensitive information appears on camera?

Video footage captured by Durham Police Department body cameras constitutes records of a criminal investigation under *North Carolina General Statute §132-1.4* and are not public records. The department generally does not release upon request any type of criminal investigative records unless production is otherwise required by law.

Budget/Finance

45. Has money been allotted for the body cameras?

Budgetary matters will be discussed once a particular camera device is chosen.

46. How many new employees will be needed?

It is not known how many new employees will be needed. Presently, two EIS (IT) employees manage the department's current audio/video related programs full-time. It is not known what the addition of video footage from approximately 200 or more body cameras will do to the workload; it may require an additional full-time employee (FTE); or the department might be able to implement technical measures that negate the need for additional staff. Once the cameras have been deployed workload will be closely monitored to assess the need for additional resources.

47. The price that it will cost per year...who is going to pay that? Is it going to come back to citizens?

There is no guarantee that there will be any annual costs; that is dependent upon which vendor is ultimately selected.

48. How often will you have to upgrade them?

The potential for upgrades and the accompanying costs will be things that are considered when choosing a vendor. It is important to note that technology is advancing rapidly; the same should be expected from body camera technology.

49. Will there be a tax hike?

Tax increases are within the purview of City government, thus the department is not in a position to speak to this question. It is worth noting that the most recent City budget did not include a tax increase.

50. Will the purchase of the camera be handled through an open-bid process?

Yes, the Request for Proposal/Qualifications was published and vendors had 30 days to respond. Once the response period was closed, a committee was formed to review the proposals.

51. What is the price to repair equipment if damaged?

That is unknown at this point. That will depend upon which camera is chosen, what type of warranty is provided and what type of service agreement can be put in place.

Camera specifics

52. Will the camera companies be researched?

Yes, the RFP asked for very specific information about the responding companies, including their last five years of financial statements.

53. Will only uniform officers wear the cameras?

The plan for initial deployment includes Uniform Patrol Officers and H.E.A.T. officers. Since these are the officers that respond to 911 calls and deal with street crimes, drug offenses, and gang investigations these officers have the most public contact and interaction. While there may be some expansion of the deployment to include other uniformed units there is presently no plan to assign body cameras to detectives or forensic staff.

54. On what part of the body will officers wear the cameras?

That has yet to be determined. This will depend on what type of camera is selected and what options are provided by the vendor. Different cameras have different fields of view and different attachment options. During the selection process there is a need to balance trying to capture good footage with providing a secure attachment point.

Technology/Data/Storage

55. Are plans in place to store information?

At this point the department has opted to maintain its own secure storage device(s) for its body camera footage.

56. How long will data be stored?

That is dictated by the type of footage and corresponding retention schedule established by the state. Videos not needed for court purposes will be retained for 180 days and then purged from the storage device. Videos needed for court purposes become a part of the criminal case file and are currently retained anywhere from two years to indefinitely, depending upon the type of case. Videos that become part of an administrative investigation related to the employee's performance become a part of the employee's personnel record and are required to be retained for 30 years from the date of the employee's separation from the City.

57. Will the community be informed of what the video will be used for (training, media, etc.)?

There are no plans for the department to report out each time a piece of video footage is utilized internally. Recordings are part of a criminal investigation by statute and they may be used in a court of law. Residents may apply for a court order to obtain copies of such videos. If a complaint is filed against an officer, and there is video available, then that video will become a part of the internal investigation file and personnel record. Supervisors may spot-check video footage to periodically observe how officers interact

with the public.

58. How will the integrity be maintained?

First, DPD will have a very firm and clear policy with strict guidelines; second, administration will choose a camera that has the technology to prohibit tampering and or deletion. Presently the in-car camera system has a video integrity check within its video management software setup; the department would want a similar process for the body camera that is selected.

59. How far will cameras be able to project?

If the question is, "what is the effective recording distance," the answer is dependent upon which camera is selected.

60. Once you get protocols worked out, are you aware that we have a heavy handed Department of Justice? Will you be able to handle control of that data? Or will it be turned over?

As with any other criminal investigative record the department will share that information with other law enforcement agencies, including federal agencies, on a need-to-know basis or as otherwise required by law.

61. Will there be any real-time video? Can somebody else see what's happening live or in real-time?

While that capability does exist with some vendors DPD considers that an emerging technology that is still evolving and is an additional cost that administration is not ready to incur. Further, the average resident would not be able to access real-time police body camera footage.

62. Next level of technology question – Will this information be shared with companies moving to the next level of technology? How will that technology be captured to assist in fighting crime? On the IT side, you must make sure your systems are kept up to date to keep up with technology.

DPD can't speak to what outside companies will or won't do to keep up with technology. With respect to the IT Division (EIS), both the City and department staff stays abreast of emerging technologies and systems and how DPD can employ these technologies in providing the best service to our citizens.

63. I would like to know who is going to monitor the cameras.

The cameras will be issued to the individual officers just like any other piece of equipment. The device's serial number will be associated with that specific officer only, as will the accompanying videos. The officers will not be able to tamper with the video in any way. Additionally, the department will have some means of detecting if an officer intentionally disabled or tampered with the device.

64. What happens to the data if the camera is lost or broken?

Most, if not all, vendors have security measures installed in their respective devices. So if a camera falls off an officer during a foot pursuit and is lost, the average person, should they find it, will not be able to access the data stored on the device. Nothing is impossible with respect to man-made devices, so a talented criminal with the right knowledge, equipment and time might be able to retrieve the video, but that is an ever-present risk that cannot be totally eliminated. Depending on the level of damage, data may possibly be recovered from a broken camera.

65. Are you concerned about hackers?

Computer hackers are a part of the criminal element and DPD is certainly concerned about their capabilities. Both City and department IT staff are constantly working to safeguard the City's data from theft or destruction.

DPD Personnel

66. How do police feel about wearing cameras? Are they for it? Or do they have qualms?

The response has been predominantly favorable as to the device itself. Those officers that had any reservations were more concerned with the reason(s) for deploying the devices. They were assured that implementing this new tool is intended to help them do their jobs better, and to provide an independent record of their great work. It is worth noting that several other agencies that were spoken to reported that once the cameras were in the field and officers saw the benefits all officers wanted one – even those who were resistant at first.

67. Can you tell if cameras have cut back on crimes against police officers?

It has been reported that agencies deploying cameras have seen significant decreases in complaints filed against officers and officers' use of force.

68. What type of training will be given to officers?

Prior to being allowed to wear the camera while on duty, officers will have to complete training on the use of the camera and the accompanying video management software that allows the officer to upload and review his/her videos and label them appropriately for evidence purposes.

69. What type of directives were officers given as far as testing the cameras?

A multi-page set of guidelines were provided to the officers prior to their being issued a camera. Many of the provisions in these guidelines are in the draft policy.

70. How does the use of body cameras help strengthen community relations between police and the community in Durham?

The Durham Police Department maintains very strong ties to the community that it

serves. This relationship encompasses all neighborhoods and demographics and can be seen in the very strong Partners Against Crime organizations, DPD's award-winning National Night Out events, strong participation in the Citizen's Police Academy, and numerous other community outreach programs and opportunities. Body cameras will provide another level of transparency and for those who may have some uncertainties about interacting with police officers, having a recording of the encounter might provide some sense of security.

71. What communication has DPD had with other departments and major lessons learned?

We have reviewed numerous newspaper and professional journal articles surrounding body camera deployment. The department sent a representative to a large conference in Florida regarding this subject. Additionally, the Department of Justice has published several guidebooks and lessons learned articles on this topic. The department has had conversations with some agencies within North Carolina that have established programs.

72. As you go forth and put policies together will new recruits get this training at the academy?

Once deployment of the cameras has begun police academy graduates will be issued their body camera and will receive the necessary training. While the logistics have not been finalized, the training will most likely coincide with the Fair and Impartial Policing training that all recruits receive prior to being released for Field Training.

73. Will we see Durham Police on the show 'Cops'?

Presently there are no plans for the Durham Police Department to participate in any type of reality television program(s).

10 Limitations of Body Cameras

The following excerpt is taken from an article published by PoliceOne.com, September 23, 2014. The author is Bill Lewinsky, Ph.D., executive director of the Force Sciences Institute.

1. A camera doesn't follow your eyes or see as they see.

"A body camera photographs a broad scene but it can't document where within that scene you are looking at any given instant," Lewinski says. "If you glance away from where the camera is concentrating, you may not see action within the camera frame that appears to be occurring 'right before your eyes.'"

"Likewise, the camera can't acknowledge physiological and psychological phenomena that you may experience under high stress. As a survival mechanism, your brain may suppress some incoming visual images that seem unimportant in a life-threatening situation so you can

completely focus very narrowly on the threat. You won't be aware of what your brain is screening out.

"Your brain may also play visual tricks on you that the camera can't match. If a suspect is driving a vehicle toward you, for example, it will seem to be closer, larger, and faster than it really is because of a phenomenon called 'looming.' Camera footage may not convey the same sense of threat that you experienced.

"In short, there can be a huge disconnect between your field of view and your visual perception and the camera's. Later, someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring."

2. Some important danger cues can't be recorded.

"Tactile cues that are often important to officers in deciding to use force are difficult for cameras to capture," Lewinski says. "Resistive tension is a prime example."

"You can usually tell when you touch a suspect whether he or she is going to resist. You may quickly apply force as a preemptive measure, but on camera it may look like you made an unprovoked attack, because the sensory cue you felt doesn't record visually."

And, of course, the camera can't record the history and experience you bring to an encounter.

"Suspect behavior that may appear innocuous on film to a naïve civilian can convey the risk of mortal danger to you as a streetwise officer," Lewinski says. "For instance, an assaultive subject who brings his hands up may look to a civilian like he's surrendering, but to you, based on past experience, that can be a very intimidating and combative movement, signaling his preparation for a fighting attack. The camera just captures the action, not your interpretation."

3. Camera speed differs from the speed of life.

Because body cameras record at much higher speeds than typical convenience store or correctional facility security cameras, it's less likely that important details will be lost in the millisecond gaps between frames, as sometimes happens with those cruder devices.

"But it's still theoretically possible that something as brief as a muzzle flash or the glint of a knife blade that may become a factor in a use-of-force case could still fail to be recorded," Lewinski says.

Of greater consequence, he believes, is the body camera's depiction of action and reaction times.

"Because of the reactionary curve, an officer can be half a second or more behind the action as it unfolds on the screen," Lewinski explains. "Whether he's shooting or stopping shooting, his recognition, decision-making, and physical activation all take time — but obviously can't be shown on camera.

"People who don't understand this reactionary process won't factor it in when viewing the footage. They'll think the officer is keeping pace with the speed of the action as the camera records it. So without knowledgeable input, they aren't likely to understand how an officer can unintentionally end up placing rounds in a suspect's back or firing additional shots after a threat has ended."

4. A camera may see better than you do in low light.

“The high-tech imaging of body cameras allows them to record with clarity in many low-light settings,” Lewinski says. “When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than you could at the time the camera was activated. “If you are receiving less visual information than the camera is recording under time-pressured circumstances, you are going to be more dependent on context and movement in assessing and reacting to potential threats. In dim light, a suspect’s posturing will likely mean more to you immediately than some object he’s holding. When footage is reviewed later, it may be evident that the object in his hand was a cell phone, say, rather than a gun. If you’re expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate.”

On the other hand, he notes, cameras do not always deal well with lighting transitions.

“Going suddenly from bright to dim light or vice versa, a camera may briefly blank out images altogether,” he says.

5. Your body may block the view.

“How much of a scene a camera captures is highly dependent on where it’s positioned and where the action takes place,” Lewinski notes. “Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

“If you’re firing a gun or a Taser, for example, a camera on your chest may not record much more than your extended arms and hands. Or just blading your stance may obscure the camera’s view. Critical moments within a scenario that you can see may be missed entirely by your body cam because of these dynamics, ultimately masking what a reviewer may need to see to make a fair judgment.”

6. A camera only records in 2-D.

Because cameras don’t record depth of field — the third dimension that’s perceived by the human eye — accurately judging distances on their footage can be difficult.

“Depending on the lens involved, cameras may compress distances between objects or make them appear closer than they really are,” Lewinski says. “Without a proper sense of distance, a reviewer may misinterpret the level of threat an officer was facing.”

In the Force Science Certification Course, he critiques several camera images in which distance distortion became problematic. In one, an officer’s use of force seemed inappropriate because the suspect appears to be too far away to pose an immediate threat. In another, an officer appears to strike a suspect’s head with a flashlight when, in fact, the blow was directed at a hand and never touched the head.

“There are technical means for determining distances on 2-D recordings,” Lewinski says, “but these are not commonly known or accessed by most investigators.”

7. The absence of sophisticated time-stamping may prove critical.

The time-stamping that is automatically imposed on camera footage is a gross number, generally measuring the action minute by minute. “In some high-profile, controversial, shooting cases, that is not sophisticated enough,” Lewinski says. “To fully analyze and explain an

officer's perceptions, reaction time, judgment, and decision-making it may be critical to break the action down to units of one-hundredths of a second or even less.

"There are post-production computer programs that can electronically encode footage to those specifications, and the Force Science Institute strongly recommends that these be employed. When reviewers see precisely how quickly suspects can move and how fast the various elements of a use-of-force event unfold, it can radically change their perception of what happened and the pressure involved officers were under to act."

8. One camera may not be enough.

"The more cameras there are recording a force event, the more opportunities there are likely to be to clarify uncertainties," Lewinski says. "The angle, the ambient lighting, and other elements will almost certainly vary from one officer's perspective to another's, and syncing the footage up will provide broader information for understanding the dynamics of what happened. What looks like an egregious action from one angle may seem perfectly justified from another."

"Think of the analysis of plays in a football game. In resolving close calls, referees want to view the action from as many cameras as possible to fully understand what they're seeing. Ideally, officers deserve the same consideration. The problem is that many times there is only one camera involved, compared to a dozen that may be consulted in a sporting event, and in that case the limitations must be kept even firmer in mind."

9. A camera encourages second-guessing.

"According to the U. S. Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight'," Lewinski notes. "But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the "coulda-shoulda" game."

"Under calm and comfortable conditions, they can infinitely replay the action, scrutinize it for hard-to-see detail, slow it down, and freeze it. The officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions."

"As part of the incident investigation, we recommend that an officer be permitted to see what his body camera and other cameras recorded. He should be cautioned, however, to regard the footage only as informational. He should not allow it to supplant his first-hand memory of the incident. Justification for a shooting or other use of force will come from what an officer reasonably perceived, not necessarily from what a camera saw."

10. A camera can never replace a thorough investigation.

When officers oppose wearing cameras, civilians sometimes assume they fear "transparency." But more often, Lewinski believes, they are concerned that camera recordings will be given undue, if not exclusive, weight in judging their actions.

"A camera's recording should never be regarded solely as the truth about a controversial incident," Lewinski declares. "It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration."

“This is in no way intended to belittle the merits of body cameras. Early testing has shown that they tend to reduce the frequency of force encounters as well as complaints against officers.

“But a well-known police defense attorney is not far wrong when he calls cameras ‘the best evidence and the worst evidence.’ The limitations of body cams and others need to be fully understood and evaluated to maximize their effectiveness and to assure that they are not regarded as infallible ‘magic bullets’ by people who do not fully grasp the realities of force dynamics.”

About the author

The Force Science Institute was launched in 2004 by Executive Director Bill Lewinski, PhD. - a specialist in police psychology -- to conduct unique lethal-force experiments. The non-profit Force Science Institute, based at Minnesota State University-Mankato, uses sophisticated time-and-motion measurements to document-for the first time-critical hidden truths about the physical and mental dynamics of life-threatening events, particularly officer-involved shootings. Its startling findings profoundly impact on officer training and safety and on the public's naive perceptions.

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