

What Happens Downstream?

External Stakeholder Perceptions of Police Body-Worn Cameras

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Executive Summary

Between 2013 and 2017, body-worn cameras (BWCs) spread widely amongst police agencies in the United States. The Bureau of Justice Statistics estimated one-third of police agencies (approximately 3,900) were at least pilot testing BWCs in 2013 (Reaves, 2015). Since then, high profile events compelled other departments to move quickly to equip their officers with cameras. Moving forward, experts project that all medium to large agencies will likely have them within five years (Capps, 2015).

It is suggested that BWCs have the potential to enhance citizen trust in police, assist with case prosecution, protect officers against frivolous complaints, temper police-citizen interactions, and reduce police use of force (White, 2014). Of primary concern to police agencies is how to implement a BWC program that realizes these benefits while still meeting the agency's needs, as well as garnering support for the technology and smoothly integrating changes into existing structures and operations. A crucial component of this process is assessing and incorporating the perspectives of external stakeholders who are impacted by police BWCs.

External stakeholders' acceptance of a police innovation shapes how it spreads and impacts the larger criminal justice system. Therefore, a lack of support among external stakeholders for BWCs can short-circuit their intended benefits. Existing research studies have, however, focused on the implications of BWCs for police officers and the citizens with whom they come into direct contact. As such, there is little direction for agencies concerning the perceptions and concerns about BWCs from others who are affected by a department's decision to implement a new program.

The current study addressed this lack of guidance by identifying a range of stakeholders in two U.S. cities where the police department had recently implemented a BWC program. This report reviews findings from in-depth interviews and focus groups with 42 external stakeholders, investigating their perceptions of the technology and its impact on their daily work practices. The sample ranges from courtroom actors (judges, prosecutors, defense attorneys, and investigators in those offices) to professionals who work cooperatively with police in the field (e.g., fire/rescue and mental health), city leaders, members of civilian oversight review boards, and crime victim advocates. The report concludes by offering suggestions for agencies on how to best plan and implement a BWC program in ways that meet the needs of all stakeholders. Below is a review of the study's key findings and recommendations.

Key Findings

1. External stakeholders are highly supportive of police BWCs in their cities. Collectively, they thought the benefits of the technology outweighed the drawbacks.
2. External stakeholders believe BWCs offer a number of benefits, including: evidentiary value for processing court cases; improved working conditions for officers by

documenting professional behavior, streamlined complaints investigations, and reduced officer stress; and the potential for improved police-community relations and increased citizen trust in police.

3. Stakeholders identified concerns related to BWCs, including: the resource burden on downstream agencies; the need to manage public perceptions of BWC footage to reduce the likelihood of a repeat “CSI effect;” and the importance of clear administrative policies regarding camera activation, citizen notification, and public release of footage.
4. Overall, the perceptions of stakeholders highlighted the importance of community context. In one city, stakeholders were hopeful that BWCs would help heal the community’s wounds lingering from a controversial in-custody death and were especially concerned about privacy protections, since their state laws allow for open, public access to BWC footage.

Recommendations

Recommendation 1: Agencies should work to identify a comprehensive group of external stakeholders who may be affected by the deployment of BWCs, inform them of the plan to implement a BWC program, and involve them in each phase of the process.

Recommendation 2: Agencies should gather information on external stakeholders’ perceptions and concerns about BWCs, and revisit them over time during significant BWC program transition points.

Recommendation 3: Agencies should carry out a pilot study of BWCs with a small group of officers and revisit stakeholders’ perceptions once they have had some experience with the change.

Recommendation 4: Agencies should establish specific and thorough policies regarding the use of BWCs and processing of evidence.

Conclusion

The successful implementation of a new police BWC program depends in part on acceptance and utilization by external stakeholders from the agency’s local community. Here we offer findings from a study of external stakeholder perceptions of BWCs from two U.S. cities. Stakeholders reported high levels of acceptance for BWCs, but they also identified a few concerns that can be fleshed out with proper planning and collaboration. Agencies should incorporate stakeholders into the BWC planning process early and continuously over time to promote seamless integration and to realize the technological benefits. We also recommend that police agencies conduct similar investigations into the perceptions of stakeholders in their own local communities, as our findings suggest that stakeholders may have unique concerns relating to individual contexts and circumstances.

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Introduction

The rapid diffusion of police BWCs in the past few years has been aided by high levels of support from many sectors including the federal government (President's Task Force on 21st Century Policing, 2015), police leadership organizations (Police Executive Research Forum, 2015), civil rights groups (the American Civil Liberties Union; Stanley, 2015), and citizens (Sousa et al., 2015). Moreover, a growing body of research has highlighted the benefits of BWCs. Research suggests BWCs can improve citizen trust in police, assist prosecution, protect officers against frivolous complaints, temper police-citizen interactions, and reduce police use of force (White, 2014). Several police agencies have experienced notable declines in use of force and citizen complaints following the implementation of BWCs (see, e.g., Ariel, Farrar, & Sutherland, 2015; Jennings, Lynch, & Fridell, 2015). Both Morrow et al. (2016) and Owens et al. (2014) further reported that BWCs led to enhanced criminal justice outcomes for domestic violence cases.

Nevertheless, there are numerous challenges and concerns associated with BWCs –such as cost, resource requirements, citizen and officer privacy concerns, data storage and security, and police union objections –that may inhibit adoption of the technology (White, 2014). The Boston police union, for example, sought a court injunction to stop the department leadership from creating a BWC program (Levenson & Allen, 2016). Moreover, research on the impact of BWCs has not been universally positive. Several studies have documented no impact on use of force and citizen complaints (Edmonton Police Service, 2015; Grossmith et al., 2015) and Ariel and colleagues (2016) found a troubling link between BWCs and increased rates of assaults on officers.

Given the rapid acceptance of BWCs over the last several years and lingering concerns over impact and consequences of the technology, questions have emerged regarding why the technology has spread so quickly and whether BWCs will become ubiquitous in local law enforcement. Existing research has focused on perceptions of the technology among police, the adopters of the technology (Gaub, Choate, Todak, Katz, & White, 2016; Jennings, Fridell, & Lynch, 2014; Katz, Kurtenbach, Choate, & White, 2015), and citizens (Crow, Snyder, Crichlow, & Smykla, 2017; Sousa, Miethe, & Sakiyama, in press; White, Todak, & Gaub, in press). However, researchers have generally failed to explore the costs and benefits of BWCs for those outside of the police department, such as downstream criminal justice actors (e.g., prosecutors, judges) and those who interact with police in the field (e.g., mental health professionals, victim advocates, fire/rescue, city officials). The perceptions of non-police stakeholders are critically important and can either inhibit or facilitate the continued spread of BWCs. For example, prosecutors' and courts' reluctance to accept BWC footage could dramatically affect police use of the technology in the future. Also, failure to account for the concerns of city leaders could lead to serious questions about funding BWC programs.

To our knowledge, no studies have examined support for BWCs among external stakeholders. We provide guidance in this area by identifying a range of external stakeholders in two cities whose police departments recently adopted BWCs. Drawing on in-depth interviews and focus groups with stakeholders (N=42), we investigated their perceptions of BWCs. The findings shed light on the continued spread of BWCs, potential barriers to this diffusion, and the impact and consequences for external stakeholders.

Methodology

Interviews and focus groups were conducted with stakeholders in Spokane (WA) in September 2015 and in Tempe (AZ) during spring 2016. Data collection in both research sites took place four to six months after the initial deployment of BWCs to one-half of the patrol force. We provided police department personnel with a general list of people or offices who may be affected by BWCs. Department leadership at each site then generated a list of specific individuals to be interviewed. In Spokane, the department contacted stakeholders to schedule interviews. In Tempe, the department identified stakeholders and facilitated introductions, but scheduling was organized by the authors. Table 1 lists the participants interviewed (N=42). No police personnel were present at interviews, and no interviews were conducted at police department facilities.

Table 1. List of Stakeholders Interviewed at Each Research Site

Spokane (WA) Police Department (N=25)	Tempe (AZ) Police Department (N=17)
<ul style="list-style-type: none"> • Community activist • City and county judge • City and county prosecutor • County public defender • City and county investigator • Citizen review board member • Victim advocate • City council member • Mental health professional 	<ul style="list-style-type: none"> • Local business advocate • City and county judge • City prosecutor • City and county public defender • School administrator • Fire and rescue professional • Victim advocate • City council member • City and public transportation security

Interviews and focus groups were guided by a semi-structured protocol to understand stakeholders’ general views on BWCs, including their perceptions of perceived benefits and concerns across a wide range of issues. We also asked their specific thoughts about the impact of BWCs for their work, both positive and negative. Each interview lasted approximately 30 minutes. All interviews were audio recorded with interviewee permission and later transcribed. Transcripts were uploaded and qualitatively coded in NVivo 11 software. Each transcript was coded for general themes relevant to 1) the benefits of BWCs, 2) drawbacks or costs of BWCs, and 3) the impact of BWCs on the stakeholder’s work. The most common themes within each of these categories are identified and discussed below. Illustrative quotes are provided to describe each theme.

Results

Benefits of BWCs

Stakeholders reported three primary benefits of BWCs: 1) the evidentiary value of video footage, 2) the potential for cameras to improve police-citizen relationships, and 3) the potential for cameras to improve the working environment for police officers.

Benefit 1: Evidentiary Value

The evidentiary value of video footage was commonly reported, especially among courtroom actors who are responsible for deriving the truth from the stories of two or more opposing parties. Stakeholders highlighted the potential for videos to provide an objective representation of what transpired, eliminating the “he said, she said” dilemma that plagues the courtroom.

So much of what we do is one person’s word against the other and if you actually had video showing what actually happened, I think that would go a long way towards resolving cases. (Judge)

Citizens interacting with the police are also sometimes in a state of emotional crisis, which can affect their memory. For this reason, many believed BWCs might be better suited to provide accurate accounts of encounters.

When anyone [is] in a high emotional state their focus changes. It narrows. It’s whatever is scary to them and it’s whatever is most important to them. And that’s how they perceive the incident. Somebody else standing over here, other things are important to them. They may well see it differently...With a video or a camera, you can say “Okay, we see this. It’s not quite meshing with your testimony.” (Judge)

Video evidence can also be beneficial in cases where an officer’s observations were the sole basis in determining probable cause. Since it is often a point of contention when the leading piece of evidence is the officer’s report, video footage of the citizen’s behavior or statements can help to verify or refute the officer’s account.

[BWCs] can be very beneficial when dealing with DUI suspects because it provides...the visual evidence of what the officer’s trying to describe when it comes to their physical impairment...our very first [video] request was for DUI and it was fairly stunning to see what the officer saw. (Prosecutor)

Stakeholders said video evidence offers better protections for citizens’ rights, encourages proper procedure, and ultimately ensures that justice is served. For example, public defenders were hopeful that BWCs would provide better protections for defendants’ rights, help them better defend their clients, and generally provide something closer to the truth. Likewise, courtroom actors said video evidence from the scene can help the prosecution in cases where victims or witnesses later recant their story.

What I'd like to see more of [BWCs] is on...a domestic violence case, because every Monday I have motions to recall a no-contact order that we put in place and I have a room full of victims who tell me, you know, when the prosecutor reads the police report, they say "I didn't say that, I never said that"...and it would just be nice to have a body camera that said, you did say this. (Judge)

Benefit 2: Improve Police-Citizen Relationships

Participants said BWCs could improve the strained relationship between citizens and officers by promoting and enhancing the transparency of police behaviors.

The community has a lot of misguided thoughts and perceptions so I think that this could prove to them that they really are doing their best, being kind and being compassionate...we see things that people have no idea that occur. I think it's easy to cast judgment when you don't know...they'll see how difficult an officer's job really is. (Victim Advocate)

For this reason, most participants felt citizens in their communities were supportive of BWCs. However, most added a caveat that BWCs could only improve police-citizen relationships if officers were consistent in turning them on. Participants felt failures to activate could cause more damage by further deteriorating citizen trust.

While I appreciate the discretion policy, I feel like it lends itself to mistrust because then it opens up the question of why wasn't [the camera] on? Is that some kind of conspiracy? Is that you all looking out for each other? (Victim Advocate)

Participants acknowledged an intended "civilizing effect" of BWCs, which assumes that officers and citizens will behave better because they are being recorded. However, most were skeptical this effect would occur in practice, especially for citizens who are under the influence of alcohol or drugs, mentally ill and in crisis, or extremely upset.

They are who they are, and the customer's always right. And the people that act that way, they're going to act that way no matter what. (Victim Advocate)

Benefit 3: Improve Police Working Environment

Stakeholders felt police officers would benefit from BWCs because the evidence would largely show officers behaving professionally and following legal and administrative procedures

We have a stellar group of officers. So I don't know that their quality of interaction is improved by the cameras. (City Attorney).

They also felt the videos would expose the public to some of the more challenging and violent aspects of police work, which may reduce criticism directed at police.

You got to see how intoxicated the defendant was. And they look so different at trial than they do the night of the arrest. So it really got to see a different view of the defendant for the jurors...so that helped the jury too, that the guy was pretty intoxicated...He's covered in blood, he actually was covered in blood when they

caught him because it was an assault... You get the clothes and stuff, but they don't always look the same, so at least you got the video in there where you can see the blood all over his shirt and his pants. (Judge)

Similarly, participants said BWC evidence would save officers from false allegations because it gives "an independent view...that people can't complain about" (City Attorney). Many stakeholders reflected that a number of people lie about the police, often because they are being charged with a crime and are motivated to dispute the charges. Stakeholders said the cameras provide definitive evidence that refutes allegations made in frivolous complaints.

[The police] have had a couple of use of force incidents where the body cameras were actually like, as soon as that was released, that's when the public got back on their side and said, "Yes you were totally in the right, I would've done the same thing. I probably would've pulled the trigger a lot quicker." So I think law enforcement...view them as largely positive because it's saving their hinds. (Public Defender)

It really helps the police department because they get so many false and exaggerated allegations made against them...My motion calendar on Monday mornings is a great example. The victims come in and, "The police are lying," you know, "I never told them that...they took words out of my mouth and they wrote it down the way they wanted to write it down instead of the way I told them." So every Monday morning the police are getting thrown under the bus in this court and it would be great that they could at least have something to protect themselves against allegations of false reporting, false arresting, that kind of stuff. (Judge)

On this issue, stakeholders said cameras can help police in many ways, such as by reducing their anxiety over being falsely accused of misconduct, providing comfort that they have that protection while on the job, and streamlining the complaint process so the officer can quickly get back on the street.

Concerns Regarding BWCs

Stakeholders' concerns about BWCs included: 1) the resource burden of video evidence, 2) the need to manage citizens' misperceptions about the technology, and 3) the lack of clear policies and laws guiding video recording and dissemination.

Concern 1: Resource Burden

A prevalent concern voiced by the courtroom actors involved the burden that video evidence would place on agency resources, particularly in terms of processing and analyzing copious amounts of video footage.

Some of the complaints I'm fielding already from our paralegal – "I spent half a day or a full day just trying to sort through all these body camera videos." And this is just the initial roll out...If you start adding to this exponentially where you have more and more of these officers with [BWCs]...who's going to be

responsible for doing that? It doesn't come with a flag saying "here's the important thing right here. This 10 minutes of 2 hours of a camera rolling."
(Prosecutor)

Lawyers argued that the time investment may not produce viable evidence, and even when footage is usable, there are additional pre-trial hearings regarding admissibility and redaction. Although this redaction process is not new to the court system, they noted the burden of carrying out these tasks would exponentially increase once all officers began wearing BWCs on every call. Prosecutors in both cities acknowledged that the protocols for receiving and processing BWC evidence had not been fleshed out. Procedural rules governing the transfer of video evidence from the police department to the prosecutor's offices had not yet been solidified, causing some tension between the agencies. Prosecutors were also still working through technology issues – in particular, acquiring and storing the videos. Judges, however, did not generally perceive that BWCs would create a burden on their work because video evidence generated from BWCs is not discernibly different from other video evidence already being used in the courtroom (e.g., CCTV or surveillance footage, cell phone videos). In fact, judges acknowledged that BWCs might *reduce* their workload, since they may force more negotiations or pleas in earlier stages of the process.

The only time the body cameras are going to come into play for a court is during a trial...2% of the cases maybe that are filed. Otherwise they're resolved. (Judge)

I haven't had any trials or situations where they've come up in my courtroom...I don't know if that's because they're so effective that trials go out the wayside, or what. (Judge)

Concern 2: Public Expectations Management

Stakeholders were concerned that the public would overestimate the value of BWC evidence. They thought citizens might believe the cameras would solve what they feel is a widespread problem of police misbehavior and abuse of authority.

[In trial] I did not believe [the cameras were] very helpful because essentially everything happened prior to the officer getting there and turning on the camera...Also, from a sound perspective...because of where it is positioned on the officer, there is a lot of *bump, thud, whoosh* so you miss a lot of what is actually being said. (Judge)

Additionally, stakeholders expressed fears that BWCs would create a new "CSI effect," wherein jurors expect incontrovertible forensic evidence or else they refuse to issue a conviction. With BWCs, jurors may expect movie-quality video and audio evidence in every case. Stakeholders said image management efforts would need to be undertaken so citizens and juries are made aware that BWCs are not a "silver bullet" solution to problems, and video footage will not always capture a clear record of what transpired.

People have a CSI expectation that they're going to get this awesome video of everything unfolding and they don't realize that when the camera's sitting on a police officer's body...the view is very limited...I'm concerned that jurors will

have an unreasonable expectation and prosecutors won't be able to flesh that out.
(Judge)

Concern 3: Unclear Legal and Policy Guidance

A third concern about BWCs was the lack of guidance – both legal and organizational – regarding BWC use and evidence processing and dissemination. One specific issue involves camera activation. They believed the police department had not answered a key question: What should and should not be recorded? Respondents questioned whether officers should be allowed to record incidents that include HIPPA-protected information, the inside of an individual's home, nudity, and interviews with vulnerable populations such as sexual assault victims or children. On the other hand, stakeholders also acknowledged that turning the camera off during these encounters could increase suspicion about conduct happening during the period without footage. In general, participants were concerned that these issues had not been adequately examined before their departments deployed BWCs.

A victim advocate was particularly concerned about the potential for BWCs to violate a person's rights over the long term. For example, a sex worker with hopes of turning her life around might have to continually deal with the existence of BWC footage available online that depicts her arrest, thereby impacting the potential for her to obtain employment.

We had somebody request every moment of footage from a body-worn camera. That's terrifying as a victim. This is your most vulnerable moment...If someone is left in an alley or sidewalk or park, and a patrol officer gets the call, runs to the scene, is that person going to know whether to turn on their camera or remember to turn it off? Is this footage of them in a state of undress or disrepair or trauma, [and] how accessible is that to the public? That's a concern of mine, that hasn't been fleshed out enough through [the courts]. (Victim Advocate)

Similarly, a mental health professional was concerned that protected medical information might be easily accessible to the public. She worried that mental health professionals would have to be careful about they said in the presence of police to prevent confidential information from becoming public information. "If I'm on my way to the client's door and I get a call about another client and I'm talking about them and that's caught on camera...that makes me nervous."

Site-Specific Findings

During the Spokane interviews, many participants mentioned the in-custody death of a mentally ill man, which resulted in the conviction and imprisonment of a police officer. For over 10 years, this event symbolized the tension and distrust between the police and the Spokane community. A number of Spokane stakeholders said they hoped the BWCs would help heal the "wounds" lingering from this tragedy.

In the wake of Otto Zehm, and...all the stuff that's been going on nationally with Ferguson and in Baltimore...there's been a building lack of trust where...there are people in the community who no longer just take at face value what a police officer writes in a police report...So having that body-worn camera...it promotes transparency, it gives

clarity, and if action needs to follow, whether that's action against the officer or action against the citizen...it's another tool. (Community Activist)

The previous section reported stakeholders' fears that necessary information would not be properly redacted before being released for public consumption, and more generally that the proper policies and rules had not been put in place. These concerns were especially pronounced among our Spokane participants because, relative to many other states, Washington's laws are quite liberal, and at the time of data collection they allowed people to request a large amount of footage regardless of any personal involvement in the case. If the laws remained unchanged, Spokane stakeholders worried about the harmful impact the widespread availability of footage could have on the lives of the people who are recorded.

"I want all your videos. All your videos forever on everyone for everything you ever did." That was just mind-boggling to us that somebody could do that. (Police Citizen Oversight Committee Member)

Finally, we found in both cities that stakeholders hoped the community would begin to see, through access to video footage of police interactions, police officers doing good work, which would increase their trust in the officers.

It is important that departments investigate stakeholder perceptions in their own local communities to see how these findings play out in other environments.

Recommendations

Drawing on the study's findings from interviews with external stakeholders, we derive four recommendations for agencies moving forward with a BWC program.

Recommendation 1: Agencies should work to identify a comprehensive group of external stakeholders who may be affected by the deployment of BWCs, inform them of the plan to implement a BWC program, and involve them in each phase of the process.

Prior to BWC deployment, police agencies should conduct thorough analyses to identify all stakeholders from their local communities who may be impacted by a new BWC program. Prior to BWC deployment, police agencies should include these stakeholders in discussions related to BWC deployment, centering on the potential impact of BWCs for each organization, and the manner in which video evidence will be recorded, shared, and used. Stakeholders should be included at each phase of the process, especially policy development.

Recommendation 2: Agencies should gather information on stakeholders' perceptions and concerns about BWCs, and revisit them over time.

Prior to BWC deployment, police agencies should conduct a thorough investigation into stakeholder perceptions and concerns about BWCs. These inquiries should be undertaken early and the various perspectives should be taken into account during program planning. Agencies should revisit stakeholders' perceptions at significant transition points during program

implementation (for example, after a pilot phase, within one month of full implementation, within 6 months of full implementation, and after 1-2 years of full implementation).

Recommendation 3: Agencies should carry out a pilot study of BWCs with a small group of officers and revisit stakeholders' perceptions once they have had some experience with the change.

Prior to agency-wide BWC deployment, police agencies should perform an initial pilot study in which a manageable number of officers are assigned BWCs. A pilot study prepares the police agency for BWC deployment, and also allows external stakeholders to gradually assess the impact of BWCs on their own organizations and clientele. Police agencies should follow-up with stakeholders during the pilot study to assess and address any concerns that arise.

Recommendation 4: Agencies should establish specific and thorough policies regarding the use of BWCs and processing of evidence.

Prior to BWC deployment, police agencies should establish clear policies for camera activation, citizen notification, video redaction, and sharing both with downstream agencies and the general public. Police officers, police agency staff, and downstream stakeholders alike should receive training regarding BWC use and video dissemination. Department policies should describe clear procedures for when employees fail to adhere to policy.

Conclusions

There are two important takeaways from our study of external stakeholders.

First, stakeholders from these two cities were highly supportive of BWCs. This support stemmed primarily from the belief that the technology provides powerful visual evidence that may aid in the fact-finding mission of the courtroom, that BWCs may enhance citizen trust and perceptions of police, and that BWCs give officers a “voice” that has traditionally been missing in public discourse. These benefits cannot be understated, as they have powerful implications for the administration of justice, particularly given the ongoing crisis in police-community relations in many jurisdictions (President’s Task Force on 21st Century Policing, 2015).

Second, while remaining positive about the benefits of BWCs, stakeholders noted concerns about BWCs that have been echoed by others. They felt the new technology imposed a burden on organizational resources and that certain steps would need to be taken to integrate BWCs into the courtroom and larger society, as well as to avoid unforeseen consequences (e.g., violations of individual privacy). Stakeholders in Spokane also professed unique concerns related to the context of their local community.

When implementing new technologies or strategies, organizations often adopt a myopic view of them through the lens of their own structures and rules. This is particularly true in policing, even though the actions taking place within the police realm carry important implications downstream and in the surrounding community. BWCs influence not only how police departments do business, but also how attorneys, judges, and others in the community do their work and interact with the police. Accordingly, we recommend that police agencies undertake their own

investigations into the perceptions and concerns of local stakeholders before deploying BWCs to their officers. Stakeholders should be included early and often into the planning and implementation processes to ensure seamless integration into the wider criminal justice and social landscape. Indeed, the success of such innovations largely hinges on the support of not only police officers themselves, but the criminal justice system as a whole and the larger community in which it resides.

About the Authors

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