

**Policing in the age of the Digital Recorder:**

**Common Misconceptions and Training Strategies**

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## **Policing in the age of the Digital Recorder:**

### **Common Misconceptions and Training Strategies**

We are living in a digital world. At no time in history has information been so easily transmitted, nor has it been so easily accessible to the public. The day to day lives of millions of people are captured on recording devices, and with very little effort these experiences can be loaded onto the World Wide Web. Once this has taken place there is no chance of removing that information. Law Enforcement is no exception to this technological trend. Most law enforcement agencies utilize some type of video recording equipment, the most common being the dash mounted video camera. What has intrigued me has been the lack of formal training protocol that is used to bring new (and old) officers up to speed on the use of this equipment.

Most law enforcement officers are familiar with the use of video recording equipment. With that being said, it can still be very uncomfortable for an officer to operate under the knowledge that everything that is said or done when he or she is dealing with the public is being recorded. Very often, an officer will appear tense or even less than courteous when dealing with a member of the public. I believe that poor behavior that is exhibited on camera comes from a fundamental lack of training. A lack of training results in a lack of confidence on the part of the officer. When confidence is lacking, the officer stands a chance of losing control of his or her emotions. Overall, I believe that the technological capability of video recording has outrun the training of many police agencies.

In this research paper I will offer examples of common issues that are faced by police officers that are often caught on camera. I will cover the common misconceptions regarding the use of video equipment that I have encountered, along with common pitfalls that are encountered by supervisors. In

discussing these topics I will offer training solutions that can be applied by any department in order to avoid the damage that can be done if procedures are not followed.

In the course of preparing this research paper I interviewed several officers from surrounding police agencies, as well as officers from my own department. In general, there has been reluctance on the part of some officers to accept the fact that their day to day job is recorded on camera. Police officers as well as citizens expect some measure of privacy as they go about their daily business. The fact is we live in a digital world and officers should assume that everything they do is being recorded by someone. (Most citizens, as well as officers, carry a smart phone that is capable of capturing and uploading video within seconds. I will deal with this trend later.) As law enforcement supervisors and trainers we should ensure that new recruits, and seasoned officers alike, are comfortable with being filmed. If they are not, this becomes a training issue in and of itself.

We see on the horizon the increase in the use of “on body” cameras and voice recorders which offer an unprecedented view of the day to day activities of the police officers who wear them. The policies that dictate the use of these devices are as diverse as the agencies that they belong to. Many commanders agree that camera systems have helped our departments much more frequently than they have hurt us. For the officer who has been accused of wrongdoing, it is a very comfortable feeling to know that the event can be recalled on digital video and used to exonerate him. With this type of technology at our disposal as law enforcement professionals, why is there still an issue of officers behaving poorly on camera? There are literally thousands of videos that have been posted on the internet which depict police officers acting unprofessionally in relatively minor incidents. Still other videos depict acts committed by police officers that could result in civil or even criminal charges being brought against the officer. As I watch these videos from various departments, I often find myself

asking, “Didn’t he realize he was on camera?” A more appropriate question might be, “How could he not know he was being filmed; he brought the camera with him?”

Every officer who uses an in-car recording system has a working knowledge of how the system operates. They know the mechanical functions of the system. Surprisingly, very few officers that I have interviewed have ever received any formal training on how to let the camera work “for” them. Until this point the philosophy has been to let the camera catch whatever happens, but in my opinion that is a very reactive way of doing business. Why not train our officers to set up the call scenario and use the camera for its’ intended purpose, which is to document evidence? If handled correctly, an officer can capture invaluable details on serious calls. Even routine calls can be documented in such a manner that the officer can utilize the video to recall details when preparing a report.

### **Common Misconceptions...**

One of the most common misconceptions, or complaints, on the part of officers regarding the installation of video equipment in police cars is the fear that supervision will utilize the video recordings to micro-manage their handling of calls for service. There are many aspects to this misconception, but the most popular one that I encountered was the tendency for supervisors to be overly critical of the way their officers handle their calls. Instant access to recorded video can be a very valuable tool for police supervisors when it comes to managing their officers. In the course of day to day activity it can be very difficult for supervisors to make it to the scene of even a small number of calls for service that are received on an average police shift. The ability to review video allows a supervisor to do what his title entails; it allows him to supervise the way his officers handle calls and interact with the public. Having said this, it can be very tempting for a supervisor to critique an officers’ demeanor and handling of a situation in such a manner that comes across as overbearing.

The best way to overcome this scenario is two-fold. First, supervision must communicate the purpose of video review to their officers. It should be no secret that videos will be reviewed at random in order for the supervisor to have a good grasp of how his officers deal with calls for service in the absence of supervision. Communication is vital to achieving trust between officers and their supervisors. A good dialogue must be established and officers must be on the same page with their supervision as to the purpose of the review of video. It should also be made very clear that incidents involving complaints against officers by members of the public will be reviewed in all cases. The officer should keep in mind that video of the incident almost always supports his actions as a reasonable and trained officer. In addition to this, supervisors should maintain an open mind when dealing with video review of complaints. Although constructive criticism can and should be given, a supervisor should always critique an officers' performance against established policy and common practice rather than whether or not he would have done it that way himself. In many cases a difference of opinion is to be expected, and that is acceptable.

The second part to this solution deals with policy. A police department should have a well written policy dealing with the use of video recording equipment. This serves to provide guidelines for officers and supervisors when dealing with issues ranging from video review to the handling of tapes and digital media as evidence. The guidelines, if adhered to, will provide a standard that officers can trust. The mistake that is often made when dealing with policy is to not have a policy at all. In other instances, and possibly worse than no policy at all, is to have a policy that says one thing but common practice deviates severely from policy on a daily basis. A well written policy dealing with the use of camera systems should not create an obstacle for officers or supervisors to overcome, but it should instead create a manageable set of guidelines that are flexible enough to allow interpretation by supervisors and allow a margin of error on behalf of the officer. As I mentioned earlier, supervisors will be required to review videos from time to time in response to complaints. In these cases, departmental

policy should be written in such a manner that it will provide clear guidelines for supervisors that will ease the process of investigating these complaints.

The Texarkana Arkansas Police Department policy regarding the use of video equipment says...

“It shall remain the policy of the Texarkana Police Department to mandate the officers of the Department to utilize the mobile video/audio recording equipment installed within the Department’s patrol equipped police units to record all calls for service and any other contact having an enforcement and/or investigative function that occurs between the officer and any citizen the officer encounters during their tour of duty. Field level supervisors are hereby directed to periodically review an assortment of content contained within those video files that are electronically captured and later stored on the Department’s server. (TAPD General Order Section 1105.12)

### **Common Misconceptions...**

Another common misconception with regard to the use of video equipment is the fact that use of force, even when justified, is never a very pleasant thing to watch. Police work is an often thankless profession and officers encounter a variety of characters in the course of a career. Officers encounter verbal and sometimes physical abuse, and are expected to respond appropriately every single time without failure. Many of the individual officers that I have spoken to relayed a common fear, and that is that they will have to speak or behave in an aggressive manner and not be supported by supervision. Whether this fear is real or perceived, I cannot say. Another aspect of this dealt with the officers’ choice of language in dealing with members of the public.

I will be blunt. Police officers encounter profanity and disrespect on a daily basis. Over the course of a career most officers will at some point use profanity directed toward a person that they have encountered. I am not debating the fact that this causes police officers to sound unprofessional, but it would be naive to believe that sometimes coarse language doesn’t get the point across much faster than proper English. Most departmental policies have standards governing officers’ professional conduct, and in general, the use of profanity violates these policies. I would advise officers to adhere to their

departmental policy and I would advise supervisors to consider the circumstances when reviewing on-camera violations of this policy.

As I said earlier, use of force is rarely a pleasant thing to watch. When one human being chooses to violate the law and resist lawful arrest a police officer has no choice but to use that force necessary to affect the arrest. A disturbing statement that I have heard over the years in reviewing use of force deals with the officer's perception that he or she will look bad on camera when engaged in a physical altercation with a suspect. This deals with the officer not wanting to look brutal or overbearing. The fact is, any hand to hand confrontation between an officer and suspect can turn deadly in the blink of an eye and after the fight has begun is no time for debate. Losing control of a situation is not an option for an officer, but worse yet in my opinion is an officer who may be locked in a struggle with a suspect who then finds himself second guessing his tactics in the interest of how he might appear on camera.

Supervisors and use of force trainers must take proactive steps to eliminate these fears within their agencies. Officers must be trained on use of force tactics and policy. When an officer has to use force and the policy is adhered to they must be fully supported by their administration. When dealing with use of force that is caught on camera, it is tempting for supervision and command staff to "armchair quarterback" the situation and make recommendations after the fact. Everyone involved in the review must remember to apply the policies from the perspective of the officer at the time of the incident without the benefit of hindsight. (Graham v. Connor, Summary)

Again, the common solution is communication between supervision and officers. The guidelines must be laid out in advance, and expectations must be made plain. Officers should be given no reason to believe that their supervisors will do anything less than fully support them should appropriate force be used. We should always train our officers to enforce the law without fear of anyone or anything.

It has been said that “you are who you truly are, when you think no one is watching”. In this day and time we are almost always being watched. Police officers are often called into volatile situations that have had a significant amount of time to escalate and sometimes witnesses have gathered on behalf of those involved in the situation. Generally, there are bystanders to disturbances and many of them have taken the opportunity to record the incident on smart phones. Video can be a very valuable tool in court and at no time has it been more convenient for individuals to create video with almost no notice. It is not at all uncommon for multiple videos to surface after an incident which document the event and the involvement of police. It is during these volatile encounters that police officers must be on guard and maintain their composure and sense of awareness.

Policing in the age of organized civil unrest has many pitfalls that are unique to this generation of law enforcement. The summer of 2011 saw the “Occupy” protests directly challenging civil authority. In some cases the protesters actively engaged in outright clashes with police and in many cases the protests involved the use of camera equipment on the part of the protesters. This was done in hopes of catching officers involved in violations of policy or incidents that could be construed as brutality. In isolated incidents, protesters have been known to edit their own videos in order to misrepresent the facts of what took place. So the question becomes; how do officers deal with incidents in which they are deliberately baited into confrontational situations?

One large agency in the south took steps to deal with these incidents. The Dallas Police Department’s policy on Mobile Field Force deals with large crowd control incidents. During a mobilization of this sort a spokesperson for the Department, usually a supervisor, is selected to attempt to speak with the organizer of the protest group, or in some cases those who are directly in violation of the law. During these encounters, an officer is designated to accompany the supervisor with a departmentally issued video camera in order to provide documentation for the police should the



authenticity or integrity of the protesters' video be called into question. The supervisor is also provided with what is essentially a cue card that is read to those who are in violation of the law, and this provides a clear set of instructions to all parties as to what is expected and what will occur should the group fail to cease their activity and leave the area. (Dallas Police Department, Mobile Field Force Instructor Manual, 2011)

In my opinion, this is a very proactive measure that can be undertaken by virtually any police agency that encounters an incident involving civil disobedience. It emphasizes what has already been mentioned several times and that is the principal of communication. Police officers as representatives of their agency should exercise due diligence in an effort to communicate the expectations and the rule of law to the parties involved in an incident. If as law enforcement, we are able to document this communication in a clear and concise manner, a great deal of confusion can be avoided at a later time should the incident wind up in the court system.

A very common problem that is encountered by supervision deals with those written reports whose stated facts do not accompany what actually took place on video. When this occurs it is almost never done with any ill intent on the part of the officer. In many cases officers write their reports based on their field notes and memory of an incident. The problem occurs when an officer attempts to recount a stressful situation, or one involving great detail such as a DWI traffic stop. The mind can only process so much information at once and during a stressful or dangerous encounter gaps and a loss of detail can take place. Police officers are generally better equipped to handle these situations, but they are not completely immune to them.

Supervisors must take the opportunity to train and encourage their officers to go back and compare their notes with what their video depicts. This can be time consuming, but report writing is one of the most important tasks that an officer undertakes. It must be true and accurate, and once a

report is filed and enters into the court system it becomes very difficult to amend any part of the report. Aside from the damage that can be done to a criminal case, is the damage that can be done to an officer's credibility with their prosecuting attorneys and judges. This type of damage can take years to repair, and sometimes it cannot be repaired at all.

### **Training Solutions**

How do law enforcement trainers and supervisors begin to address the issues associated with digital recording in an effort to better train the current generation of officers? First, I would reiterate establishing a clear policy and guidelines for the use of video equipment. I would also suggest that officers not be given discretion as to whether or not the camera is used; it should always be used on any citizen contact. Instructors should train to the established guidelines, but another pressing issue is the selection of an instructor for this topic.

Often supervisors' vehicles are not equipped with cameras, therefore their experience may be lacking with regard to the day to day use of the video systems. In addition to this, I have encountered many supervisors who promoted years before their agency purchased video equipment. This creates a situation in which a supervisor has never had any firsthand experience in wearing an on-body microphone or operating a video system. Command staff members are also subject to training lapses, particularly in larger agencies which guarantee that they will not be in a position to have to utilize this equipment. As with front line supervision, many members of law enforcement command have had very little exposure to the day to day process of wearing recording equipment and being subject to constant video recording.

Most law enforcement agencies have someone, or in some cases multiple officers who are in charge of public affairs and media relations. These officers are well equipped to teach other officers how to behave on camera. Public affairs training involves intense practice in presenting oneself to the

media and in turn it generates confidence in appearing on camera. The police department public information officer often has to make statements to media representatives on the spot with very little opportunity to prepare. Generally speaking, many officers avoid media questions for fear of making a mistake, or “saying something wrong”. It takes a unique individual to be confident in their statements and trusted by their departments to make the right decision when speaking as a representative for an entire agency. Based on this information, it is my opinion that these officers may be the best choice for training others in the use of camera equipment and on screen presentation.

A source of training and information that is often easily overlooked by police departments are local media outlets. Agencies who routinely reach out to members of the media can generate positive coverage for their department’s day to day activities and more importantly they can develop good working relationships with news outlets. When it comes to soliciting and preparing training for police officers, the media representative should be given clear training guidelines and objectives from the agency representative. Media professionals can assist police departments by creating a better understanding of what “looks good or bad” on camera, and this may in turn better prepare officers should a case go to court at a later date. The other benefit to this type of arrangement is the opportunity for police departments to educate the local media on the different aspects of police work and to expose media professionals to the hazards and difficulties that officers encounter on a daily basis. For better or worse, we live in a society that often attempts to try cases in the court of public opinion before the case enters a court of law. It never hurts to have an ally within your local news media.

Training strategies can vary, but in general, an officer should be taught to relax when speaking to others in order to display confidence. They should be taught to be calm but professional. At the beginning of this paper I noted that many instances of an officer behaving poorly on camera can be traced back to a lack of training. It is my opinion after watching numerous videos over the years that

many officers who behaved inappropriately, whether through rude behavior or use of force, did so after they reached the boundaries of their skill levels. In other words, once that particular officer reached the limit of his experience or training he reverted back to what he felt would solve the problem. In most instances that individual defaulted back to inappropriately rude behavior or excessive force. Nowhere is this more evident than an officer who has a poor grasp of the law and the rules of criminal procedure. In order to control a situation, we as officers must first be experts at knowing how to handle a call within the boundaries that are set forth by the law.

In recent years law enforcement firearms trainers have come to realize that “stress inoculation” when dealing with shooting skills will pay off in the long run should an officer engage in a gunfight. Stress inoculation deals with creating a training scenario that is intense and simulates real life conditions so that if the worst happens the trainee has already been exposed to this type of scenario and can perform better. I would suggest applying this principal to scenarios for officers with regard to on camera conflicts.

Scenarios should be set up in such a manner that a dilemma is created which will generate conflict, and ultimately a decision on the part of the trainee. Law enforcement trainers should be encouraged to create scenarios that generate uses of force by the officer in order to teach trainees what is acceptable. Perhaps just as important, if not more so is the use of interpersonal skill to resolve a situation in such a manner that force does not come into play. Scenarios should involve individuals whose personalities are so difficult that a trainee’s patience and verbal skills are tested to their maximum capability. Officers should be pushed in these situations to remain calm, and if a physical arrest becomes necessary and there is no resistance by the suspect, to act appropriately. Officers should be taught the principals of engaging, escalating if necessary, coming to a solution, and de-

escalating or disengaging a situation. This can be physical or verbal, and should always adhere to established departmental guidelines.

## **Conclusion**

Technology is always expanding and law enforcement will continue to follow trends associated with video documentation. There are currently systems on the market that allow an on-body camera that can be synchronized with multiple in car cameras that provide a 360 degree view and audio from the perspective of a police officer. Although these systems are expensive, as with most technology the price will eventually decrease to an affordable level. There is no way of knowing what type of capability will be available in years to come.

Progressive law enforcement must remain on the cutting edge of training and preparation for the future. We as trainers must first educate ourselves on current trends and capabilities within our own agencies, take stock of our own weaknesses, and take proactive steps to overcome misconceptions and training shortfalls. It is my intent that this paper be used to open a dialogue for those that read it and that it serve as food for thought for any agency who may currently deal with any of the issues that I have discussed.

## **Bibliography**

Graham v. Connor, Summary page, <http://supreme.justia.com/cases/federal/us/490/386/case.html>

Texarkana Arkansas Police Department, General Order Manual, 2012.

Dallas Police Department, Mobile Field Force Instructor Manual, 2011.