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## **Points of View: Arrestees' perspectives on police body-worn cameras and their perceived impact on police-citizen encounters.**

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Entirely absent from debates about the desirability and potential impacts of police body-worn cameras (BWC) are the views of a significant group on the other side of the lens - individuals who have recently experienced arrest by a police officer. In a bid to redress this significant gap, this article reports findings from the first study to examine arrestee views and experiences of police BWC. Data from interviews with 907 police detainees reveal that they are largely in favour of officers wearing cameras, believing that they can provide greater accountability and improve the behaviour of both law enforcement officers and members of the public. Importantly, however, this support is contingent on a number of operational and procedural policies regulating the use of BWC.

**Keywords:** police, body-worn cameras, procedural justice, discretion, professional vision

### **Introduction**

“Release the tapes. Release the tapes” chants a throng of protesters in North Carolina, USA following the fatal shooting of Keith L. Scott by police in September 2016. Amid mounting pressure, the police released segments of two videos; one from a police dash-cam and the other from a police officer’s body-worn camera. Although neither recording provided conclusive evidence about the events that unfolded, or crucially whether Scott was indeed carrying a gun as had been claimed by the officer that shot him dead, the controversy highlights the degree to which audio-visual technologies have come to play a politically-laden role in policing internationally, and importantly, symbolically represent notions of fairness, legitimacy, transparency and accountability. Despite such high-profile examples emphasising their fallibility, recent years have seen billions of public monies invested in police BWC internationally. A lack of evidence demonstrating effectiveness, or an understanding of how they operate in practice, has certainly not hampered their rapid adoption. Rather, an evidential desert has enabled police BWC to be ascribed many ‘mythical properties’ (Palmer, 2016). Elevated to ‘best practice’ from multiple sources including the American Civil Liberties Union (ACLU, 2015) and the International Association of Chiefs of

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Police (IACP, 2014), their costly adoption has proceeded on an exiguous evidence base. While not unusual for police technologies to be heavily invested in without sufficient understanding of their effectiveness (Lum et al., 2019; Taylor, 2010), the lack of awareness regarding how the public view and understand the police use of BWC runs the risk of them inadvertently negatively impacting on perceptions of procedural justice and police legitimacy.

Since the publication of a 2015 literature review that refrained ‘from drawing any definitive conclusions about BWC’ due to the scarcity of research (Lum et al., 2015: 11), Lum et al. (2019) report a 5-fold increase in empirical studies. In addition to a modest catalogue of randomised control trials (RCTs) that typically use officer behaviour (e.g. use of force) and citizen behaviour (e.g. resisting arrest and citizen complaints) as proxy measures for assessing impact (see for example: Ariel et al., 2016a; Braga et al., 2018; Jennings et al., 2014), several studies have sought to gain insight into the views and experiences of police officers (Gaub et al., 2016; Goetschel and Peha, 2017; Headley et al., 2017; Jennings et al., 2014; Katz et al., 2014; Roy, 2014; Sandhu, 2017); law enforcement leadership (Smykla et al., 2016; Sandhu, 2017), and public attitudes towards police BWC (Ellis et al., 2015; Maskaly et al., 2017; White, Gaub and Todak, 2017). Yet, remarkably, entirely absent in debates about the desirability and potential impacts of BWC thus far, are the views of an important group on the other side of the lens - that is, arrestees. It is this literature on the perceptions of police BWC that the present study contributes a vital and unique dataset. By understanding the views of arrestees we can begin to see how they might animate their encounters with camera-wearing officers and influence their perceived understanding of any subsequent involvement with criminal justice procedures.

The article is organised into five sections. First, an overview of developments in the use of audio-visual surveillance technologies in policing is provided before looking at the emergence of police BWC specifically. The second section offers a précised overview of empirical research, focusing on the impact that BWC has been found to have on the behaviour of police officers and citizens. Adding a vital international perspective, an overview of developments in Australia, the site of the present study, is provided.<sup>1</sup> This is

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<sup>1</sup> It has been reported that 52 (74%) of the 70 publicly available empirical research articles on police BWC as of June 2018 were conducted in U.S. jurisdictions (Lum et al., 2019).

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followed by details of the methodology before the article turns, in the fourth section, to the findings. The study elicited a large amount of data and this article focuses specifically on four thematic domains not elsewhere reported: police use of force; arrestee aggression and violence; procedural justice; and, the operation of the cameras. By shifting the focus to those individuals on the other side of the lens, the analysis offers essential insights into the nuanced ways that police arrestees interpret and respond to police wearable cameras. This is of global significance if police legitimacy is to be maintained in the era of ‘new visibility’ (Goldsmith, 2010). The fifth and final section considers the implications for the ongoing operation of police BWC.

### **Police surveillance technologies: New visibility, new mobility**

There is a rich and extensive literature documenting the multiple and varied ways in which visual surveillance technologies can, and do, influence the behaviour and actions of those that fall within their field of vision. For example, the closed-circuit television (CCTV) literature spans a continuum of findings. At one extreme, panoptic analyses that claim surveillance cameras exert a disciplining effect through anticipatory conformity (e.g. Fyfe and Bannister, 1994). At the other, some deem the cameras to be essentially redundant due to a range of factors including: the temporality or unawareness of being filmed (e.g. Norris and McCahill, 2006), a lack of concern as a result of the perceived inability of cameras to identify them (e.g. Gill and Spriggs, 2005), or a complete disregard due to being in a state of ‘expressive’ emotion (e.g. Allard, Wortley and Stewart, 2008; Short and Ditton, 1998). There remains little consensus and the findings from a meta-analysis of 44 evaluations culminated in the rather tepid summary that most systems ‘had small and nonsignificant effects on crime’ (Welsh and Farrington, 2009: 716).

Attempts were soon made to assuage the frustration associated with the ease of circumventing static surveillance cameras and the resultant ‘re-deployable CCTV’ systems brought new mobility. Following on from this, in-car video cameras, or ‘dash cams’ were mainstreamed in the early 2000’s as an attempt to restore public confidence in the police following alleged racially-biased traffic stops. There is now a range of policing technologies broadly categorised as ‘surveillance cameras’ (e.g. dashcams, drones, wearables, and so on). New devices are often implemented amid rhetoric signaling techno-utopian capacities and

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heralded as ‘magic bullets’ (Tanner and Meyer, 2015: 384; Taylor, 2010) for a range of problems that beset police work.

At the same time that police were increasingly using technological surveillance, citizens were also using their own devices to record the police producing ‘frequent, globalized spectacles of [...] impropriety’ (Goldsmith, 2010: 930). Arguably, images of Rodney King being assaulted by police officers in Los Angeles in 1991 were a watershed moment in the ‘new visibility’ of the police (Brucato, 2015; Lee and McGovern 2014; Yesil, 2011). A litany of recordings by the public, routinely shared using online platforms, have continued to expose the questionable behaviour of some on-duty officers, particularly the deaths of unarmed African Americans at the hands of the police in the USA. Such examples of ‘sousveillance’ (Mann et al., 2006) have led to demands to mandate the wearing of cameras by police. In a bid to address an emerging ‘legitimacy crisis’ (Young and Ready, 2016: 27), in 2015 Barack Obama pledged significant funding to introduce BWC to all forces. This political endorsement spearheaded a rapid and vast financial investment in police BWC, and one that has not been limited to the USA.

Countering the exaltation that has accompanied the introduction of police BWC, there have been concerns raised relating to the prospective huge costs involved in capturing and storing data (Bud, 2016; Joh, 2016), the potential for ‘the mass surveillance of Black communities’ through collateral intrusion (*Black Lives Matter* statement cited in Lartey, 2016), significant privacy issues for both police officers and members of the public (Bud, 2016; Mateescu, Rosenblat and boyd, 2016; Palmer, 2016; Taylor, 2016), and fears relating to police operational discretion undermining their neutrality (Ariel et al, 2016b; Taylor, 2016). While the lens has been firmly fixed on events in the USA, police BWC are an international phenomenon with a history spanning over a decade. For example, they have been used in England since 2006 (Home Office, 2006; Spencer and Cheshire, 2018) and it has been claimed that the UK currently ‘has the highest density of cameras per officer’ (Peachey, 2016: n.p.). They were first trialled in Australia, the site of the present study, more than a decade ago, in 2007.

### **Research on police body-worn cameras**

A recent flurry of research activity has resulted in empirical studies seeking to establish how

police BWC impact on officer and citizen encounters. The results have been varied, and sometimes contradictory. Early studies returned very positive results, suggesting that ‘police body-worn-cameras reduce the prevalence of use-of-force by the police as well as the incidence of citizens’ complaints against the police’ (Ariel, Farrar and Sutherland, 2015: 531). It appeared that there were benefits on both sides of the lens and soon BWC were being touted as a panacea, ascribed with the ability to reduce use of force by police (Ibid., 2015), reduce violence by the public (Home Office, 2007), reduce complaints against police (Ariel, Farrar and Sutherland, 2015; Home Office, 2007; Katz et al., 2014; Rankin, 2013), as well as provide peripheral benefits such as early guilty pleas (Home Office, 2007; Katz et al., 2015) alleviating the amount of time spent on ‘red tape’ administrative tasks (Sherman, 2013). However, whether these mooted benefits are realised in practice are much less clear. It is important to be able to distinguish between ‘their “imagined” outcomes and the (unexpected) effects that accompany their daily “practical” use by police officers’ (Tanner and Mayer, 2015: 384).

The promising early findings were soon disputed, however, by the findings from ‘one of the largest multi-site prospective randomised controlled trials (RCT) in the history of criminal justice research’ published with a title divulging the key findings: ‘Wearing body cameras increases assaults against officers and does not reduce police use of force’ (Ariel et al, 2016a). In some circumstances it was suggested that the activation of the camera might make the outcome of an interaction worse: officers were 15% more likely to experience an assault when wearing the cameras. In a subsequent publication the authors of the study largely attributed the result to officer discretion (Ariel et al, 2016b) adding important empirical weight to concerns that ‘officer autonomy to choose when to turn the camera on and off undermines some of the potential benefits that the cameras may bring’ (Taylor, 2016: 131). In addition, Ariel et al. (2016b) suggest that BWC might skew findings by increasing the likelihood of police reporting assaults against them knowing they were supported by video evidence, and officers being less assertive than normal due to awareness that they were being recorded. The RCT studies provided some much-needed early indicators of how police BWC were being deployed and to what effect, but they lacked insight into contextual factors and situational dynamics and so little was understood as to *why* BWC might produce the outcomes it was purported to (see Hope, 2009; Hough, 2010; Taylor, 2010 for discussion of the limitations of the RCT method).

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A number of studies have explored the impact of police BWC on other aspects of police behaviour. Katz et al. (2014) found that the number of arrests increased significantly amongst officers wearing cameras, whereas Ready and Young (2015) report that officers assigned to wear a BWC were less likely to make arrests, or perform stop-and-search, but were more likely to give citations. This lends some weight to concerns that BWC can undermine police professional discretion, resulting in the ‘clear-cut application of the law irrespective of context’ (Taylor, 2016: 130; *see also* Rieken, 2013). Indeed, Rowe *et al*’s (2018: 88) ethnographic research reported concerns from officers that BWC would ‘turn you into a robot’. While activated cameras might be expected to suppress unethical behaviour or excessive use of force by officers, the catalogues of footage depicting police wrong-doing provides a strong counter argument to the disciplining effect of cameras (*see* Martinot, 2003 on police impunity).

### ***The police and public perspective***

Using a range of methods including interviews, surveys and focus groups, there have been several studies examining the views of police officers (Ellis, Jenkins and Smith, 2015; Gaub et al., 2016; Katz et al., 2014; Roy, 2014), law enforcement leadership (Smykla et al., 2016; Sandhu, 2017), and the public (Ellis, Jenkins and Smith, 2015; Sousa, Miethe, and Sakiyama, 2015). These studies have largely found broad support for police BWC. For example, Ellis, Jenkins and Smith (2015: 1) found an ‘overwhelmingly positive (84-96%) public attitude toward police use of cameras’ premised on a belief that they could assist with gathering evidence, identifying criminals, increasing convictions, and improve training. Similarly, in the USA, a Yougov survey found that 92% of the public surveyed supported police BWC, and 55% would be willing to pay higher taxes in order to fund their expansion (Feeney, 2015). Similarly, Sousa, Miethe, and Sakiyama (2015) found high levels of support for police BWC with 80% of 635 adult residents in Las Vegas believing that camera wearing officers will behave more respectfully toward citizens and will use excessive force less frequently. In addition, 61% of participants believed that citizens will have greater trust in police as a result of BWC, and two thirds believed that BWC could improve police relationships with citizens.

In relation to police perspectives, similar to the public, broad support for the cameras has been reported thus far (Ellis et al., 2015; Jennings et al., 2014; Sandhu, 2017). For example, Ellis et al. (2015) surveyed 135 police officers in their study on the Isle of Wight and found



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that 85.8% of frontline officers agreed that ‘All police officers should use BWV when on duty’. The vast majority of those surveyed (97.2%) believed the cameras would help ‘gather evidence’ and 93.9% believed that this would ‘increase the likelihood of conviction’. Similarly, the Mesa Police Department (MPD) study found that 80% of officers believed that BWC would improve the quality of evidence and yield more accurate accounts of encounters, and 77% agreed that BWC would make officers act more professionally (MPD, 2013). However, the police officers were far less convinced that the cameras would improve the behaviour of citizens; just 55% agreeing that the cameras would reduce assaults against police officers.

While the corpus of research is certainly growing, there are still large gaps in understanding. Notably, there have been no studies to date that explore the views and experiences of arrestees. As key actors whose behaviours and attitudes are likely to impact the use of police BWC this is a fundamental omission. The following section outlines the deployment of BWC in Australia before detailing the methods utilised in the present study.

### **Police body-worn cameras in Australia**

First used in Western Australia (WA) in 2007, most Australian states have now, at minimum, trialled body cameras (Cubitt et al., 2016) with many making significant investments in the equipment. For example, following a 2010 trial, the Queensland Police Service announced that they were purchasing 2200 cameras to equip all frontline officers with BWC, adding to the 500 initially provided to traffic police, representing the largest number of devices issued to any law enforcement agency in Australia, and the fourth largest in the world (Queensland Government, 2016). In South Australia (SA), the state government committed \$5.9 million to roll out BWC to all frontline police officers by mid-2019 with the SA Police Association supporting their implementation as ‘commonsense’ (cited in Holderhead 2015: n.p.). In May 2015, following ‘very positive results’ (NSW Government 2014: 1), the NSW Police Force announced that they had invested over \$4 million in BWC for all frontline officers. Reported outcomes included a reduction in ‘frivolous claims’ of misconduct against police (Ibid.), although details of the study have not been made publicly available. In 2014, the Northern Territory Police Force commenced a trial of BWC allocated to police officers in selected regions (Northern Territory Police, 2016) and, Victoria Police are currently evaluating a pilot BWC project before mainstreaming the cameras (Victorian Government, 2015). As such,

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although not attracting as much attention as in the USA, it is clear that BWC is becoming a feature of frontline policing across Australia. While remaining cognisant of socio-cultural specificities, the present study offers much needed insight into the views, perceptions and experiences of police arrestees in relation to BWC.

## **Methodology**

The findings reported in this article were elicited from interviews conducted as part of the Drug Use Monitoring in Australia (DUMA) program. Established in 1999, DUMA is a quarterly collection of criminal justice and drug use information from detainees at multiple police stations across Australia. It is conducted in partnership between the Australian Institute of Criminology (AIC), state police services and local researchers. Researchers, independent to law enforcement, conduct voluntary interviews with police detainees in private interview rooms within 96 hours<sup>2</sup> of arrest. No monetary incentive is provided but participants are offered a small snack and a soft drink (see AIC, 2015 for further details of the DUMA methodology). Participants may have been arrested for any offence, or breach of conditions, not just drug-related offences.

Interviews are held in five locations across four states; New South Wales (NSW), Queensland (QLD), South Australia (SA) and Western Australia (WA). These research sites represent some interesting characteristics that make them ideal for examining approaches to policing; the WA police force is responsible for policing the world's largest single police jurisdiction covering 2.5 million square kilometres with a structure comprising two regions, 11 districts and 157 police stations, whereas the NSW police service is Australia's oldest police organisation and now the third largest police organization in the English-speaking world. Queensland's investment in BWC represents the largest number of devices issued to any law enforcement agency in Australia, and one of the highest in the world. These features make the multisite research particularly suited to understanding the reception of police BWC amongst arrestees.

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<sup>2</sup> The 96-hour timeframe is imposed by the DUMA methodology in order to allow sufficient time for the detainee to have engaged with the drug market (should they have chosen to) so as to limit skewing the findings of the larger survey e.g. if a detainee reports that they have not used drugs in the days prior, it is not because they have been detained and unable to. It is also, in part, due to ethical considerations.

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The self-report survey instrument is conducted with a trained interviewer. It is comprised of two key components: a core questionnaire and a quarterly addendum. The core questionnaire collects demographic data and other information about drug usage and history. An addendum to the DUMA instrument was utilised to interview police detainees about their views and experience of CCTV and police BWC. This article reports findings on police BWC only (see Lee, Taylor, and Willis, 2018; Willis et al., 2017 for other findings generated). The core instrument was comprised of multiple interval questions relating to demographics, drug use, and lifestyle attributes. The addenda questions concerning BWC were a mix of ordinal multi-category questions using flashcards, binary, and open-ended questions. Participants responded to multi-category items using a 5-point Likert-scale measuring their level of agreement on items associated with the use of police BWC and their impact. Quantitative analysis was conducted using SPSS and coding of the open-ended questions was facilitated by the software package Nvivo and completed by a team of researchers to establish inter-rater reliability (Neuendorf, 2002).

### ***Interview sites***

The interviews were conducted in four state capitals - Adelaide (South Australia), Brisbane (Queensland), Perth (Western Australia) and Sydney (New South Wales) during the third quarter (July-August) and fourth quarter (October–November) of 2015. In the third quarter of 2015, interviews were conducted at four sites - Adelaide (SA), Brisbane (Qld), Perth (WA) and Surry Hills, Sydney (NSW). In the fourth quarter, all sites remained the same except Surry Hills, which was replaced with Bankstown, also in Sydney, NSW. The 907 respondents were in Brisbane (n=357; 39.4%), Perth (n=302; 33.3%), Adelaide (n=177; 19.5%), and Sydney (n=71; 7.8%).

### ***Participant characteristics***

Across the two data collection periods, a total of 1,753 police detainees were approached for interview; 1,108 (63%) agreed to be interviewed and 645 (37%) declined. A total of 1,108 detainees answered at least some of the DUMA main interview questions, and of these, 907 went on to answer questions from the police BWC addenda. The following findings relate only to those 907 participants. The majority (83.4%) of the respondents were male. On average the detainees were 32.65 years of age (SD=10.45 years) with the youngest

respondent being 17 and the oldest being 79. Approximately a fifth (19.2%) of respondents identified as Aboriginal or Torres Strait Islander (ATSI). Data for the total arrestee population for the sites where the interviews were conducted was not available and so it is not possible to ascertain the degree to which the sample is representative of the broader population of police detainees.

The offence for which detainees had been arrested was also captured. It was found that 46.2% were recorded as ‘Offences against government procedures, government security and government operations’, inferring that these individuals were in breach of bail, a community order or parole conditions, thus obscuring the offence type for which they had originally been charged and/or convicted. As such, it was not possible to disaggregate findings by offender type. The following section reports on the findings, exploring the perceived benefits and limitations of police BWC from the perspective of arrestees.

### **Findings: Arrestees’ perceptions and experiences of police body-worn cameras**

Similar to findings from research soliciting the views of the public (e.g. Ellis et al., 2015; Maskaly et al., 2017; Sousa et al., 2018; White, Gaub and Todak, 2017), and police officers (e.g. Gaub et al., 2016; Headley et al., 2017; Jennings et al., 2014; Katz et al., 2014; Roy, 2014), overall, police detainees are supportive of the use of BWC; three quarters (76%; n=688/907) agree or strongly agree that it is a ‘good idea’ for police officers to wear them (see Figure 1).

**[Figure 1 about here]**

In recognising that camera-wearing officers would typically become involved in an incident post-offense, many detainees did not believe that the use of cameras would result in a reduction in levels of crime; just over a third agree or strongly agree (36%) that ‘there will be less crime if police are wearing cameras’, and 40% disagree or strongly disagree. Support for the cameras largely stemmed from the perception that they could improve the behaviour of both police officers and arrestees. For some, the cameras could instil what White (2014) has termed a ‘civilizing effect’ amongst both the police and public, with many participants expressing sentiments along the lines of ‘everybody is protected’ if the encounter is recorded:

It makes criminals think twice and makes police think twice. It works both ways.  
(Male, 40)

It's a good idea for everyone's protection. People are liable for their own actions and words. (Male, 35)

The cameras keep them safe in the line of duty [...] They benefit police, courts and the footage is good for evidence. [It's] the smartest idea government has come up with. It stops people disrespecting the police. (Male, 20)

The mutually beneficial impact of BWC has also been mooted by a range of organisations including the ACLU (2015: n.p.) who assert that they have 'the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse'. The following findings examine the views of arrestees across four broad thematic domains: (I) police behaviour and use of force; (II) arrestee violence and aggression; (III) procedural justice and neutrality; and, (IV) the operation of the cameras.

## **I. Police behaviour and use of force**

As outlined above, the results from several RCTs have returned sometimes contradictory results, ranging from studies that find 'cameras reduce the prevalence of use-of-force by the police' (Ariel et al., 2015), to those that find little or no effect (Ariel et al, 2016a). In the present study, more than two-thirds of police detainees (68.8%) believed that police officers were less likely to use excessive force during arrests if they were wearing a camera. The responses to the open-ended questions asking why this might be were united in the view that the cameras would be a deterrent against using unnecessary force by arresting officers, due to a range of factors, as illustrated in the excerpts below:

It stops the corruption and aggression that a lot of police officers use (Male, 21).

[The use of police BWC] is a deterrent for them to use excessive force. If they do, the video can be used in a complaint as evidence (Male, 37).

[The cameras] change their behaviour so they will not sink their boots into you. They have to be more professional (Male, 35).

In comparison to surveys of police officers, it would appear from this current sample, that detainees are more convinced by the ability of police BWC to change police behaviour than officers themselves. For example, Jennings et al. (2014) reported on police perceptions in their survey of 95 patrol officers and found that just 3.3% of officers agree or strongly agree with the statement that wearing body-worn cameras would reduce their own use of force, presumably based on the premise that they do not use undue force and therefore their behaviour does not require modification, camera or not. However, in terms of behaving more professionally, the survey results from the Mesa, Arizona study reported that prior to implementation, 77% of the Mesa officers surveyed believed the body-worn cameras would cause them to behave more professionally (Jennings et al., 2014).

## **II. Arrestee violence and aggression**

On the other side of the lens, fewer participants believed that BWC would impact positively on people being arrested than they did the police; 57.3% strongly agree or agree that people being arrested are less likely to use violence against police officers wearing cameras (see Figure 2). However, there was a belief that being recorded would, at least, encourage arrestees to think about their actions:

It might make offenders think more before they act during police interactions (Male, 35)

It makes people think twice before acting stupid (Male, 20).

This view was premised, for some, on whether the arrestee was intoxicated. For example, one individual commented that:

[The cameras provide] safety for police and for members of the public. Most *sober* people will act differently when they know there are cameras (Male, 43)

Similar claims have been made by police officers in relation to BWC (Owens and Finn, 2018), and will likely become a routinised observation as was the case with studies on CCTV (*see* Allard et al., 2008; Short and Ditton, 1998). The deterrent capability of visual surveillance has been found to be undermined when an individual is under the influence of drugs and/or alcohol and therefore their rational thinking is impaired.

**[Figure 2 about here]**

Studies of police officers have found a lower perceived impact of BWC on citizen behaviour. For example, Jennings et al.'s (2014) study reported that 40.7% of the officers believed that body-worn cameras would improve citizen behavior (compared to 57.3% in the present study). Furthermore, Katz et al.'s (2014) study in Phoenix, AZ, officers were even less convinced that BWC would result in arrestees being more compliant and less likely to be aggressive. According to Katz et al. (2014: 23):

By the end of the study period ... only 25.7% of the target group officers believed BWCs result in citizens being more cooperative, 28.6% agreed that citizens will be more respectful, 11.8 % agreed that suspects will be less likely to resist arrest, and 25.7% agreed that people will be generally less aggressive.

Although the items are not directly comparable, it would suggest that detainees are more persuaded by the ability of the cameras to alter behaviour than police officers. Somewhat counter-intuitively, drawing from a meta-analysis of multi-site, multi-national RCTs, Ariel et al. (2016) found that 'cameras increased the likelihood of an officer being assaulted during a shift compared to not wearing the cameras'. In a climate of heightened tensions between the police and public, it is important to recognize the potential for BWC to be encoded with unintended meaning. Consequently, the cameras could actually inflame a situation (the reasons for which have begun to be hypothesized in greater detail by Ariel et al., 2018). Overall, it would appear from prior studies that officers, perhaps unsurprisingly, judge citizens' behaviour as being more in need of improvement rather than their own. Conversely, this study reveals that detainees are more likely to judge police behaviour as in need of improvement.

### III. Procedural justice, proprietary access to ‘truth’ and promises of neutrality

Discretion permeates police work at all levels since the sheer variance and unpredictability of day-to-day activities and events requires the continuous exercise of judgment, often in highly pressurised environments (Finnane, 1990; Barlow and Walklate, 2018). As Finnane (1990: 218) asserts, ‘every level of police work, especially at the micro level, involves choice on part of the police officer.’ Indeed, the criminal justice system is, by its very nature, premised on discretionary principles at every stage; to investigate, to report, to caution, to charge, to arrest, and so on. Such a discretionary ethos is perhaps part of the reason why there is a lack of comprehensive or standardised legislature regarding the use of BWC. This, in turn, has resulted in inconsistent policies concerning, for example, camera activation, data protection, access to footage, and sanctions for the improper use of cameras. While the ‘discretionary latitude’ (Fyfe, 1979: 309) afforded to officers has been the subject of much debate, in the present study, two aspects of discretion became prominent in the interviews with arrestees. First, there was a view that the cameras would increase police legitimacy by increasing the likelihood that officers would follow procedures more closely, and second, police operational discretion to choose when to activate the recording. The latter was viewed amongst participants as having the potential to severely undermine the former.

#### *Procedural justice*

In political science, legitimacy has been defined as ‘a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed’ (Sunshine and Tyler, 2003: 514). The maintenance of police legitimacy is fundamental to models of policing by consent (Bradford et al., 2014; Lee and McGovern, 2014). A perception that the police use discretion to exercise their powers unfairly has been argued to lead to the public feeling dissatisfied, uncooperative, and defiant (Sunshine and Tyler, 2003). In short, perceived unfairness undermines trust in both individual officers and the institution which in turn jeopardises the maintenance of legitimacy (Bradford et al., 2014).

The concept of *procedural justice* was first introduced by Thibaut and Walker (1975) who argued that individuals are not solely concerned with the outcomes of discretionary decision-making but rather, of equal importance, are perceptions on how they were treated throughout



the process. Procedural justice and police legitimacy are interlocked and arguably could not exist in the absence of the other. Although procedural justice is comprised of multiple and varied stanchions, findings from multiple studies suggest that it ‘is *the* most important antecedent of police legitimacy’ (Bradford et al., 2014: 246, *emphasis added*). This was supported by the present study with detainees highlighting that they believed BWC would enhance procedural justice, ensuring that officers operated within the constraints of their powers.

[The use of police BWC] protects the police a bit better ‘cause they get bashed a fair bit. It keeps the police in line too ‘cause if they know they're on camera they have to do everything by the book (Male, 27).

Everything is done properly and by the book by police. No under the table business (Male, 31).

While a greater sense of procedural justice is largely considered a positive outcome of BWC, concerns have been raised that that this could result in mechanistic decision-making that undermines officer discretion and results in relatively trivial matters dominating police time. In other words, ‘officers might feel inhibited to let trivial things slide or to dispense with a warning through fear of being viewed as overly lenient, or even negligent in their duty’ (Taylor, 2016: 130). Supporting the views of the police detainees in this study, a survey of police officers found that 43% of officers believed that BWC would increase ‘by the book’ behaviour amongst *other* officers, but fewer (20%) believed it would alter their own in this way (Jennings et al., 2014: 550). Further illustrating this potential, Katz et al. (2014) reported that the frequency of arrests increased significantly for those wearing a camera compared to those in the control group. If it is the case, the impact of this should not be underestimated since the ‘robotic’ policing lamented in Rowe et al’s (2018) study has implications, not least the potential for ‘deprofessionalization syndrome’ (Stone and Stoker 1979), leading to job dissatisfaction and disaffection.

### ***Proprietary access to ‘truth’ and promises of neutrality***

The theme of ‘truth’ was recurrent in the interviews and many participants were of the view that the camera footage could provide a much-needed objective and neutral version of events.

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Proclamations such as the ‘cameras don’t lie’ (Male, 21) and ‘cameras speak the truth’ (Male, 47) were common. The detainees believed the cameras would enable the factual and impartial to prevail over conjecture and the unreliability of post-hoc eye-witness testimony, as outlined:

Police can lie. I can lie. But the camera won’t (Male, 36)

It shows the incident for what it is and not what it is said to be (Male, 21)

However, despite camera evidence being valued by the public through a belief that it serves as ‘nonhuman witnesses’ (Yesil, 2011: 285) or ‘guardians of truth’ (Taylor, 2013), research has shown that, far from objective, camera footage is embedded with partiality and prejudice (Lassiter et al., 2005). There is a long-established body of research illustrating an implicit ‘camera view bias’ whereby viewers are inclined to interpret footage from the perspective of the person wearing the camera. As Stoughton (cited in Williams et al. 2016: n.p.) attests, ‘When video allows us to look through someone’s eyes, we tend to adopt an interpretation that favours that person’. Furthermore, the presumed neutrality of recorded footage is skilfully challenged by what Goodwin (1994: 606) terms ‘professional vision’ - the ‘socially organized ways of seeing and understanding events that are answerable to the distinctive interests of a particular social group’. It was through the lens of ‘professional vision’, Goodwin argues, that the footage from the Rodney King beating was transmogrified from what many believed would be an ‘almost automatic’ (p.615) conviction of the officers involved, to a narrative that presented the behaviour as ‘careful police craft work’ (p.616). Similarly, Brucato (2015: 455) notes that there is a ‘social and legal privileging of police officers’ perspectives’ derived from police audio-visual technologies. This could ultimately nullify claims that BWC can enhance police accountability (Lee, Taylor and Willis, 2018). Moreover, in reference back to the demands of the protesters in North Carolina to view the raw BWC footage of the shooting of Keith L. Scott, the proprietary access to and control over ‘evidence’ and ‘truth’ is brought to the fore.

There has been little research in this area in relation to BWC footage specifically, although some instructive studies and commentaries are emerging (e.g. Phillips, 2016). As BWC footage becomes increasingly used in criminal trials and overwhelmingly to prosecute citizens, not the police (Bakardjiev, 2015), the multiple ways in which ‘objective fact’ and

‘truth’ is actually mediated through a professional lens and constituted through a variety of social processes and power relations, will likely become much clearer. For now, there are emerging indicators that camera footage is culturally and institutionally partisan.

#### **IV. Operation of the cameras: privacy, informed consent, and collateral intrusion**

Particularly relevant to debates on the procedural policy for BWC, such as whether police should record continuously in order to overcome claims of selective recording and misconduct (see ACLU, 2015), detainees were asked their views on whether the police should be able to record members of the public without their consent. As illustrated in Figure 3, there were clear distinctions drawn between who is regarded to be a legitimate target of video recording and issues of consent.

[**Figure 3.** *About here*]

Almost two-thirds (64%) disagree or strongly disagree that the police should be able to record people without their permission, with many detainees reporting their discomfort with not being informed that they were being filmed. Such beliefs were prominent in the qualitative themes, and illustrated by the following quotes:

It’s not good when police don't tell people they have a camera on - so the person arrested hasn't given permission (Female, 19).

If they don't tell you they are recording it breaches our rights (Male, 27).

I don't like how they film you without telling you (Male, 18).

Little research has been conducted on the operational policies and guidance that underpin the use of BWC by individual forces. While such guidelines are being strengthened in many jurisdictions, there appears to be a general consensus that officers should inform citizens at the earliest opportunity that the camera is active, preferably before recording commences. However, some ethnographic studies have suggested that this does not always happen (e.g.

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Rowe et al., 2018). Furthermore, the use of police cameras in sensitive locations, such as peoples' homes was regarded as particularly problematic.

I don't think they should wear cameras inside people's homes, but out on the streets would be okay (Male, 39).

They should not be allowed to wear camera's coming into peoples' homes, there could be children, babies... (Male, 29)

This is of particular salience given the approach in several forces to wear BWC to domestic violence call outs to ensure the 'preservation of good-quality first disclosure evidence from the victim' (Home Office, 2006). Furthermore, the possibility of collateral intrusion, that is, the filming of individuals other than those who are directly the subjects of the investigation or operation, was a recurrent concern amongst the participants. As Gaub et al. (2016: 280-81) assert: 'BWCs go wherever the officer goes, so they film inside people's homes, hospital rooms, and other areas where people have at least some expectation of privacy' (*see also* Stanley, 2015). More broadly, there has been concerns voiced that the cameras could be used as an instrument of mass surveillance, as outlined in the statement by Black Lives Matter earlier.

In contrast, the majority of respondents (77.5%) believed that the public should be allowed to record anything the police do while on duty (see Figure 3). There was also a misconception that members of the public were not legally allowed to film the police and many police detainees reported being ordered to cease recording by police, or claimed they had had footage confiscated:

I'm not allowed to record them so why can they record us? (Male, 29).

If I had a camera they would not let me use the footage. It's a one-way street (Male, 67).

We aren't allowed to [film them]. It's double standards (Male, 47).

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Being informed that recording is taking place, ensuring that cameras do not disproportionately invade private spaces, permitting legal sousveillance, and an awareness of the potential for collateral intrusion, were all important factors that underscored arrestee support for the legitimate use of the cameras.

### **Detainee perceptions by gender, age and ethnicity**

To examine whether there were significant differences between male and female detainees, and indigenous and non-indigenous detainees on the perceptual items, mean differences were compared using Independent-samples T test, but no significant mean differences were found. A chi-square test of independence was performed to examine the relation between age and perception as to whether police BWC were a good idea. The relation between these variables was significant; the older the police detainee, the more likely they were to strongly agree or agree that it is a good idea for police to wear body-worn cameras. 86% (n=89) of those aged 46+ strongly agree / agree compared with 70% (n=176) of those age 17-25.

### **Discussion and conclusion**

The findings from this study, the first to examine the perceptions of detainees regarding police BWC, suggest that arrestees are optimistic about the use of the cameras across a number of perceptual domains. Although the detainees did not feel that the cameras would reduce crime, they perceived a ‘civilizing effect’ whereby citizens are less likely to use violence when being arrested, and police officers less likely to use excessive force. However, although largely in favour, this is found to be contingent on procedural and operational policies about how, when, and where they are deployed.

### ***Limitations of the study***

It is important to recognize the limitations of the present study. First, in the absence of precise data on the entire population of police detainees at the time the study was conducted it is not possible to claim that the sample was representative. As such, the findings are not generalisable to all police arrestees and, furthermore, the perspectives of those interviewed in the present study are likely to reflect to some degree the sociocultural proclivities of the city, state, and country in which they are located. Comparative analysis between states, and

countries, would be a fruitful avenue to pursue in future research.

There are certainly strengths to interviewing police detainees shortly after arrest so as to gain insight into their experience of the interaction with arresting officers while still relatively fresh, yet there is an ongoing debate within criminological research regarding the reliability of self-report data, and particularly that of offender populations. The data reported in this study largely relates to perceptual data and does not require the arrestee to divulge any information that could potentially incriminate them. In this respect, some of the pitfalls of interviewing individuals in order to explore engagement in criminal behaviour are not as apparent in this particular study. In addition, it should be recognized that the interviews took place in police stations and so there is a possibility that findings are skewed in order for the interviewee to present themselves favourably and perhaps as more compliant and cooperative. However, findings are not dissimilar to those reported by Ellis et al. (2015) who conducted opinion surveys amongst the general public.

Another limitation is that we cannot be certain if the individual being arrested was aware of the presence of the camera, or if it was recording at the time of their arrest. The findings should be considered as opinion based rather than experiential in light of this limitation. Future research could attempt to remedy this shortfall by only interviewing individuals whose arresting officer was wearing a camera. Even in this scenario, however, there is no means of knowing whether the arrestee was truly aware of its presence and recording status. For example, McClure et al., (2017) report that just over one-quarter of people in their study who had interacted with an officer wearing a BWC were aware of its presence. Similar to CCTV, following the mainstreaming of BWC it is likely to become ‘an almost unnoticed aspect of everyday life’ (Ellis, et al., 2013) over time.

### ***A future research agenda***

Since discretion to record is thought to be a crucial factor in the impact, effectiveness, and perceived legitimacy of police BWC (Ariel et al., 2016b, Taylor, 2016), more needs to be known about why and in what circumstances an officer chooses to commence and cease recording. Even in cases where activation of the cameras is prescriptive, several studies have reported varying levels of compliance with activation protocols (see Roy, 2014; Katz et al., 2015) which fundamentally changes their impact and effectiveness, as well as posing a

considerable threat to the internal validity of experimental studies. It has been argued previously, whilst recognising some fundamental privacy issues, that ‘a camera that can be switched off, or wilfully turned away from a police interaction with an assailant without consequence, cannot increase accountability or reduce poor policing practice’ (Taylor, 2016: 130). In addition, it remains unclear if activating a BWC results in some officers dispensing with their professional discretion and adopting a clear-cut application of the law irrespective of context. Indeed, as noted above, the presence of cameras may *diminish* officers’ willingness to formally intervene (Ready and Young, 2015) – again for reasons that are uncertain. The findings from the body of RCTs has provided some much-needed early insights into how the cameras potentially alter behaviour, but in attempts to ‘smooth over inter-experimental variation’ (Hope, 2009: 8) they can sometimes miss important contextual factors, situational dynamics, and qualitative impacts (Hope, 2009; Hough, 2010; Taylor, 2010). In ‘summing’ the results of experiments, the technological and operational variance, heterogeneity, and culturally specific environments within which police BWC have been deployed become obfuscated making it very difficult to ascertain cause and effect. Ethnographic research would provide a more contextually rich understanding of how, why, and when the cameras are activated, and to what effect. Furthermore, examining the ways in which footage is filtered through professional vision and organisational cultures in order to construct an ‘objective’ version of events would be particularly fascinating, similar to studies examining the construction of scientific ‘fact’ (*for example* Latour and Woolgar 1979).

Despite ‘commonsense’ presumptions that the rollout of body-worn cameras would be followed by improvements in procedural justice, legitimacy, and fairness, the large-scale adoption of police BWC, has been marred by ongoing controversy, relating, for example, to the withholding of footage, as occurred in North Carolina. The findings from the present study demonstrate a high level of in principle support amongst police detainees for police officers to wear BWC, largely owing to the civilizing effect they believed they would have on police-citizen encounters, and the evidentiary capacity of the footage captured. The study has clear policy implications regarding what seems to be the inevitable continued rollout of cameras but raises some issues regarding procedure and training pertaining to what and when officers should record. Further research is required to examine the perceptions of police arrestees, and citizens more widely, in order to develop operational policies that are acceptable to both police and the public.

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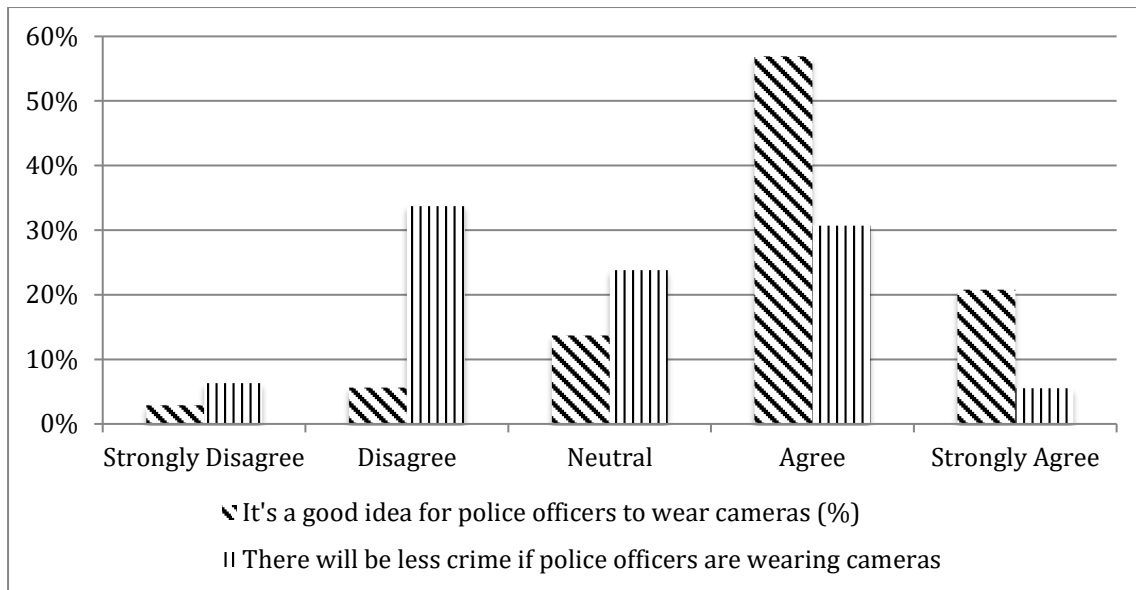
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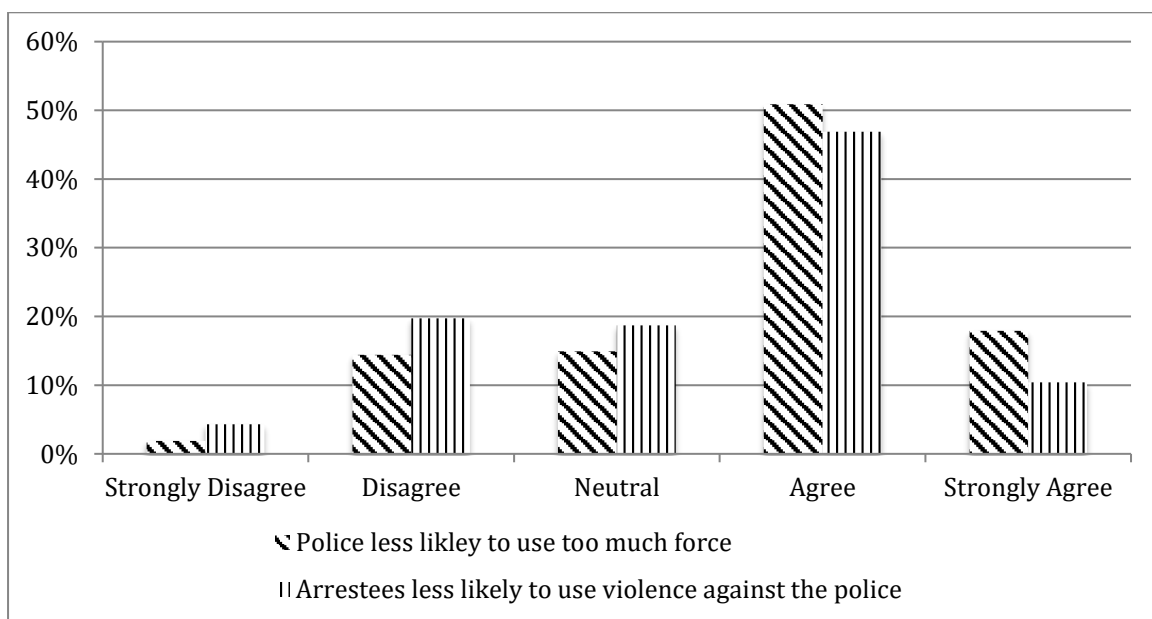
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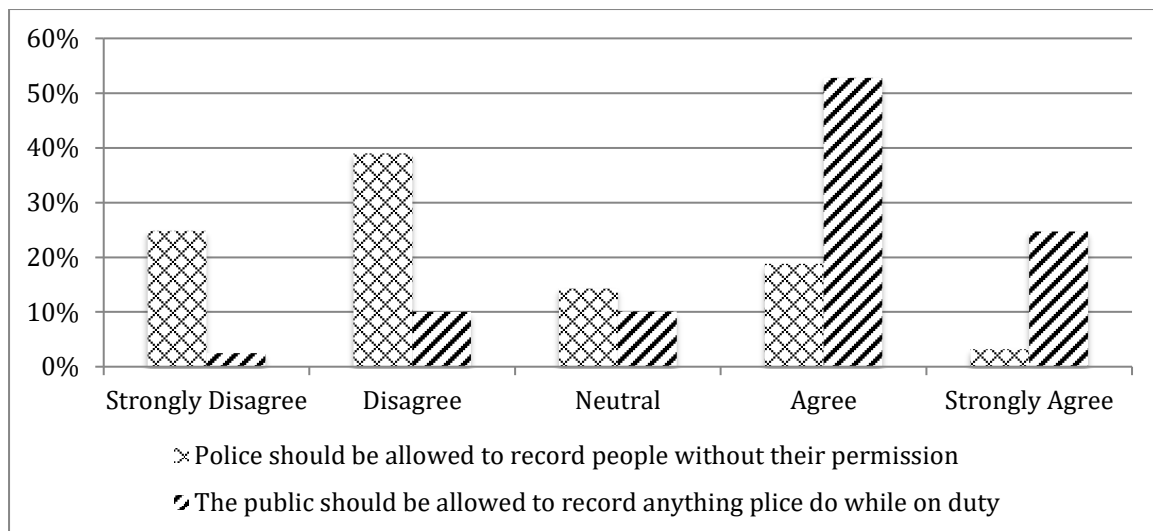
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**Figure 1.** Police detainee perceptions - It's a good idea for police to wear body-worn cameras; There will be less crime if police officers are wearing cameras ( $M = 2.95$ ;  $SD = 1.057$ ).



**Figure 2.** Police detainee perception - Police are less likely to use too much force during arrests if they are wearing a body-worn camera ( $M = 3.28$ ;  $SD = .990$ ). People being arrested are less likely to use violence against the police if police officers are wearing a body-worn camera ( $M = 3.39$ ;  $SD = 1.049$ ).



**Figure 3.** Police detainee perception - Police should be allowed to record people without their permission ( $M = 2.37$ ;  $SD = 1.138$ ); The public should be allowed to record anything police do while on duty ( $M = 3.87$ ;  $SD = .977$ ).