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Are BWCs the Right Fit For All Agencies? An Illinois Perspective

By William P. McCarty, Associate Professor- Department of Criminology, Law & Justice, University of Illinois at Chicago (UIC); John Furcon, Director, Research & Consulting, Center for Public Safety, Northwestern University Rahul Kalsi, Associate, John J. Millner and Associates, Inc.

The Veritatis Institute is an educational, non-profit foundation designed to foster a greater understanding of contemporary issues our leaders face today. The Institute is designed to take a research-to-practice approach to critical public policy issues and connect leaders and organizations who want to collaborate, in a nonpartisan forum to solve critical issues facing our society.

Headlines regarding violence in America and the deterioration of the relationship between law enforcement and the community resulted in the Illinois General Assembly's enactment of *Public Act 099-0352, Police and Community Relations Improvement Act*. This Public Act, signed by Illinois Governor Bruce Rauner in August 2015, addressed comprehensive police reform at the state level, including the use of body-worn cameras (henceforth "BWCs"), expanded procedural justice, training, and independent reviews of police-involved death. The Act laid out recommendations for comprehensive police reform in the State of Illinois. The issues addressed in the Act include:

- Reporting officer involved deaths
- BWCs
- Reporting deaths, weapons discharge
- The Commission on Police Professionalism
- Officer conduct database
- Pedestrian detention reporting
- Tactics: (a) chokeholds; (b) detention and frisks
- Enhanced training
- Equipment

The Veritatis Institute convened a group made up of (5) Elected & Appointed Municipal Leaders, (4) Law Enforcement Executives, (4) Members of Research & Academia in December, 2015, to explore the scope of this new law, its effect on our communities across the

State of Illinois, and policy alternatives and enhancements for today and for the future. The invitation-only participants reviewed and discussed the realities and perceptions of public safety in our Illinois communities, implementation and costs of this new law, and provided recommendations to make this law even more effective.

The outcome of the one-day forum prompted the creation of a survey to representatives of law enforcement agencies throughout Illinois in order to understand whether they currently use BWCs, if they plan on using BWCs, and what sorts of barriers exist to utilizing BWCs.

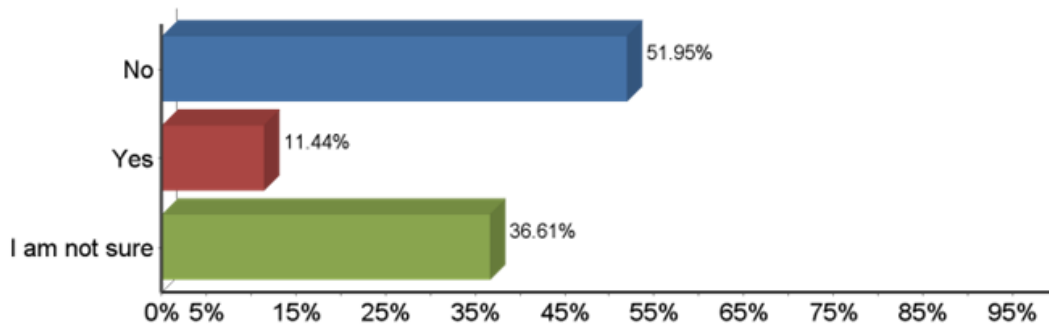
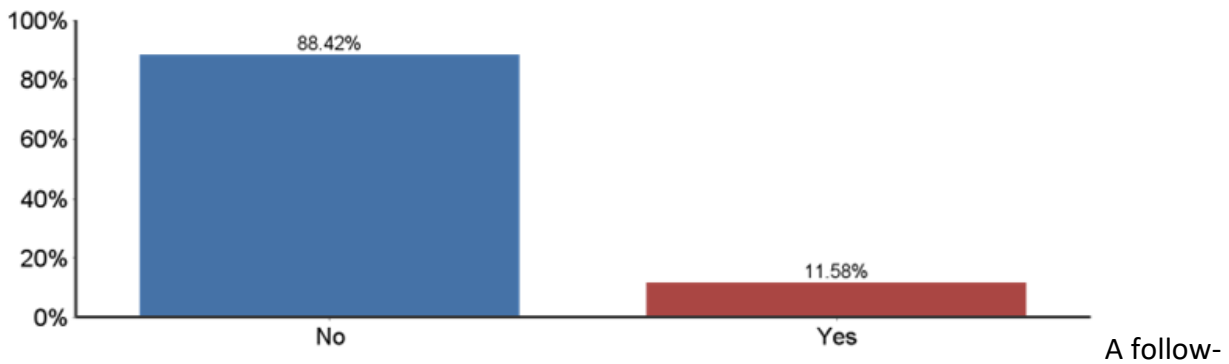
Given its focus on evidence-based research, members of The Veritatis Institute developed and distributed a 12-item survey that was fielded online from December 16, 2015, until January 19, 2016. A link to the survey was made available to over 1,000 members of the Illinois Association of Police Chiefs (ILACP) and the Illinois Law Enforcement Alarm System (ILEAS). Potential respondents were asked that only one representative per agency reply to the survey. These methods resulted in a total of 501 individuals who responded to this survey.

In early 2017, a second survey was developed and distributed to agencies that were identified as already using BWCs in an effort to understand their perceptions of the technology, including cost, positive experiences and negative experiences. Agencies were identified as using BWCs, and thus eligible for inclusion, through conversations with law enforcement officials in Illinois and BWC manufacturers. Per those conversations, a 20-item survey was sent to 60 agencies in Illinois in February, 2017. While only a small number of respondents completed the survey (n=7), these responses and subsequent impressions can aid other agencies who are contemplating BWCs by giving them a sense of how the new technology can affect budgets, officers, and relations with community members.

The summaries of the results of these surveys are presented and discussed below. The complete surveys and findings can be found at <http://veritatisinstitute.org/>.

2015-2016 Survey Results

The survey began by asking respondents if their department/agency was currently, as of the distribution of the survey, using officer BWCs. As the figure immediately below indicates, the use of BWCs does not currently appear to be widespread in the state of Illinois, with approximately 88% of the 501 respondents stating that their department/agency does not currently use the technology and approximately 12% stating that their department/agency does currently use the technology



Further, approximately 37% reported being unsure about using them in 2016. The remaining 11% stated that their agency/department planned on using BWCs in 2016. Put succinctly, the results suggest that few agencies in Illinois use BWCs and few have definitive plans on using them.

Which of the following are barriers to your department/agency using officer body worn cameras? (420 total respondents)

Respondents representing departments/agencies that were not using BWCs were also asked about barriers that existed to utilizing the new technology through a question that listed nine possible impediments and asked respondents to check all that applied. For those 420 respondents who replied, the top four barriers were a lack of video storage capabilities (85%), cost of equipment (73%), receiving and responding to Freedom of Information Act (FOIA) requests (72%), and being able to redact video and audio, when required (72%). Other responses included: citizen privacy concerns (36%), citizen consent process (31%), sufficient officer training (25%), officer safety concerns (14%), and officer resistance (11%).

Respondents were also given an open-ended question, where they had the opportunity to describe the main reason(s) why their department/agency had no plans for using BWCs. Of those respondents who stated that their agency/department did not currently use BWCs, a total of 214 took the time to explain their rationale. Unequivocally, the top two reasons cited for not using BWCs were cost and the issues with the Illinois law. For example, in terms of cost, one respondent stated:

“We are a small department and the costs associated with the use and retention of video footage, coupled with the tracking and reporting requirements makes the use of these cameras a burden on the department and city.”

As another example, in terms of the Illinois law:

“The Illinois legislature made the body camera law so restrictive that it will cost too much to implement the program. I really would like to have body cameras but under the law, it is not practical. I would have thought that the legislature would have drafted the law so agencies would use them, not stay away from them.”-----

Questions then shifted to the Illinois Law Enforcement Body-Worn Camera and Management Act, with 80% of the 427 respondents whose agencies were not using BWCs responding that they were somewhat familiar, moderately familiar, or extremely familiar with what is contained in the new legislation. Awareness of the Illinois Law Enforcement Body-Worn Camera and Management Act was high among this group of respondents whose agencies were using BWCs, with 92% of the 54 respondents being somewhat familiar, moderately familiar, or extremely familiar with what is contained in the legislation.

Several additional observations could be made based on the responses of those in agencies currently using BWCs. For one, as the figure below indicates, those respondents expressed overwhelming satisfaction with BWCs, as close to 93% of the 54 respondents were satisfied or very satisfied with using the technology.

Describe your overall level of satisfaction with using officer body worn cameras. (54 respondents)

Further, and most importantly among this group of respondents who report their agency/department uses BWCs, 65% of the 50 respondents do not plan to discontinue using the technology in light of the requirements in the new Illinois law. An additional 23% of respondents don't know if they plan to discontinue the use of BWCs. Finally, 12% plan to discontinue the use of BWCs in light of the requirements in the new law. While it is a net positive that 65% plan to continue using BWCs, the percentage of respondents who plan to discontinue or don't know is at least somewhat troubling given the overall broad satisfaction expressed with BWCs (i.e. 93% satisfied or very satisfied).

Conclusions from 2015-2016 Survey

The results of the 2015-2016 survey coalesce into several themes. First, the vast majority of departments/agencies in Illinois are not currently using BWCs, nor do many have definitive plans on using them in the near future. Second, barriers to using BWCs are many, and some of the strongest are a lack of video storage capabilities, cost of equipment, receiving and responding to FOIA requests, and being able to redact video and audio when required. Open-ended responses also suggest the two main reasons for not adopting the technology are cost and concerns about complying with Illinois Law Enforcement Body-Worn Camera and Management Act. Finally, a small, but growing, percentage of departments/agencies are currently using, or have plans to use BWCs. The agencies already using BWCs express overwhelming satisfaction with the technology, and cite the benefits as far as evidence, officer safety, and transparency.

2017 Follow-Up Survey Results

Agencies were identified as using BWCs, and thus eligible for inclusion, through conversations with law enforcement officials in Illinois and BWC manufacturers. Per those conversations, a 20-item survey was sent to 60 agencies in Illinois in February, 2017. While only a small number of respondents completed the survey (n=7), these responses and subsequent impressions can aid other agencies who are contemplating BWCs by giving them a sense of how the new technology can affect budgets, officers, and relations with community members.

In February of 2017, The Veritatis Institute conducted a follow-up survey sent to 60 Illinois law enforcement agencies currently using BWCs. Responses were received from seven (7) agencies with an average size of 18 sworn officers and an average number of 13 officers using BWCs. The modal, or most common response, was that officers in those agencies received 1-2 hours of training on BWCs and on average respondents reported having used BWCs in their agencies for 2 years. All respondents reported that their agencies have a written policy on the use of BWCs.

As the table below indicates, just over 70% of respondents were very satisfied or satisfied with using BWCs. It is interesting to note that the remaining two respondents expressed being very dissatisfied with BWCs.

Describe your overall level of satisfaction with using officer body worn cameras?

#	Answer	%	Count
1	Very dissatisfied	28.57%	2
2	Dissatisfied	0.00%	0
3	Satisfied	28.57%	2
4	Very satisfied	42.86%	3
	Total	100%	7

Respondents also asked about cost(s) of per camera purchases, other equipment costs, costs of services to support the equipment (storage, maintenance, etc.), and other non-equipment

costs. The modal response to those questions on cost were that they were about what the agency expected, as opposed to being more than expected or less than expected. Familiarity with the Illinois Law Enforcement Officer-Worn Body Camera and Management Act remained high, with 71% of the seven respondents reporting that they were extremely, moderately, or somewhat familiar with the legislation. It should also be noted that the remaining 2 respondents were only slightly familiar with the law, the parameters of which they required to follow as agencies using BWCs.

In response to a question about whether they plan to discontinue (i.e. stop using) officer BWCs due to the requirements contained in the Illinois Law Enforcement Officer-Worn Body Camera and Management Act, 57% of the seven respondents planned to continue using BWCs, 29% were unsure, and 14% planned to discontinue use. The results, then, were very similar to those found in the 2015-2016 survey.

Finally, in terms of the closed-ended survey questions, the respondents were asked, based on their experiences to date, if they would recommend the use of BWCs to other police agencies in the state of Illinois. Five of the respondents said yes, one respondent said no, and one respondent did not answer the question.

Respondents were also given open-ended questions, where they had the opportunity to describe the positive and negative reasons for using BWCs. The positive comments included discussion of decreasing complaints, evidentiary benefits, and officer buy-in. The negative comments included data storage, video and voice redaction, and equipment issues. Examples of positive comments included:

“(BWCs) Support our officers and once persons know they are being recorded they aren't as abusive when dealing with officers. Since we had them we haven't gotten any complaints about officers being aggressive. I believe it tempers officers as well as those persons they are dealing with.”

“Shortly after the starting the program, a couple of our officers handled an incident that resulted in an arrest of a combative individual. Several months later, the individual filed a lawsuit against the officers and the department. Being able to review the video from both officer's cameras really helped us understand the dynamics of what transpired during the incident and it clearly showed that our officers acted lawfully and appropriately given the behavior of the individual.”

“When we first started looking at using body-worn cameras (2011- 2012) there was some reluctance on the part of some of our officers and the police union had concerns about the proposed policy. We ended up postponing the implementation of the program while we worked with area legislators to create legislation specific to body-worn cameras. After the Ferguson Missouri incident, the law finally passed, albeit, quite different from the language that was first drafted. By then, some of the police perception from the public had changed from when we first started developing our program. Police misconduct allegations were on the news daily. So, as a result, our

officers embraced the body-worn cameras as they saw that the use of body-worn cameras were aiding officers all over the country with defending their actions. So, where there were concerns by some when we first started discussing cameras, with the passage of time and changes in attitudes towards policing, any perceived problems went away and the cameras were a welcomed tool.”

Examples of negative comments included:

“Cameras sometime go to "sleep" and officer(s) may not realize and push to activate only to find out the camera was awakened but not recording until second push of button.”

Conclusions from 2017 Survey

The results from the 2017 follow-up survey suggest several themes. First, similar to the responses from the 2015-2016 survey, the number of agencies using BWCs in Illinois appears to be very low, but overall sentiment of users was positive. Second, while most the respondents were positive about their experiences and would recommend BWCs to other agencies in the state, concerns still existed, mostly surrounding issues related to data storage, redaction, and equipment issues.

Overall Conclusions

Synthesizing the results from the two surveys, the Illinois *Police and Community Relations Improvement Act*, outlining the use of BWCs, has not proven to be a catalyst for law enforcement agencies to drop the use of BWCs nor has the Act made it less likely for them to recommend the technology to other agencies. The Act, though, still appears to be viewed as burdensome by some agencies and may actually restrict them from implementing a BWC program or lead them to consider discontinuing one in the future.

Next Steps in Illinois

The Veritatis Institute convened two forums in September and October of 2017, Oak Brook, IL and Springfield, IL, to review the results of the two surveys and discuss ways that will improve the Illinois *Police and Community Relations Improvement Act* for law enforcement and the citizens they serve. Issues discussed included redaction requests and changes, flagged vs. unflagged video, footage loss, cost of labor, expectation on the use of video footage (i.e. traffic accident reports), liability issues, and CSI effect. There was consensus that law enforcement leaders need to find a way to reduce the burden of FOIA requests and redactions for law enforcement administration and give insight on the best use of BWCs to legislators.

The next step is for law enforcement advocates to meet with Illinois legislators to discuss improvements in the current legislation so that more agencies statewide will feel confident adopting BWCs in their departments/agencies.