

BJA and CNA Body-Worn Camera Training and Technical Assistance Initiative

Body Worn Cameras and Use of Force: Opportunities for Action

Recent high profile police use of force and shooting incidents, and the Present's Task Force Report on 21st Century Policing, released in March 2015, have dramatically increased interest in body worn cameras (BWCs) among law enforcement agencies and community stakeholders across the country.

Body worn cameras are often regarded as the solution to improving strained police-community relationships and increasing police accountability and transparency. While BWCs play an important part in police reform efforts, they are just one piece to the puzzle. Implementing BWCs within a law enforcement agency is a complex endeavor with many different facets that agencies must take into consideration to ensure that the desired outcomes are achieved. Law enforcement agencies must also review their training plans and departmental policies and procedures on related topics such as early warning or intervention systems, defensive tactics, community policing, procedural justice, crisis intervention, and most importantly, use of force. Doing so will ensure that the potential benefits of BWCs are not hindered by poor policies and/or training.

The following list of resources provides law enforcement executives with options for reassessing their department's use of force policies and other related procedures as they implement BWCs.

Collaborative Reform Initiative for Technical Assistance

The Collaborative Reform Initiative for Technical Assistance is provided by the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office).

*The COPS Office created the Collaborative Reform Initiative for Technical Assistance (CRI-TA) in 2011 in response to requests from the law enforcement community for a proactive, nonadversarial, and cost-effective form of technical assistance for agencies with significant law enforcement-related issues. It provides the DOJ with a middle ground between formal investigation and consent decree monitoring through the Civil Rights Division and smaller-scale resources and assistance currently provided by the department.*¹

Over the past five years, the COPS Office has provided CRI-TA to a number of law enforcement agencies across the country (for example, Las Vegas, Spokane, Philadelphia, Fayetteville, Baltimore, Ferguson, Salinas). Improvements to departmental use of force policies have proven central to reforming the departments.

¹ U.S. Department of Justice, Office of Community Oriented Policing Services. *COPS Collaborative Reform Initiative for Technical Assistance*. October 2015. http://www.cops.usdoj.gov/pdf/technical_assistance.pdf

A number of the CRI-TA assessments conducted through this initiative found that use of force policies should:

- Be consistent with departmental practice and other policies;
- Be consistent with best and emerging practices (i.e., use of Tasers, shooting at moving vehicles, warning shots, de-escalation), research literature, the department's unique needs, and court decisions;
- Include a mission statement to emphasize quality of life and safeguarding constitutional rights.
- Expand the scope of the internal investigation of use of force incidents beyond the moment in which force is used;
- Highlight the importance of de-escalation as a tool in the use of force continuum;
- Include guidance on the duty to intervene and require officers to stop and report inappropriate use of force; and
- Explain the principles of *Graham v. Connor* to guide officers in deadly force decision making.

For additional guidance on reforming use of force policies and more information about the COPS Office Collaborative Reform Initiative, please visit: <http://www.cops.usdoj.gov/Default.asp?Item=2807>

Civil Rights Division

The U.S. Department of Justice, Civil Rights Division was created in 1957 by the enactment of the Civil Rights Act of 1957. Since 1994, the Civil Rights Division has had the authority to investigate and litigate cases involving “a pattern or practice of conduct by law enforcement officers” that violates Constitutional or federal rights.² Under this authority, the Civil Rights Division may obtain relief requiring state or local law enforcement agencies to undertake specific reforms to address institutional failures that cause systemic police misconduct.

Since 2009, the Civil Rights Division has opened more than 20 investigations and it is presently enforcing 20 reform agreements with law enforcement agencies. In its investigations of and reform agreements with police agencies across the country, the Civil Rights Division has made a number of findings and recommendations related to departmental use of force policies, these include:

- Policies should comprehensively address the use of force; alternatives to force; reporting force; and reviewing and investigating force.
- Use of force policies should reflect a commitment to protecting human life and upholding the dignity of all individuals.
- Use of force policies should emphasize the use of de-escalation techniques to minimize the need for force and increase the likelihood of voluntary compliance.
- Force should be used in a manner that avoids unnecessary injury to officers and civilians, never to punish or retaliate for criticism.

² 42 U.S.C. §14141

- Use of force policies should recognize a duty to intervene to prevent excessive force.
- Use of force policies must be accompanied by effective systems to ensure accountability for misuse of force.
- Policy changes must be accompanied by new training to ensure that changes are communicated and operationalized for individual officers.
- Departments should seek the input from community representatives, police executives, representatives from police unions, and other stakeholders when drafting or updating their use of force policies.
- Policy changes and the adoption of new technologies should be transparent to the public.

For more information about the Civil Rights Division, please visit: <http://www.justice.gov/crt>

International Association of Chiefs of Police (IACP)

With a membership of over 20,000 law enforcement professionals from 100 countries, the IACP provides a community that works towards advancing best policing practices. One such way is in the development of model policing policies.

The International Associations of Chiefs of Police established the Law Enforcement Policy Center in 1987. According to the IACP,³

The objective of the center was to assist law enforcement agencies across the country in the critical and difficult task of developing and refining law enforcement policy. Organized under the direction of a broad-based advisory board of recognized law enforcement professionals, the center has carried out its mission through the development of a wide variety of model law enforcement policies. Each model incorporates the research findings, the input of leading subject experts and the professional judgment of advisory board members who have combined this information with their extensive practical field and management experience. The end product is some of the best contemporary thinking in the field.

Specifically regarding use of force, the IACP's Use of Force Model Policy provides agencies with guidelines on the use of deadly and non-deadly force.

For more information about IACP's model policies for policing, please visit: <http://www.iacp.org/Model-Policies-for-Policing>

³ International Association of Chiefs of Police. *Law Enforcement Policy Center*. <http://www.iacp.org/Model-Policies-for-Policing>

Additional Resources

The following list of resources covers varying aspects of use of force policies. These resources provide guidance on model policies, certification standards, investigations, and use of force tools.

<http://www.theiacp.org/portals/0/pdfs/EmergingUseofForceIssues041612.pdf>

Emerging use of force issues (2012)

<http://www.theiacp.org/Portals/0/pdfs/Publications/2001useofforce.pdf>

Police use of force in America (2001)

<http://www.iacp.org/useofforce>

Includes IACP model use of force policy, officer involved shooting model policy, and Electronic Control Weapons Policy (member access only)

http://www.iacp.org/Portals/0/documents/pdfs/OIS_IP_Trifold_Web.pdf

Officer-involved shooting investigative protocols

<http://www.policeforum.org/assets/reengineeringtraining1.pdf>

PERF 2015 – police training on use of force

<http://www.calea.org/content/standards-titles>

CALEA standards (member access only)

<http://www.cops.usdoj.gov/pdf/Use-of-Force.pdf>

Model use of force policy

<https://www.ncjrs.gov/pdffiles1/nij/grants/237794.pdf>

Terrill and Paoline – NIJ final report (2012)

<http://www.policeforum.org/assets/guidingprinciples1.pdf>

PERF Guiding Principles on Use of Force (2016)

https://www.justice.gov/sites/default/files/crt/legacy/2013/01/11/nopd_agreement_1-11-13.pdf

Consent Decree Regarding the city of New Orleans (2013)

<https://www.justice.gov/crt/file/836976/download>

Consent Decree regarding the city of Newark (2016)

https://www.justice.gov/sites/default/files/crt/legacy/2015/07/09/apd_order_6-2-15.pdf

Opinion and Order Entering Settlement (2015) city of Albuquerque

https://www.justice.gov/sites/default/files/crt/legacy/2015/05/27/cleveland_agreement_5-26-15.pdf

Consent Decree Settlement Agreement regarding the city of Cleveland (2015)

Training and Technical Assistance

The above list of resources is not meant to be conclusive. If you or your agency would like to request more information and/or training and technical assistance on BWCs, email: BWCTTA@cna.org

For more information on the BJA Body-Worn Camera Training and Technical Assistance Initiative, contact:

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