



**BODY-WORN
CAMERA**
TRAINING & TECHNICAL ASSISTANCE

THE EVIDENTIARY VALUE OF BODY-WORN CAMERA FOOTAGE: A SURVEY OF PROSECUTORS AND PUBLIC DEFENDERS

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The Evidentiary Value of Body-Worn Camera Footage: An Exploratory Study

The value of body-worn camera (BWC) footage as evidence and the challenges and opportunities it affords case processing are, as yet, relatively unexplored.¹ The current research examines the impact of BWC footage on prosecutors and defense attorneys in three jurisdictions: Monroe County, New York; San Diego County, California; and Travis County, Texas. We explore variations across the two groups (assistant district attorneys/public defenders) in terms of time, expectations, and anticipated consequences of BWC on their respective work in processing cases in local courts.

To accomplish this, we first briefly outline the concerns and research gaps in the current literature. Second, we introduce the three sites and discuss the sampling strategy and response rate for the survey. Finally, we present the results of comparisons between defense attorneys' and prosecutors' responses to a series of parallel questions posed in the survey. Notable areas of agreement and disagreement are highlighted in the report. Finally, we consider the results in the context of policy for BWC relative to its evidentiary value and contribution to adjudication.

Literature Review

In surveys of state prosecutors, Merola, Lum, Koper, and Scherer (2016) found that about six in 10 believe that BWC evidence would be more helpful for prosecutors than the defense, but narrow majorities believed it would increase preparation time and cause difficulties in generating discovery.² In the context of domestic violence prosecutions, Westera and Powell (2015) argue persuasively for the value of BWC in capturing witness, suspect, and victim statements.³ This optimism is tentatively confirmed in research on intimate partner violence cases in Phoenix, Arizona, which indicated changes in prosecutorial processing accompanying the introduction of BWCs. Analysis indicated the effects of BWC, including a greater likelihood of plea outcomes or guilty verdicts.⁴

These sparse findings raise questions about how video is anticipated to affect charging, plea-bargaining, time allocation of attorneys, and negotiation patterns between defense and prosecution across the myriad cases addressed at the local level. Is BWC useful as evidence? Does its presence add substantially to case preparation time? Are there concerns

¹ Lum, C., Stoltz, M., Koper, C.S., & Scherer, J.A. (2019). Research on Body-Worn Cameras: What We Know, What We Need to Know. *Criminology and Public Policy*, 18(1).

² Merola, L. Lum, C., Koper, C.S., and Scherer, A., (2016). Body Worn Cameras and the Courts: A National Survey of State Prosecutors. In *Report for the Laura and John Arnold Foundation*. George Mason University's Center for Evidence-Based Crime Policy: Fairfax, VA.

³ Westera, N.J. & Powell, M.B. (2017). Prosecutor's Perception of How to Improve the Quality of Evidence in Domestic Violence Cases. *Policing and Society*, 27(2), 157-172.

⁴ Morrow, W.J., Katz, C.M., & Choate, D.E. (2016). Assessing the impact of policy body-worn cameras on arresting, prosecuting, and convicting suspects of intimate partner violence. *Police Quarterly*, 19(3), 303-325.

about privacy and access? Is the technological capacity and training at the local level equal to the task of harnessing this evidence? These questions motivated the current research and are among the many that are likely to be raised going forward as BWC proliferates in local criminal justice systems.

Sites

Our research involved data collection in three counties, one each in New York, California, and Texas; details of the counties and primary law enforcement agencies of interest are highlighted in Table 1.

Table 1: Select Characteristics of Three County District Attorney’s Offices

	Monroe County, NY	Travis County, TX	San Diego County, CA (North County Office)
Population	747,642	1,226,698	3,337,685
Primary Department Served	Rochester	Austin	Escondido
Year BWCs Implemented	2016	2017	2014
Violent Crime Rate	332 per 100,000	387 per 100,000	328 per 100,000
Homicide Rate	6 per 100,000	4.2 per 100,000	3 per 100,000
Number of Prosecutors	70-80	95	310 (57)
Number of Public Defenders	70	N/A	39

Monroe County is in western New York state, and has an estimated population of approximately 747,000 residents. It has 14 police departments and 21 municipalities. The city of Rochester is the largest city in Monroe County, with a population estimated at 208,880 people, and is home to the largest police department in Monroe County, with more than 800 officers.⁵ Rochester Police Department (RPD) fully deployed the cameras to police officers in early 2017 after approximately six months of roll-out.⁷ The Monroe County, New York, District Attorney’s Office, which is overseen by District Attorney Sandra Doorley, is staffed by 70 to 80 attorneys working in 12 bureaus.⁸ The Monroe County Public

⁵ U.S. Census Bureau. (2018). *US Census QuickFacts*. Retrieved from: <https://www.census.gov/quickfacts/fact/table/US/PST045217>

⁶ The Rochester Police Department. (2018). *Rochester Police Department*. Retrieved from: <http://www.cityofrochester.gov/police/>

⁷ The Rochester Police Department. (2018). *Body Worn Camera Project*. Retrieved from: <https://www.cityofrochester.gov/RPDBodyWornCamera/>

⁸ The Monroe County District Attorney’s Office. (2018). Retrieved from: <https://www2.monroecounty.gov/da-index.php>

Defender's Office is overseen by the lead public defender, Tim Donaher, and is staffed by approximately 70 attorneys.⁹

The San Diego County, California, District Attorney's Office, which is the second largest office in the state, is led by District Attorney Summer Stephan. The office has approximately 310 attorneys and 18 criminal divisions.¹⁰ The North County Prosecutors Office, with between 50 and 60 attorneys, was the organizational focal point for data collection on this project. The San Diego County Public Defender Office is led by Randy Mize. The office includes indigent defense services (Primary Public Defender, Alternate Public Defender, Office of Assigned Counsel, Juvenile Delinquency & Multiple Conflict Office).¹¹ The North County division of the office, which received the survey, has approximately 40 attorneys.

San Diego County is in southwestern California and encompasses 18 cities, with approximately 3,337,000 residents. The city of Escondido, one of the primary cities served by the North County Office, has an estimated population of 151,000 served by the Escondido Police Department (EPD), which has approximately 150 officers.¹² EPD began implementing body-worn cameras in 2010 and eventually switched to body-worn cameras produced by TASER in a department-wide rollout in 2014.¹³ The North County Office also covers police departments in the similar sized cities of Oceanside and Carlsbad, as well as cases generated by the sheriff in cities such as Vista, San Marcos, and Encinitas, where there is no municipal police force.

The Travis County, Texas, District Attorney's Office is overseen by District Attorney Margaret Moore. The department has approximately 95 attorneys and seven divisions. Unlike the other sites, the county does not have a dedicated public defender's office except for a small division for the public defense of juveniles and mentally ill persons.¹⁴ As a result, the county recruits and pays approximately 200 attorneys in the private sector to represent adults who are unable to afford counsel.¹⁵

Travis County is in south-central Texas and has an estimated population of approximately 1,226,000 residents. The city of Austin, the largest city in Travis County, has an estimated population of 947,890 persons and is served by the Austin Police Department (APD), which

⁹ Office of the Public Defender Annual Report 2017. (2018). Retrieved from:

<https://www2.monroecounty.gov/defender-index.php>

¹⁰ San Diego County District Attorney's Office. (2018). *San Diego County District Attorney's Office*. Retrieved from: <https://www.sdcda.org/>

¹¹ San Diego County Public Defender Office. (2018). *San Diego County Public Defender Office*. Retrieved from: https://www.sandiegocounty.gov/content/sdc/public_defender.html

¹² CBS8. (2013). *New Escondido police chief sworn in*. Retrieved from: <http://www.cbs8.com/story/23283667/new-escondido-police-chief-sworn-in>

¹³ Littlefield, D. (2016, February 1). *Lawyers brace for 'tsunami' of body camera video*. Retrieved from: <http://www.sandiegouniontribune.com/sdut-prosecutors-police-body-worn-camera-video-2016feb01-story.html>

¹⁴ Satija, N. (2018). *Travis County overhauled legal representation for the poor, but lawyers are still overwhelmed*. Retrieved from: <https://www.texastribune.org/2018/04/26/travis-county-overhauled-legal-representation-poor-lawyers-are-still-o/>

¹⁵ Ibid.

is staffed by approximately 1900 officers.¹⁶ The APD started implementing body-worn cameras in 2016.¹⁷

Survey Data

Online surveys were collected via the Qualtrics survey platform. Lists of emails for assistant district attorneys (ADAs) and public defenders (PDs) at the three sites were obtained with permission of the chief prosecuting attorney or public defender. The survey was distributed to sites between the late summer and early autumn of 2018, with at least three follow-up reminders to each office. The data collection was designed so that separate surveys allowed specific wording of questions for defense attorneys and prosecutors. Table 2 shows the survey response rates from the three sites.

Table 2: Survey response rates from three counties' ADAs and PDs

	Monroe, NY	San Diego, CA	Travis, TX	Total
ADAs				
Surveyed	78	57	82	217
Response	59	13	44	116
Response Rate	75.6%	22.8%	53.7%	53.5%
PDs				
Surveyed	70	37	N/A	107
Response	33	11	N/A	44
Response Rate	47.1%	29.7%	N/A	41.1%

As seen in the table, a total of 217 ADAs and 107 public defenders were surveyed via email across the three sites. (Public defenders work on a narrow set of cases in Travis County, thus no surveys could be delivered there.) The response rate was 53.5 percent for ADAs and 41 percent for public defenders. The highest office-level response rate was from Monroe County (approximately 76 percent), and the lowest level of response was from San Diego (23 percent) even though the sample in the latter was restricted to the subset of attorneys in the North County Bureau. These completion rates do not include partial completions (i.e., those in which the participant clearly stopped answering partway through the survey).

¹⁶ The Austin Police Department. (2018). *Austin Police Department*. Retrieved from: <http://www.austintexas.gov/department/police>

¹⁷ Shokar, J. (2016) *APD to fully implement first wave of body cameras*. Retrieved from: <http://www.dailytexanonline.com/2016/07/20/apd-to-fully-implement-first-wave-of-body-cameras>

There were a small number of partial completions; responses from them are shown only in the results in Table 3).

Analysis

The analysis strategy adopts a contrast of PD and ADA responses as the basis for statistical comparisons across questions. The questions were administered in blocks; for each table the block will be introduced and interesting contrasts that arose in the survey will be highlighted. Statistical divergences are generally highlighted, however, in several instances agreement between defense and prosecution are noted below. Response categories are arrayed in columns for each question, chi-square tests of significance are estimated, and p-values are reported. Those p-values that fall below the threshold of .05 are statistically distinguishable from chance differences and represent likely divergence between PDs and ADAs in their response to the particular item. Full text of the question items is located at the bottom of each table.

Table 3 presents results of ADA and PD opinions and experiences regarding 11 statements about BWC usage and infrastructure. Three statements indicate statistical divergence of PD and ADA opinions. Responses to “Specific training is needed in order to handle BWC evidence” indicate that nearly three out of four PDs agree or strongly agree with this statement while slightly more than half of ADAs did so. With regard to the statement “Your section/bureau/division procedures for maintaining body camera footage as evidence are effective,” results show that 60 percent of PDs agreed or strongly agreed while nearly 80 percent of ADAs did so. The third statistically reliable contrast between the groups of respondents involved the statement, “Attorneys in your office support the use of BWCs by law enforcement.” Surprisingly, 81 percent of the PDs strongly agreed with this statement whereas 56 percent of the ADAs strongly agreed.

Table 3: Experience and opinions regarding BWC

		%SD	%D	%A	% SA	Total N	X ² (df)	p- value
Upgrade	PD	2.3	0	36.4	61.4	44	2.3 (3)	0.522
	ADA	2.5	2.5	27.1	67.8	118		
Support	PD	0	22.7	38.6	38.6	44	7 (3)	0.071
	ADA	5	9.2	42.9	42.9	119		
Training	PD	0	39.5	30.2	30.2	43	6.5 (3)	0.092
	ADA	8.3	37.5	36.7	17.5	120		
IT support	PD	4.7	0	32.6	62.8	43	6.1 (3)	0.105

	ADA	4.2	11.8	34.5	49.6	119		
Video Relay	PD	2.3	2.3	29.5	65.9	44	4.4 (3)	0.224
	ADA	5.1	11.9	24.6	58.5	118		
Video Tech	PD	4.7	23.3	20.9	51.2	43	4.5 (3)	0.213
	ADA	4.2	12.7	35.6	47.5	118		
Evidence Training	PD	4.7	20.9	41.9	32.6	43	12.5 (3)	0.006
	ADA	7.6	43.2	37.3	11.9	118		
Admin. Assistance	PD	2.4	31.7	41.5	24.4	41	2.2 (3)	0.535
	ADA	5.9	28.6	32.8	32.8	119		
Storage	PD	5.1	33.3	35.9	25.6	39	1.7 (3)	0.627
	ADA	2.9	24.5	40.2	32.4	102		
Effective Procedure	PD	2.9	37.1	54.3	5.7	35	9.5 (3)	0.023
	ADA	4.8	16.2	57.1	21.9	105		
Office Support	PD	2.4	0	16.7	81	42	10.1 (3)	0.018
	ADA	0.9	6.8	35.9	56.4	117		

* significant at the $p < .05$ level

Categories: SD (Strongly disagree), D (Disagree), A (Agree), SA (Strongly Agree), Total N (Number of Participants)

Upgrade: Upgrades in technology for reviewing video evidence in courts would be beneficial

Support: Additional support to review body-worn camera footage in the office is needed

Training: Resources are needed for the training of district attorneys in our office in efficient viewing of video/Resources are needed for the training of public defenders in our office in efficient viewing of video

IT Support: Resources are needed for increased IT support in the County DA's Office/Resources are needed for increased IT support in the Public Defender's Office

Video Relay: Resources are needed for better video relay from police to DA's Office/ Resources are needed for better video relay from police and the DA's Office to the Public Defender's Office

Video Tech: Resources are needed for better video technology in the DA's Office/ Resources are needed for better video technology in the Public Defender's Office

Evidence Training: Specific training is needed in order to handle body-camera evidence

Admin. Assistance: Additional administrative assistance is needed to cope with body camera evidence requirements

Storage: Video evidence storage capacity requires more support

Effective Procedure: Your section/bureau/division procedures for maintaining body camera footage as evidence are effective

Office Support: ADAs in your office support the use of body-worn cameras by law enforcement/Public defenders in your office support the use of body-worn cameras by law enforcement

Items that show agreement between ADAs and PDs include overall agreement that upgrades in technology would be beneficial, increases in IT support are necessary, better systems for video relay are needed, and better resources are necessary for video technology.

PDs and ADAs were asked about their level of concern with the processing and use of BWC footage from different agencies and as part of key elements of case processing. As shown in Table 4, ADAs' and PDs' responses differed in 10 cases, of which eight were statistically significant.

The prospect of sensitive information being removed from videos was much more concerning to PDs (65.9 percent) than to their ADA counterparts (28.7 percent). Conversely, jurors' questioning of testimony in the absence of video was of no concern to nearly one in four PDs (22.7 percent) while only two of 116 ADAs showed no concern at that prospect. PDs showed greater concern over the timeliness of obtaining video, its objectivity, and the activation of cameras, as well as variation in policies across agencies in their respective jurisdictions. The final significant contrast involved concern about the impact of BWCs on the relationship with law enforcement: fewer than half of the ADAs had no concern, but more than two-thirds of the PDs had no concern. Such a result is unsurprising, given closer ADA-police working relationships.

Table 4: Level of concern with the processing and use of body-worn camera footage from different agencies and as part of key elements of case processing

		% HC	%SC	%NC	Total N	X ² (df)	p-value
Sensitive Information	PD	65.9	18.2	15.9	44	18.9 (2)	0
	ADA	28.7	46.1	25.2	115		
Jurors' Skepticism	PD	50	27.3	22.7	44	20.3 (2)	0
	ADA	61.2	37.1	1.7	116		
Public Access	PD	13.6	47.7	38.6	44	1.3 (2)	0.517
	ADA	21.6	44.8	33.6	116		
Timeliness	PD	63.6	36.4	0	44	9.3 (2)	0.01

	ADA	42.2	44.8	12.9	116		
Obj. of Video Evidence	PD	36.4	36.4	27.3	44	9.7 (2)	0.008
	ADA	16.5	33	50.4	115		
Activation of Cameras	PD	97.7	2.3	0	44	42.4 (2)	0
	ADA	40.5	50	9.5	116		
Law Enforcement Relationship	PD	20.5	11.4	68.2	44	10.6 (2)	0.005
	ADA	14.7	37.9	47.4	116		
Video Quality	PD	32.6	37.2	30.2	43	1.1 (2)	0.563
	ADA	24.1	41.4	34.5	116		
Policy Variations	PD	61.4	27.3	11.4	44	6.6 (2)	0.037
	ADA	38.8	44	17.2	116		
Plea Negotiation Impact	PD	38.6	36.4	25	44	5.1 (2)	0.079
	ADA	22.4	37.9	39.7	116		

*significant at the $p < .05$ level

Categories: HC (Highly Concerned), SC (Somewhat Concerned), NC (Not Concerned At All), Total N (Number of Participants)

Sensitive Information: Removal of sensitive information from videos

Jurors' Skepticism: Jurors questioning key testimony when video footage is not available

Public Access: The release of videos to the public by your office, the DA's office, or the police department

Timeliness: The timeliness of obtaining video footage

Obj. of Video Evidence: The objectivity of video evidence

Activation of Cameras: The timing of officers turning cameras on and off

Law Enforcement Relationship: The potential impact the video evidence can have on your relationship with law enforcement

Video Quality: Variations in video quality across agencies within your jurisdiction

Policy Variations: Variation in policy for video collection, retention, and release across agencies in your jurisdiction

Plea Negotiation Impact: The impact that video will have on plea negotiations with defense attorneys/ The impact that video will have on plea negotiations with prosecutors

Table 5 presents the ADAs' and PDs' opinions and perceptions regarding how BWCs impact the offices in which they work. These responses showed only one statistically significant difference across groups: 86 percent of PDs agreed or strongly agreed that BWCs could produce major differences with testimony, but only 18 percent of ADAs agreed or strongly agreed. General agreement between ADAs and PDs were found in that both groups believe that BWCs improved their respective abilities to defend or prosecute cases. Both overwhelmingly agreed or strongly agreed with the idea that the use of BWCs increased case preparation time. Nearly all ADAs and PDs disagreed or strongly disagreed with the statement that the BWCs make fact-finding more difficult, while both showed agreement that BWCs were a useful tool for witness preparation.

Table 5: How do BWCs impact your office?

		%SD	%D	%A	% SA	Total N	X ² (df)	p-value
Increase Prep	PD	2.3	11.6	55.8	30.2	43	0.812 (3)	0.847
	ADA	2.7	11.8	48.2	37.3	110		
Improve Defense/Prosecution	PD	0	2.3	62.8	34.9	43	2.4 (3)	0.502
	ADA	0.9	8.2	61.8	29.1	110		
Fact-finding Difficulties	PD	27.9	65.1	7	0	43	1.03 (2)	0.597
	ADA	21.1	73.4	5.5	0	109		
Prep Witnesses	PD	0	7.1	73.8	19	42	1.05 (2)	0.592
	ADA	0	6.5	66.4	27.1	107		
Create Minor Diff. between Testimonies and Video Evidence	PD	2.3	14	65.1	18.6	43	6.2 (3)	0.103
	ADA	0.9	22.2	70.4	6.5	108		
Delay Court	PD	9.3	55.8	30.2	4.7	43	1.6 (3)	0.661
	ADA	6.5	48.1	40.7	4.6	108		
Create Major Diff. Between Testimonies and Video Evidence	PD	2.3	11.6	58.1	27.9	43	63.1 (3)	0

*significant at the $p < .05$ level

Categories: SD (Strongly disagree), D (Disagree), A (Agree), SA (Strongly Agree), Total N (Number of Participants)

Increase Prep: Increase prep time for cases

Improve Defense/Prosecution: Improve your ability to prosecute cases/ Improve your ability to defend clients

Fact-finding Difficulties: Make fact-finding more difficult

Prep Witnesses: Aid in the preparation of witnesses

Create Minor Diff. between Testimonies and Video Evidence: Produce minor differences between testimonies and video evidence

Delay Court: Leads to delays in court proceedings

Create Major Diff. between Testimonies and Video Evidence: Produce major differences between testimonies and video evidence

The anticipated or perceived impact of BWCs on specific elements of negotiation or case processing is captured in eight items presented in Table 6. Given variations in case assignments, a “no opinion” grouping was added in this question to offer respondents an option if they had limited experience on which to base an answer. We array that response in this presentation as between agree/disagree valences, but an alternative interpretation could argue for removal of that category. In light of the response category choices, the interpretation of statistical significance in this table is possibly more rooted in variations in experience and opportunities than in beliefs, based on comparable observations. As a result, we will explore convergence and divergence of opinions in the table.

Majorities of both groups agreed/strongly agreed that video evidence increases pleas, though approximately 40 percent of both groups disagreed with the statement that plea bargaining increased with BWC evidence. Sixty-six percent of PDs agreed/strongly agreed that BWCs increased the likelihood of acquittals, whereas 61 percent of ADAs agreed/strongly agreed that they increased the likelihood of convictions. Three divergences in ADA and PD views on the impact of BWC and video evidence are notable. First, almost 40 percent of PDs disagreed/strongly disagreed that BWCs will increase officers’ observance of defendants’ rights, compared to 14 percent of ADAs. Slightly more than two-thirds of PDs (67.5 percent) agreed or strongly agreed that BWCs would increase the likelihood of dismissal, compared to 30 percent of ADAs. Finally, 32 percent of PDs believed that BWCs would increase appeals, compared to 11 percent of ADAs.

Table 6: Beliefs about the impact of BWCs on case processing

	% SD	% D	%	%A	%	Total	X ²	p-value
			No		SA	N	(df)	
			Op.					

Video Evidence Increases Pleas	PD	0	25.6	16.3	51.2	7	43	5.6 (3)	0.135
	ADA	0	17.9	22.6	39.6	19.8	106		
Plea Bargaining Increased	PD	0	39.5	25.6	27.9	7	43	1.8 (3)	0.621
	ADA	0	37.7	34.9	19.8	7.5	106		
Jurors Favor Video Evidence	PD	0	0	11.6	48.8	39.5	43	6.9 (4)	0.144
	ADA	1	2.9	4.8	35.2	56.2	105		
Video Evidence Influence Sentencing	PD	7	44.2	27.9	14	7	43	5.3 (4)	0.262
	ADA	7.6	60	15.2	14.3	2.9	105		
Increase Likelihood of Acquittals/Convictions	PD	2.3	9.3	20.9	51.2	16.3	43	1.2 (4)	0.871
	ADA	2.8	15.1	20.8	43.4	17.9	106		
Increase Officer Obs. Of Defendants' Legal Rights	PD	18.6	20.9	4.7	41.9	14	43	26.7 (4)	0
	ADA	0	14.2	22.6	50	13.2	106		
Increase Case Dismissals	PD	2.3	18.6	11.6	51.2	16.3	43	19.4 (4)	0.001
	ADA	15.1	34	20.8	25.5	4.7	106		
Increase Num. of Appeals	PD	7	27.9	32.6	27.9	4.7	43	11.5 (4)	0.021
	ADA	17.9	37.7	33	10.4	0.9	106		

*significant at the $p < .05$ level

Categories: SD (Strongly disagree), D (Disagree), No Op. (No Opinion), A (Agree), SA (Strongly Agree), Total N (Number of Participants)

Video Evidence Increases Pleas: Video evidence results in higher rates of plea bargaining

Plea Bargaining Increased: Plea bargaining has increased since the implementation of police body cameras

Jurors Favor Video Evidence: Juries favor video evidence over testimony

Video Evidence Influence Sentencing: Video evidence is most influential when determining sentencing

Increase Likelihood of Acquittals/Convictions: The use of police body-worn cameras increases the likelihood of convictions/ The use of police body-worn cameras increases the likelihood of acquittals

Increase Officer Obs. Of Defendants' Legal Rights: The use of police body-worn cameras increases officer observance of defendant's legal rights

Increase Case Dismissals: The use of police body-worn cameras increases the likelihood of case dismissal due to video evidence

Increase Num. of Appeals: The use of police body-worn cameras will increase the number of appeals

As noted in Table 5, there is considerable agreement that BWC use adds to the workload of PDs and ADAs. This is further illustrated in Table 7. Here, 90 percent of PDs and 95 percent of ADAs reported spending at least one hour reviewing case footage prior to hearings. Nearly a quarter of PDs and more than one-third of ADAs spent more than five hours viewing video for typical cases. Given caseloads in local jurisdictions, this time commitment is a substantial addition to the time already spent by ADAs and PDs working on prosecution and defense.

Table 7: How much time have you spent reviewing footage in a typical case prior to hearings before trial?

		None	%Less than 1 hour	%1 to 5 hours	%More than 5 hours but less than 10 hours	%10 hours or more	Total N	X ² (df)	p-value
Viewing Before Trial	PD	2.3	7	67.4	9.3	14	43	6.6 (4)	0.159
	ADA	0.9	3.6	58.2	27.3	10	110		

*significant at the $p < .05$ level

Viewing Before Trial: How much time have you spent reviewing footage in a typical case prior to hearings before trial?

In separate questions (table not shown), PDs and ADAs were asked to indicate the proportion of cases in which they viewed BWC video footage when it was available. In cases where a charge was brought and video footage was available, nearly 40 percent of PDs and 60 percent of ADAs responded that they viewed the video in one in four or fewer cases at that decision point. In cases where a plea bargain was reached and video footage was available, approximately one-third of both PDs and ADAs responded that they viewed the available footage for one in four cases. Clearly, because disparate responsibilities for case processing are arrayed across an office, other attorneys may be responsible for viewing footage; however, one could surmise that the time consideration noted above is likely also a factor in whether BWC footage is reviewed. Further research on this aspect of ADA and PD experience, going beyond a survey, is necessary to probe this more deeply in order to extract cases where BWC footage is most useful and likely to command time devoted to viewing. To that end, the current survey includes an open-ended question asking respondents to indicate the case types in which they had found BWC footage to be most

helpful. Overall, respondents commonly mentioned that driving while intoxicated, resisting arrest, and domestic violence/assault cases, were in that group. This is consistent with BWC footage utility for answering key questions about credibility and evidentiary facts, and quite consistent with a larger literature on prosecutors' and defense attorneys' approaches to establishing a case.^{18,19} Nevertheless, more detailed and nuanced research is necessary to establish whether PDs and ADAs have similar or divergent rationales behind that agreement.

¹⁸ Mather, L.M. (1979). *Plea Bargaining or Trial?: The Process of Criminal-Case Disposition*. Lexington Books, Lexington, MA.

¹⁹ McDonald, W.F., Rossmann, H.H., & Cramer, J.A. (1979). The Prosecutor's Plea Bargaining Decisions. In *The Prosecutor*. SAGE: Beverly Hills, CA.

Conclusion

The expectation of BWCs and their impact appears to have more similarities than differences across the ADAs and PDs responding to the survey in the three jurisdictions. Those notable convergences surround the sense that BWCs are ultimately helpful to the respective cause of defense and prosecution; that time commitments to view BWC footage represent extensive additional burdens on attorneys involved in adjudication of cases; and that technology and training are areas where advances would be deemed helpful in both DA and PD offices. One weakness of the survey approach is that it does not probe for deeper local patterns, which would require one-on-one interviews with follow-up questions regarding how technology, internal processes, and the local legal norms work together to produce similar or differing outcomes under BWC conditions. Areas in which such a research design would be fruitful include the influence of BWC footage in specific case types, such as family and intimate partner violence, at various decision points; and strategies for negotiation between PDs and ADAs.