



Policy Analysis for Civilian Oversight and Law Enforcement

Board of Police Commissioners

November • December 2017

Detroit experience differs from DCPD rollout of BWCs

Washington DC Police Department garnered national headlines with its study, *Evaluating the Effects of Police Body-Worn Cameras: A Randomized Controlled Trial*. The two-year study sought to measure the impact of BWCs from June 2015 - March 2017 when the agency deployed the devices. The methodology used randomly selected users and non-users of 2,224 total officers with patrol and other duties with routine public encounters. The study called the officers using cameras the “treatment” group and officers without cameras the “control” group. The study focused on the device’s impact on four areas: (1) documented uses of force; (2) civilian complaints; (3) other additional policing activities, and (4) judicial outcomes.

Key Issue: The DCPD study revealed no significant statistical difference for the use of BWCs between the tested and controlled groups. Specifically, the “treatment” effect was very small on the measured outcomes in the four areas of interest.

In Detroit, DPD staggered implementation of BWCs from September 2016 to November 2017. Wayne State University is in the midst of a survey about BWCs and their use. Expect more information after the study concludes.

However, preliminary evidence exists now with citizen complaints and the positive impact of Detroit’s deployment of body-worn cameras. *(continued on next page)*

BOPC-approved policy directive on Body-Worn Cameras reflects best practices

Putting cameras on police officers sounds simple enough, but the process requires extensive planning and preparation. Both the Police Department and the Board of Police Commissioners needed to:

- identify the best practices for the use of Body-Worn Cameras in the field and with investigations, as well as technical needs for video storage and retrieval
- select and purchase the best device for Detroit’s needs
- conduct training on using devices
- test both devices and users during a trial or pilot
- draft, approve and implement policy directives informed by both best practices and test data and,
- ensure compliance with state and federal laws.

The Detroit Police Department received over \$5 million in 2015 to implement the Body-Worn Camera system. DPD started the BWC pilot stage on March 17, 2015. To facilitate training for DPD members, the Department instituted a Training Directive and later sent updated draft policy directives for review and approval by the BOPC.

The BWC Training Directive included key provisions, such as guidelines for use, maintenance, storage, and disclosure of video footage. The draft

DPD and BOPC worked together to ensure a sound policy. policy directive provided comprehensive procedures for those and additional

provisions, including activation protocols, use restrictions, reporting requirements, supervisor responsibilities, proper media storage, evidentiary integrity, records retention, and requests for copy of video recordings.

The BOPC review still found areas that required enhancements for overall policy effectiveness. Such enhancements included, but were not limited to, the following:

- **Replaced “Officer” with “Member”** to cover everyone required to wear the cameras and adhere to policy requirements.
- **Clarified videotaping requirements in a Place Where a Person Has a Reasonable Expectation of Privacy to ensure proper investigative practices.** The draft policy originally provided a member with an option to stop recording due to

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Board of Police Commissioners

“Accountability through Civilian Oversight”

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Purpose: The Policy and Planning Division monitors public safety issues that affect Detroit residents, the law enforcement community, and municipal or civilian oversight of police operations. BOPC staff provides this newsletter and analysis for information purposes only.

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Detroit’s BWC policy directive reflects best practices *(from front page)*

privacy concerns, even in cases involving search warrants, arrest warrants, or exigent circumstances. The BOPC revised the policy to clarify that members must continue videotaping as part of investigative and evidentiary practices. The Board also expanded the list of specific instances where a member must turn on a camera to include execution of warrants for search and arrest.

- **Prohibited Off-Duty use.** The BOPC updated the policy to restrict use to work hours only, which eliminated the potential for damage and destruction of devices when not properly stored and maintained under DPD protocols.
- **Allowed Use of BWCs by Members approved for Secondary Employment.** The draft directive also was silent on members using BWCs in the DPD Secondary Employment program. The Board deemed it vital to ensure members captured video footage related to law enforcement activities.
- **Reinforced a key administrative procedure for members to see BWC recordings at their assigned command prior to Garrity interviews.** Garrity rights protect public employees during investigatory interviews by their employers, such as the City of Detroit. The BOPC updated the policy to reflect that the Department will allow members to access and review BWC recordings at their precincts prior to Garrity interviews. The policy directive requires department supervisors to facilitate the process for efficiency and appropriateness purposes.
- **Added a ban on BWC Operation during Internal Proceedings:** The draft policy did not mention how to handle cameras during internal investigations. The Board added a provision to ban recording internal investigation interviews in DPD units such as Internal Affairs and Force investigations and the BOPC’s Office of the Chief Investigator, the investigative arm for public complaints about DPD misconduct.
- **Required Instruction for Media Storage and Labeling:** Additionally, the proposed policy did not specify labeling requirements for efficiency and proper organization of stored videos.

The Police Department and BOPC worked together to ensure a strong policy. As the directive neared completion, Governor Rick Snyder signed a new law for how police agencies across the state use Body-Worn Cameras. Due to work by DPD and the BOPC review, Detroit’s policy directive already aligned with the new state law.

Conclusion: Overall, after conducting research for best practices; identifying and including practical, real scenario-based provisions; and engaging in various meetings and policy discussions between the Board of Police Commissioners and Police Department Executives, the BOPC proposed several changes that the Department incorporated.

Consistent with State law and inclusive of the BOPC’s recommendations, the directive now covers areas that are important for both the Department and members’ protection and the public’s interest. It is now more comprehensive and accurate for members to use as a guide in the performance of law enforcement duties and for the Department and BOPC to remain transparent and accountable to the community at large.

The BOPC, along with DPD, will continue to monitor the use and effectiveness of BWCs and to update policy directives as needed. To view the policy, visit the BOPC website at detroitmi.gov. ■

Detroit BWC experience different from nation’s capital *(from front page)*

The Office of the Chief Investigator (OCI), the investigative arm of the BOPC, is using BWC video to help identify members in alleged misconduct and as documentation of police-public encounters for more conclusive findings. For example, in September 2017, OCI closed more than 70 complaints using 45 events captured electronically by BWCs (33), in car dash cameras (41) or both, since the BWC and patrol car cameras capture activity. With video and audio, electronic evidence helped reduce “Not Sustained” or inconclusive findings in 12 complaints.

Overall, OCI is reducing Investigative Findings of “Not Sustained” because electronic evidence allows investigators to identify DPD employees and their actions. Video evidence also supports a more definitive finding of “Exonerated,” “Sustained,” or “Unfounded” about alleged misconduct.

Conclusion: Overall, BWCs are an effective additional tool for law enforcement and an enhancement for transparency and accountability. When used appropriately, BWCs are valuable investigative tools. However, like other tools, BWCs are most effective in conjunction with effective policy, best practices, and professional standards. Reasonable expectations of the BWCs are not solely that BWCs will correct inappropriate or unprofessional conduct. Rather, reasonable expectations should utilize a three-prong approach: (1) the BWCs help capture professionalism and identify wrongdoing; (2) the BWCs maintain an inherent monitoring mechanism to help prevent bad behavior; and (3) effective administrative policies and procedures remain the foundation for producing constitutional, fair, and legitimate policing. ■

The Detroit Board of Police Commissioners meets weekly on Thursday at 3 p.m. at Detroit Public Safety Headquarters, 1301 Third Avenue, except for the second Thursday of the month when it holds community meetings at 6:30 p.m. For the meeting schedule, video, minutes and other information, visit the website at detroitmi.gov/boards/boardofpolicecommissioners

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