

**Recommendation To the Fairfax County Board of Supervisors  
Regarding the Implementation of Body Worn Cameras  
By The Fairfax County Police Department (FCPD)**

**Submitted to the Use of Force Subcommittee  
Ad Hoc Police Practices Review Commission  
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The Use of Force Subcommittee hereby recommends that the FCPD formally adopt a program for the use of Body Worn Cameras (BWC) by its police officers while conducting police activities.

The recommendation should emphasize these primary benefits that can be gained by the use of BWC:

- ❖ Increased community trust and a decrease in the variety of problems that currently stem from interactions between the PD and the community members.
- ❖ Improved evidence collection, positive strides in officer safety, and a decrease in citizen complaints against the officers of the FCPD. The latter may bring with it a sharp decrease in the total costs usually associated with citizen complaints, to include time spent on such cases by both County prosecution and police personnel.
- ❖ The use of BWC has been proven to bring about a decrease in the number of complaints against police officers in various police departments, both within the USA and internationally. There has also been an observed rise in civility when BWC are worn.

In addition, the FCPD should include an opportunity for its patrol officers and other “stakeholders” to provide input into the initial implementation of the pilot program. This program of inclusion should result in improved participation and acceptance of the BWC by the officers and management personnel, as well as members of the community in general.

**GAINING COMMUNITY AND POLICE PERSONNEL SUPPORT FROM THE PROGRAM'S  
INCEPTION**

**THE COMMUNITY**

Ideally, the Subcommittee’s recommendations in favor of employing BWC should emphasize one primary goal: improved interactions and better community trust between the personnel of the police departments and the public whom the FCPD personnel are sworn to serve and protect. Thus, while the BWC initiative is in its infancy stages, from the very inception, the FCPD should engage and include logical members of the public in some manner in fashioning its new BWC policies and procedures. By so doing, members of the public will be advised of the impending changes to local policies and the use of BWC, giving them an opportunity to prepare for and adapt to seeing the officers wearing the cameras, as well as providing any new ideas they may have from a fresh perspective, i.e., a non-law

enforcement viewpoint, regarding BWC. Moreover, by contacting the public before rolling out the new program, members of the community at large will be able to learn about the benefits they can expect to derive and experience. In fact, when the County prosecutors learn that they, too, will have additional tools to defend against spurious claims against our officers, the prosecutors should also be more inclined to welcome the new technology. Accordingly, the County's use of County websites and other social media can assist in preparing the public for the new programs.

Accordingly, and despite that the FCPD has already publicly unveiled its pilot program, the Board of Supervisors and the FCPD are urged to immediately engage their Public Affairs offices in campaigns to widely alert the public that the County is considering the use of BWC, a step that should immediately begin to create a sense of transparency by the police department. The publication of their BWC policy online and in local media will serve to get the word out about the impending policy and might even initiate a needed dialogue between the department and the community members.

### **THE POLICE OFFICERS**

The major advantages that our public officials can cite in recruiting patrol officers in the initial phases to encourage them to begin training and using the BWC should center on: evidence collection, officer safety, improved public relations, i.e., improved community trust between the FCPD and the citizens they serve. The last reason should be the ability of the department to monitor the performance of their officers. By their very nature, the BWC should also permit the county government and the police department to avoid both frivolous litigation and false complaints against its officers. One additional advantage is the so-called "civilizing effect" that results from the use of a body camera. Statistics have clearly shown a decrease in use of force encounters, and in the resultant number of complaints by civilians against the local police departments once those departments employ BWC. The reduction in complaints and the level of violence from both law enforcement officers and civilians with whom they interact daily will perhaps serve as the greatest motivation for a department to begin using the cameras.

In the past, other police departments have found much success in the implementation phase of their BWC programs when they engaged their police personnel from the very beginning of their BWC program. In this manner, police officers not only came to appreciate the rationale for the cameras, but they also embraced the technology once they discovered the potential benefits of using the video feed to accurately depict what occurred during their encounters with citizens, as opposed to allegations initially lodged against them by members of the community.

Inclusion of the officers from the program's inception will allow the officers' to "buy-in" while also "keeping them in the loop" as to the benefits that *they* stand to derive from the new technology. Thus, union representatives should be consulted, while briefings and pertinent discussions should simultaneously occur during roll call regarding the new technology and development of internal policy. Some departments have even allowed the patrol officers to assist in the earliest stages of policy development.

The best evidence in many instances of police involved incidents in the future will likely be the BWC video feed. This serves as the basis for the reference to BWC as the "impartial

witness," that is always present when the officer is conducting police activities. Clearly, then, whenever BWC are in use, whatever the situation the police officer is faced with, the cameras will be rolling, capturing the footage for use in subsequent prosecutions, administrative investigations, any resultant civil litigation, and finally, any training matters that may be derived from the video footage.

One caveat should be stressed to the department's officers during the initial implementation stages of the BWC: that in the absence of any applicable Privacy Act or Freedom of Information Act exemption, any resultant video footage will be available, generally speaking, regardless of the outcome of the police incident. Thus, if the video is released publicly, the results can go either way, i.e., it might be favorable or unfavorable to the police department.

In addition, FCPD should consult with the local and County prosecutorial and legal staff members to ensure that sufficient guidelines are created to deal with the resultant Freedom of Information Act (FOIA) requests for their video camera footage.

Some states have allowed their Police agencies to invoke exemptions to the FOIA requests that may serve to protect police officers, informants, SWAT units and similar personnel footage from release. However, since the BWC includes an evolving technological area, new laws may have to be put into place to deal with future requests that might seek the release of footage of, just as one example, a neighbor's home that was the subject of an arrest incident. During such an incident, persons in the home may have been in various stages of undress and/or in compromising settings. All of these issues should be worked out with appropriate legal personnel while contemplating the rollout of the new procedures.

### **PERSONNEL TRAINING**

Various police personnel must be adequately trained in the use of the new BWC and its attendant technology prior to the use of the BWC technology. This would include all police officers who will wear the BWC, supervisory personnel, records and evidence management personnel, training division personnel, Internal Affairs and any other personnel who will be involved with the program. In addition, any prosecutorial personnel who will be using the fruits of the technology should be trained so they will understand the subtleties and nuances of using the BWC.

### **POLICY DEVELOPMENT**

The new policies regarding the new BWC program should be clear and unequivocal regarding the use of the cameras by the officers. All restrictions, exceptions and requirements should be clearly provided in writing. This will properly set expectations prior to the use of the new equipment. For example, the Police Executive Research Forum recommends that all departments require that officers record all activities (with some clearly stated exceptions) while conducting all official duties. Likewise, the standard rule is that, when possible and safe to do so, the officer wearing a BWC shall state - while the camera is still running - exactly what the reason is for deactivating the BWC. Thus, in many jurisdictions, departments have set forth a policy that repeated failure to use the BWC while conducting police activities can result in severe penalties, to include termination.

### **DOWNLOADING AND STORAGE OF VIDEO MATERIALS**

Specific guidelines must be put in place to ensure full compliance with the protocols regarding downloading, storage and retrieval of videos resulting from the BWC. The administrative sanctions that will result from failure to fully comply with the protocols must be provided to all personnel prior to their initial participation in the program. As an example, such topics as when a BWC shall be turned on or off, when the devices should be downloaded, and when an officer (or supervisor) will be allowed access to the videos, all must be firmly stated in writing and followed. The policies should state clearly that an individual's failure to strictly adhere to the precise protocols will likely result in severe penalties.

### **PERIODIC EVALUATION OF THE BWC POLICY AND PROGRAM**

Departments should create a system that allows them to periodically evaluate the efficacy and to create statistical data regarding the use of the videos. This will allow a sense of transparency, promote public confidence in the program, and allow the agency to periodically evaluate whether departmental goals are being met with regard to the use of the cameras. Such data should also be made available to the public on a periodic basis. One major advantage to such evaluative studies will be the ability to demonstrate how much a department will save, financially or otherwise, by using the videos.

Agencies should also evaluate whether they are following the best policies and protocols through their internal BWC policies, particularly with regard to whether their anticipated outcomes are being achieved through the use of Cameras. As just one example, the departments should be able to accurately assess whether civilian complaints against police officers are changing, perhaps, because of the use of BWC.

### **CONCLUSION**

The use of Body Worn Cameras seems to be a wise and timely decision by the Fairfax County Police Department. The potential rewards from such a program should instill a strong sense of community trust in the FCPD and its police officers, all of whom have sacrificed for their families while accepting the unenviable task of serving and protecting the citizens of Fairfax County. Applied properly, this BWC program should continue to reap many rewards for this County in the months, years and even decades to come.