

# Much Ado About Nothing: Why Bodycams are Not a Disruptive Technology

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When bodycams were first introduced into the world of policing and other law enforcement agencies, expectations were high. These small wearable cameras would be used to create objective records of encounters, encourage lawful and respectful police-citizen interactions because both parties know exchanges are recorded, alleviate mistrust between the police and the public, and offer a way to substantiate whether officers have been wrongly or rightly accused of misconduct.

Looking back on more than half a decade of impact evaluations and other literature on body worn video, my conclusion is that, on the whole, bodycams have not been the game-changer that supporters expected them to be. Police forces that were struggling with problems before they introduced body worn video are often still struggling with the same problems.

To others, the fact that bodycams did not fundamentally change anything will be a relief. When bodycams were introduced among police forces around the globe, some critics feared they could backfire and actually make policing worse. In a dark 'Black Mirror like' scenario, an army of mobile robocops would be unleashed onto the streets, recording everything we do and say and linking that data to our identity using automatic facial recognition. This has not happened either.

So, similar to what happened after CCTV was introduced, we find ourselves stuck in the doldrums. In my opinion, this is not a place we want to stay for much longer. Bodycams are a sizeable investment in financial and other terms, so we need to make them work for the common good – if only because of financial considerations.

But how? Over the past six years, I evaluated dozens of bodycam programs, visited police forces and other law enforcement agencies at home and abroad and tried to keep up with the rapidly expanding literature. My main conclusion is that bodycams are a tool and nothing more. And like any other tool, they need to be used the right way by someone capable in order to 'work'. We need to tweak the bodycam a little further to ensure that man and machine can work together in unison to achieve the goals that are beneficial to the police, to the public they serve and to society as a whole.

First of all, we need to realize that technology itself hardly ever causes fundamental change. Imagine one of your friends tells you she wants to change her lifestyle. She is going to take long walks each day: at least ten-thousand steps. To help her monitor progress, she bought a smart watch to keep track of the number of steps. Now imagine another friend who tells you her doctor told her she needs to change her lifestyle and recommended to her to start making long walks. To help her monitor progress, the doctor gave her a smart watch that counts the number of steps. Now ask yourself: which one of these two friends will actually benefit from the smart watch? Exactly: the one who was intrinsically motivated to make a change in the first place. Not the other one who probably will not even open the package the watch came in.

Bodycams are similar: they only ‘work’ in the hands of motivated users. Police officers sometimes are just like the rest of us: we do not change without a strong motivation to do so. This becomes an ever greater challenge when we move up one level from the individual to the level of organizations. The number of obstacles a police force has to overcome to make bodycams work is impressive and will often lead to a lot of frustration, if not outright failure. There are just too many ways in which a bodycam program can fail to produce the intended results.

In my view, there are two crucial variables that determine the success of bodycams. First, the quality of the guidelines regulating the use of the bodycams. Second, the support for these guidelines among officers at street-level.

Legal frameworks, such as the general directive on processing of personal or police data, provide some guidance. But they are mostly about the processing of the recordings made with the cameras. Most laws give no specific answer to the three Big Bodycam Questions, as I have started to call them:

- i. Who wears the bodycam: is it mandatory or voluntary?
- ii. What needs to be recorded: does each officer decide this or are there general rules?
- iii. Who has access to the recordings and for which purposes; will this be logged and analyzed?

Finding the answers to these questions is not an easy task, as any police force with bodycams will have discovered by now. When I visited the New York Police Department during their first week of bodycam roll-out in 2017, the guidelines regulating body worn video already filled four pages detailing when (not) to activate the bodycam. The list of exceptions and considerations was extended several times. In an attempt to simplify matters for street-level officers, the NYPD now summarizes the guidelines as follows: “To balance the goals of the body-worn camera program with privacy concerns, officers will not record all interactions with the public. Officers must record certain events, including uses of force, arrests and summonses, interactions with people suspected of criminal activity, searches of persons and property, any call to a

crime in progress, some investigative actions and any interaction with emotionally disturbed people.” In addition, officers are not allowed to record other situations, such as speaking with a confidential informant, interviewing a sex crime victim, or conducting a strip search. In my own country, the Netherlands, the protocol prescribing the proper use of bodycams by the Dutch National Police fills twenty pages and has seen dozens of iterations over a period of nearly ten years. There is one thing we can count on: each new version will be more elaborate than the previous one.

Other organizations outside of policing have tried to help police forces by publishing guidelines. An example is the American Civil Liberties Union. The ACLU has made an interesting u-turn, after careful consideration. They have changed their initial recommendation to simply record everything by recommending an ‘always on’ policy, into a much more sophisticated policy. The most recent version on their website contains ten pages of detailed instructions, focusing mainly on issues of when to activate the bodycam, when and how to inform people present at the scene, on retention periods and access to recordings. The Dutch organization Freedom Inc published their version of guidelines right before the Dutch police introduced bodycams: the document contains eight pages with user-friendly rules-of-thumb (‘record each interaction with citizens’), followed by detailed descriptions of the procedures and checks and balances needed to limit access of the recordings to lawful and necessary instances.

So policies matter a lot and we need to keep improving them. But no matter how carefully the guidelines are constructed, they will always leave some room for interpretation and officer discretion. The crucial point is that police officers can still make or break bodycams, regardless of the quality of the instructions and guidelines. There is strong empirical evidence to support this. In one of the most quoted meta-evaluations of bodycams, the authors conclude that bodycams lead to positive outcomes only if the officers follow the rules and activation policy. The more officers can opt-out from mandatory activation procedures, and without consequences for deactivations, the less bodycams will effect policing. They then go on to discuss ‘toothless’ policies and recommend automatic activation of bodycams in certain situations. This is indeed the elephant in the room: there are just too many ways in which reluctant officers can avoid using their bodycam as they should. Officers can ‘forget’ to take the bodycam with them when they go out onto the street. And if their supervisor forces them to wear the bodycam all the time, they can still ‘forget’ to activate the bodycam when necessary or ‘forget’ to upload the recordings.

Can this be fixed? Probably. Bodycams neatly follow the stages of the hype cycle – which is actually not a cycle, but a line. First we climbed the mountain of inflated expectations, and now we have entered the valley of disappointment. But if we keep moving forward, we may still ascend the slope of enlightenment to reach the plateau of productivity. In order to do this, we need to accept two things. First of all, bodycams can only be a succesful tool if they are used by motivated people within organizations where the environment is supportive of change. Bodycams can never disrupt an organization that does not want to be disrupted. Bodycams are not drivers of change,

but symptoms of change. Bodycams will continue to underwhelm as long as people believe they could be a technological fix for what is in essence a social or organizational problem.

Second, we need to keep tweaking the technology and the guidelines and the organizations that use them. We need to keep looking for better ways to make man and machine work together and to convince people and professionals of the benefits of positive change. Compare it to people who want to embrace a healthier lifestyle: they need supportive peers to motivate them and a strong internal conviction to keep going when things get tough. Technology may help along the way and the bodycam may be the perfect tool to assist in the change, but they will never *be* the change.