



# The Twenty • for 2020 •

TWENTY PROMISES TO ALL RHODE ISLANDERS  
FROM THEIR POLICE DEPARTMENTS



Issued: June 25, 2020



**WE STAND**  
**UNITED**  
**FOR RHODE ISLAND**

Systemic racism exists in our society and it exists in the criminal justice system. Like a cancer, it grows when it is unchecked. The names of George Floyd, Breonna Taylor, and Ahmaud Arbery are etched in our minds, but many other names are not.

The men and women that work in the profession of law enforcement in Rhode Island became police officers to help people, to save lives and ultimately, if called upon, to lay down their lives. We disavow anyone wearing a badge who takes or ruins a human life needlessly.

We understand there is work to be done, and we remain committed to adopting and following the best practices so that we can continue to carry out duties fairly and impartially.

The collective police departments of Rhode Island, represented by the Rhode Island Police Chiefs' Association, is launching the 20 for 2020 campaign; a list of twenty promises and policy changes that are being enacted statewide. This is a unified effort. We recognize that we cannot create systemic change in our state by doing it piecemeal.

This is, and will continue to be, an ongoing effort to combat systemic racism, and form sustaining foundations for safe and secure communities in Rhode Island.

**Chief Sidney Wordell (Ret.)**

Executive Director of the Rhode Island Police Chiefs' Association

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# STATEMENTS OF PRINCIPLES

## **1** **ACKNOWLEDGEMENT ABOUT THE REALITIES OF POLICE BRUTALITY IN THE WORLD**

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The police of Rhode Island denounce the actions of police officers in Minnesota, who committed or were party to a murder, through their actions and inactions.

We mourn the deaths of George Floyd and every other person killed by police brutality.

In Rhode Island, we take an oath to protect life. We abhor the senseless taking of another person's life, especially at the hands of police officers.

We acknowledge that the criminal justice system requires reform at all levels to make it equitable to every individual, especially persons of color.

## **2** **DEFENDING THE PROFESSION OF POLICING IN RHODE ISLAND**

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We do stand up for and defend the profession of policing.

Rhode Island has a rigorous, modern accreditation process, ensuring agencies and their policies are in-line with modern best practices in law enforcement.

Those seeking to “defund” the police are seeking to take funding away from police departments and invest it elsewhere.

But this argument fails to account for the changes to our profession that have already occurred.

Just as firefighting has evolved over the years—beyond the extinguishing of fires, to a heavy focus on emergency medical services, safety, and rescue—the profession of policing has evolved beyond arrests and investigations.

Today, modern police departments employ social workers, jail diversion coordinators, youth outreach workers, and recovery coaches as police, nationally, have been leading the fight against the opioid epidemic.

# STATEMENTS OF PRINCIPLES



We support a dialog on increasing social services and creating new programs at all levels of government, but to cut police funding today would hurt vulnerable citizens immediately.

We stand up for the extremely dedicated, educated, well-trained and well-meaning women and men who have chosen policing—a profession that shortens the lifespan of everyone who does the job, a profession that requires that you must be ready to give your own life to save others, a profession that, when done correctly, makes our communities safer and our lives better.

The men and women in Rhode Island law enforcement are dedicated to doing the right thing, at the right time, for the right reason, for everyone.

But we acknowledge that our words are meaningless without action and without a willingness to accept feedback from the people we serve. We have a responsibility to be accountable to our communities—and are committed to listening and working together for the common good.

## 3 RE-EMPHASIZING TRAINING STANDARDS

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Police in Rhode Island are rigorously trained. We are not trained to use chokeholds to aid in the apprehension of a suspect, and our statewide Use of Force policy prohibits it. We do not train to place a defenseless person on their face where they can't breathe. The Rhode Island Police Chiefs' Association will ensure that this training is emphasized in every agency.

1. We reaffirm our commitment to Rhode Island's statewide Police Use of Force model that has been rigorously developed over time and that meets or exceeds the nationally distributed "8 Can't Wait" and similar movements and recommendations on use of force, including prohibition of any technique intended to cut off blood flow or oxygen to the brain, including chokeholds, to apprehend a suspect.
2. Existing statewide policy requires "Duty to Intervene" when an officer witnesses excessive force.
3. Rhode Island police officers are trained to use the minimum amount of force necessary to ensure the safety of all and the safe apprehension of a suspect.
4. Every police department in Rhode Island shall train each of its officers on the following principles:
  - De-escalation
  - Implicit Bias
  - Procedural Justice
  - Police Legitimacy

# PROMISES & POLICY AMENDMENTS



The men and women in Rhode Island law enforcement are dedicated to doing the right thing, at the right time, for the right reason, for everyone.

## 4 RIGHT TO PEACEFUL PROTEST

Every police department in Rhode Island supports the right of all people to peacefully assemble and protest.

The people of Rhode Island should feel safe and secure assembling peacefully and petitioning their government agencies without fear of reprisal, intimidation or undue aggression from police. Rhode Island Law Enforcement agencies will uphold the constitutional rights of those engaged in peaceful and lawful protests. Agencies will avoid using provocative tactics and equipment that undermines civilian trust.

## 5 NEWS MEDIA & OFFICER IDENTIFICATION

Every Police Department in Rhode Island pledges to respect and uphold the right of journalists and the news media to do their job and perform their duties without fear of unlawful arrest or harassment from police.

All officers in the State of Rhode Island shall provide their name and badge number at anytime if requested.

## 6 PUBLIC POLICIES

Every police department in Rhode Island shall post their Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies on their respective department websites and on the Rhode Island Police Chiefs' Association website so that the public can view and access these policies anytime, without filing a public records request.

Certain policies have already been required to be posted on websites to meet accreditation standards. This extends to include more policies and all agencies, accredited or not.

## 7 ACCREDITATION

The Rhode Island Police Chiefs' Association and its member chiefs shall commit to every police department in Rhode Island achieving state accreditation under the Rhode Island In-State Accreditation Commission.

# PROMISES & POLICY AMENDMENTS



## 8 FEEDBACK

Every police department in Rhode Island shall create a form on its website for citizen feedback and complaints, which will go directly to the Chief of Police or the Internal Affairs office of the agency.

All complaints, including anonymous complaints, will be investigated.

Every police department in Rhode Island will explore the creation and implementation of a verified Facebook page and Twitter account subject to any legal restrictions or municipal or university policies.

All Rhode Island Police Departments will post a link on their website to the Department of Justice's Civil Rights Reporting Portal, a new online tool to make it easier for the public to report a civil rights violation.

## 10 BODY & CRUISER CAMERAS

Every police department in Rhode Island shall explore establishing a body-worn camera program and a cruiser camera program. Each department shall present their research to their municipalities or governing bodies.

The Rhode Island Police Chiefs' Association shall likewise research possible statewide grants or federal funding that would reduce the cost to taxpayers, helping ensure less disparity between communities.

The Rhode Island Police Chiefs' Association has produced a whitepaper on this issue and shall publish it on its website.

## 9 RESTORATIVE JUSTICE

The Rhode Island Police Chiefs' Association shall seek to promote restorative justice, with the long-term goal of creating a statewide restorative justice program that all agencies can use to ensure community harmony without the stain of a criminal record for certain non-violent offenders.

Restorative justice is a voluntary process, done only with the approval of a victim, involving the whole community and the offender.

- Can repair breach caused by vandalism, property crime and quality-of-life crime without involving the court system and without giving the offender a criminal record.

## 11 OFFICER WELLNESS

Every police department in Rhode Island commits to a police officer wellness program that supports physical and mental health and will work with the Rhode Island Police Chiefs' Association to standardize such a program.

## 12 SOCIAL SERVICE MUTUAL AID

The Rhode Island Police Chiefs' Association shall establish a database of community service, social service, youth service, social workers, recovery coaches, and specialty service providers in each police department in the state.

The database shall be made available to all law enforcement agencies in the state, as well as in Connecticut and Bristol County, Massachusetts to ensure that neighboring agencies have access to "mutual aid" specialty resources whenever they are needed.

# PROMISES & POLICY AMENDMENTS



We have a responsibility to be accountable to our communities—and are committed to listening and working together for the common good.

## 13 **UNIFORM USE OF FORCE & CIVIL RIGHTS VIOLATION REPORTING**

The Rhode Island Police Chiefs' Association commits to develop and implement a statewide, uniform excessive use of force reporting system.

All use of force incidents statewide that meet the FBI's CJIS Use of Force Database requirements, including any use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person, shall be reported.

## 14 **FACE-TO-FACE INTERACTIONS**

Every Police Department in Rhode Island will host an open forum four times per year, starting on Zoom or a similar online platform and moving in-person as COVID-19 public health guidelines permit.

Whether in a formal auditorium setting or "Coffee with a Cop," all will be welcome and chiefs and officers will answer questions from the community.

## 15 **LAW ENFORCEMENT BILL OF RIGHTS**

The Rhode Island Police Chiefs' Association will work with state lawmakers to review and make updates to the Rhode Island Law Enforcement Officers' Bill of Rights (LEOBOR).

## 16 **COMMITMENT TO DIVERSITY HIRING**

The Rhode Island Police Chiefs' Association commits to the creation of a standardized outreach process for recruitment by all departments in order to reach new communities of individuals and to diversify ranks.



# PROMISES & POLICY AMENDMENTS



"I commend the police chiefs for recognizing the need for swift and comprehensive action in what I believe is a critical moment for all of us in law enforcement. I look forward to working collaboratively with the Rhode Island Police Chiefs' Association to advance these important issues and identify ways we can bring about necessary change."

**-Attorney General Peter F. Neronha**



## 17 **EXTERNAL TRAINING**

Every Police Department in Rhode Island shall incorporate training resources or book a speaker from a social justice/community relations organization at least once per year in order to strengthen law enforcement relationships with the communities they serve.

In addition, the Rhode Island Police Chiefs' Association shall conduct annual hate crimes trainings from social justice/community relations organizations like the ADL New England at least once per year. Individual agencies shall welcome speakers from other local, regional and national cultural or advocacy organizations.

## 18 **REVIEW NAACP GUIDELINES**

Every Police Department in Rhode Island shall review the NAACP's "Standards Every Law Enforcement Agency Should Have" and seek to incorporate the standards into their policies and procedures.

## 19 **ONLINE TRAINING LIBRARY**

The Rhode Island Police Chiefs' Association shall maintain an open library on its website including:

- Training resources
- Diversity and bias resources
- Research and scholarly works on criminal justice
- Downloadable resources for police departments

## 20 **IMPLICIT BIAS TRAINING**

The Rhode Island Police Chiefs' Association shall seek to have chiefs and officers trained as instructors through the RITE Academy, or other program with similar curriculum, with the intention of training the entire police department on cultural bias and implicit bias.





The Twenty  
for 2020

# SIGNED BY



**CHIEF DINO  
DECRESCENZO**

**BARRINGTON**



**CHIEF KEVIN M.  
LYNCH**

**BRISTOL**



**CHIEF STEPHEN  
J. LYNCH**

**BURRILLVILLE**



**CHIEF DANIEL  
BARZYKOWSKI**

**CENTRAL FALLS**



**CHIEF MICHAEL  
PALIOTTA**

**CHARLESTOWN**



**ACTING CHIEF  
FREDERICK  
HEISE**

**COVENTRY**



**CHIEF  
MICHAEL J.  
WINQUIST**

**CRANSTON**



**CHIEF JOHN R.  
DESMARAIS**

**CUMBERLAND**



**CHIEF  
STEPHEN J.  
BROWN**

**EAST GREENWICH**



**CHIEF WILLIAM  
NEBUS**

**EAST PROVIDENCE**



**CHIEF DAVID  
BREIT**

**FOSTER**



**CHIEF JOSEPH J.  
DELPRETE**

**GLOCESTER**



**CHIEF DAVID S.  
PALMER**

**HOPKINTON**



**CHIEF EDWARD  
A. MELLO**

**JAMESTOWN**



**CHIEF RICHARD  
S. TAMBURINI**

**JOHNSTON**



**CHIEF BRIAN  
W. SULLIVAN**

**LINCOLN**

# SIGNED BY



In Rhode Island, we take an oath to protect life. We abhor the senseless taking of another person's life, especially at the hands of police officers.



**CHIEF SCOTT N. RAYNES**

**LITTLE COMPTON**



**CHIEF WILLIAM D. KEWER**

**MIDDLETOWN**



**CHIEF SEAN CORRIGAN**

**NARRAGANSETT**



**CHIEF ANTONE MONROE**

**NARRAGANSETT TRIBAL POLICE**



**CHIEF GARY SILVA**

**NEWPORT**



**CHIEF VINCENT T. CARLONE**

**NEW SHOREHAM**



**CHIEF PATRICK FLANAGAN**

**NORTH KINGSTOWN**



**CHIEF ARTHUR J. MARTINS**

**NORTH PROVIDENCE**



**CHIEF TIM LAFFERTY**

**NORTH SMITHFIELD**



**CHIEF TINA GONCALVES**

**PAWTUCKET**



**CHIEF BRIAN PETERS**

**PORTSMOUTH**



**CHIEF HUGH T. CLEMENTS, JR.**

**PROVIDENCE**



**CHIEF ELWOOD M. JOHNSON, JR.**  
**RICHMOND**



**CHIEF DONALD DELAERE**

**SCITUATE**



**CHIEF RICHARD P. ST. SAUVEUR**

**SMITHFIELD**



**CHIEF JOSEPH GEABER, JR.**

**SOUTH KINGSTOWN**

# SIGNED BY



**CHIEF PATRICK JONES**

**TIVERTON**



**CHIEF ROY M. BORGES**

**WARREN**



**COLONEL RICK J. RATHBUN**

**WARWICK**



**CHIEF SHAWN LACEY**

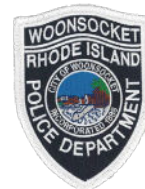
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**WEST GREENWICH**



**CHIEF MARK KNOTT**  
**WEST WARWICK**



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**RHODE ISLAND AIRPORT**



**CHIEF JOSEPH T. LITTLE, JR.**  
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**RI DEPT OF ENVIRONMENTAL MANAGEMENT**



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**RI SHERIFF'S DEPT.**



**COLONEL JAMES M. MANNI**  
**RI STATE POLICE**



**CHIEF MARK J. PORTER**  
**BROWN UNIVERSITY**



**CHIEF SEAN T. COLLINS**  
**CCRI (KNIGHT CAMPUS)**



**CHIEF JAMES J. MENDONCA**  
**RHODE ISLAND COLLEGE**



**CHIEF STEPHEN N. BAKER**  
**UNIVERSITY OF RHODE ISLAND**

# CHIEF'S CHECKLIST

## 6: PUBLIC POLICIES

- Post your department's Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies on your department website.
- Provide electronic copies of your department's Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies to RIPCA.

## 7: ACCREDITATION

- Achieve state accreditation under the Rhode Island In-State Accreditation Commission.

## 8: FEEDBACK

- Create a form on your department website for citizen feedback and complaints, which goes directly to the Chief of Police or the Internal Affairs office.
- Explore the creation and implementation of a verified Facebook page and Twitter account subject to any legal restrictions or municipal or university policies.
- Post a link to the Department of Justice's Civil Rights Reporting Portal on your department website.

## 10: BODY & CRUISER CAMERAS

- Explore establishing a body-worn camera program and a cruiser camera program.
- Present research on establishing a body-worn camera program and a cruiser camera program to your municipality or governing bodies.

## 11: OFFICER WELLNESS

- Establish an officer wellness program that supports physical and mental health.

## 13: UNIFORM USE OF FORCE & CIVIL RIGHTS VIOLATION REPORTING

- Incorporate language into your policies and procedures requiring that all use of force incidents statewide that meet the FBI's CJIS Use of Force Database requirements, including any use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person, shall be reported.

## 14: FACE-TO-FACE INTERACTIONS

- Schedule and host four public forums before June 2021.

## 17: EXTERNAL TRAINING

- Incorporate training resources or book a speaker from a social justice/community relations organization at least once per year.

## 18: REVIEW NAACP GUIDELINES

- Review the NAACP's "Standards Every Law Enforcement Agency Should Have" and seek to incorporate the standards into department policies and procedures.



Attorney General  
Peter F. Neronha

FOR IMMEDIATE RELEASE  
June 17, 2020

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## **AG Neronha issues updated protocol for Attorney General’s review of use of force by law enforcement**

*The first update to the protocol in over 13 years expands the scope of review beyond deadly force and custodial deaths incidents and includes review of excessive force by the police*

PROVIDENCE, RI – Attorney General Peter F. Neronha today issued an [updated and significantly expanded protocol](#) for the review of use of force by state and municipal law enforcement agencies. While it has been a long-standing practice for Rhode Island law enforcement agencies to report incidents of use of deadly force and custodial deaths to the Attorney General for review and investigation, under the new protocol, they must also report incidents involving alleged use of excessive force and less-than-deadly force resulting in serious bodily injury.

“Even before the tragic events of the last month, the Office had been engaged in an internal review, in consultation with Rhode Island’s chiefs of police, of the existing Attorney General protocol for review of deadly force. Current events made the release of the updated protocol all the more urgent,” said Attorney General Neronha. “The updated protocol is significant because it expands our review authority to allow for independent review of most police use of force incidents. Our collective goal is to identify, and hold accountable, those officers who use excessive force *before* it results in death, as happened in the case of George Floyd.”

The Office recognized the need to update the protocol to promote greater uniformity, accountability, and impartiality in the investigation of police use-of-force incidents involving deadly force, allegations of excessive force, less-than-deadly force resulting in serious bodily injury, or custodial death. The updated protocol provides more robust guidance about how the investigation of such incidents should proceed.

Under the [updated protocol](#), Rhode Island law enforcement agencies are required to immediately report these incidents to the Attorney General, who will then lead an independent review of the incident and make charging decisions where appropriate. The protocol had not been updated since 2007.

“I firmly believe that the Attorney General and those in law enforcement have a responsibility to build community trust,” said Attorney General Neronha. “A critical component of building that trust is to hold those officers who ignore their training, best practices, use of force policies and the law accountable.”

[The Attorney General’s Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force and Custodial Deaths can be accessed here.](#)

###



For Immediate Release  
Wednesday, June 17, 2020

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## **Rhode Island Police Chiefs' Association Supports AG Neronha's Proposals on New Civil Rights Legislation, Update of Use of Force Protocols**

PROVIDENCE -- The Rhode Island Police Chiefs' Association, representing all of the police chiefs in Rhode Island, announces its full support and endorsement of Attorney General Peter Neronha's proposal to pass new legislation allowing the AG's office to conduct civil rights pattern and practice investigations of all government and law enforcement agencies in Rhode Island and his efforts to revise and expand protocols in the review of use of deadly force and alleged excessive force by police officers in the state.

"After meeting with Attorney General Neronha on these issues earlier this week and hearing his thoughts on the matter, we unanimously support his push to broaden civil rights protections for all Rhode Islanders and to ensure that use of force by police departments in the state is something that continues to be looked at with the seriousness and scrutiny it deserves," said RIPCA President and Lincoln Police Chief Brian Sullivan. "Our job as police officers is to protect those in our communities that we serve, and that includes those in our custody or who are being detained. That commitment was broken in Minneapolis by the officers involved in the murder of George Floyd and has been broken elsewhere in our country. Here in Rhode Island we hold ourselves to the highest standards of the law enforcement profession and we need to do everything we can to ensure that those standards are not only met, but are exceeded. This proposed legislation is another step toward achieving that goal, and we thank AG Neronha for his leadership on this vital matter."

Attorney General Neronha announced on Monday, June 15, before the Senate Judiciary Committee a renewed effort to pass legislation before the Rhode Island General Assembly that would give the Attorney General enhanced authority to investigate and enforce individual instances of police misconduct as well as patterns or practices of misconduct, particularly as they relate to potential civil rights violations.

Today, Attorney General Neronha announced that in addition to his call for new legislation, that he is enacting an update and expansion of the protocol mandating the review of police use of deadly force, use of force resulting in serious bodily injury and excessive use of force.

"There has been a significant public demand for more accountability and transparency in police departments here in Rhode Island and across the country and that is something that we as police chiefs take very seriously," said Chief Sidney Wordell (Ret.) Executive Director of RIPCA. "Having an added layer of oversight will help to ensure transparency and will help in the effort to continue to build trust with our residents and those that we are sworn to serve."

### **About the Rhode Island Police Chiefs' Association**

The Rhode Island Police Chiefs' Association (RIPCA) was established in 1950 and is comprised of more than one-hundred members; including active and retired police chiefs, and associate members representing nearly 50 municipal, state and campus agencies that serve more than 1 million Rhode Islanders living in communities across the Ocean State.

The Rhode Island Police Chiefs' Association has been and will continue to be committed in its pursuit of excellence as we strive to work closer with citizens and community partners alike in an ongoing effort to form sustaining foundations for safe and secure communities; foundations formed to endure socioeconomic instability and variations in crime rates. Our active engagement on issues of public safety policy and legislation will help shape the future of law enforcement, and strengthen trust and respect of the policing profession.

State of Rhode Island and Providence Plantations  
OFFICE OF THE ATTORNEY GENERAL

*Peter F. Neronha, Attorney General*



THE ATTORNEY GENERAL'S PROTOCOL FOR THE REVIEW OF  
INCIDENTS INVOLVING THE USE OF DEADLY FORCE, EXCESSIVE  
FORCE AND CUSTODIAL DEATHS

June 17, 2020

BACKGROUND

It has been the long-standing practice in this State that when a police officer uses deadly force, or where there has been a custodial death, the law enforcement agency reports the incident to the Office of the Attorney General for review and joint investigation. This Protocol updates and expands upon the Attorney General's Protocol Regarding The Review Of Incidents Involving The Use of Deadly Force and Custodial Death (last revised in 2007). It is designed to promote greater uniformity, accountability and impartiality in the investigation of police use-of-force incidents where deadly force was employed, where there has been an allegation of excessive use of force by police, and where a custodial death occurs. **It is applicable to all Rhode Island state and municipal law enforcement agencies.** For convenience, the terms "police officer" and "police department" are used in this Protocol.

A police officer's use of deadly force, alleged use of excessive force and the death of a person in police custody are some of the most sensitive matters that law enforcement agencies investigate. These investigations frequently pose complex factual and legal issues and are closely followed by the public we serve. It is critical that the public have confidence that when police use force, and deadly force in particular, that that use of force was reasonable and lawful. This Protocol sets forth the policies and practices of the Office of the Attorney General for the investigation of deadly force and custodial death incidents and for the investigation of allegations of the use of excessive force. It also provides guidance on potential *Garrity* issues.



## USE OF THE PROTOCOL

The Protocol shall be followed whenever:

A police officer uses deadly force, whether or not death or injury of any person results.

A person dies while in police custody or dies during the apprehension or attempted apprehension of a person.

A police officer uses less than deadly force that results in serious bodily injury to any person.<sup>1</sup>

A police department receives a complaint alleging that a police officer used excessive force during his/her interaction with a person, and there is evidence, including but not limited to video or other electronic evidence, to warrant additional investigation.

This Protocol may also be followed:

Whenever a person dies or is injured as a result of a police interaction even if the police did not intentionally use force or deadly force. For example, motor vehicle accidents involving the police where there is a fatality or serious injury.

In any situation, not explicitly addressed above, where the police department and the Attorney General jointly agree that review by the Attorney General would be in the public interest.

## OBLIGATIONS OF THE EMPLOYING POLICE DEPARTMENT

The police department employing the police officer whose action prompts the application of this Protocol (“Employing Police Department”) shall immediately notify the Office of the Attorney General (after hours, an Assistant Attorney General may be reached through the Bureau of Criminal Identification at 401-732-7629) and, in situations involving the use of deadly force or a custodial death, the Rhode Island State Police (401-444-1000). Where the action of a member of the Rhode Island State Police prompts the application of this Protocol, notification shall include the police department of the city or town where the action occurred.

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<sup>1</sup> Serious bodily injury” means physical injury that: (1) creates a substantial risk of death; (2) causes protracted loss or impairment of the function of any bodily part, member, or organ; or (3) causes serious permanent disfigurement

## APPENDIX



The Employing Police Department shall limit the investigative steps taken prior to assembly of the multi-agency investigative team (see “Investigative Team” section below) to those measures necessary to secure the scene, preserve evidence, identify witnesses, and any other measures necessary to address exigent circumstances.

The Employing Police Department shall immediately collect, preserve, and turn over to the multi-agency investigative team all video and audio recordings that pertain to the incident in question. Any public release of video and audio recordings in the possession of law enforcement shall be done in accordance with the law and in a manner that preserves the integrity of the criminal investigation, protects the rights of the accused, and respects the privacy of civilians captured on the recording. Absent extraordinary circumstances, video and audio recordings should not be released until all witness statements have been collected and the criminal investigation has concluded.

The Chief of Police of the Employing Police Department, or, where the matter involves the conduct of a member of the Rhode Island State Police, the Colonel of the State Police, shall serve as the primary point of contact for media inquiries, coordinating all responses with the Attorney General and other members of the multi-agency investigative team. The Chief of Police, or, where applicable, the Colonel of the State Police, may also refer such inquiries to the Attorney General.

### ROLE OF THE ATTORNEY GENERAL

The Attorney General shall assign a senior prosecutor (or prosecutors) to work with and provide legal advice to investigators throughout the course of the investigation.

As a general rule, the Attorney General will present every police-involved use of force incident resulting in death or serious bodily injury to a grand jury for its review and consideration.

Incidents involving use of force that did not result in death or serious bodily injury and where the undisputed facts indicate that the use of force was objectively reasonable under the law may be concluded without a formal grand jury presentation.

The Attorney General may, however, present any matter to a grand jury where doing so is necessary to obtain evidence, develop the testimony of witnesses, and otherwise conduct a full and complete investigation.

## INVESTIGATIVE TEAM

### Matters Involving the Use of Deadly Force and Custodial Death

Where a police officer uses deadly force, regardless of whether death or injury results, or where a person dies in police custody or during apprehension or attempted apprehension by police, the investigative team will be comprised of members of the Attorney General's Office, the Rhode Island State Police and the Employing Police Department.

Where a member of the Rhode Island State Police uses deadly force, regardless of whether death or injury results, or where a person dies in State Police custody or during apprehension or attempted apprehension by the State Police, the investigative team will be comprised of the Attorney General's Office, the Rhode Island State Police, and the municipal police department of the city or town where the incident occurred.

The investigative team will respond to the scene immediately after notification of the incident initiating application of this Protocol.

### Matters Involving Less than Deadly Force and Allegations of Excessive Use of Force

Whenever a police officer uses less than deadly force that results in serious bodily injury to a person, or is alleged to have used excessive force and the evidence supporting such allegation, including but not limited to video or other electronic evidence is sufficient to warrant additional investigation, the Employing Police Department shall:

- Promptly notify the Attorney General; and
- Provide the Office of the Attorney General with copies of all non-compelled statements and any other evidence pertaining to the matter.

The Attorney General and the Employing Police Department will jointly review the evidence pertaining to the matter and pursue any follow up investigation as necessary. It is strongly preferable that members of the Employing Police Department's Professional Standards Unit or equivalent be assigned to the investigation.

The Attorney General will determine whether criminal charges are appropriate, and, if charges are appropriate, the nature of such charges, including whether the appropriate charge or charges constitute a misdemeanor or felony or

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both. The Attorney General will determine whether presentation to a grand jury is necessary to obtain additional evidence or develop the testimony of witnesses.

### GARRITY ISSUES

Pursuant to the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967), when a police officer is compelled by a supervisor to make a statement in the course of an administrative or internal investigation or face termination, such statement and any evidence derived from that statement cannot be used in any subsequent criminal investigation or prosecution of that officer.

If a police officer agrees to provide a voluntary statement, the officer's statement may be shared with all investigators and prosecutors assigned to the matter.

If an officer is not willing to provide a voluntary statement, the investigative team, in consultation with the Attorney General, must determine whether a statement should be compelled by a supervisor. If the decision is to compel a statement, under *Garrity*, his or her statement and evidence derived from that statement cannot be used in any subsequent prosecution. Accordingly, under these circumstances, the investigative and prosecution team must be divided into two groups. The first group will be allowed access to the compelled statement and any evidence obtained as a result. The second group must be walled off from the contents of any compelled statement and the evidence derived from such statement.

The first group will be assigned to investigate any administrative and departmental violations allegedly committed by the police officer providing the compelled statement. They may also participate in the criminal investigation and/or prosecution of any other individual, including a police officer, whose statement was not compelled.

The second group will be assigned to pursue the criminal investigation and/or prosecution of any officer whose statement was compelled.

A handwritten signature in blue ink, appearing to read 'P. F. Neronha', is written above a horizontal line.

PETER F. NERONHA  
ATTORNEY GENERAL



### **Standards Every Law Enforcement Agency Should Have**

As a rule, in order to meet some minimum standards of policing, every police department should have a policy on the following:

- 1) Use of Force – stating when and how force may be used by police officers
- 2) Racial Profiling – a ban on racial profiling and data collection measures to ensure it is not happening within the agency
- 3) Citizen Complaint Procedure – a method for members of the community to file a complaint regarding an officer or an incident involving the law enforcement agency
- 4) Drawing and Displaying Firearms – stating when and how firearms can be used and displayed by officers
- 5) Vehicular Pursuits – stating when and how officers should engage in vehicular pursuits
- 6) Fleeing Felons – stating how officer will engage with felons who are fleeing
- 7) Foot Pursuits – stating when and how officers may engage in foot pursuits
- 8) Internal Review – stating the procedures of the agency's internal review mechanisms
- 9) Shooting at/from a Motor Vehicle – stating when and how officers may shoot from a motor vehicle
- 10) Use of Impact, Edged, and Other Similar Weapons – stating when and how these weapons may be used

## APPENDIX



- 11) Crisis Intervention Training and Response – stating how officers should handle crisis situations (e.g. involving the mentally disturbed, hostage situations, etc.)
- 12) Investigation Procedures – detailing procedures for investigating incidents
- 13) Canine Use – stating when and how police canine should be used
- 14) Evidence Preservation and Presentation – detailing how evidence is preserved and presented to investigators (internal and external)
- 15) Use of Tasers – stating when and how a taser device may be used

**NOTE:** Although the NAACP has a resolution calling for a ban on taser devices, many departments still use them and, absent a ban, it is important to have a concise policy and training on when and how these devices should be used.

Rhode Island Police Chiefs' Association

## Body Worn Cameras: Considerations & Identified Issues

Date: May 2016



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## **Preface**

Working closely with contacts in a variety of roles, the Rhode Island Police Chiefs' Association has access to documentation and resources, which individual municipal and state policymakers, administrators, elected officials, and the public can benefit.

This paper is based on the results of research and analysis of data by Rhode Island Police Chiefs' Association of existing published studies, articles, model policies, implemented policies, and recommended best practices related to the implementation of a Body Worn Camera Program. This paper was designed to identify real world issues and considerations that should be addressed by any state or local agency prior to the deployment of Body Worn Cameras.

### **Mission Statement:**

The mission of the Rhode Island Police Chiefs' Association shall be to assist its members and all law enforcement officers in the State of Rhode Island with the administration of public safety; to promote harmony and trust between law enforcement and the public; to enhance the effectiveness of law enforcement in the State; to strengthen public confidence in the police profession; and to improve the quality of life in the communities we serve.

### **Vision Statement:**

As the leading law enforcement executive association in our state, we promote integrity, and professionalism; providing a better quality of life for everyone within the State of Rhode Island.

# *Body Worn Cameras* CONSIDERATIONS & IDENTIFIED ISSUES

*Prepared for*

**RIPCA**

**May 2016**

**Version 0.6 Draft**

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**Rhode Island Police Chiefs' Association**

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## Executive Summary

In considering the implementation of a body-worn camera (BWC) program, there are many variables that still remain unquantified. These variables include the retention period for both evidentiary and non-evidentiary data, personnel costs associated with the management of the storage system along with public records requests, and the demands of any potential future legislation. The State of Rhode Island is made up of a diverse group of communities. It would be difficult to formulate a “one-size” solution for all law enforcement agencies throughout the state based upon, but not limited to, the variables above. A statewide unfunded mandate could be devastating to those communities that do not have the financial, technical, or personnel resources to comply. There are potentially some externalities, either positive or negative, that have yet to be identified due to the limited data related to BWC programs that is available. The following report is based upon the most current available research.

In conducting this research, it became evident that there is a limited pool of research to examine. As with any emerging technology, the first studies form the foundation on which continued research is built. Much of the latest research relies upon, expands, and references the same group of established studies. As the study of the effects of BWC on policing continues, this cross referencing of past, current, and future studies will weave a tapestry that will create a more accurate picture of the related dynamics and outcomes.

# Issues for Consideration

## Purpose of Implementing a BWC Program

Prior to the implementation of a BWC program in any agency, policymakers must define the outcomes and expectations of the implementation. Policymakers should decide, through a cost/benefit analysis, whether or not the projected outcomes will benefit the specific community. A BWC program is an expensive undertaking and as this paper will demonstrate, the exact cost to equip officers, store, process, and secure data is extremely difficult to calculate. The unforeseen expense is one of the most repeated issues coming out of agencies that have implemented a BWC program.

## Perceived Benefits

The Constitution Project (2015, January 28) outlines six potential benefits of body-worn cameras. These are:

1. Furthering law enforcement and community objectives
2. Improving accountability and professionalism
3. Improving citizen behavior
4. Increasing police training opportunities
5. Expediting the resolution of police misconduct complaints
6. Promoting transparency and trust

These benefits are a common thread presented by many different organizations exploring the issue of body-worn cameras in policing (White, M., 2014, pg. 18).

## Furthering law enforcement and community objectives

Because BWC record incidents as they happen, it is suggested that BWCs could be valuable in recording and documenting evidence. This evidence could be related both to civil litigation, due to citizen complaints or lawsuits, and criminal prosecutions (White, 2014, pg. 23-25). While there is some evidence of increased guilty pleas in studies from the United Kingdom, there is no such evidence available from any of the studies conducted in the United States (White, 2014, pg. 25-26). Some legal scholars cite the danger of becoming overly reliant on this type of technology for successful prosecution (Considering Police Body Cameras, 2015, April 10, pg. 1803). The more prevalent that video evidence becomes in the courtroom, other types of evidence, like police or eyewitness testimony, may be seen as less valuable to jurors (Considering Police Body Cameras, 2015, April 10, pg. 1803).

## **Improving accountability and professionalism, Improving Citizen Behavior, and expediting the resolution of police misconduct complaints**

The Police Executive Research Forum (PERF), for example, has evaluated data from multiple studies that sought to quantify the benefits of police BWC. Citing a study of the Rialto, California Police Department conducted by the University of Cambridge, PERF references the 60% reduction in officer use of force and an 88% reduction in citizen complaints (Miller, Oliver, and PERF, 2014, pg. 5). Based upon this research, it has not been determined whether the reductions in use of force and citizen complaints was more directly correlated to police officer behavior, citizen behavior, or a combination of both (Miller, et al., 2014, pg. 5). However, this data should be looked at with caution. The overall reduction in citizen complaints may not be a result of improved officer conduct, but may be more closely related to a reduction in frivolous claims that will be quickly disproved by video evidence (Considering Police Body Cameras, 2015, April 10, pg. 1802; White, 2014, pg. 21). Furthermore, there is no evidence of the long-term benefits on police and citizen conduct (Considering Police Body Cameras, 2015, April 10, pg. 1802; White, 2014, pg. 6). Just as people have become desensitized to CCTV surveillance, police BWC may only result in a short term benefit (Aronov, 2004).

## **Increasing police training opportunities**

While this would appear to be a reasonable expected outcome, there is no evidence to support this assumption at this time (White, 2014). It would stand to reason that the more police responses that are captured on video, the greater the opportunity to capture footage that can be beneficial to improving police response to specific situations. It has been suggested that this could prove most beneficial to new officers, both in monitoring their performance and exposing them to examples of proper police response along with improper police response (Considering Police Body Cameras, 2015, April 10, pg. 1802).

## **Improving transparency and trust**

This is another area where the current research is lacking. While a BWC would serve to document the actions of a police officer and his or her interactions with the public, however there is not enough research to draw a correlation between public trust and transparency with the deployment of BWC (The Constitution Project, 2015, January 28, pg. 7; White, 2014, pg. 19). Some have suggested that the presence of a BWC can actually make individuals, including witnesses and informants, to be less likely to speak to the police over concerns of being recorded and having that footage reviewed at a later date (White, 2014, pg. 27).

## **Concerns**

Because of the nature of police work and the types of situations, locations, and individuals that an officer may have to respond, there are some identified concerns with this technology that need to be addressed or at least considered. These issues include (White, 2014, pg. 18):

1. Citizen privacy
2. Officer privacy

3. Officer health and safety
4. Training and policy requirements
5. Resource requirements
6. Access to BWC data.

## **Citizen and officer privacy**

Rhode Island is a one party consent state when it comes to recording or intercepting communication according to RIGL § 11-35-21. This means that an officer who is in a location for a lawful purpose and is engaging in a conversation with an individual could potentially record that interaction and this could create privacy issues for not only the individuals directly involved to the incident requiring police response, but also anyone else who happens to be in the area. Police officers commonly respond to scenes that involve physical injuries, emotional trauma, or situations that could be considered personally embarrassing. As Albuquerque Police Sergeant Robert Drager describes it in a news interview, “officers a lot of times are seeing people on the worst day of their lives, and we’re capturing that on video that’s now public record” (Hinds, 2013).

In the workplace, BWC represent a change in working conditions, which has been an issue highlighted by both the Las Vegas Police Protective Association and the New York Police Department (White, 2014, pg. 28). The random and unsolicited review of stored footage could reveal private information that was unintentionally recorded.

### **Access to and review of recordings:**

**By the officers involved.** If an agency is going to implement a BWC program, it is important that they consider if, when, and how the recorded material is going to be viewed. The Police Executive Research Forum (PERF) recommends that officers be allowed to review footage captured by their BWC prior to completing a report or statement (Miller, Oliver, and PERF, 2014, pg. 45). This is a logical conclusion based upon the fact that a police report is a legal document that is intended to accurately memorialize a specific event. There are many factors that can influence memory, retention, and recall. This recommendation is supported by research published in the Journal of Law Enforcement, which found that the review of video footage from a BWC improves the accuracy of police reports (Dawes, D., Heegaard, W., Brave, M., Paetow, G., Weston, B., & Ho, J., 2015). An individual’s memory can be negatively affected by stress, like those associated with a use of force incident (Meyerhoff, J, Norris, W, Saviolakis, G, Wollert, T, Burge, B, Atkins, V, Speilberger, C., 2004). These stresses can create a cognitive deficit to memory and the response to visual stimuli (Morgan, CA, Doran, A, Steffian, G, Hazlett, G, Southwick, S. (2006).

There are, however, opposing opinions on this issue. The Leadership Conference on Civil and Human Rights recommends that an officer’s access to review camera footage be limited so as “to preserve the independent evidentiary value of officer recollections of events” (Henderson, W. & Zirkin, N, personal communication, 2015, January 30). This recommendation falls short of being a recommendation of prohibition.

**By direct supervisors, administrators, and investigators.** PERF (Miller, et al., 2014, pg. 45-46) recommends that policies should clearly outline specific circumstances when a supervisor, administrator, or investigator can access BWC files. These situations would include citizen or internal complaints about a specific officer or incident, to include criminal investigations, identification of training material, and to monitor compliance with established recording policies by probationary officers, officers who have been identified by an early intervention system, and officers with a pattern of verbal or physical abuse accusations (Miller, et al., 2014, pg. 45-46).



**By an internal audit unit.** PERF further recommends that periodic random reviews of footage collected should be conducted by an internal audit unit that is not in the officer's direct chain of command (Miller, et al., 2014, pg. 46). The purpose of these reviews is to ensure that the BWC program is being properly implemented and to ensure compliance and should not have the perception of being punitive. These compliance reviews should be clearly outlined in department policy.

**By the public.** Access to the video and audio data collected on police Body Worn Cameras needs to be evaluated under the Access to Public Records Act of the Rhode Island General Laws. Among the most likely exemptions that may need to be considered is: All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public (R. I. Gen. Laws § 38-2-2(4)(D)).

Agencies should forbid any personnel from the unauthorized accessing of this data for personal use, public dissemination, or social media.

## **Officer health and safety**

This issue is related to the actual wearing of the BWC device. There are several configurations of BWC that include head mounted, shoulder mounted, and chest mounted. With each design, there are specific risks, however, most have a low potential of harm (Goodall, 2007, pg. 28-29). Members of the United States Custom and Border Protection (2015, August, Pg. 6), during an evaluation period, voiced concern over a potential reduction of situational awareness and officer safety practices because of being focused on body position and camera angles.

## **Training and policy requirements**

As some of the topics above have demonstrated, the deployment of BWCs come with a host of issues that need to be addressed through policy and a training program needs to be developed to support the effective implementation. Training and policies should clearly address specific legal and liability issues, including procedures related to voluntary, compulsory, and prohibited use of BWCs (ManTech, 2012, September, pg. 7-9). Privacy issues and the method of classifying recorded data

in terms of public records must also be memorialized in policies, procedures, and demonstrated through training (White, 2014, pg. 30).

## Resource requirements

The resource requirements are a variable that is difficult to quantify at this point. Not only are there costs related to the downloading and storage of this data, but also in the retrieval and redaction. As an example of this issue, the New York Police Department received a request from NY1, a New York news station, for 190 hours of police BWC footage (Leatherbury, T., Gividen, B., Miller, G., 2016, January 30, pg. 6). The bill for retrieval of the footage delivered to NY1 totaled \$39,000.00 and is currently in dispute (Leatherbury, et al., 2016, January 30, pg. 6). T

**Duties related to collected data.** The United States Customs and Border Protection conducted a thorough BWC feasibility study in August of 2015. Over the course of each period, 45 agents recorded 1,037 videos (United States Customs and Border Protection, 2015, August, pg. 5-6). The average recorded interaction was about 8.5 minutes. There were three individual periods, one covering 25 days and the other two covering 28 days each (United States Customs and Border Protection, 2015, August, pg. 5-6). Applying some basic mathematics to the data collected in this study, an average of 38 videos were recorded a day or 0.84 videos per officer per day. The storage needed per day, based upon this calculation, an agency would need 72 MB of memory per officer per day. Over an average of 27 days, the 45 agents recorded 145.18 hours of video requiring 89.18 GB of storage. This is the equivalent of approximately 128 standard 700 MB CD-R Discs or 19 standard 4.7 GB DVD-R discs.

The upload times of data from the BWC to the network averaged 30 minutes per hour of video recorded (United States Customs and Border Protection, 2015, August, pg. 12). Beyond this, the administrative functions associated with managing the BWC program averaged between 1-2 hours per agent and as a result there was an average loss of available duty of 8.3% (United States Customs and Border Protection, 2015, August, pg. 12-13).

**In-house storage.** The following estimates are based upon an average of 251 work days comprised of an eight (8) hour shift. One hour of digital footage can result in a maximum of up to 13 GB of storage space. The approximate cost of storage is currently around \$0.04 a GB. Based upon these assumptions, an officer would require a maximum of 2008 hours of storage, or 26,104 GB a year. As stated previously in this report, this estimate could vary greatly depending upon retention requirements. The cost of storage per officer would be \$1,044.16 annually or \$104,416.00 for 100 officers. This does not include personnel expenses.

**Cloud-based storage.** Cloud-based storage requires the security of a firm trusted with managing sensitive information. Based upon the research available, Evidence.com has the reputation and resources to handle these requirements. Taser charges a flat monthly fee of \$99.00 per user for this service. This would cost \$1,188.00 annually per officer or \$118,800.00 for 100 officers.

**Redacted footage.** As video is processed for release, it often must be redacted to comply with public records and privacy requirements. Juveniles, bystanders in private situations (e.g. individuals receiving medical treatment), and information not deemed to be public record must be not only masked, but made inaccessible to file decoding. This includes both audio and video components of the data. These files are maintained in addition to the original data and can be larger than the original captured footage file size. While companies like Taser offer "unlimited" storage through Evidence.com, it should be noted that this is only for the original data uploaded to the cloud directly from the BWC and does not include additional copies of the video, including redacted versions. This would require agencies to either purchase supplemental cloud-based storage for these files or to maintain in-house storage. Along with the cost of the primary in-house storage, back-up storage would have to be maintained. It is important that files that are going to be used for evidentiary purposes are not subjected to repeated compression through video and

audio codecs as this can result in severe degradation of the quality of both the video and the audio (Canzona, 2010, June 9).

**Retention schedule.** Just as with privacy issues related to information collected in the course of official law enforcement action is addressed in statute, the Office of the Secretary of State provides a schedule for the retention and disposal of these types of materials. Schedule LG 6 does not, however, specifically address retention times for BWC footage (Office of the Secretary of State, 2013, September). This means that a new schedule category would have to be created or each individual recording would have to be evaluated to determine which category applies to the specific piece of footage. Under LG 6.1.2, the retention of complaint report files for non-criminal and motor vehicle accidents is 3 years (Office of the Secretary of State, 2013, September).

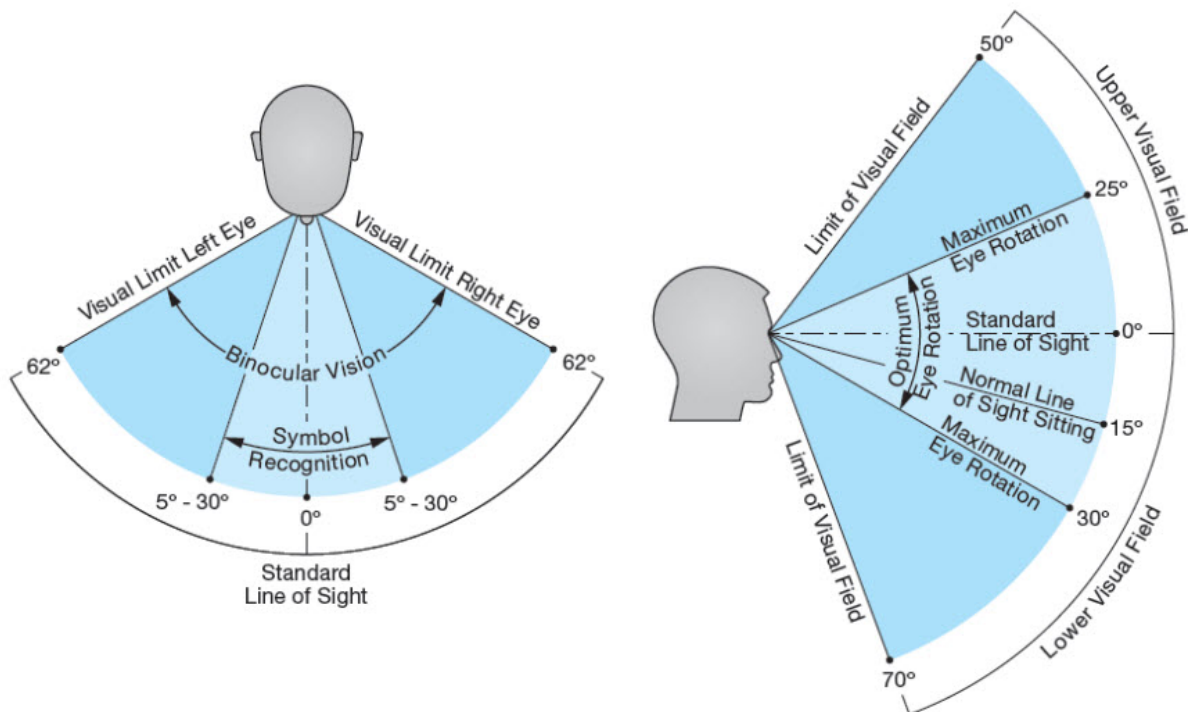
## **Policy recommendations**

Prior to implementing or mandating a BWC program through legislation or policy, it is extremely important to consider the effects that it will have on individual communities and agencies. For this reason, any implementation of this type of program should be left to the municipal level of government. Funding, equipment, and personnel requirements may be crippling to some communities and the shifting of money within budgets may mean that other important municipal programs or services will suffer.

# **Appendix A – Understanding BWC Capabilities & Limitations**

## Camera Hardware

**Field of vision.** One of the factors that must be considered when selecting the camera hardware is the field of vision. Figure 1 represents the field of vision for an individual with normal binocular vision. The normal human eye has a total field of vision on the horizontal plane of 124°, including peripheral vision, which is sensitive to detecting motion but is not reliable for object identification. Only 60° of this field of vision is effective for symbol recognition. The vertical field of vision encompasses 120°, with only about 55° in the optimal range of vision (Extron Electronics, n.d.).



*Figure 1.* Normal binocular human field of vision ("Environmental Considerations and Human Factors for Design", n.d.).

The varieties of camera hardware researched for this study have a range of fields of view from 63° to 180° (United States Department of Justice, 2014, March). There are many different factors to consider when trying to determine the best option for a police application of BWC, but no matter the choice, it is important to recognize that a camera does not function, process, or memorialize information the same as the human eye and therefore, no matter what, the data collected on a camera may not be representative of the facts and circumstances known to the officer at any point during the performance of his or her duties (Mauser, 2015).

**Night vision.** Just as with the field of vision, the human eye processes low light situations differently from a camera. Obviously those cameras equipped with night vision and infrared illumination will have superior capabilities to the human eye in low-light and in the absence of visible light (Green, 2013).

**Battery life.** Battery life requirements are going to be dependent upon the final policy proposed for when the use of BWC will be required. The camera systems evaluated list two classifications of battery life, standby and recording. All cameras, except for the Panasonic Wearable Camera, which does not have a standby mode, have standby times of 12 hours or greater, with a maximum of 300 hours attributed to the Vid Shield V3. When it comes to active recording time on a full charge, however, the performance varies greatly. Only the AXON Body, AXON Flex, Duty Cam Observer I,

Duty Vue Trooper, and the Vid Mic VX Wireless have the ability to record an entire eight (8) hour shift on a single charge (United States Department of Justice, 2014, March).

**Mounting.** According to a survey conducted by PERF, the chest mounted BWC is currently the most popular among police agencies that have implemented BWC programs. The head/eyeglass mounted systems are also popular due to the relationship of the camera mounting point to head movement and the wearer’s eyes, but the mounting system can be uncomfortable and a source of potential injury. The shoulder/collar-mounted cameras are highly susceptible to obstruction because of officer arm movements and appear to be more vulnerable to being dislodged from the mounting location (Miller, Oliver, and PERF, 2014, pg. 39). Based upon these recommendations from PERF, the AXON Body, Duty Cam Observer I, Duty Vue Trooper, and Vid Mic VX Wireless are the only chest-mounted cameras with the ability to record an entire eight (8) hour shift (United States Department of Justice, 2014, March).

**Recording time.** Just because a camera has the battery capacity to record for an eight (8) hour shift does not mean that it has the memory capacity to do the same. Based upon the ability to record and store an entire shift’s worth of data, the AXON Body, Duty Cam Observer I, Duty Vue Trooper, and Vid Mic VX Wireless all have the requisite capacity (United States Department of Justice, 2014, March).

## Camera Software

**Recording format.** All of the existing BWC recording formats evaluated in this study are based upon video and audio compression. It is important to acknowledge that depending upon the level of compression to which the data is subjected; the more data is potentially lost. This can have an effect on the ability to analyze stored data, both audio and visual (B., P., Lewetz, H., and Jaks, M., 2015). The AXON Body, Duty Cam Observer I, Duty Vue Trooper, and Vid Mic VX Wireless all utilize common codecs. The AXON Body and Vid Mic VX Wireless both use MPEG 4 and the Duty Cam Observer I and Duty Vue Trooper both use H.264 (United States Department of Justice, 2014, March). Depending upon the variant used, H.264 may be the least compressed option available (B., P., Lewetz, H., and Jaks, M., 2015).

**Resolution and frame rate.** All of the cameras evaluated as part of the United States Department of Justice (2014, March) study met the minimum recommended standards (United States Department of Justice, 2012, September). However, it is important to note that these recommendations were made in 2012 and both the AXON Body and the Vid Mic VX Wireless are meeting this minimum standard. If this standard should be raised based upon the advancements in technology, it may affect the overall financial impact of implementing a statewide BWC program.

**Additional Video Software.** Only the Vid Mic VX Wireless requires the use of proprietary software to access and store the audio/video data, while the AXON Body, Duty Cam Observer I, and Duty Vue Trooper have optional software available (United States Department of Justice, 2014, March). This may be a consideration if agencies want the flexibility of changing to different vendors in the future without having to be concerned about the video already being archived.

Table 1

*Product comparison and cost estimates.*

1 Name (Model#)	AXON Body 2	DutyCAM Observer 1	DutyVUE Trooper 32/64	VidMic VX Wireless (#VM-VX-BW)
2 Mounting	Chest, Belt	Chest, Belt (Optional: Shoulder, Glasses, Head, Helmet)	Chest, Belt (Optional: Shoulder, Glasses, Head, Helmet)	Chest, Belt
3 Video Resolution	640 x 480	1920 x 1080p	1920 x 1080p	640 x 480
4 Recording Speed	30 frames per second (fps)	30 fps, 60 fps	30 fps, 60 fps	30 fps
5 Recording Format	MPEG-4 Part 2	H.264	H.264	MPEG4
6 Still Photos	Photos No	Yes	Yes	Yes
7 Time/Date Stamp	Yes	Yes	Yes	Yes
8 Field of View	137°	120°	120°	92°
9 Lux Rating	<1 lux	0.1 lux	0.1 lux	0.03 lux
10 Night Mode	Yes – Retina low light	Yes – Night vision with IR illumination	Yes – Night vision with IR illumination	Yes – Low Light
11 Playback Screen	Optional – Requires free app on linked smartphone	Yes	Yes	Yes
12 Audio Format	MP3	AAC, MP3	AAC, MP3	Unspecified
13 Video Safeguards	Yes – Users cannot delete a video on the camera; video is marked with security hash	Yes	Yes	Yes
14 Pre-Event Record	Yes – 30 seconds, no audio	Yes – 3 to 15 seconds	Optional	Yes – 30 seconds, disable option
15 Event Marking	No	Optional	Optional	No
16 Battery Type	Li-Ion (Rechargeable, Internal)	Li-Ion (Rechargeable, Internal)	Li-Ion (Rechargeable, Internal)	Li-Ion (Rechargeable, Internal)
17 Recording Life	12 hrs	8 hrs	8 hrs	8 hrs
18 Standby	12 hrs	24 hrs	24 hrs	16 hrs
19 Charge Time	4 hrs	2 hrs	2 hrs	6 hrs
20 Storage	8 GB	16 – 32 GB	32 – 64 GB	8 – 64 GB
21 Recording Time	4 – 13 hrs	18 hrs	18 hrs	16 – 128 hrs
22 GPS	Optional – Requires free app on linked smartphone	Yes	Yes	No
23 Dimensions	0.8" x 2.6" x 3.3"	3.77" x 2.48" x 0.82"	2.25" x 2.88" x 0.75"	4.3" x 2.8" x 1.8"
24 Weight	3.5 oz	10 oz	7 oz	6.5 oz
25 Environment Testing	Temp -4 – 122 °F, 6' drop test, IP55, MIL-STD-810 Method 506.4	IP56	IP56	IP66
26 Warranty	1 yr	1 – 3 yrs	1 yr	1 – 5 yrs
27 Video Software	Optional, Not Required	Optional, Not Required	Optional, Not Required	Yes, Required
28 Police Radio Interface	No	Optional	Optional	Yes
29 Vehicle Mountable	In development	No	No	No
30 MSRP	\$399	\$599	\$699	\$499
31 Wireless	Yes – Video streaming to linked smartphone app	No	Optional	Yes
32 Other	Vendor hosted data management system available; Free online webinars and training materials	Metadata includes Agency Name, Unique Unit and Officer IDs; Optional wireless remote; Optional head or external cameras	Video Metadata includes Agency Name, Unique Unit and Officer IDs; Optional wireless remote; Optional head or external cameras	Manufactured in USA
Equipment Purchase Cost	AXON Body (#73002)	DutyCAM Observer 1	DutyVUE Trooper 32/64	VidMic VX Wireless (#VM-VX-BW)
Per officer	\$399.00	\$599.00	\$699.00	\$499.00
100 Officers	\$39,900.00	\$59,900.00	\$69,900.00	\$49,900.00
Estimated In-House Storage Cost per year (\$0.04 per GB)				
Per officer (251 work days/year)	\$1,044.16	\$1,044.16	\$1,044.16	\$1,044.16
100 Officers	\$104,416.00	\$104,416.00	\$104,416.00	\$104,416.00
Cloud Based Storage Cost per year				
Per officer	\$1,188.00	\$1,188.00	\$1,188.00	\$1,188.00
100 Officers	\$118,800.00	\$118,800.00	\$118,800.00	\$118,800.00
Total First Year Cost (In-House)				
Per Officer	\$1,443.16	\$1,643.16	\$1,743.16	\$1,543.16
100 Officers	\$144,316.00	\$164,316.00	\$174,316.00	\$154,316.00
Total First Year Cost (Cloud)				
Per Officer	\$1,587.00	\$1,787.00	\$1,887.00	\$1,687.00
100 Officers	\$158,700.00	\$178,700.00	\$188,700.00	\$168,700.00

The estimated costs in the above table do not include the cost of storing back-up or redacted data, nor does it include initial contract incentives that some companies offer for the initial implementation of a new contract.

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# RIPCA

Rhode Island Police Chiefs' Association

## Body Worn Cameras: Recommendations

Date: May 2016



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## **Preface**

Working closely with contacts in a variety of roles, the Rhode Island Police Chiefs' Association has access to documentation and resources, which individual municipal and state policymakers, administrators, elected officials, and the public can benefit.

### **Mission Statement:**

The mission of the Rhode Island Police Chiefs' Association shall be to assist its members and all law enforcement officers in the State of Rhode Island with the administration of public safety; to promote harmony and trust between law enforcement and the public; to enhance the effectiveness of law enforcement in the State; to strengthen public confidence in the police profession; and to improve the quality of life in the communities we serve.

### **Vision Statement:**

As the leading law enforcement executive association in our state, we promote integrity, and professionalism; providing a better quality of life for everyone within the State of Rhode Island.

# *Body Worn Cameras* Recommendations

*Prepared for*

**RIPCA**

**May 2016**

**Version 0.3 Draft**

*Contributors*

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# Revision and Signoff Sheet

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05/20/2016	Matthew J. Kite	.3	Third draft for review/discussion

## Reviewers

Name	Version approved	Position	Date

## Distribution

Name	Position
	CIO
	CRM Project Manger
	CTO CRM project
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## Executive Summary

According to studies funded by and cited by the United States Department of Justice, people who self-identify as members of minority populations report higher levels of distrust of law enforcement. This has a direct effect on the perception of legitimacy and trust of police within these populations. Further research, however, has shown that race and ethnicity are not the strongest variables in the development of these perceptions of police legitimacy and trust. As the National Institute of Justice cites, when researchers control for such variables as exposure to crime in their neighborhood, police-citizen encounters, and demographics like age, income, and education, race plays little to no role in the in the opinion of an individual toward police (Horowitz, J. 2007; Miller, J., Davis, R. C., Henderson, N. J., Markovic, J., & Ortiz, C., 2005; Rosenbaum, D. P., Schuck, A. M., Costello, S. K., Hawkins, D. F., & Ring, M. K., 2005; Skogan, W. G., 2005; Tyler, T. R., 2005; Weitzer, R. & Tuch, S. A., 2005). Based upon this, the conclusion is that neighborhood crime rates and the quality of police-citizen encounters have a direct, causal correlation to how an individual perceives the police. This is not to say that issues of race and ethnicity do not affect police-community relations, but it does help to establish and identify areas where resources can be focused to improve legitimacy and trust of police communitywide.

The members of the Rhode Island Police Chiefs' Association recognize and acknowledge the importance of fostering a relationship built upon trust, respect, and confidence between the police and the communities they police. The members work both individually and collectively to implement policies and processes to strengthen and protect this relationship within their individual communities as well as statewide. As part of this effort, new, innovative, and evidence-based programs are constantly being evaluated by the members of the Association to determine the potential effectiveness and feasibility of implementing such programs both statewide and within selected communities.

Recent, high-profile, national events involving police and members of minority populations have sparked civil unrest and have strained the relationship between communities and the police that are charged to serve and protect them. Rhode Island is not immune from the effects of these events. In response to this, the Rhode Island Legislature, with the support of Governor Raimondo, passed the Community-Police Relationship Act of 2015.

In a proactive initiative to evaluate the feasibility, potential effectiveness, and externalities associated with body-worn cameras (BWC), RIPCA, Rhode Island Office of the Attorney General, and the Interlocal Trust met over the course of several months. After compiling and evaluating existing research, engaging in discussion and debate, and also evaluating potential alternatives. The following report are the resulting recommendations.

# Recommendations

## Body-worn Camera (BWC) Initiatives

The first thing that policymakers must recognize related to BWCs is that not every community or police agency are on the same financial ground. Depending upon the size of and agency and the financial strength, a BWC program could be crippling to a town or city if the cost of implementation, maintenance, and storage is not accurately estimated. Creating an unfunded statewide mandate could potentially do irreparable financial harm to communities and agencies that are not prepared to bear the expense and do not have the resources to maintain and store data. The decision to implement a BWC program should rest with individual jurisdictions.

Alternatively, if the ultimate goals and intents of policymakers and the community is to create accountability, build, restore, and protect public trust related to policing, there are other programs and policies that can be implemented that have been shown to be equally or even more effective in achieving these goals. The Final Report of the President's Task Force on 21<sup>st</sup> Century Policing (2015, May) establishes six (6) pillars, three (3) of which relate directly to public trust, accountability, policy, oversight, community policing, and crime reduction. While the consideration of BWC technology is mentioned in Action Item 3.3.3, it is referenced under technology and social media, and is not linked to the pillars that are intended to achieve the goals and intents specified above.

Should a community and its policymakers determine that the use of BWCs would be an effective and viable component of a local initiative, the RIPCA makes the following policy recommendations based upon the analysis of data and research from the white paper published by RIPCA (2016, March), *Body Worn Cameras: Considerations & Identified Issues*.

## Recommendations

The decision to implement a BWC program, due to the expense and resources, should be left to the individual jurisdiction. An unfunded statewide mandate could result in substantial financial challenges and result in a reduction of other services and resources. There are also other, evidence based and promising solutions that can be implemented to achieve the goals of police legitimacy and trust.

### Specific recommendations:

- Access to Public Records:
  - As with vehicle mounted video and audio surveillance systems, as defined in § 31-21.2-5, BWC data should not be “deemed public records under the access to public records act, § 38-2-1, et seq.”
  - Similar to the existing legislation § 31-21.2-5, individuals who are recorded as part of a direct citizen/police contact on BWC and/or his or her legal counsel, should be allowed to view the recording of their involved contact at the police station, provided the viewing does not compromise an active investigation.
  - Language in agency policy must define how and when footage can be released publically and regulate the release or posting of these materials by the agency or any employee to the Internet.
  - Because of the nature of police work, any new or amended legislation or policy should take into account the volume and sensitivity of information that is collected by these camera systems.
  - Redaction of video and audio can be time consuming and can be a drain on resources. This should be considered when assessing fees and deadlines associated with delivering required materials.
  - The danger of blanket requests can overburden the system. As an example, Seattle Police Department received a blanket request that was calculated to take 3 years to comply (Brustein, J, 2014, November 20).
- Because the purpose of police reports and testimony is to document and recount the factual events surrounding a situation, police officers should be able to review video captured on only their BWC:
  - Before writing reports or giving statements.
  - After incidents involving officer involved shootings, in-custody deaths, and use of force investigations.
  - Before testimony at hearings, trials, and depositions.
- Privacy
  - The use and purpose of BWCs should be clearly defined, including when and where the use of these cameras is required, optional, or forbidden.
  - Officers should have the discretion, in especially sensitive situations, like interviewing a victim of a sexual or violent assault immediately following the crime, to utilize the BWC to record audio while obstructing the video.
  - Although it is not and should not be required by law, when practicable and safe, officers should give notice of the BWC to the individual being recorded.

- The pros and cons of this should be balanced as the presence of a BWC has been noted to effect the voluntary communication between suspects, witnesses, and victims with police and it has also been shown to have a civilizing effect on the interactions as a whole.
  - Policies must address the use of BWC in private homes, medical facilities, dormitories, specialty housing, and public spaces.
  - The recording of witnesses, victims, and children must also be addressed.
- Storage and retention
  - Individual municipalities and agencies should determine which storage method meets their individual needs, cloud versus in-house storage. The storage solution should, however, have the following features:
    - An access log for the uploading, downloading, modification, and access to files.
    - Appropriate network security to deny unauthorized access to the data stored.
    - Back-up capabilities to provide redundancy.
  - The retention schedule for data collected during should reflect existing language in § 31-21.2-5.
    - Recordings that were triggered by inadvertent or accidental activation of a BWC and captures data not related to official law enforcement purposes should be flagged and deleted by an authorized individual and the deletion should be documented.
- Equipment
  - Just as with storage solutions, the selection of BWC equipment, software, and management solutions should be the decision of the individual municipality or agency implementing the program.

### **Evidence based and promising alternatives:**

There are a wide array of evidence based and promising alternatives to BWC programs that can improve community trust in police and the overall legitimacy of policing. These alternatives can be found in peer reviewed articles and government publications. Some of these alternatives follow, but this is by no means a comprehensive list. Agencies should evaluate their current needs and resources and determine which policies, programs, and procedures best fit with their agencies and communities.

- Review, enhance, and promote policies and procedures that enhance procedural justice (Murphy, Mazerolle, and Bennett, 2014).
- Through training and policy, shift the culture of policing from a warrior mentality (crime fighters) to guardians (protectors of the Constitution and civil rights) (Rahr & Rice, 2015, April).
  - Law enforcement should not view their role in society as simply focusing on “good guys versus bad guys,” they should also be trained to recognize those environmental and social conditions that can lead individuals down a specific path.
- Solicit and include the community in crime prevention and response.
- Integrate the resources, support, and services of other government agencies and social service organizations into a more holistic response to crime and social issues related to quality of life.

- Publish and make public data related to police contacts related to demographics and responses, including traffic stops, searches, use of force, and arrests.

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