

## **EXPLORING THE IMPACTS OF POLICE USE OF BODY-WORN VIDEO CAMERAS AT INCIDENTS OF DOMESTIC ABUSE**

Over the last decade British police forces have begun to utilise, develop and support the deployment of a range of emergent digital technologies, including body-worn video cameras (BWCs). This collaborative study, involving the University of Leeds, Cumbria Constabulary and West Yorkshire Police, explored the impacts of police use of BWCs at domestic abuse incidents. Data were collected from police and prosecutors to assess the role and functions of BWCs at these incidents, as well as the risks and rewards attached to the use of body-worn video footage in any resulting criminal prosecutions.

### **KEY FINDINGS**

- Officers viewed the use of BWCs at incidents of domestic abuse to be a positive development. Whilst this mandatory requirement placed additional responsibilities on them, which they had to consider and act upon, a strong consensus emerged that the benefits of the cameras, particularly for safeguarding victims and for charging suspects, outweighed the costs.
- Officers considered BWCs to be a valuable tool for gathering evidence from the immediate aftermath of an incident, which could corroborate the allegations of victims and witnesses, and which they would otherwise be unable to capture in similarly impactful and compelling ways.
- Officers felt that BWCs often helped them to de-escalate conflict and reassure victims and witnesses, as well as to avoid 'trouble' that they might encounter in police work, both when deployed to incidents and afterwards should their version of events be scrutinised or questioned.
- Officers felt that BWCs were a source of support, which increased their confidence that they could justify post-hoc the decisions they make when dealing with domestic abuse incidents.
- Various risks for the prosecution case were associated with BWCs, including inconsistencies between the evidential footage recorded at the scene and what the victim said later in formal statements, and between recordings of the victim's demeanour and assumptions of victimhood.
- The effectiveness of BWCs was, at times, hampered by practical, logistical and material problems both in the technology itself and the infrastructure supporting it. The 'pooled use' of BWCs, in particular, was viewed as increasing the likelihood that cameras would not function as intended.
- Effective deployment of BWCs at domestic abuse incidents carries significant technological, resource and policy challenges for police and partners. The scale of the task, to create and sustain efficient and effective 'end-to-end' processes, from 'incident to courtroom', is sizable and requires considerable 'frontline', 'middle' and 'back office' support.

## INTRODUCTION

It is widely recognised that criminal offences linked to ‘domestic abuse’ incidents can present significant and persistent challenges for police and prosecuting authorities. Victim withdrawal and a lack of strong corroborating evidence, for instance, often prevent their prosecution. The recent growth in police use of digital, body-worn video cameras (BWCs) offers a possible means for addressing these challenges by enabling officers to record video footage of the immediate aftermath of alleged crime scenes.

This 12-month study explored the impacts of police use of BWCs at incidents of domestic abuse in two force areas. In West Yorkshire a sizeable amount of resource had been recently invested in purchasing 2,300 BWCs; in Cumbria (much the smaller force) far fewer cameras were available (between 75-90) to officers, albeit at the time of the study a business case for significant further investment had been recently approved. In both forces, deployment of BWCs was pooled (i.e. ‘non-personal’); hence officers were expected to collect a camera at the start of each shift. In both, the use of BWCs was mandatory at incidents of domestic abuse, thus responding officers were required to start recording when entering the immediate vicinity of a property and, subsequently, to make this known to the occupants.

## FINDINGS

In both forces, police officers viewed the use of BWCs at incidents of domestic abuse to be a positive development. Whilst it placed additional responsibilities on officers, which they had to consider and act upon, a strong consensus emerged among interviewees that the benefits of the cameras, particularly for safeguarding victims and for charging suspects, outweighed the costs. Officers identified two linked areas of benefit: case-building for charging and prosecution and avoiding ‘trouble’ in police work.

### *Case-building for charging and prosecution*

Given the acute challenges of prosecuting ‘domestic abuse’ offences, officers identified four ways in which they felt BWCs bring ‘added value’. First, they increase the likelihood of evidence being collected from the scene, which can corroborate the formal accounts of officers and, moreover, victims and witnesses. For instance, signs of abuse filmed by ‘first-on-the-scene’ officers (e.g. any physical injuries of the victim, emotional distress of witnesses, disturbed furnishings, on-going interpersonal conflict) may be no longer evident by the time others arrive, notably Scenes of Crime Officers. Secondly, they capture footage which in their assessment provides an objective view and unbiased account of (usually) post-incident circumstances and events, but which also gives a more visceral and impactful quality to casefiles than do post-hoc formal statements or photographs taken at the scene. As one officer stated:

“If you looked at a case where you've just got your written statement, officers’ statements, and then a different case where you've got the footage, it's [a] completely different impact. Because you've got your visuals there. And it does show a lot more. Like you can say, in a statement, ‘oh there's children really upset’. But if you're watching the video and the children are quite clearly screaming, hysterical, it's a completely different picture.”

Thirdly, they increase the ‘reviewability’ of evidence across time and space, enabling it to be viewed by participants in the criminal process, including attending officers writing-up incidents logs, detectives interviewing suspects and evidential officers reviewing casefiles, prosecutors making charging decisions, suspects deciding whether to admit guilt, and magistrates and jurors determining the guilt or innocence of defendants. In this context, for instance, officers reported occasions when they had reviewed footage

and been able to identify noteworthy occurrences which they had initially failed to notice when dealing with the incident at the scene. Fourth, officers felt the cameras helped to reduce the reliance of the prosecution case on victim testimony thus increasing the prospect of cases proceeding in the absence of victim cooperation (i.e. ‘victimless prosecutions’). BWCs were therefore seen to be a significant means for safeguarding victims, particularly repeat victims, as they increased the likelihood of further action being taken against a suspect even if the victim had decided to retract their initial narrative to police.

#### *Avoiding ‘trouble’ in police work*

Officers felt BWCs helped them to avoid ‘trouble’ that they might encounter in police work, both when deployed to incidents and afterwards should their interpretation of events be scrutinised or questioned. Importantly, for instance, they suggested the cameras reduced the risk of them being assaulted, as aggressors often (but not always) ‘calmed down’ once they realised that they were being filmed. Some also thought that BWCs helped them to focus on the pressing situational exigencies of an incident, primarily de-escalating conflict and reassuring victims and witnesses, rather than on preparing for the requirements of the pending casefile. As one officer observed:

“[It] means you don’t have to write everything down, because it’s being recorded. The focus is then on the victim, who is often distressed, and not on making notes.”

After an incident, officers suggested that the footage from BWCs could helpfully corroborate their version of events. BWCs were seen, therefore, to be a significant safeguard against any counter-narratives (or allegations), of either the suspect or the victim, which might later come to light, for instance, in the context of a misconduct complaint or victim retraction. Similarly, officers felt that the cameras could also ‘back them up’ when they had to make discretionary decisions, for example, whether to ‘crime’ an incident or make an arrest. Hence, they generally perceived BWCs to be a source of support, rather than a mechanism of bureaucratic scrutiny, which increased their confidence that they could justify post-hoc the decisions they make when dealing with domestic abuse incidents.

#### *Prosecutorial challenges linked to body-worn cameras*

Interviewees felt that the use of BWCs brought certain risks for the prosecution case. In particular, that the footage of an incident, all of which is potentially disclosable evidence, might reveal evidential inconsistencies that defence lawyers could exploit in court proceedings, for example, between what the footage showed the victim saying at the time of the incident, often when in a highly distressed state, and what the victim said later in formal statements to police and the court; similarly, the demeanour of the victim shown in the footage might diverge from commonplace assumptions of victimhood, for instance, if the victim lacks any visible signs of injury, anxiety or upset. As one officer said of victims:

“They react in a full spectrum of ways. So, if you ‘body-cam’ someone, domestic wise, and they are not reacting like the member of the public thinks [they should], then it can damage your case. Because you go to court and it doesn’t matter what direction a judge gives, they [the jury] still have got this stereotype in their head.”

Further, police said victims sometimes either refuse to talk to them once they learn they are being filmed or insist the cameras be turned off. Some officers said that in such circumstances they try to persuade victims of the camera’s safeguarding role, as both scenarios were felt to ‘weaken’ the casefile, particularly as reference to BWC footage has become increasingly prevalent in charging decisions.

### *Police and partnership challenges linked to body-worn cameras*

The study found that the effectiveness of BWCs in the criminal process was contingent on a series of social, ergonomic, technological and organisational challenges. These included whether victims consented to be filmed, whether cameras were available to and used appropriately by attending officers, whether cameras functioned as intended, and whether video evidence was appropriately identified, logged, labelled, edited, stored, and passed between criminal justice agencies. Data transfer, for instance, between police and the Crown Prosecution Service raised particular logistical, technical and administrative burdens. Also, the use of BWCs was, at times, hampered by practical, logistical and material problems both in the technology itself and the infrastructure supporting it; the ‘pooled use’ of BWCs, for example, was said to be often a factor when cameras did not function as intended. Hence, the scale of the task, to create and sustain efficient and effective ‘end-to-end’ processes, from ‘incident to courtroom’, is sizeable and requires considerable ‘frontline’, ‘middle’ and ‘back office’ support.

### **CONCLUSION**

British police forces are at the early stages of learning how to utilise, develop and support the deployment of a range of digital tools, including body-worn video cameras. This study has found that, in both participating forces, officers felt BWCs helped them to deal with incidents of domestic abuse and to prepare evidential casefiles. However, much of the prosecutorial value of BWCs hinges on how quickly responding officers can attend incidents; if they are unable to record the *immediate* aftermath of an incident then the likelihood of the cameras gaining powerful corroborative evidence decreases.

Significantly, in the current climate of increasing demands on police and with fewer officers to respond, deploying officers swiftly to incidents is – evidently – a growing challenge for police forces. The longer it takes for officers to attend an incident, the more likely it becomes that the suspect will have absconded and, moreover, that the victim will retract any allegations by the time they arrive. In such circumstances, the prospect of a successful prosecution recedes markedly. Importantly, in this way, the role and effectiveness of BWCs are circumscribed by wider organisational constraints and contingencies.

### **METHODOLOGY**

Four focus groups were held in each force with 45 ‘front-line’ police officers, along with eight interviews, across both forces, with officers responsible either for patrol teams, body-worn cameras or domestic abuse, as well as with two senior prosecutors of the Crown Prosecution Service. In addition, criminal justice ‘outcomes’ data from both sites were analysed, but owing to various possible factors, including changes in police recording practices, the mix, and volatility of offences categorised as ‘domestic abuse’ and the flux of resource levels over the period, no significant effects of the cameras could be detected.

### **IMPLICATIONS FOR FURTHER RESEARCH**

Policy and practice lessons could be drawn from future research exploring (1) the views of victims of domestic abuse, as well as those of victims’ advocacy groups, to consider their views and experiences of BWCs; and (2) the role of BWC video footage in adversarial court proceedings to explore how it is resorted to by criminal justice professionals, particularly within the context of ‘victimless prosecutions’.

**Authors:** Stuart Lister, Dan Burn & Jose Pina-Sanchez (University of Leeds) – **June, 2018**

**Further information – Stuart Lister ([S.C.Lister@leeds.ac.uk](mailto:S.C.Lister@leeds.ac.uk))**