

**Virtual Supervision
The Future of Accountability**

by

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

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It started out as a quiet summer night. Due to recent budget cuts and other factors there were a minimum amount of police officers patrolling the streets. Officer Jones had just begun his shift at 8:00 PM when he made his first traffic stop. It was nothing unusual, just a tail light out. Just like the several other hundred traffic stops he has made in his 20-year career, Officer Jones radioed in the car's license plate and the location where he was stopping the car. The dispatcher entered the information in the Computer Aided Dispatch (CAD) system and checked the vehicle for any outstanding warrants. "Nothing unusual here" the dispatcher thought to herself as the information came back from the state and national computer databases.

Jones pulled behind the car, turned on his emergency lights and briefly activated his siren to get the driver's attention. The driver slowly pulled into the parking lot of an empty business complex. Jones exited his vehicle and approached the driver. As Jones left his patrol car the small, pager-like device on his belt automatically turned on, activating the wireless camera Jones was wearing on his shirt. This sent a signal to Jones beat partner, Jim Smith, (who was on patrol a couple of miles away); to the department's camera monitoring station (located within the dispatch center and monitored by a police officer) and to the Watch Commander signaling that his camera was now activated. The Watch Commander, who was busy, ignored the camera feed. Dispatch personnel and Officer Smith, though, were watching the live feed of Jones approaching the driver's door of the vehicle he had just stopped.

As Jones was almost at the door, the driver suddenly exited the car and leaped towards him. Jones had no time to react, and felt the blunt force of the 250-pound male hit him like a ton of bricks. There was no chance to pull out his taser or request emergency assistance on his radio. Jones felt each strike to his face as the suspect threw punch after punch.

Smith and the officer in dispatch instantly saw that Jones was in trouble. The camera on Jones' shirt captured dim images of the suspect on top of Jones yelling, "I'm going to kill you pig!" Smith immediately turned on his lights and siren and raced to the scene. The officer in dispatch sent out an emergency message that an officer was down and needed emergency back up. The Watch Commander, hearing the emergency call, brought up the live video feed. Smith arrived at the scene, along with several other officers. The Watch Commander sees the suspect pulled off of Jones and wrestled into handcuffs from the perspective of each officer at the locale through their own camera system.

Jones, who is bleeding from multiple cuts, is dazed but seems to have survived fairly well. A few seconds go by when the Watch Commander hears, "I'll show you never to mess with a cop," over one of the video feeds. He then sees Officer Richards kick the handcuffed suspect in the area of the left torso. Seeing no other officer attempting to stop Richards, the Watch Commanders orders the dispatcher to tell Richards to stand down. It is clear the message was heard at the scene, as the other officers suddenly pull Richards back. The Watch Commander orders the officer to book the prisoner, get Jones to the hospital and requests Richards come to the station to explain his actions. Another internal investigation is about to begin!

This incident in our near-future setting may provoke two key thoughts. An officer survived an attack because of advanced technology, while another officer is seen using unnecessary force due to the same technology. Advancements in wireless technology and camera equipment will allow law enforcement and other government agencies to develop systems to enhance the supervision of their personnel. Small cameras can be worn on a police officer's uniform and the camera's signal can be transmitted wirelessly to various locations. Considering the public's desire for transparency in government, two questions come to mind. Can law enforcement leadership keep officers safe from an increasingly violent society? Can advancements in wireless video technology be used by law enforcement to increase government accountability? Is it possible to achieve both?

POLICE SUPERVISION

Supervision of law enforcement officers is a critical and complicated task. Since most officers work in a variety of locations, it is not always possible to monitor their activities. In fact, most officers are never directly supervised, which increases the potential for serious liability. This is one of the main reasons that written policies and procedures are so critical. If an officer who is not directly supervised fails to follow these policies, it can be argued that they should have known what to do regardless of the presence of a supervisor. The public demonstration on May Day 2007, and the Los Angeles Police Department's (LAPD) response illuminates this issue.

The LAPD conducted an in-depth investigation regarding the May 1, 2007 civil disturbance in Hancock Park, an incident that received national attention in part due to the actions of officers against members of the media. In their investigation of the

incident, a great deal of attention was placed on the role of supervisors at such events. It also acknowledges the responsibility of all officers in such circumstances. It noted LAPD manual section 210.25 – ATTENTION TO DUTY: *As most police work is necessarily performed without close supervision, the responsibility for the proper performance of officer's duty lies primarily with the officers themselves. Officers carry with them a responsibility for the safety of the community and their fellow officers. Officers discharge that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the people, and nothing less qualifies as professional conduct.* The report further explained, “While policy and procedures are designed to provide officers with rules and guidelines for proper execution of their duties, policy cannot foresee every incident that an officer may encounter. Therefore, officers must make decisions, such as what tactics to employ and how and when to use force, every day based on the circumstances presented to them in any given moment and be able to articulate their justification for each decision”. (LAPD Report to Board of Police Commissioners - Examination of May Day 2007). It is clear that not only must an agency provide adequate supervision, but an individual officer also bears a responsibility to do what is within policy. Had a wireless video program been in place for this May Day 2007 LAPD would have had been able to monitor the situation more comprehensively and therefore provide more timely and adequate direction to officers in the field. As proven over the past several years, technology can change law enforcement supervision and accountability.

As technology has evolved, so has the capacity to improve the ability to supervise personnel. Global Position Satellite (GPS) technology has allowed police departments

and other businesses to more effectively monitor their vehicles by connecting them to a GPS system and then transferring this information to a map. These systems, called Automatic Vehicle Locator (AVL), can monitor the current and past location of any vehicle with such equipment. This has allowed supervisors and others to know the exact location of police vehicles. These systems also allow for the retrieval of the vehicle's past travels and often include the approximate mile per hour speeds the vehicle is traveling at a particular time. This is often helpful during an allegation that a police vehicle was traveling at an inappropriate speed, or was in a specific locale. Both of these attributes enhance the safety of officers. Tragically, though, the use of GPS emerged due to the public's concern regarding police actions and activities, and to keep them safe from us.

California Highway Patrol (CHP) officer Craig Peyer was a 13-year patrol veteran in 1986 when he killed motorist Cara Knott. An investigation revealed Peyer used his power as a police officer to stop lone female drivers in remote areas in San Diego, CA. He would then detain the females for up to two hours discussing their love lives and other inappropriate issues. In his stop of Cara, something triggered a violent response; Peyer strangled her and left her alongside a remote access road. After Peyer's conviction for murder, Cara's father pushed for changes in laws and encouraged use of technology to help protect citizens, particularly females, from police officers. The in-car video camera is one technology that had begun to be used as a result of the Peyer case. (San Diego Magazine, 2004). Fortunately, the outcomes of this tragedy can have usefulness far beyond its initial intent.

Some police departments have installed in-car dash cameras in patrol vehicles. These cameras are often monitored near the rearview mirror of the police vehicle and are

aimed forward to record what is occurring in front of the vehicle. When first developed, these video and audio images were often recorded on a video tape recorder stored in the trunk of the vehicle. These tapes would be removed at the end of the officer's shift and stored for a particular period of time. The recordings would be used in criminal matters and civil litigations against the police department if a particular event were captured on tape.

These in-car video systems have evolved significantly over the past few years. Newer in-car systems are often recorded digitally, and the information is usually automatically transferred to a hard drive within the police department. Cities which have high speed wireless systems in place can also feed a vehicle's video images to other vehicles and/or back to the police station so personnel can monitor an officer's in-car camera live. The cost of these videos systems can vary widely based on the quality of the systems' hardware and the wireless system availability. If a wireless system is in place an average cameras system could be obtained for approximately \$5,000 per vehicle.

This advancing technology can guide virtual supervision and have an impact on various police operations including officer safety and risk management. Since in-car video captures most, if not all, of the officer's actions there is normally little doubt about what actually occurred at an incident. Expanding on wireless technology, and the small size and high quality of video cameras, police agencies could have officers in the field wear wireless video cameras on their uniforms. In addition to the in-car camera, the officer-worn camera would record events anywhere the officer is, not just where the police vehicle is located. Not only could the officer's actions be monitored by other officers, increasing their safety, the video feed could also be used by supervisors to

monitor an officer's actions to improve supervisory accountability. Recording an officer's actions would also play a significant role in the overall risk management of a police department.

RISK MANAGEMENT

Managing the risks associated with the extreme nature of police work requires effective risk management practices. Recording video and audio of a police officer's daily shift will play a significant role in determining the actual facts of any law enforcement contact. As much as the video could disprove a claim of misconduct it could also substantiate one as well. A 2005 In-Car Camera report by the International Association of Chiefs of Police stated, "Attorneys representing the agencies categorically support the use of the in-car camera. They pointed out that video evidence allows them to save time in case dispositions. On rare occasions, after reviewing the video evidence, they decided to settle the case in lieu of proceeding to trial. Although the determination may be made to settle or pay damages, the presence of the video evidence often saved time in investigation and/or lengthy litigation cost and served to mitigate the circumstances surrounding the incident."(IACP In-Car Video Camera Report, 2005).

The American Civil Liberties Union (ACLU) has aggressively monitored police abuse cases and publishing them on their web site (ALCU Police Practices: Police Abuse). In one such review regarding a Los Angeles Police Department case that was caught on amateur video they stated, "Californians are entitled to more transparency than a chance video. You Tube is not an acceptable substitute for accountability. The footage released today depicts two officers restraining William Cardenas in August 2007. As one

officer holds his knee on the man's neck and punches his face several times. Cardenas can be heard yelling for help and that he cannot breathe. Public confidence is eroded when we discover such incidents by chance.” The ACLU asserts that most police abuse is caught by happenstance and not by careful accountability and procedures. A video program monitoring police actions would address ACLU concerns, as all police contacts would be recorded.

The ACLU has long advocated for increased police accountability to enhance public safety. “The fact that this incident only came to light after being posted on a popular website dramatically illustrates how far we are from that ideal and that police reform still languishes.” (ACLU, 2006) In fact, one need only recall the 1991 Rodney King incident, where a bystander videotaped the repeated striking of King after restraining him; and the 1992 beating of Reginald Oliver Denny by rioters during the Los Angeles riots. Both incidents were broadcast on national television and make a case for the necessity of modern technology more than a decade ago.

The ACLU has a variety of opinions regarding video recordings by government. When properly marketed, however, a video recording program could get support from a number of special interest groups. A 2005 IACP report studied the use of in-car cameras and the impact it had on law enforcement. The study surveyed agencies that use in-car video cameras and asked if the cameras had an impact on allegations of misconduct. “In both the survey and interviews, officers were asked about their personal experiences with the use of in-car video evidence in the investigation of allegations of misconduct. The data revealed that in cases where video evidence was available, the officer was exonerated 93% of the time; in 5% of the cases the complaint was sustained. Overall, a

majority of agencies using cameras reported a higher number of exonerations when there was video evidence of the incident.” (IACP In-Car Video Camera Report, 2005) The same study also examined agency liability and discovered it was more difficult to measure. The study pointed out that “...video evidence allows them to save time in case disposition. On rare occasions, after reviewing the video evidence, they decided to settle the case in lieu of proceeding to trial. Although the determination may be made to settle or pay damages, the presence of the video evidence often saved time in investigation and/or lengthy litigation cost and served to mitigate the circumstances surrounding the incident” (IACP 2005 In-Car Camera Report). Law enforcement should recognize the win/win situation a video recording program could have and the impact of limiting future officer misconduct and agency liability.

PRIVACY

As technology has progressed, video surveillance and recording is more prevalent throughout public and private areas. The American Civil Liberties Union opposes public video surveillance systems, stating, “Widespread surveillance violates the constitutional protections against unlawful search and seizure without a warrant or probable cause.” (McDonald, 2007) If the ACLU takes such a stand on the government videotaping in public areas, they may be opposed a police officer being allowed to surreptitiously videotape a person in their own residence. As noted, though, they also advocate government transparency and a video recording program that would ensure this transparency could outweigh any potential privacy rights issues. It remains to be seen how they might view an officer-worn video system for general use.

Is the public ready, though, for government video recording in non-public areas? An agency implementing a video monitoring program will have to gauge the community's perception of such a program. A proactive campaign may have to be implemented in order to address any issues that may come up as a result of beginning the program. The agency should also be sensitive to the employees using the system and addressing any issues they have may have regarding privacy. The agency should discuss the program draft with police union leaders in order to gain their input and acceptance. Clear and concise rules and regulations would have to be developed so the system is operated properly. These regulations should include any privacy concerns that the agency and employees have addressed during the planning of the program.

OFFICER SAFETY

Advanced wireless technology is developing, although the high costs will prevent many agencies from moving forward with a video monitoring system until such time costs become reasonable. What is not unrealistic is a bad guy attacking a police officer. Officer safety is still the overwhelming concern and priority of most police departments. A study on in-car cameras noted, "During the in-depth interviews, troopers commented repeatedly that it is only human nature to perform to the best of one's ability when you know you are being recorded. Also, knowing that supervisors regularly reviewed the video recording for performance evaluations prompted them to behave more professionally" (Policeone.com, November 2004). Another study noted, "...the more experience an officer has, the more likely they are to use the camera as a tool to deescalate a confrontational situation. Of the participating officers, nearly half (48%)

reported that citizens have become less aggressive after learning the event was being recorded. (IACP In-Car Camera Study 2007). A video monitoring/recording program can have some impact on officer safety, and it should be developed to include any potential to increase the safety of the officer and the community.

SUMMARY

How can anyone disagree that police officers deserve the best equipment possible, particularly when it has an impact on the officer's safety? A wireless video program that has the ability to be monitored live from a variety of locations could have a tremendous impact on officer safety, risk management and effective supervision. Our police officers and the community deserve such a program to ensure the transparency of government, which is the forefront of accountability.

The program's cost will depend heavily on the availability of a high-speed wireless infrastructure within the community. This infrastructure, if not already in place, will require extensive planning and testing. The program will require stakeholder input, in-depth technology expertise, and of course, funding. However, with creativity and proper documentation of how such a program could save on future litigation claims and increase officer safety, there would be few who would have a quandary supporting such a meaningful program.

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