

Even with a dedicated and committed civilian oversight mechanism, however, BWC footage is not guaranteed to enhance accountability, and could in some categories of cases undermine it. Research suggests that BWC footage can create biased perceptions that might interfere with accountability aims. The likelihood of this may be greatest in some of the types of cases that many would consider the most serious, including use of force cases such as police shootings. One study shows, for example, that people are less likely to indict an officer for misconduct (specifically instances of assault, battery, or aggravated battery by an officer) upon watching BWC video than after watching dashcam video or reading a written police report about the same incident.¹ If, if presented with a written report plus BWC video, people are less likely to indict than if given the written report alone. It appears that this effect predominantly occurs because officers are not the focal subject of their own video and thus, intent is not ascribed to them. This effect is less likely to be present in the routine encounters described above by Mike Gennaco. (Note also that the authors of this study observed that perspective bias is not unique to BWC footage: “Although body cam may introduce bias in observer judgment, dash cam may also introduce bias. That is, dash cam or any other video angle that emphasizes the visual salience of a focal actor may increase intentionality judgments regarding that focal actor.”² Though it should be recognized that perspective bias would tend to intrinsically be a much greater problem with BWC footage, including because they are attached to and point away from an officer, rendering the officer largely invisible.) **However, one way the researchers interpret these findings is that BWCs can reduce officer accountability by influencing the public, particularly those susceptible to camera-bias, to not indict officers when they otherwise would if given only the written report or shown dashcam footage.** In addition, without proper safeguards, BWC footage is subject to manipulation – by officers turning cameras on and off to capture only favorable footage, providing misleading verbal narratives, etc., which can also undermine accountability **by influencing the viewers perception of the footage** . The Committee’s Model Policy is intended to minimize as much as possible the opportunities officers will have for such manipulation.

Similarly, a second study shows that, when witnesses view BWC footage, they tend to rate officer behavior more favorably (hence, less culpably) than if they view the same incident from surveillance video that captures both the officer and the civilian: “[P]articipants who watched body-camera footage, compared with people who watched surveillance footage of the same encounter, perceived the officer's behavior as being more justified and made more lenient punishment decisions.... our findings support the illusory causation hypothesis for BWC footage: people hold more favorable ratings of police officer's actions and intent during violent interactions when they see BWC footage than when they see a third-person perspective.”³ The study also found, however, that “[t]he camera perspective only affected what people thought

¹ Turner, B.L., Caruso, E.M., Dilich, M.A., & Roese, N.J. (2019). Body camera footage leads to lower judgments of intent than dash camera footage. *Proceedings of the National Academy of Sciences of the United States of America*, 116(4), 1201–1206.

² Turner et al., p. 1204.

³ Jones, K.A., Crozier, W.E., & Strange, D. (2019), Look there! The effect of perspective, attention, and instructions on how people understand recorded police encounters. *Behavioral Sciences & the Law* 37 (6), 711-731, p. 718.

about the officer’s actions, not the civilian’s actions.” Despite this potential for a biasing effect, the researchers noted, in the introduction to their paper, that “there is little doubt that BWCs have improved police transparency—at least in jurisdictions where the footage is routinely released,” while noting that “the technology is still imperfect.”⁴ Moreover, the study found that “participants who viewed the BWC and then surveillance footage provided ratings for the officer that were not statistically different from participants who only viewed the surveillance footage, suggesting that multiple camera perspectives help reduce bias resulting from the BWC footage.”⁵

Combined, this research highlights not only the potential for BWC footage from a single angle to produce biased interpretations of an incident (thereby impeding the sought-after enhanced accountability), but also the potential that providing multiple camera perspectives has for correcting those biased perceptions, and thus for enhancing accountability. It is for this reason that the Committee’s Model Policy requires all officers on the scene to activate their BWCs—to try to increase the likelihood that multiple angles and perspectives are captured, including views from one officer’s camera that might capture the movements and actions of other officers—and requires that the MPD receive and treat all other footage from any other source (e.g., civilian bystander footage, surveillance camera footage, etc.) the same as BWC footage. It is also for these reasons that this Report and Model Policy seek to ensure prompt and ready access, to the extent permissible while accommodating privacy interests, to BWC footage by prosecutors, defense lawyers, the public, and the Independent Monitor and Civilian Oversight Board. The Committee’s hope is that by creating as many video images of an incident as possible, the potential for bias is minimized and that, coupled with routine release of the footage, real accountability might be made possible. Though it is also important to recognize that in many cases, only one officer’s BWC would capture footage (e.g. considering the circumstances of the Tony Robinson shooting, the Michael Schumacher shooting, etc.), such that the perceptual bias could not be ameliorated.

⁴ Jones et al., p. 712.

⁵ Jones et al., p. 718.