



## GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF POLICE COMPLAINTS

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### PCB POLICY REPORT #23-3: Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents

#### Summary of Issue:

On June 30, 2016, the D.C. Council passed the Neighborhood Engagement Achieves Results (NEAR) Act.<sup>1</sup> The NEAR Act emphasizes data collection and reporting related to public safety, policing, and criminal justice.<sup>2</sup> More specifically, the NEAR Act requires the collection and analysis of data on various aspects of policing, such as arrests, use of force incidents, and stop-and-frisk encounters.<sup>3</sup> Six months after the NEAR Act became law, the Metropolitan Police Department (MPD) completed the deployment of their body-worn camera (BWC) program in what was, at the time, the largest implementation of BWCs for any police department in the country.<sup>4</sup> As of December 31, 2021, there are over 3,000 BWCs in use by sworn MPD members with the rank of captain and below.<sup>5</sup> Overall, the BWC program has been successful and provided improved transparency and evidence collection, as well as strengthened the relationship between MPD and the D.C. community. However, more can be done to maximize the benefits of the BWC program to improve officer training, reduce instances of use of force, and ultimately improve police community relations.<sup>67</sup>

MPD General Order 302.13 claims that use of BWCs by law enforcement officers has reduced violent confrontations, use of force, and complaints against police officers.<sup>8</sup> Yet, research indicates that the reduction in officer uses of force following the implementation of BWC programs can vary significantly across different jurisdictions.<sup>9</sup> In 2017, the National

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<sup>1</sup> See Neighborhood Engagement Achieves Results Act (NEAR Act), D.C. Law 21-125 (2016).

<sup>2</sup> *Id.* at § 209.

<sup>3</sup> *Id.*

<sup>4</sup> <https://mpdc.dc.gov/page/bwc>.

<sup>5</sup> See [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/BWC%20Report\\_Jul\\_Dec\\_2021.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/BWC%20Report_Jul_Dec_2021.pdf).

<sup>6</sup> The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, MPD Police Chief, and the Director of District of Columbia Housing Authority reforms that have the potential to improve the complaint process or reduce the incidence of police misconduct.

<sup>7</sup> The PCB would like to recognize and thank legal intern Tyler Keetch for his contributions to this policy recommendation.

<sup>8</sup> Available at [https://go.mpdconline.com/GO/GO\\_302\\_13.pdf](https://go.mpdconline.com/GO/GO_302_13.pdf).

<sup>9</sup> [https://nij.ojp.gov/topics/articles/research-body-worn-cameras-and-law-enforcement#:~:text=In%20Birmingham%2C%20UK%2C%20evaluators%20found,use%20of%20force%20or%20injury.&text=Police%20Body%2DWorn%20Cameras%20\(Rialto%2C%20Calif.\)](https://nij.ojp.gov/topics/articles/research-body-worn-cameras-and-law-enforcement#:~:text=In%20Birmingham%2C%20UK%2C%20evaluators%20found,use%20of%20force%20or%20injury.&text=Police%20Body%2DWorn%20Cameras%20(Rialto%2C%20Calif.))

Institute of Justice issued a report explaining that the use of BWCs in D.C. has resulted in “. . . no statistically significant differences in police use of force, nor the number of citizen complaints.”<sup>10</sup> Unfortunately, the implementation of BWCs alone does not significantly improve police accountability and performance or reduce instances of use of force.<sup>11</sup>

From July 1 to December 31, 2021, MPD recorded 982,264 BWC videos, totaling 198,081 hours of footage.<sup>12</sup> MPD utilized only 9,520 of those nearly one million recordings for internal investigations, while the D.C. Office of Police Complaints (OPC) used another 1,095 to investigate community member complaints.<sup>13</sup> MPD policy entails retaining BWC footage for a duration of 90 days, unless it meets specific criteria outlined in section V.H of General Order 302.13.<sup>14</sup> Currently, there is a substantial collection of videos within MPD that remains largely unused. BWC footage presents valuable and highly effective training opportunities for police officers. Furthermore, when superiors review BWC footage from their officers, it provides them with the opportunity to acknowledge commendable actions and offer specific constructive criticism when necessary.

This report underscores the potential benefits of maximizing the use of BWC footage and explores various approaches through which the footage can be effectively utilized to enhance officer training and mitigate incidents involving the use of force.

### **How Can MPD Use Stored BWC Footage to Improve Policing?**

Available data demonstrates that reviewing excess BWC footage can benefit police and the community by increasing accountability, enhancing officer performance, improving training quality, and reducing instances of use of force. By implementing both new and established strategies, MPD can further enhance the effectiveness of the BWC program and foster positive relationships between the police and the community.

- **Random Review.** Within police departments that have implemented BWC programs, it is common to conduct periodic, random reviews of BWC videos. These reviews yield several advantages for the police department. Because a significant percentage of footage within MPD is never viewed, valuable opportunities for training and to identify and commend positive examples of police conduct often go unnoticed. Random reviews play a crucial role in identifying and showcasing situations where officers exhibit admirable behavior, professionalism, and effective communication skills. These examples not only serve as recognition for deserving officers but also serve as highly valuable training materials. Effective training is the best way to reduce instances of force and, as a result, improve police community relations. Random reviews may also bring to attention a diverse range of incidents resulting in identification of areas where officers may need additional training and support. These reviews might yield early identification of risk behaviors and situations

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<sup>10</sup> <https://crimesolutions.ojp.gov/ratedprograms/644>.

<sup>11</sup> [https://bwc.thelab.dc.gov/TheLabDC\\_MPD\\_BWC\\_Working\\_Paper\\_10.20.17.pdf](https://bwc.thelab.dc.gov/TheLabDC_MPD_BWC_Working_Paper_10.20.17.pdf); see also <https://www.truleo.co/alameda-case-study>.

<sup>12</sup> [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/BWC%20Report\\_Jul\\_Dec\\_2021.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/BWC%20Report_Jul_Dec_2021.pdf).

<sup>13</sup> *Id.* (The total number of BWC recordings reviewed for investigations during this time was 10,615 or 1.1% of all recordings taken during that time frame).

<sup>14</sup> Available at [https://go.mpdconline.com/GO/GO\\_302\\_13.pdf](https://go.mpdconline.com/GO/GO_302_13.pdf).

where constructive criticism is needed. Finally, random reviews may promote accountability and deter misconduct by encouraging officers to adhere to departmental policies and protocols.

The Police Executive Research Forum (PERF) recommends that agencies should establish an internal audit unit to conduct random review of BWC footage.<sup>15</sup> Having an internal audit unit perform the reviews, as opposed to the officer's direct chain of command, may prevent undermining the trust between officers and their supervisors.<sup>16</sup> Additionally, an internal audit unit can monitor compliance with the BWC program, raise opportunities for training, and assess overall officer performance.<sup>17</sup> For a unit like this to be successful, and foster a greater amount of transparency and trust from the community, it must have a clearly defined policy that is easily accessible by members and the public.<sup>18</sup>

- **Body-Worn Camera Analytics.** The emerging field of BWC analytics can be a powerful tool to realize the full potential of a BWC program. These software programs work by automatically processing the audio of 100% of BWC videos recorded and collected by a police department. The implementation of this automation significantly increases the rate of body camera footage reviewed, addressing the fact that less than 1% is typically assessed without technological support.<sup>19</sup> The software automatically detects and flags important events like unprofessional language, use of force, and subject noncompliance. Additionally, the analytics program highlights exceptionally professional interactions between members and the public. Some police departments then use these examples to issue department-wide announcements to commend officers and reinforce exemplary behavior. These programs aim to enhance supervision, facilitate coaching, and promote professionalism among law enforcement personnel.

According to a study conducted by Truleo on the Alameda, California Police Department, the implementation of BWC analytics combined with professionalism training resulted in significant positive outcomes.<sup>20</sup> The study revealed a notable 36% decrease in the use of force incidents when compared to the period before the implementation. Additionally, there was a 30% reduction in unprofessional officer language and a 12% reduction in instances of subject non-compliance.<sup>21</sup> The study concluded that, as a direct result of the analytics program, officer communication drastically improved, officers were more likely to offer explanations for their actions, and officers showed a concerted effort to improve the way they communicate with the public.<sup>22</sup> In these police departments, BWC analytics led to more

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<sup>15</sup> <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> <https://www.prnewswire.com/news-releases/truleo-engages-citizens-to-drive-police-change-through-crowdfunding-301788952.html#:~:text=One%20study%20found%20a%2036,reduction%20in%20civilian%20non%2Dcompliance>

<sup>20</sup> <https://www.truleo.co/alameda-case-study>.

<sup>21</sup> *Id.*; see also <https://www.truleo.co/about> (Truleo is a software company located in Chicago, Illinois, that processes body camera videos for police departments across the country to “help automate supervision, facilitate coaching, and promote police professionalism”).

<sup>22</sup> *Id.*

professional behavior on the part of the officers, which in turn led to more effective and safer policing.

The evidence shows that the true value of a BWC program lies in the insights derived from the data. These insights play a pivotal role in enhancing outcomes for both law enforcement officers and the communities they serve. By leveraging the analytical capabilities of BWC data, extracting valuable insights becomes possible, enabling a deeper understanding of incidents, patterns, and trends. This knowledge, in turn, can facilitate informed decision-making, effective policy formulation, and targeted interventions to improve outcomes, ultimately fostering a safer and more accountable environment for both officers and the community.

## **Nationwide Policies**

Many of the largest police departments throughout the U.S. currently have policies in place to randomly review BWC footage. These departments use the footage for a plethora of reasons, including highlighting praiseworthy officer interactions, improving training, assessing member performance, and providing constructive feedback where appropriate.

- Baltimore PD uses random audits to assess whether a member's activity was consistent with BPD policy. Specifically, audits assess member performance, training and equipment needs, and consistency between written reports and recordings.<sup>23</sup>
- NYPD reviews BWC periodically to provide positive feedback to officers and to address any performance or tactical deficiencies observed.<sup>24</sup>
- Philadelphia PD performs random audits of BWC footage solely for the purpose of verifying adherence to the directive.<sup>25</sup>
- Chicago PD mandates that lieutenants review one randomly chosen BWC recording on their watch during each tour of duty. Additionally, the audit division routinely conducts sample audits of BWC recordings to evaluate officers' adherence to the BWC policy and proper utilization of the cameras. Finally, the department conducts random assessments and prepares evaluation reports to ensure policy compliance and identify any trends that may require modifications to policy, training, tactics, equipment, or departmental practices.<sup>26</sup>
- Houston PD mandates that shift commanders and sergeants review two randomly chosen BWC videos per officer they oversee monthly. This review aims to monitor adherence to departmental policies and procedures. Furthermore, the Independent Police Oversight Board and the Inspections Division conduct semi-annual assessments, reviewing twenty randomly selected BWC videos to evaluate compliance with policies and procedures.<sup>27</sup>
- Dallas PD requires supervisors and division commanders to perform two monthly reviews of BWC footage for all personnel under their command assigned a BWC.<sup>28</sup>

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<sup>23</sup> Available at [https://www.baltimorepolice.org/sites/default/files/Policies/824\\_Body\\_Worn\\_Cameras.pdf](https://www.baltimorepolice.org/sites/default/files/Policies/824_Body_Worn_Cameras.pdf).

<sup>24</sup> Available at [https://www.nyc.gov/assets/nypd/downloads/pdf/public\\_information/212-123.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/212-123.pdf).

<sup>25</sup> Available at <https://www.phillypolice.com/assets/directives/D4.21BodyWornCameras.pdf>.

<sup>26</sup> Available at [https://home.chicagopolice.org/wp-content/uploads/S03-14\\_BWC\\_DRAFT\\_16NOV22.pdf](https://home.chicagopolice.org/wp-content/uploads/S03-14_BWC_DRAFT_16NOV22.pdf).

<sup>27</sup> Available at <https://www.houstontx.gov/police/pdfs/Body-Worn-Cameras.pdf>.

<sup>28</sup> Available at <https://dallaspolice.net/resources/Shared%20Documents/General-Orders.pdf>.

- Phoenix PD lieutenants conduct random inspections of at least one BWC video per squad and document their observations in a monthly report. Additionally, the Department retains the authority to review recorded videos at any time to verify compliance with the BWC policy, investigate personnel complaints, facilitate training, or for other related purposes.<sup>29</sup>
- Prince George County PD in Maryland designates a BWC manager responsible for overseeing compliance with department policies and procedures related to BWCs. The BWC manager conducts random reviews of BWC recordings to ensure adherence to the established policies. The manager then notifies the BWC Committee of "recordings that show outstanding performance, heroism, initiative, work beyond the call of duty, or other examples of excellence," "recordings that may be useful in training other officers or in coaching an officer to improve safety, knowledge or other performance," and, "criminal wrongdoing or serious misconduct discovered on a BWC recording."<sup>30</sup>

Approximately twenty police departments around the U.S. are currently using BWC analytics to monitor and improve their BWC program.

- Aurora Colorado PD is in the process of implementing artificial intelligence software to track and analyze their BWC program.<sup>31</sup>
- Approximately one dozen police departments in California use BWC analytics.<sup>32</sup>
- Elkton PD recently became the first department in Maryland to implement analytic software.<sup>33</sup>
- Several departments in Pennsylvania, including Gettysburg and Elizabethtown use BWC analytics.<sup>34</sup>
- An additional twenty police departments plan to implement an analytics program within the next year.

### **Applicable Directives & Current Metropolitan Police Department Policy:**

MPD outlines the policies and procedures for members to follow with regards to BWCs in General Order 302.13: Body Worn Camera Program.<sup>35</sup> Section V.D states, "Recordings **shall not** be routinely or randomly viewed by officials for the sole purpose of enforcing policy violations observed on the recordings" (emphasis from the original). It is important to note that this policy does not ban the use of random reviews outright. It only restricts the use of random review when the reason for the review is to enforce policy violations. This is the only section of the General Order that mentions random review of BWC footage.

<sup>29</sup> Available at <https://www.bwcorecard.org/static/policies/2017-05%20Phoenix%20BWC%20Policy.pdf>.

<sup>30</sup> Available at <https://www.bwcorecard.org/static/policies/2015-04-18%20PG%20County%20WC%20Policy.pdf>

<sup>31</sup> See <https://www.denver7.com/news/front-range/aurora/aurora-pd-to-implement-new-ai-review-of-body-camera-video>

<sup>32</sup> See <https://www.axios.com/2023/01/30/police-tyre-nichols-bodycam-footage>. See also

<https://www.kron4.com/news/bay-area/new-audio-technology-coming-to-alameda-police-body-cameras/>.

<sup>33</sup> See <https://www.prnewswire.com/news-releases/1st-maryland-police-department-to-deploy-body-camera-analytics-301834934.html>.

<sup>34</sup> <https://www.foxnews.com/us/police-departments-america-using-ai-analyze-officers-bodycam-video>

<sup>35</sup> Available at [https://go.mpdconline.com/GO/GO\\_302\\_13.pdf](https://go.mpdconline.com/GO/GO_302_13.pdf).

Section V.I of the General Order does explain that MPD uses BWC for training purposes and that, “Members are encouraged to notify their officials of any recordings that may be of value for Department-wide training purposes.”<sup>36</sup> Additionally, the General Order encourages members to identify recordings that can serve as guidance and where constructive feedback may be appropriate. Section V.I goes on to explain that BWC Unit Coordinators conduct periodic reviews of BWC recordings, but only to ensure that members are recording mandatory events. BWC coordinators do not review footage to assess member performance or training needs. The only section of the General Order that allows for accessing BWC to assess officer performance is Section VI.J.<sup>37</sup> This section explains that the Commanding Official of the Office of Risk Management ensures periodic audits of BWC recordings are conducted. These audits aim to assess the effects of BWCs on citizen complaints, use of force incidents, member performance, and identify training and equipment needs.

It is also worth noting that D.C. Code requires the mayor to issue rules regarding MPD’s BWC program.<sup>38</sup> At minimum, these rules must address standards for the public to access BWC recordings, policies for retaining recordings, procedures for auditing the program, and other related requirements.<sup>39</sup>

With MPD members becoming more accustomed to operating the BWCs, MPD can dedicate less attention to basic functions of the program and instead focus on areas of the program that need improvement. Although the General Order provides detailed and extensive guidelines, it has become evident that for MPD to continue to be at the forefront of major city police departments in using BWCs, these provisions necessitate updating.

### **Policy Considerations:**

MPD acknowledges that the utilization of BWCs yields advantages for both the community and its members, as the BWC program enhances police services and bolsters the trust between law enforcement and the communities they serve. MPD members have displayed enthusiasm and a willingness to embrace this innovative technology.<sup>40</sup> When discussing the review of BWC footage, manually or with software, there are legitimate privacy concerns of members and civilians. Thus, MPD must balance its duty to preserve the privacy rights of officers with its goals of effective training, increased transparency, and greater accountability.

Critics of BWC analytics argue that this technology could enable the surveillance of civilians and violate officer privacy. However, BWC analytic programs do not gather any information beyond what is already being collected. Additionally, these programs only analyze the audio from the footage and do not process the video. The software does not flag personal conversations of members, as it is specifically trained to only listen for certain phrases and incidents, chosen by the department, that involve interactions between members and the public. Officers explain that BWC analytics protect everyone involved by proactively identifying and

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> See <https://code.dccouncil.gov/us/dc/council/code/titles/5/chapters/1/subchapters/VIII-B>

<sup>39</sup> *Id.* at § 5–116.32(a) (2-3).

<sup>40</sup> See <https://mpdc.dc.gov/page/bwc>

preventing problems.<sup>41</sup> Finally, uniformed officers acting on behalf of the District of Columbia in their official capacities should not anticipate a reasonable expectation of personal privacy during interactions with the public.<sup>42</sup>

Both random reviews and BWC analytics are tools intended only for internal use within a police department. Their purpose is to facilitate officer training and optimize the program's benefits for the department. Neither of these programs of review would result in anyone outside of MPD viewing additional BWC footage. The design of an analytics program is to assist community oversight, not replace it. This technology makes human review faster and more efficient by enabling a department to view thousands of videos at once.<sup>43</sup> Because most police interactions are positive, random reviews and analytics can highlight this footage that would otherwise go unseen. The current policy is failing to maximize the positive impact of BWCs, resulting in the waste of valuable training opportunities.

MPD's lack of clarity on random review of BWC footage creates ambiguity and confusion. The General Order does not make clear if MPD uses random review in any capacity. If MPD does utilize random review, it is unclear as to how they select which videos to review and if they can enforce policy violations discovered through random reviews. The vagueness of the current provision raises difficult policy questions. For example, District law grants individuals who are the subjects of a BWC recording the right to request access to the footage. In the event of denial, they may further submit a FOIA request, provided that the BWC recording does not infringe upon the privacy rights of other individuals.<sup>44</sup> Individuals often seek access to BWC footage to identify policy violations and ensure officer accountability. However, the existing policy lacks clarity regarding MPD's own authority to address such violations when discovered solely through accessing the footage for that purpose.

There is a significant public and government interest in improving police training and reducing incidents of force that weighs heavily when determining the policy concerning auditing BWC footage. MPD bears the responsibility of remaining up to date with technological advancements and continually assessing the guidance provided to officers to cement its position as a national leader and innovator in the field of policing.

### **Recommendations:**

To help improve and facilitate better relations and increase trust between MPD officers and community members, the PCB recommends that:

1. MPD should amend General Order 302.13: Body Worn Camera Program, Section V.D., which states, "Recordings **shall not** be routinely or randomly viewed by officials for the sole

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<sup>41</sup> <https://www.foxnews.com/us/police-departments-america-using-ai-analyze-officers-bodycam-video>

<sup>42</sup> [https://www.open.dc.gov/sites/default/files/OOG%20Director%20Niquelle%20Allen\\_TESTIMONY\\_MPD%20BODY%20WORN%20CAMERA%20BILL\\_10%2014%202020.pdf](https://www.open.dc.gov/sites/default/files/OOG%20Director%20Niquelle%20Allen_TESTIMONY_MPD%20BODY%20WORN%20CAMERA%20BILL_10%2014%202020.pdf) (Council of the District of Columbia Committee on the Judiciary public hearing on the Comprehensive Policing and Justice Reform Amendment Act of 2020. Testimony from Niquelle M. Allen, director of Open Government Board of Ethics and Government Accountability).

<sup>43</sup> <https://www.foxnews.com/us/police-departments-america-using-ai-analyze-officers-bodycam-video>

<sup>44</sup> See <https://mpdc.dc.gov/bwcviewingprocess>

purpose of enforcing policy violations observed on the recordings.” MPD should update the provision to allow for random review of BWC videos even for the purpose of enforcing policy violations. Additionally, the General Order should fully explain the random review process so it is clear to members and the public. Finally, MPD should consider the data provided by the above changes on a regular basis and adjust the General Order accordingly to continually improve the BWC program.

2. After the changes are implemented, MPD should provide training to members on the updated general order.
3. MPD should establish a system for randomly reviewing BWC footage by creating an internal audit unit. The internal audit unit should have clearly defined policies that are accessible to both members and the public.
4. MPD should conduct meetings with other police departments that utilize a BWC analytics program to explore the efficacy and potential costs and benefits of adopting an analytics program within MPD. MPD should use the insights obtained from the meetings to establish a policy position on this emerging technology.