

Body camera debate rolls on - Concord Monitor (NH) - September 16, 2018 - page 1

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The video shows a man on the ground, rolling away from his vehicle as police sirens blare in the background.

Multiple gunshots ring out as two Rochester police officers and two state troopers open fire, killing Douglas Heath.

The 23-second video that spread rapidly online gave the public a glimpse of Heath's fatal encounter with police on Aug. 21 after a chase ended when Heath's car crashed near Oak Street and Gonic Road in Rochester. But the clip didn't come from the police officers at the scene. Instead, it came from a witness who filmed it from inside a nearby vehicle.

The Attorney General's office has said the video is being reviewed as part of its investigation and may not tell the whole story. But unless the Rochester police cruiser's in-car cameras and microphones captured the incident – and the state releases the material – it may be all the public gets to see of New Hampshire's most recent police-involved shooting.

Video technology has become so ubiquitous that virtually everyone with a cellphone is equipped with a video camera. But many police departments in New Hampshire – including the State Police – are not equipped with cameras, either on officer's bodies or in their police cruisers.

The Rochester police cruisers are equipped with video cameras and microphones, but the footage they captured has not been released while the Attorney General's office investigates the shooting. Rochester police officers don't use body cameras.

After years of unsuccessful legislative attempts to get State Police to use cameras, Col. Chris Wagner has thrown his support behind getting cameras into state police vehicles, but not having troopers wear body cameras.

"I do think they bring tremendous value. They offer a level of transparency, and we have a responsibility in serving the public's interest," Wagner said. "... I would support, specifically, getting in-car cameras."

His reasons are two-fold. One is cost: Wagner said his department spent the better part of this year studying the cost of implementing either body or cruiser cameras. To get a program up and running would cost close to \$2 million, he said, and keeping it going would cost \$1 million annually.

The Monitor asked for any documents related to the study of camera use, but has received none

so far. A Department of Safety lawyer said it could take up to 30 days to determine which documents could be publicly released.

Wagner views cruiser cameras as being a better value, saying they are almost always attached to the trooper using the vehicle, can record audio and video in the front and back of the vehicle and offer a wider view of a situation.

He also said cruiser cameras are more reliable; they stay in one spot, and unlike body cameras, are unlikely to be obscured by body parts or clothing or fall off.

Still, Wagner wouldn't say if he would ask for funding for the cameras in the upcoming two-year state budget cycle.

Wagner said waiting to implement the technology isn't a bad thing.

"Not understanding (body cameras) is the biggest mistake agencies make," he said. "They feel obligated, listening to the national conversation, to get the technology without understanding it; that could be more detrimental to the department."

The full implication of the technology "still isn't understood," Wagner continued. "There's this idea that they are the end-all, be-all, but there are still limitations. The technology isn't by itself going to solve all our problems."

Last year, Wagner said he could not comment on whether body cameras help prove his officers' actions are justified in instances where they use deadly force. Past efforts

Of the six New England states, only New Hampshire and Rhode Island state police do not currently use cameras in any form.

Massachusetts, Connecticut and Vermont have started equipping their state police forces with body cameras this summer.

Vermont recently outfitted its Tactical Services Unit with cameras and is "committed to pursuing body cameras for every trooper in the field," said Vermont State Police's public information officer Adam Silverman. The department has had cameras in its cruisers and microphones for its troopers for "many years," and engaged in a pilot program with body cameras two years ago.

Maine does not have body cameras in their state police forces but does have cameras in its cruisers, said Maine state police spokesman Stephen McCausland.

New Hampshire State police were given equipment to run a pilot program with three body cameras on loan from Taser International in 2015. But, the program never got off the ground and the cameras were returned unused as police cited a lack of framework for their use and an unresolved discussion about privacy and storage concerns.

The state has since developed guidelines around body camera use and how long footage is expected to be stored before it can be overwritten or deleted. But when it comes to implementing

the equipment, Rep. Renny Cushing, D-Hampton, said, "In the classic New Hampshire way, there's not any money that's been provided for it."

Cushing sponsored House Bill 1730 this past legislative session, which would have established the Public Safety Enhancement Fund by creating "prestige" vanity plates out of any plate with four digits or less. The plates would cost \$40 and the money would go into a fund managed by the state's Department of Justice. Police departments would be able to apply for grants to get body cameras.

The bill was killed in early February after the House's Criminal Justice and Public Safety Committee found the majority of the plates would come from the elderly or veterans, and that the money would not be enough to support the program.

Cushing said he plans to try again next session.

"People recognize it as a valuable tool that protects police and seems to put everyone on their best behavior," he said. "People aren't willing to pay the public dollars for it."

Cushing said he wants to incentivize police departments to get body cameras and thinks municipal insurers should, too, saying investing in body cameras creates fewer lawsuits and increases public satisfaction with police departments.

"It's an interesting issue because it transcends. It doesn't become a partisan issue," he said. "Public safety is one of those few areas where there isn't a partisan divide."

If departments pushed for cameras, Cushing was confident the Legislature would be "responsive" to finding a way to provide them.

"If the agency itself is interested, it's their responsibility to step up and ask," he said.

As of two years ago, 10 police departments in the state had body cameras. Weare and Dunbarton have had cameras for some time.

A few departments have made strides towards adding the technology this year: Portsmouth is mulling adding cameras, Hanover police added the technology this summer, and Claremont police said they would bring cameras online this fall. A national debate

The effect body cameras have on policing is still being studied.

An October study by The Lab @ DC, an extension of the District of Columbia Mayor Muriel Bowser's administration, found the use of body cameras did not result in large-scale shifts in police behavior or reductions in the use of force or complaints.

Using a sample size of 2,224 Metropolitan Police Department officers in Washington, D.C. – some equipped with cameras, some not – they found over the course of 18 months that while the presence of body cameras may have increased reports of use of force from police officers, the amount of use of force remains the same. Cameras also had no impact on general police activity,

such as writing tickets, making arrests and responding to calls, nor on the outcomes of cases prosecuted.

The study also notes other police officers not equipped with body cameras may alter their behavior in the presence of another officer with a camera, a factor that would be hard to measure when looking at the control group.

“Our experiment suggests that we should recalibrate our expectations of BWCs (body-worn cameras),” the study states. “Law enforcement agencies ... considering adopting BWCs should not expect dramatic reductions in use of force or complaints, or other large-scale shifts in police behavior, solely from the deployment of this technology.”

And whether cameras affect public perception and trust of police is also up for debate, according to an August 2017 study by the Urban Institute, a nonprofit research organization that looks at public policy.

The study followed 60 police officers in an “economically and socially diverse city” in the southwestern United States – some of whom were equipped with cameras and told to follow a script when interacting with the public, others equipped with cameras with no script, and some with no cameras – and found body cameras do affect the perceptions of community members who interact with the police, “but those effects are largely dictated by the officers’ behavior.”

They also found police who had to tell members of the public they were being recorded were more likely to turn their cameras on, while officers responding to more calls for service activated them less often.

“These findings also suggest that BWCs are not a simple ‘plug-and-play’ policy solution; significant variations across officers and circumstances affect the potential benefits of BWCs,” the study concludes.

Devon Chaffee, executive director of the American Civil Liberties Union of New Hampshire, said body cameras specifically are viewed as possible tools for accountability and transparency.

But that’s only if a state has use and privacy protection guidelines accompanying them. The ACLU-NH was part of the effort to draft such measures in 2016.

“Body cameras are not going to improve community relations if the public doesn’t have confidence that footage is accurate,” she said. (Material from the Associated Press was used in this report. Caitlin Andrews can be reached at 369-3309, candrews@cmonitor.com or on Twitter at @ActualCAndrews.)