

# The Charlotte Observer

## Dashcams are out, bodycams in at CMPD

Fred Clasen-Kelly

September 5, 2015

The Charlotte-Mecklenburg Police Department plans to phase out patrol-car cameras similar to the device that recorded the fatal 2013 encounter between Officer Randall “Wes” Kerrick and Jonathan Ferrell.

In an interview, new police chief Kerr Putney said dashcams, purchased in 2009, are obsolete. The manufacturer no longer sells the system, and finding replacement parts for repairs is difficult. New dashcams would cost more than \$5 million.

Instead, the department is preparing to equip officers with 1,400 lipstick-sized, body-worn cameras. [The City Council agreed in January to spend \\$7 million for body cameras.](#)

“It is going to give you a lot more opportunities to capture (what happened),” Putney said.

CMPD’s transition would come after deadly, high-profile police cases caught on video – in Cincinnati, North Charleston and elsewhere – set off a national debate about interactions between white officers and unarmed African-Americans.

It also follows Superior Court Judge Robert Ervin’s decision to declare a mistrial Aug. 21 in the manslaughter case against Kerrick. Jurors deadlocked 8-4 to acquit the officer of using excessive force when he fatally shot Ferrell in a northeast Mecklenburg County neighborhood.

[At least two jurors have said deliberations hinged largely on the video](#), which shows Ferrell walking toward police, then speeding up and running before shots are heard from Kerrick’s gun.

City officials say body-worn cameras are more effective than dashcams in achieving transparency and accountability. CMPD policy would be for the cameras to record all traffic stops; anytime an officer stops and frisks someone; any use of force, and searches of property or people.

“You don’t need both” body cameras and in-car video, said Charlotte City Council member Claire Fallon, who leads the Community Safety Committee. “The body camera has more validity. Body cameras are much more of a solution.”

Roughly, one-third of police departments nationwide were using body cameras as of 2013, and law enforcement experts say the numbers have grown since then.

But questions linger about how much body cameras can prevent officer misconduct or cut down use of force.

More research is needed to prove that body cameras enhance transparency and reduce citizen complaints, some experts say. No consensus exists on when officers should record encounters, leaving police open to accusations of selective use and invasion of privacy.

If financially feasible, experts and civil liberties advocates say police departments should deploy both body cameras and in-car video.

“Eliminating dashcams is just a complete disservice to transparency and accountability,” said Carolyn Caicedo Manrique, a staff attorney for the North Carolina chapter of the American Civil Liberties Union. “The body cameras are supposed to be a step forward and not something that triggers a step backwards.”

“It’s a mistake to automatically assume body cameras can completely replace dashcams,” said Seth Stoughton, a law professor at the University of South Carolina and a former police officer. “There are costs to giving up dashcams. We will lose some video.”

### **Federal push for bodycams**

In response to high-profile police shootings, body cameras have been endorsed by the Obama administration, some presidential candidates, and the family of Michael Brown, the teenager killed last year by a police officer in Ferguson, Mo.

[Federal officials in May announced they are giving \\$20 million to police departments for body cameras](#), the first installment in a three-year \$75 million program that would provide 50,000 body cameras.

Three years ago, CMPD gave body cameras to officers in the motorcycle unit, which lacked dashcams. In 2013, the department issued them to 26 officers as part of a pilot program.

Lobbying the City Council in January, then-Chief Rodney Monroe told officials that body-worn cameras would replace dashcams over time. His comments attracted little attention at the time – coming months before dashcam video was played at the Kerrick trial.

Officers can wear body cameras on their uniforms, allowing the devices to capture encounters with suspects from the officer’s perspective. CMPD Maj. Stephen Willis told city leaders that officers using them gave the cameras positive reviews.

Dashcams are often limited to what happens in front of a patrol car and record audio only a short distance from the vehicles, Willis said.

### **Do bodycams really work?**

Proponents of body cameras often cite results from California and Arizona.

In 2012, police in Rialto, Calif., examined whether body cameras would reduce use of force by officers and citizen complaints over a year. Researchers found a 60 percent reduction in use of force after cameras were deployed, according to a Department of Justice report. The study also found that citizen complaints dropped by 88 percent.

Another 2012 study in Mesa, Ariz., compared results from 50 officers who had body cameras with results from 50 officers who didn’t. Citizens filed three times more complaints against officers without body cameras in an eight-month period.

Supporters say the cameras can validate citizen complaints or clear officers of false claims of excessive force.

A Phoenix officer, for example, was fired after a body camera captured multiple incidents of verbal abuse, profanity and threats against civilians.

In July, a University of Cincinnati police officer was indicted on a murder charge after authorities watched body-camera footage of him shooting an unarmed motorist. The prosecutors called the video critical evidence.

But some experts say more study is needed.

There are no national standards on how the cameras should be used. The 2013 federal report identified 63 law enforcement agencies that deploy body-worn cameras. It found nearly one-third did not have a written policy governing their use.

Sparse research has been done on citizens' opinions about body cameras, despite privacy concerns raised when officers enter homes, said Mike White, a criminal justice professor at Arizona State University. White has advised the U.S. Department of Justice on body cameras.

"Citizen privacy is complicated," White said. "Generally, police departments have said: 'If an officer has a right to be in a home, the camera has a right to be there.' What if kids are on the scene of a domestic violence scene? What if your Social Security card is on the table? Now it is part of a permanent video record."

Stoughton, the University of South Carolina law professor, said many agencies still view body cameras as experimental and are now testing how to use them best. Few departments have equipped all of their patrol officers with body cameras, as CMPD plans, he said.

"Body-worn cameras are an important tool, but they are not a cure-all for accountability," Stoughton said. "Things happen off camera. Even when you have the best footage, it is possible for people to argue about what it is showing."

### **Experts: Dashcams needed**

Tim Lynch, a law enforcement researcher for the Cato Institute, said he anticipates the use of body-worn cameras will grow rapidly in coming years.

"They are going to be all over the place," Lynch said. "There is no question they will help professionalism because officers know they are being filmed."

But Lynch and other experts said they don't view body cameras as a replacement for dashcams.

Faced with claims of brutality and racial bias, law enforcement agencies have used in-car cameras for decades.

About 650 CMPD cruisers are equipped with dashcams, which arrived in the 1990s. The city bought updated dashcams in 2009.

Experts said dashcams sometimes provide more accurate and reliable footage than body-worn cameras. The in-car video captures incidents from a different angle than a body camera. And unlike a body camera, dashcams can't be knocked off in a physical altercation.

They said both technologies have shortcomings, and police could use one in case the other fails to provide clear evidence.

“What’s going to happen when officers don’t turn the body camera on or they forget it?” said LaDoris Cordell, a former judge and independent police auditor in San Jose, Calif. “That’s clearly an issue coming to all these departments.”

Experts said departments often write policies requiring officers to record interactions with citizens but do not impose stiff discipline when officers don’t follow the rules.

CMPD told the City Council that the department will require cameras to be turned on but acknowledged there will be instances when an officer either forgets or chooses not to activate the cameras.

CMPD body cameras would begin recording automatically when an officer turns on the blue lights in a patrol car. They also would also begin recording when an officer activates a Taser.

### **Paying the price**

City Councilman Ed Driggs said body cameras would have provided more conclusive footage from the confrontation between Kerrick and Ferrell.

After the Sept. 14, 2013, shooting, Monroe watched the video shot from a nearby police car driven by one of three officers who responded to the scene. At the time, Monroe said the video showed that Ferrell was clearly unarmed and that unnecessary force had been used.

But after the video became public during the trial, viewers had differing opinions about what the footage showed.

Driggs said it cost too much money to keep both dashcams and body cameras. Storing the voluminous data captured by both systems is expensive, Driggs said.

Citing cost as one factor, police officials in Winston-Salem officials have said they will use in-car cameras until they stop working and then depend on body-worn cameras.

But Matt Newton, a Charlotte attorney and chairman of the Mecklenburg County Democratic Party, said he believes it is worth the cost to keep dashcams and body cameras to ensure justice. His family filed a lawsuit alleging unnecessary force after a CMPD officer killed his brother, Clay McCall, in 2012. The district attorney’s office ruled the shooting was justified.

“I hate the idea we will eliminate a source of evidence that could keep an individual or an entire community from obtaining justice because it’s a little pricey,” Newton said. “How can you put a price on a life?”