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Why Bodycams Should be Mandatory for (Some) Federal Law Enforcement

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Police body-worn cameras (BWCs) have become very popular in the United States. Thousands of police departments have assigned BWCs to their officers. The cameras are supported by nearly everyone, and the benefits for local law enforcement are well-known.

However, no federal officers or agents in the U.S. Department of Justice or the Department of Homeland Security wear body cameras. None. In fact, the leaders of those Departments have strongly resisted BWCs.

The administration of President Joe Biden should immediately push for some federal law enforcement officers to wear body cameras. This effort should focus on officers/agents in the Federal Bureau of Investigation (FBI), U.S. Marshals Service, Immigration and Customs Enforcement (ICE), Border Patrol, and Homeland Security Investigations (HSI).

BWCs should also be required for U.S. Capitol Police.

Last, the Biden Administration should consider the assignment of BWCs to National Guard soldiers when they are deployed to American city streets, especially during protests at public events like the 2021 presidential inauguration.

Below we explain why in more detail. But think about the role BWCs could have played following the attack on the U.S. Capitol building. BWC footage would be enormously helpful in the current investigations to locate and arrest rioters who participated in the siege.

BWC footage would also be invaluable in the review of what went wrong, and it would greatly facilitate the identification of both exceptional and improper actions by Capitol police officers.

In addition, BWC footage can aid the investigation of shootings of citizens by federal law enforcement officers. Though such shootings are rare, they can be highly controversial. Consider the 2017 shooting of Bijan Ghaisar by two U.S. Park Police officers, the 2019 shooting of human smuggling suspects in Phoenix by agents in ICE's Homeland Security Investigations, and the dozens of shootings by Border Patrol agents that have occurred at the U.S.-Mexican border since 2012.

Police BWCs have been adopted by thousands of local law enforcement agencies, from the largest agencies in the country (NYPD, LAPD, Chicago PD) to some of the smallest (with less than 10 officers).

Leading police groups such as the International Association of Chiefs of Police, and civil rights groups, such as the American Civil Liberties Union support BWCs.

Citizens do as well. A study by the Cato Institute reported citizen support for police BWCs is nearly 90 percent. The Obama and Trump Administrations have strongly supported BWCs. In fact, since 2015, the Department of Justice has provided more than \$80 million to approximately 430 local and state law enforcement agencies to buy BWCs.

What the Evidence Shows

Why are BWCs so popular?

The evidence demonstrating the benefits of BWCs is strong. More than 90 studies have tested the impact of BWCs on a range of key outcomes for police, especially citizen complaints and use of force. Some 19 out of 26 studies show that BWCs reduce citizen complaints against officers. BWCs also protect officers against false complaints.

Federal law enforcement agencies could realize this BWC benefit.

The drop in complaints could be explained by better behavior by officers, citizens, or both. Studies have suggested that BWCs have a “civilizing effect.” This civilizing effect may also explain why 11 of 19 studies show BWCs reduce officers’ use of force.

While not universal, this is still persuasive evidence that BWCs can improve encounters between police and the public. Federal law enforcement agencies could realize this BWC benefit.

BWCs may increase the likelihood that officers follow the law in terms of stopping, searching, and arresting citizens. A recent study concluded that BWCs have increased how often New York City police officers follow the requirement to officially report stops of citizens. Federal law enforcement agencies could realize this BWC benefit.

Experts note that BWCs also have tremendous evidentiary value, especially for investigating citizen complaints against officers. In fact, one study from Las Vegas reported that BWCs led to a cost-savings of more than \$4 million per year, the majority of which came from reduced time to investigate citizen complaints. BWCs can also help to investigate use of force cases.

Did the officer follow proper procedure and training? Did the officer act recklessly or even criminally? Did the officer’s actions save lives? BWC footage can provide answers to these questions.

BWCs can also provide evidence of police misconduct. In 2018, a Baltimore police officer was convicted of fabricating evidence because his BWC captured him planting drugs at the scene. In August 2020, a Columbia (SC) police officer was disciplined after his BWC recorded him using racial slur. In January 2021, one of the detectives involved in the killing of Breonna Taylor was fired for, among other things, failing to activate his BWC during the encounter.

Again, federal law enforcement agencies could, and should, realize this BWC benefit.

Finally, BWCs can be invaluable during public protests. In a recent study of 100 law enforcement agencies that experienced public protests after the death of George Floyd, more than 80 percent stated that BWCs were helpful in recording officer and protestor actions, in explaining to the public what happened, and for identifying suspects after-the-fact.

Clearly, federal law enforcement agencies could realize this BWC benefit.

US DOJ Supports Body Cameras, Just Not for Them

As we noted above, the Justice Department supports BWCs at the local level, both financially and through training and technical assistance, but it refuses to issue BWCs to federal officers. This is very hypocritical.

As further evidence of this hypocrisy, the Justice Department for months prohibited local police officers on federal task forces from wearing their body cameras, which led some local police departments to withdraw from those task forces.

In October 2020, the DOJ announced that local officers on federal task forces would be allowed to wear their body cameras, but federal agents are still not required to wear them.

Next Steps

Here are a few options for a path forward.

The George Floyd Justice in Policing Act of 2020, currently before the U.S. Congress, would mandate body cameras for federal law enforcement. The House of Representatives passed the bill on June 17, 2020 (all Democrats voted yes, all Republicans voted no), but the Republican-controlled Senate has refused to take up the matter.

Now that both Houses of the Congress are Democrat-controlled, perhaps the legislation will move forward. The Biden Administration could publicly call for the bill to be revived in the Senate.

The Biden Administration could mandate use of BWCs by federal law enforcement through executive order. The president has broad authority to issue executive orders to “direct executive officers or clarify and help implement existing laws.” Biden could simply order officers in selected federal agencies to wear body cameras.

Biden could also coordinate with his U.S. Attorney General and Secretary of Homeland Security to order BWCs for select federal law enforcement agencies through internal agency policy.

Since the Capitol Police are controlled by Congress, the president’s ability to mandate BWCs for Capitol police officers is limited. However, both the House of Representatives and the Senate are now Democrat-controlled, and there has already been debate on the issue.

In fact, Arizona Congressman Greg Stanton introduced legislation on Jan. 13, less than a week after the siege on the Capitol building, that would require U.S. Capitol Police to wear body cameras.

Some Exceptions to the Rule

Even as the benefits of BWCs have become accepted in police departments across the U.S. over the last decade, it is also clear that BWCs are not appropriate for all officers, such as those working undercover.

Similarly, BWCs should not be required for all federal law enforcement officers (e.g., Secret Service agents on protective details). But there are more than 43,000 sworn officers/agents in the U.S. Department of Justice and thousands more in Homeland Security.

Requiring many of these federal officers to wear body cameras is long overdue.

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