



BOARD APPROVED Policy Advisory Report Research Proposal:

Auditing Metro Nashville Police Department's Body Worn and In-Car Camera Program

Background

Following years of public pressure from advocates, the Metro Nashville Police Department (MNP) fully implemented a body-worn camera program for all officers in the summer of 2021. The program has, functionally, been fully operational since August of 2021, when Commander Carlos Lara reported that 98% of officers were equipped with body cameras¹. Though late to outfit its officers relative to national trends, MNP joined a nation-wide push to equip officers with body cameras as part of enhanced accountability measures. According to research done by the US Department of Justice, 80% of large police departments (defined as departments employing 500 or more full-time officers) had acquired body cameras by the end of 2016².

Amidst recent calls for police reform, body cameras were one of the most common methods proposed to enhance police accountability. Numbers range slightly, but various studies have found that somewhere between 64 and 97% of the public support requiring officers to wear body cameras³. This is not a partisan issue, though; in fact, body cameras are popular both among activists and the police. Nashville activists had their longstanding calls for body cams met after MNP shot Jocques Clemmons and Daniel Hambrick, while MNP's Captain Whited, the captain in charge of the body camera deployment for MNP, said that officers 'couldn't wait' for body cameras to roll out⁴. It is rare to see fairly universal support for police technology.

Many of the purported benefits of body cameras (increasing evidence quality, reducing civilian complaints, improving officer safety) have not stood up to empirical critique, however. In a summary review of 30 empirical studies of body cameras, there were found to be no aggregate effects of body cameras on use of force, assaults on officers, officer-initiated calls for service, arrests, traffic stops, or field interviews⁵. There is little empirical research regarding why the public supports body cameras so staunchly, but qualitative research from Baltimore showed that people tended to support body cameras either because they believed that the cameras would showcase the difficulties of police work (a pro-police sentiment) or because they believed that cameras would reduce officer misconduct and help hold officers accountable for wrongdoing (a pro-accountability sentiment)⁶. Underscoring this notion of

¹ Commander Lara reported this information at the Community Oversight Board's August meeting: <https://bit.ly/3Dkmbv>

² Hyland, Shelley. *Body-Worn Cameras in Law Enforcement Agencies*, 2016. US Department of Justice, 2018.

³ Williams, Monica. "Explaining public support for body-worn cameras in law enforcement." *Police Practice and Research* 22.6 (2021): 1603-1617.

⁴ Timms, Mariah. "Nashville police share clearest details yet on how body cameras will work". *The Tennessean*, February 27, 2020.

⁵ Lum, Cynthia, et al. "Research on body-worn cameras: What we know, what we need to know." *Criminology & public policy* 18.1 (2019): 93-118.

⁶ Ray, Rashawn, Kris Marsh, and Connor Powelson. "Can cameras stop the killings? Racial differences in perceptions of the effectiveness of body-worn cameras in police encounters." *Sociological Forum*. Vol. 32. 2017.



accountability, an International Association of Chiefs of Police (IACP) report indicated that ‘Auditing and Accountability’ was one of nine important tenets in the effective deployment of body cameras. The IACP suggests that all data derived from body cameras should be subject to regular audits to ensure policy compliance⁷.

MNPD appears to agree with this idea, as it does have multiple audits conducted on body worn (BWC) and in-car cameras (ICC) on both a monthly and semiannual basis, conducted by the the BWC/ICC Division and the Office of Community Engagement and Partnerships. The BWC/ICC Division’s monthly audit is guided in part by the below policy:

Sergeants assigned to the BWC/ICC Division are required to review two random pre-selected BWC/ICC videos of each BWC equipped sergeant and officer per month to monitor compliance with departmental policies and procedures. Such reviews will be documented on a form to be provided by the BWC/ICC Program Administrator.

Meanwhile, various MNPD employees conduct semiannual audits, including an activation audit, a compliance audit, a quality control audit, and a training audit⁸.

Proposed Study

This proposed research is particularly salient today, given several recent incidents pertaining to MNPD’s BWC usage: firstly, reports that a server transfer error caused the loss of BWC footage from at least 183 arrests/citations and 543 other incidents⁹, and secondly an incident in which MNPD sent MNCO investigators video footage that removed potential misconduct during an investigation of a complaint¹⁰.

While it is encouraging that MNPD is auditing its own body-worn camera footage, given the high degree of public interest in the program as well as the above-mentioned issues that have come to light, MNCO staff believe it would enhance public trust in the BWC/ICC program for an independent oversight body to ‘monitor the auditor’ and to conduct its own investigation, including review of BWC footage and of MNPD’s monthly BWC/ICC audits. In its FY23 budget, MNCO received funds for a Professional Specialist with the specific professional skills to monitor MNPD’s license plate reader and BWC/ICC programs. In its budget request, MNCO explicitly outlined that the role would “increase the monitoring that the COB conducts on body-worn cameras to proactively assess whether there are systemic issues in police policies or procedures.” While we cannot be certain that this staff member would have caught either of the issues addressed above, it is these sorts of systemic issues that the Professional Specialist role is

⁷ International Association of Chiefs of Police. “IACP Technology Framework”. January 2014.

⁸ Per MNPD’s Body Worn Camera and In-Car Camera Systems policy: <https://bit.ly/35h9u5A>

⁹ Pflieger, Paige. July 12, 2022. “MNPD says some camera footage is missing from at least 180 arrests or citations”. <https://wpln.org/post/mnprd-says-some-camera-footage-is-missing-from-at-least-180-arrests-or-citations/>

¹⁰ To hear the COB’s discussion of this incident, listen to the 6/22/22 Board Meeting. Discussion begins at around 2:09:42: <https://www.youtube.com/watch?v=9qlqtF5IRgE>

This concern has been corroborated via reporting by WPLN’s Criminal Justice reporter Paige Pflieger, who confirmed that [an MNPD employee did edit the audio of a video](#) before sending it to MNCO. The Office of Professional Accountability is conducting its own internal investigation on this incident and expects to share results with MNCO shortly.



designed to proactively address. With this in mind, this research proposal would be a joint effort between research staff and the professional specialist.

The presence of departmental policy that regulates, confines, and audits BWC usage has been shown to be one of the most important factors in the activation of BWCs¹¹, and as such this audit can be seen in part as an investigation into the strength of MNPDP's BWC policy. A number of questions are outstanding roughly a year into MNPDP's BWC/ICC program that deserve investigation:

- How compliant are MNPDP officers with BWC/ICC policy?
 - This includes questions regarding what proportion of BWCs were activated and deactivated according to policy, what proportion of videos were uploaded in a timely fashion and properly categorized, what proportion of videos indicated a violation of policy not related to BWC/ICCs.
- When violations of policy occur, are there certain scenarios in which they are more likely to occur?
 - For example, are violations more likely to happen during a particular type of encounter (traffic stop, domestic violence, etc.)?
 - For example, are violations more likely to happen to a particular subject (for instance, young Black women)?
- Has MNPDP developed accurate and reproducible self-reporting on BWC/ICC adherence?
 - Are monthly audits comprehensive and accurate reflections of the BWC footage?
 - Is there appropriate referral following a violation of policy found during a random monthly audit?
- Are BWC/ICC videos capturing a representative sample of use of force cases?
- Are there any policy failures related to systemic issues with BWC/ICCs?
 - For instance, are there systemic issues in the storage and retention of BWC/ICC footage?
- What is the public's perception of BWC/ICCs?

Methodology

MNCO researchers will first review MNPDP's BWC/ICC policy thoroughly, comparing it to best practice guides. Then, researchers will request and review the Police IT's Body Worn Camera & In-Car Camera Systems User Manual. Next, researchers will seek to access BWC/ICC training that all MNPDP officers receive, perhaps even attending a training if allowed by MNPDP staff. MNCO staff will then grade MNPDP's BWC/ICC policy via the BJA's Body-Worn Camera Policy Review Scorecard and other best practice benchmarks¹².

¹¹ Katz, Charles, and Jessica Huff. "The Achilles Heel of Police Body-Worn Cameras: Understanding the Factors that Influence Variation in Body-Worn Camera Activation". Forthcoming, *Justice Quarterly*.

¹² Available via: <https://bit.ly/3P7zGBz>. MNPDP graded their pilot project on this same scorecard; changes will be highlighted.



Information regarding the BWC/ICC program as it currently operates in practice will then be gathered via multiple main channels:

- 1) Interviews with MNPD training staff and BWC/ICC staff regarding pros, cons, implementation, and auditing of the technology, in addition to ride-alongs to see real-time BWC usage
- 2) Interviews with other departments who have conducted audits of BWCs, such as the Austin City Auditor, the Defender Association of Philadelphia, and the Virginia Beach City Auditor
- 3) Focus groups and meetings with representatives from the District Attorney’s office and the Public Defender’s office pertaining to their auditing protocols and the potential for departmental collaboration
- 4) Town halls and focus groups with Nashville residents from both the general public and from criminal justice stakeholders across the city.
- 5) A random sample of all BWC/ICC footage linked to arrests to determine any potential policy violations, including storage or retention issues
- 6) A random sample of all Form 213s (MNPD’s Random Monthly Audits form), as well as the accompanying BWC/ICC footage and incident reports for those events
- 7) Copies of the Semiannual Audits by the BWC/ICC Program Administrator and by Police-IT Body Worn Camera/In-Car Camera Unit. Includes: a) Activation Audit, b) Compliance Audit, and c) Semiannual Audit

Below is a draft version of an Audit Form with which Form 213s will be audited. It is subject to change.

Proposed Audit Form of BWCs and MNPD Form 213

	Yes, it was	No, it was not	Notes
<i>For BWC Audit Only</i>			
Was BWC/ICC activated before civilian contact? If not, was explanation given?			
Was subject notified of BWC/ICC recording at earliest opportunity that was safe/feasible?			
Was BWC/ICC deactivated at appropriate time? If not, was an explanation given?			
Was the video uploaded in a timely fashion?			
Was the video stored properly?			
Was the video categorized properly?			



Is the video free from any auditory or visual redaction (minus allowed exceptions, like video of juveniles)?			
Was the camera at all obscured at any point? <i>If yes, Does the BWC appear to be worn on the officer's chest?</i>			
Was there a policy violation related to BWC policy? <i>(Select yes if any of the above are selected, or if there is another violation)</i>			
Was there any indication of a policy violation not related to BWC policy?			
<i>For BWC and Form 213 Audit</i>			
Was the monthly audit a comprehensive and accurate reflection of the videos?			
If the supervisor found a policy violation, was there an appropriate response and/or referral of the officer?			

<i>Situational Information</i>		
	Response	Notes
What was the call type that led to the encounter (traffic stop, domestic violence, etc.)?	<i>*Note: there will be a drop-down list to comprehensively capture each incident type</i>	
What was the subject's race?		
What was the subject's gender?		
Was there a mental health component to the call? If so, was a member of the Mobile Crisis Team or Partners in Care at the call?		



Broader Impact and Risk Assessment

Research published in the American Bar Foundation’s Journal cogently outlines the value of auditing body cameras on an aggregate level. Professor Mary Fan writes that¹³

[BWC footage] may not present evidence for prosecution in a specific case, or may simply show a minor transgression, such as chewing gum or taking off a cap, that should not warrant nickel-and-diming officers at a specific incident level. At the aggregate level, over time and many cases and incidents, however, body camera big data may reveal potentially important patterns and practices. Moreover, what constitutes a minor policy violation can be very much in the eye of the beholder. For example, being quick to resort to rude treatment, cussing at community members, and otherwise escalating rather than de-escalating encounters to raise the risk of use of force can be a serious problem from a harm prevention perspective, even if it is perceived as a minor transgression by the officer in a specific incident, viewed in isolation. Data that may seem of minor evidentiary value in an individual case may be powerful when aggregated, revealing issues such as concentrating revenue-generating stop and fines on minorities, escalating encounters through rude and aggressive behavior, or differences in the use of physical or verbal forcefulness by race of the community member encountered.

While this particular research proposal scrutinizes a specific element of BWC/ICC policy, it should not preclude future investigations and larger-scale audits of MNPDP’s BWC/ICC footage as MNCO staffing levels continue to grow. Random sample audits of large volumes of data very much remain open for future consideration in an effort to uncover structural issues, particularly after the Professional Specialist role is filled.

BWC/ICC programs also directly relate to city liability. The Gainesville City Auditor conducted an audit of the city’s use of BWCs and noted that¹⁴ “Failing to perform periodic review of actual agency body camera practices increases the likelihood of policy and procedure non-compliance which could lead to reputational and legal impacts for the City.” The COB, as outlined in the city charter, has the “option of establishing a monitoring program that provides an ongoing review or audit of the complaint process administered by the MNPDP Office of Professional Accountability or equivalent internal affairs program in MNPDP.” The COB is thus well-positioned to assist MNPDP in avoiding future risk. The proposed research presents little risk in itself, as all information will be deidentified and reported at an aggregate level, and all footage will be stored in accordance with COB policy.

Broader issues such as training content and regularity, privacy concerns, and the department’s use of data/performance measures pertaining to BWC/ICC use will also be thematically explored.

¹³ Fan, Mary D. "Body cameras, big data, and police accountability." *Law & Social Inquiry* 43.4 (2018): 1236-1256.

¹⁴ Office of the City Auditor. "Body Worn Camera Compliance Audit". City of Gainesville, Florida.



Timeline and Schedule

This research proposal was approved by the Board at its July 27th, 2022 meeting. The proposed research timeline is as follows: research and data collection will be conducted in the Summer and Fall of 2022, data will be analyzed in the Winter of 2022-23, and a preliminary report will be produced by Spring of 2023. Due to the potentially time-consuming nature of this research, the Board requested and will receive monthly research updates. This schedule is subject to change.

Given the sensitive and time-consuming nature of the data, as well as the desire for robust public feedback, it is not recommended that the COB consider this report on an expedited track. To this end, at its July 27th meeting, the Board approved the proposal on a regular track.