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A Third Party to Police Activity: How Body-Worn Cameras Impact Police Officer Language and Behavior, and How Officers Use Them

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Abstract

Body-worn cameras were vastly integrated into American policing following the contentious officer-involved shooting deaths of Tamir Rice, Michael Brown, and Eric Garner in the summer of 2014. High start-up and management costs, as well as concerns about both officer and citizen privacy, keep some departments from fully embracing these surveillance devices. Essentially, they question whether the rewards of body-worn cameras outweigh their risks (White & Malm, 2020). This project aims to demonstrate the necessity of body-worn cameras in modern policing through analyzing if and how officers orient their speech and behavior towards these devices in officer-involved shootings, and whether that may benefit them in subsequent investigations. It will also cull findings from existing qualitative research and analyze body-worn camera policies to evaluate the benefits of technology for the police and society generally.

Introduction

Police use of force has been a controversial topic for years, and body-worn cameras have become one of the proposed methods of circumventing avoidable or excessive uses of force. Body-worn cameras are used by nearly half of police departments in the United States, and about eighty percent of departments use at least some sort of recording device, such as dash cameras (Hyland, 2018). The incorporation of surveillance devices in policing has one goal: to provide additional protection for officers and citizens (Hyland, 2018). While opponents argue that body-worn cameras are unnecessary, advocates argue that they are an invaluable resource. This disagreement stems from mixed results of research on the ability of body-worn cameras to reduce excessive use of force. For this reason, it is purported that body cameras cannot completely solve issues with police use of force (Yokum et al., 2019). However, some departments benefit greatly from the implementation of a body-worn camera program: The Mesa Police Department of Arizona saw a 40% reduction in use-of-force complaints and a 75% reduction in use of force incidents (Fan, 2019).

Additionally, research conducted on conversations shows how different words or phrases can cause various responses in high-stress situations (Enfield, 2017). In a study conducted by Voight et al. (2017), review of body-worn camera footage revealed disparities in the level of respect officers used when addressing members of different racial groups. Specifically, white people were spoken to with greater respect than black people. When connected to research conducted by Stoughton et al. (2020) which discusses how people are less likely to comply with officers who speak to them disrespectfully, it is clear that there is significant tactical importance in what officers say and how they say it. Although existing research does not extensively cover conversations between police officers and citizens, these studies are invaluable in

comprehending the way officers and citizens speak to each other in each turn of talk, and how they construct their responses in the next turn based upon that prior turn of talk and thereby assembling sequences of interaction together that shape the outcome of the interaction. This phenomenon is formally understood through the discipline of conversation analysis (Enfield, 2017). This thesis does not go into detail about how the style and manner in which officers and citizens speak to each other can escalate an encounter or result in miscommunication, but rather is discussed due to its importance as a facet of body-worn camera video analysis.

Not all police departments have body-worn camera programs because they are not federally required, and those with body-worn camera programs have differing policies and levels of officer discretion when in use. Most opt for “moderate” discretion, which requires some interactions to be recorded, such as traffic stops, while others are optional, such as general conversations with citizens (Fan, 2019). Related to this is the issue that officers do not always turn their cameras on in time to catch the preliminary conversation before a contentious encounter, or do not turn the camera on at all, which results in the loss of valuable footage. Finally, police departments have different policies on the release of body-worn camera footage. Some departments insist on keeping footage private indefinitely for legal reasons, while others immediately release footage after high-profile encounters, such as those involving a supposedly unjustified use of force, to help clear up misconceptions that may otherwise result in protests. This waiting game with the release of footage often results in substantial frustration in a department’s community (Fan, 2019).

Despite numerous existing studies on the topic of police body-worn cameras, no research focuses on if and how police officers orient their speech and behavior toward body cameras, or if they consciously use the cameras to document different aspect of an interaction. In determining

the value of body-worn camera use, the following question will be answered: do police officers use body-worn cameras as a resource to produce an official account or record of events, and if so, how? Discovering the answer to this question will corroborate the effectiveness of body-worn cameras in policing. This information will contribute to the argument made by the National Institute of Justice, as well as researchers in the fields of social science and criminal justice, that body worn cameras are just as beneficial to police officers as they are to citizens (Chapman, 2018). Researchers can use this information to push for police training that covers how to use body-worn cameras as a tool to improve clarity on behalf of officers' actions and the outcomes of potential legal disputes. The National Institute of Justice identifies this as a weakness with the outcomes of current research on body worn cameras. So this project can contribute to potential improvements in training (Chapman, 2018). Similarly, according to Yokum et al. (2019), body cameras cannot reduce instances of police use of force but can be used to expose weaknesses in police training related to tactics. With improved training, both citizens and officers will have greater protection and a heightened sense of security. In this way, concerns about false accusations on either side of an interaction - the officer or the citizen - may be eased.

This descriptive case study examines seven body-worn camera videos of officer-involved shootings to analyze the extent to which officers recognize the importance of the camera, and the manner in which their speech and/or behavior is inhibited by the camera, as well as for any direct references to the camera. These seven videos were selected for this study because they clearly capture instances in which officers directly addressed the presence of the body-worn camera, or because they included examples of unusual behavior or speech that is considered to be a result of the camera's presence. Officer-involved shooting encounters were selected because of the

voluminous footage available; many departments only release recordings of high-profile police-citizen encounters, which is typically those involving substantial use of force. The Washington Post Police Shooting Database, which has tracked all fatal officer-involved shootings since 2015, was the primary source of locating these videos. Each video was analyzed thoroughly for any use and misuse (i.e., officers covering their camera lens or microphone, or selectively turning their camera on and off during an encounter) of body-worn cameras by police (Fan, 2019). Additionally, if a criminal charge was filed against an officer or organization as a result of a shooting, that trial was analyzed for details concerning the interpretation of body-worn camera footage. Three major trends were found in the videos that correlate with existing research on the subject: a) officer awareness of the importance of body-worn cameras; b) the impact that the camera has on officer behavior, and c) the impact that the camera has on officer speech. The majority of the videos exemplified each of these aspects but are discussed in separate sections for ease of illustration.

Literature Review

Introduction

There is a substantial amount of literature covering the topic of body-worn cameras in policing, as well as literature relating to institutional talk (Heritage and Clayman, 2010). To better frame the context of this paper and to provide background information on the subject, the following review details recent and relevant criminological and sociological research on body-worn cameras' importance in policing and how they impact officer behavior and language.

Officer Awareness of Body-Worn Camera Importance

Body-worn cameras frequently protect officers in criminal investigations, such as those featuring false citizen complaints. Sometimes, citizens who want to get out of a ticket or feel that they are wrongfully being stopped by police, will file reports against officers for reasons such as harassment or excessive use of force. Departments can then review the body-worn camera footage of the encounter to know more about what happened, and find that either the officer never harassed the citizen or that the citizen was being noncompliant. According to White and Malm (2020), officers with body-worn cameras are more likely to be exonerated from citizen complaints than officers without body-worn cameras. Consequently, departments save a substantial amount of money on legal fees; the Las Vegas Metropolitan Police Department saw a savings of four million dollars per year after the implementation of their body-worn camera program. Officers therefore also recognize the value of camera footage in officer-involved shootings. As stated by White and Malm (2020), “Reports document results, while video footage documents how events transpired...” (p.47).

Although there are significant benefits to the implementation of body-worn camera programs, as discussed above and in the following sections of this literature review, there is still resistance from some departments and individual officers. For example, some officers believe that their discretion would be negatively impacted by the presence of the camera (White & Malm, 2020). However, according to Sandhu (2017), most officers prefer to be captured on camera. This is for a variety of reasons, including the fact that it allows them to demonstrate that they are doing their job in the most respectful way possible and helps protect them from complaints. Some of these same officers have concerns about citizen use of smartphones to capture police encounters because they can be distracting, escalate an already tense situation, or

obstruct officers (Sandhu, 2017). These citizens record officer-citizen interactions for the purpose of “cop watching,” (Fan, 2019, p. 62). This is the practice of recording officers to document rights violations on behalf of citizens, since not all officers wear body cameras, and body cameras, like all technology, are susceptible to malfunction. Essentially, it provides another angle to an encounter for consideration (Fan, 2019). Officers sometimes perceive cop watchers as biased against them, or as “cop haters,” which is an additional factor in why this form of surveillance can cause them concern (Sandhu, 2017, p. 10). In short, although observing parties may have biased motives in recording encounters, officers recognize the importance of their ability to capture encounters on their body-worn cameras.

Impact on Officer Behavior

According to White and Malm (2020), many officers feel that body-worn cameras impede their discretion. In a study of twelve police departments, there was a noticeable increase in officer proactivity: officers with body-worn cameras self-initiated more contacts with civilians than non-camera-wearing officers and issued more citations but made fewer arrests. Similar results were found in a study conducted by Arizona State University, although their study found body-worn camera officers making more arrests (Chapman, 2018). Another study on the Toronto Police Service also showed an increase in arrests after body-worn cameras were given to officers (Lum et al., 2019). This phenomenon is explained by officer concern over departmental review of their actions; body-worn camera footage is useful in reviewing officer behavior, and in response officers alter their behavior (White & Malm, 2020). Therefore, officer behavior is in fact impacted by body-worn cameras, and typically in a positive way, since their behavior is altered to better fit departmental expectations and policy.

Another reason for officers' altered behavior in the presence of body-worn cameras is due to the way the average citizen views such footage, whether they are members of a jury or the general public. The general public tends to favor the "CSI effect," which refers to the high expectations people have of body-worn camera video. Because of crime television series, the general population expects a greater amount of high-quality evidence that reflect real-life situations (Morrow et al., 2016). What is captured by body-worn cameras doesn't match the cinematography level of crime television shows, unlike some people expect it to. Body-worn cameras are limited in what they capture due to where the cameras are mounted on an officer's body – typically the chest. This means the camera only captures what is directly in front of an officer and with limited peripheral vision. As mentioned by Granot et al. in *In the Eyes of the Law: Perception Versus Reality in Appraisals of Video Evidence* (2017), people tend to perceive video evidence as a reliable, nonpartisan account of events, and place too much trust in their biased interpretation of video. There are instances in which officers did not see or hear what the body-worn camera did as a result of their stress levels or focus on a threat. Therefore, it is recommended that body-worn camera footage not be interpreted as an all-inclusive account of events (Phillips, 2016).

There are mixed results as to whether body-worn cameras have a significant impact on police use of force. The Phoenix (AZ) Police Department, for example, saw a 22.5% decrease in the number of complaints made against officers after they started their body-worn camera program. Whereas the Orlando (FL) Police Department saw a 65.4% drop in citizen complaints and the Mesa (AZ) Police Department had a 40% decline in complaints, and a 75% drop in use of force incidents. Therefore, it is reasonable to assume that departments in which officers more frequently use force or unnecessary force in their interactions with the public will see *some*

decline in use of force incidents and citizen complaints, but departments where officers use force infrequently and only when necessary will likely not see this change. Each department has its own unique officer subculture and community they serve, and not all departments will see a dramatic improvement after starting a body-worn camera program. But the insurance that cameras provide for officer and citizen safety is substantial enough to warrant consideration of their adoption (Fan, 2019).

Impact on Officer Language

There is also the legal aspect of what conversations in an encounter can lead to for officers. Because of the proliferation of body-worn camera evidence, courts have had to develop their own protocols for incorporating officers' use of cameras in testimony (Bellin & Pemberton, 2019). Some officers have been trained to narrate interactions specifically for departmental review. However, these statements are not always admissible in court; on occasion, they have been rendered "calculated narrations," or narration that was specifically formulated for retelling, and not an accurate play-by-play of events. The distinction here is typically in the way officers point something out. For example, the excited utterance "He's got a gun!" is representative of a present sense impression and is therefore admissible in court, but the narration, "He followed her into the house with a gun," is considered inadmissible hearsay due to its similarity to police reports. However, statements like, "The driver's breath smells like alcohol," for example, may be admitted under the recorded recollection hearsay exception under the assumption that the witness's memory is fading due to the amount of time that has passed between the trial and the encounter. Statements under this exception are not considered evidence, but instead are only read into the court record in order to prevent camera evidence from being more influential than testimony. For these reasons, officers change the way they

speak in the presence of a camera in order to ensure that what they capture is the most helpful for their situation (Bellin & Pemberton, 2019).

Additionally, it is difficult to get a good idea of all that occurred to impact officer and citizen behavior when footage is viewed only once or twice; an accurate, unbiased opinion comes from reviewing a video multiple times. By reviewing footage more than once, one can better understand how the turns of talk in an officer-citizen encounter escalated or deescalated a situation. For example, brief pauses (e.g., a half to 1 second) between turns of talk that may be unnoticeable to a casual observer or reviewer of the video, can indicate to the participants *in the encounter* as hesitation to comply with officer direction, and therefore imply intent to flee or to harm an officer (Enfield, 2017). What also must be considered by reviewers is that interactions are associated with inferential frameworks and procedures that are particular to specific, individual contexts. Conversation between a police officer and a citizen will sound different than a conversation between a sales representative and a customer due to the nature of institutional talk; officers are in a position of authority and are upholding the law, so it is more common for them to assert that authority to keep an interaction on track (Heritage & Clayman, 2010). As previously mentioned, conversation analysis will not be analyzed in depth in this study, but this phenomenon serves a critical role in understanding how situations where tensions are already high, can be escalated to the point where deadly force is used. For example, overlapping conversation between officers and citizens, or one party interrupting the other's turn of talk, creates a communication environment ripe for miscommunication or misunderstanding between officers and citizens. This in turn may increase the probability for the use of deadly force. This must all be analyzed by reviewers of body-worn camera footage for the sake of

upholding the important role of the body camera as a third-party listener to police-citizen encounters.

The implementation of body-worn cameras in policing has led to a decrease in use of force and citizen complaints against officers, which has saved departments enough money to continue to support body-worn camera programs. By studying if and how body-worn cameras impact officer language and behavior, and how officers use them, more can be done by police training academies to prepare officers for successful interactions with citizens, with success being measured as a continued decline in use of force incidents and citizen complaints.

Findings

In this section, I discuss seven videos of police shootings focusing on the interaction between citizens and officers to illustrate the three areas (officer awareness, impact on officer behavior, impact on officer language) discussed in the literature. The goal is to demonstrate these in *actual* police-citizen encounters as opposed to their usual treatment as hypothetical or reported examples. This approach allows us to better understand both the immediate and wider contextual environments in which these occur.

Officer Awareness of Body-Worn Camera Importance

The officer-involved shooting of Phume Lee in St. Paul, Minnesota on October 5, 2017 exemplified officers' known importance of capturing what occurs before, during, and after a shooting, as well as their use of the body camera to document evidence. For reference, a video of the encounter is available at <https://www.youtube.com/watch?v=gt9i6AGJTzs>. Officers were dispatched to the scene after Lee's girlfriend called and reported that he was holding her and their five children at gunpoint inside their home. She also reported that Lee fired two warning

shots from his revolver and threatened to kill them. Officers were able to safely escort the children from the home, and then pursued Lee down the street (KARE staff, 2018). The body-worn camera video begins here, with three officers following a man they presumed to be Lee on-foot. Once they confirmed it was him, they chased after him, catching up with two other officers. They all ordered him to stop and show them his hands, some ordering him to get on the ground and drop his weapon. Two officers fired at Lee when he did not comply and aimed his revolver at them, one officer with an AR-15 rifle and the other with his pistol (the officer wielding the pistol being the one whose point-of-view is seen on the body-worn camera footage), and a third officer released her K9 on Lee after that. The officers then approached Lee, ordering him not to move and to show them his hands. The officer whose body-worn camera footage was released to the public, stood over Lee's firearm. The officer with the AR pointed to the revolver, saying, "Gun's right under there," and the officer replied, "I got it, I got it" (stated at 1:29). Officers then handcuffed Lee and checked the car that Lee was presumably running towards, likely as a getaway vehicle. Two new officers approached, and the recording officer called to them, "Hey, cameras," to warn them that he was recording all that was happening (1:54). "Leave 'em on," one of the officers told him (1:58). The K9 handler also misunderstood, asking, "Turn them off?" and multiple officers responded, all saying "Leave 'em on" (2:02). The officers were instructed to leave their cameras on to document the manner in which they handled the scene after the shooting, including to ensure that there was no tampering with evidence. The officer who fired the AR at Lee walked back over to the recording officer. He bent forward and aimed his camera at the revolver and spoke clearly as he said, "There's the gun right there" (2:24). In this instance, the officer was using his camera as a more direct form of documentation – to document that Lee was in fact armed and posed a significant threat to the police and bystanders

in the subdivision at the moment he was shot, and to document that the revolver was located and secured by the officer who stood over it. The recording officer and the officer who fired at Lee with his AR were then escorted off scene by an officer who must have been a sergeant or other supervisor, an assumption drawn from the control she exhibited once she was on scene (Pioneer Press, 2018a). No charges were brought against the officers involved in this shooting (KARE staff, 2018).

Occasionally, officers do not turn their cameras on in time to cover an entire encounter, either due to technological malfunction, forgetfulness, or the chance that they were not in a tactfully safe situation to turn on their camera at the start of the encounter (Fan, 2019). When interpreting what amount of video is made available to the public, it can be difficult to differentiate these reasons from the possibility that a department simply chose to omit sections of footage. When this occurs, it is imperative to conduct background research, or to attempt to piece together context clues from the video, but it is impossible to know for certain what led to the shooting.

In the short video of the officer-involved shooting of Bartolo Justice Sambrano in Ogden, Utah, three points of view are shown: two officer body-worn cameras that show the officers' perspective, and one security camera that covers the entire scene. For reference, a video of the encounter is available at <https://www.youtube.com/watch?v=QdINGQIgX8U>. Additionally, a transcript of a portion of this encounter is available under Appendix 1 (Meehan & Dennis, 2020a). Sambrano was a known gang member with multiple felony warrants for his arrest. While an officer was conducting a regular patrol of a parking garage, he spotted Sambrano and another gang member walking through the parking garage and peering into unoccupied vehicles. When he attempted to make contact with them, they ran, and he radioed for backup. Two

responding officers spotted Sambrano once they arrived and chased him down (Scholl, 2017). The video begins here, with an officer shouting after Sambrano to show him his hands. Sambrano then stopped, raised his pistol, and aimed it at one of the officers. The officer shouts, “No, no, no,” (0:04), and fires nine shots at Sambrano, who immediately collapses. A third officer then arrives and helps to surround Sambrano by standing across from the other officers. The officers continue with the arrest, instructing Sambrano to show his hands, and one of them kicks Sambrano’s gun away from his body. Just as they are handcuffing Sambrano, another officer arrives on-foot. He asks, “Did you have your camera on?” and an officer responds, “It’s on, I caught everything” (1:00). He goes on to say, “He had a gun on us... He pulled a gun on us” (1:04). The officer who asked about the cameras did not acknowledge this statement, choosing to only instruct him to “call medical” (1:08) (Cop Cam, 2017). This video clip is only one minute and ten seconds long, but it depicts the importance of body-worn cameras in capturing the details of an encounter, as well as the officers’ awareness of that fact. If the officers did not have body-worn cameras, or if Sambrano chose to stop running where the security camera was not able to capture him aiming his pistol at the officers, the officers would have had less legal protection. This was something that the officers knew to be important because of an officer’s question of the status of the cameras, and the other officer’s response that his was on and caught everything. The word choice “everything” in and of itself reflects the known importance of this encounter being recorded, because it invokes the power of the camera as an unbiased, third-party viewer of what occurred. No charges were brought against the officers involved in the shooting (Lockhart, 2017).

Body-worn cameras are more likely to capture what an officer saw *prior to* making a discretionary decision (Fan, 2019), which comes to benefit attorneys in subsequent investigations

on officers' decision-making. This is especially true when officer-created jeopardy comes into question. Officer-created jeopardy is a phenomenon in which an officer puts himself in unnecessary danger, thereby setting in motion a chain of events that may result in the use of deadly or otherwise avoidable force. Of course, officers are expected to put themselves in dangerous situations in order to apprehend criminals, but this relates to actions taken that directly contradict departmental policy and training on safety practices. This is also where body-worn cameras come to benefit the citizen who is the target of the encounter, or his representatives if the use of force was fatal: if it is proven that the officer instigated an aggressive response, he may face charges (Stoughton et al., 2020).

Officer-created jeopardy was an issue in the shooting of Samuel DuBose by Officer Ray Tensing in Cincinnati, Ohio on July 19, 2015. The video of this encounter is available for viewing at <https://www.youtube.com/watch?v=kYINt6uNjA0>. Additionally, a transcript of this encounter is available under Appendix 2 (Meehan & Dennis, 2020b). Officer Tensing initiated the traffic stop because the vehicle DuBose was operating did not have a front license plate, and the state of Ohio requires vehicles to have both a front and back license plate. After Tensing approached the vehicle, he asked DuBose for his license. At first, DuBose said that he had a license, but would not directly answer whether he had it on him. This went against conversational norms, since he would only answer Tensing's questions about whether he had his license on him with an indirect response. For example, he stated that he had a license and Tensing could run his name through a database to verify that, but would not say, for instance, "No, I don't have my license with me." Breaching conversational norms in this manner can lead to upset and personal conflict (Enfield, 2017). Tensing demonstrated his frustration with DuBose with his tone and word choice: "So, do you have your license on you? I'm asking you a

direct question; do you have your license on you?" His hands are seen gesturing in front of the body-worn camera, which also indicates his frustration with DuBose, since he had not made any gestures until that point (1:06). DuBose dodged Tensing's question again, and asked again why he was pulled over, breaching conversational norms another time by probing with unnecessary questions; Tensing already informed DuBose of why he was pulled over. After more turns of conversation and Tensing's redirection back to the topic of DuBose's license, he finally admitted that he did not think he had his license with him. This occurred over one minute into the interaction, and for much of that time, Tensing and DuBose went back and forth on whether DuBose had a driver's license on him. This was not tactically advantageous for Tensing. It would have been ideal for Tensing to have asked DuBose to step out of his vehicle after DuBose dodged his questions the second time, but instead of staying on-topic, Tensing asked other questions like what liquid was in the bottle on the floor of his vehicle, and asked where he lived. Instead, Tensing asked DuBose to step out of his vehicle nearly two minutes into the interaction. He put his hand on the car door handle and attempted to open the car's door as he asked, but DuBose grabbed the door and pulled it shut, insisting that he did nothing wrong. DuBose turned his car on concurrently with Tensing asking DuBose to take his seatbelt off. Tensing immediately reached into the car, across the steering wheel, in what appears to be an attempt to remove the keys from the ignition (WCPO 9, 2015).

Figure 1

On following page: Officer Tensing reaches into Samuel DuBose's vehicle



Note. Video still retrieved from Officer Tensing's body-worn camera (WCPO 9, 2015).

This, again, is not a tactfully sound decision, and constitutes officer-created jeopardy: Tensing did not need to reach into the car to stop DuBose, and that is not a practice police officers are taught to do because of how dangerous it is for an officer. He may be dragged by the car if the vehicle's operator was to start driving (Stoughton et al., 2019). This is in fact what happened: DuBose started to drive away and Tensing potentially felt or feared the sensation of being dragged, and so he shot DuBose in the head. DuBose's car crashed into a telephone pole approximately two hundred feet from where the stop occurred (WCPO 9, 2015).

After Tensing ran to DuBose and looked him over for signs of life, he started to tell other officers on scene that he thought he was going to be run over. He insisted that DuBose "just took off" on him, that he was dragged, and that his arm was caught in the vehicle's steering wheel. However, in the body-worn camera footage, Tensing's arm can be seen reaching for something to grab on to so that he could brace his fall, not caught in the steering wheel. Tensing also told officers that his arm was sore and needed to be checked by a doctor, which was fair, considering

that he was briefly knocked over by the vehicle. When approached by a sergeant who responded to the scene and asked about Tensing's body-worn camera, Tensing said, "I'm hot," meaning that his camera was running, and tapped the camera twice (9:48). This was a casual exchange, which made it known that Tensing understood the entire encounter was recorded and was confident in the camera's ability to hypothetically "speak" to what happened. This was interesting because it implied that he did not think that he used improper tactics in the stop, and that he conducted himself appropriately (WCPO 9, 2017).

Ultimately, the camera footage did in fact speak for itself: Tensing faced two court trials on charges of murder and voluntary manslaughter. This led to him being fired from the University of Cincinnati Police Department (UCPD). A major point of contention in the trials was the fact that Tensing reached into DuBose's vehicle. Attorney Gibson, for example, asked Officer Kidd, one of the officers on scene at the time of the shooting, "As part of your training, Officer Kidd, what have you been instructed about lunging into a vehicle – into a stopped vehicle?" Officer Kidd replied, "That we don't reach into a car" (*State of Ohio v. Raymond Tensing*, 2016). In both cases, the jury could not reach a unanimous decision. Tensing was awarded nearly \$350,000 for unfair dismissal by UCPD. The DuBose family reached a settlement of about \$4.85 million with the University of Cincinnati, which included a requirement for police reform at the university (Shooting of Samuel DuBose, 2021). The importance of the body-worn camera in this case was still clearly understood by the officers. Its role in identifying instances of improper use of force and police tactics was also exemplified, due to the tactical mistakes made by Tensing being used to establish an era of reform at UCPD.

Another example of critical tactical error, as well as a corroboration of the importance of capturing the conversation and interaction that occurs prior to the use of force, is the officer-

involved shooting of Jeffrey Nielson in Draper, Utah, on January 14, 2015. The body-worn camera footage that was released to the public is thirty-two minutes long, much longer than most others. This is because it covers a significant amount of conversation both before and after the shooting. For reference, the video of this encounter is available at <https://www.youtube.com/watch?v=u-s7gf7A9t8>. In this encounter, Nielson was approached by Officer Jason Vincent when he saw Nielson slumped over his steering wheel on the side of the road while he was on his way to work. It is unclear whether Vincent went to his department and then came to check on Nielson, or if he conducted the traffic stop immediately, but other officers were called to the scene. One officer recorded the incident on his body-worn camera, which captured the generally polite and respectful conversation between Nielson and the officers (KUTV 2 News, 2015).

A drug-sniffing police K9 alerted Nielson's vehicle, and so they conducted a search. Nielson remained compliant, although he did sound stressed, and insisted that he did not have any drugs in his car. Officer Vincent thanked Nielson for his cooperation, and to help calm Nielson's nerves, they gave him a cigarette from his car. While his car was being searched, Nielson notified the officers of a knife in his glovebox. After officers found crack cocaine in his car, Nielson was arrested. Officers decided to switch out Nielson's handcuffs because a different jurisdiction would be taking him to the county jail, and at one point did not have a hold on his arms. This created an unnecessary danger because it fostered an opportunity in which Nielson could escape arrest. Although Nielson had been compliant with the officers until that point, there was still a risk of him taking that opportunity to escape. Earlier in the video he vocalized his fear of being arrested, a fear so strong that he was willing to lie to the officers about having drugs in his car. This fear is what caused him to flee to his vehicle. A struggle between Nielson

and the officers ensued while he was in his car, dislodging the body-worn camera. It fell to the pavement, and although the interaction was no longer in-frame, the camera continued to record audio. Five shots were heard – fired by Officer Vincent – because Nielson took his knife from his glovebox and, according to Vincent, made stabbing motions with it. The officer whom the body-worn camera belonged to can be heard saying, “Where did my camera go?” followed later by another, “I didn’t even get a chance to turn mine on...” (19:24). The recording officer later said, “I’ve got a video, it’s laying around here somewhere” (20:30). He found his camera on the ground and an officer asked, “Is that still goin’?” to which he replied, “Still goin’” (20:58) (KUTV 2 News, 2015).

This conversation between the officers displayed their reliance on body-worn camera footage to document an encounter to protect themselves in the event of a departmental investigation or lawsuit. In this case, a lawsuit was filed by Nielson’s wife after the video was released and she heard some of the conversation between the officers. The lawsuit argued that Nielson was unarmed, and that officers unnecessarily escalated the event by delivering distraction blows to the back of Nielson’s head, which was an attempt to regain compliance. The reason Nielson's wife believed that he was unarmed was because of what the other officers said: one stated, “I didn’t even see the knife,” and another, “I didn’t even hear him say he’s got a knife” (19:25) (KUTV 2 News, 2015). The case was dismissed with prejudice after Nielson’s wife won money in the lawsuit. Officer Vincent still works at West Valley City Police Department, but has since been promoted to detective (Alberty, 2016). It is reasonable to assume that the account provided by the body-worn camera was beneficial enough for him to not have his certification revoked under regulatory law (Stoughton et al., 2020). Lawsuits like these can help explain the next phenomenon in officer behavior relative to body-worn cameras, which

involves officers being instructed to not discuss what they saw or did in the presence of the camera, and solely use it to document the happenings of an encounter.

Impact on Officer Behavior

Occasionally, officers are instructed by their supervisors or other officers on scene not to discuss the events that led to the shooting, and to solely discuss what is to be done next. This is likely practiced to prevent mentioning any details that could hurt the officer in the event of a proceeding court case or review by a District Attorney. Additionally, the retelling of the event on camera is sometimes inadmissible in court due to its confliction with the “present sense impression exception,” and nature as a “calculated narration.” When an officer is not narrating what exactly is happening before him but is instead narrating it to a party who will view the video, or relaying what happened to someone else on scene, those statements are not accepted in court. In *United States v. Woods*, the Seventh Circuit Court used the calculated narration phenomenon to distinguish between statements a confidential informant made to the FBI during an encounter and general comments he made, since the former was inadmissible under the present sense impression exception. The present sense impression exception is invoked in body-worn camera cases because of its importance in ensuring that there is no fabrication of an event. If an officer was to describe a shooting on camera to his sergeant and his description differed from what happened, even slightly, that may be used against him in court. However, it is extremely difficult to tell these different forms of speech apart from each other because all speech is calculated to some extent. For this reason, courts typically do not have a black-and-white guide to follow when determining the admissibility of officers’ speech on body-worn cameras. Instead, they choose to review statements on a case-by-case basis to determine the intent behind why an officer chose to say what he did (Bellin & Pemberton, 2019).

In the officer-involved shooting court case *Dawes v. City of Dallas*, an officer's words were questioned under the pretense of calculated narration. Officer Christopher Hess, who was the officer that shot and killed victim Genevieve Dawes, reported to Dallas Police Department Dispatch, on camera, that Dawes rammed his patrol car with her vehicle twice, when she only hit his vehicle once. Whether this false statement resulted from the tensions on-scene or from an attempt to fabricate further evidence against Dawes, it was frequently cited by the prosecution throughout the court trial and left the defense to attempt to justify why Hess thought Dawes rammed his vehicle twice (*Dawes v. City of Dallas*, 2020). Therefore, when officers are gathering their thoughts after a shooting and attempting to retell what happened to other officers, it is best for them to stay quiet, to safeguard both themselves and the victim of the shooting. This practice is directly related to the manner in which body-worn cameras impact officer communication but is being discussed now due to its impact on officer behavior. This practice was shown to prevent officers from seeking support and clarification of their actions with other officers post-shooting, impeding the behavioral aspect of supporting one another to an extent greater than asking an officer if he is physically okay.

A good example of this was found on body-worn camera footage from Officer Rob Arlint following the shooting of Todd Jamal Dye in Trinidad, Colorado, on April 24, 2015. The video of this encounter is available at https://www.youtube.com/watch?v=Bl36OIYj5UQ&has_verified=1. Officer Arlint was called to a trailer park to respond to a trespassing report. According to the trailer park's managers, there were reports of someone entering an empty trailer home and presumably living or squatting in it. When Arlint entered the trailer, he immediately announced his presence and asked anyone who may be in it to make themselves known. As he walked through, he came across Dye. At

first Dye followed Arlint's instructions and got on the ground as he was told, but he sprang to his feet just as Arlint was instructing him to put his hands behind his back. Arlint threatened to tase Dye, but at the same time, Dye drew a gun and aimed it at Arlint. It is important to note that his taser was not immediately available – his gun was – because he drew his firearm as soon as he entered the trailer. When Dye made no move to drop his weapon, Arlint shot him twice. Arlint instructed him to drop his gun, and when he didn't, Arlint shot him thrice more (Fanta, 2015).

Other officers ultimately arrived on scene, along with Emergency Medical Service, and began to ask Officer Arlint about what happened. Notably, an officer is heard narrating the fact that he moved Dye's gun and body: he stated where he found the gun, and where it was moved to, along with where Dye was moved to. It is unclear whether that was directed towards their supervisor or to the body-worn camera. After Arlint was asked how many times he shot Dye, he was escorted out of the trailer by the supervisor, muttering profanities to himself (7:30). The supervisor instructed Arlint to secure his vehicle then meet him at his own vehicle. Instead, Arlint approached a crowd that had formed outside of the trailer and asked no one in particular if someone knew who Dye was (8:30). Just as one of the trailer park's managers begin to answer him, the supervisor is heard yelling to Arlint to secure his unit (patrol car). This reflects the importance of keeping Arlint out of situations where he could incriminate himself by making false statements or claims about what happened. The supervisor approaches Arlint at his vehicle and asks, "What happened here, Rob?" and as Arlint starts to answer, says, "Fuck it. It'll be fine, it'll be fine. You're gonna be alright" (9:12) (Fanta, 2015).

The supervisor goes on to speak to the managers of the trailer park, and Arlint starts to talk to him. Another supervisor interjects and tells him to wait until the other supervisor is not with civilians. This again reflects the importance of separating an officer from the scene when

something so severe has happened. Once Arlint makes it into the original supervisor's patrol car, the supervisor joins him, and says, "We've gotta get you out of the scene as soon as possible or otherwise people are gonna say we're fuckin' planting shit" (9:58). This sentence is exemplary of officers' known awareness of the phenomenon of calculated narration and implies fear of fabricating aspects of the shooting. The supervisor then asks, "Is the camera on?" and Arlint replies, "Yes." The supervisor follows up with, "Was it on during the contact?" and although Arlint does not make a verbal response, the camera bobs up and down, suggesting that Arlint nodded in response (10:03). The supervisor then leaves to talk to someone else, and when he comes back, Arlint is instructed to turn his camera off (Fanta, 2015). None of the officers involved faced criminal trials (Sun, 2019).

This video displayed officers' known value of body-worn camera footage in recording encounters, and their known concern over just how much the camera captures. Sometimes, however, officers are instructed to calm down or relax because their emotional response is so strong that they fear how it may be interpreted by anyone who views the body-worn camera footage. These instances differ from an officer being asked to stop detailing what happened because it does not involve the fabrication of evidence, but instead can imply that an officer made the wrong choice in shooting a person. This will be analyzed in the following section, but before that, the extent to which body-worn cameras impede officers' emotional response will be investigated.

The shooting of Keagan Johnson-Lloyd on October 1, 2018 in Hastings, Minnesota by Officer Geoffrey Latsch demonstrated the body camera's role in limiting an officer's emotional response to a shooting. For reference, the video is available for viewing at <https://www.youtube.com/watch?v=fMvIuAWJjYs>. Officers were called to a group home after

Lloyd, a resident at the home, stabbed another resident after some of Lloyd's cigarettes went missing (Walsh, 2018). Officer Latsch arrived on scene as Lloyd ran down the suburb's street, and three other officers were already on scene. He stepped out of his vehicle just as Lloyd shouted, "[unintelligible] shoot me!" at timestamp 0:10. At this point, Lloyd was within ten feet of the officer, wielding a razor blade, and moving towards him at a high rate of speed. Latsch fired his weapon at Lloyd three times. Latsch backed away and breathed heavily as he fought to catch his breath. Another officer asked him multiple times if he was okay, to which Latsch replied "Yeah," repeatedly (0:30). He said in a strained voice, "He pulled a knife," an attempt to clarify and justify why he shot Lloyd, and the officer agreed with him (0:38). Officer Latsch kept his distance from Lloyd and the officers who rendered him aid and continued his attempts to control his breathing. An officer approached him and asked him if he'd like to go sit down, and Latsch replied, "Yeah." As he walked away, he is heard struggling not to cry (2:36). The video ends here (Pioneer Press, 2018b). It is impossible to know how Officer Latsch would have reacted without the presence of the camera, and the assumption that his emotions were repressed by its presence is speculative. This inference should still be considered granted the evidence mentioned above that indicates officers who demonstrate emotional responses or actively seek out support are questioned in court or told to stop talking.

Impact on Officer Language

A step further from the data presented above are the occasions in which officers whisper to each other on scene to avoid being caught on camera saying anything that may hurt their case, as well as instances in which they make eyes or mouth words to each other, or even cover their camera lens and microphone. This study found two significant examples of this phenomenon, leading to the conclusion that this must be an infrequent occurrence when compared to other

body-worn camera language and behavior, like reflection on the nature of the body-worn camera being on and recording, and officers being instructed not to reconstruct what happened after a shooting.

The body-worn camera footage recorded by Sergeant Kenneth Parnell in Marksville, Louisiana on the night of November 3, 2015, exemplified body-worn cameras' direct impact on officer language (Shooting of Jeremy Mardis, 2021). Prior to the start of Parnell's body-worn camera footage, police officers Derrick Stafford and Norris Greenhouse attempted to initiate a traffic stop with Christopher Few. Few continued driving after the officers turned on their lights and sirens to signal for the stop, leading officers on a two-mile chase. He later explained that he continued driving because he was trying to catch up with his girlfriend, who could take care of his autistic six-year-old son, Jeremy Mardis, if he was arrested. Mardis was sitting in the vehicle's passenger seat during the chase and traffic stop. Ultimately, Few stopped his car, and was surrounded by police (Buford, 2019). Parnell arrived on scene after Greenhouse and Stafford stopped the vehicle, and his body-worn camera footage started just as he parked his patrol car. For reference, the video is available for viewing at <https://www.youtube.com/watch?v=9ZJ5AZbPLYQ>. He drew his firearm as he exited his vehicle and aimed it at Few, but reports say that he did not actually fire any rounds at the vehicle. Officer Derrick Stafford fired fourteen rounds into the car, and later explained that was because he thought Greenhouse was going to be run over by Few. Greenhouse fired four rounds. This was confusing, because based on Parnell's body-worn camera footage, no one was ever behind the vehicle. Additionally, Few is seen holding his hands up in the air, making no attempt to use his vehicle as a weapon (0:16) (Nevada Cop Block, 2017).

After the shooting, Parnell walked back behind the patrol cars on-scene and made radio contact with dispatch and other officers. He then approached Few's SUV with other officers. After he looked into the vehicle, he recoiled with an "Ooh," of surprise, and walked away again (2:43). An officer approached him and stated that he "heard the shots," then Few whispered to him, "There's a kid in the vehicle" (2:48). He approached Officer Greenhouse immediately after and briefly covered his body-worn camera as he whispered, "There's a kid in the car" (2:53). He then walked to Officer Stafford and repeated the same message. Considering that he whispered this to every officer in his vicinity, it was clear that his intent was not to hide this detail from anyone on scene, but from the body camera. This reflects the body camera's role in capturing all there is to be seen and heard on-scene, and that it sometimes captures tragic mistakes made by officers. Parnell was well aware of that, and that was why he whispered to the other officers (Nevada Cop Block, 2017).

Next in the video, the officers on scene leisurely find gloves and put them on, presumably to start lifesaving measures on Few and Mardis, but it isn't until approximately seven minutes after the shooting that any consideration for lifesaving measures is made. At that point, it was Parnell who opened the passenger's side door and checked Mardis for signs of life (7:30). He then walked slowly back towards the other officers and asked if they wanted to take Mardis out of the car and "start working on him," or start lifesaving measures. One of the officers expressed hesitation, possibly because he would not want to make any of his injuries worse, but he expressed genuine surprise when Parnell informed him that Mardis had a pulse (8:12). His surprise reflected the attitude of all the officers on-scene, which was that they had already decided Mardis was dead - without checking to be certain of that. Still, Parnell was clearly alive, his arms and head slung out the driver's-side window, and eventually his leg hanging out the

driver's side door once it was opened. He also made groaning sounds. No attempts were made by the officers to check his wounds or bandage him until an ambulance arrived. When Parnell returned to Mardis's body, another officer followed behind him. After he checked Mardis again, he made audible sounds that expressed how overwhelmed he was, like coughing and whistling. He also muttered, "Oh my God" (8:58). He walked back to the officer who followed him and whispered something inaudible to him, again to keep whatever he said off the record. The ambulance arrived approximately nine minutes after the shooting (Nevada Cop Block, 2017).

Ultimately, Officer Stafford was convicted of manslaughter and attempted manslaughter, and sentenced to forty years in prison without benefit of parole or potential for early release. Officer Greenfield was convicted of negligent homicide and malfeasance in office. He only served two years of his seven-and-a-half-year sentence in prison before his sentence was reduced and he was released because, according to a prison spokesperson, his crimes were not considered crimes of violence, and so he was only required to serve thirty-five percent of his sentence (Buford, 2019).

Body-worn camera footage of the officer-involved shooting of Kareem Ali Nadir Jones in Columbus, Ohio on July 7, 2017 exemplifies each of the topics covered thus far. This was the first officer-involved shooting that Columbus Police captured on a body-worn camera. Officers Samuel James and Marc Johnson responded to a call about kids throwing rocks at the caller's vehicle in her neighborhood. The officers met with Jones while he was walking the neighborhood looking for the kids. They reported feeling threatened by Jones (Holmes, 2018). Recordings of the encounter from both Officer James and Officer Johnson's points of view are available at a) <https://www.youtube.com/watch?v=PnY4hyA3C6I&t=72s> and b) https://www.youtube.com/watch?v=lqsPO08OX3Y&feature=emb_logo, respectively.

Additionally, a transcript of this encounter is available under Appendix 3 (Meehan & Dennis, 2020c).

The body-worn camera footage started with the officers speaking to Jones while they were still in their patrol car. At this point, there is no audio over the footage. Jones left, and James drove down the street, then abruptly parked and stepped out of the vehicle. He immediately drew his firearm and aimed it at Jones, who was approximately ten to twenty feet away, and standing in his yard. The officers then pursued Jones on foot, and Jones held his arms out to the sides, showing that he was unarmed. He backed toward his house, nearly running into his girlfriend, who was standing in the yard and watching. Jones reached for his waistband at the same time that James's hand went to his body-worn camera to turn on its audio. As Jones drew his gun from his waistband, the officers fired at Jones, who immediately fell away from the officers, his gun tossed to the side (Columbus Division of Police, 2017b).

James was noticeably more distraught by what happened than Johnson was; Johnson was focused on managing the scene and ensuring that they were safe, while James made exclamations like, "Why, why, why..." (1:40). His exclamations were such that an officer who came for backup told James to calm down. A few minutes later, James and Johnson met at their patrol car other officers managed the scene. Johnson shrugged to James when he first came over and said, "I just started my camera now, it's not gonna catch any of it," referring to the interaction and the shooting (3:40). James replied that he had his camera turned on, which led Johnson to ask when he turned it on. James stated that he turned his camera on right after the incident, and Johnson subsequently tossed his hands in the air in demonstration of his frustration and stress over what may happen to them if their point-of-view was not captured by the body-worn cameras. After brief turns of talk with each other, attempting to justify the shooting to

themselves, Johnson approached a sergeant, who was standing behind his vehicle and rummaging through his trunk. The sergeant asked Johnson what happened, and Johnson started to explain his thought process – stating that he first thought Jones had a phone, not a gun – and paused mid-sentence to inform the sergeant that he was recording all of the conversation. The sergeant gave a curt “Yeah,” and Johnson continued with his story. Another sergeant called to Johnson when he realized what Johnson was saying and said “No. Don’t talk.” Johnson then asked if he could take his camera off, and the sergeant told him no, but offered no explanation for why (3:12) (Columbus Division of Police, 2017b).

Later, Johnson and James met with a sergeant at their patrol car to talk again. The sergeant left, leaving Johnson and James alone. They can be seen from each other’s body-worn camera videos mouthing words to each other, making slight gestures, and shaking their heads (12:20) (Columbus Division of Police, 2017b). This exemplifies the practice of keeping a conversation off the record while still in the presence of the body-worn camera, and the camera’s role in obstructing certain officer speech and behavior that may be seen in a negative light when put under investigation. According to the transcription of the encounter, Officer James says, “That just inflated so quickly” (Meehan & Dennis, 2020c). However, he says it quietly enough that it is not immediately heard on the body-worn camera, which again reaffirms the fact that body-worn cameras can limit officers’ conversations with each other post-shooting. An officer interrupts them and introduces himself as the Support Officer, which is an officer whose designated role at that time is to provide the officers involved in a traumatic event with someone to talk to and discuss the event with. Shortly after he introduced himself, he instructed the officers to turn off their body-worn cameras (10:34) (Columbus Division of Police, 2017a). The officers did not face any charges (Namigadde, 2018).

Discussion

Of course, this study could not investigate every shooting captured on body-worn camera video. Not all videos are released by departments for public viewing, and those that are released are commonly officer-involved shootings, not general police-citizen encounters or traffic stops that occur without incident. Even so, what was seen in the footage reviewed for this study corroborates the hypothesis that officers do in fact conduct their speech and behavior to reflect the presence of the body-worn camera. The camera is proven to serve as a third party to police activity, causing some officers to withhold their emotional responses to what they witness or do, and others to instruct officers to avoid speaking of what happened in the presence of the camera. Some officers feel that they need to communicate something to others but are unwilling to say it in front of the camera, and so they whisper. Other officers use the body camera as a tool to help themselves in subsequent investigations of their behavior, as seen in the shooting of Phumee Lee, when an officer directed his camera to point out Lee's revolver (Pioneer Press, 2018a).

This study found that officers typically do not address the status of the body-worn camera until after a shooting occurs, with statements like "I'm hot" (WCPO 9, 2015). This directly supports officer dependence on body-worn cameras to serve as an unbiased third-party viewer to police activity. When officers say phrases like these, or "I've got everything," like in the shooting of Bartolo Sambrano, it reflects their known importance of body cameras to document the entirety of events leading up to and including the shooting to protect them in subsequent investigations (Cop Cam, 2017). When officers ask if they may turn off their cameras post-shooting and others instruct them to "Leave 'em on," like in the shooting of Phumee Lee, it demonstrates the value of body cameras' documentation of what officers do as far as life-saving measures and controlling the scene, as well as their handling of evidence (Pioneer Press, 2018a).

Immediately following shootings, the case is reviewed by an internal affairs unit and/or district attorney. If the officer's use of force is determined to be justified by these parties, he may still face subsequent court trials from the victim's family. In these instances, the body-worn camera can clear up any sort of "he said, she said" discrepancies. Even if what exactly an officer says on camera may not be admissible as evidence, juries can still see for themselves what happened.

While on camera, officers must be extremely careful of what they say and how they say it. Whereas civilians are innocent until proven guilty, police officers are guilty until proven innocent. Officers are just like anyone else: after a high-stress, high-stakes encounter, they look to others for support and validation that they made the right choice. This is human nature, as humans are dependent on one another for help after traumatic experiences. After all, in a shooting, the officer may have just killed someone; trained or untrained, justified or unjustified, that takes a significant toll on a person's mental and emotional wellbeing, and that emotional response can be difficult to control. Before body-worn cameras, officers could discuss with each other, on-scene, the events that transpired and built up to the shooting without fear of repercussions. However, with camera recording, such talk can be incriminating if what the officer tells another differs even slightly from what happened. This is a testament as to why officers are instructed to "Stop talking." In the shooting of Kareem Ali Nadir Jones, Officer James's exclamations following the shooting, "Dude, why did you do that, why," and "Why, why, why," can be interpreted a multitude of ways (Columbus Division of Police, 2017a). It can indicate that the officers made the wrong choice in shooting Jones, or it could be an excited utterance – an exclamation a person makes in response to a shocking event – indicating James's emotional response to what happened. In either interpretation, such an utterance can lead to departmental and criminal investigation (Bellin & Pemberton, 2019). This is also why officers

may find alternative, soundless means of communication with another officer, as in the case of officers Johnson and James in the shooting of Kareem Jones, and the officers involved in the death of Jeremy Mardis.

Conclusion

Body-worn cameras are an invaluable tool to safeguard both officers and citizens if an interaction turns into something more serious, like a false accusation or use of force. The level of protection they afford to officers and citizens allows them to take comfort in knowing that everything said and done is being actively documented by a third party that shows no bias or judgement, only honesty. Although body-worn cameras impede officer expression of emotion and post-shooting discussion, these trade-offs are forgivable when body-worn camera footage protects officers and citizens in court and prevents the fabrication of evidence. The data presented by this study can be used to support arguments for body-worn camera implementation, and to push for review of officer training methods to ensure that tragic mistakes in judgement such as those involving the deaths of Samuel DuBose and Jeremy Mardis can be further prevented.

Appendix 1

Transcript of Bartolo Justice Sambrano Video©

Created by

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Video of encounter available at <https://www.youtube.com/watch?v=QdINGQIgX8U>

DIS: confirming medical needs (ed) at twenty thirteen ()

SO1: somebody get on the radio

SO2: tellem to come to the north parking garage

(3.0) ((SO1/SO2 handcuffing victim))

SO1: oh shit

(1.0) ((still handcuffing))

OF2: °you okay dude?

SO1: YEAHHH ((as he is cuffing))

OF2: °didju have your camera on

SO1: its on::its-I caught everything

OF1: °kay

SO2: rollem over lets see what kind of medical we need

[

SO1: he had a gun on us

SO1 he pulled a gun on us

OF2: yeah I see that

OF1: roll medical

Appendix 2

Transcript of Tensing-Dubose Video©

Created by

Albert J Meehan Ph.D. (Meehan@ Oakland.edu)

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Video of stop available at <https://www.theguardian.com/us-news/video/2015/sep/01/samuel-dubose-killing-full-dashcam-video>

((The video begins showing the officer in the car and then typing into the computer. The screen shows LICPL in a box likely indicating he is typing in a plate—something which is also confirmed in subsequent interviews of Officer Tensing. You can visually see information returning on the computer screen and the officer immediately puts his car in drive and begins to move. Eleven seconds later we can observe the officer activating his body camera, which has now retrieved from the video buffer the previous 45 seconds of continuous taping. Two seconds after audio is initiated the patrol car is coming to standstill as the officer begins calling out his stop.))

OF: Sevendytwo thirtythree traffic stop(.) I'll be out on Thill Street(.) just off of Vi::ne

(6.0)

((during this pause before the dispatcher reply, you can hear an audible out breath, the initiation of the direction signal, and as he is turning the wheel, a brushing sound across microphone, and/or another outbreath))

DS: (two five) Thill Stree::t?

((whoop))

(3.0)

OF: A::ffirm Thill jus south of Vine

(2.0)

((whooop whoooooop))

(1.0) ((officers body moves toward steering wheel and then back again))

DS: (off on vine)

OF: hhhhhh ((officer outbreath, sound of computer, officer brushing against mic as he is turning the corner))

OF: okaywe're slow to stop we're on Ri::ce street just off of Thill Ohio George Lincoln Nora six ni::ne one seven occupied by one

(7.5) ((removes sun glasses, places them on dashboard, approaches driver side))

OF: Hey hows it goin man?

P: Hey::hows it goin?

OF: good::: officer tensing youcee police do ya have a license on ya?

P: yea:::h what happened what wuhzit abou:::t?

OF: [o↓kay

OF: this yur car:::?
(.5)

D: i-ye::ah

OF: its comin back to a female actu::ally

D: [it i::s-I yi-yi- yi-yi- its muh muh muh my wifes her name
is::
(.5)

Cashandra Ree::d

O: o↓kay
(.5)

O: wellya-don't ya have a front license plate on yur ca↓r:: ?

D: ↑oh I got-its in my glo::vebox I have it ((D takes key out of ignition))

O: what's tha::t?

D: it's right here I jus- ((audible sound of driver tapping glovebox two times))

O: aw:::oh↓kay

O: yeah that's actually that's gotta go:::- where:::(.) the front plates supposeta go

D: [I have

D: well I don't kno::w

O: [ya don't haveta reach for it its okay

D: I-

O: you have a license on ya?

D: uh:: yeup

(5.0) ((closing then locking glove box, puts key in ignition))

O: what's that uh: bottle on the floor there?

D: aw::that's a bottle of air freshner ((dispatch transmission overlapping D turn))

O: bottle of what?

((D hands O the bottle which says "Gin" and puts it on top of car))

D: you can smell it its air freshner °it doesn't have any liquor in it°

O: okay do ya have a license on ya?

D: (°n::yeah°)

(5.0)((driver gazes downward left to where bottle was, then to right side passenger seat))

O: okay do ya know where the licenseiz at (.) is at- er:: er what

D: n-ye:::ah I got my (.) got my uh filings and stuff and that

O: okay I'm gunna ask you again (.) do you have your license on you?

D: I have a license you can take-run my na::me

O: so you:: do you do you not have your license on you?

D: uh::

O: I'm asking you (a/the) direct question do you have your license on you

D: uh::::

(1.0)

D: I thought I did (I haven't seen it) why did-wha-didja pull me over for?

O: again:: (.) the front tags

(.5)

D: but its not ille::gal to not have a front lia:g (if its muh name)

O: [okay

(.5)

O: actually it is

O: I'm gonna ask you again (.) do you have a license on you?

D: I have a license you can run my na::me

O: okay::

O: is that not on you then?

D: uh uh I don't think I have it on me

(.5)

O: be straight up with me are you suspended?

D: ↑me:: I'm not I'm not susp↑ended

O: then why don'tchu have your license on you?

D: b'cuz its-(.) I don-I jus don't I'm sorry °(suh)
(1.0)

D: I'm jus gonna go in the hou::se

O: okay
(.5)

O where do you stay at? down here?

D: right around the corner

O: okay
(.5)

O: well I still have to figure out if you have a license-license or not=go ahead and take your
your seatbelt off for me

D: I ↑didn't even ↑do:: nothin what are you:::
((pulling door closed, starting the car))

O: go ahead and take your seat belt off

O: STOP

O: STOP
((shot fired))

Appendix 3

Transcript of Kareem Ali Nadir Jones Video

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Videos of encounter available at

1. https://www.youtube.com/watch?v=lqsPO08OX3Y&feature=emb_logo
2. <https://www.youtube.com/watch?v=PnY4hyA3C6I&t=72s>

Video 1 Shooting Officer #1 (SO1)

Segment 1 @:59

(SO2): ired ((this sounds like last part of fired--calling to dispatch?))

SO1: ((beep/click of camera))

(N): oh my god (Neighbor's voice in background)

SO2: COVER HIM COVER HIM ((turning to his left at second cover))

SO2: stay back ((said to woman who they had just passed in the yard?))

(1.5) ((SO1 approaches Jones on ground with gun aimed at him, reaching with left hand to pull Jones hand))

SO1: DUDE WHY DID YOU DO::: THA:::T WHY:::?:

(2.0) ((SO2 and SO1 pull Jones away from fence))

SO1: OH MY GOD Marc Marc Marc

((pointing with his gun))

SO1: there's the gun over there=

SO2: =pull him back and handcuff him ((SO2 pulling Jones back, SO1 reaching for waist))

SO1: where's the gun? Where's he (pu-) [he first identified where gun was line19]

SO2: in the bu::sh ((SO1 reaches into closest bush))

(1.0)

(): (squad) where you at?

(2.0)

SO1: in the rear of (.5) eigh::ty Schultz

(.5)

SO1: FU:::hhhhCK

SO2: where's the gun?

(1.0)

(N): he's still () me:::

[

SO2 GET BACK IN THE HOU:::SE ((pointing to neighbor in doorway w/ orange top))

SO1: get back in-

(2.0)

Segment 2 @1:33

SO1: whhhy the fuck did you do that 'hhhh dude its over here

((can see OF1 & 2 in distance coming through backyard))

()

SO1 its over here ((moving toward gun in bushes and said to OF2?))

OF2: leave it right there

SO1: Its over here

()

SO1: FU:::CK=

N1: =oh my go:::d

SO1: why::: why:: why:: why: why:

SO1: guns right there

SO2 who-KEEP THEM BACK

SO1: get back

SO1 get back get back get back ((OF 1 at N1 who is pointing toward next door))

SO2: ()we need to start a medic (.) get some more cars here for scene security

SO2 whatever car is on Schultz you went to far:: or Stephens back up

() ((SO 2 looking between houses, toward Stephens, then downward toward body and then back at doorway with N2 standing in it, then rotates back around to look between houses. He then turns toward N2 and says)

SO2: get back in the house

SO1: Fu::::::ck

SO2 watch him ((walks down between houses to get officers who dove by

SO1 yes

((SO1 heavy breathing))

Segment 4 @ 2:49

SO2: DU:::DE (shaking his head from side to side, mouthing something and motioning with hands))

(2.)

SO2: (°we're good)=

OF3: are you guys good?

SO1: he fuck- (pointing toward gun)

OF3: **everything's** good?

SO1 huh?

SO2: yeah((shaking head up and down))

[

SO1: yeah we're goo:::d

SO2: **he drew on us** ((said to OF3)

OF3: okay ((starting to radio something))

SO1: he fuckin

SO1: du:::de that was so **fucking close** oh my God

[

OF3 don't (askim anything) ((at open hand gesture to SO2 which is met with arm gesture from OF3 toward SO1 as if to say stop))

SO1: that was:: so fucking close oh my god

()

N? What was all of that for? He did nothing wrong

OF3 can we get officer support over here?

Segment 5 @ 3:36

OF3: Hey James James go sit in our car

SO1: huh?

OF3: go sit in our car (give yourself a favor/getchur self some help)

OF5: go go ((non verbally motioning James to go to car behind him))

OF3: (go sit in our car) ((said to James as he is walking by him))

(): Eighty Four we'll need two:: for officer support

(): copy that.

Segment 6 @ 4:04 SO 1 sees SO2

SO2: I just started my camera now

SO1 you okay

Segment 7@ 4:20

SO1: GO:::D DU:::DE

SO2: Dude(.) it'sfine we did- there's nothin we could do he drew::: the gun on us

[

SO1: nonono(no)::

(2.0)

SO1: (dude/fuckit) fuckin oh my god he fuckin drew that gun 'n-

SO2: hhhh

() ((SO2 looking down at his shoes and then points toward two women at house))

SO2: THOSE TWO NEED DETAINED

SO1: YEAH

SO2: THEY'RE WITNESSES

((SO2 walking toward Sgt's car to get wipes for his hands, leaving SO1. SO1 then approaches Sgt car and we can hear SO2 telling him "I'm recording"--will transcribe this from SO2 video))

Segment 8 @ 5:25

SO2 Anyways he draws down on him

(1.)

(OF5) hey hey hey (.) Marc=

SO1: =Marc

OF5: NO don't talk

(SO1 walks away--when OF5) returns with cones in hand he asks SO1)

(): you alright

OF5: do you know how many times you fired?

(2.0)

OF5 How many shells I'm looking for?

SO1 No (.) not really

OF5: okay

((SO 2 comes by and says to SO1))

(SO2: grab your phone(.) yeah we're not gonna be here

(1.0)

SO1: hmmm?

SO2: grab your phone

(1.0)

SO2: they're gonna take us outta here

((opens door to his side of car))

Segment 9 @ 6:06

SO2: your alright right? ((opens his arms out to side in questioning motion))

SO1: yeah

(14.0) ((Sgt Mollette arrives))

Segment 10 @ 6:27

SGT: You okay?

SO1: °yessir

SGT: Both you guys allright?

SO2: the guy in the orange needs to be detained

(1.) ((pointing in direction of house))

SO2: 'I'm not sure he's a witness or not

SGT: okay we'll getim(.) are you guys okay? ((shaking head up and down))

SO1 yes sir

SO2 we're good ((nodding head up and down))

SGT: that's my main concern right now

((SGT walks away))

SO2: send them back ((waving and point up direction of alley))--focusing on taping off scene...as they do someone asks

Segment 11 @8:07

OF(?): (hey)are you guys allright?

SO2: we're-we're alive we're good

OF?: you good yeah absolutely man

SO2: thank you

((back to taping crime scene Sgt returns at 9:16 and tells them both to the back of the car and chill out. SO2 is on his phone at the front of the car and does not go to back of the car. Another officer comes to get cones out of their trunk. Sgt. is directing some traffic.

Segment 12 @ 10:55 SO2 walks toward back of the car with his hands in an open position--similar to questioning position earlier

SO1: ((gestures with head and hands toward SO2)) [see SO2 camera @8:32]

SO2: I just got blood on me I wanna get it off

[

SO1: oh [change of knowledge state]

SO1: didya-do you check ((moves to open trunk of car))

SO2: there's blood all over my shoes ((lifting his foot))

SGT: I do not have wipes brother otherwise I would've givenum

[

SO1: they're checkin the wagon

SGT: I didn't havem in-th::i-they're not even in the kit either (.) so

SO1: they're not?

SGT: Nauw::

(.5)

SGT: at least not in the one I have

SO2: what's that orange thing?

(2.)

SO2 there's wipes behind your bag

((dispatch))

Segment 13 @12:20

SO2 ((wiping his hands and looks at SO1))

SO1: °that (jus) inflated quickly ((shaking his head))

(3.0)

SO2 both of us ((Officer support shows up))

(2.)

SO2: you can take him

SO2: are you officer support? ((points to his partner for handshake bec, he has blood on his hands))

OFS: yep

OFS: james?

SO1: senor

OFS: glad your allright

OFS: why don't you both come out(.) with me until 204 comes allright?

SO1: okay

SO1: allright

OFS: Get rid of this ((said to SO1))

SO2: let me grab a water

OFS: get rid of this

[

SO2: get rid of it?

OFS: yep turn it off

Video 2 Marc Johnson (SO2) Camera**Segment 1 @:59**

OF1 You okay?

SO2: I'm-we're good

() ((turns around possibly to OF1 and says))

OF1 who (pulled/shot)

SO2: both of us

Segment 2 @2:47 ((SO2 away from SO 1 at Sgt. car))

SO2: Fu::ck=

SGT: =What the hell happened?

SO2: we roll up we're talkin to em () we're-an I thuhwh- I see a bulge in his (.) waistband under his shirt and I'm like that's gotta be a phone ·hhhh and as we let him walk towards his girl () I go Sam is that a gun or a phone, I'm recording all this by the way.

SGT: yeah

SO2: Anyway (.) he draws down on 'im

(1.0)

SO2 he p-f-fu-(.) he pulls his fuckin gun on us ((said incredulously))

OF1: Marc Marc no::: don't talk ((said from a distance))

()

OF1: I know yer::

[

SO2: I jus-I know-I jus need wipes

OF1: ok

SO2: can I take my camera off yet?

OF1: no keep it goin

SO2: I turned it on after () I don't think I even caught anything

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