

Principles for Developing a Body-Worn Camera Policy for Police Officers

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Graham v. Conner (1989)

In a UoF incident, was officer's use of force reasonable?
The “reasonableness” criterion for law enforcement:

“...judged from the perspective of a reasonable officer
on the scene, rather than with the 20/20 vision of hindsight.”

[Recommended Podcast: More Perfect, Mr. Graham and the Reasonable Man](#)

Principle #1: In a UoF Incident, Preserve all Independent Sources Evidence ... Independently

1. Perspective of the officer on the scene
2. Information in the officer's BWC

As soon as the officer views his/her BWC footage, you only have ONE source of evidence...and it's not what is required by *Graham v. Connor*.

Consider this Metaphor

1. Suspect's DNA found at the scene of a murder
2. Fingerprint on knife found at the scene of the murder

If, prior to assessing the fingerprint, a fingerprint expert is told “this suspect's DNA was found at the scene, now, is this his fingerprint too?” then you only have ONE source of evidence.

CONTAMINATION!

What Should Happen if the Officer's Memory Does Not Match His/Her BWC Footage? NOTHING!

- Memory is an imperfect process.
 - Memory does not work like a camera.
 - An officer's memory should NOT match the BWC footage.
 - Actually, if the officer's memory does match the BWC footage it should arouse suspicion.
 - In fact, the officer's account will almost always be less accurate than the recorded BWC footage.
 - The integrity of officers is only enhanced by **mismatched details** between their memory and the BWC footage.
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Why Would an Officer's Perception of an Event Differ from that of His/Her BWC Footage?

- Differences in vantage point and where officer was looking
 - Heightened stress for officer
 - Multiple sources of distraction for officer
 - Range of peripheral vision greater for officer than camera
 - There are attentional capacity limitations of officer
 - Biases and beliefs of officer affects their perceptions
 - Information communicated in the dispatch call bias perception
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What is the Recommended Procedure for Testing Officers' Memory for a UoF Incident?

1. Get thorough report from officer as soon as possible after the incident using best practices for nonsuggestive interviewing.
 - Within 24-hours (*best to wait one sleep cycle is a myth*)
 - “Cognitive Interview”
 2. Then, permit officer to view their BWC footage
 3. Give officer the opportunity to revise their initial report
 4. Retain both copies of police report with post BWC viewing edits clearly marked as such.
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Advantages of Utilizing this Procedure?

- This procedure preserves the perspective of a reasonable officer *on the scene* which can then be admitted as testimony in court.
 - More likely that police account will be admissible in court because it's not contaminated.
 - The integrity of the officer is ultimately preserved because the myth that the officer's memory should perfectly match the video will be debunked.
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Questions?

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Resources:

Pezdek, K. (2022). [Psychological research on the use of Body-Worn Cameras](#). In M. K. Miller & B. H. Bornstein (Eds.), *Advances in psychology and law*, Vol. 6. (pp. 39 – 62). Springer.

Pezdek, K., Shapland, T., & Barragan, J. (2022). [Memory outcomes of police officers viewing their body-worn camera video](#). *Journal of Applied Research in Memory and Cognition*, 11(3), 392–404. <https://doi.org/10.1037/mac0000013>