Body Worn Cameras and the Courts: A National Survey of State Prosecutors

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Introduction and Summary of this Report

Recent use-of-force events involving police in Ferguson, New York City, South Carolina, and Baltimore have led law enforcement agencies, citizens, civil rights groups, city councils, and even President Obama to push for the rapid adoption of body-worn camera (BWC) technology by police. In a period of less than a year, BWCs transformed from a technology that received little attention by many police leaders and scholars to one that has become rapidly prioritized, funded, and diffused into local policing. The U.S. Department of Justice has dedicated $20 million to fund the purchase of and technical assistance for BWCs. In 2013, the Law Enforcement Management and Administrative Statistics survey estimated that about a third of local law enforcement agencies had already adopted BWCs, and this percentage has likely greatly increased since then.

At the same time, this rapid adoption of BWCs is occurring within a low information environment; researchers are only beginning to develop knowledge about the effects, both intentional and unintentional, of this technology. A recent review of the literature on the topic of BWCs conducted by White (2014) found only a handful of empirical studies of the technology completed by September 2013. These studies have focused on a narrow set of research questions about the impact of the cameras on police behavior. Further, only a small subset of these studies rigorously examined BWCs using valid scientific methods. As Lum (2015) has emphasized, rapid adoption of technologies in the absence of high-quality information about the impact of those technologies can lead to unanticipated and unintended consequences that may work against both police and citizen interests. The need for more research in this area is paramount, as the adoption of BWCs will likely have important implications for police-citizen interactions, police management and budgets, safety and security, citizen privacy, citizen reporting and cooperation with police, and practices in the courts.

But what research questions and types of research should be pursued and why? How can we build a translatable knowledge base that is responsive and rigorous? In our first report to the Laura and John Arnold Foundation (see Lum, Koper, Merola, Scherer & Reioux, 2015), we reviewed the existing and ongoing body worn camera research to identify what was known about BWCs and what questions needed further research. In this report, we build on the knowledge about body worn cameras by carrying out a national survey of state prosecutors' offices to begin to understand the impacts of BWCs on the courts. A random sample of 1,005 prosecutors' offices was drawn from the National Census of State Prosecutors produced by the

Bureau of Justice Statistics (BJS, 2007). Mail-based surveys with an electronic option across multiple waves of data collection yielded 321 returned surveys. Lead prosecutors were asked about their use of body worn camera footage so far, as well as their opinions about key issues related to the technology and any concerns they have about the adoption of cameras by law enforcement in their jurisdictions.

Key findings from this survey revealed:

- **Most state prosecutors' offices (almost two-thirds) are already working with BWC evidence.** Of these offices, a full 42.1% have used the evidence for longer than one year. Yet, a significant number (almost one-fifth of those using BWC evidence) are still very new to working with it (one month or less).

- **Nearly all prosecutors' offices in jurisdictions with BWCs (92.6%) have used BWC evidence to prosecute private citizens.** In comparison, 8.3% of offices located in jurisdictions with BWCs indicated that they have used BWC evidence to prosecute a police officer. It should be noted, however, that many more total citizens than police are prosecuted each year, so these percentages are not directly comparable.

- **Generally, lead prosecutors expressed strong support for the use of BWCs.** Very high numbers of respondents (79.5%) indicated that prosecutors in their offices support BWC use. Additionally, large majorities believed that BWC evidence will help the prosecution more than it will assist the defense (62.7%) and that BWCs would improve prosecutors' overall ability to prosecute cases (65.8%). Fewer than 10% of lead prosecutors disagreed with these statements. Taken together, these results suggest that lead prosecutors view BWC evidence as a powerful prosecutorial tool.

- **Yet, most lead prosecutors recognized that BWCs would produce both positive and negative impacts on prosecutors' workloads.** A majority (64.2%) believed that BWC evidence would aid in witness preparation. However, most lead prosecutors also felt that BWC evidence would increase prosecutors' case preparation time (54% agreement) and make the discovery process more burdensome or difficult for them (56.2% agreement). These findings regarding increased workload make sense, as prosecutors will be working with a new stream of evidence.

- **Lead prosecutors also emphasized a continuing need to address logistical issues related to BWC evidence.** A majority 59.5% of respondents expressed concern over the redaction of BWC videos. Indeed, most lead prosecutors who are working with BWCs indicated that their offices must perform their own redactions, a process which can be costly and time consuming. 54.1% were also concerned about their office's ability to quickly obtain videos from law enforcement for use in cases. Despite these logistical issues, however, relatively few respondents (12.7%) expressed concern over negative impacts to the police-prosecutor working relationship stemming from BWCs.

- **When asked about resources needed to utilize BWCs effectively, the most urgent requests focused more on infrastructure and technology than on personnel.** A large majority (65.4%) reported a high or moderately high need for upgrades to existing technology to view or show videos. 51.9% indicated that their offices would have high/moderately high requirements for resources to alter evidence cataloging or storage systems to effectively handle BWC evidence. Likewise, 46.3% of lead prosecutors also highlighted the need for resources to hire technical support personnel or provide technical training. In contrast, fewer respondents prioritized the need to hire either additional support personnel (36.7%) or additional prosecutors (22.4%) in response to BWCs.

- **When asked about the impacts of BWCs on courts, lead prosecutors cited primarily positive prosecutorial outcomes.** A majority believed that BWC evidence would increase both rates of conviction (58.3% agreement) and the frequency/likelihood of plea bargains (62.3% agreement). In fact, fewer than 10% of lead prosecutors disagreed that BWCs would produce either of these results. Comparatively few lead prosecutors believed that BWC evidence would increase either the numbers of appeals or case dismissals. However, larger numbers of respondents (42.5%) indicated neutrality with respect to the question about case dismissals, signaling that views on this point may not yet be well developed.

- **However, nearly 30% of lead prosecutors believed that BWCs would lead to delays in case processing or other court delays.** While not a majority, this finding is consistent with other results suggesting that logistical issues of evidence transfer, storage, and sufficient technical training are yet to be fully resolved.

- **Although assessments of *outcomes* were primarily positive, lead prosecutors also frequently expressed concerns about negative influences on *decision-making*.** 66.9% of respondents feared that jurors might come to expect BWC evidence and that a lack of footage might lead jurors to question an account given by an officer or witness. Indeed, almost half of the sample (44%) agreed the BWC evidence would produce minor discrepancies between officer testimony and the videos. Additionally, 48.7% worried about the potential for BWCs to produce videos that do not fully or objectively capture events in a case.

- **Moreover, most lead prosecutors did not believe that BWCs would substantially increase citizen respect and trust.** Less than half of the respondents (42.3%) agreed that BWCs would increase the respect shown by officers toward citizens. An even smaller percentage (27.1%) thought that BWCs would increase the respect shown by citizens to officers. Further, less than half of lead prosecutors believed BWCs would increase citizen trust in law enforcement (45.9% agreement) or in the courts (31.6% agreement).

- **Comparatively few lead prosecutors (about one-third) believed that BWC adoption would increase police compliance with the Fourth Amendment.** A full 43.5% of respondents remained neutral in response to this question, suggesting that this population does not feel strongly that BWCs will produce tangible impacts in this regard.

- **However, most lead prosecutors rejected the idea that BWCs would make individuals less willing to speak to the police.** Only 24.9% of respondents believed that concerns over being recorded would produce this effect.

- **Privacy and the protection of sensitive BWC data remain significant issues.** A majority (59.5%) of lead prosecutors expressed concern about video redaction and ensuring the removal of sensitive data from the videos. A similar number (55.7%) also expressed concern over the release of the videos to the public. In fact, nearly half of lead prosecutors believed that BWCs would raise public concerns over privacy or the protection of sensitive data on the videos. The large majority of lead prosecutors (90.3%) reported that police in their jurisdictions are not required to provide notice or to obtain consent from individuals prior to recording BWC video.

- **Generally, BWC video is stored for long periods.** Lead prosecutors reported that a full 61% of agencies with developed policies (almost one-quarter of prosecutors' offices in the sample) opt to store this data for longer than 5 years.

- **BWC policy development is still needed.** The majority of jurisdictions (nearly 60%) do not have a policy in place governing the length of BWC video storage. And, for the most part, prosecutors' offices and police agencies have not worked together to create BWC policies. Only 35.5% of prosecutors' offices have helped to formulate BWC policies.

Body Worn Cameras and the Courts: A National Survey of State Prosecutors' Offices

Body Worn Cameras and the Courts

Most existing and in-progress research examines body-worn cameras (BWCs) from the perspectives of law enforcement and members of the public, rather than the courts (Lum et al., 2015). Yet, the courts are also likely to be impacted by the rapid adoption of BWCs. Like police agencies, courts and prosecutors' offices will need to process, store, redact, manage, and use BWC footage. Further, the presence of BWCs will likely impact the decisions made by prosecutors, judges, jurors and even defendants. In turn, these changes to decision-making may also produce systemic impacts on case outcomes.

At present, though, any discussions of the effects of BWCs on courts or decision-making are best guesses because research examining these questions is extremely limited. In fact, after reviewing all existing research related to BWCs, Lum et al. (2015) found that publications specifically addressing BWCs and the courts were limited to law review articles and reports issued by organizations like the ACLU and the American Constitution Society for Law and Policy (see e.g., Blitz, 2015; Harris, 2010; Stanley, 2015; Wasserman, 2015). These publications provide useful discussions of legal and other issues, but they do not test the impacts of BWC use on court processes, outcomes, or decision-making.

Generally, legal organizations writing about BWCs have tended to endorse the use of the cameras, but within strict limitations regarding privacy, redaction of the videos, and data storage (Blitz, 2015; Stanley, 2015). This is because BWCs (as recording devices) raise important issues related to privacy. For example, many police encounters are of a sensitive nature and citizens may not wish to be recorded at these moments. Additionally, police officers must sometimes enter private premises – such as homes – where privacy is generally protected. As BWCs are increasingly used and as the footage is more frequently stored, a great quantity of information about citizens' movements, whereabouts, activities, associates, and beliefs will also be preserved within the footage. This data must be protected. Yet, existing state open records laws may mandate that police departments share this footage upon request.

These and other issues will affect law enforcement, as well as the rules and procedures governing their use of BWCs. Yet, these issues are likely to impact the courts, too. BWCs will

record victim, witness, and offender statements and, in many cases, officers will use these recordings to confirm details for their reports. BWCs may also record possible crimes in progress (or other violations, such as resisting arrest) and the footage will then be used as evidence. Court actors – such as judges, juries, prosecutors and defense attorneys – will want to look at BWC footage when processing or making decisions in a case (Chopard Cohen, 2015). Given the potential for BWCs to impact courts and decision-making in such a wide variety of ways, we developed the first national survey on the topic. Specifically, we surveyed lead state prosecutors to gauge their views about body worn cameras and to ask about the impacts they have encountered or anticipate.

Utilizing the existing BWC research and publications as a foundation, we developed survey questions targeted to key issues. Since privacy and data protection are important issues, we incorporated a series of questions about the requirements for recording (such as the need to notify citizens of a camera). We also asked several questions about data storage, the processing of videos, and redaction. In addition to these questions about law and policy, we asked lead prosecutors to assess the extent to which these issues represent concerns or obstacles to BWC use. These viewpoint questions are important because the expertise of front-line criminal justice actors can help define priorities for research and highlight emerging concerns that have yet to be encountered by scholars.

Many of these privacy-related issues also have the potential to raise longer-term legitimacy implications for police, prosecutors, or courts because members of the public will ultimately react to decisions about BWCs that are made by these actors. Since public perception and accountability are so central to the topic of BWCs, we included survey items targeted to anticipated impacts on the public. This section of the survey asked respondents to assess the potential for BWCs to produce certain effects, such as increased respect between police and citizens and community trust in the police and courts.

In addition to issues of privacy and impacts on the public, the existing literature related to BWCs also raises potentially significant questions about resources. The bulk of this discussion has focused on costs to police departments, which are more significant than the costs of purchasing the hardware (cameras) that officers will wear. Costs for data storage may easily outpace the costs to purchase and maintain the cameras, as video files require a great deal of data storage space. Additionally, BWC adoption will necessitate increased expenditures of resources for staff time, training, and video redaction. Although these costs to police agencies are discussed in the existing literature, these sources do not examine the associated costs for courts or prosecutors' offices. Like police, however, it is reasonable to assume that prosecutors'

offices may also require these and other types of resources to effectively handle the stream of new evidence BWCs produce (Chopard Cohen, 2015).

Interestingly, empirical research already exists which underscores this point. First, in 2004, the International Association of Chiefs of Police conducted a survey examining prosecutors' perceptions of the costs and benefits of video evidence. The study found that most prosecutors believed that video evidence from in-car cameras benefitted prosecutions (IACP, 2004, p. 21). Additionally, 58% thought that in-court time had decreased as a result of these cameras. However, 41% of prosecutors reported a corresponding increase in case preparation time. Although in-car cameras are distinct from BWCs, these findings highlight the potential for police innovations to alter staff responsibilities in prosecutors' offices. Indeed, some early BWC research has also suggested that prosecutors' preparation time may increase, particularly if administrative changes are not made (such as assigning a police liaison officer to help process cases with video evidence) (Katz, Kurtenbach, Choate, & White, 2015; Morrow, Katz, & Choate, 2016). Ultimately, increased case preparation time may be offset by shorter overall case processing time or other efficiencies. Yet, any changes (even if ultimately constructive) may necessitate additional resources for training, technology acquisition, or even the hiring of additional staff. Consequently, we developed a section of the survey to ask lead prosecutors about any resource needs tied to BWC use.

A related logistical issue is the extent to which prosecutors will have timely access to the videos produced by BWCs. Jurisdictions may need to make alterations to their evidence storage or cataloging procedures in order to allow efficient flow of this evidence from one agency to another and to ensure that relevant evidence is linked correctly to cases. Prosecutors must meet discovery obligations, which are requirements to furnish defense counsel with evidence within certain timeframes. A large-scale increase in BWC evidence might make discovery responsibilities more burdensome or complex for prosecutors' offices. We included a variety of procedural and logistical issues on the survey in order to understand which (if any) of these issues prosecutors working with this evidence view as serious obstacles.

Finally, there is the potential for BWCs to impact case outcomes. As BWCs are relatively new devices, researchers are just beginning to examine the idea that the cameras might systematically influence or impact routine prosecutions of individuals. Early studies suggest that BWCs may improve evidence collection and, as a result, increase rates of prosecution and conviction in domestic violence and intimate partner violence cases (Ellis, Jenkins, & Smith, 2015; Katz et al., 2015; Morrow et al., 2016; Owens, Mann, & McKenna, 2014). Additionally, in Lum et al. (2015), we highlighted a number of unpublished research projects in progress, which

also plan to address some aspects of BWCs' impacts on court outcomes. Specifically, Michael White is currently in the process of examining the effect of BWCs on plea bargains and convictions in Spokane, Washington, and Tempe, Arizona.[1] Further, Young and Ariel will also investigate the impact of BWCs on convictions and case processing efficiency in Ventura, California.[2] While these projects will provide important steps forward, additional research is still needed in all of these areas. As a result, we also developed a series of questions targeted to effects on case outcomes.

An area of particular concern in the literature relates to how jurors will perceive BWC videos and, in turn, how this may further impact outcomes (such as guilty verdicts). Moreover, perception issues are not limited only to lay juries but also extend to judges (Lassiter, Diamond, Schmidt, & Elek, 2007). Although jurors' and judges' perceptions of BWC videos have not yet been examined directly, there are some publications in the field of psychology and law, which may be relevant to answering emerging questions. For example, Kahan, Hoffman and Braman's (2009) study of dashboard camera evidence demonstrated that "objective" video evidence may be perceived very differently by members of the public because perception is influenced by a variety of individual characteristics, such as race and gender.

Along similar lines, Lassiter and colleagues have shown that recordings filmed from different perspectives tend to communicate significantly different impressions to mock jurors viewing the footage. Specifically, Lassiter's results revealed that videotaped confessions filmed from the officer's perspective were more likely to be perceived as voluntary by experimental participants when compared with those filmed from a neutral perspective (Lassiter & Irvine, 1986; Lassiter et al., 2005; Lassiter, Munhall, Geers, Weiland, & Handley, 2001; Lassiter, Slaw, Briggs & Scanlan, 1992). In further experiments, the researchers also linked these perceptual differences to jurors' assessments of the defendant's overall guilt and recommended sentences (Lassiter et al., 2002, 2005). These findings may suggest that BWC footage (filmed from an officer's perspective) could lead to similar outcomes.

As mentioned above, however, these issues have not yet been investigated in the context of BWC videos. As BWCs diffuse throughout policing, though, the likelihood of systematic impacts on case outcomes stemming from this evidence may increase. Once BWCs

[1] White, M. (Arizona State University). Assessing the Impact and Consequences of Police Officer Body-Worn Cameras: A Multi-Site Randomized Controlled Trial. (Spokane, WA & Tempe, AZ). Funding Agency: Laura and John Arnold Foundation.

[2] Young, J. & Ariel, B. (Ventura Police Department & Cambridge University). The Effect of Wearing Police Body Cameras on Criminal Justice Outcomes, Plea Bargains and Speed of Prosecution: The Role of Prospect Theory. (Ventura, CA). Funding Agency: None.

become the norm in many places, jurors may even begin to question the strength of a case or a witness account when video is missing. Although Morrow et al., (2016) did not examine the impact of BWC evidence on juror decision-making, their experiment produced results consistent with this type of effect. Specifically, the researchers analyzed intimate partner violence cases in one jurisdiction and found that arrests, charges, and guilty verdicts decreased following the introduction of BWCs, but *only* in those cases where BWC evidence was not available. Thus, it is possible that judges, prosecutors, or jurors began to view cases lacking BWC evidence as comparatively weaker once they became accustomed to the technology. For all of these reasons, then, we developed survey questions targeted to issues of BWC perception.

Data and Methods

To examine these issues, we conducted a random-sample survey of state-level prosecutors' offices in the United States, targeting the lead prosecutor in each office for participation. For the purposes of sample selection, we began with data from the most recent National Census of State Prosecutors produced by the Bureau of Justice Statistics (BJS, 2007). The Census included a total of 2,330 state prosecutors' offices, as identified from the National District Attorney's Association (NDAA) directory. An automatic number generator was then used to randomly select 1,000 agencies to receive our survey.

Following the generation of a random sample of 1,000 offices, we examined the sampling to see if the procedure had produced both geographic diversity and a wide range of office sizes. For the most part, the random sample produced this diversity. However, we noticed two issues unique to this population that prompted slight adjustments to our sample. First, several states in the U.S. are represented by only one prosecutor's office. In these cases, a failure to select that office in our random sample meant completely excluding that state from our survey. For this reason, we added three such agencies that were not initially selected to our sample in order to ensure as much geographic coverage as possible.

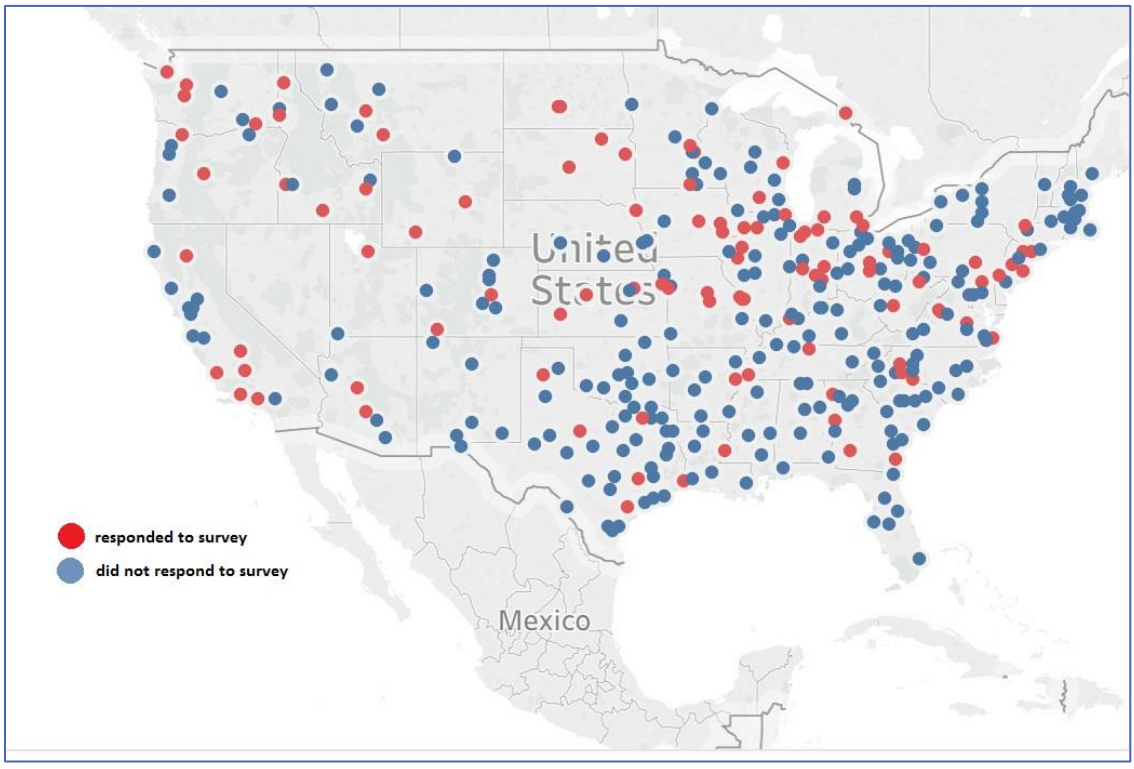
Second, in looking at the BJS Census, we noticed that a small number of offices in some large cities represented very large percentages of the overall cases prosecuted in the U.S. at the state level. To try to ensure that some of these large agencies would respond to the survey, two additional large agencies, that were not initially selected, were also added to the sample. Though these additions represent a slight oversampling, this was done to increase the

relevance of our results by including the perspectives of agencies prosecuting large numbers of cases.

In the end, our total sample contained 1,005 agencies. Surveys were mailed to these agencies through the U.S. postal service beginning in March of 2016, with two additional waves of mailings spaced approximately 4-5 weeks apart. Respondents were provided with a stamped envelope in which to return hard copy surveys and also given the option to take the survey online. Data collection ended on July 31, 2016, with a final sample of n=321 returned surveys. The overall response rate for the survey was 31.9%, within the expected range for a mail survey (Kallis & Giglierano, 1992; Kaplowitz, Hadlock, & Levine, 2004).

Figure 1 shows the geographic distribution of prosecutors' offices that responded (red) or did not respond (blue) to our survey. It appears that agencies that participated came from all regions of the United States, including Alaska and Hawaii. Additionally, statistical testing revealed that responding agencies did not differ significantly from non-responding agencies on a range of characteristics that were collected in the prosecutors' census, such as the total residential population of the district, felony and misdemeanor caseloads and convictions, total budgets, number of full-time assistant prosecutors, or the annual salary of the chief prosecutor.

Figure 1. Geographic Distribution of Sampled Prosecutors' Offices by Participation in the Survey (participants in red).



Since data collection for the survey began in March of 2016, respondents were asked to answer the questions by considering BWC use in their jurisdictions through February 2016. For all questions on the survey, we examined results from the entire sample and then also compared these to results from the subsample of only those respondents whose offices *already used* BWC evidence. With the exception of one question (noted in the text below), the results did not differ significantly between these two groups. For this reason, unless specifically noted in the text, all results reported below pertain to the full sample.

Survey Results

The Prevalence of Body-Worn Cameras

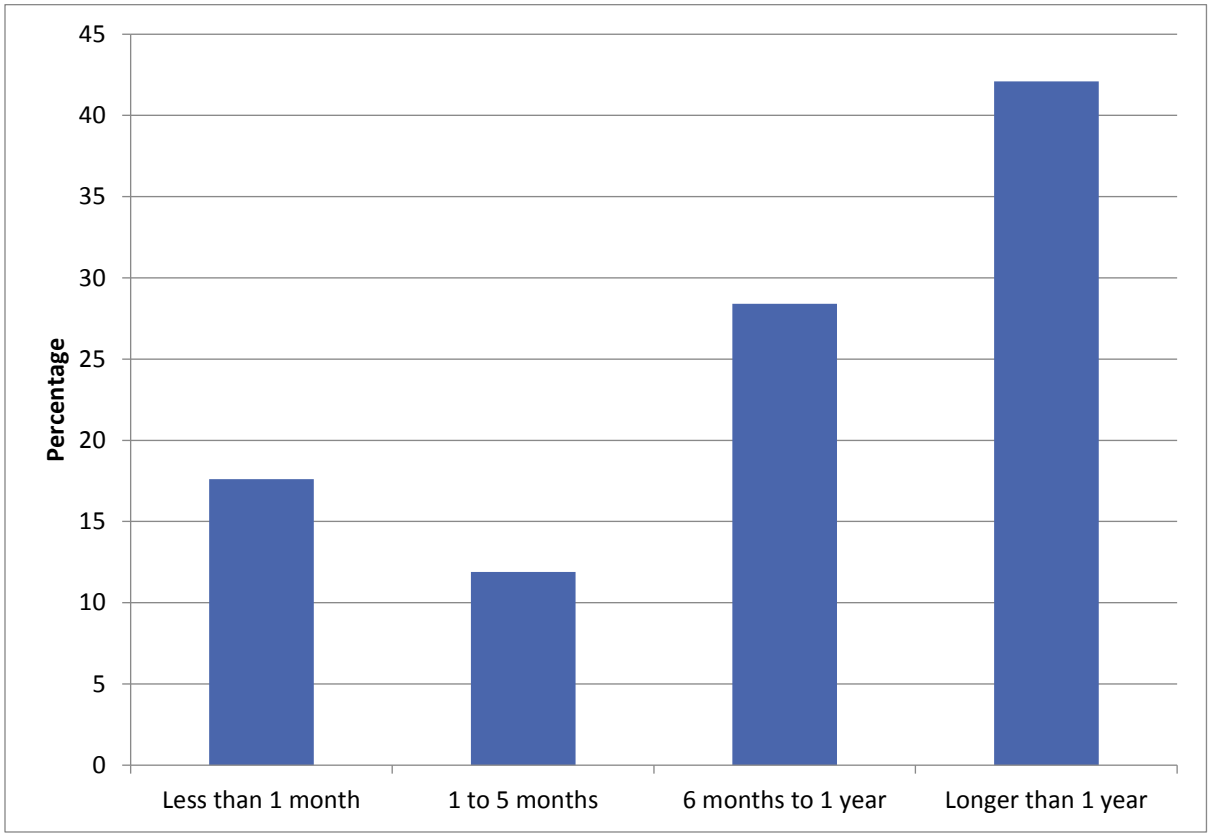
Body-worn cameras have rapidly diffused into law enforcement, but this change has also impacted prosecutors' offices. As of February 2016, 63.6% of lead prosecutors indicated that at least one police agency within their jurisdiction was using body-worn cameras. Moreover, an additional 9.3% of the total sample noted that a police agency within their jurisdiction plans to adopt BWCs during 2016. Because prosecutors' offices often work with multiple law enforcement agencies, we cannot discern the diffusion of BWC technology in law enforcement more generally from our sample.[3]

The Use of Body Camera Evidence by Prosecutors' Offices

The survey also included questions about how long prosecutors' offices have worked with BWC evidence and how the videos have been used. Of the prosecutors' offices working with BWC evidence, most have done so for at least six months (see Figure 2). Specifically, of those agencies already working with BWC evidence, 42.1% responded that they had done so for more than one year, while an additional 28.4% had done so for six months or more. An additional 11.9% of offices indicated that they have worked with BWC evidence for between one and five months, while 17.9% of offices working with BWC evidence have done so for less than one month. Thus, although a majority of offices have worked with this evidence for some time, a significant percentage (nearly one-fifth) remain very new to using it. Interestingly, although the offices in our sample routinely work with BWC evidence, only 35.5% of lead prosecutors reported that police agencies had engaged with their offices directly to create policies for BWCs.

[3] A national survey of BWC use is currently underway by the Police Executive Research Foundation. See Goodison, S., Davis, R., & Wilson, T. (Police Executive Research Forum). Costs and Benefits of Body Worn Camera Deployment. (Nationwide). Funding Agency: Laura and John Arnold Foundation.

Figure 2. Length of Time Prosecutors' Offices Have Worked with BWC Evidence as of February, 2016 (n=261)



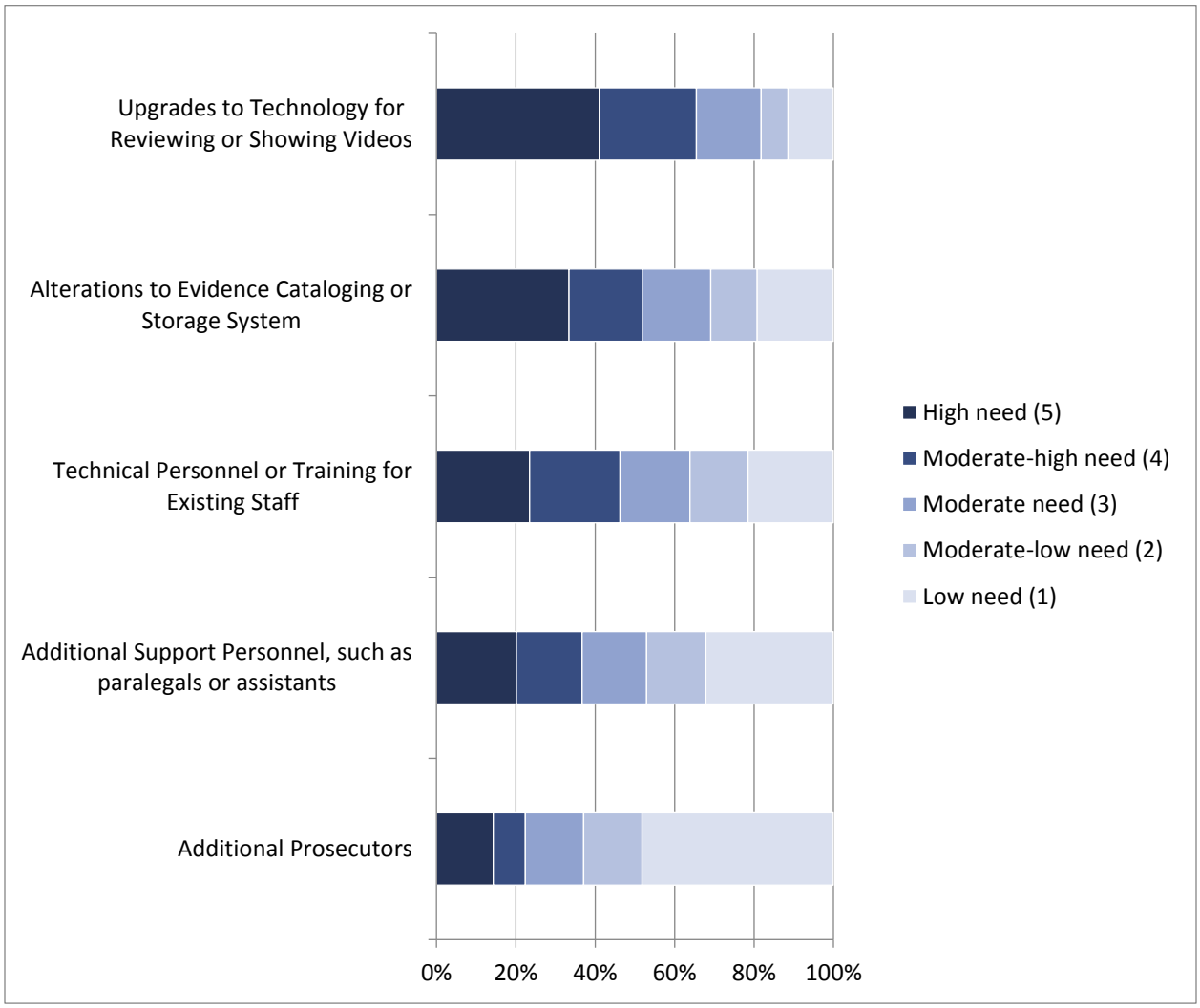
The public push for BWC adoption has been strongly connected to increasing the accountability of police agencies and their officers, especially related to use of force situations. As such, we asked lead prosecutors whether or not their offices had used BWC evidence to prosecute a police officer. In response, 8.3% of offices in jurisdictions with BWCs indicated that they have used BWC evidence in this way. In comparison, almost all prosecutors' offices located in jurisdictions with BWCs have used the videos in prosecutions of private citizens (92.6%). Thus, these results suggest that BWC evidence is used more routinely in cases against private citizens. However, many more total citizens than police are prosecuted each year, so these percentages cannot address the proportionality of these prosecutions. These results are included, though, because they speak to the experiences of prosecutors in our sample so far.

Resources Needed to Utilize BWCs Effectively

Since BWCs will produce a significant new stream of evidence, the survey also included questions about the types of resources prosecutors' offices will need to use BWC evidence

effectively. In addition to whether or not specific types of resources are needed, we asked survey participants to provide an indication of the severity of these needs on a 5-point scale ranging from "high need" to "low need." These results are presented in Figure 3.

Figure 3. Prosecutors' Anticipated Needs for Resources in Response to BWCs (n=308)



Overall, the most urgent needs focused on infrastructure (as opposed to personnel) enhancements. For example, lead prosecutors in our sample indicated that – if police in their jurisdictions adopt or continue to use BWCs – their most pressing needs will be for upgrades to existing technology to view or show videos. In fact, a full 41% of respondents expressed a high need for these upgrades and an additional 24.4% expressed a moderate-high need. In many ways, the urgency of this need for technology upgrades is surprising given the prevalence of other types of videos (such as surveillance system videos and police dashboard videos) within our society. These systems already produce footage, which is routinely used as evidence.

However, it is possible that respondents highlighted this need in anticipation of a drastically increased flow of video evidence that would be produced by the rapid proliferation of BWCs.

Another high priority area concerned the need for changes to evidence cataloging or storage systems in order to effectively handle this new stream of evidence. A majority of respondents (51.9%) felt this would be a moderate-high to high need for their offices. Although practical questions of evidence storage and cataloging have been part of the debate regarding BWC impacts on police departments, there has been much less dialogue about these logistical implications for courts or prosecutors' offices. Yet, this is a significant concern for many prosecutors who responded to the survey.

In comparison, when asked about the need to increase the numbers of prosecutors in their offices, 48.2% of those responding to our survey indicated a low need to hire additional prosecutors in response to increased use of BWCs (Figure 3). In fact, only 14.3% of offices expressed a very high need for additional prosecutors to effectively handle BWC evidence. Moreover, the survey yielded similar results with respect to the need for increased support personnel. Only one-fifth of offices (20.1%) expressed a high level of need for these additional positions.

It should be noted, though, that this pattern of focusing on infrastructure over personnel is somewhat altered when respondents considered the need to hire technical support personnel or to provide additional technical training for existing staff. These resource needs were combined into one survey item (Figure 3). In response, 23.5% of lead prosecutors indicated a high need and an additional 22.8% indicated a moderately-high need for technical personnel and training. In this way, enhancements to technical staff may represent a more urgent need than other types of personnel increases.

Lastly, respondents were asked in an open-ended question to note any additional resources they would need that were not mentioned previously on the survey. We categorized like responses together in Figure 4. As Figure 4 shows, the resources most frequently mentioned included data storage space or media (of all varieties), as well as the need to acquire systems or software, which would permit the secure sharing of videos.

Figure 4. Additional Resources Needed for Efficient Use of BWC Evidence

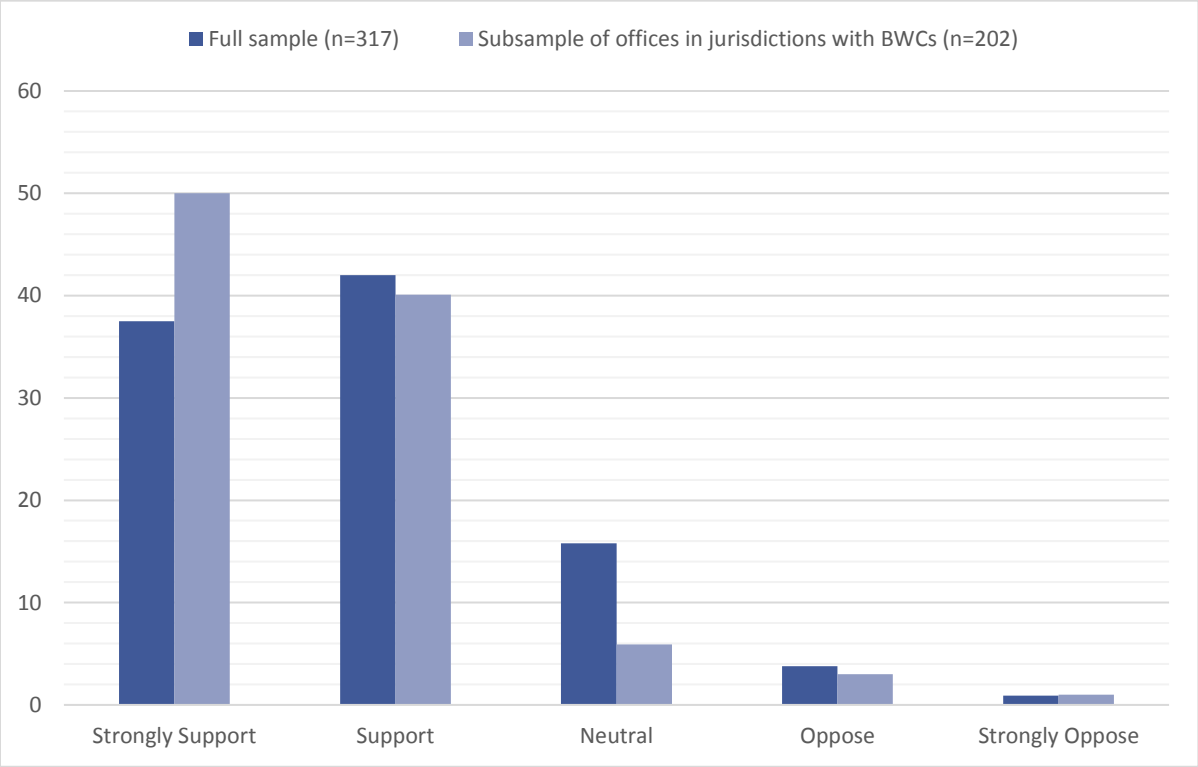
Type of Resource	Frequency (# of respondents mentioning item)
No additional resources mentioned	252
Additional electronic storage space	13
Additional funding for DVDs/CDs/flash drives or other storage medium and a machine for copying videos for discovery and office use	11
Data accessibility and secure sharing/distribution system or software, including for distribution of videos to defense attorneys	10
Staff/resources/software for video redaction, editing, searching of videos	8
Better audio/video equipment in courtrooms/training to use it	8
Additional training/resources/attorneys/modification of existing laws related to public records issues	7
Assistance with developing policies/the development of better policies for sharing, saving, and destruction of video	5
Better computers/hardware	5
Resources for officer training/staff production of accurate summaries/transcriptions of videos	3
Reliable system of flagging the video for prosecutors/police department policy in place to require video be submitted to prosecutors	3
Resources/attorneys for increased civil litigation costs	2
Additional physical space for new hardware/equipment and office space for new staff hired as a result of BWCs	2
Video viewing spaces for attorneys and unrepresented defendants	2
Expert witnesses	2
Additional investigators in prosecutor's office	1
Additional officer training	1

Note: Some respondents listed more than one additional resource in response to this question. As a result, the above table totals to a number greater than the full sample (n=321).

Prosecutors' Support for BWCs and Concerns about BWC Use

Respondents were also asked to assess the extent to which prosecutors in their offices support the use of BWCs by the police. As Figure 5 indicates, almost 80% of respondents believed that the prosecutors in their offices either support (42%) or strongly support (37.5%) the use of BWCs. In contrast, only 4.7% of the sample believed that prosecutors oppose (3.8%) or strongly oppose (.9%) the use of BWCs by police.

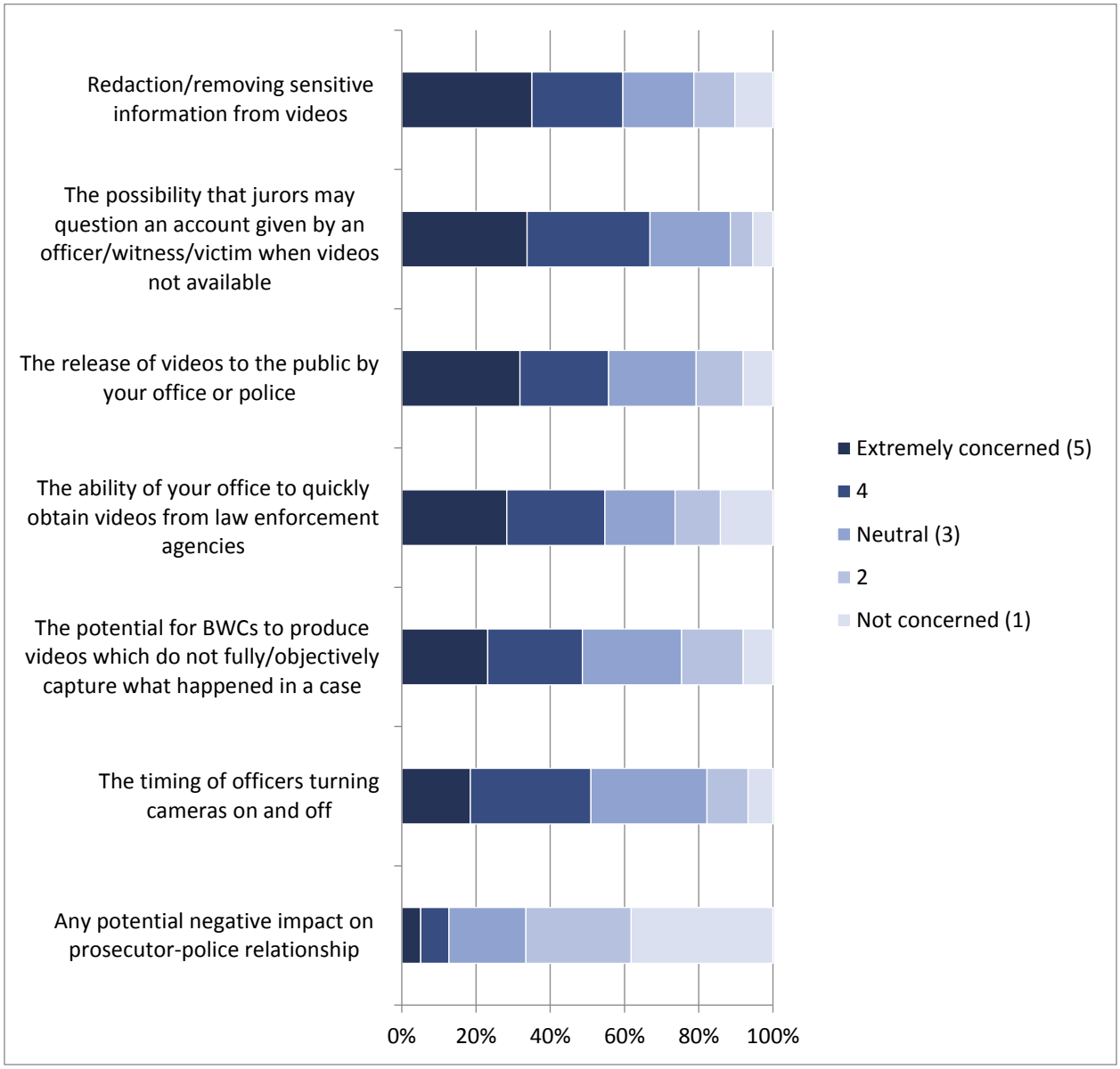
Figure 5. "Generally speaking, how strongly do you think prosecutors in your office support the use of BWCs by police?"



Notably, this is the only question on the survey where responses changed appreciably when we examined only the subsample of those jurisdictions already using BWCs. As Figure 5 shows, lead prosecutors in this smaller subsample selected "strongly support" at even higher rates (50%) than in the full sample. Moreover, an additional 40.1% selected "support." Fewer respondents (5.9%) in the smaller subsample of agencies selected the neutral option (whereas 15.8% of the full sample did). This finding is somewhat similar to preliminary research showing that police officers have fewer negative views about BWCs once they begin using them (see discussion in Lum et al., 2015).

In addition to assessing overall support, lead prosecutors also responded to a list of specific concerns about BWCs. Each survey item listed one type of concern. Participants rated their concerns on a one to five scale ranging from "extremely concerned" to "not at all concerned." Responses are shown in Figure 6. Reactions to this list did not differ substantially between the full sample and the subsample of only those lead prosecutors in jurisdictions already using BWCs. For this reason, results for the full sample are presented below.

Figure 6. "How concerned is your office about each of the following types of issues related to BWCs?" (n=314)



Not surprisingly, the item which provoked the highest levels of extreme concern was one related to video redaction and ensuring that sensitive data is removed from the videos. As greater numbers of police departments have adopted BWCs, it has become clear that the cost of redacting large numbers of videos can be significant. Our survey suggests that this is a concern not only for police, but for prosecutors' offices as well. A total of 59.5% of respondents indicated that their offices were either extremely concerned (35%) or concerned (24.5%) about this. Although prosecutors appear quite concerned about this issue, problems surrounding

redaction and data protection have generally not been a key facet of the media coverage or public debate surrounding BWC adoption.

Interestingly, the item which provoked the second highest levels of extreme concern was not an issue related to BWC evidence itself. Rather, it was the potential for an *absence* of BWC evidence to influence a trial. Specifically, we asked respondents about concerns that jurors might question accounts given by officers, witnesses, or victims when no BWC evidence is available. In essence, this question reflected the idea that jurors might ultimately come to expect BWC evidence to be available in many or most cases. Almost 67% of participants expressed either extreme concern (33.8%) or concern (33.1%) about this potential. Since most of the discussions regarding BWCs have centered on police and the public, this finding is interesting in its specific application to the courts. Prosecutors taking our survey were focused on the impact of BWC proliferation on burdens of proof in criminal cases. Thus, this may represent a fruitful avenue for conducting research relevant to practitioners.

Along similar lines, large numbers of respondents (55.7%) also expressed concern or extreme concern about the release of the videos to the public, another issue that has not been a significant part of early public debates about the feasibility of BWC adoption. For the most part, media coverage has not addressed the question of how frequently and to whom BWC videos should be made available. Yet, a majority of prosecutors who responded to our survey indicated concern about the implications of this for their offices.

Further, a majority (54.1%) of respondents also expressed either an extreme concern (28%) or a concern (26.1%) over the ability of their offices to quickly obtain videos from law enforcement for use in cases. This result seems consistent with the priority placed by these respondents (above) on resources for making alterations to the existing evidence storage or cataloging systems. These changes could be necessary to aid the efficient transfer of evidence.

In contrast, relatively few respondents (12.7%) expressed any type of concern about negative impacts on the working relationship between prosecutors and law enforcement as a consequence of working with BWC evidence. Only 5.1% of this sample indicated that they were strongly concerned about this. Thus, although prosecutors must work with law enforcement agencies to secure access to the evidence produced by BWCs, few prosecutors' offices seem to be concerned about negative impacts on their working relationship that could be created by problems or delays.

Further, we also asked about some legal issues associated with BWCs. One item focused on respondents' concerns about policy governing the timing of officers' decisions to turn their

cameras on and off. This question is important because police routinely encounter sensitive situations or information that may not be appropriate to record. A total of 51% of respondents expressed concern over this issue. Although a majority, this was somewhat lower than for many other items in this section. In fact, the number of lead prosecutors expressing extreme concern over this issue (18.5%) was the second lowest of any item listed. Yet, although lower, this result still represents a significant portion of respondents.

Slightly less than a majority (48.7%) expressed concern over the potential for BWCs to produce videos that do not fully or objectively capture events in a case. A small yet growing body of research – mostly coming from the field of psychology – has demonstrated several findings of relevance to this point. First, there is the potential for video to be interpreted very differently by different individuals who watch it (Kahan, Hoffman & Braman, 2009). Moreover, it is clear that BWCs capture video from only one angle (that of the camera attached to an officer) and, therefore, film the officer's perspective. In the context of confession videos, differences in perspective have been shown to significantly influence how video is interpreted (Lassiter & Irvine, 1986; Lassiter et al., 2005; Lassiter et al., 2001; Lassiter et al., 1992). Moreover, BWCs cannot record incidents outside of the camera's field of vision, nor can a camera swivel suddenly in order to capture the full range of rapidly evolving events. Each of these issues may contribute to concerns that a video – though helpful – may not fully capture what happened in a case.

Respondents were also provided with a free response area in which to note any additional concerns they might have about BWCs. We then grouped similar responses together and listed them in Figure 7 below. As Figure 7 shows, the concern most frequently raised by the small minority of respondents who filled out this section focused on the issue of costs. Additionally, some prosecutors also took the opportunity express worries over privacy and data security. Of note, some also raised quality concerns about the cameras breaking down or taking poor quality video, a technical issue that was not included in our survey.

Figure 7. Other Concerns Not Mentioned Above

Type of Concern	Frequency (# of respondents mentioning Item)
No additional concerns listed	271
Costs will be too high	16
Privacy/data security concerns, including inappropriate to use cameras or release videos in certain cases (particularly juvenile or sexual assault cases) or the release of videos by defendants over the internet	13
Development of law/legislation and/or policy is lagging behind acquisition of the cameras	7
Quality concerns with cameras or systems/concerns they will break down/poor quality videos produced	5
Specific difficulties implementing in rural areas/small departments where lack of resources/training/policy/infrastructure to implement	3
Resources needed for other areas (prosecutors, staffing, training, etc.) will be diverted to BWCs	3
Benefits of the cameras are unproven either in research or experience	3
Public perceptions of what cameras can accomplish is unrealistic	2
Need for a Brady exemption allowing prosecutors to simply turn over a video without having to watch it and identify specific exculpatory material/ excusing them from their ethical duly if they turn over the video	1
Concern that police department will not retain a video needed for a case	1
High resolution cameras might "see" more than an officer can be expected to see	1
Concern that officers will not be allowed to review videos prior to testifying	1
Cameras are not equipped with GPS locators but should be	1

Note: Some respondents listed more than one additional concern in response to this question. As a result, the above table totals to a number greater than the full sample (n=321).

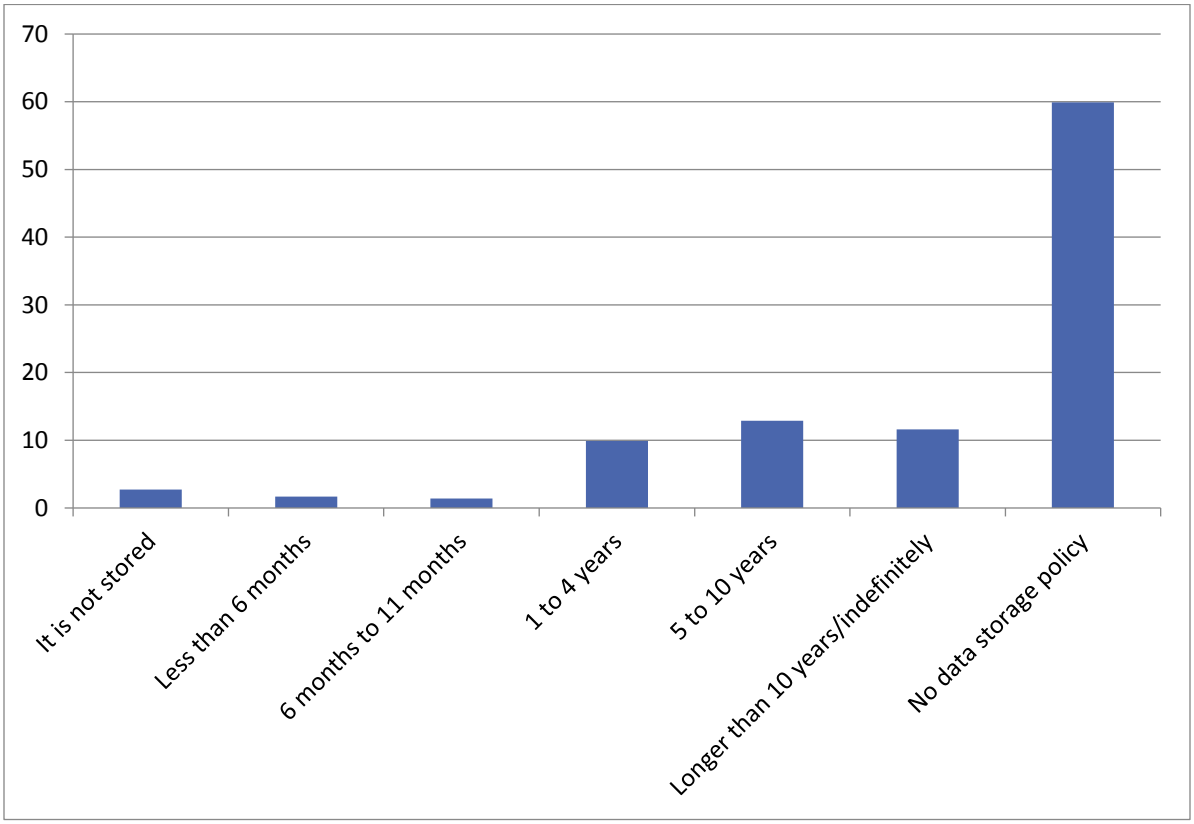
Procedures for Recording, Processing, and Storing BWC Evidence

To gain a more representative understanding of the rules in place for recording BWC evidence, we also asked lead prosecutors to tell us about the citizen notification and consent requirements in their jurisdictions. Ten percent of lead prosecutors elected not to answer this question. Of those who responded, the vast majority (90.3%) indicated that police in their jurisdictions are neither required to provide notice nor to obtain an individual's consent prior to recording BWC video. In comparison, 8.3% of prosecutors answering the question were located

in jurisdictions where officers are required to notify citizens that a recording is in progress. Only 1.3% indicated that a citizen's consent is needed for recording.

We also asked respondents how long video is stored once it is recorded (Figure 8). Almost 60% of respondents indicated that their jurisdictions did not have a policy governing BWC video storage. Other options provided for respondents included the following specific time frames for data storage: 1) "less than six months" (1.7%), 2) "six months to one year" (1.4%), 3) "one to four years" (9.9%), 4) "five to 10 years" (12.9%), and 5) "longer than 10 years/indefinitely" (11.6%). Thus, of those offices with developed policies regarding data storage, most data storage periods are located on the longer end of this range. Almost one quarter of the total prosecutors' offices in our sample and a full 61% of those agencies with developed policies opt to store this data for longer than 5 years.

Figure 8. "Once a case ends, for how long is BWC video evidence stored by your office or the state?" (n=294)



In addition to privacy concerns stemming from the length of data storage, a related issue involves sensitive information that must be removed from videos prior to release. Video redaction can consume many personnel hours and, therefore, can be quite costly. Since

concerns over redaction appear quite often in the literature relating to police agencies and BWCs, we wanted to examine the extent to which prosecutors' offices are also impacted by this responsibility. In response to this question, 39.4% of offices selected the option for "Not applicable/We do not receive BWC evidence yet." An additional 44.5% of the total sample indicated that they redact video evidence themselves, while only 5.8% of offices receive BWC videos in redacted form. 10.3% of offices receive both types of videos. Thus, with nearly half of the offices in our sample receiving un-redacted videos and an additional 10.3% receiving at least some un-redacted videos, these results suggest that this is an issue for prosecutors' offices, as well as police agencies. Indeed, if only the sample of offices currently receiving videos is examined, 90.4% of these offices must perform at least some of their own redactions.

Anticipated Impacts of BWC Use on Prosecutors and Courts

One goal of this survey was also to examine existing and anticipated impacts on the operations of prosecutors' offices and the courts. For these survey questions, participants responded on a one to five scale ranging from "strongly agree" to "strongly disagree." Results are reported in Figure 9 below.

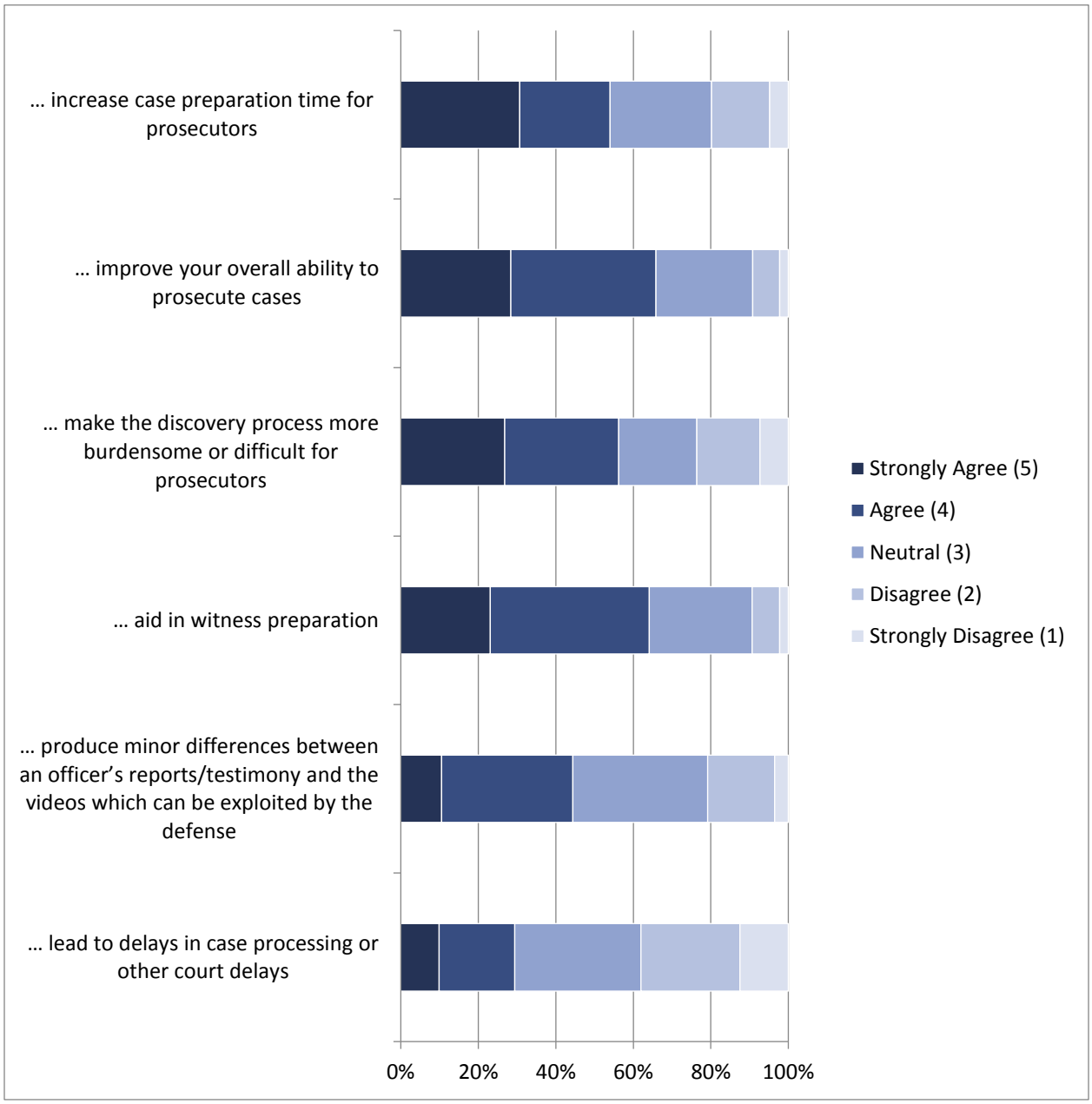
Of all items in this section, the highest numbers of respondents strongly agreed (30.7%) that BWCs would increase case preparation time for prosecutors. This finding is consistent with the IACP report detailed above which suggested that other types of video evidence may also increase case preparation time for prosecutors.

Yet, despite believing that BWCs would increase their case preparation time, an almost equal number of lead prosecutors also strongly agreed (28.4%) that BWCs would improve their overall ability to prosecute cases. In fact, a total of 65.8% of respondents either "strongly agreed" or "agreed" with this statement. Thus, of all the potential impacts of BWCs listed on the survey, this was the one that the most lead prosecutors believed would occur. This finding is consistent with the strong support for BWCs expressed by respondents during earlier questions on this survey.

In addition to improvements in overall ability to prosecute cases, another advantage noted by lead prosecutors was that BWC evidence would aid in witness preparation. A total of 64.2% of respondents expressed either agreement (41%) or strong agreement (23.1%) with this statement. Indeed, the increased availability of videos may help witnesses to refresh their

recollections of events. Thus, it also seems that the contributions of BWCs to case outcomes and witness preparation may be productive avenues of research.

Figure 9. "How will BWC evidence impact the prosecutors in your office?" (n=313)



Yet, significant portions of the sample also noted some potential drawbacks to the use of BWC evidence. First, a majority (56.2%) of the sample either "strongly agreed" (26.8%) or "agreed" (29.4%) that the adoption of BWCs would make the discovery process more burdensome or difficult for prosecutors. Similarly, a total of 44.4% of lead prosecutors either agreed or strongly agreed that BWC evidence would tend to "produce minor differences

between an officer's reports/testimony and the videos, which can then be exploited by the defense." Although not a majority, this still represents a non-trivial segment of the sample. Moreover, these results are somewhat surprising given the fact that respondents felt so strongly that BWC evidence would simultaneously improve their overall ability to prosecute cases.

With respect to the item about differences between the videos and witness testimony, however, it should be noted that strong agreement (10.5%) with this statement was much lower than for the other concerns mentioned. Rather, most of the respondents who supported this statement only moderately agreed with its premise (33.9%), so these beliefs were not as strongly held. One explanation for this result might be that the concern over the exploitation of differences between videos and witness testimony may be a potential worry that has not yet materialized in a concrete way. This might lead some respondents to mark a lower level of agreement, reserving "strong agreement" for those items representing issues that they have already encountered repeatedly.

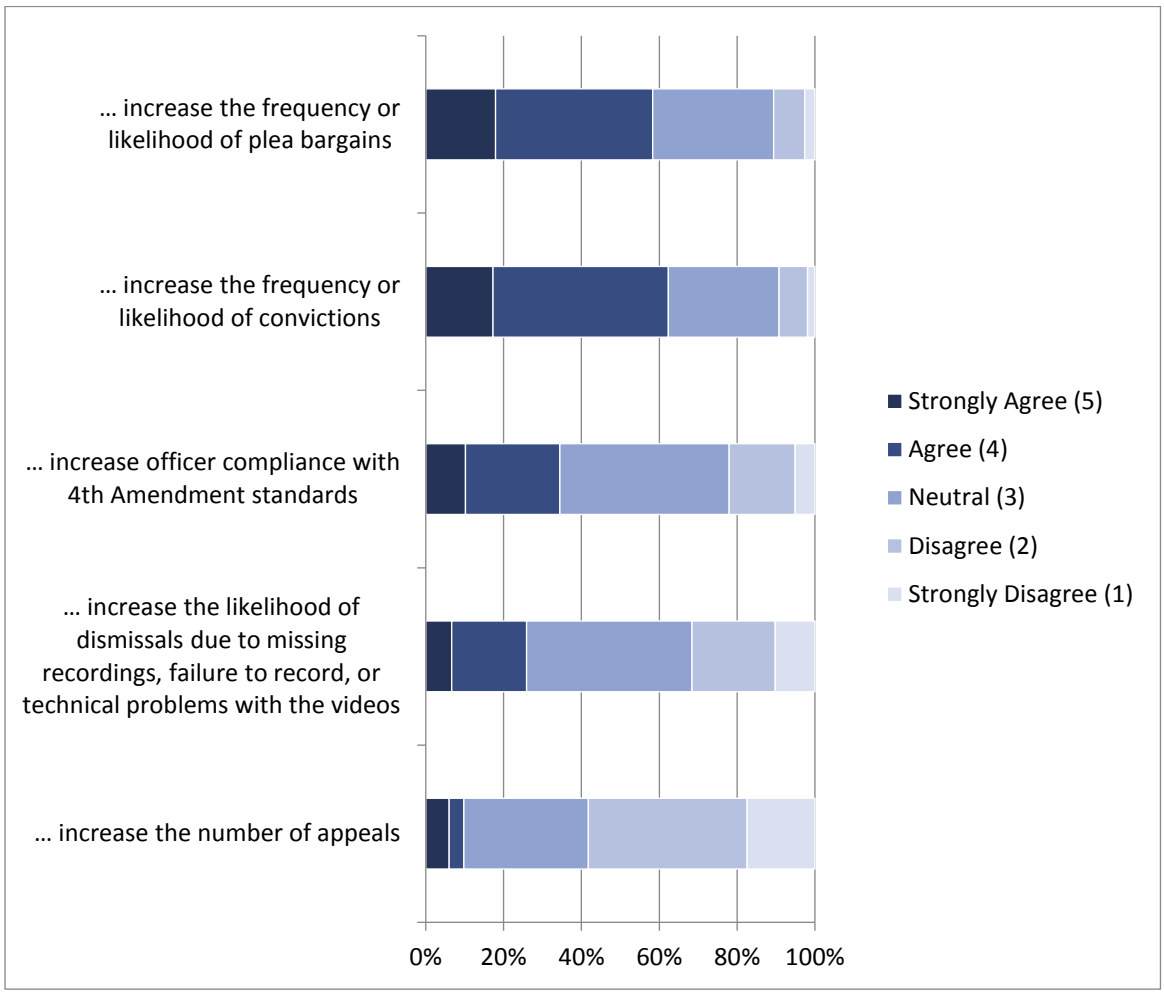
Interestingly, although a majority of respondents believed that BWC evidence would be tied to improvements in overall ability to prosecute cases, nearly 30% of respondents also strongly agreed or agreed that BWCs would lead to delays in case processing or other court delays. As such, it seems that – although these respondents are positively disposed to the potential for BWCs to produce better outcomes – they also acknowledge that aspects of the processing of this evidence must still be ironed out. With that said, however, it should be noted that this item – like the last – was associated with comparatively fewer respondents expressing strong agreement (9.9%). Again, this might suggest that – while respondents are concerned about potential impacts of this type – such delays have not yet materialized and, therefore, that these opinions are not as strongly held.

Anticipated Impacts on Court Outcomes

Some research suggests that BWCs may impact court outcomes, perhaps by strengthening evidence collection and case processing for certain types of cases (Ellis et al., 2015; Morrow et al., 2016; ODS Consulting, 2011; Owens et al., 2014). Indeed, as shown above in Figure 9, a majority of prosecutors believed that BWCs would improve their ability to prosecute cases. To explore some of these issues further, we also asked prosecutors more specifically about the potential impacts of BWC evidence on overall court outcomes, such as convictions, dismissals, and appeals. Again, participants expressed their opinions on a one to

five scale ranging from strong agreement to strong disagreement. The results of these survey items are presented in Figure 10. We also note that research is currently underway to investigate the extent to which these opinions are borne out empirically.[4]

Figure 10. "What impacts do you anticipate BWCs will have in your jurisdiction over the long term?" (n=313)



When presented with a range of potential outcomes that BWCs may produce, lead prosecutors most frequently felt that convictions and plea bargains would rise in response to the technology. Both may be considered positive outcomes for prosecutors. A full 62.3% of respondents agreed (45%) or strongly agreed (17.3%) that BWCs would produce increases in convictions. It is also notable that very few respondents (a total of 9.2%) expressed either strong or weak disagreement with this contention. Again, this finding is consistent with the

[4] See *infra* notes 1 and 2.

generally strong support of these respondents for BWC use; it is clear, then, that this sample of prosecutors believes that BWC evidence will be a potent tool.

Along similar lines, 58.3% of the sample either agreed (17.9%) or strongly agreed (40.4%) that BWC evidence would increase the frequency or likelihood of plea bargains in their jurisdictions. Thus, this was the outcome-related item that produced the second highest overall agreement. Similar to the question regarding increases in convictions, only 10.6% of the sample disagreed or strongly disagreed with this idea.

In addition to the possibility of positive outcomes for prosecutors, we also asked respondents to assess the likelihood of potentially negative or burdensome impacts. One item asked respondents about the extent to which BWCs might contribute to an increase in case dismissals due to missing recordings, failure to record, or technical problems with the videos. However, comparatively few prosecutors (25.9%) either strongly agreed (6.7%) or agreed (19.2%) that this would occur. In response to this item, many participants chose to remain neutral (42.5%). This type of response pattern – with large numbers opting to select the center space on scale – suggests that perhaps prosecutors are not yet sure of the impact that BWC evidence will have on case dismissals in their jurisdictions. Views may change as prosecutors' offices continue to work with this evidence and appellate courts begin to adjudicate issues surrounding BWCs with increasing frequency.

Indeed, when asked about the likelihood that BWC evidence would increase the number of appeals, most participants (58.8%) indicated that this would not be the case. Only 8.9% of respondents believed that the number of appeals would increase. In fact, this item yielded the lowest levels of agreement on this portion of the survey. Thus, given this response, perhaps the impact of BWCs on appeals represents somewhat of a lower priority for future research.

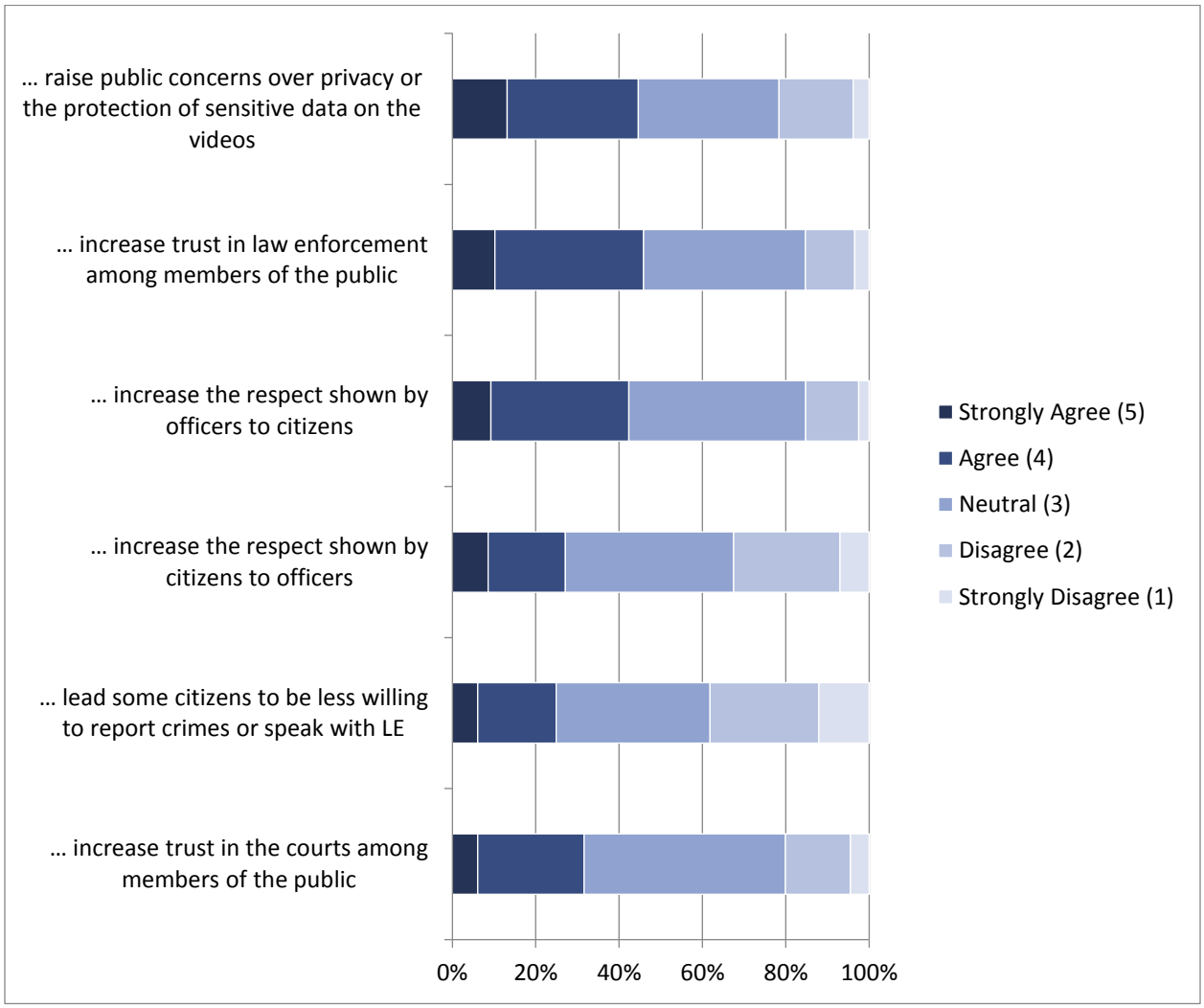
Lastly, for comparison purposes, we asked for assessments of the impacts of BWC adoption on officer compliance with the Fourth Amendment. The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and seizures by police, including improper or unauthorized uses of force by police and illegal arrests, stops and frisks, or other searches. Since increased accountability with respect to the use of force is so closely tied to the adoption of BWCs, we included a question about Fourth Amendment compliance on the survey. In response, slightly more than a third (34.5%) of lead prosecutors either agreed (24.3%) or strongly agreed (10.2%) that BWCs would increase officer compliance with the Fourth Amendment. A full 43.5% of respondents remained neutral, signaling that this population does not feel strongly that BWCs will produce tangible impacts in this regard. It is worth noting that

the 34.5% of the sample who believed that this effect will be produced is far below the numbers of respondents – by approximately 30 percentage points – who indicated that these devices would produce increases in convictions and plea bargains among the general public.

Anticipated Impacts on Legitimacy and the Public

One motivation behind the adoption of BWCs relates to public perceptions of police and the desire to increase accountability and trust. To examine prosecutors' views of whether or not BWCs will promote these goals, we asked a series of questions about respect, trust, and cooperation between citizens and law enforcement officials. Similar to the previous section, respondents expressed their views along a one to five scale, which ranged from strong agreement to strong disagreement. The results of these items are detailed in Figure 11.

Figure 11. "The use of BWCs will …" (n=314)



A total of 42.3% of lead prosecutors either agreed (33.1%) or strongly agreed (9.2%) that BWCs will increase the respect shown by officers toward citizens. Likewise, respondents were also asked to indicate whether or not they believed that BWCs would increase the respect shown by citizens to officers. In early studies of the devices, this possibility has been raised as a key benefit to police officers using the devices. However, in response to this question, an even smaller percentage of prosecutors (27.1%) expressed strong agreement or agreement with this than with the last item. 32.5% of lead prosecutors disagreed with this contention and another 40.4% expressed neutrality, a relatively high percentage without strong views on this point. These findings are somewhat surprising given the emphasis placed on civility benefits in both public discourse and also in early research on the topic of BWCs.

In comparison, the survey yielded slightly more positive appraisals of the potential impacts of BWCs on citizens' trust of criminal justice actors. First, with respect to the police, 45.9% agreed that adoption of the technology would increase trust in law enforcement among members of the public. However, only 10.2% of these respondents strongly agreed with this statement. When asked about the potential for BWCs to increase trust in the courts among members of the public, only 6.1% of respondents expressed strong agreement and an additional 25.5% expressed agreement with this idea. Thus, less than a majority of respondents agreed that BWCs would lead to these positive outcomes for legitimacy. And, given the fact that agreement with all four legitimacy items discussed in this section ranged from 27.1% to 45.9%, these percentages are significantly lower than the numbers who believed that BWCs would be effective as an aid for the prosecution.

In addition to questions about respect and trust, the survey also asked for assessments of two possible negative impacts for the public. These items were placed at the end of the survey so as not to influence the overall assessments related to respect and trust detailed in the last few paragraphs. One concern in the literature is that fears of being recorded by BWCs might lead some citizens to be less willing to report crimes or to speak with law enforcement (see e.g., Chopard Cohen, 2015). Overall, however, this was not the concern most strongly shared by prosecutors responding to our survey. A total of 24.9% expressed some form of agreement, meaning that this item produced the lowest agreement of any in this section.

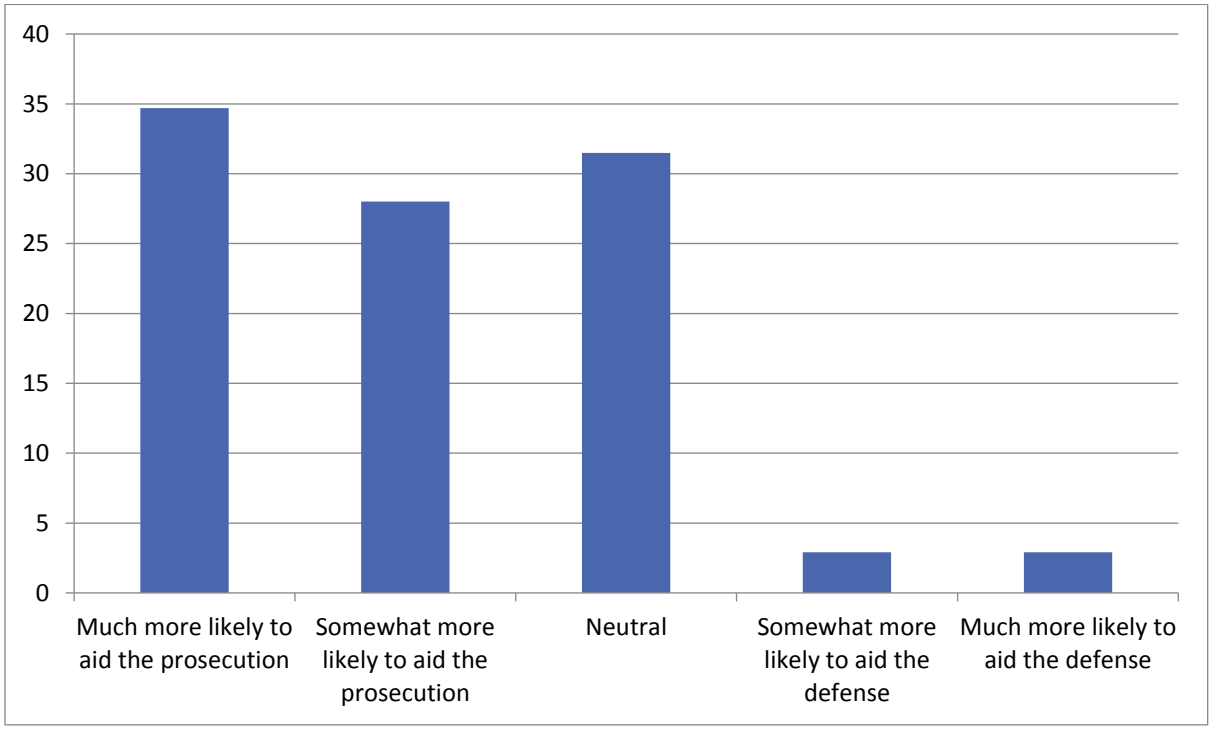
On the other hand, a question about privacy concerns on the part of the public produced somewhat stronger agreement. When asked to assess the extent to which BWCs might raise public concerns over privacy or the protection of sensitive data on the videos, a total of 44.6% of lead prosecutors agreed that they would (13.1% expressed strong agreement, and 31.5% expressed moderate agreement). Although this issue has been raised in law review

articles and commentary, individual privacy has not been a significant facet of the public debate surrounding BWCs. Rather, the public discourse has focused instead on the potential for BWCs to produce positive accountability benefits and to decrease use-of-force incidents. As more agencies make decisions about which videos to store and for how long – as well as decisions to release videos to the media – the issues of privacy and sensitive information will likely become a more significant part of this discussion.

Overall Assessment of BWC Evidence

Lastly, we asked respondents to provide an overall assessment of the extent to which BWC adoption is likely to aid the prosecution (as opposed to the defense) in criminal cases (Figure 12). Results suggest that a majority of prosecutors (62.7%) taking our survey believed that this evidence would assist the prosecution more than the defense. In fact, a full 34.7% indicated that BWC evidence is very likely to help the prosecution. In comparison, a total of only 5.8% of respondents thought that the evidence would be of greater benefit to the defense. This result provides another indication of the belief among prosecutors that BWC evidence represents a powerful prosecutorial tool.

Figure 12. "Overall, do you think that BWC evidence is more likely to aid the prosecution or the defense?" (n=314)



Conclusion

Body-worn cameras (BWCs) are no longer an emerging technology on the horizon. They have rapidly diffused to law enforcement and, as a result, also significantly impact prosecutors and courts by expanding the availability of video evidence. Further, the public has high expectations of BWCs, particularly in terms of their potential to increase accountability. While research evidence detailing the impacts of cameras on police and the public is beginning to emerge, very little existing or ongoing research focuses on the courts or on prosecutors. Yet, the decision to use BWCs will undoubtedly impact court actors and may also influence outcomes and decision-making.

Results from our national survey of prosecutors support our previous conclusions (see Lum et al., 2015) that we need a much more robust empirical understanding of the systematic impacts of BWCs on courts and the full range of court actors (prosecution, defense, juries, judges, etc.). Overall, the results below are striking in terms of the breadth and depth of factors that lead prosecutors must consider and resolve in light of BWC diffusion. Key findings from this survey revealed:

- **Most state prosecutors' offices (almost two-thirds) are already working with BWC evidence.** Of these offices, a full 42.1% have used the evidence for longer than one year. Yet, a significant number (almost one-fifth of those using BWC evidence) are still very new to working with it (one month or less).

- **Nearly all prosecutors' offices in jurisdictions with BWCs (92.6%) have used BWC evidence to prosecute private citizens.** In comparison, 8.3% of offices located in jurisdictions with BWCs indicated that they have used BWC evidence to prosecute a police officer. It should be noted, however, that many more total citizens than police are prosecuted each year, so these percentages are not directly comparable.

- **Generally, lead prosecutors expressed strong support for the use of BWCs.** Very high numbers of respondents (79.5%) indicated that prosecutors in their offices support BWC use. Additionally, large majorities believed that BWC evidence will help the prosecution more than it will assist the defense (62.7%) and that BWCs would improve prosecutors' overall ability to prosecute cases (65.8%). Fewer than 10% of lead

prosecutors disagreed with these statements. Taken together, these results suggest that lead prosecutors view BWC evidence as a powerful prosecutorial tool.

- **Yet, most lead prosecutors recognized that BWCs would produce both positive and negative impacts on prosecutors' workloads.** A majority (64.2%) believed that BWC evidence would aid in witness preparation. However, most lead prosecutors also felt that BWC evidence would increase prosecutors' case preparation time (54% agreement) and make the discovery process more burdensome or difficult for them (56.2% agreement). These findings regarding increased workload make sense, as prosecutors will be working with a new stream of evidence.

- **Lead prosecutors also emphasized a continuing need to address logistical issues related to BWC evidence.** A majority 59.5% of respondents expressed concern over the redaction of BWC videos. Indeed, most lead prosecutors who are working with BWCs indicated that their offices must perform their own redactions, a process which can be costly and time consuming. 54.1% were also concerned about their office's ability to quickly obtain videos from law enforcement for use in cases. Despite these logistical issues, however, relatively few respondents (12.7%) expressed concern over negative impacts to the police-prosecutor working relationship stemming from BWCs.

- **When asked about resources needed to utilize BWCs effectively, the most urgent requests focused more on infrastructure and technology than on personnel.** A majority (65.4%) reported a high or moderately high need for upgrades to existing technology to view or show videos. 51.9% indicated that their offices would have high/moderately high requirements for resources to alter evidence cataloging or storage systems to effectively handle BWC evidence. Likewise, 46.3% of lead prosecutors also highlighted the need for resources to hire technical support personnel or provide technical training. In contrast, fewer respondents prioritized the need to hire either additional support personnel (36.7%) or additional prosecutors (22.4%) in response to BWCs.

- **When asked about the impacts of BWCs on courts, lead prosecutors cited primarily positive prosecutorial outcomes.** A majority believed that BWC evidence would increase both rates of conviction (58.3% agreement) and the frequency/likelihood of plea bargains (62.3% agreement). In fact, fewer than 10% of lead prosecutors disagreed that BWCs would produce either of these results. Comparatively few lead prosecutors

believed that BWC evidence would increase either the numbers of appeals or case dismissals. However, larger numbers of respondents (42.5%) indicated neutrality with respect to the question about case dismissals, signaling that views on this point may not yet be well developed.

- **However, nearly 30% of lead prosecutors believed that BWCs would lead to delays in case processing or other court delays.** While not a majority, this finding is consistent with other results suggesting that logistical issues of evidence transfer, storage, and sufficient technical training are yet to be fully resolved.

- **Although assessments of *outcomes* were primarily positive, lead prosecutors also frequently expressed concerns about negative influences on *decision-making*.** 66.9% of respondents feared that jurors might come to expect BWC evidence and that a lack of footage might lead jurors to question an account given by an officer or witness. Indeed, almost half of the sample (44%) agreed the BWC evidence would produce minor discrepancies between officer testimony and the videos. Additionally, 48.7% worried about the potential for BWCs to produce videos that do not fully or objectively capture events in a case.

- **Moreover, most lead prosecutors did not believe that BWCs would substantially increase citizen respect and trust.** Less than half of the respondents (42.3%) agreed that BWCs would increase the respect shown by officers toward citizens. An even smaller percentage (27.1%) thought that BWCs would increase the respect shown by citizens to officers. Further, less than half of lead prosecutors believed BWCs would increase citizen trust in law enforcement (45.9% agreement) or in the courts (31.6% agreement).

- **Comparatively few lead prosecutors (about one-third) believed that BWC adoption would increase police compliance with the Fourth Amendment.** A full 43.5% of respondents remained neutral in response to this question, suggesting that this population does not feel strongly that BWCs will produce tangible impacts in this regard.

- **However, most lead prosecutors rejected the idea that BWCs would make individuals less willing to speak to the police.** Only 24.9% of respondents believed that concerns over being recorded would produce this effect.

- **Privacy and the protection of sensitive BWC data remain significant issues.** A majority (59.5%) of lead prosecutors expressed concern about video redaction and ensuring the removal of sensitive data from the videos. A similar number (55.7%) also expressed concern over the release of the videos to the public. In fact, nearly half of lead prosecutors believed that BWCs would raise public concerns over privacy or the protection of sensitive data on the videos. The large majority of lead prosecutors (90.3%) reported that police in their jurisdictions are not required to provide notice or to obtain consent from individuals prior to recording BWC video.

- **Generally, BWC video is stored for long periods.** Lead prosecutors reported that a full 61% of agencies with developed policies (almost one-quarter of prosecutors' offices in the sample) opt to store this data for longer than 5 years.

- **BWC policy development is still needed.** The majority of jurisdictions (nearly 60%) do not have a policy in place governing the length of BWC video storage. And, for the most part, prosecutors' offices and police agencies have not worked together to create BWC policies. Only 35.5% of prosecutors' offices have helped to formulate BWC policies.

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