

The Use of Body-Worn Cameras with Victims of Sexual Violence

Considerations for Developing Victim-Centered Policies and Procedures

Although law enforcement's use of body-worn cameras (BWCs) has increased in recent years, research exploring the impact of their use with victims, particularly victims of sexual and intimate partner violence, has been negligible at best (Murphy, n.d.). Public opinion and research purport many positive outcomes from the use of BWCs, including increased transparency and professionalism among law enforcement, higher rates of arrests, guilty pleas, and guilty verdicts (Morrow, Katz, & Choate, 2016; NAESV, 2016). However, it is essential to also consider and mitigate the potential unintended negative consequences of their use (IACP, 2017; NAESV, 2016).

Over the years, investigations and prosecutions of crimes of sexual violence have evolved significantly; the understanding that these crimes require a unique, multi-systemic approach that recognizes and adapts to the far-reaching impacts of trauma on the victims is now widely accepted. Similarly, the development of policies and procedures for law enforcement's use of



BWCs must also utilize this collaborative, multidisciplinary, trauma-informed, victim-centered approach to increase victim empowerment and decrease re-traumatization (IACP, 2017; Murphy, n.d., Wilkinson, 2017).

Through this lens, **experts in the use of BWCs propose the following considerations** (IACP, 2017; Morrow, Katz & Choate, 2016; Murphy, n.d.; NAESV, 2016; Wilkinson, 2017):

Emotional and physical safety

- ① Give victims a choice to be recorded or not. Explain the pros and cons of recording and obtain informed consent.
- ② Acknowledge that recording a victim at this very stressful time can be re-traumatizing, particularly if recording technology was used as part of their victimization.
- ③ Address victims' concerns about self-incrimination.
- ④ Ensure that common victim concerns related to privacy and confidentiality are addressed, including storage of, use of, and access to recordings.
- ⑤ Recognize that victims may fear retaliation or physical harm from the defendant. Establish procedures that protect against the possibility that the recordings will be used to further harm the victim, including if the defendant is pro se.



- ⑥ Recordings should not occur in spaces where victims have the right to privacy or where confidential communication is occurring. For example, conversations between a sexual assault advocate and a victim are privileged communications. If these conversations are picked up by a BWC, the victim's right to confidentiality is compromised. Similar conflicts can arise when victims are seeking medical care and in educational settings.
- ⑦ Consider that the victim's concerns about safety and privacy may create a chilling effect on reporting and/or cooperation with law enforcement investigations.

Cultural humility

- ① Develop culturally-responsive policies that attend to the needs and concerns of communities of color and vulnerable populations. For example, how might the use of BWCs affect reporting and/or participation by victims and witnesses from immigrant communities?
- ② Create a plan for how/when officers can obtain informed consent from minors, people with limited English proficiency, people with intellectual disabilities, people who are intoxicated, etc.
- ③ Seek input from community partners who can share diverse perspectives.

Support

For victims

- ① Adopt policies that link people who have experienced sexual violence with sexual assault victim advocates. Research has demonstrated the numerous benefits of this connection for healing and justice.
- ② Include multiple voices in policy development to assure that victims' many needs are considered. Involve advocates, sexual assault nurse examiners and medical providers, prosecutors, court staff, and other allied professionals, as well as victims themselves, who can offer insight into the pros and cons of BWCs from their perspectives. Collaboration improves buy-in from community partners, and increases the likelihood that BWCs will be used in a victim-centered, trauma-informed way. Additionally, if partners understand how BWCs will be used in their community, they are better situated to inform and empower the victims they may encounter.

For officers

- ① Provide on-going training for officers on the use of BWCs and current state laws, including policies relating to their use in cases of sexual violence and the impact of their use on victims.
- ② Adopt supervision practices that ensure that officers are monitored in their use of BWCs, and that improper use is addressed effectively. Supervision is an opportunity for officers who are using BWCs to share their perspectives on the successes and challenges of BWCs in the field, providing valuable information that can shape policy development.
- ③ Re-visit and revise policies as best practices and new research emerge.
- ④ Continue to seek input from a multidisciplinary team to ensure that BWCs are being used in a way that attends to the many needs and concerns of law enforcement, prosecutors, advocates, community partners, and victims.

When developing policies related to the use of BWCs, it is essential that the safety of victims and others captured by BWC footage be prioritized to the same degree as the safety of the officers wearing the cameras. BWCs are powerful investigative tools; the benefits and consequences of their use must be fully explored, ensuring that they will serve their intended purpose of increased community and officer safety and accountability for those who harm others.

References and Resources

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Urban Institute's State by State BWC legislation tracker: <http://apps-staging.urban.org/features/body-camera-update/>

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