

Date: 14 March 2019

To: Jason Ross, Senior Manager: Capability, Response & Operations;
Geoff Logan, Operations Manager, Response & Operations;
Paddy Hannon, Operations Coordinator, Response & Operations;
Darrin Putt, Project Officer: Deployable Assets, Response & Operations.

From: s9(2)(a) Research Analyst, Response & Operations Research and Evaluation team

Subject: Discussion re BWC review and recommendations

SUMMARY

The working group met to discuss the evidence summary and recommendations circulated in the BWC Review and Recommendations document. A few minor adjustments have been made to the wording of the recommendations, as noted during the meeting.

ISSUES DISCUSSED

Recommendation 1: Restricting recording to the upper levels of PCA. We discussed whether the trial could compare officers with different activation policies (i.e. only higher PCA levels vs. broader capture). There are compelling reasons to capture more than just the upper levels of PCA; we suggest the best way to draw conclusions about the consequences of this decision is to have a broader capture criteria for everyone in the trial, and then analyse the footage to identify and compare what would and would not have been captured under the stricter policy.

Recommendation 2: Automatic activation of cameras. The technology is not yet to the point where automatic activation would be achievable in the trial, but it may become viable as technology improves. At this stage we could have automatic BWC activation for 20 patrol cars; all cameras in the vicinity would be activated in response to a criteria such as the car door opening, or the vehicle's light bar being activated. We agreed that the more we can reduce the element of human error in BWC recording, the better.

Recommendations 3 – 7. No major concerns were raised. We agreed that the Police Association are key stakeholders, and we will consult with them going forward.

Recommendation 8: Preventing review of evidentiary footage before testifying (or making a statement). This recommendation was the most problematic, and there was considerable discussion about it.

One way we might get around the difficulties of this issue is to avoid placing constraints on viewing the footage either way in the trial (i.e. viewing is neither required nor restricted), and then monitor what happens. We could gather data about how often officers view their footage, we could ask officers to indicate in TOR (or other) reports whether or not they viewed the footage before making the report, and we could ask survey/interview questions around this issue at the end of the trial. We could also add in a research question around the effect of viewing footage on later testimony/reports to find out what actually happens in practice. Ideally it would be good if someone else could be responsible for

the management/flagging of the footage, so officers would not be required to access it for administrative purposes.

If officers can view their BWC footage, an additional advantage would be a potential reduction in time spent on writing reports, with BWC footage reducing the amount of information required to be written out. This advantage would be most likely to be realised with focus on Recommendation 7, encouraging officers to narrate leading up to, and after an event on the BWC, instead of writing out the same information in a journal afterwards. This kind of reporting in the immediate situation would provide high quality and reliable information about what happened and the officers' views. If possible, it would be beneficial to work towards utilising footage as evidence in court. Regardless of what is decided regarding viewing footage, it could be argued that this in-time reporting captured by the BWC is the officer's initial report, which necessarily occurs before any footage review.

The concerns raised about restricting viewing were that it would contravene officers' right (under the Bill of Rights) to view their own footage/journal, and that it would not be acceptable to the Police Association or to frontline officers who would feel that we were trying to catch them out, and unfairly preventing them from accessing their own record, subsequently eroding front line buy-in for BWC implementation. We also discussed the difficulty in remembering the specifics of what happened in very high stress situations, with the idea that the footage would work as a memory cue. Preventing viewing of the footage would also create a barrier to reflection and professional development in staff looking back at the footage about what happened and how they approached an incident.

I am concerned that I didn't do a great job of explaining the reasoning behind this recommendation in our meeting, so I am reiterating the main points for the other side of the argument here just to be sure. **Section 9(2)(g) Official Information Act 1982**

In addition, there is a strong body of work demonstrating that viewing the footage would likely lead to a shift in the officer's memory and subsequent reporting to include new information that was not previously considered, while narrowing focus to only include what was captured in the footage. Crucially, these shifts in memory occur without awareness. An important consideration is what we are hoping to achieve by allowing officers to view the footage, and how it fits with the overarching goals of BWC implementation. (And also consideration of what the overarching goals of the BWC implementation are; our recommendations were based on the proposed goals, but if the goals change, it is likely the recommendations will need to change too).

"If it is important to know *exactly what happened*, then viewing the video footage will always be more accurate than the account of an officer, in which case the officer does not need to see the footage. If it is important to know *an officer's perception of an event*, then it is important to preserve his memory untainted by viewing the video footage. In neither case is viewing the video footage recommended." (Pezdek, 2015; available at this [link](#)).

Restricting viewing would also overcome the administrative burden on officers of reviewing and categorising footage—someone removed from the situation would need to take responsibility for managing the footage.

Given the compelling arguments on both sides, it is likely that whatever option is chosen there will be some blow-back—either from frontline staff and the Police Association, or from the public, PPP, and interested commentators. Without appropriate framing and explanation, the former option has the potential to completely derail BWC implementation (which has happened overseas), while the latter has the potential to erode public trust and confidence. Whichever option is chosen, we will need to provide a strong justification for the choice. For the purposes of the trial, the best approach may be to simply see what happens, and let the results shape further consideration of these issues.

Recommendation 9: Editing and redacting footage. This was deemed to be a non-issue, with the original footage always retained. This would need to be communicated to the public to ensure trust in the footage.

No other major issues arose.