

1. Executive Summary

1.1 Introduction

In June 2021 the Frontline Safety Improvement Programme (FSIP) tasked the Evidence Based Policing Centre (EBPC) with a review of TASERs and body-worn cameras (BWC). The aim was to understand the risks and outcomes of implementing a new TASER without TASERcam. In addition to understand the risks and outcomes of BWC as a potential solution.

New Zealand Police started looking into the use of TASER as early as the mid-1990's and began implementing TASER devices more than ten years later in 2008. However, Police use of BWCs is a conversation that has only just started in New Zealand.

1.2 Summary of report

Overall, the literature relating specifically the use of BWCs or TASERcams to TASER outcomes is absent. Additionally, the literature suggests that having the TASER as a tactical option could be connected to some risks, even if the use of the device is generally acknowledged as effective and safe.

These risks are related in the literature mostly to the use of the TASER against members of vulnerable populations; improper use of the device by police officers; and health hazards from device use. Evidence recorded by the TASER has also been acknowledged as valid and helpful in reassuring lawful TASER use among the public or in extreme TASER encounters.

The video recording of TASER encounters is an important piece of evidence when considering extreme TASER encounters (in which there was serious injury or death) and when monitoring lawful TASER use. The risk of not video recording TASER encounters would be to have one less type of evidence regarding how the TASER was used; which could impact the amount of reassurance police can give to the public that the TASER was used in a lawful manner; which could decrease the trust and confidence the public (and especially vulnerable communities) have on police.

BWCs have become one of the most rapidly spreading technologies in modern policing. The adoption environment and reasons for the rapid implementation of BWCs has varied across jurisdictions, coming in the face of increased police scrutiny and a legitimacy crisis in the United States, while in countries such as the United Kingdom and Australia, their adoption has been driven by the goal of improved officer effectiveness and police-public interactions.

The evidence on the impacts of BWCs on police activities and police-public interactions is often mixed, however, there are a number of findings to suggest that BWCs may improve outcomes for police and the public, and lead to increased efficiencies in some police activities. These include reductions in use of force or public complaints against police, improved satisfaction in police-public encounters, and enhanced efficiency evidence collection and report writing. However, there are a number of policy decisions, such as when to activate the camera and/or whether to notify the public of any recording, which may influence the outcomes. Important consideration needs to be made in developing a BWC policy to ensure that the potential benefits of the technology are achieved, as well as minimising the risks of any potential adverse consequences.

BWCs have the potential to impact both the officers wearing the technology as well as the public being recording by it. While public support is generally strong, officer support, both in relation to positive perceptions about the technology as well as compliance with policy around its use, has been somewhat mixed, and concerns have been raised about the over-monitoring of both groups, as well as implications on privacy and how the footage may be

used. To ensure successful BWC implementation and both organisational and public buy-in, thorough consultation with staff across the organisation and different community groups is essential.

Any decision New Zealand Police makes with regard to the changing of TASERs or the addition of BWC is going to have its own set of issues and risk. If the issues can be managed and the risks appropriately addressed, then the decision comes down to two questions: what is best for the public? What is best for the police?

1.3 Keys findings

1. Only 18 documents of 114 discussed either (positive, negative, or neutral) aspects of video recording TASER use or the need of further research on this topic (section 3.3);
2. Negative aspects of recording TASER encounters were 1) narrow TASERcam view; 2) lack of understanding that the video footage from TASER encounters is just one more evidence of the TASER encounter and not the 'only source of truth' about it; 3) limited context provided by TASERcam footage (due to limited recording time); 4) impaired TASERcam recording (due to the position of the TASER or the position of the officer's hands when holding it); 5) focus on extreme negative cases of TASER use due to the increased availability of videos associated with them; and 6) misuse or manipulation of videos from TASERcams or body-worn cameras (section 3.3);
3. The video recording of TASER encounters would be important evidence when considering extreme TASER encounters (in which there was serious injury or death) and when monitoring lawful TASER use. The risk of not video recording TASER encounters would mean having one less type of evidence regarding how the TASER was used (chapter 3);
4. Evidence on the impacts of BWC on use of force has been mixed. A number of studies have found a reduction in the number of use of force events, however, others have found no change or an increase in these events (section 4.2.1.1: Use of force);
5. BWC use is consistently associated with a reduction in the number of complaints against officers by members of the public. There is also evidence to suggest that BWCs can improve public perceptions of procedural justice and satisfaction with police-public encounters (sections 4.2.1.1: Complaints/Procedural justice);
6. Evidence of the impacts of BWC on officer safety is mixed, with some evidence that the presence of a BWC may decrease the risk of public assaults against officers, however, some studies have actually found that BWCs may lead to an increased risk of assault (section 4.2.1.2);
7. Public perceptions of police use of BWCs are generally positive, with the public viewing use of the technology and improving police transparency and accountability (sections 4.4.1; 4.4.1.1);
8. Officer perceptions of the use of BWCs has been mixed, with perceptions of its potential benefits increasing with use and experience with the technology. However, officers have commonly expressed concerns with the use of BWC for monitoring purposes, and extent and regularity with which the footage may be reviewed by supervisors (sections 4.4.2; 4.4.2.2);
9. Due to potential privacy considerations, and to increase the impact of BWC on public behaviour, it has been recommended that officers make the public aware that the cameras are recording. However, international policy is mixed, with some mandating officers to notify the public at the earliest reasonable point, while others make no such requirement (section 4.5.2);
10. A common recommendation around BWC development is the importance of organisational and public consultation in determining what BWC policies and use officers and the public will accept and support (section 4.5.5);
11. Storage of BWC footage and metadata is a key logistical issue. Data may be stored on local servers, however, due to the volume of data to be stored, many international jurisdictions have chosen to store their data on cloud-based third-party systems (section 4.6.1);
12. Concerns have been raised about the potential impacts of BWCs on vulnerable or marginalised groups who may be monitored more closely with the increase in surveillance capability brought about by the technology. There is limited evidence on the impacts of BWCs on marginalised groups, however, there is

some evidence to suggest that the presence of the cameras had little impact in alleviating racial disparities (section 4.7.1); and

13. BWC footage has the potential to be used beyond evidence collection, and advanced AI technologies have been developed around use of such technology for BWC data evidence sorting, facial recognition, and predictive policing algorithms. Concerns have been raised about how these technologies may be used with BWC data, leading to recommendations that the use of such technology should be prohibited in BWC policies (section 4.7.2).

1.3.1 Additional TASER findings

1. Four documents suggested that evidence gathered by the TASER could be useful in Court, in addition to other types of evidence (section 3.4);
2. Findings from the literature showed that subject behaviour can affect and be affected by how the TASER is used/displayed. As a result, having video recordings of TASER encounters might be helpful when considering extreme cases. For instance, if subjects have the TASER discharged on them multiple times due to continuous resistance in response to having the TASER used on them initially in drive-stun mode, it could be the case that it would be informative to have video recordings of this interaction, especially if there were poor health outcomes for the subject or complaints made regarding TASER use (section 3.5);
3. The literature also emphasised multiple concerns of human rights organisations, the public, and law enforcement organisations regarding TASER use, including (but not restricted to) use of the TASER in the drive-stun mode and use of the TASER for a prolonged time. The possibility of unlawful behaviour regarding TASER use exists, and video recordings of TASER encounters would reassure the public that TASER use is always lawful, being used according to the policy in place (section 3.6.1);
4. The literature also suggested that TASERs are generally effective in resolving incidents and are perceived as such by police officers. However, there are instances where the TASER is not as effective. When subject resistance is likely to continue after the first TASER cycle, leading to the use of the TASER for a prolonged time, for instance, it is important to reassure subject's safety after use as the use of multiple or prolonged TASER cycles has been associated with poor health outcomes in subjects (section 3.6.2);
5. The literature presented did not provide a clear-cut picture of the use of the TASER in relation to firearms and other less-lethal options, as findings in different studies have been contradictory. In itself, this findings suggests that there is more to the use of force than just the use of force, and that the use of force in different law enforcement agencies should be always considered in light of their policy, training, and organisational culture, among other factors (section 3.6.3);
6. The literature also highlighted that TASER use can lead to public complaints or litigations (when considering United States and Canada), especially if its use has been related to subject injury. However, it is important to mention that the percentage of complaints in relation to overall TASER use does not seem to be high based on figures from the United Kingdom, Australia, and New Zealand. In this context, the video recording of TASER use would serve as one more evidence of lawful use of the device in encounters connected to public complaints (section 3.7);
7. The capability to account for TASER use seems to be central to the lawful use of the TASER. And within this accountability, the video recording of TASER encounters has been depicted as one of the ways to ensure the lawful use of the device. It is anticipated that newer models of the TASER device will be able to record more digital information about use than prior models (section 3.8);
8. Considering the literature, video recording would serve the purpose of providing accountability of police TASER use, counter-acting some of the concerns from the public. Lack of recording of TASER encounters could lead to less evidence regarding how lawful specific TASER encounters were, which in turn could affect the level of reassurance the public can have that the TASER was used in a proper way, according to policies in place (section 3.9);
9. Given the contradictory evidence in the literature about the safety of using TASER devices and the multiple parameters which have to be considered by the officer when using the TASER (e.g. effect of multiples shocks, avoiding TASER use in the drive-stun mode, subject vulnerabilities), we suggest here that the lack

of video recording of TASER encounters could lead to a decrease in the amount of evidence available when the TASER is used in extreme cases. This could lead in turn to the inability of reassuring the population that the TASER was used in a lawful way, respecting people's vulnerabilities and operational policy (section 3.10);

10. One review of literature expressed concerns regarding the domination of the Canadian market by TASER International's products. According to the review, such a relationship could ultimately lead to TASER International being privileged in its dealings with the police (section 3.11);
11. Considering the likelihood of TASER use on subjects from vulnerable groups and the higher risk of negative outcomes to members from some of these groups, it is suggested that the lack of video recordings of these interactions could be detrimental to reassuring these interactions were lawful, what could in turn impact the trust and confidence that the New Zealand public has on New Zealand Police (section 3.12); and
12. The literature stated the importance of TASER policy, training, and monitoring/auditing practices for the lawful use of the TASER. It is argued here that if stronger, more reliable evidence-based policies, training, and monitoring/auditing practices regarding TASER use are in place, unlawful use of the TASER will be either avoided or accounted for; which in turn will decrease the necessity of using video recordings of TASER encounters as an additional type of evidence of lawful TASER use (section 3.13).

1.3.2 Additional body-worn camera findings

1. Supervisors have reported that presence of BWC footage facilitated assessment of the appropriateness of any use of force, especially in complex or unclear cases (section 4.2.1.1: Use of force);
2. Concern has been expressed by officers in relation to the impact of BWC on officer discretion, and there is some evidence to suggest that the presence of BWC may reduce some officer self-initiated activities which were highly discretionary and/or may lead to potential confrontation with the public (section 4.3.1);
3. There is no clear impact of BWC on arrest and sanction rates, with evidence of both increased and decreased rates of arrests (section 4.3.2);
4. Use of BWC footage for report writing have found that officer reports of use of force events may be more accurate if allowed to view the footage prior to completing the report, however, some events that occur off-camera may be omitted (section 4.3.3.1);
5. Evidence on the impacts of BWC in the criminal justice system is limited, with some evidence to indicate that BWCs may be associated with increased or earlier guilty pleas, but did not have an effect on conviction rates (section 4.3.4);
6. There is a perception of officers that BWCs improve the quality and quantity of evidence, and facilitate the gathering of evidence at crime scenes (section 4.3.4);
7. BWC footage may have some benefits as a (self) training and reflection tool, and some TASERcam footage has been used by New Zealand Police to create three lessons learnt training videos (section 4.3.5);
8. An important consideration for BWC policy is for what, and when, officers are required to activate the cameras and record an interaction with the public. Activation policies across jurisdictions have been mixed, with some requiring officers to record all interactions with the public, while others allow officers a greater level of discretion in what events they choose to record. Given potential privacy issues, many policies require officers to request to record in private dwellings, having to turn off the camera when requested to do so in these situations (section 4.5.1.1);
9. Activation compliance is an important moderator of BWC efficacy, and studies have found that there is wide variability in the degree to which officers comply with BWC activation policies. A lack of BWC footage from a failure to activate may impact public trust and confidence in police if this occurs for a controversial or high-profile incident (section 4.5.1.2);
10. Considerations need to be made in BWC policy around the release of BWC footage following official information act requests from the public. Failure to provide the footage may lead to a perception that BWCs only provide a 'veneer of transparency', and may have adverse impacts on public trust and confidence in police (section 4.5.3);

11. Release of BWC footage enables enhanced scrutiny of police actions, and have the potential to damage public perceptions of police legitimacy, as some police tactics may be viewed negatively by the public, even if the action was justified (section 4.5.3.1: Risks to police legitimacy);
12. Consideration needs to be made to the impact on victims and their families of any public release of BWC footage (section 4.5.3.1: Impact on victims);
13. BWC policies need to outline the retention periods for any footage recorded. It has been recommended that retention periods for footage which has not been flagged as evidentiary or of relevance to use of force or complaint investigations be kept for the shortest period possible (section 4.5.4);
14. In order to build and engender public trust and support for the adoption and use of BWCs by police, it has been recommended that the BWC policy is released and made readily available to the public. However, not all international jurisdictions follow this recommendations as it is not regular practice to release SOPs (section 4.5.5.1);
15. BWCs are associated with substantial running costs associated with additional staffing requirements for maintenance of the technology and processing of the BWC video footage (section 4.6.2);
16. There is some evidence to suggest that only partial BWC deployment may lead to some 'spillover' benefits to officers not wearing the technology. However, this needs to be carefully weighed with any potential damage to public trust and confidence with lack of BWC footage available for some officers (section 4.6.2); and
17. In relation to device performance, officers have regularly found the cameras to be easy to use, and that data was easy to upload and retrieve from storage. However, officers did report that the cameras could move or be accidentally switched off during confrontational interactions (section 4.6.3).

1.4 Limitations

Note, there are a number of limitations to this evidence review that should be kept in mind while reading the remainder of the report.

- There is a general lack of literature focusing specifically on outcomes from TASERCAM and BWC use in TASER encounters;
- Varied methods have been used in different studies, which makes comparisons between their outcomes difficult (lack of standardisation);
- There are multiple variables (e.g. use of force continuum policy in place) which affect TASER use simultaneously, making it difficult to isolate the effect of specific variables on TASER use;
- There is a lack of randomised controlled trials when considering TASER use;
- A substantial proportion of TASER research is conducted in the United States – which is a substantially different context from New Zealand in terms of Law and Order;
- A substantial proportion of BWC research comes from the United States where, due to the current legitimacy crisis, BWC implementation has often been mandated and/or focused on improving officer behaviours rather than improving efficiencies. As such, the outcome measures, and police/public perceptions commonly focused on may not reflect all aspects evenly;
- Some key BWC issues, such as impacts on marginalised groups have not been examined in any substantial way, and evidence about some issues remains limited; and
- Impacts of different BWC policy decisions have not been systematically compared.