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## **Improving democracy, accountability, transparency and legitimacy within police forces**

A case study of body-worn cameras in the São Paulo State Military Police

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# Introduction

Police forces are characterised as state institutions with the potentiality and right to use force in their actions against their own citizens. This in itself is a paradox and a challenge, since the state's fundamental role is to protect its citizens and guarantee everyone the exercise of their rights. Scaling, controlling and disciplining the use of this force is what guarantees that police forces in democratic societies contribute to the prevention and confrontation of crime and to an environment that guarantees the law and order, what is fundamental for the full exercise of citizenship. The excessive and unrestrained use of force by police officers is not just a characteristic of authoritarian regimes. Many democracies suffer from police forces that act arbitrarily by applying excessive use of force. This is very characteristic, especially in countries that experienced exceptional regimes and dictatorships in the not-too-distant past, such as Brazil and many other Latin American countries. The mere fact that these countries have restored democracy has not necessarily transformed police practices.

Reforms of police forces and policing practices are always complex. Institutions such as police forces have very rigid organisational models and are not very flexible. In addition, cultural aspects of the role of the police greatly impact any transformation attempt to bring these forces closer to models of democratic societies. These cultural aspects are not always just within the forces themselves, but also in how society perceives the police.

In any case, it is undeniable that police actions directly impact the health of democracies. Police actions can clearly reflect how

democratic societies are. Police officers who make arbitrary and abusive use of force, who break laws they are supposed to uphold, and who refuse to come under scrutiny for their actions do not contribute to a democratic society.

David Bayley (1997) considers that there are two fundamental premises for having a democratic police force. These forces must have *responsiveness* and *accountability*. Understanding responsiveness as the orientation of police actions based on citizens' demands, and accountability as the transparency of police actions towards other institutions and society.

The study presented in this policy paper, and the recommendations arising from it, touch on a point related to this accountability. Obviously, this is not a magical solution for the entire spectrum of accountability. However, the use of body-worn cameras by police officers during their policing actions has proven to be a very relevant instrument for ensuring that the forces operate in coherent and legal terms, guaranteeing the protection of citizens, as well as guaranteeing protection for police officers against accusations of abuse. In addition, this simple device provokes behavioural changes in the relations between police and citizens and helps to control and scrutinise the police forces internally and externally.

The detailed study carried out with the Military Police of the State of São Paulo, in Brazil, points to the positive and negative aspects of the implementation of cameras in police uniforms, the practical and legal implications that this brought and also looks at examples in other countries. Finally, it

points out recommendations in a Brazilian, Latin American and worldwide context, on how much the implementation of this practice can contribute to a more democratic police.

We understand well that building democratic policing requires much more. It requires transformations in the various institutions of criminal justice, such as police agencies, prosecutors, judicial courts and penitentiary systems. We are therefore aware that this policy paper is just one more contribution in this process of promoting a more democratic police, and consequently strengthening democratic regimes as a whole, especially in the context of Latin America. For this reason, the policy series of the Observatory of Democracy in Latin America (KODLA) is the ideal platform for its publication. May this study guide public policies in Latin America and contribute to the cultivation of democracy in the region.

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## Police legitimacy and body-worn cameras

Body-worn cameras (hereafter BWCs) are rapidly becoming a familiar tool in contemporary police forces' arsenal. The first records of use of BWC technology date back to 2005 in England to qualify case evidence and reduce certain criminal indicators. In the US, the use of BWCs occurred later in 2010, driven by the need to curtail recurring police excesses. Thus, when BWCs were first tested in the US, their use in a more complex society entailed the fulfilment of other needs such as reducing complaints and controlling the use of force. Such cases led to intense discussions about the use of BWCs and potential benefits for the protection of police officers and citizens, as well as increased transparency and legitimacy of police departments. This eagerness for a technological 'fix' to the distinguishable crisis in police legitimacy is understandable as it is significantly more affordable to administer than retraining police officers or solving more endemic societal issues.

Police organisations differ intrinsically from many other organisations in that they monopolise the legitimate use of force. Compellingly however, the degree to which police officers can foster trust lies beyond legal action. A main reason encouraging citizens to approve of and cooperate with the police is that they judge them to be a legitimate authority. The police cannot operate without the support and voluntary cooperation of the community to effectively secure order. Both support and compliance are associated to judgements of the law enforcement officers' legitimacy, not the lawfulness of their acts. Police legitimacy can be explained along two connected axes: first, the confidence that the law enforcement institution is itself moral and thus just (assent); and secondly the trust that the officers who make use of this power are morally qualified to ensure regulations be respected, make decisions and expect citizens to willingly cooperate with rules and orders (consent). Legitimacy may be viewed as a continuous dialogue between 'power holders' and 'subordinates' (Jackson et al., 2022). Through their daily use of power, the object of legitimacy (officers) continually claims to be moral and just and can thus expect voluntary compliance and assistance, whilst those subjected to that authority continuously evaluate and respond to these claims.

Law enforcement officers' monopoly over legitimate use of force inevitably exposes the organisation to controversy, a trend which has only intensified in recent years. US police departments multiplied their adoption of BWCs following substantial pressure from public opinion in the face of events of national repercussion. The most recent high-profile case was the use of BWC footage in Derek Chauvin's trial for the death of George Floyd in Minneapolis in 2020. The collected footage showed Chauvin's approach from several angles and was instrumental in his sentence of 22 and a half years in prison. The death of George Floyd mobilised the

international community over the use of force, racism and police lethality, consequently undermining police legitimacy. The São Paulo law enforcement police has also been undergoing an acute crisis of legitimacy. Most notably, the state's public safety institution was strongly undermined in December 2019 when an unsuccessful action by the São Paulo State Military Police (henceforth PMESP) at a funk party in the Paraisópolis favela left nine dead. Videos of the PMESP were disseminated throughout social media platforms exposing such unwarranted use of force – a true watershed.

This policy paper addresses the areas of police violence and legitimacy and the use of BWCs in the context of São Paulo in a high-violence developing-world context. Fieldwork was conducted between May and June 2022 for the completion of this paper. The key source of data collection rested on one-to-one interviews whereby good professional rapport was built with Military Police colonels, academic researchers, public security professionals and civil liberties activists alike. These findings were complemented and validated with BWC footage, metanalysis of institutional and non-institutional statistical quantitative data, newspaper articles, think tank or NGO reports and government documents. Participatory research such as the visiting of the Academia do Barro Branco complemented interviews. The anthropological research carried out enabled the researcher to forge a more holistic view of public policing in São Paulo.

### Objectives

This policy paper aims to support and advise governments and police forces in Brazil, Latin America and across the world who are contemplating adopting BWCs on the optimal method of implementation to ensure targeted indicators are successfully met. In doing so, we hope to contribute to enhancing police legitimacy by fostering more democratic police-citizen interactions. This paper intends on formatting transferable best practice of BWC implementation by documenting the pros and cons of the conditions of BWC implementation in São Paulo.

### Public policing structure

In Brazil, public security falls under the responsibility of each state (Decree-Law 317/1967). Under the federal model states have their own police forces – Military Police and Civil Police – and a Tribunal of Justice. Thus, states are the main decision-makers in the public security sphere. On the one hand, in São Paulo, the Military Police's 82,121 officers are a uniformed force tasked with carrying out ostensive patrolling and maintaining order whilst the Civil Police's 23,610 officers act as a judiciary police. This means that neither Civil nor Military forces carry out public security's 'full cycle', from prevention to fighting crime, which can lead to issues of overlap and rivalry. The Military Police undertake investigations of their own officers' criminal acts and misdemeanours, as they fall



under the jurisdiction of the military penal code instead of the civilian courts (constitutional amendment 7/1977) and have consequently developed significant criminal intelligence gathering abilities. The Military Police is also considered Brazilian Army reserve corps and as such fits within the Armed Forces' military intelligence community (Decree-Law 667/1969).

Each Brazilian federal state disposes of four distinct police oversight mechanisms, residing in three separate branches of government: the military courts (judiciary branch), the internal affairs office for Civil and Military police officers (*Corregedoria*) and the ombudsman (*Ouvidoria*) attached to the police department (executive branch), and the prosecution service (*Ministério Público*) functionally independent from both judiciary and executive branches and sometimes termed a 'fourth power'.

## Policing in São Paulo

In the decades following the first democratic elections after military rule (1964-1985), the steady rise in violence and crime became a prime concern in the state of São Paulo as robberies and kidnapping rates skyrocketed. The state also witnessed the rise of the PCC (*Primeiro Comando da Capital*), a criminal organisation that formed in the prison system in the 1990s and continues to rival the state's monopoly on violence. Notwithstanding, homicide rates began falling dramatically in the late 2000s although police killings already accounted for 10 per cent of all homicides; in 2020, the number of residents of São Paulo State killed by the police constituted a quarter of all homicide victims in the state

(González, 2020, p.91). In effect, the state's police forces have become a key source of the very violence they are supposedly tasked to prevent.

Nonetheless, illegal state violence can be curtailed if politicians obtain support for this policy. In truth, the 1982 elections witnessed substantial popular mobilisation in defence of human rights because the middle class was a victim of police repression throughout the dictatorship. However, this mobilisation dissipated once the victims of abuse were no longer middle-class (Caldeira, 2000). Today, a sizeable proportion of Brazilians do not trust the police (Silva and Beato, 2013) whilst others fear them (Cardia et al., 2014), yet some of the elites and middle-class support state violence which they perceive as being directed towards maintaining class, race and gender hierarchies. Whilst it is improbable that they view officers in a favourable light, they support state action seeking to uphold a long-lasting established order. For instance, a common Brazilian expression is the belief that '*bandido bom é bandido morto*' ('a good criminal is a dead criminal') – a saying that crystallises the fragmented opinions over policing in the country. For politicians and police leaders, the main takeaway is that these fragmented preferences foster little incentive to undertake institutional reform as the electoral gains for such reforms are uncertain at best and, considering the structural power of police, politically disadvantageous.

Conventional wisdom that victims of extra-legal police violence overwhelmingly cluster around the 'three Ps' (*pobre, preto e periférico*) – poor, black and residing in the city's peripheries – is widespread. An analysis found that 65 per cent of victims of police lethal use of force in 2017 were black, 76 per cent had only completed primary education and less than 1 per cent had completed education beyond high school (Mariano, 2018). In fact, police interactions with citizens living in São Paulo's peripheries are predominantly defined by a lack of protection: weak preventive policing, reluctance to respond to inhabitants' calls for assistance, and an overreliance on repressive actions. Poignantly, these citizens lie at the epicentre of vulnerability as they rely on state protection considerably more than wealthier individuals, yet are substantially less likely to obtain it. Concurrently, they disproportionately bear the brunt of the PMESP's overreliance on heavily equipped repressive action by 'elite' units like ROTA (*Rondas Ostensivas Tobias de Aguiar* – the state's most lethal police unit).

## Body-worn cameras

In a partnership with Axon worth R\$6,739,470 per month (thus \$1,320,506), the current BWC model *Axon Body 3* was first introduced in São Paulo in June 2021. As of March 2023, 10,125 BWCs equip sixty-four battalions in the State of São Paulo (a total of 20,000 are necessary to ensure all officers in the state are equipped with a camera).

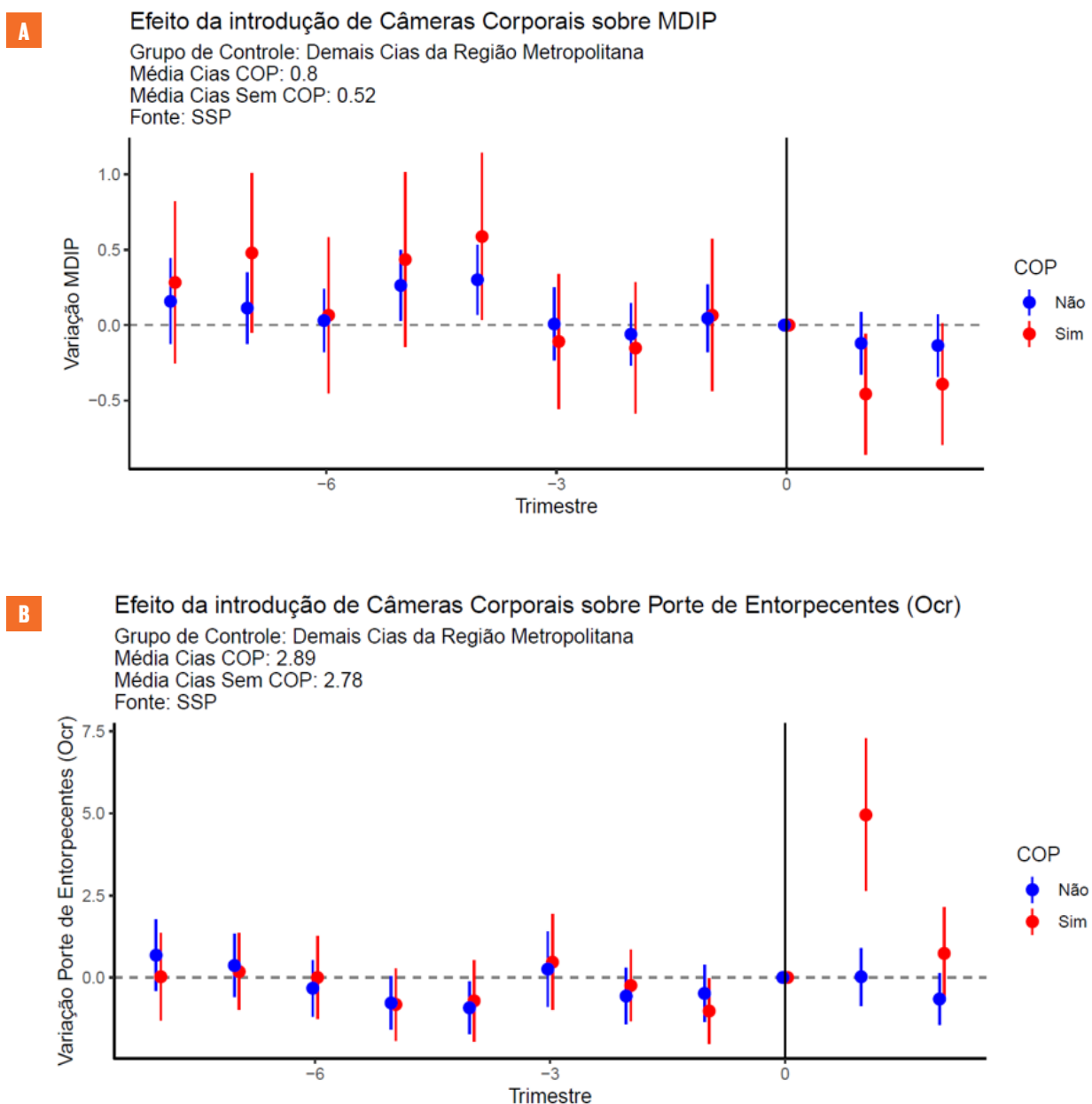
## PROS

### 1. Body-worn cameras have positively impacted use of force and overall policing methods

Joana Monteiro, professor at *Fundação Getúlio Vargas* (FGV), and other researchers assessed the impact of the use of BWCs in the PMESP (Monteiro et al., 2022). The research covers nine trimesters prior to the introduction of BWCs and two trimesters after implementation by comparing an experimental group and a control group. The experimental group is comprised of eleven battalions equipped with BWCs after nine months whilst the control group includes thirty-three battalions that did not carry BWCs throughout the length of the study. The research

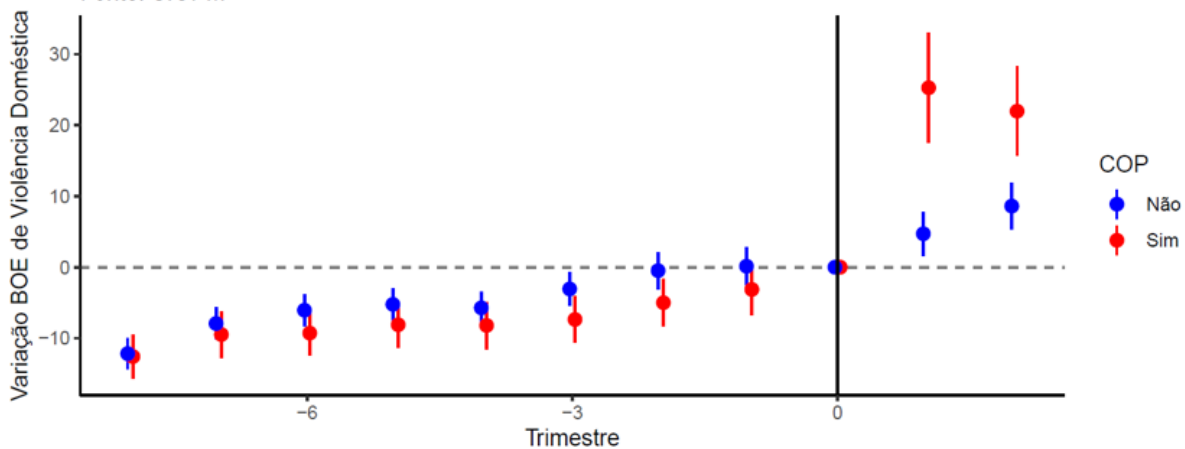
found that BWCs did not influence homicides, feminicides, vehicle thefts, total thefts or *in flagrante delicto* signifying that overall crime rates did not vary post implementation between the experimental and control groups. Significantly however, units with BWCs showed a reduction of more than 51 per cent of deaths resulting from police intervention compared to units without BWCs, indicating that BWCs played a crucial part in deterring officers and citizens from acting outside the ambit of the law, to the extent that use of force resulting in death was less required whilst interacting with one another (Figure 1.a). An unintended outcome of BWCs has occasionally been de-policing, whereby surveillance of the police through BWCs can lead to acute police disengagement. However, Monteiro et al.

**Figure 1. A, B, C, D** Assessment of the impact of BWC use in the PMESP *Source: Monteiro et al., 2022*



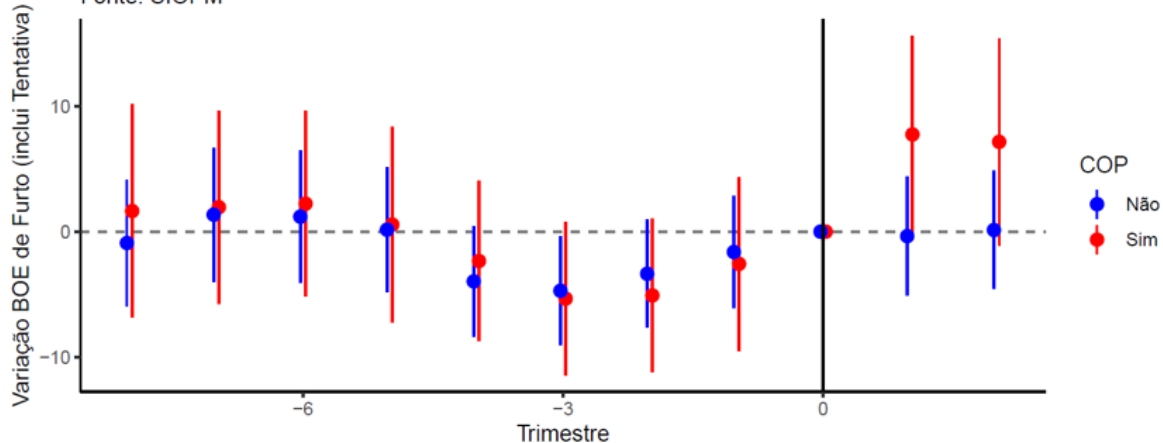
**C** Efeito da introdução de Câmeras Corporais sobre BOE de Violência Doméstica

Grupo de Controle: Demais Cias da Região Metropolitana  
 Média Cias COP: 15.08  
 Média Cias Sem COP: 15.04  
 Fonte: SIOPM



**D** Efeito da introdução de Câmeras Corporais sobre BOE de Furto (inclui Tentativa)

Grupo de Controle: Demais Cias da Região Metropolitana  
 Média Cias COP: 21.56  
 Média Cias Sem COP: 24.19  
 Fonte: SIOPM





## 1 | Example of the US

A focal point of studies on BWCs has been reducing the use of force, particularly in the US. Research has been conducted in US police departments (California, New Jersey, Las Vegas, and Orlando), concluding that BWCs lead to substantial decreases in the use of force: 60 per cent, 21 per cent, 12.5 per cent and 8.4 per cent respectively (Ariel, Farrar and Sutherland, 2015; Braga et al., 2018; Jennings et al., 2017; Kim, 2021). Conversely, several global multi-site experiments have obtained more pessimistic results, concluding that BWCs did not present statistically significant results concerning the reduction in police use of force (Lum et al., 2020; Ariel et al., 2016b). Another study revealed that when officers had their BWC on throughout the entirety of the shift, use of force rates fell 37 per cent, however, when officers did not follow protocol and turned the cameras off, occurrences involving use of force grew by 71 per cent as they did not feel ‘watched’ and vulnerable to scrutiny (Ariel et al., 2016c). There appears to be no clear pattern as all studies have obtained different results, however, on balance, these results support a positive correlation between BWCs and use of force.

Again, an unintended yet prevalent outcome of BWC implementation has been ‘de-policing’ whereby overall policing efforts decline inhibited by the presence of BWCs. Studies found that officers equipped with a BWC are less likely to perform stop-and-frisks and arrests (Peterson et al., 2018; Ready and Young, 2015). A survey revealed that 65 per cent of officers from Phoenix Police Department were worried that BWCs would entail them interacting less with the community (Katz et al., 2014).

Whilst the socio-cultural context differs somewhat between São Paulo and the US, their implementation objectives equate as both have been aiming for reductions in the use of force. Based on such findings, it is evident that the São Paulo model can be perceived as successful in reducing use of force whilst simultaneously not engendering officer disengagement but rather fostering proactivity. These results are very positive and promising and can be attributed to the conjunction of methods and approaches described below.

tested this variable and found that there was an increase of 123 per cent in narcotic seizures reported (Figure 1.b), 93 per cent in domestic violence occurrences reported (Figure 1.c) and 28 per cent in thefts reported (Figure 1.d). These results strongly suggest that, rather than engendering de-policing by decreasing officers’ efforts of fighting and reporting crime, evidence gathered by BWCs have induced police proactivity and accountability, and citizen trust and cooperation.

### 2. The presence of a strong incentive to tackle specific indicators guarantees the program’s implementation

From 2014 onwards, the PMESP started exploring BWC technology, leading to the testing of 120 cameras in 2017. In a 2017 interview, Major Victor de Freitas Carvalho, then head of the PMESP’s Images Division, explained that the aims of these BWCs were to ‘improve police safety, enhancing the legality, transparency and legitimacy of the actions carried out by the police’<sup>1</sup>. In the same year, Colonel Cabanas published his PhD thesis entitled: ‘The individual video recording camera as a strategy to increase the transparency and legitimacy of police actions and affirm professional culture: a proposal for systematization in the Military Police of the State of São Paulo’. In effect, the initiative to research BWCs emanated from within the PMESP’s higher ranks following their evaluation of

implementation in the US. The implementation objectives more closely mirrored that of the US police forces – aiming for reductions in the use of force in the context of dysfunctional police-citizen relations – rather than policing conditions in the UK more reflective of a model of use in a safer society. The successful large-scale implementation of BWCs became a meeting halfway between political will at the highest level and institutional (PMESP) pioneering of this policy.

### 3. Wall to wall evidence and accountability

The BWC model used in São Paulo films the entirety of the 12-hour shift without running the risk of its battery being drained. This is enabled by the fashioning of two different modes of filming *Axon Body 3* offers. First, the camera is able to last 12 hours thanks to its feature called ‘video-recall’: from the moment the camera is taken out of its docking station until it is put back, it is recording. This indicates that BWC footage cannot be manipulated by the officer manually setting it on and off, but rather that it supports whomsoever is acting within the law. Upon receiving the BWC from the *Serviço de Dia*, verification sequences must be carried out, confirming that the officer’s identification on the camera is correct and checking the battery level. In the event that its charge is lower than 95 per cent, the equipment must be replaced. To ensure

<sup>1</sup> All translations from Portuguese and Spanish into English are the author’s

the battery lasts and to accommodate officers’ privacy throughout their shift, the ‘video-recall’ recording is made without sound and the quality of the image is of 480 pixels.

Second, the intentional video recording is made with sound, 720 pixels and providing GPS and live streaming. Additionally, whenever the intentional video is activated, the camera reverts 90 seconds in time and initiates higher-quality recording from that moment onwards to ensure the whole scene is adequately filmed, had the officer been taken by surprise and not managed to activate the camera beforehand. The data produced by the BWCs is declared ‘secret’ by the Law on Access to Information, however, the length of time for which images are stored varies from 90 days for video-recall videos, 1 year for the intentional videos at the Military Police agency and 3 years for cases shared with the São Paulo Agency.

The *Axon Body 3* model was exclusively developed for the PMESP by officers in close collaboration with Axon. In 2017 Colonel Cabanas wrote in his PhD thesis: ‘the great difficulty encountered by the police boils down to the imperative of keeping the BWCs switched on uninterruptedly, drawing down the batteries in a few hours’. Axon is now selling the *Axon Body 3* model as standard features to other police forces worldwide.

## 2 | Example of Brazil at large and Mexico

Two recent studies in a similar high-violence Latin American setting highlighted that protocol compliance was a critical problem. Magaloni et al.’s (2019) study was conducted in Rio de Janeiro State’s Rocinha, Brazil’s largest favela with a population of over 100,000 inhabitants and found that police officers refused to turn on their cameras. Lack of camera usage occurred less often when officers were instructed to turn their cameras on throughout the whole shift, than when they were asked to turn them on only when they interacted with residents. Colomo et al.’s (2022) study of three Mexican police forces found that police officers’ behaviour altered depending on whether they were being recorded or not given that the equipment’s batteries could not last the entire shift; ‘after those hours, it’s on to other things’ mentioned an officer (Colomo et al., 2022, p.38). This reveals two important issues: first, BWCs do work to a certain degree when it comes to controlling police officers’ behaviours —assuming the battery allows recording and that there is an effective oversight and sanctioning mechanism— and, second, that it is important to prevent technical and complementary issues. This is consistent with research conducted in the Anglo-Saxon world: BWCs do have an impact on police behaviour.

## 4. Clear protocols and guidelines guarantee effective usage

Before being equipped with a BWC, all officers must undergo 8 hours of training in which they are given a handbook of 75 pages on BWC protocols and guidelines. The handbook provides detailed information such as where the camera must be placed and how to initiate recording. For instance, the BWC must be attached to the upper part of the torso so that when the PMESP officer is on board a vehicle, the camera can record the windshield’s perspective and, when disembarked, it allows a correct framing of all scenes. However, to ensure privacy, the handbook states that officers may take their camera off to go to the bathroom and hand it to their colleague for safekeeping. The rules regarding BWC implementation meticulously delineate when intentional videos must be carried out (Figure 2). This includes events such as attending an occurrence dispatched by the Operations Centre (COPOM) or triggered by citizens, in interactions where there is a need to use force, from the moment of verbalisation; when supporting police-related activity such as theft or stop-and-frisk; in accidents, whenever an officer perceives that an interaction may constitute facts of interest to police records etc. Crucially, officers are asked

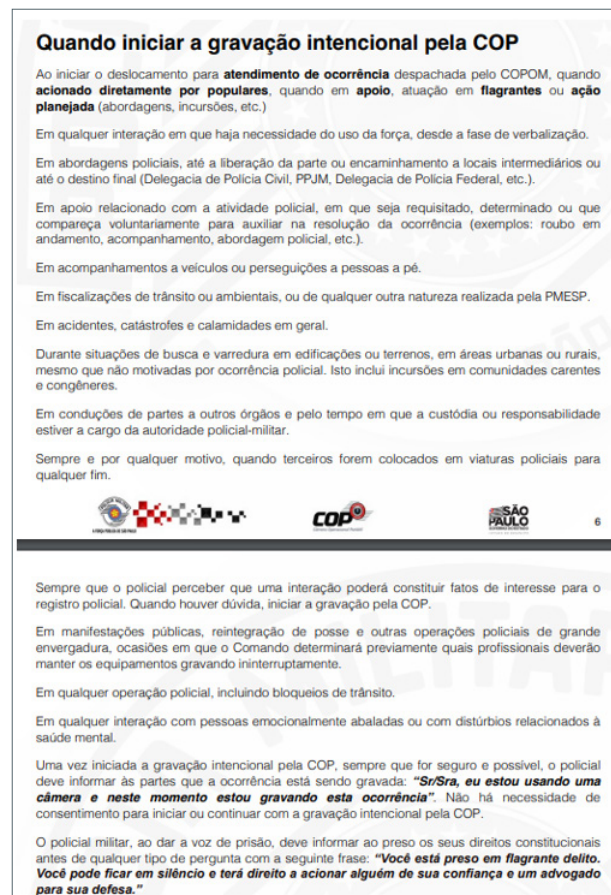
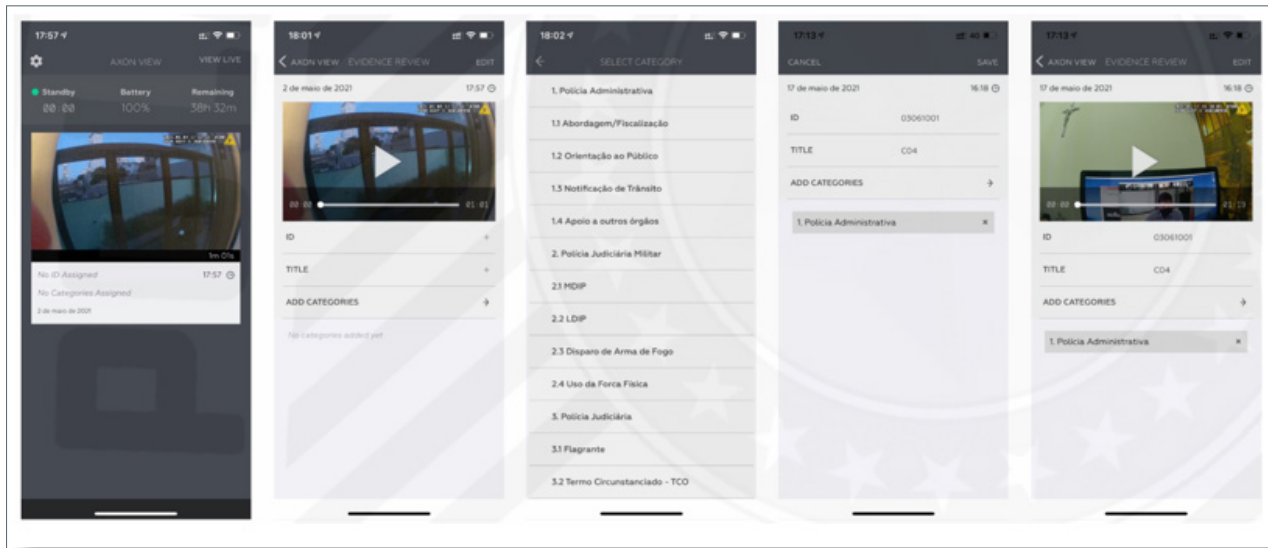


Figure 2. BWC handbook chapter on when to initiate intentional recording



**Figure 3.** Handbook explanation on how to classify evidence in Axon View

to verbally inform citizens they are recording the incident whenever it is safe and possible, and they do not need to obtain the subject's consent. This invokes the 'deterrence theory' whereby most species modify their behaviour once mindful of being watched. In the vernacular of deterrence theory, cameras are perceived as 'credible threats' (Jervis, Lebow and Stein, 1989, p.3). They signal to citizens that they ought to behave according to social norms that inculcate fear of reprisal, resulting in feelings of shame and aversion towards retribution for non-compliance (Ariel et al., 2016a). The same can be said for police officer compliance as the odds of being disciplined for disobeying rules are more prominent when BWCs are present and switched on.

The handbook also provides a detailed explanation of the classification of footage recorded. At the end of each shift and before handing the camera back to the *Serviço de Dia*, officers must classify the evidence recorded by the

BWCs on their phones or tablets via the Axon View app or directly in the Digital Evidence Management System. Officers must insert the ID number of the occurrence, its code, and the appropriate category of which there are 25 (Figure 3). The system itself automatically restricts access to videos classified as '8. Rotina' – or video-recall. This means that only users given special permission and in charge of investigative procedures, can view the recordings. On the other hand, when an officer wants to classify an intentional video, many categories are available, of which he can select several (Figure 4). This process usually takes no more than 3 minutes. Finally, cameras are returned to the *Serviço de Dia* to upload the images and charge the BWCs in time for the next shifts.

Such detailed written procedures enable the reduction of police discretion and arbitrariness, the orientation of police officer's actions, and the endowment of institutional policies that benefit both police personnel and citizens.

### 3 | Example of Mexico

Many police departments in Mexico have not established clear and detailed procedures regarding the correct use of BWCs during interactions with civilians, which can allow too much discretion and ambiguity or confuse police officers (Colomo et al., 2022).

**ETIQUETA ELETRÔNICA ADD CATEGORIES (CATEGORIA DE OCORRÊNCIAS):**

•**Uncategorized**—as evidências digitais são classificadas automaticamente com esta tag quando o policial não insere a classificação. Nenhuma evidência pode permanecer com esta classificação. O policial deve incluir a categoria correta quando constatado que há evidências com esta tag em sua conta;

•**1. Polícia Administrativa (PA)** – contém informações de ações policiais que não demandam encaminhamentos à Delegacia de Polícia para registro. Basicamente, são classificadas sob esta etiqueta todas as ações de polícia administrativa. Como exemplo, podem ser citadas as abordagens policiais, notificações de autuação de trânsito, busca e varredura, incursões em comunidades, operações de bloqueio e pinçamento, atendimentos de ocorrências que só a atuação PM seja suficiente para solucioná-las, orientação ao público, etc.;

**1.1 Abordagem/Fiscalização (Ab/Fisc)** – abordagens policiais a pessoas em veículos ou a pé e demais fiscalizações de competência da Polícia Militar, como autuações ambientais, de comércio ambulante, etc., excetuando-se as de trânsito, todas devem ser registradas como Polícia Administrativa e também nesta etiqueta eletrônica.

**1.2 Orientação ao Público (Or Pub)** – todas as interações com a população para orientação e que não constituam ações policiais devem ser registradas na etiqueta Polícia Administrativa e nesta etiqueta específica.

**1.3 Notificação de Trânsito (Not Trans)** – todas as ações de fiscalização de trânsito urbano ou rodoviário devem ser registradas na etiqueta Polícia Administrativa e nesta etiqueta específica.

**1.4 Apoio a outros órgãos (ApOO)** – Destinado ao registro de evidências produzidas em apoios a outros órgãos como Vigilância Sanitária, Ministério Público, Polícia Civil, Poder Judiciário, etc.

•**2. Polícia Judiciária Militar (PJM)** - contém informações de interesse policial e que podem compor evidências ou provas de processos na Justiça Militar Estadual. Como exemplo, podem ser citadas as ocorrências que têm desdobramentos em Plantão de Polícia Judiciária Militar ou nas seções de Polícia Judiciária Militar e Disciplina das OPMs e que demandem registro e investigação;

**2.1 Morte decorrente de Intervenção Policial (MDIP)** - classificação para ocorrências em que o policial usou da força e houve resultado morte do criminoso. Deverá selecionar a etiqueta Polícia Judiciária Militar e também a MDIP;

**2.2 Lesão Corporal decorrente de Intervenção Policial (LCDIP)** - classificação para ocorrências em que o policial usou da força e houve resultado de lesão no criminoso. Deverá selecionar a etiqueta Polícia Judiciária Militar e também a LDIP;

**2.3 Disparo de arma de fogo (DAF)** - classificação para ocorrências em que o policial usou da força disparando sua arma de fogo, mas que não resultou em lesão ou morte. Deverá selecionar a etiqueta Polícia Judiciária Militar e também a DAF;

**2.4 Uso da Força (UF)** - são diretrizes que norteiam o emprego de força nas ações policiais para manutenção e restabelecimento da ordem pública, equilibrando dentro dos princípios da legalidade, necessidade e proporcionalidade, o comportamento da pessoa com o nível de força empregado pelo policial. Nesta classificação compreendem o uso da verbalização, negociação e equipamentos de menor potencial ofensivo (exceto Controle Físico e AIN Taser) para ocorrências em que o policial usou da força para prender, deter ou controlar uma situação de quebra da ordem, desobediência ou resistência independentemente se resultou em lesão ou não. Deverá selecionar a etiqueta Polícia Judiciária Militar e a UF;

**Figure 4a.** Handbook explanation on how to classify evidence in Axon View (left)

**2.5 Controle Físico** – Classificação para ocorrências onde o nível de força é caracterizado pelo uso de técnicas de defesa pessoal policial para controlar, reduzir a oposição e imobilizar a pessoa;

**2.6 AIN Taser** – Classificação para ocorrência onde a Arma de Incapacitação Neuromuscular foi utilizada. Deverá selecionar a etiqueta Polícia Judiciária Militar e também a AIN Taser;

•**3. Polícia Judiciária (PJ)** – contém informações de interesse policial, que podem compor evidências ou provas de processos em geral. Como exemplo, podem ser citadas as ocorrências que têm desdobramentos em Delegacias de Polícia e que demandem registro e investigação, assim como flagrantes, captura de procurados, roubos já ocorridos, lesões corporais, etc.;

**3.1 Flagrante (FGT)** – quando o policial se deparar com um caso de flagrante delito deverá selecionar a etiqueta Polícia Judiciária e também a etiqueta flagrante;

**3.2 Termo Circunstanciado de Ocorrência (TCO)** – quando a situação fática se enquadrar no TCO, o policial deverá selecionar a etiqueta Polícia Judiciária e também a etiqueta Termo Circunstanciado;

**3.3 Busca Domiciliar (BD)** – Quando houver consentimento gravado do morador para entrar em

domicílio.

•**4. Teste (T)** – Teste de funcionamento do equipamento;

•**5. Treinamento (Tr)** – Esta etiqueta deve ser usada quando os vídeos produzidos tiverem relação com instrução e treinamento. Como exemplo, pode-se citar uma preleção sobre abordagem em que um dos PM seja responsável por gravá-la ou aulas nas escolas de formação, etc.

**5.1 DS-EEF** – treinamento durante o serviço de Procedimentos Operacionais, Defesa Pessoal Policial ou Tiro Defensivo, conforme prevê a I-22PM e que deve ser registrado com imagens para controle da EEF;

**5.2. Treinamento Físico EEF** – treinamento Físico realizado durante o serviço, conforme prevê a I-22PM e que deve ser registrado com imagens para controle da EEF;

**5.3. Vídeo Instrução** – etiqueta destinada à classificação de vídeos que poderão ser utilizados em vídeo instruções;

•**6. Drone (Dr)** – Etiqueta destinada a identificar os vídeos provenientes dos drones da Polícia Militar. Note que a inserção dos vídeos no sistema de gerenciamento e custódia de evidências digitais se dá pelo acesso via computador/phone e não diretamente pelo equipamento, como no caso das Câmeras Operacionais Portáteis.

•**7. Vídeo Acidental (VidAc)** – Gravação acionada involuntariamente e que contenha informações sem interesse policial.

•**8. Rotina**— Vídeos não intencionais (Video Recall) também chamados de "Rotina";

•**9. Divulgação ao CcomSoc** - para divulgação pública de boas ações, flagrantes, prisões, crises, catástrofes e todo o tipo de ocorrência que possa ser divulgada pelo Centro de Comunicação Social da Polícia Militar como ação positiva ou meritória.

•**Pending Review** - recebem esta etiqueta as evidências digitais que necessitam de revisão por autoridades competentes (supervisores, comandantes, etc);


Figure 4b. Handbook explanation on how to classify evidence in Axon View (right)

### 5. The reliability of the footage fosters trust

Axon’s online system generates three different reports: the police officer’s (*usuário*), the camera’s (*dispositivo*) and the evidence’s (*evidência*). All three audit trails can be found on three separate PDF documents downloadable from Axon Evidence’s website.


The *trilha de auditoria da evidência* will be the focal point to demonstrate the degree of reliability of images recorded by BWCs. Figure 5 is an example of an audit trail generated on 13th July by Colonel Cabanas, as the top of the page indicates. The ‘*evidência*’ section is comprised of the information Sd PM Ribeiro filled at the end of her shift which was discussed in the previous section of the paper: the recording’s ID, code and categories. Just underneath, the ❶ indicates the hash number to certify that the video filmed by the BWC is in fact identical to the record stored in the database. If there was adulteration of one single pixel, the hash numbers would not match, and the system would detect it. The unfolding report from rows 1–20 describes all actions taken related to the intentional video recording. For instance, row number 1 reveals that an intentional video was initiated because the officer pressed the button at 23:58:04 and row 4 proves that the recording was stopped because the officer pressed the button again at 00:08:29. With this in mind, officers are unable to claim that the camera alone stopped recording as the document proves that the officer herself pressed the button. Rows 6 to 9 display the officer’s classification of the evidence towards the end of her shift, before placing the camera back into the docking station to upload all the collected evidence onto a cloud (row 10). Row 12 shows the video’s hash number being run through the system and 5 seconds later (row 18) the number has been verified. Finally rows 19 and 20 reveal Colonel Cabanas accessing the *trilha de auditoria* and reviewing it.

Figure 5. Report of an intentional video



**BR SP PMESP Polícia Militar do Estado de Sao Paulo**  
SAO PAULO, SP, BR

Documento gerado: 13 Jul 2022 - 11:06:21 -03:00 por Coronel Cabanas, Robson(883560)



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**TRILHA DE AUDITORIA DE EVIDÊNCIA**

Evidência	Fonte	
Evidência ID: 1207220792	Tipo de dispositivo: Axon Body 3	
Categorias: 1. Polícia Administrativa 3.1. Flagrante	Nome do dispositivo: X60L03907	
Título: B04	Número de série: X60L03907	
<p>❶ CheckSum: Sha2-64de70fedba570054845a3aeb534d0ffe074a08ac55773bf078f187b67d2c1</p> <p>Início da gravação: 12 Jul 2022 23:58:04</p> <p>Carregado por: Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)</p> <p>ID única: 6AA32F6C9F714E5D9D020327EED1EF9D</p>		
	Visualizações de página: 1	
	Downloads de arquivos:	
	Reproduções de vídeo:	
	Visualizado ou baixado por última vez em: 13 Jul 2022 11:06:21	

#	Date	Time	User	Activity
1	12 Jul 2022	23:58:04 (-03:00)	Sistema	Gravação iniciada devido ao botão pressionado. Gravação de áudio pré-evento: Habilitado. Máscara de vídeo: Desabilitado. <span style="color: red;">❷</span>
2	12 Jul 2022	23:58:19 (-03:00)	Sistema	Registro de evidência criado
3	12 Jul 2022	23:58:19 (-03:00)	Sistema	Registro de evidência criado no status de gravação. Vídeo não carregado.
4	13 Jul 2022	00:08:29 (-03:00)	Sistema	Gravação interrompida devido ao botão pressionado. <span style="color: red;">❸</span>
5	13 Jul 2022	00:08:35 (-03:00)	Sistema	Registro de evidência atualizado com hora do término da gravação
6	13 Jul 2022	04:47:03 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	Título da evidência alterado nos metadados do vídeo de "Axon Body 3 vídeo 2022-07-12 23:58 X60L03907" para "B04" usando Aplicativo Axon
7	13 Jul 2022	04:47:03 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	ID externo "1207220792" adicionado aos metadados do vídeo usando Aplicativo Axon
8	13 Jul 2022	04:47:03 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	Categoria "1. Polícia Administrativa" adicionada aos metadados do vídeo usando Aplicativo Axon
9	13 Jul 2022	04:47:03 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	Categoria "3.1. Flagrante" adicionada aos metadados do vídeo usando Aplicativo Axon
10	13 Jul 2022	05:33:30 (-03:00)	Sistema	Carregamento de evidência iniciado quando a câmera estava conectada ao dock

#	Date	Time	User	Activity
11	13 Jul 2022	05:51:22 (-03:00)	Sistema	Autenticidade da evidência validada. Número de série do dispositivo: X60L03907
12	13 Jul 2022	05:51:22 (-03:00)	Sistema	Evidência carregada com Checksum.
13	13 Jul 2022	05:51:22 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	ID externo "1207220792" adicionado
14	13 Jul 2022	05:51:22 (-03:00)	Sistema	Evidência carregada com sucesso quando a câmera estava conectada ao dock
15	13 Jul 2022	05:51:22 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	Categoria "3.1. Flagrante" adicionada
16	13 Jul 2022	05:51:22 (-03:00)	Sd PM Ribeiro, Melissa (Crachá de identificação: 161456)	Categoria "1. Polícia Administrativa" adicionada
17	13 Jul 2022	05:51:23 (-03:00)	Sistema	Evidência excluída automaticamente do dispositivo após o carregamento bem-sucedido quando conectado ao dock
18	13 Jul 2022	05:51:27 (-03:00)	Sistema	Soma de verificação de evidência recalculada. <span style="color: red;">❹</span> Somadas de verificação calculadas: TREC-1024k 09ab1f8a8019a8347b5d8e55b8eb1fbed386fbc9c0125b6ca7d795fb9675114da SHA-256 64de70fedba570054845a3aeb534d0ffe074a08ac55773bf078f1827bd7d2c1
19	13 Jul 2022	11:06:11 (-03:00)	Cel PM Cabanas, Robson (Crachá de identificação: 883560)	Registro de evidência acessado. Endereço IP do cliente: 201.55.56.106 <span style="color: red;">❺</span>
20	13 Jul 2022	11:06:12 (-03:00)	Cel PM Cabanas, Robson (Crachá de identificação: 883560)	Arquivo de mídia bufferizado pelo sistema no carregamento da página. IP do cliente 201.55.56.106 <span style="color: red;">❻</span>

❶ Hash number which certifies the legitimacy of file  
 ❷ Trail that indicates how the evidence was created. In this case by triggering the button by police officer  
 ❸ Trail indicating that the evidence was stopped by police officer when he triggered the button  
 ❹ The system checks the hash against its legitimacy and integrity  
 ❺ The user Cabanas access the evidence by IP 201.55.56.106  
 ❻ The user Cabanas open the evidence in the system to watch it

Figures 6, 7 and 8 are parts of a *trilha de auditoria do dispositivo*. Figure 6 shows a BWC being turned on and its battery charge whilst figure 7 row 28 displays the object being attributed to Sd PM Rosa by personnel of the *Serviço de Dia*, Cb PM Matheus. Figure 8 rows 41 and 42 prove that such reports go as far as retaining what buttons were pressed by officers; here, it seems that a button was pressed by accident as it was immediately pressed back. Such a detailed report will, for instance, not enable officers to pretend that their camera's battery was very low to explain non-compliance with intentional video rules, as the document can prove the BWC had sufficient charge left. Figure 9 is part of a *trilha de auditoria do usuário*, registering everything an officer does related to BWCs: how many cameras he or she has worked with, what he or she did with the cameras, what categories have been inserted into the system etc.

Lastly, a measure taken to reduce the risk of footage being leaked has been to insert officers' names in the

middle of the screen when they are classifying and reviewing BWC recordings (Figure 10). This way, officers cannot record BWC evidence with their own phones – a practice that is strictly forbidden and mentioned in the handbook.

All three *trilhas* therefore record every interaction between the subject and its camera, leaving very little leeway for officers to disregard camera protocol or skew the truth to their advantage. This has a strong deterrence effect on officers who are made aware that they cannot 'blame it' on the equipment as all traces are stored in all three documents which can be triangulated to uncover the truth. The authenticity of the images thanks to the verification of the hash number also enables the justice system to accept the footage as valid as it is certain that the recording filmed via the BWC and the recording stored on the cloud are identical and thus have not been tampered with.

TRILHA DE AUDITORIA DO DISPOSITIVO			
Modelo: Axon Body 3 Número de série: X6LO2429		Intervalo de datas: 1 Documento gerado: Auditoria gerada por Robson	
Item	Data/Tempo	Evento	Informações Adicionais
1	07/11/2022 07:55:26 AM -0300	Log de auditoria criado	Versão do firmware 1.21.12
2	07/11/2022 07:55:26 AM -0300	Dispositivo ligada devido à conexão do carregador	Bateria 100% Contagem do Video 1 GB restantes 54.178
3	07/11/2022 07:55:27 AM -0300	Câmera conectada ao Axon Dock X62003THX	Bateria 100% Contagem do Video 1 GB restantes 54.177
4	07/11/2022 07:55:28 AM -0300	Câmera conectada ao Axon Dock X62003THX	Bateria 100% Contagem do Video 0 GB restantes 54.179
5	07/11/2022 07:55:28 AM -0300	Log de auditoria criado	Bateria 100% Contagem do Video 1 Versão do firmware 1.21.12

Figure 6. Camera's report (a)

TRILHA DE AUDITORIA DO USUÁRIO			
Usuário: AFONSO, CAINAN - cainanafonso@policiamilitar.sp.gov.br		Documento gerado: 07/18/2022 11:0	
ID do usuário: 616a5c6f84547148d3c2e8f92a5		Auditoria gerada por: Cabanas, Rob	
IPs associados: 177.26.249.182, 187.90.219.27, 177.26.243.110, 189.98.250.177, 187.90.200.42			
#	Data	Tempo	Atividade
1	18 Jul 2022	06:46:47 AM (-03:00)	Tag de evidência adicionada Evidence Title: Video Recall - Axon Body 3 Video 2022-07-18 0521 X6 Tag 'Video Recall' adicionada
2	18 Jul 2022	06:46:46 AM (-03:00)	Categoria de evidência adicionada Evidence Title: B02 ID da prova: 1807222599 Categoria '3.1 Flagrante' adicionada
3	18 Jul 2022	06:46:46 AM (-03:00)	Categoria de evidência adicionada Evidence Title: B02 ID da prova: 1807222599 Categoria '3. Policia Judiciária' adicionada
4	18 Jul 2022	06:46:46 AM (-03:00)	ID externa de evidência atualizada Evidence Title: B02 ID da prova: 1807222599 Para: '1807222599'
5	18 Jul 2022	06:38:38 AM (-03:00)	Membro adicionado à lista de acesso de evidências Evidence Title: Video Recall - Axon Body 3 Video 2022-07-18 0452 X6 3ºSgt PM AFONSO, CAINAN (149557-7) recebeu acesso Com base em expira em: sem expiração

Figure 9. Officer's report

GB restantes 54.179			
28	07/11/2022 08:07:24 AM -0300	Dispositivo reatribuído de BR SP PMESP Policia Militar do Estado de Sao Paulo para Sd PM ROSA, RAFAEL (195717-1) POR Cb PM MATHEUS, FABIANA (106794-0)	
29	07/11/2022 08:07:24 AM -0300	Status do dispositivo atualizado de Em estoque para Atribuído POR Cb PM MATHEUS, FABIANA (106794-0)	
30	07/11/2022 08:31:35 AM -0300	Câmera desconectada do Axon Dock X62003THX	Bateria 100% Contagem do Video 0 GB restantes 54.179
31	07/11/2022 08:31:35 AM -0300	Dispositivo desconectado do carregador	Bateria 100% Contagem do Video 0 GB restantes 54.179

Figure 7. Camera's report (b)

40	07/11/2022 10:01:43 AM -0300	Video recuperado devido à solicitação de Salvar automaticamente	ID da prova 44a4604d669241af93b7aa9d3c76f205
41	07/11/2022 10:12:03 AM -0300	Botão de evento pressionado	
42	07/11/2022 10:12:04 AM -0300	Botão de evento soltq	
43	07/11/2022 10:31:45 AM -0300	Video recuperado devido à solicitação de Salvar automaticamente	ID da prova 3b2cc96ba9bb42a97e9250lad79348e

Figure 8. Camera's report (c)

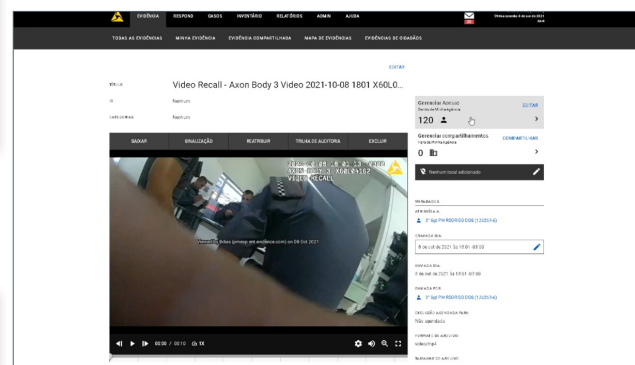


Figure 10. Officers' name is inserted in the middle of the image when evidence is being reviewed

## 6. Internal oversight: the regular reviewing of BWC footage fosters accountability

PMESP battalions, commanded by lieutenant colonels and made up of 500 to 1,200 officers, are divided into several companies in which a captain manages between 100 to 150 men and women. The captain is in charge of distributing work shifts to four platoons of 20 to 25 officers, commanded by a sergeant. Each sergeant is required to review and provide feedback for thirty intentional videos selected at random by Axon Evidence on a monthly basis to increase compliance and accountability. On the 18th July 2022, 1.26 per cent of intentional videos had been reviewed at random. Proof that videos have been reviewed by sergeants is a crucial parameter of effectiveness of the BWC program as it deters officers from breaching BWC protocol, increases accountability and enhances the correct use of the equipment thanks to the feedback provided.

### 4 | Example of Brazil

The study conducted in Rocinha concluded that the Rio police forces significantly lacked resources to carry out compliance actions. Indeed, means to improve officer compliance were very limited as, in many occasions, local units did not even have the capacity to adequately conduct standard procedures such as investigations and final reports to proceed with punishment (Magaloni et al., 2019). This in turn markedly limited compliance with BWC implementation. Interviews during the Rocinha favela experiment revealed that most officers perceived BWCs as a threat to their work and were concerned that the new technology would constrain their action, which, according to them, varied in Rocinha versus regular Rio neighbourhoods (Magaloni et al., 2019). Higher levels of danger in the area due to illegal narcotic-related activity, distrust from the inhabitants paired with a dearth of police legitimacy frequently are the explanations officers give to justify resorting to rougher interactions with favela residents. Overall, BWCs induced officer passivity, revealing a de-policing tactical response to circumvent conflicts that might be recorded (Magaloni et al., 2019).

## 7. An internal body simultaneously prosecuting and protecting police officers highlights a will to act decisively and lawfully

Misconduct – as defined by a separate military penal code and the Military Police's own *regimento interno* – is first investigated by a *corregedor* and is then either passed on to internal discipline or a Military Police investigation. If the latter, the case will then progress to the military prosecutor and military tribunal for prosecution. Only in the event of intentional homicide of citizens committed by on-duty Military Police officers does jurisdiction pass to the civil courts.

So far, images by the BWCs have been used by the military courts and the *Corregedoria* to prosecute or demand prosecution of officers who did not act within the legal framework by committing unlawful crimes and altering crime scenes. The first case in which BWCs used by officers caught them killing an unarmed suspect occurred on 9th September 2021 after five young men robbed a small supermarket in São José dos Campos. All PMESP officers were wearing BWCs on their uniforms and the *Corregedoria* had access to the footage to make sense of the incident. According to the *Corregedoria*, officers forged the crime scene by placing a gun on the victim's body and adding another firearm at the scene to feign resistance by the young men being stopped, whilst others obstructed the camera lens with their arms, weapons or simply by turning their backs to the scene. This evidence of crime scene tampering was described in a report of more than 400 pages submitted by the *Corregedoria* which analysed hours of recordings of all the police officers involved in the crime. The *Corregedoria* accused the officers involved of crimes of homicide, procedural fraud and malfeasance and requested of the military justice the preventive detention of nine police officers, claiming that they could still destroy evidence or influence witnesses. However, as intentional homicides fall under the jurisdiction of the civil courts, the PMESP body then referred the case to the *Ministério Público* who decided not to proceed with the arrest request. Whilst the São José dos Campos case has not yet culminated into an arrest, it displays the potential that BWCs have to catch officers acting unlawfully. Although there is always the possibility of getting round the system, this is to a larger extent curtailed by the potency and procedures of the BWC system. Here, officers were unable to entirely conceal the scene as all were wearing the equipment. Furthermore, the officers' obstruction of BWC lenses is illustrative of their awareness that this technology can incriminate them. Notwithstanding, the BWCs do not appear in this case to have deterred the officers from tampering – this may be explained because this was the first case in which BWC footage was used against officers and they were unaware of the potency of such evidence. Significantly, the PMESP and the *Corregedoria* were the authors of the complaint lodged against the officers involved proving the usefulness of the BWC evidence and above all highlighting an institutional will to act decisively and blow the whistle on rogue officers.





Suspect surrenders to PMESP officers



Officer tampering the crime scene by hiding a gun between his legs to then place it on suspect's body



Officer obstructing BWC lens with his arm

BWC footage has also been used to protect officers acting lawfully. For instance, one BWC video shared by the PMESP was paired with a citizen's recording of the same scene with a phone. The citizen's camera shows officers running after a suspect and gunning him down moments later – what looks like cold-blooded murder from afar. Many human rights entities initially used this video to denounce police violence. In parallel however, BWC footage of the two officers involved in the killing shows the suspect resisting the arrest after having been repeatedly ordered to lay on the ground and drawing out a gun before

being shot, confirming the police's version of having acted in legitimate defence. The gun was later found out to be a fake; had the BWCs not been there, the officers would have arguably struggled to prove that the victim had drawn out a fake weapon. This case highlights the importance of BWCs as a tool protecting officers acting lawfully from being unfairly accused.



Citizen's recording of the incident showing two officers running after the suspect



The suspect draws a gun out from under his jumper

## 5 | Example of the US

More and more, police departments throughout the US have been sharing similarly deeply disturbing footage of deadly interactions between officers and citizens with the press. The Memphis Police Department fired and charged five officers with second-degree murder and relieved two officers from duty whilst six more are facing discipline after Axon Body 3 footage graphically depicted the prolonged and gruesome fatal beating of a young man named Tyre Nichols on 7th January 2023; the Michigan Police Department released BWC footage of an officer killing Patrick Lyoya during a traffic stop on 4th April 2022 after disobeying the officer's orders; the Atlanta Police Department released footage showing officers responding to Manuel Teran opening fire on officers and subsequently being shot on 18th January 2023; the Aurora Police Department released footage of officers shooting Kristopher Cross after he threatened to murder citizens and attempted to attack officers with knives in both hands on 5th February 2023. Most recently, BWC footage was released by the Nashville Police Department revealing officers' courage upon entering a school to locate school shooter Audrey Hale on 27th March 2023. This sharing of footage reveals the police's wish to increase the institution's transparency by publicly condemning or defending officers' actions.

### 8. External bodies accessing footage reveals a willingness to instil transparency

The PMESP has actively been seeking to increase its transparency. For instance, it regularly shares BWC footage recordings with the *Ministério Público*. While the extent to which this footage is used by the *Ministério Público* goes beyond this paper, the premise that the PMESP shares BWC footage with the *Ministério Público* does at least suggest that the PMESP wishes to increase its transparency through the involvement of external oversight bodies.

In the case of São Paulo, BWC footage has already been used to incriminate citizens. For instance, Mateus Lucena do Nascimento was arrested by police officers for the crimes of *Drug Trafficking and Illegal Possession of Firearms*. As part of the case, the court asked the PMESP to 'urgently' furnish them with BWC footage of all officers involved in the pursuit and arrest of Mateus which eventually led to his incarceration. The civil justice's request to be given access to BWC footage to progress with the trial at hand is revealing of the court's trust in the reliability of the evidence the system provides. BWCs thus present the unprecedented potential of acting as a new tool of the justice system by facilitating incrimination or arguably deterring officers and citizens from skewing

facts due to the possibility that their testimonies will be cross-referenced by BWC footage. This milestone is encouraging to those supporting program longevity and sets a positive precedent for other forces throughout Brazil still contemplating the idea.

Whilst external professional bodies may be granted access to BWC footage, controversy remains around whether the general population should be able to view such recordings. The Law of Access to Information guarantees that any Brazilian citizen can request access to public information, but article 23 places a series of restrictions closely linked to policing activities. Indeed, BWC footage carries personal information such as faces or tattoos that can help identify people as well as officers' technical tactics for instance. The citizen who wishes to access an image can however exercise their right by seeking judicial assistance in which case the footage will be investigated. The presence of a normative framework ensuring the right to information is essential to the successful carrying out of the BWC policy as it ensures that both officers and citizens can be protected.

## 6 | Example of Chile

In Chile, the major social outbreak on the 18th October 2019 sparked by the rising cost of public transport fares led to a wave of police repression, exemplified by the street chant 'pacos culiaos, cachifos del estado' ('bastard officers, puppets of the state'). A deep feeling of distrust appears to have settled in between the police and the state as the *Carabineros* filed a claim of illegality against the Council of Transparency's order to hand over the BWC footage recorded between the 18th October 2019 and the 1st March 2020. The appeal was subsequently rejected by the Santiago Appeals Court in July 2022 after establishing that the requested information was in the public domain.

### 9. Major public support of the equipment guarantees legitimacy

A 2022 survey by the firm Datafolha conducted between 28th and 30th June interviewed 1,806 people aged 16 and over in 61 municipalities to gauge *paulistas'* approval rate for the use of BWCs. The survey revealed that in São Paulo a staggering 91 per cent of the population are in favour whilst only 7 per cent are against the equipment (Albuquerque, 2022). This suggests that, overall, citizens do not feel threatened by the implementation of BWCs as an instrument deterring unlawful behaviour; rather, they view the equipment as a tool which will ensure greater safety whilst interacting with officers wearing a camera.

## 7 | Example of the US and the UK

In the US, 93 per cent of the public favour the implementation of BWCs in their police forces (Garbarski, Navarrete and Doherty, 2021). Whilst the notion of ‘favouring’ might encompass several perspectives, this figure is compellingly similar to São Paulo’s study. In the UK, Police Scotland conducted a consultation survey between June and September 2021 which received over 9,300 responses. The key findings showed clear support for BWCs as 82 per cent support police officers, staff and special constables always wearing BWV when engaged in police activities, 71 per cent of respondents agreed they would ‘always’ feel safer knowing that their interaction with Police Scotland was being recorded by BWCs and 84 per cent agreed BWCs would increase their confidence in Police Scotland (Police Scotland, 2022). These findings are lower than São Paulo’s but remain statistically coherent and significant. Public opinion plays a crucial role in establishing and shaping the direction of this project mainly by giving it legitimacy.

*Although the São Paulo model is successful, it also has limitations that must be taken into consideration and amended to further enhance BWCs’ success.*

### CONS

#### 1. BWCs lack of unanimous support among the PMESP jeopardises the program’s long-term survival

Whilst BWCs have been met with broad support amongst the upper echelons of the PMESP, rates of rejection amongst lower-ranking officers are extremely high, suspecting their supervisors of wanting to monitor their actions. This attitude suggests great division within the PMESP regarding the implementation of BWCs. The stark discrepancy between higher and lower ranking officers’ welcoming of BWCs is illustrative of differing experiences and cultures within the PMESP. Whilst the upper echelons are not satisfied with the institution’s current results and want to, amongst others, lower rates of use of force, the lower ranks’ resistance to the program suggests that they fear the exposing power of BWCs, a fear that can only be overcome with communication, trust and empowerment over time. Vulnerability thus lies in the middle to junior management who are closest to the front line. The manner in which BWCs have been introduced and used so far points to a genuine desire to improve the accountability of police management systems among the upper echelons of the PMESP as BWCs are part of a broader set of policy reforms the institution has put in place to reduce police use of force. Captains and sergeants are the weak link in the chain between visionary policymakers above and reticent front-line officers. The challenge thus lies in

whether colonels can bring about the right human culture of empowerment and accountability on a cascade-down level, such that captains and sergeants feel they are trusted to implement BWCs in the right manner on the front line and are supported in proving the system’s worth. Captains and sergeants lie at the nexus of vulnerability in that they must reconcile the pressure of directions from above with the cut and thrust stress of frontline policing. Whilst technology creates an ‘enabling’ framework to improve the system, it could be argued that senior management must create trust in equipment usage with frontline officers. Technology has a neutral raw potential that can be used to one’s advantage or used to cover up abuses. Human policy, vision, communication, and management skills are what will make the success of technological potential or presides over its failure.

#### 2. Political whims imperil the durability of BWCs

In 2022, in the midst of election year, the installation of BWCs generated discord among pre-candidates for state government. Tarcísio Gomes de Freitas, in line with Bolsonaro’s ideas, promised during his campaign that if elected he would remove the cameras from the uniforms as, according to him, the equipment puts the lives of police officers at risk and the best way to fight crime would be with improved training. Gomes de Freitas was elected São Paulo governor on the 30th October 2022 and sworn in on 1st January 2023. Whilst he went back on his word and chose to keep the BWC program, this approach shows that, even while the policy enjoys broad public support and studies prove its effectiveness, its survival remains at the mercy of political motivations.

#### 3. Some bodies remain unkeen on using the footage, limiting the program’s reach

Another fundamental factor is the role other institutions can play and the possibility of strengthening the actions listed here. Thus far, neither have the Civil Police or the *Ministério Público* sought to make impactful use of the BWC footage. No matter how many actions the Military Police develop for the management of the use of force, the potential for reducing lethality is not infinite and tends to reach a limit. To give more impetus to these measures, the same level of commitment is necessary from the Civil Police, the *Ministério Público* and other institutions whose affirmative action can further increase the impacts of the actions described in this paper.

## Recommendations

*The recommendations below are tailored to fit various institutional entities listed below.*

### Globally speaking

It is increasingly clear that BWCs are here to stay. The challenge therefore lies in making sure that BWCs are not merely a cosmetic ‘add-on’ to pursuing ‘business as usual’ and investments are not thrown to the wind. To this end, it is crucial that clear objectives and evaluation mechanisms for camera use are set out before implementation. If this is not carried out, it will become very difficult to evaluate their effectiveness and enforce basic planning aspects such as training—designs, internal and external information campaigns, etc.

### To Latin America

Many Latin American countries are witnessing a crisis in police legitimacy connected with an increased number of cases of police violence in contexts of street protests disseminated throughout social media platforms exposing such unwarranted use of force. In the region, BWC use has multiplied in light of a need to find new tools to — practically and quickly — address problems consequent to the lack of large-scale democratic reform, notably, arbitrariness, lack of transparency, corruption and a break with the population at large, evidenced in high distrust levels and even rejection of policing. In this context, implementing BWCs can increase officer compliance with protocols, reinforce police professionalisation and play the role of ‘ultimate witness’. However, BWCs implementation will not be successful if compelling procedures and values of accountability, leadership, transparency and legitimacy do not permeate the policy.

### To Brazil

This paper has meticulously dissected the BWC implementation of the PMESP whilst occasionally comparing it to a study carried out in Rio’s favela, Rocinha. Both studies have attained contrasted yet cogent results. Many parameters can explain such variations: (i) financial resources, (ii) techniques of implementation, (iii) structural differences, (iv) quality and features of the technology, (v) levels of corruption etc. This policy paper advises bodies considering implementation to closely follow São Paulo’s approach whilst we understand that financial resources differ between states and São Paulo enjoys a significant budget granted to public policing. Notwithstanding, incumbent Minister of Justice and Public Security Flávio Dino stated just before starting his mandate in December 2022 that the new government would change the parameters for apportionment of the National Fund for Public Security whereby states encouraging the disarmament of the population and using BWCs on police uniforms would receive more resources. This positioning affirms the PMESP approach and is encouraging to bodies contemplating implementing BWCs.

### To police bodies (or forces)

- ♦ Upper echelons must share a vision of curbing police violence and enhancing public policing practices. These must work hard to share this determination throughout the force, particularly with lower-ranking officers where reticence is more prevalent.
- ♦ A camera with both ‘video-recall’ and ‘intentional recording’ settings is the best chance to simultaneously ensure that the camera lasts the whole shift, cannot be manipulated to the officer’s advantage and preserves both officers and citizens’ privacy.
- ♦ Rigorous training and detailed written procedures on BWC usage are essential to guarantee the absence of ambiguity and arbitrariness, particularly concerning when to action ‘intentional recording’.
- ♦ Having three audit trails (the police officer’s, the camera’s and the evidence’s) record every interaction between the subject and its camera is crucial to fostering a deterrence effect.
- ♦ Having a hash number attributed to BWC images authenticates the footage and thus enables the justice system to make use of it.
- ♦ The systematic random review of footage by a designated officer deters officers from breaching BWC protocol and increases accountability.
- ♦ A normative framework that regulates issues of citizens’ and officers’ privacy whilst simultaneously ensuring that anyone can request access to BWC footage formally guarantees privacy and transparency.
- ♦ The sharing of footage with courts and prosecution services can play a key role in trials whilst also signalling the institution’s commitment to increasing its transparency.
- ♦ Welcoming the participation of external bodies monitoring the effects of BWCs and actively sharing the data and information required with them gives the policy significantly more legitimacy.

### To political figures

- ♦ Listen closely to the needs of the police whilst triangulating these demands with outcome studies carried out by third party bodies and the assessment of public data before carrying out decisions such as budget allocation for instance.
- ♦ Build awareness as to the presence of BWCs in speeches or via social media.

### To academia, think tanks, NGOs

- ♦ To accurately assess the impact of BWCs, it is important that future external research continuously and rigorously monitors the effects to support and encourage aspects that are working well or suggest adjustments. Crucially, this research must not be waylaid by ideological promises.

### To the media

- ♦ Build awareness as to the presence of BWCs by publishing the results of external studies and conducting interviews with the police, citizens, etc.

## Conclusion

This study has aimed to assess the strengths and weaknesses of the implementation of BWCs in the PMESP to advise third party bodies considering implementation on the best possible strategy. São Paulo proposes a unique setting worldwide in which the BWCs cannot be set on and off manually and the equipment records the entirety of the shift. In this light, this study aims to foreground the state executive's and PMESP's will to curtail unwarranted use of force in public policing by implementing BWCs in frontline policing. Elements such as video recall, evidence reports or hash numbers all suggest this technology is robust and capable of enhancing accountability of the PMESP and sharing of footage with the judiciary implies a strong willingness to increase the institution's transparency. Evidence thus far indicates that BWCs have had a profound impact on the use of force with deaths caused by police intervention falling noticeably in battalions with BWCs. Results also show that BWCs have not led to sustained de-policing but rather enhanced police proactivity.

However, whilst BWC technology provides powerful potential, its enduring success is highly dependent on leadership, vision, fluid communication and management skills that will lend it real context and purpose by fostering empowerment and ownership in the front-line. Indeed, the factor which has the most power of durably impacting police use of force remains changes in political and institutional will as exerted by the executive branches of government and the police. At a time where several Brazilian police forces seek to reproduce the São Paulo model, this study stresses that BWCs are not singly a panacea for reducing police lethality and that, to be successful, they must be viewed as an enabling technology aimed at reinforcing compliance, accountability and mechanisms of professional valorisation within the force and the general public based on values of democratic legal order and not solely technological proficiency. BWCs must work in synergy with a range of other police regulating policies however it is beyond the scope of this paper to discuss such policies.



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