

1 Introduction: The Tales of Body-Worn Cameras' Accountability and Trust

Conventional wisdom about police culture has long been shaped by what people consume on their televisions. From *Cops* to *NYPD Blue* to *Law & Order* to *The Wire*, people have come to understand police culture as filtered through the lens of a camera. Yet, while we still have police dramas on television, we no longer need Hollywood to provide us with this fictional lens.

Today, we have thousands of cameras worn on the bodies of police officers showing real footage of police actions. Added to that mix is the onslaught of individuals armed with their cell phones, who capture police behavior as officers go about their daily routines. Police culture is no longer understood through the eyes of Andy Sipowicz or Jimmy McNulty. For better or worse, Michael Slager and Daniel Pantaleo define it. Eric Garner and Sandra Bland define it. George Floyd defines it.

Since the shooting of Michael Brown in 2016, police departments across the United States have outfitted their officers with body-worn cameras (BWCs). While the use of BWC technology in the United States precedes this watershed moment (White and Malm 2020, p. 4), Brown's shooting caused an acceleration effect that drove its rapid expansion. Law enforcement agencies in the United States soon caught up to police departments in the United Kingdom, which first tested BWCs in 2005 (Bowling and Iyer 2019, p. 144). This technology provides a rare example of widespread acceptance, as citizen groups, legal defense organizations like the America Civil Liberties Union (ACLU), and law enforcement have all called for its implementation (Fan 2018, p. 1654). The common goal of BWC programs is to enhance transparency, which it is assumed will lead to greater accountability – itself seen as naturally enhancing legitimacy (Chavis 2019, p. 453). Similar forces were at play in the late 1980s and 1990s after the 1991 beating of Rodney King in Los Angeles, which was followed by the acceleration of patrol cruisers being equipped with dashcams (Pagliarella 2016, pp. 534–535).

The assumption that BWCs or greater transparency will lead to accountability is “confusing the normative (that which our democratic values lead us to believe in) with the analytical (that which the social sciences allow us to claim)” (Fox 2007, p. 665). Police chiefs and politicians touting the benefits of BWC readily share this unproven assumption. Take, for example, recent comments by US Congressman Greg Stanton – former mayor of Phoenix and sponsor of the COPS Accountability Act of 2020. In reference to the nationwide implementation of BWC, Stanton said: “As we rethink 21st century policing, we have to make changes that can increase transparency and accountability to make

everyone safer” (Office of Congressman Stanton, Media Office, July 2020). Large and small departments alike across the country are making similar comments. The finance director of Fort Smith, Arkansas, a police department historically reticent to use BWC, said, “Our department must be in line with the ideals of 21st-century policing, including the tenants of transparency and accountability of actions” (Watson 2018). These comments fail to address the many challenges associated with an accountability initiative such as BWCs. First, at the most basic level, as the Reporters Committee for Freedom of the Press’s executive director recently commented, “Bodycams and dashcams cannot be effective tools for accountability if the public can never see the images they capture” (Lannan 2019). An official of the civil rights and technology nonprofit Upturn articulated a similar sentiment, suggesting that BWCs failed to deliver on accountability because the release of footage is often denied or delayed (Schlinkmann 2020). This concern relates to the second challenge, and the primary focus of this Element.

To whom is one accountable and for what must they account? These are two of the most fundamental questions in Public Administration literature, but they continue to challenge the discipline. Simplistic renderings of this complex landscape will provide false hope for authentic accountability. The challenge is not to articulate the many “for whoms” and “for whats” to which law enforcement is accountable. Rather, as BWCs are touted to the public as a tool for accountability, we aim to explain this accountable relationship. Public Administration has conveniently classified these criteria into a simple typology that encompasses both the “to whom” and “for what” one should be accountable. Bovens (2007) notes five forums that students of Public Administration will find very familiar: organizational accountability, political accountability, legal accountability, administrative accountability, and professional accountability. Furthermore, police departments are held accountable for output measures like crimes, arrests, and clearance rates, rather than measures of outcomes: “Even in an era that stresses managerial accountability, the procedural justice with which officers act is typically not measured in police agencies, nor is it an outcome for which police managers are held accountable” (Worden and McLean 2017, p. 9). The over-reliance on structured forums with hard output measures does little to achieve authentic accountability. Rather, as Dubnick (2005) has pointed out, “Our misguided preoccupation with management as the heart and soul of modern governance is not only blinding us to such basic questions, but is also binding us to theories and models that continue to send us down the wrong path” (p. 402).

We need to place greater emphasis on the social relationships that form the foundation of accountability. Most empirical research on accountability focuses

on lengthy administrative reports that citizens and politicians rarely read. In an age of unlimited information and constant technological advances, accountability takes on new characteristics. The rules of accountability that once existed primarily within the walls of a courthouse or were bound by a bureaucracy now exist on the streets of New York City, Chicago, Los Angeles, Minneapolis, and Ferguson. The emergence of BWCs, and other video technology, shapes newly imagined accountability standards. If our interpretation of accountability is valid, then it is necessary to understand expectations from both parties in the relationship to achieve accountability. In this effort, we collect data from both residents and police chiefs regarding perceptions that surround the release of BWC footage. This Element uses a combination of population-based survey experiments and qualitative inquiry to deepen our understanding of what police chiefs and US residents perceive to be a transparent and trustworthy sharing of BWC footage.

Outside of criminology, most emerging surveillance literature is found in the private sector, leaving a limited number of studies focused on the public sector (Kayas et al. 2019, p. 1171). While we borrow heavily from criminology literature, we focus on the implementation of a specific aspect of BWC policies: police BWC footage being released to the public. Therefore, we heed the caution of criminologists Michael White and Aili Malm (2020, p. 13), which will not surprise those in Public Administration: implementation is critically important.

One of the twelve grand challenges identified by the National Academy of Public Administration (2019) for the next decade is to “Ensure Data Security and Individual Privacy.” One of the ways in which public agencies and public administrators can reach that goal is “ensuring that the regulatory framework is informed by the careful consideration of the ethical aspects of data collection and dissemination” (National Academy of Public Administration 2019). The data collection part of BWC has been documented copiously in law reviews and criminology journals. Public Administration, with its storied legacy of studying accountability, is well positioned to address the dissemination part of that great challenge for the 2020s.

Objectives: This Element focuses on the relationship between the public and their government. More specifically, it addresses a new tool of accountability and the expectations associated with its use: “If body-worn cameras are as valuable as some claim, it is important that the process of adoption within police departments be as effective and efficient as possible” (Jennings, Fridell, and Lynch 2014, p. 549). Research on BWCs has primarily been accomplished in the domain of criminology. While understandable, this has created a limited scope of questions that especially focus on the incidence of crimes and citizen

complaints. Lum and Gest (2018) note that “although some research on body-worn cameras has emerged, most criminal justice technologies have not been evaluated enough for us to know whether they work to control crime or improve legitimacy, as well as what their unintended consequences are” (p. 267). In fact, “actual measurable improvement of accountability due to BWCs has been scarce” (White and Malm 2020, p. 22).

Thompson’s (2019) ongoing project regarding elected police commissioners finds that broad, local left-right preferences are reflected with some styles of policing. However, the same might not be true for public support of specific policy decisions, spanning from a failure of elected officials and the courts to rein in police departments – Friedman’s thesis in *Unwarranted: Policing without Permission* – to perceived societal pressure to express support for police forces (Bromberg, Charbonneau, and Smith 2018). This project will advance knowledge on public support and police chiefs’ support for specific policy and management elements related to police accountability via the release of BWC video footage, rather than solely examining their support for the general idea of having police officers equipped with BWCs.

Context: Police departments do far more than keep the peace. They are one of the few public services open twenty-four hours a day. With time, their role has expanded and, in many cases, transformed officers into social workers, teachers, community organizers, and dogcatchers (Vitale 2018). This is not strictly an American phenomenon. In October 2019, two *Sûreté du Québec* police officers went to a Drummondville hospital employee’s home after being called by a hospital manager to escort back an employee who had skipped his night shift (Bilodeau 2019). The phenomenon is analogous to what Brooks (2016) describes in her book, *How Everything Became War and the Military Became Everything: Tales from the Pentagon*, regarding how uniformed men and women with guns are asked to deal with missions that used to be the dominion of the civilian US State Department. The fact that police officers, trained as crime fighters, are called to be everything from social workers to warriors speaks to the myriad tasks they are expected to accomplish. This has not only increased the number of interactions police have with the public but also muddied the expectations of appropriate behavior. Since 2016, many of these interactions have been recorded with BWCs, allowing the public to view and evaluate said expectations.

As of 2018, about 50 percent of law enforcement agencies in the United States had adopted BWCs. There is a good deal of variation across the country with southern and western states having greater rates of adoption compared with northeastern states (Nix, Todak, and Tregle 2020). Nevertheless, this translates into millions of hours of footage (Kofman 2017). In the United States, police

departments are among the public institutions with the highest levels of trust (Pew 2018); the same is true in Canada (Cotter 2015). Laws, policies, statutes, and directives about the use and release of video footage show a high level of heterogeneity in the United States (Urban Institute 2018). That could be due to the absence of strong and unifying video guidelines. One explanation is that there is significant discretion in the current environment, where many police departments must manage flows of video footage captured by BWCs and their policies reflect personal preferences. Some agencies decide to release footage; others decide to keep this data private, but what influences police chiefs' decisions to release footage to the public? What do US residents expect in terms of accessing the footage of police-citizen interactions filmed by BWCs? Police BWCs have gained popularity in recent years. However, many advocates minimize the complexity of this transparency initiative and elevate potential benefits. While BWCs can promote police accountability, they may also reduce citizen trust in police organizations. The way a law enforcement agency manages its video data plays a role in the relationship between citizens and police officers.

In the next section, we will discuss several accountability typologies, frameworks, and models. Shortcomings and limits will be pointed out. We will offer propositions stemming from a synthesis of the Social Psychology literature by Thomas Schillemans, which culminated with the development of the Calibrated Public Accountability Model. In Section 3, the first empirical section, we discuss our submission of an experimental video vignette about a fatal police shooting, having sent it to hundreds of US police chiefs. We examine whether the anticipated timing of accountability and trust plays a role in preferences for how to share BWC footage with the public. Section 4 examines the results of 4,000 Americans – 3,000 of them from three cities – answering a similar survey with the video vignette. We compare their preferences and perceptions of transparency among cities with those of police chiefs. In the last empirical section, Section 5, we discuss the results of having asked hundreds more police chiefs to offer a narrative about the effects of BWCs on their relationship with their stakeholders. We conclude the Element by looking at how BWCs and other surveillance technologies have changed the way accountability is lived in the public sector (Section 6).

BWC programs and policy options are often seen as technical, the antitheses of big questions (Ariel 2019, p. 502). And while this may be the case from a theoretical standpoint, technical decisions are often the most impactful. Just as Lipsky (1980) reminded us more than forty years ago, street-level decisions “mediate aspects of the constitutional relationship of the citizens to the state” (p. 4). Our aim, with this research, is to contribute to and advance the multitude

of existing frameworks toward a middle-range public accountability theory, stemming from the use of technology in one public service: policing.

2 Accountability: Frameworks, Frameworks Everywhere

Introduction

Accountability presents a puzzling conceptual challenge. As concepts mature, the clarity of their meaning crystalizes. Researchers tend to coalesce around a concept before scholarly communities establish a working definition, a framework, and ultimately a theory by which to test propositions and hypotheses. In the Public Administration literature, accountability does not fit this mold. Rather, one might argue, just the opposite has happened. The concept has matured, but the path to developing theoretical models has become more convoluted. Empirically, examination of accountability has dramatically lagged in comparison to its conceptual manifestations. If this were simply an academic exercise, then one might let it linger in perpetuity as academics postulate and pontificate about conceptual bounds of this oft-used word. Accountability, however, lives outside the world of academics. It is part of everyday nomenclature and used by advocates, attorneys, legislators, police chiefs, school superintendents, and social workers along with countless other business executives and public servants. Following the death of George Floyd in Minneapolis, on June 8, 2020, the House of Representatives introduced a bill titled the George Floyd Justice in Policing Act of 2020. The summary text reads as follows:

This bill addresses a wide range of policies and issues regarding policing practices and law enforcement accountability. It includes measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices.

While the language of this summary text reads as if it were taken straight out of a Public Administration textbook, the reality is that our discipline can offer limited predictive empirical insights. For decades, Public Administration scholars have taken a Derridian approach – deconstructing every code and building conceptual frameworks but failing to capture the complex interrelated human processes required to understand and predict human behavior. As Schillemans and Busuioc (2015) note,

These prevalent typologies of public accountability in the public administration literature are all *descriptive*. They are of great help in identifying different forms of accountability and also help in retrospect to make sense of – tragic or exemplary – decision-making or policy outcomes. However, these typologies are less suitable for *predictive* usage in terms of the design of accountability

mechanisms or the formulation of hypotheses for the study of the behavior of persons and organizations in accountability processes. (p. 194)

Hence, while Public Administration scholars might be able to diagnose the failures of the accountability systems in the murder of George Floyd, they can offer scant evidence from empirical studies within the field that would have saved his life.

Accountability Frameworks

Public accountability may be the most central concept in all of Public Administration, but the field has failed to develop a clear predictive theory. One may make many arguments as to why this has not happened; however, two dominant reasons are evident. First, many scholars have been satisfied with conceptual frameworks. Conceptual frameworks or typologies have an enduring place in the Public Administration canon. The frameworks of both Romzek and Dubnick (1987) and Bovens (2007) have more than 1,000 citations, with the latter having more than 2,000. Both of these frameworks have led to a proliferation of articles that examine the concept of accountability; while they have provided a foundation upon which a theory might be developed, that has never happened. Second, Public Administration scholars have been over-reliant on the principal-agent (P-A) theory as a predictive basis for accountable behavior. P-A theory has its supporters and offers some flexibility (Gailmard 2014), but it does not provide Public Administration with a predictive theory for public accountability (Olsen 2013; Schillemans and Busuioac 2015). Rather, it offers an economic theory founded upon self-interest and fails to capture any concepts related to stewardship of public resources.

Many ground public accountability frameworks in the Friedrich-Finer debate of the 1940s but fail to look forward to where Arthur Maas and Laurence Radway outlined the types of accountability in their rarely cited article “Gauging Administrative Responsibility.” Maas and Radway (1949) present their Simonian approach to moving away from principles of responsibility and moving toward a “criteria of responsibility” (p. 182). Their typology takes us to an end point similar to what we have reached in the past few decades: people-pressure groups, the legislature, the chief executive, the profession, and the courts. Forty years later, Romzek and Dubnick led us to a similar place; two decades thereafter, Bovens did the same. These well-established sources of accountability are helpful in diagnosing a problem, but a theoretical basis for public accountability remains underdeveloped.

Bovens (2010) suggests that we must examine accountability either as a “virtue” or as a “mechanism.” “However,” he says, “they should be differentiated

from one another, since they each address different sorts of issues and imply very different sorts of standards, frameworks, and analytical dimensions” (p. 948). Mainly in attempts to create a parsimonious model, Bovens isolates accountability as a mechanism and relies on the idea of “forum”, or “account holder,” as central to the mechanical process. While he acknowledges that these two types of accountability are “complementary,” he writes, “they should be clearly distinguished, as they address different kinds of issues and imply different standards and analytical dimensions” (p. 961). Accountability as a mechanism includes the following components:

1. There is a relationship between an actor and a forum
2. in which the actor is obliged
3. to explain and justify
4. their conduct,
5. the forum can pose questions,
6. pass judgment,
7. and the actor may face consequences.

O’Kelly and Dubnick (2014) offer a critical assessment of the Bovens model and highlight two chief concerns. First, they argue that the forum is overly reliant on the principal-agent model as a default framing. Second, they note that the Bovens model assumes “collective purpose” but offers very little in the development of that collective purpose (p. 10). O’Kelly and Dubnick (2014) write, “We see accountability as a far more pervasive matrix of standpoints within which the individual negotiates their social existence, the group develops purpose and that purpose is normalised” (p. 10). The implication of their argument is that emergent relationships help to form accountability.

We concur with their assessment, also viewing emergent relationships as a key to an accountability theory. More specifically, the normative virtues of accountability establish expectations within the mechanism. If those expectations do not align with norms, then the mechanism itself will fail. Yet, there remains a theoretical void in the Public Administration related to public accountability. Only 26 percent of studies about accountability in Public Administration journals utilized an explicit theory in their paper, compared with 75 percent of Social Psychology studies (Schillemans 2013, p. 16).

Therefore, it is no surprise that in developing a theory of public accountability, some have considered Social Psychology literature (Busuioc and Lodge 2016; Schillemans 2016; Schillemans and Busuioc 2015). Busuioc and Lodge (2016) offer a perspective inspired by the work of Erving Goffman’s *The Presentation of Self in Everyday Life* as an alternative to the P-A formulation. Based on a “reputational” approach, they develop predictions that are less reliant on

formal structures of accountability. Rather, they provide a more flexible interpretation of how an actor can manage and shift based on maintaining their reputation and that of their organization. The predictions are as follows:

We expect an emphasis on procedural appropriateness in the ways of doing things when it comes to activities that might be controversial in moral terms – and where professional and performative issues might be contested. An emphasis on moral aspects features where the overall performance cannot be observed in inputs, outputs, or outcomes. Technical elements, that is, the significance of a high level of professionalism, are emphasized when it is possible to point to the high degree of “ex ante” training and corps building that may then be used to discount a lack of evidence in terms of outputs or outcomes. Thus, reputation enhancement seeks to minimize controversy by emphasizing aspects that are difficult to dispute. (Busuioac and Lodge 2016, p. 250)

Busuioac and Lodge frame this article as providing a “competing theoretical” approach to the P-A model. Ultimately, they are “identifying reputation as a key variable in driving accountability behavior” (p. 3), thereby providing a theoretically relevant variable to consider – but they do not offer a theory upon which to build a series of hypotheses and tests. Schillemans and Busuioac (2015) made an alternative attempt. Rather than offering a clearly specified theory, they provide an initial step toward alternative postulations, making four major shifts from the P-A model and providing some potential avenues to pursue:

1. From Principal to Forum
2. From P_0 to P_2
3. From Agent to Steward
4. From Control to Legitimation

With each of these shifts comes a series of further considerations more pertinent to public accountability. First, one must consider the different types of forums; second, the timing and shifting of principals; third, the “intrinsic motivation” of the agent; and fourth, the “complex and reciprocal character of accountability processes in long-lasting professional relationships” (p. 211). Rooted in elements of public administration, this shift presents the actor as a steward of public goods, not one looking to enrich themselves. The implications of this model “would suggest not relying on mistrust-driven accountability requirements but to react to this problem by establishing trust” (Greiling and Spraul 2010, p. 354).

The Calibrated Public Accountability Model

Eventually, Schillemans (2016) offers the “Calibrated Public Accountability Model” or CPA-model. Leaning heavily on the Social Psychology literature,

mainly the work of Philip Tetlock, Schillemans provides a working theory of public accountability. Schillemans lands on “three sets of independent variables, revolving around two aspects of the timing of accountability, two aspects relating to the relationship between the agent and his/her accountability forum and two aspects relating to the evaluative standards on the basis of which the agent is judged” (pp. 8–9). Schillemans (2016) notes, regarding the CPA-model, that “it is not designed to be the end point of the journey, but it is meant to be a starting point” (p. 1414). We take that cue and further refine the model and empirically test a set of related hypotheses. It is impossible to unhinge the CPA-model from its foundational elements developed in both Social Psychology and some sociological perspectives. Hence, we will use those elements to buttress the CPA-model as we develop testable hypotheses. In the following section, we will review Tetlock’s contingency model and expand upon Schillemans’s CPA-model.

According to Tetlock (1992), “Accountability is a critical rule and a norm enforcement mechanism – the social psychological link between individual decision-makers on the one hand and social systems on the other” (p. 337). It is what Lerner and Tetlock (1999a) call “a natural bridging construct between the individual and institutional level of analysis” (p. 256). We would take it one step further. Accountability is the connective tissue between the micro, meso, and macro levels of analysis. It is where societal values, institutional norms, and individual motivation collide, which is why modeling accountability presents such a challenge. Our lenses need to refocus as the concepts move from society to organization to individual and back again.

The contingency model upon which the CPA-model is built is based on four basic assumptions that are further developed into sub-propositions. The components are

1. the universality of accountability
2. the audience approval motive
3. motive competition
4. the linking of motive to coping strategies (Lerner and Tetlock 1999b)

First, Tetlock’s contingency model proposes that the “universality of accountability” is nearly impossible to avoid (Lerner and Tetlock 1999b, p. 573). It assumes individuals have agency and are “capable of observing, commenting on, and controlling their own actions” (Tetlock 1992, p. 337). Furthermore, it assumes there are rules and norms, and that, shift as they may, individuals are tied to these broader rules and norms. As Dubnick (2002) explains, “What is distinctive about the accountability genre among other forms of governance solutions is its reliance on the existence of a ‘moral community’ that shapes (and