October 2020

# Social Equity and Body Worn Camera Policies: How Do State Politics Lead to Policy Adoption and Implementation?

Heath Brown
*John Jay College of Criminal Justice, City University of New York*, hbrown@jjay.cuny.edu

James Wright
*Florida State University*, jwright4@fsu.edu

# Social Equity and Body-Worn Camera Policies:
# How Do State Politics Lead to Policy Adoption and Implementation?

Heath Brown
*City University of New York*

James E. Wright II
*Florida State University*

*Police body-worn cameras (BWC) emerged as a topic on state policy agendas to improve public accountability and mitigate social equity concerns in the wake of a national debate on police violence. Some, but not all, states adopted BWC, suggesting several state-level factors determined the policy-making process. We develop a two-step political model of state criminal justice policy (adoption and implementation) that incorporates three distinct political actors: law enforcement groups, traditional advocates for civil rights/liberties, and new advocates for social equity/justice. In the first step (policy adoption), traditional civil rights groups are not found to be statistically related to a state adopting a BWC policy, but new groups, like those connected to the Black Lives Matter (BLM) movement, are related. However, in the second step (policy implementation), we find that new groups are less influential, while traditional civil rights groups and advocates for law enforcement are more influential. We surmise that protest and media strategies of new social equity and social justice advocates are highly effective during the salient policy adoption step, but rendered less successful during the pedestrian implementation step. We believe there are lessons new advocacy groups need to master, such as the use of outsider strategies as well as insider legal and budgetary strategies appropriate for implementation.*

*C*riminal justice scholars have paid an inordinate amount of attention to the implementation of body-worn camera (BWC) policies at the federal, state, and local levels of government (Lawrence, Peterson & Thompson 2018; Smykla et al. 2016). Many of them assume that these new policies emerge after a dramatic case of police violence—sometimes captured on a cell phone or video camera—that expose the friction and distrust between law enforcement and the community. BWC policies require officers to wear a camera and video

record interactions with citizens to promote social equity and justice in the face of law enforcement's unjust actions.

While the wide distribution of cell phone footage of a case of police brutality may draw public attention and cause local law enforcement officials to respond, it is not clear whether state lawmakers react immediately to these triggering events. Policy change rarely works as a straightforward and rational response to policy problems, even when those problems are publicized so dramatically (Cairney 2019). State policymakers sift through information from multiple actors, weighing the relative power of different interests and other political factors in deciding whether to act (Herbst 1998). Since law enforcement interests are often the overwhelming source of pressure in state-level policy making, criminal justice scholars have tended to focus on just those interest groups, potentially limiting a complete understanding of the dynamics of criminal justice policy making.

In the case of BWC, we investigate the relationship between a wider array of interest groups, as well as political and demographic factors, and a state's decision to adopt the mandatory use of BWC policy and then implement the BWC policy. The first analysis in the paper uses logistic regression to predict BWC policy adoption. Additionally, the second part of the analysis uses a descriptive method to examine the initial process of implementation of BWC policies after adoption. Overall, the paper shows the importance of considering a variety of political actors, including traditional interest groups and professional associations, as well as other social movements and community groups, in examining criminal justice policy. Finally, we highlight the value of utilizing an interest group approach to better understand how criminal justice policies are made.

These findings are meaningful for the study of social equity and public administration because they demonstrate the multiple aspects of influence and power, as well as the structural barriers to real policy change faced by social movement actors. For social equity progress to be made, advocates for change need to find effective tactics during the agenda setting, policy enactment, and policy implementation phases of the policy process.

**Conceptual Framework**

We understand state-level criminal justice policy making to take place in a political environment of competition between (1) stakeholders advocating for maintaining the status quo and (2) stakeholders advocating for change. We think of stakeholders broadly as encompassing all those individuals, typically organized into formal and informal groups, who have a material or symbolic interest in the policy area. Stakeholders compete in the context of public perceptions of criminal justice problems and larger political and institutional forces, such as party control, ideology, and bureaucratic inertia. The competition centers on public policy, including, first, what issues land on the government agenda for debate, next, which policies are ultimately adopted or blocked from adoption, and, then, how adopted policies are implemented in practice (Kingdon 1995). This holistic approach to public policy avoids the trap of looking at public policy as a discrete choice, but rather to understand it as a multi-staged process involving various decision points (Hill and Varone 2014). At each stage of this process, interest groups compete for control to influence those decisions (Petracca 2018).

Our conceptualization differs from many other studies of criminal justice policies in several ways. For one, criminal justice policy has not drawn substantial attention from interest group scholars, the subfield of political science focused on how organizations—typically formed on behalf of members to represent a specific perspective or interest—participate in formal and informal politics (Walker 1990). Interest groups typically include formal membership organizations representing professions, trade associations representing

corporations and industries, and community groups representing citizens (Smith 1995). A broader definition of interest groups also may include labor unions, nonprofit social service organizations, as well as informal social movements that may later coalesce into organizations, each a category of interest that matter a lot to the study of criminal justice (Baumgartner & Leech 2001).

Studies of criminal justice have tended to focus on governmental, legal, and legislative actors as the key stakeholders in policy making (Dabney, Page & Topalli 2017; Pickett 2019; Shjarback and Young 2018). Some relevant work has examined the role of law enforcement and professional associations. For example, seminal research by Fairchild (1981) characterizes criminal justice policy reform as typically consensual, not prone to the pluralistic conflicts seen in other policy domains, such as the environment or health care. This makes sense given the dominant (and relatively well-resourced) position of interest groups representing criminal justice professionals (police officers, corrections employees, sheriffs, and attorneys) compared to prisoner rights, social service, civil rights, or single-issue groups. Law enforcement interest groups have had the most consistent influence over the direction of criminal justice policy and, as such, advocate strongly for the status quo and against major policy change (Haider-Markel 2006).

Furthermore, we follow more recent research trends, which question this excessive focus on professional criminal justice interest groups to the exclusion of other interests (Stolz 2002). For example, Stolz (2005) shows the role played by non-professional criminal justice groups, such as human rights organizations, in influencing human trafficking legislation, specifically the way these groups educate policy makers. This role was important during the re-framing of people who have been trafficked from "wrongful criminals" to "sympathetic victims." When non-law enforcement groups are considered as important stakeholders in criminal justice policy making, scholars can better understand the reframing of conventional policy images and problems in ways that may later alter the status quo. Illustrative of this reframing, Stolz (2005, 423) writes: "…groups sought to characterize trafficked women and girls as victims...Part of the educational efforts of interest groups was directed toward this redefinition, distinguishing trafficking victims from those who were illegal immigrants or sought to be smuggled into another country." Groups representing victims, the formerly incarcerated, and community rights typically have limited resources, but sometimes use novel strategies to advance their very different set of interests related to the direction of criminal justice policy.

A third factor limiting the integration of interest group research with criminal justice policy is the ambiguous and ever-changing ideological foundations of reform movements. In many studies of interest groups within education, transportation, and health and safety policy, organized labor groups consistently advocate for the ideologically liberal side of the policy debate and fit under the Democratic Party's umbrella (Cohen et al. 2008). Contrarily in criminal justice, law enforcement unions have a more eclectic ideological foundation, usually supporting expanded public funding of law enforcement (White and Richards 1992), but often less vocal and sometimes hostile to civil rights and progressive policies. For example, Morgan et al. (1998) found that the International Brotherhood of Police Officers and National Fraternal Order of Police pushed for repeal of a firearm ban on those convicted of domestic violence in the 1990s, a position also supported by the archetypal conservative National Rifle Association and opposed by many progressive women's organizations. Recently, the only major unions to endorse Donald Trump during the 2016 presidential campaign came from law enforcement, including the Fraternal Order of Police and the National Border Control

Council.

Further complicating matters, some conservative interest groups that had advocated for tough-on-crime policies since the 1970s shifted to a more reform-minded stance in the 1990s and beyond (Dagan and Teles 2016). Christian Conservative groups, which have long been allied with the conservative movement and the Republican Party, fought for changes in an array of punitive criminal justice policies enacted in the 1970s and 1980s to foster a more compassionate criminal justice system (Culp 2005). This shifting interest group terrain has made common notions about politics and pluralism difficult to apply to criminal justice policy making. It also confounds hypothesizing about the relationship between the role of various political factors and the direction of policy change, as well as the best way to empirically measure criminal justice interest groups influence with a single or multiple variable(s). In general, we do not know whether more ideologically conservative groups are more or less likely to support criminal justice reform.

**Criminal Justice Policy and Competition Between Interest Groups**
Despite this ambiguity, there are important reasons to better understand the role of competing interest groups in criminal justice policy making. Rather than a non-competitive environment, criminal justice policy is prone to dynamics that rapidly increase competition and disagreement over the direction of policy (Teichman 2005). Almost by definition, the area of criminal justice policy lends itself to focusing events, a common analytical framework used by scholars of interest groups and public policy to understand the impact of dramatic events that can change the public policy status quo (Birkland 1998). A focusing event can be a natural disaster, such as a hurricane, a man-made disaster, the result of domestic terrorism, or even the election of a new executive, where scholars of interest groups are willing to examine the nature of a policy problem (Worrall 1999). Following a focusing event, groups associated with the status quo that had been powerful may grow weak, and those without influence, but now aligned with the new definition of the policy problem, may grow powerful (Birkland 1997). Focusing events can shift the balance of interest group power, especially when they occur at the same time as other factors conducive to policy change. Walker (2015) shows how the election of Barack Obama represented a type of focusing event that elevated the role of community groups in federal policy making and greatly changed use-of-force policies for law enforcement officials in several local jurisdictions.

Though many crimes go unnoticed by the public, certain violent crimes, such as murder or rape, especially those with a racialized or gendered dimension, can serve as a focusing event by drawing attention from the media and spark public debates about whether there is a crime problem. Coulter et al. (2015), for example, demonstrate the role criminal trials for rape cases play in drawing attention to one type of crime. Trials present activists with a forum to define or redefine criminal justice problems and advocate for policy change. Changes in public attention and policy framing related to focusing events matter because criminal justice policy makers, including elected and unelected, are responsive to these changes. Enns (2016) argues that the strict turn in US crime policy in the 1960s can be traced to changes in the punitiveness of the public and changes in media coverage of crime. Rather than leading the public to change its opinion on crime, policy makers respond to cues from the public, even when the public may be misinformed about the actual rate of crime.

As the public grows more punitive, a variety of criminal justice policies will shift in the direction of stricter laws, more severe criminal prosecution, and longer punishment, all forms of strengthening the status quo approach to policing (see Time Period 1 in Figure 1). Law enforcement members and groups have largely supported this direction of policy making

and its association with better resourced police forces (Campbell 2011; Jorgensen 2018). However, not all changes in the criminal justice policy arena work so neatly. In other situations, the problem exists within the criminal justice system itself, and perpetrators are police themselves. For example, Baumgartner et al. (2009) show how a variety of events and factors, such as the rise of DNA testing and headline-grabbing exonerations, shifted attention on the death penalty toward an "innocence frame," in which recognized mistakes in the legal process too often lead to wrongful conviction.

**Figure 1: Model of Criminal Justice Policy Change and Focusing Events**
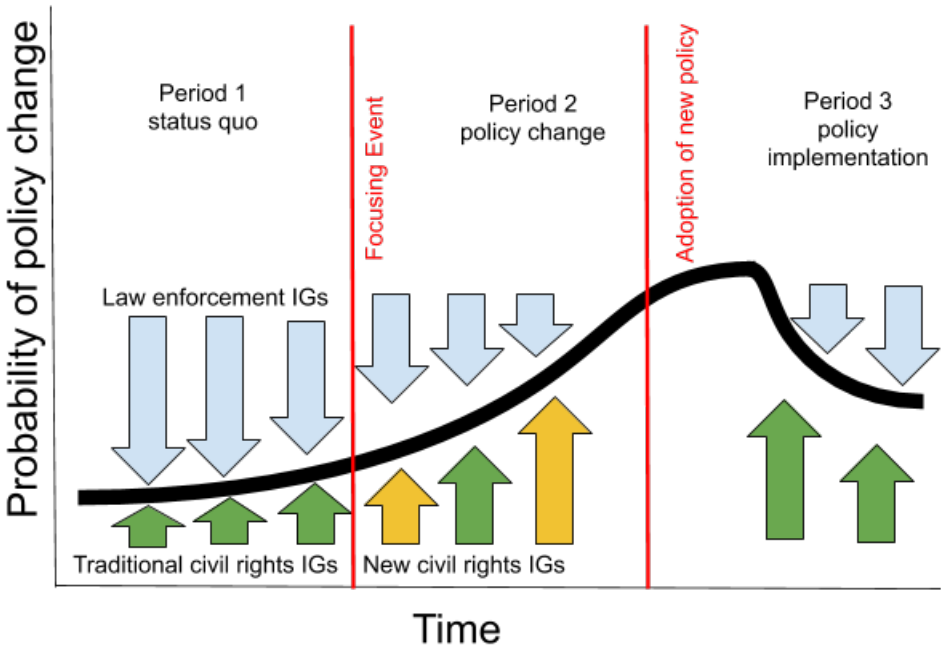


Similarly, cases of police brutality have historically been hidden behind the often non-transparent nature of policing, limiting the possibility that even the most brutal turn into focusing events (Gingerich and Oliveros 2018). Research shows that external demands for more police transparency has limited impact on transparency; outside groups, including civil rights organizations, are rarely given a voice in policing policy (Chanin and Espinosa 2015; Walker 2015). However, the audio or video recording of police violence, made possible in part by the wide-usage of cell phones since the mid-2000s, has taken a once hidden and ugly aspect of law enforcement and drawn considerable public attention. A recorded case of police brutality can serve as a focusing event that re-positions police as the source, rather than solution, to the criminal problem faced by a community. For example, Karr (2016) finds that changes in the framing of policing was triggered by a law enforcement-related focusing event related to whether or not municipalities in St. Louis, MO contracted for police services or operated policing internally.

When these new types of criminal justice dynamics arise, non-professional criminal

justice groups need to be incorporated into the analysis of policy change (see Time Period 2 in Figure 1). Social equity/justice-focused community groups, civil rights groups, and civil liberty groups all may play a minor role during the normal course of criminal justice policy making, but each will rise in importance following greater public awareness of the scale and scope of police violence. Though their financial resources may change little, these interest groups may be given additional points of access to criminal justice policy during the aftermath of a case of police brutality. If the focusing event changes the scope of the problem, it may create demand for new groups to form to represent sides of the issue previously left out. Consequently, the media may pay more attention to the calls coming from all of these groups for reform, public hearings may be held at which they may give testimony, and public officials will take their advice more seriously (Chermak and Weiss 1997).

Additionally, though often grouped together, law enforcement interest groups are not monolithic. For simplicity, organizations representing rank-and-file police officers, criminal defense attorneys, and county sheriffs may be aggregated together analytically, but in practice, they hold quite different views of criminal justice policy. Police labor unions, such as the Fraternal Order of Police, are likely to view policy very differently than organizations representing the upper management of law enforcement, such as the National Sheriff's Association or the International Association of Chiefs of Police. Moreover, police labor unions will view things differently than groups representing criminal justice professions, such as the International Association of Crime Analysts and American Polygraph Association. The difficulty in disaggregating the interests of these seemingly similar groups is that there are simply fewer organized groups as one moves from the national to state and local level of government. Though law enforcement labor unions are likely to operate in most municipalities in some fashion, highly specialized criminal justice professional associations are more likely to be based at the national level, leaving large gaps at the local level. This is an aspect of interest group politics that is not unique to criminal justice policy, but remains an important one to consider when bridging the gap between a conceptual understanding of variation in criminal justice interest group politics and empirical measurement.

Not all focusing events lead to a policy change, but when they do, a period of policy implementation and enactment takes over (see Time Period 3 in Figure 1). It is during this time period when the mundane details of the policy must be decided. Everything from funding to staffing to intergovernmental relations, the period of implementation lends itself to an insider's game of bureaucratic expertise. This works to the advantage of groups associated with the old status quo and to the disadvantage of advocates of the policy change, especially newcomers. Those new groups which grew in influence because of the focusing event are likely to lose power as their unconventional protest tactics are now less effective and their lack of expertise on how to implement policy begins to show. Consequently, during implementation, the policy may be pulled back in the direction of the old status quo, leaving the new groups marginalized.

Overall, we understand that the competition among criminal justice interest groups takes place as state policy makers remain attuned to changing public perceptions of crime, sometimes associated with dramatic crime-related focusing events. These factors relate to maintaining or changing the criminal justice policy status quo, holding constant other factors, such as the state partisan makeup and characteristics of the criminal justice government bureaucracy.

**Body Worn Camera Policies**
Given the importance of better understanding criminal justice interest group politics and

police violence, the state adoption of Body Worn Cameras (BWC) policies offers an intriguing case to apply our conceptualization. BWC for police take video recordings of police encounters with the public via a camera mounted on the police officers' uniform (Wright 2017). The technology arguably increases the transparency, public accountability, and social equity of policing by guaranteeing a visual and audio record of police work. In order for the technology to provide this type of public accountability, policies must be enacted to designate when and how the technology will be used. Without policy guidance on when to turn on the video camera, who has access to the recordings, and how the recordings will be stored, the technology would be rendered largely meaningless as a tool of public accountability and pose risks for the public as well as law enforcement.

Following several tragic cases of police violence, some publicized via cell phone recordings, many state policy makers across the country considered whether to adopt body-worn camera policies. Though some of these cases drew intensive national attention, individual states and localities each had different recent histories of police violence and community response. For instance, Williamson et al. (2018) show that the rate of police violence committed against African Americans from 2014-2015 was associated with more community protests at the local level, many linked with the Black Lives Matter (BLM) movement. Estimates suggest that there were over 2,600 protests connected with the BLM movement during this time period. In the wake of violence and protest, focusing events are likely to shape how the public and media perceive criminal justice problems and entertain BWC policy change (Smykla et al. 2016; Culhane et al. 2016).

Nevertheless, while there was wide public agreement—90% of the public supported body worn cameras for police, including 87% of Republicans and 91% of Democrats—the open window for change did not mean consensus on what to be done, including whether adopting a BWC policy was a sound solution (Moore 2015). In deciding whether to adopt, we argue that a competition between stakeholders backing the status quo of non-adoption face off against those backing change and policy adoption.

Anecdotes and early research show that some police officers and police unions opposed the BWC policy change (Fallik et al. 2018; Huff et al. 2018). In El Paso, TX, the head of the Municipal Officers Association said to the media, "We have some administrative concerns over their usage — like when are they going to be turned on? When are they going to be turned off?...I do not want my officers recorded 24/7" (Perez 2017). In Chicago, the police union filed a complaint with the state that they had not been properly consulted prior to the adoption of the city's body-worn camera policy (Garcia 2017). Conversely, civil rights groups largely supported the policy change. For example, in Boston, MA, a set of groups, including the NAACP and ACLU, proposed a model BWC policy that would address the technology and privacy concerns (Enwemeka 2017).

Once legislators resolve the battle between opposing sides of the BWC policy, the state either adopts or fails to adopt a new policy. For those states that adopt, the work is not done, nor is the influence of competing interest groups. In the implementation (or enactment) phase of policy adoption, the details of how the new BWC policy will be enacted have to be figured out, including questions of funding for equipment, privacy concerns for citizens and police officers, storage of footage, and use of footage in criminal proceedings. Interest groups that supported adoption—the winners—will then try to ensure these details of the policy meet the promise of adoption. Interest groups that lost the battle to block adoption—the losers—will fight to shape the details of the policy, pushing for details that soften the policy during implementation. In both cases, external stakeholders believe that comprehensive planning

with enough input from a variety of interests matters (Todak et al. 2018).

**Method and Data**
First, we examine the process of policy adoption with a multi-variate statistical analysis; then, we analyze the process of policy implementation with a descriptive analysis of task force membership. Starting in 2015, 21 states adopted some type of BWC policy (we exclude the District of Columbia because too few of our independent variables can be measured for it). Nine more states adopted in 2016, four in 2017, and the remainder (at the time of our data collection) had not adopted. Because of the relatively small span of adoption year, we do not distinguish among adoption in each of these three years; we treat them all the same, coded as "1" for our dependent variable, with the remaining 16 coded as "0". This is a simple measure of BWC policy, but the simplicity allows us to study the general pattern of policy adoption. Our preliminary testing of several sub-measures did not reveal any systematic patterns of adoption, leaving us confident the best approach was the simple dichotomous measure. Nevertheless, future research should explore in greater detail the differences among BWC policies.

Furthermore, we analyze the probability that a state adopts the BWC policy using a cross-sectional logistic model. Since other states may adopt the policy in the future, we conceptualize it as an analysis of which states are early adopters and intend to build on the analysis in the future by including the full set of early and late adopters using a time-series approach, rather than the cross-sectional approach presented here. Summary statistics can be found in the appendix, Table 3.

We include several independent variables that are likely related to the probability of BWC policy adoption. Two variables are pertinent in disentangling law enforcement interest group politics, based on the research of Lowery et al. (2015): 1) a per capita measure of groups representing law enforcement (expected to be negatively related with BWC adoption); and 2) though a direct measure of police union strength is not available, we use a proxy measure of overall state union density (expected to be negatively related because unions typically defend worker privacy (Hodges 2006)). These variables are frequently used measures of state interest group activity but are limited by the collection in 2007 and 2010. In including both variables, our hope is to separate the overall political influence of strong unions in a state from the more specific influence of police-related interest groups.

To capture civil rights-related organizations (for simplicity, we chose to focus on these organizations and not civil liberties organizations, such as the ACLU, or pro-transparency organizations), the task is a bit trickier. Standard counting at the state-level tends to downplay the large number of local organizations that are most relevant for understanding BWC policy adoption. So, in addition to using a state-level measure (similar to the measures of law enforcement interest groups described earlier), we also aggregate local organizations to better portray this policy-making environment. Some of these local organizations are clearly identifiable and have long histories. We counted the number of local chapters of the NAACP for each state and calculated a simple dichotomous measure of whether there were many local chapters (above the mean per capita value) versus relatively few (below the mean per capita value).

We also include an estimate of the new groups formed as a part of the Black Lives Matter movement. Capturing the organizational presence of the movement in each state proved a much more challenging endeavor. We relied on online resources of local organizations called Black Lives Matter, as well as other organizations that have demonstrated solidarity with BLM, such as the Black Alliance for Just Immigration (chapters

in NY, CA, and GA) or Malcolm X Grassroots Movement (chapters in GA, IL, MS, LA, NY, CA, and PA). We combine these counts to create a dichotomous measure indicating whether there was at least one of these new groups advocating for civil rights issues compared to states where there were no new groups (expected to be positively related). Consequently, we have three ways to capture civil rights interest group activity in each state.

To capture the severity of the problem in a state, we use a measure of the disparity between African-American and non-African-American victims of police violence (higher values show African Americans are more frequent victims of police violence compared to other races/ethnicities) and anticipate this will be positively related to policy adoption. Next, we include state political environment with a 2010 measure of the percentage of the state that self identifies as liberal based on public opinion polling, which we expect to be positively related to adoption. We also include a measure of the state government's focus on police (and fire) services with a dichotomous measure of whether the state spends a relatively large amount of money (more than the mean) versus relatively less money (less than the mean). It is worth noting that using this measure involves some tradeoffs. States fund law enforcement in different ways, some with a high centralized approach based largely on state funding and others with a decentralized approach that combines state and local funding. A state in a decentralized funding system may appear to be low on our measure, but may be high because relatively more money comes from localities. For simplicity, we use a single measure, but caution that the measure is somewhat imprecise and serves as a proxy. Finally, we control for the size of the state population, measured in its log form.

Once states adopted a BWC policy, then legislators had to figure out the details of implementation. In some cases, legislators created a new task force with the specific responsibilities of crafting an implementation plan (in other cases states delegate implementation to government alone or details are articulated in the legislation). We identify nine such task forces, over half of the total number of states that adopted the BWC policy, but still not the entirety. For this reason, we examine the implementation of the BWC policy using the task force approach, not implementation of BWC policies, in general. States that opt for other approaches may do so because of pressure from the same interest groups we study, so our findings should be read with that possibility in mind. Nevertheless, who was given a seat on the task force is an indicator of the balance of power during implementation. If the task force is made up primarily of legislators and representatives of law enforcement organizations, it is likely to design a very different implementation plan than one in which representation is balanced between varying interests. We collected information from the legislation in the states that pursued the task force direction, as well as information on the interests represented.

## Analysis

### Policy Adoption

Several interesting findings can be drawn from interpreting the logit model (see Table 1). First, the controls and other variables adhere to expectations. States that are more ideologically liberal are significantly more likely to adopt the BWC policy. Moreover, states that have large government expenditures committed to police are significantly less likely to adopt the BWC policy, possibly evidence of the power of the status quo to resist change.

When it comes to interpreting the role of interest groups, several variables adhere closely to expectations, and several are surprising. The variable for union density is

significant and negative, suggesting states with powerful organized labor, in general, are not likely to adopt. However, the number of police-related interest groups is positively related in a significant fashion to the probability of a state adopting a BWC policy. This finding is different than what we expected.

**Table 1: Logit Model of BWC Policy Adoption with Odds Ratios**

| VARIABLES | Odds Ratio (std. err.) |
|---|---|
| Police Interest Groups Per Capita | 3.39* |
| | (2.18) |
| Union Density | .75** |
| | (0.09) |
| Civil Rights Orgs Per Capita | 1.03 |
| | (3.00) |
| Large NAACP Local Orgs | .22 |
| | (.23) |
| Dichotomous At-Least 1 BLM Org | 22.78** |
| | (34.48) |
| Dichotomous Large State Expenditure Police & Fire | .03** |
| | (.04) |
| Police Killing Racial Disparity | .98 |
| | (0.04) |
| Percent Liberal | 1.19* |
| | (0.11) |
| Log Population | 3.14 |
| | (2.77) |
| Constant | 7.91 |
| | (1.04) |
| Pseudo $R^2$ | .37 |
| Observations | 50 |

Standard errors in parentheses   *** p<0.01, ** p<0.05, * p<0.1

On the other side of this issue, the variable capturing local NAACP presence in the state is negative and not significant, while the variable capturing state civil rights interest groups is positive and not significant. This result suggests that variation in the number of traditional civil rights interest groups is not significantly, or consistently, related to this policy decision. More interestingly, the new interest groups associated with the BLM movement are positively and significantly related to BWC policy adoption. When we calculate marginal effects, we can see these differences more clearly. If we set all the other variables to their mean, when there is at least one BLM organization and relatively few NAACP local chapters, the probability of adopting the BWC policy is .96, compared to a probability of .24 if there are no BLM organizations and a relatively large number of NAACP local chapters.

**Policy Implementation**

While policy adoption is a step in the policy process, policy implementation involves the more detailed work of writing specific rules. In some cases, states legislate the implementation details of the BWC policy into the statute. There is no formalized process at the state-level after adoption to consider, though municipalities may establish a process for local implementation. Leaving those cases aside, we found evidence of nine states using some organizational form of task force (sometimes called a special committee, sub-committee, or panel) to implement a BWC policy adoption decision. We then coded either the legislative language or the actual people on an organizational unit charged with implementation based on whether there were clear representatives for: 1) law enforcement and government; and 2) civil rights, civil liberties, or transparency.

**Table 2: Composition of BWC Policy Task Forces for Select States**

| State | Total Number of Task Force Members | Total Number of Members Representing Police-Government-Prosecutorial Related Interest Groups | Total Number of Members Representing Civil Rights, Civil Liberties, Transparency Related Interest Groups |
|---|---|---|---|
| Arizona | 25 | 0 | 1 |
| Colorado | 17 | 6 | 4 |
| Connecticut | 22 | 3 | 0 |
| Louisiana | 23 | 7 | 3 |
| Maryland | 21 | 1 | 3 |
| Ohio | 13 | 0 | 1 |
| Vermont | 12 | 6 | 0 |
| Virginia (on sub-panel of Secure Commonwealth Panel) | 31 | 10 | 7 |
| Washington | 33 | 8 | 5 |

There are several initial things we notice from the data. First, these task forces range in size from as few as 12 to as many as 33 members. They also range in composition, some made up almost exclusively of non-interest group representatives, like Ohio and Arizona. Most of these task forces have elected officials from various parts of government and sometimes individual citizens involved. In these cases, there are almost no outside stakeholders included, relegating those groups to submitting written recommendations or participating in formal and informal hearings.

More typical is relatively stronger representation for law enforcement. Colorado, Louisiana, Vermont, and Virginia are tilted in favor of these interest groups. For example, in Louisiana, there were representatives of the District Attorney's Association, Louisiana

Sheriff's Association, the Louisiana Association of Chiefs of Police, and the Fraternal Order of Police, plus several other law enforcement-related representatives. On the other side, representatives from the American Civil Liberties Union of Louisiana, the president of the Louisiana Association of Broadcasters, the president of the Louisiana Press Association, and someone from the Louisiana Association of Criminal Defense Lawyers joined the task force.

Only in Maryland was the composition of the task force made up of more civil rights and civil liberties groups, including a representative of the ACLU of Maryland, the president of the NAACP, a representative of the Maryland Crime Victims' Resource Center, and a representative of CASA de Maryland. The only formal interest group representation on the other side was the president of the State Fraternal Order of Police.

We found no evidence of the representation of BLM-related organizations on BWC task forces. This finding is somewhat surprising given the statistical evidence presented earlier about the relationship between their presence in a state and policy adoption. However, given the novelty of most of these organizations, the powerful status quo politics that likely takes over, even when policy change occurs, may have shut the door to newcomers. It may have particularly been the case if BLM-related organizations focused their political strategy on organizing public protests, rather than on conventional legislative lobbying.

**Discussion**

Taken together, these two sets of findings suggest a complicated state political environment for criminal justice policy making with substantial influence of different types of interest groups, much more so than previous literature took into account. The first analysis shows that measures taken by BLM groups—to protest police violence and organize communities to advocate for change—is reflected in the policy process. While many were brand new and lacked the formal status of legacy organizations, like the NAACP, they may have been an even more effective voice for change, a finding consistent with Tormos-Aponte's (2018) research on BLM's successful advocacy for the adoption of local police oversight boards.

Also worthy of consideration, BLM-related groups may not be as strongly opposed by police interest groups as we might expect. The positive relationship between the number of police interest groups and BWC policy change suggests that at least some of these law enforcement groups are open to some form of policy change. It may be the case especially for those non-police union groups which represent some other aspect of the law enforcement community, such as police chiefs or prosecuting attorneys. Overall, these findings suggest the policy process on BWC policy is not as prone to interest group conflict as expected, as police interest groups may have recognized that policy change was inevitable in some states and shifted their focus to influencing the design of the policy and eventual implementation.

These findings suggest that post-adoption politics of implementing BWC policies does not typically reflect organized advocacy for protecting the public interest in civil rights and civil liberties. Instead, the more traditional interests of various dimensions of law enforcement are given the dominant role in shaping the implementation of BWC policies, even after they may have opposed the original policy adoption. In these cases, they may influence BWC policies to protect the rights of police officers, possibly at the cost of the rights of the community. Traditional civil rights groups are also given a seat at the table while newer groups are left out, which may also influence the direction of BWC policy implementation away from what communities called for after brutal cases of police brutality.

Nevertheless, a seat at the table does not always lead to substantive influence on the ultimate output of a task force. When the views of some members of a task force make up a minority view, a final recommendations report may not reflect those views. For example, in

the final report from the state of Washington, the ACLU, a member of the task force, wrote that it "…signed onto a joint minority report noting concerns about the process by which the Task Force arrived at its final report."

Influence over BWC implementation is also not restricted to those groups given a formal role on a task force. In Ohio, for instance, the task force held four community events to gather feedback, created a social media campaign to solicit feedback, and invited written submissions. This type of open policy implementation process appears to involve a wide array of interests, many not officially appointed to a task force.

## Conclusion
Identifying what linkages exist between internal and external interest groups within states is paramount to understanding the comprehensive nature of BWC policy adoption. Furthermore, once a state decides to adopt a BWC policy, what groups are most involved in crafting these policies and disseminating it to the public is important to understand. This study aimed to understand the two-fold process as to what are the characteristic of states that will adopt BWC, and second, what parties and interest groups are most salient in crafting these policies. Our findings fall into two main categories—the role of interest groups in adopting BWC policies and the role of law enforcement in crafting the policies for the state.

The first objective of this article was to identify if interest groups played a significant role in adopting BWC policies in a state. Through the course of the statistical analysis, we found that states that allocate a large percentage of their budget to law enforcement are less likely to adopt BWC policies. In alignment with what we expected, we observed that states with large union density were less likely to adopt. Conversely, we found that increased number of police related interest groups, as well as increased BLM organized chapters, lead to a state being more likely to adopt BWC.

Furthermore, we sought to understand when a state chooses to adopt a BWC policy, who helps craft the policy and in what fashion. In our research, we found that states either wrote the implementation into the statute or created a task force to design the implementation. Interestingly, we found that the composition of most of the task forces were constituted of law enforcement agencies with Maryland representing one of the few states with a more heterogeneous task force.

The data we use in this analysis focus on an early stage of implementation. Nonetheless, the composition of these task forces appears to matter. In Louisiana, for example, though the original task force included several civil rights and liberty groups, those groups were eventually removed. Based on news reports, the Louisiana branch of the ACLU lamented: "It would appear that there are some voices and some perspectives that would be eliminated, particularly those advocates for government transparency." Ironically, the groups' removal occurred because of the differences of opinion that legislators had to change the composition of the task force. A leading legislator involved stated that, "There was a consensus among the legislators that we did not get anything accomplished because of the competing sides." The representation of group interests, at least in Louisiana, seems to matter, so much that a diversity of opinion was viewed as an impediment to progress. Future research conducted after the completion of the task forces should inform the long-term impact of this aspect of policy implementation, interest group influence, and socially-equitable police practices.

When exploring these findings together, it presents several substantive issues surrounding equity, justice, and stakeholder engagement. The profession of policing and,

particularly the policy adoption of BWC, is a burgeoning field in public policy. States that chose to adopt these policing measures are represented on both diametrically opposed ends of the spectrum: the police union and BLM organizations. While this helps decrease the gap between police and activists when it comes to adopting the policies, there is a clear lack of equity surrounding who designs these policies. Without clear and equal representation from all interest groups in crafting BWC policies, legislators will not be able to address long standing systemic injustices that affect these interest groups' constituents. Moreover, if equity is not one of the main priorities of legislators as it relates to BWC policies, then the intended policy outcomes may be short lived and lead to the same vicious cycle of mistrust among all interest groups involved.

## Author Biographies

**Heath Brown** is an Associate Professor of Public Policy, Department of Public Management and at CUNY Graduate Center. He is the author of *Homeschooling the Right: How Conservative Education Activism Erodes the State*.

**James Wright II** is an Assistant Professor in the Askew School of Public Administration and Public Policy at Florida State University. He received his PhD from American University.

## References

Baumgartner, F.R. & Leech, B.L. (2001). Interest niches and policy bandwagons: Patterns of interest group involvement in national politics. *The Journal of Politics* 63(4), 1191-1213.

Baumgartner, F., Linn, S., & Boydstun, A. (2009). the decline of the death penalty: How media framing changed capital punishment in America. In B. F. Schaffner and P.J. Sellers (eds.) *Winning with words: The origins and impact of framing.* New York: Routledge, 159-84

Birkland, T.A. (1997). *After disaster: Agenda setting, public policy, and focusing events.* Washington, DC: Georgetown University Press.

Birkland, T.A. (1998). Focusing events, mobilization, and agenda setting. *Journal of Public Policy* 18(1), 53-74.

Cairney, P. (2019). *Understanding public policy*. Red Globe Press.

Campbell, M. (2011). Politics, prisons, and law enforcement: An examination of the emergence of 'law and order' politics in Texas. *Law & Society Review 45*(3), 631-665.

Chanin, J., & Espinosa, S. (2016). Examining the determinants of police department transparency: The view of police executives. *Criminal Justice Policy Review 27*(5), 498–519. https://doi.org/10.1177/0887403415596039

Chermak, S.M. & Weiss, A. (1997). The effects of the media on federal criminal justice policy. *Criminal Justice Policy Review 8*(4), 323–341. https://doi.org/10.1177 /088740349700800401

Cohen, M., Karol, D., Noel, H., & Zaller, J. (2008). *The party decides: Presidential nominations, before and after reform*. Chicago: University of Chicago Press

Coulter, K. & Meyer, D. S. (2015). High profile rape trials and policy advocacy. *Journal of Public Policy* 35(1), 35-61. doi:http://dx.doi.org.ez.lib.jjay.cuny.edu/10.1017/S0 143814X1400018X

Culhane, S.E. & Schweitzer, K. (2017) Police shootings and body cameras one year post-Ferguson. *Policing and Society* 28(9), 1038-1049.

Culp, R. (2005). The rise and stall of prison privatization: An integration of policy analysis perspectives. *Criminal Justice Policy Review* 16(4), 412-442.

Dabney, D.A., Page, J., & Topalli, V. (2017). American bail and the tinting of criminal justice. *The Howard Journal of Crime and Justice* 56(4), 397-418.

Dagan, D. & Teles, S. (2016). *Prison break: Why conservatives turned against mass incarceration.* New York: Oxford University Press.

Enns, P.K. & Koch, J. (2013). Public opinion in the U.S. states: 1956 to 2010. *State Politics and Policy Quarterly* 13, 349-372.

Enns, P. (2016). *Incarceration nation: How the United States became the most punitive democracy in the world.* New York: Cambridge University Press.

Enwemeka, Z. (2017). Local Civil Rights Groups Release Proposed Policy On Police Body Cameras. WBUR, September 17. https://www.wbur.org/news/2015/09/17/aclu-body-camera-policy-proposal.

Fairchild, E. (1981) Interest groups in the criminal justice process. *Journal of Criminal Justice* 9(2), 181-194. https://doi.org/10.1016/0047-2352(81)90021-0.

Fallik, S.E., Deuchar, R., & Crichlow, V. J. (2018) Body-worn cameras in the post-Ferguson era: An exploration of law enforcement perspectives. *Journal of Police and Criminal Psychology* 1-11. https://doi.org/10.1007/s11896-018-9300-2.

Garcia, E. (2017). Why the Chicago police union is fighting city over body cameras. *WTTW News* (January 8). https://news.wttw.com/2018/01/08/why-chicago-police-union-fighting-city-over-body-cameras

Gingerich, D.W. & Oliveros, V. (2018). Police violence and the underreporting of crime. *Economics & Politics* 30(1), 78-105.

Haider-Markel, D.P. (2006). Acting as fire alarms with law enforcement? Interest groups and bureaucratic activity on hate crime. *American Politics Research* 34(1), 95-130.

Herbst, S. (1998). *Reading public opinion: How political actors view the democratic process.* Chicago: University of Chicago Press.

Hill, M. & Varone, F. (2014). *The public policy process.* New York: Routledge.

Hodges, A. C. (2006). Bargaining for privacy in the unionized workplace. *International Journal of Comparative Labour Law & Industrial Relations* 22, 147-182.

Huff, J., Katz, C., & Webb, V.J. (2018). Understanding police officer resistance to body-worn cameras. *Policing: An International Journal* 41(4), 482-495, https://doi.org/10.1108/PIJPSM-03-2018-0038.

Jorgensen, C. (2018). Badges and bongs: Police officers' attitudes toward drugs. *Sage OPEN* 8(4). doi.org/10.1177/2158244018805357

Karr, A.W. (2016). Police contracting in St. Louis County: Focusing events and changes in image and venue in five case studies. *Dissertations*. 126. https://irl.umsl.edu/dissertation/126.

Kelly, N.J. & Witko, C. (2014). Government ideology and unemployment in the U.S. States. *State Politics & Policy Quarterly* 14(4), 389–413.

Lawrence, D., Peterson, B., & Thompson, P. (2018). Community views of Milwaukee's police body-worn camera program. The Urban Institute: Justice Policy Center.

Lowery, D., Gray, V., & Cluverius, J. (2015). Temporal change in the density of state interest communities 1980 to 2007. *State Politics & Policy Quarterly* 15(2), 263–86.

Moore, P. (2015). Overwhelming support for police body cameras. *YouGov.* https://today.yougov.com/topics/politics/articles-reports/2015/05/07/body-cams.

Morgan, S., Nackerud, L., & Yegidis, B. (1998). Domestic violence gun ban: An analysis of interest-group conflict. *Affilia* 13(4), 474–486. https://doi.org/10.1177/08861 0999801300406.

Petracca, M.P. (2018). *The politics of interests: Interest groups transformed.* New York: Routledge.

Perez, E. (2017). Police union pushes back on body cameras in El Paso, Texas. *El Paso Times* (December 11). http://www.govtech.com/public-safety/Police-Union-Pushes-Back-on-Body-Cameras-in-El-Paso-Texas.html.

Pickett, J.T. (2019). Public opinion and criminal justice policy: Theory and research. *Annual Review of Criminology* 2, 405-428.

Shjarback, J.A. & Young, J.T. (2018). The "tough on crime" competition: A network approach to understanding the social mechanisms leading to federal crime control legislation in the United States from 1973–2014. *American Journal of Criminal Justice* 43(2), 197-221.

Smith, R.A. (1995). Interest group influence in the US Congress. *Legislative Studies Quarterly* 20(1), 89-139.

Smykla, J.O., Crow, M.S., Crichlow, V.J., & Snyder, J. (2016). Police body-worn cameras: Perceptions of law enforcement leadership. *American Journal of Criminal Justice* 41, 424-443. doi: 10.1007/s12103-015-9316-4.

Stolz, B. (2002). The roles of interest groups in US criminal justice policy making: Who, when, and how. *Criminal Justice 2*(1), 51–69. doi: 10.1177/174889580200200 10301.

Stolz, B. (2005). Educating policymakers and setting the criminal justice policymaking agenda: Interest groups and the 'Victims of Trafficking and Violence Act of 2000." *Criminal Justice 5*(4), 407–430. doi: 10.1177/1466802505057718.

Teichman, D. (2005). The market for criminal justice: Federalism, crime control, and jurisdictional competition. *Michigan Law Review* 103(7), 1831-1876.

Todak, N., Gaub, J., & White, M. (2018). The importance of external stakeholders for police body-worn camera diffusion. *Policing: An International Journal* 41(4), 448-464, https://doi.org/10.1108/PIJPSM-08-2017-0091.

Tomos-Aponte, F. (2018). *For whom does democracy work? The political influence of the September 2018 Black Lives Matter Movement 2014-2018.* SPIRE Conference, University of Pennsylvania.

Walker, J. (1990). *Mobilizing interest groups in America: Patrons, professions, and social movements.* Ann Arbor, MI: University of Michigan Press.

Walker, S. (2016). The community voice in policing: Old issues, new evidence. *Criminal Justice Policy Review, 27*(5), 537–552. doi:10.1177/0887403415598556.

White, R., Richards, C. (1992). Police unions and police powers. *Current Issues in Criminal Justice* 4(2), 157-174.

Williamson, V., Trump, K., & Einstein, K. (2018). Black lives matter: Evidence that police-caused deaths predict protest activity. *Perspectives on Politics*, 16(2), 400-415. doi:10.1017/S1537592717004273.

Worrall, J.L. (1999). Focusing event characteristics and issue accompaniment: The case of domestic terrorism. *Criminal Justice Policy Review 10*(3), 319–341. doi: 10.1177/088740349901000301.

Wright II, J. (2017). *Caught on camera: Law enforcement agencies and body worn cameras*. Paper presented at (APPAM) Association for Public Policy Analysis and Management Research Conference, Chicago, IL.