

# PROJECT ReVEAL

## RECORDING VICTIM VIDEO STATEMENTS AS EVIDENCE TO ADVANCE LEGAL OUTCOMES IN FAMILY VIOLENCE CASES

Preliminary Findings Report | August 2017 | Institute of Domestic Violence & Sexual Assault

### ABOUT THE STUDY

#### Design

The Project ReVEAL evaluation used a mixed-methods approach to assess the implementation, process, and outcomes of video recording victim statements and other video evidence in family violence cases.

#### Data Sources

Interviews and focus groups were conducted with ninety-six (n=96) people in three Texas jurisdictions. Four hundred (n=400) members of law enforcement were surveyed in two sites. Outcomes from 6,491 closed family violence cases from one site were analyzed to begin to assess the impact of video evidence on family violence cases.

### PROJECT HISTORY

Recording Victim Video Statements as Evidence to Advance Legal Outcomes in Family Violence Cases (ReVEAL) began in 2016 to understand the role of video-recorded evidence in investigating and adjudicating family violence crimes. The Office of the Governor, Criminal Justice Division granted funding to the Texas Council on Family Violence (TCFV) to distribute handheld video cameras to sixteen Texas jurisdictions for use in family-violence cases. The videos are primarily of victim statements, with supplemental statements and evidence recorded as appropriate for the case. The dissemination of the equipment and implementation of video practices were modeled after two Texas jurisdictions. Early feedback from these sites suggested that video evidence improves evidence collection and case decision-making. TCFV offered trainings, guided by the District Attorney's Offices from the model counties, to provide implementation guidance and technical assistance to camera recipients. During the project's first year, three sites were selected for evaluation. This included one site with an established video practice (Site 1) and two sites newly adopting the practice (Site 2, Site 3). This report presents the preliminary findings from the first year of the study.

### EVALUATION APPROACH

Project ReVEAL established five research questions to guide its investigation. Additional information pertaining to how the research team addressed these questions can be found in the **ReVEAL Methods Report**. Do video-recorded victim statements:

- Q1.** Improve law enforcement investigative capacity in family violence crimes?
- Q2.** Improve prosecutorial case readiness in family violence crimes?
- Q3.** Increase the accountability of family violence offenders?
- Q4.** Improve the victim experience in the criminal justice system?
- Q5.** Reduce the costs of adjudicating family violence cases?<sup>1</sup>

### STRUCTURE OF PRELIMINARY FINDINGS

The findings presented in this report offer early guidance for the use of video victim statements and other video evidence in four key areas: Preliminary Impact, Law Enforcement Use, Prosecutorial Use, and Implementation Guidance. The research team developed these models from qualitative and quantitative data from the first year of the project and with guidance from stakeholders. These findings offer guidance on best practices for use of video evidence in family violence crimes.



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<sup>1</sup> The first phase of this study laid the groundwork for a cost-benefit analysis. Subsequent reports will utilize phase one findings for cost-benefit information.

## What is the overall impact of the video?

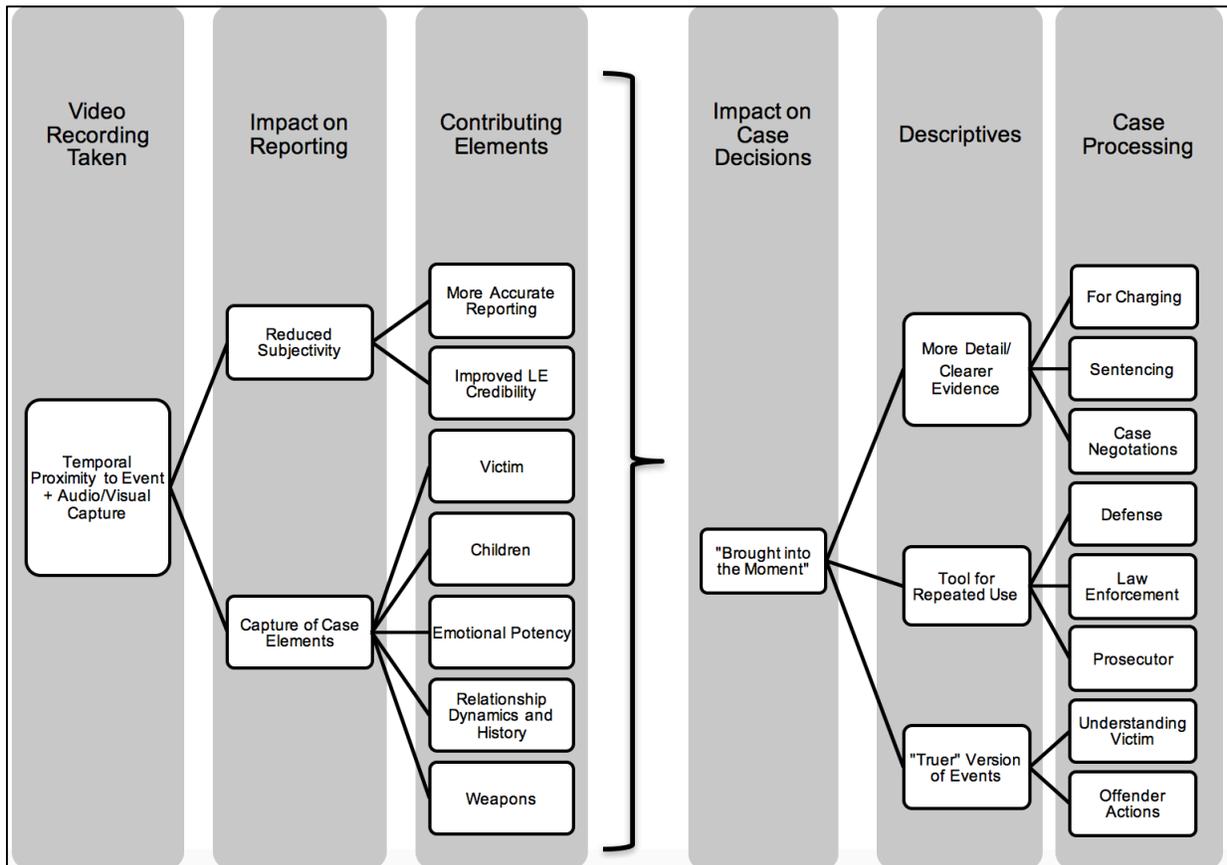


Figure 1. Preliminary Impact Model

### About the Preliminary Impact Model

- Preliminary results suggest video statements provide a useful tool for capturing and communicating the nuances of family violence in the justice system
- Video evidence can improve the quality of documentation of evidence for family violence cases by creating an audio-visual capture of what the officer experienced while on scene.
- The evidence capture immediately after a family violence event suggests that statements taken are authentic, credible, and present the “truer” account of the event. The video also increases law enforcement credibility by providing documentation of their actions.
- Video statements can be used to increase report accuracy. Language and recall barriers are minimized by obtaining an audio-recorded statement. Video statements often provide more detail than written statements.
- The technology also enables officers to convey a wider variety of case elements and evidence, from destroyed property to the emotional state of the victim when the officer arrives at the scene.
- The video affects subsequent case decisions in criminal justice proceedings. Viewers, prosecutors, and support staff, describe being “brought into the moment” of the family violence incident.
- More information is needed about the impact of the video on the victim.

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*“I believe the camera has had a profound effect on family violence cases. It captures the victim in their state of pain, emotion, and fear. Days later, I have known many victims to recant their story and refuse to testify or pursue charges for a myriad of reasons. This video, on the day of the assault, shows the jury a better picture of what the victim was going through when it happened.”*

*– Police Officer*

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## How does law enforcement use the video?

In their dual roles as first responders and investigators, police officers offer a unique perspective on family violence cases. Interviews and focus groups with law enforcement highlighted four areas in which video statements offer utility in family violence investigations, which are highlighted in the Law Enforcement Use Model. Officers described an increased ability to convey complex information, such as the emotional state of the person giving a statement and the role of children that may be present at the scene using the video.

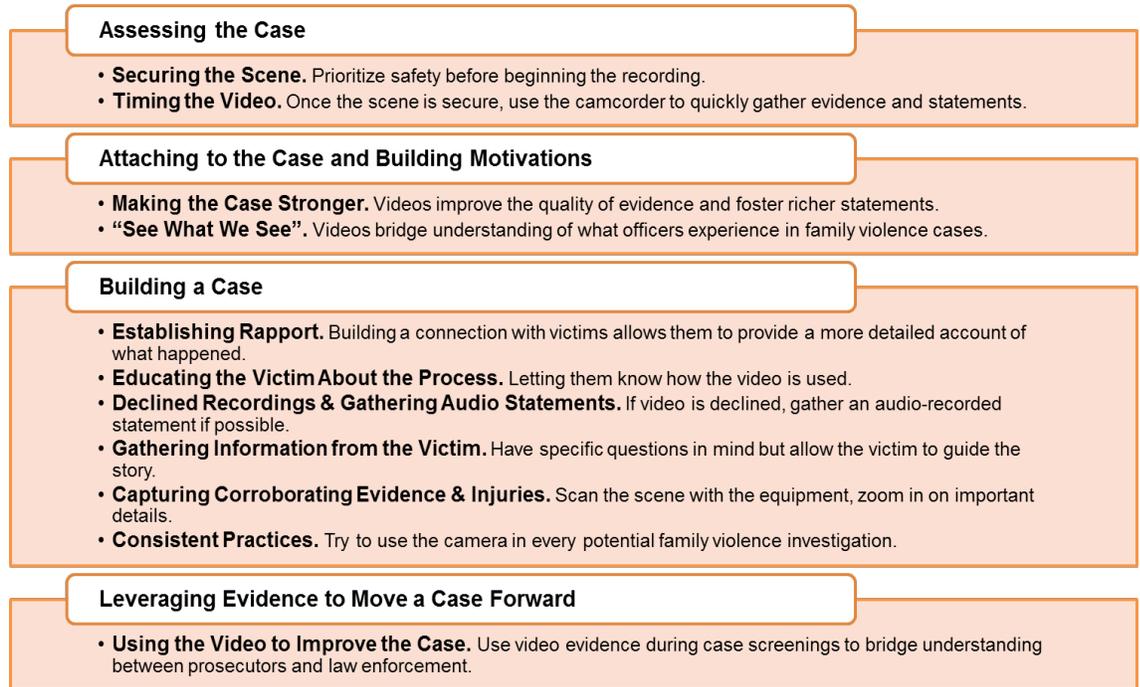


Figure 2. Law Enforcement Use Model

*“She will put like, “He got home, he was drunk, he was mad at me because I didn’t [do something he wanted], so he slapped me.” Period. That’s the voluntary statement. Now, versus a camera, “Ma’am, what happened?” the whole ten minutes... it’s there so, we’re able to see her expression, her tears, the whole story...versus half a page of a voluntary statement.... [Plus,] the officer can always move the camera around, and see the lamp on the floor, the dishes on the floor, a baby crying, scared...All of that we’re able to see; the camera puts everybody there.” – Prosecutor*

The ReVEAL team conducted surveys with 400 members of law enforcement about the use of video victim statements. The findings from this survey highlighted perceptions about the usability of the equipment and its effectiveness in gathering case information in family violence cases.

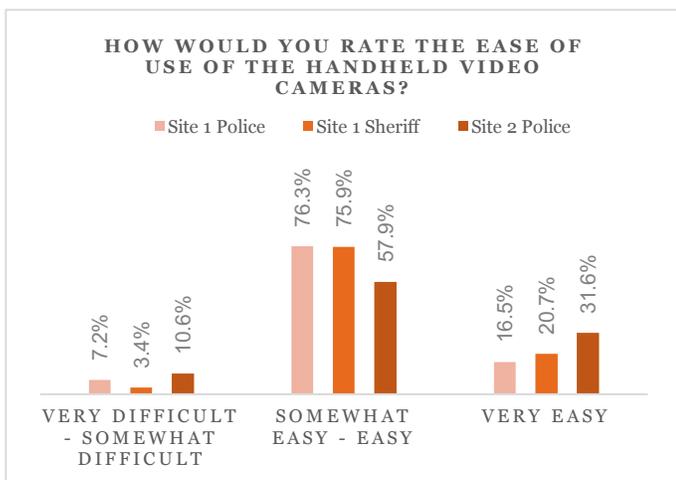


Figure 3. Usability Survey Data

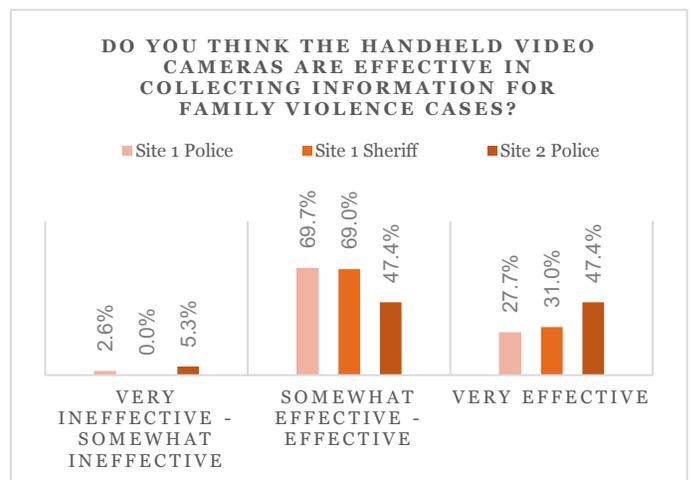


Figure 4. Effectiveness Survey Data

## How do prosecutors use the video?

Prosecutors provided detailed examples of how video evidence contributes to their assessments of a case. The main utility is in pre-trial actions since in most cases video cannot be used in court<sup>2</sup>. The processes of video use that emerged were similar to those used by law enforcement, with different subthemes relevant to their role in the criminal justice system. Prosecutors assess the information provided to them about a case and the best course of action based on case facts. The process and use of video evidence by prosecutors is included in the Prosecutor Use Model.

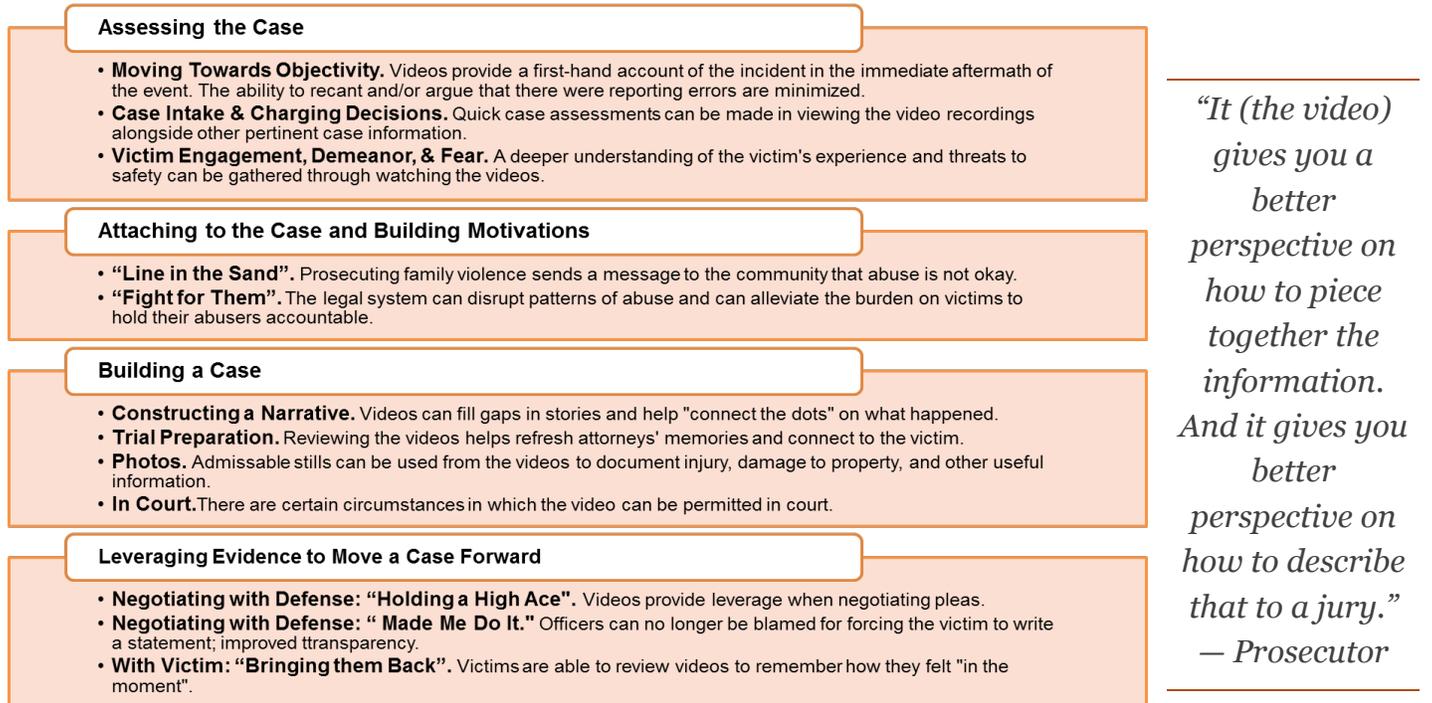
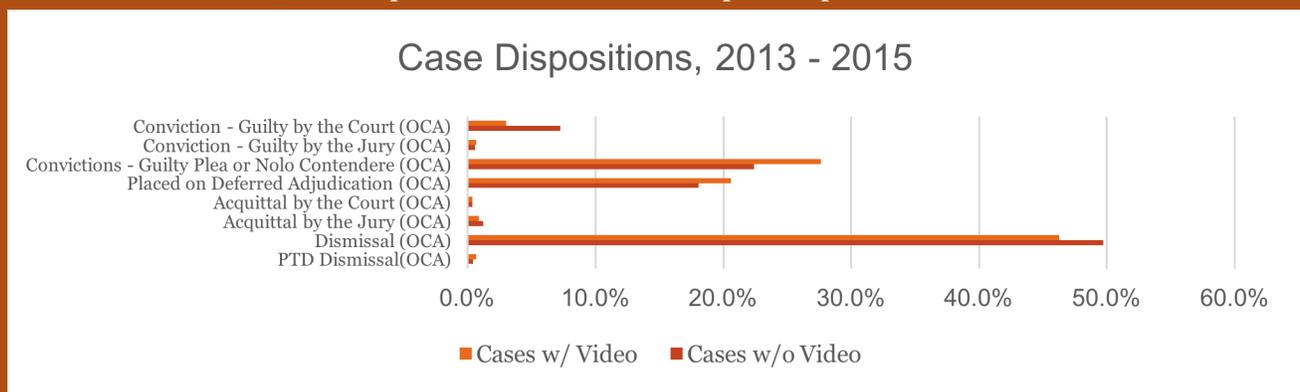


Figure 5. Prosecutor Use Model

## CASE DATA SPOTLIGHT, OFFENDER ACCOUNTABILITY

To understand the impact of video evidence on decision-making and case outcomes, we analyzed 6,491 closed family violence cases from Site 1. This sample reflects cases accepted by their office for prosecution, with available outcome data, and is representative of all cases accepted for prosecution. \*



### Preliminary analysis highlights\*:

- Cases with videos are significantly less likely to be dismissed (46.3% vs 49.7%)
- Cases with videos have a significant increased likelihood of resulting in a plea (27.6% vs 22.4%)

\*Please note that this sample does not reflect: a) Cases not accepted for prosecution, b) Cases still pending in the court system, and c) Cases where outcome data is missing or unavailable due to database errors.

\*Statistically significant at the p.05 level.

<sup>2</sup> Due to the inability to cross-examine the video statement as part of the Crawford v. Washington (2004) and Davis v. Washington Supreme Court (2006) decisions.

## Implementation Guidance

Evidence from the first year of ReVEAL suggests that implementing a video statement-recording program requires thoughtful and intentional planning. Derived from the interview data with criminal justice professionals (n=73), the following recommendations should be considered when planning to use video cameras to investigate and prosecute family violence cases.

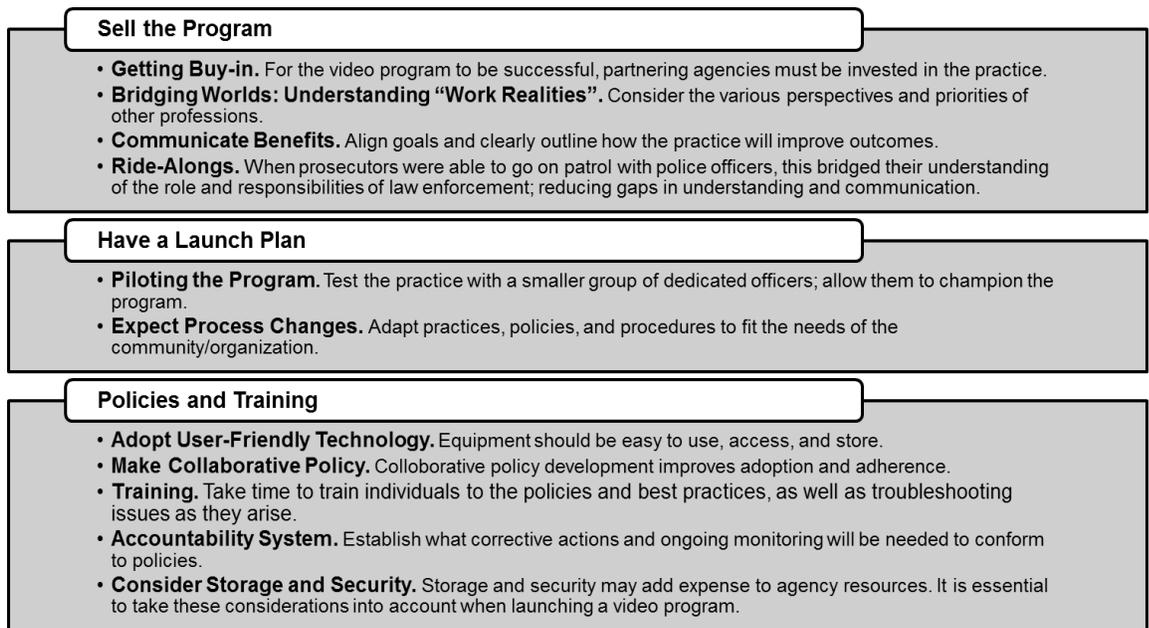


Figure 6. Implementation Guidance Model

## Considerations for Victims and Victim Advocates

Considerations of safety and security are paramount when implementing video statements in family violence cases due to the sensitive nature of filming victims, their homes, and their families. To understand the victim’s experience of being video-recorded, the research team conducted three (3) focus groups with victims of family violence in a community-based resource center. Victims expressed confusion and apprehension about the use of the video and confidentiality options, but also expressed interest in the potential benefits of the video statements. Additional interviews with victim advocates and counselors provided insights on considerations for victims as they navigate in the criminal justice system.

### Early findings suggest professionals should:

- Establish rapport with the victim.
- Explain the purpose of the video and how you would like to help.
- Maximize the victim’s physical safety before requesting a statement. Find a secure area away from the offender.
- Provide education around what the video is used for and who will have access to it.
- Develop materials in accessible language should the victim want to access this information again in the future.
- Seek permission from the victim before recording. Clearly communicate refusal options.
- Communicate all policies regarding video access and when the video might be used during the case.
- Clearly outline safety protocols and security measures for how the video is kept secure.

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*“I personally got scared at first when they started recording me and that same recording would reach the hands of my aggressor. That was my fear, that is, that at any time he could listen to it. And I’m in favor because when you don’t have a way to be able to express through a letter or verbally with the police, the video reflects your feelings physically and they can tell right then and there that you’re afraid, that is, a letter is not going to identify how you really feel but you’re showing your fears through that video.” – Victim of Family Violence*

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## NEXT STEPS

This report represents preliminary findings from the first year. Year one of Project ReVEAL laid the groundwork for understanding how three Texas jurisdictions approach family violence cases and the role of video statements and evidence. IDVSA is committed to examining this multi-faceted issue alongside our community partners. As body-worn cameras become more frequently used across the state, exploring the use of that technology in family violence cases will be paramount.

The next phase of Project ReVEAL will examine:

- Additional sites and communities for a broader understanding and implementation of best practices.
- Exploration into the cultural considerations for the video statement practice.
- Further case outcome data and analysis. Due to the length of time required to adjudicate family violence cases the availability of these results were limited in year one.
- Cost-benefit data and recommendations for resource management.
- Deeper understanding of victims' needs and experiences of the video practice.
- Understanding of a collection of innovative practices used alongside the video to enhance family violence cases, as well as example policies and procedures.
- A comparison of body-worn cameras to handheld cameras in the collection of victim statements and other video evidence.

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