



 COMMENTARY RIGHTS & JUSTICE

## Whose Cameras? Our Cameras.

APRIL 24, 2015

In December 2014, President Obama asked Congress for \$263 million to equip the nation's police with body cameras. 25 percent of U.S. police departments already use them, and many more have begun pilot programs or expressed interest in adopting them.

Earlier this month, Keith Summey, the mayor of North Charleston, South Carolina, announced that all the city's patrol officers would be outfitted with body cameras—this after video footage emerged of Officer Michael Slager shooting unarmed Walter Scott in the back as he ran away.

And on Wednesday, South Carolina senator Tim Scott called for hearings in the Senate Judiciary Committee on the use of body cameras. Lindsey Graham, chairman of the Senate Judiciary Subcommittee on Crime and Terrorism said, “It’s a great idea and I appreciate Tim for pushing it forward.”

In a sense, it's no surprise that putting cameras on cops has become the most popular solution to America's police brutality crisis. We already live in a surveillance society, under the power of a government with an extraordinary capacity—and legal authority—to watch our every move. We're used to cameras. And as Ta-Nehisi Coates recently pointed out, “Body cameras are the least divisive and least invasive step toward reforming” the American police system. Talking about body cameras is a lot easier than interrogating racism or asking deeper, more uncomfortable questions about the purpose of law enforcement.

The problem is, however, there's not much evidence that body cameras will make things any better.

## So What's Wrong with Body Cameras?

The oft-made claim that body cameras significantly reduce brutality relies on a single 2012 study conducted in Rialto, California, which demonstrated a 59 percent drop in use of force incidents, and an 87 percent drop in complaints against officers. However, those results have not been reproduced elsewhere. In fact, a three-month investigation conducted by Fusion in December 2014 found “little evidence police body cameras reduced police involved shootings or use of force incidents” in cities that provided data.

The Fusion report found that officers tend to “control the record button,” and that “in many use of force incidents, camera footage doesn't exist, is only partially available, or can't be found.” When footage is available, it tends to coincide with the officer's account of what happened. A Department of Justice investigation of the Albuquerque Police Department similarly found that officers who were required to wear lapel cameras often neglected to use them—and rarely faced consequences for doing so.

There are also very serious privacy concerns about the implementation of body cameras on a wide scale—which would add a new layer of state surveillance to the already heavily-surveilled neighborhoods where policing tends to concentrate. The American Civil Liberties Union supports body cameras, but only if accompanied by a lengthy list of strictly enforced policies to safeguard privacy and prevent officers from evading accountability.

“The problem with body cameras,” says Aidge Patterson, a coordinator at [People’s Justice Community Control and Police Accountability](#) in NYC, “is that I don’t believe in the idea that police can police themselves.” Body cameras will always be compromised as a form of oversight, he suggests, because they depend on the active cooperation of the police.

Instead, Patterson suggests, we should be the ones with the cameras.

## The Right to Watch—and Film

Patterson conducts know-your-rights trainings and organizes New Yorkers to participate in “CopWatch” patrols—groups of residents who roam their neighborhoods filming police encounters. He says cops tend to be on their best behavior when a whole CopWatch patrol walks up.

But that’s not always the case when an individual CopWatcher whips out his or her camera phone. Patterson says lone CopWatchers have often been arrested for filming and charged with obstruction of justice, trespassing, or disorderly conduct. “These charges hardly ever stick,” says Patterson, “but our people still end up spending the night in jail.”

Patterson says that when he’s filming, cops often stick their own cameras in right in his face, to provoke him “They get really aggressive, try to get me to react or push the camera away, so they can arrest me.”

Jay Stanley of the ACLU says that these incidents are not isolated: “There is a widespread, continuing pattern of law enforcement officers ordering people to stop taking photographs or video in public places and harassing, detaining and arresting those who fail to comply.”

The problem, says Stanley, is not the law itself, which is “crystal clear.” Four federal circuit courts and the [Department of Justice](#) have all declared that the right to film police in public is protected under the First Amendment. The problem is cops’ willingness—and apparent license—to ignore the law.

The ACLU has sued police in Philadelphia, Boston, Portland, and elsewhere for violating individuals’ rights to film them in public. The website [Photography Is Not a Crime](#) collects and archives such incidents.

The Department of Justice’s [investigation](#) of the Ferguson, Missouri police department also “found numerous violations of the right to record police activity.” One officer wrestled a camera phone out of the hands of a 16 year-old boy who was recording the officer’s encounter with his mother. And just a few days ago, a U.S. Marshall snatched a woman’s cellphone and [smashed it on the ground](#) for filming a police encounter on a sidewalk in South Gate, California—unfortunately for him, he was caught on camera by another citizen across the street.

## Defend the Watchers

Legislators in Colorado are trying to address this problem with a new bill that would allow people to sue local police departments for \$15,000 in civil damages when an officer interferes with them lawfully filming a police encounter, destroys a recording, or seizes one without consent or warrant.

Denis Maes of the Colorado ACLU—who testified in support of the [bill](#)—says the penalties are intended to prevent police from violating our rights in the first place. “It gets the department to pay attention and train police about what they are and aren’t allowed to do.”

Maes says we need these sorts of bills all over the country. She supports the use of body cameras, but she says, “there’s a lot more trust and confidence in people being able to do it themselves

“I’ve heard a lot of people say, somewhat facetiously but also seriously about the Walter Scott shooting, [if Officer Slager had been wearing a body camera.] how many people really think that it wouldn’t have been turned off?” If Slager was willing to [lie in his report](#) about the incident, and possibly alter the scene to suit his narrative, what would stop him from shutting off a camera?

Body cameras are an imperfect, but politically expedient, measure. If deployed in accordance with the ACLU’s suggested policies, they would be a worthwhile part of a larger reform program to make police accountable to the communities they’re supposed to serve.

But we should think of them as a complement to—and not a replacement of—the absolutely essential role played by civilians with cameras. Reforms at the local, state, and federal level should include stronger protections for cop watchers, and harsher, individualized penalties for police who violate their rights.

Writing in [the \*New York Times\*](#) about why many police officers have come around to the idea of wearing body cameras, Matt Apuzzo and Timothy Williams said, “Cellphone videos taken by bystanders tend to make many police officers uncomfortable because they have no control over the setting and often are not even aware they are being filmed until later.”

Which is to say, cops don’t like it when we record them for precisely the reason it’s so important that we do: because, when we have the cameras, they no longer control the narrative.