

## Connecticut Debate Association

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### King School, Masuk High School and Trumbull High School

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**Resolved: Police should be required to wear body cameras when on duty.**

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#### Should Police Wear Cameras?

The New York Times: Room for Debate, October 22, 2013

##### Introduction

When a federal judge ordered changes to New York City's "stop-and-frisk" tactic earlier this year, she also required that the police department experiment with putting cameras on officers to record street encounters. Police officers have been divided on this approach: some advocate the cameras, while others have qualms. Civil libertarians are also ambivalent.

Should police officers be required to wear cameras that record their interactions with the public? What would be the benefits, and what are the risks?

##### Body Cameras Could Restore Trust in Police

By Neill Franklin, the executive director of Law Enforcement Against Prohibition. He was a narcotics cop and a commander of training during his 34-year career with the Maryland State Police and the Baltimore Police Department.

This urge to have eyes everywhere is not new. In the late 1700s, the philosopher Jeremy Bentham proposed a "panopticon" – a guardhouse in the middle of a circular prison, allowing guards to see all the inmates without being seen themselves. The idea was that, if the prisoners did not know when they were being watched, they would have to behave at all times as if they were, internalizing the gaze of the guard so that eventually, there would be no need for a guard at all.

When we train police officers, we work on a similar notion, telling recruits to conduct themselves as if they're being followed by a video camera 24/7, because we know that they – like most people – behave better when they believe they're being watched. While this is certainly a benefit for the communities in which they operate, it's also a benefit for the police officers themselves.

Cameras are extremely useful in gathering and maintaining a record of evidence, providing a fuller picture of an interaction than a written report or even a patrol car's "dashcam" ever could. For this reason, they're also very good at protecting police from false accusations of misconduct.

Since the advent of the war on drugs, we've seen a tremendous rise in racial profiling, unconstitutional searches and other dubious practices. At the same time, we've seen a tremendous decrease in public trust in law enforcement generally. The two are not unrelated.

The infamous "blue wall of silence" – the tendency of police to defend against any accusations of wrongdoing – has compounded the problem. But by adopting an objective, transparent monitoring system that allows us to defend those unjustly accused and correct or punish those caught abusing their power, we can prove to the public we believe no person should be above the law, particularly those sworn to uphold it. There are few things I can think of that would benefit our police more.

##### Body Cameras for Police Could Be One Smart Step

By Nancy La Vigne, the director of the Justice Policy Center at the Urban Institute.

In over two decades of research on criminal justice technologies, I've observed two truths that transcend all contexts and applications.

The first is that technology's effectiveness rests largely on how it is used.

The second is that, when it comes to privacy and civil liberty issues, technology is a double-edged sword.

For both reasons, police body cameras, required by a federal judge in a ruling on the New York Police Department's use of stop-and-frisk, stand a good chance of creating more problems than they solve.

Drawing on lessons from police use of public surveillance cameras, we know that, under the right conditions, they can have the desired impact on human behavior, reducing crime and aiding in investigations. But cameras are most effective when they are routinely monitored so that they can be used to intervene on crimes in progress.

Similarly, we would expect body cameras on officers to be most effective when officers believed that someone was actually viewing their interactions with the public. Whether routine or random, this review is most effective when conducted by supervisors who hold officers accountable for any evidence of misconduct captured on film. If that doesn't happen, then officers will come to view cameras as an empty threat, much as criminals view crime cameras that are not actively monitored. Far too often, technology is implemented without the planning or resources to ensure this type of monitoring and follow-through.

Further, any time you enhance surveillance, you run the risk of infringing on constitutional rights. Body cameras will capture not just an officer's actions, but also those of the citizens with whom they interact – or even individuals walking by or in the background. Should officers be obligated to inform citizens that their images, words and actions will be recorded? What are citizens' rights to privacy in this context? What are the policies regarding the secure storage and destruction of video footage?

Assuming that these privacy issues can be successfully navigated, body cameras alone are still not enough. They shouldn't preclude the requirement that officers file a report that includes the legal justification for and context surrounding citizen stops, along with the ultimate outcome (like an arrest or a confiscation of weapons or drugs). Officers should be trained to conduct stops legally and respectfully, thereby minimizing the need for cameras altogether.

### **Empower Civilians to Record the Police**

By Andy Sellars, the Corydon B. Dunham First Amendment fellow at the Berkman Center for Internet & Society and a staff attorney with the Digital Media Law Project.

Even assuming that the primary role of police body cameras is, in the words of the A.C.L.U., to allow “public monitoring of the government instead of the other way around,” their deployment is fraught with contradictions.

First of all, citizens should know when their actions are being recorded, potentially for use against them. But police can easily transform the act of notification into one of intimidation, using the power of the badge and camera combined to chill legitimate dissent or exercise of a citizen's right to refuse interrogation and search.

To have these cameras always record is an oppressive condition for officer and citizen alike, but discretionary use of cameras could lead (and has led) police officers to conveniently “forget” to record controversial encounters.

The videos should have a limited life to prevent the creation of vast intelligence databases of citizen activity, but until the data is destroyed, a person should have a right to the government's evidence when addressing unfair or unlawful police treatment.

The database of videos cannot be secret if the program is meant to provide oversight, but transparency at meaningful levels could risk embarrassment of innocent citizens filmed in police encounters.

Legislative choices in wiretapping statutes are no easier. One-party-consent statutes give the police the option to circumvent otherwise rigorous procedural requirements before recording suspects, but the police have previously used all-party-consent statutes to punish citizen recording of police activity.

The A.C.L.U.'s proposed guidelines on use of police body cameras go a long way to balance these competing concerns. But the balance ignores the fact that the risks to civil liberties are inherent in body camera use, while the mechanisms designed to mitigate those harms – automatic triggers for recording, edit-proof videos with auditing logs, and anonymization of civilians being recorded – require significant human and capital resources, and are presently adopted at the police department's sole discretion.

Absent a requirement to adopt these protocols, the better course is to empower civilians to monitor the government themselves. Four federal appellate courts and the Civil Rights Division of the Department of Justice have found a constitutional right to record the police exercising their duties in public, provided the recording process does not obstruct police from conducting lawful action. The asymmetries of power in a police encounter and the chilling effect of surveillance make a camera on the bodies of the police more dangerous than a camera in the hand of a citizen, and if their use is meant to serve a watchdog function, their control is better left to the watchdogs.

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## **Report shows police body-cameras can prevent unacceptable use-of-force**

Science Daily, December 24, 2014, Source: University of Cambridge

As Obama pledges investment in body-worn-camera technology for police officers, researchers say cameras induce 'self-awareness' that can prevent unacceptable uses-of-force seen to have tragic consequences in the US over the past year -- from New York to Ferguson -- but warn that cameras have implications for prosecution and data storage.

Researchers from the University of Cambridge's Institute of Criminology (IoC) have now published the first full scientific study of the landmark crime experiment they conducted on policing with body-worn-cameras in Rialto, California in 2012 -- the results of which have been cited by police departments around the world as justification for

rolling out this technology.

The experiment showed that evidence capture is just one output of body-worn video, and the technology is perhaps most effective at actually preventing escalation during police-public interactions: whether that's abusive behaviour towards police or unnecessary use-of-force by police.

The researchers say the knowledge that events are being recorded creates "self-awareness" in all participants during police interactions. This is the critical component that turns body-worn video into a 'preventative treatment': causing individuals to modify their behaviour in response to an awareness of 'third-party' surveillance by cameras acting as a proxy for legal courts -- as well as courts of public opinion -- should unacceptable behaviour take place.

During the 12-month Rialto experiment, use-of-force by officers wearing cameras fell by 59% and reports against officers dropped by 87% against the previous year's figures.

However, the research team caution that the Rialto experiment is only the first step on a long road of evidence-gathering, and that more needs to be known about the impact of body-worn cameras in policing before departments are "steamrolled" into adopting the technology -- with vital questions remaining about how normalising the provision of digital video as evidence will affect prosecution expectations, as well as the storage technology and policies that will be required for the enormous amount of data captured.

President Obama recently promised to spend \$263m of federal funds on body-worn-video to try and stem the haemorrhaging legitimacy of US police forces among communities across the United States after the killing of several unarmed black men by police caused nationwide anguish, igniting waves of protest.

But some in the US question the merit of camera technology given that the officer responsible for killing Eric Garner -- a 43-year-old black man suffocated during arrest for selling untaxed cigarettes -- was acquitted by a grand jury despite the fact that a bystander filmed the altercation on a mobile phone, with footage showing an illegal 'chokehold' administered on Garner who repeatedly states: "I can't breathe." (A medical examiner ruled the death a homicide).

For the Cambridge researchers, the Rialto results show that body-worn-cameras can mitigate the need for such evidence by preventing excessive use-of-force in the first place. Data from the Rialto experiment shows police officers are deterred from unacceptable uses-of-force -- indeed, from using force in general -- by the awareness that an interaction is being filmed; but this 'deterrence' relies on cognition of surveillance.

While the evidence provided by the video of Garner's death would suggest a heinous miscarriage of justice, say researchers, the filming itself by a bystander would not generate the self-awareness and consequent behaviour modification during the incident as observed during Rialto's institutionalised camera use.

"The 'preventative treatment' of body-worn-video is the combination of the camera plus both the warning and cognition of the fact that the encounter is being filmed. In the tragic case of Eric Garner, police weren't aware of the camera and didn't have to tell the suspect that he, and therefore they, were being filmed," said Dr Barak Ariel, from the Cambridge's IoC, who conducted the crime experiment with Cambridge colleague Dr Alex Sutherland and Rialto police chief Tony Farrar.

"With institutionalised body-worn-camera use, an officer is obliged to issue a warning from the start that an encounter is being filmed, impacting the psyche of all involved by conveying a straightforward, pragmatic message: we are all being watched, videotaped and expected to follow the rules," he said.

"Police subcultures of illegitimate force responses are likely to be affected by the cameras, because misconduct cannot go undetected -- an external set of behavioural norms is being applied and enforced through the cameras. Police-public encounters become more transparent and the curtain of silence that protects misconduct can more easily be unveiled, which makes misconduct less likely." In Rialto, police use-of-force was 2.5 times higher before the cameras were introduced.

The idea behind body-worn-video, in which small high-definition cameras are strapped to a police officers' torso or hat, is that every step of every police-public interaction -- from the mundane to those involving deadly force -- gets recorded to capture the closest approximation of actual events for evidence purposes, with only case-relevant data being stored.

In Rialto, an experimental model was defined in which all police shifts over the course of a year were randomly assigned to be either experimental (with camera) or control (without camera), encompassing over 50,000 hours of police-public interactions.

The dramatic reduction in both use-of-force incidents and complaints against the police during the experiment led to Rialto PD implementing an initial three-year plan for body-worn cameras. When the police force released the results, they were held up by police departments, media and governments in various nations as the rationale for camera technology to be integrated into policing.

Ariel and colleagues are currently replicating the Rialto experiment with over 30 forces across the world, from the West

Yorkshire force and Northern Ireland's PSNI in the UK to forces in the United States and Uruguay, and aim to announce new findings at the IoC's Conference for Evidence-Based Policing in July 2015. Early signs match the Rialto success, showing that body-worn-cameras do appear to have significant positive impact on interactions between officers and civilians.

However, the researchers caution that more research is required, and urge police forces considering implementing body-worn-cameras to contact them for guidance on setting up similar experiments. "Rialto is but one experiment; before this policy is considered more widely, police forces, governments and researchers should invest further time and effort in replicating these findings," said Dr Sutherland.

Body-worn cameras appear to be highly cost-effective: analysis from Rialto showed every dollar spent on the cameras saved about four dollars on complaints litigations, and the technology is becoming ever cheaper. However, the sheer levels of data storage required as the cameras are increasingly adopted has the potential to become crippling.

"The velocity and volume of data accumulating in police departments -- even if only a fraction of recorded events turn into 'downloadable' recordings for evidentiary purposes -- will exponentially grow over time," said Ariel. "User licenses, storage space, 'security costs', maintenance and system upgrades can potentially translate into billions of dollars worldwide."

And, if body-worn cameras become the norm, what might the cost be when video evidence isn't available?

"Historically, courtroom testimonies of response officers have carried tremendous weight, but prevalence of video might lead to reluctance to prosecute when there is no evidence from body-worn-cameras to corroborate the testimony of an officer, or even a victim," said Ariel.

"Body-worn-video has the potential to improve police legitimacy and enhance democracy, not least by calming situations on the front line of policing to prevent the pain and damage caused by unnecessary escalations of volatile situations. But there are substantial effects of body-worn-video that can potentially offset the benefits which future research needs to explore."

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## **Three Myths About Police Body Cams**

Slate: Future Tense, September 2, 2014, By Justin T. Ready and Jacob T.N. Young

Filming interactions between law enforcement and citizens might not stop the next Ferguson from happening.

In the wake of the tragic police shooting of Michael Brown in Ferguson, Missouri, there has been much speculation and debate about what actually transpired. Lots of news commentators seem to believe that the Brown case would be resolved sooner—and there would be less civil unrest—had the officer who shot him been equipped with a body-worn camera. In fact, the Ferguson Police Department has now begun to implement this technology.

Cops wearing cameras is indeed a great idea, for all the reasons you might expect: The cameras have the potential to increase accountability, reduce complaints, and in some situations have a civilizing effect on the way police and citizens interact. It's only a matter of time before police departments adopt them on a wide scale. The question isn't if but when it will happen.

But many assumptions people make about body-worn cameras simply aren't true. We're academics who have studied body cameras for years, and in our work we've identified three pervasive myths about the equipment. If police departments around the country are going to adopt the technology, then both law enforcement and citizens need to know about potential downsides as well.

The first myth is that video evidence is completely objective and free of interpretation. If a picture is worth a thousand words, then a video must be worth at least a million. Or is it? For example, we've been working on a study surveying residents in a large West Coast city about their experiences with police officers during traffic stops. One finding was surprising: When asked whether they observed the officer touch his gun when approaching the car, 50.9 percent of black motorists said yes. In contrast, only 11.5 percent of white motorists observed the officer touch his gun. What's surprising is not the disparity but that police training and policy in this city required all officers to approach vehicles during traffic stops with their hand on their service weapon. Essentially, white motorists may not have been paying as much attention to where the officer was placing his or her hands when approaching the vehicle. What was a subtlety of behavior for whites was not a minor detail for blacks. The police in this city did not wear on-officer video cameras. It is possible that police were more likely to disregard their training with white motorists, but a 2007 study by the Rand Corp. found that when researchers matched stops involving black drivers with similarly situated white drivers (those stopped at the same time, place, etc.), officers were no more likely to disregard their training for white motorists. What do you think—was our finding due to a difference in police behavior or selective awareness of the officer touching his firearm?

The point is that two people observing the same police activity may see different things because each person will focus

her attention on details that are most important to her own self-interest. A video clip from body cams is part of a larger story, some of which is not caught on camera. People interpret what they see on video through the filter of their own experiences. An officer may interpret what he sees on a video differently than a civil rights lawyer or a young person from an urban area. Different viewers may contextualize the event differently in terms of how it is framed in their mind, how they think it was precipitated, and what they think happened in the 30 seconds before the camera started rolling. The technology doesn't provide this context—being human does.

The second myth is that on-officer video cameras will be a silver bullet for improving the way police interact with citizens. While cameras can be helpful in some situations, most police work does not involve serious crime. Research consistently indicates that less than 20 percent of calls to the police are for felony crimes, and police use of force occurs in only 1 percent of police-citizen contacts. The rest involve mediating disputes; assisting people who are injured, mentally ill, and/or in crisis; counseling disorderly youths; and providing referrals to those who need assistance. In short, police do a lot of social work, and cameras can make those kinds of interactions more difficult. In our field research on body cameras, there have been many times when cameras made matters worse for the officer. For example, in one situation an officer was trying to comfort a teenage girl who lived in an abusive home, but he found it difficult to show compassion and respect for her privacy with the camera rolling. Though the cameras are small, they are not always unobtrusive because officers wear them on their head using a wrap-around headpiece. The device can be a physical reminder to crime victims that they are on camera at times when they are most vulnerable and in need of privacy.

The last myth is that because on-officer video evidence is “objective,” it will help reduce civil unrest and controversy. On the contrary, it is possible that on-officer video creates a polarizing effect on some controversies because people with strong convictions about what has transpired during a police shooting may use the “facts” that they see in the video footage to support their expectations about what occurred in the blind spots.

While it is impossible to know what would have happened in Ferguson had the officer been wearing a camera, we do know how this technology affects police work. In our research in Mesa, Arizona, we examined how wearing a camera during police-citizen encounters influenced police behavior. We used a quasi-experimental design in which 50 officers were assigned to wear on-officer video cameras for one year and the other 50 officers did not. We found that officers equipped with body-worn cameras conducted significantly fewer stop and frisks and arrests than officers who were not wearing the technology, suggesting that the presence of a camera may have led officers to think more carefully about what constitutes reasonable suspicion in stop-and-frisk situations and probable cause during arrests. Camera officers also wrote a lot more tickets, perhaps because they were concerned about being reprimanded for not issuing citations when the video evidence showed citizens violating an ordinance.

We also found that camera officers were more likely to initiate contact with citizens while comparisons officers were more likely to respond to dispatched calls. At the outset of the study, police commanders were concerned that body-worn cameras might cause officers to focus their time on dispatched calls, instead of proactively interacting with citizens. We found this not to be the case, suggesting that body-worn cameras enable officers to record suspicious activities on the street before initiating contact with a suspect. This may give them more justification and confidence to initiate encounters. In short, police are actually more proactive when wearing cameras, without increasing their use of invasive strategies that threatened the legitimacy of the organization, such as unjustified stop and frisks and misdemeanor arrests.

Monitoring police behavior and demonstrating accountability are in the public's interest as well as police departments'. But accomplishing this goal will require great attention to conveying recorded information honestly, as conflicting interests may come into play regarding how the content of officer recordings are conveyed to the public.

Justin T. Ready is an assistant professor of criminology at Arizona State University. His research focuses on the impact of police technology on crime control.

Jacob T.N. Young is an assistant professor of criminology at Arizona State University. His research examines the diffusion of information in networks.

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## **Tape Everything**

Slate: Politics, August 15, 2014, By Reihan Salam

Police officers—and all public servants—should be required to videotape their interactions with citizens. It's good for us, and them.

If you've ever had the distinct displeasure of calling a customer service hotline, you've probably heard a soothing voice tell you that “this call may be monitored for quality assurance purposes.” It can be comforting to know that there is, in theory, at least, someone out there monitoring customer service representatives who make life more difficult rather than

less. Customer service representatives dealing with abusive customers can take comfort in this kind of monitoring too, as it can shield them from false accusations of bad behavior. By reviewing recordings of calls gone wrong and calls gone right, meanwhile, trainees can learn from the sometimes trying experiences of others. What's not to like?

Thankfully, the stakes of customer service interactions tend to be pretty low. You might think that getting a small instead of an extra-small in the mail is a bona fide calamity, but no one else does. The same can't be said about interactions between armed police officers and civilians, which can be a matter of life and death. The turmoil in Ferguson, Missouri, vividly reminds us that while most of these interactions go smoothly, far too many of them spiral out of control. We know little about the exact circumstances surrounding the shooting death of 18-year-old Michael Brown. But had the police officer who shot and killed Brown been obligated to wear a video recording device, there is at least some reason to believe that Brown would still be alive.

Over the past few years, the idea of requiring that police officers make use of so-called "body cams" has gained currency. Note that this is quite different from simply allowing civilians to record on-duty police officers, a right that shouldn't even be in dispute. Instead of waiting for a world in which every civilian records every encounter with the police, at least some students of law enforcement have argued that police forces themselves should move in this direction. Last fall, Guardian correspondent Rory Carroll reported on the small southern California city of Rialto, where the local police department has affixed small body cams to all of its officers. The results were dramatic. Carroll cites a jaw-dropping study, which found that in the year following the introduction of the body cams in February 2012, public complaints fell by 88 percent while officers' use of force fell by 60 percent.

The success of the Rialto experiment makes intuitive sense. When we know that we are being observed, it affects our behavior in all kinds of ways. We become more aware of how others might judge our behavior, so we feel a not-so-subtle pressure to act in socially acceptable, rule-following ways. Moreover, the existence of a video recording allows police officers to revisit exactly how they performed in high-pressure situations. Our capacity to remember past events is notoriously faulty. There is a universal human tendency to fixate on some things while neglecting others. Video recordings can help correct for these deficiencies. In instances where something does go wrong—due to malice on the part of the police, a civilian, or something else entirely—the video provides a record that can help investigators sort out how things really came unstuck. In politically sensitive cases, in which all sides fear getting railroaded, a black box of this kind would be a godsend.

If police officers wore video recording devices, there is at least some reason to believe that Michael Brown would still be alive.

Granted, Rialto is not a major metropolis, and some will no doubt dismiss the success of its body cam initiative as a fluke, or one not easily repeatable in a big, bustling city. Even Bill de Blasio, the New York City mayor who came to office on the strength of his opposition to heavy-handed stop-and-frisk policing, has hesitated to require that NYPD officers wear body cams, insisting that "it's not something that has been perfected yet." The American Civil Liberties Union, however, has endorsed the idea, giving it much-needed liberal street cred. And now the Michael Brown shooting has led a cavalcade of commentators, mostly but not exclusively on the left, to speak out in favor of the idea. Given time, it's easy to imagine body cams becoming standard-issue for police officers in the near future.

But why stop at video recording the police? While I will happily concede that video recording is particularly important for the police, in light of their ability to use deadly force, there are many public servants who have considerable power over others and who are shielded from scrutiny in the absence of video recording.

Public school teachers and administrators are the most obvious example. In March, the Justice Department issued an alarming report on racial disparities in school discipline policies. For example, while black children represent only 18 percent of all children attending preschool, 42 percent of all preschool students suspended once are black, as are 48 percent of children suspended more than once. Video recordings could surface whether teachers are systematically biased against black students, if they are disciplining students in an entirely race-neutral way, or if the truth lies somewhere in between. Investigators could identify patterns that could help inform how teachers are trained to manage their classrooms.

What's more, video recording could allow teachers to evaluate their own progress, and to share their experiences with other teachers who can help them think through how to improve their performances. Teachers unions and their allies, however, are not keen on the idea of video recording. In light of the collapsing cost of collecting this data, it's hard to understand why they'd be opposed to it, particularly if the recordings are used primarily for professional development. If anything, video recording could help teachers beat back shrill accusations of incompetence and top-down, one-size-fits-all schemes for measuring effectiveness. Many teachers have, for good reason, resisted the concept of value-added assessments that rely heavily on standardized tests, preferring instead classroom evaluations that involve occasional visits from outside observers. Video recording every class session would give observers far more data to work with, thus giving them a fairer and more complete picture of how well a given teacher is doing day in and day out—not just a

brief snapshot drawn from an hour or two.

Some readers will surely be offended by the idea of video recording cops and teachers. You might even invoke the specter of mass surveillance or the spread of CCTV cameras, or some other outrage. I see things differently. Privacy is a wonderful thing, but on-duty police officers and teachers in classrooms are not in fact private citizens living their lives as they choose. They are public servants charged with, well, serving the public. Video recording is nothing more and nothing less than a tool for accountability. Those who use their power responsibly and who make a good-faith effort to do their jobs well have much to gain from video recording. Those who abuse their power and who otherwise cut corners will either have to shape up or answer for their actions. If you come across an argument against video recording that doesn't sound like an attempt to avoid accountability, fill me in.

Reihan Salam is a columnist for Slate.

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## **Body Cameras Worn by Police Officers Are No 'Safeguard of Truth'**

The New York Times, By VIVIAN YEE and KIRK JOHNSONDEC. 6, 2014

Michael Brown's family, on the night of the Ferguson grand jury decision, called for all police in the United States to wear body cameras.

Mayor Bill de Blasio, in announcing that some of New York's police officers would begin wearing them, said "body cameras are one of the ways to create a real sense of transparency and accountability."

And on Monday, President Obama said he would request \$75 million in federal funds to distribute 50,000 body cameras to police departments nationwide, saying they would improve police relations with the public.

But even as departments have started adopting the technology, questions remain about how much it can actually prevent violent encounters with citizens or clarify the boundaries of appropriate police response.

No consensus has emerged about when officers should turn on their cameras, which could leave departments open to accusations of selective recording. And tapes do not always lead to universally shared conclusions. The footage of Eric Garner's death this year on Staten Island and of Rodney G. King's beating by Los Angeles officers in 1991 ultimately revealed the shortcomings of video as evidence, even as they thrust violence against unarmed black men into the public eye.

So while video offers the illusion of absolute truth, police officials and legal experts say, it can just as often turn into a Rorschach test.

"We shouldn't just think of video as the safeguard of truth — 'Now we have incontrovertible evidence of the truth of what happened,' " said Mary D. Fan, a criminal law professor at the University of Washington School of Law and a former federal prosecutor. "It isn't necessarily the magic bullet, that now we know the truth and that we'll all agree, we'll see the same thing and agree on the same thing."

Body cameras have already played a role in a few police disciplinary cases. In Phoenix, for example, an officer was fired after his camera captured him in repeated instances of profanity, verbal abuse and threats against civilians.

In other cases it was the absence of video that got the officer in trouble. An officer in Daytona Beach, Fla., was forced to resign after he was caught turning off his camera at critical moments. An Albuquerque officer who shot and killed a woman in April — and whose camera was off at the time — was fired on Monday after being investigated for not complying with department orders that required officers to record all interactions with civilians.

But even when video does exist, it is often not decisive. In the case of Mr. Garner, the Staten Island man who died in July after a police officer put him in a chokehold, a video of the encounter taken with a bystander's cellphone and viewed millions of times was enough to stir visceral outrage — but not to secure an indictment.

"I don't know what video they were looking at," said Gwen Carr, Mr. Garner's mother, referring to the grand jury that cleared the officer, on Wednesday. "Evidently it wasn't the same one that the rest of the world was looking at."

Many of those who poured out to demonstrate after the Garner decision thought, as Greg Jackson, 25, a law student from Oakland, Calif., did, that the video would make an indictment "a slam dunk."

But slam dunks are rare.

In the beating of Mr. King, the Los Angeles officers involved were acquitted despite a video, shot by a nearby resident, showing them repeatedly kicking and hitting him with batons. In the case that inspired the film "Fruitvale Station," the transit officer who fatally shot Oscar Grant III in Oakland, Calif., in 2009 was found guilty of involuntary manslaughter, a lesser verdict than many protesters had called for after cellphone video of Mr. Grant's death circulated online.

For one thing, jurors are often sympathetic to police arguments. The officers charged with beating Mr. King after a car chase argued that he was uncooperative and making movements they deemed potentially threatening. (Two of the four

acquitted officers were later convicted in federal court of violating Mr. King's civil rights.)

And police have some latitude to use force when making an arrest. Daniel Pantaleo, the officer who applied the chokehold to Eric Garner, narrated three videos taken of the encounter while testifying before the grand jury, saying he intended only to wrestle Mr. Garner to the ground.

Confronted with a video, the police usually "have a version that seeks to explain what you see, not necessarily to contradict what you see, but to explain it," said John Burris, an Oakland-based civil rights lawyer who worked on the King and Grant cases.

The potential for officers to tailor their testimony to video evidence highlights an ongoing debate over the extent to which police should have control of or access to the videos taken by their body cameras.

The majority of police chiefs surveyed last year by the Police Executive Research Forum, a nonprofit police research and policy organization, said they supported allowing officers to review videos before making statements. In New York, Police Commissioner William J. Bratton said officers will have the same opportunity.

Rules about when officers should activate their cameras vary. Some departments have no written policy, according to the Police Executive Research Forum's report. A common approach requires recording when responding to 911 calls and any situation that might involve criminal enforcement. Officers have the discretion to turn their cameras off under most policies, the report said, but must explain their decision in writing or on camera.

The concern is that "they'll be selective, that there will be Watergate gaps in the record," said Donna Lieberman, executive director of the New York Civil Liberties Union. "There have to be mechanisms to ensure against that."

The New York Police Department has yet to finalize its policy, though officials said the current draft calls for officers to record in seven instances, which include arrests and any use of force. Interior patrols in housing projects were added to the list after an officer shot and killed an unarmed black man in a housing project stairwell in Brooklyn last month.

When it comes to enforcing the policies, "the implications for legitimacy are going to be pretty profound," said Michael White, the author of a Department of Justice study on police body cameras. "If you have a police encounter that results in a citizen's death, and it was supposed to be recorded and it wasn't, you can imagine what the citizens' reaction would be."

Cities are moving forward with camera programs even in the absence of much evidence of their benefits: Only three studies have been conducted on them in the United States, Mr. White said, though they have been promising.

In Rialto, Calif.; Mesa, Ariz.; and Phoenix, the use of force and civilian complaints against officers when they wore cameras decreased. But Mr. White cautioned: "We have no idea what the dynamics are that are leading to those reductions."

In the Garner case, Officer Pantaleo's lawyer, Stuart London, said his client believed he was in the right, so it did not bother him that he was being filmed.

"I expect everything to be filmed," he said the officer told the grand jury.

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## **Why Police Body Cameras Won't Work**

The Hartford Courant, By JUSTIN HANSFORD, DECEMBER 5, 2014, 5:07 PM

The failure to indict the New York City police officer whose chokehold killed Eric Garner — captured on video — proves just how ineffective body cameras would be in curbing epidemic police violence and racial profiling.

The officers who forcibly pushed Garner's body into the ground knew a witness was recording the incident. And yet the police were undeterred. They continued using the banned chokehold on Garner as he repeatedly said, "I can't breathe!"

It's not the first time this has happened. In September, an Ohio grand jury failed to indict the police officers who killed John Crawford in a Walmart, where he had picked up an air rifle from the shelf. And earlier this year, a man in Oklahoma stopped breathing in a movie theater parking lot after several police officers forced him to the ground when he refused to hand over his ID. His wife filmed the fatal incident on her cellphone, but the district attorney said the officers' actions were justified.

Officers are rarely charged in these kinds of incidents, whether there's video evidence or not. During the seven years ending in 2011, just 41 police officers were charged with murder or manslaughter after shootings, according to FBI statistics compiled by The Wall Street Journal. Meanwhile, more than 2,700 homicides by law enforcement were deemed justified. Few entities are given so much authority with so little accountability.

Ultimately, body cameras could do more harm than good to the cause of protecting citizens from police violence.

Pinned to officers' chests, these cameras face outward capturing the behavior of citizens, but not of the police. Their footage provides a one-sided view of the interaction, allowing outsiders to scrutinize the citizens' every move, but

leaving them blind to the police officers' behavior.

For instance, while protesting in Ferguson, I witnessed police pointing guns at nonviolent citizens. Media cameras and citizens' cellphones captured some of that behavior, as well. But body cameras do much more to capture evidence against citizens than to protect them.

Lax laws prevent us from holding police accountable, not a lack of evidence. But the presence of police body cameras will simply lull the country into believing that we can solve the problems of racial profiling and police violence without holding police accountable for their actions. State excessive force laws make criminal conviction of police officers for murder almost impossible; a police officer has nothing to lose by killing unarmed black men. Even in civil suits, officers are never personally financially responsible for paying for damages; state and local governments cover it for them. This is the textbook definition of impunity.

In addition to their ineffectiveness, the information captured by body cameras raises serious questions about citizen privacy. The Fourth Amendment prohibits unreasonable search and seizure, and many jurisdictions prohibit recording of a person without his or her consent if the surveillance takes place in an area of expected privacy. The big brother state stands in direct contradiction to the freedom from unreasonable searches that the Fourth Amendment guarantees us.

President Obama isn't alone in his misguided approach. Across the country, local police departments are considering the use of body cameras and perpetuating the view that this will end police brutality. But if this country wants to get serious about this problem, we should do what government always does when it wants to alter behavior on a systematic level: Impose financial penalties.

For example, a proposal that has gained traction locally is the creation of mandatory personal liability insurance for police officers. Even if cities decide to pay the base premiums for police, the increased premiums for officers prone to violence and brutality would provide a measure of accountability. That's a start on the police violence side.

In the absence of accountability, financial or criminal, we can expect no changes in police behavior. The roots of the problem are too deep. For real change to happen, it has to cost them something.

Justin Hansford is a human rights activist and law professor at St. Louis University School of Law. He is a graduate of Howard University and Georgetown University Law Center. He wrote this for The Washington Post.

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## **In California, a Champion for Police Cameras**

The New York Times, August 21, 2013, By IAN LOVETT

RIALTO, Calif. — “Get on the ground,” Sgt. Chris Hice instructed. The teenage suspects sat on the curb while Sergeant Hice handcuffed them.

“Cross your legs; don’t get up; put your legs back,” he said, before pointing to the tiny camera affixed to his Oakley sunglasses. “You’re being videotaped.”

It is a warning that is transforming many encounters between residents and police in this sunbaked Southern California city: “You’re being videotaped.”

Rialto has become the poster city for this high-tech measure intended to police the police since a federal judge last week applauded its officer camera program in the ruling that declared New York’s stop-and-frisk program unconstitutional. Rialto is one of the few places where the impact of the cameras has been studied systematically.

In the first year after the cameras were introduced here in February 2012, the number of complaints filed against officers fell by 88 percent compared with the previous 12 months. Use of force by officers fell by almost 60 percent over the same period.

And while Mayor Michael R. Bloomberg railed against the federal court, which ordered New York to arm some of its own police officers with cameras, the Rialto Police Department believes it stands as an example of how effective the cameras can be. Starting Sept. 1, all 66 uniformed officers here will be wearing a camera during every shift.

William A. Farrar, the Rialto police chief, believes the cameras may offer more benefits than merely reduced complaints against his force: the department is now trying to determine whether having video evidence in court has also led to more convictions.

But even without additional data, Chief Farrar has invested in cameras for the whole force.

“When you put a camera on a police officer, they tend to behave a little better, follow the rules a little better,” Chief Farrar said. “And if a citizen knows the officer is wearing a camera, chances are the citizen will behave a little better.”

Despite concerns about privacy and cost, more citizens across the country will probably soon find themselves on camera when talking to the police.

Albuquerque, Fort Worth and Oakland have all begun arming officers with tiny video cameras. And demand for the

devices has exploded in recent years, according to Taser International, one of the companies marketing body cameras to law enforcement agencies.

Experts increasingly say that body cameras are likely to become an industry standard over the coming years, just as cameras in patrol cars, which once prompted similar objections about privacy, have become commonplace in recent decades.

William J. Bratton, who has led the police departments in New York and Los Angeles, said that if he were still a police chief, he would want cameras on his officers.

“So much of what goes on in the field is ‘he-said-she-said,’ and the camera offers an objective perspective,” Mr. Bratton said. “Officers not familiar with the technology may see it as something harmful. But the irony is, officers actually tend to benefit. Very often, the officer’s version of events is the accurate version.”

Still, the technology has proved divisive. Police officers and citizens alike have bristled at what they see as the latest incursion of Big Brother. In New York City, the Patrolmen’s Benevolent Association called the equipment “an encumbrance.” Privacy advocates worry that video of police officers searching a suspect’s home could end up on the evening news.

“The body camera issue opens up certainly more questions than it answers,” Raymond W. Kelly, the commissioner of the New York Police Department, said Sunday on “Face the Nation.” “The only place that this has been implemented are cities that are much, much smaller.”

Mr. Bratton acknowledged the difficulties that would be involved with phasing in body cameras in a large police department like New York’s, which employs about 35,000 uniformed officers.

At up to \$900 per camera, the cost of phasing in officer cameras in major cities promises to be immense. While he was police chief in Los Angeles, from 2002 to 2009, Mr. Bratton pushed to have cameras installed in squad cars, after a recommendation from the federal monitor. But it took years, and \$5 million, to outfit less than a fifth of the department’s fleet with cameras.

Nonetheless, police officials from Oakland to Greensboro, N.C., all cited the swift resolution of complaints against officers as one of the primary benefits body cameras had offered. In some cases, citizens have come to the police station to file a complaint and decided not to after they were shown the video of the incident.

In other cases, though less frequently, officials said, accusations of officer misconduct have been corroborated by video from body cameras.

“It’s definitely not cheap,” said Paul Figueroa, an assistant chief with the Oakland Police Department. “But over the long term, just from a liability and management perspective, it’s definitely an investment that’s worth it.”

Thus far, the American Civil Liberties Union of Southern California has not received any complaints about police body cameras. And despite privacy concerns, the organization supports increased use of the technology.

“Cameras hold real promise for making it easier to resolve complaints against police,” said Peter Bibring, a senior lawyer with the A.C.L.U. of Southern California. “They do raise privacy concerns, but ones that can be addressed by strong privacy policies.”

Mr. Bibring said that video should not be stored for prolonged periods, except in cases of alleged misconduct, and at least some video, like searches of private homes, should not be made available to the public.

Thus far, though, almost every department has handled officer cameras differently. With about 450 cameras for 620 officers, the Oakland Police Department is one of the largest agencies using them; it stores video indefinitely.

Next month, the Police Executive Research Forum will host a conference on officer body cameras, with the goal of developing best practices for departments across the country.

Rialto’s experience offers other cities a lot to emulate.

During the yearlong study, half of the city’s patrol officers were randomly assigned to wear body cameras each week, and instructed to turn them on whenever they made contact with a civilian.

Officers used force 25 times, down from 61 over the previous 12 months. And those wearing cameras accounted for 8 of those incidents.

Sergeant Hice said he has come to view the camera as a kind of protection. The video would show the two teenagers running through the field matching the description he was given, he said, and that he did not use excessive force while detaining them.

“It captures what’s really occurring in real time,” he said. If the suspects later “think of a good story, with bits of detail thrown in to enhance a false story,” he added, “we can dispel it.”

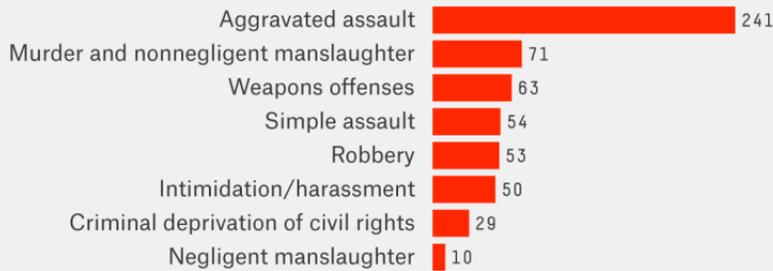
# Allegations Of Police Misconduct Rarely Result In Charges

The New York Times: FiveThirtyEight DataLab, Nov 25 By Reuben Fischer-Baum

A St. Louis County grand jury decided Monday that police officer Darren Wilson will not face trial for shooting and killing unarmed teenager Michael Brown in Ferguson, Missouri. Grand juries usually return indictments; the one

## What Officers Who Use Guns Are Arrested For

Most common charges associated with 664 gun-related officer arrests, 2005-2011

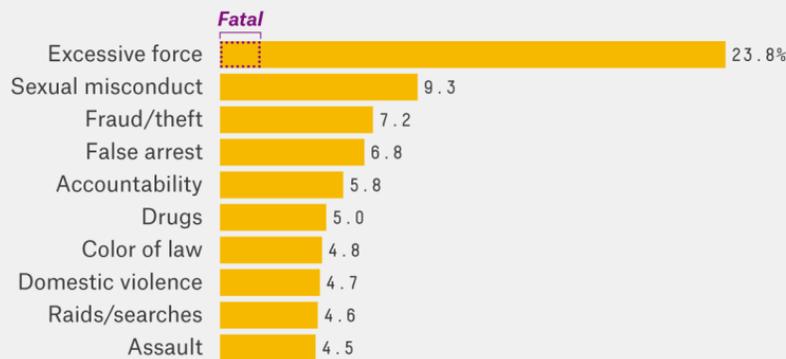


FIVETHIRTYEIGHT

SOURCE: BOWLING GREEN STATE UNIVERSITY

## Police Misconduct Accusations, By Type

Of 6,613 officers accused of misconduct in 2010, percentage accused of each type



FIVETHIRTYEIGHT

SOURCE: NATIONAL POLICE MISCONDUCT REPORTING PROJECT

page points to about 1,000 deaths each year caused by officers acting in the line of duty.

More general numbers on police misconduct come from National Police Misconduct Reporting Project (NPMRP),

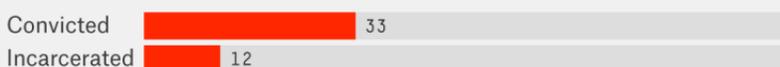
## What Percentage Of Criminal Defendants Are Convicted And Incarcerated?

Felony defendants in the general population (2006) vs. law enforcement officers accused of misconduct (2009-10)

### GENERAL POPULATION



### LAW ENFORCEMENT



FIVETHIRTYEIGHT

SOURCE: BJS, NATIONAL POLICE MISCONDUCT REPORTING PROJECT

exception is cases involving police shootings. But more than that, police shootings, and allegations of police misconduct in general, almost never make it in front of a grand jury. And officers rarely face legal consequences for allegations of misconduct.

As is the case with police shooting statistics, comprehensive numbers on accusations of police misconduct are hard to come by. There is no national reporting requirement for such accusations; in fact, many places have laws to purposefully keep the details of misconduct investigations out of the public eye.

Nevertheless, two nongovernmental sources stand out. A recent study out of Bowling Green State University — reported by The Wall Street Journal — identified 664 incidents from 2005 to 2011 in which police officers were arrested for having “pulled, pointed, held, or fired a gun and/or threatened someone with a gun.” These incidents resulted in 98 deaths. The most common “serious offenses” associated with these incidents are broken down below:

Of the 71 arrests for murder and nonnegligent manslaughter, just 31 came when officers were on duty. That’s about four a year during the study period. As a reminder, the best-available evidence from the Killed By Police Facebook

which collects data based on credible media reports (see its feed here). It was established by researcher David Packman in 2009, and operation of the database was transferred to the Cato Institute in spring 2012. Although the NPMRP continues to collect incidents, the most comprehensive and cataloged data comes from Packman’s original work. His key findings are largely laid out in a 2010 report.

In 2010, Packman identified 4,861 unique reports of police misconduct in the U.S. involving 6,613 officers. Almost 10 out of every 1,000 American

officers were accused of some type of misconduct. For context, the 2010 violent crime rate was four crimes per 1,000 residents, and the larceny-theft rate was 20.1 per 1,000. Here's a breakdown of the accusations by type:

Excessive force was by far the most common type of accusation, and 15 percent involved firearms. There were 127 excessive force incidents reported that resulted in fatalities, and the majority of these (71 percent) were shootings.

But, as was the case with Darren Wilson, most accusations of misconduct — combining all categories — did not result in criminal charges. Of the more than 8,300 misconduct accusations (involving almost 11,000 officers) in Packman's database from April 2009 through the end of 2010, 3,238 resulted in legal action. The chart below outlines how often these charges resulted in convictions and incarcerations, compared with the rates for felony defendants in the general population (in the 75 largest U.S. counties) collected by the Bureau of Justice Statistics in 2006.

These numbers are now irrelevant to Wilson. Outside of the unlikely event that federal charges are pressed, his chance of being convicted and incarcerated for Brown's death is almost zero.

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## **Seattle Police Held a Hackathon to Figure Out How to Redact Body Cam Video**

Slate: Future Tense, December 22, 2014 by Lily Hay-Newman staff writer

Along with police departments in New York City and Los Angeles, Seattle police are preparing to test body cams on officers in the field. In an attempt to find a balance between releasing footage and redacting private details, Seattle police held a hackathon of Friday.

Discussion around whether law enforcement agents should wear body cams has surged in the months since the shooting of Michael Brown. And as funding comes through for pilot programs, it's increasingly important to answer question about how these devices will be implemented.

As GeekWire reports, about 80 people—including developers, community members, and law enforcement agents—attended the Seattle Police hackathon. The goal was to work on techniques for redacting things captured in streamed dashboard or body cam video such as people's faces or license plate numbers. The hackathon was specifically looking to address these topics as they relate to Washington's privacy laws, but the work could be relevant all over the country.

"With 1,612,554 videos already on our servers—and more on the way through our upcoming body cam pilot program—our department is looking for a better, faster way redact those videos and make them accessible as public records," Seattle police said in an announcement about the event. "SPD is working to release more video than ever before, while striking the right balance between transparency and privacy. ... We're looking for a few good hackers who can help."

Seven groups presented redaction tools, each with a different balance of automation and human review. The challenge is quickly processing large amounts of footage so the videos can become part of the public record without violating privacy. Many videos need no redaction if they are filmed in public spaces, but some groups, such as minors and people on private property, are afforded protections that must be reflected in the footage. Redaction of faces and facial blurring was a popular topic, with presenters from a group of University of Washington students as well as Simon Winder from the robotics and machine learning company Impressive Machines.

Though programs to test body cams are becoming more ubiquitous, they—like any technology—aren't an inherent good. Their utility depends on how humans use them. Criminologists Justin T. Ready and Jacob T.N. Young of Arizona State University have made this point in Slate pieces about police training and myths related to body cams. They write, "Monitoring police behavior and demonstrating accountability are in the public's interest as well as police departments'. But accomplishing this goal will require great attention to conveying recorded information honestly."

The Seattle hackathon seems to have been a step in that direction. GeekWire wrote, "Mike Wagers, the SPD Chief Operating Officer, was very pleased by the results, saying they exceeded his wildest expectations, although admitting he had no specific expectations from the session."

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