



Stop LAPD Spying Coalition

Body-Worn Cameras: An Empty Reform to Expand the Surveillance State

In 2014, body-worn cameras for police became the subject of public discussion across political and media landscapes following the non-indictments handed down to the officers involved in the killings of Ezell Ford, Michael Brown, Eric Garner, and countless other people of color. With conflicting narratives surrounding many of these high profile cases of unarmed black and brown as well as mentally ill, transient, and homeless individuals being killed at the hands of law enforcement, body-worn cameras have been advocated as one technological remedy toward fostering greater police accountability and transparency by providing what proponents hold is objective documentation of community-police interactions.

However, body-worn cameras should not be perceived as the end-all solution to fostering greater police accountability and oversight and mitigating officers' deadly use of force. Analyzing body-worn cameras through the financial details surrounding them in the context of the Los Angeles Police Department's (LAPD) contract with TASER International raises serious allegations of conflicts of interest as well as concerns stemming from the lack of substantive community input and debate on the deal. Research as to the efficacy of body-worn cameras is also virtually non-existent, which leads the Stop LAPD Spying Coalition to contend that marketing hype and the pursuit of more effective means of surveillance and intelligence gathering, not empirical data, are driving the push toward adoption of body-worn cameras by police departments across the nation. This was facilitated in the case of Los Angeles by its Civilian Police Commission, which functions through legitimating an unwavering pro-law enforcement perspective while other, more critical, community voices are marginalized and framed as outside the boundaries of respectable discourse.

Policy questions surrounding the retention, deletion, redaction, and storage of body camera footage, while key to the discussion, miss the larger context. These questions concerning when, where, and what to record, and whether police should be allowed to review footage prior to issuing a formal report, ignore how recorded evidence from body cameras will be integrated within the existing and expansive architecture of surveillance LAPD already commands as well as the very real threat of data-mining by law enforcement and private companies. Though these are salient issues they have nonetheless been sidelined within the mainstream, official discussion. Finally, several case studies of police killings highlight the racial, legal, institutional and internal police department disciplinary policy barriers and biases that additionally render

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body-worn cameras ineffectual, which proponents of this technology have been notably mute in addressing.

It is the underlying theme of this report that, for the reasons outlined above, body-worn cameras are an empty reform that will only solidify the existing intelligence and surveillance apparatus. As the Coalition has argued previously, reformist attempts toward “an inherently and systemically dehumanizing and brutal policing system” are to be considered not only futile but counteractive as such reforms will be implemented in ways that “reinforce and even enhance repressive police practices.”¹ Body-worn cameras add facial and voice information to the large amount of data already gathered by surveillance technology such as TrapWire,² Stingray,³ Automatic License Plate Readers,⁴ Hi-Definition cameras,⁵ drones and more. Currently, racially discriminatory Suspicious Activity Reports (SARs),⁶ or rather secret files, are opened on people whom law enforcement and the public deem as suspicious individuals. The prevailing modus operandi of surveillance is the watching of communities and not the watching of the structure of law enforcement itself. Through digital footage provided via body cameras and other technology, a dragnet of data aggregation and analysis is collected on everyone’s lived daily experiences. If body-worn cameras were really designed to hold corrupt and reckless police officers accountable for the disturbing increase in racialized killings, an open embrace of this equipment would not be as easily forthcoming from the thin blue line as has been seen of late.

President Obama's Executive Order

The discussion around body-worn cameras has gained momentum following President Barack Obama's decision in early December 2014 to draft an executive order⁷ to Congress over the next several months pledging \$263 million of federal funding to local law enforcement agencies over the next three years, of which \$75 million will go to purchasing an estimated 50,000 body-worn cameras. The remainder of the

¹ “Coalition Statement January 2015,” Stop LAPD Spying Coalition, January 2015, <http://stoplapdspying.org/wp-content/uploads/2015/03/Coalition-Statement-January-2015-1.pdf>.

² Noah Shachtman, “Trapwire: It’s Not the Surveillance, It’s the Sleaze,” *Wired*, August 14, 2012, <http://www.wired.com/2012/08/trapwire-strafor-biz/>.

³ Clarence Walker, “New Hi-Tech Police Surveillance: The “StingRay” Cell Phone Spying Device,” Global Research, November 14, 2014, <http://www.globalresearch.ca/new-hi-tech-police-surveillance-the-stingray-cell-phone-spying-device/5331165>.

⁴ “Automatic License Plate Readers,” Privacy SOS, https://www.privacysos.org/technologies_of_control/ALPR

⁵ Joan Goodchild, “Case study: Surveillance technology for investigations and crowd control,” *CSO Online*, March 12, 2012, <http://www.csoonline.com/article/2131207/investigations-forensics/case-study--surveillance-technology-for-investigations-and-crowd-control.html>.

⁶ Though blacks comprise approximately 10% of Los Angeles' population an audit by the LAPD Office of the Inspector General found that 30% of SARs were filed on this group with 50% targeting black females in particular: “Los Angeles police target minorities in controversial surveillance program,” *PressTV*, January 29, 2015, <http://www.presstv.ir/Video/2015/01/29/395048/Los-Angeles-police-target-minorities-in-controversial-surveillance-program>.

⁷ “FACT SHEET: Strengthening Community Policing,” The White House, December 1, 2014, <https://www.whitehouse.gov/the-press-office/2014/12/01/fact-sheet-strengthening-community-policing>.

funds will be directed toward fostering better community-police relationships through officer training and increased regulatory standardization and oversight of controversial federal-to-municipal equipment transfers. The federal government will provide 50% matching funds to state and local agencies who can seek outside private funding for the remainder if they so choose.⁸ This executive order comes in the wake of a tumultuous year of protests and public debate over the seeming in-culpability of, and unwavering cultural, institutional, emotional, and legal deference to, law enforcement across the nation.

The Urban Areas Security Initiative and the 1033 Program

Tensions between communities of color, especially black communities, and their local police departments escalated throughout the fall of 2014 and have not abated much since. Angry and indignant at the killing of unarmed black teen Michael Brown in Ferguson, MO, and the chokehold death of Eric Garner in Staten Island, NY, protesters encountered a heavily-armed, para-militarized police force equipped with gear obtained primarily through the 2003 Urban Areas Security Initiative (UASI) grants made possible by Department of Homeland Security (DHS) funding, which, in turn, is funneled through the Federal Emergency Management Agency (FEMA). According to *The Guardian*, UASI is directed towards the “unique planning, organization, equipment training and exercise needs of high-threat, high-density urban areas” that are susceptible to terrorism and other calamities.⁹ As a piece in *Harper’s* notes, “funds are allocated based on a formula created by DHS that ranks cities according to their relative risk of a terrorist attack;” however, many cities find “creative ways” to overstate their risk of terrorism as both vendors dealing in security and policing equipment as well as politicians eager to fund pork barrel projects at home have a stake in the billions of federal dollars UASI grants to cities “each year without having [them] make proposals for how it will be spent.”¹⁰

A 2012 senate report found that the initiative has been estimated to have dispensed over “\$7.1bn over the previous nine years” to cities and metro areas including the St. Louis region, which encompasses the town of Ferguson. *The Guardian* notes, “Between 2003 and 2012, the St. Louis area received some \$81m in Urban Areas Security Initiative money,” which begs the question of whether the predominantly poorer, black demographic of this region renders it a terrorism-prone “high-threat, high-density urban area” and worthy

⁸ The announcement of Obama's executive order sent TASER International's stock up several points. On the announcement: Justin Sink, “Obama to provide funding for 50,000 police body cameras,” *The Hill*, December 1, 2014, <http://thehill.com/homenews/administration/225583-obama-to-provide-funding-for-50000-police-body-cameras>.

⁹ Spencer Ackerman, “US police given billions from Homeland Security for 'tactical' equipment,” *The Guardian*, August 20, 2014, <http://www.theguardian.com/world/2014/aug/20/police-billions-homeland-security-military-equipment>.

¹⁰ Petra Bartosiewicz, “Beyond the Broken Window,” *Harpers*, May 2015, <http://harpers.org/archive/2015/05/beyond-the-broken-window/>.

recipient of federal largesse in the form of armaments and other tactical gear.¹¹

The ramifications of UASI can be witnessed by the “Bearcat armored vehicles, sound cannons, and other tactical gear” that Ferguson PD and many other law enforcement agencies now yield and deploy on unarmed demonstrators throughout the nation. Existing law stipulates that “not less than 25%” of the total funds granted by UASI and its counterpart, the State Homeland Security Program (SHSP) that provides federal dollars to states, is required to be used for “law enforcement terrorism prevention activities.” This means that an inordinate amount of UASI and SHSP grant money can be directed toward sanctioned categories “from information technology to personal protective equipment to “animals and plants.” These categories are so broadly defined that *The Guardian* notes they include among the DHS-approved equipment “animal restraint tools, small surveillance drones, ‘explosive entry’ equipment, the sedative Lorazepam, the cyanide antidote (and psychoactive recreational drug) Amyl Nitrite, and blast-resistant garbage cans.”¹²

This illustrates elements of “mission creep” as equipment provided for counterterrorism measures inevitably becomes another means of suppressing constitutionally sanctioned rights due to the reality that threats of terrorism are not a high priority among many communities. It is disconcerting that federal oversight of these programs is so scarce that *The Guardian* quotes one congressional aide, speaking on the condition of anonymity, as describing DHS grant programs as “pretty much a mess”¹³ as far as tracking how the equipment procured is utilized. Among the key findings of a report by United States Senator Tom Coburn, a member of the Senate Homeland Security and Governmental Affairs Committee, is the contention that these counterterrorism programs are “ineffective and are yielding little value, despite significant expenditures” and that much of this spending is used inefficiently “with little evidence of value.”¹⁴

While UASI and the State Homeland Security Program provide grant money to cities and states, another program, one more widely covered in the post-Ferguson press, funnels surplus military gear originally designed for use on the battlefields of Iraq and Afghanistan to local and state law enforcement agencies. Thanks to initiatives like the Department of Defense’s (DOD) Excess Property Program of the National Defense Authorization Act (NDAA) of 1997, more commonly known as the “1033 program,” “office equipment, tents, generators, pick-up trucks and ATVs” as well as “military aircraft, weapons (including grenade launchers), and heavily armored tactical vehicles” has all found its way into state and local law

¹¹ “US police given billions from Homeland Security for ‘tactical’ equipment.”

¹² Ibid.

¹³ Ibid.

¹⁴ U.S. Senate, *A Review of the Department of Homeland Security’s Missions and Performance* (Washington, DC: GPO, 2015), 7-13.

enforcement's hands.¹⁵

Under the 1033 program, equipment is being provided free of charge to some 8,000 local and state agencies for purposes of counter-narcotics and counter-terrorism operations. However, 1033 creates a perverse incentive whereby equipment given to local law enforcement “must be placed into use within one (1) year of receipt, unless the condition of the property renders it unusable, in which case the property can be returned to the nearest [Defense Logistics Agency] Disposition Services Site.”¹⁶ The ramifications of this stipulation are all too clear to protesters in Ferguson, New York City, Los Angeles, and across the nation as neighborhoods resemble battle zones and civilians are treated as an external enemy by law enforcement officials supposedly tasked with serving and protecting these communities.

Thanks to these grant and direct transfer programs, nearly every city with a militarized police force now has the potential of being transformed into one where freedom of speech, open assembly, and nonviolent protest are criminalized and suppressed all in the name of national security and fighting terrorism. Adding body-worn cameras to the equation will only compound matters by facilitating the increased surveillance of such protests by law enforcement and by allowing the constrained field of view these cameras capture¹⁷ to buttress their own legitimating narratives when incidents of community-police violence occur. It is in this climate of fear and suspicion that police killings of civilians have escalated over the last 15-25 years while the overall violent crime rate in the United States continues its decline since the early 1990s and policing is at its safest point in decades in terms of law enforcement officers killed on the job.¹⁸

Body-worn cameras will not stop local and state law enforcement from procuring military-grade weaponry through DHS programs nor will they put a halt to racialized police killings, or “justified

¹⁵ Christopher Ingraham, “The Pentagon gave nearly half a billion dollars of military gear to local law enforcement last year,” *Washington Post*, August 14, 2014, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/14/the-pentagon-gave-nearly-half-a-billion-dollars-of-military-gear-to-local-law-enforcement-last-year/>

¹⁶ On the programs that facilitate military equipment to be transferred and purchased by law enforcement for purposes of “counter-narcotics and counter-terrorism operations” and “enhance[d] officer safety”: “What are the police programs?”, War Resisters, <https://www.warresisters.org/>.

¹⁷ For example, the TASER Axon camera, purported to be a superior body-worn camera by LAPD among others, provides a 130° lens. This still doesn't change the fact that such cameras are pointed at the public and not police. This vantage point cannot capture the full context in which citizen-police encounters occur (e.g. an officer reaching for their gun). “AXON body on-officer video,” TASER, <http://au.taser.com/products/on-officer-video/axon-body-on-officer-video>.

¹⁸ *The Washington Post* notes that “As the number of violent crimes has steadily dropped the ratio of justified homicides to violent crimes has increased” from 1.92 justified homicides for every 10,000 violent in 1991 to 3.35 justified homicides by 2011. Concurrently, detailed FBI data as to the number of law enforcement officers killed on the job has found that such killings have “generally fallen over the past twenty years” with 2013 marking on of the safest years for law enforcement “in decades”: Philip Bump, “How the number of justifiable police homicides has changed since the 1990s,” *Washington Post*, August 15, 2014, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/08/15/how-the-number-of-justified-police-homicides-has-changed-since-the-1990s>.

homicides”¹⁹ as the Federal Bureau of Investigations (FBI) all too often refers to them. This is especially apparent given the existing architecture of surveillance already at the LAPD’s behest and how body cameras seamlessly integrate with and complement this vast panoply of technology. All this is occurring within the context of an era in which state and corporate surveillance expand as they work in tandem with each other, while our civil liberties erode more each day and we become bearers of our own surveillance. Mirroring doublespeak, security becomes conflated with liberty and transparency comes to mean the transparency of a panopticon²⁰: that of state and corporate interests looking into every aspect of our personal lives and criminalizing the most marginalized groups within society as we, the public, are not allowed the same transparency into these interests for reasons often legitimated through the state monologue known as “national security.” As case studies in this report will illustrate, body-worn camera footage is “transparent” and made available to the public only when it seemingly reflects officers behaving in an exemplary manner.²¹ When officers are engaged in uses of excessive force that, when captured by bystanders with their cell phones or through other surveillance means, reflect especially poorly on their discretion and training, such “transparency” has to be unremittingly fought tooth and nail.²²

Body Cameras and LAPD’s Architecture of Surveillance

The urgency to implement police body cameras does not arise out of a vacuum in policing tactics. Rather, it flows logically from an even larger trajectory of state surveillance policies and technology. An architecture of surveillance²³ exists that includes new policing tactics and various technologies that collect, store, and share data. These new technologies and tactics enhance domestic policing’s capacity to spy on, surveil, and infiltrate local communities. Such innovations build on a history of surveillance that specifically targets those deemed as “the other”- whether the other is a racial, ethnic, gender, religious, political, or disorderly “other.” It is not only important to shed light on LAPD’s domestic surveillance programs but also

¹⁹ Rob Barry and Coulter Jones, “Hundreds of Police Killings Are Uncounted in Federal Stats,” December 3, 2014, <http://www.wsj.com/articles/hundreds-of-police-killings-are-uncounted-in-federal-statistics-1417577504>.

²⁰ English liberal reformer Jeremy Bentham’s (1748-1832) proposal for prison reform was “a technique of surveillance that rendered itself ambiguous to the objects under surveillance” through “a circular structure where cells occupied the circumference with an inspector situated in a lodge at the center of the prison.” The design allowed the inspector invisibility from the prisoners in the surrounding cells, “while simultaneously making all prisoners transparent at all times to the gaze of the guard.” The inspector/state would *see without being seen*: George S. Rigakos, John L. McMullan, Joshua Johnson, and Gulden Ozcan, *A General Police System: Political Economy and Security in the Age of Enlightenment* (Ottawa: Red Quill Books, 2009).

²¹ One example of the positive spin the media has given body-worn video: Elton Hobson, “Police officer wearing body camera saves woman from fire,” *Global News*, March 17, 2015, <http://globalnews.ca/news/1887764/watch-police-officer-wearing-body-camera-saves-woman-from-fire/>.

²² One example where body-worn video likely contradicts law enforcement’s narrative: Desire Thompson, “LAPD Refuses to Release Body Cam Footage of Homeless Man Shooting,” *News One*, March 4, 2015, <http://newsone.com/3095413/lapd-refuses-to-release-body-cam-footage-of-homeless-man-shooting/>.

²³ “The Architecture of LAPD Surveillance,” Stop LAPD Spying Coalition, <http://stoplapdspying.org/resources/architecture/>.
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the rhetoric of surveillance in order to de-sensationalize and reveal that counter terrorism policies are becoming the same policies that govern domestic policing.²⁴ Peoples' lives and information are tracked, traced, stored, and shared not just by the NSA but thousands of agencies and private companies. This intelligence gathering occurs every day at the local level and body cameras perpetuate this same culture of monitoring. Policies surrounding this technology merely attempt to co-opt and placate demands for justice, but in doing so add another tool to the arsenal of state sanctioned spying and intelligence gathering, capturing the community's voices, images, and movements.

In the past, covert and illegal intelligence gathering was always a part of policing dating back to the beginning of the 20th century when part of LAPD's mission was to subvert and destroy struggles for social justice and organized labor.²⁵ During the 1980s the work of LAPD's Public Disorder Intelligence Division was exposed, revealing that the department had kept over 2 million documents on more than 55,000 individuals, including Mayor Tom Bradley and members of the City Council. In contemporary, post-9/11 policing, the process of data collection on non-criminal activity has expanded. In 2004, congress passed the Intelligence Reform and Terrorism Prevention Act. This act mandated the president to create the Information Sharing Environment (ISE). ISE facilitates an exchange of "tips and leads" between federal, state, and local agencies including campus, tribal, transit police, and private sectors.²⁶ The aim of the intelligence community is to collect information on individuals' actions or activities that had not yet occurred, essentially gathering information on what people are thinking, even if one's civil rights are violated in the process.

The "Mike Brown Law," which proposes implementing body-worn cameras for all law enforcement officers via federal and state mandates,²⁷ is intended to be a reform that leads to a reduction of police violence and greater police accountability. Body cameras, however, lead to greater surveillance of communities. For instance, the direction of police body-worn cameras only face outward in order to record the actions of the community and are unable to record those of the police. In this manner a person's face, voice, and body is recorded and ultimately stored in a database. The database for Los Angeles's body camera footage is called Evidence.com and is offered by TASER International, a company with existing business ties to the LAPD.²⁸ Body-camera usage enhances data collection to contribute to a massive surveillance apparatus.

²⁴ On how police are envisioned as "first preventers" in the war on terrorism: "Policing Terrorism," George L. Kelling and William J. Bratton, Manhattan Institute, September 2006, http://www.manhattan-institute.org/html/cb_43.htm.

²⁵ "LAPD Surveillance Timeline," Stop LAPD Spying Coalition, <http://stoplapdspying.org/about-special-order-11/so-11-history/>.

²⁶ "'To Observe and Suspect': A People's Audit of the Los Angeles Police Department's Special Order 1", Stop LAPD Spying Coalition, <http://stoplapdspying.org/wp-content/uploads/2013/04/PEOPLES-AUDIT-UPDATED-APRIL-2-2013-A.pdf>.

²⁷ "About Us," The Michael Brown Law, <http://www.themichaelbrownlaw.org/about-us.html>.

²⁸ Mike Reicher, "How the LAPD's body camera deal with Taser could be a conflict of interest," *Los Angeles Daily News*, January 17, 2015,

Law enforcement desires to collect more data on people and want this data to respond dynamically to shifts in time, geography, as well as the activity of individuals. These individuals are most often people of color and poor people who live in sections of Los Angeles where life prospects are the bleakest and employment is fractured, episodic, and menial. U.S. ally, Israel, with its unrelenting occupation of the Palestinian people presents an ideal parallel to racially and economically segregated Los Angeles as the second-class Palestinian population is one through which Israel tests new intelligence gathering and surveillance gear.²⁹ Furthermore, former Los Angeles Chief of Police William Bratton has urged police departments throughout the country to emulate Israel's ability to collect intelligence data on suspects in order to map human and spatial relationships, which garners higher priority than prosecuting individuals within the strategy of community policing.³⁰

During a February 2014 visit by LAPD Deputy Chief Jose Perez and several other high-ranking LAPD officials to Israel, officials inquired about the country's cutting-edge intelligence and surveillance technologies. According to the *Jewish Journal*, Deputy Chief Perez said he hoped that like the Israeli Defense Force (IDF) LAPD would “use technology to incorporate all the systems that we have.” He continued, “We're definitely looking at the ability to get that information out to the officers on the beat with a handheld.”³¹ This parallels Bratton's current tenure as Police Chief of the NYPD and his statement that 2015 will mark the “year of technology” with all officers possessing “smartphones and tablets that connect them to intelligence and law-enforcement databases.”³² San Diego law enforcement currently use hand held devices with the ability to identify a person by simply holding the device to a person's face and rapidly searching through databases to identify the individual. According the Center for Investigative Journalism:

“The software works by capturing a freeze frame of a live video feed, which then focuses on the face and uses the distance between the eyes as a baseline. An algorithm then analyzes unique textures and patterns on the face, cross-referencing the freeze frame at the rate of a million comparisons per second against the police mug shot database that also has been processed by the software.”³³

<http://www.dailynews.com/government-and-politics/20141222/how-the-lapds-body-camera-deal-with-taser-could-be-a-conflict-of-interest>.

²⁹ On Israeli spy balloons hovering above Old City Jerusalem, often a site of Palestinian protest: Aron Heller and Ami Bentov, “Palestinians alarmed by Israel spy balloons over residential areas,” *Haaretz*, November 27, 2014,

<http://www.haaretz.com/news/diplomacy-defense/1.628736>.

³⁰ “Policing Terrorism.”

³¹ Simone Wilson, “LAPD scopes out Israeli drones, ‘big data’ solutions,” *Jewish Journal*, February 11, 2014,

http://www.jewishjournal.com/los_angeles/article/lapd_scopes_out_israeli_drones_big_data_solutions.

³² “Beyond the Broken Window.”

³³ Ali Winston, “Facial recognition, once a battlefield tool, lands in San Diego County,” November 7, 2013,

<http://cironline.org/reports/facial-recognition-once-battlefield-tool-lands-san-diego-county-5502>.

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However, facial recognition technology remains imperfect: “Documents obtained by the Electronic Privacy Information Center, a Washington nonprofit, show that the FBI’s facial recognition program could fail to identify the right person in 1 out of 5 encounters – potentially ensnaring innocent people in investigations”³⁴ as well as FBI records that are sometimes maintained up to thirty years.³⁵ Depending upon the number of civilian-police interactions involving the use of facial recognition technology, the ramifications of this alarming 20% margin of error could mean that thousands upon thousands of innocent civilians could unwittingly become ensnared in the criminal justice system through no fault of their own.

Body camera footage will likely interface with and enhance these new and increasingly common practices of data collection, storage, and sharing. For example, the Los Angeles Sheriff’s Department (LASD) is currently building the largest biometric database in the United States. NEC Corporation of America, a Texas based IT firm, provides biometric services to commercial entities, law enforcement groups, and governments around the globe. This corporation will provide LASD with specialized state of the art policing services including high tech facial recognition software. The LASD will be able to access fingerprints, palm prints, face, voice, iris, and DNA data with matching capabilities through the company’s Integra ID 5 Multimodal Biometrics Identification System (MBIS). This system would add to the existing database of fingerprint records, making it the largest law enforcement biometric collection site besides that used by the FBI. LA Sheriffs’ Department will also be able to access databases maintained by other agencies at the state, local, and federal levels through the California Department of Justice, Western Identification Network, and Next Generation Identity, which the FBI created to allow law enforcement to quickly identify a suspect caught on closed circuit cameras with any images in this database. This information will be collected on all individuals arrested and booked by LA County Sheriffs regardless of whether a person is actually guilty of a crime.³⁶

The act of wearing a body camera positioned to watch the community exemplifies a culture of monitoring. This culture of monitoring operates on the assumption that one's behavior will be modified towards non-violence due to the act of being watched. This is known as “deterrence theory.”³⁷ In order to combat acts of “terrorism” the National Suspicious Activity Reporting (SAR) program, executed locally under LAPD’s Special Order (SO) 17 - previously Special Orders 11 and 1- directs officers to compile secret reports and files on ordinary people in order to prevent crime and terrorism. Everyday activities such as

³⁴ Ibid.

³⁵ “Beyond the Broken Window.”

³⁶ “California cops sign contract to begin using massive biometric database,” *RT*, January 13, 2015, <http://rt.com/usa/222295-angeles-county-sheriffs-biometric/>.

³⁷ Deterrence theory is the operating assumption of this well-known, widely disseminated Rialto experiment on body-worn cameras: William Farrar, “Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effect of Body-Worn Cameras on Police Use-of-Force,” (Masters diss., University of Cambridge, 2014). <http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf>.

photographing in public, using binoculars, inquiring on building hours of operation, and videotaping render a person suspicious. These files are often shared nationally and globally via hubs known as “Fusion Centers,” diffusing information horizontally across thousands of private and public agencies. This is coupled with the citizen monitoring of the iWATCH “*See Something, Say Something*” program. Combined, these programs create an environment where prejudices are reinforced and a culture of fear is created where distrust of each other is the order of the day.³⁸

Such programs have proved to be fairly useless in predicting or stopping crime and terrorism using new and vague legal standards of information gathering like the watered-down version of reasonable suspicion known as “reasonable indication,” which threaten our human rights and civil liberties. Moreover, an October 2012 audit from a US Senate Subcommittee on Homeland Security found that such programs were useless, irrelevant, redundant, and a waste of precious resources.³⁹ Deterrence theory as exercised through the SARs program is a fundamentally biased endeavor as the information it gathers through racially-prejudiced tips and leads⁴⁰ is not only irrelevant but also reinforces racial, religious, and ethnic fears and stereotypes. The historical record in LA and elsewhere has long shown that certain groups, political dissidents, religious and ethnic minorities, poor youth, the LGBTQ community, are considered more inherently criminal and disruptive than others by law enforcement despite the constitutionally protected freedoms they exercise. The SARs program and deterrence theory, which underpins it, facilitate the increased targeting and surveillance of these communities.

Body-worn cameras work in conjunction with a larger architecture that is built around surveillance. The purpose of the architecture of surveillance is to data mine, which entails “processes whereby computer algorithms sort through huge amounts of electronic data” and whereby “systems can be programmed to look for and make links among a variety of different characteristics” (e.g. internet associates, photographs, motor vehicle registration, criminal records and other “non-criminal data”).⁴¹ Information is not only collected but processed, analyzed, stored, and then shared among other agencies. This growing apparatus runs on four primary concepts: data mining, profiling, corporate profit, and re-configuring policing tactics. Body cameras merely add further capabilities toward information gathering. Other high priced programs and technology of the architecture of surveillance include Automatic License Plate Readers,⁴² TrapWire facial-recognition

³⁸ “‘To Observe and Suspect’: A People’s Audit of the Los Angeles Police Department’s Special Order 1.”

³⁹ U.S. Senate. *Federal Support For and Involvement In State and Local Fusion Centers* (Washington DC: Permanent Subcommittee on Investigations, 2012), 1-141. <https://www.documentcloud.org/documents/446073-10-2-12-psi-staff-report-re-fusion-centers.html>.

⁴⁰ “Los Angeles police target minorities in controversial surveillance program.”

⁴¹ “Data Mining Software,” PrivacySOS, https://www.privacysos.org/technologies_of_control/data_mining_software.

⁴² “You Are Being Tracked,” ACLU, July 2013, <https://www.aclu.org/alpr>.

technology,⁴³ Stingray cell phone data collection devices,⁴⁴ and the newly acquired drones the LAPD wants to use.⁴⁵

All of these tactics have contributed to an expanding structure that tracks, traces, and stores communities' information. The majority of this technology does not require a search warrant to gather information, just as law enforcement agents can turn their body-worn camera off and on at their own discretion without facing real penalties or sanctions. Body-worn cameras are a technological solution to a problem that goes much deeper than what is or is not caught on film. Moreover, as demonstrated through the technology presented above that violate our civil and human rights as well as cast suspicion on the most marginalized communities, it is clear that these cameras are far more likely to be used against us, the public, than against those wielding them. Police violence will not end by directing yet more resources and more technology into the hands of law enforcement. Body-worn cameras add another tool to LAPD's efforts at keeping us tracked, traced, and our personal data shared.

The Threat of Data Mining of Body-Worn Video by Federal Law-Enforcement Agencies

A central concern surrounding body-worn cameras is related to storing of the video footage these devices capture. In the case of Los Angeles and the LAPD's deal with TASER, this footage is kept on the TASER's cloud-based digital management system, Evidence.com. This system has proven to be popular with police departments throughout the nation scrambling to maintain some semblance of accountability in light of the highly publicized shooting of Michael Brown and, more recently, the execution of Walter Scott in North Charleston, SC among other police killings. *The Daily Beast* reported “[o]n the strength of its body cameras and storage service, offered together as a package deal, Taser's stock has been rising, up 11.4 percent so far this year and is projected to continue climbing.”⁴⁶ Body-worn cameras for law enforcement are quickly becoming a lucrative niche market as the quality of video evidence is assigned more importance than it rightly deserves within the context of racialized police killings and a two-tiered criminal justice system.

⁴³ Annalee Newitz, “Wikileaks reveals “TrapWire,” a government spy network that uses ordinary surveillance cameras,” *io9*, August 11, 2012, <http://io9.com/5933966/wikileaks-reveals-trapwire-a-government-spy-network-that-uses-ordinary-surveillance-cameras?tag=trapwire>.

⁴⁴ Joel Hruska, “Stingray, the fake cell phone tower cops and carriers use to track your every move,” *Extreme Tech*, June 17, 2014, <http://www.extremetech.com/mobile/184597-stingray-the-fake-cell-phone-tower-cops-and-providers-use-to-track-your-every-move>.

⁴⁵ The two Draganflyer X6 drones, “small hexacopters about three feet wide and capable of being outfitted with a range of sophisticated cameras”, were “gifts” from the Seattle police department who, in turn, obtained them through the UASI grant funding mentioned earlier: “A ‘Gift’ for the LAPD: Two Surveillance Drones Kicked Out of Seattle,” *Vice*, June 4, 2014, <http://motherboard.vice.com/read/lapd-seattle-surveillance-drones>.

⁴⁶ Jacob Siegel, “Your Arrest Video Is Going Online. Who Will See It?,” *The Daily Beast*, September 11, 2014, <http://www.thedailybeast.com/articles/2014/09/11/we-re-giving-police-body-cameras-but-who-s-controlling-their-footage.html>.

Nonetheless, Evidence.com and other cloud-based systems like it raise serious questions and concerns as the technology of body-worn video has outpaced not only public scrutiny but legislation governing its usage as well. This fact invites abuse of body cameras by local, state, and federal agencies for acts as nefarious as blackmail, targeting and active surveillance of radical groups, and politically motivated smear campaigns. Currently, there is a great deal of non-uniformity among state and local government statutes pertaining to body-worn video. Some police departments “may have any evidence not involved in an open investigation deleted after 90 days, while another department may keep it for 180 days.”⁴⁷

Even with some parity between different police departments’ deletion schedules, this coordination still invites abuse as different jurisdictions could theoretically agree to hold onto footage indefinitely if video is deemed “evidentiary” for further analysis and dissemination or is linked to an ongoing open investigation. To clarify what is meant by “evidentiary,” the consortium Police Executive Research Forum has defined this as video that “involves footage of an incident or encounter *that could prove useful for investigative purposes*, such as a crime, an arrest or citation, a search, a use of force incident or a confrontational encounter with a member of the public” (emphasis added). While the ACLU has stated that “data should be retained no longer than necessary for the purpose for which it was collected,” with “retention periods” implying weeks as opposed to years, “unless a recording has been flagged”, in which case a longer retention period would be required.⁴⁸ The Data & Society Research Institute rightly point out this open-ended definition potentially invites all video to be retained “because it could, at some future date and for some unforeseen reason, become relevant to an investigation.”⁴⁹

Body camera footage could also be shared horizontally among regional intelligence hubs like Fusion Centers, exhumed within the Federal Bureau of Investigation's (FBI) Investigative Data Warehouse,⁵⁰ or utilized by the many regional Joint Terrorist Task Forces (JTTF) that coordinate intelligence vertically among state, local, and federal agencies. This leads to another question: Even if video evidence is deleted, do third party vendors like TASER and their flagship Evidence.com storage system still retain the metadata associated with such video footage? According to *The Daily Beast*, a spokesperson with TASER could not provide a definitive answer as to whether or not video files could still be harvested for their metadata long after the original video footage was destroyed in accordance with police department’s internal policy.⁵¹

⁴⁷ Ibid.

⁴⁸ Ibid

⁴⁹ “Police Body-Worn Cameras.”

⁵⁰ For the Electronic Frontier Foundation’s report on the FBI’s Investigative Data Warehouse, “the FBI’s single largest repository of operational and intelligence information” and purported “uber-Google” of “data storage, database management, search, information presentation, and security services” see: “Report on the Investigative Data Warehouse,” Electronic Frontier Foundation, April 2009, <https://www.eff.org/issues/foia/investigative-data-warehouse-report>.

⁵¹ “Your Arrest Video Is Going Online.”

Body-worn video begets other concerns still, namely, who has access, especially given that “there are no federal regulations regulating the private evidence cloud.” This ambiguity is not dissipated at the state level either for “it’s not always clear how laws written with pen and paper will apply to the virtual sphere.” According to Hanni Fakhoury, staff attorney for the Electronic Frontier Foundation (EFF), “States could impose different obligations on companies but *under federal law there aren’t really restrictions on how the data is safeguarded, how long it can be retained, or anything like that*” (emphasis added). For their part, Evidence.com has not been forthcoming about whether they collaborate with and allow federal law-enforcement agencies like the DHS, FBI, or National Security Agency access to their digital evidence locker. The public is kept uninformed as to whether the FBI could utilize Evidence.com in their targeting of dissident political groups and movements that threaten the status quo or, to give another example, “if a district prosecutor with authorized access [could] use the site to copy footage from a political opponent’s arrest for public intoxication.”⁵² While it is assumed that federal law enforcement agents would still need a subpoena to view footage, the ACLU’s foremost expert on such matters, Senior Policy Analyst Jay Stanley, has commented that “[t]he whole technology is so new there are only a few experts in it. We’re really in the very early days still.”⁵³

Another area where the law has yet to keep pace with technology resides with facial recognition and other advanced forms of biometric technology. Biometrics entails the use of “[d]istinctive markers such as fingerprints, facial features, DNA, voice, and iris scans in order to identify individuals, “usually by matching them against a pre-existing database.” While facial recognition technology is able to scan throngs of people (e.g. a stadium) either in real time or retrospectively without the subjects being cognizant or having given their approval to be recorded, tests conducted by UK police on both CCTV and body-worn video have given false identifications nearly half of the time. Troublingly, within the United States, police in Seattle, Chicago, and elsewhere have already begun using facial recognition software on CCTV footage.⁵⁴

Given that body-worn cameras “can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology,” there exists a very real threat of police departments using body-worn video to record the faces within crowds and later subject the video footage to analysis via facial recognition software.⁵⁵ This is especially alarming given the lurid history of the LAPD in relation to organized labor and struggles for social justice.⁵⁶ Furthermore, existing law is ambiguous as to whether “something as publicly visible as the human face can be protected from automatic

⁵² Ibid.

⁵³ “Police Body-Worn Cameras.”

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ “LAPD Surveillance Timeline.”

identification.”⁵⁷ Given this historical and legal context, LAPD’s body-worn cameras could very well likely prove to be yet another tool for assembling dossiers on politically-active individuals and detailing the composition of social movements that threaten the status quo for further persecution, surveillance, and targeting by the state.

These are just a few of the areas related to data mining and the storage of body-worn camera footage that should give the public, experts on technology and privacy matters, and civil liberties groups pause when considering the “right” policies prior to police departments rushing to adopt this technology. Many law enforcement officials are eager to stem public outcry and assuage calls for accountability and transparency in light of the spate of racialized killings by police via easy though costly technical fixes. However, the historical experiences of the most marginalized groups in society for whom state surveillance and repression has been the rule and not the exception should emphasize the point that *there are no right policies* when it comes to body-worn cameras. This technology integrates too seamlessly with biometrics and other advanced technologies that constitute the architecture of surveillance for it not to be utilized and for it to not “mission creep” beyond its initial design of mitigating civilian complaints and use of force incidents by officers. While the urgency is indeed felt more each day with each and every untimely death of an unarmed citizen at the hands of law enforcement, no amount of policy is correct when given to a repressive and brutal policing system that will go to great lengths to exonerate its most corrupt officers and that will keep its eyes and ears fixated on the non-wealthy, non-white public for whom it now, more than ever, view with derision, contempt, and suspicion.

Limiting the Discourse on Body-Worn Cameras

With regards to the LAPD, the Los Angeles Police Commission (LAPC), and Mayor Eric Garcetti's particular plans to equip nearly every officer and record every citizen-police encounter with TASER International's Axon body camera system by mid-year 2016, many critical questions and pertinent concerns stemming from the potentially-impacted communities have either been sidelined or literally erased when they challenged the fabricated public consensus the LAPC cites in support of body-worn cameras.⁵⁸ This is reflected in the framing of public questionnaires on the use of these cameras. Both the LAPD's⁵⁹ and LAPC's⁶⁰

⁵⁷ “Police Body-Worn Cameras.”

⁵⁸ For documentation of the LAPC editing out a section of an audio recording that features critical community voices at one of its public forums on body-worn cameras, see p. 15-16 of this report: “Coalition Analysis of ACLU Surveillance Report,” Stop LAPD Spying Coalition, February 15, 2015, <http://stoplapdspying.org/coalition-analysis-of-aclu-surveillance-report/>.

⁵⁹ “Your Thoughts on LAPD use of Body Worn Video,” Survey Monkey, <https://www.surveymonkey.com/s/LAPDBodyWornVideo>.

public feedback surveys are worded in such a manner as to not pose indelicate questions like whether body-worn cameras are necessary in one of the most heavily surveilled cities in the country or for a police department as flush with resources as the LAPD, but rather seek to address questions concerning, for example, whether an officer should be allowed to review their body-worn camera footage prior to giving an official report.

What this essentially means for communities at the grassroots level who are concerned about how additional modes of surveillance like body-worn cameras will be incorporated into the existing surveillance architecture employed by LAPD is that critical voices and concerns that fall outside the margins of respectable discourse are subsequently deemed not worthy of serious discussion within the media or so-called public forums.⁶¹ Marginalization and exclusion are part of the process with public commentary just one more box to check. The message from the LAPC has been clear since body-worn cameras became a subject of discussion: Los Angeles police officers will be outfitted with this technology and the public will be monitored in even closer proximity than before. The only matters of concern to LA's political class, law enforcement top brass, and business elite revolve around how much more spying LAPD will be able to conduct on the public in the “pursuit of improving community trust in law enforcement.” Unfortunately, prominent civil liberties organizations, such as the ACLU have fallen into the trap of trusting that, with “smart” policy prescriptions, body-worn cameras can be utilized by the public to foster greater police accountability and oversight as opposed to facilitating further surveillance and data gathering.⁶²

Police Foundations and Surveillance Vendors

Such trust is undermined when considering the financial aspects of body-worn cameras, especially the manner by which they were procured by the private 501(c) (3) organization, the Los Angeles Police Foundation (LAPF). Under this arrangement, private companies can legally donate tax-exempt software and equipment to the LAPF, which, subject to the City Council's and its Public Safety Committee's approval for “gifts” over \$10,000, donates these items to the LAPD often with minimal-to-no public oversight or

⁶⁰ Illustrating their bias and willingness to constrain the discourse surrounding body-worn cameras to the members of the Community-Police Advisory Boards, LAPC circulated this survey to around 1,000 sympathetic participants: “LA Police Commission Wants Public Opinion On How Body Cameras Should Be Used,” *CBS Los Angeles*, December 22, 2014, <http://losangeles.cbslocal.com/2014/12/22/la-police-commission-solicits-public-comment-for-body-camera-usage/>.

⁶¹ To read how LAPC President Steve Soboroff treats legitimate concerns regarding the racially-discriminative SARs program, sham community meetings on body-worn cameras, the increasing militarization of the police, violations of federal consent decrees, and other salient issues that the Stop LAPD Spying Coalition has raised, visit this page for his letter-response to the Coalition: “Commission Response to the Letter,” Stop LAPD Spying Coalition, March 3, 2015, <http://stoplapdspying.org/wp-content/uploads/2015/03/Commission-Response-to-the-Letter-March-2015.pdf>. For the original letter of demands by the Stop LAPD Spying Coalition to the LAPC see: “Letter to Police Commission,” Stop LAPD Spying Coalition, <http://stoplapdspying.org/wp-content/uploads/2015/02/Letter-to-Police-Commission-February-24-2015.pdf>.

⁶² Nicole A. Ozer and Peter Bibring, “Making Smart Decisions About Surveillance,” November 2014, 2015, <https://www.aclunc.org/publications/making-smart-decisions-about-surveillance-guide-communities>.

discussion. As *ProPublica* has documented, many times donors to the LAPF become recipients of lucrative contracts with the LAPD.⁶³ According to LA Police Commission President Steve Soboroff, this process is innocuous in that it is designed to fast-track projects that would otherwise become mired in bureaucratic red tape although it should alarm advocates of open and responsible government.

The current TASER International-LAPD contract exemplifies the LAPC's lack of respect for an open, competitive bidding process for contracts as is standard city protocol,⁶⁴ illustrates blatant conflict of interest between LAPD and TASER, and facilitates the irresponsible, undemocratic, and profligate use of taxpayer money for a police department that already garners a disproportionate amount of funding in comparison to other City departments⁶⁵ all while enriching a private company. The record profits that body-worn video manufacturers like TASER, Viveu and others entering this nascent market stand to reap from contracts with cash flush police departments such as LAPD have to be accounted for not only in privacy terms but financial ones as well despite claims that this will save time and money via reduced lawsuits, court dates, officer overtime, and so forth.⁶⁶ In fact, storage and data management plans for body-worn camera footage have posed significant budgetary challenges for police departments throughout the nation⁶⁷ as providing repositories for the huge volumes of data generated by these cameras is the real profit-maker for manufacturers.⁶⁸ Above all, the fast-tracked initiative between LAPD and TASER should undermine public trust and reinforce the notion that body-worn cameras are yet another means of surveillance and intelligence gathering by law enforcement, which is why community input was sought following the deal having already been reached and not vice versa.

The Non-Competitive Basis for the LAPD-TASER Contract

The *Los Angeles Daily News* notes that the city had not announced any foreseeable plans to open the proposed contract with TASER International to competitive bidding in accord with standard city rules.⁶⁹ While the LAPD had been field-testing a limited number of body-worn cameras from two companies during January

⁶³ Ali Winston and Darwin Bond Graham. "Private Donors Supply Spy Gear to Cops," *ProPublica*, October 13, 2014, <http://www.propublica.org/article/private-donors-supply-spy-gear-to-cops>.

⁶⁴ "How the LAPD's body camera deal with Taser could be a conflict of interest."

⁶⁵ Eric Garcetti, "City of Los Angeles Fiscal year 2014-15 Budget Summary as Presented by Mayor Eric Garcetti," http://cao.lacity.org/budget14-15/2014-15Budget_Summary.pdf.

⁶⁶ Connie Fossi-Garcia, "After Ferguson, the body-camera business is booming," *Fusion*, December 2, 2014, accessed December 28, 2014, <http://fusion.net/story/30817/after-ferguson-the-body-camera-business-is-booming/>.

⁶⁷ "Police Body-Worn Cameras."

⁶⁸ St. Louis PD is expected to spend approximately \$1.2 million for 1,000 body-worn cameras; however, this figure does not include additional labor, replacement, and maintenance costs, which the city is struggling to find ways of funding. The police union for St. Louis is skeptical of the city's plans as they claimed police were not equipped with proper protection in light of recent protests over the Michael Brown shooting in nearby Ferguson, MO: Nicholas J.C. Pistor, "Body cameras for St. Louis officers will cost \$1.2 million-plus," *St. Louis Post Dispatch*, September 16, 2014, http://www.stltoday.com/news/local/crime-and-courts/body-cameras-for-st-louis-officers-will-cost-million-plus/article_eed4376a-549d-5526-8b3f-1bae5a963f34.html.

⁶⁹ "How the LAPD's body camera deal with Taser could be a conflict of interest."

and June 2014,⁷⁰ it did not negotiate pricing until it had already chosen TASER International for the contract, which, according to Soboroff, will charge LAPD “\$50 per month for storage on Evidence.com” or “\$4.2 million if the LAPD buys all 7,000 cameras.”⁷¹ Note that this \$4.2 million figure is actually an underestimate as Police Chief Beck has stated through a preliminary report to the Police Commission that “unlimited storage for each [body worn video]” will cost “\$85 per month, per device.” Annually, this means that storage for 7,000 cameras on TASER’s Evidence.com digital management system, sometimes referred to as a “digital evidence locker,” will cost closer to \$7.14 million, which still does not factor in the one-time cost of the cameras themselves. Here, the Police Foundation was able to secure a near 50% discount off the \$600 retail price of the TASER Axon camera.⁷²

Soboroff has defended the decision to forgo open bidding on the grounds that a competitive bidding process would run the risk of miring the body-worn camera initiative in needless bureaucracy, which he claims has hindered the still-underway in-car video system project,⁷³ a project that was, ironically, sabotaged by officers of the LAPD’s Southeast division and for which the Police Commission was kept in the dark by Police Chief Charlie Beck.⁷⁴ Despite the toothless nature of the Police Commission, Soboroff has still proven his acumen as a businessman by utilizing non-profit police foundations like the LAPF as a way to circumvent time-consuming City Council and community input protocols. Foundations also serve as a means to securing additional private funding to LAPD without incurring the public’s ire through relying upon taxation and/or scarce city budgets. Much like the DHS programs mentioned earlier, oversight is practically nonexistent as officials do not know in what capacity and for what purposes these new technology procurements will be used.⁷⁵

LAPD and the Surveillance-Industrial Complex

The arrangement between public institutions like the LAPD and the corporate interests that make sizable donations to win its favor through non-profits like the LAPF frequently ensures that telecom and security firms that pay-to-play are recipients of lucrative police department contracts. Though all foundation gifts to the LAPD are contingent upon the Police Commission’s approval, gifts \$10,000 and above from police foundations are also subject to City Council and Public Safety Committee approval to ensure that the city is

⁷⁰ Charlie Beck, “City Council Inquiry Relative to the Implementation of Body Worn Video,” March 25, 2015, http://www.lapdpolicecom.lacity.org/033115/BPC_15-0082..pdf.

⁷¹ “How the LAPD’s body camera deal with Taser could be a conflict of interest.”

⁷² “City Council Inquiry Relative to the Implementation of Body Worn Video.”

⁷³ “How the LAPD’s body camera deal with Taser could be a conflict of interest.”

⁷⁴ On the inefficacy of the LAPC as a purported “civilian oversight” body: Joel Rubin, “LAPD officers tampered with in-car recording equipment, records show,” April 7, 2014, <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>.

⁷⁵ “Private Donors Supply Spy Gear to Cops.”

not stuck with expensive technology upgrades and cost-overruns.⁷⁶

While this would seem to indicate an adequate system of checks and balances, *ProPublica* has shown this protocol is not a serious impediment as these parties often provide rubber-stamp approval for equipment and software acquisitions by the LAPF with little-to-no discussion. For example, *ProPublica* documented one instance in December 2013 where 50 stun guns donated to the LAPF by TASER worth an estimated \$48,000 passed with the Police Commission's approval in *less than five seconds* according to video documentation. The city council and its Public Safety Commission also did their part by signing off on these weapons procurements without any discussion whatsoever.⁷⁷ Even more insulting to any semblance of open and honest government is the fact that the controversial data-mining software offered by Palantir, itself the product of the Central Intelligence Agency's highly lucrative venture capital firm, In-Q-Tel,⁷⁸ passed without *any* discussion from the Los Angeles City Council.⁷⁹ This is hardly the time or attention required to cover the issues engendered by weapons and surveillance technology procurements including considerations of public safety, civil liberties, racial profiling, and amorphous gang injunctions that criminalize black and brown youth based upon their lower socio-economic status in order to gentrify neighborhoods.⁸⁰

The Associated Press released a report illustrating the financial ties between TASER and police chiefs throughout the nation, some of which have gone on to do consulting work for the body-camera manufacturer. This has prompted the company's competitors to "complain they have been shut out by cities awarding no-bid contracts to Taser and are being put at a disadvantage by requests for proposals that appear tailored to Taser's products."⁸¹ Not only are the top officials of police departments imbedded with the surveillance-industrial complex, but foundations like the LAPF facilitate "public-private" partnerships, which allow the Police Commission and city council to circumvent forthright discussion and input from the community-at-large when equipment and technology upgrades are sought by the LAPD. Though these political bodies are supposed to represent and advocate for the public and act as a check against the excesses of the LAPD, all too often they expeditiously-approve weapons and spying gear ostensibly to improve officer safety, efficiency, and proficiency without considering the ramifications.

For its generous offerings TASER earned "one star sponsor" status at the LAPD's annual 2014 True

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ashlee Vance, "Latest Round of Funding Values Palantir, the CIA's Favorite Startup, at \$9 Billion," *Bloomberg Business*, December 5, 2013, <http://www.bloomberg.com/bw/articles/2013-12-05/palantir-the-cias-favorite-startup-is-now-valued-at-9-billion>.

⁷⁹ "Private Donors Supply Spy Gear to Cops."

⁸⁰ George Lavender, "Gang injunctions just criminalize poor communities," *The Guardian*, February 1, 2011, <http://www.theguardian.com/commentisfree/2011/feb/01/gang-injunctions-policy>.

⁸¹ "Former Fort Worth Police Chief Has Financial Ties To Body-Cam Maker," *CBS DFW*, March 3, 2015, <http://dfw.cbslocal.com/2015/03/03/ap-former-fort-worth-police-chief-has-financial-ties-to-body-cam-maker/>.

Blue Gala.⁸² According to one official with TASER these are merely “goodwill gesture[s]” and not an implicit quid-pro-quo arrangement;⁸³ however, it is worth reminding readers that TASER stands to make tens of millions of dollars by supplying LAPD with approximately 7,000 of its Axon body cameras not to mention through LAPD's subscription to Evidence.com. These facts seems lost on LAPC President Soboroff, who has displayed an alarming level of complacency for a public official as *ProPublica* noted that “[Soboroff] had no concerns that companies were donating to the foundation to improve their chances to do business with the city.” Quite the opposite, in fact, Soboroff expressed that donors were compelled to offer funding to the LAPF due to “an insatiable appetite to help” as opposed to the naked self-interest of the surveillance-industrial complex, not to mention the tax-avoidance that is facilitated through donations to foundations as non-profit, legal entities.⁸⁴

The *Los Angeles Daily News* also documented how Soboroff raised money earlier for the initial field-tested body-worn cameras thanks to donations from wealthy personal friends like film director Steven Spielberg, DreamWorks Animation CEO, Jeffrey Katzenberg, and music mogul David Geffen. These individuals gave over \$1 million to the police foundation, which, in turn, donated some 600 cameras to the LAPD illustrating the power and influence that wealth carries in Los Angeles. As a “private nonprofit organization that doesn't have to follow city purchasing rules,”⁸⁵ the Los Angeles Police Foundation was able to jumpstart the body-worn camera initiative for the LAPD without the messy and prolonged process of democratic discussion and debate from legitimate community voices not represented within the Police Commission nor via some of the commissioners’ affluent friends. Commenting on Soboroff’s fast-tracking of the body camera initiative past city rules and financial processes, former Chief of LAPD Bernard Parks summed up the situation best: “[City rules] are only called bureaucratic when they don't go fast enough but when someone does something illegal it’s called corruption... There has to be a balance.”⁶⁴ Such balancing of the public and private interest is not to be found in the current LAPD-TASER contract. Additional surveillance technology in the guise of body-worn cameras was deemed too crucial for discussion and debate for Los Angeles' business, law enforcement, and political elite and stands to bring even more resources to the already overfunded LAPD.

LAPD's Disproportionate Share of the City Budget

Amidst growing public concern that police departments have become too violent and unaccountable to

⁸² “Above and Beyond Program Book,” LA Police Foundation, 2014, <http://www.lapolicyfoundation.org/src/sep2014/2014-Above-Beyond-Program-Book.pdf>.

⁸³ “How the LAPD’s body camera deal with Taser could be a conflict of interest.”

⁸⁴ “Private Donors Supply Spy Gear to Cops.”

⁸⁵ “How the LAPD’s body camera deal with Taser could be a conflict of interest.”

the constituents they are tasked with serving and protecting and to counter the competing narratives that follow in the wake of police shootings, Mayor Eric Garcetti announced plans in early December 2014 to purchase some 7,000 body-worn cameras by July 2016.⁸⁶ LAPD is already allocated 52.6% of Los Angeles' unrestricted budget with Public Works claiming a mere 8.2%.⁸⁷ To provide another figure to illustrate this budgetary lopsidedness, councilman and former LAPD Chief Bernard Parks had told *City News Service* that for fiscal year 2012-2013, the City of Los Angeles would allocate “\$1 billion of its \$4 billion budget on pension and medical costs in the upcoming fiscal year” and that from the remaining \$3 billion, “70 percent will go to the Police and Fire departments, leaving all other departments to share the remaining 30 percent.”⁸⁸

Growing budgets for law enforcement have only been compounded by the fact that supposed reductions in crime have paralleled the increasing militarization of the police, which has led to an increased number of “justified homicides” of civilians by law enforcement as their weapons have become more expensive and deadlier.⁸⁹ However, even the much heralded 10+ year drop in crime in Los Angeles⁹⁰ possesses a silver lining as an investigation by the *Los Angeles Times* found that “[t]he LAPD misclassified nearly 1,200 violent crimes during a one-year span ending in September 2013, including hundreds of stabbings, beatings and robberies.” Incidents that were misclassified as minor offenses “did not appear in the LAPD’s published statistics on serious crime that officials and the public use to judge the department’s performance,” which caused aggravated assaults to be understated by 14% and the overall violent crime rate to be minimized by 7%. The human toll of this underreporting meant that legitimate victims of violent crimes did not have investigatory priority, which meant that they were effectively not afforded due process of law. While other cities crime rates rose in response to the economic hardship brought about by the Great Recession, Los Angeles was, for a number of years, as outlier.⁹¹

Such findings call into question for how long LAPD has been minimizing violent crime given that the *Times* points out “relentless, top-down pressure to meet crime reduction goals” set by LAPD officials as one of the key contributing factors in miscoding crimes. According to the *Times*, “Officers said it is widely believed that if their division repeatedly fails to meet targets for crime reduction, their chances of being promoted will

⁸⁶ “LAPD becomes first major police force to equip all officers with body cameras,” *RT*, December 17, 2014, <http://rt.com/usa/215383-all-lapd-wear-body-cameras/>

⁸⁷ “City of Los Angeles Fiscal year 2014-15 Budget Summary.”

⁸⁸ “LAPD Unlikely To Cut Jobs Amid Budget Crisis,” *CBS Los Angeles*, January 4, 2011, <http://losangeles.cbslocal.com/2011/01/04/lapd-unlikely-to-cut-jobs-amid-budget-crisis/>

⁸⁹ Rob Barry and Coulter Jones, “Hundreds of Police Killings Are Uncounted in Federal Stats,” *Wall Street Journal*, December 3, 2014, <http://www.wsj.com/articles/hundreds-of-police-killings-are-uncounted-in-federal-statistics-1417577504?mod=djemalertNEWS>

⁹⁰ Joel Rubin, “Crime drops in L.A. for 10th straight year,” *Los Angeles Times*, December 27, 2012, <http://articles.latimes.com/print/2012/dec/27/local/la-me-lapd-crime-20121228>

⁹¹ Ben Poston and Joel Rubin, “Times Investigation LAPD Misclassified Nearly 1,200 Violent Crimes as Minor Offenses,” *Los Angeles Times*, August 9, 2014, <http://www.latimes.com/local/la-me-crimestats-lapd-20140810-story.html#page=1>

be seriously harmed.” As a result of this investigation that analyzed data from October 2012 through September 2013, Mayor Eric Garcetti has since claimed “more aggressive reporting” from the department, which, he claims, is why aggravated assaults have now increased by 14.8% and violent crimes by 5.2% from the same period during the past year of 2013.⁹² For 2015, violent crime has reportedly increased 26% and property crime is now 11% higher than compared with the same period last year. These trends have prompted Police Chief Beck to announce plans to “swarm high-crime neighborhoods with more than 200 highly trained officers from the elite Metropolitan Division,” which are known more for their “specialized tactical and weapons training” than in diffusing situations peacefully within impoverished communities.⁹³ Again, we see that the LAPD’s knee-jerk response is to call for more resources to grow their already overfunded bureaucracy and to further militarize domestic police.

The Stop LAPD Spying Coalition has raised alarm on excessive police budgets in an earlier statement, noting that such “large expenditures of money and allocation of resources not only deprive communities of funding” that could be put towards programs of social uplift but, more perniciously, this level of funding for law enforcement “creates dependency on the side of police.” The Coalition further contends that, “If and when this funding becomes unavailable a bloated bureaucratic police department [like LAPD] will advocate for more local funding.”⁹⁴ As noted previously, this is where private police foundations like the LA Police Foundation enter the picture by circumventing the usual channels of public approval and bureaucratic “red tape” to secure additional equipment for purportedly resource-starved police departments. However, when it comes to official crime statistics, what the reader must bear in mind is that these figures gathered and disseminated by the LAPD are inherently political and are all too often invoked as an instrument of power to garner yet more resources for this overfunded, often unaccountable bureaucracy.

Cost Overruns Go Hand-in-Hand with Body-Worn Camera Initiatives

Evidence.com and, more specifically, the “Officer Safety Plan,” which was designed in close conjunction with the LAPD, will offer “unlimited storage,” “automatic upgrades of the Axon cameras every 2.5 years, and upgrades of the associated TASER devices every five years, as well as full hardware equipment warranties and service” all while purporting to “maximize budget predictability and minimize total cost across both product suites.”⁹⁵

⁹² “Times Investigation LAPD Misclassified Nearly 1,200 Violent Crimes as Minor Offenses.”

⁹³ Kate Mather, Richard Winton and Cindy Chang, “Crime rise puts LAPD in a difficult position,” *Los Angeles Times*, April 15, 2015, <http://www.latimes.com/local/california/la-me-lapd-metro-20150416-story.html#page=1>

⁹⁴ “Coalition Statement January 2015.”

⁹⁵ Following Mayor Garcetti’s announcement for Los Angeles to purchase some 7,000 body-worn cameras, TASER’s stock rose “32% above the buy point.” The deal “will amount to millions in added revenue for TASER over the five-year rollout period.”

TASER CEO Rick Smith has commented that the Axon cameras are “not that interesting from an investor standpoint” and are a “commoditized product” with the real profit potential coming from the data management offerings of Evidence.com.⁹⁶ Though Police Foundation will pay for the first and second years of the contract with the remaining three years to be covered by the city’s general fund,⁹⁷ cost overruns should be anticipated with any new procurement of surveillance technology like body-worn cameras given the additional personnel, training, and infrastructure upgrades that may be needed for the transition. Also, overtime may be necessary for personnel to redact video footage for civil and criminal cases. When considering the hard figures as to how much public or general funding is required for LAPD's body-camera contract with TASER, the question people should be asking is if there is a better use of taxpayer resources that has large body of evidence in support of it (e.g. research supporting the hiring of more public school teachers or increased investment in infrastructure to jump-start a sluggish economy).⁹⁸ Presently, research supporting the efficacy of body-worn cameras is virtually non-existent.

Using 7,000 body-worn cameras as the base figure and applying a onetime cost of \$300 for the cameras as well as \$85-a-month for the data plan yields a conservative, yet startling, set of numbers. While the cameras themselves will cost around \$300 at their discounted price,⁹⁹ for one-year alone, 7,000 body-camera equipped officers using the Officer Safety Plan will cost the City of Los Angeles approximately \$7.14 million. However, over the length of the entire five-year contract (again two of the five years are to be privately financed by the LAPF), Los Angeles taxpayers should take note that the LAPD-TASER contract will cost the city approximately \$23.52 million, which, according to the 2014-15 City budget, is nearly equal to the funds appropriated annually for the City Administrative Officer, the Mayor’s office, and the Board of Public Works combined.¹⁰⁰ As the state currently faces severe drought conditions as well as decaying infrastructure with regards to water pipes, the fact that the Board of Public Works comprises just a fraction of LAPD’s budget

James Detar, “Taser Launches Service Plan For LAPD Camera Deal,” *Investor’s Business Daily*, December 17, 2014, <http://news.investors.com/business/121714-730977-TASER-up-on-large-los-angeles-police-order.htm>.

⁹⁶ Ibid.

⁹⁷ “City Council Inquiry Relative to the Implementation of Body Worn Video.”

⁹⁸ For an interview with Robert Pollin, Co-Director of the Political Economy Research Institute (PERI), explaining why investing more in public education, clean energy, and healthcare leads to a greater “multiplier effect” than spending on the military see: Jaisal Noor, “Investing in Schools Creates More Than Twice as Many Jobs as Military Spending,” *The Real News Network*, October 3, 2014, accessed December 11, 2014,

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=10284. For PERI’s study see: Robert Pollin and Heidi Garrett-Peltier, “THE U.S. EMPLOYMENT EFFECTS OF MILITARY AND DOMESTIC SPENDING PRIORITIES,” December 2011, http://www.peri.umass.edu/fileadmin/pdf/published_study/PERI_military_spending_2011.pdf. One finding from Pollin’s research indicates that \$1M of spending in education yields around 29 jobs versus military spending that yields around 11 jobs. This is over 2 ½ times the job creation of the latter and illustrates how, in the context of Los Angeles, less spending on militarized policing and more on infrastructure and education can help alleviate the unemployment rate, which still stands at 7.5% for the County using the conservative “official” unemployment rate.

⁹⁹ “City Council Inquiry Relative to the Implementation of Body Worn Video.”

¹⁰⁰ “City of Los Angeles Fiscal year 2014-15 Budget Summary.”

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should emphasize the misplaced priorities of Los Angeles political leadership. Nor are these burdensome costs an isolated phenomena as other police departments throughout the country are struggling to find the funding necessary to pay for body-worn video.¹⁰¹ According to the *St. Louis Post-Dispatch*, St. Louis' public safety director has stated, “the department would need an additional \$500,000 to cover labor and maintenance costs, plus an increase in the department's annual budget of about \$800,000 to \$900,000 for replacement and maintenance costs.” These figures are so daunting that even the police union for St. Louis is wary of adopting the technology given their claims as to insufficient protective body-worn gear at recent protests.¹⁰²

One should read between the public relations lines in order to gain a fuller understanding of what is actually entailed in financial terms when a police department decides to adopt a body-worn camera or other surveillance initiative. Not only do institutions like the LAPD not need the additional resources given that Los Angeles is already one of the most surveilled cities in the nation but, given the Great Recession-induced austerity agenda imposed on a host of other policies of social uplift that promote less-discussed forms of “security” (e.g. food security, job security, housing security), throwing more taxpayer money to the insatiable LAPD does little to address the root problems of poverty, gentrification, unemployment, starvation wages, and, most saliently, racialized policing and surveillance. If Los Angeles' leadership is serious about treating the root causes of crime as opposed to combating the symptoms, funding will have to reflect communities' needs as opposed to those of the bloated LAPD and its private donors, which cannot be trusted based on the former's past and present history of violence, corruption, and secrecy and donor's profit-driven motives. As the Stop LAPD Spying Coalition has stated previously, one initial step to repairing the rift that exists between law enforcement and communities would be for the former to “immediately disclose all departmental policies and operational structures for the public to substantively examine the full impact, beneficiaries, and scale of such programs.”¹⁰³ One example is the racially biased SARs program.¹⁰⁴ Until such transparency is forthcoming from the LAPD and other agencies, the public should have no trust whatsoever that introducing body-worn cameras will miraculously change the culture of policing and bring sunlight to a violent and secretive institution that is all-too-often counterposed to the public's advocacy for social and economic justice.

Profits, Not Empirical Data, Are Driving the Push toward Body-Worn Cameras

If the notion of giving millions of dollars more to an already well-funded LAPD while education and social services are struggling to garner the same level of resources weren't cause enough for outrage and

¹⁰¹ “For Police Body Cameras, Big Costs Loom In Storing Footage,” *CBS Minnesota*, February 6, 2015, 2015 <http://minnesota.cbslocal.com/2015/02/06/for-police-body-cameras-big-costs-loom-in-storing-footage/>

¹⁰² “Body cameras for St. Louis officers will cost \$1.2 million-plus.”

¹⁰³ “Coalition Statement January 2015.”

¹⁰⁴ “Los Angeles police target minorities in controversial surveillance program.”

substantive change, then the reality that the nascent body camera industry is gaining momentum in light of Michael Brown's killing and other similar tragedies resulting from police officer's deadly use of force throughout the nation only adds insult to injury. When it comes to unconstitutional policing and the homicides that follow, business for body camera manufacturers has never been better. According to *Fusion*, TASER International boasted record sales in 2014 as “[profits] from the cameras and supporting software skyrocketed from about \$1 million to \$2 million in early 2013 to nearly \$11.4 million in the last quarter.” Steve Tuttle, a spokesperson for TASER, commented that the civil unrest in Ferguson following Brown's homicide, “[N]ot only changed the sales factor, [but] changed the awareness factor” as well.¹⁰⁵

With some demographics of the public alongside those in the law enforcement community concerned that Ferguson and the civil unrest spreading to other cities like Baltimore, MD¹⁰⁶ and North Charleston, SC¹⁰⁷ could be their town or police force, companies like TASER and Viewu have experienced record sales and profits as news stories of deadly use of force by police who eventually are exonerated permeate the broader social psyche. Recently, TASER shares rose 6.11% in response to an order to provide “the Cleveland Police Department (OH) 1,500 AXON flex and body cameras, 60 for the Tampa Police Department (FL), and 40 for TASER's home city of Scottsdale, AZ.” The company also stands to reap the profits of data storage management as “all three law enforcement agencies bought a five-year subscription to the company's Evidence.com data gathering and storage system.”¹⁰⁸

Ironically, the existing research as to the efficacy of body-worn cameras has not only not been independently reviewed but is also inconclusive at this early stage with regards to such notions as deterrence theory and how they operate through body-worn video. This means that the current body-camera bonanza is being stimulated more by nonscientific evidence in the guise of sheer marketing hype coming from manufacturers that want to make as much profit as possible while millions in federal dollars are slated for transfer to state and local agencies. While this push toward body-worn camera technology would seem to garner more pushback from police forces throughout the country due to officers' and especially, police unions' perception of “Big Brother” looking over their shoulder, the fact remains that existing legal, institutional, and other barriers to greater accountability favor law enforcement and shed some light as to why police chiefs and

¹⁰⁵ “After Ferguson, the body-camera business is booming.”

¹⁰⁶ Megan Sherman, “In Their Own Voices: Protestors Speak Out as Feds Start Probe of Freddie Gray's Death,” *The Real News Network*, April 22, 2015, http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=13702.

¹⁰⁷ Alan Blinder and Manny Fernandez, “North Charleston Prepares for Mourning and Protest in Walter Scott Shooting,” *The New York Times*, April 10, 2015, http://www.nytimes.com/2015/04/11/us/north-charleston-prepares-for-weekend-of-mourning-and-protest-in-walter-scott-shooting.html?_r=0.

¹⁰⁸ “TASER (TASR) Shares Rise on New Body Camera Orders,” *Zacks*, January 21, 2015, <http://www.zacks.com/stock/news/161234/taser-tasr-shares-rise-on-new-body-camera-orders>.

departments across the nation are, with some exceptions,¹⁰⁹ ready to adopt body-worn cameras.

The Rialto PD Study on Body-Worn Cameras

Though the research pertaining to body-worn cameras is limited to a handful of studies conducted throughout the US including Mesa and Phoenix, AZ as well as Orlando, FL, this section will focus on one of the most cited examples in the media that proponents use to justify the adoption of this technology. The study was conducted using the Rialto, CA police department in conjunction with TASER International. Rialto's Chief of Police, William Farrar, was also the author of the study as part of his master's dissertation with the University of Cambridge, UK. The study used an experimental design whereby some front-line officers were randomly assigned a TASER Axon body camera to record all public interactions during their shifts while others were not. Those not wearing body-cameras were referred to as the "control group." The aim of the study was to investigate "the extent to which cameras effect human behavior and, specifically, reduce the use of police force."¹¹⁰ While CCTV and speed cameras have been researched prior, body-worn cameras present a new field of study. Farrar's work initiated this research.

One aspect of the study was to "put to test the implication of self-awareness to being observed on compliance and deterrence theory in real-life settings." Compliance theory holds that the "physical presence of other people, especially rule-enforcers, either produces cooperative behavior or deters away noncooperative or noncompliant behavior." Deterrence theory, Farrar explains, "relies heavily on self-awareness and how being watched would lead to socially desirable behaviors" to the extent that when criminals anticipate being apprehended for their actions "socially and morally unacceptable acts are dramatically less likely to occur."⁸⁸ The operating assumption of the study is that body-worn cameras would foster "socially desirable behaviors" from compliant subjects, as "the awareness of being scrutinized will deter potential criminals for fear of apprehension."¹¹¹

It is through body-worn cameras that these theories were tested over a span of 12 months by gauging two metrics: changes in incidents of use of force by Rialto police as well as shifts in the number of complaints against Rialto officers. At the end of the 12-month trial period, the study boasted of reducing officer complaints by 87.5% while use of force incidents were minimized by 59.01%. Even those officers who were not equipped with body cameras witnessed a reduction in violent encounters.¹¹² These figures are, on the surface, no doubt impressive and have subsequently been spread throughout the media by police officials and politicians alike; however, there are several questionable aspects of this experiment that proponents invite the

¹⁰⁹ "Police Body-Worn Cameras."

¹¹⁰ "Self-Awareness to Being Watched and Socially-Desirable Behavior."

¹¹¹ *Ibid.*, 3.

¹¹² *Ibid.*, 8.

public to accept prima facie.

For instance, the demographics of Rialto vary widely from that of cities implementing body cameras, such as Los Angeles, CA or Orlando, FL, and therefore cannot be expected to be duplicated based on the Rialto experiment alone. Whereas Rialto is a “mid-sized police department that has jurisdiction over 28.5 square miles and services a population of 100,000 residents,”¹¹³ Los Angeles is a sprawling megalopolis at 468 square miles with a population of 3.8 million residents.¹¹⁴ Los Angeles is also second only to New York City in terms of most populous U.S. cities¹¹⁵ and is among the top ten most ethnically diverse metro regions in the United States.¹¹⁶ The two cities also differ with regards to percentage of homeowners versus renters. Among Rialto’s residents, 62% were homeowners while 38% renters.¹¹⁷ Los Angeles is the near inverse with 36.76% homeowners versus 63.24% renters.¹¹⁸ Looking at the police force characteristics of each city also reinforces the disparities. Regarding the number of sworn police officers, Rialto has a mere 115 officers¹¹⁹ in comparison to the over 9,000 in Los Angeles.¹²⁰ For non-sworn officers, Rialto boasts 42 officers¹²¹ in comparison to Los Angeles’ 3000.¹²² The nature and number of crimes differs substantially in number, though not necessarily in proportion, between the two cities. Of the 3,169 annual crimes committed in Rialto, 442 were violent and 2,727 were property crimes.¹²³ By comparison, Los Angeles was home to an annual 105,719 crimes of which 17,238 were violent and 88,481 were property-related.¹²⁴ Los Angeles also hosts a higher rate of residents living below the poverty line: 21.96%¹²⁵ versus 19.14% in Rialto.¹²⁶ The point of these figures is to stress that these differences in area, population, police force size, and especially violent crime rates make necessary another study pitting Rialto against a city that is similarly situated in terms of these and other demographics. Until such research is undertaken, neither the LAPD nor any other police department should claim the Rialto

¹¹³ Ibid., 5.

¹¹⁴ United States Census Bureau, “State & County QuickFacts: Los Angeles (city), California,” March 31, 2015, <http://quickfacts.census.gov/qfd/states/06/0644000.html>.

¹¹⁵ Chris Cilliza, “The 20 most populous metro areas in the United States,” *Washington Post*, January 16, 2014, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/01/16/the-top-20-most-populous-metro-areas-in-u-s-history-in-1-amazing-chart/>.

¹¹⁶ Conor Dougherty, “Which U.S. Cities Are Most, Least Racially Diverse?,” *Wall Street Journal*, September 7, 2012, <http://blogs.wsj.com/economics/2012/09/07/which-u-s-cities-are-most-least-racially-diverse/>.

¹¹⁷ United States Census Bureau, “State & County QuickFacts: Rialto (city), California,” March 31, 2015, <http://quickfacts.census.gov/qfd/states/06/0660466.html>.

¹¹⁸ US Census Bureau, “State & County QuickFacts: Los Angeles (city), California.”

¹¹⁹ “City of Rialto Case Study,” Taser, 2013, http://info.taser.com/rs/taser/images/CA_Rialto_PD_Case_Study.pdf

¹²⁰ “LAPD History,” LAPD Authors, 2006, http://www.lapdauthors.com/los_angeles_police_department_history.html

¹²¹ “City of Rialto Case Study.”

¹²² “LAPD History.”

¹²³ “Crime rates for Rialto, CA,” Neighborhood Scout, <http://www.neighborhoodscout.com/ca/rialto/crime/>.

¹²⁴ “Crime rates for Los Angeles, CA,” Neighborhood Scout, <http://www.neighborhoodscout.com/ca/los-angeles/crime/>.

¹²⁵ US Census Bureau, “State & County QuickFacts: Los Angeles (city), California”

¹²⁶ US Census Bureau, “State & County QuickFacts: Rialto (city), California.”

study as decisive, nor should the same results be expected for a metro region as large as Los Angeles.

Another point of contention resides with the assumptions the study makes with regards to deterrence theory itself and calls into question *whose* behavior is really being deterred in the Rialto study: the police's or the public's. Farrar notes that direct experimental research as to how body cameras influence behavior is "currently non-existent."¹²⁷ He even admits that the perspective that the body cameras were filming, from the perspective facing outward from a Rialto police officer's chest, provoked questions as to behavior modification: "[W]e cannot rule out the possibility that the cameras have [also] modified the behavior of those who interacted with the police." Nor did the experiment aim to "collect any evidence from these individuals to be able to ascertain this question."¹²⁸ Hence, not only was the experiment biased toward a law enforcement perspective, but also the applicability of deterrence theory on the public through the mechanism of body cameras was left unaddressed.

The Rialto experiment leaves open the question of whose behavior is being modified via this intrusive technology, which undermines the whole point of implementing body-worn cameras in the first place: to counter police violence and deadly use of force especially as it is employed on black males. Despite this glaring lacuna, Farrar expressed confidence that "the psychological mechanisms [of body-worn cameras] ought to be substantially similar"¹²⁹ between police and public alike. This is a ridiculous assumption to make not only on account of the reality that police still wield the ultimate power over the (filmed) public, who are less in power, less in control, and less authoritative, which automatically puts the two on unequal terms.

Not only is deterrence theory a problematic notion given the one-sided nature of the Rialto experiment, but as the Data and Society Research Institute has pointed out in a primer on body-worn cameras "the deterrent potential of cameras may be overestimated."¹³⁰ The report continued:

"While there is no clear-cut evidence of their efficacy in reducing crime, past studies have shown that public CCTV surveillance may deter crimes or they may merely displace them to other areas; they may have a negligible effect on violent crime; they may even increase other types of crime such as petty theft, because victims gain a false sense of security over their belongings from the presence of cameras; and when their impact is significant, it may be limited to certain area, like car parks."¹³¹

Leaving the question aside of whether CCTV surveillance and body-worn cameras are comparable in terms of deterring potential criminals, since the research is "currently non-existent," the above comments still

¹²⁷ "Self-Awareness to Being Watched and Socially-Desirable Behavior."

¹²⁸ *Ibid.*, 10.

¹²⁹ *Ibid.*, 10.

¹³⁰ "Police Body-Worn Cameras."

¹³¹ *Ibid.*, 4.

raise a number of issues. Among them, neither of the two metrics of the Rialto study, reduction in use of force as well as citizen complaints, measured the impact of body cameras on violent crime. If deterrence theory operates on the public through body-worn cameras then the possibility exists that violent and petty criminals as well as other undesirables could have simply been relocated to other areas within and outside the city, which effectively means that crime was not diminished at all but merely resituated itself outside the scrutinizing (digital) eye of law enforcement. If there is anything to this assumption that deterrence theory not only deters crime and enforces compliance but also disperses crime and pushes it out beyond certain boundaries (e.g. a neighborhood, city, precinct) than body-worn cameras could assumedly be used as a means by law enforcement to expedite the gentrification of neighborhoods. Low level offenders and other undesirable groups would be weakened via a war of attrition and would subsequently move away from the harassment of law enforcement. We do not know for certain whether this was the case because the Rialto experiment was designed only to measure use of force and citizens' complaints, which is not to fault the author. Empirical research builds upon and fills in the gaps of previous work, testing new theories and (in)validating hypotheses; however this should be reason for the public to be skeptical when politicians and police officials tout the Rialto-TASER experiment as definitive.

The last area of concern with Rialto study, more in terms of what it portends for the implementation of body-worn cameras in other large cities like Los Angeles and San Diego, is its use of predictive policing. Predictive policing is troubling not only for the results it yields, which are dubious in terms of effectively reducing crime, but also because it reinforces the preexisting racial biases within policing and the criminal justice system itself. To define this method of policing, The Omega Group, which is the manufacturer of the predictive policing software that the Rialto experiment used, describes it as “*any policing strategy or tactic that develops and uses information and advanced analysis to inform forward-thinking crime prevention*” (emphasis original).¹³² According to the National Institute of Justice, “Predictive policing, in essence, is taking data from disparate sources, analyzing them and then using the results to anticipate, prevent, and respond more effectively to future crime.”¹³³ One of the main proponents of predictive policing, Police Chief Charlie Beck of the LAPD, has argued that “[t]he predictive vision moves law enforcement from focusing on what happened to focusing on what will happen and how to effectively deploy resources in front of crime, thereby changing outcomes.”¹³⁴

Cutting through the jargon, predictive policing “shatters the presumption of innocence” that was the bedrock

¹³² Bruce Silva, “Predictive Policing and CrimeView Dashboard,” The Omega Group, June 27, 2012, accessed March 25, 2015, <http://info.theomegagroup.com/blog/bid/146477/Predictive-Policing-and-CrimeView-Dashboard>.

¹³³ Beth Pearsall, “Predictive Policing: The Future of Law Enforcement?,” National Institute of Justice, June 23, 2010, accessed March 17, 2015, <http://www.nij.gov/journals/266/Pages/predictive.aspx>.

¹³⁴ “What's Predictive Policing?,” Privacy SOS, <https://privacysos.org/predictive>.

of earlier policing models, however nominal at times it may have seemed. It renders entire neighborhoods as sites of suspicion and surveillance, potentially swarming with criminal elements that could instigate not only violence but also terrorist acts as well.¹³⁵ This is especially troubling for poorer, minority communities as these neighborhoods, homes, and schools are more likely to be targeted for gang ties and drug arrests despite empirical evidence that whites use illicit substance with greater frequency relative to population than do black and Latino individuals. When using body-worn video in conjunction with predictive policing software, the potential for data collective and intelligence gathering on black and brown individuals are exceptional.

Grassroots privacy and anti-surveillance group, Privacy SOS, has referred to predictive policing's destructive capacity as creating a "feedback loop of injustice."¹³⁶ Their description gives a more accurate portrayal of what is entailed through predictive policing than that offered by the NIJ or Chief Beck:

The predictive policing model is deceptive and problematic because it presumes that data inputs and algorithms are neutral, and therefore that the information the computer spits out will present police officers with objective, discrimination-free leads on where to send officers or deploy other resources. This couldn't be farther from the truth.¹³⁷

One example that *Privacy SOS* uses for illustration is the unequal enforcement of the nation's laws concerning drugs. To cite author and anti-racist activist Tim Wise, "According to the Department of Health and Human Services, Whites are eleven percent more likely to have used drugs than Blacks and twenty-five percent more likely to have done so than Hispanics." Wise also pointed to a National Drug Abuse Survey from the Centers for Disease Control that found that Whites enrolled in high school were "seven times more likely than Blacks to have used cocaine or heroin, and six times more likely to have used methamphetamine."¹³⁸

Yet, despite these statistics, it is black and brown individuals who are disproportionately targeted, arrested, charged, convicted, and fed into our criminal justice system for minor drug-related charges and whose lower socioeconomic status is overwhelmingly represented in U.S. prison demographics. Applied to body-worn cameras and their implementation in larger cities like Los Angeles that are more segregated by race and class, what this potentially means is that minority communities that are unfairly targeted for drugs end up skewing the data that predictive policing operates off of. Thus, the data is not "objective, discrimination-free" but is rather racially biased and faulty. When police departments are using predictive policing programs like Omega CrimeView Dashboard to reduce crime by targeting certain areas for drug offenses or other crimes of survival they are contributing to this feedback loop of injustice. Since Los Angeles currently uses some form

¹³⁵ "Policing Terrorism."

¹³⁶ "What's Predictive Policing?"

¹³⁷ Ibid.

¹³⁸ Auset Marian Lewis, "Whites Use More Drugs Than Blacks: The Great Narco Lie," *Black Agenda Report*, March 12, 2013, <http://www.blackagendareport.com/content/whites-use-more-drugs-blacks-great-narco-lie>.

of predictive policing to determine where to direct their resources, this means that body-worn video will only be used as a means for further surveillance and intelligence gathering of communities of color. Whether this footage will be shared among Fusion Centers is anyone's guess at this point given the ambiguity of current federal and state law; however, the history of LAPD is riddled with such instances of abusive surveillance and counterintelligence operations as policies inevitably "mission creep" beyond their ambiguously-defined goals (e.g. Fusion Center's shifting from strictly counter-terrorism to an "all-hazards" approach¹³⁹). Above all, the fact that predictive policing is an unproven method of countering crime, which the Rialto experiment nonetheless utilizes, should give not only readers pause but residents of Los Angeles as well. To spend tens of millions of dollars on body-cameras based upon a single, biased, and much-hyped experiment as the LAPD is proposing to do is not only hubristic but also irresponsible.

Use of Force

Evidence illustrates that abuse and homicide at the hands of law enforcement is overwhelmingly non-indictable whether captured on video or not for legal and institutional reasons.¹⁴⁰ Through examining body-worn cameras' use, these case studies will emphasize to the reader that not only is their field of vision biased towards an officer's perspective rendering it a technology that watches the public,¹⁴¹ which is the exact opposite of cop watching, but many use of force incidents that were supposed to be recorded in accord with department policy are notably missing video documentation. In the event footage is provided, it is most often interpreted in a manner that benefits police¹⁴² due to legal and institutional biases that place the burden on victims to prove their constitutional rights were knowingly violated by law enforcement¹⁴³ as well as differing perceptions from whites and blacks as to how racially equitable police are in their practices.¹⁴⁴ Still other concerns include alleged malfunctions of body-worn cameras whereby recording during critical moments is

¹³⁹ Michael German and Jay Stanley, "What's Wrong With Fusion Centers?", ACLU, December 2007, https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf.

¹⁴⁰ Aditi Mukherji, "What is Qualified Immunity?", FindLaw Blog, April 17, 2013, <http://blogs.findlaw.com/injured/2013/04/what-is-qualified-immunity.html>.

¹⁴¹ Raven Rakia, "The Cops Hate Being Filmed. So Why Are They OK With Body Cameras?", *The Nation*, December 19, 2014, <http://www.thenation.com/article/193345/cops-hate-being-filmed-so-why-are-they-ok-body-cameras>.

¹⁴² Fusion notes that allowing officers to control the record button invites instances of missing footage. Furthermore, when officers fail to record use of force incidents in contravention of department policy they rarely face stiff sanctions: Connie Fossi-Garcia and Dan Lieberman, "Investigation of 5 Cities Finds Body Cameras Usually Help Police," December 7, 2014, <http://fusion.net/story/31986/investigation-of-5-cities-finds-body-cameras-usually-help-police/>.

¹⁴³ "Qualified Immunity," Cornell University Law School, https://www.law.cornell.edu/wex/qualified_immunity.

¹⁴⁴ Bruce Drake, "Ferguson highlights deep divisions between blacks and whites in America," Pew Research Center, November 26, 2014,

<http://www.pewresearch.org/fact-tank/2014/11/26/ferguson-highlights-deep-divisions-between-blacks-and-whites-in-america/>.

interrupted due to technical glitches and disconnected cords.¹⁴⁵

Since research supporting the efficacy of body-worn cameras in terms of reducing civilian complaints and/or use of force by police is virtually non-existent at this time, case studies of recorded violent civilian-police altercations and their ramifications, whether captured by in-car dash cameras, cell phones, or body-worn cameras will have to suffice in displaying the pitfalls surrounding the technology. Before turning to some key case studies that illustrate the legal and other barriers to greater police accountability through body-worn camera or other video footage, some definitions are needed. For purposes of clarity, the International Association of Chiefs of Police (IACP) has defined *use of force* as: “The amount of effort required by police to compel compliance by an unwilling subject.” The IACP categorizes use of force by the method of delivery, which includes physical, chemical, electronic, impact, and firearm components. For force to legally be deemed excessive the Bureau of Justice Statistics (BOJ) has stated in its *Data Collection on Police Use of Force* that it must hinge upon “whether the police officer reasonably believed that such force was necessary to accomplish a legitimate police purpose.”¹⁴⁶

Problems arise as to what constitutes the ambiguous notions of “reasonable” and “necessary” as different jurisdictions may offer differing and even contradictory criteria. Furthermore, “improper” use of force can be bifurcated into “unnecessary” and “excessive” force. To clarify, improper force is defined as “the application of force where there is no justification for its use, while an excessive use of force would be the application of more force than required where use of force is necessary.”¹⁴⁷ These relatively more precise categories of use of force will still be gauged differently by different groups of people, especially when the question of whether improper and/or excessive use of force was substantiated by police is viewed through the prism of race, ethnicity, and other factors.

Biased Perceptions of Police Use of Force

The Pew Research Center has conducted polling in terms of the public trust that exists between law enforcement and communities of color and, based on their findings, one can infer how body-worn camera or other footage could be construed differently dependent on the viewer's racial and ethnic background. Using white and black Americans as its two target groups, Pew found roughly 80% of black respondents stated a great deal remains to be done with regards to achieving racial equality while 44% of whites offered the same response. On the question of whether Michael Brown's shooting in Ferguson, MO, initiated a greater dialogue

¹⁴⁵ Moreh B.D.K., “Cop Unplugs Body Cam, Shoots Woman, Turns Camera Back On Just In Time For Gun To Appear On Dead Body,” February 11, 2015, <http://countercurrentnews.com/2015/02/cops-camera-malfunctions-then-turns-back-on/>.

¹⁴⁶ “Police Use of Force,” National Institute of Justice, January 20, 2012, accessed February 11, 2015, <http://www.cops.usdoj.gov/Default.asp?Item=1374>.

¹⁴⁷ Ibid.

surrounding race, approximately 80% of blacks stated that the shooting brought up issues “that need to be discussed” and about half of the white respondents claimed race was “getting more attention than it deserved.” Only 37% of whites expressed similar support in terms of increased public dialogue initiated by Michael Brown's death.¹²⁴ Another question focused on confidence in police across the nation to treat both races equally. Here, 35% of whites expressed “great confidence” versus only 17% of blacks. Pew notes, “In surveys dating back to 1995, the share of whites saying the police do a good job of enforcing the law consistently has been significantly higher than that of blacks.”¹⁴⁸

Applied to body-worn camera footage and the supposed objectivity it provides, this polling data means that interpretations of whether an officer used unnecessary and/or excessive force is likely to be conditioned on the basis of race and ethnicity. Considering that the 12-member grand jury that decided not to indict white Ferguson police officer Darren Wilson in the fatal shooting of unarmed, black teenager Michael Brown was 75% white, six men and three women, and only 25% black, two women and one man,¹⁴⁹ the ramifications of this race- and gender-biased grand jury makeup no doubt led to diverging interpretations of Officer Wilson's use of force.

It is doubtful whether body-worn video would have clarified that the use of force was justified in the Brown shooting for, as the Data & Society Research Institute note in a case study, video evidence is anything but concrete among different segments of the public:¹⁵⁰

A study conducted by Yale law professor Dan Kahan and his colleagues demonstrated how interpretation of video evidence can vary widely based on factors like race, political affiliation, and income. The case examined, *Scott v. Harris*, involved dashcam footage of a police chase in which an officer deliberately rear-ended the plaintiff, who became a quadriplegic as a result. The plaintiff then sued the officer, alleging that he had used excessive force. The officer claimed he was justified in rear-ending the plaintiff because the plaintiff's reckless driving constituted a threat to public safety. However, the plaintiff denied that his driving threatened public safety...Kahan and his associates accepted the Supreme Court's invitation and invited 1,350 diverse members of the public to watch the video from *Scott v. Harris* and interpret: (1) whether the speeding motorist had posed a public threat, and (2) whether the officer was justified in rear-ending the motorist to stop him. The results of the study showed that interpretation of the video varied widely in both regards. On the whole, African-Americans, low-income subjects, and Democrats were more likely to side with the plaintiff than with the Court.¹⁵¹

¹⁴⁸ “Ferguson highlights deep divisions between blacks and whites in America.”

¹⁴⁹ “Racial and gender makeup of grand jury revealed in Ferguson case,” *CBS News*, August 22, 2014, <http://www.cbsnews.com/news/ferguson-case-racial-and-gender-makeup-of-grand-jury-revealed/>.

¹⁵⁰ “Police Body-Worn Cameras.”

¹⁵¹ *Ibid.*

One can infer that whites will be more inclined to legitimate police misconduct and downplay the pernicious influence of racialized policing by construing incidents of excessive and improper use of force as being prompted by the character defects and/or irresponsible actions of the victim. This is partly attributable to the simple fact that many in the public, especially white citizens, do not want to acknowledge that sometimes law enforcement act irresponsibly and lie to cover their actions. What exists as an incident of cultural and institutional racism is dismissed on the basis of personal responsibility. Moreover, whites are also more prone “to perceive black, particularly male, individuals as having less sensitivity to pain and greater physical strength and aggression than any other group,” while “[a]nother study found that subjects were more likely to read emotions like anger into black male faces than faces of people of other races.”¹⁵² According to one public defender, “Studies and polls routinely show that white Americans, and the American public in general, perceive blacks to be more violent than other groups and more prone to drug abuse, although neither of those assertions is demonstrably true.”¹⁵³ What this portends for body-worn video viewed by a majority white jury or analyzed by a police force that is overwhelmingly white is alarming from a criminal justice standpoint. As a result of this so-called “superhumanization bias” whites, including white police officers, “may be quicker to read aggressive or violent intent in minority subjects’ body language or behavior, and be inclined to find use of force justified.”¹⁵⁴

Subsequently, the Data and Society Research Institute advocates for reviewers of body-worn video “to be more sensitive”¹⁵⁵ with regards to the manner in which they interpret an officer’s actions. While this is sound advice it cannot overcome the fact that officers are trained early on from their academy days that first and foremost “their single overriding goal every day is going home at the end of the shift.” To further cement this culture of fear, “[o]ne of the most popular police training texts instructs officers to make tactical thinking a constant part of their working lives.” Thus, even traffic stops are considered as potentially deadly encounters though the same public defender notes that according to a review in the *Journal of Criminal Justice*, “the risk of a police fatality during a traffic stop [is ranked] between 1 in 6.7 million and 1 in 20.1 million.”¹⁵⁶ Pairing this irrational fear with subconscious racial bias against black males in particular and “broken taillights” policing¹⁵⁷ makes for a lethal combination that ensures citizen-police encounters often escalate to the point

¹⁵² Ibid.

¹⁵³ Josh Michtom, “Excessive Use of Force Isn’t About Rogue Cops. It’s About Policy,” Medium, October 24, 2014, <https://medium.com/@rsgat/police-brutality-isnt-the-exception-its-the-policy-a65f4ceaaf29>.

¹⁵⁴ “Police Body-Worn Cameras.”

¹⁵⁵ Ibid., 26.

¹⁵⁶ “Excessive Use of Force Isn’t About Rogue Cops.”

¹⁵⁷ On how “[l]aw enforcement too often views people in low-income and high-poverty areas as suspects and potential sources of revenue rather than residents whose public safety they are to protect.”: Karen Dolan, “How a Broken Tail Light Can Be a Death Sentence in America,” *AlterNet*, April 10, 2015, <http://www.alternet.org/news-amp-politics/how-broken-tail-light-can-be-death-sentence-america>.

where deadly use of force is inevitable. When legal precedents enshrine officers with wide latitude and discretion to use such deadly force the outcomes are not only lethal but also unjust.

Biases That Ensure Excessive Use of Force Is Rarely Punished

To illustrate the legal barriers that tilt the scales of justice in the favor of law enforcement, Chase Madar of *The Nation* points out that in Ferguson, MO, one statute within Missouri law “grants a lot of discretion to officers of the law to wield deadly force.” The legal basis for employing deadly use of force was established by Supreme Court precedent in the case of *Tennessee v. Garner*. This precedent is known as “objective reasonableness” and it renders an officer's legitimate use of force upon a subject contingent upon the “severity of the crime, whether the subject is resisting or trying to escape and above all, whether the suspect posed an immediate threat to the safety of officers or others.” A problem arises, however, in distinguishing “objective reasonableness” from the split-second decisions of adrenaline-infused cops responding to perceived-crisis to the extent that, as Madar writes, “American courts universally defer to the law enforcement officer's own personal assessment of the threat at the time.” What this means is that interpretation of an officer’s actions in response to “an immediate threat” are largely off limits and that wide flexibility, leeway, and discretion are given to them and their justification for the use of force.¹⁵⁸

Essentially, objective reasonableness is both a legal doctrine as well as a part of LAPD culture.¹⁵⁹ By governing the use of force, objective reasonableness allows the police’s recounting of events and their own narrative to dominate and constrain juror discretion if, in fact, it reaches court proceedings. For proponents of body-worn cameras who argue that video documentation is an invaluable resource to holding officers accountable for excessive and improper uses of force, the fact remains that this legal precedent undermines the purported objectivity of body-worn video as law enforcements’ judgment creates the official narrative in most cases, recorded or not.

Another doctrine, qualified immunity, applies whenever it is determined that a “reasonable person’ in the defendant's position would have known that his or her actions violated clearly established law.”¹⁶⁰ If, to use an obvious example, an officer performed a roadside cavity search on someone for drugs,¹⁶¹ then qualified immunity would *not* apply to them as a reasonable person would know that such an act violated the victim’s civil rights and degraded their humanity. Even if a victim of police brutality survives and is able to successfully file an administrative request and/or subpoena for a particular officer's body-worn camera

¹⁵⁸ “Why It’s Impossible to Indict a Cop.”

¹⁵⁹ See “7. Minimum Use of Force”: “Management Principles of the LAPD”, LAPD Online, 2015, http://www.lapdonline.org/inside_the_lapd/content_basic_view/846.

¹⁶⁰ “What is Qualified Immunity?”

¹⁶¹ “Texas troopers charged for roadside body cavity search,” *RT*, March 25, 2013, accessed March 17, 2015, <http://rt.com/usa/texas-troopers-search-cavity-821/>.

footage, she will still have to overcome this legal barrier in order to sue for deaths or injuries attributable to the police, which places the “burden of proof..on the victims, not the cops, and requires showing that an officer intentionally violated a person's civil rights” for civil liabilities to apply. This legal notion is similar to the absolute immunity afforded to judges, lawmakers, lawyers, and other personnel who, in carrying out their official duties, cannot be sued. However, qualified immunity protects public officials from “lawsuits alleging that that they violated plaintiffs' rights, [by] only allowing suits where officials violated a 'clearly established' statutory or constitutional right.”¹⁶² In order to determine what is meant by “clearly established” courts will “consider whether a hypothetical reasonable official would have known that the defendant's conduct violated the plaintiff's rights”¹⁶³ by referencing the law that was in effect at the time of the alleged violation and not the law that was in place during the time of court proceedings. Pertaining to body-worn cameras, while some may argue that video footage of police interactions with the public would mitigate these civil rights violations based upon deterrence theory, there is much evidence in the form of case studies to support that contention that this would not be the case.

Case Study: Kajieme Powell

Kajieme Powell, a 25-year-old mentally ill youth was killed August 18th, 2014, after having stolen goods from a nearby convenience store and allegedly brandished a knife while imploring two St. Louis officers to kill him. Cell phone footage of this improper use of force was deemed “exculpatory” and neither of the two officers involved in the shooting that took place within a three-mile radius of where Michael Brown was shot and killed weeks earlier have been charged in the aftermath.¹⁶⁴ Though Powell was clearly a disturbed individual, as evidenced by his desire for what is termed a “suicide by cop,”¹⁶⁵ cell phone video footage indicates he was more a threat to himself than to the two officers who arrived at the scene or to the others standing by witnessing the exchange which was brief due to the fact that the two officers fired their handguns within twenty seconds of pulling up in their SUV. The recording also contradicts St. Louis Police Chief Sam Dotson's recounting of events as viewers can discern that Powell was not holding a knife high in the air as he approached the officers. In actuality, Powell barely raised his arms above shoulder height. Video evidence also shows that Powell was not “within 2 or 3 feet of the officers”¹⁶⁶ as Dotson claimed, but was more likely three times this distance when the officers shot and killed him.

¹⁶² Brett Snider, “Police Body Cameras: What Defendants, Victims Need to Know,” *FindLaw Blog*, December 5, 2014, <http://blogs.findlaw.com/blotter/2014/12/police-body-cameras-what-defendants-victims-need-to-know.html>.

¹⁶³ “Qualified Immunity.”

¹⁶⁴ Conor Friedersdorf, “The Killing of Kajieme Powell and How It Divides Americans,” *The Atlantic*, August 21, 2014, <http://www.theatlantic.com/national/archive/2014/08/the-killing-of-kajieme-powell/378899/>.

¹⁶⁵ “Suicide by Cop,” *Police Link*, <http://policelink.monster.com/training/articles/2313-suicide-by-cop>.

¹⁶⁶ “The Killing of Kajieme Powell and How It Divides Americans.”

Despite these narrative disjunctures, Chief Dotson commented that the two officers “followed proper protocol.” Given the training of police officers to treat every situation they face tactically and with great caution, Dotson’s comments, though reprehensible, are understandable from a law enforcement perspective. More illuminating are the measured comments of liberal commentator and blogger Ezra Klein in a piece in *The Atlantic*. Klein stated regarding the Powell shooting: “It is easy to criticize. It is easy to watch a cell phone video and think of all the ways it could have gone differently.” He continued: “It is easy to forget that police saw a mentally unbalanced man with a knife advancing on them...It is easy to forget that police get scared.” Though Klein contended that there was “still something wrong with that video” and goes on to offer critical analysis of what transpired and how the police immediately escalated the situation, his comment as to officers “get[ting] scared,”¹⁶⁷ unwittingly, illustrates that it is precisely this excessive fear by law enforcement, especially of young black males, that the notion of objective reasonableness justifies by “prohibit[ing] any second-guessing of the officer's decision to use deadly force...even if scientific evidence proves it to be mistaken.”¹⁶⁸

Case Study: Milton Hall

Another incident occurred in July 2012 in a shopping plaza parking lot with dashboard cameras capturing six of eight officers from the Saginaw, MI police department firing forty-six bullets at Milton Hall, a mentally ill homeless man. Hall sustained eleven bullet wounds and eventually died from his injuries. Mark Francher, an attorney with the ACLU, gives an overview of the scenario that was captured via dash cam: “Milton Hall got into an argument with a store clerk, and he was mentally ill and he left the store and stood out in the middle of an empty parking lot screaming and yelling to himself.” Francher continued: “Eight police officers arrived...then they got a K-9...When [the dog] started barking and snapping at Mr. Hall, he pulled out a pen knife and started yelling at the dog and sort of gesturing with the knife, and then they emptied their guns. They shot him down in fire-squad fashion.”¹⁶⁹

Despite the horror of this execution-style killing of a mentally ill homeless man, Former Saginaw County Prosecutor Michael D. Thomas declined to prosecute on the basis of the “lack of criminal intent” contained in the dash cam footage though he declined to justify the shooting. Furthermore, a federal investigation spent over a year examining the case before ruling there was insufficient evidence to indicate

¹⁶⁷ Ibid.

¹⁶⁸ “Why It’s Impossible to Indict a Cop.”

¹⁶⁹ Gus Burns, “Saginaw Milton Hall case proves more cameras won't solve 'problem,' ACLU attorney says,” *MLive Michigan*, January 22, 2015,

http://www.mlive.com/news/detroit/index.ssf/2015/01/saginaw_milton_hall_case_prove.html.

“willful misconduct.”¹⁷⁰ The definition of “willful misconduct” is “a knowing violation of a reasonable and uniformly enforced rule or policy” whereby the person “intentionally [does] that which should not be done or intentionally [fails] to do that which should be done,”¹⁷¹ which results in situation where needless death or injury may, or probably will, result. Madar's point, one that is especially salient in light of President Obama's Executive Order for federal matching funds to help facilitate the purchase of body-worn cameras at the local level, is that whether recorded or not, such videos do not only “end up illustrating just how much leeway police have in opening fire on a suspect” but, more to the point, they “cannot undo the legally enshrined deference to the subjective feelings of police officers when they reach for their weapons.”¹⁷² Law enforcement is so cognizant of this reality that incidents of improper and excessive use of force seem to follow a well-tread pattern and adhere to a standard playbook whereby police unions unilaterally justify shootings, tazings, beatings, and other instances of assault by police on the basis that the victim was “reaching for a weapon.”

Though three of the Saginaw officers involved were disciplined, none were fired or, more importantly, charged with murder for shooting a man that was brandishing a miniscule penknife against eight heavily armed police officers. It is hard to rectify the prosecutor's judgment of lack of “willful misconduct” given the asymmetry of the use of force between the police and what Milton Hall could have potentially done to the officers; however, Francher hits the proverbial nail on the head stating, “If that's not good enough evidence, there is no evidence that's good enough. And it means *the problem is not with the quality of the evidence, the problem is with those who make decisions about who should bring charges against these police officers*” (emphasis added).¹⁷³ Francher's point is well taken by pointing to the structural and institutional biases that favor law enforcement over the public and for which body-worn video will not rectify the most egregious abuses of the public's trust by officials tasked with serving and protecting communities.

Case Study: Mary Hawkes

The Albuquerque, NM, police department has been under investigation and federal oversight by the Department of Justice since November 2012 due to an alarming number of police homicides. One of the more recent incidents occurred in April 2014 as Albuquerque Police Officer Jeremy Dear shot 19-year-old white woman Mary Hawkes, a suspected car thief, during an on-foot chase. Though Albuquerque police department policy requires officers to record “all contacts with the public that could result in complaints against the department's personnel,”¹⁷⁴ Dear's body-worn camera was not plugged in at the time of Hawkes' shooting and

¹⁷⁰ Ibid.

¹⁷¹ “Willful Misconduct Law & Legal Definition,” US Legal, <http://definitions.uslegal.com/w/willful-misconduct/>.

¹⁷² “Why It's Impossible to Indict a Cop.”

¹⁷³ “Saginaw Milton Hall case proves more cameras won't solve 'problem.’”

¹⁷⁴ “Investigation of 5 cities finds body cameras usually help police.”

he alleges to have complained that he experienced repeated technical glitches with the camera. Fully aware that his record button had not been pressed, Dear nonetheless decided to continue with an on-foot pursuit of Hawkes. When the cable was connected by Dear following the shooting of Hawkes, he was heard to exclaim on camera “Oh, I’m going to be in trouble for this.”¹⁷⁵ A report by *Fusion* noted “an internal probe found [Dear] turned off his camera at least four times”¹⁷⁶ during past shifts and another story notes that Dear’s personnel file contained around a high “nine or ten” citizen and internal complaints.¹⁷⁷

Objective reasonableness could potentially have come to Dear’s defense as he claimed he was “scared to death,” stating “I don’t think I’ve ever been more scared in my life.” He said he had wanted to return home to his girlfriend and 6-year-old son. However, while Dear was fired for “insubordination and untruthfulness”¹⁷⁸ for failing to turn on his camera, murder charges were never even sought, which one can infer means that “willful misconduct” applied instead due to this officer failing to abide by department policy. Such as slap on the wrist illustrates the regard for which the Albuquerque PD holds its citizens lives. In effect, Dear was fired for violating department policy as well as for the additional pressure brought upon the Albuquerque police department by Department of Justice oversight and not for taking the life of a young woman. Hawkes was reportedly an animal lover and “was her best spiritually when she was with animals.” A friend stated that this “suspected car thief” would often break into cars to avoid sleeping in the local homeless shelters where she felt vulnerable as a young woman. “She deeply cared for others,” her friend stated. “She would put others in front of her all the time, and sometimes that was a flaw for her.”¹⁷⁹

Though Officer Dear took the life of someone with great promise and empathy and, in turn, violated his department policy on body-worn cameras, such relatively lax sanctions as well as the ambiguity this violation fosters in terms of what transpired are sadly much the norm. As the Department of Justice stated in a report with regards to the Albuquerque Police Department’s civil liberties violations, “We found very few examples of officers being reprimanded for failing to record force incidents.”¹⁸⁰ Furthermore, “The fact that few officers were reprimanded for this failure suggests that supervisors have also failed to insist on this form of accountability.”¹⁸¹ Mary Hawkes’ death is yet one more tragic example of this lack of accountability from

¹⁷⁵ “Cop Unplugs Body Cam, Shoots Woman, Turns Camera Back On Just In Time For Gun To Appear On Dead Body.”

¹⁷⁶ “Investigation of 5 cities finds body cameras usually help police.”

¹⁷⁷ Joseph J. Kolb, “Albuquerque policeman who shot woman fired over camera lapse,” *Yahoo! News*, December 1, 2014, <http://news.yahoo.com/albuquerque-policeman-shot-woman-fired-over-camera-lapse-021509695.html>.

¹⁷⁸ Nicole Perez, “Officer who shot Mary Hawkes fired for insubordination,” *Albuquerque Journal*, December 1, 2014, <http://www.abqjournal.com/503875/news/lawyer-albuquerque-officer-in-shooting-fired.html>.

¹⁷⁹ Nicole Perez, “Mentor recalls a ‘great life,’” *Albuquerque Journal*, April 22, 2014, <http://www.abqjournal.com/387517/news/mentor-recalls-a-great-life.html>.

¹⁸⁰ Ashley Arnold, “Police body cameras are a matter of record,” *KSN.com*, January 29, 2015, <http://ksn.com/2015/01/29/a-matter-of-record/>.

¹⁸¹ Nicole Perez, “No video in several of officer’s arrests,” *Albuquerque Journal*, May 13, 2014, <http://www.abqjournal.com/398991/news/no-video-in-several-of-officers-arrests.html>.

police and the wider criminal justice system.

Case Study: Armand Bennet

On Monday, October 13, 2013, Armand Bennet was shot in his car by New Orleans police officer Lisa Lewis who had pulled Bennet over for prior outstanding warrants. Bennet's brother was also in the car at the time of the shooting. Though the details surrounding the incident are vague, what is known is that Bennet and Lewis had had an altercation a week earlier from which Bennet had escaped. Lewis' improbable story, stated through her lawyer, is that she had turned her body camera off prior to the non-fatal shooting of Bennet in anticipation that her shift was about to end.¹⁸² Why Officer Lewis would turn off her body camera when approaching the car of a known fugitive is unclear, however, her failure to abide by department policy, much like Officer Dear's case in the shooting and killing of Mark Hawkes, was not an isolated incident. In fact, an independent monitor assigned by the Department of Justice found "cameras, including body-worn cameras and the more prevalent police dashboard cameras, were not used in 60 percent of the use of force incidents reported between January to May 2014" for the New Orleans Police Department.¹⁸³

To call into further question the supposed transparency body-worn cameras will foster, *Fusion* reported "the shooting, along with the fact that the officer had turned her camera off was not revealed by police until some time later."¹⁸⁴ This lapse in oversight by New Orleans Police Superintendent Ronal Serpas was attributed to a "snafu" though the department wasted no time in engaging in the character assassination of Bennet to deflect attention away from their own suspect practices. The department justified Lewis' actions on the basis that "the arrested subject was wanted in Orleans Parish and Jefferson Parish for resisting at the time of the incident."¹⁸⁵ This strategy of blaming the victim, as if Bennet was responsible for Officer Lewis' failure to abide by department policy, has been witnessed in other cases of police killings whereby officers reacted in a less than exemplary manner.¹⁸⁶ In Bennet's case, his brother claimed that Lewis had fired two shots at Armand but viewers will never know as the footage that could have shed light on this incident was never initiated.

Case Study: James Matthew Boyd

One March 16th morning in 2014, Albuquerque, NM, police were notified of a man illegally camping

¹⁸² Graham Noble, "Police Officer Shoots New Orleans Man After Turning Off Body Camera," *Liberty Voice*, October 20, 2014, <http://guardianlv.com/2014/10/police-officer-shoots-new-orleans-man-after-turning-off-body-camera/>.

¹⁸³ "Investigation of 5 Cities Finds Body Cameras Usually Help Police."

¹⁸⁴ Ibid.

¹⁸⁵ "Police Officer Shoots New Orleans Man After Turning Off Body Camera."

¹⁸⁶ Steve Gorman and Diana Beth Solomon, "Homeless man shot dead by LAPD had served time for bank robbery," *Reuters*, March 3, 2015, <http://www.reuters.com/article/2015/03/03/us-usa-california-shooting-idUSKBN0LZ2B420150303>.

in the foothills outside of town. Ranting and raving the individual, James Boyd, a 38-year-old homeless man who suffered from schizophrenia, was clearly not in his right mind, which the two initial officers only exacerbated by drawing their guns when Boyd failed to show his hands. Boyd responded to an attempted pat down by pulling two knives on the officers at which point they called for additional backup. As a compelling article in *Rolling Stone* reported, “[a]s many as 40 police officers [were] reportedly joining the standoff” and “[a]mong them were uniformed cops and members of the SWAT team, the tactical K-9 unit and the Repeat Offender Project Squad.”¹⁸⁷ As the shooting of Milton Hall and others has shown, para-militarized police many times escalate scenarios such as these and are poorly trained in handling mentally ill individuals.

For some three hours, a fully armed battalion of officers attempted to talk Boyd down from the hills. When he finally acquiesced and was in the process of packing up his belongings from the campsite, one officer tossed a flash-bang grenade, “[a]nother officer fired a TASER at Boyd, and a third released a police dog on him.” Boyd again pulled his knives and, as he began to turn away, Detective Keith Sandy and Officer Dominique Perez of the SWAT team “each fired three live rounds at him, hitting him once in the back and twice in his arms.” If this weren't enough, an officer used his beanbag-deploying shotgun on Boyd while another officer let loose his German Shepherd K-9, which “tore into [Boyd's] legs.”¹⁸⁸

Boyd was eventually apprehended and handcuffed; however, *Rolling Stone* reports that, while at the University of New Mexico hospital, “In the final hours of his life, Boyd had his right arm amputated and his spleen, a section of his lung and a length of his intestines removed” before dying at 2:55 a.m. Lest readers think that Boyd's death was an isolated incident, his killing marked the 22nd homicide for Albuquerque police in a little over four years, which prompted the Department of Justice's Civil Rights Division to implement a consent decree over the violence-prone department.¹⁸⁹ It is perhaps due to this federal oversight to ensure constitutional policing is followed that both Detective Sandy and Officer Perez are currently facing murder charges in one of the few instances where officers were held to account for their excessive and deadly use of force. Furthermore, it was the helmet camera footage of a SWAT team member, and not Detective Sandy whose lapel camera was “required to keep running [yet] was inexplicably absent”¹⁶¹ that documented this incident and facilitated the charges to be brought.

This fact is not meant to endorse body-worn cameras insomuch as it is voiced to shed light on the impunity police officers all too often face when using deadly force and violating administrative protocol with regards to body-worn cameras. Common sense would also illustrate that this scenario involving a mentally ill, schizophrenic man required anything but an escalated and clearly hostile police and SWAT team presence.

¹⁸⁷ Nick Pinto, “When Cops Break Bad: Inside a Police Force Gone Wild,” *Rolling Stone*, January 29, 2015, 2015, <http://www.rollingstone.com/culture/features/when-cops-break-bad-albuquerque-police-force-gone-wild-20150129>.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

Plainclothes officers would have been a much wiser, and safer, choice for the victim and the officers alike. It is perhaps only due to the extremely upsetting nature of the video and the callousness of the New Mexico police department, which has a history of violence, corruption, and reckless gun worship culture,¹⁹⁰ that charges were forthcoming although a conviction still remains to be seen. Tellingly, these charges mark the first brought against the homicide-prone Albuquerque Police Department in at least 50 years.¹⁹¹

Assessing the Case Studies

These case studies, selected for how they emphasize different aspects of video evidence with regards to law and subjectivity, also illustrate the demographic similarities commonly found within police shootings and other uses of force by officers: the victims are many times black, mentally ill, and/or homeless. Indeed, among these five case studies, the majority of the victims were black, which according to the Bureau of Justice are “about three times more likely to be stopped by police than white drivers”¹⁹² under what has come to be known as “broken taillights” policing. An article in *AlterNet* further notes that, “According to the Center for American Progress, as of 2012, blacks were ‘twice as likely to be arrested, and almost four times as likely to experience the use of force during police encounters.’”¹⁹³ A report by *ProPublica* has documented blacks as being 21 times more likely than their white counterparts to be shot and killed by police officers. The report states that, “Blacks are being killed at disturbing rates when set against the rest of the American population” though even *ProPublica*’s admits its figures may be an underestimate given the fact that many among the 17,000 police departments do not keep detailed police shooting reports because they are not required to by law.¹⁹⁴ As mentioned before, police are trained from their academy days to treat every situation in tactical terms even with those encounters that, such as traffic stops, are statistically proven to rarely result in threats to their lives. Paired with an irrational fear and misreading of blacks and black aggression by whites in general, known as “superhumanization bias”, the results of routine civilian-police encounters involving black males many times escalate and become deadly as witnessed in the recent fatal police shooting of Walter Scott during a traffic stop in North Charleston, South Carolina.¹⁹⁵

Four out of the five victims in these examples were mentally ill, which is part of a larger problem

¹⁹⁰ Ibid.

¹⁹¹ Mike Gallagher and Ryan Boetel, “Officers charged with murder,” *Albuquerque Journal*, January 12, 2015, <http://www.abqjournal.com/524987/news/da-to-see-murder-charges-against-officers-in-james-boyd-shooting.html>.

¹⁹² “How a Broken Tail Light Can Be a Death Sentence in America.”

¹⁹³ Ibid.

¹⁹⁴ Ryan Gabrielson, Ryann Grochowski Jones and Eric Sagara, “Deadly Force, In Black and White,” *ProPublica*, October 10, 2014, <http://www.propublica.org/article/deadly-force-in-black-and-white>.

¹⁹⁵ On the bystander who caught Scott’s murder by a white police officer on video and how he feared retaliation from the police for disseminating the video: Kali Holloway, “Man Who Filmed Walter Scott’s Murder Was Terrified and Still Fears Police Retaliation . . . With Good Reason,” *AlterNet*, April 9, 2015, <http://www.alternet.org/news-amp-politics/man-who-filmed-walter-scotts-murder-was-terrified-and-still-fears-police>.

throughout the country as social services to the needy are. These individuals, people such as Milton Hall, Kajieme Powell, and James Matthew Boyd, are more likely to pose a threat to themselves than to officers and others,¹⁹⁶ which speaks to the stigma surrounding mental illness in the United States and the dire need for a national dialogue on mental health. Such a conversation must address how front line workers such as police should deal with these vulnerable segments of society in this age of increasing austerity, hardship, and reduced standards of living. Reinforcing this sentiment, an article in *The Portland Press Herald* exposed the alarming number of police shootings of mentally ill people in the state of Maine noting that, “Violent encounters with disturbed people are likely to increase in Maine and elsewhere, as cutbacks in mental health services, the return of veterans troubled by the experience of war, and the growing abuse of prescription drugs are putting police in the role of front-line mental health workers.” The article cites that approximately half those killed by police each year in the state of Maine are mentally ill and “in many cases, officers knew from the start that the subjects were unstable.”¹⁹⁷ Such findings are not reserved for Maine alone as cutbacks in mental health services have become commonplace throughout the nation.¹⁹⁸

The LAPD’s recent shooting of a homeless and mentally ill man on Skid Row, known as “Africa,” in addition to Police Chief Beck’s comments that the officers, who ultimately killed him, were specially trained in dealing with the mentally ill as they had “completed our most extensive mental illness training over a 36-hour course,”¹⁹⁹ speaks volumes not only to the callousness of police officials, no matter what friendly face they try to give law enforcement (e.g. “community policing”), but also comments as to how ill-equipped law enforcement officers are in dealing with the most vulnerable segments of society. Though police are first responders to moments of crisis, the slate of killings of mentally ill individuals must stop as those who possess the legitimate means of state violence cannot be expected to deal with the most marginalized and vulnerable among us with empathy and compassion.

Finally, three of the five victims of these case studies were homeless, illustrating the increasing criminalization of poverty as well as hostile police perceptions to poor and transient populations.²⁰⁰ As

¹⁹⁶ According to Sandro Galea, the chairman of epidemiology at Columbia University’s Mailman School of Public Health and an Anna Cheskis Gelman and Murray Charles Gelman Professor of Epidemiology, “Individuals with mental illnesses are much more likely to have violence done to them than to inflict harm on others. Our proclivity is to highlight when an individual with mental illness is found to be responsible [for a crime] but the truth is that they are far more likely to suffer.” Candice Leigh Helfand, “Expert: People With Mental Illness ‘More Likely To Have Violence Done To Them Than To Inflict Harm On Others,’” *CBS DC*, September 18, 2013, <http://washington.cbslocal.com/2013/09/18/expert-people-with-mental-illness-more-likely-to-have-violence-done-to-them-than-to-inflict-harm-on-others/>.

¹⁹⁷ Tux Turkel, “When police pull the trigger in crisis, the mentally ill often are the ones being shot,” *Portland Press Herald*, December 8, 2012, accessed March 11, 2015, <http://www.pressherald.com/2012/12/08/shoot-maine-misfiring-on-deadly-force/>.

¹⁹⁸ Jeff Spross, “State Mental Health Services Have Been Cut By Billions During The Great Recession,” *Think Progress*, December 17, 2012, <http://thinkprogress.org/economy/2012/12/17/1349371/mental-health-cuts-recession/>.

¹⁹⁹ Tami Abdollah, “Officials: 3 Cops In LA Skid Row Death Were Trained To Deal With Mentally Ill,” *Talking Points Memo*, March 3, 2015, March 11, 2015, <http://talkingpointsmemo.com/news/lapd-cops-skid-row-shooting>.

²⁰⁰ “How a Broken Tail Light Can Be a Death Sentence in America.”

examples like the killing of Mary Hawkes show, the officer not only failed to turn on his body-worn camera in accordance with Albuquerque police department policy, but was operating on a faulty presumption: Hawkes was stealing cars. In reality, Hawkes was reported to break into cars for the relative safety and security they provided her, which was not to be found in the homeless shelters throughout Albuquerque, a fact that also legitimates why she possessed an (unloaded) handgun. She feared being sexually assaulted. In another incident, James Matthew Boyd was tazed, shot, and had K9s attack him for the “crime” of illegally camping in the foothills outside Albuquerque. As the article in *Rolling Stone* makes clear, law enforcement’s response clearly escalated the Boyd incident to idiotic levels and displayed the machismo and gun culture worship that has come to characterize one of the United States’ most trigger-happy and violence-prone police departments.²⁰¹ Milton Hall’s unnecessary death illustrates lawyer and author Chase Madar’s contention that the subjective feelings of police officers when they reach for their weapons are ultimately the deciding factor as to whether use of force was justified or not, regardless of any empirical evidence to the contrary. Indeed, how a man wielding a pen-knife, though this is certainly a dangerous weapon, could pose a substantial threat to *eight* heavily-armed officers facing him in semi-circle fashion cannot be adequately explained *except* through the distorting lens of objective reasonableness and the skewed narratives it legitimates.

Pertaining to body-worn cameras and video evidence in general, these case studies show that, as the ACLU attorney Mark Francher has argued, it is not for the lack of compelling video evidence that charges were not brought and justice not served to the officers involved in the unjustified shooting of Milton Hall as well as these other victims in the case studies and beyond. Video evidence was clearly compelling in the case of Kajieme Powell who was shot almost immediately by two officers as it was in the death of Milton Hall and the sadistically-maimed and killed James Matthew Boyd. Such mockeries of justice are more attributable to the structural biases of district attorneys “going along to get along” with the police departments for whom their cases and careers ultimately rely upon. Furthermore, when officers fail to record citizens encounters in accord with department policies, as in the case of Armand Bennet’s non-fatal shooting and Mark Hawkes untimely death, one has to contend with the institutional biases found within police culture that return these serious violations with a mere slap on the wrist. *Fusion* has reported extensively on the impunity of law enforcement with regards to not utilizing their body-worn cameras during critical encounters with the public.²⁰² What these examples should make abundantly clear is that video evidence, especially body-worn video which is controlled by law enforcement and allows officers to narrate the events transpiring on camera, is not at all objective nor should video documentation of encounters be anticipated to further the cause of justice. For

²⁰¹ “When Cops Break Bad: Inside a Police Force Gone Wild.”

²⁰² “Investigation of 5 cities finds body cameras usually help police.”

every charge of murder brought, as in the case of Walter Scott, there are many more recorded incidents whereby officers escaped punishment and were found justified in their actions. Again, to paraphrase Chase Madar, body-worn cameras offer the public the ability to witness how much discretion, flexibility, and leeway officers have when utilizing force. Until these wider biases found within the criminal justice system, police culture, and society's perceptions on race, mental illness, and poverty are addressed, body-worn cameras will not mitigate police violence but merely add another means of keeping us tracked, traced, and surveilled.

Conclusion

Body-worn cameras are an empty reform that does little to address the root problems of crime. Nor can state violence, repressive and racialized policing, rampant surveillance, and a host of other social, economic, and political issues be addressed through technological remedies. Such proposals distract from the conversation the public should be having regarding Fusion Centers, Suspicious Activity Reports, the iWATCH program, and a host of other initiatives that foster a culture of fear and distrust whereby too many poor black and brown, mentally ill, and homeless individuals are needlessly killed in their day-to-day encounters with law enforcement. Body-worn cameras benefit manufacturers like TASER International who stand to reap millions of dollars in profits thanks to complacent and compliant police commissions as well as the private foundations that secure additional funding and equipment for departments throughout the country. These public-private partnerships are a disgrace to democratic discussion and open government and the public officials who tout them in the name of expediency and efficiency should be called out for what they are: hirelings and shills of the surveillance-industrial complex. By widely-disseminating misleading and one-sided research such as the Rialto PD experiment, politicians and police officials have framed law enforcement in the most favorable terms possible and misled the public into believing that the fundamental issue is the public's alleged disrespectful interactions with police and not the fact the video evidence of police killings is repeatedly held to be exculpatory and that justice for those slain by officers is essentially a contradiction of terms.

To combat these disturbing trends that body-worn cameras will only compound through increased intelligence and data gathering, the Stop LAPD Spying Coalition has issued a set of demands that should be complied with in full to restore justice and equity to our communities. To radically transform the institution of policing the Coalition demands that:

1. The LAPD and all law enforcement agencies immediately disclose all departmental policies and operational structures for the public to substantively examine the full impact, beneficiaries, and scale of such programs.
2. Public Hearings must immediately begin on the Suspicious Activity Reporting Program, Intelligence Gathering Guidelines, Predictive Policing, and all other human and electronic surveillance programs.

3. Rescind Special Order (SO) 17, the former SO 11 and SO 1, and the iWATCH “See Something Say Something” program, and the National SAR Initiative.
4. Shutdown All Fusion Centers.
5. Reject the use of all military-based technology like Drones by law enforcement.²⁰³

Until radical change is undertaken we, the public, can only expect body-worn cameras and the footage they produce to showcase how biased the criminal justice system including civilian oversight is in favor of law enforcement and state repression. Such reforms only direct more resources to a fundamentally and systemically unjust and brutal policing system. Transparency and accountability are desperately needed, but body-worn cameras are counterposed to these aims as they focus on the most marginalized segments of the public that increasingly finds itself without adequate social support and at the receiving end of use of force as case studies have shown. As the latest killings of unarmed civilians by law enforcement continue to dominate the headlines and become an accepted part of the American political and media landscape, like mass shootings and corporate personhood, the price of inaction is now, more than ever, too great a price to pay. Current demands must begin with an examination of and debate on the existing architecture of surveillance and what impact these secretive programs and technologies are having on our collective humanity, our communities as well as our civil rights and constitutionally sanctioned liberties. By funneling more resources in the guise of body-worn cameras to law enforcement who have already betrayed our trust by keeping us tracked, traced, and surveilled we are ensuring our continued subjugation to the very powers that inhibit social justice, equity, and calls for radical change.

²⁰³ “Coalition Statement January 2015.”