



## Why police are pushing back on body cameras

Harry Bruinius

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Scrutinized as never before, police officers across the nation are beginning to push back and demand greater respect for their on-the-job privacy.

From bystanders' smartphones to the body cameras being clipped to officers' lapels, digital technology has in many ways upended the relationship between police officers and the communities they serve.

Dozens of videos, of course, have helped fuel long-simmering tensions between many minority communities and the police – a crucial factor in the emergence of the Black Lives Matter movement, many criminal justice experts say. They have also contributed to current widespread calls to have police officers record their interactions with the public with the new technology of body cameras.

“Transparency is extremely important, particularly now when there seems to be a growing distrust between the police and the community,” says Tod Burke, a professor of criminal justice at Radford University in Virginia and a former Maryland police officer who supports the expanded use of body and dashboard cams.

“I think more often than not, body cameras will exonerate law enforcement officers,” Dr. Burke says, summarizing the thinking behind calls to expand their use. “And more often than not, they’re doing the proper thing, and they can minimize false claims against the police.”

While many officers have supported such calls for transparency, for a growing number of the rank-and-file, privacy is becoming an issue of both personal safety and basic employment rights. Such constant scrutiny can be both unnerving and unnecessary, many say.

Last week, the Boston Police Patrolmen's Association, representing 1,500 city cops, **sued city administrators** and sought to block a pilot program that would have assigned body cameras to 100 officers. At first, the program asked officers to volunteer for the program. When none did, however, the department said it would randomly assign officers to wear the clip-on cams, slated to start this week.

Like a number of unions over the past year, the Boston association said the city's plan violated the collective bargaining agreement. More significantly, perhaps, it also said body cameras put its officers at risk.

“[The] damage to the collectively-bargained arbitration process and the increased risk of harm to officers from the City's unilateral action constitute irreparable harm and that only injunctive relief can provide a remedy,” the union said in a statement. Citing a Rand Corp. **study**, it also said that “officers wearing body cameras are no less likely to use force but are 15 percent more likely to be assaulted than officers without cameras.”

Many police officers say they have felt besieged after two years of highly publicized videos of violent encounters on the street, particularly killings of unarmed black men, and the nationwide debate they have sparked about the nature of policing. The assassinations of officers in Dallas and Baton Rouge this summer, too, have contributed to the current pushback to protect officer privacy, observers say.

### **Shielding officers from scrutiny**

For the past few decades, the New York City Police Department had posted personnel notices at the department's public information office, giving information about retirements and promotions and other matters – including the results of disciplinary hearings.

But the department recently stopped the practice, the New York Daily News **reported last week**, invoking a forgotten clause in New York's 1976 civil rights statutes, which explicitly shields police officers' personnel files from public scrutiny.

Los Angeles, too, **has recently grappled with the issue of privacy** in the era of body cameras. Earlier this year, the California Senate tabled a measure that would have made public the records of any officers found to have engaged in misconduct, including assault, racial profiling, or lying to superiors. Law enforcement organizations said the bill would

invade officer privacy and that accountability was already provided by civilian review boards and the possibility of prosecution.

The California state assembly also killed a bill – also opposed by law enforcement organizations – that would have allowed the public to request body camera footage for any incidents in which an officer fired his or her weapon or faced accusations of excessive force.

Last year in Philadelphia, after a spate of officer shootings, the city’s police chief announced his department would begin to release the names of officers involved in shootings within three days – an effort to restore community trust. The police union was outraged, and the proposal was **later dropped**.

Many civil libertarians and others, however, worry that the nation’s police forces have a particular obligation to be as transparent as possible, especially when an officer may have a history of misconduct or violent behavior.

“People’s lives and liberty are at stake when they have these interactions with police departments, so that really ramps up the need for accountability and transparency, because so much is on the line,” says Adam Bates, a policy analyst for the Cato Institute’s Project on Criminal Justice.

“People have a right to know who’s policing them, I think,” Mr. Bates continues. “They have a right to know if the police officers in their communities have long histories of violence, or long histories of misconduct. I absolutely cannot think of any reason why that information should be hidden from the public that is supposed to be served by these people.”

### **Blue states less transparent**

He points out, too, that states with big cities and strong municipal unions – namely, Democratic blue states – tend to protect the privacy of police officers far more than law-and-order red states.

Indeed, states such as California, New York, New Jersey, and Oregon have laws that mostly shield police personnel from any public scrutiny, **an investigation of the laws and policies of all 50 states by WNYC radio found last year**. Many Republican states, including Utah, Arizona, Alabama, Georgia, and Florida, on the other hand, have nearly full transparency when it comes to officers’ personnel records and body camera data.

“That’s part of the byproduct of how powerful police unions are in these places – more powerful than might [otherwise] be the political environment’s support for law

enforcement," says Bates. Police unions tend to oppose these kinds of transparency measures, especially with things like personnel records."

But complete transparency, or full public access to body camera data, says Burke, the former Maryland police officer, could indeed jeopardize an officer's right to due process.

"If that information is released, that could jeopardize the internal affairs investigation, and many citizens don't understand that there are a number of levels of investigatory bodies that must scrutinize a situation when you're in law enforcement," he says. "If it's criminal action, if it's civil – there could also be administrative actions that need to be taken."

Other police jurisdictions, too, continue to balk at efforts to institute body cameras or increase transparency about an officer's employment history. In Cincinnati this month, the police union sent the city a **"cease and desist" letter**, insisting the use of body cameras could only be established in a collective bargaining agreement.

This past July, Seattle police officers decisively **rejected a new labor contract**, in part because it included new accountability measures. In 2012, the US Justice Department ordered the Seattle department to remedy a number of unconstitutional police practices.

Though such increased scrutiny is indeed added pressure on any worker, the work of policing holds a special public trust, experts say.

"Police officers have been granted the power by the community to use brutal and even in some circumstances deadly force," Jay Stanley, senior policy analyst with the American Civil Liberties Union's Speech, Privacy, and Technology Project, **told the Huffington Post** last week. "So with great power comes the need for great checks and balances."

Bates, the policy analyst at the libertarian Cato Institute, agrees. "A government that operates in the dark is a government that people should be concerned about," he says. "I think in the last several years, it's become very obvious to people across the political spectrum, and across the country, that we have problems in the institutions of policing in this country. And the lack of transparency and the lack of accountability exacerbate those problems."