



Charlotte Exposes a Critical Flaw in the Rise of Body Cams

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The fatal police shooting of Keith Lamont in Charlotte, North Carolina, has left people grappling for answers—answers that police body camera and dashcam footage might be able to provide. But in a press conference Thursday, Charlotte-Mecklenburg police chief Kerr Putney said that Charlotte would not be releasing this footage to the public. “Transparency is in the eye of the beholder,” he said.

No, it’s not.

Transparency by definition means the free, unfiltered sharing of information. Only then can the public hold its servants accountable. Putney’s refusal highlights a massive gulf in the effort to make policing more transparent through technology. Police may have the latest, greatest cameras available. But tech alone does not create transparency.

True transparency means revealing the ugly stuff, not just the highlight reel.

Ever since a police officer shot Michael Brown was shot dead by a police officer in Ferguson, Missouri in 2014, police departments across the country have rushed to equip their officers with body cameras. The Department of Justice has sponsored these efforts, awarding \$23.2 million dollars in grants to fund the purchase of the devices. Police departments have deployed cameras with much hand-waving and self-congratulating about their efforts to be more transparent and accountable.

And yet, research shows few departments have adequate policies in place to ensure they’ll share the footage transparently should something go wrong. In fact, the groups Upturn and the Leadership Conference on Civil and Human Rights recently compiled a scorecard that found only five of the major cities that have deployed body cameras allow people filing police misconduct complaints to view all relevant footage. Of the 68 major cities that use body cameras, 25 don’t have any policies in place at all.

“Body cameras are only valuable tools for accountability and transparency with the right rules in place,” says Matthew Feeney, a policy analyst at the Cato Institute. “Absent the right rules, it’s a terrifying tool of surveillance.”

The Public Interest

Charlotte is a tragic illustration of that point. Since Scott's death Tuesday, two opposing narratives have emerged. In the police department's telling, Scott was shot for pointing a gun at police. In Scott's family's version, police shot him while he was reading a book. A video would likely show which of those stories is closest to the truth.

And yet, Charlotte-Mecklenburg's police department is one of many that leaves it up to the police chief to decide whether sharing the video publicly "is in the best interest of public safety." Charlotte's policy also defers to the chief to decide whether individuals who want to file a complaint can access "any video/audio recording which depicts a discharge of firearm by an officer or serious injury or death of any person."

The police department will allow Scott's family to view the video, but Putney has decided against releasing it publicly. Instead, he offered his own assessment of what it shows. "The video does not give me absolute, definitive, visual evidence that would confirm that a person is pointing a gun," he said during the press conference.

But, he continued, "When taking in the totality of all the other evidence, it supports what we've heard and the version of the truth that we gave about the circumstances that happened that led to the death of Mr. Scott."

As for his decision not to release the video publicly, Putney said that displaying "a victim's worst day for consumption" is not transparency. And yet, displaying a police officer's worst day is the very definition of it. True transparency means revealing the ugly stuff, not just the highlight reel.

Transparent Priorities

In many ways, Charlotte's approach showcases a seldom-discussed issue with police body cameras, says Rachel Levinson-Waldman, senior counsel at the Brennan Center for Justice at New York University. While much has been made about how these cameras can increase police accountability, she says, "there are some who see them as a method for collecting criminal evidence." All that's preventing these tools of transparency from becoming tools of surveillance is policy.

And yet Levinson-Waldman says setting uniform policies across departments nationwide is difficult because different localities have different concerns. Departments across the country must weigh transparency against very real worries about privacy. What happens if video is collected inside someone's private home? Should the department really release video of every single offense, even if it's just footage of, say, my neighbor getting a public urination citation?

Departments also want to shield their officers from being judged by the public before they receive due process. They want to protect victims from having to relive trauma. But in instances

where video serves the public interest or could hold police officers accountable, transparency, Levinson-Waldman says, should be the priority.

But the ACLU and other groups make exceptions in use-of-force cases like the one in Charlotte. In this case, with the city already under a state of emergency, releasing the video may be a matter of public safety. “If a video shows clearly that a police use of force was reasonable, that is likely to dampen the anger of a community,” writes ACLU policy analyst Jay Stanley. “If it clearly shows that a use of force was illegitimate, that is likely to spark national outrage and force a police department to seek justice through murder charges, as happened in the Walter Scott case. That can help reassure a community that justice will be done.”

In fact, authorities Thursday charged Tulsa police officer Betty Shelby with manslaughter in the shooting death of Terence Crutcher. Video showed Shelby shot Crutcher after he had already been hit with a taser while he was holding his hands up.

The Charlotte video may very well not be so clear. It may raise more questions than it answers. Research has repeatedly shown that when police bodycam footage is ambiguous, such factors as race, political ideals, and perception of the police impact what people believe they see. Viewers bring with them all the unconscious biases of which police departments are trying to rid their ranks.

But that sense of uncertainty is no reason to withhold valuable evidence from the public, Stanley argues. “Release of a video can at least suggest that a police department is committed to transparency and to letting the chips fall where they may, rather than closing ranks to protect its officers regardless of what they may have done,” he writes.

If cities cite transparency to justify investing in this type of technology, it’s imperative those cities have policies in place to hold themselves to that promise. In our imperfect justice system, guilt—or at least the perception of it—is in the eye of the beholder. Transparency is not.