

Caught in the act? Videos of police can mislead

October 13, 2014

BY KANTELE FRANKO AND ANDREW WELSH-HUGGINS

The Associated Press

BEAVERCREEK, Ohio — A man walks through Wal-Mart, holding something to his ear as he passes a gun case. He leans toward a shelf and steps back into view, now holding a long, dark object — a gun? — as he walks past customers, who show no obvious reaction. Eight minutes later, surveillance video from a different angle shows him farther away. Suddenly he drops the object and crumples to the floor. Two more people come into view, walking toward him with firearms drawn.

Was it a justified fatal shooting by police or an unreasonable use of force? Does the soundless video offer enough information to answer that question?

In the Wal-Mart case and others, cameras meant to help catch bad guys or document police actions are drawing attention for capturing officers using force. The public circulation of those images increases transparency, but it also adds the risk of viewers rushing to judgment based on only part of the story.

"You might see a video and think that because you're seeing an actual sort of account of what happened, you know the whole story. And it's very rare that a video is actually going to be able to tell the whole story," said Ric Simmons, an Ohio State University professor of criminal law.

At that Wal-Mart in Beavercreek, outside Dayton, 22-year-old John Crawford III was talking on a cellphone and picked up an air rifle on Aug. 5. A 911 caller reported seeing someone waving a gun and pointing it at people. Police said Crawford was shot when he didn't respond to officers' orders to drop the weapon, something the video can't prove because there's no audio.

Crawford's relatives and their attorneys say he was "shot on sight" with no chance to respond and that the video proves the shooting was unreasonable. A grand jury concluded it was justified. A federal investigation is pending.

Sometimes a video instantly offers incriminating evidence. In South Carolina this month, a state trooper was fired and charged with assault after his dashboard video, with audio, showed an unarmed driver being shot in the hip. The trooper asks to see his license, the driver turns, the

trooper orders him out of the car and fires, and the driver staggers back, his wallet flying from his hands as he raises them.

But video evidence doesn't guarantee that legal outcomes will align with public perception. Many thought the 1991 videotape of the Rodney King beating by Los Angeles police would guarantee a guilty verdict against officers; instead there were acquittals and a mistrial.

Since then, public evaluation of cases involving police action has changed with the growth of video-sharing via social media and the prevalence of video-capable smartphones, surveillance and police recording technology, said Thaddeus Hoffmeister, a University of Dayton professor who teaches criminal law.

"It's going to come more and more into play that the average citizen is going to be able to see what happens and make the judgment call," he said.

In some cases, video may add more confusion than clarity. Police video from multiple angles provided different evidence in a 2003 fatal shooting of an unarmed driver by police in Shreveport, Louisiana, after a chase. Those officers, who said they mistook a cellphone for a gun in Marquise Hudspeth's hand, were cleared of civil rights violations in his death.

Experts say images of such actions can affect how the public views law enforcement and use of excessive force.

"When they see these videos, they're coming to the conclusion that misconduct is more common than they thought," said Tim Lynch, director of the libertarian-leaning Cato Institute's National Police Misconduct Reporting Project.

But legal experts note that in many cases, video supports the validity of officers' actions. Pittsburgh officials determined a police officer didn't use excessive force when he punched a woman at a gay pride event in June, an encounter caught on video. The following month, a Green Bay, Wisconsin, police officer shown throwing a man to the ground in a video posted on YouTube was cleared of allegations that he used excessive force.

The abundance of video and video sources is a positive development for police and a useful tool to get to the truth, but policies and training are still catching up to the technology, said John Firman, who directs the International Association of Chiefs of Police research division. To address that gap, the IACP is in the process of developing guidance for police in situations where they're being recorded, he said.

Welsh-Huggins reported from Columbus, Ohio. Contributing to this report were Associated Press writer John Seewer in Toledo, Ohio, and AP News Researcher Jennifer Farrar in New York.