



When videotaping cops isn't enough, what's next?

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If the past few years — when scrutiny of police officers in America has been greater than ever — have taught us anything, it's that officers are unlikely to face consequences for using excessive force, even when that force is deadly.

During a 12-year period ending in 2017, only 80 officers had been charged with murder or manslaughter in connection with deadly force cases, and less than half of those officers were convicted.

Last year alone, nearly 1,000 people were shot and killed at the hands of cops.

Conventional wisdom among many activists holds that videotaping police officers is a safeguard against unwarranted abuse, and that any evidence caught on tape could help lead to a conviction.

But some of the nation's most high-profile cases show us that videotaping isn't enough. Catching cops in the act of using excessive force does not guarantee justice. Video footage, while likely a necessary feature of police accountability, is not likely to be the solution to our law enforcement problems in this country. Something more is needed.

The Minnesota police officer, for example, who shot and killed Philando Castile — a black cafeteria worker known for his kindness — at a traffic stop in a Twin Cities suburb was acquitted of second-degree manslaughter. The officer shot Castile, a valid concealed-carry gun permit holder, within seconds of instructing Castile to get his license and show proof of insurance.

Castile mentioned that he had a firearm, and that he wasn't reaching for it. The shooting itself was caught on police dash camera. The aftermath was videotaped by Castile's girlfriend, who also stated that Castile wasn't reaching for his gun. None of it made any difference.

Race, often a predictor of who is more likely to be met with force from police officers, isn't always an indicator of whether an officer will get convicted.

Daniel Shaver, a white male, was shot and killed in an Arizona hotel hallway by an officer who didn't seem to know protocol and constantly gave the 26-year-old contradictory instructions. That officer was acquitted of murder, even though video evidence showed the officer acted with demonstrable and vicious incompetence in that case. The cop can be heard shrieking incomprehensible directions at Shaver, even as Shaver was visibly upset and confused.

Video evidence rarely brings justice

The shooting of Walter Scott in South Carolina is one of the few cases when footage appears to have made a difference.

Officer Michael Slager shot Scott in the back several times as the black man ran away after a traffic stop. In his police report, Slager claimed that he felt threatened by Scott. The video also showed the officer apparently planting evidence beside Scott's body following the shooting. Slager was eventually convicted of second-degree murder and sentenced to 20 years.

Clark Neily, vice president for criminal justice at the Cato Institute, stressed that it is difficult to tell "just how helpful recordings really are in helping ensure ... police accountability."

"Bottom line, all things being equal is it helpful to have a recording of what really happened when cops are alleged to have committed misconduct? Yes, of course," Neily said. But it is unclear how much it helps in the grand scheme of things, he added.

What is necessary, in addition to vigilant videotaping of law enforcement, is a shift in culture.

Juries tend to be extremely lenient toward officers. Police themselves tend to be extraordinarily sensitive about any kind of criticism of their job performance. A Pew Research Center poll from last year revealed that nearly three-quarters of officers are "less willing to stop and question people who seem suspicious" due to recent increased scrutiny of police.

If more than 70 percent of cops are cowed into inaction because the public demands greater accountability, what does that say about their commitment to doing their job well and fairly? Nobody is asking for superhero cops, only non-abusive ones.

Law enforcement departments should move away from the mindset that officers are beyond reproach and above oversight. There are plenty of cops who are honest and cautious, and who strive to uphold justice and practice proper procedures. But there are also more than a few bad ones who abuse their authority.

Both courts and law enforcement should move toward an environment in which video evidence of police abuse is given more weight in trials and internal proceedings. Critics frequently claim that videos showing abusive police behavior "lack context" and should not be taken as substantive evidence. In some cases, to be sure, this may be true.

But there are also numerous, documented instances in which video has proved decisive in exposing bad policing. There is simply no way to deny that photographic evidence is a valid and viable way to police the police.

Still, videotaping is only part of the solution to this problem. We, including officers themselves, must also work to change our perception of law enforcement — to see officers not as inviolable agents of the state but as flawed men and women who can, and frequently do, seriously abuse their authority.