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Police Body Cameras and Police Surveillance: Eviscerating Privacy in America

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Using the recent spree of high profile police murders as the latest catalyst, calls to outfit all cops with some sort of body camera are once again reverberating nationally. But given the staggering amounts of personal data on the American people police agencies are already collecting, the proposals to lend the police one more surveillance device raises significant privacy concerns.

Speaking on the repercussions of the police murder of Walter Scott in North Charleston, South Carolina, former New York City Police Commissioner Ray Kelly, a former opponent of body cams, recently remarked, "I think it is a game-changer. What you'll see is a movement now by many more police departments to go to cameras."

Indeed, the city of North Charleston has already announced plans to equip its entire police force with body cameras. This comes on the heels of President Obama announcement last December that the federal government would purchase 50,000 body cams for state and local police agencies in response to the fatal police shooting of Michael Brown in Ferguson, Missouri.

For their proponents, body cameras promise to provide much needed accountability to the nation's police agencies and their officers, who continue to gun down Americans at an alarming rate, while still mostly managing to allude prosecution. And as advocates note, limited study of such police cameras have already yielded seemingly promising results. In Rialto, California, for instance, a controlled study found a 60% decline in use of force by officers equipped with body cameras. Cops, to no surprise of anyone who has ever sought to film an on-duty officer, are all too cognizant of the power of recorded video (especially, we might add, when such video is in the hands of citizens).

But the anecdotal evidence championed by body camera backers aside, such police cams offer at best a flawed check on police abuse and brutality, and at worst portend a further bolstering of the already dystopian surveillance capabilities of law enforcement agencies.

The Limits of Police Body Cams

To begin with, as should be readily evident, police body cameras only work when officers turn them on. So in the case of the slaying of Walter Scott in South Carolina, even if Officer Michael Slager had been equipped with a body cam, there is no guarantee it would have captured his shooting of Scott; Slager could have simply turned it off. Indeed, a trial use of body cameras by Denver, Colorado police from June to December of 2014 saw less than half of all encounters involving the use of force actually recorded by camera equipped officers.

(And yet even when police brutality *is* captured on video and viewed publicly, accountability

for officers is hardly guaranteed. The death of Eric Garner at the hands of New York City cops was, after all, captured on film, but no officers were charged in his death.)

For those police body cams that actually are recording, however, all data collected is often held and stored by the police themselves; that is, the very people the cameras are meant to hold to account. As the *Washington Post* reported, "Officials in more than a dozen states—as well as the District [of Columbia]—have proposed restricting access or completely withholding the [body cam] footage from the public." D.C. Mayor Muriel Bowser, as the *Post* explains, has sought to keep the public from viewing police body cam videos by exempting all such videos from the Freedom of Information Act.

Simply put then, police not only control what body cameras record, but also increasingly what is done with the captured video.

It is also worth considering the fact that devises touted as a way to hold police accountable for their actions are configured not to watch and record the police, but rather to watch us from the perspective of the police. And as anyone who has come face-to-face with armored clad riot cops during a political protest will no doubt attest, the routine use of cameras trained on protesters by police brings no measure of accountability to the cops. Police cameras do nothing to stop warrior cops from unleashing their truncheons on peaceful protesters, nor do they do anything to hold them to account afterwards. In fact, the police deploy such cameras at rallies largely to aid the future prosecution of those they will arrest for the great criminal offense that is political dissent.

Snooping Cops

The far more troubling issue with championing police body cameras as some sort of progressive police reform, though, is that their deployment is part of a larger proliferation of mass surveillance capabilities now allowing domestic law enforcement agencies to sweep up a breathtaking amount of data on American citizens.

As the *Wall Street Journal* reported, the 560 body cameras currently employed by officers of the Oakland, California police department "results in about five to six terabytes of data every month—equivalent to about 1,250 to 1,500 high-definition movie downloads." The data, the *Journal* continues, "is stored on a department server for two years at a minimum."

Using the FBI's Lockheed Martin designed Next Generation Identification system, cops everywhere equipped with body cameras will soon be able to tap into an FBI database containing over 50 million photos in order to utilize facial recognition technology when making routine traffic stops. It's difficult to see how the use of body cameras to conduct such fishing expeditions would serve in any way to further police accountability.

The threat to personal privacy posed by police body cams is heightened further when considering the intimate places cops routinely go (e.g. inside one's apartment or home) and the often compromised state of those visited by police. As the *Los Angeles Times* notes, "Video from dashboard cameras in police cars, a more widely used technology, has long been exploited for entertainment purposes. Internet users have posted dash-cam videos of arrests of naked women to YouTube, and TMZ sometimes obtains police videos of athletes and celebrities during minor or embarrassing traffic stops, turning officers into unwitting paparazzi."

It doesn't take much imagination to picture huckster entrepreneurs of the near future using any and all police body cam video released to the public (which will undoubtedly be skewed toward those videos portraying officers in a positive light) to piggyback on the already booming online mug shot industry currently dabbling in the lucrative trade of public humiliation and shame.

Body cameras or not, though, police agencies the nation over are already fixing to amass vast swaths of data on no less than our daily movements via the widespread deployment of things like automatic license plate readers (ALPRs), which snap pictures of car license plates in conjunction with date, time, and location.

According to a separate *Journal* report, the Justice Department is currently using ALPRs strategically placed on major highways, in combination with those routinely used by state and local law enforcement agencies, to maintain a national database to "track in real time the movement of vehicles around the U.S." Many of the devices used to feed the database, the paper notes, "also record visual images of drivers and passengers, which are sometimes clear enough for investigators to confirm identities."

Consider, also, the ability local police agencies already possess to scoop up our electronic communications via devices like "dirtboxes" and "stingrays" (which mimic cellular towers in order to trick all adjacent cell phones into sending their identifying information back to the devices for collection). This is to say nothing of the "haystack" of personal data the National Security Agency is actively compiling in its search for needles.

Such a rush by law enforcement to deploy all the latest surveillance technologies on the American people quite predictably leaves the collecting agencies awash in more data than could ever possibly be of use. In fact, such mass surveillance is quite lousy at its purported purpose of predicting and preventing crime or "terrorism." As Julia Angwin writes in her book *Dragnet Nation*, "the flood of data can be overwhelming and confounding to those who are charged with sorting through it to find terrorists." "But," Angwin goes on to add, "ubiquitous, covert surveillance does appear to be very good at repression."

Police Surveillance as Repression

What the "war on drugs" was for mass incarceration, the "war on terror" has clearly been to domestic surveillance. So not only are militarized police now sent parading through the streets in their repurposed military vehicles and equipment, they are also increasingly turning to military-styled mass surveillance methods to achieve the very same ends sought by occupying American forces abroad; that is, collective pacification.

As Darwin Bond-Graham and Ali Winston write in a 2014 *LA Weekly* article on the Los Angeles Police Department's use of data-intensive "predictive policing": the "LAPD's mild-sounding 'predictive policing' technique, introduced by former Chief William Bratton [now chief of the NYPD] to anticipate where future crime would hit, is actually a sophisticated system developed not by cops but by the U.S. military, based on 'insurgent' activity in Iraq and civilian casualty patterns in Afghanistan."

Bond-Graham and Winston add: "Records obtained by L.A. Weekly from the U.S. Army Research Office show that UCLA professors Jeff Brantingham and Andrea Bertozzi (anthropology and applied mathematics, respectively) in 2009 told the Army that their predictive techniques 'will provide the Army with a plethora of new data-intensive predictive

algorithms for dealing with insurgents and terrorists abroad.' In a later update to the Army, after they had begun working with LAPD, they wrote, 'Terrorist and insurgent activities have a distinct parallel to urban crime.'"

The world, lest we ever forget, is now a battlefield. But if the American dragnet abroad is, as Alfred McCoy writes, a means of cheaply "projecting power and keeping subordinate allies in line," the domestic dragnet imposed by militarized cops is likewise as much about keeping domestic threats (activists, dissidents, the working class, and poor) in line as imperial rot takes hold within the "homeland" in the form of widening economic inequality and deepening social crisis.

And utilizing mass surveillance as a tool of repression indeed appears the intent of snooping police departments.

Pouring over documents released on the city of Boston's now suspended ALPR program, ACLU attorney Catherine Crump found that "The Boston Police Department was targeting mostly low income, working class, and Black neighborhoods with their license plate reader program." In one case, Crump discovered that "one motorcycle that was recorded stolen in the police department's system had driven past one fixed plate reader 60 times."

"This signals to me that our greatest fear is true," Crump adds. "While police say, 'We need this technology because it helps us find stolen cars and criminals,' we have found they're also using these tools to collect data about people who they have no reason to believe were involved in any criminal activity. In Boston, we found that police aren't using these cameras to respond to hits, they're sucking up all this data to use potentially down the road for intelligence."

Are we to believe, then, that the mountains of data to be captured by police body cameras and stored for possibly years by police departments is to be used to hold cops to account? Or is such footage more likely to be kept in secret to further police control over potentially rebellious poor, minority, and working class citizens?

Who gains by entrusting killer cops with policing our privacy?

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