

# Coming soon to a uniform near you

*It's only a matter of time before Portland officers don body cameras, so what do the battle-weary see as the pros and cons in this new form of surveillance?*

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Law enforcement and police accountability advocates alike are warming to the idea of requiring officers to film their encounters with citizens – a trend that promises to profoundly change law enforcement.

Proponents of the idea expect that equipping officers with cameras could bring an unprecedented level of transparency, fairness and accountability to police work.

However, it also raises a new set of worries.

The cameras could be the underpinnings for a surveillance state, critics say, a concern that is particularly acute in Oregon which has laws to protect against undue police spying. There are also doubts whether the cameras will indeed usher in an era of more civil and accountable policing. Two things are clear: It's inevitable that police departments will adopt the cameras, and their use will profoundly change the criminal justice system.

According to Sgt. Pete Simpson, spokesperson for the Portland Police Bureau, the city has been considering equipping police with body cameras for the last year. This summer, the bureau concluded a pilot project that tested out a body camera manufactured by Taser, a company best known for its electroshock weapons, says Simpson. So far, police have tested cameras from three

manufacturers, he says, and the bureau will present options to the mayor's office this fall on how to begin equipping the city's 600 patrol officers with surveillance devices. The bureau has \$800,000 set aside for the project, he says.

According to Simpson, officers are generally positive about the cameras, which will be attached to their uniforms, and see them as a way to quickly disprove false allegations of misconduct leveled against them. He also says officers who've tested the cameras have seen another benefit.

"The focus on the cameras has been on the police, but it also has an effect on people who are really agitated or angry," says Simpson who has heard from officers that telling people they are being recorded quickly deescalates tense situations. "It can calm people down because it's all on video."

Jeff Lynn, chief of police for Sweet Home, says that officers in the small town in Linn County have been wearing cameras since 2011. Lynn says that the cameras capture the atmosphere and emotions of a situation, and have created a more "open environment" between police and citizens.

Police accountability advocates are also becoming supportive of the cameras.

"Generally we take a pretty dim view of the proliferation of surveillance cameras," says Becky Straus, the legislative director of the American Civil Liberties Union of

Oregon. "But we think that (police) body cameras are different; we think they have the potential to act as a check."

"It seems to be a reform that would protect good cops, stay the hand of bad cops, create a less violent culture and serve the interest of the citizens," says Greg Kafoury, a lawyer who known for suing Portland police for misconduct. "What's not to like?"

Kafoury points to a well-referenced study conducted in Rialto, Calif., to see what would happen if police wore body cameras. Concluded in 2013, the study found that use of force by officers dropped by 50 percent and complaints against police dropped by nearly 10 fold. Similar research in the United Kingdom has also found that police wearing body cameras has reduced complaints against officers and expedited criminal proceedings.

In recent years, Portland has seen a string of incidents where minorities and individuals grappling with mental health issues have died at the hands of police. In

almost every incident, questions lingered as to whether police were justified in their handling of the situation. In 2010, the City of Portland paid out a record \$1.6 million settlement in response to a lawsuit filed by the family of James Chasse, a schizophrenic man who died from blunt force trauma to the chest after an encounter with the police.

"I think James Chasse would be alive

(if police had been wearing cameras)," says Kafoury.

In 2011, the U.S. Department of Justice (DOJ) opened an investigation into allegations that Portland police officers have engaged in a pattern of excessive force. In August, the department and the city entered into a settlement agreement that brought reforms to the police bureau. The agreement stopped short of requiring officers to wear body cameras, yet strongly suggested doing so.

But not everyone is sold on the cameras.

The Portland Police Association, the union that represents the city's officers, hasn't taken a strong stance either way on the cameras, according to its president, Officer Daryl Turner. However, Turner has concerns about the cameras. He argues that they can't capture the totality of what happens in the incidents they record. Specifically, the cameras won't include everything officers see or hear during an incident nor an officer's perceptions.

The union is also concerned about increased workload that will likely come with downloading and reviewing the cameras' content. According to Turner, the city will have to bargain with the union over the cameras' use and application.

Portland Copwatch has also taken a

neutral stance on the cameras, says Dan Handleman, the group's leader. Although he says the adoption of the cameras is inevitable and that they could be used to hold officers accountable, he's not sold on their effectiveness, pointing out that the Rialto study was funded by Taser, a maker of the surveillance devices.

Handleman worries the surveillance devices could capture an off-handed remark by a citizen that could be unfairly used against them. Oregon law prohibits police from monitoring religious or political activities unless there is evidence of criminal activity, which Handleman worries will be violated by the cameras.

The cameras, says Handleman, could conveniently malfunction or turn off during key moments during a contentious police encounter, casting a cloud of ambiguity over allegations of officer misconduct. The New Orleans Times-Picayune recently reported that a police monitor found that officers weren't turning cameras on during interactions that involved the use of force.

Handleman also points out that cameras provide no guarantee that officers will in fact be held to account for misconduct.

"Think about Rodney King," says Handleman, referring to the Los Angeles man whose beating by police in 1991 was captured on film and broadcast on television. Regardless of the shocking video, it resulted in no discipline for the officers.

A report commissioned by the DOJ and published this year that examined the Rialto study and other research on police body cameras also expressed skepticism about the surveillance technology.

"There is little evidence regarding most of the perceived benefits and drawbacks of the technology," states the report. It concludes: "Simply put, there is not enough evidence to offer a definitive recommendation regarding the adoption of body-worn cameras by police."

David Harris, a professor of law at the University of Pittsburgh who studies police behavior, told Street Roots that while more research needs to be done on the cameras, all the evidence so far suggests that they result in fewer complaints against officers and better behavior by both police and citizens. They also produce better evidence, which can expedite cases through the criminal justice system, according to Harris.

Harris says that the most important thing Portland should consider as it rolls out the cameras is policies for when officers must turn the devices on. The cameras, Harris says, should be turned on every time an officer interacts with a citizen, with some exceptions for technical difficulties, fast-developing situations and for privacy concerns.

"If these devices are only turned on at the discretion of the officer, they will do certain things, but it won't improve accountability," he says.

There are no official numbers on how many towns and cities equip officers with body cameras, but it's growing. Already more than half of cities use in-car video cameras, according to DOJ numbers. In New York City, police will be required to wear cameras as part of a settlement with a

federal judge who struck down stop-and-frisk tactics used by law enforcement, which critics complained were used to target minorities. Ferguson, Mo., drew national attention this summer after a police officer shot an unarmed black teenager, sparking contentious protests. It is still not clear what exactly happened in the shooting, and Ferguson police started wearing cameras at the start of September. (Also in response to the shooting, a group called We Copwatch raised the money to equip Ferguson citizens with 110 body cameras.)

"This will change the criminal justice system forever," says Chris O'Conner, a Portland-based public defender. He says some crimes, such as resisting arrest or disorderly conduct, will glide through courts, with charges being dropped or defendants pleading out as a result of the cameras.

O'Conner says that cameras will also make it hard for cops to "be cool." For instance, an officer might not let someone off the hook for having a bag of weed or a pipe if they're being recorded. He also says cameras might capture small infractions or crimes that people commit everyday.

"Because of the over-criminalization of everyday life there is a danger of police officers recording everything all the time," he says.

Simpson, of the Portland Police Bureau, says that crafting policies for how and when officers use cameras could get tricky. Under Oregon law, he says, someone with a camera needs to notify another person if they record them during an interaction. So what do officers do in an active shooter situation or if they rush into someone's home? What if officers have to step foot in a mosque or church? Simpson says that there might need to be changes to Oregon law to make the cameras work.

Straus, of the ACLU, is concerned that if police retain reams of video for long periods of time it could be used to create a surveillance state. Her organization wants the police bureau to incorporate into its policies a requirement that video collected from the cameras be deleted at some point.

It's not clear how much it will cost to equip officers with cameras, but Kafoury says that doing so will be a good deal for the city. According to a database kept by Copwatch, Portland has paid out \$8.1 million between 1993 in 2012 alone to settle police misconduct lawsuits. The cameras, says Kafoury, will be worth it if they prevent the city from having to keep paying settlements.

"This is a pretty cheap reform," says Kafoury. "Our firm sues the police a lot, and we would be happy with a reform that would put us out of business."

