



The Kingsborough Learning Center

Annotation



The article below, by Ian Head and Darius Charney, can be used to practice the reading and annotation skills outlined on the previous pages.

DON'T LET THE N.Y.P.D. CO-OPT BODY CAMERAS
BY IAN HEAD and DARIUS CHARNEY
THE NEW YORK TIMES

(1) The New York Police Department will begin one of the most controversial experiments in policing on Thursday when it outfits some officers in Washington Heights with body cameras. Unfortunately the department policy that governs how the cameras will be used is so flawed that the pilot program may do little to protect New Yorkers' civil rights. Instead, it might shield police officers from accountability when they engage in misconduct.

Body cam
protects police
more than
people

(2) Most notably, the policy affords police officers and their supervisors too much discretion as to when to turn the cameras on and makes it easy for them to tailor their statements and reports to match videos. This could give them the opportunity to justify any illegal or abusive behavior caught on film.

unfair advantage
for cops

Problem
with policy

(3) The whole point of this body camera pilot is to curb police officers' violations of New Yorkers' rights. That's why a federal court ordered the program in 2013 in Floyd v. New York City, which we litigated. The decision in the case said that body cameras could be "uniquely suited to addressing the constitutional harms" that the court found were pervasive in everyday street encounters known as stops-and-frisks.

(4) As it stands, the policy, called an "operations order" in department parlance, allows officers to view not only their own camera recordings but also those of colleagues before they complete reports or make official statements to investigators. This permits officers to fit their statements to video recordings, which public defenders say is already a significant problem.

Police
/
Civilians/
regular people

contrast

(5) Civilians don't have this luxury. If New Yorkers want to see footage so that they can file misconduct complaints about incidents captured on police cameras, they must file either a Freedom of Information Law request for the video footage, which can take months to years, or give an interview to investigators without an opportunity to review the video first.

(6) In the eyes of the court, body cameras are not meant to function "just like an officer's notes" but as a "contemporaneous, objective record of stops and frisks" that would allow courts and police supervisors to review officers' behavior. Body cameras can't tell the whole story of an interaction between a police officer and a civilian. But they can provide an independent narrative.

Author's
point/opinion

(7) This makes it imperative that officers not be allowed to view their own, or fellow officers', videos before writing reports or making statements, especially after situations that result in violence or during investigations into potential misconduct.

(8) That's only one flaw in the policy. Just as significant, the policy is vague on whether and when officers must record street encounters short of an arrest. Instead, officers are told to record "interactions with persons suspected of criminal activity." This ambiguous language gives too much discretion to individual officers, who might have different understandings of when such "interactions" begin and end. Not to mention recent cases in other cities in which officers "forgot" to turn their device on in time to capture a critical moment, or even at all.

not
detailed

(9) For the courts, the court monitor and police oversight agencies such as the Civilian Complaint Review Board to get a more complete picture of what might have led an officer to take action, all officers involved need to begin recording at the start of the encounter.

author
suggestion

(10) Street interactions are not neatly planned. Consider an encounter in Queens between our client David Ourlicht and a police officer who approached him in 2008 as he walked home from class at St. John's University. The officer asked him to provide identification, which he did, and within minutes patted him down, forced him against a wall, searched his clothing and gave him a ticket for disorderly conduct. An officer later told Mr. Ourlicht that he thought a notebook in his pocket might have been a gun. If the officers who stopped Mr. Ourlicht had been wearing cameras, the moment

incident that
shows
importance
of body
cams
not controlled
by police

when they activated their cameras would provide, or hide, crucial information about the encounter and the reasons for the officers' actions.

(11) Surveyed New Yorkers overwhelmingly agree with this. Last summer over 20,000 New Yorkers and more than 5,000 police officers participated in two surveys commissioned by the Police Department. Eighty-two percent of public respondents and 58 percent of officer respondents answered that officers should be required to turn on their cameras "anytime an officer approaches someone as part of investigating criminal activity."

Statistics to Prove/Support

(12) But the department disregarded this feedback as well as written comments from legal experts, community groups and advocacy organizations when it wrote the operations order. Instead, it decided, as one official said, that it "can't learn any more by reading and talking." It is telling that the official forgot to mention "listening."

author's opinion again

(13) Cameras are not a panacea. But with proper policy and oversight, they can bring new transparency and accountability to policing. In a report on the survey of officers conducted last summer, New York University researchers noted that a major concern officers had about videos was that the recordings would "show a different side of the story than what would otherwise be told." But that's exactly the point.

- cure-all

(14) This pilot is different from other body-camera programs because it was conceived as part of a court-ordered mandate to hold the police accountable. Without independent oversight, better mechanisms for community input and stricter policies, the technology could easily be used as a tool for surveillance and evidence collection. This is especially worrisome alongside advances in facial recognition technology.

author suggestions

(15) We urge the Police Department and others who will analyze the body camera pilot to incorporate additional and broad community input into their evaluations. The department's inspector general, the Civilian Complaint Review Board and other oversight agencies must also examine whether the body camera policy enhances or hinders the cameras' effectiveness as an accountability and transparency tool. Any potential benefits of body cameras are lost if we let the Police Department write the rules.