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Cameras, cops and caregivers: Can technology ensure accountability?

Prior to the failure of a grand jury indicting New York police officer Daniel Pantaleo for deadly use of an illegal chokehold on Eric Garner — which a bystander caught on cellphone video — there was unprecedented and overwhelming support from the White House, federal legislators, police officials and unions, including the ACLU, to outfit police with body cameras.

In fact, President Barack Obama announced \$263 million in federal funding to help law enforcement agencies adopt body-worn cameras.

While there are assumptions that body-worn cameras and surveillance cameras can reduce use of excessive or deadly force, protecting the privacy of individuals and eliminating the root cause of violence and abuse remain paramount.

We have a duty as attorneys to protect and uphold the constitutional rights of citizens. We must address the structural forces that permit officers to use excessive force and the structure that allows thousands of elderly individuals to be abused in nursing homes every year.

Thousands of reports that caretakers are physically or financially abusing their patients or simply failing to take proper care of them, have prompted many families to demand stricter oversight of nursing homes.

Recent proposals in Illinois seek to stem these abuses by adopting video surveillance on police officers and in nursing homes. Videos deter authority figures from abusing their power and allow for swifter convictions when abuse does occur.

Some fear, however, that video surveillance violates the civil liberties of authority figures and civilians alike. To protect civilians without violating their rights, state governments must carefully control when and where cameras can be used, who has access to their data and who is aware they are being recorded.

The proposals

To keep track of police actions

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and provide indelible evidence of brutality, many activists and legal scholars advocate requiring police officers to wear body cameras while on duty. Supporters argue that if there is an uninterrupted record of what the police are doing, officers will have an incentive to avoid confrontation, treat all citizens equally and use force only when justified.

Furthermore, having the big picture understanding of what prompted the force and what resistance the victim put up after force was used, will allow for a more complete and thorough investigation into the incident. This is often not the case when incidents are captured on a bystander's cellphone.

According to a 2012 study, body cameras made police 60 percent less likely to use force and citizens 88 percent less likely to file complaints. On this basis, the Illinois NAACP, the state chapter of the American Civil Liberties Union and the Independent Police Review Authority have all supported requiring police officers to wear cameras.

Many argue that constant passive surveillance violates the civil liberties of police and citizens alike and that such loss of liberty outweighs the benefits of reduced police violence.

The Chicago Police Department began testing cameras in December. Officers will be required to wear them on the front of their shirts and record interactions with the public.

Cameras also may protect nursing home patients from abuse or neglect. House Bill 2462 currently being considered by the Illinois Senate would allow families to in-

stall audio- and video-electronic monitoring devices in their loved ones' rooms.

Yearly, the Illinois Department of Public Health responds to 5,000 complaints of neglect or abuse in nursing homes. In 2013, they found only 106 valid allegations of abuse, neglect or misappropriation of property against residents by facility staff among a statewide population of 76,000 nursing home residents.

Supporters of these laws argue that video evidence will do as much to protect nursing homes, police officers and city coffers as it will patients and police victims.

The pitfalls

Despite these benefits, many Illinois citizens are wary of requiring police officers to wear cameras. Many argue that constant passive surveillance violates the civil liberties of police and citizens alike and that such loss of liberty outweighs the benefits of reduced police violence.

Some also question whether requiring body cameras will actually reduce brutality, pointing out that officers can turn off their cameras

during violent confrontations.

Opponents of nursing home cameras have raised similar objections, arguing that cameras would violate the rights of caregivers, patients and families alike. These issues are particularly pressing for nursing home patients who have roommates, since both patients and their families may not agree whether to install cameras.

The Illinois ACLU has thus far been neutral on the nursing home bill.

The solutions

To make the most of police cameras without violating civil liberties, the ACLU published a list of guidelines. These include:

- Requiring police officers to record all interactions with civilians and to inform civilians that they are doing so.
- Requiring officers who are not wearing uniforms to identify themselves and their recording devices.
- Deleting all audio and visual data within 90 days of recording it except when such data has been flagged for release to the public.
- Refusing to disclose recorded data to other government agencies except as part of an investigation.

According to the ACLU, it should only be possible to flag recorded data in narrow situations, such as if the recording documents a violent encounter, if it is the subject of a formal complaint or if the department wants to include it in training videos.

The ACLU also makes an exception to the rule that the police must record all interactions with civilians. If civilians are engaging in peaceful protests, political rallies or other forms of expression protected under the First Amendment, police should not record this unless there is "reasonable suspicion of criminal behavior."

Though regulating civilian cameras is more difficult, the nursing home bill attempts to limit video surveillance abuses. Cameras can only be placed in patients' rooms if all of the rooms' occupants or their legal guardians consent. All care facilities must place notices at their entrances clearly explaining that some of the rooms have cameras.

Ideally, cameras can help reach the goal of holding those who abuse their power lawfully accountable for their acts. However, technology does not guarantee accountability despite its good intentions.

Even the most careful policies can't ensure the proper use of data, and there will always be recordings that are misused as well as abuses that go unrecorded.