

Book Review

Police Visibility: Privacy, Surveillance, and the False Promise of Body-Worn Cameras, Bryce Clayton Newell (2021), University of California Press.

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“Civilizing police-citizen interaction” has been the main motivation to implement BWCs (particularly in the US). However, as argued by Bryce Clayton Newell, despite the association of body-worn cameras (BWCs) to notions of *police accountability* and *transparency*, these technologies also “sparked outrage” and have increased police power and police-citizen divisions (p. 1). ‘Police Visibility’ is a much well-needed reflective book that deconstructs common ‘pro-camera’ narratives focused on BWCs as accountability and transparency tools to “the benefit of the public”. As stated by Newell, “in practice (...) these cameras serve the coercive aims of the state” (p. 2). By challenging common conceptions of BWCs as objective and transparent, the author develops an argument on how to regulate these cameras and their footage. From limiting the potential for BWCs to increase police power to enhancing access to information by the public, there is a focus in the book on the need for regulation of police surveillance powers. This analysis is supported by theories of freedom and the notion of “antipower” (Pettit, 1996) that situate these cameras as potentially leading to state domination. Indeed, the adoption of BWCs is “largely about the state managing its image and controlling its visibility to the public” (p. 15).

This book is a vital contribution to the emerging literature on BWCs and it addresses the public visibility of police work and how BWCs impact police practice and police-public interactions. As stated by Newell, “usage of the cameras may end up significantly impacting the nature of police-civilian interactions in ways not intended or even envisioned at the time the technology was deployed” (p. 14 and 15). By making both police and citizens more visible, police cameras allow changes not only in police work but also in ‘information politics’, playing a role in power relationships and the balance between privacy and transparency. The long-term effects of BWCs, their privacy considerations, and the impacts on police officers’ behaviour are thoroughly discussed in ‘Police Visibility’.

Overall, this book is about the increase of technologically mediated forms of police visibility. When considering police-civilian encounters, Newell presents the notion of ‘collateral visibility’ (Newell, 2017) and its impacts on those the police more often (and disproportionately) interact with (e.g. marginalised, minority groups). As police cameras enhance collateral forms of visibility, issues such as footage control (an independent body is suggested) or the lack of spatial limitation on the use of these cameras (as they can be used anywhere, namely in private properties) are particularly relevant. In the first chapter, Newell introduces the concepts of visibility and surveillance to further contextualise the role played by *informational power*. The section ‘surveillance in theory and practice’ illustrates the different ways of *watching* (the other or the *self*) and how the recording device can change behaviour (*social control*). Several notions are presented in this section: from *surveillance* to *sousveillance*, *panopticon* and *synopticon*, *inverse surveillance*, ‘counter-surveillance’, *surveillance assemblage*, *vertical/horizontal surveillance*, *symmetrical/asymmetrical surveillance* (Mark, 2005) and *social sorting*, highlighting the discriminatory effects of surveillance. As mentioned by Newell, considering BWCs “constitute top-down,

state-controlled surveillance systems – with the potential to invade the most private precincts of citizens’ (or immigrants’) lives – should provoke thoughtful and critical policy development *prior* to the adoption of these tools” (p. 37). The author adds that these policies should also respond to ongoing empirical research. Based on qualitative work with police officers and other stakeholders (from activists to BWC developers), the author provides not only a very interesting theoretical and conceptual analysis but also an incredibly rich empirical account of how BWCs impact police daily work. This reinforces the importance of understanding police perspectives when implementing new technology such as BWCs (Miranda, 2022).

The second chapter continues to highlight how these cameras enhance the visibility of both individual citizens and state actors (i.e. the police), which can unintentionally present or exacerbate unintended, negative consequences such as the ‘collateral visibility’ (p. 66). As previously mentioned, despite the claims for oversight and police accountability, the use of BWCs highlights significant privacy concerns. These are discussed in relation to violations emerging from 1) surveillance state activities and as 2) a consequence of access to the recordings. A theoretical analysis focused on the notion of “antipower” allows a reflection focused on *domination* and the power dynamics involved in police-citizen encounters. As stated by Newell: “in the cases of police body cameras and bystander video, the ability to document and access information about government action and government surveillance programs can act as a form of antipower, reducing domination” (p. 59). However, when considering the opportunities for public access to information regarding transparency and accountability, the author emphasises this can still “violate individual rights to privacy” if information is shared under FOI laws (p. 60). Indeed, the use of these cameras “can be a two-edged sword. It promises some benefits but also poses important problems” (p. 61). Ultimately, these benefits and problems are “tied to the concept of police visibility” (p. 63).

The third chapter goes beyond the use of BWCs and looks at the example of bystander video and its impacts on police work. Newell provides different examples of court decisions that protect the ‘right to record officers in public’ (p. 75) and discusses how video captured by bystanders significantly impacts public perceptions of police legitimacy. The officers’ perceptions of bystander video are then explored considering existing literature and empirical work conducted by the author. Similarly, to the study conducted by Sandhu and Haggerty (2017), officers’ responses and concerns differed as ‘affected bystanders’ (‘camera shy’, ‘habituated’ or ‘strategic advantage’) and their fears about visibility and exposure were particularly focused on their physical safety and control of interactions with bystanders in daily work (as the camera can be seen as a distraction or obstruction). Beyond the physical use of cameras and the problems of spatial proximity/loss of control, there were also concerns with how bystander video can be disseminated online (namely issues with decontextualization of events or its potential for misinterpretation/representation and accountability-related concerns).

In the fourth chapter, Newell explores officers’ perceptions of BWC through interviews and survey data. This fieldwork began in 2014, right after the police shooting of Michael Brown. This timely empirical work was developed when these cameras went ‘mainstream’, allowing the impacts of technology implementation to be evaluated as the BWC was perceived as an “independent witness of events” (p. 106). Different concerns and benefits are discussed. Officers perceive the BWC as a useful source of evidence not only in criminal prosecutions but also in case there are claims of misconduct. From their perspective, the BWC appears as a response to bystander video, offering them protection and the opportunity to “educate the public” on what police work entails. However, there are also some accountability-related concerns with the increased scrutiny of police actions or perceived objectivity of the footage captured. Police officer’s subjective concerns highlighted “that the cameras did not actually depict their field of view or even capture sensory evidence that might inform and officer’s behavior, especially in high-stress or rapidly evolving situations” (p. 111). Similar to bystander video, there are concerns with misinterpretation

of (subjective) experiences and a potential over-reliance on video footage. Officers also expressed privacy-related concerns in relation to their daily life at work (e.g., unintentional recording of private conversations or situations) or when interacting with civilians (e.g., recording their home or sensitive statements). Lastly, police officers often stated the BWC can be a distraction that can impact their own safety and interaction with members of the public (for instance, the requirement to notify civilians when recording was discussed as an issue). Overall, the adoption of BWC does “shape and modify the nature of routine police work as well as public perceptions of police (p. 120 and 121) but it “is clearly an act of information politics, and it changes the way individual officers engage with and exert power in the course of conducting and explaining their work” (p. 119).

In the fifth chapter, BWCs are presented as a tool for the techno-regulation of the police. When considering frontline police work, Newell explores how the use of these cameras “is regulated by law as well as by the technology itself” (p. 149). If human behaviour can be regulated through technology, the author analyses how BWCs change officers’ behaviour and how they “perform” differently. For instance, the need to be more careful with the language or jokes used when interacting with members of the public. However, as stated by one of the participants “sometimes you need to talk street when working the street”. In relation to legal regulation, the author highlights the lack of clarity regarding camera activation, notification of recording, use of video footage in court, and public disclosure of video. Lastly, the author also discusses the impact of BWCs on report writing (in particular if this occurs after watching the footage) in “a new era in which something had to be on video or else no one would believe it had happened”. Termed as the “video or it didn’t happen” effect, it is the potential for BWC footage to “[take the place] of an officer’s word and written report” (p. 145). Vulnerabilities and opportunities are discussed by the participants as they adapt their behaviour with the adoption of BWCs. However, “attempts to regulate the police, whether through law or technology, should not serve to entrench or exacerbate existing problems of trust between the public and the police” (p. 150).

The sixth and last chapter is focused on public disclosure and video dissemination online. Several issues are raised in relation to the recording of intimate moments and sensitive personal situations, namely violations of privacy of officers and members of the public. The participants’ concerns with footage highlight that it does not only invade civilian privacy but also their own (e.g. supervision review, private conversations or ‘venting’). However, more importantly, the officers interviewed are particularly worried with how such footage is made available and accessible to the public. The difficulties navigating public disclosure laws are highlighted (p. 163) and, ultimately, it is agreed that “footage subject to public disclosure could cause harm” (p. 160). Officers do not necessarily agree the public should have access to BWC footage (unless they are involved in the incident or in case the footage must be used as evidence or as a training tool). However, this perception has changed over time and officers became ‘less averse to limited public disclosure’” (p. 160), even if they are still concerned with the online dissemination of these videos. The participants also raise more practical and safety-related concerns, particularly about the costs and resources needed to handle public disclosure requests. Hence, “*collateral visibility*, or the unintended increase in the visibility of ordinary citizens due to a combination of body-camera usage and liberal public disclosure laws – ostensibly adopted to make the *police* more visible – becomes an important variable to consider when developing law or public policy in this area” (p. 155).

In conclusion, ‘Police Visibility’ provides an extremely relevant empirical and legal analysis of BWC adoption and its impacts on police practice and privacy of civilians. By highlighting the tensions between privacy and transparency and the changing informational practices, more balanced approaches of access and control of information are needed. As stated in the introduction: “we need an information policy that allows for balanced oversight but also avoids making personal privacy a part of the collateral damage

of our transparency policies” (p. 21). Both BWCs and bystander video are changing police work, as both police and civilians become more visible (p. 167). However, BWCs also “exacerbate pre-existing police-society tensions related to subservience and separation, possibly forcing the police and society further apart rather than healing wounds and bridging rifts” (p. 182).

References

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