Police tactics for video deserve fierce resistance

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OK. Enough already.

Enough with the arrests of American citizens videotaping police activity in public view, on public streets, in front of God and country.

Enough with legislatures cavalierly seeking the votes of the law-and-order apparatchiks by criminalizing photography in the name of protecting public officials.

And enough of us in journalism sitting idly by while civil liberties are trampled and new laws make us all criminals — merely for doing our jobs. Public officials will stop overinflating their expectations of personal privacy only if the press pushes back.

Don’t take my word for it: Just take a look at the news.

In June, a woman was arrested for videotaping — from her own front yard — a traffic stop in Rochester, N.Y. The officer conducting the stop asked the woman what she was doing, and she responded, “Just recording what you’re doing.”

The officer told her to go back inside her house, but she refused. The officer then handcuffed the woman, walking her to his cruiser. She was charged with “obstruction of governmental administration.”

Prosecutors dropped the charge a few days later, but the chilling message was sent: Don’t record us doing our jobs, even if you’re on your own property.

In downtown Fort Lauderdale, photographers attempting to take long-distance photos of a movie shoot featuring Tom Cruise, Alec Baldwin and Catherine Zeta-Jones — again, on a public street, in the middle of the day — were threatened with arrest.

Then there’s the strange, sad story of Mitchell Crooks.

On Sunday night, March 20, 2011, Crooks heard police helicopters above his Las Vegas home. Police were responding to a nearby burglary call, and Crooks, after noticing several handcuffed suspects on the curb across the street, walked into his driveway with his new $3,500 digital video camera to shoot some footage.

Things get complicated after that, but suffice to say that the next thing Crooks knew, he was being rushed by an officer who was screaming at him to stop filming. Crooks was beaten, his camera was confiscated, and he was arrested — for battery on a police officer.

Fortunately, the camera was rolling.

“Can I help you, sir?” Officer Derek Cullins asks from his patrol car, after parking it in front of Crooks’ driveway and shining the spotlight on Crooks.

“Nope. Just observing.” Crooks responds, fixing his camera on the officer.

For an hour, Crooks had been recording the scene across the street, from his home in the Parkway.

“Turn that off for me,” Collings orders.

“Why do I have to turn it off?” Crooks responds. “I’m perfectly within my legal rights to be able to do this.”

The officer repeats the command several times; each time Crooks reiterates his right to film.

As Crooks backs away, Collings grabs him by the shoulder and throws him down. On the ground, Crooks grabs the camera and turns it toward his face.

Colling’s leg then enters the video frame. Crooks told the Las Vegas Review Journal he believes that was the kick that broke his nose.

The camera records the sound of Crooks screaming. He said that’s when Colling was punching his face.

“Shut up!” Colling yells. “Stop resisting!”

At the Clark County Detention Center, Crooks was booked for battery on a police officer and for obstruction of justice. He was released from jail the next day. On March 26, the Review-Journal reported on his case. Four days later, all charges were dropped.

Crooks’ predicament is an extreme example of a growing and disturbing trend. The easier it gets for citizens to scrutinize police officers (think cell phone cameras), the angrier the police get. Photojournalists are the pawns in a game they didn’t start, as the police increasingly respond with force and even jail time.

All over the country, the fraternal order is dusting off decades-old wiretap statutes and is asking legislatures to pass (overbroad) laws saying that photography is the equivalent of “obstructing or interfering with law enforcement.” The frustration is somewhat understandable. New smartphone technology empowers citizens to document police at work in ways never anticipated. That’s no excuse, though, for criminalizing scrutiny — by the public or the press.

These abuses are happening despite a long tradition in American law of protecting photography and videography in public places. What’s more, privacy law is predicated on the notion of “reasonable expectations of privacy.” What reasonable expectation of privacy does a police officer have while he’s conducting a traffic stop?

Police officers have tough jobs. We commiserate with the life-and-death struggles they all too often face, for low pay and few (if any) perks. It’s a calling, police work, and we have the deepest respect for the men and women who keep us safe. We mean that.

These are not hollow platitudes.

But the trend toward enshrining in our laws the secret police tactics that Americans have long condemned — it’s shameful. This is the stuff of banana republics.

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