Standing By Police Violence: On the Constitution of the Ideal Citizen as Sousveiller

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by Ben Brucato

Individual citizens and social movement organizations document police with video, both serendipitously and deliberately. This documentation is characterized as an intervention, one that not only promises to alter events, but to fulfill civic responsibilities. Simply, video recording police makes one an active citizen, rather than a passive bystander. For instance, at Occupy Wall Street, video recording was a primary and normalized response by protesters when police used coercive force against other protesters. Their use of video streaming apps to live-broadcast such events—while chanting "The whole world is watching!"—shows how protesters framed watching as an intercession. The National Police Monitoring and Reporting Project frames citizen documentation of police as a duty, one that produces protective power against police violence. Copwatch "know your rights" training similarly portrays spontaneous filming as an intervention in violent policing. In other cases, however, video documentation is cast as a shame-worthy denial of a citizen's responsibility to intervene to stop the perpetration of violence. In light of its equivocal standing, the treatment of documenting violence as an intervention is in doubt.

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The Whole World Is Watching

1 On September 17, 2011, several hundred activists marched to Wall Street in New York City, near the New York Stock Exchange. This group quickly increased in size, including several thousand protestors who took and maintained control of Zuccotti Park. There, campers maintained an ongoing occupation of the park, which served as a microcommunity and home to dozens of permanent campers, and hundreds who stayed for varying lengths of time (Brucato, 2012). This space became known as Occupy Wall Street and inspired a global Occupy movement. One of the Occupy Wall Street protesters, Felix Rivera-Pitre, is HIV+ and was living on a $300 per month income at the YMCA in Jamaica Queens during the occupation. At a march through the streets of Manhattan on October 14, 2011, New York Police Department (NYPD) Officer Johnny Cardona ordered Rivera-Pitre to move from the street to the sidewalk. Seconds later, Cardona punched Rivera-Pitre, knocking him to the ground. Rivera-Pitre explains, "The cop just lunged at me full throttle and hit me on the left side of my face" (Robbins). Several videos posted on YouTube documented the assault and show Cardona and Rivera-Pitre surrounded by dozens of people, most all of them holding video cameras or cellphones (see e.g., "NYPD White Shirt").

A blogger for *San Francisco Chronicle*'s website reported on the incident, remarking, "Cell phones and social media are the great equalizers in keeping law enforcement accountable…With everyone in the vicinity carrying cell phones, hundreds of cameras were pulled out during the chaos and the streets were filled with chants of: 'THE WHOLE WORLD IS WATCHING!'" (Leon).

2 There is nothing exceptional about this incident. In the first month of Occupy Wall Street, hundreds of occupiers and marchers were arrested, and perhaps as many or more were assaulted by police without being arrested. In most instances, protesters with cameras surrounded the police chanting, "The whole world is watching! The whole world is watching!" This became so routine such that each new instance was a rehearsal for the next. The media produced in these moments communicate a message about

normalized responses to the presence of police violence. Bystanders fulfill the function of documenting the perpetration of violence and circulating their media to exhibit evidence of wrongdoing. Because these incidents were so common, and because they were documented by dozens—sometimes hundreds—of cameras, many thousands of images circulated these spectacles. Though news crews were often present at Occupy events, news producers were keen to televise amateur video content. The amateur images conveyed a sense of authenticity, and offered an almost limitless access to any time or vantage point—all at no cost to the station, with no licensing granted by the producers of the images or releases signed by the subjects. Because Occupy had become a media event, networks provided expanded access to activists and police to be exhibited through traditional channels.

3 In the image of Occupy Wall Street below (Figure 1), it appears that there are more people with cameras than without. In the video from which I selected this still, the crowd is heard chanting and shaming the officers after they tackled the bearded man in the black hat and blue mask, near the center of the frame.

"A sea of cameras." Screen capture of "Occupy Wall Street: The Whole World is Watching," *Archive.org*,

The chant rang out: "The whole world is watching! The whole world is watching!"—referencing the anticipated immediacy of documentary video and photography reaching a worldwide audience. It was not that the whole world will see, but that the world is watching. Though few public spectacles automatically become immediate internet spectacles, Occupy Wall Street quickly garnered such status and maintained it for many months. Users posted and shared documents on websites like YouTube, Flickr, Facebook, Twitter and other social media applications, and the hashtag #OWS all but assured rapid recirculation. Armed with knowledge of quasi-immediate social sharing, the crowd imagined a world of viewers who became telepresent. This telepresence suggests that at the moment of the application of force against protesters by police, the events had gone live to a global audience that was poised to watch. Furthermore, Occupy Wall Street popularized video streaming applications for smart phones, like LiveStream and Ustream. Using these apps, amateur journalists and activists armed with nothing but a cellphone could provide live video, televised over the internet. Links to these video streams were Tweeted with the #OWS hashtag so remote viewers could locate them and tune in.

Standing By Police Violence in a Surveillance Society

4 By November 2011, many thousands of protesters and occupiers were arrested at Occupy events around the country (Brucato, 2012). Countless arrests were documented by professional and amateur

journalists, but also by independent activists, media activist collectives, and cop watch groups—often simultaneously. Fernandez explains that emerging legal, physical, and psychological processes used by the state—especially since September 11, 2001, and in the United States—have intensified the governmental monitoring and suppression of dissent. Crucial to these developments has been the use of repression by police against protesters. Not only have the cameras of professional journalists documented police crowd control tactics and efforts to physically control space; so too have the amateur journalists, independent activists and organized cop watch groups monitoring the protests. Consequently, documentations have been created and disseminated without the editorial filters employed by corporate news agencies. Before the Occupy movement, protest policing was once only visible during rare though momentous anti-globalization protests, seldom lasting more than a day or two. Though Occupy Wall Street initially received little national media attention by mainstream news outlets, amateur journalists and media activists circulated visual documentation on social media sites. A media team formed by the protesters at Zuccotti Park edited and uploaded footage, and video streaming apps achieved new visibility and use as protesters broadcast Occupy events over mobile broadband signals to live audiences. Especially at Occupy Wall Street, and particularly after the mainstream media began covering the occupations, the Occupy movement provided new visibility of protest policing. For the first time in decades, large scale policing tactics became apparent in daily news coverage that lasted for months.

5 Around the same time as Occupy Wall Street, videos documenting everyday police violence began to proliferate. On January 1, 2009, dozens of witnesses watched BART (Bay Area Rapid Transit) Police Officer Johannes Mehserle shoot Oscar Grant in the back, killing him while another officer restrained him, prone on a train platform in Oakland, California. The incident was video recorded by several of these witnesses. In Manteca, California, on June 8, 2011, Officer John Moody's dashboard mounted camera recorded him shooting to death Ernesto Duenez, Jr. On July 5, 2011, municipal CCTV (closed-circuit television) cameras recorded Fullerton Police Department Officers Manuel Ramos and Jay Cicinelli beating Kelly Thomas into a coma. Thomas died five days later.

6 On August 9, 2014, in Ferguson, Missouri, an on-duty white police officer, Darren Wilson, shot and killed an unarmed 18-year-old Black man, Michael Brown. This incident captured the attention and inspired the mobilization of existing activists and organizations across the country under the #BlackLivesMatter banner. While Brown's killing was not captured on video, around this time several others were, adding fuel to a surging movement. On July 17, 2014, Eric Garner was recorded on a cellphone video by a civilian as he was choked and suffocated by New York Police Department Officer Daniel Pantaleo. Likewise, a civilian recorded Charly "Africa" Leundeu Keunang as he was shot and killed by a LAPD Sgt. Chand Syed and Officers Francisco Martinez and Daniel Torres in February 2015. Another cellphone video showed Walter Scott being shot and killed by North Charleston Police Officer Michael T. Slager in April 2015. These examples are among dozens of videos documenting police killings and easily found on YouTube and other websites like LiveLeak that host user-supplied video content.

7 Modern police power has always been articulated through managing its own visibility while making those selected for police scrutiny available to surveillance. Brighenti explains this command over visibility is an exemplary type of surveillance, where police rely on a metaphoric "unseen seeing eye" (154). Surveillance etymologically—'sur–' meaning 'over' and 'veillance,' 'watching'—suggests a comparatively powerful entity watching over the actions of subordinated persons (Mann, Nolan, and Wellman).

8 This watching can be understood as a response to the possibilities of concealment offered by modern cities. David Lyon (2001) explains that the disappearance of individual bodies has been a basic problem of modernity, a consequence of increasingly complex social organization and populations increasing in size and density. This sense of being lost in the metropolis was a dominant theme in the modern era, and was addressed by authors like Edgar Allen Poe in the mid-nineteenth century, by sociologists like Georg Simmel at the turn of the twentieth century, and by philosophers like Walter Benjamin two decades later.

9 Powerful institutions and the privileged actors therein—like police agencies and their officers—have

access to technologies, techniques, and institutions that make bodies reappear, and in doing so enable control over these bodies for the purposes of direction, protection, and administration (Lyon, 2001). The methods of making bodies visible are various, but the effect of such surveillance is to render the body as an object of classification and record (Bruno; Crary; Sekula). The broadly shared experience of being watched has been normalized, such that publics have internalized the surveillant gaze of the state (Marx; Foucault). Complying with laws and social norms is partly a result of feeling one is being watched even if the watchers are not apparent. This is the most fundamental aspect of the panopticon metaphor: that publics subconsciously recognize the possibility of being watched at any moment and so feel compelled to comply at all times (Lyon, 2006). Panoptic surveillance is an attempt at an efficient solution when total transparency is infeasible, a solution intended to manufacture voluntary submission to regulation. Nonetheless, in a surveillance society, "it is increasingly difficult for individuals to maintain their anonymity, or to escape the monitoring of social institutions," leading to what Haggerty and Ericson call "the disappearance of disappearances" (619).

10 Mathiesen's concept of the synopticon explains the inversion of the literal meaning of surveillance, where instead the many watch the few. Goldsmith finds that Mathiesen's "viewer society" underscores the incidental and unintentional aspects of participation in watching. Kearon explains that from the late 1980s onward is "a period in which the traditional state monopoly of access to surveillance technologies has been eroded, with a growing range of widely accessible technologies that can be utilized by the public to carry out informal surveillance" (413). Policing's new visibility is especially a result of "the capacity of these technologies in the hands of ordinary citizens and residents to alter the public visibility of policing and thereby to impact upon public perceptions of policing and challenge existing mechanisms for police accountability" (Goldsmith 916).

11 Sousveillance is a term used by surveillance scholars to call attention to this informal surveillance as historically and analytically unique. The term is an etymological antonym for surveillance, where 'sous-,' or 'under,' 'inverts' the perspective from which watching takes place (Yesil). Mann and colleagues define sousveillance very specifically as "the recording of an activity by a participant in the activity," one that "decentralizes observation to produce transparency in all directions," but is nonetheless serendipitous in quality (177).

12 In American cities, segregation has been a constant, and those neighborhoods with few white citizens are most intensively policed and surveilled (Brucato, 2014). Residents in these communities are used to seeing police violence, while those outside these communities are newly exposed as a consequence of proliferating cameras, whether mounted in police vehicles or carried in the pockets of civilians. Police once had both legal authority and technical ability to autonomously modulate its visibility, but in describing what he calls "policing's new visibility," Goldsmith explains "the conditions of choice open to police organizations and personnel in this regard have been eroded dramatically in recent years as a consequence of new communicative technologies and their social use" (915).

13 This means, among other things, that disguising or hiding unflattering, illegal or other behavior contrary to community norms is not as fully within the command of officers and agencies. Police have always had to manage a precarious relationship with various publics, but "impression management is less within the control of the police or indeed government authorities than before" (Goldsmith 917). According to Goldsmith, public controversies following use-of-force incidents may undermine police-civilian relations, which can in turn interfere with voluntary submission to criminal laws or compliance with investigations. Additionally, the visibility of "less flattering or illegal practices" exposes officers and agencies to disciplinary and legal liability (Goldsmith 915).

14 Some predict that legal and other accountability processes for police misconduct may become superfluous as police visibility to cameras reaches ubiquity. Recent studies of police visibility suggest a reversal of the panopticon, where police officers will internalize the expectation of being under constant scrutiny by civilians, and so will self-regulate (Ariel, Farrar, and Sutherland; Newell). Such a view treats the power of cameras as transferable, emerging from visibility itself. However, it might make more sense to see them as tools used to concentrate, amplify, or organize authority that pre-exists their

deployment. The panopticon model functions because the self-regulating persons are inside prison cells, monitored by guards armed with truncheons and the authority to legitimately use violence to control the prison population.

15 While researchers equivocate as to whether cameras have produced a "civilizing effect" in police behavior toward civilians (White), we do know that police engage in "counter-sousveillance" measures in order "to deter persons from filming [police] and, if unsuccessful, even to seize cameras and recorders believed to contain unflattering images of police activities" (Goldsmith 929). Though such efforts are common, the U.S. Department of Justice has clarified that video recording police is protected by the First Amendment (Borja). Furthermore, most seizures of civilian cameras constitute a Fourth Amendment violation. Using some contents on cellphones to incriminate their owners could also constitute a Fifth Amendment violation. A more technical and sophisticated counter-sousveillance strategy is evinced in the development, marketing, and rapid adoption of officer-worn cameras by police agencies. These cameras are intended to take advantage of the legally and culturally privileged perspective of officers, particularly when they use violent force (Brucato, 2015). Essentially, these cameras produce surveillance footage intended to nullify sousveillance footage.

16 Despite new efforts by police to manage and control their visibility in an era of ubiquitous surveillance, civilians are increasingly inclined to create and share videos documenting their on-the-job behaviors. The proliferating amateur video archive is evidence of a normalizing activity, showing that recording police is becoming institutionalized, a set of self-activating sequential technical and social actions that bystanders perform, deliberately or otherwise.

"We Are All Bystanders Now"

17 Mann and colleagues' definition of sousveillance points to the significance of the bystander recording an event with a smartphone. As a consequence of proliferating sousveillance and the broad diffusion and use of such mobile information and communication technologies, Bauman contends that it is increasingly difficult for one to legitimately claim ignorance of suffering, no matter how near or far the sufferer is, and so "we are all bystanders now." This now pervasive problem was impetus for Bauman to revisit the taken-for-granted causal relationship between bystander non-intervention and the perpetuation of suffering. Traditionally, perpetrators are identified by their "doing evil," whether in violation of law or community norms. According to Bauman, bystanders are identified by offering "non-resistance to evil." Bystanders know that something needs to be done, but they also know that other bystanders have done less than has been needed. This rationalization has the effect of absolving the bystander of any definite responsibility to act.

18 The problem of the bystander highlights a conflict between the humanitarian responsibility to prevent suffering on the one hand, and the rational and irrational fears about the consequences of intervention on the other (Milgram & Hollander). Even when bystander apathy presents no grounds for legal action or social stigma, it is nonetheless causally linked to past and ongoing victimization. As Bauman argues, "refraining from action carries a causal load not much lighter than acting, while the certainty (or high probability) of general non-resistance by the non-lookers may carry a heavier responsibility for the ill actions and their effects than the mere presence of a number of ill-intentioned villains" (Bauman 140–41). Because of the global expansion of information and communication technologies, distance is no longer an excuse for lack of knowledge about victimization and suffering, and, according to Bauman, offers no reliable rationale for inaction. Further, global trends in ethics show an expansion of moral concern for all of humanity—and increasingly beyond, i.e., to non-human animals. These coinciding changes mean that "the gap between things *done* and things *to be done* seems to be swelling instead of shrinking" (Bauman 143, italics in original).

19 The bystander effect refers to a theory—with some empirical support—about the apathy of non-involved parties. Most crucially, the theory suggests the diffusion of responsibility, specifically an inverse relationship between the likelihood of a non-involved person intervening to stop the victimization of another person and the number of other witnesses. A famous study by Latané and Darley identifies the

"bystander syndrome" as a situation in which onlookers lack the will to act but are nonetheless compelled to keep watching. While their research is flawed due to factual errors and weak empirical support for its general applicability (Gallo), this framing of watching and (not) acting is useful for the present inquiry. Bauman in particular has critically mobilized this analytical frame in the context globalization and informatization: now that responsibility is as diffuse as ever, both the capacity and the impulse to act seem as minimal as ever. The Occupy Wall Street protesters who recorded and chanted at police demonstrate that in this context, one's responsibility to act is provided with a particularly ironic option to watch. Acting, in other words, becomes a way of diffusing responsibility with the expectation of amplifying the power of intervention. The protesters are not alone in this expectation, as it guides a wide range of arguments about ideal responses for witnesses to police violence.

Telephone Operators Are Standing By

20 The Cato Institute's National Police Misconduct Reporting Project (NPMRP) describes itself as "a non-governmental, non-partisan independent project that will attempt to determine the extent of police misconduct in the United States, identify trends affecting police misconduct, and report on issues about police misconduct in order to enhance public awareness on issues regarding police misconduct in the U.S" (National Police Misconduct Reporting Project). In addition to these activities, they publish lectures and written "know your rights" materials. Through their "If You See Something, Film Something" ad campaign, the NPMRP communicates the imperative for civilians to document police.

"Film something!" Screen capture of NPMRP page on *Zazzle.com*. [Page no longer available.]

In one image used in the campaign—and sold as bumper stickers on the NPMRP website—the main text reads, "If you see something, film something!" and below it, "The power to fight police abuse is in your hands." To the right of this text is a drawing of a hand holding a cellphone. The NPMRP uses the imperative mood to command an activity of the viewer: if people see "police abuse," then they should record it with their cellphone cameras. This conveys a responsibility, suggesting that video recording police is an appropriate and necessary response.

21 This seemingly simple ad consolidates a host of discourses from the contemporary context. First, the campaign uses language and design elements from the U.S. Department of Homeland Security's (DHS) "If You See Something, Say Something" ad campaign. The DHS commands citizens to "say something," compelling them to act as the eyes and ears of the state, reporting back relevant information to aid in securitization. As such, the image directly signals its context in a surveillance society. Second, the message functions in a political world in which spectacle and visuality are central. As Green asserts, whereas classic democracies relied upon the voice of the people, contemporary democracy relies on their eyes. The switch from "say something" to "film something" signifies this shift from speech to vision. Political contentions are frequently situated around images, and today struggles for visibility are fundamental to the assertion of power (Thompson). Third, this discourse functions through the affordances of technologies that have become central to everyday life. Cellphones with cameras, internet connectivity, and social media apps produce communicative capacities and provide the mediums through which contemporary U.S. civilians imagine they can have access to and communicate within civic spaces. The drawing of the camera calls on its symbol as a generator of images with special

personal, social, and political salience. The sense that producing and sharing video grants special significance to an event—and one's presence within it and experience of it—is exemplified in the reference to "power" in the secondary message: the cell phone grants power to the person holding it. That power can "fight police abuse."

22 Another ad in the same campaign reaffirms this message. The main text in this image is identical to the first, but the secondary text reads, "Help prevent police misconduct before you become a victim—It's not just your right, it's your duty." In this more complex message, the NPMSR claims citizens are required to record the police. A threat is suggested in this second image: it is inevitable that the viewer will eventually fall victim to police violence—unless she stops it first. Importantly here, filming the police is not just a fight against police misconduct. It is supposed to prevent present police violence and a future assault that would have otherwise been inflicted on the viewer of the graphic.

23 By seemingly addressing a universal audience, the ad minimizes the racialized quality of police violence in the United States. Further, it obscures the fact that filming does not directly prevent but at most helps to prevent police misconduct. The means by which to perform this preventive aid is absent in the message, suggesting that video recording alone initiates a self-activating process of prevention.

Above the text in this second ad are 23 still images, mostly derived from cellphone videos shot by civilians. The largest still, featured prominently in the center, comes from a video shot on January 1, 2009, in Oakland, California. In this scene, at least two officers are restraining an unarmed Black man, Oscar Grant, prostrate on a Bay Area Rapid Transit (BART) train platform. I have described the shooting of the restrained man above. The number of images on this graphic amplifies the importance of filming, but it also undercuts the preventative message. If filming police violence prevents the present and future occurrence of police brutality and killings, then how is it that so many of these images could have been created for inclusion in the ad?

24 The pro-sousveillance message suggests a self-activating accountability process that implicitly relies on more factors than the presence of video (Goldsmith; Brucato, 2015). Also, the priority for producing quality footage requires that bystanders be physically passive, perhaps even silent. Nevertheless, through invoking civic responsibility—"It's not just your right, it's your duty"—the ideal citizen is presented as a sousveiller. The production of mediated visibility is presented as wholly positive and the fulfillment of a public duty. In the next section on best sousveillance practices, I will show how similar messages are communicated by video activists.

How to Stand By

25 Carlos Miller founded in 2007 and runs the organization Photography Is Not A Crime! (PINAC). Chiefly, the organization functions as a blog at photographyisnotacrime.com, and it promotes the rights of photographers and videographers to record in public space, especially when documenting public officials. Two key component of PINAC's advocacy are promoting professional models for amateur journalism and providing publicity for journalists—among whom PINAC includes cop watchers—arrested in the course of their work. Together, PINAC's work promotes copwatching but also narrows its strategies in important ways. In Miller's "Ten Rules for Recording Cops," he advises acting as a documenter of events: "you need to think of yourself as a journalist, not an activist" (Miller). To provide the best documentations, Miller suggests obtaining a quality video camera. Beyond its ability to produce better quality video than a cellphone, a dedicated video camera provides the practical benefit of leaving the user with a phone in the event the camera is confiscated by police—legally or otherwise. An advantage smart phones have over dedicated cameras is the ability to use live streaming apps (e.g. Bambuser, Qik, and Ustream) to automatically protect footage on cloud storage.

26 Miller's first rule is "learn to hold the camera." Proper handling includes standing still to minimize obstructions and camera movement, and using both hands to reduce camera shake. In order to ensure the best quality video, one must forego other actions. This precludes intervention, essentially turning oneself into a bystander. It further demonstrates an affiliation with the audience rather than with the

person being victimized. While that audience might be leveraged, *post facto*, to support the needs of a

"It's Your duty." Screen capture of Injustice Everywhere graphic at *Policemisconduct.net*.

victim, this signifies, at most, a deferral of intervention. This affiliation is reasserted in the second rule, "keep your mouth shut […] it's more important to capture what is taking place so make that your priority" (Miller). The anonymous audience benefits from the videographer's presence by being able to "form their own opinion." Another rule claims a sousveiller's goal ought to be "transparency." Transparency, here, is modeled on "the fundamental ethics of journalism," "presenting the facts and allowing our followers to form their own opinions" (Miller). The quality of documentation in this journalistic model is one that strives toward accuracy, replicating for the viewer the visible experience of an event.

27 Most of Miller's other rules pertain to requirements to learn various laws and regulations in order to assert one's right to film under various conditions. This aspect of the guidelines replicates the "know your rights" training events popularized by Copwatch organizations since the 1990s. These organizations are principally identified by coordinating and conducting "patrols" to document traffic and other police stops. They often select for their patrols neighborhoods that are treated by police as "high crime" zones. Because of this, patrols have been most visible and active in neighborhoods populated primarily by people of color.

28 David Whitt lives in the housing projects in Ferguson, Missouri, where Michael Brown was killed by Officer Darren Wilson on August 9, 2014. Despite not having an activist history, after the killing he began political organizing (D. Whitt, personal communication, October 14, 2014). Whitt was protesting the killing but also engaging in efforts to respond constructively to what he saw as a pattern of excessive force, particularly against people of color. He founded the Canfield Watchmen, who with the support of a crowd-funded campaign by We Copwatch, distributed over one hundred wearable video cameras to Ferguson residents. In distributing these cameras, the Watchmen conduct training events to promote the serendipitous and planned documentation of police by individuals in their community. The group also engages in copwatch patrols, where members seek out and document police stops and arrests.

29 Kristian Williams asserts that "a broadly based, if informal, practice of copwatching demonstrates public suspicion of the police, normalizes the community's right to observe the police […]" (Williams). Before disbanding, Rose City Copwatch, founded by Williams, conducted regular training events for residents of Portland, Oregon, in which activists would "run through a bunch of role plays, presenting the participants with real-world scenarios, including facing hostile cops, over-friendly cops, and arrestees who are confused about what the Copwatchers are doing." The Canfield Watchmen and Rose City Copwatch are activist responses to police violence that privilege documentation. Though they suggest that using video to record police is effective response in its own right, this activist model is thoroughly bound up with political organizing and agitation on behalf of those victimized by police. This is further demonstrated in some Copwatch organizations' training to strategically deescalate police violence.

30 The affiliation of the videographer is less overtly partisan in the journalistic model, which differs from the activist orientation advanced by the Canfield Watchmen and Copwatch groups. The journalistic approach encourages an affiliation with an undifferentiated audience, and so the imperative is to produce the most accurate documentation possible. As such, this model constitutes the ideal sousveiller as passive. Miller, of PINAC, privileges the public's presumed right to know and advocates releasing footage to the public. In doing so, he subordinates concerns about the consent of those victimized by police or about whether the evidence would be criminally or otherwise damaging to them—a matter of paramount concern for most Copwatch groups. For Miller, videographers are left to determine for themselves whether to share footage to police, but are instructed to archive the footage and to "post online anything you have shared with them [police] in order to remain transparent" (Miller). Most Copwatch groups refuse to aid police in an investigation unless legally compelled. Nonetheless, what both models share is a belief that sousveillance constitutes an ideal response for those in the presence of police violence.

The Shame of the Bystander

31 Latané and Darley's research on bystanders in the 1970s responded to a popular obsession with the case of Kitty Genovese. On March 13, 1964, Genovese was stalked, assaulted, and eventually killed by a stranger while she screamed for help to dozens of bystanders who watched, mostly from the windows of their apartments in Queens, New York. In the popular—though disputed—telling of the story, none of the bystanders phoned police or physically intervened, though a few shouted to the perpetrator to stop (Manning, Levine, and Collins; Gallo). For decades, the story has been used as an example in psychology texts to evaluate and explain the causes of bystander non-intervention. The story also functions as a parable, told to shame bystanders for apathy and to thus encourage intervention.

32 Like the bystanders of the Genovese incident, in 1991, Roger Holliday watched the beating of Rodney King by Los Angeles Police Department (LAPD) officers from his apartment. In this incident, Holliday covertly recorded a video that Mann and colleagues refer to as "probably the best-known recent example of sousveillance" (Mann, Nolan, and Wellman 333). Yesil explains the lasting significance of the Rodney King video, writing it "has served as one of the first and most widely-viewed examples of the power of mobile recorded image. The message of the Rodney King tape was that no person, institution or organization was immune from being monitored" (280). The tape's power, she argues, was a function of its wide dissemination, which generated unprecedented public awareness about police violence.

33 On July 17, 2014, without any prior expectation of documenting police activity, Ramsey Orta recorded New York Police Department officers with his cellphone just as they began killing Eric Garner in Staten Island. On a similarly serendipitous occasion, Feidin Santana made a video of Michael Slager, an on-duty police officer in North Charleston, South Carolina, shooting Walter Scott in the back. Both men have been broadly described as heroes. For instance, Jonathan Capehart of *The Washington Post* wrote:

> Heroes of conscience are rare. Those everyday people who, despite considerable risk to personal safety or their livelihood or both, put themselves in harm's way to expose a larger truth. Feidin Santana is one of them. And it was an honor this morning to shake his hand and call him a hero. (Capehart)

The risk videographers encountered is certainly not disputed. Orta was arrested shortly after recording the killing of Eric Garner. While he was jailed, he reported death threats from guards and engaged in a hunger strike out of fear that his meals would be poisoned. He has since been arrested on two other occasions, which Orta and family members describe as retaliation by police for publicizing the killing of Garner and the ensuing controversy.

34 The bystanders who watched Genovese's death were widely criticized for their passivity. The men who recorded Garner's and Scott's deaths have been praised for their heroic activity. Their actions did not prevent the violence, but it did bring shame upon the perpetrators. Chanting "The Whole World Is Watching" was likewise expected to function a shaming technique. The witnesses to police violence at Occupy Wall Street anticipated the judgment of the watching world—and that its shame would not turn toward them as it did to Genovese's bystanders. The power of this watching public to shame and thus hold police accountable was presumed to not only provide the possibility of intervention but to be an intervention itself: in recognizing the power of viewers and of viewing, officers were expected to alter their behavior. The crowd used the chant as a means to demand the officers stop what protesters saw as an abuse of authority, a violation of rights, and an infliction of unnecessary suffering. The chant called upon anonymous viewers as a source of the legitimacy for their demand to the police. If the moral fortitude and sheer numbers of the people in the crowd was not enough to convince the officers to cease their assaults, then surely an entire world looking scornfully on their behavior was to be sufficient.

35 The broadcast images were expected to provide direct access in a much more literal way. Jane Feuer's concept of "liveness" refers to "the ideology of the live, the immediate, the direct, the spontaneous, the real" (14). This concept refers not only to the sense that live broadcast television fosters the "equation of 'the live' and 'the real'" (14), but to the way all television begins to seem "live" and "real" as a result. Streaming video bypasses the filtering of editorial staffs and other corporate controls of mass media, further exaggerating the "live" quality of the televisual. The presumably objective amateur digital image carries a testimonial realism, in part bolstered by its indexical relationship to an event. Indeed, I would argue that these "live" and indexical qualities are imagined to transform the having-been-there to a being-here. Video streaming contributes to the impression of a colocation of the viewer and the event. Through its testimonial realism, the recorded, archived event lives in the image and can testify for the videographer as a witness. It also testifies to the presence of a crowd of viewer-witnesses. The camera-enabled cell phone and its data connection seems to provide both transparency and telepresence. These qualities are essential for populating the watching world with viewers who cannot help but follow Susan Sontag's command not to turn away from victims of violence.

36 Through the repetition of such scenes, laden as they are with the chants of crowds shaming officers, these performances take on the form of moral guidance: this is what bystanders ought to do. However, the documentation of perpetration does not seem to *categorically* pass muster as an acceptable intervention. In September 2013, SEPTA (Southeastern Pennsylvania Transportation Authority) Police Officer Samuel Washington was knocked to the ground and struck by Ernest Hays as seven bystanders watched (Cushing). SEPTA Police Chief Thomas Nestel said he was "horrified" and "frightened for my cops" because he could not count on civilians to come to the aid of police officers in distress. One person

used her phone to make a video of the assault. Rather than call the documenter a hero, Chief Nestel said, “My immediate thought was ‘Shame on you. Why don’t you use that phone to call 911?” (Lanier).

37 On October 20, 2012, Elisa Lopez fell asleep on a New York subway train and woke up to a stranger, Carlos Chuva, groping her (Farberov). Lopez punched the assailant in defense and fled the train (Filipovic). “I stood there for a minute, like, ‘What just happened?’” Lopez says. “I see some guy staring at me and the doors closed and the train left. I started crying, because I realized no one helped when this guy did something to me” (Filopovic). Days later, her coworkers saw a video of Lopez’s assault on the pornography section of a file-sharing site (Oliver). Lopez was unaware the incident was recorded. Soon, the video appeared on television news. In her discussion of the video, Oliver wrote, “Rather than help her, some bystander took a video and posted it online.” Though the video eventually aided in the arrest of Chuva, this after-the-fact response is treated as something other than help. Indeed, Lopez felt more traumatized by the circulation of the video than the assault. News commentators relayed Lopez’s sense that the documenter was shame-worthy for failing to provide needed aid. The man who recorded the incident, Jasheem Smiley, posted a video on his YouTube channel defending his actions, claiming there were ten other witnesses who did nothing, that he verbally attempted to wake Lopez, and that he did not physically intervene for fear for his own safety (Farberov).

38 Beyond feeling abandoned to her own fate by the bystanders, Lopez was also traumatized by the video because it was used by viewers as a source of entertainment. A particular mode of spectatorship, the pornographic gaze, is uniquely conceptualized by Oliver through her reading of Patricia Williams. This voyeurism is grounded in valuing the seen only on the basis of the pleasure the object of vision can provide for the viewer. The pornographic seer is a partisan for his own interests, and particularly his titillation. He disregards the exploitation of those he watches, but, most importantly for Oliver, “the voyeur is not concerned with the effect of his watching on his object” (157).

39 Those who promote videography as a form of activism argue that watching can have a positive effect. Sedgwick admits that this is sometimes the case, but she also provides a note of caution:

> Some exposés, some demystifications, some bearings of witness do have great effectual force (though often of an unanticipated kind). Many that are just as true and convincing have none at all, however; and as long as that is so, we must admit that the efficacy and directionality of such acts reside somewhere else than in their relation to knowledge per se. (141)

To consider documentation and exhibition as an intervention, as an action that moves a person beyond the position of being a passive (or titillated) spectator, one must demonstrate “effectual force.” Are the advocates of sousveillance correct in arguing that videography can provide an effective intervention in a situation of violence?

Ignorance, Impotence, Intervention

40 As Bauman argues, globalization has destabilized moral frameworks and taken the force out of moral judgments. There are thus a number of strategies that “can easily accommodate all the variety of most commonly used arguments” used to assign blame to bystanders (139). He explains that what Cohen calls “denial” is effective on two levels: the level of ignorance and the level of impotence.

41 Denial first resorts to a lack of knowledge about wrong-doing: I did not know. The advocates for sousveillance presume that an increase in visibility of wrong-doing, provided by video, has a positive value because it works against ignorance. It is widely recognized—whether in contemporary media studies or among modal consumers of media—that images are not guarantees of physical truth or signifiers with stable meaning (Mitchell). Nevertheless, those who recommend documenting police violence presume this guarantee and stability. The idea that “seeing is believing” seems increasingly

wedded to the belief that “sunlight is the best disinfectant.” The expectations for publicity of official wrong-doing has increasingly encouraged popular participation in the production of transparency (Brucato, 2015b). This practical participation is clearly aimed at taking away denial as an avenue of retreat—even as it transforms watching into an active rather than a passive activity.

42 As we saw above, live broadcasted and raw, unedited video is intended to combat ignorance. This tactic is troubled by the fact that the world that watches is not a singular audience. Despite widely held expectations and hopes that media will create or has already fostered a “global village,” heterogeneous audiences and the plural objects of their vision are differentiated by their symbolic repertoires. Citing Kapuscinski, Bauman explains “the absorption of *images* may thwart rather than prompt and facilitate the assimilation of *knowledge*. It may also bar the *understanding* of what has been noted and retained, let alone penetrate its causes” (144, italics in original). The prevailing hope for overcoming these facts reinforces what Cheliotis refers to as “narcissistic sensibilities and practices, either by presuming that the included already possess a kind-heartedness in wait only for specific directions, or by framing ‘others’ as human only insofar as their stories reflect our own emotional world” (172). Here we see a connection across “a truly abysmal gap” between knowing and acting (Bauman 145). Bauman explains that if this “argument from ignorance” fails to be credible—which it is increasingly more likely to do in an era of information exuberance—an “argument from impotence comes to the rescue” (139). This is Cohen’s “second-tier” of denial. This argument relies on a rational-choice logic, in which would-be-interveners explain their passivity on the grounds that action would have been ineffectual anyway.

43 Let us return to the opening example from October 14, 2011, in which Occupy Wall Street protester, Felix Rivera-Pitre, was punched repeatedly by NYPD Officer Johnny Cardona. Dozens of cameras—held by people chanting, “The whole world is watching! The whole world is watching!”—encircled the assault. This group of monitors was joined by two other contingents. The first was comprised by other NYPD officers who attempted to arrest Rivera-Pitre. In the second were bystanders who acted differently from the documenters. Rivera-Pitre describes the scene, saying “The cops were pulling me by my feet and the crowd was pulling me by my hands, and I was suspended in the air” (Robbins). Though he was beaten by those in this first group, the second successfully “de-arrested” Rivera-Pitre, as he escaped into the crowd with their help.

44 As Goldsmith explains, for police “video is the new reality,” and yet it appears little has changed about police violence. Images of police assaulting Occupy Wall Street protesters proliferated. The repetition of these spectacles serves as evidence of the failure of the expectations that these images are, themselves, interventions. Not only did the officers in the documented situations continue to abuse while and after being chanted at by protesters—and, presumably, the watching world—but the spectacle was also repeated thousands of times at Occupy events in the United States. Similarly, in 1992, few would have expected the police institution to recover from the regular repetition of a Rodney King event. Yet today, not a month goes by without a new video circulating that depicts an unarmed Black man beaten or killed by police.

45 Bauman points out that the technologies that promise a “global village” do not necessarily transcend existing social and spatial divisions. Integral to media is the temporal and spatial separation between those represented and their audiences, and this gap practically disallows intervention. In its colloquial sense, intervention signifies an action to prevent or alter an event, to cause a delay, or physically obstruct something or someone. Etymologically, intervene means to come between. Intervention is identical with interference, meddling, and interruption. Documenting Rivera-Pitre’s beating while chanting in anticipation of the shame that viewers would express at the sights they were broadcasting, photographers and videographers claimed to be intervening. However, their spectatorship relegated Rivera-Pitre to be among the past victims of police violence and repression. Though they surrounded him, their action was a non-action, and so their presence was a non-presence. Just like their audiences, they were separated from the event by screens. While documentation may have aided subsequent complaints or legal action, to refer to a promise for a future alteration is to desiccate the meaning of intervention entirely; an intervention is never a deferral to act, but a decisive intercession.

46 The separation of videographers from the event is made stark by those who were decisively present. When camera-operators formed a perimeter around the incident to document, watch, and observe, they separated themselves from a present event. Though they spoke to the officers, their relationship to the event was like that of the distant viewers of their footage. The event itself was played out on the body of Rivera-Pitre. The de-arresters physically came between the NYPD officers and Rivera-Pitre, while the bystanders demonstrated the non-action of documentation.

47 As discussed above, documenters observe and record police with the expectation of efficacy, that some effect is made possible or likely by virtue of monitoring the police. Documenters rely on a response by viewers. For citizens concerned about those most chronically surveilled and policed, recording their routine encounters with officers may be influenced by a hope for solidarity. Certainly, this is not without cause. Media events have contributed to the growth of attention to incidents of police violence. That said, mass movements have emerged from undocumented incidents as well. For instance, in 2013, New York Police Department officers shot and killed a 16-year-old Black youth, named Kimani Gray. In 2014, Ferguson Police Officer Darren Wilson shot an 18-year old Black man, named Michael Brown. Neither of these incidents were filmed, and yet both produced mass mobilizations in the cities in which they occurred, and actions in solidarity elsewhere in the country. In fact, these two responses are among the largest and most sustained public reactions to police violence in the past decade. There is no certainty that the presence of video will aid the creation or building of political movements, nor is there certainty that an absence of video will hamper such developments.

48 One could reasonably claim the same about employment discipline and criminal prosecution of police officers who use unnecessary or excessive force. In the past decade, police have killed thousands of Americans, and yet only 54 police have been criminally charged for the killings (Kindy and Kelly). With such small numbers, it is difficult to make any certain assertions about the causal role played by video. Among those without video are cases like former Dallas Police Department Officer Bryan Burgess who in 2013 drove his police cruiser into a 51-year-old Black man, Fred Bradford, causing injuries from which Bradford later died. Despite an absence of video evidence, Burgess was fired and indicted for manslaughter.

49 Documentation proliferates not because of evidence of its efficacy in protecting people from excessive and unnecessary violence by police, but because it satisfies a normative prescription that has succeeded despite evidence of weak efficacy. People monitor police using camera phones because they receive all sorts of messages that confirm this transforms them from bystanders to interveners. The example of Rivera-Pitre throws this conflation of documentation and intervention into sharp relief. Video recording and shaming officers did not deter or de-escalate the violence against Rivera-Pitre; rather, it was the physical intervention of other protesters who de-arrested him that disrupted the violence of police.

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Author

Ben Brucato is a Lecturer in the Department of Sociology at the University of Massachusetts Amherst and a former postdoctoral fellow in the Center for Humanistic Inquiry at Amherst College. His work investigates the contemporary visibility of police violence in the United States, the historic coproduction of white citizenship and the police institution, and contemporary media activism against state institutions and agents.

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