

Secrecy Shouldn't Surround Body-Cam Videos in - Danville Register & Bee (VA) - May 13, 2018

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In less than 10 years, body cameras have become an almost ubiquitous part of a police officer's uniform, but as is typical, the laws governing their use and the public's right of access to the footage have yet to catch up to the technology, especially in Virginia.

Let's take three recent instances to examine how police departments and the courts have gone in three different directions regarding body cam footage of four high-profile incidents in Danville, Lynchburg and Chesterfield County.

First, in Danville, we have the fatal shooting of **Juan Markee Jones** early on April 8.

The Danville emergency dispatch center received a 911 call from a woman saying Jones had assaulted her and followed her home, where he kicked on the door of her house and was threatening her. When police arrived, confusion reigned, as one would expect, as officers made efforts to ascertain exactly what had transpired.

During the encounter, Jones drove off, stopping and getting out of his car at the street's dead end. When he got out of his car, disobeying police orders to surrender, officers deployed a Taser, but one of the leads failed to make contact with him and complete the circuit. Jones then turned toward officers, assuming a posture that would indicate he was in possession of a gun. It was then that officers fatally shot him.

Rumors about the circumstances of the shooting flew through the community. On Monday, Chief Scott Booth met with the family and showed them the body cam footage of the incident; the next day, he sat down with ministers and other civic leaders to watch the video before releasing it to the general public. What on Sunday afternoon and Monday morning had been an extremely tense, angry situation was defused because people came to see that officers were left with no choice in the incident.

In Lynchburg, there have been two officer-involved shootings in the last seven months: the November 2017 fatal shooting of Pamela Webber and the February 2018 shooting Walker Sigler in his home on Link Road. In the Webber case, police responding to a 911 call about a suicidal woman wound up shooting Webber when they said she "advanced on officers in a threatening manner" with a knife. In the Sigler shooting, officers driving in the area thought something suspicious was going on at the house when they saw the front door ajar sometime after 1 a.m. Sigler wound up being shot multiple times through the door of his home.

In both cases, the Lynchburg Police Department has confirmed body cam footage exists but have denied requests to release it, citing still-ongoing Virginia State Police investigations of the incidents. Even after the investigations have been closed and decisions rendered by special prosecutors in

Arlington and Virginia Beach handling them, there's the very real possibility the videos could never be seen by the public.

And in Chesterfield County, body-cam footage of a Feb. 4 traffic stop is at the center of a court fight between the news media and the county's police department.

A Chesterfield officer pulled a teenaged Virginia State University student after he rolled through a stop light early that morning. Officers claimed they smelled pot and asked the teen to get out of the car, which he did. When asked if he had anything illegal in his possession, he said he had a knife in his pocket and started to retrieve it for officers, at which point a second officer trained his weapon on him. (The knife, by the way, was totally legal and no charges resulted.)

The incident drew national attention as the teen's mother is a top editor of *The Root*, a well-known African-American political and cultural journal. When a reporter from *Reason* magazine filed a FOIA request for the video, the Chesterfield police rejected it, claiming she would likely edit it and portray the incident out of the context of the 15-minute long video. A Richmond judge denied the reporter's appeal earlier this month, saying now the footage was part of an ongoing criminal investigation — remember, though, police filed no charges against the driver — and was therefore exempt from FOIA in addition to writing in his ruling that the reporter "desires not simply to view the video but also to post it [for] public viewing on a website maintained by reason.com." Indeed, Chesterfield won't release any body-cam footage to prevent any editing, only allowing viewing at the department's discretion.

Four high-profile incidents, three different outcomes. In one case, the public learns that, yes, its law enforcement officers acted properly and with tremendous discretion. In the other incidents, denied access to the videos, the public, rightly or wrongly, is left to wonder if police are hiding something. And in the police/public relationship, even a twinge of doubt can be poisonous.

As is the case with much of government, transparency results in public trust of civil institutions, while secrecy and closed doors breeds mistrust. "Sunshine laws" are the order of the day in many states, Florida being the most open with records. We long for the day when Virginia might join the ranks of those states, perhaps even equaling Florida in opening the people's government to the people themselves.