

## **IN SUPPORT OF S.B. 1206: AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC**

**Submitted by: Andrea Prichett on behalf of Berkeley Copwatch, Berkeley, CA.**

**To Members of the Connecticut Senate Judiciary Committee and the Connecticut  
Legislature,**

In March of 1990 in Berkeley, California, a group of civilian volunteers began a program of monitoring and documenting police activity in their neighborhood. This group became known as "Copwatch". During the subsequent 20 years, similar groups and projects have sprung up in cities and towns across America. At no time in those 20 years have we been so in danger of losing our rights as we are in the current time. As copwatchers, we have always assumed that our right to assemble in public space, our right to observe, to publish our observations, and our right to hold our government accountable were all protected under the first amendment to the constitution. In the name of justice, and for the genuine love of freedom, we continue to monitor police activity, and the manner in which our democracy is practiced and preserved. In recent times we have endured increasing resistance to our efforts on a local level, and across the nation civil rights workers are being harassed, and even arrested for their efforts. We wholeheartedly support any legislation that reaffirms and clarifies the constitutionality of our efforts to cultivate genuine community based police accountability. We believe that the truest measure of democracy is in the way that police enforce the laws of the land, and the degree to which they submit to the authority of civilians.

For many Americans, police represent the frontline of our democracy. There is no other government employee or worker who is vested with the awesome power to actually take life. Given that police officers hold this unique position, a potent check on that power is in our right to witness the conduct of officers, and to report to our city leaders how city policy is being carried out. For all of the legislation that is passed, and the promises that are made to the people by our elected representatives, we can truly measure the health and vitality of our local democratic structures when we attempt to observe police activity.

Berkeley is perhaps an unusual city. In our town, observing police is considered to be so important that a special Training Bulletin 91 was issued by the police chief in 1984 that reads, *"It shall be the policy of the BPD to put the least possible restriction on citizen observation of the police."*

The information, and the quality control provided to our Police Review Commission by citizen monitors has proven to be invaluable time and time again. From the way police enforce quality of life infractions in areas populated by large numbers of homeless people to complaints of racial profiling, and even police conduct during demonstrations, our work has helped to direct the priorities of our oversight body time and again.

Our volunteers are trained, and we have worked to cultivate a consciousness about watching police that encourages

- a) non-interference in police activity
- b) committed non-violence in word and deed
- c) de-escalation of situations when that is appropriate

Over the years, we have had officers express appreciation for our work. While not all officers are happy to see us appear at a stop, there are professional officers who have nothing to fear from being observed, and who value our efforts to involve the community in the way policies are implemented, provide input on how we are being policed, and to identify problem officers to the Police Review Commission. Of course, there are officers who become nervous when our volunteers appear and begin recording, but over time, officers in the BPD have grown used to us.

While many people and groups have defended the right to watch police based on first amendment protections, there has been disagreement about which right most closely extends to civilian efforts to document police behavior. Some say that it is a matter of freedom of the press, especially now as new media creates so many opportunities for any person to become a citizen-reporter as they witness and record police misconduct with any of the many recording technologies currently so prevalent. The digitally recorded homicide of Oscar Grant on a subway train in Oakland, California in 2009, and the subsequent conviction of the officer involved attest to the benefit of having recording technology in the hands of ordinary citizens.

Others believe that the right to assemble freely should protect our right to stand anywhere on public space, and to engage in whatever legal activity we choose. Those who stand on a sidewalk in order to record police should not be singled out because an officer doesn't like the idea of being recorded. After all, as we are told when video cameras are installed in public places, no one has a reasonable expectation of privacy. However, it is the right to petition the government for a redress of grievances that should serve as the constitutional protector of all those who care enough to stop and watch what their police departments are doing.

Currently, it is not uncommon for copwatchers to get arrested, and later released, with no charges actually filed against us. We are simply removed from the scene, and often our cameras are confiscated and footage deleted. In our history at Berkeley Copwatch, no one has ever been convicted of obstructing a police officer, but we have been punitively arrested many times in the process of our peaceful observations. We need protection from police who want to hide their misdeeds, and obstruct the justice that comes from a truly informed community. Our primary objective has always been to document these repeated injuries, put the facts before the people, and let them decide.

We hear the stories, and are in touch with organizations across the country, and we know that in Illinois, Massachusetts, Maryland, and beyond people are being arrested for direct monitoring not because the arresting officers fear for their own safety, but because they fear accountability. This bill will not just establish legal grounds for observation of the police in Connecticut; it will provide a valuable precedent, and send a message of support for a broader interpretation of our fundamental rights against increasing repression. We strongly urge passage of SB 1206.