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### Vigilant citizenship

*Legal imaginaries and political subjectivity in Miami*

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*Figure 4.1. Mural in Wynwood, October 2016.*

*Chapter 4*  
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**CAMERAS**

## ARMED WITH A CAMERA

Marcus and Fenix carefully wielded their electric razors, creating precise, customized haircuts to the sound of Future's latest rap album playing through the barbershop's loudspeakers. The air was filled with the scent of hairspray and alcoholic disinfectant, misted liberally over the customers' heads after each cut. Although both hairdressers were highly skilled and efficient, the line of visitors seemed a little overwhelming for them that afternoon in July 2015. Fenix took short breaks, smoking a cigarette outside and checking his phone before rushing back in. This was definitely not a good time to disturb either of them, so I was happy to be able to chat with those waiting on the chairs next to me. Marcus' father entered, and as Marcus unplugged the audio cable from his cell phone, the buzzing sound of Fenix's razor suddenly became audible. I had seen his father before, but we had never had a chance to talk.

When I told Marcus' father about my research in the neighborhood, he mentioned several negative experiences he had had with police officers. Some had occurred recently, some several years ago, and many of these encounters had taken place in Overtown. Other customers gathered around us and began to share their experiences and frustrations with Miami's police departments, accusing them of institutionalized racist practices. The customer who was getting his hair cut tried nodding carefully to show his agreement, even as Fenix pushed his head forward for the cut.

To show me what they were talking about, one of the customers picked up a video camera and played several recordings of interactions between neighborhood residents and police officers. I saw videos of MPD officers arresting individuals near the barbershop and of black undercover cars parked across the street. Marcus told me that he knew they were police cars, because most vehicles owned by public officials had a license plate that began with the letter "x". Besides, the windows of these cars were so darkly tinted that it would have been illegal for a civilian to have had them installed. Most of the videos had been shot from the angle of the barbershop's front door, where Marcus could position himself. The door could only be opened from the inside, so he could lock himself in should the situation escalate.

On my next visit to the Overtown barbershop, I found Marcus alone playing *Grand Theft Auto* on his PlayStation. I learned that the video camera was his personal camera. He kept it on a shelf below a mirror decorated with drawings by his son and pictures of family and friends. Marcus used the camera to shoot music videos and marketing material for his shop, but he had also bought and used it specifically to record police

officers in the neighborhood. Indeed, he switched it on whenever he expected to interact with them.

The camera was Marcus' way of responding to what he called the "corruptification" of local police departments, by which he meant both the numerous violent practices perpetrated by officers and their conscious attempts to conceal them. "The police are the biggest gang out there", he told me, indicating the distance they would go to cover up their illegal activities internally. Since the MPD would never critically address their racial and violent policies by themselves, Marcus reasoned, recording the actions of individual officers was the only way of making police violence visible, of giving it some kind of meaning beyond and outside a single encounter. By recording police officers in Overtown, Marcus thus became part of a growing national collective body, a political community, that was photographing and videotaping police practices across the US. A community that might not have emerged, or at least reached such a size, without the widespread availability of mobile cameras.

The technology of the camera afforded Marcus the possibility of making his personal security encounters visible to a larger audience, thereby politicizing them. Such practices have redefined the use and purpose of mobile cameras, while simultaneously reshaping interpersonal interactions and human behavior. Why have cameras become so pivotal in individual and collective responses to state violence and injustice? How do Miamians enact and experience their citizenship through this visibilizing technology? And how is their use mediated by legal imaginaries? In this chapter I address these questions by focusing on mobile cameras: the police body camera, the cell phone camera, and other consumer and portable recording equipment.

In both public and academic debate, the widespread availability of cameras has often been interpreted as a form of power leveling. Various scholars argue that cameras empower citizens in their interactions with state authorities. David Lyon (2003), for example, contends that cameras allow citizens to go beyond being the object of surveillance, as they can make others, including state actors, visible and record them. His work contributes to a body of literature in which surveilling is no longer understood as an exclusive act, reserved only for those in power. Such an argument is based in part on empirical cases in which people have used cameras to capture incidents with police officers and/or to frame politicians, revealing actions that would otherwise most likely have remained hidden from public scrutiny. Such examples have been used to support the idea that cameras have contributed to a bottom-up form of surveillance, also known as "sousveillance", that counters the status quo

(e.g., Haggerty and Ericson, 2000).

Indeed, the technology to make visible, to literally frame, is sometimes a form of empowerment. At times, a video or an image can prevent incidents, change behavior, and lead to the prosecution of offenders. With his camera, Marcus could record police interactions and potentially use the video as a form of legal evidence. It could help him take legal steps against any officer who might mistreat him or violate his rights. Ideally, a recording would provide Marcus with the chance to achieve “justice”, an objective that in the US is often expressed in the form of financial compensation for emotional distress or physical injury. There have in fact been recent examples of police violence in the US where the officers involved were prosecuted and fired simply because somebody recorded the offense with a personal mobile camera. Marcus was convinced that having a video illustrating a violation of civil rights would be worth more than any verbal statement he might make, particularly in a court of law.

Nonetheless, there have been numerous instances in which perpetrators of police violence whose actions were recorded have *not* been convicted, leaving victims and their families with feelings of injustice, disillusionment, and emotional distress (Jackson, 2015). In spite of what could be said to be overwhelming visual evidence, these cases illustrate that even when a violent encounter is made visual, it is not viewed in the same way by everyone. Where victims and those supportive of their claims viewing such recordings often see disproportional and unjustified (lethal) violence, defendants deny these allegations and claim to see self-defense, or simply police officers following protocol. Technologies of visualization are thus not necessarily accompanied by control over the interpretation of a recording, or over the behavior of those captured on camera.

The recent use of cameras, especially cell phone cameras, has been crucial for addressing a wide range of citizenship-related issues. Throughout the US (and elsewhere), people increasingly rely on cameras in attempts to protect their civil rights, their physical safety, and their livelihoods. Miamians are by no means an exception. Many of the police officers, security guards, and residents that I worked with during my research project told me that they used mobile cameras for the protection of both their physical security and their civil rights, recording themselves or others during encounters. While Marcus’ experiences are central to this chapter, all of the six main characters in this dissertation had either used or been exposed to the practice of visual recording. The phenomenon suggests that the *perception* of agency and control associated with the production of a visual record is instrumental to the widespread use of mobile cameras, despite the limited legal power

such records might have. In other words, the belief that cameras empower their users persists, regardless of whether this is supported by jurisprudence. Applying insights derived from the critical studies of photography (e.g., Sontag, 2003; Azoulay, 2008), this chapter seeks to understand the contemporary use of cameras in Miami, shifting away from security and surveillance studies perspectives and focusing instead on the context of the US legal system.

I argue that cameras strengthen existing and formulate new configurations of practices of visualization and shared understandings of the law, creating what I call a “legal gaze” – a specific visual manifestation of a dominant legal imaginary. The legal gaze relates to similar constructs embedded in dominant visual cultures, specifically the “male gaze” (Mulvey, 1975) and the “tourist gaze” (Urry, 2002), that also conceptualize a particular way of seeing and interpreting. The concept of the male gaze emphasizes the extent to which women are displayed as erotic objects for heterosexual men. Initially used to conceptualize the role of cinematic perspective in objectifying women, the concept captures the asymmetry of scopic power between the sexes more broadly, including the tendency of many women to view *themselves* through such a male-oriented, sexualized gaze. The concept of the tourist gaze concerns the set of expectations tourists have when participating in cultural tourism, searching for an authentic experience. Cognizant of popular and commercial representations, local populations have an economic incentive to reflect an image in line with what tourists expect. In an analogous way, I use the legal gaze to conceptualize how people expect, desire, and imagine a specific judicial outcome of their efforts to visualize security encounters. The legal gaze relies on the assumption that cameras, as a technology of visualization, strengthen the rule of law, a system in which individuals, state agencies and more broadly power are bound and subject to the law.

Through the legal gaze, people have come to assess interpersonal interactions in legal terms, a mode of vision that over-exposes individual responsibility and under-exposes structural causes. This involves two intersections of the law and visualizing technologies. The first concerns the legal potentiality of a camera recording: the law and the camera come together in the legal imaginary that when cameras capture an encounter the recording will go on to become undisputed evidence in a court of law. Second, cameras influence everyday practices and over-expose individual behavior; they are involved in a photographic performance that renders individuals rather than organizations susceptible to legal prosecution. W.J.T. Mitchell’s (1996) work on “what pictures really want” proposes an analysis

that takes into account the “desire” of images to obtain some kind of power and generate a particular outcome. In the case of the legal gaze, this is the power to make individuals susceptible to legal prosecution, and in so doing to maintain the rule of law. The technology of the camera is surrounded by an imagination of empowerment, through a neutral and accessible legal system. The legal gaze evidences a belief in, and a desire for, unambiguous visual distinctions between legal and illegal, justice and injustice – in the courtroom of law, but even more so in everyday life.

In the following sections, I explain that the legal gaze connects to a dominant legal imaginary in Miami, which involves a persistent if not always substantiated belief that the law produces equality, justice, and legitimacy. Conceptualizing the visual manifestation hereof in the form of the legal gaze, this chapter suggests that Miamians consider the camera to be the best technology to make the law work in your favor. Following this particular way of seeing and interpreting, citizenship is enacted and experienced primarily through what looks to be in accordance with the law. By analyzing the workings of the legal gaze, we can better understand how cameras have become important in experiencing and defining citizenship, not only because by capturing a violation of rights, but also by defining these rights and what they look like in practice.

I take Marcus’ camera, which he used to record police encounters from his barbershop in Overtown, as this chapter’s point of departure. Throughout the chapter, I draw on his perceptions and experiences, in conjunction with those of Miami police officers, to illustrate similarities and differences in camera use and different perceptions of this use. In the following section, I elaborate my argument that mobile cameras do not necessarily empower their users, given that people do not always have control over how and when they are seen by others. The next two sections discuss the two aforementioned ways in which the law and the visual come together through the workings of cameras: through the legal potentiality of cameras and their practical implications respectively. In the final section, I connect camera use to vigilant citizenship more explicitly, explaining how it both legalizes and individualizes responsibility and perpetuates the need for a heightened sense of awareness in navigating a world where everyone can be recorded by others.

### THE POLITICS OF MAKING VISIBLE

Both Marcus and Fenix felt that they were disproportionately exposed to police activity in Overtown. Although their experience of a heightened police presence could be partly explained by the remoteness of the police

station, which required most patrol officers to drive to Overtown at the beginning and end of their shift, they had their reasons. Marcus felt that he was constantly being watched. In particular, he experienced a form of surveillance that made him feel vulnerable when outside of his own home and the barbershop, two places where he had some degree of physical control over the way in which police officers could see him. At home, he could close the blinds, and in the barbershop the glass in the front door was reflective, making it difficult to look inside unless you were standing very close. It was impossible to see Marcus from the outside if he was standing in the back, which he often did. As any resident of Overtown, he was often subject to surveillance cameras, both on the streets and in shops of the neighborhood. The small grocery store close to the barbershop had a large screen mounted to the ceiling, displaying the footage of the security cameras inside and outside the store. While buying paper towels for work, Fenix had seen Marcus on the screen several times, interacting with police officers or running back inside when they arrived. This example illustrates how residents have become increasingly accustomed to “seeing” each other, and to understanding security encounters more generally, in relation to the technology to make visible.

In Marcus’ view, it was not a matter of if but when officers would physically or verbally assault him. He figured that this was most likely to happen during his bike ride home. To deal with this sense of insecurity, Marcus regularly hung his camera around his neck, where it dangled in front of his chest and recorded his commute from home to work and back again. For Marcus, the fact that police officers wore body cameras did not mean much in terms of ensuring his personal safety, or that of other residents of Overtown for that matter. “For people to be safe, everyone needs to wear a body camera”, Marcus argued. He did not expect the police to change their behavior. In fact, he told me he experienced an increase in hostility whenever he switched on his camera. I understand Marcus’ decision to record his commute as made primarily through the legal gaze. He did not expect the camera to improve his safety, or see it as having a preventive function in this sense. Rather, he sought to record his encounters with the police based on the idea that it would provide him with a recording that he could use in a potential future court case as a visual testimony, as legal evidence.

Kevin Haggerty and Richard Ericson (2000) introduce the concept of “surveillant assemblages” to understand the widespread use of cameras. Instead of having a few powerful individuals watching the majority, mobile cameras mean that no major population group can escape visual

monitoring. Cameras, they suggest, can empower marginalized individuals and groups, as the technology enables them to surveil the powerful, making various forms of injustice visible. This has been interpreted as a form of “sousveillance”: a term used to describe actions that encompass the monitoring of powerful entities (e.g., Mann, Nolan, and Wellman, 2003). According to this perspective, cameras change the nature of surveillance by enabling a majority to expose the wrongdoings of a powerful minority. As a way of looking back at police officers, sousveillance is both the bottom-up counterpart to, and the result of, surveillance by state authorities.

Haggerty and Ericson (2000: 619) conclude that sousveillance marks the “disappearance of disappearance”. Although they recognize the differential nature of surveillance practices in the US – Black men are generally more thoroughly surveilled by local police officers than other groups – these authors argue that the availability of affordable consumer cameras has leveled the traditional hierarchy of surveillance. An interpretation drawing on such scholarship would interpret Marcus’ use of his camera as a way of subjecting those who surveilled him to a similar experience and authority. By recording police officers in order to document potential abuses, the camera enabled Marcus to respond to his feelings of being watched, providing him with some form of control while doing so.

Sean Hier and Josh Greenberg (2009), however, warn against the use of the term sousveillance, emphasizing that visibility, like exposure, is neither good nor bad in itself. In other words, while more people are able to make interactions and encounters (such as police violence) visible because of cameras, this does not automatically mean that camera users exercise power and are able to politicize these images. The authors conclude that it is necessary to identify and discuss the underlying premises of why cameras are considered so useful to begin with. Why are visual testimonies valued in contemporary societies? In answering this question, we need to examine the technology-to-make-visible in itself, and the political and legal framework in which cameras have become popular and meaningful.

Studying photography, Susan Sontag (2003) argues that cameras have the tendency towards objectification, to turn an event or individual into an object, something that can be possessed. Photographs, digital images, and video recordings are a means to capture and *own* a copy of a specific interaction. Although it is more of a claim than necessarily a practical reality, a particular photo is generally considered to be private property. John Urry, suggesting that the importance of techniques to visualize are reflected in the dominant position of sight over the other senses, with eye-to-eye contact the “purest” form of interaction, similarly asserts that

the visual sense objectifies and masters: “it sets at a distance, and maintains a distance” (2000: 389, 390). One could imagine that the technological advancements of the past decades, which have made cameras more mobile and affordable, have only intensified such understandings.

There is, however, more to the technique of visualization than the aspect of ownership. Susan Sontag (2003) explains that photographs (or videos for that matter) also have the capacity to *define*, not just to capture. Making visible is more than creating a copy of reality, and photos and videos involve much more than what is printed or saved to a memory card or computer. Focusing on photography in the context of conflict, Sontag argues that when it comes to conveying violence, photography has become an authority and has an immediacy greater than verbal accounts. Photography manages to define circumstances that are perhaps indescribable with words. Making visible through a camera has the unique characteristic of combining an “objective” record with a personal testimony. A personal testimony recorded by mobile camera, in particular a cell phone camera, is easily seen as more authentic than a professionally shot image. Often shot by amateurs, these videos lack proper lighting, composition, and appear spontaneous, “unstaged” and unmanipulated. They could therefore be interpreted by a larger audience not present at the scene itself as an exact representation of “what really happened”. Moreover, photographs more generally have acquired an authority over the imagination, superseding the printed and spoken word. In a way, Sontag explains that the photographic image has become hyperreal, more real than reality, blurring the difference between “a faithful copy or transcription of an actual moment of reality and an interpretation of that reality” (Sontag, 2003: 26).

Cameras, however, do not produce objective information. An image or a video is a particular frame, an exposure that captures certain elements, but simultaneously exclude others. What Sontag (2003) emphasizes is the importance of the subjectivity of both the photographer and the audience. The video in itself should never be understood as a transparency of something that has taken place, but rather as a representation of someone’s view of the event (see also Rancière, 2009). This is why she values text and words, a caption explaining an image. In Sontag’s view, the photographer’s intentions do not matter, because the picture itself will acquire different meanings in different communities anyway, especially if the context in which the picture has been taken is insufficiently explained.

In *The Civil Contract of Photography*, her comprehensive work on citizenship and photography, Ariella Azoulay (2008) explains that everyone involved in photography – the photographer, the bystander, the audience –

has the capacity to give it meaning. People can enact citizenship by making pictures, by watching them, and in general by being part of a larger political community that engages with everyday photography. Azoulay argues that we should also use the word “watching” instead of “looking” in this context. The former verb entails dimensions of time and movement; it suggests both that people in an image are no longer there, and that the image itself is not necessarily evidence that they ever were there (2008: 14). This line of reasoning is similar to the grounds on which scholars have critiqued the tendency to use the “ethnographic present” when presenting their data, since it tends to reduce respondents to subjects stuck in a single unchanging moment. By describing respondents and their activities in the past tense, this suggests that they have moved on, changing, and will always continue to do so. The argument that photography should be approached in a way that captures movement, or change, in time and space can also be applied to videography. Although a video recording already shows a certain extent of movement, it is still limited to the frames that someone else has captured during one particular moment.

The technique to make visible takes place in the plural, and has no single author (Azoulay, 2008). Indeed, multiple objects, subjectivities, and people are involved in making and interpreting an image. To illustrate her point, Azoulay provides the example of a picture of two Israeli soldiers standing and smiling over a dead Palestinian body. The image was perhaps meant for the eyes of colleagues and friends, as some kind of trophy. It conveyed a meaning of dominance. A second photographer took a photo of the same scene, but he included the photographer who took the first picture of the two Israeli soldiers. This second photographer’s actions captured a different perspective, portraying a disturbing scene in which Israeli soldiers thought it a good idea to pose for a picture with a dead Palestinian. Even if you see victory in the first picture, the second picture creates a distance, allowing the watcher to contextualize the scene. More so than the first, the second image raises the disturbing feeling of a disregard for human life, as well as notions of both structural, and very direct and lethal violence. In a way, the meaning and the imagined outcome of the first picture, as a trophy and commemoration of the actions of the soldiers, are contradicted by the second picture. Photography, then, remains a negotiation, in which multiple meanings and perspectives will always exist simultaneously. There is no fixed and singular outcome that follows the act of taking a photo.

According to Azoulay, the technique to make visible is a useful space in which to escape a sovereign power, to “reformulate the boundaries of citizenship” (2008: 24). Because photography and videography allow for

multiple meanings, they allow for an experience and enactment of rights, responsibilities, and political subjectivity outside the exclusive relationship between a citizen and a nation-state. A citizenship that is not subject to the authority of state agencies, because they cannot completely control the way in which a particular image is interpreted. She suggests that cameras are an excellent tool for pursuing alternative political agendas and resisting contemporary power relations. Not because they give people control over how videos and images are interpreted by others, but because the technique to make visible has altered a way of seeing, a way of escaping a state-centric view of what citizenship should look like in everyday life. Azoulay concludes that everyone involved in photography is automatically a contributing member of a political community, a citizen of photography.

However, my analysis of cameras in the context of everyday security provision suggests that the way people can give meaning to images and videos is much more shaped by the politics of making visible. Although I recognize that cameras do provide the opportunity for people to escape and contest an authority, the way they experience and use the technique to make visible is still very much affected by dominant understandings of what cameras do, and what pictures mean, in a given context. Indeed, as Sontag (2003: 29, emphasis in original) points out: “one reads into the photograph what it *should* be saying”. People already have an understanding of what they are looking for when taking a picture, or when they see recordings of a security encounter. These differences can be shaped by the familiarity of certain images or the anticipation of particular events or interactions, which also ties to ideas of future-oriented policing and contemporary modes of watchful politics (see also Chapter Five).

Examining the politics of seeing, Gil Hochberg (2015) examines why and how certain events are made visible, while others remain invisible. Drawing from the Israel-Palestine conflict, she argues that the repetitive nature of familiar images of the conflict (e.g., demolished Palestinian houses, the aftermath of suicide bombing attacks in Israeli streets), the Israeli occupation is seen “through the banality of its cruelty, while Palestinians become recognized as political agents insofar as they are seen through a fetishized visual frame of destruction, violence, and loss” (ibid.: 6). She argues that such particular visual practices solidify security arrangements, create racial identities, and influence geopolitical configurations of space. The conflict itself is constructed through the politics of visibility and invisibility: specific parts of the conflict are explicitly made visible, while other parts are made (even more) invisible.

We can apply similar insights to the case of Marcus, and the interaction

between police officers and Black residents in the US in general. Both are looking to make each other visible, but are primarily able to do so through the dominant representations of their respective roles. I focus on the use of cameras by Miami's police officers (including the implementation of body cameras) in the next section, but for now it is sufficient to understand that citizens and officers alike frequently use cameras for similar purposes. When Marcus made his interactions with police officers visible with his camera, he created a connection between an actual encounter and a representation of that encounter – a representation in which Marcus could be seen as a stereotypical victim of police practices, but only through a dominant and restrictive visual framework of fetishized physical violence and oppression. This reminded me of what Sarah, another resident of Overtown, told me: “Apparently White people need to see us lying dead in our own blood before they believe police violence.” And even then, there is no guarantee that such images will have any legal consequences. As Hochberg (2015: 164) writes, there is nothing intrinsic to vision and visibility that “marks them as either emancipatory or suppressive”. Nevertheless, the widespread use of cameras has shaped the visual contours through which security encounters can be given meaning.

I conceptualize the visual framework through which Miamians interpret and experience everyday security encounters in the form of the “legal gaze”. This gaze shifts our focus to the law as a dominant frame that informs how Miamians see security encounters, and how they act when they are aware of the possibility that they could be recorded by a camera. I am particularly concerned with how local residents and security professionals visualize their rights and responsibilities, and more broadly with what legality looks like in recordings and images. Louise Amoore (2007) explores how US state agencies mobilize and shape such visualizations in the context of a perceived threat. She suggests that images and videos are called for to provide legal evidence and support a claim of justice. According to her, the visualization of a threat comes “*in advance* of law, *prior* to justice in the strict sense” (2007: 230, emphasis in original). In my conceptualization of the legal gaze, however, the law and the visual are not sequential, but are intertwined in a visual framework through which recordings and images are understood and applied. This raises the question of how much of what we see is influenced by specific visual-legal configurations.

The legal gaze enhances our understanding of contemporary efforts to make visible, efforts in which people zoom in and frame a particular encounter. In producing such visual frames, Miamians seem concerned with visualizing legality, a preoccupation that translates to exposing and

defining individual responsibility and legal liability. I read Miamians' use of cameras as attempts to answer the question of what it looks like when someone breaks the law in a given security encounter. In the case of Marcus, his efforts to make visible primarily concerned the physically violent nature of many security encounters. Aware of the impact of a visual image, his efforts were geared towards a legal screening of the actions of the officers involved. Such attempts, however, simultaneously create a restrictive visual framework in which it becomes difficult to contextualize a given setting, to zoom out and watch what is going on *outside* of what the camera has captured.

I suggest that the use of cameras is both embedded in the legal gaze, and strengthens this existing visual-legal configuration. In the next section, I argue that cameras are increasingly used in security encounters because of their legal potentiality, the understanding that the images and videos captured will go on to become undisputed evidence in a court of law.

## LEGAL POTENTIALITY

In 1992, a video was made public capturing four Los Angeles police officers assaulting a Black man named Rodney King. They beat him with extraordinary force: fifty-six baton blows, seven kicks, and four shots from a Taser. Seventeen other police officers watched. The prosecution understood the video to be the most objective piece of evidence imaginable, because it clearly showed the identified officers' wrongdoings. In fact, the prosecution was so convinced of the power of this visual evidence that they did not even call on Rodney King to testify, but relied solely on the video as their primary witness during the trial.

The lawyers who defended the police officers, on the other hand, urged the judge and jury to see the event through the eyes of the officers, and not through the eye of the camera. They humanized and contextualized the involved officers, juxtaposing King's body language and position with those of the “anxious” and “threatened” officers. The assault was systematically categorized into distinct uses of force, all with a different level of severity and justification, which were then weighed against the LAPD's manual on beatings. As a result, and in spite of the visual recording of the beating, only one of the four officers was initially convicted of excessive use of force by the non-Black jury, which included NRA members and former military officers (Miller, 1998).

The video, however, showed something more than the beating of Rodney King. It visualized the high rate of police killings in Los Angeles, and became symbolic of the disproportionate violence against Black



citizens across the country. Although the legal result was far from the outcome that the prosecutors had hoped for – the jury acquitted most of the officers involved – in a way the trial achieved what numerous written complaints against White officers by Black civilians could not, as it did eventually lead to the conviction of two policemen and generated widespread outrage and debate. The case of Rodney King illustrates how a video can be assigned certain meanings. As I explained in the previous section, on the politics of making visible, different people understand images and recordings as conveying different narratives. The city of Miami experienced a similar event in 1980, when a video showed a Black man named Arthur McDuffie being killed by five police officers. The officers were all acquitted, which resulted in three infamous days of rioting.

This is the first of two sections that discuss why people use and rely on cameras for security purposes, and how visibility and legality come together in this widespread and relatively new phenomenon. This section focuses specifically on the legal potentiality of cameras, on the understanding that making visible translates directly to the creation of legal evidence, while the section that follows discusses people's behavior when they realize that their actions are being recorded by a camera. As discussed in the previous section, I consider it more important to study the conditions and relations in which cameras operate and are used, contextualizing both the technology itself, and the act of making visible through either photos or videos. Instead of discussing *how* individuals convey a message through the recording and sharing of videos in the attempt to convince a larger audience, in this section I am more concerned with the political and legal configurations that help us to understand *why* they do so. Here, I also shift the focus away from Marcus for a while to discuss the use of cameras by police officers.

Despite the two cases described above – the beating of Rodney King and the murder of Arthur McDuffie – and many others that illustrate the ambiguous legal impact of visual images, civil rights advocates across the US have increasingly called for police officers to wear body cameras to enable their being held them accountable for their actions. During community meetings that I observed held in Overtown's Black Police Precinct and Courthouse Museum, people from local and regional government bodies and NGOs, as well as activists, including Trayvon Martin's uncle, discussed issues of police violence and racism. They told me that implementing body cameras was the best short-term solution. In their view, body cameras would work because they would act as a reminder to officers that any wrongdoings would be recorded, making them susceptible to legal prosecution. And if this preventive effect failed and police officers still

violated the law, the video recordings would at least allow for the identification and investigation of the respective officers involved. Obviously, not all of Overtown's Black residents were supportive of the initiative, and not every police officer was skeptical of, or opposed to, the implementation of the technology. Some residents of the neighborhood, including Sarah, accepted the body camera for police officers as a last resort. They reasoned that if existing policies and laws were unable to stop officers from shooting unarmed civilians, then body cameras hopefully would.

Regional policy makers and local activists suggested that it was only a matter of time before body cameras would become mandatory for police officers in Miami. The MBPD, for example, launched a three-month pilot program with thirty motorcycle officers in May 2015. Since these officers frequently conducted traffic stops that involved verbal and face-to-face encounters, the higher-ups reasoned that these officers offered a good test case for the technology. A month earlier, the regional police force of Miami-Dade County had allotted US\$1 million of its budget to body cameras. Politicians and US presidents have also endorsed the use of police body cameras, although for different and even opposing reasons. Some argue that body cameras protect residents from police violence, while others support the implementation of the technology in order to protect police officers from false accusations. Although police unions have criticized and attempted to postpone the policy, at the time of writing it seemed inevitable that the body camera would soon, in one way or another, make its way to becoming the next piece of equipment to be part of the standardized police uniform throughout the Miami metropolitan area.

During a ride-along and on several other occasions that I spoke with Miami police officers, they told me that they feared that body cameras would impair their work. They also worried that they would create more insecurity for the communities they worked in. In general, these officers argued that the presence of a body camera would hinder them from following their intuition when preventing crime. Officers often described police work as a "legal grey area" that required officers to approach "out-of-place-looking" individuals, sometimes without any clear reason other than a sense of intuition. The body camera recording, however, might force them to prove probable cause – the legal term for reasonable grounds to believe that a particular person has committed a crime, or is about to violate the law, on which the police are legally permitted to stop and search people or their vehicles. Although acting without probable cause always made a police officer susceptible to legal prosecution, the body camera caused many officers to frame their work in more explicit legal terms. Responding to the

legal potentiality of the body camera, it increased their need to document their actions beforehand. In addition, many police officers explained that they did not live in the same environments in which they worked, and in their view, if the public supported body cameras, this would make their own living areas less safe. Residents would have to deal with the consequences of criminals going about their ways, since officers would be restrained from intervening based on intuition.

Somewhat ironically and apparently unbeknownst to these officers, their reasoning on the potential effects of body cameras on their policing behavior did in fact offer an argument for the effectiveness of body cameras. Officers themselves suggested that they would no longer be able rely on their “intuition” and would have to follow the law whenever they interacted with civilians – exactly what advocates in Overtown aspired to achieve. Some officers, facing the “threat” of having to wear a body camera, switched jobs and became instructors at the police academy rather than engaging in police work that involved encounters with the public. As one officer explained to me, “it wasn’t the time for officers like us to walk the streets.” To him, the fact that body cameras were deemed necessary, to check and control the actions of individual officers, meant that he could not work in the way he considered most effective. Perhaps David Lyon’s (2003) conclusion that not all technology is sinister per definition is correct. Based on the police officers’ initial responses, body cameras could decenter the importance of “personal experience” (and its relation to racial profiling) within police work, in favor of notions of legality.

On the other hand, there were also many officers who saw potential benefits to wearing a body camera. During a short stop on the streets of Miami Beach, one officer walked around, slamming his hands on his large chest, protected by body armor. “Bring ‘em on”, he said. “Everything will be on tape, so whenever I tell that motherfucker to take a seat, eight fucking times, and he doesn’t do it, I have to force him down, what’s he gonna do?” This was his emotional response to the amount of complaints and internal investigations that he and many police officers in Miami were dealing with, a frustrating and time-consuming hassle, which many found stressful as it could potentially affect their future careers as a law enforcement officers. Online searches using the names of the officers whom I met indicated that most of them had been involved in some kind of legal issue. Some had even been temporarily suspended or reassigned to an administrative task.

In this example, and in many other interactions I observed, officers were often actively concerned with preventing citizens from complaining to their superiors about their behavior. Some officers believed that the body

camera could in fact lower the number of complaints, as the technology would prove that the officers had been acting in accordance with the law and official policies. The fear of complaints affected the daily work routines of police officers directly, as they were frequently consciously aware of how the public perceived them. Instead of showing their annoyance with a woman who had parked her SUV in the middle of the road, for instance, officers smiled and politely asked her multiple times to move on. When she finally left, officers called her out, clearly frustrated not just with her lack of cooperation, but mostly because they had to maintain a specific performance – a performance in which they were required to uphold the attitude of a friendly neighborhood officer. Afraid of complaints or a reprimand from their supervisor, there was no space for them to express their discomfort, frustration or annoyance. It could be questioned, however, the extent to which body cameras would actually increase these officers’ possibilities to express themselves. In the next section, I discuss in more detail the ways in which cameras affect emotions and interpersonal relations.

In short, when it came to body cameras, Miami’s police officers saw both positives and negatives. They could imagine recordings as helping them in verbal and legal disagreements with civilians, but they were also doubtful about how their privacy would be affected: could they still make jokes about the sergeant? They also wondered how they could continue to do the work that was required of them if the authorities weighed their every action on a binary scale of legal versus illegal, leaving no space for the “legal grey area” they considered crucial to effective policing. At the time of writing, many local and national politicians and the highest ranking officers had not yet come up with a comprehensive solution to the specifics of implementing body cameras, in particular regarding the control over and access to the footage. Some officers were convinced that they would be able to turn off the cameras when necessary, while others were not so sure. Rumors, together with arbitrary national and local decisions, created feelings of uncertainty and precarity among many officers in Miami, especially in terms of what the implementation of body cameras would mean for them and their work.

Police officers imagined and expected the legal potentiality of the cameras; they expected future recordings to evaluate police work – which takes place in a “legal grey area” – as either legal or illegal, but also anticipated the cameras’ potential to subject others to a similar gaze. These concerns reflect and define an idealized relationship between the camera’s capacity to make something visible, and the potential legal implications of

this capacity. In this view, images are considered to be the ultimate evidence that can prove whether an individual has acted in a lawful or unlawful manner. Indeed, as noted earlier, I observed instructors explicitly teaching police recruits that the media was not their friend. During one such class, a lieutenant told recruits that journalists were only out there to highlight police violence and confrontational encounters, and showed little to no interest in other, more positive, sides of the work they did in society. This media attention connected to the eagerness of members of the wider public to record police officers with their cell phones. Nowadays, basically everyone owns a camera, even those who might be without a home and living on the streets. Thus when security guards or police officers confront members of the public regarding unlawful actions, the latter often record the encounter. In my interactions with Miamians, showing such videos to me also proved a popular way of supporting their verbal account of their experiences.

Faced with the legal potentiality of cameras, police officers were not patiently awaiting the arrival of the body camera, but explicitly sought to make the most of the technology's ability to visualize security encounters. One particular event that I observed clearly illustrated the use of mobile cameras by police officers. It took place during my second ride-along with Officer Elrond (a pseudonym), a direct colleague of Lux's, both at the MPD and at the Wynwood BID where they worked off-duty. Elrond was a member of the local SWAT team, and after our first ride-along we went together to do swimming exercises in a nearby pool. He wanted to try out for a special unit for which he was required to swim multiple laps with a heavy suit, and I had given him some advice on his technique. Elrond was generally open about his work and social life, and was willing to discuss his personal experiences and thoughts with me, which was why I had wanted to ride with him a second time.

Directly after we left the MPD station and greeted the private security guard at the gate, Elrond got a call on his cell phone. His new lieutenant requested his presence at the entrance of Bayside Park in Downtown. There was no rush, so no need for him to turn on the alarm and sirens. After a short ride, we parked behind three other police cars, all with their blue and red lights flickering. Next to them was a large SUV attached to a tow truck, with a woman still sitting in the driver's seat, refusing to leave her car, which she had parked illegally. The police officers waited patiently, as requested by the lieutenant, the highest ranking officer present. They gave the woman exactly half an hour to exit the vehicle by herself before they would intervene. The employees of the towing company were less

comfortable, and awaited the outcome of the negotiations by taking pictures of themselves on their cell phones while pointing their middle fingers to the cameras.

After thirty minutes or so, and after all verbal attempts to get the woman out of her car had failed, the officers agreed that it was time to make an arrest. The lieutenant instructed Elrond, a member of the SWAT team and the most muscular officer around, to handcuff the woman. The lieutenant seemed worried, however, and she ordered a sergeant to "stand by" with his cell phone to record the arrest. The woman sitting behind the wheel was Black, and I assumed that this heightened the lieutenant's anxiety and perhaps partly explained why she wanted the arrest recorded.

Elrond reached inside the car and grabbed the forearms of the woman, who resisted verbally but obeyed physically. The sergeant recorded the whole interaction, and only stopped recording when the backdoor of one of the police cars slammed shut behind the handcuffed woman. With the video saved to its memory card, the phone was returned to its holder attached to the sergeant's tactical belt, behind his gun. "It's the cherry on top of the cake", explained Elrond when we drove towards the City of Miami holding cells, located at the back of the MPD station. In case the woman filed a complaint against one of the officers, they could show the recording made by the sergeant that day. Filling out the report did not take Elrond much time, but during the rest of his shift his mind boggled over why the woman had not left her car by herself. In his view, it was not worth getting arrested over.

Police officers with whom I spoke acknowledged that cameras allowed them to capture their perspectives whenever they felt it was necessary. In this case, however, the officers used a personal camera to record a video that the officers themselves could save in a place they could always access, unlike the expected body cameras, over which they would have much less control. The use of personal cameras had become increasingly popular among police officers, and the cell phone was an essential part of an officer's tactical belt, where it was locked in place alongside a handgun, a Taser, a flashlight, and ammunition. Instead of pondering the question of who was mimicking whom – citizens or police officers – the use of cameras discussed her show that both parties were part of the same community in which the legal potentiality of cameras affected individuals directly, informing their behavior, and influencing interpersonal relations and interactions.

It is important to understand the widespread use of cameras in terms of shared practices, in order to address the commonalities underlying why citizens and police officers use them, and to prevent a debate that only sees it as some kind of visual warfare. The latter view would imply that camera

use creates a conflict in which police officers oppose citizens and vice versa, with both sides trying to use cameras to score legal points. Rather, I argue that everyone finds themselves subject to a legal gaze, relying on individualized efforts to make legality and illegality visible, to validate. Because of the legal potentiality of cameras, they are used by individuals to first, validate their personal actions or perspectives as legal and just, and second, to reveal the practices of other individuals, exposing them to legal prosecution or protecting them from it.

In tracing the historical origins of the ties between legality and photography, John Tagg (1988) argues that the technologies that enabled the increased use of cameras in the nineteenth century allowed state power to grow simultaneously. Cameras, he argues, did not become so essential for extracting evidence because of their physical and aesthetic capacities to capture a particular frame by themselves. Rather, cameras acquired their legal potentiality because government agencies and international corporations sought to establish a “new regime of truth” (ibid.: 61): a proliferating system of documentation in which it became important to collect and save evidence. Tagg sees the development of police forces as integral to the camera’s legal potentiality, a potentiality that has been reinforced by various government policies over the years. Police services and photography, he shows, have progressed and expanded together for over two hundred years. In addition, cameras have also become more affordable, and recent innovations have made the technology more mobile and convenient. By making use of photography, this system of legally-oriented documentation emerged and expanded in various parts of society, including hospitals, schools, prisons, and police forces. As a consequence, a mix of visualization and legality became embedded in numerous everyday practices.

The legal gaze creates a restrictive framework that limits the meaning of visual representations. In other words, the interpretations of camera use are confined to almost exclusively legal terms. Such interpretations have been reinforced by government agencies and private companies, which rely on visual documentation of their practices as a form of legal insurance and a mode of showing transparency. The camera’s legal potentiality is a key concern in Miami, where suing city officials, police departments, and companies, based on camera evidence, is a relatively common practice. Local residents and security professionals told me that they used their mobile phone to deal with non-compliant customers, violent behavior, or whenever they felt their rights were violated during a security encounter. With or without the presence of cameras, many Miamians were concerned with their susceptibility to being sued. Security guards told me that they

looked for ways to have police officers deal with aggressive individuals in order to protect themselves and their employer from legal prosecution. Such examples speak to a shared understanding of the law, in which legality shapes how security encounters play out.

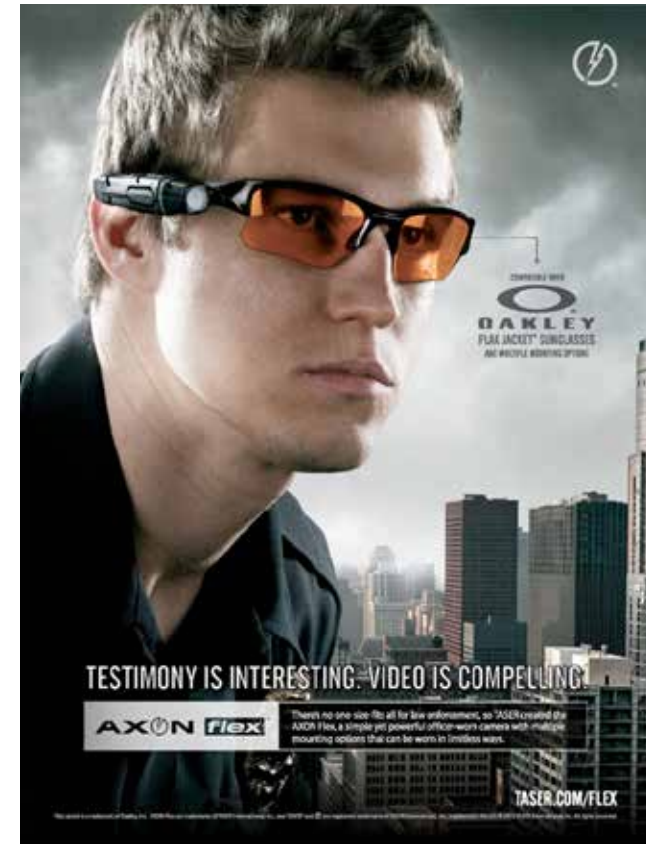


Figure 4.2. Taser advertisement in the MBPD police station, September 2015.  
Source: <https://uk.axon.com/taser>.

In a rather bizarre and ironic twist, decades after the Rodney King incident, the same company that fabricated the electric stun-gun that the officers used against King – Taser, now a worldwide supplier of the technology – has begun to promote the usage of (body) cameras (see Figure 4.2). Targeting police officers, the advertisement depicted here – which I saw hanging in the MBPD station – conveys the message that officers themselves are responsible for ensuring the legality of their actions, as well as documenting and validating the illegality of the actions of others.

Many believe that a (body) camera is the most effective way of doing so. In stating that “Testimony is interesting. Video is compelling”, Taser quite literally places the significance of an individual visual account above that of a verbal one for those working in a security-related field. We can recognize the importance of Tagg’s (1988) “regime of truth” here. Although he envisioned the working of this regime to stem primarily from a single entity – the state – here, the efforts of state, corporations, activist organizations and individuals combine in reproducing such a regime and the practices that come with it.

Although attractive and understandably popular, legal potentiality has made it difficult to think, watch, and imagine social interactions outside of the rubric of law and state. Used to record civil rights violations, cameras have produced a language that speaks to a legal system through an individualized, rather than a collective effort. In the next section, I discuss how a legal gaze over-exposes individual behavior, and how it shapes the actual performances part of everyday security provision.

### THE PHOTOGRAPHIC PERFORMANCE

Legality and technologies of making visible not only come together in the legal potentiality of cameras, which informs decisions whether to use them or not. The physical presence and usage of cameras also define and shape how people enact and experience interpersonal interactions in terms of a shared understanding of the law. I refer to this as the photographic performance: the way in which people behave when they realize that a camera is switched on and capturing the scene. Cameras capture and expose individual performances. Marcus did not use his camera in order to change the behavior of the officers he would encounter. Recall, however, his comment that he actually experienced an increase in hostility once he began to record their actions. Together with his camera, Marcus shaped the way in which others acted and responded to his presence, although in this case the response was not necessarily friendlier, or in correspondence with the law for that matter.

In political and public debate in the US, the legality of public photography has been thoroughly discussed and contested. Where can you be legally photographed? What distance is required between a police officer and someone recording her actions with a cell phone? Especially when mobile cameras were relatively new, police departments and state authorities condemned, and to a certain extent criminalized, the act of photography. Many officers and human rights advocates in Miami were familiar with the controversial and sensational website of Al Crespo, and his linkages with

the national organization PINAC (Photography Is Not A Crime).<sup>2</sup> Both Al Crespo’s and PINAC’s website displayed numerous videos in which police officers and public officials aggressively responded to cameras and the people using them, as both sides accuse each other of breaking the law. These sites are indicative of how much the use of cameras in public space has been debated, in particular when it comes their supposed interference with police work.

With the legal potential of making visible in mind, it makes sense to expect that, when confronted with cameras, people shift to a performance that is perceived as being legal. During a ride-along with Officer Gomez, who patrolled Overtown, a final call came through: a security guard had been punched in a park. It was a code four call, implying that Gomez should use sirens and headlights in order to arrive as soon as possible. When we arrived on the scene, several officers already present were attempting to arrest a Black man, while numerous park visitors had gathered around the scene and had begun to record the altercation with their cell phones. Gomez did not hesitate and assisted his colleagues as they pushed the man in handcuffs towards the back of one of the police cars. The three officers were unable to get him into the car, and Gomez used his baton to hit the man on his legs.

Illuminated by a street lantern, punctuated by the flickering of the red and blue police lights, and surrounded by dozens of bystanders, the man began to shout: “Read me my Miranda rights!” He kept on repeating the sentence, louder and louder, before he finally succumbed to the officers’ pressure and beating. The door of the police car slammed shut. The car began to bounce, and you could hear the man shouting inside, trying to kick himself a way out. “He’s gonna break it...” one officer predicted. She was right. The tinted window came flying off and the man showed his head one more time, directing his speech at the audience. “Read. Me. My. Miranda. Rights!”

To me, the whole incident felt almost staged. The man who was being arrested was resisting the force used by the police officers, relying on a claim to his most basic citizenship rights, which he repeated loudly over and over. The police officers themselves seemed to follow the exact procedures for making the arrest, increasing their use of force step by step as long as the man refused to cooperate with their demands. Behind the blue

<sup>2</sup> <https://www.crespogramnews.com/index.html> and <https://newsmaven.io/pinacnews/>

and red lights of the police cars were the bystanders, almost every single one of them with their cell phone in their hand, following and capturing the scene through their digital screens. The event felt like it was staged because it seemed that everyone involved was performing in a certain way, as if there were a script that was heavily informed by imaginations of what was legal, and how to perform when confronted with the illegal. This does not mean that those involved performed in a particular way *only* because the scene was being recorded. Perhaps the man would have shouted the same thing without a camera being present, and perhaps the police officers would have followed the same particular guidelines regardless of whether their actions were being captured. The point here is not to prove some kind of causal relationship that links specific performances with the act of recording. What I aim to argue in this section is that cameras not only have the capacity to shape a performance, but more importantly, to over-expose it.

In his performance, the man whom Gomez and his colleagues sought to arrest made sure to let the audience know that he felt the police officers were violating his rights. He demanded that they read him his Miranda rights out loud, speaking to the inconsistencies between police practices and official policies and legal regulations – as every viewer of police procedural shows knows, officers are supposed to read the standardized lines of legal rights and responsibilities to the man or woman under arrest. Both the officers and the man were very repetitive in their behavior, both performing to their respective and idealized roles. While using physical force, the police officers sought to proceed with the arrest “in a calm manner”. In addition, they made use of specific attributes, such as flashing lights and uniforms, to rule out any perception that they were not in fact police officers and that their actions could not be justified to the growing crowd. There was little doubt that during the arrest, neither the police nor the man under arrest were going to change their performance.

While recordings may prompt police to perform their duties according to procedure, state agencies and affiliated organizations also expect citizens to perform in a certain way during such encounters. Ideally, their performance should minimize (or even prevent) the risk of being a victim of police violence. During meetings organized by activists in Overtown, a pamphlet created by the National Black Police Association – an advocate forum for “minority police officers” – was distributed.<sup>3</sup> The pamphlet aimed to provide young Black men in the neighborhood with specific instructions on how to

behave when they were stopped by a police officer. In other words, it advised them on what their performance should look like, in order to minimize the risk of escalation and violence. The organization also recommended recording the officer’s information, which could also be done with a camera.

The document, depicted in Figure 4.3, was a message to Overtown’s residents, explaining that if they acted in a particular way, they could avoid a confrontational outcome with law enforcement officers, and the potential injury associated with such confrontations. Although it did explain that “every situation is different”, it was distributed by local residents as a way of suggesting that, as long as you followed certain micro-behavioral guidelines, a police officer would not see you as a potential threat. This view illustrated a more widespread understanding that one’s behavior within a security encounter would be interpreted according to one’s intentions. This understanding, however, neglects the political context in which these encounters take place. As I explained in the section on the politics of making visible, people and interactions are seen through a visual framework in which certain representations are dominant. In this case, this visual framework is one in which a Black man on the street is automatically seen as a threat.

I suggest that the use of mobile cameras strengthens the importance of such performances in public debate. Making visible comes with the tendency to over-expose *individual* behavior. Images captured by a camera can be used to uncover which individual was at fault, how, and when. Who did not stick to the script? Whose performance went awry? Mobile camera technology affords a micro analysis of an incident, exposing the details of a person’s behavior. In so doing, it reinforces a tendency to ascribe the violation of rights to a particular individual and their behavior. Marcus’ videos could be used to publicly condemn or legally prosecute one or a few individual police officers. Although the existence of numerous videos of police violence from various regions of the US suggests that the issue exists at a structural level and not an individual one, the legal gaze shifts our focus to “bad apples”: people or employees who do not act in accordance with the law and are therefore at fault and susceptible to prosecution. Their visibility can therefore be used to support the argument that they are the exception to the rule.

Cameras and the performances they elicit perpetuate the dominant idea of individual responsibility and liability. The camera, as an instrument that is often used to reveal violence and crime, over-exposes individual liability and under-exposes the importance of structural causes. Making security encounters visible, in other words, highlights personal errors and perpetuates a legal system in which people look for ways to sue

<sup>3</sup> <http://blackpolice.org/>

**What to Do When Stopped by the Police**

The National Black Police Association, an umbrella organization representing dedicated African American police officers nationally. The NBPA stands for unity, justice, and peace. The NBPA exists to help build law enforcement agencies to be sensitive to the needs and concerns of minorities, women, and the poor.

The basic materials in this pamphlet were prepared by Police & Community Enterprises - Project FACE.

We hope this pamphlet will be helpful. We urge, however, that you do not rely on it as a legal advisor. We hope the information presented here will make you aware of your constitutional rights and keep you from having to go to jail.

**IT COULD HAPPEN TO YOU**  
What is your name?  
Where do you live?  
Have you got any identification?

These are very simple questions which can be easily answered by almost everyone. But when a police officer is involved, it can create a lot of problems both for the officer and for YOU. Most of the time, there is a reason for the officer to question you - even if it may not seem so at the time. The officer may be investigating a complaint in the neighborhood, or following up on a radio call concerning a crime committed in the area.

For one reason or another, you may be the individual the police suspect. You may have knowledge that will help in the investigation, or the officer may think that you are experiencing some kind of trouble.

Sometimes the manner in which the police question you may involve not respecting YOUR RIGHTS. Sometimes you may consent to the questions and create an even more serious situation.

We will attempt to explain your rights, what to remember, and what to expect when an officer starts asking you a lot of questions... it could save you from answering a lot more unnecessary and reduce any potential escalation of hostility.

**IF YOU ARE STOPPED BY THE POLICE IN YOUR CAR**

If you are driving a vehicle, the police can ask you to pull over at any time. The best thing to do in this situation is to get over and follow the officer's directions. The officer will request to see your driver's license, registration and/or proof of liability insurance - This you must do.

**WHEN THE POLICE KNOCKS ON YOUR DOOR**

If the police knock at your door, you do not have to let them in unless there is a signed warrant. Always ask to see the warrant. If it appears proper on its face, you must step aside and let them "see your name or business."

If it is an arrest warrant, look at the name on the warrant to make certain they have the right person. If it is a search warrant, make sure the address is correct and note what is specifically listed on the warrant to be searched for in your home.

If the police do not have a warrant, you do not have to let them in unless they insist. Perhaps you can enter the matter at the door. If they do insist, open your eyes, and be careful to:

- First, ask for a police badge and identification.
- Second, ask the purpose of entering your home.
- Third, let them in only after they insist.
- Fourth, if you object, make sure that the police know that you do not consent to any search of your home or business.
- Fifth, remember badge numbers, officer's name, and the time of day. Write this information down.

The police are not required to give you a receipt for property they intend to look at evidence such as stereo, guns, etc. However, when property is taken from your home, ask the police for a receipt.

The police may also search without a warrant whenever arresting an individual. They may search the individual and/or arrest, the area near the arrest, and the room where the arrest was made if inside the home. They may also search after consent is given. Police may also search when there is an emergency (for example someone screaming for help inside your home), or when checking you or someone else inside your home.

If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

**IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION**

You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, answers or stories. You can make your defense later in court, based on what you and your lawyer decide is best.

**CONSULT AN ATTORNEY**

Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one and should ask the police how the lawyer can be contacted. Don't say anything without a lawyer. Within a reasonable time after your arrest or booking, you must be able to consult your lawyer. Ask the judge about the possibility of lowering the bail. You must be taken before the judge on the next court day after an arrest. Do not make any decisions in your case until you have talked with a lawyer.

**What To Do When Stopped By The Police**  
is a NBPA National Extended Hand Program™

The National Black Police Association recognizes the need for effective law enforcement - but, we also understand the rights and responsibilities of citizens with regard to police control and law enforcement in a democratic society. To this end, the NBPA's mission imperative is to "bridge the gaps - both real and perceived - between communities of color and law enforcement as an institution through mutual respect, cooperation, and positive interaction."

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**Mission Statement**  
To increase the awareness of the community, to be the conscience of the Criminal Justice System, and to enhance the quality of life in the African American Community.

A publication of the NBPA Extended Hand Program™  
**NATIONAL BLACK POLICE ASSOCIATION, INC.**  
www.blackpolice.org

**OTHER DO's and DON'T's**

- KEEP YOUR HANDS WHERE THE POLICE CAN SEE THEM
- PLEASE...DO NOT RUN!
- DO NOT TOUCH ANY POLICE OFFICER.
- DO NOT RESIST - even if you believe you are innocent.
- DO NOT COMPLAIN TOO STRONGLY on the scene or tell the police they're wrong or that you're going to file a complaint.
- ASK FOR A LAWYER immediately when arrested.
- RECORD OFFICERS' BADGE NUMBERS and PATROL CAR NUMBERS and WRITE DOWN EVERYTHING you remember ASAP.
- TRY TO FIND WITNESSES and their names and phone numbers.

There are many factors that may lead the police to approach and/or detain you. Every situation is different and the officer may consider one or more of the following factors:

- You are near a location where a crime has been recently reported or discovered.
- You may be - knowingly or unknowingly - a fact witness to a criminal event or a potential criminal target.
- You are hanging around with people or locations being monitored by the police to prevent crimes.
- You are acting in a manner which appears to be suspicious, potentially criminal or the police believe you may be in possession of stolen property, contraband, or weapons.
- When walking or driving your car, you refuse to answer police questions and/or give false, evasive, or contradictory information, or you are combative and use derogatory or offensive language when approached - your reaction may be perceived as suspicious or threatening. Saying the wrong things at the wrong time could lead to further police detention, questions, increased stress or a trip to jail. Who needs that?
- You have been identified to the police by someone else or you fit the description of a criminal suspect.
- Remember, police must be able to articulate to the court's satisfaction what "reasonable suspicion" and "probable cause" was used to stop, detain, and arrest a citizen.

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individuals for acting unlawfully. *Individuals* are increasingly considered to be the responsible party when it comes to documenting, capturing, and exposing civil rights violations. At the same time, *individuals* continue to be found culpable whenever such "incidents" are made visible. This is a cycle that reinforces itself: the more cameras are able to expose individual liability - who did what wrong and when - the more they will be used for exactly this purpose, and the more privileged individual liability will be in mediating security encounters.

The idea of individual liability also informs how people interpret security encounters for reasons to go beyond their own risk of legal prosecution. For example, during the training of new security officers at the private security company Security, the instructor showed a series of YouTube videos in which police officers made serious and sometimes lethal mistakes by shooting unarmed civilians. The instructor paused after each video and explained what exactly had gone wrong and what the officer should have done instead. He pointed out specific behavioral aspects of the encounter: the officer should have walked the other way, backed off, or used a different tone of voice. He concluded that all of these errors could have been prevented if only police officers were more properly trained.

The legal gaze not only shapes performances, encouraging individuals to behave in a manner that *looks* lawful; it also filters out other - intimate, emotional - interactions while privileging legal susceptibility. A short documentary called *The Rise of Body Cameras* (McDonald, 2017) illustrates how a police body camera affects emotional and interpersonal relationships and interactions. The documentary shows footage of a police officer shooting Paul O'Neal in Chicago in 2016. O'Neal was unarmed, and we see in the video that directly after the shooting, the officer panics, and tries to find some comfort with a colleague. She does not want to talk to him, however, and points with her index finger to the body camera on her uniform. What she expresses with this gesture is a reminder that everything he says will be recorded. It can and will be used against him during police and legal investigations. The shooting was horrendous and an unarmed man was shot and killed. The camera did not prevent it from happening. In addition, it deterred empathetic interaction, as the officer was left alone after shooting an unarmed man. Although body cameras have not become standardized equipment at the time of writing, the short documentary illustrates how the technology could affect interpersonal interaction and feelings of collectivity in the near future.

Figure 4.3. Document distributed during meeting in Overtown, April 2015.  
Source: <http://blackpolice.org/>

## ESCAPING THE LEGAL GAZE

Returning to the barbershop in 2016, Fenix told me that Marcus had lent his camera to some of his friends, who wanted to shoot a music video inside the shop. One of the artists thought it would be cool to have packages of white powder hidden in the ceiling, so that it would look like they were dealing cocaine in the video. The video was published online, and eventually the MPD saw it. Several officers knocked on the front door of Marcus' barbershop for inspection shortly thereafter. As it had simply been staged for the music video, the police officers went away empty handed.

The cases in this chapter illustrate that the images cameras create, in the form of photographs or videos, have been all too often (mis)understood as compelling legal evidence, as a direct representation of the truth. I have argued that acts and experiences of making visible are entangled with notions of legality: the legal gaze. Through this visual-legal configuration, Miamians have come to assess interpersonal interactions in legal terms, over-exposing individual liability and under-exposing the importance of more structural causes. Such a focus on individual liability limits the attempts to distribute meaning to an encounter, or to contextualize it, outside of the language of legality. I have unpacked the legal gaze through the legal potentiality of cameras and the photographic performance.

I conclude that the technology to make visible has become pivotal in experiencing and enacting citizenship. First, cameras are used to record and define civil rights violations; they have become the most compelling technology through which to capture a violation of rights. But in doing so, cameras also shape definitions of these rights and what their violation *looks like* to begin with, and influence how people perform in security encounters accordingly. Violent encounters between African-American residents and police officers are interpreted as "incidents" between "bad apples" and/or criminals. Efforts to visualize such encounters zoom in on individual liability. Marcus gave me the names of the individual officers whom he accused of abusing their power. Names he remembered and that almost became the personification of his feelings of injustice. In the event of future altercations, he would want to see them fired and to personally receive financial compensation for the violation of his rights, using his camera to achieve this. Second, recording and identifying civil rights violations are increasingly becoming an individual responsibility. This shift speaks to the ideal type of vigilant citizenship, in which individuals are expected to develop a heightened awareness of when and how their rights are violated and are capable of undertaking the necessary actions. Indeed, both local residents and security professionals use mobile cameras

to capture any encounter in order to document visual evidence, for personal or professional reasons. Finally, the individualization of responsibility and liability undermines feelings of collective belonging. Miamians looked for ways to sue others when they perceived their rights as being violated, but also felt the need to protect themselves from such liability.

The use of mobile cameras is likely only going to increase in the future. The ACLU, for instance, a national human rights organization, has created a mobile app that allows users to immediately upload their recording of police violence to the organization (as I described briefly in Chapter Four in the context of Memorial Day weekend in Miami). While this move suggests a more collective approach to individual recordings, the increase in the production and circulation of such images implies that there is also a need for critically understanding such footage, in order to escape the individualizing effect of the legal gaze. Being a citizen of photography is not enough on its own to politicize everyday inequality and violence. In addition to focusing on the endless negotiations over the meaning of images, we should shift our analytical lens to capture "the bigger picture". This implies discussing the underlying reasons and assumptions that explain why Marcus finds it necessary to record his encounters with police officers in the first place.

In the past years, the number of videos made public that capture alleged police brutality has grown exponentially. Cameras have become a key medium through which people attempt to politicize their experiences. Sarah was partly right: apparently people do need to see violence before they will accept that it is happening, and as the Taser advertisement points out, verbal accounts are, unfortunately, not as compelling. Although many still continue to deny the existence of racial profiling and disproportionate violence used by police officers, recent social movements have managed to mobilize nationwide support in their struggle against police violence. The specifics of why and how Black Lives Matter movements have come into being are beyond the scope of this research, but it is safe to say that recordings produced by mobile cameras have been crucial in their mobilization of support. It is not clear whether, without these videos, a similarly widespread and effective movement would have come into existence.

According to Azoulay (2008), the camera itself offers a way out of the exclusive relationship between a citizen and a nation-state, because it allows for multiple meanings and experiences. Even though state agencies may try, they cannot control the way in which a particular image is interpreted, since its outcome belongs to no one. Because of this, she suggests, cameras are an excellent tool for pursuing alternative political agendas and resisting



contemporary power relations. As I explained in the section on the politics of making visible, she also suggests that everyone involved in photography is a “citizen of photography”.

In this chapter, however, I suggest that this is not necessarily the case. The legal gaze shapes Miamians’ understandings of when and where they should switch their camera on, and whom they should record on video. This does not mean that state authority is automatically contested and power is redistributed, or that people who do so enact belonging to a larger body politic. How then do social movements in Miami and the US escape the legal gaze’s individualizing effects, to address more structural and deeply rooted inequalities that reflect differentiations of citizenship along lines of race, class and residential location? What is necessary is a deliberate effort to frame and discuss citizenship issues without relying exclusively on the law as a way of seeing and dealing with them. Like other groups organized around similar values and goals, Miami’s Dream Defenders’ efforts could appear a bit haphazard. Advocates addressed different, albeit related issues, such as the minimum wage, the Israel-Palestine conflict, racial segregation, and sexism. However, through efforts that center around cultural and political changes, incorporating other aspects of daily life, Dream Defenders and affiliated organizations looked for ways to establish feelings of solidarity and political community, and to form political subjectivity in ways that terms other than those of criminal and civil law. Through protests, workshops, classes, and other meetings and forms of civil disobedience, they aimed to develop a narrative that allowed Miamians to politicize the violation of rights by defending non-White life, as one of the founders told me. Considering the significance of the legal gaze in everyday life, this is not an insignificant challenge.

Cameras are used to uncover acts that might otherwise go unseen, to improve or uphold a form of transparency. Civil rights activists and local residents believed that body cameras would stop the police from operating as a “gang” and concealing their wrongdoings. This focus on disclosure in relation to citizenship and security, however, has purchase beyond cameras as a form of visualizing technology. It also shapes other dimensions of everyday life in Miami. One of these dimensions relates to secrets, and how these are understood – as threats that need to be disclosed to the authorities or others, or as an essential and beneficial type of knowledge. Moving further away from the materiality of guns, and the partial materiality of cameras, Chapter Five focuses on both the public and private disclosure and concealment of information.