

Constructing Police Abuse after Rodney King: How Skid Row Residents and the Los Angeles Police Department Contest Video Evidence

Forrest Stuart

This ethnographic article explores the manner in which the Los Angeles Community Action Network (LACAN), a grassroots organization made up of homeless and low-income Skid Row residents, generates video evidence for use in lawsuits against the Los Angeles Police Department (LAPD). For marginalized communities fighting police abuse, the 1992 acquittal of four LAPD officers charged with the beating of Rodney King demonstrated that even the most “obvious” and condemning video evidence is subject to reinterpretation and reframing by skilled legal professionals. In response, LACAN has developed interactional filming strategies designed to constrain officers’ ability to offer alternative explanations, while alleviating disparities in court-recognized authority. In the tradition of legal consciousness scholarship, this article “de-centers” the law by shifting emphasis from formal judicial decisions in the courtroom to citizen groups in their own communities, as they learn to use legal norms and conventions in social justice campaigns.

INTRODUCTION

The 1992 Rodney King trial remains one of the most captivating moments in recent legal history. The final acquittal of the police officers charged with beating Mr. King sent shockwaves through a host of communities, taking material form in the civil unrest that ravaged South Central Los Angeles. Scholarly analyses written in the wake of the trial explain the verdict as the result of the defense’s ability to offer an alternative, police-friendly interpretation of the grisly video evidence (Gooding-Williams 1993; Goodwin 1994). By cutting the eighty-one seconds of pixilated home video into frame-by-frame stills, baton blows and punches were renarrated and transformed into warranted officer conduct. Interpretive techniques like those utilized by the Los Angeles Police Department (LAPD) defense team have become consistent and significant obstacles for marginalized communities attempting to mobilize the law against police

Forrest Stuart is a doctoral candidate in the UCLA Department of Sociology. He can be reached at fstuart@ucla.edu.

Thanks to the members of the Los Angeles Community Action Network for their continued openness, without which this study would not have been possible. Many thanks to Stefan Timmermans for constant support and continuous feedback on earlier drafts. Also, thanks to Lorenzo Perillo, Anthony Ocampo, Nicholas Dahmann, the Ethnography Working Group, and colleagues in the UCLA Department of Sociology for inspiration and ideas, as well as the anonymous reviewers at *LSI* who offered useful comments and criticisms. An earlier version of this article was presented at the 2010 Annual Meeting of the Law and Society Association (Chicago, May 30, 2010). This study was authorized by IRB at UCLA (G08-01-035-01 and 09-403).

abuse. As a result, these communities have begun to develop innovative strategies for generating evidence with the capacity to preclude police-friendly interpretations of police abuse.

This article examines the efforts of the Los Angeles Community Action Network (LACAN), a grassroots community organization, to produce video evidence against the LAPD. Comprised of homeless and low-income residents in the downtown Skid Row area, LACAN has carried out a number of campaigns—involving civil litigation, assistance in criminal defense, and public relations—opposing police conduct and policies. Early efforts demonstrated that, similar to the King proceedings, low levels of court-recognized authority made LACAN claims subject to disbelief and mischaracterization. In response, LACAN developed strategic interactional techniques to be employed while recording police behavior. These techniques, broadly referred to by the organization as “catching officers slipping,” are designed to constrain later LAPD reinterpretation of footage by highlighting abusive behavior, introducing pertinent past events, and injecting larger contextual factors that would otherwise remain inexplicit and “off camera.” To do so, LACAN appropriates the professional authority of the LAPD, generating scenes on film in which officers substantiate the organization’s claims either through statements or actions. Strategies to catch officers slipping have been successful in yielding tangible legal victories, but over time officers began to employ interactional counterstrategies to deflect and co-opt LACAN techniques. By engaging the organization’s claims-making ability in this manner, officers have the power to render video evidence unusable. Street interactions between LACAN members and officers thus have progressed in a back-and-forth manner, with each party fighting to control the information judicial bodies will eventually receive.

THE SOCIAL CONSTRUCTION OF VIDEO EVIDENCE

April 28, 2009. The sun creeps slowly behind the downtown skyline that shades the streets of Los Angeles’s Skid Row. Three men and a woman, clad in matching green t-shirts and fatigues, run at top speed down a narrow street. The cameras hanging from their arms flail about them as they avoid several men sleeping on a sidewalk and a woman crossing the street in a wheelchair. Police sirens grow louder as the four approach a crowded corner, illuminated by pulsating red and blue lights. As they push past a group of huddled onlookers, attention turns to their presence, and they are welcomed by excited shouts. “Move out of the way, here comes LACAN!” “Turn on those cameras quick! Don’t let them arrest that man!” Within seconds they have pushed their way to the front of the crowd. They raise their cameras and train them on six LAPD officers surrounding an African American man in handcuffs. As the officers empty the man’s pockets onto the hood of a squad car, two of the individuals with cameras inch closer to record audio of the interrogation. In a split second, the officers notice them. One officer immediately stops his search and calls out to one cameraman by his first name. Meanwhile, the other officers proceed to stick out their tongues, flex their muscles, and point their camera-phones at the group. After a brief period, they return attention to the task at hand. They uncuff the man and send him on his way.

One of the cameramen immediately moves over to the officers and launches a barrage of questions in their direction. “Why did you handcuff and search that innocent man? Is that how you treat everyone in downtown? Do you like harassing homeless black people?” Without hesitation one of the officers responds, “He was jay-walking in a high crime area. He might have been a drug dealer or might be a parole violator. We couldn’t tell until we put him against the wall first.” The group in green exchange glances and looks of satisfaction, but before they can follow with additional questions, the officers get back into their cars, light up their sirens, and race to a street corner several blocks away. Under the dim streetlights, the group in green watches as the officers surround a man walking across an intersection. Without exchanging a word, they stream down the sidewalk and start recording again.¹

For those familiar with the streets of Skid Row, the scene above, exemplifying LACAN attempts to videotape the police, is an everyday occurrence. To fully understand the organization’s efforts, however, one must first become familiar with the processes by which evidence is constructed and interpreted throughout legal contests. The 1992 Rodney King trial is critically important in this respect, holding both a theoretical and a substantive link to LACAN strategies to construct video evidence. The King case demonstrated to much of the public, including LACAN, that skillful police and legal professionals are able to transform even the most “obvious” and condemning video evidence into proof of their own countervailing claims. This does not, however, make video footage useless in campaigns to curtail police abuse or to bring about more equal treatment of marginalized communities. Rather, video can serve as a tool for social change provided that those wielding cameras are able to reframe not only previously held notions regarding the nature of evidence, but also their ideas about law more generally. Central to this is the recognition that the quality and effectiveness of video evidence are not determined in a vacuum. Whatever the legal standard used, the various elements of footage that become problematic, require proving, seem obvious, or are taken for granted depend on larger sociological factors, unconstrained by the boundaries of the judicial system.

Interpretation and Authority

From the time that video evidence was first admitted into the courtroom, it has been accompanied by intense disputes regarding accuracy, fairness, and admissibility (see Mnookin 1998). Videos that are subject to judicial scrutiny take a variety of forms, including depositions, victim statements, expert experiments, accident reconstruction, and reenactments. Much of the debate surrounding video evidence has been concerned with the criteria by which different types of film and their respective filming techniques are best classified, leading to the articulation of two distinct genres of video. (German, Merin, and Rolfe 1982; Jones 1995; Silbey 2008).

1. Pseudonyms and indirect references have been used throughout the article to protect the identity of residents that may have been detained or arrested. During fieldwork encounters, a number of these individuals informed me that they fear police retaliation if their name appears in writing that may be interpreted as painting the LAPD in a negative light. To enhance this protection, I have elected to exclude officer names when detailing interactions.

The first genre, what Jessica Silbey (2008) labels “evidence *verité*,” refers to live, unedited recordings. Surveillance films—taken by a closed circuit security camera or a mounted camera on a police car, for example—are the most common used films in this genre (German, Merin, and Rolfe 1982). Viewed widely as factual and unmediated footage of actual events, courts have historically privileged surveillance tapes as neutral, objective accounts of reality. A second genre of video evidence refers to recordings that are more actively produced. Through a mediated production process that may include scripting, editing, and multiple takes, non-*verité* video evidence is made with the trial in mind, often after court proceedings have already begun (Silbey 2008). Day-in-the-life films, for example, record a plaintiff throughout a typical day, highlighting the negative impact that a defendant’s actions have had on normal functioning. In personal injury cases, day-in-the-life films present the court with information on suffering and anguish that is difficult to convey in oral testimony alone (Jones 1995). The admissibility of such films has come under criticism because, unlike *verité* footage, staged and active recordings are alleged to “encode” a party’s claims directly onto footage in a manner that works to control the interpretation of images, undermine the power of cross-examination, and ultimately present testimony clothed as reality (Herlihy 1986).

As the following pages demonstrate, however, all forms of video evidence—whether passive surveillance or an active production—are subject to these dangers. The distinction between *verité* and non-*verité* footage rests on a pervasive myth that video evidence can ever be considered objective, unambiguous, or unbiased. Silbey (2008) reminds us that as a socially constructed medium, film will always present “a certain point of view and a frame that includes some images and excludes others” (102). In order to substantiate their legal claims, parties draw on the ambiguity of film to generate narratives and storylines in an attempt to pin down a single “appropriate” interpretation of the empirical events in contention (LaFree 1989; Scheppele 1990; Cooney 1994). Analyses of evidence interpretation have shown this to be a fundamentally political phenomenon, as disparities in parties’ effectiveness in persuading courts to adopt their preferred narrative are inseparable from the social statuses those parties hold outside the courtroom as well as the institutional and economic resources at their disposal (see Black 1976; Stanko 1981; Holmstrom and Burgess 1983; Cooney 1994). Thus, video evidence becomes subject to a hierarchy of narratives, with favored, normal, and dominant interpretations held up next to discouraged, heretical, and subordinate ones. In this manner, extralegal authority and power are produced, mediated, and legitimated through the use of video footage in legal settings (Morrison 1992).

The role of video evidence in the 1992 Rodney King trial exemplifies this process. The existence of disturbing and graphic surveillance footage of four white officers repeatedly striking an African American motorist was a source of excitement for many in the African American community. In their minds, the footage overcame a long-standing inability to objectively prove the existence of police misconduct that, in some neighborhoods, was seen as a regular feature of LAPD encounters (Crenshaw and Peller 1993). They were not alone in this thinking. Media accounts across the country produced in the initial stages of the trial lauded the evidence as “objective,” “without bias,” “impartial,” and “beyond rebuttal” (Mydans 1993, A7). Despite a video that “spoke for itself,” however, the court returned a verdict that seemed in contrast to the reality depicted on the tape. By taking a closer look at the court proceedings, we can

discern how even verité footage is recast as a contested terrain of interpretation, authority, and the construction of appropriate legal narratives.

In his 1994 article, anthropologist Charles Goodwin takes up the discursive techniques of persuasion utilized by LAPD defense attorneys to convince the Rodney King jury that the force used on Mr. King was reasonable. According to Goodwin (1994), King's alleged beating, filmed by a man in a residence across the street from the incident, took on two divergent interpretations. For the prosecution, the video portrayed several uniformed LAPD officers senselessly beating a helpless man. For the defense, this same video captured a diligent police response to a dangerous, drug-fueled assailant that threatened their safety. Goodwin (1994) dissects the arguments of lawyers for both sides to explain the adoption of the latter perception—that of a merited police response—by the acquitting jury. His explanation rests on the ability of the defense to mobilize the practices of *highlighting* and *coding* within a perceptual framework, undergirded by the professional authority of the police.

Highlighting refers to “the methods used to divide a domain of scrutiny into a figure and a ground, so that events relevant to the activity of the moment stand out” (Goodwin 1994, 610). Examples of highlighting exist across the professional tasks and routine activities found in everyday life. A simple and commonplace example, the marking of words or passages in a written document with a colored pen, demonstrates how certain information can be distinguished as more salient for a given purpose. By making some items more prominent by tailoring the characteristics of a large perceptive field, one has the power to shape the perception of others. Reading a document previously highlighted by another recasts certain information as more important than other information.

Defense attorneys in the Rodney King trial used similar procedures of highlighting to isolate details of the video that were most critical for constructing its narrative interpretation of the events. The video was divided into a number of individual still photographs that were cropped, enlarged, and overlaid with white lines to distinguish King's body from the rest of the blurred figures. The image available to the viewer was radically altered when visually cluttered scenes on film were transformed into neat and sanitized photos. The figures of the police officers, equally visible in the original video but now situated outside of the lines drawn by the lawyer, recede into the background. King's movements, now the most salient information held up for jury consideration, became separated from the actions of the officers as the new focus of attention in the trial. Once the meanings of King's behaviors were divorced from their context, it became increasingly difficult to stitch the disaggregated images together with alternative narratives. Highlighting also separated the incident from the larger background context of race relations in Los Angeles, symbolically precluding testimony from the victims of police brutality and the long-standing community experience with the LAPD (Crenshaw and Peller 1993). The whole story was greater than the sum of its parts (for a historical examination of this process throughout racial struggles, see Berger forthcoming).

Disaggregating selective “micro-moments,” the defense was positioned to “fetishize the details” of the alleged beating by providing the jury with a powerful coding scheme to interpret the images (Ross 1992). According to Goodwin (1994), coding schemes transform observed phenomena into objects of knowledge through classification. As

part of the defense's central argument, they contended that if the police officers on the scene legitimately perceived King's actions as threatening, they were justified in using an escalated level of force. In conjunction with selected still images highlighting King's behavior, the defense utilized expert witnesses to "teach" the jury how to look at the events and see the information most relevant to their claims. Instructing jurors in an "ethnography of seeing" (622), they explained the officers' escalation of force through the categorization of King's actions within a specialized police vocabulary. A bend in King's leg or a rise in his buttocks, for example, were coded as aggressive movements typical of hostile arrestees. This courtroom process is not unique to the King case. In fact, even the most standard, scientific forms of evidence require that the jury be taught what they need to know in order to interpret certain "facts" (Cole 2001). Disputes over the admissibility of certain forms of evidence—fingerprinting and DNA, for example—have often revolved primarily around those doing the teaching (Mnookin 2001).

The defense team's coding of both King's movements and officers' use of police force achieved preeminence because it drew upon categories of classification embedded within the institution of policing (Goodwin 1994). Perceptions of King's behavior "were treated not as idiosyncratic phenomena lodged within the minds of individual police officers but as socially organized perceptual frameworks shared within the police profession" (616). Officers' treatment of King on the night in question was guided by an interpretive framework taught in the police academy to guide all officers in the appropriate application of force. Expert witnesses presenting the defense team's coding scheme were asked to "perceive the perceptions" of officers as fellow members in the specialized community of practitioners.

As a result, there exists an immense asymmetry between the parties in regard to the ability to speak as an expert on the interpretation of events captured on the tape. While the use of force was recognized in the trial as part of the daily work of the police profession, no equivalent professional community existed for the prosecution. The police officers were presented as minor cogs in a monolithic, unified entity—the "Los Angeles Police Department"—that stood in for the individual defendants (Williams 1993). This opened the opportunity for the testimony of the three individual officers speaking *against* the defense—and by analogy against the entire LAPD—to be cast off as deviant outliers. This asymmetry is extended to any voice on the side of the prosecution. Lacking expertise in the acceptable conditions for the use of force (a domain of the police community), victims of police brutality are deemed unqualified to offer coding schemes to juries for the reinterpretation of video evidence. Thus, without the professional vision conferred through membership in the police force, King lacked the power to advance legitimate narratives to explain his treatment.

Compounding this issue is the fact that juries, frequently through the selection process itself, most often lack the epistemic competence to evaluate expert coding schemes and must therefore accept the police authority produced in the social world existing outside of the courtroom (Mnookin 2008). The King trial unearths several of the obscure mechanisms that buttress court-recognized authority. Experts in a range of professions—from physicians, to forensic scientists and police—have a higher probability that their particular definitions of reality will prevail as valid and true because their capacity to highlight and code empirical events is backed by their membership in a community of competent practitioners (Starr 1982; Goodwin 1994). These groups

enter the legal setting already furnished with politically constructed monopolies over the ability to label, classify, and explain the social world around them (Bourdieu 1990).

Playing the Legal Game

Returning to the standpoint of the citizen videographer serendipitously documenting King's traffic stop, could the footage have been recorded in a way that precluded, or at least diminished, the defense's ability to disaggregate the meanings of King's actions, the officers' use of force, and the larger social contexts? Understanding the role of video evidence as a contested terrain of interpretation, we can begin to question the possibility of an alternate outcome in the Rodney King trial. For example, if the footage had captured audio of the officers making racial slurs toward King, the prosecution could have made more verifiable arguments of racist intentions. We can imagine that if the video had captured officers making statements about the regularity of such conduct, or admissions of excessive force, a host of reinterpreted strategies would have been unavailable to the defense during the later court proceedings. However, none of these were present on the tape. Without this sort of footage, short of drawing from an equally competent community of practitioners to rival the professional authority of the LAPD, it is highly unlikely that the prosecution could have supplanted the LAPD narratives.

There are a number of strategies available to legal actors hoping to constrain the narrative claims available to their opponents. Keeping detailed transaction records or "getting it in writing," for instance, are common methods utilized to protect against future contingencies that threaten satisfaction in a legal dispute (Ewick and Silbey 1998). As Kim Lane Scheppele (1992) demonstrates, these strategies rest on sweeping cultural assumptions that a "first" account is the "real" way to describe an event. Uncontaminated by the revisions that often accompany individuals' attempts to retrospectively process an event, contemporaneous records can be used to undermine the interpretations offered at a later time. Juries often hold changes in narratives against the standard of truth and fact set by the original record. As seen in the King trial, while the prosecution's introduction of video was ultimately unsuccessful, it did force the accused officers to employ additional, more labor-intensive arguments that would have been wholly unnecessary had there been no footage from the night of the incident. The video thus opened new vulnerabilities and curtailed certain officer claims, but because the defense was able to control the interpretation of footage, officers' claims gained the status of "fact" conferred by the contemporaneous record. The King trial's contest over the control of video evidence calls many formal notions of law—especially as a neutral apparatus that evaluates raw facts in terms of disinterested rules—into serious question. This was no doubt felt by the participants and observers of the trial in trying to make sense of the verdict.

A burgeoning body of "legal consciousness" scholarship focuses on ordinary citizens' experiences with and perceptions of the law (see Saguy and Stuart 2008). To speak of "law," this scholarship asserts, requires that researcher take seriously what people think and say law is, as well as the way people act on the meanings they conceive. The law is thus "de-centered" by shifting attention away from formal statutes and institutions, with inquiry instead directed toward ordinary people as legal *actors* rather than consumers or recipients of law imposed from above.

Anthropologist Sally Engle Merry's (1990) *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans* is a foundational study in this approach. Drawing on ethnographic methods, Merry (1990) details working-class Americans' experiences in court, identifying several cognitive frameworks that enable citizens to process the range of outcomes found there. One schema, explored in more detail in the later works of Ewick and Silbey (1992, 1998), conceptualizes law as an arena of competitive tactical maneuvering, "played" like a game to serve a wide range of interests and values. Adopting a "law-as-game" framework, ethnographic subjects describe their encounters with the law in terms of strategic engagements in which they assess their available options and decide upon actions that will ensure their goals. These individuals view the skill and knowledge of legal actors, often gained through multiple unsuccessful actions, as a determining factor in courtroom contests. Participants in the law game learn that they are not only playing *by* the rules, but have the ability to play *with* the rules. The game even allows players to create new rules if they will provide an advantage. Over time, the game-like character of law leads ordinary citizens to the view that they can effectively challenge legal professionals' exclusive claim to the playing field.

For this reason, many legal consciousness scholars have turned to examining the ways that social movements experience legal institutions and the ability of those movements to manipulate law in their struggles for social change (Sarat 1990; McCann 1994; McCann and March 1995; McCann 1998). For marginalized communities, adopting the law-as-game framework is often a first step in larger political campaigns for redress, redistribution, and empowerment. Perhaps nowhere is this process more evident than in the civil rights movement (McAdam 1982; Beggs 1995; Monahan and Walker 1998). Through years of test cases and unsuccessful calls on the state to end racial discrimination in housing markets, fair housing advocates developed strategies to actively create evidence that they could introduce in court. The movement's legal strategies had been largely limited to the presentation of evidence drawing on indirect measures of discrimination such as elevated prices in largely minority areas or centralized patterns of minority residence. Problematically, these characteristics of the urban residential structure can be addressed by housing professionals with a host of alternative, nondiscriminatory explanations. The advent of "fair housing audits" allows housing advocates the ability to literally catch discriminators in the act by staging interactions between housing agents and racially diverse applicants, and recording any resulting unequal treatment on video (Wienk et al. 1979; Yinger 1986).

Lacking the authority conferred upon professionals and experts, complainants found innovative methods to corral evidentiary interpretation in their favor. By recording housing agents behaving in ways that closely parallel the claims against them, housing advocates have the capacity to limit agents' ability to highlight and code evidence. Contemporaneous statements make it difficult to alter the narrative at a later time, while appropriating agents' own authority to corroborate indictments. In addition, advocates had now found a strategy that allowed them to demonstrate the daily obstacles faced by minority applicants and the routine harms they suffered at the hands of agents. This tactic appears especially applicable for groups with relatively low social authority attempting to substantiate claims of unfair or harmful treatment committed by more credible legal opponents, aiming to show damaging patterns and practices unavailable to more passive techniques of surveillance. This forms the impetus for the

study at hand. It is difficult to imagine a larger disparity in authority than that existing between the impoverished inhabitants of Skid Row and the officers assigned to police them.

Patrolling Skid Row

Skid Row is a .85 square-mile area located just east of downtown Los Angeles. Since the beginning of the twentieth century, the area has held the largest concentration of social services and affordable housing in the city. The population is comprised primarily of African American males. Researchers and policy officials estimate that among the Skid Row population, 28 to 60 percent suffer from mental disabilities and 30 to 80 percent have drug and alcohol addictions (Los Angeles Police Department 2002; Blasi 2007). Frequently referred to as the “homeless capital of the United States,” Skid Row has increasingly become the subject of national media attention.

In 2006, Los Angeles mayor, Antonio Villaraigosa, launched the Safer Cities Initiative (SCI) in an effort to reduce crime throughout the area. Along with a \$6 million increase in police funding in Skid Row, the plan released fifty additional officers to patrol the neighborhood, creating one of the highest concentrations of standing police officers found anywhere in the country (Blasi and Stuart 2008). In accordance with Broken Windows theories of policing, Safer Cities redeployed officers to foot and bike patrols, permanent beats, decentralized command, block-specific assignments, and police-sponsored social events in order to increase officer-citizen contact and the visibility of police saturation in the community (Wilson and Kelling 1982; Williams 2007).² The results in the first two years were staggering. In addition to 18,000 arrests in a neighborhood of 15,000 residents,³ the LAPD issued 24,000 citations for jaywalking, littering, and sitting on the sidewalk. This was roughly sixty-nine times the rate at which these infractions were enforced in the rest of the city (Blasi 2007).

Despite its being heralded by many in the city as a viable solution to the homelessness, poverty, and abject conditions characterizing Skid Row, a handful of community organizations, including LACAN, grew increasingly critical of the Safer Cities program. LACAN criticized Safer Cities as a thinly veiled tool for gentrification and neighborhood “revitalization,” designed to make the Skid Row area more hospitable to posh restaurants and trendy boutiques while purging the neighborhood of impoverished African American residents. According to the organization’s critiques, what the city has

2. The Broken Windows approach postulates that, if left unattended, minor forms of disorder—including littering, panhandling, jaywalking, and sitting on the sidewalk—produce neighborhood decline and ultimately increase serious crime. The theory rests on a dichotomy between committed law-abiders and disreputable individuals who are inclined to engage in crime. Visible disorder gives the impression that an area is uncared for and lacks social control, causing decent citizens to move out, while attracting criminals from outside expecting a lower risk of apprehension and punishment. A recent wave of empirical scholarship has demonstrated that Broken Windows policing may have little actual effects on reductions in crime (see Harcourt 2001).

3. The term *resident* refers to both homeless and housed individuals inhabiting Skid Row on a daily basis. Used in this manner throughout this article, the term reflects the language of LACAN. The organization sees this term as an important discursive technique to redefine Skid Row as a community deserving treatment equal to other neighborhoods in the city.

defended as a more engaged, community-oriented approach to policing is, in reality, a program that facilitates unwarranted detainments and searches of community residents. The organization criticizes the initiative's crackdown on minor offenses as an illegal strategy to generate otherwise nonexistent "probable cause" for officers to ensnare residents who would otherwise be left alone. Furthermore, according to LACAN, the image of the friendly neighborhood police officer, as presented by Safer Cities' originators, should be more accurately characterized as a hostile and accusatory occupier, lacking even minimal respect for community residents.

As LACAN began to voice these claims to media outlets and city officials, their charges either fell on deaf ears or were met with skepticism and disbelief. Those with the power to put a halt to the SCI continued to side with police department officials and the initiative's high-level supporters. For scholars writing on the factors impacting credibility (see Cooney 1994), this dilemma comes as no surprise. Comprised of homeless and low-income residents, LACAN membership is handicapped (oftentimes quite outwardly) by very low-status characteristics and assumptions about deviant "lifestyle choices" (Daniels 1997). Unemployment, marginal levels of education, limited public speaking experience, and the occasional criminal record overlay physical signs of poor health to cast doubt on members' contentions. The very act of appearing during "normal working hours" to make public comments in city council, for instance, has not only produced skepticism regarding the organization's claims, but also opened members to insinuations that if they were more interested in finding a job, many of their problems would be solved.

Thus, in an attempt to provide more credible proof for their claims, the organization's Community Watch Program began patrolling the streets of Skid Row, armed with weathered video cameras, to document mistreatment and abuse under Safer Cities. Video footage could now be introduced as "objective" evidence in lawsuits against the LAPD, which, if successful, could change police practices through court order. However, paralleling the discussion of evidence thus far, the introduction of video did not instantly alleviate the organization's dilemmas of proof. Instead, it presented an additional site in which the LAPD was able to capitalize on its court-recognized authority. Drawing lessons from the King trial and several years of filming, LACAN's Community Watch increasingly learned to employ filming techniques to curtail alternate interpretations of footage and use officers' professional authority to the organization's advantage.

METHODOLOGY

I collected the data for this analysis over a year of daily participation in the organization's Community Watch program. I approached LACAN in 2008, interested in their allegations of officer mistreatment. Under the guidance of the organization's lead civil-rights organizer, "Commander Malcolm," I completed the training program necessary to accompany and participate in Community Watch. Soon after completing the training, I traded minor roles with other team members and eventually settled in the role of videographer. As videographer, I was expected to document all interactions between the LAPD, residents, and LACAN members. This role gave me the ability to observe the behavior of all individuals involved in a recorded exchange.

Over several months, my role in the organization grew beyond my responsibilities on Community Watch. I joined LACAN in weekly staff meetings, meetings with outside agencies, community outreach, and general organizing around legal issues. This access provided insights into the larger context of ongoing legal struggles for which video evidence was being collected. This insider perspective worked against me at times, however, in that my affiliation with LACAN limited access to city and police officials. On several occasions, officers refused to participate in informal interviews based on the “biases” I may have developed from being so close to the organization. Fortunately, the analysis that follows draws primarily on public behavior in Skid Row and the publicly expressed opinions of police and city officials. This research project was approved by the UCLA Institutional Review Board.

From my first “tour” on Community Watch, I became intrigued by the manner in which the behavior of involved parties seemed to be altered by the presence of a video camera. I embraced an open-ended approach and eschewed any preformed hypotheses. My research questions were quite broad, and I probed for additional information as I followed up on whatever topics emerged on a given day. Observations made while on Community Watch were recorded in a stepwise fashion advanced by David A. Snow and Leon Anderson (1987). This consists of making mental and jotted notes in the field and then expanding jottings in detailed and extensive field narratives following each day’s observations. Data analysis was conducted in the grounded theory tradition (Strauss 1987; Corbin and Strauss 1990). Field notes were subjected to multiple rounds of coding in order to unpack patterns of interactional strategies. These *in situ* behaviors were continually reexamined within the larger context of legal mobilization against the SCI. While a number of legal scholars have retrospectively examined the production of evidence, there is less prospective conceptual analysis documenting nontraditional legal actors “learning” the rules of evidence and employing that knowledge in hopes of producing more favorable outcomes. My orientation to the field allowed a real-time observation of this process, yielding an analysis unavailable to retrospective accounts.

CONSTRUCTING VIDEO EVIDENCE IN SKID ROW

For the Community Watch video surveillance program, the Rodney King trial is an ever-present reminder of the barriers that marginalized communities must overcome in their efforts to end police abuse. In a 2008 interview with the organization’s leadership on the potentials of video as evidence, they immediately anchored the discussion with an analysis of the King trial and the central role it has had on their own work. They were emphatic that I understood the verdict’s resonance:

Anytime you talk about videotaping the police, you have to remain very skeptical. Rodney King taught us all that. Here was this tape, clearly showing the police kicking the crap out of a guy beyond a reasonable doubt, and look what happened. They got off. They sat there and looked at the tape and were actually able to say that this beating was coming to this guy. So we have to remember, this is standard stuff all over the country. Plus, this is the LAPD. With the history of race relations here, you know that these courts are going to believe these cops over the people

that are kicking and screaming in the community. They're going to back [the police] up, and believe them over what we say *and* what we show. So we have to be strategic. We have to really be smart and do this the right way.

This often-repeated analysis warns of the tendency to think of video as somehow “speaking for itself” (Goodwin 1994, 615–16), ignoring the relationship between courts and the police as a privileged party. The court’s decision rested not on some objective standard of proof conferred by footage, but rather on the ability of police to draw on long-standing credibility. Paralleling Goodwin’s (1994) analysis, disadvantaged groups offering footage of police abuse does not automatically increase the validity of their claims, even if those claims are raised by entire communities. Locating this dilemma in the standard functioning of American courts, being “strategic” implies that in order for marginalized communities to be heard alongside the police, additional measures must be taken in the documentation process before footage is introduced as evidence. In the year following this initial discussion, I learned that being “smart” and “doing things the right way” began by deciphering what variables made some footage better evidence than others.

Successful Video Evidence: A Tale of Two Tapes

The organization’s first successful application of video evidence came in 2005, before the SCI had become an explicit target. The “Sanford and Son Video,” as the footage came to be called, shows LAPD officers confiscating milk crates and shopping carts from homeless residents. When asked why they are confiscating the items, the officers inform the videographer that they have been in contact with the rightful owners and will be returning their property. However, this is not what occurs. The officers are shown driving the confiscated property to another part of Skid Row, where they begin singing the theme music from the 1970s *Sanford and Son* television show through their squad car’s loudspeakers. The officers call out to nearby homeless men residing in the area, enlisting them to unload the confiscated crates, distributing the items back into the homeless population sleeping nearby. The officers compensate the men with small items that appear to be some sort of contraband or money. Minutes later, when approached again by the cameras, the officers make several joking comments that they were never actually given directions for returning the confiscated items. Shortly after recording the footage, LACAN and its attorneys released it in a press conference attended by city officials and representatives of the mayor’s office. As a result of the event, the city agreed to significantly reform their confiscation practices when dealing with the inhabitants of Skid Row.

Why did the Sanford and Son video elicit such a swift response from the city? Attributes that distinguish successful video evidence become more clearly delineated by exploring unsuccessful footage. In the summer of 2007, LACAN recorded several officers punching and kicking an unarmed, elderly man named Joe Nelson in the process of detainment. Rendered unconscious by multiple blows, Nelson was removed from the scene in an ambulance. As with the Sanford and Son footage, LACAN prepared a press release and consulted with allied attorneys. Within twenty-four hours, several news

agencies contacted LACAN for interviews. One particular news program, appearing on Spanish-language station, Telemundo, arranged a brief debate between a LACAN staff member and an LAPD spokesperson. The overarching LACAN message was that this type of police treatment not only was commonplace in the Skid Row area, but also was increasingly tolerated in the name of the SCI. Telemundo's on-air response stunned the organization. While LACAN expected outrage and condemnation of the LAPD, the reporter instead sided with the LAPD official, implying that the organization had "cried wolf," overediting the footage to convince viewers of police brutality that was not actually occurring.

What distinguishes the two videos? How could one translate directly into policing reforms while the other, though displaying more brutal and gruesome footage, only open LACAN to heightened criticism of their credibility? The organization found explanations in the construction of the images. Two important attributes distinguish the Sanford and Son footage. First, it captures an incident from start to finish, following behavior throughout the entire event. Second, it captures statements made by the police accounting for what they are doing and why. Officers' own words closely parallel the LACAN claim that officers exercise inappropriate and illegal levels of discretion, willfully disregarding constitutional rights and selecting targets quite arbitrarily among the neighborhood population. By releasing the confiscated crates back into the population and by compensating homeless men with contraband, they are actively creating future crimes—these residents would soon come in contact with LAPD officers while in possession of illicit items.

The Nelson footage, on the other hand, begins well after police establish initial contact with their suspect. Without documenting relevant contextual factors—the precipitating events, the exact cause of the exchange, and the regularity of this conduct—the question of whether or not the police had abused their power was left open to officers' own accounts of the event. When the footage was introduced in Nelson's criminal proceedings, the arresting officers argued that if the camera had captured the entire interaction, viewers would see Nelson willingly invite the officers to speak with him, and then flip into a psychotic episode, tossing pieces of crack cocaine into his mouth. The officers contended that the use of force captured on tape was intended to dislodge the narcotics from Nelson's mouth in order to ensure his own safety as well as guarantee the preservation of physical evidence. The arresting officers isolated various moments throughout the interaction to demonstrate their adherence to protocol as Nelson resisted arrest. As in the King trial, these accounts drew on notions of standard professional conduct and thus were privileged over those of eyewitnesses, LACAN, and Nelson himself.

LACAN learned valuable lessons by comparing video footage collected throughout their time patrolling the streets. In order to limit police ability to recode abuses as justified treatment, taping efforts must focus on instances where officer statements and behavior serve to, in a sense, "vouch" for LACAN claims. As in the Sanford and Son footage, the organization is able to do that by appropriating the professional authority of the police, such that officers become repositioned on tape as "virtual expert witnesses," speaking on behalf of the organization. In order to prevent police from explaining abuses by fetishizing certain details of an arrest or detainment, LACAN must confront future viewers with contextual information about general police behavior in

Skid Row. Doing so, LACAN can more effectively show officer wrongdoing as commonplace under the SCI. Given these criteria, Community Watch was pressed to do more than simply point its cameras at officers while observing from a safe distance. LACAN began actively engaging with officers as they carried out their police duties. The information generated in these interactions could increase the persuasiveness of their evidentiary admissions and help them overcome deficiencies in court-recognized authority. LACAN does not see these methods as provocation. As they attest, abusive officer behavior is rampant and easily captured on tape. However, without creating contemporaneous narrations in officers' own words, the police can easily reframe their actions at later times.

Catching Them Slipping

A strategic orientation to filming emerged over time, referred to by the organization as "catching officers slipping." On the most basic level, to catch someone slipping means confusing them or tripping them up in hesitation, so that they act in a manner that is no longer in their best interests. Ironically, though LACAN uses this strategy against the police, it is a technique borrowed from LAPD interrogation strategies. Officers approach individuals in Skid Row and ask them multiple biographical questions—about criminal histories, past drug use, or parole violations—in order to catch them in a discontinuity. If the officers are successful, suspects give up self-incriminating information that can be used as grounds for their arrest or prolonged detainment.

While accompanying the Watch team on patrol, I observed that Commander Malcolm had developed a distinct conversational method that not only drew officers into exchanges on the organization's terms, but also created multiple opportunities for officers to incriminate themselves. A prime example came in early 2008, as the Community Watch team began collecting evidence of LAPD noncompliance with a recent court order. Several months earlier, largely as a result of legal pressure brought by LACAN and the American Civil Liberties Union, a federal court restricted officer behavior in Skid Row under the Fitzgerald Injunction. According to the injunction, officers are prohibited from handcuffing and searching individuals cited for jaywalking and other minor offenses. The court also mandated division-wide training and oversight. After several months, however, LACAN felt it necessary to begin collecting footage for a return to federal court. The following excerpt documents an exchange with two mounted officers, detailing Malcolm's attempts to catch them slipping:

As the officers were remounting, Malcolm called out to them, "Hey, can I ask you a question?" The officers turned their horses to face Malcolm. They nodded their heads. Malcolm continued, "Now, don't you know it's illegal to search for minor offenses and ask people if they are on probation or parole?" The officers looked at him for a second and did not say anything. Malcolm continued with questions, "Haven't you ever heard of the Fitzgerald Injunction?" The officers continued to stare. They did not seem to have an answer ready. They finally shook their heads, lifting their eyebrows as though waiting for Malcolm to

continue with more information. Malcolm laughed a bit, in a sarcastic manner. “Your sergeant has never told you about the Fitzgerald Injunction?” One of the officers simply said, “Nope.” Malcolm asked the question again, and they both individually repeated the answer, “Naw . . . nope.” The officers turned to leave. Malcolm called out to them, “Yeah, that’s what I thought! You guys are supposed to know the law of what you can and can’t do out here!” After he said this, Malcolm turned to me and commented, “Man, these guys don’t even know what the hell the law is. That’s a problem. They are supposed to be trained and briefed on this stuff! Obviously they’re not. And we got them on tape saying that stuff too.”

Malcolm has invited the police into an interactional space that carries elevated stakes similar to a cross-examination (Adelswärd et al. 1987; Van Dijk 1989), controlling information yield through a sequence regulating appropriate responses (Harris 1984). First, Malcolm calls out to officers in an innocent and nonconfrontational manner, quite similar to that of a community resident requesting help or directions. However, the initiating question is designed to do more than simply grab the officers’ attention. If the officers accept the initial request, they open the door for a more intrusive or controversial second question and make their answers to that question all the more necessary. They are compelled at a higher standard to answer later questions if they give Malcolm permission to begin his inquiry. By prefacing his more damning inquiry with an innocuous one, Malcolm also reduces the possibility that the officers will simply ignore the Fitzgerald question after hearing its accusatory nature. If the officers depart the interaction without answering the Fitzgerald question or if they deny the initiating question outright, Malcolm can use that to demonstrate an instance of LAPD disrespect of the community and its representative organizations. Such an image would run counter to the supposed role of “officer-as-community-liaison” that is advanced in the SCI.

Second, through his repeated, though varied, questioning, Malcolm introduces a powerful reason why the officers struggle to recall knowledge on the injunction—they have not received any formal briefings or training from their superiors. With this information captured on tape, LACAN has generated testimony from inside the department to support their claim that the LAPD has willfully disregarded the training orders. Returning to the LACAN office, several members of the Community Watch team indicated that this footage was ideal in that officers could no longer deny that they were handcuffing and searching residents in violation of the injunction.

Using footage to reposition LAPD officers as expert witnesses for the organization, LACAN exploits the professional authority that follows the police from the streets into the courtroom. According to LACAN, the officers patrolling Skid Row have grown arrogant with the power conveyed by their badges. Despite the hundreds of complaints LACAN has helped community residents file, none have resulted in discipline. Well aware that courts will side with the LAPD over the homeless and impoverished of Skid Row, officers seldom censor their insults, boasting, or admissions of dominance. Strategies to catch officers slipping are designed to bring out this complacency and capture it on tape to substantiate the organization’s claims. As a result, police reactions need not be hostile to be beneficial for constructing footage that can curtail the alternate narratives available to the LAPD. In the following example, the Community Watch

patrol encountered two officers involved in the Nelson video as they provided security for several bulldozers clearing tents and shopping carts from the sidewalks:

As we walked closer, Malcolm exclaimed, “Oh look, there are two of the guys that beat up the dude on San Julian! Let’s see if we can catch them slipping.” We stood next to the squad car and watched the bulldozer for a minute. Upon seeing the group, one of the officers came over to our location with a smile on his face. Steve pointed the camera at him. “Hey!” Malcolm called out. The officer nodded his head upward in acknowledgment, “Yeah?” Malcolm continued, “I was wondering . . . You know that guy you and your partner beat up on San Julian? You remember that guy you jacked up real bad? What’s his name?” The officer continued smiling and responded instantly. He had his thumbs in the front of his pants near his belt buckle. He jutted his chest out, rocking on his heels. “Oh, that guy? Yeah. Joe Nelson. His name was Nelson.” The officer’s partner stood behind him, nodding in agreement. Malcolm continued, “And what were you guys arresting him for? Why’d you jack him up like that?” He quickly offered up this information as well: “Narcotics . . . *not* sunflower seeds.” We had him repeat the name, spelling it aloud, N-E-L-S-O-N. Malcolm thanked him, and we walked on.

The way in which Malcolm words his questioning is critical to soliciting beneficial reactions from the officer. After moving from an initiating question that creates the conversational space, Malcolm asks, “You remember that guy you beat up?” The linguistic subtlety of the question is important. The phrasing of the inquiry structures the question as only indirectly concerned with whether or not the officer actually beat the man. What the question directly asks is whether he even remembers the incident at all. Phrasing the question in this manner has the effect of corralling the officer in his answer. An answer in the affirmative, that he remembers the incident, can also be construed as an admission that the officer did, in fact, “beat” the man. Asking the question in this way limits his ability to offer an alternative explanation for his actions during the incident in question. This is further compounded because Malcolm has structured the question in two parts—first, whether the officer remembered beating the man and second, whether he remembered the man’s name. The short, affirmative “Yeah” response, said through a smile and air of comfort, could simply be an answer to the latter. However, without clarifying which question the officer is addressing, it stands as an affirmative to both. He has not mobilized a clarification. Malcolm immediately adds a follow-up question, “Why did you jack him up like that?” The officer is quick to offer damning information about Nelson—that he was being arrested for narcotics. Malcolm’s conversational techniques not only serve to further implicate the officer in willfully and intentionally beating the man, but also propels the officer deeper into the interactional space without allowing him the ability to retreat in the conversation to contest the notion that he beat the man.

Malcolm’s questioning should be seen as a technique to capture previously undocumented context. As noted in the earlier discussion of the Nelson video, without footage of the events precipitating the use of force, LACAN failed to supplant officers’ in-court statements that the interaction with Nelson was consensual and nonviolent until Nelson became unruly. Although the officer does not admit to an intentional misapplication of force in the new footage, LACAN believed that his statements had the

potential to cast at least some doubt on his narrative. By showing him smiling and joking while describing Nelson's treatment, the organization not only fills gaps in the footage, but also creates scenes that allude to a pattern of conduct among Skid Row officers. It is important to recognize that nothing about police authority in general is threatened by this technique. Finding humor in a man rendered unconscious at the hands of the police, the officers are shown deviating from norms expected of the profession. LACAN has drawn upon the exact practitioner standards that make police credible experts—the same standards that allow police narratives to “out interpret” the organization in court—in an effort to show officers deployed in Skid Row as abusive.

Police Counterstrategies

Over time, officers encountering Community Watch on a daily basis caught on to the organization's efforts to record incriminating behavior. In fact, officers began to evoke counterstrategies that problematize the information LACAN can capture on film. These strategies serve to reclaim the perceptive field, bringing attention back to the micromoment at hand or introducing alternate contextual factors that push LACAN's preferred information into the background of what future viewers will eventually see. While the lawyers and defense experts in the King trial altered the jury's domain of scrutiny by highlighting certain aspects of footage after the fact (Goodwin 1994), officers on the streets of Skid Row alter perception in real time. Similarly to the defense tactics in the King courtroom, this opens opportunities to preemptively apply coding schemes for the constitution and interpretation of certain events. LACAN efforts to catch officers slipping may, thus, actually lead to an increase in police ability to present and defend their own interpretations because they are now supported by professional authority *and* the persuasive capabilities of contemporaneous records (Scheppele 1992). In this manner, certain police behaviors can render even the best footage unusable. LACAN is not powerless in these instances, however, as they have developed “realignment strategies” that work to symbolically reclaim narration of footage (Goffman 1959).

In the following excerpt, the Community Watch team approached two mounted officers during a narcotics arrest. As the arrest concluded, Malcolm addressed one of the officers in an effort to graft larger contextual concerns onto the footage:

Malcolm called out to the closest officer, and pointed his finger at the horse droppings on the sidewalk underneath the horse's back legs. “So officer, you gonna clean up the crap or what?” After a short pause, he dismounted his horse and used the inside of his boot to sweep the large pile of horse droppings across the sidewalk and into the gutter. He made several passes, moving piles closer and closer to the street. As he was doing this, he stopped, turned to Malcolm and said, “See, you're trying to get me to say something inappropriate on camera. You're not gonna catch me saying anything inappropriate on camera.” Malcolm remained silent. After two passes from his horse to the gutter, the officer stood still, and stated loudly to his partner who was only about four feet away from him. “You see that jailhouse tattoo he's got? You like that? It says ‘death to whitey.’” His partner did not respond. After all of the horse droppings had been kicked into the gutter, the officer mounted his

horse. Once he was on top, Malcolm called up to him with a smile, in a calm tone, “Thanks for keeping my community clean.” It was not clear if the officer heard him as he called loudly, “What!?” in a hostile tone. Malcolm took a second, and in a quieter voice, said “Thanks for keeping my community clean.” The officer glared at Malcolm, and the two walked their horses the other way on Seventh Street.

Malcolm once again aims to catch the mounted officer slipping by making a request that is likely to produce either outright dismissal or a hostile reaction. Further, Malcolm is attempting to create, in this single instance, a more general representation of officers’ disrespectful presence in the community by reconstructing the moment in which officers decide whether or not they will clean up after their horses. LACAN has long argued that if the police were truly deployed to help “clean up” Skid Row, they would be more diligent about the massive amount of feces left by LAPD horses on the sidewalks.

Despite strategies to produce incriminating images, the officer contests Malcolm’s attempts to garner evidence. Instead of responding in a hostile manner, the officer dismounts and begins sweeping the droppings into the gutter. Once engaged in the interactional space, he carries out several actions that undermine Malcolm’s ability to inject supplementary information onto the tape. The officer turns directly to the camera and states several times, “You’re not going to catch me saying anything inappropriate on camera.” In doing so, he has introduced new contextual information for potential viewers. In appearing familiar with Malcolm and the cameras, he has offered an alternative explanation of Malcolm’s request. It does not stem from an effort to keep the sidewalks clean, but is a conscious tactic to provoke officers into inappropriately and uncharacteristically lashing out at the Community Watch team.

The officer’s subtle reference to professional conduct does more than simply demonstrate his adherence to it. As he continues to sweep, the officer reverses scrutiny back onto the Community Watch team, supplanting contextual information and reminding viewers of the differential authority existing between the two parties. Speaking to his partner in a loud voice, the officer highlights Malcolm’s prison tattoo. In doing so, he infuses the footage with a comparison between himself as an LAPD officer and Malcolm as an ex-convict. Emphasizing Malcolm’s tattoos also provides the opportunity to cast additional doubt on Malcolm’s underlying intentions for beginning the interaction with the officer. Emphasizing that Malcolm has a “death to whitey” tattoo implies that Malcolm’s actions may be propelled by racist intentions. The officer has offered an alternative explanation for Malcolm’s actions—rather than taking steps to keep the community clean, Malcolm may simply be attempting to humiliate white officers out of personal hatred. Similar to Scheppele’s (1992) discussion of the “invisible” impediments faced by women accusing former employers of sexual harassment, Malcolm is recast as the aggressor as attention is shifted away from the conduct of the police. The officer’s reframing implies that the antagonisms only occurred with Malcolm’s intervention into the scene. This narrative also cuts deep into a fundamental LACAN claim that the organization is acting on behalf of the community. If officers can undermine Community Watch by symbolically separating LACAN from the community, any footage capturing officer hostility toward organization staff loses its ability to represent general officer treatment of community residents.

Malcolm's response reflects an attempt to wrestle control of the footage back from the officer. By stating "Thanks for keeping my community clean," Malcolm thanks the officer *on behalf* of the community, in an effort to deflect the officer's attempt to separate him from other Skid Row residents. His tone of voice and demeanor are important. By remaining friendly, he provides subtle evidence that despite the officer's insinuations, Malcolm is not driven by racial hatred.

The Importance of Audience

Thus far, the analysis has focused on the dyadic exchanges between the Community Watch team and LAPD officers as both sides struggle to channel the perceptions of later audiences. However, many of the daily encounters involve the immediate audience of Skid Row bystanders. Resident onlookers often play an active role, impacting the ability of either party to restructure recorded events in their favor. As a result, residents are used as "props" to convey information about the way things "really are" in Skid Row, while creating dissonance in the subtle and minor cues at the heart of the opponent's projected narratives (Goffman 1959). Additionally, those individuals who have been enlisted in previous interactions may be drawn upon in later encounters to buttress efforts to highlight and code the behaviors portrayed on tape.

For LACAN, this means cultivating favorable resident behavior that echoes claims of widespread LAPD abuse. Footage of community residents vocally supporting LACAN, and even echoing questions intended to catch officers slipping, portrays LACAN as a representative defender of the community in contrast to the depiction of LAPD officers as outsiders. As in the two-way interactions, officers are not without the ability to contest these images. Officers draw on a number of interactional techniques that serve to reverse the organization's intended portrayal of community support. In the following example, the Community Watch team approached a mounted officer as he arrested a woman sitting on the sidewalk:

I stood on the curb videotaping the arrest as two male residents passed behind me. One of them turned to me and asked, "Hey man, what are you filming for?" I repeated the standard LACAN response as instructed in training, "We're filming the police to make sure that they don't violate anybody's civil rights." The man in the street seemed satisfied with my answer. He nodded his head and smiled, saying "Right on." Suddenly, his facial expression changed. I saw him look toward the officer and ask, "Hey man, what are *you* filming for?" I was surprised and turned my attention back toward the arrest. The officer was now standing behind his horse with his hat lying lightly on the top of his head. He was resting his elbows on his saddle pointing his camera-phone at me. He replied to the man with a smile, "Oh me? I'm just filming to make sure that he doesn't violate *my* civil rights. I don't really know what this guy is gonna try to do." Hearing this, the man looked back toward me, and then back toward the officer with a puzzled look. He scrunched his eyebrows and muttered, "Oh word?" The man appeared unable to discern which party to believe.

This excerpt demonstrates the enlistment and reenlistment of witnesses on the street. Upon hearing the standard Community Watch script, the passerby gives indication that

he approves of LACAN monitoring the police. The standard Community Watch response has been successful positioning of the LAPD officers as aggressors that, without a LACAN presence, would readily violate citizen rights. However, the resident's approval appears to wane before he is fully enlisted, once the officer pulls out his own camera. By asserting that he is making sure that *his* civil rights are not violated, the officer problematizes LACAN's delineation of the harmful party. By conducting his own surveillance, he recasts himself as the victim in the interaction, with LACAN as the aggressor. Like the earlier officer's evocation of Malcolm's jailhouse tattoos to offer a less-than-altruistic rationale underlying Malcolm's surveillance, this officer's appeals similarly corrupt the footage captured to that point. Both officers have drawn on techniques that serve to inject footage with images that separate LACAN from the community it claims to protect.

With this opening, officers can add additional contextual information. The interaction continued:

The officer turned his camera-phone from me to Malcolm and the rest of the group still standing in the same location. "Hey, why don't you guys come a little bit closer for the picture?" The officer reached toward the ground. He picked up a syringe and asked, "Did you get a picture of the syringe over here? Be sure you get his on film too. I know how much you guys like to film the real truth around here."

This portion of the exchange reflects a further step by the officer to corrupt the organization's desired footage. His statements characterize the sensationalism and bias of the team not for the passerby, who has now left the scene, but for any future viewers. By "reminding" the team to film the syringe, the officer moves from deflecting incriminating contextual information to highlighting his own. He makes an indirect indictment of Community Watch filming practices, accusing them of omitting and editing information that does not incriminate officers. He also provides an alternate coding scheme to explain his actions by introducing the syringe as the purpose of the arrest. Rather than preying on innocent members of the community, as LACAN claims, the officer refocuses attention on the wrongdoing of the criminal in custody. The officer begins to look more like a victim to LACAN's aggressive filming practices as he attempts to carry out his professional tasks.

Officers also reenlist the immediate audience to their ends through magnanimous treatment of arrestees. Because LACAN strives to document "typical" patterns of abuse, repeated images of kind and helpful officers supplant the organization's more accusatory contextual claims. This is especially frustrating for the organization, which explains that officers only behave this way when LACAN cameras are present. The following excerpt continues the previous exchange. While the original officer was holding up the syringe to ensure the Community Watch team's documentation, a senior lead officer (SLO) arrived on the scene:

A squad car slammed to a stop a few feet away facing the wrong way on the one-way street, blocking the lane closest to the sidewalk. The SLO exited his car. He walked briskly toward the woman now handcuffed against the wall, acknowledging neither the Watch team members, nor the original officer. The SLO asked

her, "Do you have housing?" She had a confused look on her face and responded that she did not. He continued, "Alright, look, when you get out, if you need some housing, here is my card. Get a hold of me and we can set you up with some kind of housing situation, ok?" She took a moment to look at the card and then thanked him with a quiet "God bless you." Without another word, the SLO turned around and headed back to his squad car. He walked past Malcolm and shook his head in disapproval. He asked Malcolm, "Geez man, you're still out here with this filming, huh? I don't know when you guys are gonna finally get it. Let me know when you *really* want to help the community. I can fill you guys in." Malcolm responded in a yell, but the SLO was getting into his car, pulling away.

The SLO's actions construct an image radically at odds with the one preferred by LACAN. First, his demeanor approaching the woman, virtually ignoring all other parties, implies a singularity of purpose. He appears most alarmed with the possibility that the woman might lack housing, *not* with the possibility that LACAN members have surrounded the scene and might have captured footage that incriminates his fellow officer. By ignoring the cameras, the SLO uses this single instance as a representation of his behavior in general. Next, his actions present later viewers with two contrasting parties. On one side are the LAPD officers, who, though they arrested the woman, have made steps to provide her with housing, the area's most highly sought resource. On the other side is the Community Watch team, who, given their organizational resources and inability to interact with the female arrestee during a police stop, cannot offer services in this manner. The team's inaction is further problematized by the statements the SLO makes to Malcolm that the organization "still doesn't get it" and that they should let him know when they "*really* want to help the community." For later audiences, the LAPD emerges as overly concerned with the well-being of Skid Row residents, justly balancing sanctions with support.

Who Represents Skid Row?

Efforts to enlist nearby residents are rooted in an important struggle to show one's own party as the "real" representative of Skid Row. While addressed indirectly in much of the analysis above, these performative contests warrant additional attention. Beyond showing the way the police "really act" in Skid Row when the cameras are not present, LACAN uses this struggle to build their own professional authority to rival the persuasiveness of LAPD narratives. LACAN publicly emphasizes its use of civil rights education, mandatory uniforms, video storage protocols, and training in nonviolence and drug overdose response to help define themselves as expert practitioners, able to offer community services unavailable from others in Skid Row, including the police. These are important factors that verify coding schemes and sanction interpretations of empirical events (Star 1982; Goodwin 1994). A continual presence in the streets can help cement this identity in the eyes of fellow residents, who can be enlisted to graft this information onto film.

However, by interrupting and redirecting filming, officers have the capacity to overlay negative information about LACAN that not only portrays the organization as the enemy of the community, but also diminishes the organization's status as expert

practitioners. During the most overt occasions, officers have provoked residents into verbally (and even physically) lashing out at the Community Watch team. When officers are detaining a suspect on the sidewalk, they will mislead the individual, saying that Community Watch is actually working on behalf of the police. Officers will whisper something like, "Smile, your video is going on the LAPD website for your friends and family to see." This brings a hostile response, usually in the form of residents cursing the team members, giving orders to immediately cease filming. Officers are quick to arrest Community Watch members for interfering with a police investigation in the event that they speak to the detainee while in custody. Without equal ability to defend themselves to fellow community residents, this puts LACAN in a precarious position. Even if footage contains convincing evidence of officer misconduct, the potential impact may be diminished by negative characterizations provided by the behavior of Skid Row residents.

This process unfolds frequently through the use of more subtle techniques. The following examples come from a series of field notes recorded in a later exchange between the Community Watch team and the same SLO, as Community Watch members were filming an arrest:

Another squad car made its way up the street from the opposite direction. I saw that it was the SLO from the earlier interaction. He briskly got out of his car and walked to Malcolm, who was standing next to me, and said, "So, can I ask you a question?" The team and roughly twelve bystanders turned around to fully face him. Malcolm nodded his head upward and the SLO continued, "The other day, in front of that store over there, you came out and just stood there while those two women were beating each other up. You didn't stop them from fighting. How come you didn't do anything to help them? I had to come and break up their fight. I want to ask you, are you for the homeless? Or are you just anti-police?" Malcolm was rendered uncharacteristically speechless with the officer's line of questioning.

The SLO mirrors LACAN techniques to catch officers slipping by opening an interactional space and then asking unexpected and incriminating secondary questions. Interrupting filming to inquire about an unrelated incident has the potential to undermine bystander support while delegitimizing LACAN members as expert practitioners. Recounting the incident, the SLO reframes breaking up fights as synonymous with helping the community. It is important to remember, however, that the ability to break up fights officially rests in the hands of the police through their monopoly over the use of force in Skid Row. Fights are not uncommon in the area, and individuals attempting to stop a fight may be inadvertently entangled in the fray by the time police make arrests, or worse, by the time one of the combatants draws a knife or gun. Unlike Skid Row officers who live elsewhere and are "on the clock" anytime they set foot in the neighborhood, Community Watch team members live in the community as private citizens. The SLO downplays this distinction, holding Malcolm to the professional, "on the clock" standards of the LAPD even when Malcolm is acting in his free time. This can be seen as yet another method of presenting future viewers with divergent ideologies for helping the community.

However, Malcolm does not allow the SLO's characterizations to go unchallenged:

Malcolm replied, "We're policing the police *for* the residents. We're making sure you don't violate rights. I mean, more ambulances are out here because of the beatings you guys put on people than anything else! Plus, breaking up fights, shoot . . . that's your job, not mine." The SLO turned slightly toward the onlookers standing on the sidewalk. He pointed at Malcolm. "This guy's supposed to be looking out for our community, right? We're a community out here, we gotta protect each other." Before he finished his statement, a man behind Malcolm yelled out, "Shit . . . you ain't here to help nobody. All you do is come around here and harass us!"

By stating that Community Watch is "policing the police *for* the residents," and that "more ambulances are out here because of the beatings you guys put on people," Malcolm problematizes the SLO's definition of community assistance. Malcolm has presented a hierarchy of harmful actors, in which the police do more damage than the residents do to one another. Community Watch is thus selective in its targeting, devoting resources to those who do the most harm. Malcolm moves from defending the Community Watch project to defending his actions in the recalled scenario. His statements cut into the officer's contrasts between the LAPD and Community Watch by insisting that the SLO's actions do not merit commendation because breaking up fights is simply a part of his daily tasks as a police officer. Malcolm's statements present an alternative contrast, between the SLO simply living up to his job description, and Malcolm, a private citizen, devoting his time and effort to go beyond civilian duties to improve the community. Interestingly, like the SLO, Malcolm locates a new definition of community assistance within a set of behaviors and criteria inaccessible to the opposing party.

With his notion of community assistance now contested, the SLO moves to sway the LAPD-LACAN dichotomy back into his favor by attempting to enlist resident bystanders. He draws again on Malcolm's inaction at the grocery store in order to separate Malcolm from the community and the police that form an inclusive "we." Problematically the SLO's attempts to demonstrate community support on camera are invalidated when the bystanders curse him, demonstrating that they align with Malcolm and LACAN. Though failing to enlist community members to his ends, the SLO does not concede to Malcolm's characterizations of the LAPD role in Skid Row. Instead, he draws on an additional set of previously undocumented events and contextual information in an effort to recharacterize the source of antagonistic resident behavior:

The SLO paused for a moment, and took a step toward his squad car. Without warning, he quickly turned back to Malcolm. "I mean you guys have these cameras. You guys have the power to say, 'Hey, look what's going on in the streets.' And you guys can bring us the video; I mean, you're out here more than we are and you guys have the videos. You know exactly who the drug dealers are, and what they do. You can help us clean up these streets, but you guys refuse to be a part of the solution."

By insisting that LACAN is present in the streets more than LAPD officers, the SLO initially appears to surrender the argument that LACAN is more in touch with the community than the police. However, he highlights that while LACAN has a high

level of access to street-level activities, the organization *chooses* not to record destructive and illegal activity such as drug dealing. According to the SLO's argument, turning a blind eye to illegal activity is equivalent to facilitating those individuals in their illicit pursuits. With this new contextual information offered, the hostile reactions of the crowd toward him are cast in a very different light. These community members may not simply be innocent bystanders frustrated by police presence in their neighborhood. Instead, their vocal solidarity may derive from the favor won by the organization refusing to turn them in to the police or impede their criminal behavior. Throughout this interaction, the SLO has emphasized the need to protect the community from itself—by breaking up fights, and by prosecuting drug dealers. He has constructed a dichotomy within the Skid Row community, between good and bad members, with LACAN grouped in the latter. Doing so allows him to concede that LACAN is, in fact, *of* the community. However, the organization is not necessarily *for* the community in the positive sense that the LAPD is.

CONCLUSION

While law purports to be above politics, prejudice, and partiality, judges and juries necessarily use quite ordinary, socially situated, and unremarkable conventions to determine truth from evidentiary admissions (Scheppelle 1992). Whether *verité* or more “manufactured” forms of video evidence, courts select the “true” account from among a set of potentially accurate versions of reality that either party may present. Thus, the critical question is not whether particular descriptions of events are accurate or not, but rather, how is it that one description becomes the authoritative account over alternate versions?

A review of the 1992 Rodney King trial illustrated that the manner in which a story is constructed impacts whether or not it will emerge as the definitive narrative. Central to this process were efforts by both parties to “teach” judging bodies how to interpret video footage of the alleged beating. The King verdict demonstrated to much of the public that despite formal legal rules, the evaluation of evidence incorporates broader, extralegal factors (Goodwin 1994; Mnookin 2008). Criteria of who can and cannot be heard, as well as the power to introduce authoritative interpretations, are unevenly allocated across social groups (Crenshaw and Peller 1993). Lacking the professional expertise and legitimacy of LAPD officers, King and other victims of police abuse face difficulties providing evidence of wrongdoing that is not subject to a reinterpretation as justified conduct.

The ethnographic analysis focused on the process by which an organization of homeless and low-income Skid Row residents generates video evidence designed to overcome relative deficiencies in court-recognized authority. Building upon lessons learned from the King trial and various other experiences with evidence, LACAN developed a strategy called “catching officers slipping.” This filming technique exploits the privileged status of *verité* surveillance footage while proactively channeling future interpretation of recorded images in a manner associated with non-*verité* video evidence. Creating a high-stakes interactional space and appropriating the authority of LAPD officers as virtual expert witnesses, LACAN aims to shift the perceptual field to

highlight certain pieces of footage and introduce contextual information about patterns of misconduct, harmful practices, LACAN expertise, and neighborhood conditions that would otherwise remain “off camera.” By doing so, LACAN strives to curtail officers’ abilities to advance alternate representations of events.

Efforts to catch officers slipping do not go without contestation. Officers draw from a repertoire of techniques that supplant the types of interactions preferred by LACAN. Given the monopoly of force held by the police as representatives of the state, officers have the ability to take particular actions, throughout exchanges, that are unavailable to LACAN. They utilize interactional spaces on film to “remind” later viewers of the disparities in social status and authority existing between the police and LACAN. In addition, officers introduce contextual information that problematizes the organization’s motives and community role in an effort to undercut the organization’s capacity to critique police behavior.

As the analysis shows, the strategies to do so are varied. Officers relay information about editing biases, or call attention to the attributes of those filming—that they are ex-convicts or have racist tattoos, for example—in ways that reverse scrutiny back onto the Community Watch team. Officers also find ways to imply that LACAN represents the destructive members of a dichotomized set of residents. LACAN is lumped with groups that the police claim prey on innocent individuals trying to pull themselves out of homelessness and poverty through honest means. A dominant counterstrategy revolves around enlisting community residents to speak against LACAN on film. Officers convince suspects and bystanders that LACAN is actually working with the LAPD. This gives rise to images portraying resident hostility toward LACAN, ultimately casting doubt on the organization’s assertions that filming is done in residents’ best interests.

Exploring the LACAN filming strategies in this manner allows us to problematize the myth of objectivity that follows video evidence and other valorized forms of proof into legal struggles. In order to give evidence meaning in relation to specific legal claims, this article demonstrated that judging bodies, legal professionals, and ordinary citizens graft narratives onto any contested event, regardless of the medium by which it is presented in the courtroom. Given the law’s habit of relying on precedent, the legitimacy of certain forms of evidence, and more importantly, the interpretive processes accompanying their use, become standard, reifying narrow notions of objectivity with each subsequent application (the history of fingerprint identification is an example of this phenomenon; see Cole 2001; Mnookin 2001). By making narrative struggles visible from their seemingly innocuous origins, we become aware that even the most taken-for-granted evidence is interpreted according to politics and ideology.

This recognition is a critical step in reversing the role of law as an additional site of inequality and domination. Marginalized groups drawing on law as a social movement tactic must incorporate these lessons into their models by considering issues of interpretation and authority at the earliest stages of their campaigns as they construct evidentiary support for their claims. For LACAN, this has meant a shift in consciousness as they utilize the legal system to control the fate of their community. Short of widespread reforms that scrutinize the extralegal sources of expertise and authority, Skid Row residents are left to develop novel ways to play the game. Leading to innovation, such engagement has the potential to act back upon the law, opening new avenues

for resistance and social change by transforming previous legal norms or generating new ones.

REFERENCES

- Adelswärd, Viveka, Karin Aronsson, Linda Jönsson, and Per Linell. 1987. The Unequal Distribution of Interactional Space: Dominance and Control in Courtroom Interaction. *Text* 7 (4): 313–46.
- Beggs, Gordon J. 1995. Novel Expert Evidence in Federal Civil Rights Legislation. *American University Law Review* 45 (1): 1–75.
- Berger, Martin A. Forthcoming. In *Black and White: Civil Rights Photography and 1960s America*. Berkeley, CA: University of California Press.
- Black, Donald. 1976. *The Behavior of Law*. New York: Academic Press.
- Blasi, Gary. 2007. *Policing Our Way Out of Homelessness?: The First Year of the Safer Cities Initiative on Skid Row*. Los Angeles: Inter-University Consortium against Homelessness.
- Blasi, Gary, and Forrest Stuart. 2008. *Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?* Los Angeles: UCLA School of Law.
- Bourdieu, Pierre. 1990. In *Other Words: Essays towards a Reflexive Sociology*. Palo Alto, CA: Stanford University Press.
- Cole, Simon. 2001. *Suspect Identities: A History of Fingerprinting and Criminal Identification*. Cambridge, MA: Harvard University Press.
- Cooney, Mark. 1994. Evidence as Partisanship. *Law and Society Review* 28 (4): 833–58.
- Corbin, Juliet M., and Anselm Strauss. 1990. Grounded Theory Research: Procedures, Canons, and Evaluative Criteria. *Qualitative Sociology* 13 (1): 3–21.
- Crenshaw, Kimberle, and Gary Peller. 1993. Reel Time/Real Justice. *Denver University Law Review* 70 (2): 283–96.
- Daniels, Wes. 1997. “Derelicts,” Recurring Misfortune, Economic Hard Times and Lifestyle Choices: Judicial Images of Homeless Litigants and Implications for Legal Advocates. *Buffalo Law Review* 45 (3): 687–738.
- Ewick, Patrick, and Susan S. Silbey. 1992. Conformity, Contestation, and Resistance: An Account of Legal Consciousness. *New England Law Review* 26 (3): 731–49.
- . 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.
- German, Charles W., Jerome L. Merin, and Robert M. Rolfe. 1982. Videotape Evidence at Trial. *American Journal of Trial Advocacy* 6 (2): 209–40.
- Goffman, Erving. 1959. *The Presentation of Self in Everyday Life*. New York: Anchor Books.
- Gooding-Williams, Robert, ed. 1993. *Reading Rodney King: Reading Urban Uprising*. New York: Routledge.
- Goodwin, Charles. 1994. Professional Vision. *American Anthropologist* 96 (3): 606–33.
- Harcourt, Bernard. 2001. *Illusion of Order: The False Promises of Broken Windows Policing*. Cambridge, MA: Harvard University Press.
- Harris, Sandra. 1984. Questions as a Mode of Control in Magistrates’ Courts. *International Journal of the Sociology of Language* 49 (1): 5–28.
- Herlihy, Joseph M. 1986. Beyond Words: The Evidentiary Status of Day in the Life Films. *Boston University Law Review* 66 (1): 133–54.
- Holmstrom, Lynda Lytle, and Ann Wolbert Burgess. 1983. *The Victim of Rape: Institutional Reactions*. New Brunswick, NJ: Transaction Press.
- Jones, Gregory T. 1995. Lex, Lies, and Videotape. *University of Arkansas Little Rock Law Journal* 18 (3): 613–46.
- LaFree, Gary D. 1989. *Rape and Criminal Justice*. Belmont, CA: Wadsworth.
- Los Angeles Police Department. 2002. Homeless Reduction Strategies: Central Area. Los Angeles.
- McAdam, Doug. 1982. *Political Process and the Development of Black Insurgency, 1930–1970*. Chicago: University of Chicago Press.

- McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- . 1998. Social Movements and the Mobilization of Law. In *Social Movements and American Political Institutions*, ed. Anne N. Costain and Andrew S. McFarland, 201–15. Lanham, MD: Rowman and Littlefield.
- McCann, Michael W., and Tracey March. 1995. Law and Everyday Forms of Resistance. In *Studies in Law Politics and Society*, ed. Austin Sarat and Susan S. Silbey, 201–36. Greenwich, CT: JAI Press.
- Merry, Sally Engle. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press.
- Mnookin, Jennifer L. 1998. The Image of Truth: Photographic Evidence and the Power of Analogy. *Yale Journal of Law and Humanities* 10 (1): 1–74.
- . 2001. Fingerprint Evidence in an Age of DNA Profiling. *Brooklyn Law Review* 67 (1): 13–70.
- . 2008. Expert Evidence, Partisanship, and Epistemic Competence. *Brooklyn Law Review* 73 (3): 1009–33.
- Monanah, John, and Laurens Walker. 1998. *Social Science in Law*. New York: Foundation Press.
- Morrison, Toni. 1992. *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*. New York: Pantheon Books.
- Mydans, Seth. 1993. Prosecution in Beating Urges Jury to Rely on Tape. *New York Times*, April 21, A7.
- Ross, Andrew. 1992. The Private Parts of Justice. In *Raceing Justice, Engendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, ed. Toni Morrison, 40–60. New York: Pantheon Books.
- Saguy, Abigail C., and Forrest Stuart. 2008. Culture and Law: Beyond a Paradigm of Cause and Effect. *The Annals of the Academy of Political and Social Science* 619 (1): 149–64.
- Sarat, Austin. 1990. “. . . The Law Is All Over”: Power, Resistance and the Legal Consciousness of the Welfare Poor. *Yale Journal of Law and Humanities* 2(2): 343–79.
- Scheppele, Kim Lane. 1990. Facing Facts in Legal Interpretation. *Representations* 30 (1): 42–77.
- . 1992. Just the Facts Ma’am: Sexualized Violence, Evidentiary Habits, and the Revision of the Truth. *New York Law School Law Review* 37 (1): 123–72.
- Silbey, Jessica M. 2008. Cross-examining Film. *University of Maryland Law Journal of Race, Religion, Gender, and Class* 8 (1): 101–30.
- Snow, David A., and Leon Anderson. 1993. *Down on Their Luck: A Study of Homeless Street People*. Berkeley: University of California Press.
- Stanko, Elizabeth Anne. 1981. The Impact of Victim Assessment on Prosecutors’ Screening Decisions: The Case of the New York County District Attorney’s Office. *Law & Society Review* 16 (2): 225–39.
- Starr, Paul. 1982. *The Social Transformation of American Medicine*. New York: Basic Books.
- Strauss, Anselm. 1987. *Qualitative Analysis*. New York: Cambridge University Press.
- Van Dijk, Teun A. 1989. Structures of Discourse and Structures of Power. In *Communication Yearbook*, ed. James A. Anderson, 18–59. Newbury Park, CA: Sage.
- Wienk, Ronald L., Cliff Reid, John Simonson, and Fred Eggers. 1979. *Measuring Racial Discrimination in Housing Markets: The Housing Market Practices Study*. Washington, DC: Department of Housing and Urban Development.
- Williams, Kristian. 2007. *Our Enemies in Blue: Police and Power in America*. Cambridge, MA: South End Press.
- Williams, Patricia J. 1993. The Rules of the Game. In *Reading Rodney King: Reading Urban Uprising*, ed. Robert Gooding-Williams, 51–5. New York: Routledge.
- Wilson, James Q., and George Kelling. 1982. The Police and Neighborhood Safety: Broken Windows. *The Atlantic Monthly* 127: 29–38.
- Yinger, John. 1986. Measuring Racial Discrimination with Fair Housing Audits: Caught in the Act. *The American Economic Review* 76 (5): 881–93.