



## The minutes of Marshall Jones

By Gideon Lichfield

*The year is 2019, and body cams have become standard for patrol officers in most police departments in the US. The cams and the management software for their footage are provided by a patchwork of vendors, and each department uses its own variant of them, with its own rules and procedures.*

### I. Smith

I know about five seconds after he starts shouting that it's gonna happen. You develop a sense. *That's done it*, I say to myself, and sure enough, there's the little beep and I see that tiny red glow just off the edge of my vision. He sees it too, because he rears back just a little and his brow furrows, like he's thinking *Is this thing gonna help me or is it gonna hurt me?* And he seems to decide it's gonna help, because — you can see this on the video — he steps back and quiets down a little, though he's still got his voice raised. Now that his head's not filling the frame any more you can see that I've got to look up at him; he's a good four, five inches taller than I am, and I'm not a small guy. He's not in great physical shape, but broad shoulders, looks like he could still play a pick-up game. And here's my voice now — you can tell I'm kinda stressed out, right? — saying "Sir, you need to calm down. Sir, you need to take it easy."

Anyway, this was before it got out of control.

It was just a regular street bust. Reade and I saw him as we were driving past Fort Harris Park. He was standing just inside, by the old boarded-up skate booth, where the bushes keep you half hidden from the street but not as hidden as you think. There were maybe one or two other folks around, walking their dogs. We pulled up and got out. Walked up to him together. He started shuffling around, edgy, like he was trying to decide whether or not to run. Then he started yelling. I don't remember what he was saying. Guess I'm just getting older, but it feels like I used to remember those details more easily. Glad we have the cams now, they're like brain extensions, do your remembering for you.

So yeah, I couldn't really tell you what he said to start with. But you can see that when the cam comes on, suddenly he's all, like, "Why are you harrassing me? This is harrassment!" It's like people have been taught to say the h-word as soon as they see the

little red light. Meanwhile, because the cam has come on, my HUD has come on too. It's picked out the guy's face and ID'd him but there's nothing in the database, no priors, not even any registered encounters.

And now people are drifting over, bystanders. I'm standing with him, still trying to calm him down, but I'm aware of Reade standing a few feet away and turning in a slow circle, taking a sweep shot like we've all been trained. Then he walks around the side of the booth and finds the little bag of cocaine stashed in behind a broken board and comes back and stands in front of him and asks him what it is. The guy flat out ignores him and keeps on staring at me. "C'mon man, why are you picking on me?" Because he wants me to feel guilty for being a black law enforcement officer arresting a black citizen. Which is something I am not going to feel. I keep it very tight, very controlled. "Sir, you need to come with us."

This is the thing, though — now that I have him on camera with a bag of drugs that he apparently stashed and getting all riled up too, I don't have a lot of choice. I have to take him in. When I was a rookie, my partner was an older cop, and half the guys we caught with small amounts of drugs, he let them go if they'd tell him something in return, anything, some small detail. I thought he was crazy, until one day we picked up a guy who ran distribution for the whole neighborhood. My partner told him, "You supply this guy, this guy, this guy, you pissed off so-and-so because he found out you were charging him more than his buddy..." — man, that guy crumpled like a piece of paper. But now there's no leeway. If the cam triggers, it creates an automatic incident report. They don't review all of those, but they review some, and if the chief sees this video and sees we had a guy we could have busted and we let him go, it's my badge on the line.

Reade's stepping behind the guy and pulling out the EZ-cuffs and I take three steps back, as per protocol, so the cam can get a full shot of the scene. I do the routine — "You have the right to remain silent, everything you say and do is being recorded and can and will be used against you, yadda yadda..." But as Reade's getting the cuffs on the guy suddenly lashes out and sends him flying against the wall of the booth. I run in then and we subdue him.

This is where it gets messy, I guess. These head-mounted cams are better than the body-mounted ones we had. Those sometimes didn't even get people's faces unless you stood a few feet away. We had a lot of chest footage. Guy at the precinct used to collect boob shots and post them on a private Instagram. They were totally anonymous, you couldn't see the faces, but someone hacked his password and they got all over the internet and that was the end of *his* police career. So yeah, the head cams, they record what you're actually looking at, and they fit on the HUD glasses. But when you're trying to subdue a suspect and he's resisting, they can be a problem.

So that's what we're looking at here. Reade's glasses got knocked to the ground, so his footage is just trees and stuff in the background. Me, I pushed them up on my forehead as I was going in because I'm always worried they'll get smashed up when things get messy and I'll get a piece of something sharp in my eye. And anyway all that info on the HUD display is distracting when you're in a situation. So you're not seeing everything I saw. It's just a lot of motion at first. But you can hear Reade clearly saying, "The suspect's still resisting arrest!" and "He's a big guy, I can't hold him down!" We do that sometimes, kind of a running commentary, to help with the evidence, because we know the cams miss some stuff. Now, here, this is when I get the guy's arm in a lock — you can see the back of his head, where he's on the ground face down and I'm on top of him. And you hear me calling for backup, because when the cams detect a struggle they'll open a direct radio channel and live video feed to the precinct automatically. So we've established very clearly that there's a situation here.

So like I told Lieutenant Hutchins, I get the guy's right arm in a lock and we tie his wrists. We had to half carry him to the squad car, and I figured he was just tired out by all the struggling. Like I said, he wasn't in great physical shape. But we put him in the car and drove him back, and I turned around to check on him a couple of times. Yeah, he looked woozy, and he was stumbling and slurring when we booked him, but so are at least half the guys we book, because everyone around here is using. So it was a shock when we're back out on patrol an hour later and the chief calls and says the guy's in the ER with a broken arm and brain trauma. And I guess we're waiting for the coroner's report, but what could it show? We followed procedure. It's all there, totally clear.

## II. Reade

We had seen the suspect standing next to the structure in the park, acting suspiciously. Since we knew that structure was a location frequented by dealers, my partner approached the suspect and challenged him. I allowed him to approach first in the interests of minimizing confrontation. I surveyed the area and joined them maybe 30, 45 seconds later, by which time my partner's cam had activated due to the elevated voice levels. I turned mine on manually to take a sweep shot while my partner was engaging with the suspect. That's standard procedure, to scan for potential threats in the area who may later be identifiable. Then I went to search for contraband, which I found in an obvious hiding place.

I questioned the suspect about the contraband. He declined to respond. I went behind him to initiate restraint. I asked him to put his hands behind his back but he did not co-operate, so I took hold of his left arm using appropriate force. He began shouting and wrested his arm free and pushed me off my balance. My partner came to my aid and a struggle commenced. During this point my glasses fell off. We brought the suspect to ground and my partner administered an armlock. We then applied restraint and

transferred the suspect to the police vehicle. I do not know what his condition was during the trip as I was driving.

### III. Hutchins

Reade and Smith are good cops. They make good partners. A white officer and a black officer, patrolling together, that builds trust. Trust between them and trust with the community.

I want to get to the bottom of what led to Marshall Jones's death more than anyone. When a cam triggers a live-stream of an incident the duty lieutenant gets an alert directly to his phone. That happens multiple times a day, so I don't look every time — a lot of them are false alarms, because the cams are just picking up on motion and sound. I've heard the new ones will pick up on the officer's pulse and skin temperature too, analyze for stress levels — amazing technology. So no, I wasn't watching this when it happened. I reviewed the video afterwards with each of them. Separately, of course.

There are some minor inconsistencies in their accounts but that's only to be expected. We'll iron those out. There's obviously some confusion because Reade's glasses got knocked off, but you can clearly see that Jones puts up a violent struggle, they bring him to the ground, and then they subdue him. And that's when the shouting dies down too, because Jones knows he's lost the fight at that point.

The question I know you want the answer to, and of course so do I, is, did something happen that we can't see on the cam? The coroner's report says he had a traumatic brain injury and a broken left arm, but they can tell that the break was at least three or four days old, so my boys clearly didn't do it. My guess is Jones was dealing drugs, got into a fight — maybe he was dealing on somebody else's turf — got a broken arm and took a blow to the head, and then was hanging around the park, evidently trying to sell more drugs, probably so he could get the money to see a doctor on the down-low, instead of the ER where he'd be likely to run into police officers. There he gets caught, resists arrest, and what my officers had to do to subdue him was just enough to push his condition over the edge. A tragic combination, but Jones was mixing in a dangerous world, and sometimes there are consequences.

I know a couple of witnesses have come forward, but one says Smith put him in a chokehold and the other says he jammed his knee into his neck. Which one is it going to be? Either way, I don't think their actions caused his death; at most they aggravated an existing injury. Smith is a very careful officer, very in control of himself.

We analyzed the sweep shot to locate other witnesses. This is why we do the sweep shots. We've made them standard procedure any time there's a confrontational incident,

and let me tell you, they've helped enormously. We've built up a database of thousands of potential witnesses to encounters between police and the community — and that data is concentrated in the neighborhoods where we've historically had the most tensions, because, of course, that's where those encounters happen most often. So it increases our accountability *and* it increases our crime-fighting capability. It's a win for everybody.

On the sweep shot we've already identified one man who didn't come forward as a witness. In the past, he'd have disappeared into thin air. You see him here on the footage — the one wearing a blue motorcycle jacket and talking on his cellphone. Using facial recognition across the database, we were able to identify him from sweep shots taken in the vicinity of three other drug busts. And guess what? Each time he was talking on his cellphone. So I'm guessing he's either a dealer himself or the backup guy, who warns the boss if the dealer's been caught. Identity check shows him to be one Louie Harris, has a couple of misdemeanours on his record, never been caught with drugs. We tracked him down and we're bringing him in for questioning. Naturally we have timestamps on the cam footage from those three previous incidents, so I don't think it will be hard to persuade a judge to let us pull up his phone records and match the timestamps to the calls he was making. Whoever's on the other end of those calls is likely a much bigger fish. So we'll have that guy and we'll have Mr Harris. So something good does come out of this.

Are there privacy concerns? Of course, but I believe we've addressed those since that Instagram business happened. Patrol officers may not review video footage unless I authorize it. We asked the software vendor to institute chain-of-custody controls so I can see, for each piece of footage, how many times it was viewed and by whom. Sure, that creates extra workload, but duty is duty, right? I heard they're now selling that capability to other forces. So you could say we're pioneers in the responsible use of data.

We also delete more than 90% of the footage within three months. We keep only what could potentially be used as evidence in an ongoing investigation, plus of course the metadata and the results of facial recognition scans — you never know when that's going to be useful.

And this idea that officers can just walk down the street looking at people and know everything about them from the heads-up displays is just plain wrong. It's fearmongering. The HUDs don't operate unless a cam has been automatically — *automatically*, not manually — triggered. So they have to be in a situation where there's a potential threat to have access to that information. All in all, I think we have a very good balance.

## IV. Harris

Man, I wasn't doing anything. I was just passing by, just came from the CVS with some medicines for my mother, and I was gonna walk on through the park, and I hear shouting and see two cops grab this big guy and slam him on the ground. So I get out my phone and I'm looking for the app, because I'm gonna film it, send it to the local news, show people what's going on around here with the cops. And just then my phone starts ringing, so I answer it instead, and it's my cousin, Sammy, so I tell him, "Sammy, there's a guy being creamed by the cops right in front of me." And Sammy tells me to get on out of there, move my ass before they jump on me too, because I don't know what that guy did but maybe they're all riled up now and they'll just go for anybody that's in reach. Yeah, I noticed one of the cops was black too but they're all the same inside the uniform. When I saw they'd got him in a lock and they were tying up his wrists, I figured it was all over, so I beat it.

Next day the cops pull me in and say they ID'd me on the cam and they ID'd me at a bunch of other times when the cops were busting people. So what, now it's a crime to be a witness? Now they say they're gonna get my phone calls and find out who I was talking to each time. That's an invasion of privacy right there. The detective said I can either sing or they'll bust me as an accomplice to something. They don't even know what I'm an accomplice to but they're gonna bust me anyway. They're gonna make up a crime for me.

They say the guy was dealing drugs. I don't know anything about drugs. I've seen guys hanging around that booth, yeah, they're supposed to be drug dealers. I wouldn't know about that stuff. I'd never seen him.

What I saw was they jumped at the guy and were trying to control him but he was too big, so they pushed him down on his back and his head slammed into the ground. How'd I know they pushed him? They just had him by the arms and went down and he went down with him. I don't know, it sure *looked* like he was pushed. Then they turned him over and got his arm in a lock but by that time he wasn't struggling so much. That's when they tied his wrists and that's when I was outta there, I didn't need to see any more than that.

## V. Chu

I was next to the park gates and I was on my knees fixing my bike because one of the chain links was, like, bent totally out of shape, so I was trying to swap it out and this dude came up to me. He was really big, but walking slowly, kinda shambling, not threatening or anything. I figured he was going to ask for money, but he said, "Do you have any painkillers?" He said he'd hurt his arm, and he was holding it like he was

guarding it. So I was like, “Why don’t you go to the ER?” and he was like, “It’s not broken, it just hurts, I don’t want to be messing with doctors.” Seemed kinda stubborn about it, but I was like, whatever, some people don’t like doctors. But I didn’t have any painkillers on me, so I offered him some cash, and he said, “No, no, I don’t want money. Thank you, God bless you,” and then he just shambled on and I went back to fixing my bike.

Maybe a minute later, maybe less, I heard him talking to someone behind me, so I turned around and he was standing next to that shack in the park, the old skate rental place, with this other dude — short, also black, close-cropped hair, blue motorbike jacket. I’d noticed him hanging around the shack when I got to the park because I was like, *Hey, cool jacket*. I remember he’d looked back at me and it was this kinda curious look, like he was checking me out, so I tried not to look back too hard. I figured maybe he was a dealer or a hooker or something and I didn’t want him to think I was interested. Or that I was a cop, ha-ha.

Anyway, yeah, they were talking. I couldn’t really catch what they were saying but the big dude was pointing at his arm again. The motorbike jacket guy pointed off somewhere and said something, and then he got something out of his pocket, I couldn’t tell what it was, it was hidden in his hand, and he went around the side of the booth for a moment where I couldn’t see him. Then he came back and started walking towards the park gate, which means towards me. So I turned around again and got busy with my chain and didn’t look up when he walked past.

I finished fixing it, got up, looked over at the shack, and the big dude was still there. He was moving around, holding his arm, talking to himself, but when he saw me getting on the bike he called out again — “Thank you, man, God bless you.” I said something like “You too, man.” Then I got on the bike and rode out on to the road. Maybe a couple hundred yards down the road I saw the blue-jacket guy walking back to the park with a plastic bag from CVS or one of those drugstores in his hand. And I didn’t think about it at all until a few hours later when my Facebook starts to go crazy about another black guy killed by cops, and I was like, “Dude, that’s crazy! I was right there!”