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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 22-H 7937, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – STATEWIDE BODY-WORN CAMERA PROGRAM April 13, 2022

As an organization that has strongly supported the implementation of body-worn camera (BWC) policies as a way of ensuring and promoting transparency and accountability among law enforcement agencies, we similarly support this legislation which would put in place statutory provisions for this statewide program.

In our testimony last year on H 6438, which put in place a statute governing the statewide infrastructure for a BWC program, we noted that effective BWC policies must address a multitude of issues, including meaningful standards on public access to BWC footage while also recognizing privacy interests; ensuring that BWCs do not utilize facial recognition technology or other technologies which could unintentionally bolster police surveillance; providing for disciplinary procedures for officers who fail to utilize BWCs in accordance with the regulations; and clear parameters for when BWCs must be activated.

This legislation largely provides for these policies. It would ensure that any encounter with a police officer requires the activation of a BWC from the outset, provide for a disciplinary structure for improper use, and includes robust public access with appropriate limitations to protect privacy or the investigatory procedure. Finally, it would require easily searchable publication of data related to law enforcement encounters, which would ensure that community oversight over racial disparities or disproportionate policing enforcement is accessible and consistent.

We only have two substantive suggested revisions to this legislation. The first concerns the section on the retention of records, §42-162-5. This legislation requires that “a local law enforcement agency and the Rhode Island state police shall establish and follow a retention schedule for body-worn camera recordings.” However, this appears as though it could permit each LEA to individually put in place its own retention schedule. Current law concerning BWCs requires the attorney general and department of public safety to put in place rules and regulations concerning BWCs, including the record retention procedures and timelines. We think this section should make clear that, to guarantee statewide uniformity, any retention schedule be pursuant to that laid out within these regulations.

Finally, we urge that this bill include a provision which explicitly bars the use of artificial intelligence, and particularly the gathering of biometric information through technology like facial recognition, in the course of BWC use.

Otherwise, we think that this legislation importantly lays out important provisions for BWC use as well as critical data collection requirements to track instances of use of force in Rhode Island. It surely would promote sorely needed transparency and accountability in our policing systems. We urge passage of this bill.

Thank you for your consideration.