



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

**COMMENTS IN SUPPORT OF 17-H-5926 – RELATING TO CRIMINAL PROCEDURE
- POLICE-WORN BODY CAMERAS
April 5, 2017**

The ACLU of Rhode Island strongly supports this legislation that would set policy standards for the use of body cameras in any law enforcement agency in the state.

Recent studies¹ suggest that about 25% of the nation’s police agencies are using body cameras, with nearly 80% of agencies evaluating the technology. The interest in this technology stems from the recognition that body cameras increase transparency from law enforcement agencies.

Although most times the ACLU generally takes a dim view of the proliferation of surveillance in American life, police body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there is little to no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents.

Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

The legislation proposed today sets up that framework to ensure that the use of body cameras among police agencies in Rhode Island properly safeguard the integrity of encounters between law enforcement and civilians. The statewide law would ensure all local police departments use the cameras in the same predictable manner when it comes to prohibited uses, retention and access of data, and appropriate enforcement.

The provisions in this legislation detail when the camera should be activated by the police officer during an encounter, as well as when recording should be discontinued if a crime victim asks to do so. In order to ensure that First Amendment rights are protected by the use of body cameras,

¹ White, Michael D. 2014. *Police Officer Body-Worn Cameras: Assessing the Evidence*. Washington, DC: Office of Community Oriented Policing Services.

the legislation states that audio or video shall not be used to gather information based solely or in part to activity related to protected speech.

An important provision of the legislation details the use, retention, and access to body camera data. Any body camera recording should be kept for up to three years if it captures use of force, events leading up to a felony arrest, an encounter that has resulted in a complaint, or if an officer asserts that the recording has evidentiary or exculpatory value. Additionally, members of the public who have been recorded or family members of an individual who may be deceased will have access to recording. These transparency provisions are essential for law enforcement agencies and the community.

It is imperative that the General Assembly acts proactively to this type of legislation since there are already police agencies in the state that have either began the process of implementing a body camera program or are strongly considering it. For these reasons, we urge the committee to support this important legislation to ensure that law enforcement agencies and community members in Rhode Island are able to have a transparent process in the implementation of any body camera program.