



**HB 4427- House Judiciary Committee**

**Position: Support**

**April 25, 2017**

**Police Body Camera Legislation**

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The ACLU supports good governance policies that promote police accountability, while protecting individual privacy interests. Although police body cameras cannot and will not resolve the broad and significant shortcomings that exist in our nation's policing and criminal justice systems, good policies, like those proposed in HB 4427, that regulate recording of police-civilian encounters will deter officer and civilian misconduct and provide objective evidence to help resolve civilian complaints against police without significantly infringing on privacy.

Police body cameras, if used properly, can provide meaningful public oversight of the police. On the other hand, the harm caused by body cameras will exceed their benefit if they are used inappropriately, such as to record protected activities, to scan the homes of innocent people for signs of unlawful conduct, or to reveal the identities of anonymous crime reporters or victims.

Police body cameras need to respect the privacy of personal residences and HB 4427 strikes a good balance between law enforcement and those privacy interests. The purpose of recording police body camera videos is to allow the public to better monitor police behavior, not to provide embarrassing and entertaining fodder for tabloid articles and reality cop shows, or to re-victimize those who have been subjected to violence or crime. The personal privacy of the public should be protected unless there is a compelling, publicly beneficial justification for lifting that protection. Without such a policy in place, we risk discouraging people who do not want the interiors of their homes videotaped from contacting the police.

Using police body cameras to record videos that will promote police accountability and improve police training is highly valuable for our society; however, creating a depository with videos of every police encounter with a member of the public is unreasonable and costly. The data retention requirements in the bill are essential to enjoying the full benefits of body cameras, while the exceptions created for non-evidentiary recordings are essential to keeping data costs down. Videos of specific value should be retained, but those with no ascertainable value should be deleted within a reasonable and practical period of time. Retention policies that provide minimum retention requirements address the current inconsistencies among departments. Most police body camera recordings will be of no public value whatsoever. We can protect privacy and maximize the benefits of these cameras by putting mechanisms in place that enable us to identify those videos that have value and quickly delete those that do not.

Following the current general FOIA exemptions for private setting recordings, so long as it is not connected with any civil or criminal event, also protects the privacy interests of Michigan citizens.

While the ACLU is opposed to pervasive government surveillance of the public, police body cameras, which primarily allow the public to monitor the government, are different. Current research<sup>1</sup> on police body cameras is limited, but suggests they can be a valuable tool in helping to decrease citizen complaints against police, decrease the use of force by police, decrease assaults on officers wearing body cameras, and increase police accountability and transparency. These results, although preliminary, are important and highly encouraging.

If operated under strict rules designed to protect privacy, police body cameras can play a role in helping to capture evidence of misconduct, deter bad behavior, and spur police practice and criminal justice reforms.

Respectfully submitted,

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<sup>1</sup> There are five recent studies on the impact of body cameras: Rialto, California (2013); Mesa, Arizona (2013); Phoenix, Arizona (2013); Renfrewshire/Aberdeen, Scotland (2011); and Plymouth Head, England (2007).