



**Testimony of Kimberly McCullough, Legislative Director  
Body Cameras in the Portland City Budget  
Portland City Council  
May 12, 2016**

Mayor Hales and Commissioners:

Thank you for the opportunity to submit testimony regarding the proposed budget, which includes an allocation of funding for body cameras to be used by the Portland Police Bureau. **We submit these comments to highlight the need for a carefully crafted policy on the use of body cameras which ensures that this technology will be used in a manner that promotes accountability and transparency.**

**It is our position that a body camera policy should be thoroughly vetted and solidified *prior* to any allocation of funding for body cameras.** While we appreciate Portland Police Bureau's creation of opportunities for the public to provide input on this issue over the last year, a draft policy has not yet been released. Without seeing such a policy in writing, it is very difficult for us to say that body cameras will be beneficial to the people of Portland.

While the ACLU of Oregon generally takes a dim view of pervasive government surveillance, we have supported the use of body cameras with the proper policies in place because of their potential as a tool for law enforcement accountability. At the same time, **body cameras are a surveillance tool and pose significant risks to privacy**, particularly when officers enter homes and encounter bystanders, suspects, and victims in stressful, embarrassing, upsetting, and extreme situations. This is why an accountability and privacy driven policy are so critical.

**Police body cameras are not inherently a useful and desirable tool; it is the vision and policies that guide their use that make all the difference. The Portland Police Bureau's vision for body cameras is currently a mystery to us, which is concerning.**

HB 2571, passed by the Oregon legislature in 2015, attempted to strike an appropriate balance between privacy and accountability. We supported HB 2571 and were grateful for the high degree of collaboration involved in its crafting. Yet **HB 2571 left many specific policy questions unanswered. These questions were left open with the idea that they would be resolved city-by-city, with a similarly significant amount of deliberation and collaboration with affected communities and interested parties. That collaboration has not yet occurred.**

We would like to highlight a few unresolved policy questions which are key to understanding whether body cameras will properly function to ensure accountability and transparency:

- Will officers be allowed to view footage of an incident before making a statement or writing an initial report? **The ACLU strongly believes officers should not review footage before making a statement or report.**

- Will there be meaningful consequences, including disciplinary action, for tampering with body cameras and footage or intentional failure to adhere to policy? **Already, there are instances in other states of officer deliberately using verbal commands to create a false interpretation of video captured on their body camera. A policy must clearly identify this type of action as a prohibited tampering.**
- HB 2571 set out the general rules for when a camera must be on and off, but local jurisdictions are allowed to create some exceptions. **What will these exceptions be?**
- In addition to the requirement that officers notify individuals that they are being recorded, will officers also be required to wear something on their uniforms that visibly indicates they are recording?
- How does the city intend to comply with the release of body camera footage as public records? **Body cameras will fail as an accountability and transparency tool if policy in this area is too burdensome for the public to access.**

We understand that there has been significant investment of time and energy by many members of city government and the police bureau to move toward the acquisition of body cameras. Because of this, we also understand that funding of body cameras may move forward, either this budget cycle or the next.

**Even if you approve of funding now, we strongly urge that the police bureau be prohibited from purchasing the body cameras prior to the release and vetting of a body camera policy. We also urge each of you to strongly commit to engagement in a meaningful process of crafting a body camera policy with accountability, transparency, and privacy as its central principles. ACLU of Oregon also requests direct involvement the policy vetting process.**

I am sorry that I am unable to appear in person today, but I hope that these comments will be helpful in your deliberations. Please feel free to contact me with any questions, comments or concerns.