



Daines backs police reform bill that includes more body cameras and accountability

Tim Lutey

June 18, 2020

U.S. Sen. Steve Daines, R-Montana, is backing a police reform bill that would among other things promote body camera use by Montana law enforcement and require the footage be made available to the public.

The bill, requiring more police accountability for use of force, calls for spending \$100 million a year on police body cameras and body camera training. Police departments that accept the money would face future funding reductions for both turning body cameras off and for not releasing footage to the public under the terms of the law.

States where body cameras aren't used would receive less federal grant money for policing. Among the bill's other requirements, police would have to submit a full report to the FBI anytime an officer used force or fired a weapon during police work. "No-knock warrants," the practice of entering a building unannounced, would be submitted to a federal database. There's also training for de-escalating force. The bill requires police department staffs to racially resemble the communities they serve.

"We must work to restore confidence between our communities and law enforcement, and this bipartisan bill does just that by increasing accountability, transparency and training," Daines said in a video statement. "This provides real solutions to what we're facing today and will help ensure a safe and equal justice system for every American."

Daines credited "a few bad actors" within the police ranks for destroying public confidence in law enforcement. He signed a resolution condemning the killing of George Floyd by Minneapolis police, but also opposes defunding police departments, something for which far-left Democrats have advocated.

A Daines spokeswoman said the senator is looking for an opportunity for an amendment addressing law enforcement accountability and missing and murdered indigenous women, as well as tribal policing issues.

Montana's Democratic Sen. Jon Tester does not support the Republican bill authored by Sen. Tim Scott, R-South Carolina, and Republicans on the Senate Judiciary Committee. Scott is the only African American Republican in the Senate. A similar bill is being authored by House Democrats. Legislation by the two branches will have to be reconciled to advance.

"Sen. Tester is committed to ensuring every American citizen is treated equally under the law," said Roy Loewenstein, a Tester spokesman. "He appreciates that his colleagues from both sides of the aisle are engaging on this important issue. Unfortunately, Sen. Scott's proposal falls far short of addressing the challenges our country faces."

Senate Majority Leader Chuck Schumer, a New York Democrat, said Wednesday the Republican bill didn't change the qualified immunity granted police, which shields officers from facing civil lawsuits concerning violations of federal law.

The first hurdle will be getting an early bipartisan vote advancing the bill to debate, said Katie Schoettler, a Daines spokeswoman. Any changes Democrats wanted would then be considered. No reforms are possible without that first step.

Body cameras received increased federal support after the 2014 death of Michael Brown at the hands of police in Ferguson, Missouri. Riots followed Brown's death. President Barack Obama proposed the federal government pay for half the cost of equipping police with body cameras. What followed were \$23.2 million in grants, taken by fewer than 100 police departments.

A 2015 CATO Institute study found that fewer than one-third of all police departments were using body cameras before Ferguson. In Montana, body camera usage is about one-third now, said John Barnes, spokesman for Montana Attorney General Tim Fox. For small police departments the expense of equipment and video storage can be a challenge.

Additionally, the Montana Highway Patrol doesn't use body cameras. The patrol is looking at various options for doing so, Barnes said.

A Washington Post database on "fatal force" nationally indicates that in 2018 six people were shot to death by Montana law enforcement. Those numbers came from news reports confirming

that each shooting was a unique incident. Of those six shootings, only one was recorded on a police body camera.

The preference, said Billings Police Lt. Brandon Wooley, would be to have all incidents recorded.

“We’re in favor of recording our contacts with the public,” Wooley said. “The videos, the camera recordings on our end, they do far greater good for officers than they do getting officers in trouble. If an officer is having some misconduct issues, it's on camera and we're able to discipline for it, able to document it, able to prove it. On the flip side of things, we do get people who make complaints against officers that are unfounded and we can go back, watch the video and go ‘That did not happen.’”

Designed to hold cops accountable in shootings, coroner's inquests aren't always objective, critics say

In Billings, officers working with police dogs wear body cameras, as do officers working without a patrol car, either on foot patrol, on bikes, or at the hospital. Patrol cars are equipped with dashboard and backseat cameras and the officers are wired for audio that is sent back to the patrol car. Once the top lights are activated; squad car cameras turn on automatically.

Helena Police and the Lewis and Clark County Sheriff’s Office have worn body cameras since April 2015, less than a year after Michael Brown’s death in Ferguson.

Missoula police wear body cameras. There are enough to equip everyone on shift, but not enough for each officer to have a designated camera. The trading back and forth can be challenging when footage from one shift has to be downloaded before the camera can be used again.

The Montana Law Enforcement Academy includes camera training as part of its basic police course. Some of the class discusses the use of body cameras, while the other part talks about the public’s right to record an officer on the job, provided the person doing the recording doesn’t interfere with an investigation.