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ACLU recommends new rules for police body cameras

Some of the measures 'unreasonable,' Iowa City official says

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With more and more police agencies across the country equipping officers with body cameras, and many operating by their own rules, the American Civil Liberties Union on Thursday proposed measures it said all should abide by — quickly raising law enforcement concerns.

In the Corridor, the Iowa City Police Department has tested the technology and currently is finalizing its own body camera policy. An official said some of the ACLU's recommendations on how the recordings should be used and how long they should be retained are not piratical.

“Some of them are a little unreasonable, I believe, and don't quite fall in line with things I think are in the best interest of the police department,” said Capt. Jim Steffen.

Officer body cameras have been around for several years, but have gained support — including from the ACLU and government officials — in the wake of public outcry over civilian deaths at the hands of police in places like Ferguson, Mo., and Baltimore.

In Eastern Iowa, departments that have tested them or begun using them include Iowa City, the University of Iowa and Mount Vernon.

Despite the increased use of body cameras, there are no universal policies governing when the cameras should be turned on, how long the recordings should be kept and when officers should be allowed to review what video has been captured.

“Policymakers nationwide have been asking for a plug-and-play model policy that shows them how to best balance the promotion of police accountability with the protection of privacy,” said Chad Marlow, ACLU advocacy and policy counsel, in a statement Thursday. “This is precisely what the ACLU is offering them today.”

The ACLU proposed that any video that captured a felony arrest, events leading up to a felony arrest, use of force or an incident that led to a citizen complaint be stored for three years. All other recordings would be erased after several months.

Additionally, the ACLU recommended, the cameras would be activated when an officer is responding to a call for service or at the onset of any interaction with the public — except in a school or private residence entered without a warrant. Officers would be required to announce that the camera was on.

The ACLU also recommended that officers not be allowed to review their body camera video before compiling reports so as to not influence recollections.

Iowa City’s Steffen said some of the suggested rules are unworkable.

For instance, he said, a few months is too early to be deleting videos that don’t immediately lead to an arrest or citizen complaint. In Iowa, citizens have 300 days to complain to the state’s civil rights commission.

“If they are dictating we delete that video after six months, we could be getting rid of potential evidence to support or disclaim that civil rights violation,” Steffen said.

Iowa City police officers also are expected to file accurate reports and review evidence at their disposal — including any video evidence — before submitting them. Now allowing officers to review body camera video “makes no sense to me,” Steffen said.

Matthew Feeney, a researcher with the Cato Institute in Washington, D.C., who has studied issues surrounding body cameras since January, neither praised nor criticized the ACLU proposals, but said they address important issues.

“Namely, when the cameras should be on, whether the person on camera knows they’re on camera and also the storage of the video, which is the one of the more controversial issues,” Feeney said.

The Iowa City Police Department is in the midst of obtaining body cameras for each of its officers. Steffen said a proposed policy has been drafted but he declined to comment on specifics until it undergoes a legal review. Body cameras there should be in place in the coming weeks.