

DAILY BULLETIN

SBPD body camera policies need more transparency: Sal Rodriguez

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The San Bernardino Police Department's draft body camera policy will allow officers involved in critical incidents like shootings to review body camera footage before providing a statement, which runs counter to the entire point of the devices.

With the proliferation of body cameras nationwide, it is tempting to laud law enforcement for simply acquiring and utilizing them. In the wake of a growing national skepticism, and even outright distrust, of police, the use of such technologies at the very least constitutes a step in the right direction, potentially offering greater transparency and opportunities for clarity.

However, the mere presence of body cameras doesn't suffice. Perhaps more important than outfitting officers with such devices is ensuring they are used in a way that yields the greatest benefit to the public. This is why San Bernardino's body camera use should raise some red flags.

Critical incidents like shootings and use-of-force cases are among the chief reasons to have body cameras, to provide additional perspective on why officers may at times have to resort to physical force, and why it may or may not be justified.

Considering the legality of certain uses of force, in part, depends on the officer's perception of what was occurring at the time certain potentially lethal decisions were made, anything that could potentially alter an officer's story to suit a self-serving narrative will certainly undermine public confidence in law enforcement. This includes allowing officers to review body camera footage before giving an initial statement.

This is precisely what San Bernardino's policy allows.

The policy notes that "the system captures a less broad and less detailed image than the totality of the human senses," and that "an officer's recollection of specific details may be different than what is captured in digital evidence." Thus, according to the policy, "officers may review digital evidence prior to providing voluntary statements during critical incident investigations."

The biggest flaw with this rationale is that it provides officers with an advantage not typically afforded to members of the public. As Matthew Feeney argues in a policy analysis for the Cato Institute, "Allowing officers, but not citizens, to view body camera footage of use-of-force incidents before making a report is not only unfair, it also makes it harder for investigators to know what an officer felt and knew during the incident under investigation."

According to Captain Ron Maass from the San Bernardino Police Department, the 11-page policy was developed after reviews of policies at other California police departments, including those in Los Angeles and San Diego. It was also based on material from the Bureau of Justice

Assistance, among others, which approved the policy as part of a federal grant program funding body cameras in the city.

“We also discussed the policy with local groups including the Police Commission, African American Advisory Committee, Hispanic American advisory group and the SBPOA (officers union),” Maass explained.

To the city’s credit, taking steps to acquire body cameras and having such discussions are important. But it’s also important to get things right.

In context, San Bernardino’s policy isn’t unique. Last month, researchers with the Leadership Conference on Civil and Human Rights and Upturn, a public policy consultant, released a policy scorecard reviewing the body camera policies of 50 large police departments. Most departments, including Los Angeles and San Diego, allow officers to review footage before making statements in critical incident investigations.

One notable exception locally is the Riverside County Sheriff’s Department, which requires deputies to provide statements before reviewing body camera footage, much to the chagrin of the deputies union.

As body cameras are still relatively new, there is, fortunately, still time for law enforcement agencies to tweak policies in a manner that is more transparent and more likely to foster public trust in law enforcement.