



## **Should police get a sneak peak at body-camera footage?**

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A bill that would allow police officers to review body camera footage before making an official statement in an officer-involved shooting is making its way through the Florida Legislature.

But not without reservations.

Lawmakers on the Senate Criminal Justice Committee heard the proposal for the first time last week. It was initially characterized as a “common sense” measure to help law enforcement ensure minor details would be accurately documented in police reports, such as the color of a suspect’s shirt.

When several lawmakers pressed further, they revealed some possible objections.

“This isn’t only for minor issues, this is for essentially everything,” said Sen. Jeff Brandes, R-St. Petersburg. “This isn’t just to make sure that I’m correct in my statements, it’s to be able to watch everything, and essentially watch the whole episode play out again before a formal written report.”

“You are correct,” replied Matt Puckett, executive director of the Florida Police Benevolent Association, a law enforcement advocacy group.

The admission raised some concerns.

“How can we make sure there’s a proper check and balance system in place?” asked Brandes. “One side gets a replay and the other doesn’t.”

Matthew Feeney, an analyst with the Washington D.C.-based Cato Institute, said he is skeptical of such body-camera review policies when they extend to the most serious kinds of interactions between law enforcement and the public, particularly shootings.

“The legality of use-of-force incidents often hinges on what an officer believed or thought at the time of the incident. The problem with these kinds of proposals is that they give officers an unfair advantage that is not given to citizens,” Feeney told Watchdog.org.

A presentation by the police-friendly training group Lexipol, referenced in the bill’s staff analysis, states that non-police witnesses would not have the same opportunity to view footage before speaking with police.

Feeney said a compromise solution would be for police to write down their memory of events and what they think happened after violent interactions, then later review body camera footage and note anything they’d like to change, with both documents becoming part of the official record.

In a phone interview last month, Puckett told Watchdog.org that the PBA approached Sen. Greg Steube, a Sarasota Republican, for help on the issue. Steube filed the body camera bill, SB 624, on Feb. 1.

Pitched as tools

Body cameras are portable electronic recording devices worn by law enforcement officers to record audio and video of enforcement-related encounters and activities.

The devices became a national concern in the aftermath of the police shooting of Michael Brown, an unarmed black man, in Ferguson, Mo., in August 2014. Speculation about the nature of the incident fueled arguments for-and-against the officer’s actions, which video footage could have clarified.

Thirty states have passed body camera laws, according to the National Conference of State Legislatures, and studies have shown the cameras reduce both the use of force by police and citizen complaints.

Florida does not require law enforcement agencies to use them, but 107 of 368 agencies reported using them last year, according to the Criminal Justice Standards and Training Commission. Each individual law enforcement agency is responsible for developing its own policies and procedures for using the devices.

Puckett told Watchdog.org that Florida developed its body camera laws and guidelines two years ago after intense public outcry. Expressly authorizing the review of footage after an incident was “one of the things we feel was left out,” he said.

Puckett described a case in Palm Beach County where an officer was grilled by a defense attorney regarding a discrepancy in the officer’s police report and courtroom testimony.

“The officer described a weapon that the suspect pointed at him. He said it was a blue weapon and it ended up being a silver weapon. The attorney pounced all over the officer because of that. Had the officer reviewed his body camera footage prior to writing that report, he probably would’ve gotten the color correct,” Puckett said.

He further explained that when an officer is involved in a shooting, an administrative investigation ensues but is not immediately considered a criminal investigation. “It may turn into that,” he said, “but it depends.”

Prior to a criminal investigation of an officer, Puckett told lawmakers last week that under the bill the officer would be able to view his or her body camera footage immediately after an incident occurred if they chose to – even on a computer in a police vehicle.

“We live in a different world now,” he said. “Body cameras were pitched to law enforcement agencies as tools. If we can’t review footage before writing reports, then they’re not tools.”

‘Things can happen very fast’

Some other states have similar laws.

In Texas, law enforcement agencies are required to have policies allowing police officers to access to body camera recordings prior to making statements.

In Connecticut, officers can review footage capturing the use of force and other incidents leading to disciplinary investigations with an attorney or labor representative prior to making official statements.

“I came in here ready to vote for this, but I have some concerns about it now,” said Sen. Jeff Clemens, D-Lake Worth.

In the end, the bill passed unanimously on the assurance that the concerns raised during the meeting would be addressed in the Senate Judiciary Committee, the bill’s next stop, where Steube is the chairman.

“I was in the military,” said Steube. “Sen. Brandes was in the military, and we both know that things can happen very fast and there’s a lot of things that happen that you’re not going to remember.”

“Giving an officer the ability to go back and renew that video to refresh his recollection to make an accurate statement, I don’t think that’s asking too much,” he said.