



Privacy rights could trump transparency as Congress debates Ferguson policing

By Susan Crabtree
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Fear that body cameras would infringe privacy rights may thwart congressional efforts to reform policing in the wake of riots in Ferguson, Mo.

A key Democratic author of legislation to reduce the militarization of police forces says dashboard cameras for police are OK, but worries that body cameras may go too far.

After protests over a deadly arrest in Ferguson led to a military-style police response, Rep. Hank Johnson, D-Ga., began drafting a bill to limit a Defense Department program that provides military equipment, vehicles and arms to police around the country.

But his spokesman, Andy Phelan, told the *Washington Examiner* that Johnson was not yet sold on one popular approach floated over the last week: giving police wearable cameras to record their interactions with the public.

"The Congressman does think there should be a debate – he supports dashboard cameras but body cameras bring up the right to privacy," he said. "He sees the benefits of police wearing body cameras, but we must fully debate any privacy issues," Phelan added.

It's still unclear how Capitol Hill will respond to the situation in Ferguson, which erupted while most lawmakers were on August recess. Republican Sen. Rand Paul of Kentucky wrote in *Time* magazine that the response to protests shows that America's police forces need to be "demilitarized," but many lawmakers have not yet weighed in.

One idea that has gained traction in recent days is recording more routine police work.

Most police departments already use some form of cameras placed on the dashboards of their vehicles but most have yet to outfit their officers with body-mounted cameras.

Readily apparent on the officers' shirts and no bigger than pagers, the cameras record everything that takes place between police and citizens.

Police departments that have utilized the body cameras say they experience an immediate benefit of the added transparency: far fewer episodes of use of force by police and an even bigger drop in the number of complaints of police brutality.

Even before the unrest in Ferguson this week, lawmakers on Capitol Hill already supported a pilot program giving border patrol agents cameras to place on their uniforms and mount on vehicles.

Since 2010, the U.S. Customs and Border Protection, the nation's largest law enforcement agency, has been accused of killing 27 people and improperly using force on many others, including children.

In the fall of 2013 the agency said it would start the pilot program using cameras, and recently a House Appropriations Committee's Homeland Security bill included language commending the agency for taking the action.

Outside groups have also come out in favor of the cameras.

The American Civil Liberties Union, which is typically wary of government surveillance, supports the police and border patrol's use of body-worn cameras.

"Cameras have the potential to be a win-win, helping to protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse," Jay Stanley, a senior policy analyst for the ACLU, wrote in a policy paper.

But the ACLU also has said strict rules need to be put in place to make sure the videos aren't misused by police. Specifically, the group says citizens captured by the camera must agree before the video is released.

The libertarian Cato Institute, which is also typically wary of government surveillance, agrees.

"Body cameras for police make for powerful evidence in court," said Tim Lynch, a criminal justice expert at Cato. "They would be especially helpful in communities like Ferguson where there is some mistrust between the community and the police. [The public] won't have to rely on the police officers' testimony to get the facts."

While both groups support the use of body cameras by police, they diverge when it comes to whether the federal government should pay for them. Even if the cameras become a popular solution on Capitol Hill, the divide over how to pay for them will likely become an issue between Democrats and Republicans.

The Cato Institute, which supports a more limited federal government and less Washington meddling in local affairs, says Congress should limit its support for body cameras to outfitting federal agents, not local police.

“If Congress wants to acquire body cameras for border security or [Bureau of Alcohol, Tobacco, Firearms and Explosives] agents, that’s fine, but we don’t need Congress spending money to interfere and meddle with the way in which local police forces operate,” Lynch said. “Just back off.”