

House Bill 5019 – Police Body Cameras

Good afternoon Mr./Madam Chairman and members of the committee.

My name is Samuel Peake, and I am the Government Relations Director for the Mackinaw Place for Private Preferences. Thank you for providing me an opportunity to advocate today on behalf of House Bill 5019.

Honorable members of the Michigan Legislature,

Thank you for your time today and allowing me to speak.

I'm here to express my concerns regarding House Bill No. 5019, which mandates the use of body-worn cameras by law enforcement officers in Michigan. While the bill aims to promote transparency and accountability, I have outlined a few significant issues that arise from this proposal.

Concern 1: Police Officers Recording in Private Domiciles

One of the most pressing issues with this bill is the mandate for officers to record while on duty, which includes private residences. Private domiciles are places where individuals should have a reasonable expectation of privacy. Recording inside homes is intrusive and could potentially capture sensitive and personal moments that should remain private. The presence of a camera might deter people from reporting crimes or seeking help due to fear of being recorded.

Knowledge of recording devices could deter parents and those with privacy concerns from reaching out to the police when needed. This undermines the community-police relationship and could lead to unreported crimes and unresolved domestic issues.

From a legal and ethical view recording in private homes raises numerous questions. It could lead to constitutional challenges, particularly concerning the Fourth Amendment, which protects against unreasonable searches and seizures. The footage could be used in ways that infringe on individuals' rights and freedoms.

Concern 2: Police Officers Can Shut Off the Camera at Any Time

Page 2, Line 27-29

The bill allows officers to deactivate their body cameras under certain conditions, which poses several risks.

Allowing officers to shut off cameras at their discretion opens the door to selective recording, where crucial moments might not be captured, either intentionally or unintentionally. This undermines the purpose of having body cameras, which is to provide a complete and unbiased account of interactions.

If officers can turn off their cameras, it becomes challenging to hold them accountable for their actions. Incidents of alleged misconduct might not be recorded, making it difficult to investigate complaints and ensure justice. This loophole could be exploited, leading to a lack of trust in the system and a disconnect with the public.

The discretion to turn off cameras can lead to inconsistent implementation across different departments and situations. This inconsistency can result in public confusion and mistrust, as people cannot be sure when and why cameras are or are not being used.

Though officers are required to notify individuals when they are being recorded (Page 3, Line 7-8) this bill states nothing about the consequences an officer would face if they stopped recording an interaction.

Concern 3: Footage Released to the Public

Body camera footage requested from an individual involved in the incident and published for public viewing presents significant challenges and concerns.

The release of footage can violate the privacy of individuals captured in the recordings be it in the foreground or background, especially in sensitive situations. Victims of crimes, bystanders, and even suspects have rights to privacy that could be compromised by the public release of footage.

Footage released without proper context can lead to public misinterpretation and misinformation. Video clips could be edited or shared in a way that distorts the reality of events, potentially leading to public outrage and unrest based on incomplete or misleading information.

There are legal and security risks associated with making footage public. Sensitive information, such as the identities of undercover officers, confidential informants, or vulnerable individuals, might be inadvertently exposed, compromising their safety and ongoing investigations.

Concern 4: Footage Kept for “Any Reason”

According to this bill, an individual with the responsibility of deleting or disposing of the recordings is able to ascertain whether there is any reason why the recording cannot be deleted or disposed of. This individual allowed on behalf of the department to keep a recording for an unspecified amount of time for “any reason”.

With this understanding in mind, we consider a department as able to hold records, files, and databases without oversight indefinitely.

Conclusion

In conclusion, while House Bill No. 5019 is designed to enhance transparency and accountability in law enforcement, it brings significant concerns that must be addressed. The invasion of privacy in private domiciles, the potential for officers to selectively turn off their cameras, and

the risks associated with public release of footage are critical issues that undermine the bill's objectives. It is essential to consider these concerns and work towards a solution that balances transparency with the protection of individual rights and privacy.

Thank you for your time.