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TESTIMONY OF OAMSHRI AMARASINGHAM, ESQ.

LD 636 – Ought Not To Pass

An Act To Require Law Enforcement Officers To Wear Body Cameras

Joint Standing Committee on Criminal Justice and Public Safety

February 6, 2019

Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Oamshri Amarasingham, and I am the Advocacy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members we ask you to amend LD 636.

The ACLU of Maine supports police body cameras if they are used according to policies that assure accountability and adequately protect privacy and allow transparency. The ACLU of Maine is cautiously optimistic that, used properly, body-worn video cameras can help deter police misconduct and uses of force, provide evidence to hold officers accountable when misconduct does occur and to exonerate wrongly accused officers, and help the public understand how police operate.

But body cameras are only tools — whether they are helpful or harmful depends on how they are used. Strong policies are crucial to ensure they further the goals of improved transparency and accountability, better policing, and greater trust in law enforcement. Strong policies are also necessary to ensure that body cameras are used for government accountability and do not become tools of surveillance that further harm over-policed communities.

We agree with the bill sponsor that Maine should set uniform policies and procedures for the use of body cameras, and we feel strongly that safeguards must be set in statute. We would support a study or task force to look at the issue and recommend comprehensive legislation to improve transparency and accountability while protecting civil liberties.

For body cameras to promote trust between police and the community, police must use them in a way that carefully balances interests in police accountability, government transparency and privacy. Any statute or policy must have:

1. Rules to promote accountability, including clear rules for when to record, with minimal officer discretion; a strong mechanism for enforcing compliance;

- randomized audits; limits on officer review of footage; standards around video integrity and data retention; and
2. Rules to protect privacy, create transparency, and allow public access, including notice to people recorded; prohibitions on use for surveillance; clear parameters for public disclosure; civilian access; and a transparent process.

Finally, we strongly oppose the use of body cameras in the school setting. Any statute authorizing the use of body cameras should specify that officers who routinely work in schools, school resource officers, shall not wear body cameras. First, Police officers, when in schools, should not regularly be engaging in the type of law enforcement efforts that would require them to wear body cameras. The activities of police, on the rare occasions when operating in schools is justified, should be closely and actively monitored by school officials, not by body cameras. Moreover, body cameras present a real threat to students' privacy and contribute to the creation of an environment in schools of pervasive surveillance, with all the bad lessons that creates for the future freedom-minded citizens that we want to mold.

LD 636 tasks the Maine Criminal Justice Academy with creating a model policy for local departments adopt. While we agree that a uniform policy that balances government transparency and accountability with civil liberties concerns would be ideal, we do not think that the Criminal Justice Academy is the appropriate body to create the policy. We would urge the Committee to amend the bill to enshrine these important standards and safeguards in statute, or reject the bill.