

From the Desk of
Rep. Lew Freudenick



The ACLU of Oregon and CIO Urge a Yes Vote on HB 2571

While the ACLU of Oregon and the Center for Intercultural Organizing generally take a dim view of pervasive government surveillance, we support the use of body cameras because of their potential as a tool for law enforcement accountability. At the same time, body cameras are a surveillance tool and pose significant risks to privacy, particularly when officers enter homes and encounter bystanders, suspects, and victims in stressful, embarrassing, upsetting, and extreme situations.

HB 2571 is an attempt to strike an appropriate balance between these competing concerns. It is our hope that this bill, among others, will be a step toward achieving accountability and trust. We also support HB 2571 because it was amended to include the following provisions¹:

- **Requires police departments to limit their retention of body camera footage.** Although this period is longer than we initially advocated for (30 months, instead of 1 year), the original bill did not contain a maximum retention period at all.
- **Requires cameras to record continuously during interactions with individuals suspected of criminal activity, while allowing for exceptions to address privacy concerns.** This should help to eliminate the problem of officers picking and choosing which encounters they want to record and also allow for development of privacy-protective policies.
- **Prohibits the use of facial recognition or other biometric matching technology to analyze recordings obtained through the use of the camera.** This provision is necessary to protect Oregonians from excessive surveillance and privacy intrusions.
- **3rd party vendors do not own videos and cannot use them for their own purposes.**
- **Limits use of videos to legitimate law enforcement purposes.**
- **Allows release of videos as public records if disclosure is in the public interest.** We initially supported provisions allowing disclosure (a) if all civilians in a video consent, or (b) if an incident prompts a use of force or misconduct investigation. We hope the bill as drafted will be interpreted to allow such disclosures, as both are necessary for body cameras to serve as a tool for accountability. We also support blurring of civilian faces to protect privacy, but requiring blurring of all faces, *including officers*, could seriously jeopardize the utility of these videos as a check on misconduct. We hope this issue will be addressed if HB 2571 moves to the Senate.

While we support HB 2571 for the above-stated reasons, this complex issue will most certainly require ongoing evaluation as this technology proliferates and we gain a clearer view of how things play out in the real world. In particular, further evaluation and legislative action will be needed if videos the public ought to see are too difficult to obtain or if body cameras do not ultimately aid in improving police practices, accountability, and transparency.

Contact: Kimberly McCullough, ACLU of Oregon, kmccullough@aclu-or.org
Salome Chimuku, Center for Intercultural Organizing, salome@interculturalorganizing.org

¹ Many of these provisions appeared in the body camera bill we initially supported (HB 2757) and were added to this bill at our urging.