

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on “Body Cameras: Can Technology Increase Protection for Law Enforcement
Officers and the Public?”
May 19, 2015**

Americans across the country have been dismayed by recent police encounters that have resulted in the unnecessary loss of life. Communities well beyond Ferguson, Staten Island, North Charleston, and Baltimore are understandably grieving and angry. I share their grief, and we must now make progress on finding a path forward. While the facts surrounding each of these events are complex, we know in Vermont that effective policing requires the trust of the community. The relationship between many Americans and the police is in need of significant repair.

There is no single solution here. But the President’s Task Force on 21st Century Policing has provided us with a good start. Taken together, recommendations for increased citizen engagement and proven community policing initiatives, leadership training and oversight within the ranks, and responsible policing tactics, provide a roadmap for communities looking to heal.

The Task Force also provided guidance for the use of body-worn cameras, which record officers’ interactions with the public. We certainly should not have to depend on brave yet random passers-by to take video of potentially deadly interactions with police. Chance must never be a prerequisite for accountability. Body-worn cameras are a promising option—one that may provide both needed transparency for the public and protection for the vast majority of police officers who serve honorably. I was encouraged, for example, when U.S. Customs and Border Protection made a commitment to pilot the use of body-worn cameras as a result of their troubling reputation when it comes to use of force. I am disappointed that they have yet to implement that pilot and hope that the discussion here today will inspire a renewed commitment from them as well as our state and local partners to explore this promising tool.

Today’s hearing provides an opportunity to examine the effectiveness and feasibility of body-worn cameras, as well as the privacy concerns raised by their use. Several police departments that were early to embrace these cameras have seen real benefits: improved transparency and evidence gathering, and even reports of a reduction in use-of-force complaints.

However, these departments also point to new challenges. Body cameras raise unique privacy concerns—cameras follow officers into even the most private of locations, including bedrooms and hospital rooms, and capture images of innocent victims and bystanders. Some officers report that the cameras discourage already reluctant witnesses from cooperating, as they may fear the accused or others will see the video and retaliate. And almost all departments report extraordinary financial costs associated with data retention and responding to public records requests.

None of these challenges is insurmountable. For the cameras to be effective, however, the public will need meaningful access to the video, so this has to be done right. With appropriate

safeguards and expectations, body-worn cameras can play an important role in rebuilding trust in distressed communities. This hearing is an important step.

But cameras alone are not enough. Many communities suffer from decades-long mistrust of the criminal justice system. Often, misguided or discriminatory policies have contributed to the suspicion. We have seen this at a local level, like the city of Ferguson's alarming approach to policing as exposed by the Justice Department's Civil Rights Division. And we are not immune at a national level, like a Federal sentencing scheme that for decades punished crack cocaine offenders 100 times more severely than powder cocaine offenders. Unless unfair policies like these are exposed and corrected, mistrust will certainly continue.

There is now widespread agreement that mass incarceration, largely driven by mandatory minimum sentencing, similarly needs to be addressed. For too long, this injustice has drained vital resources from all other public safety priorities and left behind a disparate impact on minorities. I hope that in the coming weeks the Senate Judiciary Committee will turn its attention to the bipartisan effort to correct the unfair policies underlying our mass incarceration problem. Senator Paul and I are working to eliminate mandatory minimum sentences. I also support the work of Senators Durbin and Lee who are seeking to reduce mandatory minimum sentences for certain drug crimes. And Chairman Grassley is working with Senator Whitehouse and others to improve our juvenile justice system. We have an historic opportunity to restore the faith that Americans should have in the justice system. If we work together, I know we can make meaningful improvements so that our entire justice system lives up to its name.

#####