



## Police Body Cameras

*The ACLU-NC is a nonprofit, nonpartisan member-based organization dedicated to preserving the individual rights guaranteed by the U.S. and North Carolina Constitutions with approximately 12,000 members and supporters in North Carolina.*

The ACLU-NC is deeply concerned with both protecting privacy and promoting transparency and accountability in police practices and policies to discourage police misconduct. That is why, on the whole, the ACLU believes that police use of body cameras, sometimes called body-mounted or body-worn cameras, can be a win-win for the police and the public, but only if a strong regulatory framework is first put in place. The use of body-worn cameras by law enforcement does have implications for the privacy rights of both officers and the public. It also has the potential serve as a tool to both hold police accountable for improper actions and protect police officers from frivolous accusations of misconduct. When establishing a regulatory framework for the use of body-worn cameras, the ACLU-NC encourages legislators to think through how best to balance all of these interests.

**1. In order to protect the public from police abuse, any policy regulating the use of body cameras should not allow officer discretion regarding when to begin, pause, or stop recording.**

- Police should be required to activate both the video and audio functions of their body cameras when responding to a call for service and at the inception of every law enforcement interaction with the public and only be permitted to turn off the camera at the conclusion of the entire interaction.
- It is unnecessary and could jeopardize the privacy of law enforcement officers if they are required to record continuously throughout their shift.

**2. In order to protect privacy, officers should be required to inform individuals that their interactions with police may be recorded and, in some circumstances, an offer to cease recording may be appropriate.**

- Law enforcement should notify individuals that their interaction with law enforcement may be recorded, but this may be achieved by display of a badge, button, or sticker announcing the use of body cameras by officers.
- Special situations, like the recording of the interior of private homes or those claiming to be victims of a crime or wishing to report a crime, should be accommodated by policy. Officers should be required to notify the property owner or other appropriate person present that they are being recorded and offer that person the opportunity to discontinue the recording. Any request to discontinue the recording should be recorded to protect both the property owner and the police officer.
- The harm caused by using body cameras to inappropriately record protected activity, such as attendance at a political rally or visits to certain houses of worship, would outweigh the benefits of the technology. Any policy adopted should make clear that body cameras should not be used to surreptitiously record First Amendment-protected activity, but instead should focus on individual encounters between law enforcement and members of the public.

**3. In order to serve as an effective tool for citizens to hold officers accountable, policies must clearly explain whether and how members of the public can gain access to recordings captured with body cameras, and a statewide retention schedule mandating retention periods for recordings in different categories should be adopted.**

- One way to manage the potential threat to privacy that body cameras pose is the adoption of a statewide retention schedule that differentiates between videos that have evidentiary or other investigatory or public interest value and those videos that do not have such value.
- Any video that does not hold evidentiary or public value, such as those recordings capturing nothing more than an officer having a pleasant exchange with a member of the public, should be quickly deleted under any retention schedule the state chooses to adopt.
- State policy should require that recordings that do hold some public or law enforcement value, for example, capturing an arrest that results in charges being brought or those capturing an altercation between an officer and a member of the public, should be flagged for longer retention. If the event captured is one of public interest, it should be made public. Those recordings with no or little public value need not be released, but the member of the public on the recording – or his or her attorney or designee - should have access to the recording.
- All policies relating to public access and retention of recordings should be made available to the public and posted on state and local government websites where body cameras are in use so that the public has the opportunity to make complaints regarding officer use of force or misconduct or access videos as permitted before they are deleted.

While retention periods, access to video, and officer discretion are incredibly important points to consider when developing policies regulating police body cameras, there are many other considerations that should be taken into account. Balancing the interests of the public and law enforcement while protecting privacy raises many concerns that should be addressed through clear state regulation as part of any legislation that encourages broader use of this technology. With the right policies in place, the ACLU-NC believes this tool could promote police accountability and help resolve civilian complaints against law enforcement officers without significantly infringing on privacy rights.

**For more information, please visit [acluofnc.org](http://acluofnc.org).**