
Coates' Canons Blog: Law Enforcement Video Camera Records: An Ongoing National Debate About Transparency

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In **my post here**, I described how North Carolina's public records laws may apply to law enforcement body and vehicle video camera records. [I've recently updated that post to note a **newly promulgated records retention standard** for these records.] The push for transparency and for more documentation of law enforcement-citizen interactions through the use of video cameras continues. And though there may be some consensus about the benefit of using vehicle and body cameras, there remains significant disagreement about policies for their retention and use, and especially regarding their release to the public. The technology is available and simple to use, but its use raises complicated operational and policy issues.

This piece from freedominfo.org provides a good overview of these issues and how they're playing out across the county. It describes the positions of various stakeholders, including the press, civil rights organizations, and the law enforcement community, and it outlines their reactions and challenges to legislation pending in several states.

Public agencies are struggling to develop policies and practices that can accommodate competing and sometimes contradictory interests. How can records provide transparency, yet also protect the privacy rights of members of the public (including those involved in an encounter with law enforcement, as well as bystanders who may be captured on videos of the encounter). Operational issues include storage and retention requirements; and the need to develop systems and policies for flagging and searching records, and for redacting, or obscuring images. Some agencies are finding that the process of archiving, searching, and responding to requests for these records can be costly and labor intensive. And legal issues continue to arise about the interpretation of individual state and federal public records laws, especially regarding when records are exempt from public access under criminal investigation records exceptions, and what redactions, if any, are required or allowed.

In addition to the debates about what to do with the records, there are **continuing questions** about how effective video cameras actually are in improving law enforcement-citizen interactions and outcomes. **An article written by the authors of the Rialto, California study** suggests that the positive results they observed in that city's program may have been attributable to the verbal warning that interaction was being recorded, not just the recording itself.

I'd be interested to hear from our readers about your experiences with video cameras. How are they being used by North Carolina law enforcement agencies, and what policies and practices are working well?

Links

- canons.sog.unc.edu/?p=7856
- ncrecords.wordpress.com/2015/02/19/law-enforcement-audio-video-recordings-amendment-available/
- www.freedominfo.org/2015/02/backlash-develops-over-release-of-body-cam-footage/
- www.theatlantic.com/international/archive/2014/12/do-police-body-cameras-work-ferguson/383323/
- www.popsci.com/body-cameras-cops-do-they-work