



CaliforniaCivilLiberties.org

California Civil Liberties Advocacy
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Monday, April 4, 2016

Assemblymember Bill Quirk
P.O. Box 942849
Room 2163
Sacramento, CA 94249-0020

RE: Assembly Bill 1957

Dear Assemblymember Quirk,

The California Civil Liberties Advocacy (CCLA) is writing, regrettably, to express our **OPPOSITION** to Assembly Bill 1957 unless amended to address the following concerns.

We at the CCLA would like to support AB 1957, but we see the need for amendment first. We feel that 60 days is entirely too long a period of time to retain body camera footage in the case of an investigation into police misconduct. Honestly, increasing transparency between peace officers and the public can only help public relations, leading to greater understanding and less fear. On the other hand, "willingness by a police department to open itself up to outside scrutiny, is an important perceived benefit of officer body-worn cameras." (White, *Police Officer Body-Word Cameras: Assessing the Evidence*, Diagnostic Center, Office of Justice Programs, Washington, D.C. (2014) p. 19 (hereafter White).)

Waiting an extended period of time to release said footage smacks of possible cover up. It leaves the police open to allegations of doctoring footage. To illustrate our concern, one study found that " 'shifts without cameras experienced twice as many incidents of use of force as shifts with cameras,' " and that "officers without cameras were more likely to use force without having been physically threatened." (White, *supra*, p. 21, quoting Fara, *Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effect of Body-Worn Cameras and Police Use of Force*. Police Foundation. (2013).) And there have certainly been incidents documented by the media in which police have edited footage, or refused to release it altogether, "while giving officers accused of wrongdoing special access to the footage." (Kindy & Tate, *Police Withhold Videos Despite Vows of Transparency: But officers investigated in fatal shootings are routinely given access to body camera footage in The Washington Post* (Oct. 8, 2015) <<http://www.washingtonpost.com/sf/national/2015/10/08/police-withhold-videos-despite-vows-of-transparency/>> [As of Apr. 4, 2016].) By contrast, in instances such as the shooting death of Noel Aguilar or the deadly beating of Kelly Thomas, coming forward as soon as possible indicates that the police are aware of potential misconduct among the ranks and are taking

"Indifference to personal liberty is but the precursor of the state's hostility to it."

— Justice Kennedy, U.S. Supreme Court

steps to correct the issues, rather than being caught out by the public as they attempt to hide any possible misdeeds.

If the time for release were to be shortened to ten days, or if there was language inserted that guaranteed that there would be no alteration or doctoring of the bodycam footage, we would be much more comfortable supporting this bill.

“I’m for truth, no matter who tells it. I’m for justice, no matter who it is for or against.”
—Malcolm Shabazz

Sincerely,

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Cc: Assembly Public Safety Committee