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Public big loser in body camera legislation

Assembly Committee on Criminal Justice advances bill to shield body cam footage

MADISON – Today, Republican members of the Assembly Committee on Criminal Justice and Public Safety voted along party lines to approve Assembly Bill 351. AB 351 purports to set statewide standards for the use of body cameras. In reality, the bill does little in setting reasonable standards or protecting legitimate privacy interests. Instead, it will shield most body camera footage from the public, eroding public transparency and accountability.

“AB 351 will completely gut the central purposes of body cameras – accountability and transparency between law enforcement and the public,” said Rep. Chris Taylor (D-Madison). “Because of the finality of destroying body camera footage, I believe we should err on the side of maintaining and releasing footage rather than erasing it or blocking its release.”

AB 351 allows for the destruction of potentially critically important footage, including in instances involving allegations of Fourth Amendment violations (illegal searches), complaints about inappropriate or unethical conduct or bias-based policing, when a weapon is drawn or physical force used regardless of injury or death to an individual, when an individual has been detained, and when there is a pending open records request.

Additionally, the legislation allows for the suppression of a likely substantial amount of relevant video, even when there is no privacy of any party at stake. The flawed requirement that law enforcement receive written permission from individuals depicted in the video and landlords or property owners is unprecedented, and will create insurmountable administrative hoops resulting in blocking the release of video the public has a substantial interest in. The bill fails to consider other methods of protecting legitimate privacy interests, such as redaction or pixilation, and fails to protect vulnerable victims from being filmed.

“This bill fails to protect the legitimate privacy rights of sexual assault victims, children, and patients at health care facilities,” stated Rep. Taylor. “It allows the destruction of important video. And, it creates so many impediments to releasing body camera footage that it will substantially harm the public’s interest in accountability and transparency. This bill does more harm than good. I call on my Republican colleagues to refrain from passing this bill until the public’s interests are protected, and not gutted.”

Rep. Taylor is the author of AB 557, which sets comprehensive, consistent state-wide standards for law enforcement agencies that choose to use body cameras. She spent many months studying body camera policy, and met with a wide array of stakeholders who have an interest in the topic.

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