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COMMENTARY ON RULES AND REGULATIONS ESTABLISHING STATEWIDE POLICY FOR THE USE AND OPERATION OF BODY-WORN CAMERAS, 110-RICR-10-00-02 and 27-RICR-60-00-2
August 3, 2022

The ACLU of RI has consistently supported the implementation of police body-worn cameras (BWC) as an important oversight tool for both law enforcement and the public, in recognition of the beneficial role that these devices can play in promoting transparency and accountability. However, they can only serve that role if the policies and regulations governing them enshrine those goals.

To that end, we appreciate that the crafting of these proposed regulations included the solicitation of feedback in advance through the APA's advance notice rulemaking process, and that the current version takes into consideration some of the civil liberties concerns we brought to the agencies' attention last September during that process. However, in regulating a program deployed with the explicit intention of enhancing transparency in policing, we believe there are ways that this proposal could and should be strengthened further. We offer the following commentary with this perspective. Our specific comments follow below:

- **Section 2.5.4(B)(1):** This section concerns the responsibilities that a BWC officer has at the conclusion of their shift, including a requirement that all BWC footage be uploaded and appropriately flagged for retention. We first note that there appears to an erroneous citation reference to Section 2.5.14. That section deals with violations of the policy, which does not address uploading or flagging standards.

  More substantively, this section authorizes extensions for compliance with the upload/flagging requirement "on a case-by-case" basis. We recognize that there may be legitimate circumstances under which the uploading of BWC videos may not be immediately practicable, such as, for example, in the midst of a technological failure or an emergency. But there should be an articulated "for cause" basis for granting an extension,

and one that discourages or prohibits extensions after "use of force" or other controversial incidents, where the video could be critical for a prompt investigation of the event.

- **Section 2.5.5(B)(8):** This section would require the "Chief of Police or designee(s)" to be responsible for oversight of a BWC program. One provision mandates "ensuring that written directives from the Chief of Police to edit, delete, or alter any BWC Recording are carried out as stated or documented." However, if any directive is made for an edit, deletion, or alteration of a recording – which seems problematic to begin with – we believe the regulation should also require a written explanation by the Chief as to why maintenance of the unadulterated BWC footage is not feasible or permissible. The regulations already require the BWC officer to request deletion of inappropriately made recordings [Section 2.5.11(B)], so any additional call for deletion or editing of the video by the Chief warrants special scrutiny.

- **Section 2.5.5(C)(1):** For oversight purposes, this subsection requires supervisors to review at least one BWC recording a month of officers under their command. In order to appropriately ensure meaningful and unbiased oversight of this BWC implementation, we believe that this provision should specify that the review involve a designated time period chosen at random that can capture omissions as well as commissions – i.e., checking for times when a camera should have been activated by the officer but was not.

- **Section 2.5.6(A)(1):** We appreciate language in this provision which would only allow for delayed activation of a BWC if circumstances made activation "unsafe and impracticable." This appropriately emphasizes the importance of swift and timely launching of this tool.

- **Section 2.5.6(B)(2)(e):** This section allows for deactivation of a BWC if "an arrestee is brought to a location within a Department facility that has a functioning surveillance system." However, if an interaction between a civilian and a law enforcement officer has not officially concluded, we believe that the camera should continue to be activated to ensure that a comprehensive understanding of the interaction is available, regardless of the presence of supplementary camera or recording devices. After all, facility cameras can malfunction or be placed in such a way as to not provide the best perspective. Publicized

incidents of police interactions have often demonstrated the value of multiple viewing positions of a disputed encounter, and that is no less true if it happens to occur in a police facility.[1]

- **Section 2.5.7(A):** Because the recordings of BWCs are meant to encourage proper behavior by both officers and members of the public, it is to the advantage of all that the policy require officers to notify individuals they are being recorded except when it is impractical or dangerous. However, this section merely "encourages" officers to notify affected individuals they are being recorded. We urge that this language be strengthened.

- **Section 2.5.10(A)(3):** This provision makes note of areas where recordings should be limited to protect reasonable expectations of privacy. For reasons suggested by Section 2.5.11(A), we would encourage the addition of a provision expressly mentioning "areas where the exercise of First Amendment rights is taking place."

- **Section 2.5.10(A)(3) [sic]:** This subsection [which should be designated (A)(4)] allows an officer to consider the "presence of individuals who are not the subject of the interaction between the BWC Officer and members of the public" in deciding to "mute," "stop," "divert," or "record only audio." A recording could also be stopped or muted if "individuals who appear to be minors" are present or if the officer consults with "other members of law enforcement." These exceptions are confusing and overbroad, as they appear to give extensive authority to officers to stop recordings in situations that do not warrant deactivation, such as when footage would incidentally capture uninvolved bystanders, minors who are part of the interaction with police, or relevant conversations about the incident between officers.[2] In many of these instances, the presence and use of BWCs would be extremely important for accountability purposes.

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[1] To offer a concrete example, we note the assault conviction last year of Cranston police officer Andrew Leonard, whose actions at the police station were captured by the facility's surveillance cameras. If the officer had a BWC, this proposal would have allowed Leonard to turn off his camera while assaulting the person in his custody.

[2] As worded, an officer could shut off or mute their BWC if they were effectuating a questionable arrest of a juvenile among a group of teenagers, or turn off the audio while another officer on the scene discusses with them the improper restraint of a suspect.

In some instances, these situations might provide valid reasons for *redacting* a recording when releasing it to the public, but not for failing to record it in the first place for internal investigatory purposes. These exceptions, because of their breadth, could be easily abused. We believe this provision should be much more narrowly crafted and clarified to ensure that the exceptions don't swallow the rule.

- **Section 2.5.10(A)(4):** This section addresses procedures for equipping school resource officers with BWCs. While we support the accountability that BWCs can provide, the ACLU opposes their specific use in the school setting by SROs. Instead, we urge that the regulations instead explicitly ban the use of BWC in schools. Unlike those worn by police officers on the street, we believe that body cameras in schools are unduly invasive of student privacy. To begin with, SROs should rarely be engaging in the type of law enforcement efforts that BWCs are meant to address.

  The routine use of BWCs by SROs presents a real threat to students' privacy and could contribute to the creation of an oppressive school environment of pervasive surveillance. Further, we suspect that SRO body camera footage will, more likely than not, be used to document interactions regarding minor disciplinary issues. The more that SROs "document" minor scuffles or other school infractions that would normally be handled by administrative means, the more likely these incidents will instead become law enforcement matters and unnecessarily turn disciplinary disputes into criminal ones.

  If officers have been called into a school because of an imminent threat of some kind, and reasonably anticipate needing to use force, that is one thing, but officers for whom a school is their beat should not be wearing cameras day in and day out. Subsection (A)(3)(h) recognizes that special privacy interests are inherent in the school setting, and we believe a ban on state funding of body worn cameras for SROs should be explicitly incorporated in the regulations.

- ***Section 2.5.10(B):*** This section addresses the recording of victims and witnesses and requires that a BWC officer "weigh any reasonable expectation of privacy in determining whether to activate or discontinue recording." This open-ended authority should be clarified and narrowed, as the comments of these individuals will often be critical to the

investigation of an incident under scrutiny. Further, we appreciate that some of these conversations may very well deserve privacy protection from the general public, but that is a separate issue from recording them in the first place. In almost all instances we assume these recordings will be helpful to the department itself in pursuing criminal investigations, and for the same reasons it has become best practice to record the interrogations of criminal suspects. If there are privacy considerations that warrant discontinuing recordings even for internal purposes, they should be spelled out more clearly.

At the same time, however, in an effort to provide maximum transparency, BWC officers should be required, rather than "encouraged," as stipulated by Section 2.5.10(B)(2), to notify the victim or witness that they are being recorded.

- **Section 2.5.10(C):** For reasons similar to those we expressed about Section 2.5.10(A)(3) [sic], we are concerned about allowing officers to deactivate BWCs while consulting with other officers "pertaining to criminal investigation" or "law enforcement strategy." These broadly worded exceptions could be used to hide relevant conversations between police engaged in possible misconduct. We note that the Massachusetts state police policy on BWCs limits muting of recordings to much more specific circumstances, such as protecting the safety of victims or witnesses, revealing confidential strategy, etc. Again, it's important to differentiate between circumstances when a recording could be redacted from public inspection and when it should not be made at all.

- **Section 2.5.12:** This section allows officers, with one exception, broad authority to review BWC recordings "for the purposes of completing an investigation and/or preparing official reports." The exception, contained in Section 2.5.12(C), limits access in "certain use of force" situations until after the trooper has provided a recorded statement. However, there are important reasons to limit trooper access to body camera footage in many other instances besides those involving use of serious force.

  There are many situations that do not amount to these "certain use of force" situations, but where an officer inadvertently coloring their memory by viewing video prior to documenting the incident may be just as problematic, and therefore also warrants a ban on premature viewing of the recording. We believe subsection (C) should thus be expanded

to apply to videos capturing any use of force, incidents leading to arrest, or any other confrontation with a member of the public that might reasonably lead to filing of a complaint or to an internal or external investigation. The language of this section should also be refined to clarify that this ban on pre-review applies to all officers who were witness to the incident, not just those directly involved in the confrontation or arrest.

- **Section 2.5.13:** This section appropriately subjects BWC footage to the Access to Public Records Act. Independently of this, however, we believe that people who are themselves the subject of BWC footage should be allowed to view the recordings promptly, regardless of whether the recording would otherwise be subject to disclosure. Presently under APRA, a person who is the subject of a police report has no greater right than a member of the general public to obtain a copy of the report. However, we believe the direct subject of video recordings, and their legal representatives, should be entitled to access video involving themselves regardless of any APRA restrictions.

- **Section 2.5.13(D):** This subsection dealing with public access to BWC recordings creates special rules for footage involving serious use of force incidents. While those rules are ostensibly designed to allow access to BWC recordings when APRA would otherwise permit *withholding* the footage from the public, we are concerned that they fail to adequately take into account the public's strong interest in gaining prompt access to BWC footage in those situations.

  Under the proposed language, BWC recordings "from an AG Protocol incident shall be provided to the public…no later than upon the substantial completion of the investigation," which is further described to mean that "evidence has been collected and witnesses have been interviewed," with the *expectation* that substantial completion occurs "within thirty (30) days." While this may be the *expected* timeframe for "substantial completion," there is not assurance it *will* be, and we thus consider this standard for public release as too broad and imprecise, as it could keep footage of highly publicized incidents secret for months. Rather, we believe that recordings of incidents of alleged police misconduct should be released sooner rather than later and that the policy itself should encourage prompt release in those instances, as there are good reasons for doing so.

Rarely should the disclosure of a recording that has been taken in public in a high-profile incident "be expected to interfere with investigations of criminal activity" so as to qualify for secrecy under APRA. To the contrary, its release may aid in such investigations. Because we believe the time for releasing recordings in such instances should be measured in days, not an indefinite and amorphous period of time which could stretch for months, we urge that this provision more clearly delineate and confine the circumstances warranting disclosure only after "substantial completion" of an investigation.

- **Section 2.5.14:** Under this section, violations of these regulations subject individuals to "appropriate remedial or disciplinary action, in addition to any other consequences outlined in the law." As the law establishing the statewide BWC program does not contain any such consequences, we are unsure what these consequences are. While certain violations could result in "discipline up to and including termination," and Supervisors are required to "ensure appropriate remedial action or referral for disciplinary action," these provisions likely only mean that an officer who violates this policy will, to avoid drawn-out LEOBOR proceedings, receive a two-day suspension. Given the routinely documented incidents of officer noncompliance with BWC activation in Providence, we urge that the regulations be amended to provide that any instances of violations imposed pursuant to this section and any non-compliance found through the audits conducted under Section 2.5.5 be made public on a quarterly basis(without providing individually identifiable information of the officer). This disclosure will provide some minimum level of public oversight and knowledge as to how effectively these regulations are being complied with.

- **ADDITIONAL RECOMMENDATION:** This policy does not restrict the use of BWC facial recognition technology. We believe that it should explicitly prohibit BWCs from utilizing this or similar technologies that BWC manufacturers are promoting that have the potential of bolstering police surveillance. A technology which was designed as a tool for officer accountability should not be twisted into a surveillance system to be used against communities. The rise of biometric surveillance technologies for BWCs gives government an unprecedented power to track, classify, and discriminate against people in myriad ways. The regulations should prevent any such use of BWCs from the start.

The ACLU of RI hopes that that these comments will be given careful consideration in finalizing a policy for a permanent BWC program. If the suggestions we have made are not adopted, we request, pursuant to R.I.G.L. §42-35-2.6, a statement of the reasons for not accepting these arguments.

VIA ELECTRONIC MAIL

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Dan Sutton
Special Assistant Attorney General
Rhode Island Office of the Attorney General
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The comments regarding the proposed rules for Statewide Policy for the Use and Operation of Body-Worn Cameras (BWCs) (110-RICR-10-00-2) are submitted on behalf of ACCESS/RI the state's freedom of information coalition. These comments are not meant to contradict in any way prior comments submitted by the Rhode Island ACLU and the New England First Amendment Coalition, both members of ACCESS/RI. We support all the suggestions made by the ACLU and NEFAC with respect to transparency of BWC footage. Because our coalition is focused exclusively on open government, our comments will not focus on issues of privacy.

We appreciate that some of our comments submitted in our letter dated September 21, 2021, during the Advanced Notice of Proposed Rulemaking were incorporated in these draft regulations. We are grateful for the opportunity to weigh in on these proposed rules.

Section 2.5.4(A)(1)(a-b) specifies the responsibilities of officers regarding BWCs at the beginning of their shifts. When there are problems with the BWCs it requires that officers deal with them "as soon as practicable." We believe the regulations should contain a specific time frame for resolving issues with BWCs, otherwise the lax standard in the proposed regulations may be abused.

Section 2.5.5(A) explains the responsibilities of supervisors with respect to BWC footage. We believe that when reporting an interruption in footage from the BWC the supervisor should report the length of the interruption. We also believe that the policy should spell out in greater detail the random auditing required in 2.5.5(C)(2). For instance, the audit should require that every officer using a BWC have an equal chance of being audited in a given month.

Section 2.5.6 deals with deadly force incidents. In 2.5.6(B)(3) an officer involved in a deadly force incident may stop recording when instructed to do so by a supervisor. Yet the proposed regulations provide no standard for the supervisor when making that decision.

We note that Section 2.5.10 contains an error, with two subsections labeled (3). In the second subsection (A)(3)(c) one of the factors an officer must weigh when considering whether to use a BWC is the “Presence of individuals who appear to be minors.” We believe this is too broad a criteria. Many police interactions with minors are fraught and subject to scrutiny and BWC footage would be of value to the public.

Section 2.5.13 deals with public access to BWC footage. In subsection 2.5.13(D)(3)(b) it states that footage should be released upon “substantial completion” of an investigation, and in (D)(4) it states that “Substantial completion is expected to occur within thirty (30) days.” We believe this gives too much discretion and the 30-day period should be a hard ceiling after which the footage is released.

Finally, we believe there should be two additions made to these regulations. First, they should include language prohibiting an officer from doing anything that would materially interfere with the public’s ability to consume BWC footage. There have been incidents in other states where officers have played copyrighted music so that video of an incident cannot be posted on a commercial website such as YouTube.

Second, we think that all departments should report annually to the Attorney General their compliance with the statute and regulations, including but not limited to, the number of requests received, the number of requests fulfilled, and the number of redactions made.

ACCESS/RI members:

ACLU of Rhode Island
Common Cause Rhode Island
League of Women Voters of Rhode Island
New England First Amendment Coalition
Rhode Island Press Association

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August 15, 2022

Dan Sutton
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RE: Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras; 110-RICR-10-00-2

Dear Mr. Sutton:

Lifespan, the State's largest healthcare system, that includes Rhode Island Hospital, The Miriam Hospital, Newport Hospital and Bradley Hospital, appreciates the opportunity to provide comment on the Attorney General's proposed rules for a statewide policy for the use and operation of body-worn cameras (the "Proposal"). Our comments are limited to the Proposal's use of body-worn cameras within our medical and clinical facilities. As your office is aware, each of our facilities are governed by the federal Health Insurance Portability and Accountability Act ("HIPAA") and the state's RI Confidentiality Act which provide for the protection and confidentiality of our patient's health information.

While the Proposal does provide for the deactivation of body-worn cameras within "certain locations in hospitals and clinics" (§2.5.10(A)(3)(e)), we believe that they lack clear and explicit direction for when, where and why specifically a body-worn camera must be shut off. Put another way, under the Proposal, an investigating officer maintains full discretion as to the deactivation of the device without regard to patients' rights as delineated by state and federal law and a facility's policy on privacy and confidentiality. Currently, our staff requests investigating officers to deactivate body-worn cameras which places the burden on our staff while also placing them in a position that an officer may, within that moment, feel is obstructionist. At the same time, capturing digital footage of a disruptive patient for the use of law enforcement is provided for in state and federal law within the law enforcement exceptions. Clearly, the interplay between the Proposal and state and federal patient confidentiality statutes is a fine line built on communication and understanding of these laws.

To that end, Lifespan makes two (2) recommendations for the Proposal. First, within the section indicating where body-worn cameras may be deactivated, Lifespan proposes further delineation of the phrase "certain locations in hospitals and clinics" to also include "**where patient privacy is a concern and where patient care is involved**." This phrasing will allow our staff to indicate

patient privacy areas to investigating officers who can then better utilize their discretion within those areas. Simultaneously, this additional phrasing also importantly recognizes a reason as to why "certain areas" would necessitate the deactivation.

Secondly, Lifespan recommends that the Proposal also include a requirement that the Office of the Attorney General conduct proper HIPAA and Rhode Island Confidentiality Act training to those donning body-worn cameras upon the hiring of an officer and then annually thereafter. We believe that this training is a critical component to this Proposal as it will help to ensure that officers proceeding into facilities governed by federal and state confidentiality laws understand why staff may be requesting the deactivation of the body-worn cameras. With this training, we believe this knowledge can alleviate many future issues that could develop between the roles of law enforcement and confidentiality and privacy statutes under which Lifespan staff must operate.

Once again, Lifespan appreciates the opportunity to comment on the Proposal and we look forward to working with the Office of the Attorney General on this issue.

Sincerely,

David A. Balasco, Esq.
Vice President
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SENT VIA EMAIL TO BWCSTATEWIDEPOLICY@RIAG.RI.GOV AND RULESREGS@RISP.GOV

RE: Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras

August 16, 2022

Dear Office of Attorney General and Dept. of Public Safety,

I'm writing on behalf of the New England First Amendment Coalition, a non-partisan non-profit organization that advocates for journalists and free press rights in Rhode Island. Thank you for the opportunity to follow up on our August 3 testimony with additional comments about your proposed rules and regulations for the use of police-worn body cameras.

As we stated earlier this month and in our Sept. 24, 2021, letter to your offices, the use of body-worn cameras by law enforcement has significant government transparency and First Amendment implications. We're glad to see that some of our previous suggestions were incorporated into the latest draft of rules and regulations. Still, there are several areas where additional improvement can be made to protect the public's right to know and First Amendment freedoms.

Appended to this letter is a list of comments we hope you'll consider when drafting the next version of your rules and regulations. Separate from those comments, however, we would like to flag four specific issues that if not adequately addressed by your offices will impede the public's right to know about government and the ability of the press to inform the communities they serve.

(1) The "substantial completion" standard in § 2.5.13 (D)(3)(b) should be used in combination with a specific time-frame to prevent abuse. Without a deadline to act as a ceiling — we recommend 30 days — law enforcement officials would have the ability to needlessly delay the release of footage showing use of force by police officers. These incidents are of perhaps the greatest public interest. Footage must be released after "substantial completion" *but no longer* than 30 days after the incident occurred.

(2) Section 2.5.10(C) allows an officer to temporarily mute the body-worn camera while consulting with other members of law enforcement. This should not be allowed. Conversations between law enforcement officers can inform us about the officers' intent and motives during an incident. They should be recorded. APRA already allows several exemptions that would allow the content of the conversation to be kept secret if the agency felt such secrecy was necessary. The conversations should be recorded, however, so the public can at least argue for their release.

NEFAC appreciates the support of all its donors and Sustaining Members. In particular, we would like to thank the following Leadership Circle donors and Major Supporters for their contributions: The Rhode Island Foundation, Hearst Connecticut Media Group, The Boston Globe, Paul and Ann Sagan, The Robertson Foundation, Boston University, WBUR-Boston, Academy of New England Journalists, Society of Professional Journalists Foundation, Genie Gannett for the First Amendment Museum, Linda Pizzuti Henry, Connecticut Public and GBH-Boston.

(3) The release of body-worn camera recordings — like all public records — should be made with as little cost to the public as possible. While the recordings are subject to the fees outlined in APRA, history shows their release to often be prohibitively expensive. The only way such fees can be appealed is in Superior Court which is not a feasible option for nearly all citizens and the newsrooms that serve them. The rules and regulations should include a mechanism or fee structure that prevents police departments from excessively charging for body-worn camera recordings or, at the very least, provide an easier and more expeditious way to appeal those costs.

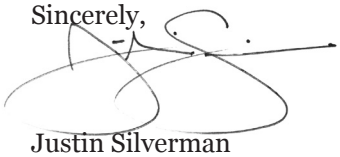
(4) Any video that is captured by a body-worn camera as part of an arrest should be immediately released as part of the arrest report. Your offices should make clear in the rules and regulations that the footage is an extension of the narrative which the Office of the Attorney General has already deemed public under APRA. The requirement will help citizens better understand how arrests are occurring in their communities and set an expectation of transparency within those agencies responding to requests for arrest records.

The use of body-worn cameras can be a benefit to both police officers and the citizens they encounter. The transparency they provide can build trust within communities — but there need to be strong safeguards in place for citizen accessibility and the constitutional rights we all enjoy. Ed Fitzpatrick, a Rhode Island journalist who serves on the NEFAC Board of Directors, described the public interest served by body-worn cameras during a recent appearance on a Lively Experiment:

> *"It's providing a glimpse of the truth of the matter. It can help both in cases of police misconduct and to show that police acted appropriately. It shows exactly what happened."*

Thank you again for the opportunity to submit these comments. We welcome the opportunity to discuss them in further detail or to provide additional resources you may find helpful.

Sincerely,



Justin Silverman
Executive Director

ADDITIONAL COMMENTS

2.5.1(D) | This draft policy is considered the "floor" for departments and can be amended or changed pursuant to 2.5.1 (C). The policy that should be posted on department websites is the department's final policy and not the policy provided by your offices as this section can be understood to require.

2.5.4(A) | Many of the responsibilities described here are required "as soon as practicable." This time frame is not clearly defined and opens the door for abuse. There should be a specific time frame during which broken equipment is reported and replaced. Without one, officers may go without body-worn cameras until they alone find a convenient time to deal with the issue.

2.5.4(B)(1) | More guidance is needed about the considerations necessary for an extension of time. In other words, what circumstances warrant an extension? Without specificity, there could be arbitrary decisions made not to upload recordings in a timely manner or, worse, extensions given to deliberately delay the ultimate public release of the recordings.

2.5.6(A)(1) | We fear that the word "impracticable" will be interpreted as "inconvenient." There are already a number of exemptions to camera activation in this draft policy. We suggest that cameras are activated under this section "unless it is unsafe or not possible to do so."

2.5.6(B)(2)(b) and (c) | Clarify that leaving the scene doesn't include "fleeing" the scene and reiterate that 2.5.8(A)(3) addresses pursuits. Without clarification, an officer could use this section as justification to turn off the camera before running after an individual who fled and, technically, departed the scene.

2.5.6(B)(3) and (4) | The supervisor ordering an officer's camera to be deactivated should state a reason on camera for why it must be turned off. If not, the BWC Officer could simply state "because my supervisor ordered me to do so" to comply with the requirement of 2.5.6(B)(4).

2.5.8(B) | The policy addresses First Amendment-protected activity in 2.5.11(A), but clarification is needed. Many protests and demonstrations could be considered "confrontational" just based on the speech being used. If a protester stands close to an officer and calls that officer an offensive term, that incident could be considered confrontational or an escalating action. No law may have been broken. The speech could be protected by the First Amendment. Under this section, however, the camera could be activated to document the situation and potentially chill the speech. Similarly, if a journalist has a camera in the middle of a protester and a police officer, that press presence could be considered an action under this section that is adding tension to the situation or escalating the interaction. We suggest the following language: "If the BWC Officer believes an encounter with a member of the public has escalated and become confrontational; but such actions do not include activity and/or expression protected by the First Amendment."

2.5.10(A)(2) and (3) | Include "places of peaceful protest" and "newsrooms".

2.5.10(A)(3)(c) | Presumably, this section is referring to minors who are not involved in the incident requiring police presence. If not clarified, this section could be used as justification to turn the camera off when an officer is interacting with an underage suspect.

2.5.10(A)(3)(f) | The camera should remain activated regardless of whether it is capturing evidence or could further an investigation. If the footage captured would impede an investigation it can be redacted under APRA. This broad justification to turn the camera off seems very likely to be abused. We suggest it be struck or narrowed.