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NAACP - SAINT PAUL - CHAPTER #4052

270 North Kent Street
Hallie Q. Brown/Dr. Martin Luther King, Jr. Center
Saint Paul, MN 55102
651-649-0520
naacpstpaul4052@gmail.com
www.naacp-stpaul.org
FACEBOOK: NAACP-SAINT PAUL
TWITTER: @SAINTPAULNAACP

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12/2/16 Civil Rights Organizations Testimony in Opposition to the Proposed Saint Paul Body Worn Camera “Pilot” Policy

Good afternoon, I am Jeffry A. Martin, President of the 103 yr. old Saint Paul NAACP. I am speaking this afternoon on behalf of the MN/Dakotas Area State Conference NAACP; the Saint Paul NAACP; the Saint Paul African American Leadership Council; and the Saint Paul Black Interdenominational Ministerial Alliance.

Over the last year, our respective organizations have seen a growing movement to address policing practices that have a disproportionate impact on low-income communities, communities of color, and African Americans in particular. These practices, which include “racial profiling,” excessive use of force, officer-involved deaths and implicit or explicit racial bias by law enforcement, have framed the national debate around police reform, and prompted a vitally important national conversation on the use of technology—specifically body-worn cameras—as one possible means to enhance accountability and transparency in policing.

The Saint Paul NAACP and other organizations in the African American community wrote letters of support to the Justice Department that played a role in the awarding of a \$500,000 grant to the City of Saint Paul for body worn cameras. That support was the result of the commitment by Chief Smith and the department that organizations such as ours would have a meaningful role in the policy process and our concerns would be given full consideration. After all, it was our community—across the country—that had been pleading for body worn cameras—to mutually benefit both law enforcement and the general citizenry.

Mobile cameras operated by law enforcement could play a valuable role in the present and future of policing. These cameras could help provide

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transparency and accountability in law enforcement practices, by providing first-hand evidence of public interactions.

However, police-operated cameras are no substitute for broader reforms of policing practices that should address issues of racial profiling, excessive use of force, and implicit and explicit racial bias. In fact, these cameras could also be used to intensify disproportionate surveillance and enforcement, and place Saint Paul at risk of compounding the very problems in policing we seek to correct. Without the carefully crafted policy safeguards in place that the NAACP and others have recommended, there is a real risk that these new devices could become instruments of injustice, rather than tools for accountability.

Again, the arrival of new video equipment does not guarantee that a police agency will better protect the civil rights of the community it serves. This “pilot” policy will play a critical role in determining whether and how video footage is used—or not—to hold police accountable. Again, our concern is that this new technology could wind up being used for disproportionate surveillance and disproportionate enforcement in heavily policed communities of color.

Our concerns with this policy include but are not limited to:

- A requirement for notification that citizens are being recorded;
- A requirement for consent of recording in people’s homes during non-critical police interactions;
- Strict prohibition of facial recognition software use of camera footage (which 1 in 4 police departments using body cameras currently do)

In summation, let me raise our principal concern with the “deal breaker” or the “trust buster” that prevents us from endorsing or supporting this “pilot” policy in its current form. . . To help ensure that body worn cameras are used in a mutually beneficial manner and to enhance transparency and accountability while respecting civil rights, the Saint Paul Police Departments must:

Preserve the independent evidentiary value of officer reports by prohibiting officers from viewing footage before filing their reports. Footage of an event presents a partial—and sometimes misleading—perspective of how events unfolded. Pre-report viewing could influence an officer to conform the report to what the video appears to show, rather than what the officer actually saw, thought. . . (or did)

In short, there is no incentive for a police officer to file a transparent and accountable written report that might result in discipline, a civilian complaint or even criminal charges—if that officer has been granted pre-review of the body camera footage—prior to submitting an initial written report. We believe that the possibility of the full event existing on the body worn camera—is more of an incentive for a transparent, accountable written report—if the officer has not viewed the audio and video footage prior to submitting the initial written report.

We cannot endorse or support this policy in its current form—and we cannot sacrifice the credibility of the oldest civil rights organization in Minnesota and the country by lending our names to its implementation. We strongly request that the Mayor, the Chief of Police and the City Council correct this grave injustice prior to the implementation of this “policy” by whatever name—before it goes into practice. We also implore the Mayor, Chief of Police and the City Council to provide an adequate opportunity for the citizens of Saint Paul to provide meaningful input—and have that input fully considered—before you pass a “dog whistle” resolution and roll out this program. In short, we refuse to lead, or be led—from behind and we must strongly oppose the implementation of this policy in its current form.

Thank you, for the opportunity to share the concerns of our respective organizations with you today.

For further information, contact:

Jeffrey A. Martin, President, Saint Paul NAACP 651-343-2695
William C. Jordan, Jr., President, MN/Dakotas Area Conference NAACP
507 358 8820

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Tyrone Terrill, Chairperson, Saint Paul African American Leadership
Council 651-470-0266

Rev. Dr. Charles Gill, President, Saint Paul Black Interdenominational
Ministerial Alliance 651 227 3220