

## **Idaho law enforcement agencies wrestle with data collection**

By REBECCA BOONE, Associated Press

BOISE, Idaho (AP) — Law enforcement leaders across Idaho are considering whether to seek new laws detailing how they collect and retain video footage and who gets access to the images.

The use of body cameras, dash cameras and jail security cameras means police and sheriff departments nationwide are gathering more data than ever and receiving more public records requests for the images. Idaho law requires that the videos be stored for two years, but that amount of digital storage can get expensive for the agencies.

Dan Blocksom, an attorney with the Idaho Association of Counties, discussed the data collection dilemma during a joint meeting of the Idaho Sheriffs Association and the Chiefs of Police Association in Boise on Monday.

"I'm guessing this is not going to be a problem in 10 years," as digital storage costs decrease, he said.

Still, he said, figuring out what to record and when to release the recordings needs to be addressed. Both the American Civil Liberties Union and the National Sheriffs' Association have model legislation, but Blocksom said some local criminal justice and public records groups are also working on crafting an Idaho-specific proposal.

The legislation is needed as soon as possible, but it needs to be carefully crafted, Blocksom said.

Many jails across the state aren't saving their security camera footage for the minimum two years required under Idaho code, Blocksom noted. He said that to do so would be cost prohibitive, but not saving the footage raises the concern that the counties could be sued.

There's not currently a statewide rule detailing when law enforcement officers should turn on their body cameras. Blocksom advised the group to err on the side of recording encounters.

"Keep it rolling if your discretion tells you to," Blocksom told the law enforcement officials at the meeting. "Just because it's rolling doesn't mean that you have to give it to everyone who asks for it."

Blocksom said the recordings are public records, but may be non-disclosable under the law depending on what they contain.

How long should the footage be collected?

Some Idaho officials are recommending a minimum of 210 days, Blocksom said. That's the amount of time a person in Idaho has to file a tort claim, plus an extra 30 days. One possible problem with that limit is that the deadline for filing a tort claim doesn't apply to certain lawsuits bringing constitutional claims, he said.

Another proposal could be limiting video access to only the attorneys, victims, defendants and others directly involved with an incident. But Blocksom noted that would be a hard sell for the state's news organizations. That's because Idaho's Public Records law doesn't only cover people directly mentioned or included in a specific record — rather, the law applies to government agencies statewide and affords access to all.

"Every state is wrestling with this issue now, and we need to make sure that in our state, the public interest in disclosure of these videos is fully taken into account," said Betsy Russell, president of Idahoans for Openness in Government and the Idaho Press Club. "We know that people want these videos released in the interest of justice. That should be our overriding goal."

Leo Morales, spokesman for the American Civil Liberties Union-Idaho, said that with the right policies in place, cameras can be a good tool for police and government accountability, and that video footage should be retained for several months or a few years, depending on the situation.

"With regards to disclosure, there must be a balance between privacy and the public's right to know. While in some cases the police are conducting an investigation, and some limits should apply before release, the government can't unreasonably hold on to video for such a long time as to deny the public's right to know," Morales said. "Transparency is extremely critical, particularly in times when police trust by the community is in complete disarray."

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