Officer, You’re on Camera

Video captured by a bystander on this past April shows a police officer firing eight shots and killing an unarmed man fleeing after a traffic stop. That video was crucial in determining which charges, if any, to file against the officer, as it provided an accurate picture of what occurred and whether deadly force was justified.

Just as tensions between law enforcement and the public have prompted calls for officers to wear body cameras, they also have more people using smartphones to film police interactions or arrests, in an attempt to record police conduct.

Lawmakers in several states have proposed measures to clarify the seemingly blurred line between actions that might interfere with legitimate law enforcement and constitutional protections enjoyed by citizens being able to record on-duty police officers. In Illinois last year, after an eavesdropping law was found unconstitutional, lawmakers passed a bill protecting the right of individuals to record public officials performing their public duties.

As of May 7, proposals in Colorado, Connecticut, California, Mississippi, Montana, New Hampshire, New York, Oregon and Texas also seek to clarify legal predicaments caused by recording on-duty law enforcement officers. The measures in Mississippi, New Hampshire and Oregon would allow citizens to record law enforcement, so long as the filming does not interfere with police officers being able to perform their duties.

The bills in Connecticut and Colorado would allow individuals to seek damages if law enforcement interfered with their ability to make a recording or destroyed their recording. The Colorado measure would allow a person to collect $500 for any damaged or destroyed recording, the cost of the recording device, potential civil penalties of up to $15,000 and attorneys’ fees. The bill in California would clarify that recording or photographing an officer in public does not constitute willful resisting, delaying or obstructing a peace officer in his or her duties, nor is it a cause for arrest. And in New York, the proposal would make it a misdemeanor offense for an officer to interfere with a person’s right to film law enforcement’s actions.

Depending on which, if either, dueling measures in Texas wins approval, most people in the Lone Star State would either be allowed to film a police officer engaged in the performance of official duties with no limits on distance, or they would be prevented from recording law enforcement activity within 25 feet.

The recording of law enforcement activity by the public is just one of several issues lawmakers are grappling with this session concerning police-community relations and oversight.

---Nadin Said

It Takes Two

What is in the best interest of the child continues to be the top consideration when awarding custody. As the body of research grows on the benefits of having both parents fully involved in the lives of their children after a divorce, states are shifting away from awarding mothers full custody to awarding both parents shared custody.

Research shows that parents awarded custody are more likely to pay child support and spend money on other kinds of tangible support for their children, such as gifts, groceries, clothing and school supplies.

Currently, 49 states and Washington, D.C., have laws specifically allowing courts to award joint custody. New York’s law is the exception. While the statute does not specifically mention joint custody, case law has established legal precedent allowing judges to order joint custody. So far this session, New York lawmakers have introduced three bills that would define shared parenting and create a presumption that shared parenting is in the best interest of the child.

While all states are allowed to order joint custody, there is a new trend among state legislatures to provide more direction to the courts by both defining the term and encouraging the use of such orders.

In the last few years, several states have enacted legislation regarding shared custody, although the term can mean different things in different states, and is often used interchangeably with joint custody, shared custody and shared parenting time. Shared custody usually grants mothers and fathers the legal right to spend an equivalent amount of time with their kids, often defined as between 35 to 50 percent of the time. Parents also continue to share in making decisions about their children’s education, health care, activities and other needs.

Lawmakers in 19 states have introduced 25 bills this year related to shared custody requirements. Nearly half of those bills (12) would create a presumption that shared custody is in the best interest of the child, while other laws require or allow the court to order joint legal and physical custody unless there is a safety issue.

Laws in a handful of states—California, Minnesota, Oklahoma and Tennessee—have gone the opposite direction by stating that there is “neither a preference nor a presumption for or against” joint legal custody, joint physical custody or sole custody.

---Meghan McCann
Fossil fuel power plants are the largest source of greenhouse gas emissions in the nation, producing roughly one-third of the country’s emissions, according to the U.S. Environmental Protection Agency. Using section 111(d) of the Clean Air Act, EPA has proposed regulations to collectively reduce power plant emissions to 30 percent below 2005 levels by 2030. Final regulations are expected this summer.

Reduction targets, however, vary widely from state to state—from 10.6 percent in North Dakota to 71.6 percent in Washington. Vermont and Washington, D.C., are excluded from the rule, as neither generates fossil-fuel energy within its borders. New power plants will have to meet strict emissions requirements.

State responses have varied as widely as emission reduction targets, from support to concern to rejection to 15 states filing suit against EPA.

Proponents contend the reductions are essential to improving the country’s air quality and protecting public health and the environment. Opponents disagree, voicing concerns over the possible threat the regulations might pose to the reliability of the electric grid. They also question the legality of EPA’s authority to set the targets.

EPA’s proposed regulations rest on four “building blocks” the agency has identified to reduce carbon dioxide emissions: improving power plant efficiency, increasing the use of existing natural gas plants, using more carbon-free energy and increasing customers’ energy efficiency. States are responsible for developing plans on how they will meet the goals. If they don’t, EPA may create a plan for them.

The agency is encouraging states to work together and will grant those that do more time to develop their multi-state plans.

All of this leaves legislators with crucial questions. What are the next steps? Should we comply or resist? How will this affect constituents’ electricity bills?

Lawmakers in Arkansas, Arizona, North Dakota and West Virginia have passed bills this year that require legislative approval of the state plan before it is submitted to EPA, establish a review committee or study on developing the plan or require reports on the possible impact of the regulations on the electric grid’s reliability and on consumer energy bills. Twenty-seven other legislatures are considering similar bills.

—Jocelyn Durkay
Poison Preventers

Carbon monoxide poisoning continues to kill. More than 10,000 people in the United States are poisoned and require medical treatment each year, 4,000 of them are hospitalized and 500 of them die, according to the Centers for Disease Control and Prevention. Most all of the poisonings are caused by breathing in high levels of the gas inside homes and buildings.

Carbon monoxide is odorless and invisible. It’s found in fumes produced by cars, stoves, grills, fireplaces, gas ranges or furnaces. Symptoms of poisoning are similar to those of the flu: headache, dizziness, weakness, upset stomach, vomiting, chest pain and confusion.

Twenty-nine state legislatures have adopted laws requiring the use of carbon monoxide detectors. The laws vary in details and requirements. Some require every enclosed room to have a detector, while others require them only in rooms with smoke alarms. Ten states require them in all new construction.

Florida requires detectors in every room with a boiler. Illinois requires them within 15 feet of every sleeping room, while Massachusetts and Minnesota require them within 10 feet. North Carolina and West Virginia require them in every dwelling with a fossil-fuel-burning heater or fireplace or with an attached garage.

Texas requires detectors in day care centers, while Maryland requires them in public school buildings. Wisconsin targets public buildings in which people sleep.

Montana requires them in rental units, and Delaware, Maryland and Virginia prohibit tampering with detectors installed by landlords. Tennessee requires detectors in recreational vehicles that are rented or leased.

And Alaska requires state fire marshal approval of detectors installed in buildings.

—Doug Farquhar

Cavities and Cholesterol

Don’t be surprised if the next time you go to your dentist for a routine cleaning you also are screened for high blood pressure or diabetes. Screening for common chronic diseases while visiting the dentist is a growing practice to improve care, reduce hospitalizations and save money. When the health care provider is paid by the state, this could mean significant savings. Medicaid enrollees with diabetes, for example, cost states more than double those without the disease.

Every year, nearly 20 million Americans visit a dentist but not their doctor, according to a 2014 study in the American Journal of Public Health. Considering that about half of all adults have one or more chronic health condition, the study estimated that “medical screenings for diabetes, hypertension and [high cholesterol] in dental offices could save the health care system between $42.4 million and $102.6 million a year.”

Dental schools at universities in Iowa, Maryland and New York are training students to screen for high blood pressure, tobacco use and diabetes. The University of Iowa also added blood pressure and tobacco screening to the electronic health record system that dentists fill out during patients’ visits. Students and faculty at the University of Maryland School of Dentistry now offer certain patients diabetes screenings and referrals to medical professionals.

Since 2013, lawmakers in Colorado, Missouri, North Dakota and Washington have passed legislation to include or enhance Medicaid coverage of adult dental care. Sixteen states provide extensive dental benefits for Medicaid beneficiaries and another 16 provide limited benefits. Several states also reimburse dentists for counseling Medicaid patients to quit smoking.

Treating gum disease may also lower annual medical costs and reduce hospital admissions for people with type 2 diabetes, people at risk of stroke or heart disease and pregnant women.

On the flip side, at least 34 state Medicaid programs reimburse primary care doctors and nurses for performing oral exams and screenings, and providing preventive oral health services, such as fluoride treatments and parent education.

—Tahra Johnson