
BODY WORN CAMERAS: STATE LAWS & RECENT LEGISLATION

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NATIONAL CONFERENCE OF STATE LEGISLATURES

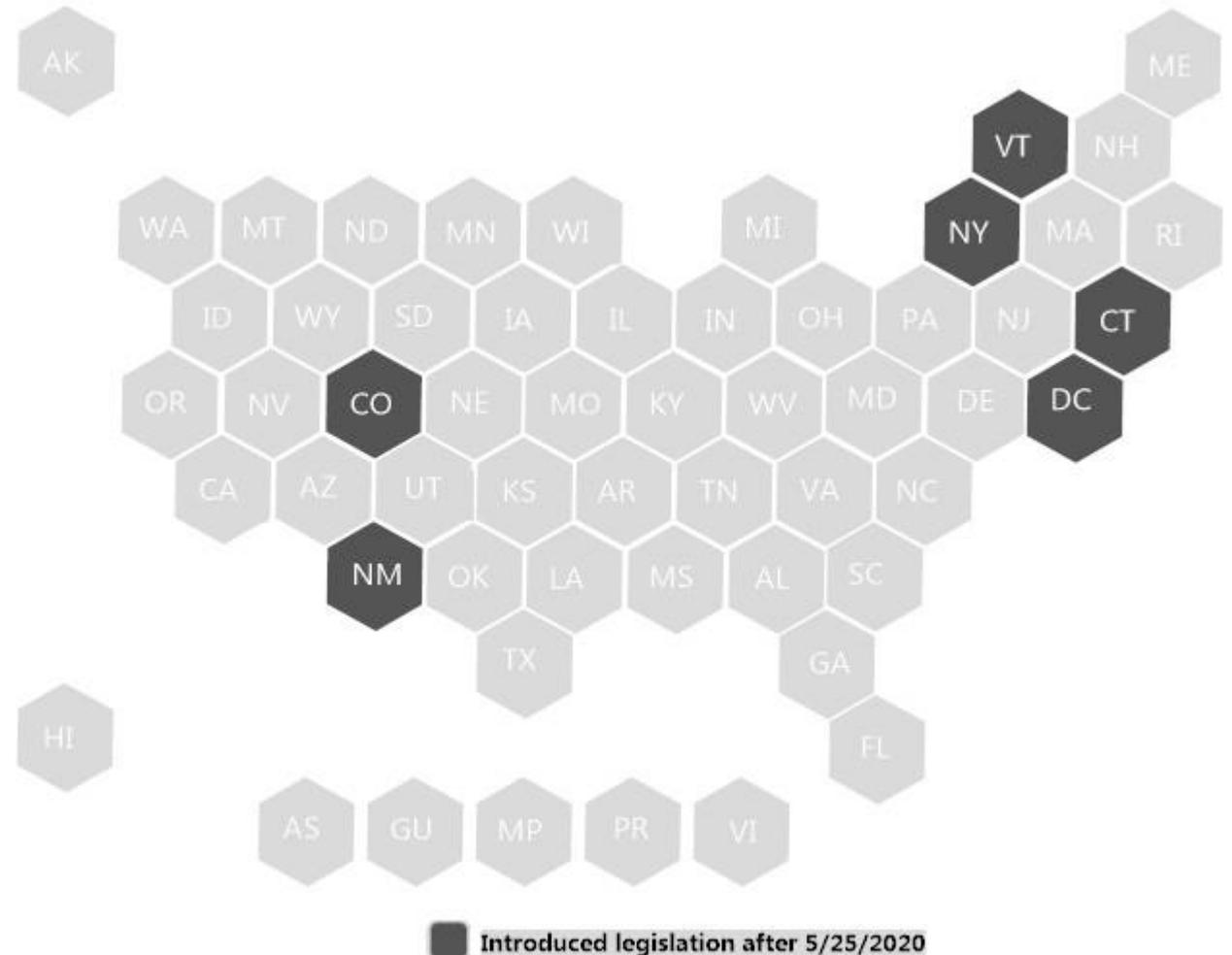


- ❑ Non-profit, bi-partisan organization.
- ❑ Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- ❑ Offices in Denver and D.C.
- ❑ Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- ❑ NCSL tracks state policy developments in all public policy areas.

LEGISLATION BY THE NUMBERS

Since May 2020:

- 5 states and Washington D.C. have adopted or enacted legislation addressing the use of body-worn cameras.



RECENTLY ENACTED LEGISLATION

Guidance on use of
the devices

Expanded
requirements for
use or adoption of
body cameras

Requirements
related to data
retention

Guidance on the
release of video

Legal
consequences for
misuse

Funding for
equipment and
storage

RECENTLY ENACTED LEGISLATION

Colorado SB 217:

- **Requires Adoption:** Beginning July 2023, requires all local law enforcement agencies and the Colorado state patrol to issue body-worn cameras to their officers. Provides exceptions for administrative staff and others and certain situations such as undercover assignments.
- **Guidance on Use:** Requires officers to activate the camera when responding to calls for service or during any interaction with the public initiated by the officer when enforcing the law or investigating possible violations. Permits turning off the camera to avoid recording personal information that is not case related, when working on an unrelated assignment, when there is a long break in the incident or contact, and during administrative, tactical, and management discussions.
- **Retention:** Requires agencies to establish a retention schedule for recordings.
- **Release:** Requires recordings to be released to the public within 21 days after the agency receives a complaint of misconduct. Authorizes redaction or non-release to the public if there is a specified privacy interest. In the event of a death, requires family notification and right to review the recording at least 72 hours prior to public disclosure. Authorizes a 45-day time period if releasing the recording would substantially interfere with or jeopardize an investigation.
- **Misuse:** Creates a permissive inference of misconduct for internal investigations if an officers fails to activate the camera as required or tampers with the footage or operation of the camera. Creates a rebuttable presumption of inadmissibility of any statements introduced through the officer that were not recorded due to an officer's failure to activate the camera. Provides exemptions for camera malfunction. Authorizes discipline and decertification for failure to activate a camera in violation of the statute.

RECENTLY ENACTED LEGISLATION

Connecticut HB 6004:

- **Requires Adoption:** Requires state, municipal and tribal law enforcement to use body cameras and dashboard cameras by July 1, 2022.
- **Funding:** Authorizes \$4 million in bonds for a new grant program to fund related equipment and service purchases by municipalities. Grants can cover 30-50% of equipment costs and funding for digital storage is limited to the cost for up to one year.
- **Regulation:** Requires officers to operate dashboard cameras in accordance with their unit's adopted policies and based on state agency guidelines. Requires state bodies to develop the following for dashboard cameras: minimal technical specifications, guidance on their use and retaining and storing data. (Guidance already existed for body cameras). The law also extends a number of body camera laws to apply to dashboard cameras including prohibitions on editing, altering, erasing, copying, sharing or distributing recordings except as required, permitting officer review to assist in report writing, and exempting specific recordings from FOIA.
- **Retention:** Prohibits state agency guidance from requiring storage for longer than a year except in specified cases.



RECENTLY ENACTED LEGISLATION

District of Columbia B 825:

- Emergency/temporary legislation that requires the faster release of body-worn camera footage after any officer-involved death or serious use of force, requires release of footage from past shootings, and bans officers from reviewing it prior to drafting crime reports. Provides for notice of next of kin prior to release and an opportunity for them to review the footage first.

RECENTLY ENACTED LEGISLATION

New Mexico SB 8:

- **Requires Adoption:** Requires agencies to require officers who routinely interact with the public to wear a body camera while on duty.
- **Guidance on Use and Retention:** Requires each agency in the state to adopt policies (1) requiring activation for calls or at the initiation of any law enforcement or investigative encounter, (2) prohibiting deactivation until the conclusion of the encounter, (3) requiring that video be retained for not less than 120 days, and (4) establishing discipline for officers who fail to operate the camera in accordance with rules, intentionally manipulate the recording, or prematurely erase a recording.
- **Misuse:** Creates a presumption of bad faith if an officer fails to comply with policies and procedures related to the use of a body camera.

RECENTLY ENACTED LEGISLATION

New York SB 8493:

- **Requires Adoption:** Requires the Division of State Police to provide all New York State Police with body cameras to be worn at all times while on patrol.
- **Guidance on Use:** Specifies all instance which the cameras must record:
 - immediately before an officer exits a patrol vehicle to interact with a person or situation, even if there is a dash camera inside such vehicle which might also be recording the interaction;
 - all uses of force, including any physical aggression and use of a non-lethal or lethal weapon;
 - all arrests and summonses;
 - all interactions with people suspected of criminal activity;
 - all searches of persons and property;
 - any call to a crime in progress;
 - investigative actions where there are interactions with members of the public;
 - any interaction with an emotionally disturbed person; and
 - any instances where officers feel any imminent danger or the need to document their time on duty.
- Exempts sensitive encounters including speaking with a confidential informant, conducting a strip search, or when a member of the public asks the officer to turn off the camera.



RECENTLY ENACTED LEGISLATION

Vermont SB 219:

- **Requires Adoption:** Requires state police who exercise law enforcement power to be equipped with a body camera or other video recording device.
- **Guidance on Use:** Requires the Department of Public Safety to immediately initiate the acquisition and deployment of the cameras. Specifies that any costs beyond the department's existing budget shall be included in the department's FY21 budget provided to the General Assembly in August 2020.
- The bill also included legislative intent to work on updating a model policy for the use of body cameras and adopt a statewide policy prior to the effective date for the body camera requirements.

TRENDS IN PREVIOUS LEGISLATION

Body-Worn Camera Laws Database

2/28/2018

Requiring use

Funding for equipment, storage or pilots

Requiring written policies

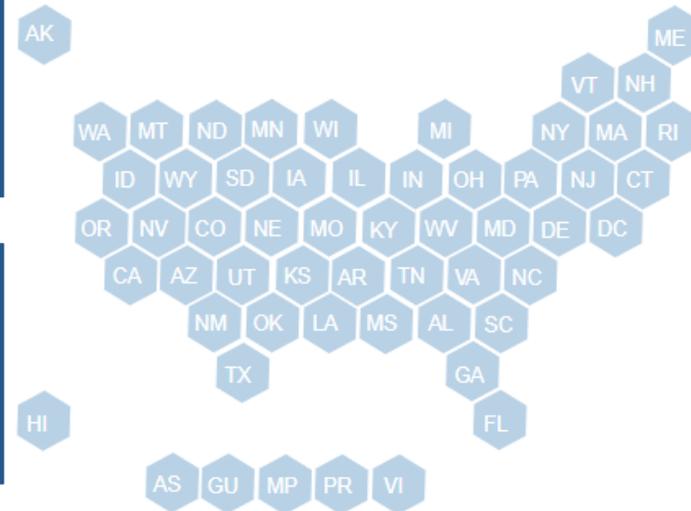
Studies and task forces

Eavesdropping laws

Open records implications

Data Retention

State Body-Worn Camera Laws (See all laws)



BODY CAMERA ISSUE SUMMARY

Requirement to Use Body Cameras

Body Camera Funding

Open Records Laws

Eavesdropping Laws

Written Policy Required

Body Camera Studies

BODY CAMERA LAWS

Search by State

BODY-WORN CAMERA OVERVIEW

Body-worn cameras are recording devices police officers wear as part of their uniforms to document what they see as they perform their duties. Body cameras continue to be a significant focus for state law makers as they consider and enact legislation to address police-community relations. Thirty-four states and the District of Columbia have created laws for body cameras.

OTHER ISSUES

- State role in assisting departments with storage.
- Security measures to protect data and enable access.
- State level policies for use, transparency and reporting.

Questions?

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