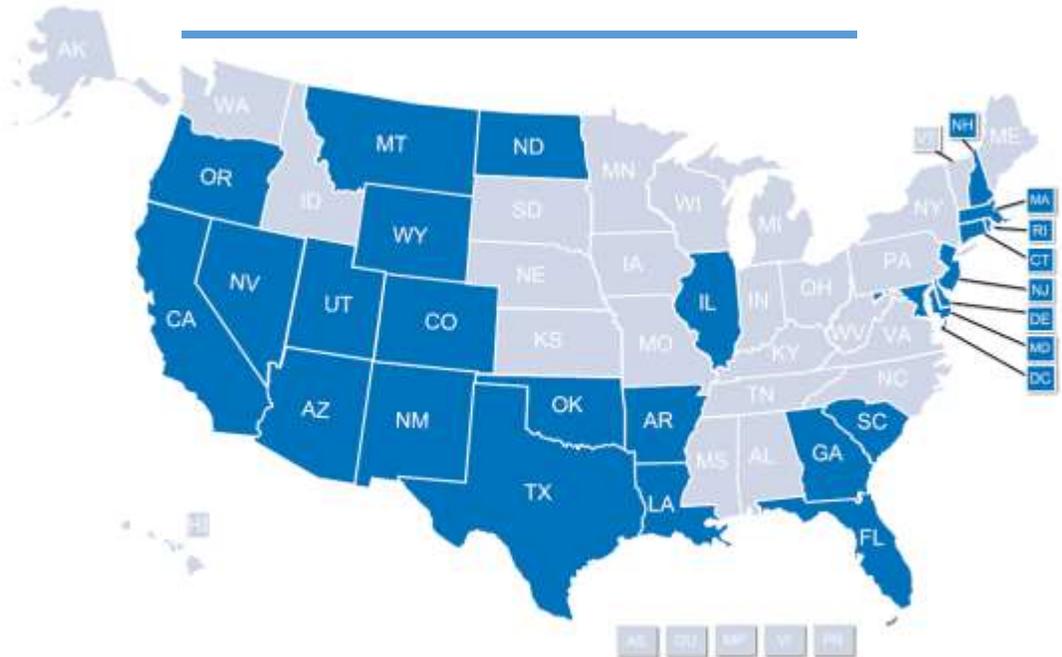


Overview

Policing practices were a significant focus for lawmakers in 2015. High profile police-involved deaths continue to drive national debate on potential policies to improve safety, legitimacy, transparency and accountability in police-community relationships.

Since January, at least 26 states have enacted laws on police practices, including operational guidelines, training requirements, data collection standards, technology enhancements and investigatory procedures for officer wrongdoing.

States with Police Enactments in 2015



State enactments

A few states, including California, Colorado, Illinois, Maryland and Texas enacted legislation addressing several police issues this year. Connecticut's new law (HB 7103) requires training for all police on use of force, the operation of body-worn cameras, cultural competency and bias free policing. The law also requires records to be kept detailing use of force incidents, including when officers cause serious physical injury or death. The law also addresses hiring and employment practices by requiring each police department to develop and implement guidelines for the recruitment, retention and promotion of minority police officers. It also prohibits police departments from hiring any police officer who was dismissed for misconduct or who resigned or retired while under investigation for misconduct. The law additionally holds police departments liable for their officers' wrongful destruction of civilian recording devices or video footage.

In addition to requiring training, setting standards for the use of body-worn cameras, and establishing procedures for investigations into officer-involved deaths, Illinois' new law (SB 1304) also requires police to complete a pedestrian stop card whenever they detain a pedestrian in a public place. The stop card must include information about the person's gender and race, the reasons that led to the stop, the type of frisk or search conducted, whether or not contraband was found or seized, whether the stop led to a warning, ticket, summons, or an arrest, and the name and badge number of the officer who conducted the detention. The Illinois Department of Transportation is required to collect and analyze all pedestrian stop information and report its findings to the General Assembly and the Racial Profiling Prevention and Data Oversight Board. The law creates a professional conduct database to track officer violations of department policy and misconduct. In addition, the law prohibits police from using chokeholds, unless the circumstances justify the use of deadly force.

Trending issues in 2015 law enforcement legislation:

Body-Worn Cameras

Body-worn cameras were a significant focus of policing legislation this year. Seventeen states and the District of Columbia enacted new laws to create study committees, set standards for police use, protect privacy, provide funding, and apply eavesdropping and open records laws to body camera recordings. California (AB 93), Colorado (HB 1285), Connecticut (HB 7103, SB 1501), Illinois, (SB 1304), Massachusetts (HB 3829), Nevada (AB 162), South Carolina (HB 47) and Texas (SB 158) all appropriated funds or established grant programs for police departments to aid with the cost of purchasing and operating cameras. Most recently, Massachusetts appropriated \$250,000 for competitive grants to municipalities to conduct pilot programs. Under the law, grant applicants must submit a plan describing how the cameras will be used, how privacy will be protected, how video footage will be retained and accessed, and the standards the departments will use to evaluate their programs. Three states, California, Connecticut and Nevada are requiring their state police to use body cameras. South Carolina is the only state to require every police department to implement a body-worn camera program, though the requirement is contingent on the provision of state funding.

Transparency into Officer Misconduct

States enacted a variety of new laws to address transparency for police misconduct and use of force. In California, for example, a new law (SB 227) prohibits grand juries in most circumstances from inquiring into an offense that involves a shooting or use of excessive force by an officer that led to a person's death. Investigations by grand juries are secret, not adversarial and witnesses are not cross-examined. Under the new law, these cases will be heard in the state's preliminary hearing process, which is public and adversarial.

An enactment in Colorado (SB 219) requires each police department in the state to develop protocols for their participation in a multi-agency team to investigate every discharge of a firearm by a police officer that results in injury or death. The protocols must be published on a publicly available website. The legislation also requires a district attorney, if there is a decision not to file criminal charges against an officer, to release a report to the public explaining their decision. If the district attorney refers the case to a grand jury and the grand jury does not pursue charges, then the district attorney may issue a public report at his or her discretion pursuant to previously established law. Another Colorado law (SB 217) requires that every officer-involved shooting be reported to the state Division of Criminal Justice. New laws in Maryland (HB 771, HB 954) and Texas (HB 1036) similarly set reporting requirements for officer use of force and officer-involved deaths.

Crisis Intervention Training

Police interactions with persons with mental illness can be dangerous if officers are unaware how to appropriately respond. Crisis intervention teams (CITs) are formal partnerships among police departments and mental health providers that ensure responding personnel are trained to identify, assess and de-escalate mental health crisis situations. Currently, at least 19 states require crisis intervention training for police officers. This year four states, Illinois (HB 4112), Indiana (SB 380), Texas (SB 219) and Washington (SB 5311) enacted new laws. The Illinois law requires the Illinois Law Enforcement Training and Standards Board to develop a crisis intervention training curriculum. Indiana's Senate Bill 380 created a Technical Assistance Center for Crisis Intervention Teams. The center is charged with identifying funding opportunities for local crisis intervention teams, creating an advisory committee and providing training and technical assistance.

Reducing Bias in Policing

At least 35 states have laws to track bias by their police officers or to train law enforcement to avoid bias based policing. This year, California enacted a new law (AB 953) that requires the Attorney General to establish a Racial and Identity Profiling Advisory Board. In addition, the law requires each police department to report data on all stops conducted by the department's officers. The Board is required to investigate, analyze and report on police policies, practices and data. The first annual report is due no later than January 1, 2018.

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