State Legislative Overview

Eyes on Crime: Police Body-Worn Cameras
Law, Criminal Justice and Public Safety Committee
Tuesday, August 4th

Rich.Williams@ncsl.org
Criminal Justice Policy Specialist, NCSL
Important Takeaways

- State Legislation (policies and questions)
- Why Body-Worn Cameras? (policing issues in 2015, research, study committees, potential benefits)
- Implementation (police procedures, privacy, transparency, cost, funding)
State Laws and Legislation

As of July 31st:

- In 2015, 37 States and the District of Columbia considered 135 pieces of legislation
- 16 states and the District of Columbia enacted/adopted new measures
- In total, 21 states and the District of Columbia have enacted laws or adopted resolutions that address body-worn cameras

References:
2015 Legislation:
Ariz. SB 1300, Calif. AB 93, SB 424, SB 85, Colo. HB 1285, Conn. HB 7103a, SB 1501a, Del. HCR 46, District of Columbia B 283, Fla. SB 248, Ill. SB 1304, La. HCR 180, Md. HB 533, SG 482, N.D. HB 1264, Nev. AB 162, SB 111, Okla. HB 1037, Ore. HB 2571, S.C. HB 47, Texas SB 358, Utah SB 82

Statutes and Session Laws:
Law Enforcement Issues in 2015

- Issues
  - Community Policing
  - Use of Force
  - Bias
  - Statistics
  - Review of police involved deaths
  - Training

- Common Elements
  - Transparency
  - Accountability
  - Evaluating community interactions

- 32% of state/local departments used body cameras in 2013
  - Bureau of Justice Statistics
The General Assembly recognizes ... that officer-worn body cameras will provide state-of-the-art evidence collection and additional opportunities for training and instruction. Further, officer-worn body cameras may provide impartial evidence and documentation to settle disputes and allegations of officer misconduct. Ultimately, the uses of officer-worn body cameras will help collect evidence while improving transparency and accountability, and strengthening public trust.

- Illinois Senate Bill 1304
Why Body-Worn Cameras?

- **Research**
  - Rialto, CA - Phoenix, AZ - Oakland, CA - Denver, CO
  - Civilian complaints, assaults on officers, cost-effectiveness for resolving disputes, use of force
  - Benefits for training, optimal operation standards, equipment capabilities

- **Future Studies**
  - South Carolina - study of all the state’s jurisdictions currently using body cameras
  - Arnold Foundation - Funding four studies
  - California Highway Patrol - Pilot program
  - Pilot programs in many municipalities including Seattle

- **Costs**
  - Loss of life
  - Resolving allegations of misconduct
    - **$1.02 – 1.4 Billion** over the last 5 years paid out from the cities with 10 largest police departments – Wall Street Journal
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Statutes and Session Laws:
N.H. § 370-A:2, 2014 N.J. Sess. Law Serv. Ch. 54, Okla. 51 § 24A.8, Pa. 30 § 901, 34 § 901, Vt. 20 § 2367
Body Camera Questions

- Operational use
  - Turn On/Off
    - Officer discretion, exigent circumstances, victim interviews
  - Technical specifications
    - Pre-record, dress requirements, battery life, equipment failure
  - Review procedures
    - Public access, data security, public access, police access
  - Discipline for misuse
    - Unauthorized alteration or deletion

- Transparency vs. Privacy
  - Where and when to record

- Cost
  - Equipment, data (volume, storage, review, retrieval), staff
Operational Use

Pre-Recording
- Pre-record technology
- Determining Activation (Calls for service, any interaction with the public, entire shift, officer discretion, personal officer activity)
- Equipment maintenance
- Training

During Recording
- Dress requirements
- Exigent circumstances

Review and Retention
- Officer opportunity to review
- Retention minimums and standards
- Reporting requirements
- Procedures for failure to record

Public Access
- Open record laws (procedures and staff to facilitate release to the public, procedures for voluminous requests, cost recovery)
Privacy Protections

Pre-Recording
- Prohibited events (medical or psychological evaluations)
- Prohibited places (hospitals, homes, private place)
- Prohibited Persons (domestic violence victims, homicide victims, accident victims, reporting a crime)

During Recording
- Eavesdropping (filming announcement)
- Requests to cease recording

Review and Retention
- Facial recognition technology prohibited
- Ownership restrictions
- Video only useable for a legitimate law enforcement purpose

Public Access
- Open record laws (In a home, death, nudity, juvenile identity, bystanders)
## Ensuring Transparency

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<th>Pre-Recording</th>
<th>During Recording</th>
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<th>Public Access</th>
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| • Required Interactions (responding to calls for service, confrontational situations, a crime in progress) | • Prohibitions against ending a recording mid-event | • Criminal penalties or department discipline for misuse (editing, deleting)  
• Retention periods (time minimums, court proceeding, criminal case) | • Reasonably tailored to a public interest (use of deadly force, discharge of a firearm)  
• Access to the subject of the video |
Body Camera Funding

- Grants
  - Community-policing, body camera specific

- Appropriations
  - Pilot programs, staffing, department programs
Resources

NCSL Law Enforcement Overview Webpage:

NCSL Summit Resources Webpage:
http://www.ncsl.org/meetings-training/2015-legislative-summit-online-resources.aspx

Contact:
Rich.Williams@ncsl.org