



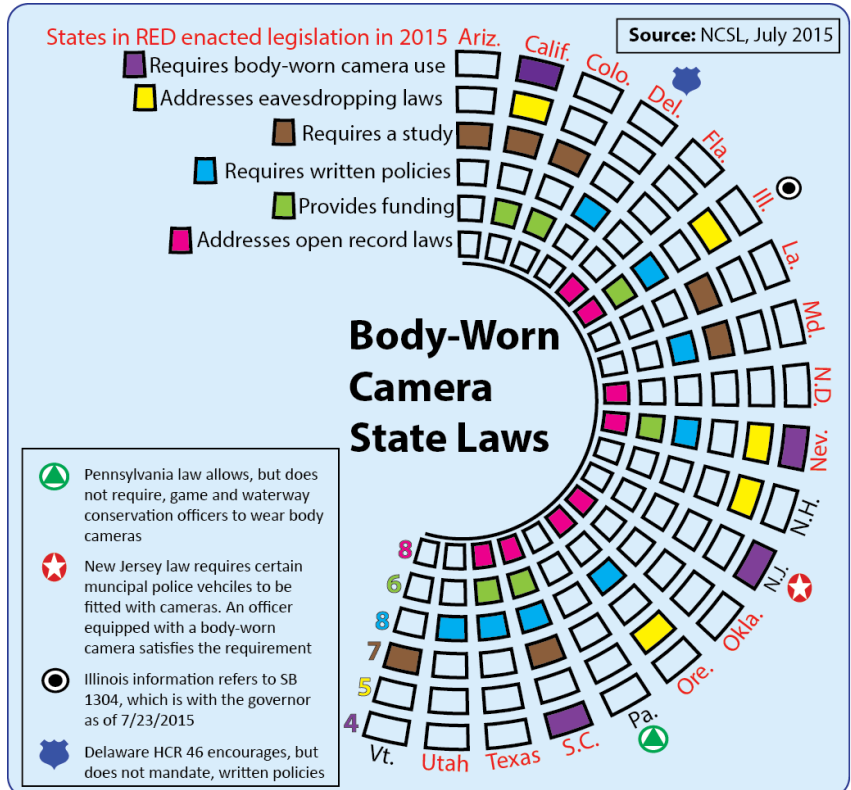
Law, Criminal Justice and Public Safety Committee
“Eyes on Crime: Police Body-Worn Cameras”
Tuesday, Aug. 4, 2015, 2 – 3:15 p.m.

State Body-Worn Camera Overview

A July 2015 report from the Bureau of Justice Statistics stated that 32 percent of all state and local police departments deployed body-worn cameras for at least some of their officers in 2013. Since then, policing has become the focus of national debate, with much attention being given to expanding body camera use.

To date, 19 states have enacted laws or adopted resolutions concerning body-worn cameras for police. During 2015 sessions, state lawmakers were active on the issue, as 37 states considered body-worn camera legislation and 15 of those states enacted new measures.

Issues addressed in body-camera legislation include creating study committees, setting standards for police use, protecting privacy, creating funding opportunities for law enforcement agencies, and applying body camera recordings to eavesdropping and open records laws.



References:

2015 Legislation:

Ariz. SB 1300, Calif. AB 93, SB 424, SB 85, Colo. HB 1285, Del. HCR 46, Fla. SB 248, Ill. SB 1304, La. HCR 180, Md. HB 533, SB 482, N.D. HB 1264, Nev. AB 162, SB 111, Okla. HB 1037, Ore. HB 2571, S.C. HB 47, Texas SB 158, Utah SB 82

Statutes and Session Laws:

N.H. § 570-A:2, 2014 N.J. Sess. Law Serv. Ch. 54, Okla. 51 § 24A.8, Pa. 30 § 901, 34 § 901, Vt. 20 § 2367

Costs and Benefits

Proponents of body-worn cameras believe video and audio recordings of law enforcement’s interactions with the public will provide the best evidence for, and defense of, accusations of police misconduct. Advocates also believe the effect of being on camera reduces the likelihood of misbehavior for both police and the public. The preeminent study on body-worn cameras, a field experiment conducted by the Rialto, Calif., Police Department, found that when police were equipped with cameras, use of force incidents and citizen complaints against officers were reduced by 50 percent and 90 percent, respectively.

While many are enthusiastic about the potential benefits of body-worn cameras, there is also concern about their cost, their impact on privacy, and the appropriate storage and retention of the video evidence they produce. These are among the issues currently being addressed by state lawmakers.

Body-Worn Camera Studies

Seven state legislatures have created task forces, authorized pilot programs, or charged agencies with studying issues related to body-worn cameras. Arizona, Colorado, Louisiana and Maryland commissioned new groups to study and make recommendations on body-worn camera policy. Louisiana, for example, created the Law Enforcement Body Camera Implementation Task Force to evaluate proper training requirements for police officers using cameras, situations when body-worn cameras should be turned on and off, and how video and audio data should be stored, retained and released. California's law requires the state highway patrol to implement a body-worn camera pilot program, using practical experience to inform best practices, including whether officers should be allowed to use privately owned cameras and how data should be shared internally. South Carolina's law requires the Law Enforcement Training Council to study jurisdictions already using body cameras to develop statewide guidelines that will inform individual department policy.

Requirements to Wear Body Cameras

Four states have enacted laws that require at least some officers to use body-worn cameras. South Carolina's law requires, contingent on state funding, that every police department implement a body camera program. Nevada and California require certain members of their state highway patrol to wear body cameras. New Jersey's law requires certain police vehicles to be equipped with cameras, and this requirement can be satisfied by an officer wearing a body camera.

Written Body-Worn Camera Policies

Seven states require written policies in order for law enforcement to use or receive funding for body-worn cameras. Legislation sets statutory minimum standards for policies, requires state entities to write or coordinate the development of policies and charges individual departments with creating their own policies. Maryland's law, for example, requires the Police Training Commission to develop and publish a body-worn camera policy that addresses when recording is mandatory, when it is prohibited, how to handle access for review, retention standards for recordings, and consequences for officers who violate the policy or alter recordings. Texas' law requires individual departments to have policies that include a data retention period of at least 90 days, procedures for officer access to recordings and reporting requirements for documenting equipment malfunction. It also prohibits any policy from requiring that officers film their entire shift. South Carolina requires departments to submit their policies to the Law Enforcement Training Council for approval. Utah's law requires agencies using body cameras to mandate in their policies that officers wear them while executing search warrants.

Body-Worn Camera Funding

Six state legislatures have provided funding for the purchase, operation and maintenance of body-worn cameras. California and Nevada appropriated funds to their state highway patrols to develop and operate body camera programs. California law also authorizes the Board of State and Community Corrections to provide grants to local law enforcement for initiatives that strengthen community-police relations, including any one-time costs associated with body camera programs. Colorado, Illinois, South Carolina and Texas created funds and grant programs for the specific purpose of aiding local police departments with the purchase and operation of body-worn cameras.

Body-Worn Camera Data and Open Record Laws

Eight states have addressed how body-worn camera data is to be released to the public under open record laws. Oklahoma's law states that body camera recordings are public records, but provides many situations for which police may temporarily withhold, redact or obscure certain videos. For example, footage containing the death of a person, or violence against a person, may be redacted unless the harm was caused by law enforcement. North Dakota's law states that any recording taken in a private place is exempt from release as a public record. Legislation has also addressed mass data requests. Texas law defines a "voluminous public information request" as a request for recordings that includes more than five separate incidents, more than five separate requests from the same person in a 24-hour period, or a request, or series of requests, in a 24-hour period that totals more than five total hours of footage. Under the law, these requests are answered adequately if responded to within 21 business days.

Body-Worn Camera Data and Eavesdropping Laws

Five states have made exceptions to laws prohibiting the surreptitious recording of conversations for police officers wearing body cameras. In Oregon, the exception does not apply if the officers fail to announce the conversation is being recorded and had an opportunity to do so without jeopardizing their safety or impairing a criminal investigation. If the officer violates this provision, the body camera data is inadmissible as evidence.