

State Legislative Overview

Eyes on Crime: Police Body-Worn Cameras

Law, Criminal Justice and Public Safety Committee

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NCSL Legislative Summit

SEATTLE

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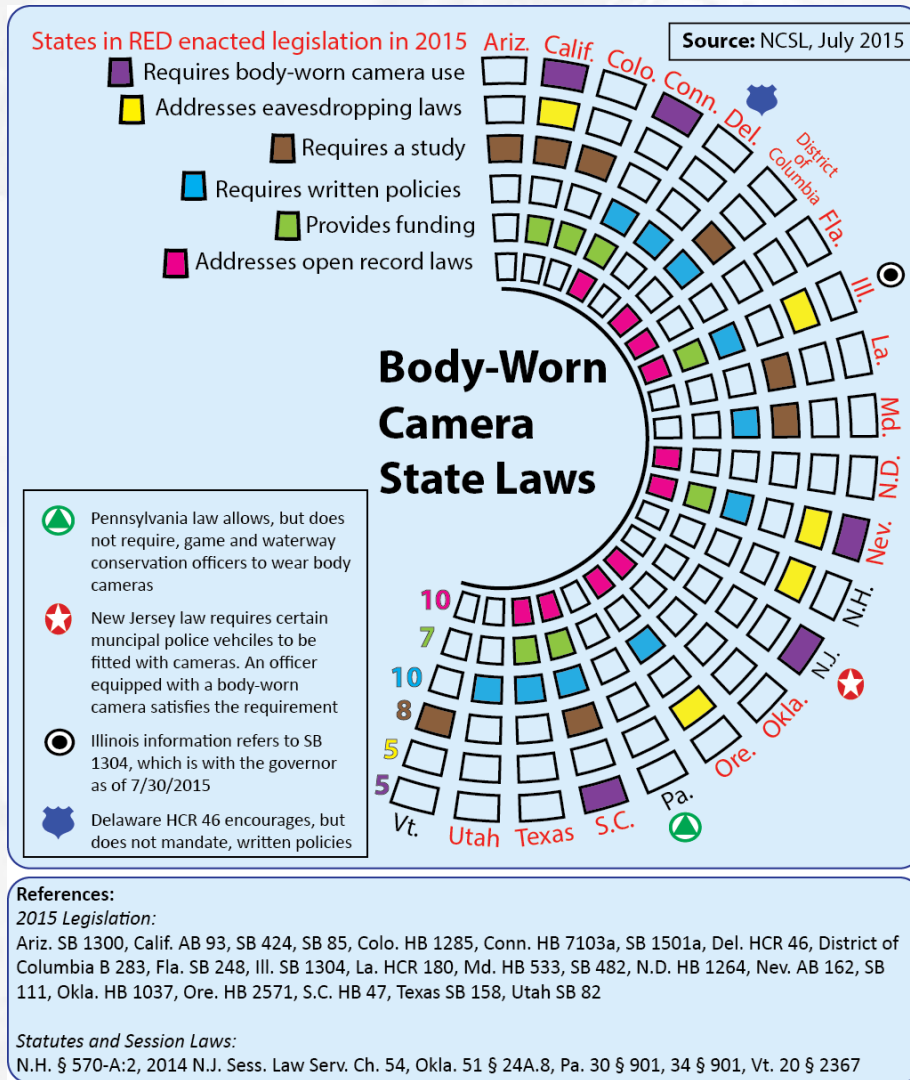


Important Takeaways

- 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



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



Why Body-Worn Cameras?

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

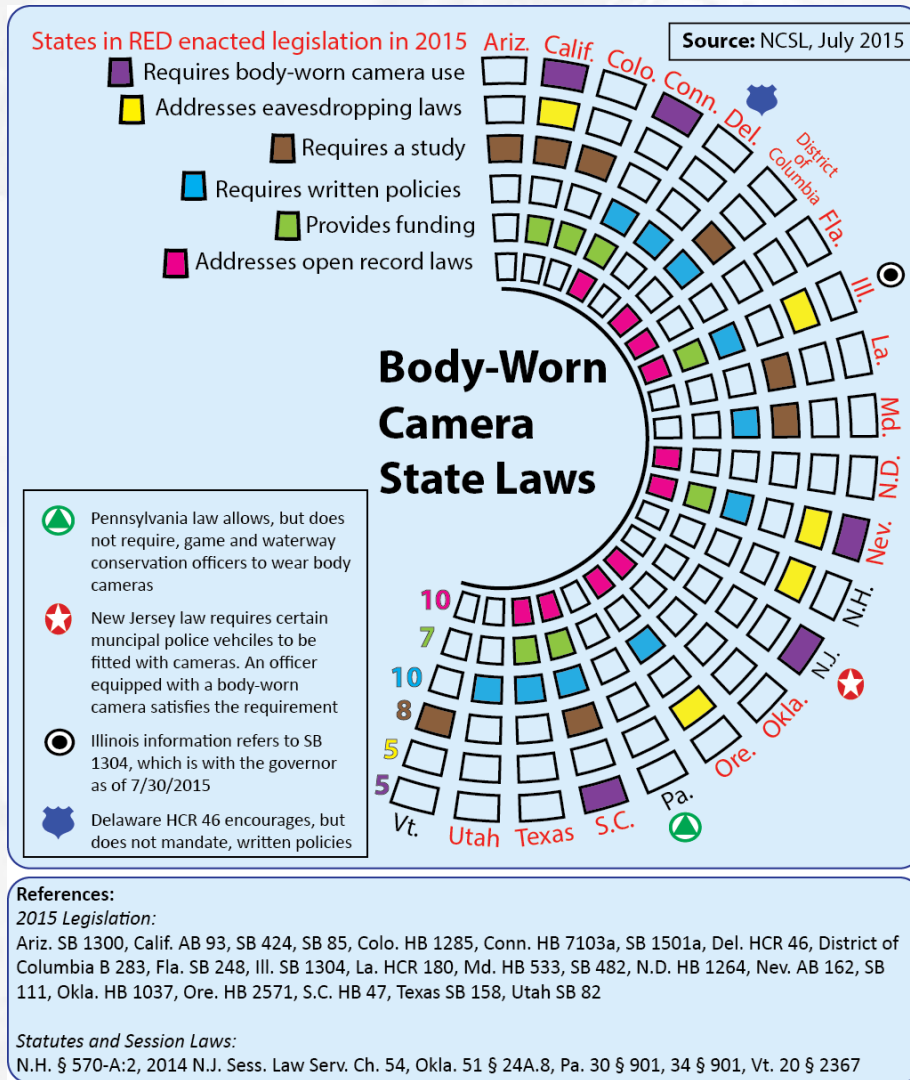


Why Body-Worn Cameras?

- 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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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

Pre-Recording

- Required Interactions (responding to calls for service, confrontational situations, a crime in progress)



During Recording

- Prohibitions against ending a recording mid-event



Review and Retention

- Criminal penalties or department discipline for misuse (editing, deleting)
- Retention periods (time minimums, court proceeding, criminal case)



Public Access

- 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:

<http://www.ncsl.org/research/civil-and-criminal-justice/law-enforcement.aspx>

NCSL Summit Resources Webpage:

<http://www.ncsl.org/meetings-training/2015-legislative-summit-online-resources.aspx>

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