

SB158

A Texas Approach

to a

Comprehensive Body-Worn Camera Program

National Conference of State Legislators

"Eyes on Crime: Police Body-Worn Cameras"

August 4, 2015

Presented by

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(Dallas)

SB 158 on Body-Worn Cameras

SB158 has two primary objectives

- To establish statewide policy and guidelines on the use of body-worn cameras by law enforcement
- To provide funding assistance to help law enforcement agencies with the resources needed to operate a body-worn camera program

SB 158 on Body-Worn Cameras

SB158 –

- voted out of Senate Committee – 4-3
- passed the full Senate – 22-8
- voted out House Committee – 5-0 (2 *abs.*)
- passed the House of Representatives – 135-4

Signed into law by Gov. Abbott on June 19, 2015 (Juneteenth)

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Building Coalitions and Consensus

Stakeholder workgroup formed -

- *Law enforcement – Chiefs Association, management, labor*
- *Prosecutors, Defense Attorneys*
- *Municipal Associations, County Associations, cities, county officials*
- *Department of Public Safety*
- *State Agencies*
- *Legislators*
- *Leadership*
- *Advocacy groups*

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Press conference at Dallas Police Headquarters

SB 158 on Body-Worn Cameras



Dallas Chief of Police - David Brown

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A Comprehensive Approach

SB158 addresses issues regarding:

- *Funding/cost*
- *Training*
- *Officer's Rights*
- *Local policy*
- *Records retention/data management*
- *Use of personal equipment*
- *Open Records/release of information*
- *Privacy*

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Scope of Legislation

SB158 applies to ---

- Officers employed by city police and county sheriff's departments that perform traffic or patrol duties and provide primary response to calls for assistance from the public
- A law enforcement agency that operates a body-worn camera program

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Funding Assistance

Statute allows police and sheriff's departments to apply to the Governor's Office for a grant to defray the costs of implementing a body camera program. Applicants are required to provide a 25 % fund match.

Statute provides that a law enforcement agency may enter into an agreement with the Texas Department of Information resources to leverage the state's purchasing power for equipment purchases and for data management services.

- *Texas appropriated \$10 million for SB158.*
- *The Governor's office dedicated up to \$2 million in JAG funds.*

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Policy Considerations

A policy for the operation of a body-worn camera program implemented by a law enforcement agency must contain each of the following components:

- Guidelines for when a camera should be activated or when a recording should be discontinued
- Provisions for data retention that include a minimum 90-day retention period
- Policy on data storage, backup capabilities and data security

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Policy Considerations

An agency's policy must also contain:

- Guidelines for public access based on Texas' Open Records laws
- Provisions to allow an officer to view the recording of an incident prior to submitting a statement about the incident to the department
- Procedures for internal review
- Procedures for handling of the equipment and addressing equipment malfunctions

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Training

SB158 requires a law enforcement agency that operates a body-worn camera program to provide training to officers and any other personnel who will come in contact with recordings obtained by use of a body-worn camera.

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Training

The training curriculum will be developed jointly by a group that includes:

- *Texas Commission on Law Enforcement Education*
- *Texas Dept. of Public Safety*
- *Texas Police Chiefs Association*
- *Bill Blackwood Law Enforcement Management Institute*
- *W.W. Caruth Police Institute*

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Use of privately-owned equipment

SB158 bans the use of body-camera equipment that is not issued by the department, if the department has received state grant funding.

However - an officer employed by an agency that has not received grant funding, or by an agency that has not issued body camera equipment, may use privately-owned equipment.

Law requires the agency to ensure equipment security and compatibility.

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Recording interactions with the Public

SB158 allows local department policy to determine when an officer activates the body-worn camera.

- If an officer fails to activate a body-worn camera or discontinues a recording, the reason must be included in the incident report.
- Bill allows officer discretion regarding the recording of a witness or victim and during non-confrontational encounters with the public.

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Recordings as Evidence

Recordings made by a body-worn camera that involved the use of deadly force, or of an incident that is under investigation, may not be destroyed or released to the public until the investigation is complete.

- *However, a department may release the recording if it serves a law enforcement purpose.*
- The release of information by an officer or other employee of an agency without the consent of the agency is **Class A Misdemeanor**.

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Open Records/Release of recorded information

The requirements for the release of recorded information are based on Texas' Open Records laws. Generally, materials that are part of an investigation are released at the agency's or prosecutor's discretion.

SB158 –

- *Sets requirements on how a request must be submitted*
- *Defines a “private space” which says certain recorded information that does not result in arrest cannot be released without consent of the subject*
- *Requires the Attorney General to establish a fee that can be charged to the requestor to obtain recorded materials.*

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Open Records - "Voluminous" requests

SB158 defines what constitutes a voluminous request. The law allows an agency up to 21 days to comply with the request. The process for an Open Records request also applies.

A voluminous request is:

- A request for more than 5 separate incidents
- More than 5 requests from the same person within 24 hours
- Requests from the same person within 24 hours that combined, totals more than 5 hours of footage

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DeSoto Chief of Police - Joseph Costa

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