Federal Legislative Overview on Police Body-Worn Cameras

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The Police Creating Accountability by Making Effective Recording Available ("CAMERA") Act

S.877 and H.R.1680
Police CAMERA Act of 2015

**S.877**
- Introduced March 26, 2015
- Brian Schatz, D-HI, Sponsor
- 5 cosponsors
- Total of 5 Democrats
- 1 Republican (Rand Paul)
- Referred to Senate Judiciary Committee on same day
- No other movement

**H.R.1680**
- Introduced March 16, 2015
- Corrine Brown, D-FL, Sponsor
- 28 cosponsors
- Total of 27 Democrats
- 2 Republicans (Mark Walker, NC; Robert Dold, IL)
- Referred to Subcommittee on Crime April 29, 2015
Police CAMERA Act of 2015

• Text of S.877 and H.R.1680 is identical
• Creates a matching grant program within DOJ/OJP
• State, local governments, and Indian tribes may apply
• Federal share generally may not exceed 75%
• Two year duration
• Total of $10M allocated from OJP funding
Police CAMERA Act of 2015

• Funds to be used for purchase or lease of body-worn cameras for patrol officers
• Implementation, policy development, and data storage costs eligible for funding
• 50% of grant amount to be disbursed upon approval of application
• Remaining 50% to be disbursed upon completion of certain requirements
CAMERA Act of 2015 **Policy Requirements** for Recipients

- “Community Input” in policy development
- “Safe and effective use”
- Protection of privacy rights of individuals recorded
- Compliance with state open records laws
- Secure storage, handling and destruction of data
CAMERA Act of 2015 *Data Collection and Retention* Requirements

- Individual LEOs must “provide explanation” if an activity required to be recorded is not recorded (This implicates *Garrity* concerns)
- LEOs must obtain consent from victim or witness prior to being recorded (What about minors? Situations where it is unclear a crime has occurred? Unconscious or incompetent person?)
CAMERA Act of 2015 *Data Collection and Retention* Requirements, Cont’d

• The agency must “collect and report” (to whom?) “incidences of use of force, disaggregated by race, ethnicity, gender, and age of the victim”

• Number and disposition of complaints filed against LEOs

• Agency must allow individuals to file complaints relating to “improper use” of BWCs (not defined)
CAMERA Act of 2015 *Data Use and Transfer* Requirements

- Language of bills would apply to *any* BWC camera used by agency, not just those funded by the federal program.
- Data may only be used by primary agency for investigations of LEOs, training, or if recording contains “evidence of a crime” (Could not be used to preserve description of lost child? Silver Alert victim?)
CAMERA Act of 2015 *Data Use and Transfer* Requirements, Cont’d

- Secondary agency may only receive data if it has “reasonable suspicion” the requested data contains evidence related to a crime being investigated.

- Exception: Data may be transferred without “reasonable suspicion” requirement if it relates to “claims” of civil rights issues.
CAMERA Act of 2015:

Goals of the Legislation

• “To deter excessive force”
• “To improve accountability and transparency of use of force by law enforcement officers”
• “To assist in responding to complaints against law enforcement officers”
• “To improve evidence collection”
CAMERA Act of 2015
Likelihood of Passage

• Passage not likely unless country experiences another controversial use of force event on the order of the Michael Brown shooting in Ferguson

• Pending legislation already being left behind by implementation of funding stream by U.S. DOJ, and at a higher dollar level
The Camera Accountability Maintenance and Transparency in Policing Act of 2015

H.R.1124
The “CAM TIP” Act
The CAM TIP Act of 2015

• Introduced February 26, 2015
• Al Green, D-TX, Sponsor
• 3 cosponsors, all Democrats
• Referred to Subcommittee on Crime on March 31, 2015
• No other action pending at this time
The CAM TIP Act of 2015

• Federal matching grant program administered through the DOJ/BJA
• In general, federal share cannot exceed 50%
• Grants to be distributed directly to States, local governments, and Indian tribes
• Preference for jurisdictions with fewer than 100,000 residents
• No specific funding amounts provided for program
The CAM TIP Act of 2015

- BWCs not necessarily restricted to patrol officers
- Discretion left to receiving agencies in developing policies and procedures regarding when LEOs should wear, activate and deactivate BWCs
- Calls for development of policies on storage and disclosure of data, as well as “protection of civil liberties” of “general public”
The CAM TIP Act of 2015, Cont’d

• Significant workplace considerations:
  – Calls for limiting the use of BWCs to monitor LEOs “outside of their interactions, in an official capacity, with members of the general public”
  – Calls for standards regarding effective placement on the body for BWCs
  – Calls for best practices for “receiving an accurate narrative from the recordings of body-worn cameras” (*Garrity* issue?)
The CAM TIP Act of 2015, Cont’d

Additional Provisions

• Would establish a federal task force within the DOJ to provide recommendations on community policing and accountability and transparency

• Members would include civil rights advocates as well as law enforcement personnel

• Bill also calls for GAO report on US DoD 1033 program
The CAM TIP Act of 2015

**Likelihood of Passage**

- Bill in current form unlikely to pass Congress
- CAMERA Act considered more comprehensive, has more cosponsors
- Proposed Task Force on Community Policing already supplanted by President’s Task Force on 21st Century Policing
- DoD 1033 Program provision also already addressed by Executive Order
United States Department of Justice BWC Funding

• US DOJ’s Bureau of Justice Assistance has already announced first round of awards for its “Body-Worn Camera Pilot Implementation Program”
• Total of $19.3M awarded to 73 agencies in 32 states plus the District of Columbia
• Highest amount was $1M, awarded to 6 large agencies
• Lowest amount was $9,523 to Wilkinson County, Georgia
United States Department of Justice
BWC Funding, Cont’d

• Funding for 55,000 cameras was requested
• Awards for 21,000 cameras announced
• DOJ in a related study promulgated additional “lessons learned” regarding engaging both the community and LEOs on BWC issues
• DOJ also issued a lengthy list of policy, procedural, training and evaluation recommendations; of note, a significant degree of LEO discretion is called for
Takeaways

• Current pending *federal legislation* is unlikely to have a significant impact on state and local operations. Issue is too rapidly evolving to be addressed effectively by this Congress.

• *Federal administrative funding programs* will have a greater impact.

• Greatest influence will be *political and operational direction/decisions and funding commitments at the state and local level*. 
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