



HOUSE BILL 811: Law Enforcement Body-Worn Camera

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 26, 2015
Introduced by:	Reps. Floyd, Faircloth, Brockman, McNeill	Prepared by:	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 811 would require the Criminal Justice Education Training Standards Commission and the Sheriff's Education and Training Standards Commission, in consultation with others, to study the implementation and use of body-worn cameras by local and State law enforcement officers, with a report to the 2016 Short Session.*

BILL ANALYSIS:

House Bill 811 would require the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission to jointly study the implementation and use of body-worn cameras by local and State law enforcement officers. They may consult with the School of Government at the University of North Carolina at Chapel Hill, the North Carolina Conference of District Attorneys, and any other organizations they jointly determine may assist with the completion of the required study. The study must consider all of the following:

- The feasibility of equipping all law enforcement officers with a body-worn camera, including
 - Identifying costs that would be incurred by law enforcement agencies.
 - Funding options available to law enforcement agencies for the procurement of body-worn cameras.
 - Whether the use of body-worn cameras should be restricted to certain types of law enforcement officers.
- Training of law enforcement officers should receive prior to using a body-worn camera.
- The best practices and procedures for recording.
- The best practices and procedures for retaining and storing any recordings captured by body-worn cameras.
- The level of public access, if any, which should be allowed to recordings captured by body-worn cameras.
- Any potential constitutional or other legal issues that may arise from the use of body-worn cameras by law enforcement officers.
- Any other matters or information deemed relevant to the study.

For purposes of the study, the term "body-worn camera" would mean an operational video camera, including a microphone or other mechanism for allowing audio capture, affixed to a law enforcement officer's uniform and positioned in a way that allows the video camera to capture interactions the law enforcement officer has with the public.

The study would be reported, with findings and recommendations, including any legislative proposals, to the 2016 Regular Session of the 2015 General Assembly upon its convening.

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Director



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Page 1

House Bill 811

Page 2

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: House Bill 713, Body and Dash Cam Recording/Public Access, passed third reading in the House on April 23, 2015. That bill would clarify that body and dash camera recordings are not part of the law enforcement officer's personnel file, but are part of a record of criminal investigation file for purposes of access to public records.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 811
Committee Substitute Favorable 4/27/15

Short Title: Law Enforcement Body-Worn Camera/Study.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED
AN ACT TO STUDY THE IMPLEMENTATION AND USE OF BODY-WORN CAMERAS
BY LOCAL AND STATE LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. Definition. – The term "body-worn camera" means an operational video camera, including a microphone or other mechanism for allowing audio capture, affixed to a law enforcement officer's uniform and positioned in a way that allows the video camera to capture interactions the law enforcement officer has with the public.

SECTION 2. Study. – The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission, in consultation with the School of Government at the University of North Carolina at Chapel Hill, the North Carolina Conference of District Attorneys, and any other organizations the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission jointly determine may assist with the completion of the study required under this section, shall jointly study the implementation and use of body-worn cameras by local and State law enforcement officers. The study shall consider all of the following:

- (1) The feasibility of equipping all law enforcement officers with a body-worn camera, including (i) identifying costs that would be incurred by State and local law enforcement agencies, (ii) funding options available to State and local law enforcement agencies for the procurement of body-worn cameras, and (iii) whether the use of body-worn cameras should be restricted to certain types of law enforcement officers.
- (2) The type and intensity of training a law enforcement officer should receive prior to using a body-worn camera.
- (3) The best practices and procedures for recording, including an identification of (i) situations when the law enforcement officer should activate the body-worn camera to record and (ii) situations in which the law enforcement officer should deactivate the body-worn camera or seek permission prior to recording.
- (4) The best practices and procedures for retaining and storing any recordings captured by body-worn cameras, including (i) the costs of retention and storage, (ii) the types of recordings that should be retained and stored, and (iii) the standard retention and storage schedules for the different types of recordings.



(5) The level of public access which should be allowed to recordings captured by body-worn cameras, including any legislative changes necessary to allow public access.

(6) Any potential constitutional or other legal issues that may arise from the use of body-worn cameras by law enforcement officers.

(7) Any other matters or information the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission jointly deem relevant to the study.

SECTION 3. Report. – The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall jointly report their findings and recommendations, including any legislative proposals, to the 2016 Regular Session of the 2015 General Assembly upon its convening.

SECTION 4. Effective Date. – This act is effective when it becomes law.