

State Approaches to Body-Worn Cameras

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Study Commissions and Pilot Programs

- Maryland: Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers
- Colorado: Body-Worn Camera Study Group
- Ohio: Collaborative Community Police Advisory Board

Mandating When to Use/Not

- South Carolina: All officers must use
- Illinois: If used, must be “on at all times when the officer is in uniform and . . . engaged in any law enforcement-related encounter or activity,” with limited exceptions
- Oregon: If used, must record “beginning when the officer develops reasonable suspicion or probable cause . . . and the law enforcement officer begins to make contact with the . . . suspect[.]”
- Connecticut: Requires certain officers to use, limits recording of informants, in health care facilities

Defining Public Access

- Florida: Footage is exempt from the public records law if taken inside a private residence, inside a health care facility, or in another place reasonably expected to be private
 - But “shall” be disclosed to the person recorded or pursuant to a court order
- South Carolina: “Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act”
 - But a subject of a record is entitled to receive it, as are interested litigants
- Nevada: Footage generally is public record, but must be requested on a “per incident basis”

Establishing Minimum Storage Periods

- South Carolina: 14 days
- Illinois: 90 days
- Florida: “A law enforcement agency must retain a body camera recording for at least 90 days”

Providing Funding

- North Carolina: \$5 million
- Texas: \$10 million
- Illinois: \$5 per traffic ticket

- USDOJ: \$20 million

Options for North Carolina

- Clarifying the law
 - Is footage a confidential personnel record?
 - Is footage a “record[] of criminal investigation”?
 - If so, what is the procedure for seeking a court order requiring release, and what standard should a court apply in considering a request for such an order?
- Mandating use
 - For all officers
 - For state officers

Options for North Carolina (cont'd)

- Setting standards for use
 - Directly, by legislation
 - Indirectly, through creation of a commission or referral to an existing entity such as the NC Criminal Justice Education and Training Standards Commission
- Providing incentives
 - Grants
 - Central storage facility