

STATE OF NEW YORK

6487

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

Introduced by M. of A. DICKENS, ABINANTI, BARRON, EPSTEIN, HYNDMAN, GOTTFRIED, GLICK, O'DONNELL, PICHARDO, RICHARDSON, TAYLOR -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to allowing police officers to wear body-worn cameras, and prohibiting agreements with other state or federal agencies that prevent the use of such cameras

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Police use of body-worn cameras. 1. For the purposes of this
4 section the following terms shall have the following meanings:

5 (a) "Body-worn camera" shall mean an electronic camera system for
6 creating, generating, sending, receiving, storing, displaying, and proc-
7 essing audiovisual recordings that are worn by a police officer.

8 (b) "Community caretaking function" shall mean a task undertaken by a
9 police officer in which such police officer is performing an articulable
10 act unrelated to the investigation of a crime. "Community caretaking
11 function" includes, but is not limited to, participating in town halls
12 or other community outreach, helping a child find the child's parents,
13 providing death notifications, dealing with individuals asking for
14 directions or other assistance and performing in-home or hospital well-
15 being checks on persons who are sick, elderly or presumed missing.

16 (c) "In uniform" with respect to a police officer, shall mean wearing
17 any officially authorized uniform designated by a police agency or visi-
18 bly wearing articles of clothing or other items indicating that such
19 police officer is a police officer acting in the course of such police
20 officer's duties, including, but not limited to, a badge, tactical gear,
21 a gun belt, a patch or other insignia.

22 (d) "Law enforcement-related encounters or activities" shall include,
23 but not be limited to, traffic stops, pedestrian stops, arrests, search-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 es, interrogations, investigations, pursuits, crowd control, traffic
2 control, interactions with individuals while on patrol that are not
3 community caretaking functions, or any other instance in which a police
4 officer is enforcing the laws of the municipality, county, or state.
5 "Law enforcement-related encounters or activities" shall not include
6 activities occurring while the police officer is completing paperwork
7 alone or in the presence of another police officer, or community care-
8 taking functions.

9 (e) "Recording" shall mean the process of capturing data or informa-
10 tion stored on a recording medium for the retention and playback of
11 recorded audio and video including, but not limited to, hard drive,
12 cloud storage, solid state, digital or flash memory technology or any
13 other electronic medium.

14 2. A police agency shall ensure that each police officer in its employ
15 who requests a body-worn camera is equipped with a body-worn camera and
16 that such body-worn camera is in operation and creating a recording at
17 all times such police officer is in uniform and engaged in law enforce-
18 ment-related encounters or activities. Each police agency shall adopt
19 policies and procedures relating to the use of body-worn cameras by
20 police officers in its employ and the maintenance and retention of data
21 and recordings.

22 3. No police agency shall enter into an agreement or joint task force
23 with any other state or federal agency which requires police officers to
24 engage in law enforcement-related encounters or activities without the
25 use of a body-worn camera.

26 § 2. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law.