S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 10, 2016

Introduced by M. of A. O'DONNELL, BENEDETTO, COOK, CORWIN, DAVILA, GOTTFRIED, JEAN-PIERRE, JOYNER, LINARES, MOSLEY, PEOPLES-STOKES, RIVERA, SEPULVEDA, STECK, BLAKE -- Multi-Sponsored by -- M. of A. CROUCH, LIFTON, SIMON, SKARTADOS -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing a pilot program for the use of body-worn cameras on certain correction officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The correction law is amended by adding a new section 135 to read as follows:

S 135. BODY CAMERA FOR CORRECTION OFFICERS PILOT PROGRAM. 1. THE COMMISSIONER SHALL, AFTER CONSULTATION WITH THE CHAIRMAN OF THE STATE COMMISSION OF CORRECTIONS, ESTABLISH A PILOT PROGRAM PROVIDING FOR THE USE OF A BODY-WORN PERSONAL VIDEO RECORDING DEVICE ON CERTAIN CORRECTION OFFICERS ASSIGNED TO THE SUPERVISION OF GENERAL POPULATION INMATES AT A MAXIMUM SECURITY FACILITY. NO FEWER THAN FIFTY CORRECTION OFFICERS IN A SINGLE SHIFT SHALL BE SELECTED TO PARTICIPATE IN THIS PILOT PROGRAM. EACH OFFICER CHOSEN SHALL WEAR A PERSONAL VIDEO RECORDING DEVICE AFFIXED TO HIS OR HER UNIFORM WHILE ON DUTY IN THE FACILITY CHOSEN FOR SUCH PILOT PROGRAM. THE PERSONAL VIDEO RECORDING DEVICE SHALL RECORD ALL THE INTERACTIONS OF A CORRECTION OFFICER AND INMATES UNDER HIS OR HER CARE, CUSTODY AND CONTROL. THE RECORDING SHALL INCLUDE BOTH AUDIO AND VIDEO.

2. ALL SUCH EQUIPMENT SHALL BE INSTALLED ON OR BEFORE SIX MONTHS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH RULES AND REGULATIONS SHALL REQUIRE THAT ALL VIDEO RECORDINGS BE CATALOGUED AND MAINTAINED AS A RECORD BY THE DEPARTMENT FOR NOT LESS THAN SIX MONTHS AND SHALL ESTABLISH MINIMUM STANDARDS FOR THE PERSONAL VIDEO RECORDING DEVICES, AND RECORDING EQUIPMENT TO BE USED AND FURTHERMORE SHALL PROVIDE FOR THE PROTECTION OF PERSONAL PRIVACY FOR THOSE PERSONS WHOSE ACTIONS MAY BE RECORDED. NO PERSONAL VIDEO RECORDING DEVICES MAY

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

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BE USED AS A MEANS TO CONDUCT SURVEILLANCE UPON ANY INMATE, OFFICER OR EMPLOYEE OF THE DEPARTMENT.

3. THE COMMISSIONER SHALL ISSUE A REPORT WITHIN SIX MONTHS OF THE COMPLETION OF THE PILOT PROGRAM DETAILING THE USE OF AND EVALUATING THE EFFECTIVENESS OF PERSONAL VIDEO RECORDING DEVICES INCLUDING WHAT IMPACT, IF ANY, THE USE OF BODY-WORN PERSONAL CAMERAS HAS ON ASSAULTIVE BEHAVIORS, SERIOUS INJURY, DEATH, AND OTHER INDICATORS OF INCREASED PHYSICAL SAFETY OF INMATES, OFFICERS AND PERSONNEL, AND WHICH SHALL ALSO PROVIDE RELEVANT RECOMMENDATIONS.

S 2. This act shall take effect six months after it shall have become a law.