STATE OF NEW YORK

8674

2019-2020 Regular Sessions

IN ASSEMBLY

October 23, 2019

Introduced by M. of A. WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the use of body-worn cameras by New York state police officers

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

Section 1. Short title. This act shall be known and may be cited as the "New York state police body-worn cameras program".

§ 2. The executive law is amended by adding a new section 234 to read as follows:

§ 234. New York state police body-worn cameras program. 1. There is hereby created within the division of state police a New York state police body-worn cameras program. The purpose of the program is to increase accountability and evidence for law enforcement and the residents of the state by providing body-worn cameras to all state police officers while on patrol, including the New York state university police.

2. The division of state police shall provide body-worn cameras, to be worn by officers at all times, while on patrol. Such cameras shall record:

(a) immediately before an officer exits a patrol vehicle to interact with a person or situation, even if there is a dash camera inside such vehicle which might also be recording the interaction;

(b) all uses of force, including any physical aggression and use of a non-lethal or lethal weapon;

(c) all arrests and summonses;

(d) all interactions with people suspected of criminal activity;

(e) all searches of persons and property;

(f) any call to a crime in progress;

(g) investigative actions where there are interactions with members of the public;

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

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(h) any interaction with an emotionally disturbed person; and

(i) any instances where officers feel any imminent danger or the need to document their time on duty.

3. The attorney general shall investigate any instance where body cameras fail to record an event pursuant to this section.

4. At the discretion of the officer, body-worn cameras may not record:

(a) sensitive encounters, including but not limited to speaking with a confidential informant, or conducting a strip search; or

(b) when a member of the public asks such officer to turn off the camera; provided, however, such officer may continue recording if he or she thinks a record of that interaction should be generated.

5. The division of state police shall preserve recordings of such body-worn cameras and perform all upkeep on equipment used in such body-worn cameras. Such duties shall include:

(a) creating a secure record of all instances where there is recorded video or audio footage;

(b) ensuring officers have sufficient storage capacity on their cameras to allow for the recording of interactions required by this section; and

(c) ensuring officers have access to body-worn cameras for the recording of instances required by this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.