

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:

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

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

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

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

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

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

20 (c) all arrests and summonses;

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

22 (e) all searches of persons and property;

23 (f) any call to a crime in progress;

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

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

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1 (h) any interaction with an emotionally disturbed person; and
2 (i) any instances where officers feel any imminent danger or the need
3 to document their time on duty.

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

6 4. At the discretion of the officer, body-worn cameras may not record:
7 (a) sensitive encounters, including but not limited to speaking with a
8 confidential informant, or conducting a strip search; or

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

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

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

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

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

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