

STATE OF NEW YORK

8493

IN SENATE

June 6, 2020

Introduced by Sens. PARKER, BAILEY -- read twice and ordered printed,
and when printed to be committed to the Committee on Rules

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 Assem-
bly, 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.

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

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

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

19 (c) all arrests and summonses;

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

21 (e) all searches of persons and property;

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

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

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

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

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

LBD13695-08-0

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

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

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

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

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

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

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

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

19 § 3. This act shall take effect on the first of April next succeeding
20 the date on which it shall have become a law. Effective immediately, the
21 addition, amendment and/or repeal of any rule or regulation necessary
22 for the implementation of this act on its effective date are authorized
23 to be made and completed on or before such effective date.