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:

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

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

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

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

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

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

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

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

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

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