STATE OF NEW YORK

8649

IN SENATE

March 25, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the parks, recreation and historic preservation law, in relation to the use of body-worn cameras by police officers

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

Section 1. The environmental conservation law is amended by adding a new section 3-0323 to read as follows:

§ 3-0323. Police officer body-worn cameras program.

1. There is hereby created within the department a police officer body-worn cameras program. The purpose of the program is to increase accountability and evidence for police officers of the department and the residents of the state by providing body-worn cameras to all police officers while on patrol.

2. The department 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 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;

(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 may 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:

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

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(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 department 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.

§ 2. The parks, recreation and historic preservation law is amended by adding a new section 13.33 to read as follows:

§ 13.33 Regional state park police body-worn cameras program. 1. There is hereby created within the office a regional state park police body-worn cameras program. The purpose of the program is to increase accountability and evidence for officers and the residents of the state by providing body-worn cameras to all regional state park police officers while on patrol.

2. The office 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 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;

(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 may 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 office 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. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.