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Alabama	
No statute or proposal relevant to body camera videos was found. Various Alabama municipalities are obtaining body cameras, but there is no mention of any regulations or policies.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • None.
Dashcam Exemptions	<ul style="list-style-type: none"> • The Alabama Open Records Law, Al. Code Al. Code §36-12-40 et seq., exempts from disclosure records “relating to, or having an impact upon, the security or safety of persons . . . the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public”
Links	<ul style="list-style-type: none"> • Ron Harris, “Alabama State Troopers equipped with new body cameras,” Daily Mountain Eagle (May 30, 2015), available at http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/36-12-40.htm • Rebecca Burylo, “Montgomery officers to get high-tech body cameras,” MONTGOMERY ADVERTISER (Jan. 9, 2015), available at http://www.montgomeryadvertiser.com/story/news/local/alabama/2015/01/09/montgomery-officers-get-high-tech-body-cameras/21484781/ • http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/36-12-40.htm • Rebecca Burylo, “Montgomery officers to get high-tech body cameras,” MONTGOMERY ADVERTISER (Jan. 9, 2015), available at http://www.montgomeryadvertiser.com/story/news/local/alabama/2015/01/09/montgomery-officers-get-high-tech-body-cameras/21484781/ • Carol Robinson, “Birmingham police will hit the streets with 300 body cameras in May,” Al.com (Apr. 9, 2015), available at http://www.al.com/news/birmingham/index.ssf/2015/04/birmingham_police_will_hit_the.html

Alaska

There are no current laws or proposed bills relating to police body cameras in Alaska. According to a December 2014 news article, Anchorage Safety Patrol officers “will soon be equipped with on-body video cameras” but that it “will likely be at least a few more years before policies and guidelines are hammered out.”

Collection

- None.

Retention

- None.

Exemption

- None.

Dashcam Exemptions

- None.

Links

- <http://www.adn.com/article/20141220/anchorage-safety-patrol-officers-be-equipped-body-cameras>

Arizona

Arizona currently does not have any mandatory body camera laws. In 2015, Arizona legislators introduced two bills: HB 2511 and SB 1300. While the original versions of the bills contained substantive provisions on a number of issues concerning body cameras, the Arizona legislature gutted most of the key provisions. Ultimately, the Arizona legislature passed, and the state governor signed, SB 1300, establishing a study committee, tasked with recommending policies and laws on the use of cameras and body camera recordings.

Collection

- Before the state legislature amended the bill, SB 1300 contained provisions on the collection of body camera videos. The original bill defined “recordable incident” as any incident involving the following: 1) a law enforcement action, 2) the investigation of a suspicious person or subject, 3) the handling of an emotionally disturbed person, 4) the generation of a complaint involving an activity from the foregoing items, 5) any activity that is likely to lead to a criminal or civil court action, 6) any activity in which all of the involved parties consent to the recording, and the recording is not otherwise prohibited by law, or 7) any activity that the law enforcement officer determines should be recorded. The original bill also defined “nonrecordable incidents” as those incidents that are not “recordable incidents.”
- The original language stated that a law enforcement agency “may” employ a body camera that operates on a continuous basis or that is manually turned on or off by the officer.
- If the camera is continuously on, an officer “may” turn off the camera for the following nonrecordable incidents: 1) a private conversation or activity, law enforcement related or not, including personal telephone calls, use of restroom facilities, or conversations with another law enforcement officer or person, or 2) a conversation with a person who is not a suspect or the object of a law enforcement action when the person requests that the body camera be turned off (however, the law enforcement officer must announce on the recording that the body camera is being turned off at the person’s request).
- If the camera is continuously on, the law enforcement “may” turn off the body camera for the following recordable incidents: 1) a conversation between law enforcement officers that relates to the handling of an incident, including information about any involved parties and action options (but the officer must announce on the recording that the camera is being turned off), or 2) when the suspect or object of a law enforcement action makes a request on the recording that the body camera be turned off and the law enforcement officer consents to turning off the body camera and states on the recording that the camera is being turned off (however, the camera would have to be turned back on if the situation expands beyond more than mere discussion and evolves into a law enforcement action, shouting, or violence).
- If a body camera does not operate on a continuous basis, a law enforcement officer must activate the camera during a recordable incident or during any other situation when a person informs the officer that the person is going to submit a complaint against the officer, or when all parties consent to the recording.

Retention	<ul style="list-style-type: none"> • Before the state house of representatives amended the bill, SB 1300 contained provisions on the retention of body camera recordings. Under the original version of the bill, only recordable incidents may be retained. The bill initially required all recordable incidents to be erased after all legal actions or complaints and any associated appeals relating to the recordable incident are resolved. The bill directed law enforcement agencies to erase all nonrecordable incidents within 60 days after the recording of the incident. The bill would have allowed retention of recordings for law enforcement training purposes, if a recordable incident involved the arrest or handling of an emotionally disturbed person and the law enforcement officers who were involved consent. The provisions concerning retention of recordings did not make it into the final version of the bill.
Exemption	<ul style="list-style-type: none"> • Before SB 1300 was amended, it contained provisions on the release of body camera recordings. In its original form, the bill stated that recordings made by law enforcement officers would not be public records. Recordable incidents would have only been released to the public by a court order or a subpoena. However, a recordable incident could have been released to the public if the incident involved a law enforcement officer’s use or attempted use of deadly physical force and the law enforcement agency consented to the release. These provisions did not make it into the final version of the bill.
Dashcam Exemptions	<ul style="list-style-type: none"> • Arizona does not have a statutory provision expressly exempting dashboard camera videos from FOIA requests. A.R.S. § 41-151.18 defines public records broadly to include “prints or copies of such items produced or reproduced on film or electronic media.” To prevent disclosure, a party would have to rely on generic exemptions (e.g. where disclosure would invade privacy and outweigh the public’s right to know, as further developed by Arizona case law).
Links	<ul style="list-style-type: none"> • SB 1300 (Introduced Version), available at http://www.azleg.gov/legtext/52leg/1r/laws/0161.pdf • Attorney General Agency Handbook (Chapter 6 – Public Records), available at https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch06-2013B.pdf

Arkansas

Arkansas does not currently have state-wide requirements or pending legislation for collection, retention, or public access for body camera videos. Some local jurisdictions have started equipping or testing body cameras, including: Lowell, Jonesboro, Jacksonville, Ward, Beebe, Glenwood, Austin, and Arkadelphia. Other cities are considering the possibility of using body cameras, including Little Rock and North Little Rock.

Collection

- None

Retention

- None

Exemption

- None

Dashcam Exemptions

- Arkansas appears to treat requests for police dashcam videos under the state FOIA (A.C.A. §§ 25-19-101) like requests for other records. In 2007, the state Attorney General's office issued an opinion in response to an inquiry about whether videotape from a police traffic stop could be withheld as an "employee evaluation or job performance record" or a "personnel record." The opinion did not take a firm position, but noted that these specific exemptions do not apply categorically to all police videos because "[t]here may be any number of reasons a police department installs video cameras in patrol cars, some of which may not be related to evaluating the performance of employees."

Links

- <http://ualrpublicradio.org/post/arkansas-police-departments-testing-body-cameras>
- <http://www.arkansasmatters.com/story/d/story/body-cams-arrive-for-police-officers-in-lowell/28024/i93QaNp10k2wQbo1h9w03w>
- <http://www.arkansasmatters.com/story/d/story/arkadelphia-police-investing-in-body-cameras-for-o/15249/9SOXk3KxwkuNuXhUPz55vQ>
- <http://www.katv.com/story/27024026/central-arkansas-police-looking-into-body-cameras>
- <http://ag.arkansas.gov/opinions/docs/2007-313.html>

California

There are three relevant bills pending before the California legislature: Assembly Bill No. 66 (Committee process is ongoing); Senate Bill No. 175 (legislative process is ongoing); and Assembly Bill No. 1246 – Public Records (Committee process is ongoing)

Collection

- Officers shall not operate a body-worn camera where there is a reasonable expectation of privacy: health facility, medical office, ambulance response (not criminal activity), situations that would risk the safety of a confidential informant or undercover officer.
- Officers shall provide on-camera notice to a person being recorded that a body-worn camera is recording video, and provide the person with the option to request that the body-worn camera be turned off under both of the following circumstances: (i) when the subject of the video is a victim of rape, incest, domestic violence, or other forms of domestic or sexual harm; or (ii) When an officer is at a private residence without a warrant and in a nonemergency situation.
- Officers shall activate the camera when responding to calls for assistance and when performing law enforcement activities in the field, including, but not limited to, traffic or pedestrian stops, pursuits, arrests, searches, seizures, interrogations, and any other investigative or enforcement encounters in the field.
- An officer may stop recording when an arrestee is secured inside a fixed place of detention, as defined in paragraph (3) of subdivision (g) of Section 859.5.
- Officers may review their body camera video before making an initial statement and report except where an officer is involved in an incident involving “a serious use of force” (i.e. death, unconsciousness, impairment/disfigurement, weapon strike to the head, intentional firearm discharge, unintentional firearm discharge if injury results).

Retention

- When safe and practical, an on-scene supervisor may retrieve a body-worn camera from an officer. The supervisor shall be responsible for ensuring the camera data is uploaded into the desired data processing and collection method.
- Each department or agency that elects to require officers to wear body cameras must develop a policy related to the use of the cameras- these policies must include: (i) the length of time video collected by officers will be stored by the department or agency; (ii) the procedures for, and limitations on, public access to recordings taken by body-worn cameras and (iii) the process for accessing and reviewing recorded data, including, but not limited to, the persons authorized to access data and the circumstances in which recorded data may be reviewed.

Exemption

- All requests for recordings from a body-worn camera shall be processed in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).
- AB 1246: a recording made by a body worn camera is confidential and shall not be disclosed, except that the recording

shall be disclosed to the person whose image is recorded by the body worn camera.

- Specific body-camera files created by police are exempted from disclosure pursuant to the California Public Records Act, including files that depict (1) any victim of rape, incest, domestic violence, or child abuse, if the footage relates to any of those incidents, (2) any informant of the law enforcement agency or an undercover peace officer, or (3) a private residence in a nonemergency situation when the officer is there without a warrant.

Dashcam Exemptions

- Could not find statute or bill on this- but anecdotally it seems that requests under the California Public Records Act are denied.

Links

- http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB66
- http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB175
- http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1246
- <http://www.washingtonpost.com/news/the-watch/wp/2014/08/19/police-cameras-are-important-but-theyre-useless-without-proper-policies-to-ensure-theyre-used-properly/>

Colorado

On May 20, 2015, Colorado passed HB 1285, legislation providing grants to expand the use of body cameras by police officers, but there are no statewide laws being proposed or on the books regulating use of body cameras. Colorado Republicans have stated that they will oppose any mandatory body camera bill, citing expenses to rural agencies.

The legislation includes creation of a study group that is tasked in part with collecting policies and studies concerning body-worn cameras by law enforcement officers, and recommending policies on the use of body cameras, including (a) when the cameras are required to be turned on; (b) when cameras must be turned off; (c) when cameras may be turned off; (d) when notification must be given that a camera is in use; and (e) when consent of another person is required for the continued use of a camera.

Colorado does not have any laws providing special FOIA treatment for either dashboard camera or body camera footage.

Collection	<ul style="list-style-type: none">• None
Retention	<ul style="list-style-type: none">• None
Exemption	<ul style="list-style-type: none">• None
Dashcam Exemptions	<ul style="list-style-type: none">• None
Links	<ul style="list-style-type: none">• https://www.cpr.org/news/story/police-body-camera-bill-moves-forward-colorado-legislature• http://denver.cbslocal.com/2015/03/31/body-cameras-headline-another-day-of-police-oversight-bills/• https://legiscan.com/CO/bill/HB1285/2015• http://denver.cbslocal.com/2015/04/23/police-oversight-bills-hit-choppy-water-at-colorado-capitol/• https://www.sos.state.co.us/pubs/info_center/files/CORA_Act.pdf

Links

Connecticut

Connecticut has not yet adopted any mandatory body camera laws. The Connecticut legislature is currently considering two bills concerning body cameras. The first would mandate the use of body cameras by law enforcement, and has passed the Senate, while the second would adopt a pilot program.

Collection

- The first bill (File No. 644, Substitute Senate Bill No. 1109) has passed the Senate but has yet to pass the House. Senate Bill No. 1109 is a broad bill concerning the excessive use of force, which includes, among other things, mandates for body cameras for law enforcement. The Commissioner of Emergency Services and Public Protection, the board of police commissioners, the chief of police, the superintendent of police, and other authorities having charge over officers would determine the manner and times that such equipment would be worn. The bill would also require training in the use of body-worn recording equipment. The mandate would be effective on October 1, 2015 under the proposal.
- The second bill (File No. 436, Substitute Senate Bill No. 770) would create a pilot program for police body cameras. The Commissioner of Emergency Services and Public Protection would create a pilot program in three locales: one with a population less than 30,000, one with a population between 30,000 and 124,000, and one with a population over 124,000. The police departments selected for the pilot program would adopt policies concerning the use of body cameras. Such policies would be submitted to the Department of Emergency Services and Public Protection. By January 31, 2017, the Commissioner of Emergency Services and Public Protection would adopt model policies on the collection on videos based on the submitted policies and determine if the pilot program should be continued, terminated, or expanded.

Retention

- The first bill, File No. 644, does not address the retention of body camera videos.
- The second bill, which concerns the pilot program, directs municipal police departments participating in the program to adopt, before September 15, 2015, policies regarding the retention and destruction of videos. Such policies would be submitted to the Department of Emergency Services and Public Protection. The Commissioner of Emergency Services and Public Protection would adopt, before January 31, 2017, model policies regarding the retention and destruction of videos.

Exemption

- Regarding the first bill, File No. 644, the proposal would require disclosure of images and videos recorded by the equipment under FOIA. However, the bill allows an agency to withhold such recordings under an existing FOIA exemption located at Section 2-210(b)(3) of the general statutes of Connecticut. Under this exemption, no disclosure would be allowed for those records not otherwise available to the public, provided such records were compiled in connection with the detection or investigation of a crime and there would be disclosure of one of the following: 1) an informant's or witness's identity that is not otherwise known and the person's safety would be jeopardized or he or she would be subjected to threats or intimidation; 2) a minor witness's identity; 3) a signed witness statement; 4)

information for a prospective law enforcement action, if prejudicial to the action; 5) investigatory techniques not otherwise known to the general public; 6) juvenile arrest records; 7) the name and address of a victim of certain types of sexual assault, risk of injury to or impairing the morals of a minor, or an attempt to commit one of these crimes; or 8) uncorroborated allegations the law requires be destroyed.

- Regarding the second proposal, the bill directs municipal police departments participating in the pilot program to adopt, before September 15, 2015, policies regarding the disclosure of videos. When they submit their reports to the Department of Emergency Services and Public Protection, the police departments must include such policies. The Commissioner of Emergency Services and Public Protection would adopt, before January 31, 2017, model policies regarding the disclosure of videos.

Dashcam Exemptions

- Connecticut does not expressly exempt dashboard camera videos from FOIA. A dash-camera video would likely fall under the definition of a public record, which is broadly defined to include “any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.” As such, any agency seeking to restrict disclosure would likely have to rely on the generic exemptions, enumerated under Section 1-210, permitting agencies to not disclose certain categories of records.

Links

- File No. 644, available at <http://www.cga.ct.gov/2015/FC/2015SB-01109-R000644-FC.htm>
- File No. 436, available at <http://www.cga.ct.gov/2015/FC/2015SB-00770-R000436-FC.htm>
- Section 1-200, available at <http://www.ct.gov/foi/cwp/view.asp?a=4163&Q=489072>
- Section 1-210, available at <http://www.ct.gov/foi/cwp/view.asp?a=4163&Q=489130>

Delaware	
There are no state laws specifically on body cameras, but local law enforcement agencies and the Delaware State Police are all considering adoption of body worn cameras, although no policies have yet been implemented.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • None. Delaware’s general FOIA laws provide exemptions for: <ul style="list-style-type: none"> ◦ (3) Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files, pretrial and presentence investigations and child custody and adoption files where there is no criminal complaint at issue; ◦ (4) Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy. Any person may, upon proof of identity, obtain a copy of the person's personal criminal record. All other criminal records and files are closed to public scrutiny. Agencies holding such criminal records may delete any information, before release, which would disclose the names of witnesses, intelligence personnel and aids or any other information of a privileged and confidential nature; ◦ (5) Intelligence files compiled for law-enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security; ◦ (6) Any records specifically exempted from public disclosure by statute or common law;
Dashcam Exemptions	<ul style="list-style-type: none"> • It appears that dash camera footage can be released if a police department chooses to. The Dover Police Department released a series of dash cam videos called “Dashcam Confessionals.”
Links	<ul style="list-style-type: none"> • http://www.delawareonline.com/story/news/local/2015/05/08/expect-delaware-police-wear-body-cameras-soon/27016123/ • http://www.rawstory.com/2015/01/delaware-cop-caught-on-dashcam-rocking-out-to-taylor-swifts-shake-it-off/ • http://insider.foxnews.com/2015/04/24/delaware-cop-who-lip-synced-shake-it-returns-awesome-duet

Florida

Florida is currently considering the implementation of a police body camera program, several proposed bills are pending in the state legislature.

Collection

- HB 57 originally called for every uniformed law enforcement officer in the state who is primarily assigned to patrol duties to be equipped with a body camera while performing those duties.
 - Committee Substitutes of HB 57 removed this requirement and instead states that any law enforcement agency permitting its officers to wear body cameras is required to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and their data.
 - The Substitute also requires a periodic review of actual agency body camera practices to ensure conformity with the policies/procedures.
 - The latest Committee Substitute of HB 57 requires that audio/video data recorded by the body cameras be retained in accordance with the requirements of s. 119.021 except as otherwise provided by law.
 - Statute 119.021 requires public records to be maintained, preserved, and retained.
 - Refers to Statute 257.36 which says that public records may be destroyed only in accordance with retention schedules established by the division.
 - The proposed bill would not apply to body camera recording made by law enforcement agencies that elect to use body cameras.
- SB 7080 in the Florida Senate is similar to HB 57

Retention

- Florida has passed another bill, SB 248, which exempts body camera videos from state open records laws (s. 119.07) when they are taken in private places or involve medical emergencies and deaths, etc.
- Agencies and people captured on film decide who has access to body camera video (but only to those portions relevant to the person's presence in the recording). Anyone else would have to get a court order.
- Agencies would be required to keep videos for 90 days unless the audio/video is part of an active criminal investigation or a court orders longer retention because it is necessary to advance a compelling interest.

Exemption

- Enacted SB 248 (discussed above) provides a number of exemptions from the public records/disclosure laws for police body camera videos.
- Requests for disclosure can be declined if the video:

- Is taken within the interior of a private residence;
- Is taken on the property of a facility that offers health care, mental health care, or social services;
- Is taken at the scene of a medical emergency;
- Is taken in a place where a person recorded or depicted in the recording has a reasonable expectation of privacy; or
- Shows a child younger than 18 years of age inside a school, as defined in s. 1003.01, or on school property, as defined in s. 810.095, or shows a child younger than 14 years of age at any location.
- In Sarasota, a request for all police recordings made to date in their pilot body camera program (about 84 hours of video) was met with a demand for \$16,000 from the requester in order to pay for review of all the video before it was released. The cost was estimated at about \$190/video.

Dashcam Exemptions

- Could not find clear stance but under Florida’s open records law (s. 119), dashboard videos seem to be public records that can be requested by public.
- Costs are borne by requester.
- Couldn’t find anything that suggested dashboard camera videos are exempt for any reasons.
- “Departments that use dashboard cameras are accustomed to releasing the footage, and typically do not review every second, Pranksy told me.”

Links

- <http://www.freedominfo.org/2015/05/new-florida-law-exempts-body-camera-footage/>
- <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=53072>
- <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=54682&>
- http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/Sections/0119.021.html
- http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0257/Sections/0257.36.html
- <http://www.flsenate.gov/Session/Bill/2015/0248/BillText/c1/HTML>
- <http://www.tampabay.com/news/politics/stateroundup/florida-senate-considers-shielding-video-from-police-body-cameras/2225346>
- <https://www.techdirt.com/articles/20150217/14490830061/proposed-florida-body-camera-law-riddled-with-exceptions->

[behest-police-union.shtml](#)

- <http://www.tallahassee.com/story/news/politics/2015/04/13/bill-keep-police-body-camera-videos-private/25726105/>
- <http://www.heraldtribune.com/article/20150302/ARTICLE/150309931>
- http://www.cjr.org/united_states_project/florida_police_body_cameras.php
- http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2013&Title=-%3E2013-%3EChapter%20119

Georgia

A bill allowing, but not requiring, the use of body cameras by police (Senate Bill 94, 2015-2016 Session) was passed by Georgia on May 6, 2015. Another bill, (House Bill 32, 2015-2016 Session) which would require use of police body cameras, has been proposed but appears to have floundered in the House.

Collection

- SB 94 would exempt police videos from wiretapping and privacy laws, and would specify exemptions for such recordings from Georgia’s Open Records Act.
- HB 32 would require all law enforcement officers to be equipped with body cameras, to be activated and deactivated in accordance with requirements established by a policy board.

Retention

- None.

Exemption

- Records of pending police investigations are exempt from Georgia’s Open Records Act. O.C.G.A. § 50-18-72(a)(4).
- SB 94 would specifically exempt from disclosure audio and video recordings used by law enforcement officers in a place with a reasonable expectation of privacy, except for certain enumerated cases, such as if a representative of a deceased’s estate seeks a recording of a decedent; a parent or legal guardian of a minor who was recorded; an accused person or a party in a civil action, if the recording is relevant to the proceeding; and an attorney for any of these. The person seeking disclosure would have to submit a sworn affidavit attesting to the facts necessary to establish eligibility for disclosure.
- HB 32 would treat data recorded by body cameras as “records of law enforcement” under Georgia’s public disclosure laws—the result being that body camera data would be exempted from disclosure if it is part of a pending police investigation. *See* O.C.G.A. § 50-18-72(a)(4).

Dashcam Exemptions

- Records of pending police investigations are exempt from Georgia’s Open Records Act, and would be subject to further limitations on disclosure in SB 94. *See* above.

Links

- <http://www.legis.ga.gov/Legislation/en-US/display/20152016/SB/94> (SB 94)
- O.C.G.A. § 50-18-72, available at <http://www.lexisnexis.com/hottopics/gacode/Default.asp>

Hawaii	
Senate Bill 199 is proposed legislation that encourages the use of police body cameras and dashboard cameras. Funding bill is also making way through house: House Bill No. 365.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • Could not find anything specific on police body camera videos but Hawaii does have the Uniform Information Practices Act (UIPA) of 1975 which is their open records law • UIPA exempts records where there is a “significant privacy interest” such as records related to criminal investigations. • Other exemptions exist for “law enforcement records” • But person must be granted access to his or her own personal records although there is a criminal law enforcement record exemption for this too
Dashcam Exemptions	<ul style="list-style-type: none"> • Same as above.
Links	<ul style="list-style-type: none"> • http://www.capitol.hawaii.gov/session2015/bills/SB199_.PDF • http://www.capitol.hawaii.gov/session2015/bills/HB365_.htm • http://mauitime.com/news/law-enforcement/are-the-new-maui-police-body-cameras-just-a-trojan-horse-for-more-surveillance/ • http://www.nfoic.org/hawaii-foia-laws • http://oip.hawaii.gov/wp-content/uploads/2013/04/February-2015-UIPA-Manual-InDesign-11feb15.pdf

Idaho	
There are no state laws specifically on body cameras, but local law enforcement agencies have adopted body cameras and developed their own policies. New public records law enacted in Idaho. 2015 Idaho Sess. Laws Ch. 140 (H.B. 90). Will be enacted as IDAHO CODE ANN. §74-101 to 74-511.	
Collection	<ul style="list-style-type: none"> • None
Retention	<ul style="list-style-type: none"> • None
Exemption	<ul style="list-style-type: none"> • None
Dashcam Exemptions	<ul style="list-style-type: none"> • It appears that dash camera footage can be released under Idaho FOIA laws because there are some Idaho police dash cam footage on Youtube and other places online
Links	<ul style="list-style-type: none"> • Idaho Transparent and Ethical Government Public Records Act. 2015 Idaho Sess. Laws Ch. 140 (H.B. 90). Will be enacted as IDAHO CODE ANN. §74-101 to 74-511 http://www.legislature.idaho.gov/legislation/2015/H0090.pdf • http://www.kboi2.com/news/local/Controversial-ISP-dash-cam-video-goes-viral-police-223223851.html?tab=video&c=y • http://www.liveleak.com/view?i=601_1291818383 • http://kdvr.com/2014/04/10/video-idaho-state-police-sued-accused-of-profiling-based-on-colo-license-plate/

Illinois

Illinois Legislature passed a body camera bill, SB 1304, which has gone to the governor for his signature. Governor has not signed as of 6/5/15.

Collection

- Illinois Law Enforcement Training Standards Board will create written policy on use of police body cameras.
- Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation (unless camera purchased by law enforcement agency before July 1, 2015)
- Cameras must be capable of recording for 10 hours or more (unless camera purchased by law enforcement agency before July 1, 2015)
- Camera must be turned on at all times when officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity that occurs while officer is on duty. If exigent circumstances prevent camera from being turned on, camera must be turned on as soon as practicable. Cameras may be turned off when officer is inside of a patrol car which is equipped with a functioning in-car camera. However, officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
- Cameras must be turned off when 1) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording 2) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or 3) the officer is interacting with a confidential informant used by the law enforcement agency.
- An officer may continue to record or resume recording a victim or a witness if exigent circumstances exist or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.
- Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
- Officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

Retention

- For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes

	<ul style="list-style-type: none"> • Recordings must be retained for a period of 90 days. After 90 days, any and all recordings must be destroyed unless any encounter captured on the recording has been flagged. • An encounter will be flagged when 1) a formal or informal complaint has been filed 2) the officer discharged his or her firearm or used force during the encounter 3) death or great bodily harm occurred to any person in the recording 4) the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense 5) the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct 6) the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution or 7) the recording officer requests that the video be flagged for official purposes related to his or her official duties • No recording relating to a flagged encounter shall be destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
Exemption	<ul style="list-style-type: none"> • Any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with FOIA • If the subject of an encounter has a reasonable expectation of privacy at the time of the recording, any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed if (A) the subject of the encounter captured on the recording is a victim or witness; and (B) the law enforcement agency obtains written permission of the subject or the subject's legal representative • The subject does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. • Any recording disclosed under FOIA shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter.
Dashcam Exemptions	<ul style="list-style-type: none"> • Audio or video recordings from police dashboard cameras “shall be available under the applicable provisions of the Freedom of Information Act. Only recorded portions of the audio recording or video recording medium applicable to the request will be available for inspection or copying.”
Links	<ul style="list-style-type: none"> • SB 1304 http://www.ilga.gov/legislation/billstatus.asp?DocNum=1304&GAID=13&GA=99&DocTypeID=SB&LegID=87784&SessionID=88 • News article discussing how bill has been sent to governor: http://www.chicagotribune.com/news/local/politics/ct-illinois-police-body-camera-20150530-story.html

- Earlier Illinois Senate Bill (SB 21) on law enforcement cameras: <http://openstates.org/il/bills/99th/SB21/>
- Dash cam regulations: 20 ILCS 2610/30(g); <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=346&ChapterID=5>

Indiana	
House Bill No. 1225 and Senate Bill No. 454: both propose the legislative council to assign a study committee during the 2015 legislative session to review possible limitations on public records requests. Neither proposal was enacted. No other proposals relevant to police body camera videos were found.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • Investigatory records of law enforcement may be withheld under I.C. §5-14-3-4(b) of the Indiana Public Records Act; “Investigatory Records” means information compiled in the course of the investigation of a crime.
Dashcam Exemptions	<ul style="list-style-type: none"> • Investigatory records of law enforcement may be withheld under I.C. §5-14-3-4(b) of the Indiana Public Records Act; “Investigatory Records” means information compiled in the course of the investigation of a crime.
Links	<ul style="list-style-type: none"> • HB 1225: https://iga.in.gov/legislative/2015/bills/house/1225#document-7723f1de • SB 454: https://iga.in.gov/legislative/2015/bills/senate/454#document-6828514d • Disclosure exemptions: I.C. §5-14-3-4, http://www.in.gov/pac/files/pac_handbook.pdf (p 33)

Iowa

Iowa has not yet enacted body camera legislation. Two different bills, the first proposed by Rep. Abdul-Samad (HF-292) and the second proposed by Rep. Hunter (HF-452), have been proposed and forwarded to the House Public Safety Committee (HPSC). No action has been taken on the bills since submission to the HPSC. The Iowa House is currently in recess.

Collection

- HF-292:
 - Governs peace officers as well as school security officers at both public and nonpublic schools, except for parole or probation officers, who are not subject to these requirements.
 - Peace officers are required to wear the body camera at all times while on duty and in uniform and must record all contacts with people in the performance of the official duties of the peace officer from the beginning to end of those contacts.
 - Any failure to record with the body camera as required will result in a suspension until an investigation into the cause of the recording is completed.
- HF-452:
 - Governs peace officers, except for parole and probation officers, who are not subject to these requirements. HF-452 does not include a specific provision covering school security officers.
 - Peace officers are required to wear the body camera at all times while on duty and in uniform and must record all contacts with people in the performance of the official duties of the peace officer from the beginning to end of those contacts.
 - If a peace officer enters a residence without a warrant or when no exigent circumstances exist, or interacts with a person reporting a crime, providing information about a crime, or claiming to be a victim of a crime, then the peace officer must immediately ask whether the resident or the person the officer is interacting with wants the officer to stop recording. If the resident or person does, the officer must immediately stop. The question itself and the answer to the question both must be recorded.
 - If an officer fails to record as required, or fails to stop recording as required, the first violation will result in a written reprimand. For subsequent violations, the officer will be suspended until investigation into the cause of the violation is completed.
 - If an agency cannot produce body camera footage that was required to be made and retained, then a rebuttable presumption arises that the recording would have corroborated the version of the facts advanced by the defendant in a criminal action or by the party opposing the peace officer or agency in a civil action.

Retention	<ul style="list-style-type: none"> • HF 292: All footage must be retained for two years. The footage must be retained by the agency employing the peace officer, or by the school or school district that designates a peace officer to provide security. • HF 452: All recordings must be retained for 30 days. The recording must be retained for three years if the recording depicts (1) an incident involving the use of force; (2) an incident that leads to the detention or arrest of a person; (3) is relevant to a formal or informal complaint against a peace officer or agency; or (4) the person being recorded or whose property has been seized or damaged in relation to the recording (or that person’s parent, legal guardian, attorney, or other person gives the agency authority in writing to disclose the recording to) requests that the recording be retained. The recording must be retained in the same manner as other evidence if may be used in a criminal prosecution, and must be retained for time equal to the time that other evidence that may be used in the prosecution. Before deletion, the person responsible for deletion must review applicable and available records to determine if there is a reason the recording should not be deleted. The recording shall not be deleted if such a reason exists.
Exemption	<ul style="list-style-type: none"> • HF 292: A camera recording is confidential only if it is part of an ongoing criminal investigation. Confidentiality applies only until the end of the investigation. • HF 452: Agencies must post on public internet sites their retention policies for the recordings, requests for retention of recordings, and requests for copies of the recordings. A person who is not part of the recording may request a copy if each person who is part of the content of the recording consents in writing.
Dashcam Exemptions	<ul style="list-style-type: none"> • Iowa does not appear to have specific laws governing dashboard camera videos for FOIA purposes, and such videos are made available to requestors subject to the same exceptions as other public records. For example, the 2012 Iowa Citizens’ Aide/Ombudsman report includes a report that a police chief relied on “privacy” to deny a recently-divorced woman access to dashboard-camera videos from when police accompanied her to retrieve items from her ex-husband’s home. After this decision was challenged on the basis that a general “privacy” concern was not a proper basis for withholding a record, the city attorney reconsidered his advice and concluded that the records request should not have been denied, and advised the police chief to make the video available to the woman.
Links	<ul style="list-style-type: none"> • HF 292: https://legiscan.com/IA/bill/HF292/2015 • HF 452: https://legiscan.com/IA/bill/HF452/2015 • Public records law: http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&service=iowacode&ga=83&input=22 • Newspaper article on HF 292: http://www.desmoinesregister.com/story/news/crime-and-courts/2015/02/25/police-body-cameras-iowa-legislation/24024853/ • Newspaper article on HF 452: http://www.desmoinesregister.com/story/news/crime-and-courts/2015/03/03/body-

[cameras-iowa-legislation/24324007/](#)

- State of Freedom of Information in Iowa 2013 Report:
http://www.drakejournalism.com/newsite_ifoic/meetings/councilmtgs2.htm
- 2012 Iowa Citizens' Aide/Ombudsman report: <https://www.legis.iowa.gov/docs/publications/CA/16555.pdf>

Kansas

The legislation described below is pending, there are no current statutory requirements. Sent to Committee on Corrections and Juvenile Justice Jan. 27, 2015. A hearing was held Feb. 10, 2015, but no further action appears to have been taken.

Collection

- In January 2015, the Kansas Committee on Corrections and Juvenile Justice proposed the Police and Citizen Protection Act, HB2137, to require all uniformed law enforcement officers who are primarily assigned to patrol duties to wear body cameras.
- HB2137 requires the camera to be used during motor vehicle stops or other law enforcement actions taken during the course of the officer's official duties. Essentially, the camera should be on whenever the officer is on duty and it should be continuously recording. The camera may be temporarily turned off during bathroom breaks or other personal conversations/matters.
- HB2137 mandates that when practicable, the officer should notify the other person that the camera is on and recording.
- HB2137 requires that when entering a private residence under nonexigent circumstances, the officer will ask the residents whether they want the camera off while the officer is still inside the residence. Once the exchange noting the residents' wishes is recorded, the officer will abide by the wishes of the residents.
- HB2137 requires law enforcement officers to sign a written waiver consenting to being filmed and an acknowledgment of the act's requirements.
- HB2137 requires a warrant issued by a court before the officer or law enforcement agency may use a computerized facial recognition program or application to be used with the body camera's recording.

Retention

- Generally under HB2137, the video and audio will be retained for two weeks, except in the following circumstances, the video and audio will be kept for three years:
 - Incident involving use of force;
 - Incident leads to detention or arrest of a person;
 - Recording is relevant to formal or informal complaint against law enforcement officer or agency; and
 - A request for a copy of the recording has been made by any of the following persons: subject of the recording; person whose property was seized or damaged in relation to a crime to which the recording is related; a parent, legal guardian or attorney for the aforementioned persons.
- If recording provides evidence that could be useful in a criminal prosecution, then the law enforcement agency will

	<p>retain the recording for any time in addition to the periods mentioned above.</p> <ul style="list-style-type: none"> • Prior to deleting the recordings, there must be a person who reviews all applicable and available records, files and databases to determine whether there is any reason why the recording cannot be deleted or disposed. • There is a presumption that the recording will corroborate the defendant’s version of the facts if during a criminal prosecution or civil action, the law enforcement agency cannot produce the recording.
Exemption	<ul style="list-style-type: none"> • HB2137 states that every recording made by a body camera will be confidential and exempt from the Kansas open records act in accordance with K.S.A. 45-221, with the exemption to expire on July 1, 2020 unless reviewed and reenacted by the Legislature prior to that date. • The Senate Committee adopted a substitute bill (Sub SB 18) that contained a modified version of the above provision to specify that it applies to audio and video recordings made by a body camera and dashboard camera. The substitute bill also listed that the following persons may request to see the audio or video recording: subject of the recording, parent or legal guardian of a minor subject of the recording, and the attorney of the subject. The law enforcement agency must comply with the request from one of the aforementioned and may charge a reasonable fee for the service.
Dashcam Exemptions	<ul style="list-style-type: none"> • Senate Committee adopted a substitute bill that included dashboard camera audio and video recordings to have the same exemption as the above section on body camera recordings.
Links	<ul style="list-style-type: none"> • HB2137 Summary Page • HB2137 House Bill (Sections 2, 4, 5). • Substitute to SB18

Kentucky	
State Archives and Records Commission, Public Records Division has established a retention schedule for body-worn camera records. The Kentucky League of Cities has offered a “model policy” to advise local authorities on the issue.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • State Archives and Records Commission set a retention schedule for Body-Worn Camera Records. • Recordings of DUI-related incidents must be retained for 14 months if there is no appeal or if they do not document the actual happening of an accident involving a motor vehicle or after a decision has been made not to prosecute. Destroy upon order from District Court. • If the actual happening of an accident is recorded, retain for 26 months if there is no appeal. Destroy upon order from District Court • Retain non-evidentiary recordings for 30 days, then destroy. • Evidentiary recordings used in any investigation, pending investigation, litigation or open records request
Exemption	<ul style="list-style-type: none"> • Kentucky open records law requires that all public records are open for inspection to any person. • Certain public records are exempted such as records of law enforcement agencies compiled in the processing of detecting/investigating statutory violations if the disclosure would harm the agency • Police department policies indicate that videos are generally available to the citizen that was taped.
Dashcam Exemptions	<ul style="list-style-type: none"> • Open records law (discussed above) applies but there are exemptions for ongoing criminal investigations.
Links	<ul style="list-style-type: none"> • State Archives and Records Commission Retention Schedule for Body Worn Camera Recordings: https://docjt.ky.gov/legal/documents/BodyWornCameras.pdf • Kentucky Open Records Law: https://kypress.com/site/index.php?id=37 • Kentucky League of Cities Model Body Worn Camera Policy: http://www.klc.org/UserFiles/files/BODYCamModelPolicyDec2014.pdf • AG decision denying access to police cruiser video because video part of an ongoing direct appeal of a criminal conviction.

<http://webcache.googleusercontent.com/search?q=cache:CHMrwGgsOHYJ:ag.ky.gov/civil/orom/2007/07ord095.doc+&cd=2&hl=en&ct=clnk&gl=us>

- Newspaper article discussing counties in Kentucky with police body cameras. <http://www.wdrb.com/story/26817494/in-kentucky-courts-are-new-frontier-for-police-body-cameras>
- <http://www.wdrb.com/story/26830184/documents-police-body-camera-policies-in-kentucky-louisville-area> (Documents from various Kentucky police departments documenting their policies)

Louisiana	
<p>House Bill 183, introduced by Representative Dalton Honore in 2015, provides for the use of body cameras by law enforcement officers. The House Judiciary Committee voted to turn the proposed bill into a bill creating the Louisiana Law Enforcement Body Camera Implementation Task Force, which would “study and make recommendations regarding the requirements for implementation and development of best procedures for the use of the body cameras and policies for access to and use of body camera recordings by law enforcement agencies in this state.” Task Force would submit recommendations by beginning of the 2016 Regular Session of the Legislature. Study resolution scheduled for floor debate on 6/9/15.</p>	
Collection	<ul style="list-style-type: none"> • Study resolution would require Task Force to issue recommendations which include general guidelines for the proper use of body cameras, including procedures for when the body camera will be in recording mode and limitations on situations in which officers are permitted to wear body cameras. • HB 183 originally stated “A peace officer shall wear a body camera at all times while on duty and in uniform and shall record using the body camera all contacts with any individual or group of people in the performance of the official duties of the peace officer from the beginning to the end of those contacts. The body camera shall be worn on the chest or at the eye level of the peace officer.”
Retention	<ul style="list-style-type: none"> • Study resolution would require Task Force to issue recommendations which include general guidelines for the proper storage and retention of audio and video data recorded by body cameras. • HB 183 originally stated “[a]ny recording involving contact between any individual or group of people and a peace officer in his official duties shall be retained for a period of at least two years from the date of the recording. The recording shall be retained by the law enforcement agency employing the peace officer or the public or nonpublic school or school district or university that designates the peace officer to provide security.”
Exemption	<ul style="list-style-type: none"> • Recommendation must include guidelines on release of audio and video data recorded by body cameras.
Dashcam Exemptions	<ul style="list-style-type: none"> • I did not see any current laws or proposed bills relating to Louisiana’s treatment of police dashboard camera videos for FOIA purposes.
Links	<ul style="list-style-type: none"> • Study Resolution Proposal https://legiscan.com/LA/text/HCR180/2015. • House Bill 183: https://legiscan.com/LA/text/HB183/id/1187029/Louisiana-2015-HB183-Introduced.pdf • HB 183 turned into study resolution http://www.wvltv.com/story/news/2015/05/15/body-cameras-for-la-officers-to-get-further-study/27359163/

Maine	
No statutes or proposed legislation relevant to body camera videos were located.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • Police body camera videos are not public records under the Maine Freedom of Access Act. • Police body camera videos are almost certainly covered by the Maine Intelligence and Investigative Record Information Act, 16 M.R.S.A. § 804, which states that “a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would,” inter alia, “interfere with law enforcement proceedings relating to crimes” id. § 804(1), or “disclose investigative techniques and procedures or security plans and procedures not known by the general public.” Id. § 804(7). • A prosecutor may, but is not required to, release such information to an accused person, or that person’s agent or attorney. Id. §806(3). • Criminal justice agencies may also release such information to a crime victim, a sexual assault counselor or advocate, or a government agency in charge of child welfare or the care of dependent adults. Id. § 807. • Courts tend to interpret these limitations on disclosure in favor of confidentiality. See, e.g., Campbell v. Town of Machias, 661 A.2d 1133 (Me. 1995); Lewiston Daily Sun v. City of Lewiston, 596 A.2d 619 (Me. 1991); but see Blethen Maine Newspapers, Inc. v. Maine, 871 A.2d 523 (Me. 2005) (granting disclosure of Attorney General’s records of sexual abuse by priests; dissents claim that decision weakens the criminal investigative exemption from public disclosure).
Dashcam Exemptions	<ul style="list-style-type: none"> • Police dashboard camera videos are not public records. • See above, under FOIA treatment of body camera videos.
Links	<ul style="list-style-type: none"> • Maine Intelligence and Investigative Record Information Act: http://www.mainelegislature.org/legis/statutes/16/title16ch9sec0.html • State of Maine, The Maine Freedom of Access Act: Your Right to Know: http://www.maine.gov/foaa/

Maryland

HB 533 approved by governor on May 12, 2015. Codified in MD. CODE ANN. PUB. SAFETY 3-510 (West 2015) and wiretapping exception codified in MD. CODE ANN. CTS & JUD. PROC. 10-402 c(11) (West 2015).

Collection

- MD. CODE ANN. CTS & JUD. PROC. 10-402 c(11) creates exception to Maryland Wiretapping and Electronic Surveillance Act that makes it lawful for a law enforcement officer in the course of the officer's duty to use a "body-worn digital recording device" as long as the officer is: (1) in uniform or clearly displaying his/her badge; (2) is a participant to the oral communication; (3) is making reasonable efforts to conform to standards set by the Maryland Police Training Commission on police body cameras; and (4) when practicable, notifies the subject of the recording that the camera is on and recording.
- MD. CODE ANN. PUB. SAFETY 3-510 provides that on or before January 1, 2016, the Maryland Police Training Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by law enforcement officers that addresses several issues, including: 1) when recording is mandatory, when it is prohibited, and when it is discretionary 2) when recording may require consent of a subject being recorded and when and how to provide notice of recording and 3) when a recording may be ended

Retention

- MD. CODE ANN. PUB. SAFETY 3-510 provides that on or before January 1, 2016, the Maryland Police Training Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by law enforcement officers that addresses several issues, including
- The retention of recordings and the secure storage of data from a body-worn camera

Exemption

- MD. CODE ANN. PUB. SAFETY 3-510 provides that on or before January 1, 2016, the Maryland Police Training Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by law enforcement officers that addresses several issues, including 1) Access to confidentiality of recordings 2) Dissemination and release of recordings and 3) Specific protections for individuals when there is an expectation of privacy in private or public places

Dashcam Exemptions

- Maryland does not appear to have a specific exemption carving out police dashboard camera videos from its state public records act. Instead, the dashboard camera videos appear to be treated under the general existing exemptions of the public records statutes. Under the Maryland Public Information Act, it does limit the public's right to access government records when it involves investigations conducted by the Attorney General, a police department or sheriff, or an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose (§4-351).

Links

- HB 533: http://mgaleg.maryland.gov/2015RS/Chapters_noln/CH_129_hb0533e.pdf
- HB 533 History: <http://openstates.org/md/bills/2015/HB533/>

- [HB533 Summary Page](#)
- [Maryland Public Information Act §4-351.](#)

Massachusetts

Massachusetts, which has not mandated the use of body cameras among police officers, is currently considering a bill, H. 2170, to require body-worn cameras, as further discussed below.

Collection

- The proposed bill would require recording if police officers engage in any of the following: primary response (patrol in a vehicle or during bicycle or motorcycle patrol), self-initiated public contacts/foot patrol, emergency response, vehicle or site searches, SWAT, police officers engaged in taking individuals into custody, traffic stops, suspicious vehicle stops, suspicious person stops, motor-vehicle accident scenes, during all interrogations of suspected criminals or persons of interest, while in the process of an arrest, vehicle pursuits, crimes in progress, when ordered to do so by a supervisor, and any other instance of police interaction with individuals where probable cause exists that a crime is being planned or has been committed as articulated in the personal audio-video recording device policy of a law enforcement agency.
- Within the policy of a law enforcement agency, police officers would have discretion to not record in certain instances (i.e. where there is rape or sexual assault, where a person may be fully unclothed, where there is the need to protect the identity of an undercover officer, or where officers want to protect the identity of a confidential informant). Law enforcement entities would be required to adopt policies governing the recording of domestic violence, rape, and sexual assault incidents, and incidents where individuals are partially or fully unclothed.
- In addition, all uses of a recording device would have to be in plain view, and an officer would have to inform an individual that the interaction is being captured by film. If an individual does not wish to be recorded, and the individual audibly denies his or her consent to be recorded, the officer would have to turn off the recording device. The bill would set up a law enforcement data review committee, which would be tasked, within two months of its formation, with drafting a statement of notification to be used by officers when notifying of a recording.
- The law enforcement data review committee that would be established under the bill would also operate as an advisory body by making recommendations (e.g. by promulgating model policies).

Retention

- Under the proposed bill, policies adopted by law enforcement agencies would require the deletion of recorded data within 30 days if civil contact is made but no enforcement action is taken or no complaint is filed.

Exemption

- Under the proposed statute, all audio-visual recordings that are captured during an interaction between an individual and an officer would be exempt from public disclosure and would be kept confidential absent a court order. However, the exemption would not apply to individuals filmed in a police interaction, and their legal representatives would have the right to inspect and copy such recordings.

Dashcam Exemptions

- Massachusetts does not expressly exempt dashboard camera videos from FOIA. As such, dash-camera videos would likely fall under the broad definition of a public record, which includes “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of the physical form or characteristics, made or received by any officer or employee” of any Massachusetts governmental entity, according to G. L. c. 4, § 7(26). Generic exemptions would have to be relied upon in prohibiting the disclosure of dashboard camera videos.

Links

- H. 2170: <https://malegislature.gov/Bills/189/House/H2170>
- A Guide to the Massachusetts Public Records Law: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

Michigan

Michigan does not currently have state-wide requirements for collection of body camera videos, but the state legislature has introduced two pending bills that address recording, retention, and privacy.

Collection

- There is a proposed bill in the Michigan legislature, Law Enforcement Body-Worn Camera Act, House Bill 4229 that would require body cameras on all uniformed police officers while on duty. The camera will be activated when the officer is on duty and will continuously record interactions with other individuals. Officer may stop recording when using bathroom or during a personal conversation. This bill is very similar to the proposed HB2137 in Kansas.
- HB 4229 mandates that when practicable, the officer should notify the other person that the camera is on and recording.
- HB 4229 requires law enforcement officers to sign a written waiver consenting to being filmed and an acknowledgment of the act's requirements.
- HB 4229 requires that when entering a private residence under nonexigent circumstances, the officer will ask the residents whether they want the camera off while the officer is still inside the residence. Once the exchange noting the residents' wishes is recorded, the officer will abide by the wishes of the residents.
- HB 4229 requires a warrant issued by a court before the officer or law enforcement agency may use a computerized facial recognition program or application to be used with the body camera's recording.

Retention

- HB 4229 is nearly identical to Kansas HB2137. Generally, under HB 4229, the video and audio will be retained for two weeks, except in the following circumstances, the video and audio will be kept for three years:
 - Incident involving use of force;
 - Incident leads to detention or arrest of a person;
 - Recording is relevant to formal or informal complaint against law enforcement officer or agency; and
 - A request for a copy of the recording has been made by any of the following persons: subject of the recording; person whose property was seized or damaged in relation to a crime to which the recording is related; a parent, legal guardian or attorney for the aforementioned persons. (Sections 4, 5)
- Under HB 4229, if recording provides evidence that could be useful in a criminal prosecution, then the law enforcement agency will retain the recording for any time in addition to the periods mentioned above. (Section 5)
- Under HB 4229, prior to deleting the recordings, there must be a person who reviews all applicable and available records, files and databases to determine whether there is any reason why the recording cannot be deleted or disposed.

(Section 7)

- Under HB 4229, there is a presumption that the recording will corroborate the defendant’s version of the facts if during a criminal prosecution or civil action, the law enforcement agency cannot produce the recording. (Section 8)
- In a different proposed bill in the Michigan legislature, Law Enforcement Body-Worn Camera Privacy Act, House Bill 4234, audio and video recordings will only be retained for 30 days. The recording will be retained for 3 years if it is relevant to a complaint against a law enforcement officer or agency or a request of the recording has been made as part of a criminal prosecution or civil action by the subject (subject’s representative/attorney) of the recording. Under House Bill 4234, there is no presumption in favor of defendant’s version if a complaint is made against the police officer or agency after the expiration of the 30 day retention period and the agency cannot produce the recording. (Section 6)

Exemption

- In the proposed bill, Law Enforcement Body-Worn Camera Privacy Act, House Bill 4234, video recordings taken inside private places are exempt from the Michigan FOIA requests. “Private place” is defined as a place where an individual may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group of the public has access. The following people may request a copy of the audio or video recording under FOIA if the recording is relevant to the criminal prosecution of the individual or a civil action brought by the individual: the subject of the recording; person whose property was seized or damaged in relation to a crime to which the recording is related; a parent, legal guardian or attorney for the aforementioned persons. (Sections 2 to 4)
- House Bill 4234 states that an audio or video recording from a body-worn camera retained by police in connection with an ongoing criminal investigation or an ongoing internal investigation is not a public record and is exempt from disclosure under FOIA. (Section 5)
- HB 4229 allows certain individuals who are involved in recorded incidents to request body camera recordings. The police “shall provide the individual with a copy of the requested recording,” which suggests that there is no discretion to deny a request. However, if the requestor is “not the subject of a recording,” the subjects of the recording must consent: “If the individuals who are the subjects of the recording do not consent, the recording is not a public record and is not subject to disclosure under the freedom of information act.”

Dashcam Exemptions

- Michigan does not appear to have a specific exemption carving out police dashboard camera videos from its state public records acts. Instead, the dashboard camera videos appear to be treated under the general existing exemptions of the public records statute. The Michigan FOIA exempts disclosure for information of a personal nature that constitute an unwarranted invasion of an individual’s privacy and investigating records compiled for law enforcement purposes— though only to the extent that the disclosure would interfere with law enforcement proceedings, constitute an unwarranted invasion of personal privacy, deprive subject of right to a fair trial, disclose identity of confidential source, disclose law enforcement techniques or procedures, or endanger the life or safety of police personnel.

Links

- [Law Enforcement Body-Worn Camera Act, House Bill 4229](#)
- [Law Enforcement Body-Worn Camera Privacy Act, House Bill 4234](#)
- [Michigan Freedom of Information Act](#) (§ 15.243)
- <http://michiganradio.org/post/michigan-house-bill-would-exempt-some-police-body-worn-camera-footage#stream/0>

Minnesota

After the House and Senate presented bills looking to set procedures for police body cameras, both bills failed. Some regulations on the use of surveillance technology were enacted as a part of automated license plate reader statute (SF 86).

Collection	<ul style="list-style-type: none">• House Bill would have established a task force on body camera implementation and enacting a moratorium on body camera use until the work of the task force is complete.• Senate Bill would have required any agency that uses body cameras to have a written policy establishing procedures for use and operation of the cameras and governing access to the data.
Retention	<ul style="list-style-type: none">• None.
Exemption	<ul style="list-style-type: none">• SF 86: Automated license plate reader law added section on use of surveillance technology, which states that all recordings of the activities of the general public maintained by law enforcement agencies is public data.• Senate Bill would have required any agency that uses body cameras to have a written policy establishing procedures for use and operation of the cameras and governing access to the data.
Dashcam Exemptions	<ul style="list-style-type: none">• (applicable to cameras purchased through state grant program) Videotapes or disks from police vehicles must be stored for a minimum of 60 days after use. If the chief law enforcement officer has not been instructed to maintain the tape beyond that period, it may be reused. A chief law enforcement officer shall provide a copy of a videotape or disk that recorded a traffic stop to the driver of the stopped vehicle upon the driver's request and at the driver's expense if the tape or disk has not yet been reused.
Links	<ul style="list-style-type: none">• SF 86 Automated license plate reader statute https://legiscan.com/MN/text/SF86/2015• HF 2100: http://wdoc.house.leg.state.mn.us/leg/LS89/HF2100.0.pdf• SF 498: https://www.revisor.mn.gov/bills/text.php?number=SF0498&session=ls89&version=latest&session_number=0&session_year=2015• 2014 Minn. Stat. 626.9517 on Grant Program for Installation of Video Cameras in Police Vehicles https://www.revisor.mn.gov/statutes/?id=626.9517

Mississippi

Mississippi had proposed legislation (HB1279) for body-worn cameras, but the legislation died in committee on February 3, 2015. The bill's sponsor requested a special session of the legislature for police body cameras, but governor did not call one.

Collection

- HB 1279 would have required uniformed law enforcement officers primarily assigned to patrol to wear body-worn camera.
- The officer would be required to record whenever he or she is on duty and continuously record all contacts with citizens, but the officer may temporarily stop recording in the following limited circumstances: 1) encounters with other law enforcement personnel unless recording is required by a court order 2) encounters with undercover officers or confidential informants 3) strip searches 4) when on a break or otherwise engaged in personal activities; or 5) in any location an officer has a reasonable expectation of privacy, such as a restroom or locker room
- An officer shall notify individuals that they are being recorded
- When entering a residence under nonexigent circumstances, an officer shall ask the residents whether they want the officer to stop recording with the body-worn camera while in the residence. The officer shall record the exchange to document the wishes of the residents.

Retention

- HB 1279 would have required the following:
- All recorded files shall be securely downloaded by the officer operating the body-worn camera no later than the end of each shift.
- In circumstances resulting in a person's bodily harm or death, the operating officers' supervisor shall immediately take custody of the camera and assume responsibility for downloading the data
- A law enforcement agency shall retain all recordings for 120 days
- A law enforcement agency shall retain recordings for 3 years if any of the following apply 1) the recording is of an incident involving the use of force 2) the recording is of an incident that leads to detention or arrest of an individual 3) the recording is relevant to a formal or informal complaint against a law enforcement officer or the agency 4) a request regarding the recording has been filed
- Any subject of a recording may make a request for retention. Police departments and third parties may make a request to extend the time period for retention if there is some basis to believe that police misconduct has occurred or if there is reasonable suspicion that the recording contains evidence of a crime.

Exemption	<ul style="list-style-type: none"> • HB 1279 would have required the following: • Un-redacted recordings should not be publicly disclosed without the consent of the subject. • An individual who is a subject of a recording or a person involved with a crime to which the recording is related may make a request for un-redacted recordings and the law enforcement agency shall provide the individual with a copy of the recording.
Dashcam Exemptions	<ul style="list-style-type: none"> • Police dashboard camera videos appear to be public records, unless subject to a general exception (e.g., disclosure of confidential informants).
Links	<ul style="list-style-type: none"> • HB 1279: https://legiscan.com/MS/text/HB1279/2015 • Mississippi Public Records Act: http://www.ethics.state.ms.us/ethics/ethics.nsf/PageSection/A_records_entire_pub_rec_act/\$FILE/Public%20Records%20Act.htm?OpenElement • Newspaper article on HB 1279's sponsor calling for special session of legislature http://www.jacksonfreepress.com/news/2015/apr/10/special-session-police-body-cameras/

Missouri

Missouri does not have specific statutes on body cameras, but it has eleven proposed bills on police body cameras, with House Bill 762 appearing to be the frontrunner of these bills, having passed the House of Representatives in Missouri. HB 762 failed to make it out of committee on May 8, and none of the other bills appear to have been passed before the session ended on May 15.

Collection

- HB 762 (Proposed Section 590.810, RSMo); SB 331 (Proposed Section 590.810, RSMo); HB 987 (Proposed Section 590.810 RSMo); SB 550 (Proposed Section 590.810 RSMo)
 - The state *shall not require* a law enforcement agency to provide “mobile video recorders” to officers, nor will the state *require* any officer to wear such recorders.
 - A law enforcement agency that uses mobile video recorders must have a written policy on their use.
 - (Proposed Section 610.100, RSMo): “Mobile video recorder” is not limited to body cameras but also includes dashboard cameras. It is defined as “any system or device that captures visual signals that is capable of installation in a vehicle, vessel, or aircraft, or being worn or carried by personnel of law enforcement agency and that includes, at a minimum, a camera and recording capabilities.”
- SB 21 (Proposed Section 590.709 RSMo); HB 1699 (Proposed Section 590.705 RSMo); HB 971 (Proposed Section 590.715 RSMo); HB 75 (Proposed Section 590.715 RSMo); HB 76 (Proposed Section 590.715 RSMo)
 - This act *requires* law enforcement officers to wear video cameras on their uniforms while on duty. Exceptions are available for: detectives or other law enforcement officers working undercover, or any officer in “any situation where the wearing of such a video camera would endanger the safety of the officer or the public.”
 - The camera must be capable of recording the audio and video of interactions between the officers and the public.
 - Under this act, the Department of Public Safety must investigate all complaints that a law enforcement officer or agency is not in compliance with the above requirements. If the Department determines an agency or one of its officers is not complying, the agency is ineligible to receive state appropriations until the agency achieves compliance. (SB 21 only.)
 - 10% of all fines collected by a city, town, village, or county, excluding any fines from traffic violations, will be used to fund the video cameras required in such city, town, village, or county. (HB 971 only.)
 - A one-cent tax on the retail sale of any handgun or ammunition in the state would be used solely to fund the video and audio equipment required. (HB 75 only.)
 - A 1% sales tax on all retail sales of tangible personal property or taxable services in the state would be used solely

to fund the video and audio equipment required. (HB 76 only.)

- HB 39 (Proposed Section 542.402 RSMo)
 - This bill allows a uniformed law enforcement officer to make a video and audio recording “in the ordinary course of the officer’s duties or as required by law,” provided that some steps are followed:
 - (a) First give notification of such recording to the party to the communication;
 - (b) At the time of the interception, the oral communication does not occur inside the residence of any of the individuals;
 - (c) At the time of the interception, the law enforcement officer:
 - 1. Is in uniform or otherwise clearly identifiable as a law enforcement officer;
 - 2. Is in close proximity to the individual's oral communication; and
 - 3. Is using an electronic, mechanical, or other device approved by the law enforcement agency to intercept the oral communication;
 - (Proposed Section 590.704 RSMo): Every new or used police vehicle which is primarily used for traffic stops shall be equipped with a video camera. One-half of the police vehicles currently operating without a video camera shall be equipped with such camera no later than December 31, 2015, and the other one-half shall be equipped with such camera no later than June 30, 2015.
 - (Proposed Section 590.705 RSMo): In accordance with section 542.402, each uniformed law enforcement officer in this state shall, at all times when the officer is interacting with the public in his or her official capacity, wear an operating video camera with a microphone for audio capture. Each video recorded shall be catalogued and preserved.
 - Each police department shall have a written policy that outlines, at a minimum:
 - (1) The proper uses of the equipment;
 - (2) The times when the camera is to be activated;
 - (3) Conditions under which is it permissible not to have the camera activated;
 - (4) Potential disciplinary actions for failure to activate the camera when required to be activated;
 - (5) The retention period for the tapes or other recording media, which shall not be less than thirty days;

- (6) The method for replacing defective or nonfunctioning equipment; and
- (7) Logging policy to record failures or periods when the equipment is down for repairs.
- The policy shall be on file at the agency and open to public inspection or available on the department's website.
- Exceptions are made for: detectives or other law enforcement officers while they are working in an undercover capacity, or to any law enforcement officer in any situation where the wearing of such video camera would endanger the safety of the officer or the public.
- SB 356 (Proposed Section 590.198)
 - This bill *requires* every law enforcement agency in a city with a population of at least one hundred thousand inhabitants to mandate its officers to wear a body camera “at all times while on duty and in uniform and to activate the camera to record, from beginning to end, all contacts with people in the performance of the peace officer's official duties.”
 - Body-worn cameras shall be worn on the officer's chest or at eye-level.
 - An officer shall inform any person who is being recorded by a body-worn camera when the person is being recorded unless doing so would be unsafe, impractical, or impossible.
 - An officer who fails to record an activity as required under this section shall be suspended without pay until an investigation into why the activity was not recorded in accordance with this section is completed.
 - Funds for the equipment necessary to comply with the provisions of this section shall be provided by the department of public safety.

Retention

- SB 21 (Proposed Section 590.709 RSMo); HB 1699 (Proposed Section 590.705 RSMo); HB 971 (Proposed Section 590.715 RSMo)
 - Law enforcement agencies must preserve recordings from the cameras for at least 30 calendar days and must develop any policies and procedures necessary to implement the provisions of the bill.
- HB 987 (Proposed Section 590.810 RSMo)
 - A law enforcement agency shall retain any recording as described under subsection 1 of this section for at least thirty calendar days and no longer than ninety calendar days unless the recording is needed for an active criminal investigation or being used as evidence in a criminal case or civil litigation.
- HB 39 (Proposed Section 590.705 RSMo).

- Each video recorded shall be catalogued and preserved. Each police department shall have a written policy that outlines, at a minimum: . . . (5) The retention period for the tapes or other recording media, which shall not be less than thirty days.
- SB 356 (Proposed Section 590.198)
 - A recording created with a body-worn camera shall be retained by the law enforcement agency for a period of at least two years.

Exemption

- HB 762 (Proposed Section 610.100, RSMo)
 - Mobile camera footage not subject to public records requests, with certain exceptions:
 - A law enforcement agency is authorized to close records consisting of data from mobile video recorders with specified exceptions.
 - Any person may bring an action in the circuit court having jurisdiction to authorize disclosure of data in the possession of a law enforcement agency from a mobile video recorder which would otherwise be closed under the Open Meetings and Records Law, commonly known as the Sunshine Law.
 - The court may order that all or part of the data from a mobile video recorder be released to the person bringing the action, considering “whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the law enforcement agency or any of its officers, or to any person identified in the investigative report or captured in the data from the mobile video recorder.”
 - The court may find that the party seeking disclosure of the data must bear its reasonable and necessary costs and attorney fees unless the court finds that the decision of the law enforcement agency not to open the data was substantially unjustified under all relevant circumstances, in which case the court must assess the costs and attorney fees to the law enforcement agency.
- SB 550
 - Data from mobile video recorders are closed records subject to specified exceptions (subsections 4, 5 and 6 under Miss. Rev. Stat. 610.100 and 320.083).
- SB 331 (Proposed Section 590.810, RSMo)
 - Any recording captured by a body camera, dashboard camera, or other such camera shall not be a public record for purposes of the state's open records law under chapter 610 and shall not be disclosed by a law enforcement agency except upon order of a court in the course of a criminal investigation or prosecution or civil litigation.

- HB 987 (Proposed Section 590.810, RSMo)
 - Any recording captured by a body camera, dashboard camera, or other such camera shall not be a public record for purposes of the state's open records law under chapter 610 and shall not be disclosed by a law enforcement agency except upon order of a court or under the prosecution or defense of a criminal case.
- HB 39 (Proposed Section 590.705 RSMo).
 - The use of any recording obtained under this section shall be for internal or external investigations of misconduct, and where police have reasonable suspicion that a recording contains evidence of a crime.
 - In any prosecution, if the state expects to offer the testimony of a law enforcement officer against a defendant and the law enforcement officer was required to record video and audio information of his or her interaction with the defendant, the state shall produce a copy of the video and audio information in a reasonably usable format upon the defendant's request. If the state does not produce the video and audio information, the court may draw an adverse inference from the state's failure to produce such information.
- SB 356 (Proposed Section 590.198).
 - For purposes of the state's open records law, a recording created with a body-worn camera shall be considered an open record in the same manner as an "incident report" under section 610.100 and may be closed in the same manner as other incident reports may be closed.

Dashcam Exemptions

- HB 762 (Proposed Section 610.100, RSMo); SB 331 (Proposed Section 590.810, RSMo)
 - Dashboard and body cameras are treated the same, as “mobile video recorders.”
- SBs 331 & 21
 - Dashboard camera videos are deemed investigative reports for purposes of Missouri Revised Statutes chapter 610 (public records law) and are therefore closed records until any related investigation becomes inactive.
- HB 987
 - Any recording captured by a body camera, dashboard camera, or other such camera shall not be a public record for purposes of the state's open records law under Missouri Revised Statutes chapter 610 (public records law) and shall not be disclosed by a law enforcement agency except upon order of a court or under the prosecution or defense of a criminal case.
- HB 39

- The use of any recording obtained under this section shall be for internal or external investigations of misconduct, and where police have reasonable suspicion that a recording contains evidence of a crime.
- In any prosecution, if the state expects to offer the testimony of a law enforcement officer against a defendant and the law enforcement officer was required to record video and audio information of his or her interaction with the defendant, the state shall produce a copy of the video and audio information in a reasonably usable format upon the defendant's request. If the state does not produce the video and audio information, the court may draw an adverse inference from the state's failure to produce such information.

Links

- H.B. 762, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/perf/HB0762P.PDF>.
- S.B. 331, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.senate.mo.gov/15info/pdf-bill/intro/SB331.pdf>.
- H.B. 987, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB0987I.PDF>.
- S.B. 550, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.senate.mo.gov/15info/pdf-bill/intro/SB550.pdf>.
- S.B. 21, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.senate.mo.gov/15info/pdf-bill/intro/SB21.pdf>.
- H.B. 1699, 97th Gen. Assemb., 2nd Reg. Sess. (Mo. 2014), <http://www.house.mo.gov/billtracking/bills141/billpdf/intro/HB1699I.PDF>.
- H.B. 971, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB0971I.PDF>.
- H.B. 75, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB0075I.PDF>.
- H.B. 76, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB0076I.PDF>.
- H.B. 39, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB0039I.PDF>.
- S.B. 356, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015), <http://www.senate.mo.gov/15info/pdf-bill/intro/SB356.pdf>.
- http://blogs.riverfronttimes.com/dailyrft/2015/05/dash_cam_video_bill_dead.php

Montana	
House Joint Resolution 22, which would have directed a committee to study body cameras, apparently died in House Judiciary committee on April 28, 2015.	
Collection	<ul style="list-style-type: none"> • There are no statutory requirements currently. • There is a tabled Montana House Joint Resolution Number 22 in the Montana House Judiciary Committee. The Resolution directs an interim committee to identify the issues associated with body cameras for police officers and the public, including project costs and current body camera trends in other states.
Retention	<ul style="list-style-type: none"> • There are no statutory requirements currently. There is a proposed legislative study on the issue that has been tabled in the Montana House Judiciary Committee
Exemption	<ul style="list-style-type: none"> • There are no statutory requirements currently. There is a proposed legislative study on the issue that has been tabled in the Montana House Judiciary Committee • The House Joint Resolution 22 tasks the interim committee to examine Montana’s privacy and public records statutes to determine if changes are needed to prevent disclosure of information captured on body-worn cameras that might be considered private, including but not limited to interactions in private homes, medical information, juveniles, crime witnesses and crime victims.
Dashcam Exemptions	<ul style="list-style-type: none"> • Montana does not appear to have a specific exemption carving out police dashboard camera videos from its state public records act. Montana’s law enforcement statute does define “initial offense reports” as “public criminal justice information”, which could also include video and audio recordings of dashboard cameras. Under the same statute, there are no restrictions on the dissemination of public criminal justice information, suggesting that Montana would treat these videos as public records for FOIA purposes.
Links	<ul style="list-style-type: none"> • House Joint Resolution Number 22 • https://legiscan.com/MT/bill/HJ22/2015 • M.C.A. 44-5-103(13) Definitions • M.C.A. 44-5-301 Dissemination of public criminal justice information

Nebraska	
There is one interim study (LR 261), introduced on May 12, 2015, being conducted by the legislature’s judiciary committee to examine implementing the use of police body cameras. According to a June 2014 Omaha.com article, at least nine local law enforcement offices in Nebraska had police body cameras or were testing cameras at the time the article was written.	
Collection	<ul style="list-style-type: none"> • None.
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • No specific statutory body camera FOIA exemptions. • Records developed or received by law enforcement charged with duties of investigation when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records. Neb. Rev. Stat. § 84-712.05(5) • With respect to the release policy for body cameras (and noting that it does not expressly mention FOIA), the article explains that “[t]he release of any video to someone outside the department or Sarpy County Attorney’s Office requires approval of the division commander or police chief.
Dashcam Exemptions	<ul style="list-style-type: none"> • No specific statutory dashboard camera FOIA exemptions. • Records developed or received by law enforcement charged with duties of investigation when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records. Neb. Rev. Stat. § 84-712.05(5)
Links	<ul style="list-style-type: none"> • Omaha body camera article http://www.omaha.com/news/crime/omaha-police-get-new-must-have-crime-fighting-gadgets-small/article_949f54cf-f46e-55bc-a0a3-04781fce7122.html • Neb. Rev. Stat. § 84-712.05 http://nebraskalegislature.gov/laws/statutes.php?statute=84-712.05 • LR 261 http://nebraskalegislature.gov/FloorDocs/104/PDF/Intro/LR261.pdf

Nevada

Nevada recently passed Assembly Bill 162, which is relevant to body cameras and will become effective on January 1, 2016. There is also one senate bill (SB 111) that was enrolled on June 1, 2015.

Collection

- Assembly Bill 162 allows, but does not require, law enforcement agencies to use body-worn cameras. Any such agencies would be required to develop policies and procedures for the use of such cameras.
- Senate Bill 111 would require all law enforcement officers who routinely interact with the public to wear a recording device while on duty. All law enforcement agencies would also be required to develop policies and procedures for the use of such cameras.

Retention

- Assembly Bill 162 leaves the details of retention up to the law enforcement agency, which would be required to adopt a policy that would limit the time for retention.
- Senate Bill 111 would require that the law enforcement agency retain the video for at least 15 days.

Exemption

- Both Assembly Bill 162 and Senate Bill 111 provide that that body camera video recordings are public records, but could be requested only on a per incident basis, and if the record contains confidential information that could not otherwise be redacted, would be available for inspection only at the location where the record is held.
- The Nevada Supreme Court has held that criminal investigative records are subject to a common-law exception to the Nevada Public Records Law, N.R.S. 239.010. *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144, 147-48 (Nev. 1990). As such, whether such documents shall be released to the public depends on a balancing test between any privacy or law enforcement justifications for nondisclosure versus the general policy in favor of open government. *Id.* at 148. In that case, the court ruled in favor of disclosure.

Dashcam Exemptions

- No requirements specifically applying to dashboard camera videos. See the above discussion of *Donrey* for the “balancing test” governing disclosure of criminal investigation documents.

Links

- AB 162 <https://www.leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=361>
- SB 111 <https://www.leg.state.nv.us/Session/78th2015/Reports/history.cfm?ID=256>
- *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144 (Nev. 1990), available at http://scholar.google.com/scholar_case?case=11510418445826139476&q=798+P.2d+144&hl=en&as_sdt=6,33.

New Hampshire

New Hampshire has two bills relevant to body cameras (HB 583 and HB 617) currently pending in committee.

Collection

- Both House Bill 583 and House Bill 617 would require state police to wear body cameras while interacting with the public.
- House Bill 583 would require the “director of state police to have a written policy that outlines, at a minimum, the proper uses of the equipment, the times when the camera is to be activated, [and] conditions under which is it permissible not to have the camera activated.”
- House Bill 617 would require state police to “activate the video and audio components of [a body-worn camera] to start recording at the commencement of any and all law enforcement and police service contacts with citizens.”

Retention

- House Bill 583 requires that the director of state police have a written policy that outlines “the retention period for the tapes or other recording media.”
- House Bill 617 provides that “[u]nless being retained as evidence in a civil or criminal case or as part of an internal affairs investigation, recordings made by a [body-worn camera] shall be destroyed or overwritten every 14 days.”

Exemption

- House Bill 583 does not directly address FOIA exemptions, but does require disclosure of audio and visual recording mandatorily made by police to the defense, upon request, if used in the context of a prosecution.
- The “analysis” portion of House Bill 617 states that this bill would “[e]xempt such recordings the right-to-know law and from the wiretapping and eavesdropping statute.”

Dashcam Exemptions

- House Bill 583 does not directly address FOIA exemptions, but does require disclosure of audio and visual recording mandatorily made by police to the defense, upon request, if used in the context of a prosecution.

Links

- HB 583 <https://legiscan.com/NH/bill/HB583/2015>
- HB 617 <https://legiscan.com/NH/text/HB617/id/1095842>

New Jersey

New Jersey recently passed two bills that are relevant to police body and dashboard cameras. Assembly Bill 2280 requires the use of cameras in police vehicles. Senate Bill 2649 establishes a task force to study and make recommendations concerning the use of body cameras by law enforcement agencies. A third bill (AR 197), not yet passed, “[u]rges [the United States] Congress to enact legislation requiring law enforcement officers to be equipped with body cameras.”

Collection

- Assembly Bill 2280 requires every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after March 1, 2015, which is primarily used for traffic stops, to be equipped with a mobile video recording system. “Mobile video recording system” is defined as a device or system installed or used in a police vehicle, or worn or otherwise used by an officer, which electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.
- Assembly Resolution 197 would urge “the Congress of the United States to enact legislation requiring all federal, state, and local law enforcement officers to be equipped with body cameras.”

Retention

- The New Jersey dash camera law that recently went into effect contains no provisions on the retention of videos.

Exemption

- The New Jersey dash camera law that recently went into effect contains no provisions on the treatment of videos under FOIA.

Dashcam Exemptions

- The New Jersey dash camera law that recently went into effect contains no express provisions on the treatment of videos under FOIA. However, there is recent case law indicating that if police agencies require the regular recording of law enforcement activities, the videos qualify as government records and cannot be exempted from the New Jersey Open Public Records Act (OPRA) under the state’s criminal investigatory exemption. In addition, government entities cannot necessarily rely on the “investigations” exemption under OPRA to prohibit disclosure of dash-camera videos.

Links

- Assembly Bill 2280, available at http://www.njleg.state.nj.us/2014/Bills/AL14/54_.HTM
- Senate Bill 2649, available at http://www.njleg.state.nj.us/2014/Bills/S3000/2649_I1.HTM
- Assembly Resolution 197, available at http://www.njleg.state.nj.us/2014/Bills/AR/197_I1.HTM
- Paff v. Ocean County Prosecutor’s Office, available at <http://ogtf.lpcnj.org/2014/2014272pv/paffvOcean.pdf>
- Ganzweig v. Township of Lakewood, available at <http://ogtf.lpcnj.org/2013/2013273Uq/GanzweigvLakewood.pdf>
- NJ Court Clarifies OPRA’s Applicability to Internal Investigation Documents, available at <http://scarincilawyer.com/nj-court-clarifies-opras-applicability-to-internal-investigation-documents>.

New Mexico

New Mexico does not currently have state-wide requirements for collection of body camera videos. Some local jurisdictions already employ body cameras, including Albuquerque, Las Cruces, Alamogordo, and Roswell.

Collection	<ul style="list-style-type: none">• None.• In February 2015, House Bill 363 was introduced with language to eliminate police immunity for “personal injury, bodily injury, wrongful death or property damage caused by law enforcement officers who failed to use a body camera in compliance with policies of the officers’ agency regarding the use of body cameras.” However, action on the bill has been postponed indefinitely.
Retention	<ul style="list-style-type: none">• None.
Exemption	<ul style="list-style-type: none">• New Mexico’s Inspection of Public Records Act gives “[e]very person” the right to inspect “public records of this state,” but has an exception for “law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime.” N.M. Stat. § 14-2-1. The law has been applied to requests for both body and dashboard camera videos, but some local police departments have refused to turn over recordings based on the exception for confidential law enforcement records.• <i>Holland v. City of Albuquerque</i>, 343 P.3d 192 (2014), is a recent example of a request by a local television news station for lapel camera video from the Albuquerque Police Department. There, the court noted that penalties under the state Inspection of Public Records Act apply only to written requests for information, not verbal requests.
Dashcam Exemptions	<ul style="list-style-type: none">• See previous.
Links	<ul style="list-style-type: none">• http://www.nmlegis.gov/Sessions/15%20Regular/bills/house/HB0363.html• http://www.abqjournal.com/81555/news/cop-recordings-arent-released.html• <i>Holland v. City of Albuquerque</i>, 343 P.3d 192 (2014)

New York	
New York has three bills pending related to police dashboard and body cameras. Assembly Bill 1648 would implement a pilot program for police body cameras. Assembly Bill 7682 would require the disclosure of all recordings found on a police or peace officer's body camera and/or camera installed in a police or peace officer's vehicle. Assembly Bill 4509 would require all law enforcement officers travelling in law vehicles equipped with video cameras or recording equipment to turn them on whenever they stop to interact with the general public.	
Collection	<ul style="list-style-type: none"> • Assembly Bill 1684 would require any city having a population of one million or more persons to institute a 4-year pilot program requiring the use of police body cameras. At the start of every shift, at least 20% of the police officers on duty for each shift would be required to wear the cameras. The officers to whom the cameras are assigned will be required to turn on and maintain operation of the cameras during any interaction with a civilian while on duty. • Assembly Bill 4509 would require “any law enforcement officer who travels in a law enforcement vehicle equipped with a video camera and/or recording equipment, and who stops such vehicle to interact with the general public, [to] turn on such video camera and recording equipment prior to exiting such vehicle.”
Retention	<ul style="list-style-type: none"> • None.
Exemption	<ul style="list-style-type: none"> • None of the bills address FOIA exemptions for police body camera videos. • In the context of either a civil or criminal action, Assembly Bill 7682 would require the disclosure of all recordings found on a police or peace officer's body camera and/or camera installed in a police or peace officer's vehicle. • However, in the context of a civil action, Assembly Bill 7682 would not require any disclosure of, and the Public Officers Law exempts from a public disclosure requirement, materials that are compiled for law enforcement purposes that if disclosed would (i) interfere with law enforcement investigations or judicial proceedings; (ii) deprive a person of a right to a fair trial or impartial adjudication; (iii) identify a confidential source or disclose confidential information relating to a criminal investigation; or (iv) reveal criminal investigative techniques or procedures, except routine techniques and procedures. NY PBO § 87(e)
Dashcam Exemptions	<ul style="list-style-type: none"> • None of the bills address FOIA exemptions for police dashboard camera videos. But, see above.
Links	<ul style="list-style-type: none"> • Assembly Bill 1648, http://assembly.state.ny.us/leg/?default_fld=&bn=A01648&term=2015&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y • Assembly Bill 7682,

http://assembly.state.ny.us/leg/?default_fld=&bn=A07682&term=2015&Summary=Y&Actions=Y&Text=Y&Votes=Y#A07682

- Assembly Bill 4509,
http://assembly.state.ny.us/leg/?default_fld=&bn=A04509&term=2015&Summary=Y&Actions=Y&Text=Y&Votes=Y#A04509
- NY Public Officers Law § 87, <http://www.nysl.nysed.gov/libdev/excerpts/pbo87.htm>

North Carolina

North Carolina has four different proposals relating to body cameras and dashboard cameras: two bills proposing requirements for wearing the cameras (H395, H537), a bill relating to the public release of camera recordings from body-worn and in-car cameras (H713), and a bill for studying the implementation and use of body-worn cameras (H811). H395 and H537 are currently pending in the House Appropriations Committee. H713 and H811 have both passed in the House and are pending before the Senate Rules and Operations Committee.

Collection

- H395 and H537 have very similar requirements: The camera must be worn and activated during any recordable interaction.
- H395 adds that, except when unsafe, impracticable, or impossible, the officer must inform the person or people the officer is interacting with that the interaction is being recorded. A law enforcement officer shall not deactivate a body-worn camera until (i) the conclusion of the recordable interaction, (ii) the law enforcement officer has left the scene, (iii) a supervisor, while being recorded, authorizes the law enforcement officer to deactivate the body-worn camera, or (iv) specific exceptions apply. Prior to deactivating a body-worn camera, a law enforcement officer shall announce that he or she is deactivating the body-worn camera and the reason why he or she is deactivating the body-worn camera. A law enforcement officer shall note in any incident report prepared after a recordable interaction that a recording was made.
- Recording is not required when interacting with confidential informants and undercover officers, during non-law enforcement related activities (e.g., a personal conversation, using restrooms, changing), during training, or during presentations to the public. H395 also adds exceptions for when entering private residences (unless written or on-camera consent is given by the owner or occupier), during a strip search, and when interacting with a victim or witness (unless written or on-camera consent is given).

Retention

- H395: The original unredacted recording must be kept for the later of (i) 60 days from the date of the recording, (ii) the period specified in a court order, or (iii) 10 days from the date an administrative, civil, or criminal proceeding in which the recording was used as evidence concludes.
- H537: A law enforcement agency shall retain an original, unredacted recording captured by a body-worn camera pursuant to this section for a reasonable period of time as determined by the law enforcement agency.

Exemption

- H395: The law enforcement agency may disclose video to any person who submits a written request to the law enforcement agency. The agency may redact portions not required to be recorded and portions the agency is otherwise prohibited by law from being disclosed. If the video is not provided or is redacted, the agency must provide a written statement explaining why.
- H537 has no comparable requirements. Body cameras would presumably be subject to the same requirements for

public disclosure of other film public records.

Dashcam Exemptions

- North Carolina has a broad definition of public records that includes films and sound recordings made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Body and dashboard camera footage therefore appears to currently be obtainable under current North Carolina law subject to the same restrictions as other types of information.
- H395: Requirements for public disclosure of body camera video would also apply to dashboard camera video.
- H537 has no comparable language.
- H713: A law enforcement agency may release recordings captured by a law enforcement officer's body-worn camera or in-car camera without the consent of the law enforcement officer whose actions, visual or audible, are captured on the recordings. However, this bill shall not be construed as (i) requiring a law enforcement agency to allow inspection, examination, or release of audio, video, or audio and video recordings captured by a law enforcement officer's body-worn camera or in-car camera or (ii) superseding federal law that authorizes or prohibits access to recordings subject to this subsection.

Links

- <https://legiscan.com/NC/bill/H395/2015>
- <https://legiscan.com/NC/bill/H537/2015>
- <http://www.ncga.state.nc.us/gascripts/statutes/StatutesTOC.pl?Chapter=0132>
- <https://legiscan.com/NC/drafts/H713/2015>

North Dakota	
HB 1264 dealing with FOIA treatment of body camera videos passed into law on April 15, 2015 as N.D. Cent. Code § 44-04-18.7 (2015).	
Collection	<ul style="list-style-type: none"> • N/a • This article states that local law enforcement in Grand Forks, ND may have departmental policy on when cameras should be on/off and how to respect people’s privacy. http://www.twincities.com/politics/ci_27417720/north-dakota-bill-would-keep-some-police-body
Retention	<ul style="list-style-type: none"> • N/a
Exemption	<ul style="list-style-type: none"> • The N.D. Cent. Code provides “An image taken by a law enforcement officer or a firefighter with a body camera or similar device and which is take in a private place is an exempt record.” • Note: this seems to suggest images taken in non-private places are subject to FOIA requests. There is no definition of “private place” or “public place” in the law, however.
Dashcam Exemptions	<ul style="list-style-type: none"> • N/a
Links	<ul style="list-style-type: none"> • N.D. Cent. Code § 44-04-18.7 (2015); http://www.legis.nd.gov/assembly/64-2015/documents/15-0676-01000.pdf?20150612070617. • http://www.twincities.com/politics/ci_27417720/north-dakota-bill-would-keep-some-police-body

Ohio

There are no statutory requirements currently, nor proposed legislation specific to body camera videos.

Collection

- Rep. Kevin Boyce announced plans to introduce legislation that would require officers to wear body cameras: <http://www.ohiohouse.gov/kevin-boyce/press/boyce-looks-to-body-cameras-to-increase-safety-uphold-integrity-of-criminal-justice-system>. No bill had been filed as of June 9, 2015.
- The Cleveland Police Department has ordered 1,500 body cameras in total and has started training with the first shipment of 240 cameras. The Cleveland Police has its own body camera policy (“Cleveland Policy”).
- The Cleveland Policy requires the camera be turned into “event mode”, recording, prior to any of the following, but not limited to: encounters during a stop or investigation based on reasonable suspicion or probable cause; all citations, uses of force, detentions, and arrests; all searches, including, but not limited to people, cars, items, buildings and places; all domestic violence calls including suspect/victim interviews; all interactions with persons known or suspected of having mental illness or crisis; assisting other members engaged in a police related; action; pursuits of any kind and emergency response driving; when asked by a citizen during an interaction; en route to crimes in progress or just occurred when fleeing crime scene; crime or accident scenes to help document and support members; other events and circumstances including but not limited to armed encounters, acts of physical violence, civil disturbances, and criminal or suspicious activity; or any situation that officer believes it will be of use.
- Cleveland Policy notes that when practicable, the officer should advise the subject that camera is on and recording audio and video. The recording should be stopped only when the contact has ended or when ordered by Cleveland Police supervisor.
- Cleveland Policy requires the officer to obtain consent to record if entering a private home or building not related a search warrant, arrest warrant, domestic violence calls, or exigent circumstances. Cleveland Policy requires the officer to obtain approval from immediate supervisor to turn off the recording into buffer mode if he/she is interacting with a witness or victim who refuses to cooperate if the camera is in “event mode” and if practicable and reasonable, record the victim or witness requesting the camera be turned off and then the officer stating the reason that the camera is being turned off after obtaining approval.
- Cleveland Policy requires officers to record the reason that a recording is being turned off.
- Cleveland Policy notes that the body camera should not be used for divisional administrative investigations without the express consent of the commanding member, internal non-investigative staff meetings, hearings, and encounters with other members, supervisors, command staff, or city-employed civilians assisting the Division; personal conversations; protected health information on-scene; restrooms; locker rooms; images of confidential informants or undercover

	<p>members; venues or organizations that may prohibit any recording.</p> <ul style="list-style-type: none"> • Cleveland Policy encourages use of body cameras for officers working authorized secondary employment, though it is not required.
Retention	<ul style="list-style-type: none"> • Cleveland Policy requires uploading the recording at the end of the shift onto evidence.com and be retained according to the City of Cleveland records retention policy. Officers may view the recording and must include reason for each viewing of the recording (e.g., completing report, court prep, etc.) • According to the news article, the Cleveland Police recordings will be kept for 90 days.
Exemption	<ul style="list-style-type: none"> • Cleveland Policy requires the Chief of Police’s prior authorization before allowing any external department parties to view or listen to the recordings. When the officers receive such a request, the officers should advise the requestor to file a public records request.
Dashcam Exemptions	<ul style="list-style-type: none"> • Ohio does not appear to have a specific exemption carving out police dashboard camera videos from its state public records acts. Instead, the dashboard camera videos appear to be treated under the general existing exemptions of the public records statute. The Ohio public records statutes do define “confidential law-enforcement investigatory records” as any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil or administrative nature, which are shielded from release under Ohio’s public record laws, but only to the extent that releasing the record would create a high probability of disclosure of any of the following: <ul style="list-style-type: none"> ◦ Identity of the suspect not yet charged or the identity of a source/witness to whom confidentiality was reasonably promised; ◦ Information provided by a source/witness that would reasonably tend to disclose the source/witness’s identity; ◦ Specific confidential investigatory techniques or specific investigatory work product; ◦ Information that would endanger the life or physical safety of law enforcement personnel, crime victim, witness, or confidential source. ◦ One state appeals court in Ohio has ruled dashcam footage is exempt as “investigatory”: http://www.cleveland.com/open/index.ssf/2014/10/could_cleveland_police_keep_bo.html. In a separate case, this holding is now being challenged before the Ohio Supreme Court: http://ohioopengov.com/2015/05/26/newspaper-sues-for-troopers-dash-cam-video/.
Links	<ul style="list-style-type: none"> • Ohio Legislature Page; • Cleveland Division of Police Wearable Camera System Policy;

- [Cleveland police begin using body cameras](#)
- Ohio Revised Code [§149.343\(A\)\(2\)](#)

Oklahoma

House Bill 1037 was signed into law on June 4, 2015, amending the Oklahoma Open Records Act, 51 O.K. St. § 24a.1 et seq.

Collection

- No statutes or major-city policies require collection of bodycam footage.
- But if bodycam footage is collected, recordings of certain depicted events are now subject to the Open Records Act:
 - Use of physical force or violence by officer
 - Pursuits of any kind
 - Traffic stops
 - Any person being arrested, cited, etc., or events that directly led to such result
 - Investigative detentions
 - Any exercise of authority that deprives someone of liberty
 - Actions that cause an officer to be investigated or charged
 - Recordings “in the public interest” that shed light on whether officers acted appropriately
 - Any contextual events occurring before and after any of the above

Retention

- None specified.

Exemption

- The new law allows police to redact or obscure specific portions of bodycam recordings that depict:
 - Death of a person or a dead body, unless the death was caused by a law enforcement officer
 - Nudity
 - Minors under the age of 16 or otherwise undermine requirement to keep certain juvenile records confidential
 - Acts of severe violence or great bodily injury, as defined elsewhere in Oklahoma law, unless violence or injury was caused by officer
 - Personal medical information that is not already public
 - Detention or transportation for mental health evaluation or drug/alcohol treatment, as required to be kept

confidential elsewhere in statute

- Personal information other than license plate number
- Identity of alleged victims of sex crimes or domestic violence
- Identity of a person who provides information to police but could face physical danger if identity is disclosed
- Confidential informants
- The identity of law enforcement officers subject to internal investigation as a result of recorded incident, until investigation has concluded; if investigation lasts for an “unreasonable” amount of time, this protection does not apply
- Information that would materially compromise an ongoing criminal investigation, except that:
 - Recording must be released within 10 days after investigation culminates in arraignment or initial appearance in court; however, prosecutor may ask the court for later release
 - If 120 days lapse from date of incident without formal charges or release of the recording, person requesting the recording may appeal to district court; court must weigh interests of public vs. interests of parties seeking to withhold recording
 - In each scenario, extensions are subject to caps (18 months and 3 years, respectively)

Dashcam Exemptions

- As amended, Open Records Act now requires release of dashcam video and audio recordings, except that police may redact or obscure portions that depict:
 - Death of a person or a dead body, unless the death was caused by a law enforcement officer
 - Nudity
 - Minors under the age of 16 or otherwise undermine requirement to keep certain juvenile records confidential
 - Acts of severe violence or great bodily injury, as defined elsewhere in Oklahoma law, unless violence or injury was caused by officer
 - Personal medical information that is not already public
 - Detention or transportation for mental health evaluation or drug/alcohol treatment, as required to be kept confidential elsewhere in statute

- Personal information other than license plate number
- The identity of law enforcement officers subject to internal investigation as a result of recorded incident, until investigation has concluded

Links

- http://www.ok.gov/triton/modules/newsroom/newsroom_article.php?id=223&article_id=15927
- <https://legiscan.com/OK/text/HB1037/2015>
- <http://kgou.org/post/oklahoma-citys-top-cop-says-open-records-updates-could-spur-more-body-cameras>
- <http://newsok.com/oklahoma-city-police-to-test-body-cameras-for-officers/article/5384108>

Oregon	
House Bill 2571 has been passed by the House of Representatives; the Senate passed an amended version on June 11, 2015.	
Collection	<ul style="list-style-type: none"> • A bill imposing certain minimum requirements on law enforcement agencies that use body cameras (H.B. 2571, 2015 Session) has passed both houses; the House is now considering Senate amendments to the version it passed earlier. • H.B. 2571 would require continuous recording from when officers develop reasonable suspicion or probable cause to believe a crime has occurred, until completion of the law enforcement action, subject to exceptions based on “reasonably privacy concerns” or exigent circumstances.
Retention	<ul style="list-style-type: none"> • H.B. 2571 would require that police retain videos for at least 180 days, but not more than 30 months, if not related to a court proceeding.
Exemption	<ul style="list-style-type: none"> • H.B. 2571 would exempt body camera videos from public disclosure under Oregon’s Public Records Law unless the public interest requires disclosure <ul style="list-style-type: none"> • “Public interest” is not defined in open records law; Oregon appellate courts have suggested it includes right of citizens to monitor public officials’ actions, but there is little guidance on how this would apply to bodycam scenario • H.B. 2571 would also require, for any video subject to release, that all faces be blurred out • Oregon’s Public Records Law conditionally exempts from disclosure “investigatory information compiled for criminal law purposes.” O.R.S. § 192.501(3). Records conditionally exempt from disclosure must be disclosed if “the public interest requires disclosure in the particular instance.” O.R.S § 192.501. This exemption does not expire when the investigation is completed, but the interest in withholding is diminished if the investigation is closed with no prosecution. Mere arrest records and crime reports are not exempt.
Dashcam Exemptions	<ul style="list-style-type: none"> • No requirements specifically applying to police dashboard cameras. • See above regarding the exemption for criminal investigatory information. • The one provision of Oregon law that does govern dashboard cameras states that officers using such cameras are exempt from the law prohibiting interception of oral communications by recording devices, unless there is a reasonable opportunity to inform those in the conversation that it is being recorded. O.R.S. § 165.540(5)(c).
Links	<ul style="list-style-type: none"> • https://olis.leg.state.or.us/liz/2015R1/Measures/list/; for the text of the bill, see: • https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2571/B-Engrossed (June 9, 2015, version)

- https://www.oregonlegislature.gov/bills_laws/ors/ors192.html (O.R.S. § 192.501);
- State of Oregon, *Attorney General's Public Records and Meetings Manual* (Nov. 2014), 42-45, available at http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf (citing Formal Attorney General Opinions on issue)
- https://www.oregonlegislature.gov/bills_laws/ors/ors165.html (O.R.S. § 165.540).
- <http://registerguard.com/rg/news/local/33037182-75/oregon-legislators-wrangle-over-body-cameras-use-and-footage.html.csp>

Pennsylvania	
House Bill 420, introduced by Representative Thaddeus Kirkland in 2015, is pending before the Pennsylvania state legislature.	
Collection	<ul style="list-style-type: none"> House Bill 420 would require a law enforcement officer to “wear a body-worn camera and record the events that occur while the officer is on duty with the body- worn camera.”
Retention	<ul style="list-style-type: none"> None.
Exemption	<ul style="list-style-type: none"> None.
Dashcam Exemptions	<ul style="list-style-type: none"> None. But some indication that dashcam footage is being withheld under the open records law’s “criminal investigation” exemption. See http://www.lehighvalleylive.com/opinion/index.ssf/2015/05/editorial_pa_right-to-know_law.html; http://www.lehighvalleylive.com/easton/index.ssf/2015/05/police-involved_shooting_video.html
Links	<ul style="list-style-type: none"> House Bill 420 (https://legiscan.com/PA/text/HB420/id/1114207/Pennsylvania-2015-HB420-Introduced.pdf) Open records law: https://www.dced.state.pa.us/public/oor/pa_righttoknowlaw.pdf Citizens’ open records guide: https://www.dced.state.pa.us/public/oor/CitizensGuideFull082011.pdf

Rhode Island	
<p>Rhode Island does not have any state body camera law in place. The Rhode Island legislature is not currently considering any body camera bills. However, Rep. Joseph S. Almeida has indicated that he intends to introduce a bill sometime later during the current session.</p>	
Collection	<ul style="list-style-type: none"> • N/A
Retention	<ul style="list-style-type: none"> • N/A
Exemption	<ul style="list-style-type: none"> • N/A
Dashcam Exemptions	<ul style="list-style-type: none"> • Two bills, H.B. 5819 and S.B. 269, would require dashcam recording of all traffic stops, provided the law enforcement vehicle is so equipped. H.B. 5819 was recommended by the House Judiciary Committee on June 9, 2015, and awaits a floor vote. S.B. 269 has not made progress since being introduced in February 2015. • However, the bills would exempt those recordings from the public records law. • A driver of a motor vehicle that was recorded (or the driver’s legal counsel) would have the right to view the recording at the police station, provided that the viewing would not compromise an active investigation. Additionally, a passenger of a motor vehicle who was recorded (and his or her legal counsel) would have the right to view the in-car recording at the police station if that passenger became the subject of the police interaction recorded, provided that the viewing does not compromise an active investigation. Two bills introduced in Rhode Island, H. 5819 and S. 269, would clarify that video or audio recordings from police vehicles are public records. A driver of a motor vehicle that was recorded by a video/audio surveillance camera (or his or her legal counsel) would have the right to view the in-car recording at the police station, provided that the viewing would not compromise an active investigation. Additionally, a passenger of a motor vehicle that was recorded by a video/audio surveillance camera (and his or her legal counsel) would have the right to view the in-car recording at the police station if that passenger became the subject of the police interaction recorded, provided that the viewing does not compromise an active investigation.
Links	<ul style="list-style-type: none"> • H. 5819, available at http://webserver.rilin.state.ri.us/billtext15/housetext15/h5819.htm • S. 269, available at http://webserver.rilin.state.ri.us/billtext15/senatetext15/s0269.htm

South Carolina

South Carolina now has legislation requiring law enforcement officers to wear body cameras after a period of study and policy development. The law exempts recordings from the state's freedom of information law.

Collection

- The new law mandates that state and local law enforcement agencies “shall implement the use of body-worn cameras” pursuant to guidelines from the Law Enforcement Training Council (LETC). The law does not address when or how these cameras should collect recordings, but presumably the guidelines will discuss this.
 - The law requires the LETC to propose guidelines within 180 days of the law’s enactment, subject to partial or total veto by the legislature.
 - State and local agencies have 270 days from the date of enactment to draft their own guidelines, which then must be approved by the LETC.
 - Once agencies’ policies are approved, they may apply for state funding to purchase cameras.
- Currently, S.C. Code § 56-5-2953 (“Incident site and breath test site video recording”) requires police to record video of DUI arrests, including breathalyzer tests. Pending House Bill 3441 would relax these requirements, so that officers “should make a reasonable attempt to video record,” and recordings “should begin no later than the activation of the officer’s blue lights.” These provisions are not specific to body cameras and could apply to both dashboard and body cameras.
- Some agencies, such as the state highway patrol, already use body cameras on a limited basis. The Charleston police department recently finalized guidelines for use of bodycams by all officers during encounters. The new law does not prohibit such agencies from continuing to use their existing equipment and policies while waiting for action from the LETC.

Retention

- The law requires the Law Enforcement Training Council to develop guidelines for “the retention and release of data.”
- Under § 56-5-2953, for video of DUI arrests, “[a] video recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.”

Exemption

- The law explicitly states “[d]ata recorded by a body-worn camera is not a public record subject to disclosure under the freedom of information act.” Note: this is a complete reversal from earlier versions of the bill, which provided the opposite. There might be some interesting floor debate or committee discussion on the topic.
- Certain agencies (e.g., the law enforcement agency or the Attorney General’s Office) may release bodycam footage in their discretion

	<ul style="list-style-type: none"> • Certain individuals are entitled to receive bodycam recordings: <ul style="list-style-type: none"> ◦ a person who is the subject of the recording; ◦ a criminal defendant if the recording is relevant to a pending criminal action; ◦ a civil litigant if the recording is relevant to a pending civil action; ◦ a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related; ◦ a parent or legal guardian of a minor or incapacitated person in the first two categories; and ◦ an attorney for a person in any of the above categories
Dashcam Exemptions	<ul style="list-style-type: none"> • Nothing in state FOIA explicitly exempts dashcam footage. And, as noted above, South Carolina requires video recording of DUI arrests, and failure to record can be grounds for dismissal of the charge. <i>See</i> S.C. Code § 56-5-2953; <i>Town of Mt. Pleasant v. Roberts</i>, 393 S.C. 332 (2011). • However, there appears to be some dispute over whether and when dashcam footage is subject to the state FOIA: http://www.nytimes.com/aponline/2015/06/04/us/ap-us-dashcam-denied.html
Links	<ul style="list-style-type: none"> • http://www.scstatehouse.gov/sess121_2015-2016/bills/47.htm • http://www.thestate.com/news/local/article19161612.html • S.C. Code § 56-5-2953 http://www.scstatehouse.gov/code/t56c005.php • http://www.washingtonpost.com/news/post-nation/wp/2015/04/08/how-video-of-the-fatal-south-carolina-police-shooting-reignites-the-body-camera-debate • http://www.nationaljournal.com/congress/republican-lawmakers-are-coming-around-to-the-idea-of-police-body-cameras-20150423 • http://www.charlestoncitypaper.com/charleston/charleston-police-finalize-body-camera-policy/Content?oid=5129349 • http://thetandd.com/news/opinion/columns/s-c-lawmakers-working-on-body-cam-legislation/article_481e4b9b-a4e7-55a1-9ac5-2a43c6dffe50.html

South Dakota

No statute or proposal relevant to body camera videos was found.

Collection • None.

Retention • None.

Exemption • None.

Dashcam Exemptions • None.

Links • South Dakota's public records law:
http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=1-27

Tennessee	
Two bills—S.B. 0868 and H.B. 0712—were introduced in February 2015 but were “Deferred to Summer Study.” Tennessee’s legislature is now in recess. The bills would have provided as follows:	
Collection	<ul style="list-style-type: none"> • An officer must at all times when the officer is on duty wear a wide angle body camera that shall record video footage of the officer’s activities.
Retention	<ul style="list-style-type: none"> • Footage must be kept for at least seven days, and shall not be destroyed if the footage contains evidence that may be used in the investigation of a crime or complaint against an officer.
Exemption	<ul style="list-style-type: none"> • The video recording may not be duplicated until final disposition of any criminal charges that arise from the event(s) that were recorded. • If the recording does not contain evidence of a crime, the video recording is treated the same as any other law enforcement document for the purpose of confidentiality.
Dashcam Exemptions	<ul style="list-style-type: none"> • Nothing in Tennessee’s FOIA law explicitly exempts requests for dashboard camera videos. These videos appear to be subject to FOIA requests the same way as other police records. • The Office of Open Records Counsel issued an advisory opinion in 2009 citing <i>Appman v. Worthington</i>, 746 S.W. 2d 165 (Tenn. 1987) for the proposition that dashcam footage related to an ongoing investigation is exempt from the public records law, but concluding that footage not connected to an investigation should be released.
Links	<ul style="list-style-type: none"> • https://legiscan.com/TN/bill/HB0712/2015 • https://legiscan.com/TN/bill/SB0868/2015 • https://www.comptroller.tn.gov/openrecords/pdf/Open%20Records%20draft501.pdf • https://www.comptroller.tn.gov/openrecords/pdf/CPDDenialLetter2.pdf

Texas

Both houses passed S.B. 158, 84th Leg., Reg. Sess. (Tex. 2015) in late May. As of June 10, the bill was on the governor's desk with no further action taken.

Collection

- SB 158 mostly leaves it to local law enforcement agencies to develop policies on body cameras, and officers must activate cameras in accordance with their employing police department's policy.
 - Law enforcement agencies must adopt a body worn camera policy by September 1, 2016 (one year from the effective date of the act) if they receive grants to provide body worn cameras or are already operating with body worn cameras.
 - At minimum:
 - The body camera policy must ensure that a body worn camera is activated only for "a law enforcement purpose"
 - The body camera policy "may not require a peace officer to keep a body worn camera activated for the entire period of the officer's shift."
 - Officers must have the camera activated when "responding to calls for assistance and when performing other law enforcement activities, including traffic stops, pursuits, arrests, searches, or interrogations,"
 - Unless: "activation of the camera would be unsafe, unrealistic, or impracticable, based on whether a reasonable officer under the same or similar circumstances would have made the same decision" or "for any nonconfrontational encounter with a person, including an interview of a witness or victim."
 - An officer "who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera."
 - If a law enforcement agency receives a grant, then only official body worn cameras issued and maintained by the law enforcement agency that employs the officer may be used.
 - An officer whose employing law enforcement agency has not received a grant or has not issued official body cameras may operate a privately owned body worn camera if permitted by the employing agency. Any agency that authorizes privately owned body worn camera must make provisions for the security and compatibility of the recordings made by those cameras.

Retention

- For a minimum period of 90 days
- If recording captures use of deadly force or an incident that gives rise to a criminal or administrative investigation of an

officer, recording “may not be deleted, destroyed, or released to the public” until the close of all investigations/adjudications.

Exemption

- Except as otherwise provided, information recorded by a body worn camera and held by a law enforcement agency is public information subject to Chapter 552, Government Code.
 - EXCEPTIONS:
 - Footage created with a body camera “documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.”
 - This kind of footage may be released if “the law enforcement agency determines that the release furthers a law enforcement purpose.”
 - A law enforcement agency may still use its authority to withhold information under Section 552.108, Government Code, “information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.”
 - “A recording that concerns an incident under investigation is excepted from the requirements of Chapter 552, Government Code, and may be:
 - (1) used by the applicable law enforcement agency only for purposes of:
 - (A) detecting, investigating, or prosecuting crime; or
 - (B) investigating an allegation of misconduct by a peace officer; or
 - (2) released to the public if the law enforcement agency determines that the release furthers a law enforcement purpose.”
 - “A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:
 - (1) was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and
 - (2) does not relate to a law enforcement purpose.”
 - A recording made in a private space or during a non-arrest misdemeanor offense may not be released without written authorization from the person who is the subject of the recording or, if the person is deceased, from the

person's authorized representative.”

- “A law enforcement agency shall release to a member of the public a recording that is not otherwise confidential or excepted from disclosure under this section on that person's written request and payment of any required fee. The written request must include all of the following:
 - (1) the date and approximate time of the recording;
 - (2) the specific location where the recording occurred; and
 - (3) the name of each person known to be a subject of the recording.”
- The fee amount will be set by the Attorney General, and “must be sufficient to cover the cost of making the recording.” “A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.”
- Releasing agency must redact any information made confidential under this subchapter or any other law or excepted from disclosure under Chapter 552, Government Code.

Dashcam Exemptions

- Texas open records law and AG’s open records handbook do not mention dashcam footage; but open records law contains usual exemption for law enforcement investigation records and an exemption for “sensitive crime scene image[s]”
- According to the Texas Code of Criminal Procedure Art. 2.132, dealing with racial profiling, a law enforcement agency that installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
- If incident sparks racial profiling complaint, the agency must promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.
- “Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.”

Links

- S.B. 158, 84th Leg., Reg. Sess. (Tex. 2015), <http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=SB158>
- Tex. Code Crim. Proc. Ann. Art. 2.132(d), 2.132(f), and 2.135(b) (2015),

<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm>

- Attorney General's open records handbook: https://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf

Utah

There are currently no statutory requirements specific to body camera videos. House Bill 386, discussed below, did not pass in the 2015 General Session; it may or may not be relevant to future legislative proposals.

Collection

- H.B. 386 addresses the use of body cameras in Utah. While it does not require all law enforcement agencies in Utah to use body cameras, those that do must implement and publish written policies that meet the minimum standards discussed below.
- Officer must record all “law enforcement encounters” uninterrupted until encounter is concluded. “Law enforcement encounters” is defined as enforcement stops; dispatched responses for which the primary purpose is not a medical emergency; field interrogation and interviews; uses of force; pursuits; or execution of warrants.
- Officer must activate the camera obviously, in a manner visible to the person being recorded.
- When entering a private residence not pursuant to the a warrant, the officer must notify the residents that the camera is activated and comply with all reasonable requests from the residents to turn off the camera, unless the officer believes that a recording of interest may result.

Retention

- Under H.B. 386, recordings would be property of the agency, not the officer when it is recorded while the officer is acting in his/her official capacity. Additionally, all recordings should be saved to the agency retention system such that the recordings cannot be tampered with. Retention would be governed by the local agency’s policy discussed above.
- General recordings will be kept for at least 30 days but not longer than 180 days.
- If the recording is related to a criminal case, it must be marked and noted as such. The officer must promptly notify a supervisor of the recording’s existence and log the relevant file references in agency records if the officer reasonably believes that the recording may relate to a complaint against officer or agency; or a use of force by the officer.
- The subject of recording can ask the recording to be noted as a recording of interest—which means it will be retained at a minimum for 90 days in all cases and not less than the time needed for: filing and investigating complaints in the case of a potential complaint against the officer or the agency; time allowed for investigation and any appeals in the case of a misconduct investigation; or the statute of limitations for any criminal charge that may come up in a case of criminal conduct.
- If a law enforcement officer alters, deletes or destroys a recording, or does not record the encounter, there is a rebuttable presumption in any related criminal proceeding that a recording favorable to the defendant existed or was not captured.

Exemption

- HB 386 would make bodycam footage a “private record” under 63G-2-302 in two scenarios (each of which has two elements):

- (1) The situation created a reasonable expectation of privacy AND the footage does not constitute a “recording of interest,” OR
- (2) The recording contains images that can be used to identify an individual AND the recording is not relevant to a recording of evidence or a recording of interest, as defined at 77-7a-102
- The subject of the recording or his/her authorized representative may request disclosure of the recording.
- Law enforcement agency can charge a reasonable fee for providing a copy if the request is not part of a judicial proceeding.

Dashcam Exemptions

- Utah’s public records act (the Government Records Access and Management Act, or “GRAMA”) does not have a specific exemption for police dashcam videos. Instead, the dashboard camera videos appear to be treated under the general existing exemptions of the public records statute. GRAMA specifies that “all records are public unless otherwise expressly provided by statute.” Utah Code Ann. § 63G-2-201(2). Records that are not public are designated as either “private,” “protected,” or “controlled.” Normally, an initial contact report is public, unless it falls under the private records exemptions. Utah Code Ann. §§ 63G-2-103(14)(a), 63G-2-301(3)(g).
- A state records committee found in a 2010 appeal hearing that the dashboard camera video of the arrest of a Utah Senator was a public record and should be released to the requestor, a news reporter. The committee reaffirmed its position that such recordings are public records in 2014.

Links

- [House Bill 386 Summary](#)
- [House Bill 386 Text](#)
- [Government Records Access and Management Act](#) (§63G-2)
- State Records Committee Appeal Hearing (2014): <http://archives.utah.gov/src/srcappeal-2014-04.html>
- [State Records Committee Appeal Hearing \(2010\)](#)

Vermont	
A bill dealing with video recordings by police is pending in the state legislature.	
Collection	<ul style="list-style-type: none"> Proposed legislation (H.279) would require Vermont law enforcement officers to use either vehicle cameras or body cameras Would require recording of any interaction with a person who the officer has reasonable suspicion to believe is committing a crime or civil violations. Recording is not required under exigent circumstances or if equipment is unavailable or malfunctioning. Bill requires officer operating a vehicle to turn recording on when vehicle's blue lights are in operation. Video recording required by this subsection shall: (A) begin no later than when the officer develops reasonable suspicion to believe the person is committing a crime or civil violation; (B) include: (i) pursuit, apprehension, questioning, and arrest or citation of the person; (ii) the person being informed that the videotaping is occurring; (iii) the person being advised of his or her rights under <i>Miranda v. Arizona</i>, 384 U.S. 436 (1966); and (C) conclude after arrest, citation, or release of the person.
Retention	<ul style="list-style-type: none"> No statewide requirement.
Exemption	<ul style="list-style-type: none"> Public records law exempts "records dealing with the detection and investigation of crime" but only to the extent that the production of such records (i) could interfere with enforcement, (ii) would deprive person of fair trial, (iii) could constitute unwarranted invasion of privacy, (iv) could disclose identify of CI, (v) would disclose techniques/ procedures for law enforcement investigations, or (vi) could reasonably be expected to endanger lives/physical safety of any individual Notwithstanding this, recording relating to initial arrest of person shall be public
Dashcam Exemptions	<ul style="list-style-type: none"> Police dash cam videos seem to be subject to disclosure under public records laws (subject to same exemptions).
Links	<ul style="list-style-type: none"> http://vtdigger.org/2015/04/01/bill-would-mandate-statewide-use-of-police-cameras/ http://legislature.vermont.gov/assets/Documents/2016/Docs/BILLS/H-0279/H-0279%20As%20Introduced.pdf http://www.wcax.com/story/24685351/police-agencies-adopt-body-cameras https://www.sec.state.vt.us/media/27740/PublicRecordsLaw.pdf

- <http://www.wcax.com/story/24685351/police-agencies-adopt-body-cameras>
- <http://legislature.vermont.gov/statutes/section/01/005/00317>
- <http://www.sevendaysvt.com/vermont/police-wear-cameras-to-record-and-avoid-trouble/Content?oid=2488219>
- <http://knownewengland.org/vt-legislature-gives-public-access-to-police-investigation-records/>

Virginia

Three bills relevant to police body camera videos are pending in the 2015 session of the Virginia House of Delegates (the lower house of the state legislature). All three bills were tabled in the Committee on Militia, Police, and Public Safety in February 2015, with no further action taken since then.

Collection

- HB 1521, introduced would require the use of body cameras by police forces of 100 or more officers and the State Police by 2018.
- HB 1534 would apply only to the State Police, requiring them to implement a body-worn camera system.
- HB 2280 would prohibit the use of body-worn cameras by police unless the relevant jurisdiction had established a written policy for use of those cameras that conforms to a model policy to be established by the State Department of Criminal Justice Services. Such policies must require the wearer of the camera to inform persons that they were being filmed.

Retention

- HB 1521 delegates authority to the Department of Criminal Justice Services to promulgate a model body camera video policy to address these issues, and does not specify any guidelines relevant here.
- HB 1534 would require the State Police to transfer, on a daily basis, all recordings made in the past 24 hours to a database maintained by the Attorney General, and those videos would be retained for 30 days or longer if relevant to an investigation.
- HB 2280 would require that any policy for a body-worn camera system require that all such records be destroyed within 7 days unless relevant to an open and active criminal investigation, depict the use of force by the person wearing the camera, or depicts conduct by the wearer that is the subject to a complaint.

Exemption

- HB 1521 delegates authority to the Department of Criminal Justice Services to promulgate a model body camera video policy to address these issues, and does not specify any guidelines relevant here.
- HB 1534 would prohibit the disclosure of all recordings except pursuant to a court order or upon the request of (i) a person alleging he has been the subject of unlawful conduct by an officer, (ii) an officer alleged to have engaged in unlawful conduct, or (iii) the officer's employer. Anyone who knowingly disseminates a body-worn camera video in violation of these provisions would be guilty of a felony.
- HB 2280 would require all recordings to be made available to the public unless related to an active criminal investigation, but would not allow public availability without the consent of the individuals recorded unless their images were redacted. Also, the individuals recorded would have the right to view and make copies of any recording.

Dashcam Exemptions

- Virginia's Freedom of Information Act has an exemption for records being used in criminal investigations, which are not subject to the Act but may be disclosed at any time at the discretion of the records custodian. See Va. Code § 2.2-3706(2)(a). The exemption extends in perpetuity, even after a case is closed.

Links

- <http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+HB1521> (HB 1521)
- <http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+HB1534> (HB 1534)
- <http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+HB2280> (HB 2280)
- <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3706> (Va. Code § 2.2-3706);
- Virginia Ass'n of Chiefs of Police, *Law Enforcement Guide to the Virginia Freedom of Information Act*, 3d ed. (Nov. 2006), available at http://www.vachiefs.org/images/uploads/docs/FOIA_Book_2006-web.pdf

Washington	
<p>There are currently two bills in the Washington state legislature: Senate Bill 5732 (and identical House Bill 1910) and House Bill 1917. Senate Bill 5732 (and identical House Bill 1910) was introduced by State Senator Pramila Jayapal and State Representative Cindy Ryu in 2015. House Bill 1910 was introduced by State Representative David Hansen in 2015.</p>	
Collection	<ul style="list-style-type: none"> • The proposed SB 5732 would require cameras to be operated to continuously record while law enforcement officers are on duty • Officers are not on duty when using the restroom expect when presence is related to law enforcement or on a scheduled or routine break
Retention	<ul style="list-style-type: none"> • Senate Bill 5732 provides different retention time periods for “flagged” and “unflagged” recordings. “Flagged” recordings are those relating “to an incident involving the use of force, or for which a complaint, formal or informal, is registered”; are those that are “requested by a subject of the recording”; are those that when requested by any other person as long as “[t]he recording was not made inside a private residence; and [t]he requester presents specific, articulable facts to support a reasonable belief that law enforcement misconduct occurred during the incident related to the recording.” Under Senate Bill 5732, “[u]nflagged recordings shall be retained for not less than sixty days and not more than seventy-five days” and “[f]lagged recordings shall be retained for three years, or during the pendency of any investigation of potential law enforcement misconduct during the incident related to the recording, whichever time period is longer.” • House Bill 1917 provides that “[a]ll recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.”
Exemption	<ul style="list-style-type: none"> • None.
Dashcam Exemptions	<ul style="list-style-type: none"> • RCW 46.35 relates to recording devices in motor vehicles. While it does not specifically mention police dashboard camera videos, RCW 46.35.030 provides that “[i]nformation recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except (a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure”
Links	<ul style="list-style-type: none"> • Senate Bill 5732 (http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Senate%20Bills/5732.pdf) • House Bill 1917 (http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/House%20Bills/1917-S.pdf)

- RCW 46.35.030 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.35.030>)

West Virginia	
West Virginia does not have any mandatory body camera laws. In addition, the legislature is not currently considering any mandatory body camera laws.	
Collection	<ul style="list-style-type: none"> • A handful of local police forces investigating use of body cams and appear to be implementing pilot programs independently • Morgantown bought 30 body cams & two dashcams w/ grant from governor, but the grant was for “highway safety”
Retention	<ul style="list-style-type: none"> • N/A
Exemption	<ul style="list-style-type: none"> • Standard FOIA exemption for records related to criminal investigations likely applies.
Dashcam Exemptions	<ul style="list-style-type: none"> • N/A
Links	<ul style="list-style-type: none"> • West Virginia Code: Freedom of Information, available at http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=29b • http://www.timeswv.com/news/police-departments-evaluate-body-cameras-policies-they-require/article_d4c3b2f6-9ef7-11e4-b780-cb048359bec0.html?mode=print

Wisconsin	
Wisconsin does not currently have state-wide requirements or pending legislation for collection, retention, or public access for body camera videos. Some local jurisdictions have implemented body cameras, including: Madison, Milwaukee, Port Washington, Superior, Wausau, and the University of Wisconsin-Madison.	
Collection	<ul style="list-style-type: none"> • No action taken at the state level. • All 8 House Representatives from Wisconsin voted in favor of a non-binding Congressional resolution urging police to wear body cameras.
Retention	<ul style="list-style-type: none"> • None
Exemption	<ul style="list-style-type: none"> • In November 2014, the Madison Police Department issued a short report on body-worn video (“BWV”). The report generally summarizes the advantages and disadvantages of body cameras noted in the Police Executive Research Forum (“PERF”) study performed in 2014, and notes the formation of an ad hoc committee for further study, without taking a firm position. • The report notes that public access to body camera videos will be treated similarly to requests for other police records: “Preliminary discussions with the City Attorney’s office noted that records created through BWV cameras will be subject to the same balancing test that all MPD records are currently.”
Dashcam Exemptions	<ul style="list-style-type: none"> • The public can request police dashboard camera videos under Wisconsin’s Open Records Law (Wis. Stat. § 19.31 et seq.), although I have not located a rule or policy specific to police videos. The statute covers “visual or electromagnetic information,” § 19.32(2), and requires that any provided copy of a video recording be “substantially as good as the original,” id. § 19.35(1)(3)(d).
Links	<ul style="list-style-type: none"> • http://whbl.com/news/articles/2015/jun/11/wisconsins-congressional-delegation-supports-police-body-cameras/ • Madison Police Dept., Body-Worn Video: Considerations for Program Implementation, available at https://madison.legistar.com/View.ashx?M=F&ID=3387187&GUID=E7299814-6B7D-4F14-B3A0-EDD3FA3211E8 • http://www.nbc15.com/home/headlines/Madison-looking-into-police-body-cams-272214671.html • http://uwpd.wisc.edu/body-cam-forum • http://urbanmilwaukee.com/2014/09/03/bill-would-require-body-camera-on-police • http://www.jsonline.com/news/crime/body-cameras-on-police--simple-idea-complex-ramifications-b99338528z1-

[272967071.html](#)

- <http://www.wpr.org/body-cameras-coming-superior-police-department>
- <http://www.wkow.com/story/28863070/2015/04/21/ausau-police-department-looking-at-body-camera-options>
- Wisconsin Open Records Law, Wis. Stat. § 19.31 et seq. available at <https://docs.legis.wisconsin.gov/statutes/statutes/19/II/31>
- *City of Madison v. Engel*, 2008 Wisc. App. LEXIS 1016 (Dec. 23, 2008) (noting that defendant “made an open records request under WIS. STAT. §§ 19.31-19.37” for police dashcam video).
- Comment, Wisconsin’s Public-Records Law, 2008 Wis. L. Rev. 515 (2008).
- Wisconsin Dept. of Justice, Wisconsin Public Records Law, Compliance Outline (Sept. 2012), available at <http://www.doj.state.wi.us/dls/open-government>

Wyoming

No statute or proposal relevant to body camera videos was found. There is a small County using body cameras with the help of a Department of Homeland Security grant, but it is unclear whether this is a pilot program or an isolated occurrence.

Collection • 11 patrol officers in Mills County obtained body cameras with the help of a Department of Homeland Security grant.

Retention • The Mills county body camera program has a 90-day retention period for recordings.

Exemption • All videos are available to the public, though police may blur personal information.

Dashcam Exemptions • None.

Links • http://billingsgazette.com/news/state-and-regional/wyoming/wyoming-police-department-outfits-officers-with-body-cams/article_7490756f-79bb-585a-bc1f-3608a217aa78.html

New York, NY

New York was ordered by a judge in S.D.N.Y. in 2013 to implement a pilot program using body camera footage. *Floyd v. City of New York*, 959 F. Supp. 2d 668, 685 (S.D.N.Y. 2013), appeal dismissed (Sept. 25, 2013), appeal withdrawn (Sept. 26, 2013). The NYPD rolled out its pilot program in December 2014. It claims to be implementing the program independent of the court order. In the NYPD-led pilot, there is no defined one-year pilot, and officers in the pilot can wear the cameras voluntarily. The New York City Council currently has in committee legislation to implement a task force to study policies governing the use of body cameras. It does not look like the Council has proposed body camera legislation for police (though there is legislation for sanitary inspections)

Collection

- None. Officers can currently wear body cameras voluntarily under the NYPD pilot program.

Retention

- None. The judge's order in *Floyd* requires a Monitor to establish procedures for the preservation of stop recordings for use in verifying complaints in a manner that protects the privacy of those stopped.

Exemption

- New York City FOIA issues appear to be subject to the New York state FOIA law

Dashcam Exemptions

- New York City FOIA issues appear to be subject to the New York state FOIA law

Links

- A copy of both the underlying opinion and order in *Floyd* are available at <http://www.nytimes.com/interactive/2013/08/12/nyregion/stop-and-frisk-decision.html>
- http://www.nytimes.com/2014/09/05/nyregion/new-york-police-officers-to-begin-wearing-body-cameras-in-pilot-program.html?_r=0
- <http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html?ref=nyregion>
- <http://www.nytimes.com/interactive/2013/08/12/nyregion/stop-and-frisk-decision.html>
- <http://www.nytimes.com/2014/12/04/nyregion/new-york-city-police-speeding-up-effort-to-give-officers-body-cameras.html>
- <http://www1.nyc.gov/office-of-the-mayor/news/942-14/transcript-mayor-de-blasio-police-commissioner-bratton-host-press-conference-police-body>
- <https://legistar.council.nyc.gov/ViewReport.aspx?M=R&N=Text&GID=61&ID=2005263&GUID=D28368D8-9FCB-45F1-897C-AF0B46B86527&Title=Legislation+Text> (NOTE: this link throws some security warnings relating security certificates)

- <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1709706&GUID=2A53BF14-D162-4E1F-B818-4BAE96ABC055&Options=&Search=>
- <http://www.dos.ny.gov/coog/foil2.html>

Los Angeles, CA

The Los Angeles Police Commission approved the Los Angeles Police Department's proposed body camera rules by a 3-1 vote on Tuesday, April 28, 2015. A copy of the LAPD body camera policy was not publicly available, but various articles have summarized its key points.

Collection

- Officers must turn on the body cameras when they engage in “investigative or enforcement” activities involving the public (ie. pull over drivers, make arrests, engage in foot pursuits, transport suspects and interview witnesses and victims, among other times).
- There are exceptions for when the body camera need not be turned on, including when the officer articulates his reason why the body camera was not turned on.
- In confrontational situations, the police officer MUST turn on the camera.
- The policy encourages officers to alert civilians that they are being recorded, but does not require them to obtain consent.
- It strictly prohibits officers from modifying the recordings and outlines several safeguards to ensure that the devices work properly.
- The Commission rules do not require release of the footage to the public after shootings.
- It lets officers involved in shootings review footage from a body camera before writing their reports or giving statements to internal investigators.

Retention

- None.

Exemption

- None.

Dashcam Exemptions

- Dashboard camera videos are treated as confidential for FOIA purposes:
- Section 405 CONFIDENTIAL NATURE OF DEPARTMENT RECORDS, REPORTS, AND INFORMATION.
- All official files, documents, records, reports, photographs/imaging/recordings and information held by the Department or in the custody or control of an employee of the Department must be regarded as confidential. Employees must not disclose or permit the disclosure or use of such files, documents, reports, records, photographs/imaging/recordings or information except as required in the performance of their official duties. The unauthorized use of information obtained through employment with the Los Angeles Police Department can subject the employee to possible disciplinary action and/or criminal prosecution. This includes information obtained from manually stored records, as well as information

obtained from automated records.

- Note: Photographs/imaging/recordings include, but are not limited to, imaging such as mug shots, in-car video footage, digital interviews, audio or video recordings, etc.

Links

- <http://www.latimes.com/local/lanow/la-me-ln-lapd-body-cameras-rules-20150427-story.html#page=1>
- <http://www.officer.com/news/11938965/lapd-commissioners-ok-rules-for-body-cams>
- Video of Los Angeles Police Commission meeting on April 28, 2015, <http://www.lacityview.org/programs/on-demand/lapd-commission-meeting-04-28-15-apr-29-2015> (key discussion on the policy starts around 58:00)
- Los Angeles Police Department Manual, Sections 405, 579.13 http://www.lapdonline.org/lapd_manual/

Chicago, IL

The Chicago Police Department is in the process of conducting a temporary pilot program involving body cameras in the 14th district. If the pilot program is made permanent, formal rules will be adopted.

Collection	<ul style="list-style-type: none">• During the pilot program, “[o]fficers are instructed to record just about all their interactions with citizens from start to finish even if the citizen doesn’t want to be recorded. Exceptions include interactions with sexual assault victims, hospital patients and other sensitive situations.”
Retention	<ul style="list-style-type: none">• The camera footage collected during the pilot program will be retained for 90 days “unless [it is] needed for evidence.”
Exemption	<ul style="list-style-type: none">• Chicago does not have special rules governing FOIA requests for body camera videos. These videos appear to be subject to state FOIA requests the same way as other police records. The Chicago Police Chief said “he would favor releasing the footage to news media as soon as possible to shed light on incidents in which an officer’s actions are called into question.”
Dashcam Exemptions	<ul style="list-style-type: none">• Chicago does not have special rules governing FOIA requests for dashboard camera videos. These videos appear to be subject to state FOIA requests the same way as other police records.
Links	<ul style="list-style-type: none">• http://www.chicagotribune.com/news/ct-chicago-police-body-cameras-met-20150213-story.html• Department Notice D15-01; http://directives.chicagopolice.org/directives/data/a7a57b73-14af4bb0-e1214-af4b-b44b0d70f0964db3.pdf?hl=true• Special Order S03-05; http://directives.chicagopolice.org/lt2014/data/a7a57bf0-12dc41eb-af712-dc48-ff1427a411b25de4.html

Dallas, TX

A state proposal (SB 158) would allow police departments to apply for grants to equip officers with body camera; this bill is currently on the Governor's desk. Body cameras are still being tested in Dallas.

Collection

- Bill 158 would require departments who receive a grant to implement body camera policy.
- Body camera should be activated only for law enforcement purpose.
- A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

Retention

- Bill 158 sets a minimum retention period of 90 days

Exemption

- Bill 158 requires police departments receiving grants to set guidelines for public access, through open records requests, to recordings that are public information
- Information recorded by body camera is "public information" subject to public records law.
- A recording that concerns incident under investigation is excepted from public records law but may be released to public if release furthers law enforcement purpose.
- Recording is exempt from public records law if it does not relate to law enforcement purpose or was not required to be made until this law.
- A recording made in a private space or during a pedestrian or traffic stop may not be released without written authorization from the person who is the subject of the recording or, if the person is deceased, from the person's authorized representative.
- A law enforcement agency shall release to a member of the public a recording that is not otherwise confidential or excepted from disclosure under this section on that person's written request and payment of any required fee.
- Before releasing any information to a member of the public, a law enforcement agency shall redact any information made confidential under this subchapter or any other law or excepted from disclosure under Chapter 552, Government Code.

Dashcam Exemptions

- Public records law likely includes dashboard camera videos. There are exemptions:
- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or

prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;
- (3) it is information relating to a threat against a peace officer or detention officer collected or disseminated under Section 411.048; or
- (4) it is information that:
 - (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or
 - (B) reflects the mental impressions or legal reasoning of an attorney representing the state.
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:
 - (1) release of the internal record or notation would interfere with law enforcement or prosecution;
 - (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or
 - (3) the internal record or notation:
 - (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or
 - (B) reflects the mental impressions or legal reasoning of an attorney representing the state.
 - (c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Links

- <http://www.legis.state.tx.us/tlodocs/84R/billtext/pdf/SB00158E.pdf#navpanes=0>
- <http://www.nbcdfw.com/news/local/Police-Body-Cameras-Gain-Support-in-Dallas-301757691.html>
- <http://www.fox4news.com/story/24378201/dallas-police-testing-officer-body-cameras>
- <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

Houston, TX

A pilot program with 100 Houston Police Department (“HPD”) officers wearing body cameras began in December 2013. In the summer of 2014, Houston Police Chief Charles McClelland said he wanted \$8 million to equip 3,500 officers with body cameras. In December 2014, the Harris County District Attorney announced plans to spend \$2 million on body worn cameras for the Houston and Harris County police departments. The department has refused to release its policy on the use of cameras and the retention of video; some report that any such policies have not yet been finalized. Currently, all videos involving a use of force must be reviewed, and no video has been deleted. Activists in Houston, under the umbrella of the Houston Justice Coalition, are pushing for passage of an ordinance that would require the use of body-worn cameras.

Collection • None.

Retention • None

Exemption • Houston’s treatment of FOIA requests is governed by the Texas Public Information Act (“TPIA”). The TPIA contains a broad exemption from disclosure for “information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime” if disclosure would interfere with those functions. Gov’t Code 522.108(a)

Dashcam Exemptions • See above.

Links

- Jennifer Bauer, “ ‘Body cams’ now worn by Houston police officers,” KPRC-TV, Click2Houston.com (Dec. 24, 2013), available at <http://www.click2houston.com/news/bodycams-now-worn-by-houston-police-officers/23569826>
- James Pinkerton, “Plan would outfit more HPD officers, deputies with body-worn cameras,” HOUSTON CHRONICLE (Dec. 11, 2014), available at <http://www.houstonchronicle.com/news/houston-texas/houston/article/Plan-would-outfit-more-HPD-officers-with-body-5950631.php>
- Robert Arnold, “What happens to video captured by police body cameras?” KPRC-TV, Click2Houston.com (Feb. 1, 2015), available at <http://www.click2houston.com/news/what-happens-to-video-captured-by-police-body-cameras/31017468>
- James Pinkerton, “HPD, Sheriff’s Office won’t release policies for body camera tests,” HOUSTON CHRONICLE (Feb. 20, 2015), available at <http://www.houstonchronicle.com/news/houston-texas/houston/article/HPD-Sheriff-s-Office-won-t-release-policies-for-6092858.php>

- Philip H. Hilder, “HPD needs to explain how tracking devices work,” HOUSTON CHRONICLE (Apr. 9, 2015), available at <http://www.chron.com/opinion/outlook/article/Hilder-HPD-needs-to-explain-how-tracking-devices-6190100.php>
- Houston Justice Coalition, “Body Cam Policy,” Houstonjustice.org, available at <http://www.houstonjustice.org/what-we-do/>
- City of Houston, “Public Information Requests” (accessed April 29, 2014), available at <http://www.houstontx.gov/Public-Information-Requests>
- ATTORNEY GENERAL OF TEXAS, PUBLIC INFORMATION HANDBOOK 2014, at 92-101, available at https://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf

Philadelphia, PA

According to a December 2014 Philly.com news article, the Philadelphia Police Department, as part of a six-month pilot program, began using thirty-five cameras to test of six different brands of on-body cameras for permanent use. At the end of the six months, the department will evaluate as to how it can “implement a long term, permanent program.” No report or evaluation has been released or reported as on June 1, 2015. In March of 2015, Philadelphia Mayor Nutter released his proposed budget for FY 2016 which contains \$500,000 to expand the on-body camera program to 450 officers throughout the city. The city council is currently holding hearings on the proposed budget and will pass a budget in late summer.

Collection

- As recently as August 2014, the city did not have a policy regarding collection or retention of body camera footage when police chief Charles Ramsey said, “We still have to develop policy around retention (of video), and when it would be on, when it would be OK to turn it off, all those kinds of things.”

Retention

- None.

Exemption

- Pennsylvania’s Right-to-Know law does not currently require disclosure of dash or body camera footage to citizens or news media. On April 28, 2015 the Pennsylvania General Assembly Senate Judiciary Committee held a hearing on policing practices. Testimony from the ACLU and the Pennsylvania Newsmedia Association focused heavily on amending the Right-to-Know statute and implementing non-discretionary recording practices.

Dashcam Exemptions

- None.

Links

- <http://www.philly.com/philly/blogs/dncrime/Philly-cops-testing-body-cameras.html>
- <http://philadelphia.cbslocal.com/2015/03/07/death-of-philadelphia-officer-reinvigorates-experiment-in-body-worn-cameras/>
- <http://www.senatorgreenleaf.com/wp-content/blogs.dir/39/files/2015/05/Mary-Catherine-Roper-Testimony.pdf>
- <http://www.senatorgreenleaf.com/wp-content/blogs.dir/39/files/2015/05/Paula-Knudsen-Testimony.pdf>

Miami, FL

On June 2, 2015, the Miami-Dade County Commission approved \$1 million for the purchase of 500 on-body cameras to be worn by their police force. The Mayor indicated his intention to request funding for an additional 500 body cameras during FY 2016 with the goal of outfitting every county officer in the next 3-4 years. Moreover, the City of Miami, Miami Beach, and Miami Customs are all in the process of implementing the use of on-body cameras.

Collection	<ul style="list-style-type: none">• According to the Miami-Herald (here) the Miami-Dade draft policy relating to on-body cameras requires “officers to turn on the cameras for all traffic stops, citizen contacts tied to law enforcement, prison transports and statements made by suspects, victims and witnesses.”
Retention	<ul style="list-style-type: none">• Efforts to reform and clarify the retention and exemption standards for police on-body cameras have been spearheaded at the state level. However, the Miami-Dade County Commission has passed a resolution supporting the efforts of state legislators on these fronts
Exemption	<ul style="list-style-type: none">• None
Dashcam Exemptions	<ul style="list-style-type: none">• None
Links	<ul style="list-style-type: none">• Mayor Pushes for Police Body Cameras, Accuses Union of Stalling, available at http://www.local10.com/news/police-union-against-miamidade-police-body-cameras/32429260;• Miami Police Will Test Body Cameras on 50 Officers, available at http://www.miaminewtimes.com/news/miami-police-will-test-body-cameras-on-50-officers-6520078.• Body cameras for police advance in Miami-Dade, available at http://www.miamiherald.com/news/local/community/miami-dade/article20871600.html.• Miami-Dade OKs up to \$5 million for police body cameras, available at http://www.miamiherald.com/news/local/community/miami-dade/article22957272.html.

Atlanta, GA

Atlanta does not currently have publicly available policies for collection, retention, or public access for body camera videos. The Atlanta Police Department conducted a 10-week test of body cameras last year and expects to expand their use this summer following passage of a new city budget. On September 2, 2014, the Atlanta City Council adopted an amended resolution, 14-R-4007, calling for a report and recommendation on use of police body cameras. The report was presented to the City Council on December 9, 2014. Mayor Kasim Reed indicated in an April 23 interview that the city budget will permit police to start using body cameras this summer. In 2014, the Atlanta Citizen Review Board (which provides civilian oversight for the police) issued a report on body-worn cameras (BWCs). The report identifies various issues and recommends more research, without taking firm positions. The report also recommends that Atlanta police adopt policies for retention and privacy, suggesting that no such policies are in place.

Collection	<ul style="list-style-type: none">Recently passed Senate Bill 94 allows police to record video in places where there is a reasonable expectation of privacy, but exempts such recordings from public disclosure under O.C.G. § 50-18-72.
Retention	<ul style="list-style-type: none">None.
Exemption	<ul style="list-style-type: none">Video recordings can be obtained from the Atlanta Police Department through open records requests, but I have not located a specific provision for dashboard or body camera recordings.Recently passed Senate Bill 94 allows police to record video in places where there is a reasonable expectation of privacy, but exempts such recordings from public disclosure under O.C.G. § 50-18-72.
Dashcam Exemptions	<ul style="list-style-type: none">None.
Links	<ul style="list-style-type: none">http://atlantacityga.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=5109&highlightTerms=camerahttp://atlantaprogressivenews.com/2014/12/16/atlantas-public-safety-committee-hears-apd-body-camera-studyhttp://atlanta.cbslocal.com/2015/04/23/mayor-kasim-reed-talks-police-body-camerashttp://www.atlantapd.org/openrecordsrequest.aspxhttp://www.atlantaga.gov/modules/showdocument.aspx?documentid=16263https://legiscan.com/GA/bill/SB94/2015

Boston, MA

No rules or proposals relevant to body camera videos were located. The Chief of Police and Mayor of Boston—as well as the Governor of Massachusetts—are strongly opposed to the implementation of body cameras in the city and have no plans to pilot a program in the near future.

Collection

- None.

Retention

- None.

Exemption

- None.

Dashcam Exemptions

- The original recording shall remain, at all times, in the custody of the Evidence Management Division for a period of 90 days. In the event an outside entity/party requests copies of the tape, the Department will provide the officer(s) involved with notification of such request as soon as possible.
- The Public Record Law also provides that "investigative materials necessarily compiled out of the public view by law enforcement or other investigative officials, the disclosure of which would probably so prejudice the possibility of effective law enforcement that it would not be in the public interest," are exempt from public disclosure.

Links

- <http://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/52af60b1e4b007c7c2257d48/1387225265272/Rule+324B.pdf>;
- <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10>
- <http://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/52af5f0be4b0dbce9d22a7cf/1387224843888/Rule+300.pdf>

San Francisco, CA

San Francisco began outfitting some police officers with body cameras in 2013. San Francisco then received a \$250,000 Federal grant for a body camera pilot program in early 2014. In April of 2015, the Mayor of San Francisco proposed a \$6.6 million expenditure to equip every office in the city with a body camera by the end of 2015. The San Francisco police department is still finalizing guidelines for the use of these cameras and public copies of any current guideline proposals are not available on the department website.

Collection

- In 2014, the plan with these cameras was to have the cameras always running. A recording is kept when an officer hits a record button, which then keeps both the recording and the 30 seconds leading up to when the officer hit the button.

Retention

- A recent story from CBS San Francisco on April 30, 2015 states that Police Chief Greg Suhr cautioned “that a policy for body cameras still needs to be developed, which would include when they go on and don’t go on, redaction and retention requirements and who gets to view the video and when.”

Exemption

- FOIA-related concerns appear to be governed by the California Public Records Act. There are at least two pending state legislative proposals that could impact disclosure requests. See California section for more information.

Dashcam Exemptions

- None.

Links

- <http://www.sfexaminer.com/sanfrancisco/san-francisco-police-to-begin-using-chest-cameras-during-searches/Content?oid=2559413>
- <http://www.sfgate.com/bayarea/nevius/article/S-F-police-seek-cameras-to-capture-whole-picture-4997404.php>
- <http://sf-police.org/index.aspx?page=4725>
- <http://www.sfexaminer.com/sanfrancisco/claims-that-police-body-cameras-may-cost-more-than-expected-are-called-into-question/Content?oid=2916995>
- <http://www.sfexaminer.com/sanfrancisco/sf-sheriff-plans-to-equip-deputies-at-county-jail-with-body-cameras/Content?oid=2927282>
- <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270>

Phoenix, AZ

Phoenix police department's policy is no longer posted on its website, but there is a version from July 2014 posted on a private site online.

Collection

- The VIEVU PVR-LE2 camera must be worn at all times that the user officer/supervisor may become involved in any enforcement activity during their assigned shift.
- All user officers/supervisors who arrive on a scene or engage in an enforcement contact must place their VIEVU PVRLE2 camera in the "On/Record" Mode as soon as it is safe and practical to do so.
- The VIEVU PVR-LE2 camera must be activated during all investigative or enforcement contacts such as, but not limited to, the following examples:
 - a. Vehicle stops
 - b. Pedestrian stops
 - c. Consensual encounters that are investigative in nature
 - d. Radio calls for service
 - e. On-view events requiring enforcement activity
 - f. Suspect and witness statements and interviews
 - g. Vehicle and foot pursuits
 - h. Emergency response to critical incidents
- Once the VIEVU PVR-LE2 camera is in the "On/Record" mode, employees must continue to record until either the completion of the event or until they leave the scene.
- Employees may deviate from this directive if it is in the obvious best interests of the department to do so and they are able to justify such a deviation.
- Prohibited recording:
 - Will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, precinct locker rooms and restrooms.
 - Will not be intentionally activated to record conversations of fellow employees without their knowledge during routine and non-enforcement activities.

	<ul style="list-style-type: none"> ◦ Will not be utilized to surreptitiously record conversations of citizens and employees. ◦ Will not knowingly record undercover officers or confidential informants. ◦ Will not be utilized to record any off duty or personal activity and will not be worn while working in an off-duty capacity.
Retention	<ul style="list-style-type: none"> ● All media that is captured during the pilot program will be retained by the Phoenix Police Department for a minimum of one year following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc.
Exemption	<ul style="list-style-type: none"> ● Operations Order 4.49, Body Worn Video Technology – Pilot: The release of video/s requested through a public records request will be handled in accordance with existing policy and public records laws. See Operations Order 4.6, Release of Records, for additional information. ● Operations Order 4.6, Release of Records: Departmental Reports (DRs) and other records or matters will be released upon written request, subject to the guidelines of this order. <ul style="list-style-type: none"> ◦ Persons requesting information or records will be referred to Public Records. ◦ Identifying information of a victim will be redacted from any public record the department is releasing upon a public records request. Identifying information includes the victim’s phone numbers, addresses, work information, and anything else that could identify the victim, such as photographs and/or videos. ◦ Per Arizona Revised Statute (ARS) 13-4434.C, a victim’s name should be released UNLESS the victim may be re-victimized, is involved in a violent crime (sexual assault, robbery burglary, domestic violence, assault), is a s child, or there are privacy concerns. If there is any doubt about what information should be redacted, contact the Legal Unit. ◦ Crime scene or death investigations photographs and/or video must be redacted to protect the victim’s identifying information.
Dashcam Exemptions	<ul style="list-style-type: none"> ● None.
Links	<ul style="list-style-type: none"> ● Phoenix Police Department, Operations Order 4.49, Body Worn Video Technology – Pilot, http://azcommonlaw.com/wp-content/uploads/2014/07/phoenix-police-department.pdf ● Phoenix Police Department, Operations Order 4.6, Release of Records, http://azcommonlaw.com/wp-content/uploads/2014/07/phoenix-police-department.pdf

Detroit, MI

The Detroit Police Department is launching a second testing of body cameras. According to the Mayor of Detroit's press release and various media articles, the trial will last 90-days and twenty officers will be wearing the body cameras. The cameras will be turned on and off by the officers at their discretion and following the end of the shift, each officer will return the camera and the recordings will be automatically uploaded to the Detroit Police Department's Cloud Based storage. The department policy on body cameras is still a work in progress and being developed by the Assistant Detroit Police Chief, James White.

Collection	<ul style="list-style-type: none">• The decision to record an interaction rests with the officer under the guidelines for the current program. The expectation is that all interactions with the exception of victims of sexual assault and child abuse (unless necessary for evidence) will be recorded.
Retention	<ul style="list-style-type: none">• The city of Detroit has no specific legislation on the issue of retention. However, Michigan's legislature is currently considering a bill that would require police departments to retain the footage for 30 days, unless it's part of a criminal investigation. In those cases, the video would have to be saved for at least three years (story here).
Exemption	<ul style="list-style-type: none">• The city has not considered any legislation on the issue of exemptions from disclosure. Police department policy dictates that interactions with sexual assault or child abuse victims will not be recorded unless necessary for evidentiary purposes. Additionally, the Michigan legislature is currently considering a bill that would restrict access to video footage taken in a private place or residence, to any person who is the subject of the video, their parent or legal guardian, or someone who had their property seized.
Dashcam Exemptions	<ul style="list-style-type: none">• N/a
Links	<ul style="list-style-type: none">• Detroit Police Testing Body Cameras;• Detroit Police to Run 90-day Body Cam Test• http://www.freep.com/story/news/local/michigan/2015/04/14/emerging-body-camera-technology-prompts-privacy-concerns/25778495/

Seattle, WA

Seattle Police Department released a directive on its ongoing body-worn video pilot program.

Collection

- Officers will record the following police activity:
 - • Response to 911 calls, starting when the officer begins travel to the call and ending consistent with paragraph 5 below • Terry stops • Traffic stops • On-View Criminal Activity • Arrests and seizures • Searches and inventories of vehicles or persons • Transports (excluding ride-alongs and passengers for meetings) • Vehicle Eluding/Pursuits • Questioning suspects or witnesses
- If circumstances prevent recording with BWV at the beginning of an event, the officer shall begin recording as soon as practical.
- Employees will activate the BWV to record the above, even if the event is out of view of the camera.
- Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, employees shall not intentionally record:
 - • People who are lawfully exercising their freedom of speech, press, association, assembly, religion, or the right to petition the government for redress of grievances. (Protected activity which is unintentionally captured while recording an event as otherwise required by this policy is not a violation.) • Places where a heightened expectation of privacy exists, such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.
- Once BWV recording has begun, officers will record the entire event. An event has concluded when all of the following apply:
 - • The employee has completed his or her part of the active investigation; • There is little possibility that the employee will have further contact with any person involved in the event; and • The employee is leaving the area of the event
- For transports, the event has concluded when the officer reaches the transport destination, such as the jail, hospital, or precinct, and is exiting the vehicle.
 - Exception: For residences or other private areas not open to the public, officers will ask for consent to record with BWV. The request and any response will be recorded. If the request is denied, officers will stop recording with BWV during the time that they are in the private area.
 - This exception does not apply to crimes in progress or other circumstances that would allow the officer to be

	<p>lawfully present without a warrant.</p> <ul style="list-style-type: none"> • Officers who stop recording with the BWV during an event must document the reason(s) for doing so in the GO report. If there is no GO created, the officer will document the reason(s) in an update to the call. • Officers should notify persons that they are being recorded, repeat notification if practical, for additional people.
Retention	<ul style="list-style-type: none"> • The department has over 360 terabytes of data from body and dash cams so it appears that they are retaining a significant portion of the data indefinitely. They are also using a computer program to redact that footage in order to post it to their YouTube channel which indicates they intend to retain it in the internet indefinitely (NPR story here).
Exemption	<ul style="list-style-type: none"> • Seattle P.D. already put body camera footage on YouTube. It is blurred and there is no audio. • Ars Technica article notes that department is burning around 7000 DVDs monthly in response to public requests for information so it seems videos are produced in response to FOIA requests. • Otherwise subject to Washington state public disclosure laws.
Dashcam Exemptions	<ul style="list-style-type: none"> • Ars Technica article also notes that dash cam videos are included in public disclosure. • Otherwise subject to Washington state public disclosure laws.
Links	<ul style="list-style-type: none"> • http://spdblotter.seattle.gov/wp-content/uploads/2014/12/12_17_14-Policy.pdf • http://arstechnica.com/tech-policy/2015/03/02/seattle-police-unveil-blurred-soundless-body-cam-youtube-channel/ • http://www.govtech.com/public-safety/Anonymous-Requester-Turns-Police-Body-Camera-Programs-Upside-Down.html • http://apps.leg.wa.gov/rcw/default.aspx?cite=42.56

Minneapolis, MN

The Minneapolis Police Department started a body camera pilot program in November 2014. Under the program, 36 officers will try two different camera brands (TASER and VieVu) for 6-9 months. The Department claims that it seeks to issue body cameras across the Department by late 2015. The Minneapolis PD has issued publicly available policies about the pilot program: “MPD Body Camera SOP” (Nov. 5, 2014): This policy includes guidelines for collection, retention, and public access for PVR (Portable Video Recording) records.

Collection

- Officers “should manually activate” their cameras “when reasonably safe and practical” for certain incidents, including traffic stops, arrest situations, and “[a]ny time an officer feels it is appropriate to preserve audio or visual evidence consistent with the purposes stated in this policy.” The SOP allows officers to deactivate their PVRs when “protecting accident scenes,” monitoring traffic posts, or “assisting motorists.”

Retention

- “Data that is not classified under one of the specified classification options shall be retained for one year. All data that is classified under one of the specified classification options shall be retained at least six years but in no event less than as otherwise provided under the Minneapolis Records Management Policy, whichever is longer.”
- The Minneapolis City Council has discussed body cameras and the pilot program in recent meetings. The agenda for a March 10 meeting included an update regarding body camera legislation. Notes from this update indicate that proposed retention guidelines could be “maintained for at least 90 days and destroyed within 1 year,” if not part of an active criminal investigation, or “[m]aintained for at least 1 year and destroyed within 3,” if involved in an investigation.

Exemption

- The public can request PVR videos from the city Records Information Unit, which decides whether to produce the recordings. The police will not produce video of “an active criminal or internal investigation.”
- “Body Camera Pilot Program” memo (Dec. 12, 2014): This is a brief summary of the SOP above. It refers to the data retention guidelines in the SOP and notes that “[p]ublic release of body camera video is in accordance to current state data laws.”
- Video by police officials discussing officer feedback, with sample PVR recordings:
<https://www.youtube.com/watch?v=26ECVlh3TK0&feature=youtu.be>

Dashcam Exemptions

- None.

Links

- <http://www.ci.minneapolis.mn.us/www/groups/public/@communications/documents/webcontent/wcms1p-135024.pdf>
- <http://www.ci.minneapolis.mn.us/www/groups/public/@mpd/documents/webcontent/wcms1p-133495.pdf>
- <https://www.youtube.com/watch?v=26ECVlh3TK0&feature=youtu.be>

- <http://kstp.com/article/stories/s3612702.shtml>
- <http://www.mprnews.org/story/2014/12/10/mpls-police-body-camera-pilot>
- <http://www.minneapolisismn.gov/meetings/pcoc/WCMS1P-138292>

San Diego, CA

There are no current statutory requirements specific to body camera videos in San Diego, California.

Collection

- The San Diego Police Department (“SDPD”) started testing body cameras in January 2014 and currently, 600 officers have the cameras.
- SDPD plans to have approximately 1,000 officers equipped with small cameras by the end of the year. On June 12, 2014, SDPD instituted a department procedure on body worn cameras online (“SDPD Procedure”).
- SDPD Procedure does not require the police officer to provide notice that the camera is recording; however, if asked directly, the officer should notify the subject that he/she is being recorded. If the camera is recording a situation where there is a complaint against the police, the police officer must inform complainants and witnesses they are being recorded.
- SDPD Procedure does not require the officer to activate or shut off the camera in response to the individual’s request/demand.
- SDPD Procedure requires officers to activate “event mode” (when the camera records audio and video) during enforcement related contacts, preferably before contact is made with the individual, and until after the contact is concluded. Enforcement related contacts include traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes.
- SDPD Procedures allows the officers to turn off the camera in bathrooms, locker rooms, pre-shift conferences, other activities not related to a criminal investigation, administrative investigations, psychiatric facilities (unless responding to a radio call involving a suspect who is still present), jail facilities, medical/psychological evaluations or treatments, domestic victim and witness interviews (unless victim/witness is willing to be recorded), peaceful demonstrations (unless a crime is witnessed and/or believe an arrest is likely).
- Plain clothes officers are not subject to the SDPD Procedure.
- SDPD Procedure states that during arrests, once the subject is cooperative and safely secured inside a police car or law enforcement facility, officers can stop recording.

Retention

- SDPD Procedure requires metadata to be entered with each recorded segment and after entering the metadata, officers can place the camera on the battery charge and the data will automatically transfer to Evidence.com, the digital evidence management service that stores digitally encrypted data. At this point, the data is considered impounded.
- SDPD Procedure requires all recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, to be preserved until the matter is resolved and/or in accordance with law.

	<ul style="list-style-type: none"> • According to the audit report, SDPD will need to upgrade its cloud storage if it is to utilize the cameras and recordings effectively.
Exemption	<ul style="list-style-type: none"> • SDPD has been treating the videos as evidence and therefore, private. SDPD retains the right to release a video at its discretion, which may only be done with the Chief of Police or his/her designee's approval. The SDPD Procedure notes that its policy on releasing of videos is meant to "balance a citizen's right to a fair trial, the preservation of evidence, the protection of privacy rights, and police officer accountability." • A news article noted that when it requested a body camera recording of a shooting under California Public Records Act, it was denied by SDPD on the grounds that once the recording becomes a part of the investigation, SDPD does not have to release them. • SDPD Procedure allows officers access to their own recordings and recommends that officers review the digital evidence prior to completing reports when necessary to ensure accuracy. • SDPD Procedure limits the review of digital evidence to administrative purposes of the following: incident where officer is hurt or killed; use of force by officer that results in injury or death; in-custody death; police pursuit; discharge of officer firearm or Conductive Energy Weapon; officer-involved traffic collision; prior to the release of recordings in response to subpoena or other court order; in preparation for a civil deposition or responding to an interrogatory where the incident arises from the officer's official duties; when preparing to testify in a criminal, civil, or administrative proceeding arising from official duties; investigations undertaken by the Department regarding allegations of misconduct. All other request to review purposes beyond the above must be approved by a captain or higher on a case by case basis.
Dashcam Exemptions	<ul style="list-style-type: none"> • SDPD Procedures notes that body camera digital evidence should be treated the same as other digital evidence and then references a San Diego Police policies and procedures on handling official records request. Such a policy was not located on the internet, but presumably, if the body camera digital evidence is to be treated the same as the other digital evidence, then based on the SDPD's recent treatment of body camera videos as private, this is likely the same stance taken regarding dashboard camera digital evidence.
Links	<ul style="list-style-type: none"> • San Diego police body camera report: Fewer complaints, less use of force; • San Diego Police Department Procedure – Axon Body Worn Cameras • San Diego Police Department Body Worn Camera Program Update • Statement from the San Diego Police Department • Police Department Says Cop Camera Footage Not Public Record

