

## **BILL ANALYSIS**

Senate Research Center  
84R2663 JSC-F

S.B. 158  
By: West  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 158 creates statewide policy and guidelines on the use of body-worn cameras by members of law enforcement who are engaged in patrol duties or are first responders to calls for assistance. S.B.158 also proposes to provide a matching grant program that would assist Texas law enforcement agencies in securing the equipment required to operate a body-worn camera program.

The advent of body-worn camera technology and its usage has increased dramatically over the course of the last three years and more law enforcement agencies across America are implementing body camera programs. As with the use of dashboard cameras that was implemented statewide by S.B. 1074, 77th Legislature, Regular Session, 2001, video evidence has been proven to protect both citizens and police. Video documentation has been used to reduce the number of false claims made against law enforcement.

The use of body-worn cameras has been the topic of several national studies, the most prominent of which is *Implementing a Body-Worn Camera Program—Recommendations and Lessons Learned*, by the United States Department of Justice - Community Oriented Policing Services (COPS) and the Police Executive Research Forum (PERF). The COPS/PERF study is the basis for S.B. 158.

In Texas, the cities of Fort Worth, DeSoto, Sugar Land, and Corpus Christi, as well as Brazos County, have fully implemented body-worn camera programs. Cities like Dallas, Houston, San Antonio, Duncanville, Denton, Lancaster, and others have programs that are in various stages of field testing and implementation. It is safe to predict that the use of body-worn cameras by law enforcement will continue to expand in coming years. Several states now have legislation pending.

S.B. 158 seeks to create statewide standards on the use of body-worn cameras by law enforcement and to provide a state solution to assist the procurement and operation of a body-worn camera program.

As proposed, S.B. 158 amends current law relating to a body worn camera program for certain law enforcement agencies in this state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter P, as follows:

#### **SUBCHAPTER P. BODY WORN CAMERA PROGRAM**

Sec. 411.441. DEFINITION. Defines "body worn camera."

Sec. 411.442. GRANTS FOR BODY WORN CAMERAS. Requires a law enforcement agency in this state apply to the Department of Public Safety of the State of Texas (DPS) for a grant to equip officers with body worn cameras if the agency employs officers who are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles or respond to calls for assistance from the public.

Sec. 411.443. BODY WORN CAMERA POLICY. (a) Requires a law enforcement agency that receives a grant from DPS to provide body worn cameras to its officers or that otherwise operates a body worn camera program to adopt a policy for the use of body worn cameras.

(b) Requires that a policy described by Subsection (a) include:

(1) guidelines for when an officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations; and

(2) provisions relating to data retention, storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security.

(c) Requires that a policy adopted under this section be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Sec. 411.444. TRAINING. (a) Requires an agency, before a law enforcement agency is authorized to operate a body worn camera program, to provide training to:

(1) officers who will wear the body worn cameras; and

(2) any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

(b) Requires DPS, in consultation with the Texas Commission on Law Enforcement, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association, to develop curriculum for a training program under this section.

Sec. 411.445. RECORDING INTERACTIONS WITH THE PUBLIC. (a) Requires an officer equipped with a body worn camera to activate the camera 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.

(b) Authorizes an officer equipped with a body worn camera to choose not to activate a camera or to choose to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

Sec. 411.446. PROHIBITED ACTS. (a) Provides that an officer on duty may not use a body worn camera that is not issued and maintained by the law enforcement agency that employs the officer.

(b) Prohibits a person from tampering with, deleting, or making an unauthorized copy of data obtained through the use of a body worn camera under this subchapter.

(c) Prohibits a person from releasing a recording created with a body worn camera under this subchapter unless the person first obtains the permission of the applicable law enforcement agency.

Sec. 411.447. RECORDINGS AS EVIDENCE. Prohibits a recording created with a body worn camera and documenting an incident that involves the use of deadly force or that is otherwise the subject of an investigation from being deleted or destroyed or released to the public before the completion of the investigation into the incident.

Sec. 411.448. RIGHTS OF OFFICERS. Entitles an officer to access any recording of an incident involving the officer before making a statement about the incident.

SECTION 2. (a) Requires DPS, in consultation with the Texas Commission on Law Enforcement, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association, to develop the curriculum for the training program required under Section 411.444, Government Code, as added by this Act, not later than January 1, 2016.

(b) Requires a law enforcement agency that is operating a body worn camera program on the effective date of this Act to develop and implement the policy required under Section 411.443, Government Code, as added by this Act, and implement the training program required under Section 411.444, Government Code, as added by this Act, not later than September 1, 2016.

SECTION 3. Effective date: September 1, 2015.