



ASSEMBLY STANDING COMMITTEE ON CODES

ASSEMBLY STANDING COMMITTEE ON JUDICIARY

ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS

NOTICE OF PUBLIC HEARING

SUBJECT: Use of body-worn cameras by law enforcement officials.

PURPOSE: To examine the feasibility and effectiveness of body cameras worn by law enforcement officials.

NEW YORK CITY

Tuesday, December 8th, 2015

10:30 A.M.

Assembly Hearing Room 1923, 19th floor

250 Broadway, New York, NY

ORAL TESTIMONY BY INVITATION ONLY

The Assembly has advanced legislation for many years to encourage greater cooperation among law enforcement agencies and the communities they serve, better protect the police, and ensure equal treatment of all persons under the law. Improved policing requires the trust of the community. Recent events have raised concerns, shaken the confidence of both communities and law enforcement, and led to calls for reform. One such reform that has been embraced by some advocates and law enforcement entities is the use of body-worn cameras by police.

Traditionally, the only way for the public to see video evidence concerning the conduct of its police force has been if an officer or a third party recorded the event. Given recent technological advances, however, it is now feasible for police to be equipped with video cameras in such a way as to not be an impediment to law enforcement activities. These are typically referred to as body-worn cameras which can capture moving images and store them on digital media.

Several studies suggest that the use of body-worn cameras by police can provide transparency for the public, protection for police officers and increase public safety. It has been posited that criminal and other wrongful conduct may be diminished if such actions are recorded and preserved. There have also been various efforts to expand the use of body-worn cameras. In 2013, a federal judge ordered the New York City Police Department to test body-worn cameras for one year in five precincts as a way of evaluating the effectiveness of this technology in curbing potentially unconstitutional stop-and-frisk interactions. Further, the White House has announced plans to invest \$75 million over the next three years to purchase 50,000 body-worn cameras for law enforcement agencies across the country. Further, the fiscal year 2015-2016 state budget included funding for equipment purchases by local police agencies in high crime areas, including funding for new and replacement body-worn cameras.

The issue of whether body-worn cameras should be utilized in this way is not a simple one. Collateral issues are raised by the prospect of having police officers wear cameras, including privacy concerns, data retention and disclosure, and the effects of recording on community-police relations. As police departments across the state and country begin to experiment with body-worn cameras for law enforcement officers, it is important to examine these issues and any related concerns. Therefore, this hearing will examine the effectiveness and feasibility of body-worn cameras by law enforcement officials.

Oral testimony will be accepted by invitation only and limited to **TEN (10)** minutes' duration. In preparing the order of witnesses, the Committees will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to Committee staff as early as possible.

Twenty (20) copies of any prepared testimony should be submitted at the hearing registration desk. The Committees would appreciate advance receipt of prepared statements.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

JOSEPH LENTOL
Member of Assembly
Chair
Committee on Codes

HELENE WEINSTEIN
Member of Assembly
Chair
Committee on Judiciary

CRYSTAL PEOPLES-STOKES
Member of Assembly
Chair
Committee on
Governmental Operations

SELECTED QUESTIONS TO WHICH WITNESSES MAY DIRECT THEIR TESTIMONY:

1. Is it appropriate to facilitate or require the use of body-worn cameras by law enforcement officials in this state?
2. What type of recording equipment is available for use by police departments? Should the equipment vary with the size and nature of the department and community patrolled?
3. How should storage, retention and editing costs be considered when choosing the appropriate equipment?
4. What length of time should body-worn video recordings be retained?
5. Who should maintain custody and control of the video recordings? Should recordings be accessible by or transferred to an oversight or independent entity when an allegation of police misconduct is made?
6. Will editing or redacting of video footage ever be necessary or appropriate? If so, who should be authorized to do so?
7. Who should be permitted to view body camera video recordings? When and under what circumstances should recordings be made available to the public?
8. How will civil and criminal discovery rules and freedom of information laws impact the availability of video recordings? Under what circumstances should such video recordings be admissible in court?
9. How should the privacy concerns of any person captured in a recording be balanced against the people's right to know the facts in matters of public concern? To what extent are there privacy implications for members of law enforcement?
10. Should state funds budgeted for body-worn cameras be maintained, increased, or decreased?

PUBLIC HEARING REPLY FORM

ORAL TESTIMONY BY INVITATION ONLY

Persons invited to present testimony at the public hearing on the feasibility and effectiveness of body-worn cameras by law enforcement officials are requested to complete this reply form as soon as possible and mail, email or fax it to:

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Assembly Committee on Codes
Room 513, NYS Capitol
Albany, New York 12248
Email: genaoj@assembly.state.ny.us
Phone: (518) 455-4313
Fax: (518) 455-3669**

- I plan to attend the public hearing on the feasibility and effectiveness of body-worn cameras by law enforcement officials to be conducted by the Assembly Committees on Codes, Judiciary, and Governmental Operations on December 8, 2015.
- I have been invited to make a public statement at the hearing. My statement will be limited to ten (10) minutes, and I will answer any questions which may arise. I will provide 20 copies of my prepared statement.
- I will address my remarks to the following subjects:

- I do not plan to attend the above hearing.
- I would like to be added to the Committee mailing list for notices and reports.
- I would like to be removed from the Committee mailing list.
- I will require assistance and/or handicapped accessibility information. **Please specify the type of assistance required:** _____

NAME: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE: _____

FAX TELEPHONE: _____