

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0444.01 Jerry Barry x4341

HOUSE BILL 15-1285

HOUSE SPONSORSHIP

Kagan and Williams, Danielson, Foote, Tate

SENATE SPONSORSHIP

Cooke and Ulibarri,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT**
102 **OFFICERS, AND, IN CONNECTION THEREWITH, ESTABLISHING A**
103 **GRANT PROGRAM AND A STUDY GROUP TO RECOMMEND**
104 **POLICIES ON THE USE OF BODY-WORN CAMERAS AND MAKING AN**
105 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill establishes the body-worn camera grant program in the division of criminal justice to award grants to law enforcement agencies

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 16, 2015

to purchase body-worn cameras and to train law enforcement officers on their use. It creates a fund to receive gifts, grants, and donations.

The bill establishes a study group appointed by the executive director of the department of public safety to study policies and best practices on the use of body-worn cameras by law enforcement officers and to recommend policies to be adopted by law enforcement agencies on the use of such cameras. The group will also recommend enforcement mechanisms for the public when a policy is not followed. The group is to submit its recommendations in a report to specified committees of the general assembly by March 1, 2016.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that:

4 (1) The recent emergence of the use of body-worn cameras by law
5 enforcement has had a positive impact on policing throughout the state,
6 and this impact will increase as more law enforcement agencies adopt this
7 technology;

8 (2) The use of body-worn cameras by law enforcement officers
9 conveys the message to the public that the actions of law officers are a
10 matter of public record and concern;

11 (3) The use of body-worn cameras can improve evidence
12 collection, strengthen individual officer performance and accountability,
13 enhance the overall transparency of a law enforcement agency, and
14 document encounters between the police and the public to assist in
15 investigation and resolution of complaints and officer-involved incidents;

16 (4) However, the use of body-worn cameras by law enforcement
17 officers raises important issues about privacy of persons and their
18 personal property and requires consistent answers to questions about their
19 use, including:

20 (a) When to allow public access to recordings;

- 1 (b) When disclosure of recordings can and should be made;
- 2 (c) Whether there should be appropriate limits on use of the
3 publicly disclosed recordings; and
- 4 (d) How, where, and for how long recordings should be stored to
5 maintain the integrity and security of the data;
- 6 (5) Carefully crafted policies on the use of body-worn cameras by
7 law enforcement officers should be developed to address the use of this
8 technology throughout the state;
- 9 (6) The widespread deployment of body-worn cameras by law
10 enforcement without well-designed policies, practices, and training of
11 officers creates the potential for difficult public battles over their use that
12 could undermine public trust in law enforcement rather than increasing
13 support for law enforcement;
- 14 (7) The ability of the public to know and be assured that policies
15 for the use of body-worn cameras by law enforcement officers are
16 well-designed and consistent with the best practices in law enforcement
17 and are fairly implemented is essential to develop community support for
18 their use; and
- 19 (8) Establishing a fund and a grant program within the state to
20 access federal funding and other nongovernmental sources of funding will
21 increase the ability of law enforcement agencies to purchase body-worn
22 cameras for more law enforcement officers.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-517 as
24 follows:

25 **24-33.5-517. Body-worn cameras for law enforcement officers**
26 **- grant program - study group - fund - repeal.** (1) (a) THERE IS
27 CREATED IN THE DIVISION THE BODY-WORN CAMERA GRANT PROGRAM,

1 REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO AWARD
2 GRANTS TO LAW ENFORCEMENT AGENCIES TO PURCHASE BODY-WORN
3 CAMERAS, FOR ASSOCIATED DATA RETENTION AND MANAGEMENT COSTS,
4 AND TO TRAIN LAW ENFORCEMENT OFFICERS ON THE USE OF BODY-WORN
5 CAMERAS. THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
6 PURSUANT TO THIS SECTION. THE DIVISION MAY APPLY FOR GIFTS, GRANTS,
7 OR DONATIONS FROM THE FEDERAL GOVERNMENT AND ANY PUBLIC OR
8 PRIVATE SOURCE. THE DIVISION SHALL TRANSMIT ANY MONEYS RECEIVED
9 TO THE STATE TREASURER FOR DEPOSIT IN THE FUND CREATED PURSUANT
10 TO SUBSECTION (2) OF THIS SECTION. THE DIVISION SHALL MAKE GRANT
11 PAYMENTS FROM GENERAL FUND MONEYS APPROPRIATED TO THE DIVISION
12 BY THE GENERAL ASSEMBLY FOR THE PROGRAM AND MONEYS
13 APPROPRIATED FROM THE FUND.

14 (b) THE DIVISION SHALL:

15 (I) SOLICIT AND REVIEW APPLICATIONS FOR GRANTS FROM LAW
16 ENFORCEMENT AGENCIES; AND

17 (II) SELECT LAW ENFORCEMENT AGENCIES TO RECEIVE GRANTS
18 FROM AGENCIES THAT HAVE ADOPTED POLICIES, GIVING PREFERENCE TO
19 AGENCIES THAT OTHERWISE LACK MONEYS TO PAY FOR BODY-WORN
20 CAMERAS, FOR ASSOCIATED DATA RETENTION AND MANAGEMENT COSTS,
21 AND TO TRAIN LAW ENFORCEMENT OFFICERS ON THE USE OF BODY-WORN
22 CAMERAS, AND DETERMINE THE AMOUNT OF EACH GRANT.

23 (2) (a) THERE IS CREATED IN THE STATE TREASURY THE
24 BODY-WORN CAMERA FUND, REFERRED TO IN THIS SECTION AS THE
25 "FUND", CONSISTING OF ANY MONEYS RECEIVED BY THE DIVISION FROM
26 GIFTS, GRANTS, OR DONATIONS FOR THE GRANT PROGRAM. THE MONEYS
27 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

1 ASSEMBLY TO THE DIVISION FOR THE DIRECT AND INDIRECT COSTS
2 ASSOCIATED WITH IMPLEMENTING THE GRANT PROGRAM.

3 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
4 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
5 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
6 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
7 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
8 THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
9 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
10 FUND.

11 (3) (a) THERE IS CREATED IN THE DIVISION THE BODY-WORN
12 CAMERA STUDY GROUP, REFERRED TO IN THIS SECTION AS THE "STUDY
13 GROUP", TO STUDY POLICIES AND BEST PRACTICES CONCERNING THE USE
14 OF BODY-WORN CAMERAS BY LAW ENFORCEMENT OFFICERS THROUGHOUT
15 THE NATION.

16 (b) (I) THE STUDY GROUP CONSISTS OF AT LEAST FIFTEEN MEMBERS
17 APPOINTED BY THE EXECUTIVE DIRECTOR, INCLUDING AND LIMITED TO:

- 18 (A) TWO REPRESENTATIVES OF CHIEFS OF POLICE;
- 19 (B) TWO REPRESENTATIVES OF COUNTY SHERIFFS;
- 20 (C) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF POLICE
21 OFFICERS;
- 22 (D) A REPRESENTATIVE OF THE DEPARTMENT OF CORRECTIONS;
- 23 (E) A REPRESENTATIVE OF DISTRICT ATTORNEYS;
- 24 (F) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE;
- 25 (G) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;
- 26 (H) A REPRESENTATIVE OF THE PRIVATE CRIMINAL DEFENSE BAR;
- 27 (I) TWO REPRESENTATIVES OF INTERESTED COMMUNITY GROUPS;

1 (J) A REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES
2 FOR GOVERNMENT TRANSPARENCY;

3 (K) A REPRESENTATIVE OF A LEGAL ORGANIZATION SUPPORTING
4 PRIVACY CONCERNS; AND

5 (L) UP TO THREE OTHER INTERESTED CITIZENS AT THE DISCRETION
6 OF THE EXECUTIVE DIRECTOR.

7 (II) THE EXECUTIVE DIRECTOR SHALL CONSIDER RACIAL,
8 CULTURAL, INCOME, AND GEOGRAPHIC DIVERSITY WHEN MAKING
9 APPOINTMENTS TO THE STUDY GROUP.

10 (III) IF A VACANCY ARISES ON THE STUDY GROUP, THE EXECUTIVE
11 DIRECTOR SHALL APPOINT AN APPROPRIATE REPLACEMENT.

12 (IV) THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS OF
13 THE STUDY GROUP ON OR BEFORE AUGUST 1, 2015. THE EXECUTIVE
14 DIRECTOR SHALL APPOINT A CHAIRPERSON OF THE STUDY GROUP WHO
15 SHALL PRESIDE OVER THE STUDY GROUP'S MEETINGS.

16 (V) MEMBERS OF THE STUDY GROUP SERVE WITHOUT
17 COMPENSATION BUT MAY BE REIMBURSED FOR ACTUAL TRAVEL EXPENSES
18 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

19 (c) THE STUDY GROUP SHALL:

20 (I) COLLECT POLICIES AND STUDIES CONCERNING BODY-WORN
21 CAMERAS BY LAW ENFORCEMENT OFFICERS;

22 (II) STUDY POLICIES AND BEST PRACTICES FOR BODY-WORN
23 CAMERAS BY LAW ENFORCEMENT OFFICERS;

24 (III) RECOMMEND POLICIES ON THE USE OF BODY-WORN CAMERAS
25 BY LAW ENFORCEMENT OFFICERS FOR ADOPTION BY LAW ENFORCEMENT
26 AGENCIES, INCLUDING:

27 (A) WHEN CAMERAS ARE REQUIRED TO BE TURNED ON;

- 1 (B) WHEN CAMERAS MUST BE TURNED OFF;
- 2 (C) WHEN CAMERAS MAY BE TURNED OFF;
- 3 (D) WHEN NOTIFICATION MUST BE GIVEN THAT A CAMERA IS IN
4 USE; AND
- 5 (E) WHEN CONSENT OF ANOTHER PERSON IS REQUIRED FOR THE
6 CONTINUED USE OF A CAMERA;
- 7 (IV) CONSIDER ENFORCEMENT MECHANISMS AND LEGAL REMEDIES
8 AVAILABLE TO THE PUBLIC WHEN A POLICY ADOPTED BY A LAW
9 ENFORCEMENT AGENCY IS NOT FOLLOWED OR WHEN AN AGENCY THAT
10 USES BODY-WORN CAMERAS FAILS TO ADOPT A POLICY ON THE USE OF
11 BODY-WORN CAMERAS BY ITS OFFICERS; AND
- 12 (V) SUBMIT A WRITTEN REPORT ON ITS RECOMMENDATIONS TO THE
13 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,
14 OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE MARCH 1, 2016.

15 (d) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2016.

16 **SECTION 3. Appropriation.** For the 2015-16 state fiscal year,
17 \$89,893 is appropriated to the department of public safety for use by the
18 division of criminal justice. This appropriation is from the general fund
19 and is based on an assumption that the division will require an additional
20 1.0 FTE. To implement this act, the division may use this appropriation
21 for DCJ administrative services.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.