

HOUSE JOINT RESOLUTION NO. 22

INTRODUCED BY B. SMITH

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 65TH LEGISLATURE.

WHEREAS, body-worn cameras are the latest in a string of technological advances that can help capture encounters between law enforcement and citizens; and

WHEREAS, because law enforcement officers often face assault or are involved in traffic accidents, body-worn cameras can help prevent attacks on the officers or help convict those who do attack officers; and

WHEREAS, increased use of body-worn cameras could improve the accountability of law enforcement officers to citizens and reduce or help resolve complaints of misconduct by law enforcement officers; and

WHEREAS, a recent report by the United States Department of Justice's Office of Community Oriented Policing entitled Police Officer Body-Worn Cameras: Assessing the Evidence noted several perceived benefits of law enforcement use of body-worn cameras, including increasing transparency and law enforcement legitimacy, improving officer and citizen behavior, expediting resolution of complaints and lawsuits, facilitating the collection of evidence for arrest and prosecution, and creating an additional training tool; and

WHEREAS, the report also noted several concerns about the use of body-worn cameras by law enforcement officers, including privacy concerns related to citizens and the officers, concerns related to officer health and safety, the need for training and policies governing camera use, and the resources needed to use the technology; and

WHEREAS, the report stated one important issue facing law enforcement agencies using body-worn cameras is how to manage the vast amount of video data created, including storage, retention, security, and management; and

WHEREAS, establishing policies and procedures for body-worn camera use and training for law enforcement officers and other personnel involved with creating, maintaining, and retaining data is important if body-worn cameras are to be an effective tool for law enforcement agencies.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
4 section 5-5-217, MCA, or direct sufficient staff resources to examine the feasibility of the use of body-worn
5 cameras by all state and local law enforcement, including but not limited to:

6 (1) identifying the benefits and concerns to law enforcement and the public associated with the use of
7 body-worn cameras;

8 (2) identifying the current use of body-worn cameras by state and local law enforcement agencies and
9 any policies those agencies have established to govern the use of body-worn cameras;

10 (3) developing accurate cost projections for the cost to state and local agencies to equip officers with
11 body-worn cameras, provide appropriate training and maintenance, and retain and retrieve the video data;

12 (4) considering which entities should bear the costs associated with body-worn cameras;

13 (5) offering solutions to other issues identified as concerns, such as appropriate policies regarding
14 camera use and privacy considerations; and

15 (6) determining if state and local law enforcement agencies have the ability to search, edit, and redact
16 video data created by body-worn cameras to remove information that should not be disclosed.

17 BE IT FURTHER RESOLVED, that the study examine Montana's privacy and public records statutes to
18 determine if changes are needed to prevent disclosure of information captured on body-worn cameras that might
19 be considered private, including but not limited to interactions in private homes, medical information, juveniles,
20 crime witnesses, and crime victims.

21 BE IT FURTHER RESOLVED, that the study involve input from stakeholders deemed relevant by the
22 committee, including the Montana Department of Justice, local law enforcement agencies and governing bodies,
23 including interested Montana Indian tribes and law enforcement agencies, county attorneys and public defenders,
24 privacy advocates, and open-records advocates.

25 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
26 presented to and reviewed by an appropriate committee designated by the Legislative Council.

27 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
28 requirements, be concluded prior to September 15, 2016.

29 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
30 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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