

113TH CONGRESS
2D SESSION

H. R. 5865

To establish a grant program providing for the acquisition, operation, and maintenance of body-worn cameras for law enforcement officers.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. CLEAVER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a grant program providing for the acquisition, operation, and maintenance of body-worn cameras for law enforcement officers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Camera Authorization
5 and Maintenance Act of 2014” or as the “CAM Act of
6 2014”.

1 **SEC. 2. REQUIREMENT TO USE BODY-WORN CAMERA SYS-**
2 **TEMS.**

3 (a) IN GENERAL.—Beginning on the date that is 180
4 days after the date of enactment, if, in a fiscal year, a
5 State or unit of local government that receives any grant
6 from the Attorney General does not require law enforce-
7 ment officers of that State or unit of local government
8 to use body-worn cameras, that State or unit of local gov-
9 ernment may not receive any grant from the Attorney
10 General in the following fiscal year.

11 (b) HARDSHIP WAIVER.—The Attorney General may
12 waive the application of subsection (a) to any State or unit
13 of local government that applies for such a waiver if, in
14 the determination of the Attorney General, compliance
15 with the requirement of subsection (a) would pose a finan-
16 cial hardship on the State or unit of local government.

17 (c) DEFINITIONS.—Terms used in this section have
18 the meaning given such terms in section 901 of title I of
19 the Omnibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3791).

21 **SEC. 3. BODY-WORN CAMERA GRANTS.**

22 Title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
24 by adding at the end the following:

1 **“PART MM—BODY-WORN CAMERA GRANTS**

2 **“SEC. 3031. IN GENERAL.**

3 “From amounts made available to carry out this part,
4 the Director of the Bureau of Justice Assistance may
5 make grants to States, units of local government, and In-
6 dian tribes for the acquisition, operation, and maintenance
7 of body-worn cameras for law enforcement officers.

8 **“SEC. 3032. USES OF FUNDS.**

9 “Grants awarded under this section shall be—

10 “(1) distributed directly to the State, unit of
11 local government, or Indian tribe; and

12 “(2) used for the program described under sec-
13 tion 3034.

14 **“SEC. 3033. PROGRAM DESCRIBED.**

15 “The program described in this section is any pro-
16 gram implemented by a grantee requiring the use of body-
17 worn cameras by law enforcement officers in that jurisdic-
18 tion, consistent with the following requirements:

19 “(1) Any law enforcement officer who has reg-
20 ular contact with the general public shall be required
21 to wear and, as appropriate, activate a body-worn
22 camera.

23 “(2) An officer who is not otherwise assigned
24 body-worn cameras may be required to wear one in
25 certain circumstances, including the following:

1 “(A) After receiving a specified number of
2 complaints or disciplinary actions.

3 “(B) When participating in a certain type
4 of activity, such as SWAT operations.

5 “(3) Body cameras should be worn on the offi-
6 cer’s chest or at eye level.

7 “(4) An officer who activates the body-worn
8 camera while on duty should be required to note the
9 existence of the recording in the official incident re-
10 port.

11 “(5) An officer who wears body-worn cameras
12 should be required to articulate their reasoning, on
13 camera or in writing, if that officer fails to record
14 an activity that is required by department policy to
15 be recorded.

16 “(6) An officer is required to activate his or her
17 body-worn camera when responding to all calls for
18 service and during all law enforcement-related en-
19 counters and activities that occur while the officer is
20 on duty traffic stops, arrests, searches, interroga-
21 tions, investigations, and pursuits.

22 “(7) Officers should also be required to activate
23 the camera during the course of any encounter with
24 the public that becomes adversarial after the initial
25 contact.

1 “(8) An officer shall inform any person who is
2 being recorded by a body-worn camera when the per-
3 son is being recorded unless doing so would be un-
4 safe, impractical, or impossible.

5 “(9) Once activated, the body-worn camera
6 shall remain in recording mode until the conclusion
7 of an incident or encounter, the officer has left the
8 scene, or a supervisor has authorized (on camera)
9 that a recording may cease.

10 “(10) Policies shall designate the officer as the
11 person responsible for downloading recorded data
12 from his or her body-worn camera. However, in cer-
13 tain clearly identified circumstances (including offi-
14 cer-involved shootings, in-custody deaths, or other
15 incidents involving the officer that result in a per-
16 son’s bodily harm or death), the officer’s supervisor
17 should immediately take physical custody of the
18 camera and should be responsible for downloading
19 the data.

20 “(11) If the camera system does not have a sys-
21 tem to track who accesses the recorded data, when,
22 and for what purpose, grantees shall create an audit
23 system that monitors who accesses recorded data,
24 when, and for what purpose. Grantees may conduct
25 forensic reviews to determine whether recorded data

1 has been tampered with. Data shall be downloaded
2 from the body-worn camera by the end of each shift
3 in which the camera was used. Officers shall prop-
4 erly categorize and tag body-worn camera videos at
5 the time they are downloaded. Videos shall be classi-
6 fied according to the type of event or incident cap-
7 tured in the footage.

8 “(12) When setting time frames for retention of
9 data, grantees shall consider the following:

10 “(A) State laws governing evidence reten-
11 tion.

12 “(B) Departmental policies governing re-
13 tention of other types of electronic records.

14 “(C) The openness of the State’s public
15 disclosure laws.

16 “(D) The need to preserve footage to pro-
17 mote transparency.

18 “(E) The length of time typically needed to
19 receive and investigate citizen complaints.

20 “(F) The agency’s capacity for data stor-
21 age.

22 “(13) Data must be managed by a third party.

23 To protect the security and integrity of data man-
24 aged by a third party, a grantee shall use a rep-
25 utable, experienced vendor, enter into a legal con-

1 tract with the vendor that protects the agency’s
2 data, ensure the system includes a built-in audit
3 trail and reliable backup methods, and consult with
4 legal advisors.

5 “(14) An officer shall be permitted to review
6 video footage of an incident in which they were in-
7 volved, prior to making a statement about the inci-
8 dent.

9 “(15) A grantee’s internal audit unit, rather
10 than the officer’s direct chain of command, should
11 periodically conduct a random review of body-worn
12 camera footage to monitor compliance with the pro-
13 gram and assess overall officer performance.

14 “(16) Grantee policies pertaining to body-worn
15 cameras shall include specific measures for pre-
16 venting unauthorized access or release of recorded
17 data.

18 “(17) Grantees shall have clear and consistent
19 protocols for releasing recorded data externally to
20 the public and the news media (or public disclosure
21 policies). Each such policy must be in compliance
22 with any applicable State or Federal public disclo-
23 sure laws.

1 “(18) Body-worn camera training shall be re-
2 quired for all grantee personnel who may use or oth-
3 erwise be involved with body-worn cameras.

4 “(19) The grantee shall collect statistical data
5 concerning body-worn camera usage, including when
6 video footage is used in criminal prosecutions and
7 internal affairs matters as well as when excessive
8 force has been used.

9 “(20) The grantee shall conduct periodic re-
10 views of policies and protocols of the grantee per-
11 taining to body-worn cameras.

12 **“SEC. 3034. ALLOCATION OF FUNDS.**

13 “Funds available under this part shall be awarded to
14 each qualifying unit of local government with fewer than
15 100,000 residents. Any remaining funds available under
16 this part shall be awarded to other qualifying applicants
17 on a pro rata basis.

18 **“SEC. 3035. MATCHING REQUIREMENTS.**

19 “(a) FEDERAL SHARE.—The portion of the costs of
20 a program provided by a grant under subsection (a) may
21 not exceed 50 percent. Any funds appropriated by Con-
22 gress for the activities of any agency of an Indian tribal
23 government or the Bureau of Indian Affairs performing
24 law enforcement functions on any Indian lands may be

1 used to provide the non-Federal share of a matching re-
2 quirement funded under this subsection.

3 “(b) NON-FEDERAL SHARE.—The non-Federal share
4 of payments made under this part may be made in cash
5 or in-kind fairly evaluated, including planned equipment
6 or services.”.

7 **SEC. 4. ESTABLISHMENT OF TASK FORCE ON COMMUNITY**
8 **POLICING AND BODY CAMERA ACCOUNT-**
9 **ABILITY.**

10 There shall be established in the Department of Jus-
11 tice a task force to do the following:

12 (1) The task force shall be created to provide
13 recommendations on community policing, including
14 best practices from communities where law enforce-
15 ment and neighborhoods work well together to create
16 accountability and transparency.

17 (2) This task force shall provide a report to the
18 Congress by April 2015 the recommendations above.

19 (3) Membership shall include representatives of
20 civil rights organizations, Federal, State, and local
21 law enforcement personnel, and community policing
22 experts.

23 (4) The task force shall develop proper body-
24 worn camera training protocol.

1 (5) The task force shall study the impact that
2 citizen review boards could have on investigating
3 cases of alleged police misconduct.

4 (6) Not later than 1 year after implementation
5 of the body camera requirement policy under section
6 3033 of title I of the Omnibus Crime Control Act of
7 1968, the task force shall conduct a survey to deter-
8 mine best practices and effectiveness of the policy
9 with findings to be reported back to the Congress.

10 **SEC. 5. GAO REPORT ON PENTAGON'S 1033 PROGRAM.**

11 Not later than 90 days after the date of enactment
12 of this Act, the Comptroller General of the United States
13 shall submit to the Congress a report on the Department
14 of Defense Excess Personal Property Program established
15 pursuant to section 1033 of Public Law 104–201, the
16 “National Defense Authorization Act for Fiscal Year
17 1997” that includes information on—

18 (1) which jurisdictions equipment is sent to;

19 (2) the value of equipment sent to each jurisdic-
20 tion;

21 (3) the level of training provided to officers;

22 and

23 (4) how the equipment is used in the jurisdic-
24 tion.

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