

116TH CONGRESS
1ST SESSION

H. R. 3364

To require uniformed Federal police officers to wear body cameras and have dashboard cameras in marked vehicles.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2019

Ms. NORTON (for herself and Mr. BEYER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require uniformed Federal police officers to wear body cameras and have dashboard cameras in marked vehicles.

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 “Federal Police Camera
5 and Accountability Act of 2019”.

1 **SEC. 2. REQUIREMENTS FOR FEDERAL UNIFORMED OFFI-**
2 **CERS REGARDING THE USE OF BODY CAM-**
3 **ERAS.**

4 (a) Uniformed officers with the authority to conduct
5 searches and make arrests shall wear a body camera. Such
6 body cameras shall—

7 (1) have a field of view at least as broad as the
8 officer's vision; and

9 (2) be worn in a manner that maximizes the
10 camera's ability to capture video footage of the offi-
11 cer's activities.

12 (b) Both the video and audio recording functions of
13 the body camera shall be activated whenever a uniformed
14 officer is responding to a call for service or at the initiation
15 of any other law enforcement or investigative encounter
16 between a uniformed officer and a member of the public,
17 except that when an immediate threat to the officer's life
18 or safety makes activating the camera impossible or dan-
19 gerous, the officer shall activate the camera at the first
20 reasonable opportunity to do so. The body camera shall
21 not be deactivated until the encounter has fully concluded
22 and the uniformed officer leaves the scene.

23 (c) A uniformed officer who is wearing a body camera
24 shall notify any subject of the recording that he or she
25 is being recorded by a body camera as close to the incep-
26 tion of the encounter as is reasonably possible.

1 (d) Notwithstanding the requirements of subsection
2 (b), the following shall apply to the use of a body camera:

3 (1) Prior to entering a private residence with-
4 out a warrant or in non-exigent circumstances, a
5 uniformed officer shall ask the occupant if the occu-
6 pant wants the officer to discontinue use of the offi-
7 cer's body camera. If the occupant responds affirma-
8 tively, the uniformed officer shall immediately dis-
9 continue use of the body camera. The officer shall
10 record such communication using the officer's body
11 camera.

12 (2) When interacting with an apparent crime
13 victim, a uniformed officer shall, as soon as prac-
14 ticable, ask the apparent crime victim if the appar-
15 ent crime victim wants the officer to discontinue use
16 of the officer's body camera. If the apparent crime
17 victim responds affirmatively, the uniformed officer
18 shall immediately discontinue use of the body cam-
19 era.

20 (3) When interacting with a person seeking to
21 anonymously report a crime or assist in an ongoing
22 law enforcement investigation, a uniformed officer
23 shall, as soon as practicable, ask the person seeking
24 to remain anonymous, if the person seeking to re-
25 main anonymous wants the officer to discontinue use

1 of the officer's body camera. If the person seeking
2 to remain anonymous responds affirmatively, the
3 uniformed officer shall immediately discontinue use
4 of the body camera.

5 (e) All law enforcement offers to discontinue the use
6 of a body camera made pursuant to subsection (d), and
7 the responses thereto, shall be recorded by the body cam-
8 era prior to discontinuing use of the body camera.

9 (f) Body cameras shall not be used to gather intel-
10 ligence information based on First Amendment protected
11 speech, associations, or religion, or to record activity that
12 is unrelated to a response to a call for service or a law
13 enforcement or investigative encounter between a law en-
14 forcement officer and a member of the public, and shall
15 not be equipped with or subjected to any real time facial
16 recognition technologies.

17 (g) Officers shall not be required to use body cameras
18 during investigative or enforcement encounters with the
19 public in the case that—

20 (1) recording would risk the safety of a con-
21 fidential informant, citizen informant, or undercover
22 officer;

23 (2) recording would pose a serious risk to na-
24 tional security; or

1 (3) the officer is a military police officer, a
2 member of the United States Army Criminal Inves-
3 tigation Command, or a protective detail assigned to
4 a Federal or foreign official while performing his or
5 her duties.

6 (h) Uniformed officers shall not activate a body cam-
7 era while on the grounds of any public, private or paro-
8 chial elementary or secondary school, except when re-
9 sponding to an imminent threat to life or health.

10 (i) Body camera video footage shall be retained by
11 the law enforcement agency that employs the officer whose
12 camera captured the footage, or an authorized agent
13 thereof, for 6 months after the date it was recorded, after
14 which time such footage shall be permanently deleted.

15 (1) During the 6-month retention period, the
16 following persons shall have the right to inspect the
17 body camera footage:

18 (A) Any person who is a subject of body
19 camera video footage, and their designated legal
20 counsel.

21 (B) A parent of a minor subject of body
22 camera video footage, and their designated legal
23 counsel.

24 (C) The spouse, next of kin, or legally au-
25 thorized designee of a deceased subject of body

1 camera video footage, and their designated legal
2 counsel.

3 (D) A uniformed officer whose body cam-
4 era recorded the video footage, and their des-
5 ignated legal counsel, subject to the limitations
6 and restrictions in this Act.

7 (E) The superior officer of a uniformed of-
8 ficer whose body camera recorded the video
9 footage, subject to the limitations and restric-
10 tions in this Act.

11 (F) Any defense counsel who claims, pur-
12 suant to a written affidavit, to have a reason-
13 able basis for believing a video may contain evi-
14 dence that exculpates a client.

15 (2) The right to inspect subject to subsection
16 (j)(1) shall not include the right to possess a copy
17 of the body camera video footage, unless the release
18 of the body camera footage is otherwise authorized
19 by this Act or by another applicable law.

20 (3) When a body camera fails to capture some
21 or all of the audio or video of an incident due to
22 malfunction, displacement of camera, or any other
23 cause, any audio or video footage that is captured
24 shall be treated the same as any other body camera
25 audio or video footage under the law.

1 (j) Notwithstanding the retention and deletion re-
2 quirements in subsection (i):

3 (1) Video footage shall be automatically re-
4 tained for no less than 3 years if the video footage
5 captures an interaction or event involving—

6 (A) any use of force; or

7 (B) an encounter about which a complaint
8 has been registered by a subject of the video
9 footage.

10 (2) Body camera video footage shall also be re-
11 tained for no less than 3 years if a longer retention
12 period is voluntarily requested by—

13 (A) the uniformed officer whose body cam-
14 era recorded the video footage, if that officer
15 reasonably asserts the video footage has evi-
16 dentiary or exculpatory value in an ongoing in-
17 vestigation;

18 (B) any uniformed officer who is a subject
19 of the video footage, if that officer reasonably
20 asserts the video footage has evidentiary or ex-
21 culpatory value;

22 (C) any superior officer of a uniformed of-
23 ficer whose body camera recorded the video
24 footage or who is a subject of the video footage,
25 if that superior officer reasonably asserts the

1 video footage has evidentiary or exculpatory
2 value;

3 (D) any uniformed officer, if the video
4 footage is being retained solely and exclusively
5 for police training purposes;

6 (E) any member of the public who is a
7 subject of the video footage;

8 (F) any parent or legal guardian of a
9 minor who is a subject of the video footage; or

10 (G) a deceased subject's spouse, next of
11 kin, or legally authorized designee.

12 (k) To effectuate subsections (j)(2)(E), (j)(2)(F), and
13 (j)(2)(G), any member of the public who is a subject of
14 video footage, the parent or legal guardian of a minor who
15 is a subject of the video footage, or a deceased subject's
16 next of kin or legally authorized designee, shall be per-
17 mitted to review the specific video footage in question in
18 order to make a determination as to whether they will vol-
19 untarily request it be subjected to a 3-year retention pe-
20 riod.

21 (l) All video footage of an interaction or event cap-
22 tured by a body camera, if that interaction or event is
23 identified with reasonable specificity and requested by a
24 member of the public, shall be provided to the person or
25 entity making the request in accordance with the proce-

1 dures for requesting and providing government records set
2 forth in the section 552a of title 5, United States Code.

3 (1) Notwithstanding the public release require-
4 ments in this subsection, the following categories of
5 video footage shall not be released to the public in
6 the absence of express written permission from the
7 non-law enforcement subjects of the video footage—

8 (A) video footage not subject to a min-
9 imum 3-year retention period pursuant to sub-
10 section (j); and

11 (B) video footage that is subject to a min-
12 imum 3-year retention period solely and exclu-
13 sively pursuant to subsection (j)(1)(B) or (j)(2).

14 (2) Notwithstanding any time periods estab-
15 lished for acknowledging and responding to records
16 requests in section 552a of title 5, United States
17 Code, responses to requests for video footage that is
18 subject to a minimum 3-year retention period pursu-
19 ant to subsection (j)(1)(A), where a subject of the
20 video footage is recorded being killed, shot by a fire-
21 arm, or grievously injured, shall be prioritized and
22 the requested video footage shall be provided as ex-
23 pedientiously as possible, but in no circumstances later
24 than 5 days following receipt of the request.

1 (3) Whenever doing so is necessary to protect
2 personal privacy, the right to a fair trial, the iden-
3 tity of a confidential source or crime victim, or the
4 life or physical safety of any person appearing in
5 video footage, redaction technology may be used to
6 obscure the face and other personally identifying
7 characteristics of that person, including the tone of
8 the person's voice, provided the redaction does not
9 interfere with a viewer's ability to fully, completely,
10 and accurately comprehend the events captured on
11 the video footage. The following apply to such
12 redactions:

13 (A) When redaction is performed on video
14 footage pursuant to this paragraph, an uned-
15 ited, original version of the video footage shall
16 be retained pursuant to the requirements of
17 subsections (i) and (j).

18 (B) Except pursuant to the rules for the
19 redaction of video footage set forth in this sub-
20 section or where it is otherwise expressly au-
21 thorized by this Act, no other editing or alter-
22 ation of video footage, including a reduction of
23 the video footage's resolution, shall be per-
24 mitted.

1 (4) The provisions governing the production of
2 body camera video footage to the public in this Act
3 shall take precedence over all other State and local
4 laws, rules, and regulations to the contrary.

5 (m) Body camera video footage may not be withheld
6 from the public on the basis that it is an investigatory
7 record or was compiled for law enforcement purposes
8 where any person under investigation or whose conduct
9 is under review is a police officer or other law enforcement
10 employee and the video footage relates to that person's
11 on-the-job conduct.

12 (n) Any video footage retained beyond 6 months sole-
13 ly and exclusively pursuant to subsection (j)(2)(D) shall
14 not be admissible as evidence in any criminal or civil legal
15 or administrative proceeding.

16 (o) No government agency or official, or law enforce-
17 ment agency, officer, or official may publicly disclose, re-
18 lease, or share body camera video footage unless—

19 (1) doing so is expressly authorized pursuant to
20 this Act or another applicable law; or

21 (2) the video footage is subject to public release
22 pursuant to subsection (l), and not exempted from
23 public release pursuant to subsection (l)(1).

24 (p) No uniformed officer shall review or receive an
25 accounting of any body camera video footage that is sub-

1 ject to a minimum 3-year retention period pursuant to
2 subsection (j)(1) prior to completing any required initial
3 reports, statements, and interviews regarding the recorded
4 event, unless doing so is necessary, while in the field, to
5 address an immediate threat to life or safety.

6 (q) Video footage may not be—

7 (1) in the case of footage that is not subject to
8 a minimum 3-year retention period, viewed by any
9 superior officer of a uniformed officer whose body
10 camera recorded the footage absent a specific allega-
11 tion of misconduct; or

12 (2) subjected to facial recognition or any other
13 form of automated analysis or analytics of any kind,
14 unless—

15 (A) a judicial warrant providing authoriza-
16 tion is obtained;

17 (B) the judicial warrant specifies the pre-
18 cise video recording to which the authorization
19 applies; and

20 (C) the authorizing court finds there is
21 probable cause to believe that the requested use
22 of facial recognition is relevant to an ongoing
23 criminal investigation.

1 (r) Video footage shall not be divulged or used by any
2 law enforcement agency for any commercial or other non-
3 law enforcement purpose.

4 (s) Where a law enforcement agency authorizes a
5 third party to act as its agent in maintaining body camera
6 footage, the agent shall not be permitted to independently
7 access, view, or alter any video footage, except to delete
8 videos as required by law or agency retention policies.

9 (t) If any uniformed officer, employee, or agent fails
10 to adhere to the recording or retention requirements con-
11 tained in this Act, intentionally interfere with a body cam-
12 era's ability to accurately capture video footage, or other-
13 wise manipulate the video footage captured by a body cam-
14 era during or after its operation—

15 (1) appropriate disciplinary action shall be
16 taken against the individual officer, employee, or
17 agent;

18 (2) a rebuttable evidentiary presumption shall
19 be adopted in favor of criminal defendants who rea-
20 sonably assert that exculpatory evidence was de-
21 stroyed or not captured; and

22 (3) a rebuttable evidentiary presumption shall
23 be adopted on behalf of civil plaintiffs suing the gov-
24 ernment, a law enforcement agency and/or uni-
25 formed officers for damages based on police mis-

1 conduct who reasonably assert that evidence sup-
2 porting their claim was destroyed or not captured.

3 (u) The disciplinary action requirement and rebut-
4 table presumptions in subsection (s) may be overcome by
5 contrary evidence or proof of exigent circumstances that
6 made compliance impossible.

7 (v) In the case that a law enforcement officer
8 equipped with a body camera is involved in, a witness to,
9 or within viewable sight range of either the use of force
10 by another law enforcement officer that results in a death,
11 the use of force by another law enforcement officer, during
12 which the discharge of a firearm results in an injury, or
13 the conduct of another law enforcement officer that be-
14 comes the subject of a criminal investigation—

15 (1) the law enforcement agency that employs
16 the law enforcement officer, or the agency or depart-
17 ment conducting the related criminal investigation,
18 as appropriate, shall promptly take possession of the
19 body camera, and shall maintain such camera, and
20 any data on such camera, in accordance with the ap-
21 plicable rules governing the preservation of evidence;

22 (2) a copy of the data on such body camera
23 shall be made in accordance with prevailing forensic
24 standards for data collection and reproduction; and

1 (3) such copied data shall be made available to
2 the public in accordance with subsection (m).

3 (w) Any body camera video footage recorded in con-
4 travention of this Act or any other applicable law may not
5 be offered as evidence by any government entity, agency,
6 department, prosecutorial office, or any other subdivision
7 thereof in any criminal or civil action or proceeding
8 against any member of the public.

9 (x) Any law enforcement policy or other guidance re-
10 garding body cameras, their use, or the video footage
11 therefrom that is adopted by a Federal agency or depart-
12 ment, shall be made publicly available on that agency's
13 website.

14 (y) Nothing in this Act shall be read to contravene
15 any laws governing the maintenance, production, and de-
16 struction of evidence in criminal investigations and pros-
17 ecutions.

18 (z) As used in this Act:

19 (1) The term “uniformed officer” means any
20 person authorized by law to conduct searches and ef-
21 fectuate arrests, either with or without a warrant,
22 and who is employed by the Federal Government.

23 (2) The term “minor” means any person under
24 18 years of age.

1 (3) The term “subject of the video footage”
2 means any identifiable uniformed officer or any
3 identifiable suspect, victim, detainee, conversant, in-
4 jured party, or other similarly situated person who
5 appears on the body camera recording, and shall not
6 include people who only incidentally appear on the
7 recording.

8 (4) The term “use of force” means any action
9 by a uniformed officer that—

10 (A) results in death, injury, complaint of
11 injury, or complaint of pain that persists be-
12 yond the use of a physical control hold;

13 (B) involves the use of a weapon, including
14 a personal body weapon, chemical agent, impact
15 weapon, extended range impact weapon, sonic
16 weapon, sensory weapon, conducted energy de-
17 vice, or firearm, against a member of the pub-
18 lic; or

19 (C) involves any intentional pointing of a
20 firearm at a member of the public.

21 (5) The term “video footage” means any im-
22 ages or audio recorded by a body camera.

23 **SEC. 3. PATROL VEHICLES WITH IN-CAR VIDEO RECORDING**
24 **CAMERAS.**

25 (a) As used in this section:

1 (1) The term “audio recording” means the re-
2 corded conversation between an officer and a second
3 party.

4 (2) The term “emergency lights” means oscil-
5 lating, rotating, or flashing lights on patrol vehicles.

6 (3) The term “in-car video camera” means a
7 video camera located in a patrol vehicle.

8 (4) The term “in-car video camera recording
9 equipment” means a video camera recording system
10 located in a patrol vehicle consisting of a camera as-
11 sembly, recording mechanism, and an in-car video
12 recording medium.

13 (5) The term “enforcement stop” means an ac-
14 tion by an officer in relation to enforcement and in-
15 vestigation duties, including traffic stops, pedestrian
16 stops, abandoned vehicle contacts, motorist assists,
17 commercial motor vehicle stops, roadside safety
18 checks, requests for identification, or responses to
19 requests for emergency assistance.

20 (6) The term “recording” means the process of
21 capturing data or information stored on a recording
22 medium as required under this section.

23 (7) The term “recording medium” means any
24 recording medium for the retention and playback of
25 recorded audio and video including VHS, DVD, hard

1 drive, solid state, digital, or flash memory tech-
2 nology.

3 (8) The term “wireless microphone” means a
4 device worn by the officer or any other equipment
5 used to record conversations between the officer and
6 a second party and transmitted to the recording
7 equipment.

8 (b) Each Federal law enforcement agency shall install
9 in-car video camera recording equipment in all patrol vehi-
10 cles with a recording medium capable of recording for a
11 period of 10 hours or more and capable of making audio
12 recordings with the assistance of a wireless microphone.

13 (c) In-car video camera recording equipment with a
14 recording medium capable of recording for a period of 10
15 hours or more shall record activities outside a patrol vehi-
16 cle whenever (i) an officer assigned a patrol vehicle is con-
17 ducting an enforcement stop; (ii) patrol vehicle emergency
18 lights are activated or would otherwise be activated if not
19 for the need to conceal the presence of law enforcement;
20 or (iii) an officer reasonably believes recording may assist
21 with prosecution, enhance safety, or for any other lawful
22 purpose. In-car video camera recording equipment with a
23 recording medium incapable of recording for a period of
24 10 hours or more shall record activities inside the vehicle
25 when transporting an arrestee or when an officer reason-

1 ably believes recording may assist with prosecution, en-
2 hance safety, or for any other lawful purpose.

3 (1) Recording for an enforcement stop shall
4 begin when the officer determines an enforcement
5 stop is necessary and shall continue until the en-
6 forcement action has been completed and the subject
7 of the enforcement stop or the officer has left the
8 scene.

9 (2) Recording shall begin when patrol vehicle
10 emergency lights are activated or when they would
11 otherwise be activated if not for the need to conceal
12 the presence of law enforcement, and shall continue
13 until the reason for the activation ceases to exist, re-
14 gardless of whether the emergency lights are no
15 longer activated.

16 (3) An officer may begin recording if the officer
17 reasonably believes recording may assist with pros-
18 ecution, enhance safety, or for any other lawful pur-
19 pose; and shall continue until the reason for record-
20 ing ceases to exist.

21 (d) In-car video camera recording equipment with a
22 recording medium capable of recording for a period of 10
23 hours or more shall record activities whenever a patrol ve-
24 hicle is assigned to patrol duty.

1 (e) Any enforcement stop shall be video and audio
2 recorded. Audio recording shall terminate upon release of
3 the violator and prior to initiating a separate criminal in-
4 vestigation.

5 (f) Recordings made on in-car video camera recording
6 medium shall be retained for a storage period of at least
7 90 days. Under no circumstances shall any recording
8 made on in-car video camera recording medium be altered
9 or erased prior to the expiration of the designated storage
10 period. Upon completion of the storage period, the record-
11 ing medium may be erased and reissued for operational
12 use unless otherwise ordered or if designated for evi-
13 dentiary or training purposes.

14 (g) Audio or video recordings made pursuant to this
15 section shall be available under the applicable provisions
16 of section 552a of title 5, United States Code. Only re-
17 corded portions of the audio recording or video recording
18 medium applicable to the request will be available for in-
19 spection or copying.

20 (h) The agency shall ensure proper care and mainte-
21 nance of in-car video camera recording equipment and re-
22 cording medium. An officer operating a patrol vehicle
23 must immediately document and notify the appropriate
24 person of any technical difficulties, failures, or problems
25 with the in-car video camera recording equipment or re-

1 cording medium. Upon receiving notice, every reasonable
2 effort shall be made to correct and repair any of the in-
3 car video camera recording equipment or recording me-
4 dium and determine if it is in the public interest to permit
5 the use of the patrol vehicle.

6 **SEC. 4. FACIAL RECOGNITION TECHNOLOGY.**

7 No camera or recording device authorized or required
8 to be used under this Act may employ facial recognition
9 technology.

10 **SEC. 5. GAO STUDY.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Comptroller General of the United States
13 shall conduct a study on Federal police officers' training,
14 vehicle pursuits, use of force, and interaction with citizens,
15 and submit a report on such study to—

16 (1) the Committees on the Judiciary of the
17 House of Representatives and of the Senate;

18 (2) the Committee on Oversight and Reform of
19 the House of Representatives; and

20 (3) the Committee on Homeland Security and
21 Governmental Affairs of the Senate.

22 **SEC. 6. REGULATIONS.**

23 Not later than 6 months after the date of the enact-
24 ment of this Act, the Attorney General shall issue such
25 final regulations as are necessary to carry out this Act.

1 **SEC. 7. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed to impose any
3 requirement on a uniformed officer outside of the course
4 of carrying out that officer's duty.

