

116TH CONGRESS  
2D SESSION

# S. 4962

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a grant program to assist State and local law enforcement agencies in purchasing body-worn cameras and securely storing and maintaining recorded data for law enforcement officers.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2020

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a grant program to assist State and local law enforcement agencies in purchasing body-worn cameras and securely storing and maintaining recorded data 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 “Police Creating Ac-  
5 countability by Making Effective Recording Available Act  
6 of 2020” or the “Police CAMERA Act of 2020”.

1 **SEC. 2. MATCHING GRANT PROGRAM FOR LAW ENFORCE-**  
 2 **MENT BODY-WORN CAMERAS.**

3 Title I of the Omnibus Crime Control and Safe  
 4 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended  
 5 by adding at the end the following:

6 **“PART OO—MATCHING GRANT PROGRAM FOR**  
 7 **LAW ENFORCEMENT BODY-WORN CAMERAS**  
 8 **AND RECORDED DATA**

9 **“SEC. 3051. GRANT PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—The Director of the Bureau of  
 11 Justice Assistance (in this section referred to as the ‘Di-  
 12 rector’) may make grants to States, units of local govern-  
 13 ment, and Indian tribes to purchase or lease body-worn  
 14 cameras for use by State, local, and tribal law enforcement  
 15 officers (as defined in section 2503) and expenses related  
 16 to the implementation of a body-worn camera program in  
 17 order to—

18 “(1) deter excessive force, and unlawful stops,  
 19 searches, and arrests;

20 “(2) improve supervision, accountability, and  
 21 transparency of use of force by law enforcement offi-  
 22 cers;

23 “(3) assist in responding to complaints against  
 24 law enforcement officers; and

25 “(4) improve evidence collection, data collection,  
 26 and retention.

1 “(b) DURATION OF GRANTS.—

2 “(1) IN GENERAL.—Grants awarded under this  
3 part shall be 2 years in duration.

4 “(2) DISBURSEMENT OF GRANT AMOUNT.—In  
5 disbursing a grant awarded to an entity under this  
6 section—

7 “(A) upon awarding the grant to the enti-  
8 ty, the Director shall disburse 50 percent of the  
9 total grant amount to the entity; and

10 “(B) upon demonstration by the entity of  
11 completion of the requirements in subsection  
12 (d)(1), the Director shall disburse the remain-  
13 ing 50 percent of the total grant amount to the  
14 entity.

15 “(c) USE OF FUNDS.—Grants awarded under this  
16 section shall be—

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

19 “(2) used solely for—

20 “(A) the purchase or lease of body-worn  
21 cameras and voice recorders for law enforce-  
22 ment officers authorized to work in the jurisdic-  
23 tion of the grantee, including use while on pa-  
24 trol or during a secondary employment;

1           “(B) any costs relating to the implementa-  
 2           tion of a body-worn camera program, including  
 3           law enforcement officer training or the storage,  
 4           maintenance, or security of recorded data col-  
 5           lected under a body-worn camera program; or

6           “(C) implementing policies or procedures  
 7           to comply with the requirements described in  
 8           subsection (d).

9           “(d) REQUIREMENTS.—

10           “(1) IN GENERAL.—The Director shall award a  
 11           grant under this section to a State, unit of local gov-  
 12           ernment, or Indian tribe requesting the grant that  
 13           commits to, not later than 30 days after the date on  
 14           which the grant is disbursed—

15           “(A) establishing and enforcing policies  
 16           and procedures in accordance with the require-  
 17           ments described in paragraph (2) before law en-  
 18           forcement officers use or operation of body-  
 19           worn cameras;

20           “(B) ensuring law enforcement officers fol-  
 21           low such policies and procedures through de-  
 22           fined accountability metrics and systems, in-  
 23           cluding supervisors’ routine audits of recorded  
 24           video and audio;

1           “(C) adopting consistent and proportional  
2           disciplinary actions when policy violations occur,  
3           and maintain detailed personnel and discipli-  
4           nary records that reflect all violations of the  
5           policies and procedures described herein;

6           “(D) adopting recorded data collection and  
7           retention protocols as described in paragraph  
8           (3) before law enforcement officers use of body-  
9           worn cameras;

10           “(E) making the policies and protocols de-  
11           scribed in subparagraphs (A) and (D) available  
12           to the public;

13           “(F) complying with the requirements for  
14           use of recorded data under paragraph (5);

15           “(G) ensuring the grantee’s department  
16           uses a fully functioning and up-to-date collec-  
17           tion database, that adheres to the requirements  
18           of this part; and

19           “(H) prohibiting the use or implementation  
20           of facial recognition and biometric technology.

21           “(2) REQUIRED POLICIES AND PROCEDURES.—  
22           An entity receiving a grant under this section  
23           shall—

24           “(A) solicit, document, and incorporate  
25           input from impacted persons, communities, or

1 organizations, including representatives of local  
2 civil rights organizations and victims of police  
3 use of force or unlawful stops, searches, and ar-  
4 rests and publish for public view policies and  
5 protocols for—

6 “(i) the safe and effective use of body-  
7 worn cameras, including the activation and  
8 termination of recordings, including the ac-  
9 tivation of a body-worn camera when a law  
10 enforcement officer removes the weapon of  
11 the officer from the holster;

12 “(ii) the secure storage, handling, re-  
13 tention, and destruction of recorded data  
14 collected by body-worn cameras;

15 “(iii) the use of recorded data in mak-  
16 ing incident reports, including a prohibi-  
17 tion on the viewing of recorded data during  
18 the course of an investigation and prior to  
19 filing reports, making statements, or par-  
20 ticipating in interviews, by all the officers  
21 and supervisors present during the inci-  
22 dent;

23 “(iv) protecting the privacy rights of  
24 any individual who may be recorded by a  
25 body-worn camera;

1 “(v) prohibiting a law enforcement of-  
 2 ficer from viewing the recorded footage be-  
 3 fore making an initial written report or  
 4 statement, if that officer is under inves-  
 5 tigation;

6 “(vi) the release of any recorded data  
 7 collected by a body-worn camera in accord-  
 8 ance with the open records laws, if any, of  
 9 the State; and

10 “(vii) making recorded data available  
 11 to prosecutors, defense attorneys, other of-  
 12 ficers of the court, recorded subjects, and  
 13 the public in accordance with paragraph  
 14 (5); and

15 “(B) conduct evaluations of the security of  
 16 the storage and handling of the body-worn cam-  
 17 era data not less frequently than once every 6  
 18 months.

19 “(3) RECORDED DATA COLLECTION AND RE-  
 20 TENTION PROTOCOL.—The recorded data collection  
 21 and retention protocol described in this paragraph is  
 22 a protocol that—

23 “(A) requires—

24 “(i) a law enforcement officer who is  
 25 wearing a body-mounted camera, at the be-

1           ginning of an activity, to provide an expla-  
2           nation if an activity that is required to be  
3           recorded by the body-mounted camera is  
4           not recorded by activating the body cam-  
5           era’s visual and audio, and state on cam-  
6           era that the officer will not record the fol-  
7           lowing activity, and the officer’s justifica-  
8           tion, before terminating the recording;

9           “(ii) periodic auditing of recorded  
10          data by supervisors to ensure compliance  
11          with policy;

12          “(iii) a law enforcement officer who is  
13          wearing a body-mounted camera to obtain  
14          verbal consent, captured, and recorded on  
15          the body camera, from a crime victim or  
16          witness before interviewing the victim or  
17          witness;

18          “(iv) the system used to store re-  
19          corded data collected by body-worn cam-  
20          eras shall automatically log all viewing,  
21          modification, or deletion of stored recorded  
22          data and shall prevent the unauthorized  
23          access or disclosure of stored recorded  
24          data;

1 “(v) any law enforcement officer be  
2 prohibited from accessing the stored data  
3 without explicit authorization from a com-  
4 manding officer, and only when the officer  
5 has an authorized purpose to view or listen  
6 to such footage;

7 “(vi) during an incident investigation,  
8 a law enforcement officer shall—

9 “(I) be required to provide an  
10 initial written statement, that may not  
11 be later edited in any form, before re-  
12 viewing any recorded data involving—

13 “(aa) an officer-involved  
14 shooting;

15 “(bb) an in-custody death;

16 “(cc) a criminal matter;

17 “(dd) a critical incident; or

18 “(ee) any other investigation  
19 conducted pursuant to an inter-  
20 nal or civilian allegation of mis-  
21 conduct; and

22 “(II) have an opportunity to re-  
23 view recorded data depicting the inci-  
24 dent with a representative or attorney,  
25 only after being subject to an inter-

1 view, and providing the initial written  
2 statement described in subclause (I);  
3 and

4 “(vii) the law enforcement agency to  
5 collect and report annual statistical data  
6 on—

7 “(I) all incidences of use of force,  
8 including an officer’s display or dis-  
9 charge of a firearm, disaggregated by  
10 race, ethnicity, gender, and age of the  
11 victim, type of force used, and any re-  
12 sulting charges;

13 “(II) the number of all com-  
14 plaints filed against law enforcement  
15 officers, disaggregated by the type of  
16 action complained of and the race,  
17 ethnicity, gender, and age of the com-  
18 plainant;

19 “(III) the disposition of all com-  
20 plaints filed against law enforcement  
21 officers, including any discipline im-  
22 posed;

23 “(IV) the number of times cam-  
24 era footage is used for evidence collec-

1                   tion in investigations of crimes, disag-  
2                   gregated by the type of crime; and

3                   “(V) any other additional statis-  
4                   tical data that the Director deter-  
5                   mines should be collected and re-  
6                   ported;

7                   “(B) allows an individual, including anony-  
8                   mously or on behalf of a third party, to file a  
9                   complaint, both online, via telephone, or in-per-  
10                  son, with a law enforcement agency relating to  
11                  the improper use of body-worn cameras, receive  
12                  a complaint tracking number, and have all evi-  
13                  dence relating to the complaint reviewed and  
14                  properly investigated before the grantee makes  
15                  a disposition on the complaint; and

16                  “(C) complies with any other requirements  
17                  established by the Director.

18                  “(4) REPORTING.—Statistical data required to  
19                  be collected under paragraph (3)(A)(vi) shall be re-  
20                  ported annually to the Director, who shall—

21                  “(A) establish a standardized reporting  
22                  system for statistical data collected under this  
23                  program;

24                  “(B) establish a national database of sta-  
25                  tistical data recorded under this program; and

1           “(C) ensure that statistical data is made  
2 publicly available, not later than 15 days of re-  
3 ceipt of the report, in accessible and alternative  
4 formats, including on the website of the grantee  
5 and in print form at various locations.

6           “(5) USE OR TRANSFER OF RECORDED DATA.—

7           “(A) IN GENERAL.—Recorded data col-  
8 lected by an entity receiving a grant under this  
9 section for a body-mounted camera may be used  
10 in internal and external investigations of mis-  
11 conduct by a law enforcement agency or officer,  
12 general supervision, integrity audits, and train-  
13 ing purposes. The Director shall establish rules  
14 to ensure that the recorded data is used only  
15 for the purposes described in this subpara-  
16 graph.

17           “(B) PROHIBITION ON TRANSFER.—Ex-  
18 cept as provided in subparagraph (E), an entity  
19 receiving a grant under this section may not  
20 transfer any recorded data collected by the enti-  
21 ty from a body-mounted camera to another law  
22 enforcement or intelligence agency.

23           “(C) PUBLIC ACCESS.—An entity receiving  
24 a grant under this section shall implement a

1 process that at a minimum allows the public to  
2 obtain recorded data collected by the entity.

3 “(D) RECORDED SUBJECT ACCESS.—An  
4 entity receiving a grant under this section shall  
5 implement an expedited process that allows a  
6 recorded subject to obtain recorded data col-  
7 lected by the entity from an incident involving  
8 the recorded subject.

9 “(E) EXCEPTIONS.—

10 “(i) CRIMINAL INVESTIGATION.—An  
11 entity receiving a grant under this section  
12 may transfer recorded data collected by the  
13 entity from a body-mounted camera to an-  
14 other law enforcement agency or intel-  
15 ligence agency for use in a criminal inves-  
16 tigation if the requesting law enforcement  
17 or intelligence agency has reasonable sus-  
18 picion that the requested data contains evi-  
19 dence relating to the crime being inves-  
20 tigated.

21 “(ii) CIVIL RIGHTS CLAIMS.—An enti-  
22 ty receiving a grant under this section may  
23 transfer recorded data collected by the law  
24 enforcement agency from a body-mounted  
25 camera to another law enforcement agency,

1 body, institution, or individual for use in  
2 an investigation of any right, privilege, or  
3 immunity secured or protected by the Con-  
4 stitution or laws of the United States, or  
5 to evaluate, either in individual or cumu-  
6 lative form, whether the grantee's practices  
7 or patters violate any right, privilege, or  
8 immunity secured or protected by the Con-  
9 stitution or laws of the United States.

10 “(e) MATCHING FUNDS.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (3), the Federal share of the cost of a pro-  
13 gram carried out using a grant under this part may  
14 not exceed 75 percent of the total cost of the pro-  
15 gram.

16 “(2) INDIAN ASSISTANCE.—Any funds appro-  
17 priated by Congress for the activities of any agency  
18 of an Indian tribal government or the Bureau of In-  
19 dian Affairs performing law enforcement functions  
20 on any Indian lands may be used to provide the non-  
21 Federal share of the matching requirement described  
22 in paragraph (1).

23 “(3) WAIVER.—The Director may waive, in  
24 whole or in part, the matching requirement de-

1 scribed in paragraph (1) in the case of fiscal hard-  
2 ship, as determined by the Director.

3 “(f) ALLOCATION OF FUNDS.—For each of fiscal  
4 years 2020 through 2022, of the amounts appropriated  
5 to the Bureau of Justice Assistance, \$30,000,000 shall be  
6 used to carry out this part.

7 “(g) AUDIT AND ASSESSMENT.—

8 “(1) IN GENERAL.—Not later than 1 year after  
9 the date of enactment of this part, the Director of  
10 the Office of Audit, Assessment, and Management  
11 shall perform an assessment of the grant program  
12 and the policies and protocols of the grantees.

13 “(2) REPORTS.—Not later than September 1 of  
14 each year, beginning 1 year after the date of enact-  
15 ment of this part, each recipient of a grant under  
16 this part shall submit to the Director of the Office  
17 of Audit, Assessment, and Management a detailed  
18 report that—

19 “(A) describes the progress of the body-  
20 worn camera program, including data dem-  
21 onstrating the frequency of which the grantee  
22 and its employees failed to activate a body cam-  
23 era when required; and

24 “(B) contains recommendations on ways in  
25 which the Federal Government, States, and

1 units of local government can further support  
2 the implementation of the program.

3 “(3) REVIEW.—The Director of the Office of  
4 Audit, Assessment, and Management shall evaluate  
5 the policies and protocols of the grantees and take  
6 such steps as the Director of the Office of Audit, As-  
7 sessment, and Management determines necessary to  
8 ensure compliance with the program.

9 **“SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT.**

10 “(a) IN GENERAL.—The Director shall establish and  
11 maintain a toolkit for law enforcement agencies, academia,  
12 and other relevant entities to provide training and tech-  
13 nical assistance, including best practices for implementa-  
14 tion, model policies and procedures, and research mate-  
15 rials.

16 “(b) MECHANISM.—In establishing the toolkit re-  
17 quired to under subsection (a), the Director may consoli-  
18 date research, practices, templates, and tools that have  
19 been developed by experts, law enforcement agencies, and  
20 civil rights organizations across the United States.

21 **“SEC. 3053. APPLICATIONS.**

22 “(a) IN GENERAL.—To request a grant under this  
23 part, the chief executive of a State, unit of local govern-  
24 ment, or Indian tribe shall submit an application to the

1 Director in a form and containing information as the Di-  
 2 rector may reasonably require.

3 “(b) REGULATIONS.—Not later than 90 days after  
 4 the date of the enactment of this part, the Director shall  
 5 promulgate regulations to implement this part, including  
 6 the information that shall be included and the require-  
 7 ments that the States, units of local government, and In-  
 8 dian tribes must meet in submitting the applications re-  
 9 quired under this section.

10 **“SEC. 3054. STUDY.**

11 “(a) IN GENERAL.—Not later than 2 years after the  
 12 date on which all grants are awarded under this part, the  
 13 Director, in consultation with the National Institute of  
 14 Justice and the Bureau of Justice Statistics, shall conduct  
 15 a study on—

16 “(1) the efficacy of body-worn cameras in deter-  
 17 ring excessive force, and unlawful stops, searches,  
 18 and arrests by law enforcement officers, including a  
 19 review of relevant data and documentation, disaggre-  
 20 gated by race, ethnicity, national origin, gender, age,  
 21 and disability of the victims;

22 “(2) the impact of body-worn cameras on the  
 23 accountability, supervision, and transparency of the  
 24 use of force, unlawful stops, searches, and arrests by  
 25 law enforcement officers;

1           “(3) the impact of body-worn cameras on re-  
2           sponses to and adjudications of complaints of exces-  
3           sive force and unlawful stops, searches, and arrests;

4           “(4) the effect of the use of body-worn cameras  
5           on the safety of law enforcement officers on patrol;

6           “(5) the effect of the use of body-worn cameras  
7           on public safety;

8           “(6) the impact of body-worn cameras on evi-  
9           dence collection for criminal investigations;

10          “(7) issues relating to the secure storage and  
11          handling of recorded data from the body-worn cam-  
12          eras;

13          “(8) issues relating to the privacy of citizens  
14          and officers recorded on body-worn cameras;

15          “(9) issues relating to the public’s access to  
16          body-worn camera footage;

17          “(10) issues related to the use of body-worn  
18          cameras while officers are engaged in off-duty or  
19          secondary employment;

20          “(11) the need for proper training of law en-  
21          forcement officers that use body-worn cameras;

22          “(12) best practices in the development of pro-  
23          tocols for the safe and effective use of body-worn  
24          cameras;

1           “(13) a review of law enforcement agencies that  
2           found body-worn cameras to be unhelpful in the op-  
3           erations of the agencies;

4           “(14) a review of law enforcement agency use  
5           of body-worn cameras disaggregated by race and  
6           ethnicity, national origin, gender, age, and disability  
7           of the officers; and

8           “(15) any other factors that the Director deter-  
9           mines are relevant in evaluating the efficacy of body-  
10          worn cameras.

11          “(b) REPORT.—Not later than 180 days after the  
12          date on which the study required under subsection (a) is  
13          completed, the Director shall submit to Congress a report  
14          on the study, which shall include any policy recommenda-  
15          tions that the Director considers appropriate.”.

○