

114TH CONGRESS  
1ST SESSION

# S. 877

To establish a pilot grant program to assist State and local law enforcement agencies in purchasing body-worn cameras for law enforcement officers.

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 2015

Mr. SCHATZ (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish a pilot grant program to assist State and local law enforcement agencies in purchasing 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 “Police Creating Ac-  
5 countability by Making Effective Recording Available Act  
6 of 2015” or the “Police CAMERA Act”.

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 (42 U.S.C. 3711 et seq.) is amended  
 5 by adding at the end the following:

6 **“PART LL—MATCHING GRANT PROGRAM FOR**  
 7 **LAW ENFORCEMENT BODY-WORN CAMERAS**

8 **“SEC. 3021. GRANT PROGRAM AUTHORIZED.**

9 “(a) IN GENERAL.—The Assistant Attorney General  
 10 for the Office of Justice Programs (in this section referred  
 11 to as the ‘Assistant Attorney General’) may make grants  
 12 to States, units of local government, and Indian tribes to  
 13 purchase or lease body-worn cameras for use by State,  
 14 local, and tribal law enforcement officers (as defined in  
 15 section 2503) and expenses related to the implementation  
 16 of a body-worn camera program in order to deter excessive  
 17 force, improve accountability and transparency of use of  
 18 force by law enforcement officers, assist in responding to  
 19 complaints against law enforcement officers, and improve  
 20 evidence collection.

21 “(b) DURATION OF GRANTS.—

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

24 “(2) DISBURSEMENT OF GRANT AMOUNT.—In  
 25 disbursing a grant awarded to an entity under this  
 26 section—

1           “(A) upon awarding the grant to the enti-  
2           ty, the Assistant Attorney General shall dis-  
3           burse 50 percent of the total grant amount to  
4           the entity; and

5           “(B) upon demonstration by the entity of  
6           completion of the requirements in subsection  
7           (d)(1), the Assistant Attorney General shall dis-  
8           burse the remaining 50 percent of the total  
9           grant amount to the entity.

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

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

14           “(2) used for—

15           “(A) the purchase or lease of body-worn  
16           cameras for law enforcement officers on patrol  
17           in the jurisdiction of the grantee;

18           “(B) any costs relating to the implementa-  
19           tion of a body-worn camera program, including  
20           law enforcement officer training or the storage  
21           or maintenance of data collected under a body-  
22           worn camera program; or

23           “(C) implementing policies or procedures  
24           to comply with the requirements described in  
25           subsection (d).

1 “(d) REQUIREMENTS.—

2 “(1) IN GENERAL.—The Assistant Attorney  
3 General shall award a grant under this section to a  
4 State, unit of local government, or Indian tribe re-  
5 questing the grant that commits to—

6 “(A) establishing policies and procedures  
7 in accordance with the requirements described  
8 in paragraph (2) before law enforcement offi-  
9 cers use of body-worn cameras;

10 “(B) adopting data collection and retention  
11 protocols as described in paragraph (3) before  
12 law enforcement officers use of body-worn cam-  
13 eras;

14 “(C) making the policies and protocols de-  
15 scribed in subparagraphs (A) and (B) available  
16 to the public; and

17 “(D) complying with the requirements for  
18 use of data under paragraph (4).

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

22 “(A) develop with community input and  
23 publish for public view policies and protocols  
24 for—

1 “(i) the safe and effective use of body-  
2 worn cameras;

3 “(ii) the secure storage, handling, and  
4 destruction of data collected by body-worn  
5 cameras;

6 “(iii) protecting the privacy rights of  
7 any individual who may be recorded by a  
8 body-worn camera; and

9 “(iv) the release of any data collected  
10 by a body-worn camera in accordance with  
11 the open records laws, if any, of the State;  
12 and

13 “(B) conduct periodic evaluations of the  
14 security of the storage and handling of the  
15 body-worn camera data.

16 “(3) DATA COLLECTION AND RETENTION PRO-  
17 Tocol.—The data collection and retention protocol  
18 described in this paragraph is a protocol that—

19 “(A) requires—

20 “(i) a law enforcement officer who is  
21 wearing a body-mounted camera to provide  
22 an explanation if an activity that is re-  
23 quired to be recorded by the body-mounted  
24 camera is not recorded;

1           “(ii) a law enforcement officer who is  
2 wearing a body-mounted camera to obtain  
3 consent to be recorded from a crime victim  
4 or witness before interviewing the victim or  
5 witness;

6           “(iii) the collection of data unrelated  
7 to a legitimate law enforcement purpose be  
8 minimized to the greatest extent prac-  
9 ticable;

10          “(iv) the system used to store data  
11 collected by body-worn cameras shall log  
12 all viewing, modification, or deletion of  
13 stored data and shall prevent, to the great-  
14 est extent practicable, the unauthorized ac-  
15 cess or disclosure of stored data;

16          “(v) any law enforcement officer be  
17 prohibited from accessing the stored data  
18 without an authorized purpose; and

19          “(vi) the law enforcement agency to  
20 collect and report data on—

21               “(I) incidences of use of force,  
22 disaggregated by race, ethnicity, gen-  
23 der, and age of the victim;

24               “(II) the number of complaints  
25 filed against law enforcement officers;

1                   “(III) the disposition of com-  
2                   plaints filed against law enforcement  
3                   officers; and

4                   “(IV) the number of times cam-  
5                   era footage is used for evidence collec-  
6                   tion in investigations of crimes;

7                   “(B) allows an individual to file a com-  
8                   plaint with a law enforcement agency relating  
9                   to the improper use of body-worn cameras; and

10                  “(C) complies with any other requirements  
11                  established by the Assistant Attorney General.

12                  “(4) USE OR TRANSFER OF DATA.—

13                  “(A) IN GENERAL.—Data collected by an  
14                  entity receiving a grant under this section from  
15                  a body-mounted camera shall be used only in  
16                  internal and external investigations of mis-  
17                  conduct by a law enforcement agency or officer,  
18                  if there is reasonable suspicion that a recording  
19                  contains evidence of a crime, or for limited  
20                  training purposes. The Assistant Attorney Gen-  
21                  eral shall establish rules to ensure that the data  
22                  is used only for the purposes described in this  
23                  subparagraph.

24                  “(B) PROHIBITION ON TRANSFER.—Ex-  
25                  cept as provided in subparagraph (B), an entity

1 receiving a grant under this section may not  
2 transfer any data collected by the entity from  
3 a body-mounted camera to another law enforce-  
4 ment or intelligence agency.

5 “(C) EXCEPTIONS.—

6 “(i) CRIMINAL INVESTIGATION.—An  
7 entity receiving a grant under this section  
8 may transfer data collected by the entity  
9 from a body-mounted camera to another  
10 law enforcement agency or intelligence  
11 agency for use in a criminal investigation  
12 if the requesting law enforcement or intel-  
13 ligence agency has reasonable suspicion  
14 that the requested data contains evidence  
15 relating to the crime being investigated.

16 “(ii) CIVIL RIGHTS CLAIMS.—An enti-  
17 ty receiving a grant under this section may  
18 transfer data collected by the law enforce-  
19 ment agency from a body-mounted camera  
20 to another law enforcement agency for use  
21 in an investigation of any right, privilege,  
22 or immunity secured or protected by the  
23 Constitution or laws of the United States.

24 “(e) MATCHING FUNDS.—

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

6           “(2) INDIAN ASSISTANCE.—Any funds appro-  
7           priated by Congress for the activities of any agency  
8           of an Indian tribal government or the Bureau of In-  
9           dian Affairs performing law enforcement functions  
10          on any Indian lands may be used to provide the non-  
11          Federal share of the matching requirement described  
12          in paragraph (1).

13          “(3) WAIVER.—The Assistant Attorney General  
14          may waive, in whole or in part, the matching re-  
15          quirement described in paragraph (1) in the case of  
16          fiscal hardship, as determined by the Assistant At-  
17          torney General.

18          “(f) ALLOCATION OF FUNDS.—For fiscal years 2015  
19          and 2016, of the amounts appropriated to the Office of  
20          Justice Programs, \$10,000,000 shall be used to carry out  
21          this part.

22          **“SEC. 3022. APPLICATIONS.**

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

1 Assistant Attorney General in such form and containing  
2 such information as the Assistant Attorney General may  
3 reasonably require.

4 “(b) REGULATIONS.—Not later than 90 days after  
5 the date of the enactment of this part, the Assistant Attor-  
6 ney General shall promulgate regulations to implement  
7 this part, including the information that shall be included  
8 and the requirements that the States, units of local gov-  
9 ernment, and Indian tribes must meet in submitting the  
10 applications required under this section.

11 **“SEC. 3023. STUDY.**

12 “(a) IN GENERAL.—Not later than 2 years after the  
13 date on which all grants are awarded under this part, the  
14 Assistant Attorney General shall conduct a study on—

15 “(1) the efficacy of body-worn cameras in deter-  
16 ring excessive force by law enforcement officers;

17 “(2) the impact of body-worn cameras on the  
18 accountability and transparency of the use of force  
19 by law enforcement officers;

20 “(3) the impact of body-worn cameras on re-  
21 sponses to and adjudications of complaints of exces-  
22 sive force;

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

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

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

5           “(7) issues relating to the secure storage and  
6           handling of data from the body-worn cameras;

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

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

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

13          “(11) best practices in the development of pro-  
14          tocols for the safe and effective use of body-worn  
15          cameras; and

16          “(12) any other factors that the Assistant At-  
17          torney General determines are relevant in evaluating  
18          the efficacy of body-worn cameras.

19          “(b) REPORT.—Not later than 180 days after the  
20          date on which the study required under subsection (a) is  
21          completed, the Assistant Attorney General shall submit to  
22          Congress a report on the study.”.

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