SB 1300

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO LAW ENFORCEMENT OFFICER BODY CAMERAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 38, chapter 8, Arizona Revised Statutes, is amended by adding article 3, to read:

ARTICLE 3. LAW ENFORCEMENT OFFICER BODY CAMERAS

38-1161. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. “LAW ENFORCEMENT OFFICER BODY CAMERA” INCLUDES A VIDEO AND AUDIO RECORDING DEVICE THAT IS WORN ON THE BODY OF A LAW ENFORCEMENT OFFICER.

2. “NONRECORDABLE INCIDENT” MEANS ANY INCIDENT THAT IS NOT A RECORDABLE INCIDENT.

3. “RECORDABLE INCIDENT” MEANS AN INCIDENT INVOLVING ANY OF THE FOLLOWING:
   (a) A LAW ENFORCEMENT ACTION.
   (b) THE INVESTIGATION OF A SUSPICIOUS PERSON OR SUSPECT.
   (c) THE HANDLING OF AN EMOTIONALLY DISTURBED PERSON.
   (d) THE GENERATION OF A COMPLAINT INVOLVING AN ACTIVITY LISTED IN SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.
   (e) ANY ACTIVITY THAT IS LIKELY TO LEAD TO A CRIMINAL OR CIVIL COURT ACTION.
   (f) ANY ACTIVITY IN WHICH ALL OF THE INVOLVED PARTIES CONSENT TO THE RECORDING, AND THE RECORDING IS NOT OTHERWISE PROHIBITED BY LAW.
   (g) ANY ACTIVITY THAT THE LAW ENFORCEMENT OFFICER DETERMINES SHOULD BE RECORDED.

38-1162. Camera operations

A. A LAW ENFORCEMENT AGENCY MAY EMPLOY A LAW ENFORCEMENT OFFICER BODY CAMERA THAT OPERATES ON A CONTINUOUS BASIS OR A CAMERA THAT IS MANUALLY TURNED ON OR OFF BY THE LAW ENFORCEMENT OFFICER.

B. IF A BODY CAMERA IS CONTINUOUSLY ON:
   1. A LAW ENFORCEMENT OFFICER MAY TURN THE BODY CAMERA OFF DURING THE FOLLOWING:
      (a) FOR THE FOLLOWING NONRECORDABLE INCIDENTS:
         (i) A PRIVATE CONVERSATION OR ACTIVITY, LAW ENFORCEMENT RELATED OR NOT, INCLUDING PERSONAL TELEPHONE CALLS, USE OF RESTROOM FACILITIES OR CONVERSATIONS WITH ANOTHER LAW ENFORCEMENT OFFICER OR PERSON.
         (ii) A CONVERSATION WITH A PERSON WHO IS NOT A SUSPECT OR THE OBJECT OF A LAW ENFORCEMENT ACTION WHEN THE PERSON REQUESTS THAT THE BODY CAMERA BE TURNED OFF. A LAW ENFORCEMENT OFFICER MUST ANNOUNCE ON THE RECORDING THAT THE BODY CAMERA IS BEING TURNED OFF AT THE PERSON’S REQUEST.
      (b) FOR THE FOLLOWING RECORDABLE INCIDENTS:
         (i) A CONVERSATION BETWEEN LAW ENFORCEMENT OFFICERS THAT RELATES TO THE HANDLING OF AN INCIDENT, INCLUDING INFORMATION ABOUT ANY INVOLVED PARTIES AND ACTION OPTIONS. THE LAW ENFORCEMENT OFFICER MUST ANNOUNCE ON THE RECORDING THAT THE BODY CAMERA IS BEING TURNED OFF.
(ii) WHEN THE SUSPECT OR OBJECT OF A LAW ENFORCEMENT ACTION MAKES A REQUEST ON THE RECORDING THAT THE BODY CAMERA BE TURNED OFF AND THE LAW ENFORCEMENT OFFICER CONSENTS TO TURNING OFF THE BODY CAMERA. A BODY Camera THAT IS TURNED OFF PURSUANT TO THIS ITEM SHALL BE TURNED BACK ON IF THE SITUATION EXPANDS BEYOND MORE THAN MERE DISCUSSION AND EVOLVES INTO A LAW ENFORCEMENT ACTION, SHOUTING OR VIOLENCE. THE LAW ENFORCEMENT OFFICER MUST ANNOUNCE ON THE RECORDING THAT THE BODY CAMERA IS BEING TURNED OFF. THIS ITEM DOES NOT APPLY DURING THE INVESTIGATION OF A DOMESTIC VIOLENCE OFFENSE IF THE LAW ENFORCEMENT AGENCY HAS A WRITTEN POLICY THAT REQUIRES THE RECORDING OF DOMESTIC VIOLENCE INVESTIGATIONS.

C. IF A BODY CAMERA DOES NOT OPERATE ON A CONTINUOUS BASIS, A LAW ENFORCEMENT OFFICER SHALL ACTIVATE THE BODY CAMERA:

1. ONLY DURING A RECORDABLE INCIDENT OR DURING ANY OTHER SITUATION WHEN A PERSON INFORMS THE OFFICER THAT THE PERSON IS GOING TO SUBMIT A COMPLAINT AGAINST THE OFFICER.

2. WHEN ALL PARTIES CONSENT TO THE RECORDING.

38-1163. Viewing and erasing camera recordings

A. EXCEPT AS AUTHORIZED BY THIS SECTION, ONLY A RECORDABLE INCIDENT MAY BE VIEWED BY ANY PERSON.

B. DURING THE RETRIEVAL OF A RECORDABLE INCIDENT, ONLY THE ACTUAL INCIDENT MAY BE VIEWED AND ONLY ENOUGH ACTIVITY BEFORE AND AFTER THE INCIDENT TO ENSURE THAT THE INCIDENT HAS BEEN CAPTURED IN ITS ENTIRETY.

C. DURING CAMERA SYSTEM MAINTENANCE OR REPAIR, THE PERSON WHO CONDUCTS THE MAINTENANCE OR REPAIR SHALL CONDUCT THE WORK OUTSIDE OF THE VIEW AND HEARING OF ANY OTHER PERSON AND MAY NOT VIEW NONRECORDABLE INCIDENTS, IF POSSIBLE.

D. A LAW ENFORCEMENT OFFICER WHO WEARS A BODY CAMERA MAY REQUEST THAT ANY INCIDENT THAT IS RECORDED BE SAVED FOR FUTURE VIEWING BECAUSE THE OFFICER BELIEVES IT MAY LATER BECOME A RECORDABLE INCIDENT.

E. A LAW ENFORCEMENT OFFICER WHO IS INVESTIGATING ANOTHER LAW ENFORCEMENT OFFICER IN A CRIMINAL INVESTIGATION OR AN ADMINISTRATIVE INVESTIGATION INVOLVING A CRIMINAL OFFENSE MAY VIEW ANY RECORDINGS MADE BY A BODY CAMERA.

F. THE LAW ENFORCEMENT OFFICER WHO WAS WEARING THE BODY CAMERA MAY REVIEW ANY RECORDING MADE BY THE BODY CAMERA, IF AVAILABLE, EITHER BEFORE WRITING A REPORT OR TESTIFYING IN COURT OR AT A HEARING.

G. ONLY RECORDABLE INCIDENTS MAY BE SAVED AND ALL RECORDABLE INCIDENTS MUST BE ERASED AFTER ALL LEGAL ACTIONS OR COMPLAINTS AND ANY ASSOCIATED APPEALS RELATING TO THE RECORDABLE INCIDENT ARE RESOLVED.

H. THE LAW ENFORCEMENT AGENCY SHALL ERASE ALL NONRECORDABLE INCIDENTS WITHIN SIXTY DAYS AFTER RECORDING THE INCIDENT.

I. IF THE RECORDABLE INCIDENT INVOLVES THE ARREST OR HANDLING OF AN EMOTIONALLY DISTURBED PERSON AND THE LAW ENFORCEMENT OFFICERS WHO WERE INVOLVED CONSENT, THE RECORDABLE INCIDENT MAY BE SAVED AND USED FOR TRAINING PURPOSES. A RECORDABLE INCIDENT SAVED FOR TRAINING PURPOSES MAY BE VIEWED
ONLY BY LAW ENFORCEMENT OFFICERS, LAW ENFORCEMENT RECRUITS, RESERVE LAW
ENFORCEMENT OFFICERS, POSSE MEMBERS, VOLUNTEER LAW ENFORCEMENT OFFICERS, LAW
ENFORCEMENT DISPATCHERS AND ANY CONSULTANTS OR OUTSIDE TRAINING PERSONNEL.

38-1164. Release of camera recordings
A. NOTWITHSTANDING ANY OTHER LAW, ANY RECORDING MADE BY A LAW
ENFORCEMENT OFFICER BODY CAMERA IS NOT A PUBLIC RECORD.
B. A RECORDABLE INCIDENT MAY BE RELEASED TO THE PUBLIC ONLY BY A COURT
ORDER OR A SUBPOENA.
C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A RECORDABLE INCIDENT
MAY BE RELEASED TO THE PUBLIC, INCLUDING THE MEDIA, IF THE INCIDENT INVOLVES
A LAW ENFORCEMENT OFFICER'S USE OR ATTEMPTED USE OF DEADLY PHYSICAL FORCE AND
THE LAW ENFORCEMENT AGENCY CONSENTS TO THE RELEASE.