

REFERENCE TITLE: law enforcement officers; body cameras

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 ARTICLE 3. LAW ENFORCEMENT OFFICER BODY CAMERAS

5 38-1161. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

9 2. "NONRECORDABLE INCIDENT" MEANS ANY INCIDENT THAT IS NOT A
10 RECORDABLE INCIDENT.

11 3. "RECORDABLE INCIDENT" MEANS AN INCIDENT INVOLVING ANY OF THE
12 FOLLOWING:

13 (a) A LAW ENFORCEMENT ACTION.

14 (b) THE INVESTIGATION OF A SUSPICIOUS PERSON OR SUSPECT.

15 (c) THE HANDLING OF AN EMOTIONALLY DISTURBED PERSON.

16 (d) THE GENERATION OF A COMPLAINT INVOLVING AN ACTIVITY LISTED IN
17 SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

18 (e) ANY ACTIVITY THAT IS LIKELY TO LEAD TO A CRIMINAL OR CIVIL COURT
19 ACTION.

20 (f) ANY ACTIVITY IN WHICH ALL OF THE INVOLVED PARTIES CONSENT TO THE
21 RECORDING, AND THE RECORDING IS NOT OTHERWISE PROHIBITED BY LAW.

22 (g) ANY ACTIVITY THAT THE LAW ENFORCEMENT OFFICER DETERMINES SHOULD BE
23 RECORDED.

24 38-1162. Camera operations

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

28 B. IF A BODY CAMERA IS CONTINUOUSLY ON:

29 1. A LAW ENFORCEMENT OFFICER MAY TURN THE BODY CAMERA OFF DURING THE
30 FOLLOWING:

31 (a) FOR THE FOLLOWING NONRECORDABLE INCIDENTS:

32 (i) A PRIVATE CONVERSATION OR ACTIVITY, LAW ENFORCEMENT RELATED OR
33 NOT, INCLUDING PERSONAL TELEPHONE CALLS, USE OF RESTROOM FACILITIES OR
34 CONVERSATIONS WITH ANOTHER LAW ENFORCEMENT OFFICER OR PERSON.

35 (ii) A CONVERSATION WITH A PERSON WHO IS NOT A SUSPECT OR THE OBJECT
36 OF A LAW ENFORCEMENT ACTION WHEN THE PERSON REQUESTS THAT THE BODY CAMERA BE
37 TURNED OFF. A LAW ENFORCEMENT OFFICER MUST ANNOUNCE ON THE RECORDING THAT
38 THE BODY CAMERA IS BEING TURNED OFF AT THE PERSON'S REQUEST.

39 (b) FOR THE FOLLOWING RECORDABLE INCIDENTS:

40 (i) A CONVERSATION BETWEEN LAW ENFORCEMENT OFFICERS THAT RELATES TO
41 THE HANDLING OF AN INCIDENT, INCLUDING INFORMATION ABOUT ANY INVOLVED
42 PARTIES AND ACTION OPTIONS. THE LAW ENFORCEMENT OFFICER MUST ANNOUNCE ON
43 THE RECORDING THAT THE BODY CAMERA IS BEING TURNED OFF.

1 (ii) WHEN THE SUSPECT OR OBJECT OF A LAW ENFORCEMENT ACTION MAKES A
2 REQUEST ON THE RECORDING THAT THE BODY CAMERA BE TURNED OFF AND THE LAW
3 ENFORCEMENT OFFICER CONSENTS TO TURNING OFF THE BODY CAMERA. A BODY CAMERA
4 THAT IS TURNED OFF PURSUANT TO THIS ITEM SHALL BE TURNED BACK ON IF THE
5 SITUATION EXPANDS BEYOND MORE THAN MERE DISCUSSION AND EVOLVES INTO A LAW
6 ENFORCEMENT ACTION, SHOUTING OR VIOLENCE. THE LAW ENFORCEMENT OFFICER MUST
7 ANNOUNCE ON THE RECORDING THAT THE BODY CAMERA IS BEING TURNED OFF. THIS
8 ITEM DOES NOT APPLY DURING THE INVESTIGATION OF A DOMESTIC VIOLENCE OFFENSE
9 IF THE LAW ENFORCEMENT AGENCY HAS A WRITTEN POLICY THAT REQUIRES THE
10 RECORDING OF DOMESTIC VIOLENCE INVESTIGATIONS.

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

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

16 2. WHEN ALL PARTIES CONSENT TO THE RECORDING.

17 38-1163. Viewing and erasing camera recordings

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

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

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

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

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

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

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

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

42 I. IF THE RECORDABLE INCIDENT INVOLVES THE ARREST OR HANDLING OF AN
43 EMOTIONALLY DISTURBED PERSON AND THE LAW ENFORCEMENT OFFICERS WHO WERE
44 INVOLVED CONSENT, THE RECORDABLE INCIDENT MAY BE SAVED AND USED FOR TRAINING
45 PURPOSES. A RECORDABLE INCIDENT SAVED FOR TRAINING PURPOSES MAY BE VIEWED

1 ONLY BY LAW ENFORCEMENT OFFICERS, LAW ENFORCEMENT RECRUITS, RESERVE LAW
2 ENFORCEMENT OFFICERS, POSSE MEMBERS, VOLUNTEER LAW ENFORCEMENT OFFICERS, LAW
3 ENFORCEMENT DISPATCHERS AND ANY CONSULTANTS OR OUTSIDE TRAINING PERSONNEL.
4 38-1164. Release of camera recordings
5 A. NOTWITHSTANDING ANY OTHER LAW, ANY RECORDING MADE BY A LAW
6 ENFORCEMENT OFFICER BODY CAMERA IS NOT A PUBLIC RECORD.
7 B. A RECORDABLE INCIDENT MAY BE RELEASED TO THE PUBLIC ONLY BY A COURT
8 ORDER OR A SUBPOENA.
9 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A RECORDABLE INCIDENT
10 MAY BE RELEASED TO THE PUBLIC, INCLUDING THE MEDIA, IF THE INCIDENT INVOLVES
11 A LAW ENFORCEMENT OFFICER'S USE OR ATTEMPTED USE OF DEADLY PHYSICAL FORCE AND
12 THE LAW ENFORCEMENT AGENCY CONSENTS TO THE RELEASE.