

117TH CONGRESS
1ST SESSION

H. R. 1338

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. COHEN introduced the following bill; which was referred to the Committee on the Judiciary

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 2021” or the “Police CAMERA Act of 2021”.

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 MM—MATCHING GRANT PROGRAM FOR**
7 **LAW ENFORCEMENT BODY-WORN CAMERAS**
8 **AND RECORDED DATA**

9 **“SEC. 3031. 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 deter excessive force, improve accountability and
18 transparency of use of force by law enforcement officers,
19 assist in responding to complaints against law enforce-
20 ment officers, and improve 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 Director shall disburse 50 percent of the
3 total grant amount to the entity; and

4 “(B) upon demonstration by the entity of
5 completion of the requirements in subsection
6 (d)(1), the Director shall disburse the remain-
7 ing 50 percent of the total grant amount to the
8 entity.

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

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

13 “(2) used for—

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

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

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

25 “(d) REQUIREMENTS.—

1 “(1) IN GENERAL.—The Director shall award a
2 grant under this section to a State, unit of local gov-
3 ernment, or Indian tribe requesting the grant that
4 commits to—

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

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

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

16 “(D) complying with the requirements for
17 use of recorded data under paragraph (5).

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

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

24 “(i) the safe and effective use of body-
25 worn cameras;

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

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

7 “(iv) protecting the constitutional
8 rights of any individual on whom facial
9 recognition technology is used;

10 “(v) limitations on the use of body-
11 worn cameras in conjunction with facial
12 recognition technology for instances, in-
13 cluding—

14 “(I) the use of facial recognition
15 technology only with judicial author-
16 ization;

17 “(II) the use of facial recognition
18 technology only for imminent threats
19 or serious crimes; and

20 “(III) the use of facial recogni-
21 tion technology with double
22 verification of identified faces;

23 “(vi) the release of any recorded data
24 collected by a body-worn camera in accord-

1 ance with the open records laws, if any, of
2 the State; and

3 “(vii) making recorded data available
4 to prosecutors, defense attorneys, and
5 other officers of the court in accordance
6 with paragraph (5); and

7 “(B) conduct periodic evaluations of the
8 security of the storage and handling of the
9 body-worn camera data.

10 “(3) RECORDED DATA COLLECTION AND RE-
11 TENTION PROTOCOL.—The recorded data collection
12 and retention protocol described in this paragraph is
13 a protocol that—

14 “(A) requires—

15 “(i) a law enforcement officer who is
16 wearing a body-mounted camera to provide
17 an explanation if an activity that is re-
18 quired to be recorded by the body-mounted
19 camera is not recorded;

20 “(ii) a law enforcement officer who is
21 wearing a body-mounted camera to obtain
22 consent to be recorded from a crime victim
23 or witness before interviewing the victim or
24 witness;

1 “(iii) the collection of recorded data
2 unrelated to a legitimate law enforcement
3 purpose be minimized to the greatest ex-
4 tent practicable;

5 “(iv) the system used to store re-
6 corded data collected by body-worn cam-
7 eras shall log all viewing, modification, or
8 deletion of stored recorded data and shall
9 prevent, to the greatest extent practicable,
10 the unauthorized access or disclosure of
11 stored recorded data;

12 “(v) any law enforcement officer be
13 prohibited from accessing the stored data
14 without an authorized purpose; and

15 “(vi) the law enforcement agency to
16 collect and report statistical data on—

17 “(I) incidences of use of force,
18 disaggregated by race, ethnicity, gen-
19 der, and age of the victim;

20 “(II) the number of complaints
21 filed against law enforcement officers;

22 “(III) the disposition of com-
23 plaints filed against law enforcement
24 officers;

1 “(IV) the number of times cam-
2 era footage is used for evidence collec-
3 tion in investigations of crimes; and

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

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

11 “(C) complies with any other requirements
12 established by the Director.

13 “(4) REPORTING.—Statistical data required to
14 be collected under paragraph (3)(A)(vi) shall be re-
15 ported to the Director, who shall—

16 “(A) establish a standardized reporting
17 system for statistical data collected under this
18 program; and

19 “(B) establish a national database of sta-
20 tistical data recorded under this program.

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

22 “(A) IN GENERAL.—Recorded data col-
23 lected by an entity receiving a grant under this
24 section from a body-mounted camera shall be
25 used only in internal and external investigations

1 of misconduct by a law enforcement agency or
2 officer, if there is reasonable suspicion that a
3 recording contains evidence of a crime, or for
4 limited training purposes. The Director shall es-
5 tablish rules to ensure that the recorded data is
6 used only for the purposes described in this
7 subparagraph.

8 “(B) PROHIBITION ON TRANSFER.—Ex-
9 cept as provided in subparagraph (C), an entity
10 receiving a grant under this section may not
11 transfer any recorded data collected by the enti-
12 ty from a body-mounted camera to another law
13 enforcement or intelligence agency.

14 “(C) EXCEPTIONS.—

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

1 “(ii) CIVIL RIGHTS CLAIMS.—An enti-
2 ty receiving a grant under this section may
3 transfer recorded data collected by the law
4 enforcement agency from a body-mounted
5 camera to another law enforcement agency
6 for use in an investigation of any right,
7 privilege, or immunity secured or protected
8 by the Constitution or laws of the United
9 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 fiscal years 2021
4 and 2023, of the amounts appropriated to the Bureau of
5 Justice Assistance, \$30,000,000 shall be used to carry out
6 this part.

7 “(g) AUDIT AND ASSESSMENT.—

8 “(1) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this part, the Director
10 of 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 2 years 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 report
18 that—

19 “(A) describes the progress of the body-
20 worn camera program; and

21 “(B) contains recommendations on ways in
22 which the Federal Government, States, and
23 units of local government can further support
24 the implementation of the program.

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

7 **“SEC. 3032. BODY-WORN CAMERA TRAINING TOOLKIT.**

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

14 “(b) MECHANISM.—In establishing the toolkit re-
15 quired to under subsection (a), the Director may consoli-
16 date research, practices, templates, and tools that been de-
17 veloped by expert and law enforcement agencies across the
18 country.

19 **“SEC. 3033. APPLICATIONS.**

20 “(a) IN GENERAL.—To request a grant under this
21 part, the chief executive of a State, unit of local govern-
22 ment, or Indian tribe shall submit an application to the
23 Director in a form and containing information as the Di-
24 rector may reasonably require.

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

8 **“SEC. 3034. STUDY.**

9 “(a) IN GENERAL.—Not later than 2 years after the
10 date on which all grants are awarded under this part, the
11 Director shall conduct a study on—

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

14 “(2) the impact of body-worn cameras on the
15 accountability and transparency of the use of force
16 by law enforcement officers;

17 “(3) the impact of body-worn cameras on re-
18 sponses to and adjudications of complaints of exces-
19 sive force;

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

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

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

1 “(7) issues relating to the secure storage and
2 handling of recorded data from the body-worn cam-
3 eras;

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

6 “(9) issues relating to the constitutional rights
7 of individuals on whom facial recognition technology
8 is used;

9 “(10) issues relating to limitations on the use
10 of facial recognition technology;

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

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

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

18 “(14) a review of law enforcement agencies that
19 found body-worn cameras to be unhelpful in the op-
20 erations of the agencies; and

21 “(15) any other factors that the Director deter-
22 mines are relevant in evaluating the efficacy of body-
23 worn cameras.

24 “(b) REPORT.—Not later than 180 days after the
25 date on which the study required under subsection (a) is

1 completed, the Director shall submit to Congress a report
2 on the study, which shall include any policy recommenda-
3 tions that the Director considers appropriate.”.

