

SUBJECT: Requiring officers to keep body cameras on while active in investigations

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 6 ayes — White, Bowers, Goodwin, Harless, E. Morales, Patterson

3 nays — Hefner, Schaefer, Tinderholt

WITNESSES: For — Douglas Gladden and Jason Hermus, Dallas County Criminal District Attorney's Office; Sammie Berry, Dallas West Church of Christ; Daniel Keeling, Texas Council of Alpha Chapters; Dominique Walker, The Afiya Center; Charles D. Hatfield Jr., The Ellis County Oress; and six individuals; (*Registered, but did not testify*: Bryan Mitchell, Dallas County Criminal District Attorney; Ben Stratmann, Dallas Regional Chamber; Julie Gilberg; Linda Guy; Georgia Keysor; Gentry McClean; Vunderink)

Against — Felisha Bull, Gun Owners of America; Tara Mica, National Rifle Association; Kevin Lawrence, Texas Municipal Police Association; Kyle Guarco; Emily Taylor; (*Registered, but did not testify*: Jennifer Szimanski, CLEAT; Frederick Frazier, Dallas Police Association FOP 716, Legislative director State FOP; James Parnell, Dallas Police Association; Jimmy Rodriguez, San Antonio Police Officers Association; Andi Turner, Texas State Rifle Association; and 16 individuals)

On — Jessica Anderson, Houston Police Department; Kathy Mitchell, Just Liberty; Skylor Hearn and Brian Hawthorne, Sheriffs' Association of Texas; Brad Hodges; (*Registered, but did not testify*: James Smith, San Antonio Police Department)

BACKGROUND: Occupations Code sec. 1701.655 requires a law enforcement agency that receives a grant to provide body worn cameras to its peace officers or that otherwise operates a body worn camera program to adopt a policy for the use of body worn cameras.

A policy has to ensure that a body worn camera is activated only for a law enforcement purpose and must include certain guidelines and provisions as provided under law.

Sec. 1701.657 allows a peace officer to choose not to activate a camera or to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

Concerns have been raised about peace officers discontinuing their use of their body worn cameras while engaging in an investigation. This action leaves the officer's employing agency, prosecutors, defense attorneys, and courts without any objective evidence regarding whether the officer's actions were justified, especially if there were any confrontational interactions. Some have suggested addressing this issue by requiring officers to keep body worn cameras activated for the entirety of their active participation in an investigation.

DIGEST:

CSHB 929 would require a policy for the use of body worn cameras adopted by a law enforcement agency to include provisions relating to the collection of a body worn camera as evidence, including applicable recorded video and audio. The bill would be known as the Botham Jean Act.

A policy for the use of body worn cameras also would have to require a peace officer who was equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's participation in the investigation, unless the camera had been deactivated in compliance with that policy.

The bill would revise the circumstances under which a peace officer could choose not to activate a body worn camera or discontinue a recording in progress and allow an officer to take such action only for any encounter with a person that was not related to an investigation.

The bill would take effect September 1, 2021.

