

FINAL BILL REPORT

SB 6408

C 285 L 18
Synopsis as Enacted

Brief Description: Regulating body worn cameras.

Sponsors: Senators Padden and Pedersen.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Legislature passed EHB 2362 in 2016, which established public disclosure and other requirements relating to body worn camera recordings under the Public Records Act (PRA) and created the Joint Legislative Task Force on Body Worn Cameras (Task Force).

As adopted in 2016, body worn camera recordings are exempt from the PRA to the extent nondisclosure is essential for the protection of a person's privacy. The disclosure of certain recordings are presumed to be offensive to a reasonable person including: those occurring inside a medical facility or containing health care information; the interior of a person's residence; intimate images; a minor; the body of a deceased person; and location information or the identity of a victim to an incident involving domestic violence or sexual assault.

Required content of a request for body worn camera images is prescribed. Law enforcement agencies may require a requestor to pay the costs of redacting information to comply with applicable exemptions. A person who prevails in a court action seeking the right to inspect or copy a body worn camera recording is not entitled to fees, costs, or awards unless the law enforcement agency acted in bad faith or with gross negligence.

The provisions relating to body worn cameras only apply to body worn camera recordings made by a covered jurisdiction on or after June 9, 2016, and before July 1, 2019. Covered jurisdiction is defined as a jurisdiction that has deployed body worn cameras as of June 9, 2016.

Law enforcement or corrections agencies that deploy body worn cameras are required to establish policies regarding their use within minimum parameters. Body worn cameras may be used only by officers employed by general authority Washington law enforcement agencies, officers employed by the Department of Corrections, and personnel for local jails and detention facilities. These provisions expire July 1, 2019.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A Task Force was created to further examine the use of body worn cameras by law enforcement and corrections agencies. The Task Force was charged to specifically consider the use of body worn cameras in health care facilities subject to federal and state health care privacy laws, consulting with subject matter experts including the Washington State Hospital Association and the Washington State Medical Association. The Task Force issued its final report in December 2017.

Summary: Expiration dates are removed and the provisions in the PRA applicable to body worn camera recordings are no longer limited to recordings made between June 9, 2016, and July 1, 2019 by a covered jurisdiction.

An intimate image is generally defined to mean an individual or individuals engaged in sexual activity, including sexual intercourse and masturbation, or an individual's intimate body parts.

After the required retention period for body worn camera recordings, a law enforcement or corrections agency may destroy the records in accordance with the applicable records retention schedule.

Votes on Final Passage:

Senate	47	0
House	95	2

Effective: June 7, 2018