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A MEMORIAL

REQUESTING THE ATTORNEY GENERAL TO STUDY THE ISSUES  
ASSOCIATED WITH PUBLIC AND PRIVATE INFORMATION COLLECTED WITH  
BODY-WORN CAMERAS ON LAW ENFORCEMENT OFFICERS.

WHEREAS, the recent emergence of the use of body-worn  
cameras by law enforcement has had a positive impact on  
policing throughout the state, and this impact will increase  
as more law enforcement agencies adopt this technology; and

WHEREAS, the use of body-worn cameras by law enforcement  
officers conveys the message to the public that the actions  
of law officers are a matter of public record and concern;  
and

WHEREAS, the use of body-worn cameras can improve  
evidence collection, strengthen individual officer  
performance and accountability, enhance the overall  
transparency of a law enforcement agency and document  
encounters between the police and the public to assist in  
investigation and resolution of complaints and  
officer-involved incidents; and

WHEREAS, the use of body-worn cameras is required by the  
court-approved settlement agreement between the United States  
department of justice and the city of Albuquerque when  
Albuquerque police have calls for service involving  
behavioral concerns; and

1           WHEREAS, law enforcement officers are the de facto first  
2 responders for behavioral health calls for service in the  
3 state; and

4           WHEREAS, the Albuquerque police department's real time  
5 crime center statistics show that in 2016, the Albuquerque  
6 police department and the Bernalillo county sheriff's office  
7 responded to seven thousand two hundred thirty-five  
8 behavioral health calls in Bernalillo county; and

9           WHEREAS, law enforcement records are considered public  
10 records, with some exceptions; and

11           WHEREAS, New Mexico emergency medical services  
12 guidelines for November 2012 consider patients' health  
13 confidential, and providers of both mental health and  
14 physical health care are covered under the federal Health  
15 Insurance Portability and Accountability Act of 1996; and

16           WHEREAS, Bernalillo county and the city of Albuquerque  
17 are deploying new mobile crisis teams, each of which consists  
18 of a law enforcement officer and a behavioral health  
19 clinician for behavioral health calls; and

20           WHEREAS, it is unclear in the Inspection of Public  
21 Records Act whether mental health information gathered in  
22 police responses is confidential; and

23           WHEREAS, the use of body-worn cameras by law enforcement  
24 officers raises important issues of privacy of crime victims,  
25 such as domestic abuse and sexual assault victims; and

1           WHEREAS, carefully crafted policies on the use of  
2 body-worn cameras by law enforcement officers could address  
3 the use of this technology throughout the state; and

4           WHEREAS, the ability of the public to know and be  
5 assured that policies for the use of body-worn cameras by law  
6 enforcement officers are well-designed and consistent with  
7 the best practices in law enforcement and are fairly  
8 implemented is essential to develop community support for  
9 their use;

10          NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
11 STATE OF NEW MEXICO that the attorney general be requested to  
12 convene a group of stakeholders to study and make  
13 recommendations for policy and legislation that would  
14 incorporate best practices in law enforcement, protect the  
15 mental and physical health information of individuals,  
16 protect the privacy of victims of crime and provide the  
17 necessary transparency to law enforcement officers to ensure  
18 community support for their actions; and

19          BE IT FURTHER RESOLVED that the stakeholders include  
20 representatives from the New Mexico association of counties,  
21 the New Mexico municipal league, the department of health,  
22 the children, youth and families department, the aging and  
23 long-term services department, the corrections department,  
24 the veterans' services department, the behavioral health  
25 services division of the human services department, the

1 interagency behavioral health purchasing collaborative, the  
2 administrative office of the district attorneys, the public  
3 defender department, the New Mexico criminal defense lawyers  
4 association, the New Mexico sheriffs and police association,  
5 the New Mexico hospital association, disability rights  
6 New Mexico, the national alliance on mental illness  
7 New Mexico, the New Mexico coalition against domestic  
8 violence, the New Mexico foundation for open government, the  
9 American civil liberties union of New Mexico, the Albuquerque  
10 police department, the Bernalillo county sheriff's office,  
11 the New Mexico state police and at least two members of  
12 Native American tribes; and

13 BE IT FURTHER RESOLVED that the attorney general be  
14 requested to report the stakeholders' findings to the  
15 appropriate interim legislative committees by December 1,  
16 2018; and

17 BE IT FURTHER RESOLVED that copies of this memorial be  
18 transmitted to the executive director of the New Mexico  
19 association of counties, the executive director of the  
20 New Mexico municipal league, the director of the  
21 administrative office of the district attorneys, the chief  
22 public defender, the executive director of the New Mexico  
23 foundation for open government, the executive director of the  
24 American civil liberties union of New Mexico, the Albuquerque  
25 police chief, the Bernalillo county sheriff, the executive

1 director of the New Mexico criminal defense lawyers  
2 association, the president of the New Mexico hospital  
3 association, the chair of the interagency behavioral health  
4 purchasing collaborative, the executive director of disability  
5 rights New Mexico, the executive director of the national  
6 alliance on mental illness New Mexico, the executive director  
7 of the New Mexico coalition against domestic violence and the  
8 secretaries of health, public safety, aging and long-term  
9 services, corrections and children, youth and families. \_\_\_\_\_

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