



# Law Enforcement Use of Technology

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# National Conference of State Legislatures



- Non-profit, bipartisan organization.
- Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - to provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.

# State and Local Law Enforcement Agencies

- The structure of policing in the United States has been described as the most fragmented in the world with around 18,000 agencies nationally.
- Democratic accountability and oversight for the adoption of technology and related policies is largely a function of local government and law enforcement agencies themselves.



12,261 Local  
Police  
Departments



3,012 Sheriffs'  
Offices



49 Primary State  
Agencies



## Law Enforcement Technology Addressed by State Law

- Drones/Unmanned Aerial Systems
- Automated Traffic Enforcement
- Oral Fluid Testing
- Body-Worn Cameras
- Facial/Biometric Recognition Software
- Crisis & Mental Health Response
- Cell Site Simulators
- Databases

- Drone use for traffic collision reconstruction.
  - At least 6 states authorize use.
- Possibility of using the “drone as first responder” model.
  - Pioneered at Chula Vista, California PD.



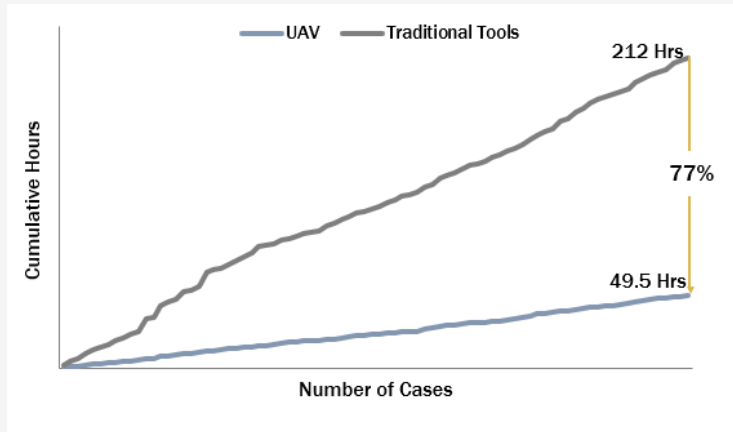
## Drone Use in Traffic Safety Situations

# Traffic Collision Reconstruction: Washington State Police

## Key Results

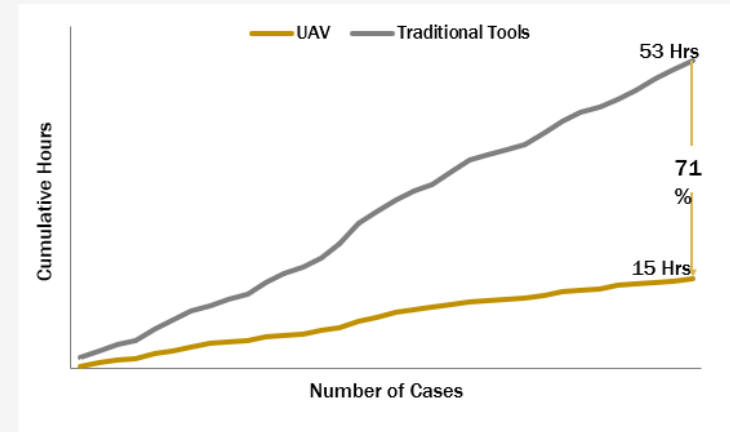
## 2018 Road Closure Time Reduction January–September, 2018

### Detective Results



- 91 investigations
- 162.5 hours road closure time saved (77% reduction)
- At \$350 per minute – saved **\$3,412,500**

### Field Operation Results



- 35 investigations
- 38 hours road closure time saved (71% reduction)
- At \$350 per minute – saved **\$798,000**

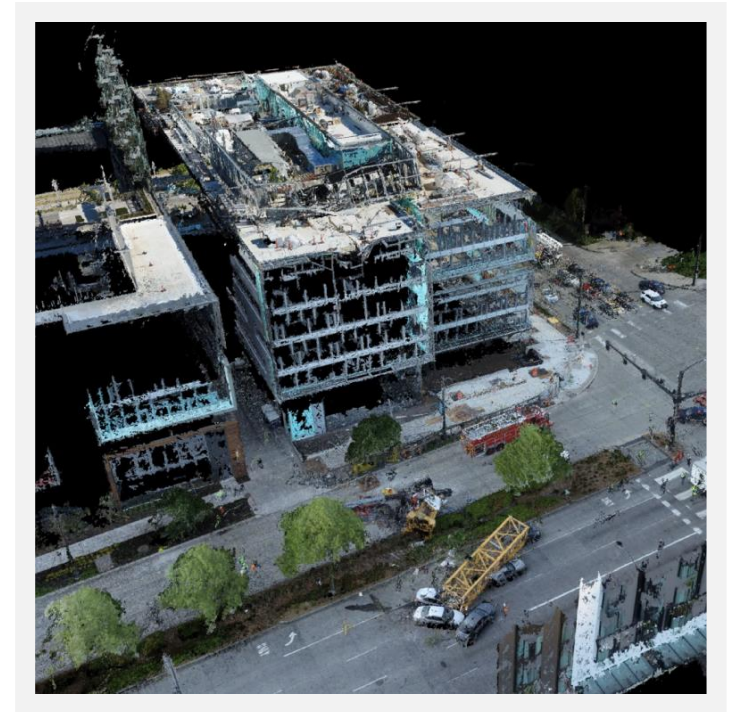
# Drones: Other Uses



Train Derailment



Arson Investigations



Crane Collapse

# Drones: Surveillance and Regulation

- At least 12 states require law enforcement to obtain warrants prior to using drones for surveillance or similar activities.
- State law also addresses:
  - The retention of data and images.
  - Approval by local government prior to use.
  - Adoption of standards for use.
  - Prohibition on use to observe protests.
  - Use in emergency/search & rescue situations.
  - Prohibition of facial recognition technology.

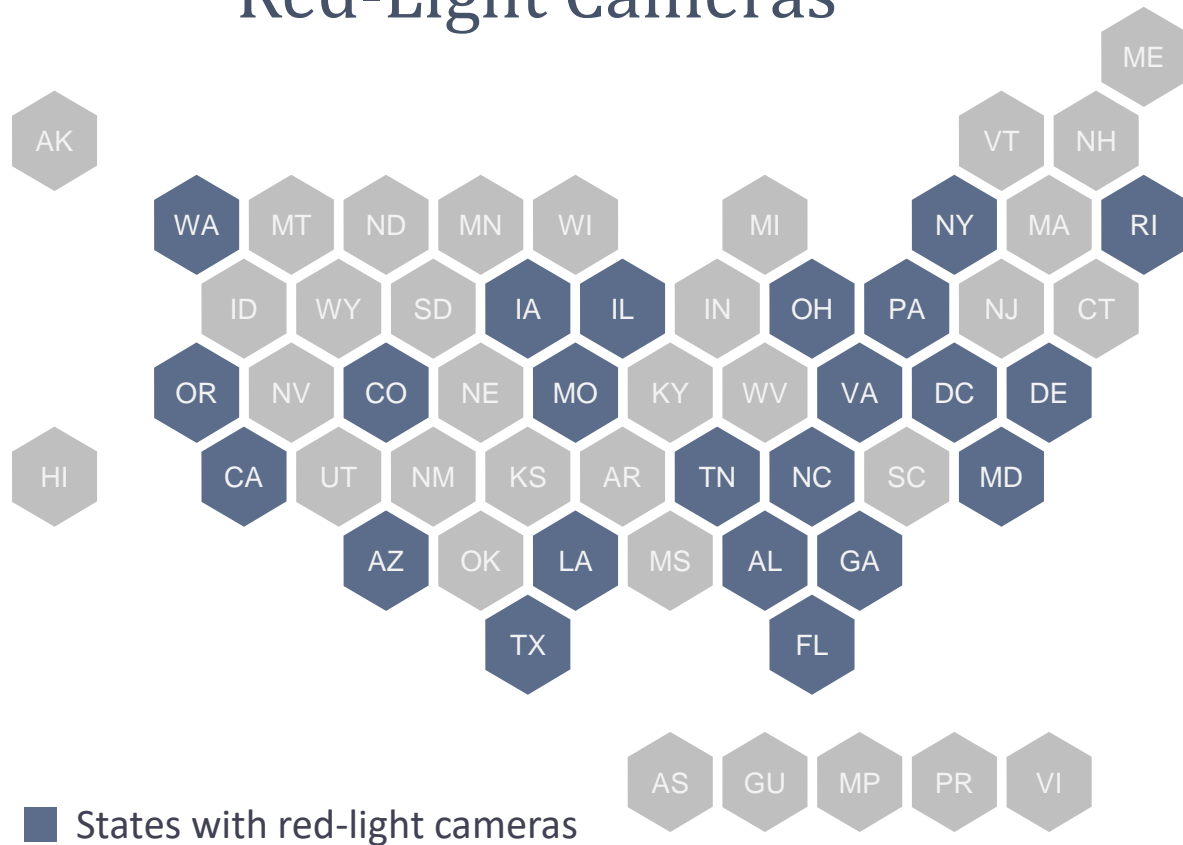


# Automated Enforcement: Red-Light and Speed Cameras

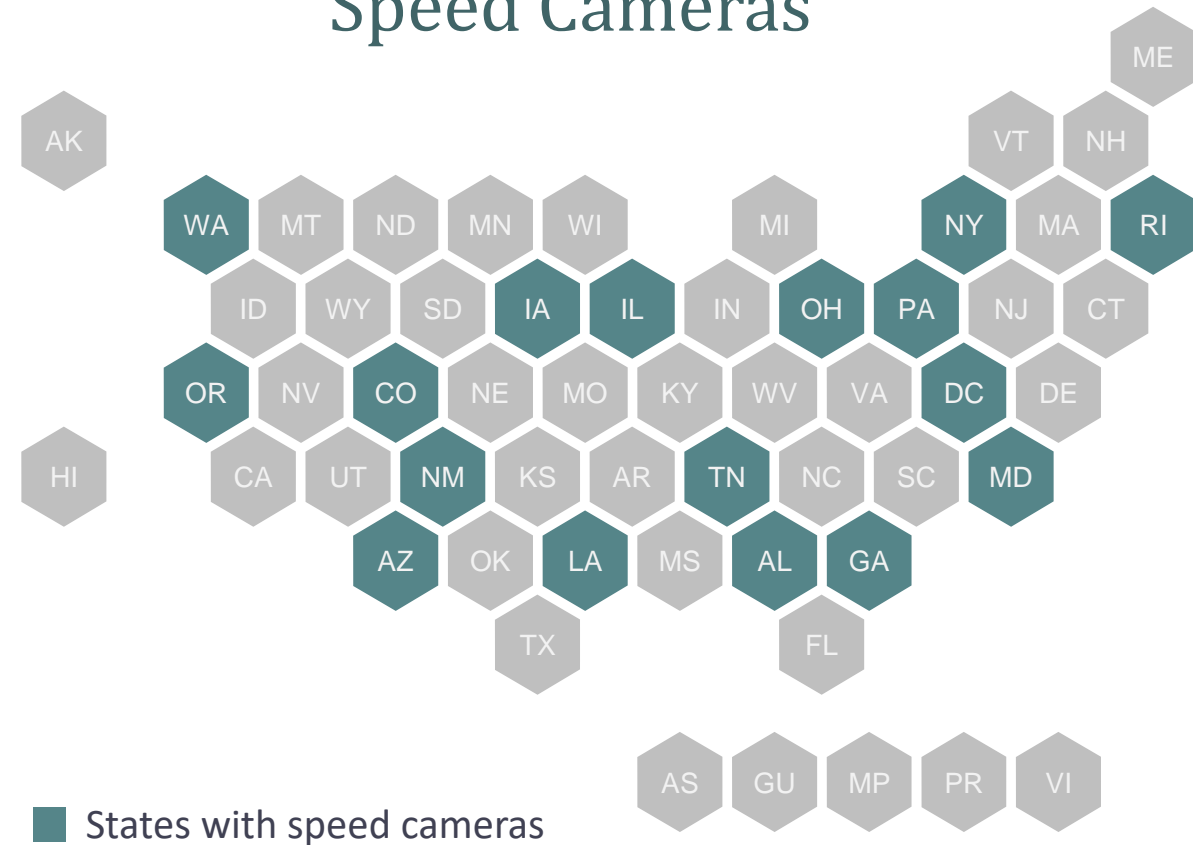
- Nearly 350 U.S. communities use red-light cameras.
- More than 150 communities use speed cameras.
- Distracted Driving Cameras: New South Wales, a state in Australia, has been using cameras to enforce hand-held bans since March 2020.
  - Montgomery County in Maryland was interested in using this technology and asked the General Assembly to adopt a bill authorizing the county to use it. State legislation was introduced in 2020 (HB 875) and 2021 (SB 179) but failed both sessions.
- Seat Belt Cameras: A 2021 Maryland bill (SB 863) would have allowed automatic enforcement of seat belt laws but failed.

# Automated Enforcement

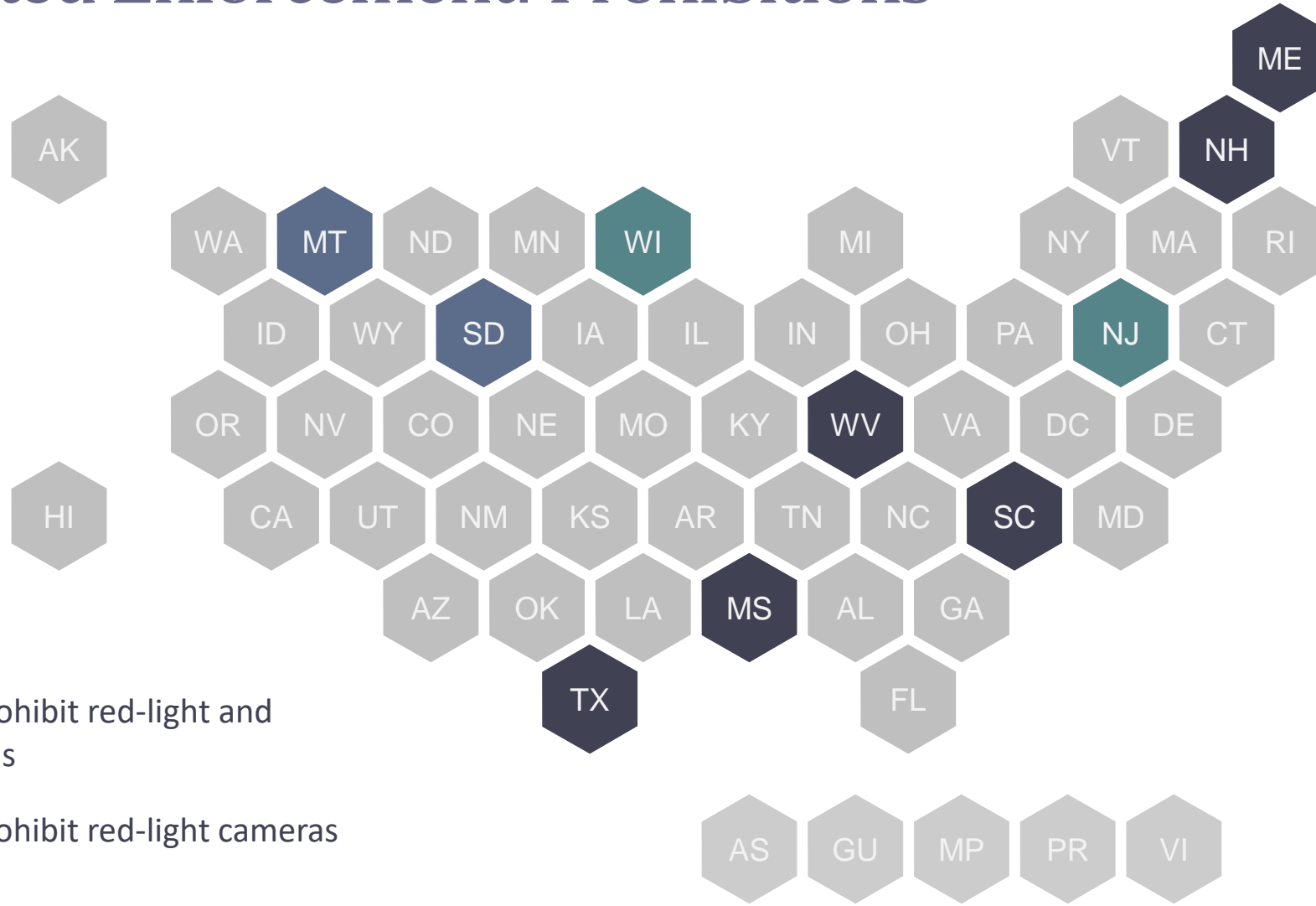
## Red-Light Cameras



## Speed Cameras



# Automated Enforcement: Prohibitions



- States that prohibit red-light and speed cameras
- States that prohibit red-light cameras
- States that prohibit speed cameras

- Oral fluid roadside screening devices test the saliva of an individual for the presence of specific drugs.
- A positive result indicates relatively recent drug use and drug presence above a certain cut-off level and not a quantifiable drug level.
- Benefits:
  - Rapid, simple and non-invasive.
  - Ability to collect specimen shortly after driver is stopped.
  - Provides a tool for law enforcement to develop probable cause and decide when to pursue laboratory-based confirmation testing or call a drug recognition expert.
- Disadvantages:
  - Possibility of erroneous results.



## Oral Fluid Roadside Testing Technology

- 24 states have statutes authorizing some form of oral fluid specimen use.
- Most of these states do not collect oral fluid in practice.
- Two states—Alabama and Indiana— have permanent or active oral fluid roadside screening programs.
- Michigan allows collection of oral fluid for the state’s pilot program only.

# Body-Worn Cameras: Trends in Legislation 2020-2021

Guidance on use of  
the devices

Expanded  
requirements for  
use or adoption of  
body cameras

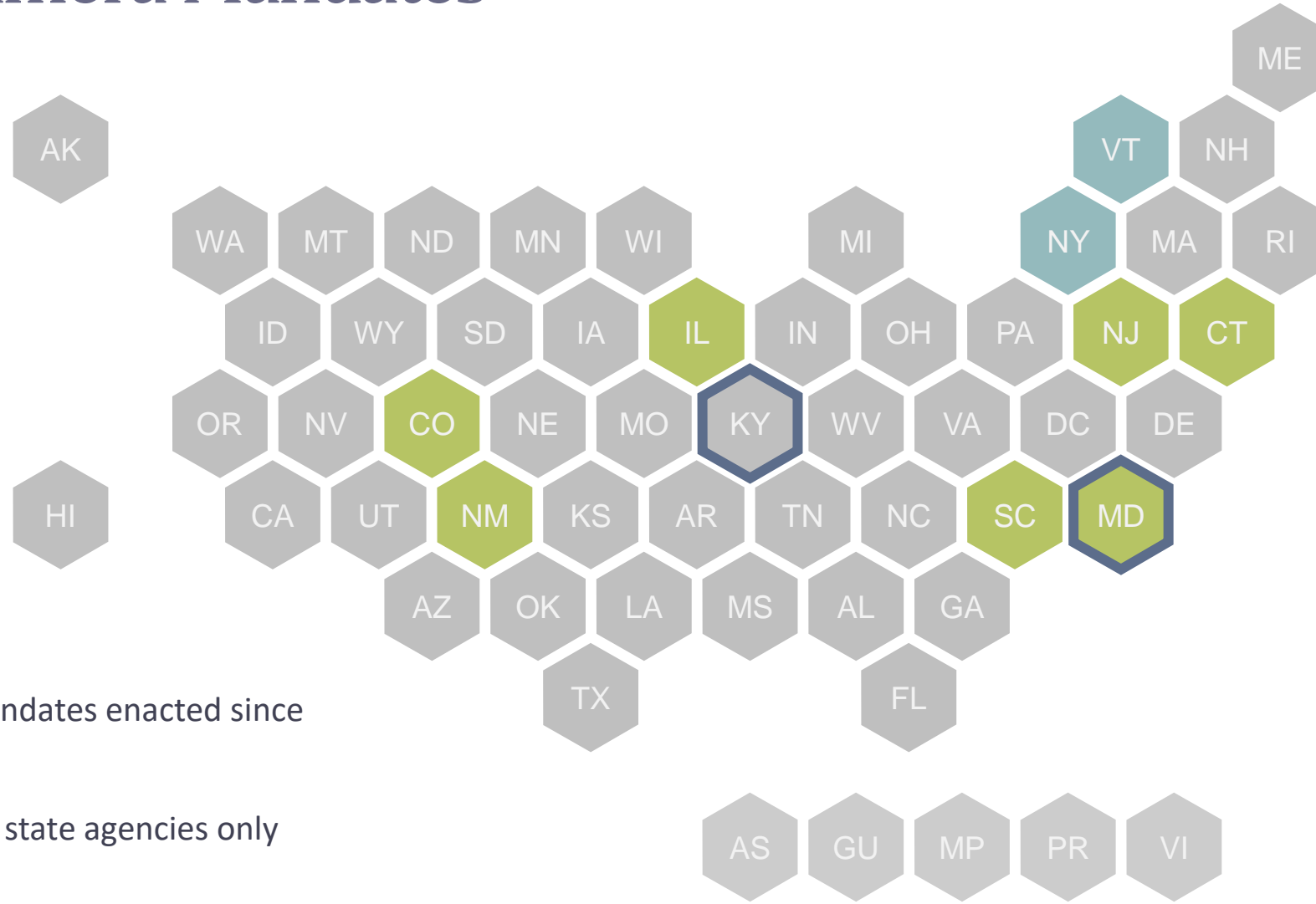
Requirements  
related to data  
retention

Guidance on the  
release of video

Legal  
consequences for  
misuse

Funding for  
equipment and  
storage

# Body Camera Mandates



- Statewide mandates enacted since May 2020
- Mandates for state agencies only
- Requires camera use for warrants

# Body-Worn Cameras: Trends in Legislation 2015-2018

Requiring use

Funding for equipment, storage or pilots

Requiring written policies

Studies and task forces

Eavesdropping laws

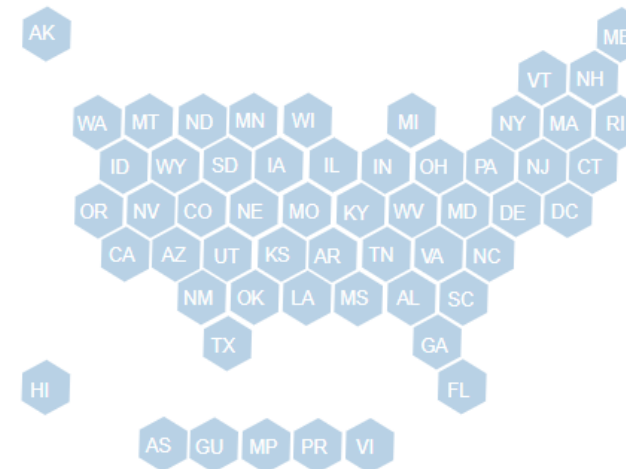
Open records implications

Data Retention

## Body-Worn Camera Laws Database

2/28/2018

### State Body-Worn Camera Laws [\(See all laws\)](#)



#### BODY CAMERA ISSUE SUMMARY

Requirement to Use Body Cameras

Body Camera Funding

Open Records Laws

Eavesdropping Laws

Written Policy Required

Body Camera Studies

#### BODY CAMERA LAWS

Search by State

#### BODY-WORN CAMERA OVERVIEW

Body-worn cameras are recording devices police officers wear as part of their uniforms to document what they see as they perform their duties. Body cameras continue to be a significant focus for state law makers as they consider and enact legislation to address police-community relations. Thirty-four states and the District of Columbia have created laws for body cameras.

# Facial Recognition Software: Legislative Action

## Existing Bans on Use in Body Cameras or Drones

- California (3-year ban)
- New Hampshire
- Oregon
- Vermont

## 2020

- 19 states considered legislation to limit the use.
- Washington enacted the first comprehensive law governing use of facial recognition.

## 2021 Enactments

- Montana & Louisiana passed resolutions requiring study of facial recognition software.
- Maine restricted use in most areas of government with strict regulations for law enforcement use.
- Utah codified law enforcement access and regulated use by government.
- Virginia authorizes law enforcement use with approval of locality.
- Vermont authorized use in limited sexual exploitation of children cases.



# Automated License Plate Readers

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Automated/automatic license plate readers (ALPRs) capture computer-readable images that allow law enforcement to compare plate numbers against plates of stolen cars or cars driven by individuals wanted on criminal charges. The devices are mounted on police cars, road signs or traffic lights and capture thousands of images of plates.

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The data collected can enhance law enforcement's ability to investigate and enforce the law, but also raise concerns that the information collected may be inaccurate, placed into databases and shared without restrictions on use, retained longer than necessary, and used or abused in ways that could infringe on individuals' privacy.

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At least 16 states have statutes that expressly address the use of automated license plate readers (ALPR), or the retention of data collected by ALPRs.

## Cell Site Simulators

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- Pending federal legislation
- Case law – *Carpenter v. United States*
- At least 9 states have passed laws regulating use

## Databases

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- At least 17 states have laws that authorize the operation and use of criminal intelligence systems, including gang-related databases.
- Crime Registries:
  - 13 violent offender or kidnapping
  - 5 arson
  - 10 drug crime
- Domestic violence protection orders
- Sex offender registries

# Crisis Response & Technology

- Charleston County, SC EMS-Mobile Crisis Telehealth Program
- Springfield, MO Virtual-Mobile Crisis Intervention
- Harris County, TX Clinician and Officer Remote Evaluation (CORE) Program





# Emerging Technology



- Iris Scan Technology
- Forensic Gait Analysis
- Mobile X-Ray
- Rapid DNA Profiling
- Predictive Policing
- Social Media Monitoring
- Gunshot Detection
- Doorbell Cameras

# Law Enforcement Legislation

- Tracking legislation introduced or modified since May 2020
- New topics coming in 2021
- Updated status nightly and new legislation added weekly

The screenshot shows a search interface with two main filter sections: 'TOPICS' and 'STATES'. The 'TOPICS' section includes checkboxes for 'All Topics', 'Executive Orders', 'Other Issues', 'Oversight and Data', 'Policing Alternatives and Collaboration', 'Technology', 'Training, Standards and Certification', and 'Use of Force'. The 'STATES' section includes checkboxes for 'All States' and a list of states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, and Delaware. Below these sections are search filters for 'KEYWORD', 'STATUS' (set to 'All'), 'BILL NUMBER', 'YEAR' (set to '2020'), and 'AUTHOR'. There are 'Search' and 'Reset All' buttons. The interface is powered by LexisNexis State Net and includes a link to LexisNexis General Terms and Conditions.

\*Supported by Arnold Ventures

## Questions?

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