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SENATE MEMORIAL 98

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Sander Rue

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

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1 and the public to assist in investigation and resolution of  
2 complaints and officer-involved incidents; and

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

8 WHEREAS, law enforcement officers are the de facto first  
9 responders for behavioral health calls for service in the  
10 state; and

11 WHEREAS, the Albuquerque police department's real time  
12 crime center statistics show that in 2016, the Albuquerque  
13 police department and the Bernalillo county sheriff's office  
14 responded to seven thousand two hundred thirty-five behavioral  
15 health calls in Bernalillo county; and

16 WHEREAS, law enforcement records are considered public  
17 records, with some exceptions; and

18 WHEREAS, New Mexico emergency medical services guidelines  
19 for November 2012 consider patients' health confidential, and  
20 providers of both mental health and physical health care are  
21 covered under the federal Health Insurance Portability and  
22 Accountability Act of 1996; and

23 WHEREAS, Bernalillo county and the city of Albuquerque are  
24 deploying new mobile crisis teams, each of which consists of a  
25 law enforcement officer and a behavioral health clinician for

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1 behavioral health calls; and

2 WHEREAS, it is unclear in the Inspection of Public Records  
3 Act whether mental health information gathered in police  
4 responses is confidential; and

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

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

11 WHEREAS, the ability of the public to know and be assured  
12 that policies for the use of body-worn cameras by law  
13 enforcement officers are well-designed and consistent with the  
14 best practices in law enforcement and are fairly implemented is  
15 essential to develop community support for their use;

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

24 BE IT FURTHER RESOLVED that the stakeholders include  
25 representatives from the New Mexico association of counties,

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1 the New Mexico municipal league, the department of health, the  
2 children, youth and families department, the aging and  
3 long-term services department, the corrections department, the  
4 veterans' services department, the behavioral health services  
5 division of the human services department, the interagency  
6 behavioral health purchasing collaborative, the administrative  
7 office of the district attorneys, the public defender  
8 department, the New Mexico criminal defense lawyers  
9 association, the New Mexico sheriffs and police association,  
10 the New Mexico hospital association, disability rights New  
11 Mexico, the national alliance on mental illness New Mexico, the  
12 New Mexico coalition against domestic violence, the New Mexico  
13 foundation for open government, the American civil liberties  
14 union of New Mexico, the Albuquerque police department, the  
15 Bernalillo county sheriff's office, the New Mexico state police  
16 and at least two members of Native American tribes; and

17 BE IT FURTHER RESOLVED that the attorney general be  
18 requested to report the stakeholders' findings to the  
19 appropriate interim legislative committees by December 1, 2018;  
20 and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 transmitted to the executive director of the New Mexico  
23 association of counties, the executive director of the New  
24 Mexico municipal league, the director of the administrative  
25 office of the district attorneys, the chief public defender,

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1 the executive director of the New Mexico foundation for open  
2 government, the executive director of the American civil  
3 liberties union of New Mexico, the Albuquerque police chief,  
4 the Bernalillo county sheriff, the executive director of the  
5 New Mexico criminal defense lawyers association, the president  
6 of the New Mexico hospital association, the chair of the  
7 interagency behavioral health purchasing collaborative, the  
8 executive director of disability rights New Mexico, the  
9 executive director of the national alliance on mental illness  
10 New Mexico, the executive director of the New Mexico coalition  
11 against domestic violence and the secretaries of health, public  
12 safety, aging and long-term services, corrections and children,  
13 youth and families.

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