

1 A MEMORIAL

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

5
6 WHEREAS, the recent emergence of the use of body-worn
7 cameras by law enforcement has had a positive impact on
8 policing throughout the state, and this impact will increase
9 as more law enforcement agencies adopt this technology; and

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

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

21 WHEREAS, the use of body-worn cameras is required by the
22 court-approved settlement agreement between the United States
23 department of justice and the city of Albuquerque when
24 Albuquerque police have calls for service involving
25 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 HOUSE OF
11 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the attorney
12 general be requested to convene a group of stakeholders to
13 study and make recommendations for policy and legislation
14 that would incorporate best practices in law enforcement,
15 protect the mental and physical health information of
16 individuals, protect the privacy of victims of crime and
17 provide the necessary transparency to law enforcement
18 officers to ensure 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 New
6 Mexico, the national alliance on mental illness New Mexico,
7 the New Mexico coalition against domestic violence, the New
8 Mexico foundation for open government, the American civil
9 liberties union of New Mexico, the Albuquerque police
10 department, the Bernalillo county sheriff's office, the New
11 Mexico state police and at least two members of Native
12 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 New
20 Mexico municipal league, the director of the administrative
21 office of the district attorneys, the chief public defender,
22 the executive director of the New Mexico foundation for open
23 government, the executive director of the American civil
24 liberties union of New Mexico, the Albuquerque police chief,
25 the Bernalillo county sheriff, the executive director of the

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

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