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HOUSE MEMORIAL 104

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

INTRODUCED BY

Gail Chasey

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

25 BE IT FURTHER RESOLVED that the stakeholders include

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

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

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the executive director of the New Mexico
24 association of counties, the executive director of the New
25 Mexico municipal league, the director of the administrative

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

