



DHS Body-Worn Camera Act of 2018: Bill Summary

Sen. Kamala Harris (D - California) introduced the DHS Body-Worn Camera Act of 2018 ([S. 3538](#)) on October 2, 2018 with [2 original cosponsors](#). The bill directs the Department of Homeland Security (DHS) to establish pilot programs at U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to test and evaluate the use of body-worn cameras by officers and agents. The bill also directs DHS to report to Congress on these programs, develop policies on the use of body-worn cameras, and create an implementation plan for the full deployment of body-worn cameras at CBP and ICE.

On October 2, 2018, Rep. Filemon Vela (D-Texas) introduced companion legislation ([H.R. 7028](#)) in the U.S. House of Representatives.

Background

- Body-worn cameras help increase public confidence in law enforcement agencies. Studies [show](#) that body-worn cameras in law enforcement help reduce citizen complaints by 88 percent and help decrease assaults on law enforcement officers. Body-worn cameras also help reduce paperwork by 22 percent, providing officers and agents an additional 50 minutes of patrol time in a typical nine-hour shift.
- In 2016, CBP [submitted a feasibility study and camera technology report](#) to Congress on the use of body-worn cameras that found the cameras could have “positive benefits for CBP if acquired, deployed and managed properly.” CBP is currently [evaluating the use of about 108 body-worn cameras](#) deployed to the field in nine locations as part of phase two of its body-worn camera feasibility study. ICE is not currently evaluating the use of body-worn cameras.

What does the bill do?

1. Establishes pilot programs at CBP and ICE

- U.S. Customs and Border Protection (CBP):
 - The bill directs CBP to establish a body-worn camera pilot program within 60 days after the bill’s enactment and end the pilot program 11 months after the date of the bill’s enactment.
 - It requires CBP to deploy at least 500 body-worn cameras to officers and agents, with at least half of those cameras deployed to Border Patrol agents.
- U.S. Immigration and Customs Enforcement (ICE):
 - The bill directs ICE to establish a body-worn camera pilot program within 180 days of the bill’s enactment and end the program 18 months after the date of the bill’s enactment.

- It requires ICE to deploy at least 500 body-worn cameras to officers and agents, with at least half of those cameras deployed to Enforcement and Removal Operations (ERO) agents.
- The bill requires CBP and ICE to report to Congress on the results of the pilot programs no later than 60 days after their end. The report must include an evaluation of the effect of body-worn cameras in deterring the use of excessive force by officers and agents and their effect on the safety of officers and agents, among other information.

2. Directs DHS to develop body-worn camera policies

- The bill directs DHS to develop draft policies on the use of body-worn cameras by CBP and ICE. The policies must include rules governing when a body-worn camera is required to be activated or deactivated, storage and maintenance of the recordings, access to the recordings, privacy protections, circumstances under which recordings may be used to investigate potential misconduct or for other law enforcement purposes, disciplinary procedures for violations of body-worn camera policies, and training on the use of body-worn cameras.
- It requires DHS to consult with internal and external stakeholders to develop the pilot programs and in drafting body-worn camera policies, including any labor organizations representing DHS employees involved with the use of body-worn cameras. DHS must also provide an opportunity for public comment on the development of the pilot programs and the draft policies.

3. Requires body-worn camera implementation and deployment

- The bill requires DHS to submit to Congress a plan to implement the permanent use of body-worn cameras at CBP no later than one year after the bill's enactment and at ICE no later than 21 months after the bill's enactment.
- DHS' implementation plan must include the draft policies developed for the use of body-worn cameras, the number of body-worn cameras to be purchased or deployed, operational requirements (including systems and support staff), the locations where body-worn cameras will be used, costs associated with the deployment, and a description of the cost-benefit analysis used to determine the number, placement and location of body-worn cameras specified in the plan.
- The bill requires DHS to start deploying the permanent use of body-worn cameras at CBP and ICE no later than 180 days after the date on which each agency's implementation plan is submitted to Congress.