

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2023 (FIRST) Regular Session

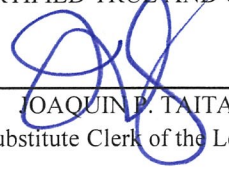
VOTING RECORD

Bill No. 181-37 (COR) As amended by the Committee on Education, Public Safety, and the Arts, and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 30, 2023
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓	I				
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓	I				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL	15	0	0	0	0
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
					Excused

CERTIFIED TRUE AND CORRECT:



 JOAQUIN P. TAITAGUE
 Substitute Clerk of the Legislature

I = Pass

- 1 § 77404. Body Cam Recordings: Release.
- 2 § 77405. Body Cam Recordings: Storage and Archiving.
- 3 § 77406. Pilot Program Permitted.
- 4 § 77407. Grants and Funding.
- 5 § 77408. Administrative Rules and Regulations.
- 6 **§ 77401. Legislative Findings and Intent.**

7 *I Liheslaturan Guâhan* finds that body-worn cameras are video and audio
8 recording devices that police, sheriff and highway patrol officers wear as part of their
9 uniforms to document what they observe as they perform their duties. Body-worn
10 cameras continue to be a popular focus for state and city lawmakers as they consider
11 and enact legislation to address police-community relations.

12 Body-worn camera laws generally limit public dissemination of camera
13 footage except for statutorily specified purposes. Some jurisdictions permit the
14 release of footage to the people involved in a recording, or to their attorneys. Other
15 jurisdictions allow release in instances where the public interest outweighs the need
16 for confidentiality. Some jurisdictions allow the release of footage, but recordings
17 can be withheld if they reveal confidential information or identify people accused
18 of, but not charged with, a crime.

19 *I Liheslaturan Guâhan* further finds that body-worn cameras have become
20 increasingly popular in recent years as a means to prevent or document officer
21 misconduct while on duty. However, these devices are unpopular among law
22 enforcement officers as everything that they say or do while on duty is recorded,
23 including times when officers have a reasonable expectation of privacy. The other
24 concern from law enforcement officers is that recorded criticism of fellow officers
25 or supervisors may be used against them. To balance the needs of the public,
26 investigators, prosecutors, defense attorneys and victims, the use and release of
27 body-worn cameras recordings should be subject to a fair and concise policy.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Guam Police
2 Department to implement a body-worn camera program, and to allow the Chief of
3 Police to develop rules and regulations to administer the program.

4 **§ 77402. Body-worn Cameras (Body Cams).**

5 A body-worn camera (body cam) is a device worn by police officers as
6 part of their uniforms. The body cam records audio and video to document
7 what they observe as they perform their duties.

8 **§ 77403. Body Cam Program.**

9 The Chief of Police (Chief) is authorized to develop a body cam
10 program for the Guam Police Department (GPD).

11 **§ 77404. Body Cam Recordings: Release.**

12 Body cam recordings are not public information as defined in Chapter
13 10, 5 GCA; however, body cam recordings shall be released for the following
14 purposes:

15 (a) upon a court order, including warrants, subpoenas,
16 summons or discovery. Such recordings shall remain confidential while
17 in the possession or custody of the receiving party unless ordered by a
18 court; or

19 (b) no recordings of incidents that are the subject of an
20 investigation shall be made public until after completion of the
21 investigation. No recordings of incidents that are the subject of an
22 investigation that results in a criminal charge or an indictment shall be
23 made public until after the case is adjudicated; or

24 (c) for use in criminal investigations and criminal
25 prosecutions; or

26 (d) for use in internal GPD investigations; or

27 (e) for use in accordance with the Rules of Discovery.

1 Body cam recordings of encounters with juveniles are not to be made
2 public. Body cam recordings of encounters with victims of family violence,
3 child abuse, child pornography, human trafficking, criminal sexual conduct,
4 victims of violent crimes, and where there is a reasonable expectation of
5 privacy such as a victim’s home, are not to be made public without the
6 expressed written consent of the victim.

7 **§ 77405. Body Cam Recordings: Storage and Archiving.**

8 The Chief shall develop a storage, retention and archiving policy for
9 body cam recordings. Body cam recordings must be retained for a minimum
10 of three (3) years following completion of an investigation. Body cam
11 recordings used as evidence in a criminal or civil proceeding shall be retained
12 for a period of not less than three years (3) or longer, while disposition of an
13 appeal is pending or subject to a court order.

14 **§ 77406. Pilot Program Permitted.**

15 The Chief may implement the provisions of this Article as a pilot
16 program.

17 **§ 77407. Grants and Funding.**

18 Nothing in this Article or any other provision of law is to be construed
19 as to limit or restrict the ability for GPD to apply for and utilize grant funding
20 for the purchase, operation and maintenance of body cams. Nothing in this
21 Article or any other provision of law is to be construed as to limit or restrict
22 the ability for GPD to apply for and utilize grant funding for the purchase,
23 operation and maintenance of body cams recording storage, retention and
24 archiving.

25 **§ 77408. Administrative Rules and Regulations.**

26 GPD shall develop administrative rules and regulations to implement
27 the provisions of this Article pursuant to Chapter 9, 5 GCA.”