

1.. **MOBILE AUDIO/VIDEO RECORDING SYSTEMS**

POLICY

It is the policy of AGENCY NAME that officers shall activate mobile audio/video recording equipment and body worn cameras when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy and state law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

PURPOSE

The purpose of this policy is to provide guidelines and procedures for use, maintenance, and management of the mobile audio/video recordings systems and equipment, to include body worn cameras.

DEPARTMENTAL EQUIPMENT

PROCEDURES

MAINTENANCE OF EQUIPMENT - All members of AGENCY NAME shall ensure that mobile audio/video recording equipment and body worn cameras are maintained in a state of operational readiness. Equipment malfunctions will be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

DATA SECURITY - The AGENCY NAME tightly controls and enforces the security of all mobile and body worn camera audio/video recordings. These security features include but are not limited to:

- (a) The control of access to video files located on the video recording system.
- (b) Audit logs of all videos accessed, uploaded, and downloaded. This audit log monitors all user's activity by login ID and tasks performed.
- (c) Any violations of departmental policy are immediately reported to proper personnel along with the audit log files.

Agency personnel are not authorized to view, edit, delete or download videos without the authorization from AGENCY NAME Command Staff.

SYSTEM STORAGE - The AGENCY NAME manages and maintains the backup and maintenance of data contained on the Digital Evidence Management System. The backup methods utilized ensure that all audio/video recordings that have successfully uploaded to the management system remain intact and safe in the event of a server crash. The Evidence Division maintains additional back-up videos. Agency personnel cannot retrieve or provide copies of video without the approval from the AGENCY NAME Command Staff.

ACCOUNTABILITY – All personnel shall be responsible for the accountability of the property and equipment issued and/or utilized by to effectively perform their job functions and duties. Body worn cameras are the responsibility of individual officer and will be used with reasonable care to ensure proper functioning.

ACQUISITION OF EQUIPMENT – Officers shall be issued standard body worn camera equipment by the Logistics Coordinator. The Logistics Coordinator shall document the equipment assigned to the employee. Upon separation from the agency, the employee shall surrender all required property and reconcile any losses.

DISTRIBUTION OF EQUIPMENT - The Logistics Coordinator shall be responsible for issuing or distributing required mobile audio/video recording and body worn camera equipment according to the needs of members of the department.

USE OF DEPARTMENTAL EQUIPMENT - Members shall use departmental equipment in accordance with established departmental procedures and directives. Members shall not, intentionally or through negligence, abuse, damage, or lose departmental equipment. Members observing that departmental property has been damaged, lost, or malfunctioning, shall report the same to their supervisor as soon as possible, and shall be held accountable for the security, safety, and condition of said property.

OFF-DUTY USE OF MOBILE AUDIO/VIDEO RECORDING AND BODY WORN CAMERA EQUIPMENT - Officers working extra employment shall use their mobile audio/video recording and body worn cameras while working extra employment if the employment is police- or security-related and approved by the department.

USE OF AUDIO/VISUAL RECORDING AND BODY WORN CAMERA EQUIPMENT – Audio/visual recording equipment shall be used in accordance with state and federal laws and only for a law enforcement purpose. In addition, no member shall record or monitor another member without the second member having prior knowledge that he/she is being recorded or monitored. However, the Chief of Police or his/her designee may authorize exceptions for just cause or during internal/criminal investigations. Members shall assume that audio and/or visual recording equipment is activated under the following circumstances:

- (a) While transmitting on a department radio channel.
- (b) While speaking on a departmental telephone.
- (c) While in the vicinity of fixed microphones and/or cameras within the Department such as the booking office, jail cell areas, Sally Port area, DWI video room, etc.
- (d) While in the vicinity of a Patrol Vehicle equipped with a video camera systems.

No member shall use departmental audio and/or visual recording equipment for his personal use.

USE OF PERSONAL RECORDING EQUIPMENT WHILE ON DUTY - Members may not use personal audio and/or visual recording equipment while on duty.

MOBILE AUDIO/VIDEO EQUIPMENT TRAINING - Officers who are assigned a body worn camera, and any other personnel who will come into contact with audio/video data obtained from body worn camera, must complete an agency approved and/or provided training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, performance, and to incorporate changes, updates, or other revisions in policy and equipment.

RETENTION REQUIREMENTS – All recordings shall be retained for a period of not less than 90 days. Officers are required to submit audio/video recordings as evidence pursuant to the guidelines in Best Practices “Collection and Preservation of Evidence”. These recordings shall be categorized and added to the appropriate electronic media case file through the department utilized Digital Evidence Management System. The recordings will be retained based on the statute of limitations of the case.

RELEASE OF RECORDINGS - Recordings made using mobile audio/video equipment or body worn cameras pursuant to this policy are department records and may only be released as provided by the Open Records Act / Texas Public Information Act or for other authorized legitimate department business purposes. Release of body worn camera recordings shall conform to the guidelines established in Texas Occupations Code 1701.661.

REVIEW OF RECORDINGS – When preparing written reports, members should review their recordings as a resource. However, mobile video and body worn camera recordings are not a replacement for written reports. Members shall not retain personal copies of any recordings.

Officers shall be given access to any recording of an incident involving the officer before the officer is required to make a statement.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with the Open Records Act / Texas Public Information Act.

Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Those reviewing video recordings should be aware that the video camera is two dimensional and may not capture everything as seen by the wearer. Due to the position of the camera, the view may

be blocked by the wearer's arms, hands or other objects as the wearer moves or engages with a member(s) of the public.

MOBILE AUDIO/VIDEO EQUIPMENT

PROCEDURES

MOBILE AUDIO/VIDEO EQUIPMENT PROCEDURES - Officers assigned to patrol vehicles equipped with audio/video recorder systems shall adhere to the following listed procedures.

The officer shall affix a microphone and transmitter to his/her person and shall ensure that the transmitter and receiver are set to the same frequency and working properly.

Officers will inspect and test the body worn camera prior to each shift in order to verify proper functioning. Officers will also ensure the secondary camera strap is attached to both the body worn camera and the uniform to prevent the body worn camera from being misplaced. The strap can be threaded from the attached clip through the loop, button, epilate or snap of the officer's uniform.

Officers are required to submit video and audio recordings as evidence pursuant to the guidelines listed in Best Practices "Collection and Preservation of Evidence", when said recordings contain any contact with potential witnesses, suspects, or depict any other duties performed at the scene that has the potential to result in an arrest or investigation leading to a possible arrest of any persons involved.

The microphone and transmitter shall be placed in the charging cradle of the Patrol Vehicle when not in use and shall remain in the vehicle at the conclusion of tour of duty.

Officers shall not intentionally direct a person out of the camera's field of view for the purpose of not having the contact visually recorded or turn off the microphone while contact is being made.

Officers shall not erase, destroy, record over, tamper with, make unauthorized copy, or otherwise alter an audio/video recording obtained from department audio/visual recording equipment. Officers shall not permit another person of doing the same course of conduct.

MOBILE AUDIO/VIDEO RECORDING SYSTEMS - Officers assigned to patrol vehicles equipped with audio/video recorder systems **shall** activate their audio and video recording systems when responding to and under the following conditions:

All enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.

All criminal investigations.

Anytime an officer is in contact with a citizen or suspect when it is feasible that the video system may record all or part of the contact.

Anytime the officer's emergency lighting is activated while responding to a call for service.

Any officer involved in a fleet collision shall, unless physically unable to, immediately activate their video and audio recording system.

Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

BODY WORN CAMERAS – While no officer shall be required to keep a body worn camera activated the entire shift, officers equipped with body worn camera systems **shall** activate their audio/video recordings under the following conditions:

All enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.

Anytime the officers respond directly pursuant to a call for service or request for police assistance.

Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Any decision not to activate the body worn camera because it is unsafe, unrealistic, or impracticable will be based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Officers may choose to not activate or discontinue a recording in progress when the event includes an extended contact that is not confrontational (including an interview with a witness or victim), or when on extended perimeter or on a prolonged event.

Officers shall not discontinue the use of the body worn camera once it is in use if dictated by this policy to record. If an officer fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, or in the event of equipment malfunction, the officer will document why a recording was not made, was interrupted, or was terminated in the officer's report, supplemental report, or call for service.

Body worn camera video shall be downloaded at the conclusion of the shift. All body worn camera video recorded while in transit from the assigned workplace or recorded while in transit to or from or while working an approved extra employment shall be downloaded at the next assigned regular duty shift unless that shift is scheduled outside of an 80 hour period. All exceptions must be approved and documented by a supervisor.