

Sample Model Policy on Body-Worn Cameras

1. *INTRODUCTION*

The purpose of this procedure is to establish guidelines for the operation of body worn camera equipment assigned to peace officers for capturing audio/video evidence of police interactions including, but not limited to, traffic violations, field interviews, field sobriety testing, other official police activity.

2. *POLICY*

- A. It is the policy of the AGENCY NAME to present for prosecution audio/video evidence of traffic and other law violations as outlined in Section 5. To this end, officers with properly functioning body worn camera equipment shall record all events surrounding the contact, stop, detention, interview and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution.
- B. All recordings generated on department-owned body worn camera equipment is the property of the AGENCY NAME. The copying or reproducing of any recordings generated by members of the department for use outside of department business is prohibited. The DESIGNATED DIVISION/STAFF PERSON will process requests for copies.
- C. Distribution of any recordings generated by department members in any format or for any purpose must be in compliance with this procedure and applicable unit SOPs.

3. *ADMINISTRATIVE*

- A. All generated recordings will be retained according to Section 14 of this procedure.
- B. Recordings shall not be altered, modified, misused, tampered with or any disabling of the body worn camera system in any manner.
- C. Standardized viewing privileges of recordings for administrative and investigatory purposes shall be as follows:
 - 1. All officers will be able to view their own recordings;
 - 2. Detective Investigators and above will have viewing privileges for all recordings.

4. *START UP*

- A. At the start of their shift, officers will perform a function test of the body worn camera to ensure the unit powers on and recording initiates. The test should:
 - 1. Ensure proper alignment and positioning of the body worn camera on the officer's outer most garment and no object shall be placed in front of the camera in such a manner that it interfere with recording of video.
 - 2. Perform a functions test by activating the body worn camera, and stating their name, badge number and the date. (If possible, the officer will then play back the recording to ensure the system recorded correctly.)

5. **RECORDING**

- A. Officers are not required to advise citizens they are being recorded or show any citizen a video which they recorded.
- B. Officers shall begin recording the event and continue recording, in accordance with this procedure, until the event is concluded; any deviations, including equipment malfunctions, must be documented in the officer's video or report in accordance with section 6 of this procedure.
 - 1. Upon observation of suspicious or criminal behavior;
 - 2. All calls for service;
 - 3. Officer initiated contacts:
 - a. Arrest
 - b. Field Contacts
 - c. Traffic Stops
 - 4. During all prisoner or witness transports. If an officer arrives at a facility that is recorded, such as headquarters or the Magistrate's Office, the officer may cease recording upon entering the facility or transferring custody of the prisoner/witness;
 - 5. Contact with complainants regarding crimes against persons; and
 - 6. In instances where the officers reasonably believes that the recording may provide evidence in criminal investigations.
- C. Subsequent arrest, handcuffing, and search of violators should take place in view of the camera when practical and in accordance with Departmental policy and this procedure. All arrests, handcuffing, and searches occurring out of view of the camera must be documented in the officer's video or report in accordance with section 6 of this procedure.
- D. Officers may stop recording an event where its use may compromise police operations. The body worn camera should be turned back on immediately following the stoppage or should a significant event arise.
 - 1. Examples include, but are not limited to: conversations with criminal informants, private conversations between officers or supervisory personnel, working traffic control, performing crime scene duties, or situation where the officer would be placing in a tactical disadvantage.
- E. All stoppages, other than administrative functions testing or accidental activation, of the body worn camera must be documented in the officer's video or report in accordance with section 6 of this procedure.
- F. Recording Suspected DWI Violators
 - 1. When an officer makes a decision to start an investigation of a violator, the officer shall activate the body worn camera and may verbally articulate the initial traffic violation observed, thus starting the process of building reasonable suspicion. This articulation should continue through the entire recording including the field sobriety testing, arrest, search and transportation of the suspect.
 - 2. Optimum lighting for recording should be considered whenever possible.
 - 3. The officer should articulate reasonable suspicion and probable cause as it develops.

4. Any intoxicants found in the suspect vehicle, as well as any evidence seized, shall be brought in view of the camera and the officer shall articulate the description of the evidence in order to record such information in the officer's video or, report in accordance with section 6 of this procedure.

G. Officers shall not:

1. Intentionally create recordings of themselves or other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
2. Use the body worn camera for the clandestine recording of the voice or image of a member of the Department is prohibited unless specifically authorized.
3. Knowingly record undercover officers or confidential informants.
4. Use a departmentally owned recording device to record any type of personal activities.
5. Allow non-sworn personnel to view the body worn camera video without permission from the officer's immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the body worn camera video or who work in Internal Affairs or IT Services supporting body worn camera are exempt from this provision.
6. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for police service; in compliance with Federal HIPPA regulations.

6. WHEN DEACTIVATION OF BODY WORN CAMERA EQUIPMENT IS AUTHORIZED

- A. Unless otherwise permitted by this procedure, once the body worn camera is activated it shall remain on until the incident has concluded.
- B. For the purpose of this section, conclusion of the incident has occurred when:
 1. All arrests have been made and arrestees have been transported and released from the officer's custody;
 2. All witnesses and victims have been interviewed; and
 3. The continued recording will not serve to obtain additional evidence.
- C. Whenever the body worn camera device is deactivated during an incident the officer will provide a brief verbal explanation for the deactivation prior to turning off or stopping the recording and will document it via a report.
- D. Failure to record activities as denoted in this policy will not be considered a policy violation as long as reasonable justification is documented via a report and articulated to the officer's chain-of-command.

7. REPORTS/RECORDING DATA ENTRY

- A. Officers will upload video in accordance with the specific device's operational instructions.
- C. Prior to uploading body worn camera recordings the officer shall ensure the pertinent data field identifiers associated with each video have been annotated, and at minimum, include the following:
 1. Full AGENCY NAME case number for all arrest cases or incidents requiring a case number;

2. Traffic citation number(s) in the additional data/notes field; and
3. The appropriate video tag at the conclusion of each incident or when uploading video files.

C. Officers shall annotate in their reports the existence or absence of any associated recordings.

8. *EQUIPMENT*

- A. On an individual basis, officers will sign for and be issued a body worn camera as well as the device's associated accessories. It will be the officer's responsibility to ensure the body worn camera device is fully charged and operable prior to their tour of duty.
- B. No member assigned body worn camera equipment shall alter, modify, reuse, tamper with or disable the device or associated accessories in any manner.
- C. Department body worn camera equipment shall not be connected to unauthorized computers. Non-department-issued equipment shall not be connected to any department-issued body worn camera device.
- D. Officers assigned body worn camera equipment are responsible for ensuring the equipment remains in operating condition. Officers shall notify their immediate supervisor of damaged or malfunctioning body worn camera equipment. Damaged body worn camera will be returned to the body worn camera Program Manager or their designee.
- E. Lost body worn camera will be documented via an officer's report and reported to their immediate supervisor and the body worn camera Program Manager or their designee.
- F. Replacement body worn camera will be issued by the body worn camera DESIGNATED DIVISION/STAFF PERSON or their designee.
- G. Officers promoting or who will be reassigned to duties where they will not be utilizing the body worn camera will return their body worn camera to the body worn camera DESIGNATED DIVISION/STAFF PERSON or their designee within 72 hours of the transfer.

9. *VIDEO COPIES/RECORDS REQUEST*

- A. Requests for recordings will be handled in accordance with the Texas Public Information Act.
- B. A copy (for internal use only) of recordings may be requested through the DESIGNATED DIVISION/STAFF PERSON or their designee. If such copy is provided, the DESIGNATED DIVISION/STAFF PERSON or their designee shall not further copy except the file.
- C. Requests for recordings from other criminal justice agencies are to be submitted in writing on agency letterhead and signed by the agency's chief executive officer to the DESIGNATED DIVISION/STAFF PERSON or their designee.
- D. The DESIGNATED DIVISION/STAFF PERSON or their designee will produce all copies of recordings. A copy is defined as a reproduction of the primary recording of the event.
- E. Requests for recordings for prosecutorial purposes may be submitted directly to the DESIGNATED DIVISION/STAFF PERSON or their designee.
- F. Requests for recordings from defense attorneys in county, district, or federal courts must be made through the appropriate prosecutor.

- G. The cost for producing the recordings will be determined by the DESIGNATED DIVISION/STAFF PERSON.
- H. An automated internal electronic data access log (chain-of-custody) will be generated and kept for every recording produced via body worn camera to document the authenticity of the recording. Members shall be prepared to justify the reason for accessing/viewing recording.
- I. The DESIGNATED DIVISION/STAFF PERSON will be responsible for data security and the production of backup copies via SOFTWARE/CLOUD STORAGE/ETC to ensure recordings are not lost prior to the end of the retention period.

10. COMPLAINTS RECEIVED/VIDEO REVIEW

- A. When a complaint is received alleging misconduct involving an officer who is assigned a body worn camera, the following procedures shall be followed:
 - 1. The officer’s immediate supervisor or DESIGNATED DIVISION/STAFF PERSON shall determine if body worn camera recording exists.
 - 2. The supervisor or DESIGNATED DIVISION/STAFF PERSON shall view the video of the public contact in question and determine if there is any cause for the allegations in the complaint.
 - 3. If no cause is determined, the supervisor or DESIGNATED DIVISION/STAFF PERSON shall contact the complainant and advise them a body worn camera recording was made of the contact and that no misconduct was observed.
 - 4. The supervisor or DESIGNATED DIVISION/STAFF PERSON shall advise the complaining party that they may make an open records request for a copy of the recording.
 - 5. The supervisor or DESIGNATED DIVISION/STAFF PERSON shall proceed with their established protocols if misconduct is determined.
- B. An officer required to respond to a citizen or administrative complaint shall have the ability to review any body worn camera recording of the subject incident.
- C. The Internal Affairs Investigator may, for the purposes of an investigation or complaint, export or copy recordings as needed.

11. VIDEO RETENTION

***SAMPLE* VIDEO CATEGORIZATION AND RETENTION PERIODS**

Category	Retention Schedule
Admin/Default	180 days
CRASH	180 days
DWI	3,650 days
Felony Offense Report	3,650 days
Incident	180 days
Misdemeanor Offense Report	730 days
Traffic	180 days

(Subject to Agency Policy- Per Occupations Code 1701.661, retention period may not be less than 90 days)

- A. Officers shall include the existence of recordings in the case report for follow-up investigation.
- B. Any video considered to have evidentiary value, which needs to be retained past the standard retention period, must be identified by DESIGNATED DIVISION/STAFF PERSON.
- C. Any video that becomes part of an internal investigation will be placed on hold for indefinite retention until it is no

longer needed.

12. VIDEO UPLOADS

- A. When an officer records a call for service and/or incident the officer will review and tag the video with appropriate incident information;
 - 1. The officer will note at the beginning of the narrative of his report that a recording is available.
- B. Prior to the end of shift officers will:
 - 1. Go to a designated docking station and upload the body worn camera video;
 - 2. Officers will ensure all recordings are tagged appropriately.
- C. Special/Exigent Circumstance Recording Uploading.
 - 1. Officers involved in collisions and/or otherwise not able to be return to the substation shall adhere to the following:
 - a. The notified supervisor or Patrol Supervisor shall coordinate the retrieval and upload of the body worn camera;
 - b. Upon completion of the video upload the body worn camera must be returned to the officer's supervisor.
 - 2. Critical Incidents
 - a. Upon the conclusion of a critical incident all officers will return to the appropriate facility in order to have all recordings uploaded. The body worn camera device will not be returned to service until all recordings have been removed and completion confirmation of upload has been received.

- D. All video must be uploaded before the officer's next assigned shift. No officer is permitted to take a body worn camera device home while it still contains video on it.

13. SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure officers are using the recording equipment according to established guidelines, policies, and procedures.
 - 1. Supervisors, on a quarterly basis, will review at least one recording for all officers under their command to ensure proper usage of recording equipment and adherence to established policy and procedures.
 - 2. Supervisors will take corrective action for any procedural violation they observe and document the findings on the proper form.
- B. Supervisors shall record all incidents (i.e. use of force, officer involved accidents, and complaints on officers) when requested or required to respond, in addition to those listed under 5B of this procedure.
- C. Supervisors shall view the recordings of all use of force incidents, police vehicle crashes, and police pursuits prior to completing their evaluations.
- D. Supervisors may view the recordings of their subordinates in the field at any time during the shift.
- E. Minor infractions (non-criminal) discovered during the routine reviews of recorded material should be addressed by the reviewing supervisor, including retraining when appropriate. Disciplinary actions will be addressed in accordance with department policy.
- F. Any supervisor made aware of damaged or malfunctioning recording equipment shall arrange for repair of the equipment. Damage shall be inspected by the supervisor and he/she will make every attempt to locate and assign a vehicle with a working in-car video system.

14. REVIEWING BODY WORN CAMERA VIDEO

- A. The viewing of videos is restricted for official use only. Videos may be viewed for the following purposes:
 - 1. Criminal investigations;
 - 2. Internal Affairs or complaint reviews in accordance with Section 12, *Complaints Received/Video Review*;
 - 3. Pursuits;
 - 4. Use of force reviews;
 - 5. Open Record Request (ORRs) in accordance with 11, *Open Record Requests*
 - 6. Officer involved crashes; or
 - 7. Other – any purpose not listed in this procedure shall have prior approval by a supervisor and documented.
- B. Personnel requiring access to locked videos will send a request for access/viewing of the specific recordings through their chain-of-command.
- C. Personnel reviewing recordings shall manually document name, badge number and the purpose of their viewing in the "notes" field in the body worn camera device application.
- D. The making of unauthorized copies and/or copies for personal use is prohibited.