

Body Worn Camera Systems

303.1 PURPOSE AND SCOPE

In this order, the word “employees”, or variant of, refers to sworn and civilian employees trained and authorized to wear the Body Worn Camera system (BWC). The BWC system provides an unbiased audio/video recording of events that employees encounter. These recordings can be useful for the documentation of evidence, the preparation of offense reports, and future court testimony. BWC systems can improve community relations and deter inappropriate conduct by both the members of the public and the police department.

This order covers the use of the Department issued and personally owned BWC systems. This order does not cover the use of surreptitious recording devices used in undercover operations.

303.2 DEFINITIONS

MAV Recording: Mobile Audio Video media obtained from Body Worn Camera and/or Digital Mobile Audio Video systems.

Metadata: Data that provides detailed information unique to each entry in Evidence.com, such as, ID, Category, and Title.

303.3 DEPARTMENT ISSUED BODY WORN CAMERA

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

- (a) The Chief of Police, Assistant Chiefs, and Commanders are exempt from wearing the BWC except when law enforcement action is foreseen or likely to occur, (e.g. working patrol duties, actively participating in a tactical operation or deployment).
- (b) Employees equipped with a Department issued BWC system must be trained in the operation of the equipment prior to its use. BWC equipment will be used in accordance with Department training and the BWC operations manual.
- (c) Unless otherwise authorized by the Chief of Police or his/her designee, BWC's will be worn consistent with the training and manufacturer's recommendations, in regards to fields of view and employee safety. Employees will adhere to the following dimensions for placement of the BWC:
 1. From the center of the sternum, no more than four inches to the right or left on the outermost layer of clothing such that the camera has an unobstructed view.
 2. No higher than four inches below the top button of the uniform shirt and no lower than six inches below the top button of the uniform shirt.
 3. Exemptions to the placement of the BWC in accordance with this order will be authorized by a Commander or above. Examples for exemptions may include, but are not limited to, SWAT, OCD, Executive Protection, and Mounted Patrol.
- (d) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.

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1. Employees assigned to the units below are required to power on the device at the beginning of their tour of duty and not power the device off until the end of that tour of duty.
 - (a) Patrol,
 - (b) DTAC Patrol,
 - (c) George District Representatives,
 - (d) Mounted Patrol,
 - (e) Court Services,
 - (f) Park Patrol,
 - (g) Lake Patrol,
 - (h) Commercial Vehicles,
 - (i) DWI,
 - (j) Motors,
 - (k) Metro Tac,
 - (l) Patrol K9,
 - (m) Gangs,
 - (n) Criminal Interdiction.
2. Employees not assigned to the units above are not considered to be “first responders” and are therefore not required to power on their assigned Body Worn Camera at the beginning of their tour of duty. However, if at any time their duties and responsibilities require any type of field work where they could be called upon to take enforcement action, their device will be properly attached and powered on for the entirety of the time they are in that role.
3. Employees not engaged in a law enforcement action shall power the device off or remove it from their body when using a restroom, locker room, changing room, or any other location where the employee has an expectation of privacy. Immediately upon exiting such a facility or room, the employee shall ensure the BWC equipment is powered back on and appropriately placed according to this order.
 - (e) Employees shall test the BWC equipment at the commencement of their tour of duty and shall categorize the video as '10-41'.
 - (f) The BWC equipment test shall consist of employees recording the following:
 1. Employee name;
 2. Employee number; and
 3. The current date and time.
 - (g) Employees shall review the recording to verify the BWC microphone is operational, and the date and time is accurate.

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- (h) Employees who discover an operational defect with the BWC system shall attempt to correct the system following the received training on the device (i.e., Reseating cables, Cycling the power, etc.). If the BWC is found to have a physical defect or malfunction:
 - 1. Employees shall notify an on-duty supervisor, and write up the device for service describing the events leading up to the failure.
 - 2. Employees shall notify their dispatcher to have a note added to their activity log that their BWC system has failed.
 - 3. Employees shall notate on the device repair form if there is existing video which was unable to be uploaded because of the device's failure.
 - 4. Employees shall complete a supplement to any report in which there is video on the defective camera that was unable to be uploaded to Evidence.com.
- (i) Employees shall not:
 - 1. Bypass or attempt to override the equipment;
 - 2. Erase, alter, or delete any recording produced by the BWC; or
 - 3. Use any non-issued chargers, adapters, or cables with the BWC system.

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.

- (a) All units responding to a scene shall activate their department issued BWC equipment when they:
 - 1. Arrive on-scene to any call for service;
 - 2. Have detained or arrested a person;
 - 3. Are attempting to detain or arrest a person;
 - 4. By the nature of the call for service, are likely to detain or arrest a person; or
 - 5. Any consensual contact in which the employee or a citizen believes activation of the BWC would be in the best interest of the community.
- (b) Examples of when the department issued BWC system must be activated include, but are not limited to:
 - 1. Traffic stops;
 - 2. Foot pursuits, until completion of enforcement action;
 - 3. DWI investigations including field sobriety tests;
 - 4. Warrant service;
 - 5. Investigatory stops; or

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6. Any contact that becomes adversarial in an incident that would not otherwise require recording.
 7. While interviewing an employee during a Response to Resistance review.
- (c) Employees that are issued a BWC shall utilize the BWC when engaging in Off-Duty LERE Overtime.
 - (d) In addition to the required situations, employees may activate the system anytime they believe its use would be appropriate and/or valuable to document an incident.
 - (e) There may be instances in which an employee is required to take immediate action in response to an event which may not allow time to activate their BWC. In those situations, it may be impractical or unreasonable for employees to activate their BWC system before taking police action. It is expected that once the immediacy of the situation is over, employees will activate their BWC system to record the remainder of the incident. Employees shall articulate the reasoning for the delayed activation of their BWC in an offense report, supplement, or other form of Department approved documentation.

303.3.2 ADVISEMENT AND CONSENT

Employees should inform individuals they are being recorded unless doing so would be unsafe, impractical or impact the investigation of criminal activity.

303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED

Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

- (a) For purposes of this section, conclusion of an incident has occurred when:
 1. All arrests have been made and arrestees have been transported; and
 2. No further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive.)
- (b) Employees may choose to discontinue a recording currently in progress for any non-confrontational encounter with a person, including an interview of a witness or victim.
- (c) Employees shall adhere to posted policies of any Law Enforcement, Court, or Corrections entity that prohibit the use of BWC systems therein (i.e. TCSO, Courts, Juvenile Detention Centers).
- (d) Employees may deactivate the audio portion by engaging the mute button on the body worn camera, for administrative reasons only, as follows:
 1. The reason for audio deactivation must be recorded verbally prior to audio deactivation; and
 2. After the purpose of audio deactivation has concluded, employees will reactivate the audio track.
- (e) For purposes of this section, an “administrative reason” refers to:
 1. Personal conversations unrelated to the incident being recorded;

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2. Employee to employee training (e.g., when a Field Training Employee or Field Training Supervisor wishes to speak to an employee enrolled in the Field Training Program about a training issue);
3. Any reason authorized by a supervisor. The identity of the supervisor granting the authorization shall be stated prior to the audio deactivation.

303.3.4 VICTIM AND WITNESS STATEMENTS

When conducting an investigation, the employee shall attempt to record the crime victim or witness' statement with the body worn camera. The recording may be valuable evidence that contributes to or compliments an investigation. While evidence collection is important, the Department also recognizes it is important for employees to maintain credibility with people wanting to share information with law enforcement.

On occasion, an employee may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the employee should continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy.

Should the employee use discretion and not record the crime victim or witness statement with the body worn camera, the employee shall document the reason for not fully recording the statement with the body worn camera. In these instances, employees may still record with an audio recorder. Employees should work with victim services when possible in determining what type of statement will be taken.

- (a) If a citizen, other than a victim or witness as described in this section requests that an employee turn off the BWC, the employee will explain that APD General Orders requires the camera to be activated and recording until the conclusion of the incident or until there is no further law enforcement action necessary.

303.3.5 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS NOT REQUIRED

Activation of the BWC system is not required:

- (a) During break and lunch periods
- (b) When not in service and not on a call
- (c) When in service, but not on a call.
- (d) Employees shall not utilize the body worn camera in the following circumstances:
 1. A potential witness who requests to speak to an employee confidentially or desires anonymity;
 2. A victim or witness who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation;
 3. During tactical briefings, or the discussion of safety and security procedures unless approved by the commander;

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4. Public or private locker rooms, changing rooms, restrooms, unless taking police action;
5. Doctor's or lawyer's offices, unless taking police action;
6. Medical or hospital facilities, unless taking police action;
7. At a school, where minor children are present, unless taking police action;
8. To monitor persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition, and assembly under the United States Constitution, or because of the content or viewpoint of the person's protected speech;
9. While in any magistrate's or judge's office or in any courtroom, except under exigent circumstances; i.e. police action being taken;
10. During departmental or supervisory meetings.

303.4 REQUIRED ENTRY OF METADATA FOR BWC RECORDINGS

All BWC recordings shall be assigned a category. Doing so determines the length of time the recording is retained in the Evidence.com storage system.

- (a) Employees shall ensure that all BWC recordings are uploaded from the camera to the storage system prior to the completion of their scheduled tour of duty unless approved by a supervisor.
- (b) Employees shall ensure that within two weeks from the recording date all videos are assigned the proper category and the ID field contains the 9-digit incident number (YYJJJ#####), if applicable.
- (c) When possible, all employees "on-scene" or "10-23" should assign the same category to their video as the primary employee (e.g. arresting officer or employee writing initial report).
- (d) Unless involved in a response to resistance, an arrest or directed by a supervisor, employees utilizing a BWC during LERE overtime are permitted to download and categorize their recordings during their next regularly scheduled work day.
- (e) For purposes of this section, a "Non-Event" video generally refers to a recording that meets all of the following criteria:
 1. Video where no investigatory stop is made;
 2. Video that does not include any call for service;
 3. Video where no person has been detained or arrested; and
 4. Video where no enforcement action is documented.
- (f) Detectives are responsible for verifying the category assigned to recordings for assigned incidents within 30 days of the recording. Detectives are also responsible for updating the category for recordings when necessary to ensure proper retention.

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303.4.1 SUPERVISOR RESPONSIBILITIES

- (a) In conjunction with personnel inspections, General Order 801.8, supervisors of units listed in 303.3(d) of this order shall conduct inspections of BWC recordings to ensure they are complying with APD General Orders. Supervisors shall ensure all assigned employees are reviewed in a fair and equitable manner. Additionally, supervisors shall ensure employees:
 - 1. Act professionally, treating persons fairly and impartially;
 - 2. Demonstrate the appropriate knowledge, skills, and abilities to manage the interaction; and
 - 3. Comply with laws, ordinances, and APD written directives.
- (b) These inspections will be electronically documented on form PD0128 and sent to the lieutenant within the chain-of-command. Each inspection will include:
 - 1. One randomly selected recording to ensure compliance with "10-41" video check;
 - 2. Two randomly selected recordings to ensure compliance with the "eventful video" compliance check; and
 - 3. Two randomly selected recordings from employee-initiated calls to ensure compliance with the Racial or Bias-Based Profiling general order.
- (c) In addition to the above inspections, supervisors shall ensure all assigned employees have categorized all videos in accordance with APD General Order 303.4.
- (d) Supervisors shall ensure all employees assigned to them are allotted time during their regularly scheduled work week to properly categorize all BWC recordings in Evidence.com.
- (e) Investigative unit supervisors shall ensure their assigned Detectives have properly categorized all videos in accordance with APD General Order 303.4.

303.4.2 DOCUMENTING BWC SYSTEM USE

Any incident recorded with a BWC system shall be documented in the employee's report. If a citation was issued, a notation of "BWC" shall be placed in the notes section of the citation.

303.4.3 COPIES OF BWC SYSTEM RECORDINGS

BWC media recordings shall be used for official APD business only. This may include public information requests after the recording has been reviewed by the Department Legal Advisor and approved for release by the Department. Copies of BWC System Recordings will not be provided unless the person requesting the copy is authorized to view the recording and does not otherwise have access to view the recording using the BWC system. When a copy is made, it is the responsibility of the person receiving the copy to comply with records retention as outlined in General Orders.

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303.4.4 BWC RECORDING RETENTION SCHEDULE

Videos shall be retained for the longest period of time consistent with the City of Austin's Records Management Ordinance, Chapter 2-11, and any applicable City Records Control Schedules and/or the State Local Government Retention Schedules. At a minimum all BWC recordings shall be retained for 181 days.

303.4.5 STORAGE AND SECURITY OF BWC SYSTEM RECORDINGS

Employees will upload the media and data contained on their BWC into the Department's official system of record for the storage of BWC information utilizing the approved upload procedures (wireless, docking station, etc.).

- (a) The Department's official system of record for BWC media and data will be stored utilizing a secure storage server and backed up for redundancy purposes.
- (b) The Department's official system of record will store all BWC media and data utilizing nationally recognized and approved security methods and will be in compliance with State of Texas Occupations Code 1701.655(b)(3).
- (c) A maintenance agreement and/or contract for the BWC program shall be in place to ensure the security of all BWC media and data stored in the Department's system of record. This contract will include, but will not be limited to:
 1. A service level agreement (SLA);
 2. Data protection;
 3. Data ownership;
 4. Data location;
 5. Import and export of data;
 6. Right to audit;
 7. Security, to include compliance with Chapter 521 of the Texas and Business Commerce Code;
 8. Security incident or data breach notification;
 9. Change control and advance notice; and
 10. Notification of legal requests.

303.4.6 REQUESTS FOR BWC RECORDINGS

The Department shall comply with all applicable laws pertaining to the release of BWC recordings. News or other media outlet requests for video will be processed through the Public Information Office (PIO). All other open records requests will be processed through the department coordinator in Central Records.

303.5 PERSONALLY OWNED BWC SYSTEMS

Personally owned BWC's are not permitted for use by employees.

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303.6 REVIEW OF ALL BWC SYSTEM RECORDINGS

- (a) If available, the recording that best captured the incident should be reviewed by the involved officers in the following situations prior to writing a report, supplement, memorandum, or prior to making a required statement:
1. Critical incidents, as defined by General Order 902.1.2;
 2. Response to resistance incidents; and
 3. Foot and vehicle pursuits.
- (b) Recordings may be reviewed:
1. By an employee to make sure the BWC system is operational;
 2. By an employee to assist with the writing of a report, supplement, memorandum, or prior to making a required statement about the incident;
 3. By authorized persons for the purpose of reviewing evidence;
 4. Upon approval by the Chief of Police, by a person, or the person's authorized representative, who is depicted in a recording of an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer, but who is not a witness to the incident (Tex. Occ. Code § 1701.660);
 5. By a supervisor investigating a specific act of employee conduct; or
 6. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
- (c) Recordings may be shown for the purpose of training. Employees wishing to view another employee's video for training purposes will submit a request via email through their chain-of-command, up to their lieutenant, for approval. The receiving lieutenant will review the video to ensure a training purpose exists and that the video is appropriate for viewing. If the lieutenant questions whether the video should be viewed for training, the lieutenant will contact the involved employee's lieutenant for approval. If the two lieutenants disagree, the involved employee's commander shall make the final determination. Factors for determining whether a video is appropriate for viewing for training include:
1. The likelihood of an internal/external investigation;
 2. Whether the video portrays actions that are likely to be embarrassing for any involved employee, and whether the embarrassment suffered by the employee would be outweighed by the training benefits; and
 3. Whether permitting uninvolved officers to view the video for training purposes may have a negative impact on any future or current prosecution or civil proceeding (lawsuit).
- (d) In no event shall any recording be used or shown to ridicule or embarrass any employee.

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- (e) Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.
- (f) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook).

303.7 REVIEW OF BODY WORN CAMERA ORDER

This order will be reviewed for continuous effectiveness and adherence to local, state, and federal laws by the Department.