

# **FORT WORTH POLICE DEPARTMENT Officer-Worn Digital Recording Devices Standard Operating Procedure**

**Original  
December 16, 2013  
Revised  
March 7, 2014**

## **SCOPE**

Officer-worn digital recording devices are an effective law enforcement tool that can also provide a degree of safety and peace of mind for the officers utilizing such devices. Although management reserves the right to review the recordings, the intent is not to target or otherwise harass officers that produce the footage.

The Fort Worth Police Department is deploying officer-worn digital recording devices to various personnel. This Standard Operating Procedure (“SOP”) describes the proper use of the officer-worn digital recording devices and the handling of evidence they generate.

## **OVERVIEW**

The officer-worn digital recording devices should be utilized to (1) collect evidence that can be used in the prosecution of criminal offenses, (2) record contacts with the public in order to secure unbiased evidence in connection with investigations, (3) allow for supervisory review to ensure that department policies and procedures are followed, and (4) capture footage that would be helpful for training.

## **DEFINITIONS**

1. Officer-Worn Digital Recording Device (also referred to as “digital recording device”) - Camera systems designed to be worn by a police officer to capture digital multimedia evidence.
2. Digital Multimedia Evidence (hereinafter referred to as DME) – All digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording such as date/time, GPS coordinates, labeling, etc.
3. Officer-Worn Digital Recording Device Coordinator (hereinafter referred to as the Coordinator) - Person assigned to act as coordinator for the

officer-worn digital recording devices. Duties shall include the issuance, replacement, tracking, and collection of such devices, as well as the management of DME storage.

## **LEGAL ASPECTS**

Recordings generated on department-owned digital recording devices are the property of the City of Fort Worth Police Department and shall be treated as evidence. Unless specifically authorized by this order or done in accordance with the City Document Retention Schedule, tampering with evidence (including, but not limited to, alteration, overwriting, erasure or other efforts to purposely destroy or modify any recordings) may constitute a criminal offense and/or an administrative violation. Violation of any portion of this SOP may lead to disciplinary action.

Use of digital recording devices for any purpose other than in accordance with this SOP is prohibited.

DME recorded by the digital recording devices is considered to be an official record of the City of Fort Worth and is subject to the Public Information Act as well as the City's Records Retention Policy. Public Information requests for such DME shall be handled as directed in General Order 212.05(c) and the Public Information Act.

### **I. PROCEDURES**

- A. Prior to using the digital recording device, officers shall receive department-approved training on its proper operation and care.
- B. If an officer elects to accept or is issued a digital recording device, the officer is required to deploy it during the course of their duties as outlined in this SOP.
- C. Officers shall not use personally owned digital recording devices while on duty.
- D. At the beginning of each shift, officers shall inspect the digital recording device for damage and to ensure proper working order. If the system is not operable, officers shall immediately notify a supervisor of the issue. Damaged devices shall be returned to the Coordinator for repair or replacement.
- E. In the event that a digital recording device is lost, upon discovery the officer shall immediately notify his/her supervisor. The officer shall complete an "Equipment Replacement Request" that will be routed

through the chain of command. Once approved, the Request will be forwarded to the Coordinator for appropriate action.

- F. Officers may be subject to disciplinary action for reporting to duty without their assigned digital recording device and/or for the intentional or negligent loss of or damage to a device.
- G. Officers assigned a digital recording device may use the device at approved off duty employment but only for official duties. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.
- H. At the start of each shift, officers utilizing an officer-worn digital recording device shall indicate this by selecting “On-Officer Camera” from the selection box on the Visinet Mobile login screen.

## II. OPERATION OF DIGITAL RECORDING DEVICES

- A. The digital recording device should be activated under the following circumstances:
  - 1. Collection of evidence that can be used in the prosecution of criminal offenses;
  - 2. Recording contacts with the public in connection with investigations where law enforcement action will potentially be taken;
  - 3. Pursuits by vehicle and on foot;
  - 4. Execution of consent searches;
  - 5. Investigating calls involving mentally distressed persons; and
  - 6. Documentation of accident or crime scenes, etc.
- B. Officers who conduct or supervise planned tactical entry operations **shall** ensure that at least one digital recording device is worn and activated during its execution. This also applies to Fort Worth officers who are members of other task forces. Dynamic as well as deliberate operations are covered by this mandate.
  - 1. Dynamic entry is defined as rapid entry and movement through a target location with the intent of quickly overwhelming any potential threats and/or preventing the destruction of contraband.

2. Deliberate entry (Slow Clear) is defined as the entry into and methodical movement through a target location with the intent of identifying and securing potential threats.
- C. Officers may deactivate the digital recording device when the purpose for activation is no longer present. Officers shall verbally state why they are choosing to deactivate the digital recording device prior to doing so. Also, temporary deactivation may occur when:
1. Exchanging NCIC/TCIC, DPS or other law enforcement sensitive data either in person or via the police radio or MDC;
  2. Facilitating discussion of training issues or operation strategies;
  3. Sharing information such as telephone numbers or personal information with another officer;
  4. Conducting conversations containing “privileged information” (i.e. communication with Clergy and Police Alliance/Ministers Against Crime, Police Peer Counselors, Attorneys, etc.); and
  5. When authorized by a supervisor or commander who determines that continued recording of an incident is not required to meet the objective of the Officer-Worn Digital Recording Device General Order that corresponds with this SOP. The authorizing supervisor or commander should be identified in the appropriate report narrative.
- D. Officers shall utilize the digital recording device as outlined in this SOP as well as the Officer-Worn Digital Recording Device General Order that corresponds with this SOP. Supervisors shall ensure that officers are utilizing the device as intended.

### **III. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE**

- A. By the end of each duty day, if the officer’s digital recording device is storing DME, the device shall be placed in an appropriate docking station and should not be removed until the download of data to Evidence.com is complete.
- B. When an incident has been recorded and an offense/incident report is generated, the officer shall note in the first sentence of the narrative that the incident or a portion of the incident was captured by a digital recording device. If the officer recording the DME is not the reporting officer, the officer recording the DME shall notify the report officer of the DME and if necessary supplement the report to note this.

1. If the citizen contact resulted in the issuance of a class c misdemeanor citation, the officer **shall** note on the back of the citation that DME was captured and placed on Evidence.com.
- C. The officer shall label the recording with any applicable report number. In addition, the officer shall choose an appropriate category for the recording when appropriate. The two categories are “Criminal” (criminal offense related) or “Administrative” (use of force, pursuits, officer involved traffic accidents, etc.) if unrelated to a criminal event. These tasks can be accomplished via a mobile device or by accessing Evidence.com directly. Note: in the event of a non-happening, the officer will simply not categorize a recording.
- D. **Supervisors may review DME at any time.** Any disciplinary action resulting from a review shall include the initial reason for the review (i.e. audit, specific allegation, etc.) and how the violation was discovered (i.e. review of specific citizen contact or incident on the recording, review of the totality of the event recording, etc.).
- E. Supervisors and Internal Affairs Section personnel may access DME for administrative investigations. The primary scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
- F. The personal use and/or retention of DME beyond the scope of this SOP is expressly prohibited. This includes unauthorized viewing by personnel that do not have specific “need-to-know” authorization to access the recordings.

#### **IV. RETENTION AND DESTRUCTION OF DIGITAL MULTIMEDIA EVIDENCE**

- A. All DME generated by the digital recording device is considered evidentiary in nature and is subject to supervisory review.
- B. Public Information requests for copies of DME shall be referred to the Legal Liaison Officer in the Internal Affairs Section.
- C. Unless provided for elsewhere in this SOP, all requests by investigating units for DME shall be handled in accordance with the current instructions of the storage media as specified by the Coordinator.

- D. Requests for destruction of “accidental/inadvertent” DME approved through the rank of lieutenant should be forwarded, in writing, to the Coordinator. Any destruction shall be in compliance with processes established by the applicable records retention policies of the City of the Fort Worth.
- E. DME on Evidence.com that was categorized as “Criminal” or “Administrative” will be kept for a minimum of 2 years. Uncategorized DME will be destroyed after 180 days. In addition, a category entitled “Until Manually Deleted” will be utilized in those instances dictated by the City Attorney’s office or the Risk Management office.
- F. Should DME be required for criminal cases or other litigation that requires the evidence to be retained for longer than two (2) years, it shall be the responsibility of the investigator to transfer the DME to the appropriate media for storage with the case evidence.
- G. If a use of force, vehicle pursuit or other administrative personnel action related to misconduct cases is captured on an officer-worn digital recording device, the DME regarding the incident shall be uploaded to Blue Team by a supervisor for Administrative Review. Supervisors should only attach video clips to Blue Team related to the actual event necessitating the internal review. However, supervisors are responsible for reviewing the totality of the recordings associated with the incident and for noting completion of same in Blue Team. Issues of concern shall be addressed and noted within the Blue Team Review as well. The purposes for the complete review is to address matters that require corrective action and to avoid embarrassment or needless difficulties should the entire footage be released to the media and/or reviewed pursuant to prosecution by the Tarrant County DA’s office. Amended 3-7-14
- H. Recordings may be shown for training purposes upon completion of a criminal case.
- I. All stored DME is subject to release in accordance with the Texas Public Information Act.

**506.00 PORTABLE COMMUNICATIONS EQUIPMENT**

**506.03 OFFICER-WORN DIGITAL RECORDING DEVICES**

- A. The guidelines in this order apply only to digital recording devices that attach directly to the officer's uniform or person. These guidelines do not apply to the use of the in-car audio/video recording systems that are permanently mounted in a vehicle.
- B. All digital multimedia evidence (DME) that is captured during the scope of an officer's duties is property of the Fort Worth Police Department and is subject to City, State and police department policies regarding viewing, release, retention and destruction. DME shall not be converted for personal use. Accessing, copying, editing or releasing recordings or depictions of recordings without proper authority and/or approval is strictly prohibited.
- C. Officers are prohibited from utilizing personally-owned digital recording devices while on-duty or while engaged in approved off-duty law enforcement and security-related (LE/SR) employment.
- D. The use of an officer-worn digital recording device by any officer is voluntary; however, if an officer elects to accept or is assigned a digital recording device, the officer is required to use the device as outlined in this order as well as corresponding standard operating procedures.
- E. Officers deploying an officer-worn digital recording device shall attend department-approved training on the device, review the standard operating procedures governing its use and demonstrate a working knowledge of the device prior to employing it in field operations.
- F. Supervisors of officers deploying an officer-worn digital recording device shall attend department-approved training regarding the device as well as the procedures for storing and retention of the DME.
- G. Officers shall inspect the digital recording device prior to each shift to confirm proper operation and sufficient battery life. Any problem with the digital recording device shall be immediately reported to the officer's supervisor and the officer shall contact the body camera program coordinator to secure a repair or replacement.
- H. In the event that a digital recording device is lost, upon discovery the officer shall immediately notify their supervisor. The officer shall complete an Equipment Replacement Request that will be routed through the chain of command. Once approved, the request will be forwarded to the body camera program coordinator for appropriate action.
- I. Officers may be subject to disciplinary action for reporting to duty without their assigned digital recording device and/or for the intentional or negligent loss of or damage to a device.
- J. Officers assigned a digital recording device may use the device at approved LE/SR employment but only for off-duty law enforcement action. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.
- K. At the start of each shift, officers utilizing an officer-worn digital recording device shall indicate this by selecting "On-Officer Camera" from the selection box on the Visinet Mobile login screen.
- L. The officer-worn digital recording device should be activated under the following circumstances:
  - 1. Collection of evidence that can be used in the prosecution of criminal offenses;



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2. Recording contacts with the public in connection with investigations where law enforcement action will potentially be taken;
  3. Pursuits by vehicle and on foot;
  4. Execution of consent searches;
  5. Investigating calls involving mentally-distressed persons; and
  6. Documentation of accident or crime scenes, etc.
- M. Officers who conduct or supervise planned tactical entry operations shall ensure that at least one (1) digital recording device is worn and activated during its execution. This also applies to Fort Worth officers who are members of other task forces. Dynamic as well as deliberate operations are covered by this mandate.
1. Dynamic entry is defined as rapid entry and movement through a target location with the intent of quickly overwhelming any potential threats and/or preventing the destruction of contraband.
  2. Deliberate entry (Slow Clear) is defined as the entry into and methodical movement through a target location with the intent of identifying and securing potential threats.
- N. Officers may deactivate the digital recording device when the purpose for activation is no longer present. Officers shall verbally state why they are choosing to deactivate the digital recording device prior to doing so. Also, temporary deactivation may occur when:
1. Exchanging NCIC/TCIC, DPS or other law enforcement sensitive data either in person or via the police radio or MDC;
  2. Facilitating discussion of training issues or operation strategies;
  3. Sharing information such as telephone numbers or personal information with another officer;
  4. Conducting conversations containing privileged information (i.e. communication with Clergy and Police Alliance/Ministers Against Crime, Police Peer Counselors, Attorneys, Physicians, etc.); and
  5. When authorized by a supervisor or commander who determines that continued recording of an incident is not required to meet the objective of the Officer-Worn Digital Recording Device SOP that corresponds with this General Order. The authorizing supervisor or commander should be identified in the appropriate report narrative.
- O. Officers shall not:
1. Intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
  2. Knowingly record undercover officers or confidential informants.
  3. Use a departmentally-owned officer-worn digital recording device to record any type of personal activities.
  4. Allow non-sworn personnel to view the DME 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 DME or who work in Internal Affairs are exempt from this provision.
  5. Upload or convert digital recordings for use on any type of social media.
  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.



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7. Intentionally record juveniles unless evidentiary in nature as authorized by the Family Code.
8. Wear an officer-worn digital recording device into a testing area, courtroom, arbitration hearing, or disciplinary meeting with chain of command.
  - a. Officers do not have to remove their digital recording device when in departmental and/or public meetings or when in classrooms unless testing will be included; however, the device shall be deactivated unless the instructor or facilitator has authorized the device to be activated during the meeting or class.
- P. If intentional recordings of juveniles are made, the investigator shall download the video to the appropriate media as soon as possible and request destruction of the DME as provided for in this General Order and/or corresponding standard operating procedures.
- Q. When an incident has been recorded and an offense/incident report is generated, the officer shall note in the first sentence of the report narrative that the incident or a portion of the incident was captured by an officer-worn digital recording device. If the officer recording the DME is not the reporting officer, the officer recording the DME shall notify the report officer of the DME and if necessary supplement the report to note this.
  1. If the citizen contact resulted in the issuance of a Class C misdemeanor citation, the officer shall note on the back of the citation that DME was captured and placed on Evidence.com.
- R. The officer shall label the recording with any applicable report number. In addition, the officer shall choose a category for the recording when appropriate. The two categories are Criminal (criminal offense related) or Administrative (use of force, pursuits, officer involved traffic accidents, etc.) if unrelated to a criminal event. These tasks can be accomplished via a mobile device or by accessing Evidence.com directly.

Note: In the event of a non-happening, the officer will simply not categorize a recording.
- S. Officers may use media captured via the officer-worn digital recording device to assist with the investigation and completion of reports.
- T. The decision when to allow officers involved in a Critical Police Incident to review media captured from an officer-worn digital recording device will rest with the appropriate investigator. However, officers should be permitted to review the media with their attorney.
- U. Officers may review media captured from an officer-worn digital recording device before making any statements in an Internal Affairs investigation.
- V. By the end of each duty day, if the officer's digital recording device is storing DME, the device shall be placed in an appropriate docking station and should not be removed until the download of data is complete. If the DME is recorded during off-duty LE/SR employment, the officer shall place the device in the docking station by the end of the officer's next scheduled on-duty shift.
- W. All DME captured by officer-worn digital recording devices shall be uploaded to Evidence.com for storage.
  1. DME on Evidence.com that was categorized as Criminal or Administrative will be kept for a minimum of two (2) years. Uncategorized DME will be destroyed after 180 days. In addition, a category entitled Until Manually Deleted will be utilized in those instances dictated by the City Attorney's office or the Risk Management office.
  2. Should DME be required for criminal cases or other litigation that requires the evidence to be retained for longer than two (2) years, it shall be the responsibility of the



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investigator to transfer the DME to the appropriate media for storage with the case evidence.

3. If a use of force, vehicle pursuit or other administrative personnel action related to misconduct cases is captured on an officer-worn digital recording device, the DME regarding the incident shall be uploaded to the administrative report by a supervisor for administrative review.
- X. Recordings may be shown for training purposes upon completion of a criminal case.
- Y. All stored DME is subject to release in accordance with the Texas Public Information Act.

