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209.09 BODY-WORN CAMERA PROGRAM (BWCP)

(Added 09-30-15) (A 41.3.8)

- A. **Purpose.** This policy is intended to provide personnel with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law while improving transparency and accountability. (A 41.3.8a)
- B. **Policy.** It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. Supervisors will conduct random audits of BWC footage to ensure compliance with departmental policy and training. (A 41.3.8a)
- C. **Procedures.**
1. **Administration.** This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
 - BWCs allow for more accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to support the accuracy of officer reports and testimony in court.
 - Audio and video recordings also support this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes.
 - Provide additional information for officer evaluation and training.
 - The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
 2. **When and How to Use the BWC** (A 41.3.8b)
 - a. When safe to do so officers shall activate the BWC during all calls for service and law enforcement-related activities to include but not limited to:
 - Any enforcement stop, pedestrian or vehicle
 - Investigations and interviews of criminal acts
 - Arrest
 - Searches
 - Use of force
 - Critical Incidents
 - Pursuits
 - Any encounter with the public that becomes confrontational after initial contact.
 - b. Officers should inform individuals that they are being recorded, when it is safe to do so. In locations where individuals have a reasonable expectation of privacy, such as a residence, recording should not be made unless the recording is being made as part of an ongoing investigation or police action resulting from a call for service, offense observed by the officer, or during the execution of an arrest or search warrant.
 - c. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless deactivation is authorized by this policy or a supervisor.

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- d. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
 - e. If the officer stops recording, the reasoning and circumstances will be made both on camera before recording ceases and later in the written report. The name of the approving supervisor should also be recorded if applicable.
 - f. The public shall not be allowed to review the recordings at the scene.
3. **Procedures for BWC Use**
- a. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
 - b. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Arlington Police Department.
 - c. Police personnel who are assigned BWCs or who may come into contact with video or audio from BWCs must complete an agency approved training program on proper use and operation, and/or the Department's policy with respect to its use. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment. (A 41.3.8f)
 - d. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior approval of the Police Chief or his or her designee.
 - e. Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.
 - f. An officer may access any recording of an incident involving the officer before being required to make any statement about the incident as required by state law.
 - g. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Police Chief or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
 - h. Officers shall note in an offense, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
4. **Restrictions on Using the BWC** (A 41.3.8b)
- a. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - Private communications with other police personnel without the permission of the Police Chief or his or her designee;
 - Encounters with undercover officers or confidential informants;
 - When discussing administrative, investigative, tactical or law enforcement sensitive information, including unit meetings and police briefings, away from the public;
 - When on break or otherwise engaged in personal activities;

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- b. Accessing, copying, editing or releasing recordings or depictions of recordings without proper approval is prohibited. This restriction does not apply to recordings that are released as a requirement through the Public Information Act request process or as required through the evidentiary sharing process for criminal investigation or prosecution.
 - c. Any uploading or converting recordings for use on any type of social media is prohibited, unless approved by the Police Chief.
5. **Data Storage and Access** (41.3.8d)
- a. Public Information Act requests for video will be handled in accordance with Chapter 552 of the Texas Government Code and departmental procedures.
 - b. Each officer shall securely download all files periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer. In the event of a serious incident such as deadly force encounters or in-custody death all recorded files will be downloaded by a supervisor or assigned investigator as soon as practical.
 - c. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an administrative or criminal investigation or prosecution. Non-evidentiary video and audio recordings will be maintained for 90 days. All video and audio recordings marked as evidence shall be maintained through the conclusion of court proceedings and in compliance with the evidence retention policy of this agency. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
6. **Evidence Procedures** (A 41.3.8c)
- a. BWC recordings must be identified and retained as evidence if the video file documents:
 - an arrest
 - use of force
 - pursuit
 - a fleet crash
 - any other incident in which the recording may be needed as evidence.
 - b. Officers shall properly submit an evidence request for BWC recordings using the quick link, [*Video Evidence Submission Form*](#), located on the APD Intranet page.
 - c. Officers will make note of the presence of video by entering “VE” in the Physical Evidence field of the M.O. Screen within the Tiburon ARS report.
 - d. BWC files containing information that may be valuable for case prosecution or civil proceedings shall be safeguarded as other forms of evidence. These digital recordings:
 - Will be subject to the same security restrictions and chain of evidence safeguards as detailed in the evidence control policy.
 - Will not be released to any non-criminal justice agency without prior approval of the legal advisor.
 - Will not be released without approval from the Internal Affairs section if it is related to a police department internal investigation, unless such release is legally required.

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- e. Processing Digital Video File Evidence Requests: Video files may be recorded onto a digital media such as a CD-R or DVD disk.
- 1) The records unit shall assign personnel to process all video file evidence requests. The media must be marked as “Evidence” and labeled with:
 - Officer Name and ID,
 - Arlington Police Department
 - Nature of call of the Incident
 - Date recording was captured
 - Report number
 - ECFS (Electronic Case Filing System) number if applicable
 - Name of arrested person
 - 2) Multiple discs are to be numbered
 - 3) A Property/Evidence form must be completed if applicable
 - 4) The media evidence shall be documented on a supplement to any related police reports.
 - 5) The media shall be placed into the custody of the Property Unit.
 - 6) Digital media containing video evidence related to a DWI offense will be forwarded to the Tarrant County District Attorney’s video evidence library.
- f. Processing Training Video Requests: Video files may be recorded onto a digital media such as a CD-R or DVD disk. Workstations at the training center will be equipped with the necessary computer hardware.
- 1) An officer may submit a request for a video file they believe would be useful for training.
 - 2) The request will be submitted through the employee’s supervisor to the In-Service Training Unit supervisor or their designee at the Training Center. The request should include the following:
 - Nature of the call
 - District
 - Officer’s name and ID,
 - Date and time the recording was captured
 - Vehicle number
 - Call number and/or report number
 - A brief description why the officer believes the video has training value.
 - 3) The In-Service Training Unit Supervisor or their designee will review the video and transfer the file to a CD-R or DVD if it is determined the video has training value.
 - 4) If an involved officer objects to showing a recording, their objection will be submitted to the In-Service Training Unit Sergeant. The objection of an involved officer will be considered, but does not automatically preclude the video from being used for training purposes. In no event shall any recording be used or shown to ridicule or embarrass any officer or other employee of the city.
 - 5) An officer or any other employee of the Police Department will not use their position to obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person/entity, any BWC video or information from Department video files.

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7. **Supervisory Responsibilities**

- a. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
- b. At least on a monthly basis, supervisors shall randomly review five (5) BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. Each review shall be documented and saved for four years by the supervisor conducting the review.

(A 41.3.8g)

- c. Supervisors may have the ability to resolve citizen complaints by reviewing video captured by an officer's BWC. In those circumstances where a complaint is resolved with no further action needed, the supervisor shall document their investigation and shall include a copy of the video reviewed.
- d. Supervisors shall use their discretion to address minor infractions of policy and/or procedure and will use the opportunity to counsel and train employees to prevent future violations.

8. **Equipment Maintenance and Inspection Procedures** (A 41.3.8e)

- a. Maintaining a clean and operable BWC is the responsibility of the officer assigned to wear the camera.
- b. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning.
- c. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible to ensure that the unit is repaired or replaced as needed. The program administrator will log all problems and malfunctions experienced with BWCs. Body worn camera inventory will be maintained by research and development.
- d. The program administrator is responsible for ensuring the vendor is notified about damaged BWCs.