

Body Worn Camera Systems

303.1 PURPOSE AND SCOPE

The use of Body Worn Camera (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 policy covers the use of the Department issued and personally owned BWC systems. This policy does not cover the use of surreptitious recording devices used in undercover operations.

303.2 DEPARTMENT ISSUED BODY WORN CAMERA

- (a) BWC equipment is to be used primarily by uniformed personnel and must be used unless otherwise authorized by the Chief of Police or his/her designee. 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.
- (b) 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 regard to fields of view and officer 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.
 - 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 policy will be authorized by the rank of Commander or above. Examples for exemptions may include, but are not limited to, SWAT, OCD, and Mounted Patrol.
- (c) Employees will test the BWC equipment at the commencement of their tour of duty.
- (d) Employees will classify the video as '10-41'.
- (e) The BWC equipment test will consist of employees recording the following:

1. Employee name; and
2. Employee number; and
3. The current date and time.

(f) Employees will review the recording to verify the BWC microphone is operational, and the date and time is accurate.

(g) Employees who discover an operational defect with the BWC system will 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, the Employee will notify the supervisor, and write up the device for service describing the events leading up to failure.

(h) Employees shall not:

1. Bypass or attempt to override the equipment.
2. Erase, alter, or delete any recording produced by the BWC.

303.2.1 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; or
2. Have detained or arrested a person; or
3. Are attempting to detain or arrest a person; or
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 officer 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
6. Any contact that becomes adversarial in an incident that would not otherwise require recording.

(c) Officers that are issued a BWC will be required to 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 officer is required to take immediate action to an event that occurs directly in front of them 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. Officers will need to articulate the reasoning for the delayed activation of their BWC.

303.2.2 ADVISEMENT AND CONSENT

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

303.2.3 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 policy.

(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.

303.2.4 Victim and Witness Statements

(a) When conducting an investigation, the officer 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 officers to maintain credibility with people wanting to share information with law enforcement. On occasion, an officer may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the officer should continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy.

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

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

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

303.2.5 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 will not utilize the body worn camera in the following circumstances:
 1. A potential witness who requests to speak to an officer 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.

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.

303.3 REQUIRED CLASSIFICATION OF BWC RECORDINGS

- (a) Employees should ensure that all BWC recordings are accurately classified and downloaded prior to the completion of their scheduled tour of duty unless approved by a supervisor. All recordings, except those classified as "Non-Event," must also include the 9-digit incident number when available using the following format: YYJJJ#### (e.g. 100711267).
- (b) 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 classify their recordings during their next regularly scheduled work day.
- (c) Employees shall ensure that all incident recordings have the required information assigned and that the upload process has started prior to the completion of their scheduled tour of duty.
- (d) 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.

(e) Detectives are responsible for verifying the classification of recordings for assigned incidents within 30 days of the recording. Detectives are also responsible for reclassifying recordings when necessary to ensure proper retention.

303.3.1 SUPERVISOR INSPECTION

Sergeants will conduct quarterly inspections of their employees' BWC recordings to ensure they are complying with BWC policy. These inspections will be electronically documented and sent to the lieutenant within the chain-of-command.

303.3.2 DOCUMENTING BWC SYSTEM USE

Any incident that was recorded with either the video or audio system shall be documented in the employee's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

303.3.3 COPIES OF BWC SYSTEM RECORDINGS

Copies of a BWC media recording will 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 normally be made 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 policy.

303.3.4 BWC RECORDING RETENTION SCHEDULE

Videos shall be retained for a longer 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.

303.3.5 STORAGE AND SECURITY OF BWC SYSTEM RECORDINGS

Officers will download the media contained on their BWC utilizing the approved download procedures (wireless, docking station, etc.). BWC media will be stored utilizing a secure storage server and backed up for redundancy purposes. All media will be stored utilizing approved security methods in compliance with Criminal Justice Information Standards (CJIS) standards.

A maintenance agreement for the BWC program shall be in place to ensure the security of all BWC data.

303.3.6 REQUESTS FOR BWC RECORDINGS

The Department will comply with all applicable laws pertaining to the release of BWC recordings. Open records requests will be processed through the department coordinator in central records. Media requests will be processed through the Public Information Office (PIO).

303.4 PERSONALLY OWNED BWC SYSTEMS

Once departmentally issued BWC's are issued and a BWC program is implemented by the department, personally owned BWC's will no longer be permitted for use by employees.

303.5 REVIEW OF ALL BWC SYSTEM RECORDINGS

This section outlines the review of department issued and personally owned BWC system recordings.

(a) Recordings may be reviewed:

1. By the employee to make sure the BWC system is working
2. By the employee to assist with the writing of a report, supplement, memorandum, or prior to making a statement about the incident.
3. By authorized persons for the purpose of reviewing evidence
4. By a supervisor investigating a specific act of employee conduct

5. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
 - (b) Recordings may be shown for the purpose of training. If an involved employee objects to showing a recording, his objection will be submitted to his commander to determine if the training value outweighs the employee's objection.
 - (c) In no event shall any recording be used or shown to ridicule or embarrass any employee.
 - (d) Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a BWC system.
 - (e) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook).

303.6 Review of Body Worn Camera Policy

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