

Audit Report

Austin Police Department Body-Worn Cameras

June 2019



The Austin Police Department (APD) started its body-worn camera program in 2015 to create greater transparency and accountability in its interactions with the public. APD has set up the policies, training, and technology necessary to support the use of body-worn cameras.

However, APD supervisors have not been conducting inspections of officers' body-worn camera videos to detect and correct issues. A review of body-worn camera videos revealed that some videos were not started and stopped properly, camera view was sometimes blocked, and video categorization was not added consistently or accurately. Without clear recordings that show the entire interaction between officers and the public, along with proper tagging of those interactions, the goal of creating greater transparency and accountability cannot be fully achieved. Finally, APD staff do not track information requests received for body-worn camera videos so we could not determine if APD is releasing or withholding all body-worn camera video in accordance with State law.

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Cover: APD officers wearing body-worn cameras. @Austin_Police Twitter, March 2019.

Objective

Are Austin Police officers using body-worn cameras in accordance with APD policies, State law, and best practice guidance?

Background

The Austin Police Department (APD) started its body-worn camera program in 2015 to create greater transparency and accountability in its interactions with the public. As of April 2019, all sworn APD officers except for chiefs and commanders were assigned a body-worn camera.

Body-worn cameras are small battery powered cameras worn by police officers to capture interactions with the public. The cameras are attached to an officer's uniform with a clip and are placed in the center of the chest to capture an officer's field of vision.

Officers are required to activate body-worn cameras (depicted in Exhibit 1) when they respond to calls for service or have citizen contacts where they anticipate taking law enforcement action. Videos are started either automatically when an officer opens the patrol car door or when an officer pushes the "EVENT button" on the device. Officers stop the video manually at the end of an incident by pushing the EVENT button.

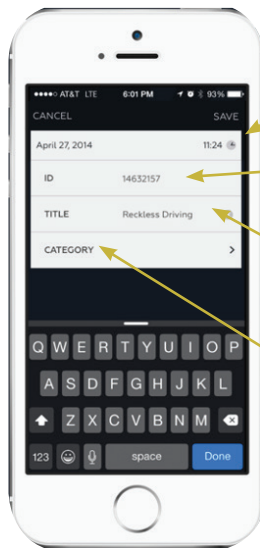
Exhibit 1: Features of APD's Body-Worn Cameras



SOURCE: OCA analysis of APD body-worn camera training materials, May 2019.

Officers use an application on their City-issued phones to add supplemental incident information to their videos – a process known as “tagging.” Officers are required to tag their videos with a case number, title code, and retention category.

Exhibit 2: Tags Added by Officers to Body-Worn Camera Videos



Date and Time of Incident

ID: The case number associated with the incident as assigned by dispatch.

TITLE: The title code for the incident type, such as reckless driving.

CATEGORY: The category determines the length of time the video should be retained. This is selected by the officer based on the title code.

SOURCE: OCA analysis of APD body-worn camera training materials, May 2019.

At the end of their shift, officers dock their cameras on charging stations, pictured in Exhibit 3 below. While cameras are docked, videos are automatically uploaded to a cloud-based storage and management system called Evidence.com. Videos are kept in Evidence.com based on the retention category officers assign to the video. As of April 2019, approximately 2 million videos have been uploaded to Evidence.com by APD officers.

Exhibit 3: APD Body-Worn Camera Docking Stations



SOURCE: Photo by OCA staff at the APD East Substation, January 2019.

What We Found

Summary

The Austin Police Department (APD) started its body-worn camera program in 2015 to create greater transparency and accountability in its interactions with the public. APD has set up the policies, training, and technology necessary to support the use of body-worn cameras. Also, APD has processes to ensure proper storage and retention of videos in Evidence.com. This is a new program, and APD has already identified and corrected issues to make their use of body-worn cameras more effective.

However, APD supervisors have not been conducting inspections of officers' body-worn camera videos. As a result, issues with officer use of body-worn cameras may not be properly detected and corrected. A review of body-worn camera videos revealed that some videos were not started and stopped properly, camera view was sometimes blocked, and video categorization was not added consistently or accurately. Without clear recordings that show the entire interaction between officers and the public, along with proper tagging of those interactions, the goal of creating greater transparency and accountability cannot be fully achieved. Finally, APD staff do not track the number of public information requests received for body-worn camera videos so we could not determine if APD is releasing and withholding all body-worn camera video in accordance with State law.

Finding 1

APD has set up the policies, training, and technology necessary to support the use of body-worn cameras. However, the department lacks oversight processes to ensure that all evidence is properly recorded and uploaded by officers.

The Austin Police Department has policies for the body-worn camera program that generally align with State law¹ and best practice.² To set up the program, the department purchased cameras and installed docks at all police substations. Officers have been trained on policies, use of cameras, and how to upload evidence recorded with their assigned camera.

This is a new program, and APD has already identified and corrected issues to make their use of body-worn cameras more effective. APD rolled out the body-worn cameras to groups of officers over the period of a year, and fixed issues identified and reported by officers. For example, APD purchased new "butterfly" mounts that more securely attach the camera to the officer's uniform after officers reported that cameras attached with the first magnet mount were easily knocked off. APD also issued all officers in-car charging cords to help eliminate the possibility of the camera battery dying while on duty.

¹ Texas Senate Bill 158, Amending Chapter 1701, Subchapter N of the Occupations Code

² International Association of Chiefs of Police model Body-Worn Camera Policy, April 2014

However, APD supervisors have not been conducting inspections of officers' body-worn camera video. As a result, issues with officer use of body-worn cameras may not be properly detected and corrected.

APD policy requires supervisors to do quarterly review of videos created by officers in their chain-of-command.

APD policy states that supervisors should perform inspections of body-worn camera videos recorded by officers in their chain-of-command. These inspections are supposed to be done quarterly to check that officers are using their camera according to policy and uploading their evidence to Evidence.com with the required information including case number and category.

We found that supervisors have not been performing these quarterly inspections as required by policy. According to a memo from patrol supervisors to APD executive leadership, supervisors thought the inspections of body-worn camera videos and DMAV (dash camera) videos were redundant and that these inspections never identified any officer wrongdoing. Further, the memo stated supervisors were unsure if the results of their inspections were ever evaluated by command.

We reviewed video audit logs for the 151 body-worn camera videos that we tested in this audit and determined that only 1 video had been viewed by a supervisor. This video was viewed by the supervisor on the day of the incident. We did not find evidence that any of the videos had been viewed as part of a quarterly supervisor inspection.

Review of body-worn camera videos revealed that officers are generally using their cameras according to policy. However, some videos were not started and stopped properly, camera view was sometimes blocked, and video categorization was not added consistently and accurately.

We reviewed 151 body-worn camera videos taken by officers between August 1, 2018 and January 31, 2019.³ In 151 of 151 (100%) of videos, the camera was placed correctly on the officer's uniform and stayed attached throughout the whole video, and the camera continued to operate in instances of inclement weather. In 150 of 151 (99%) videos, the camera recorded audio for the entire video. These results are shown in Exhibit 4.

Exhibit 4: Cameras were placed correctly, continued to operate in inclement weather, and effectively recorded audio.



100%

the camera was placed correctly on the officer's uniform and stayed attached



100%

the camera continued operating in inclement weather



99%

the camera recorded audio for the entire video

SOURCE: OCA review of 151 videos created between August 1, 2018 and January 31, 2019, April 2019.

³ We tested a sample of 200 body-worn camera videos. 44 videos were non-events or videos of start-up procedures and five videos were duplicate videos. This left 151 event videos for our sample.

While our review only identified a relatively small percentage of issues overall, the issues identified demonstrate that incorrect body-worn camera operation can have a significant impact on the quality of the evidence being recorded, and may reduce transparency and accountability for officer interactions with the public. More importantly, without proper supervisor review, issues relating to officer interactions with the public may continue to go undetected and uncorrected, compromising the effectiveness of APD's body-worn camera program and relationship with the public. The following sections detail the issues identified through our review.

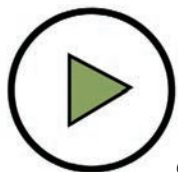


4%
of videos had the camera lens blocked at some point

Camera view was blocked at some point in the video

Throughout the course of their normal duties, officers may briefly block the view of the camera and we saw many examples of this in our review.

However, in 6 of 151 (4%) videos, we saw officers completely block the view of their camera for significant portions of the video. APD policy requires officers to wear their body-worn camera on their outermost layer of clothing. However, we viewed five videos where the officer blocked significant portions of the video by zipping up their jacket or putting on a safety vest that covered the camera. To remedy this issue, APD staff said the department has purchased safety vests that may be zipped up to just under the camera and has given officers a second camera mount to keep on their jackets during cold weather. In another video, an officer blocked both the video and audio recording of his camera with his arm for significant portions of the video.



11%
of videos did not include a 30-second pre-record

3%
of videos did not start at the beginning of the incident

Video did not start at the beginning of the incident

In 17 of 151 (11%) videos, the video did not include the 30-second audio-free pre-recording and in 4 of 151 (3%) videos, the camera did not start automatically recording and the officer did not manually start the recording at the beginning of the incident. In one of those videos, an officer is already on the scene of a restaurant where an alarm is going off when his video starts. In another one of the videos, the officer is in the middle of a conversation about an ongoing incident when his recording starts. In all four videos, the officers' cameras should have started recording when the officers arrived at the incidents. Without a full video and audio recording of the officers' interactions, it is not clear what was happening in the incident and a full evaluation of officer performance cannot be completed.



4%
of videos stopped before the end of the incident

Video stopped before the end of the incident

In 6 of 151 (4%) videos, officers stopped the video before the end of their involvement with the incident. In one video, the officer places his rifle in front of his chest and the rifle presses the event button, deactivating the video in the middle of the incident. In two other videos, the officers' cameras die before the end of the incidents.



5%
of videos were not categorized



12%
of videos were not categorized correctly

Video was not categorized or was categorized incorrectly

We reviewed 7 of 151 (5%) videos that did not have a category in Evidence.com and 18 of 151 (12%) videos that appeared to be categorized incorrectly. The category assigned to the video determines the length of time the video should be retained. Officers are supposed to add this category to all videos they upload to Evidence.com. APD staff stated that miscategorized videos may be the result of an officer assigning a wrong category to the video or to the final report. APD has set up a process for Evidence.com to review incident reports to assign categories to videos, but Evidence.com cannot override a category assigned by an officer. Videos with an incorrect category may be deleted before the proper retention date or retained for longer than necessary.

Videos with multiple issues

Several videos that we reviewed included multiple issues.

In one incident we reviewed, the video starts as an officer pulls a driver over for drunk driving but the officer stops the video before the incident is over. Another video taken by the officer does not start until he is out of his car standing next to the driver. As a result, there is not complete recording of this officer’s interactions with the driver.

In another incident, an officer is sitting in her car talking to other officers when her camera recording starts. The video does not include a 30-second pre-record, it is unclear if the entire incident was recorded, and the officer uploaded the video without a case number or category. The case number and category added by Evidence.com are also incorrect, so it was difficult to gather more information about this incident to gain an understanding of the officer’s interactions.

In a third incident, an officer’s video did not include a 30-second pre-record, the officer stopped his video before the end of the incident for a “personal conversation” with another officer and never started recording again to capture the rest of the incident, and the officer uploaded the video without a case number or category. As a result, this video did not show the entire incident.

APD’s system for storage of body-worn camera evidence has processes to ensure proper upload, storage, and retention of evidence. However, the department does not have oversight processes to continuously monitor the program from a department-wide perspective.

The APD Police Technology Unit (PTU) has been responsible for all aspects of the body-worn camera program. This includes acquiring body-worn cameras, assigning cameras to officers, developing body-worn camera training for officers, creating and revising department policies for body-worn cameras, and managing APD’s video storage (and access to that storage) through Evidence.com.

APD has set up a process for Evidence.com to review call data and incident reports to assign categories to videos in Evidence.com.

APD policy says that officers can mute the audio on a video for a “personal conversation.” Officers are not permitted to stop a recording to have personal conversations.

The APD Police Technology Unit has been responsible for all aspects of the body-worn camera program.

APD does not have one person or group assigned to provide oversight of the body-worn camera program to ensure: all evidence is properly tagged, issues with use of body-worn cameras are addressed through training or policy updates, and program objectives are being achieved.

APD does not have formal processes for program oversight beyond the supervisor level, which as mentioned, has not been effective at identifying issues with use of body-worn cameras. The department does not have performance measures or program goals for the body-worn camera program. The Police Executive Research Forum (PERF) recommends that agencies collect and release statistical data on their body-worn camera usage “to promote transparency and trust within the community” and “to evaluate the effectiveness of their body-worn camera programs and to identify areas for improvement.” The following section includes some examples of program statistics that APD could collect for their body-worn camera program.

Percentage of dispatched calls with video available

APD policy requires that all units responding to a scene shall activate their body-worn camera.

APD policy requires officers to start their body-worn camera recording when they arrive on-scene to any call for service. We found that there was not a body-worn camera video available for one-third of dispatched calls from August 1, 2018 through January 31, 2019. It is not clear what percentage of calls should have video available, because the department does not have a defined performance measure to track this.

APD staff stated that this would be difficult to measure, because officers dispatched may not be required to create a body-worn camera video for some calls. Some officers dispatched to a call for service may be canceled before they arrive on scene or an officer may respond to the call but never get out of their car, such as when they are setting a perimeter around an area and thus may not have an interaction with the public requiring a camera recording.

Without this performance measure, APD does not have oversight in place to ensure that officers are recording and uploading all videos from their responses to calls that require a body-worn camera video.

Percentage of videos that are uncategorized or do not have a case number

APD policy requires that all event videos be uploaded with category and nine-digit case number.

We found that approximately 15,000 videos were uploaded each month to Evidence.com without a category. The vast majority of those videos were also uploaded without a case number. Categorizing videos is critical because the category assigned to the video determines the length of time the video should be retained. Without a category, APD does not have accurate data on the percentage of videos in each category and videos are retained indefinitely. Without a case number, the video would not come up in a search, so it would be difficult to locate evidence related to that case for an interested party (for example the officer’s supervisor, a detective working on the case, or a member of the public requesting the video).

All evidence is retained in the system for at least 181 days, which means evidence is available for the entire 180-day period in which disciplinary action can be taken against an officer following a complaint about officer misconduct.

Finding 2

APD staff do not track the number of information requests the department received for body-worn camera video or the number of body-worn camera videos released or withheld.

Texas State law includes specific guidelines for handling requests for body-worn camera video.

Percentage of videos uploaded within 30 days of creation

APD policy requires that officers upload body-worn camera videos created during their shift by the end of their work day, unless working an overtime shift, in which case they can upload the video at the start of their next regularly scheduled work day. We also found that while nearly all videos were uploaded within 30 days of when they were recorded, there were 26 videos that were uploaded more than 181 days after the day they were created. As a result, the videos would not have been available in the system during the 180-day complaint period had a complaint been filed relating to one of those incidents.

APD staff were unable to provide a list of all information requests the department received related to body-worn camera video, or a breakdown of which requests were fulfilled or denied, because they do not track this information. Staff said that the system they use to process information requests does not have the functionality to track these data points. APD records staff asserted they previously tracked this information in an Excel spreadsheet, but that practice has been discontinued and they have not determined another way to track this information.

We reviewed examples of requests for body-worn camera video, 7 of which resulted in release of body-worn camera video and 6 where body-worn camera video was not released and determined that APD complied with State law in these cases. However, we were unable to determine if APD is releasing and withholding all body-worn camera video according to State law since we could not test a random sample from the entire population of information requests.

APD PIO staff are working to add fields to the system for handling information requests so staff can check if a body-worn camera video was requested, if the video was released, or if the video was withheld. The addition of these fields will allow APD staff to provide information on the number of information requests received for body-worn camera videos and whether those videos were provided or withheld according to State law.

Additional Observation

The Office of Police Oversight (OPO) was recently given access to body-worn camera video through APD Internal Affairs. Going forward, OPO will review body-worn camera video to periodically assess body-worn camera use and in response to complaints against officers.

The 2018 Meet and Confer Agreement between the City of Austin and the Austin Police Association created the Office of Police Oversight, previously known as the Office of the Police Monitor. The Agreement states that the Office of Police Oversight will have access to confidential police department files, including body-worn camera video.

As of February 2019, select Office of Police Oversight staff can request access to body-worn camera video on Evidence.com from Internal Affairs staff. In addition to using the videos for complaint reviews, the Office of Police Oversight plans to conduct periodic assessments of body-worn camera use, with the aim of identifying policy and training issues and recommending solutions. The Director of the Office of Police Oversight expects to start these reviews in calendar year 2020. The Office of Police Oversight will provide external oversight of body-worn camera use to provide greater accountability and transparency to the program.

Recommendations and Management Response

1 | The Chief of Police should ensure quarterly supervisory inspections are taking place through regular reporting to executive leadership.

Management Response: Agree

Proposed Implementation Plan: APD Risk Management will provide quarterly reports to executive staff to ensure compliance with APD policies 303.3.1 Supervisor Inspection and 801.8 Personnel and Equipment Inspections.

Proposed Implementation Date: Quarterly, beginning July 2019

2 | The Chief of Police should designate an individual within APD whose primary responsibility is oversight of the body-worn camera program. This individual's responsibilities should include: designing, tracking, and reporting on performance measures and program goals to assist with monitoring of the body-worn camera program; revising body-worn camera policy as necessary; providing updated and on-going body-worn camera training to officers; and assisting supervisors with reviews of body-worn camera usage.

Management Response: Agree

Proposed Implementation Plan: APD will designate the Commander over Risk Management to head a workgroup that will:

- a. Develop protocols for reviewing and updating program policy,
- b. Monitoring recommendations from Department of Justice on BWC programs, to ensure best practices are being followed,
- c. Develop program performance measures and program goals,
- d. Ensure timely updated BWC-related training to APD officers, and
- e. Provide guidance and assistance to supervisors in reviews and inspections of BWC video.

Proposed Implementation Date: Workgroup will be formed and begin work no later than August 1, 2019

3 | The Chief of Police should maintain complete records of and regularly report on information requests related to body-worn camera video.

Management Response: Agree

Proposed Implementation Plan: APD's Public Information Office has instituted a change with the COA vendor for tracking public information requests, GovQA. The change allows for easy tracking of BWC video requests, and has already been implemented.

Proposed Implementation Date: June 2019

Management Response



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Corrie Stokes, City Auditor
FROM: Brian Manley, Chief of Police 
DATE: June 18, 2019
SUBJECT: Management Response to Audit of APD Body Worn Camera Program

Thank you for the opportunity to respond to the City Auditor's Audit Report on "APD Body Worn Cameras." Please find our responses to each of the recommendations below.

1. The Chief of Police should ensure quarterly supervisory reviews are taking place through regular reporting to executive leadership.

Management Response:

APD agrees with this recommendation.

Proposed Implementation Plan:

APD Risk Management will provide quarterly reports to executive staff to ensure compliance with APD policies 303.3.1 Supervisor Inspection and 801.8 Personnel and Equipment Inspections.

Proposed Implementation Date:

Quarterly, beginning July 2019.

2. The Chief of Police should designate an individual within APD whose primary responsibility is oversight of the body-worn camera program. This individual's responsibilities should include: designing, tracking, and reporting on performance measures and program goals to assist with monitoring of the body-worn camera program; revising body-worn camera policy as necessary; providing updated and on-going body-worn camera training to officers; and assisting supervisors with reviews of body-worn camera usage.

Management Response:

APD agrees with this recommendation, although implementation will require more than a single individual.

Proposed Implementation Plan:

APD will designate the Commander over Risk Management to head a workgroup that will:

- a. Develop protocols for reviewing and updating program policy,
- b. Monitoring recommendations from Department of Justice on BWC programs, to ensure best practices are being followed,
- c. Develop program performance measures and program goals,
- d. Ensure timely updated BWC-related training to APD officers, and
- e. Provide guidance and assistance to supervisors in reviews and inspections of BWC video.

Proposed Implementation Date:

Workgroup will be formed and begin work no later than August 1, 2019.

3. The Chief of Police should maintain complete records of and regularly report on information requests related to body-worn camera video.

Management Response:

APD agrees with this recommendation.

Proposed Implementation Plan:

APD's Public Information Office has instituted a change with the COA vendor for tracking public information requests, GovQA. The change allows for easy tracking of BWC video requests, and has already been implemented.

Proposed Implementation Date:

June, 2019

BM:jc



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 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 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 the rank of Commander or above.

- (a) 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 regards 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 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 the rank of Commander or above. Examples for exemptions may include, but are not limited to, SWAT, OCD, and Mounted Patrol.
- (c) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.
 1. Sworn personnel 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,

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- (f) Park Patrol,
 - (g) Lake Patrol,
 - (h) Commercial Vehicles,
 - (i) DWI,
 - (j) Motors,
 - (k) Highway Response,
 - (l) Metro Tac,
 - (m) Patrol K9,
 - (n) Gangs,
 - (o) Criminal Interdiction.
2. Sworn personnel 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.
- (d) Employees shall test the BWC equipment at the commencement of their tour of duty and shall classify the video as '10-41'.
- (e) The BWC equipment test shall consist of employees recording the following:
- 1. Employee name;
 - 2. Employee number; and
 - 3. The current date and time.
- (f) Employees shall 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 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.

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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.
- (h) 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.

303.2.1 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;
 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 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; or
 6. Any contact that becomes adversarial in an incident that would not otherwise require recording.
- (c) Officers 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 officer is required to take immediate action in response to an event which may not allow time to activate their BWC. In those

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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 shall articulate the reasoning for the delayed activation of their BWC in an offense report, supplement, or other form of Department approved documentation.

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 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;
 - 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. Any reason authorized by a supervisor. The identity of the supervisor granting the authorization shall be stated prior to the audio deactivation.

303.2.4 VICTIM AND WITNESS STATEMENTS

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

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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.

Should the officer use discretion and not record the crime victim or witness statement with the body worn camera, the officer shall 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.

- (a) 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 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.

303.2.5 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 shall 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 unless approved by the commander;
 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;

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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.

303.3 REQUIRED CLASSIFICATION OF BWC RECORDINGS

All BWC recordings shall be assigned a category or classification. 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 evidence is properly tagged in Evidence.com to include:
 1. Event ID: all recordings, except those classified as "Non-Event", shall include the 9-digit incident number when available using the following format: YYJJJ#### (e.g. 100711267).
 2. Categories.
- (c) 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.
- (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

- (a) In conjunction with personnel inspections, General Order 801.8, supervisors shall conduct inspections of BWC recordings to ensure they are complying with APD General Orders. Supervisors shall ensure all assigned officers are reviewed in a fair and equitable manner. Additionally, supervisors shall ensure officers:
 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.

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- (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 officer-initiated calls to ensure compliance with the Racial or Bias-Based Profiling general order.

303.3.2 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.

303.3.3 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.

303.3.4 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.

303.3.5 STORAGE AND SECURITY OF BWC SYSTEM RECORDINGS

Officers 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;

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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.

303.3.6 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.

303.4 PERSONALLY OWNED BWC SYSTEMS

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

303.5 REVIEW OF ALL BWC SYSTEM RECORDINGS

This section outlines the review of BWC system recordings.

- (a) Recordings may be reviewed:
 1. By the employee to make sure the BWC system is operational;
 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; or
 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., YouTube, Facebook).

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303.6 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.

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Scope

The audit scope included APD body-worn camera usage since implementation and body-worn camera data from August 2018 through January 2019. We focused our review on data from this period because most officers had been assigned body-worn cameras by August 2018.

Methodology

To complete this audit, we performed the following steps:

- interviewed APD management and staff;
- interviewed Office of Police Oversight staff;
- interviewed Communications and Technology Management staff;
- reviewed APD policy related to body-worn cameras and public release of body-worn camera evidence;
- reviewed State law related to body-worn cameras and public release of body-worn camera evidence;
- reviewed model policies related to body-worn cameras;
- reviewed the Meet and Confer Agreement approved on November 15, 2018 between the City of Austin and the Austin Police Association;
- participated in ride-outs with APD patrol officers;
- analyzed body-worn camera video evidence data from Evidence.com;
- reviewed sample of Evidence.com audit trail documentation to determine frequency of supervisory review;
- reviewed APD call data from August 1, 2018 through January 31, 2019;
- analyzed APD training bulletins and training attendance records;
- reviewed three examples of public information requests for body-worn camera video that were denied and three public information requests that were approved;
- reviewed three examples of media requests for body-worn camera video that were denied and four examples of media requests for body-worn camera video that were approved;
- evaluated APD officers' compliance with APD policy through review of 151 randomly selected event videos, 13 randomly selected non-event videos, and 13 randomly selected start-up videos;
- reviewed all videos associated with a judgmental sample of 10 case numbers selected from within the 151 randomly selected event videos;
- evaluated IT-related risks associated with the procurement of Evidence.com cloud storage;
- evaluated fraud-related risks associated with officer use of body-worn cameras, and APD storage and retention of body-worn camera video; and
- evaluated internal controls related to APD's body-worn camera program.

Audit Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. We conduct performance audits to review aspects of a City service or program and provide recommendations for improvement.

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