

### 303.1 PURPOSE AND SCOPE

The use of Body Worn Camera (BWC) systems provide 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. These recordings can also protect employees from false allegations of misconduct and be of use when debriefing incidents or evaluating performance.

This policy covers the use of the Department issued and personally owned BWC systems.

### 303.2 DEPARTMENT ISSUED BODY WORN CAMERA

- (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) Employees will test the BWC equipment at the commencement of their tour of duty.
- (c) Employees will classify the video as '10-41'.
- (d) 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.
- (e) Employees will review the recording to verify the BWC microphone is

operational, and the date and time is accurate.

- (f) 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.
- (g) 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.

- (c) 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.
- (d) 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.

### **303.2.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED**

Once the BWC system is activated it shall remain on until the incident has concluded.

- (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) Officers 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. Officers are encouraged to record all interviews for evidentiary purposes, however the need for privacy in certain circumstances and locations should be taken into consideration. Officers choosing to discontinue a recording for privacy must be able to articulate their reasoning.
- (c) If a citizen request that an officer turn off their 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.

### **303.2.4 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.

### **304 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.

**304.1 SUPERVISOR INSPECTION**

Sergeants will conduct monthly 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.

**304.2 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.

**304.3 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.

**304.4 -BWC RECORDING RETENTION SCHEDULE**

All BWC recordings shall be retained for a minimum of 90 days or for a period of time that is 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.

**304.5 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.

**304.6 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).

### **305 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.

#### **305.1 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 an employee to make sure the BWC system is working
  - 2. By an 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 raining 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).