

# Body Worn Digital Recording Systems

## 313.1 PURPOSE AND SCOPE

The use of Body Worn Digital Recording (BWDR) 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. 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 BWDR systems.

## 313.2 DEPARTMENT ISSUED BODY WORN DIGITAL RECORDINGSYSTEM

- (a) Employees equipped with a department issued BWDR system must be trained in the operation of the equipment prior to its use. BWDR equipment will be used in accordance with the BWDR operations manual.
- (b) Employees who discover an operational defect with the BWDR system will attempt to correct the system following the received training on the device (I.E.: Reseating cables, Cycling the power, etc.). If the BWDR 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.
- (c) Employees shall not:
  - 1. Bypass or attempt to override the equipment.
  - 2. Erase, alter, or delete any recording produced by the BWDR.

### 313.2.1 WHEN DEPARTMENT ISSUED BWDR 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 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.

- (a) All units responding to a scene shall activate their department issued BWDR equipment when they:
  - 1. Activate the DMAV recording prior to arriving on-scene; 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.
- (b) Examples of when the department issued BWDR system must be activated include, but are not limited to:
  - 1. Traffic stops
  - 2. 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. In those situations, it may be impractical or unreasonable for employees to activate their BWDR system before taking police action. It is expected that once the immediacy of the situation is over, employees will activate their BWDR system to record the remainder of the incident.
- (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 BWRD. In these circumstances, the officer shall activate their BWDR as soon as practical that allows the officer to safely contain the situation.

### **313.2.2 WHEN DEPARTMENT ISSUED BWDR SYSTEM DEACTIVATION IS AUTHORIZED**

Once the BWDR 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. All witnesses and victims have been interviewed.
- (b) Recording may cease if no further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive.)

### **313.2.3 WHEN DEPARTMENT ISSUED BWDR SYSTEM USE IS NOT REQUIRED**

Activation of the BWDR 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

### **313.2.4 BODY WORN DIGITAL RECORDINGS AS EVIDENCE**

- (a) Employees will download all recordings of an evidentiary value captured on any BWDR system they are carrying by the end of their tour of duty.
- (b) Employees will also copy the following recordings onto a DVD or CD and submit them as evidence as outlined in Policy 701 (Property and Evidence Collection Procedures):
  - 1. Any criminal investigation, regardless of whether an arrest was made; or
  - 2. Any critical incident as defined in Policy 901 (Administrative Investigations); or
  - 3. Any Level 1 or Level 2 response to resistance incident.
- (c) Downloaded incidents not needed as evidence or other official APD business will be erased after 45 days from the date of the recording.

### **313.3 PERSONALLY OWNED BWDR SYSTEMS**

Employees may purchase and use their own BWDR system though its usage is not required by policy; however, employees choosing to use a personally owned BWDR system shall adhere to this policy.

- (a) Employees will notify their supervisors that they have a personally owned recording device and will surrender the device upon demand of a supervisor.
- (b) Employees will not knowingly record other employees without their consent.
- (c) All recordings made while working in any capacity as an Austin Police employee are subject to review by the Austin Police Department.
- (d) Employees only need to submit recordings of an evidentiary value as evidence when using a personally owned BWDR system. Recordings will be copied onto a DVD or CD and submitted as outlined in Policy 701 (Property and Evidence Collection Procedures).

### **313.4 REVIEW OF ALL BWDR SYSTEM RECORDINGS**

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

- (a) Recordings may be reviewed:
  - 1. By an employee to make sure the BWDR system is working
  - 2. By an employee to assist with the writing of a report, supplement, or memorandum
  - 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 BWDR system. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook)