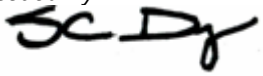
	WRITTEN DIRECTIVE GRAND PRAIRIE (TEXAS) POLICE DEPARTMENT	<i>Issued By:</i> 
	PATROL PROCEDURES POLICY 5.47 BODY WORN CAMERA SYSTEM	Steve Dye, Chief of Police Effective: 08/31/2016 Revised:

TO VERIFY CURRENT POLICIES, REFER TO THE WRITTEN DIRECTIVES MANUAL ON THE "G" NETWORK DRIVE.

PURPOSE

The Body Worn Camera System (BWC) is intended for the purpose of accurately capturing the activities of officers during the performance of their duties. The purpose of this policy is to establish guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body worn cameras (BWCs).

POLICY

This policy is to provide officers with guidelines for the use of the Body Worn Camera System (BWC). Officers issued BWCs shall use them as tools for documenting citizen contacts, to aid in prosecuting criminal cases, and to protect the officer and the Department from misconduct allegations and liability. This policy does not govern the use of surreptitious recording devices used in undercover operations.

CONFIDENTIALITY

All digital multimedia evidence that is captured during the scope of an officer’s duties is the property of the Grand Prairie Police Department and shall not be viewed, converted or copied for personal use. Accessing, copying, editing, erasing, or releasing recordings or depictions of recordings without proper approval is prohibited and will subject the offending employee to disciplinary action, up to and including termination. Releasing BWC recordings without authorization is a Class A misdemeanor. *Texas Occupation Code § 1701.659.*

5.47.01 DEFINITIONS

Body Worn Camera System (BWC) – A recording device that is:

- a. Capable of recording, transmitting to, or for remotely recording video or audio, and;
- b. Worn on the person as designed by the manufacturer.

Department – The Grand Prairie Police Department

Enforcement Action – Actions that are related to maintaining public order and enforcing the law, particularly the activities of prevention, detection, and investigation of crime and the apprehension of criminals.

Private Space – A location in which a person has a reasonable expectation of privacy, including but not limited to; a person’s home, a medical examination room, or a private office.

Incident Only – Activation of the BWC recording system where there may be some liability or possibility of a complaint or future action. Examples may include moving items from the roadway, motorist assist, traffic control, general citizen contacts, contacts in which there was a violation of the law but the officer has chosen to issue a warning. These recordings should be available for a period of time to address any complaints or issues that could be resolved by reviewing the recording. Retention period will be in accordance with Section 547.02 HB.

Restricted – Any BWC system recording that documents an incident which is deemed sensitive in nature, whether evidentiary or for mutual accountability may have access restricted to select individuals. This status would be deemed necessary by a supervisor and entered by a BWC systems administrator. Examples could include cases involving officer involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging misconduct. These recordings are subject to all policies regarding the retention of evidence related to the case.

Mutual Accountability – With varying degrees of interaction with the community it becomes incumbent upon the Department to protect the rights of citizens and officers when dealing with allegations of misconduct. Officers and citizens are held mutually responsible for their actions during these times of interaction.

5.47.02 PROCEDURE

All audio / video captured on a Grand Prairie Police Department BWC is the property of the Grand Prairie Police Department and are subject to departmental policies and applicable laws regarding viewing, release, retention and destruction.

A. Equipment

1. BWCs are intended for official use only and are not to be used for frivolous or personal activities.
2. All officers up to and including the rank of lieutenant, whose primary duties involve an enforcement capacity, shall wear the BWC during duty hours.
3. Prior to using a BWC, officers shall receive Department approved training on the proper operation and the Department’s policy with respect to use.
4. Officers will only use audio and video recording equipment issued and approved by the Department for official police duties. The use of any personal audio or video recording equipment is not authorized without written permission from the Chief of Police.
5. Officers assigned a BWC shall use the camera at Police Department related off-duty employment in compliance with departmental policies. Officers will download all evidence recorded during their off-duty employment no later than their next regularly assigned on-duty shift or when directed by a supervisor, unless the video contains evidence of any type, then the video shall be downloaded at the end of the off-duty employment.
6. Officers not assigned a BWC (e.g. detectives, administrative officers, etc.) shall check one out, from the quartermaster, for all city related overtime (such as STEP). The BWC shall be returned to the quartermaster at the end of the off-duty employment and all video will be downloaded prior to the officer ending the shift. Officers may voluntarily check out a BWC for any other Police Department related off-duty employment.

- 7. Employees shall not make, or attempt to make unauthorized copies of recordings, tamper with or in any manner alter BWC recordings or equipment.
- 8. Citizens are not permitted to view recordings in the field.

B. Officer Responsibilities

- 1. Officers who use a BWC shall attend training and demonstrate proficiency with recording and downloading recorded data.
- 2. Officers shall operate and maintain the BWC in accordance with the manufacturer’s recommendations and departmental training.
- 3. Officers shall wear and use their assigned BWC when performing law enforcement duties, including off-duty employment performed while in uniform as specified in *Section 5.47.02* of this policy.
- 4. At the beginning of each shift, officers shall inspect the BWC to ensure it is charged and functioning properly.
- 5. Officers shall immediately report to a supervisor any problems preventing the use of their assigned BWC during their shift.
- 6. Officers are encouraged to review recordings for the purposes of case preparation and report writing.
- 7. Officers are required to upload on-duty BWC data daily at the end of their shift, or more frequently when necessary, to maintain adequate recording capacity on the device.
- 8. Using the approved software, officers shall tag any video related to a criminal or traffic case, fleet accident, pursuit, use of force, or potential or known complaint. Officers may also tag recordings that may be useful for training purposes.

C. Required Recording

- 1. Officers shall activate the BWC to record audio and video to document most citizen contacts. Officers are expected to use the BWC when interacting with citizens, unless recording is discretionary or prohibited under this policy. Officers are often involved in fast evolving, dynamic situations. Activation of the BWC during a situation when there is an immediate threat to the officer’s life or safety may prove impossible or dangerous. Officers should activate the BWC as soon as reasonably practical.

Recording is required under the following circumstances:

- a. All enforcement and investigative activities
- b. Emergency response calls
- c. Pursuits
- d. Uses of force
- e. Forced entries
- f. Searches

2. Recording may be done in any other incident when its use would be deemed appropriate or of value.
3. Once the BWC is activated for an event that requires recording, the recording shall continue until the conclusion of the event; however, officers may stop recording a victim or witness interview if doing so will elicit further cooperation from the victim or witness and their cooperation is critical to the investigation.
4. The audio portion of the recording may be temporarily deactivated to confer with a supervisor, FTO, or other officers to discuss tactics and strategies outside of the presence of others in the video.
5. When practical, officers should record evidence gathering procedures (e.g. DWI Blood Draws) and investigative interviews with victims, witnesses and suspects in hospitals and ambulances; however, the following exceptions apply:
 - a. Officers will use their best judgment to balance the need for obtaining the video footage against the person's privacy interests, taking into consideration the severity of the offense, the recording's evidentiary value, the invasive or embarrassing nature of the medical treatment or discussion, and the likelihood that recording the encounter would be considered unreasonably intrusive.
 - b. Officers will not intentionally record any third party's private health information without consent; and
 - c. When practical, officers should stop recording or leave the room while a victim, witness or suspect undergoes medical treatment unrelated to the investigation or discusses with hospital staff or paramedics private health information not relevant to the investigation.
2. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts a required recording, the officer shall document in the CAD call notes, the ARS report, or internal correspondence associated with the incident the reasons why a recording was not made, was interrupted or was terminated. If possible and when necessary, the officer shall verbalize the intent to stop the recording prior to its termination and shall verbalize the date and time onto the recording once it is activated.
3. Officers may inform citizens that they are being recorded if it gains compliance, assists in the investigation, and does not interfere with the investigation or officer safety.
4. When recording suspect statements procured by custodial interrogation, officers will comply with the provisions set forth in *Art. 38.22, Texas Code of Criminal Procedure*.

D. Discretionary Recording

1. Officers have discretion to record or not record incidental citizen contacts and consensual encounters.
 - a. If reasonable suspicion or probable cause arises from a consensual encounter, or if the encounter becomes confrontational, officers must begin recording and continue recording until the encounter concludes.

- b. Officers should use discretion in recording potentially sensitive events and circumstances (e.g., victims of sexual assaults, child victim statement / interviews, nude persons who are not the target of enforcement action, or a citizen victim / witness who requests they not be recorded while giving a statement) unless otherwise authorized by this policy.
- c. If an officer decides to stop recording a consensual encounter, the reason for stopping the recording should be documented on the recording prior to turning off in the camera, if practical.
- d. Officers must document in writing the reason for stopping the recording in the call CAD notes, field interview report, or ARS report.

E. Prohibited Recording

- 1. Employees shall not surreptitiously record other employees without written permission from the Chief of Police.
- 2. The BWC shall not be used for reasons other than legitimate law enforcement purposes.
- 3. The BWC shall not be used in places where a heightened expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms, except as reasonably necessary for an investigation.
- 4. The BWC shall not be used to record strip searches or body cavity searches.
- 5. Officers shall not record encounters with undercover officers or confidential informants.

F. Supervisor Responsibilities & Administrative Review

- 1. Supervisors are responsible for ensuring that officers are using the BWC in accordance with state law and this policy, and for verifying that the equipment is functioning properly.
- 2. Supervisors who become aware of malfunctioning equipment will see to it that repairs are made in a timely manner.
- 3. Supervisors will perform periodic, random reviews of recordings, at least weekly, of officers to whom they are administratively assigned, to assess performance and identify recordings that may be appropriate for training.
 - a. Minor policy violations discovered during routine reviews should be treated as training opportunities and not necessarily cause for disciplinary actions.
 - b. Repeated minor policy violations following informal counseling or training should be handled through the regular disciplinary process.
 - c. Serious policy violations, misconduct or criminal infractions discovered during routine reviews shall be reported immediately in accordance with the Department’s discipline policy.
 - d. Supervisors and Training Academy Supervisors may approve duplicating a video for training purposes. In no event shall any recording be used or shown to ridicule or embarrass any employee.

4. Officers are entitled to access recordings that depict their involvement in an incident under administrative review before making a statement or responding to an internal investigation about the incident.

G. File Storage

1. All files shall be securely downloaded no later than the end of each shift by placing the BWC into the assigned docking station slot on the evidence transfer station.
 - a. Placing the BWC in the docking station will automatically download recordings and transfer the data to Evidence.com.
 - b. The BWC should not be removed from the evidence transfer station until all the data has been downloaded and the battery has been fully recharged (unless absolutely necessary).
2. All access to BWC data (images, sounds, and metadata) not addressed by this policy must be specifically authorized by the Chief of Police.

H. File Retention

1. Files should be securely stored in accordance with the state records retention schedule and no longer than useful for purposes of training or for use in a criminal investigation, prosecution, post-prosecution appeal, or an administrative investigation.
2. Uncategorized video files shall be retained for 180 days.
3. Videos categorized as “possible complaint” shall be retained for 180 days.
4. Videos categorized as “use of force” or “fleet accident” shall be retained for 2 years.
5. All other video files shall be kept in accordance with the State of Texas retention schedule.
 - a. Files related to Class C misdemeanors shall be stored for 180 days.
 - b. Files related to Class A and B misdemeanors (except DWI offenses) and State Jail Felonies shall be stored for 2 years.
 - c. Files related to DWI offenses and second and third-degree felonies shall be stored for 10 years.
 - d. Files related to first-degree and capital felonies shall be stored for 50 years.
 - e. Files related to an administrative, criminal, or deadly force investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

I. Release of Information

1. Before releasing information recorded by a BWC to the public, employees shall, through established departmental policies, obtain a written request with the following:
 - a. the date and approximate time of the recording;
 - b. the specific location where the recording occurred; and
 - c. the name of one or more persons known to be a subject of the recording.

2. Employees of the Grand Prairie Police Department will not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person’s authorized representative.

5.47.03 DOCUMENTATION

In no way is a BWC recording meant to replace a written report if one is required. Officers are still responsible for completing a thorough report in the same manner they would if they did not have a BWC recording.

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