	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01

Mobile Video Recorders (MVRs)

MVRs are valuable tools for prosecuting traffic and other offenses, evaluating officer performance, training and reconciling allegations of officer misconduct. The Department uses MVRs to help officers document actions, conditions and statements more efficiently. The Code of Criminal Procedure Article 2.134 requires the Department to compile, analyze and report to the city council annually statistics concerning racial profiling. MVRs will supplement the current data collection in meeting this requirement.

Supervisor Duties: TBP 2.01

- A. Confirm officers under their supervision follow procedures for MVR use, maintenance and documentation.
- B. At least quarterly, randomly review at least three (3) video recordings to assess officer performance, proper equipment use, adherence to policy and law and identify potential training material.
- C. Confirm damaged or inoperable equipment is repaired or replaced.

Officer Duties:

- A. Check MVR equipment for proper operation before their shift;
- B. Maintain MVR equipment installed in the police fleet according to manufacturer's recommendations; and
- C. Report any malfunctions as soon as possible.


Operation

MVRs should activate:

- A. When the vehicle lights or siren is activated.
- B. Manually via the in-car control unit.
- C. When the vehicle is operated at high speed.
- D. Upon detection of a crash.

Officers may manually stop MVRs during non-contact actions such as directing traffic at accident scenes. Officers:

- A. Operating police vehicles with MVR equipment installed will ensure all contact with the driver or occupants of a vehicle at a traffic stop and, where possible, all contact with each pedestrian they stop is recorded, including any interview, sobriety checks or searches incidental to arrest, utilizing both the audio and video capabilities of the MVR.
- B. May record other events or contacts such as collection and documentation of evidence or when they believe audio/video documentation to be useful.

	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01

- C. Will document the existence of video evidence in all appropriate reports completed as a result of a recorded event.
- D. Who believe a recording they made of an event or situation may contain useful information for training purposes, should alert their supervisor to that possibility.
- E. Should preserve recordings for evidence and potential liability issues according to applicable evidence procedures.

BODY WORN CAMERAS

Definitions

"Body Worn Camera" (BWC) means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and is worn on the person of a peace officer in any manner.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Purpose

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

Officers issued BWCs shall use them as tools for documenting citizen contacts, to aid in prosecuting criminal cases, and to facilitate investigations of officer misconduct allegations. 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 via Departmental issued BWC is the property of the 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 employee to disciplinary action. Releasing BWC recordings without Departmental authorization is a Class A misdemeanor. (Tex. Occ. Code § 1701.659)


	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01

Equipment

- A. BWCs are intended for official use only and are not to be used for any activity not directly related to official duties.
- B. Employees will only use audio and video recording equipment issued and approved by the Department for official police duties. The use of any personal video recording equipment is not authorized unless approved by the Chief of Police or designee.
- C. Employees shall not attempt to make unauthorized copies of recordings, tamper with or in any manner alter BWC recordings or equipment.
- D. Citizens are not permitted to view recordings in the field.

Officer Responsibilities

- A. Officers who use a BWC shall attend departmental training and demonstrate proficiency with recording and downloading recorded data. The Department shall provide training in accordance with TCOLE Course #8158.
- B. The BWC recording is not a substitute for a thorough and complete incident or supplement report.
- C. Officers shall operate and maintain the BWC in accordance with the manufacturer's recommendations and Department training.
- D. Officers shall wear and use their assigned BWC when performing law enforcement duties, including overtime assignments and extra work performed while in uniform. The camera shall be affixed to the officer's uniform in a secure manner.
- E. At the beginning of each shift, officers shall inspect the BWC to ensure it is charged and functioning properly.
- F. Officers shall immediately report to a supervisor any problems preventing the use of their assigned BWC during their shift.
- G. Officers may review recordings for the purposes of case preparation and report writing.
- H. Officers are required to upload BWC data daily at the end of their shift, or more frequently when necessary to maintain adequate recording capacity on the device.
- I. Using the approved software, officers shall tag any video related to a criminal or traffic case, fleet crash, pursuit, use of force, or possible complaint. Officers may also tag recordings that may be useful for training purposes.
- J. Requests to remove accidental recordings must be submitted in writing and approved by the Division Commander. In the event the Division Commander is making the request it must be approved by an Assistant Chief of Police or the Chief of Police.
 - 1. The written documentation authorizing a removal shall be kept in accordance with the state records retention schedule.
 - 2. The reason for removing the video and the approving Assistant Chief, Chief, Division or Company Commander's name shall be recorded.

	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01


When Recording is Required

This list is not intended to describe every possible situation in which the BWC may be used. In addition to the below listed situations an officer may activate the BWC at any time they believe its use would be appropriate and/or valuable in order to document an incident.

- A. 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. Recording is required under the following circumstances:
 1. All enforcement and investigative activities
 2. Emergency driving
 3. Uses of force
 4. Forced entries
 5. Searches
 6. Any other incident when its use would be appropriate or valuable

- B. Once the BWC is activated for an event that requires recording, the recording shall continue until the conclusion of the event or the officer is no longer actively participating in an investigation. 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. If a recording is deactivated in a manner consistent with this chapter, the reason for deactivation shall be documented in the officer's report on the incident.

- C. 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:
 1. 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.
 2. Officers will not intentionally record any third party's private health information without consent; and
 3. 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.
 4. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts a required recording, the officer shall document the reasons why a recording was not made, was interrupted or was terminated. Documentation on a call sheet will suffice in instances where a case report was not generated. If a case report was generated, the officer shall document the reasons in the case narrative.

	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01

5. When recording suspect statements procured by custodial interrogation, officers will comply with the provisions set forth in Art. 38.22 of the Texas Code of Criminal Procedure.
6. If an officer is in a discretionary recording situation and 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.

When Recording is Discretionary


Officers should record officer initiated consensual citizen contacts.

When Recording is Prohibited

- A. Employees shall not surreptitiously record other employees without permission from the Chief of Police or designee.
- B. The BWC shall not be used for reasons other than legitimate law enforcement purposes.
- C. 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.
- D. The BWC shall not be used to record unclothed searches.
- E. Officers shall not record encounters with undercover officers or confidential informants.

Inadvertent Recordings

- A. An officer who becomes aware that the BWC has inadvertently recorded any activities not allowed by policy shall immediately deactivate the BWC and notify a supervisor.
- B. Officers who become aware that another officer has recorded any activities not allowed by policy shall immediately notify a supervisor.
- C. A supervisor shall view the video and ensure that the recording was, in fact, a prohibited recording and that it did not capture misconduct.
- D. In cases where an employee suspects that a prohibited recording has occurred in a restroom or locker room, an employee may request that a supervisor of the same sex as the officer or of the subject of the recording review the recording and that request should be honored if possible.
- E. In the event of an unintentional activation and recording on a BWC system during non-enforcement or non-investigative activities, including but not limited to: restroom, meal breaks, or other areas where a reasonable expectation of privacy exists, personnel may request the recording be removed. Documentation detailing the circumstances shall be forwarded to the Division or Company Commander or an Assistant Chief of Police.

	Abilene Police Department Operating Procedures		
	Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01

Supervisor Responsibilities & Administrative Review

- A. 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.
- B. Supervisors who become aware of malfunctioning equipment will see to it that repairs are made in a timely manner.
- C. Supervisors will perform quarterly, random reviews of their officers' recordings to assess performance and identify recordings that may be appropriate for training.
- D. Minor policy violations discovered during routine reviews can be treated as training opportunities.
- E. Repeated minor policy violations following counseling or training should be handled through the regular disciplinary process.
- F. Serious policy violations, misconduct or criminal infractions discovered during routine reviews shall be reported immediately in accordance with Departmental policy.
- G. Company or Division Commanders may approve duplicating a video for internal training purposes.
- H. Officers are entitled to access recordings that depict their involvement in an incident under administrative review before making a required statement or responding to an internal investigation about the incident.

Video Recording Retention and Release Outside of Department

- A. Department personnel may release a copy of an original video recording but only in accordance with the Texas Public Information Act or with prior approval of the Chief of Police.
- B. Officers should only review videos for a bona fide departmental purpose. Videos should not be reviewed for prohibited dissemination, curiosity, or entertainment.
- C. All recordings will be stored a minimum of ninety (90) days:
 - 1. All files should be securely uploaded no later than the end of each shift, unless otherwise approved by the Chief of Police or designee.
 - 2. Videos categorized as "Contact - No Cite" shall be retained for at least 180 days.
 - 3. Videos categorized as "Contact - Cite" and "Evidence - Misdemeanor" shall be retained for at least 730 days.
 - 4. Videos categorized as "Evidence - Felony" shall be retained for at least 1,095 days.
 - 5. Files related to an administrative, criminal, or significant use of force investigation of an officer shall be retained until all matters have been finally adjudicated and all related administrative investigations have concluded.
 - 6. All front camera recordings (vehicle) default to a standard resolution. If the images captured would benefit from a higher quality, officers should retain the video in high resolution.
 - 7. All videos retained for evidentiary or other reasons require the completion of Property and Evidence Form with the video listed as a property item.



Abilene Police Department Operating Procedures

Subject: <i>Mobile Video Records / Body Worn Camera</i>	Issued: 03/15/2022	TBP: 2.01	Number: D-9
----------------------------------------------------------------	------------------------------	---------------------	-----------------------

8. Backup copies to the server are done automatically through a cloud based system. Maintenance is performed every 30 days by Information Technology personnel. All audio and video recordings are handled in compliance with Chapter 552 of the Texas Government Code.