



RICHARDSON POLICE DEPARTMENT



GENERAL ORDER

- I. PURPOSE
- II. POLICY
- III. PROCEDURE
- IV. EFFECTIVE DATE

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for the use, maintenance, and management of Body Worn Cameras (BWCs) and the retention/storage of the related recorded media.

II. POLICY:

It is the policy of the Department that officers shall activate the BWC when such use is appropriate to the proper performance of their official duties and where the recordings are consistent with this policy and state law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURE:

A. Definitions

- 1. Body Worn Camera (BWC) – A video recording device that is:
 - a. Capable of recording, or transmitting to be recorded remotely, video or audio; and
 - b. Worn on the person as designed by the manufacturer.
- 2. Enforcement Action – Any action related to maintaining public order and enforcing the law, particularly the activities of detection and investigation of crime and the apprehension of criminals. This would include traffic stops and pedestrian contacts.
- 3. Private Space – A location in which a person has a reasonable expectation of privacy, including a person's home.
- 4. Written Report – Offense, Information, Arrest and other related reports. Call Notes and Citation notes shall also be included in this definition.

B. BWC Administration

- 1. The Department has adopted the use of the BWC system to accomplish several objectives. The primary objectives are as follows:

- a. Allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of police reports and testimony in court.
 - b. Enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes and provide additional information for officer evaluation and training.
 - c. Documenting crime and crash scenes or other events that include the confiscation and documentation of evidence or contraband.
2. The BWC equipment and all data, images, audio, video, metadata and digital media evidence captured, recorded or otherwise produced by the equipment is the sole property of the Department.
 3. Accessing, copying, editing, erasing, or releasing recordings or depictions of recordings without authorized supervisor 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 Occupations Code §1701.659).
 4. Officers are prohibited from utilizing personally owned BWCs while on duty or while engaged in any off-duty employment requiring law enforcement authority.
 5. Supervisors and other personnel designated by the Chief of Police will have access to view all recordings. The viewing of recordings shall be for official police use only, and recordings will not be released or duplicated unless authorized by a supervisor.
 6. Notwithstanding any other provision in this order, the Department shall have the authority to limit access to any recording that is subject to an active administrative proceeding or investigation to ensure the integrity of the proceeding or investigation; provided any officer involved in the incident (subject to the administrative proceeding or investigation) shall be given access to review the recording(s) prior to being required to give a statement in that proceeding or investigation.

C. Issuance of BWC Equipment

1. BWC equipment will be issued to all Patrol Officers, Sergeants, and Lieutenants as well as Neighborhood Police Officers and School Resource Officers (SROs). Personnel who are assigned BWC equipment shall utilize the equipment unless otherwise directed by a supervisor.
2. All police personnel shall complete a Department approved training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment and to incorporate changes, updates, or other revisions to policy and equipment.
3. BWC equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions

shall be brought to the attention of the officer's supervisor and Equipment Control as soon as possible so that a replacement may be obtained.

D. Use of BWC Equipment

1. Officers shall inspect and test the BWC prior to each shift/assignment in order to verify proper functioning and notify a supervisor of any problems with the BWC equipment as soon as practical.
2. The BWC will be mounted on the officer's uniform, and no object shall be placed in front of the camera for the purpose of interfering with the recording of video.
3. Officers are not required to inform citizens they are being recorded. However, an officer has the discretion to advise citizens if it may assist in de-escalating a situation.
4. Officers are not required to keep the BWC activated during the entire shift/assignment. However, officers shall be required to keep the BWC activated at all times expressly required in this order.
5. Officers shall be required to activate their BWC during all enforcement actions. In addition, officers will record any contact with the public that becomes confrontational or any incident the officer believes beneficial for official purposes. The BWC camera shall remain recording until the incident is concluded.
6. Officers shall not permit the review of BWC recordings at the scene by non-Department personnel without supervisory approval.
7. Officers shall note in offense, arrest and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
8. Normally officers will be required to upload BWC data daily at the end of their shift/assignment or more frequently when necessary to maintain adequate recording capacity on the device.

E. Exceptions to BWC Recordings

1. Officers shall exercise discretion in whether or not to record potentially sensitive, non-confrontational events and circumstances (e.g. victims of sexual assault, child victim statements/interviews, nude or partially clothed persons who are not the target of enforcement action or otherwise authorized by this policy). Officers will document in their written report the reasoning for not recording.
2. Officers are not required to activate the BWC if the activation would be unsafe, unrealistic or impractical.
3. Any justification for failing to activate the BWC because it was unsafe, unrealistic or impractical is based on whether a reasonable officer under the same or similar circumstances would have made the same decision. Officers will document in their written report the reasoning for not recording.

4. Officers in an area considered to be a private space may honor an individual's request not to be recorded, unless the recording is being made pursuant to an arrest, a search of the residence or individual or any other enforcement action against that person.
5. Officers may deactivate the BWC during non-enforcement encounters, which may include but are not limited to:
 - a. Communications with other police personnel discussing sensitive tactical or law enforcement information away from any non-police personnel;
 - b. Crowd/traffic control at crime scenes or crash scenes when the officer's likelihood of being involved in enforcement activities is low;
 - c. Lengthy hospital stays awaiting medical clearance unless enforcement actions are likely, additional criminal activity or the potential for escape is high, the suspect is making voluntary statements, or the officer is gathering additional evidence (e.g. a blood draw).
6. Officers shall not knowingly record undercover officers or confidential informants.
7. Officers shall not use the BWC to record strip searches.
8. Whenever the BWC is deactivated or malfunctions during an incident, the officer, if possible, will record a brief verbal explanation for the deactivation prior to turning off or stopping the recording. The officer shall also document this in their written report.

F. Prohibited Use of BWC Equipment

1. Officers shall not intentionally create recordings of themselves or others in areas where a reasonable expectation of privacy exists, such as locker rooms, restrooms, etc.
2. Officers shall not use the BWC to record a member of the Department unless such recording occurs in conjunction with official enforcement action or training.
3. Officers shall not use the BWC to record any type of personal activity.

G. Off-Duty Use of BWC Equipment

1. Officers working part-time employment are required to use a BWC only if the part-time employment is police or security related, in uniform and approved by the Department. The BWC shall only be activated while the officer is engaged in an official law enforcement activity during the assignment and shall operate in accordance with this policy.
2. If a BWC is used for part-time employment, the officer will upload all BWC recordings during their next assigned duty shift. The exception will be if the officer is involved in a use of force incident or is the subject of a complaint, in

which case the officer shall upload the BWC data by the conclusion of the incident. However, nothing in this order prohibits a supervisor from requiring an immediate upload of any recording, if in the opinion of that supervisor; it best serves the interest of the Department.

H. BWC Video Management

1. All BWC recordings will be kept for a period of at least 90 days, unless marked as evidence for criminal or administrative purposes as outlined in [GO 2.01.26-09](#), Mobile Digital Video Recording Equipment. BWC recordings stored for more than 90 days and having no value to an investigation or administrative interest will automatically be purged.
2. A supervisor investigating allegations of racial profiling officer misconduct or for any administrative purpose will be responsible for requesting the BWC recording. Upon conclusion of the investigation, any media will be released as appropriate to Internal Affairs or Professional Standards for final retention.
3. BWC recordings of evidentiary value to a criminal investigation will be maintained as directed in [GO 3.01.02-80](#), Impound/Disposition of Property and Evidence. Officers will submit a Digital Evidence Request Form, [GO 2.01.26-001](#), to have the BWC recording placed on hold.
4. BWC recordings of an administrative value will be requested by the initiating supervisor using an Administrative Request Form, [GO 2.01.26-002](#). Recordings may only be used for training purposes, disciplinary investigations, open records requests, or administrative inquiries, unless otherwise directed by the Chief of Police.
5. Departmental Requests for copies of BWC video will be forwarded to:
 - a. Investigative Operations Division for any BWC video for a Misdemeanor B or higher criminal offense; or
 - b. Patrol Secretary for BWC video for a Misdemeanor C criminal offense, Disciplinary Investigation, Administrative Inquiry, Training Request, or any other purpose.
6. All BWC files will be stored securely on a cloud-based digital evidence management system. All BWC files will be secured with encryption and multi-factor authentication and accounted for with electronic audit trails built into the digital evidence management system.
7. Recordings may be subject to disclosure under Open Records. The Open Records Specialist will handle all such requests in accordance with the Texas Occupations Code.

I. Unintentional Recordings

1. In the event of an unintentional activation of the BWC during non-enforcement actions (including but not limited to a restroom or meal break or other areas where a reasonable expectation of privacy exists) the officer may request the BWC recording be deleted.

2. An officer will submit a memo to the Captain of their respective division via the Chain of Command detailing the circumstances of the unintentional recording and basis for requesting the deletion.
3. Captains will keep on file all requests and final decisions for 90 days.

J. Supervisory Responsibilities

1. Supervisors shall ensure officers are using the BWC equipment according to established guidelines, policies, and procedures.
2. Supervisors will perform periodic, random reviews of their assigned officer's recordings to ensure the equipment is operating properly, assess performance and identify recordings appropriate for training.
3. Supervisors shall view the recordings of all use of force incidents, police vehicle crashes, pursuits and complaints prior to completing their investigations.

IV. EFFECTIVE DATE: November 9, 2016

Jimmy L. Spivey
Chief of Police
Richardson Police Department