
	MESQUITE POLICE DEPARTMENT
	231.50 USE OF BODY WORN CAMERA
	Effective Date: December, 2016
	Approved: _____  Chief of Police

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 audiovisual media recorded by 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. The department has adopted the use of BWCs to enhance our citizen interactions and provide additional investigatory evidence. The department recognizes that BWC images have a limited field of view and cannot always show the full story, nor do video images capture an entire scene. The use of BWCs does not reduce the requirement to provide thorough written documentation of an incident.

CONFIDENTIALITY

All digital multimedia evidence that is captured during the scope of an officer's duties is the property of the Mesquite 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*

I. Definitions

- A. Body Worn Camera (BWC) – 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.
- B. Law Enforcement Activity – any activity that is in furtherance of a law enforcement goal. These can include traffic stops, pedestrian stops, calls for service, follow up investigations, interviews, searches, crowd incidents, protests and arrests.
- C. Patrol Officers – any sworn officer wearing the class A uniform, class B uniform or a bike uniform while performing a law enforcement activity.

II. Program Objectives

- A. It is the intention of the Mesquite Police Department to utilize body worn cameras in a manner that is fair and equitable toward employees and citizens.
- B. The Mesquite Police Department has adopted the use of body worn cameras in order to accomplish several objectives. These objectives include, but are not limited to:
 - 1. Enhancement of department transparency to the public.
 - 2. Enhancement of officer safety.
 - 3. Enhancement of officer reporting, evidence collection and court testimony.
 - 4. Enhancement of officer training.
 - 5. Protection from false claims of impropriety.
 - 6. Provide accurate documentation of events, actions, conditions and statements made during arrests and critical incidents.

7. Document the quality of service provided by police officers.
8. BWC recordings will be used for legitimate law enforcement purposes only and in accordance with applicable law and Departmental policies.

III. Procedures

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

1. Prior to using a BWC, officers shall receive Department approved training on the proper operation and the Department's policy with respect to its use.
2. BWC and related equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning. Malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect their BWC prior to each watch to verify proper functioning and shall notify their supervisor of any problems.
3. In the event that a BWC is lost or damaged the officer shall immediately notify his/her supervisor.
4. Personnel will not remove, dismantle or tamper with any hardware and/or software component or part of a BWC unless otherwise authorized by the Chief of Police.
5. Officers will not edit, alter, erase, duplicate, copy or otherwise distribute in any manner BWC recordings without proper authorization.
6. Personnel will not make copies of any BWC file or screen shot for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record such.
7. Audio/video evidence will not be converted for personal use unless otherwise authorized by the Chief of Police or his designee. Accessing, copying, editing or releasing recordings or depictions of recordings without proper approval is strictly prohibited.
8. Officers assigned a BWC may use the camera at approved off-duty employment, but only in compliance with Department directives. 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.
9. Non-department personnel shall not be allowed to review recordings unless approved by a command level officer. Recordings may be reviewed by other law enforcement agencies with supervisor approval.
10. Officers will use only the department issued BWC.

B. Officer Responsibilities

1. Officers will request additional instruction as needed from a supervisor if they have questions relating to the correct operation of the equipment.
2. At the beginning of each shift officers will ensure:
 - a. That the BWC is charged and operational.
 - b. That the BWC is secured to their uniform as trained.
3. Prior to the end of each shift officers will ensure:
 - a. Video evidence is properly categorized for retention on the server. (Arrest, Pursuit, Citation, Offense, etc.)
 - b. That the camera is synced and docked for downloading video.
 - c. That they indicate in their offense/arrest reports and citations the existence of any BWC video.
4. Officers will inform their supervisor of any video that has significant evidentiary value.

- C. Supervisory Responsibilities
1. Supervisors shall ensure that officers assigned a BWC utilize them in accordance with policy and procedure.
 2. Supervisors will ensure videos related to critical incidents are uploaded to corresponding digital files and tagged for retention as soon as practical.
 3. Supervisors may have the ability to resolve citizen complaints by reviewing video captured by an officer's BWC.
 4. Supervisors, when reviewing video should look for training opportunities to enhance officer performance.
 5. Supervisors who become aware of malfunctioning equipment will see to it that repairs are made in a timely manner.
 6. 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.
- D. 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.
 2. 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
 3. Recording may be done in any other incident when its use would be deemed appropriate or of value.
 4. 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.
 5. 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.

6. 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.
7. 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 arrest and offense/incident report (if applicable), 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.
8. 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.
9. 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*.

E. 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 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 the camera, if practical.

IV. Prohibited use of BWC Equipment

A. BWC should not be utilized in the following situations:

1. When engaged in personal activity.
2. During administrative investigations.
3. To record undercover officers who at the time of the recording are working in an undercover capacity. Confidential informants will not be recorded, unless requested by the undercover officer or their supervisor in the furtherance of an investigation.

4. During any work related meetings, details or conversations of fellow employees without their knowledge during non-enforcement related activities.
 5. During any personal conversations of or between another department member or employee without the recorded member/employee's knowledge and permission.
 6. To surreptitiously record other employees (without written permission from the Chief of Police).
 7. For any reason other than legitimate law enforcement purposes.
 8. In places where a heightened expectation of privacy exists, such as locker rooms, dressing rooms or restrooms, except as reasonably necessary for an investigation.
 9. To record strip searches or body cavity searches.
- V. Retention, Storage and Handling of Videos
- A. Public Information Act requests for videos will be handled in accordance with Chapter 552 of the Texas Government Code and departmental procedures.
 - B. Members of the public can request copies of BWC video's if they provide all of the following information. (1701.661 Texas Occupation code)
 1. The date and approximate time of the incident.
 2. The specific location of the incident.
 3. The name of one or more persons involved in the incident.
 - C. All video will be maintained for a minimum of 90 days. If the video has not been categorized as one which is to be retained it will automatically be deleted after 90 days.
 - D. Video recording hardcopies will only be created for official reasons, to include:
 1. Criminal evidence.
 2. Public Information Act (Open Records) requests.
 3. Internal Affairs Division requests.
 4. Approved Training Section requests.
 5. Other if approved by a command level officer.
 - E. BWC recordings will not be provided to anyone outside of the Mesquite Police Department unless the recording is
 1. Requested through the proper Public Information Act request process.
 2. Released with the approval of the Chief of Police; or
 3. Released by the designated public information officer. For the purposes of Occupations Code sec. 1701.659 (a), the designated public information officer has departmental permission to release BWC videos.
 - F. The Attorney General will determine the fee for providing duplications of videos for Public Information Act requests.
 - G. It will be the responsibility of the City of Mesquite Information Technology Department to store all BWC videos on a secure server with an appropriate backup.
 - H. During any administrative or criminal investigation the person conducting the investigation shall allow any involved employees to review video of the incident captured by BWC equipment before the employee is required to make a statement about the incident.
 - I. Copies of recordings not involving pending criminal action, civil litigation or internal investigations may be used for training purposes with the approval of a Command Level Supervisor.

EFFECTIVE: April, 2016; REVISED: December, 2016

