

## Texas Occupation Code Related to Body Cameras

### Sec. 1701.655. BODY WORN CAMERA POLICY.

(a) A law enforcement agency that receives a grant to provide body worn cameras to its peace officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body worn cameras.

(b) A policy described by Subsection (a) must ensure that a body worn camera is activated only for a law enforcement purpose and must include:

- (1) guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;
- (2) provisions relating to data retention, including a provision requiring the retention of video for a minimum period of 90 days;
- (3) provisions relating to storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security;
- (4) provisions relating to the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence;
- (5) guidelines for public access, through open records requests, to recordings that are public information;
- (6) provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;
- (7) procedures for supervisory or internal review; and
- (8) the handling and documenting of equipment and malfunctions of equipment.

(c) A policy described by Subsection (a) may not require a peace officer to keep a body worn camera activated for the entire period of the officer's shift.

(c-1) A policy described by Subsection (a) must require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

(d) A policy adopted under this section must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

### 1701.656. TRAINING.

(a) Before a law enforcement agency may operate a body worn camera program, the agency must provide training to:

- (1) peace officers who will wear the body worn cameras; and
- (2) any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

(b) The commission, in consultation with the department, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth Jr. Police Institute at Dallas, and the Texas Police Chiefs Association, shall develop or approve a curriculum for a training program under this section.

**Sec. 1701.657. RECORDING INTERACTIONS WITH THE PUBLIC.** (a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.

(b) A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation.

(c) A peace officer who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

(d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

**1701.659. OFFENSE.** (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b) An offense under this section is a Class A misdemeanor.

**1701.660. RECORDINGS AS EVIDENCE.** (a) Except as provided by Subsections (a-1) and (b), a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal 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.

(a-1) A law enforcement agency may permit a person who is depicted in a recording of an incident described by Subsection (a) or, if the person is deceased, the person's authorized representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and provided that any authorized representative who is permitted to view the recording was not a witness to the incident. A person viewing a recording may not duplicate the recording or capture video or audio from the recording. A permitted viewing of a recording under this subsection is not considered to be a release of public information for purposes of Chapter [552](#), Government Code.

(b) A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.

(c) This section does not affect the authority of a law enforcement agency to withhold under Section [552.108](#), Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.