

	<b>FAIR OAKS RANCH POLICE DEPARTMENT</b>	
	<b>Policy 432 Body Worn Camera System</b>	
	<b>Effective Date:</b> 01/01/2024	<b>Replaces:</b> -
	<b>Approved:</b> <b>Tim Moring</b> Chief of Police	
	<b>Reference:</b> <b>DRAFT</b>	

## I. 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.

## II. PURPOSE

Body-worn cameras are an effective law enforcement tool that can reduce violent confrontations and complaints against officers. Body-worn cameras provide additional documentation of police public encounters and may be an important tool for collecting evidence and maintaining public trust.

The Fair Oaks Ranch Police Department has adopted the use of body-worn cameras to accomplish several objectives, including:

1. Body-worn cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony.
2. Audio and video recordings enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. Body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The Fair Oaks Ranch Police Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

### III. DEFINITIONS

- A. **Body-worn cameras (BWC)** are camera systems designed to be worn by police officers to capture digital multimedia evidence.
- B. **Digital Multimedia Evidence (DME)** consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.
- C. **Police Enforcement Contact** is defined (generally) as a stop, a detention, a frisk, or a search.

### IV. PROCEDURE

- A. The body-worn cameras should be utilized to:
  - 1. Collect evidence that can be used in the prosecution of criminal offenses.
  - 2. Record contacts with the public in order to secure unbiased evidence in connection with investigations.
  - 3. Allow for supervisory review to ensure that department policies and procedures are followed, and
  - 4. Capture footage that would be helpful for training.
- B. Prior to using a body-worn camera, officers shall receive Department-approved training on its proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policies or equipment.
- C. Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment 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 and test body-worn cameras prior to each shift to verify proper functioning and shall notify their supervisor of any problems.
- D. In the event that a body-worn camera is lost, upon discovery the officer shall as soon as practical notify his/her supervisor.
- E. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.
- F. Officers shall not use personally owned body-worn cameras while on duty.

- G. Officers assigned and/or approved for off-duty employment occurring within the incorporated city limits of Fair Oaks Ranch, will utilize a body-worn camera and follow all applicable directive found in this general order.

**V. OPERATION OF BODY-WORN CAMERA SYSTEM**

- A. Except as otherwise provided in this policy, officers shall activate body-worn cameras to record police enforcement contacts with citizens. Fair Oaks Ranch Police Department personnel are not expected to record every minute of their entire shift; however, personnel are expected to make every reasonable effort to activate their body camera during a police enforcement contact (stop, detain, frisk, or search). Casual encounters, public relations events, and authorized breaks while on-duty are examples of activities that do not require camera activation. See Letter “I” below for additional information.
- B. Unless the interaction with a citizen is in an undercover assignment, wherever possible officers should inform individuals that they are being recorded. Officers have no obligation to stop recording in response to a citizen’s request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers may evaluate the situation and when appropriate, honor the citizen’s request. The request to turn the camera off should be recorded, as well as the officer’s response.
- C. Deactivation of the body-worn camera shall occur when:
  - 1. The event has concluded.
  - 2. Victim and/or witness contact has concluded.
  - 3. All persons stopped have been released.
  - 4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer’s body-worn camera activated until custody of the individual is transferred to the detention facility.
- D. If an officer fails to activate a body-worn camera during a police enforcement contact, or fails to record the entire contact, the officer shall document the reasons for doing so.
- E. Non-Department personnel shall not be allowed to review the recordings unless authorized by the Chief of Police.
- F. Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).

- G. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the Chief or the Chief's designee.
- H. Officers shall be allowed to review the recordings from their officer-worn body cameras at any time. To help ensure accuracy and consistency, officers are encouraged to review recording prior to preparing reports. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:
  - 1. Have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and
  - 2. Have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident.
- I. Body-worn cameras shall not be used to record:
  - 1. Communications with other police personnel (unless authorized by the Chief of Police for an internal affairs investigation).
  - 2. Encounters with undercover officers or informants.
  - 3. When an officer is on break or is otherwise engaged in personal activities.
  - 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.
  - 5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
  - 6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.
  - 7. For an officer's personal use. Video will also not be posted on any social platform (print or electronic) without express approval of the Chief of Police.

## VI. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE

- A. All files from body-worn cameras shall be securely downloaded no later than the end of the officer's shift. Each file shall contain information related to the date, body-worn camera identifier, and assigned officer.
- B. All files from body-worn cameras shall be securely stored in accordance with state records retention laws and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

- C. It is not the intent of the Fair Oaks Ranch Police Department to review DME for the purpose of general performance review, for routine preparation of performance reports or evaluation, or to discover policy violations. Supervisors and internal affairs personnel may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
  - 1. The preceding section does not apply to requirements of supervisors to conduct random reviews of patrol car camera video or video obtained from body worn cameras. These requirements are established to maintain compliance with the Texas Police Chief's Association Accreditation Program.
- D. Requests for deletion of portions of a recording from a body-worn camera (e.g., in the event of a privileged or personal recording) must be submitted in writing to the Chief in accordance with state records retention laws.
- E. Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief. Officers shall be provided with at least thirty days notice if recordings intended for use for training purposes were either made by them or captured their image or voice.

## **VII. RETENTION & DESTRUCTION OF DIGITAL MULTIMEDIA EVIDENCE**

- A. The retention and destruction of DME shall be pursuant to state public records retention laws, and in accordance with retention policies set forth by the City of Fair Oaks Ranch.
- B. All stored DME is subject to release in accordance with the state public records retention laws. Officers shall be provided with at least one week's notice of any public requests made to review DME from their body-worn cameras.

## **VIII. OPEN RECORDS REQUESTS**

Fair Oaks Ranch Police personnel are obligated to make a timely and legal response to all open records requests in compliance with the Texas Public Information Act and the Code of Criminal Procedures; however, the use of body cameras has created circumstances that warrant careful attention prior to the release of video. Because police personnel are often involved in situations where juveniles could be filmed, CJIS information may be displayed on a computer screen and inadvertently recorded by the camera, and many other private criminal and civil issues, the Fair Oaks Ranch

Police Department will work closely with the appropriate stakeholders to ensure the legal rights of innocent individuals are weighed against the actual request for body camera video footage.

**IX. LEGAL ISSUES**

- A.** Body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the property of the Fair Oaks Ranch Police Department. The personal use of all information recording by body-worn cameras shall only be pursuant to the prior written approval of the Chief.
- B.** Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited.
- C.** All data, images, video, and metadata captured by body-worn cameras are subject to state statutes and City policies regarding retention of records.
- D.** Failure to comply with the policies provided for herein will result in disciplinary action up to and including termination.