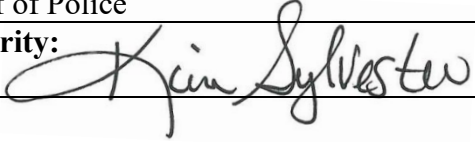
	<b>Richland Hills Police Department</b>		
	<b>Subject:</b> Body Worn Cameras		<b>Number:</b> 500.4
	<b>Category:</b> Departmental Records		
	<b>Effective Date:</b> August 24, 2021	<b>Supersedes:</b> GO 500.4 (11/2019)	<b>Review Date:</b> August 2023
	<b>Issuing Authority:</b> Kimberly L. Sylvester, Chief of Police		
	<b>Signature of Issuing Authority:</b> 		
	<b>References:</b> Texas HB 929		

NOTE: This General Order is for internal use only and does not enhance an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

## I. POLICY

Body Worn Cameras (BWCs) are an effective Law Enforcement tool which can also provide a degree of safety and peace of mind for the Officer using the body worn camera. Body Worn Cameras are an excellent resource for documenting crime scenes, recording suspect and victim statements and conditions, and resolving Officer-related complaints, among many other useful purposes. Officers and supervisors should be familiar with the operation of Body Worn Cameras and when it is and is not appropriate to use them in the course of their duties.

## II. PURPOSE

The purpose of this General Order is to establish guidelines and procedures to be followed when using a Body Worn Camera (BWC) and to outline legal issues related to the recording and retention of BWC footage.

## III. DEFINITIONS

- A. Activate – To turn on the Body Worn Camera's recording capabilities.
- B. Body Worn Camera (BWC) – An audio and video recording device which is worn on or about an Officer, intended to capture real-time footage of a scene or environment as experienced by the Officer wearing the device. The Richland Hills Police Department currently uses Body Worn Camera systems developed by Axon.

- C. Digital Media Evidence (DME) – For purposes of this General Order, any audio and/or video captured by a Body Worn Camera during the scope of an Officer’s duties.
- D. Mute – Placing the Body Worn Camera in a state where video records, but audio is not recording.
- E. Off – Turning the Body Worn Camera’s power switch off, rendering it unable to record or function. In this mode, no video is buffering, and the camera is not on standby.
- F. On – Turning the Body Worn Camera’s power switch on but not recording audio or video; placing the camera in a buffering standby mode.

**IV. GENERAL INFORMATION**

- A. Use of the Body Worn Camera by an Officer of the Richland Hills Police Department shall be consistent with any applicable Federal and State laws and City ordinances, as well as any General Orders (including this General Order) and Standard Operating Procedures (SOPs) which govern the use or management of a Body Worn Camera. Further, recordings made on Body Worn Cameras are subject to the Open Records Act.
  - 1. Procedures for open records requests for Body Worn Camera recordings are outlined in Texas Occupations Code 1701.661. Any person who wishes to submit an open records request for Body Worn Camera recordings may complete a City of Richland Hills Request for Information form and submit it to the Records Unit either online or in person. The request must include the following information:
    - a. The date and approximate time of the recorded incident;
    - b. The location where the incident occurred; and
    - c. The name of at least one person who is the subject of the recording.
- B. Texas Occupations Code 1701.657 states, in part:
  - 1. 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.
  - 2. 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 with a person that is not related to an investigation.
  - 3. 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.

4. 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.
- C. Only City of Richland Hills Police Department employees are permitted to use Department Body Worn Cameras without permission from the Chief of Police.
- D. The guidelines in this General Order only apply to a Body Worn Camera which attaches directly to the Officer's uniform or person in a location and manner that maximizes the camera's ability to record and capture audio and video footage of the Officer's activities. These guidelines do not apply to the use of in-car fixed audio and video recording devices mounted in Richland Hills Police Department vehicles.
- E. All digital multimedia evidence (DME) captured during the course and scope of an Officer's duties is the property of the Richland Hills Police Department and subject to City, State, and Department Policies regarding the viewing, release, retention, and destruction of the same. Officers shall not convert DME for personal use, nor shall Officers access, copy, edit, or release recordings (or depictions from recordings) without approval from the Chief of Police.
1. It is permissible, with express permission from the Chief of Police, to retain recordings for display during training exercises upon final adjudication of all associated criminal cases.
  2. All stored DME is subject to release in accordance with the Texas Public Information Act and/or Texas Occupations Code 1701.
  3. All recorded DME will be maintained for a minimum of ninety (90) days, regardless of classification.
- F. Officers are prohibited from using personally-owned digital recording devices while on-duty or while engaging in approved off-duty Law Enforcement and security-related employment; however, Officers are encouraged to use their City-issued Body Worn Cameras pursuant to this General Order and applicable statutory laws cited herein.
- G. All uniformed personnel, regardless of rank, shall be issued a Body Worn Camera. Officers are required to use the body worn camera as outlined in this order as well as any applicable Standard Operating Procedures which may be issued by the Chief of Police.
1. The Body Worn Camera benefits Officers by providing a supplemental asset when police and/or civilian actions during an incident necessitate review. With this benefit in mind, use of a Body Worn Camera and the recordings contained within it shall not be used to initiate arbitrary and/or punitive mechanisms in order to initiate discipline against any Police Department personnel.

- H. Officers may review media captured on their Body Worn Cameras before making any statements in an administrative investigation.
- I. Officers deploying the Body Worn Camera shall attend department-approved training on the device, review any General Orders and Standard Operating Procedures governing the use of the devices, and demonstrate a working knowledge of the device and its features prior to employing it in the course of their duties.
- J. Supervisors of Officers deploying the Body Worn Camera shall attend Department-approved training on Body Worn Camera devices and receive training on how to review audio and/or video captured by the devices. Personnel assigned to records or property and evidence positions, where Body Worn Camera footage may be retained or requested, shall receive training on the procedures for storing and retention of digital media evidence from the devices.
- K. Supervisors shall ensure Officers conduct daily inspections of the Body Worn Camera prior to each shift to confirm the device is operational and has sufficient battery life. Any problems found during an inspection shall be reported to the Officer's supervisor immediately. The supervisor shall contact the Property and Evidence Technician for further assistance with the issue or to secure and issue a replacement camera to the Officer.
- L. Officers shall only wear the Body Worn Camera assigned to them, unless circumstances exist where the Officer's assigned camera is not available. If an Officer uses a camera not issued to him, the Officer shall indicate such on the Body Worn Camera Sign Out Log (RHPD-383), which will allow the Property and Evidence Technician to ensure digital media evidence captured by that Officer on the unassigned camera is correctly assigned in the system. The Officer shall indicate the unassigned Body Worn Camera number they used, as well as the dates and times the camera was used.
- M. In the event a Body Worn Camera become lost, the Officer shall immediately notify their supervisor and submit a memorandum addressed to the Chief of Police through the Chain of Command detailing the circumstances behind the loss of the camera. The supervisor (or Officer, at the supervisor's direction) shall contact the Property and Evidence Technician to coordinate issuance of a replacement camera.
- N. Officers may be subject to disciplinary action for failing to wear their assigned Body Worn Camera and/or for the intentional, negligent loss of, or damage to, a Body Worn Camera.
- O. Officers are encouraged to use their assigned Body Worn Cameras at approved Law Enforcement and security-related employment, but only for off-duty Law Enforcement related work. If used for this purpose, the Officer shall download all DME during their next regularly assigned on-duty shift.

- P. Officers shall download Body Worn Camera footage at the end of their assigned shift, when their camera device battery has expired, or when the camera is no longer able to store footage due to the camera reaching its maximum storage capacity, whichever comes first.
  - 1. If Officers are still working an assigned shift and their camera is no longer available due to storage capacity issues, battery issues, or damage, they shall follow the procedures outlined in Subsection L.
- Q. The footage recorded by Department Body Worn Cameras is maintained by Axon and stored within the Evidence.com Cloud-based system. Retention schedules for media recorded by Body Worn Cameras shall be determined by the Command Staff and the Property and Evidence Technician, in accordance with applicable Federal and State laws.
- R. If a Body Worn Camera is collected from any employee for evidentiary purposes, a replacement Body Worn Camera shall be provided to the employee for use if necessary.

**V. GUIDELINES FOR USE**

At no time is an Officer expected to jeopardize the safety of any person, including that of the Officer, in order to immediately activate their Body Worn Camera. Any Officer wearing a Body Worn Camera who does not immediately activate the camera due to safety concerns shall place their camera in active recording mode as soon as possible. The circumstances surrounding the delayed activation shall be detailed in the Officer’s incident/offense report.

- A. Officers shall activate their Body Worn Camera under the following circumstances:
  - 1. Collection of evidence that can be used in the prosecution of a criminal offense;
  - 2. Recording contacts with the public in connection with investigations where Law Enforcement action will potentially be taken;
  - 3. Foot and vehicle pursuits;
  - 4. Traffic stops;
  - 5. Execution of consent, probable cause, and warrant searches;
  - 6. Execution of vehicle and property inventories;
  - 7. Conducting frisks of persons or places;
  - 8. Investigating calls for service involving emotionally disturbed persons;
  - 9. Documenting accident or crime scenes; and

10. Documenting interviews and interrogations.
  - B. Officers may use their Body Worn Camera footage to assist with any investigation and to promote accuracy in the completion of their incident/offense reports.
  - C. A Body Worn Camera must be activated for the entirety of an employee's active participation in an investigation unless the camera is deactivated for a purpose permitted within this General Order.
  - D. Officers may temporarily deactivate the audio on their Body Worn Camera by placing the camera on mute. Before muting a Body Worn Camera, the Officer shall make a brief statement as to the purpose of taking the action (i.e. placing camera on mute to discuss tactics). Temporary audio deactivation may occur when:
    1. Exchanging NCIC/TCIC, DPS, or other Law Enforcement sensitive data either in person or over the police radio or MDC.
    2. Facilitating discussions about training issues or operational strategies.
    3. Sharing personal information such as addresses, telephone numbers, and medical concerns with other persons.
    4. Conducting conversations which contain privileged information (i.e. communications with clergy, peer counselors, attorneys, physicians, Command Staff, etc.).
    5. Authorized by a supervisor or member of the Command Staff who determines that continued recording of an incident is not required to meet the objective of any General Order or Standard Operating Procedure governing the use of Body Worn Cameras.
    6. Per Texas Occupations Code 1701, when an Officer makes the decision not to record or to discontinue recording an incident, the Officer must note in call notes or an incident report the reason the Officer chose not to capture the recording. Justifications for this action based on safety issues, unreasonableness, or impracticality must be based on whether a reasonable Officer in the same situation would have made the same decision.
  - E. When an incident has been recorded and an incident/offense report is generated, the Officer shall note in their report that the incident was captured on their Body Worn Camera. If other Officers also captured Body Worn Camera footage but are not completing a report or supplementing a report, the Officer writing the report shall indicate the names of other Officers whose Body Worn Cameras captured the incident.

- F. Officers shall utilize the appropriate website (for Axon, [www.evidence.com](http://www.evidence.com)) or application on a cellular phone to categorize their digital media evidence with a call for service number, location, and incident type. For assistance with this, Officers should consult the Property and Evidence Technician or their immediate supervisor.
- G. Officers who believe media captured by their Body Worn Camera will be needed for a pending accusation or complaint, or for evidentiary purposes, and such media may not be stored and maintained due to retention schedules, should immediately notify their chain of command and the Property and Evidence Technician to flag the video(s) for retention and review.

## **VI. RESTRICTIONS ON USE**

### **A. Officers shall not:**

1. Release footage from the Body Worn Camera without express permission from the Chief of Police or member of the Command Staff. Any release of Body Worn Camera video without permission is a violation of state law and punishable as a Class A Misdemeanor (refer to Texas Occupations Code 1701.659).
2. Delete, or cause to be deleted, or release, or cause to be released, any recording from a Body Worn Camera that documents an incident involving the use of deadly force by an Officer or any other person or that is otherwise related to an administrative or criminal investigation of an Officer or any other person until all administrative or criminal matters have been finally adjudicated or concluded (refer to Texas Occupations Code 1701.660).
3. Intentionally create digital recordings of other employees within the police Department, except for instances where Officers are at the Police Department on a call for service and in an area where Law Enforcement sensitive information is not displayed.
4. Knowingly record undercover Officers or confidential informants.
5. Use a Department-issued Body Worn Camera to intentionally record non-Law Enforcement activities.
6. Allow non-Department personnel to view body worn camera footage without permission from the Officer's supervisor or Command Staff. Exceptions are made for governmental or Law Enforcement agencies directly involved in a legitimate investigation where such evidence is requested.
7. Upload or convert any footage from a Body Worn Camera for use on any type of social media, without express authorization from the Chief of Police.

8. Create recordings in patient care areas of medical facilities where Federal or State medical privacy laws prohibit such documentation, unless the recording is for official police purposes such as criminal investigation, dying declaration, recording Horizontal Gaze Nystagmus (HGN) on an injured driver, or specific calls for police services. In such events, only the areas, persons, and items immediately necessary for the investigation or conducting of police business shall be recorded.
9. Create recordings in environments where emergency medical services personnel are discussing private patient information and such recordings would capture these conversations. Similarly, if emergency services medical personnel request an Officer to discontinue recording or ask the Officer to mute their camera, the Officer shall indicate the request verbally and comply with the action if it is reasonable to do so.
10. Intentionally record juveniles except where authorized by the Texas Family Code for evidentiary purposes.
11. Wear a Body Worn Camera into a testing area, courtroom, arbitration hearing, or disciplinary meeting within the Officer's Chain of Command.
  - a. Officers are not required to physically remove their Body Worn Cameras when in Department and/or public meetings or hearings or in classrooms; however, the device shall be powered off unless the Officer is otherwise instructed.
12. Use Body Worn Cameras to gather intelligence which would be in violation of Federal or State laws or City ordinances, or of the United States or Texas Constitutions, which are unrelated to a legitimate Law Enforcement investigation or encounter between a police Officer and member of the public.
13. Divulge or use any Body Worn Camera footage for a commercial or other non-Law Enforcement purpose.
14. Intentionally record a person who is nude or partially clothed (i.e. bathing suits or underwear) for a non-Law Enforcement purpose.
  - a. In such instances where an Officer is engaging with a subject who is nude or partially clothes, reasonable efforts should be made to avoid prolonged or unnecessary recording of that person's nudity or partial nudity.
15. Intentionally create digital recordings of anyone in an area where a reasonable expectation of privacy exists, such as locker rooms, restrooms, etc.



**VII. SUPERVISOR RESPONSIBILITIES**

- A. It is the responsibility of all Department supervisors to conduct semi-annual reviews of Body Worn Camera footage of those under their supervision. If an Officer is assigned to a unit, position, or duty assignment where Body Worn Cameras are not used (such as Police Administration), a notation shall be made on the Body Worn Camera review log indicating such.
- B. Supervisors shall randomly review at least three video files per Officer (two body camera and one in-car camera video) every six months, in line with shift bids. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of the Officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in a review log located in a secure network folder titled "Video Review Log" which contains spreadsheets labeled by Officer name (digital form RHPD-387). The spreadsheets contain worksheets separated by year and date.
  1. Any violations of General Orders, directives, or law will be addressed through the procedures outlined in General Order 200.3, Internal Investigations. Supervisors shall also review video as it relates to an investigation into a complaint received against an Officer under their command or as assigned by a member of the Command Staff.
- C. Supervisors shall review any Body Worn Camera footage of an Officer who has been accused of misconduct or against whom a complaint has been filed. Further, supervisors shall review any Body Worn Camera footage requested for any secondary review purpose or as requested by a member of the Command Staff. These reviews will be documented on the Video Review Log (digital form RHPD-387) in addition to the random quarterly video reviews.
- D. Supervisors who observe a possible violation of Federal or State law, City ordinance, or violation of a General Order or Standard operating Procedure of this Department while conducting a random Body Worn Camera review shall investigate to determine if such a violation occurred. In such instances, once sufficient cause is determined that a violation of Department General Orders, SOPs, or other Written Directives has occurred, a Personnel Incident Form (RHPD-280) should be completed and submitted to the Command Staff or appropriate investigator for review.