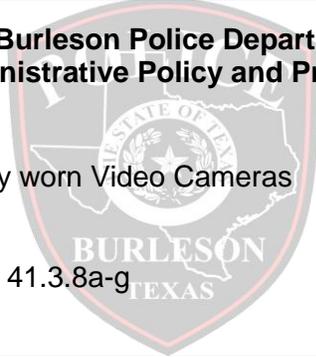


**Burleson Police Department
Administrative Policy and Procedures**

Number: 04-012
Document Title: In-Car and Body worn Video Cameras
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CALEA Standards Referenced: 41.3.8a-g



ISSUING AUTHORITY: _____
Billy Cordell, Chief of Police

I. Purpose

The purpose of this policy is to outline the procedures for the implementation of a video recording system that balances the needs of the department and the prosecution of criminals with the privacy concerns of the public and officer. In addition, the policy will provide rules for the management, storage, use, review and retrieval of video from the video recording systems. [41.3.8a]

II. Policy

The Burleson Police Department recognizes the value of video recordings in the prosecution of crime, the investigation of alleged police misconduct, and training. As a result, the following procedures are set forth. [41.3.8a]

III. Definitions

In-Car Camera (ICC) refers to a device mounted in a vehicle which is capable of recording both audio and video.

Body Worn Camera (BWC) refers to a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio and worn on the person of a peace officer, which includes being attached to the officers clothing or worn on glasses.

Video refers to both video and audio recorded by either ICC or BWC.

Video recording system (VRS) refers to a total video platform which allows for the integration, classification, viewing, copying, recording, transferring, retaining, retrieving, purging, auditing, and secure on site controlled access storage of video recorded by both ICC and BWC.

Archived Video refers to video which has been removed from the video recording system and stored on an external serialized media.

Private Space refers to a place where one may reasonably expect to be safe from uninvited intrusion or surveillance, but does not include a place to which the public has lawful access.

IV. Procedures

For the purposes of this policy the two categories covering the use of video are Administrative and Criminal. Unless authorized by the Chief of Police BWC's will only be used for law enforcement purposes defined below.

A. Administrative

The primary administrative uses of video are:

1. Officer evaluation and training.
2. Compliance with applicable laws.

3. Investigation of alleged police misconduct.
4. Document citizen contacts.
[41.3.8c]

B. Criminal

The primary criminal uses of video are:

1. Prosecution of criminals.
2. Enhanced report writing.
3. Evidence.
4. Preparation for court testimony.
5. Documentation of events, actions, conditions and statements made during officer contacts.
[41.3.8c]

C. Equipment

1. Marked Burleson police vehicles routinely used to conduct vehicle and pedestrian stops will be equipped with ICCs. Given the limited space, BWCs will be the primary video recording system on police motorcycles and police bicycles.
2. With the exception of Command Staff, all sworn officers will be assigned a BWC. BWCs will be made available to Command Staff as needed.
3. Officers assigned to patrol, school resource officers, traffic, community resource, the municipal court function and officers assigned to criminal investigations shall wear, on their person, a BWC when one of their primary functions involve enforcement activity. In addition, officers working in an enforcement capacity at special events or working off duty security will wear, on their person, a BWC.
4. The following are exceptions to the requirement to wear a BWC.
 - a. Officers assigned to a task force or working undercover
 - b. Command Staff
 - c. Community Resource Officers engaged in community meetings, functions, and other activities in which the BWC may have a chilling effect.
 - d. Officers attending court or administrative hearings.
 - e. Officers assigned to Criminal Investigations while engaged in routine non-enforcement related duties.
 - f. SWAT Officers and Negotiators while engaged in those related special duties in which BWC recordings could jeopardize the confidential nature of tactical planning and execution.
 - g. As approved by the Chief of Police

D. Activation [41.3.8b]

1. ICCs are programmed to activate under the following conditions.
 - a. When the emergency lights in the police vehicle are activated.
 - b. When the police vehicle's speed achieves a preset limit.
 - c. Upon activation of the police vehicle's collision sensor.
 - d. Activation of an audio transmitter which has been synchronized with the ICC.
 - e. Manual activation of the record button on the ICC.
2. BWCs require manual activation by way of pressing a combination of buttons affixed to the BWC.

3. ICC activation is required under the following conditions: [41.3.8b]
 - a. Traffic stops
 - b. Pedestrian stops
 - c. Code 3 response
 - d. Pursuits
 - e. Fatal crash investigation
 - f. Any situation the officer believes should be recorded.
 4. BWC activation is required under the following conditions: [41.3.8b]
 - a. Traffic stops
 - b. Pedestrian stops
 - c. Pursuits
 - d. Responding to calls for assistance
 - e. Traffic crash investigation
 - f. Investigative contacts
 - g. Arrests
 - h. Searches
 - i. Foot pursuits
 - j. Interrogations
 - k. Any incident involving the use of force
 - l. Any situation the officer believes should be recorded.
 - m. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing, or may be involved in criminal activity.
 - n. When non-enforcement contacts with the public become confrontational, assaultive, or enforcement-oriented. [41.3.8b]
 - o. Officers should not activate or deactivate their BWC or ICC based solely upon the request or demand of a citizen; but rather rely on their training, experience and policy to determine the necessity of activation or deactivation.
 5. The requirement to activate a BWC does not outweigh officer safety. The BWC should be activated when it can be done safely.
 6. When a BWC is used to record the administration of the Miranda warning or documentation of an oral statement, officers must be mindful of the legal requirements outlined in Code of Criminal Procedures 38.22 to ensure the recording will be admissible in court proceedings. [41.3.8b/c]
 7. Officers shall make every reasonable effort to position their BWC in such a manner that it adequately records video and audio.
 8. If an incident or arrest report is generated, officers shall document the existence of BWC or ICC video in their report. In the event the activation requirements of this policy are not met, officers shall document the reason in their report, or in the absence of a report in the CAD event log.
 9. Officers should be mindful of the need to protect confidentiality and officer safety prior to recording conversations with confidential informants and undercover officers.
- E. Deactivation [41.3.8b]

1. Officers will be required to balance privacy concerns with the need to thoroughly document the nature of police interactions. To that end, officers will have the discretion to deactivate BWCs and ICCs when the officer reasonably believes the privacy of the individual being recorded outweighs the needs of the state.
 2. Officers should deactivate their ICC or BWC at the conclusion of the precipitating event.
 3. Officers may deactivate either their ICC or BWC when they reasonably believe continued recording serves no purpose and is not required by policy or state law.
 4. In the event an officer deactivates their ICC or BWC during a precipitating event the reason for deactivation should be stated on the recording prior to deactivation and thoroughly documented in the officer's report. In the absence of a report the documentation will be made in the CAD record for the call.
 5. In those instances when an officer deactivates their ICC or BWC as described above, they should be mindful to resume the recording as soon as practical if necessary.
 6. Officers should be mindful of the need to protect confidentiality and officer safety prior to recording conversations with confidential informants and undercover officers.
- F. Prohibited Recordings [41.3.8b]
1. Recording of Department personnel, including supervisors, shall not be made during routine, non-enforcement related activities unless:
 - a. The personnel to be recorded have been notified they are going to be recorded, or
 - b. The recording is authorized for training purposes, or
 - c. The recording has been authorized by the Chief of Police, or
 - d. The recording is authorized by court order.
 2. Recordings in places where there is a reasonable expectation of privacy (bathrooms, locker rooms, etc.) are generally prohibited.
 3. Strip Searches shall not be recorded.
 4. Officers should be mindful of the need to protect confidentiality and officer safety prior to recording conversations with confidential informants and undercover officers.
- G. Use and Maintenance [41.3.8e]
1. The Support Bureau Captain or their designee shall be responsible for the video recording system and all of its components. They will work closely with the City's Information Technologies (IT) Department to ensure the system is maintained in a well working order and the data is secure.
 2. Officers shall be responsible for the proper operation and care of their assigned ICC or BWC.
 3. Prior to each shift, officers shall ensure their assigned ICC and BWC are in good working order. The time and date displayed should be checked and corrected if necessary.

4. In the event of a malfunction of an ICC or BWC officers shall notify their immediate supervisor, as soon as possible. If the Officer is on a call the failure should be documented on the CAD event. The supervisor will determine if the equipment should be removed from service.
5. Officers, while on duty, shall only use BWCs and ICCs issued and maintained by the department.
6. Officers shall make every reasonable effort to ensure proper alignment, focusing, and positioning of their ICC and BWC.
7. Members of the department shall not attempt to tamper with or in any manner alter or delete video or the video recording system. These actions may result in disciplinary action up to and including termination.
8. An officer's decisions to activate or deactivate their BWC will be evaluated based on the "Reasonable officer standard".

H. Data Storage and Retention

1. Video will be classified into one of two categories; "Retain" or "Purge" prior to being uploaded to the video recording system.
 - a. "Retained" video, upon upload, will be deleted from the video recording system after 180 days. Prior to being deleted, "Retained" video will be backed up to an external serialized media and secured in the criminal investigation section. The Support Bureau Captain will determine the retention period of the serialized media based on current technology, available storage capacity, and statute of limitations. Video related to the following call types should be classified for retention. This list should not be considered all inclusive: [41.3.8c/d]
 1. Arrest
 2. Offense reports
 3. Pursuits
 4. Fatal crash investigations
 5. Officer involved crashes
 6. Officer use of force
 7. Complaints or potential complaints
 8. Video with potential training value
 9. Traffic stops resulting in a citation
 10. Any video which, in the officer's opinion, should be retained longer than 180 days.
 - b. "Purge" video will be held on the video recording system for 180 days before deletion. Examples of videos which may be purged are: [41.3.8d]
 1. Traffic stops (no citation issued)
 2. Routine contacts
 3. Test video
 4. Crash investigation
 5. Code three response
 6. Any video, which in the officer's opinion does not require retention for longer than 180 days.

2. At the conclusion of each ICC recording the recording officer will be responsible for properly classifying the video as “Retain” or “Purge” based on the nature and circumstances of the recording.
 3. All video recorded by an ICC is temporarily stored locally on a secure hard drive within the ICC.
 4. BWCs are designed to temporarily store video on a storage device enclosed within the BWC.
 5. Video from ICCs, under proper operating conditions, will automatically upload to the video recording system when the ICC is connected to the wireless network.
 6. In the event there are connectivity issues between the ICC and the wireless network, supervisors have the capability to remove the hard drive from the ICC by utilizing a key. The supervisor will connect the hard drive directly to the network and manually upload the video.
 7. Unless authorized by a sergeant or above, officers will be required to upload video from their BWC to the video recording system at the conclusion of each shift.
 8. In some situations, the supervisor may deem it necessary to take physical custody of the BWC and or ICC hard drive for preservation. It will be the supervisor’s responsibility to maintain the integrity of the device(s) once seized and unload the video to the video recording system. These situations may include, but are not limited to:
 - a. Officer involved shootings
 - b. In custody deaths
 - c. Incidents involving an officer that result in death or serious bodily injury to a person.
 - d. Fleet crashes where the unit is disabled.
 - e. Officers otherwise not able to upload their recorded video to the video recording system. Upon completion of the video upload the BWC will be returned to the officer as soon as practical.
 - f. Upon conclusion of a critical incident, officers involved in the incident will uploaded [their](#) video to the video recording system as soon as practical.
 9. It will be the responsibility of the Criminal Investigation Sergeant or their designee to ensure all video related to criminal cases [are](#) “Retained” in line with the Texas Code of Criminal Procedures Statute of Limitations. [\[41.3.8d\]](#)
- I. Retrieval and Viewing
1. Officers, for the purpose of report writing, training, and court preparation, will have the ability to view and copy videos which they have created.
 2. In the absence of exigent circumstances, Officers may choose to review [any video of an incident involving the officer](#) prior to making a statement to a supervisor. In addition, officers will be allowed to review [any video of an incident involving the officer](#) prior to providing an oral or written statement to Internal Affairs.
 3. Officers who wish to review additional video related to an incident will submit the request to their supervisor.

4. Supervisors, for the purpose of administrative investigations, policy enforcement, report writing, training, and court preparation, will have the ability to review and copy all video within the video recording system. [41.3.8c]
 5. Criminal investigation personnel, for the purposes of case filing and investigation, will have the ability to view and copy all video within the system. In addition, they will have the ability to restore archived video to the video recording system. Criminal investigation personnel may also reclassify video. [41.3.8c]
 6. Records personnel, for the purpose of open records compliance, will have the ability to view and copy all video. [41.3.8c]
 7. Command staff, for the purpose of administration, will have the ability to view and copy all video.
 8. Video recordings shall not be created or copied for any purpose other than for approved police business. Police personnel may not utilize BWCs or departmental video recordings for none law enforcement purposes.
 9. Pursuant to Texas Occupation Code section 1701.659 a peace officer or other employee commits a class A misdemeanor if they release a recording created with a body worn camera without the permission of the applicable law enforcement agency. All video shall be the property of the Burleson Police Department and the dissemination shall be in accordance with department policy and state law. [41.3.8g]
 10. No video shall be copied or released except as specified by policy without the written approval of the Chief of Police or designee.
 11. Department issued BWCs shall not be connected to unauthorized computers or non-department issued equipment.
- J. Supervisory Responsibilities
1. Monthly, Supervisors will review at least one BWC and if applicable one ICC video for each officer they supervise. This information will be documented and reported to the appropriate Bureau Captain. [41.3.8g]
 2. Minor Infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, appropriate disciplinary or corrective action shall be taken.
 3. Supervisory personnel who manage employees using BWCs and ICCs shall ensure that:
 - a. Employees shall follow established procedures for the use and operation of BWCs and ICCs, handling of video recordings, and the completion of data transfer and documentation.
 - b. All videos are uploaded prior to the end of shift. No videos are to be left on a BWC at the completion of an officer's shift. [41.3.8d]
 - c. The need for repairs and or replacement of damaged or nonfunctional BWCs will be reported to the Administrative Sergeant. [41.3.8e]
- K. Request for video

1. All videos are subject to open records. Public or media request for video will be made through open records procedures established by the City of Burleson in accordance with state law.
 2. Law enforcement or other government agency request may be made through records, criminal investigations, or command staff.
 3. A video may be released to the public, with the approval of the Chief of Police or their designee, if the release furthers a law enforcement purpose.
 4. The agency may NOT release any portion of a video recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in an arrest, without written authorization from the person(s) who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
 5. A recording is confidential if the recording was not required to be made public by law or policy and does not relate to a law enforcement purpose.
 6. Citizens may not view either BWC or ICC video in the field unless authorized by command staff.
 7. Unless authorized by the Chief of Police a recording created with a body worn camera that documents an incident that involves the use of deadly force by an officer or that is otherwise related to an administrative or criminal investigation of an employee 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. [41.3.8c]
- L. Training
1. The Administrative Sergeant will be responsible for ensuring all officers who are assigned a BWC have received training in the use of the device as well as the policy. [41.3.8f]
 2. During the Field Training Program officers will receive training on the use of the ICC and BWC, as well as the policy. [41.3.8f]