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<b>Index:</b> Circular -- Creation of General Order 400-28, Body Worn Cameras -- The purpose of this policy is to establish guidelines for the use of Body Worn Camera equipment and the storage, management, retrieval and release of video and audio recordings captured by the cameras. -- Captain W. C. Staney, Inspections Division		
From: Martha I. Montalvo, Acting Chief of Police		

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General notes to the Command
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# Circular

## Houston Police Department



March 24, 2016

NO. 16-0324-069

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**SUBJECT: CREATION OF GENERAL ORDER 400-28, BODY WORN CAMERAS**

Attached General Order 400-28, **Body Worn Cameras**, has been created to meet current policies and procedures. The purpose of this policy is to establish guidelines for the use of Body Worn Camera equipment and for the storage, management, retrieval and release of video and audio recordings captured by Body Worn Cameras. Guidelines include, but are not limited to:

- Departmental personnel shall utilize only the authorized Video Evidence Management System (VEMS) for digital evidence collected or maintained by the department.
- Officers issued a BWC shall familiarize themselves with each component and fully understand how to use the device appropriately and in accordance with this policy.
- Only personnel authorized by the Chief of Police, and who have been trained in the use of the BWC, shall be permitted to use the BWC device.
- Officers shall ensure that all videos related to significant events or events for which Class B or above charges are filed, are uploaded by the end of the shift.
- All officers and supervisors who have been issued a BWC are required to use it during department-authorized, police-related extra employment activities.
- Officers are advised of certain situations and circumstances that warrant the deactivation of their BWCs on some scenes.

Employees shall know the laws and ordinances they are charged with enforcing as well as all department orders, directives, duties, and procedures governing their specific assignments. As such, all employees shall read in its entirety the attached revised General Order or its equivalent on the department's Intranet Portal. Command Staff members shall make this notice of General Order revision available to all employees under their command.

  
Martha I. Montalvo  
Acting Chief of Police

mim:wcs:blm

Originating Party:  
W. C. Staney, Captain  
Inspections Division

COP #16-56868

**TO BE READ AT ALL ROLL CALLS FOR 5 DAYS**

# General Order

## Houston Police Department



ISSUE DATE:

March 24, 2016

NO.

400-28

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: BODY WORN CAMERAS

### POLICY

The Houston Police Department recognizes the benefits of using Body Worn Cameras in pursuit of our mission to enhance the quality of life in the city of Houston by working cooperatively with the public to prevent crime, enforce the law, preserve the peace, and provide a safe environment. The use of Body Worn Cameras will assist the department in its efforts to foster transparency, promote accountability and improve our ability to carry out our mission.

The Houston Police Department shall utilize Body Worn Cameras to assist officers in their efforts to enhance police professionalism, improve transparency, and preserve recorded evidence of their interactions with the public. Body Worn Cameras have the potential to improve community relations, strengthen public trust in law enforcement, reduce the number of citizen complaints, resolve allegations of misconduct by officers, increase department accountability, and improve officer training and evaluation.

The purpose of this policy is to establish guidelines for the use of Body Worn Camera equipment and for the storage, management, retrieval and release of video and audio recordings captured by Body Worn Cameras.

This General Order does not apply to covert recording devices, such as those placed on undercover officers or criminal informants. Such devices shall continue to be handled in accordance with existing policies.

This General Order applies to all employees.

### DEFINITIONS

**Body Worn Camera (BWC).** A recording device that is capable of recording, or transmitting to be recorded remotely, video and audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing. The BWC does not include surreptitious recording devices used in undercover operations.

**Buffering Mode or Standby Mode.** BWC mode in which the BWC has not yet been activated by the officer, but is actively scanning. Once the BWC is activated to begin recording, only the last 30 seconds of video shall be automatically added to a recorded event. This shall occur each time the BWC is activated to record when activated from the Standby Mode.

**Classification.** The process whereby an employee categorizes a video for evidentiary and retention purposes. The classification options shall include the following:

- a. **Class B+.** For BWC recordings related to criminal offenses that are Class B misdemeanors and above.
- b. **Class C/Traffic.** For Class C citations and arrests and all traffic stops not resulting in an investigation of a criminal offense that is a Class B misdemeanor or above.
- c. **Information.** For all other BWC recordings.

**Digital Evidence.** For purposes of this General Order, Digital Evidence consists of video footage and audio recordings captured by the BWC and stored digitally.

**Docking the BWC.** The process by which an employee places the BWC into a network-attached data transfer device, causing videos previously recorded onto the BWC to be uploaded to the Video Evidence Management System. Additionally, the BWC's battery is charged and its firmware is updated during docking.

**Event Mode.** BWC mode in which the BWC has been activated by the officer and is actively recording an event. The term "activate" shall be used to indicate that a BWC has been placed into Event Mode.

**Law Enforcement Activity.** Any event during which an officer exercises his police authority or conducts any type of investigation, whether consensual or otherwise.

**Metadata.** Information that is used to identify the officer to whom the BWC is issued, the date and time each video was recorded, and any other additional information related to the recording.

**Private Space.** A location in which a person has a reasonable expectation of privacy, including a person's home.

**Video Evidence Management System (VEMS).** The department repository for the video systems in use by the Houston Police Department. The VEMS is a combination of hardware and software used to generate, collect, store, backup, retrieve, review, transmit and archive videos that are created from various departmental video sources including Body Worn Cameras and mobile video equipment.

## 1 UTILITY OF BWC VIDEOS

BWCs shall be used to capture audio and video footage of law enforcement activities conducted by HPD officers and supervisors.

These recordings can be useful to employees as they generate incident reports, col-

lect and document evidence, investigate criminal activity, and prepare to testify in court.

BWC recordings can also assist in the investigation of alleged policy violations by officers.

BWC recordings may also be used to debrief incidents and as training tools.

## 2 INTEGRITY OF VIDEO RECORDINGS

To maintain the integrity of evidence and ensure accountability in police operations, departmental personnel shall utilize only the authorized VEMS for digital evidence collected or maintained by the department.

VEMS shall be managed and maintained by the HPD Office of Technology Services as directed by the Chief of Police. The use of any other video systems is prohibited unless approved by the Chief of Police.

All digital evidence from any BWC shall be used for official law enforcement purposes only and is the property of the Houston Police Department. Only personnel authorized by the Chief of Police shall use or be in possession of a department-issued BWC device. All audio and video footage captured by a BWC of a law enforcement activity shall be treated as evidence.

## 3 BWC EQUIPMENT

Each officer designated by the Chief of Police to receive a BWC shall be issued a BWC. Officers issued a BWC shall familiarize themselves with each component and fully understand how to use the device appropriately and in accordance with this policy.

BWC equipment shall consist of the following:

- a. Body worn camera;
- b. Attachment devices which affix the camera to an officer's uniform;
- c. Data transfer device;
- d. Power charger cord.

The BWC shall be affixed to the front of each officer's uniform above the horizontal midline of the torso so that it is clearly visible to persons with whom the officer comes into contact. The positioning of the BWC shall enable the BWC to capture the best recording possible of the officer's scene and interactions with persons on that scene. It is the officer's responsibility to ensure that the BWC is properly affixed to his uniform so that no obstructions interfere with proper recording.

The BWC has an adjustable lens which allows the camera to compensate for an officer's height by swiveling up and down. When and where practical, officers shall use this capability to ensure that the BWC is effective in capturing their interactions. In addition, officers may elect to have the BWC facing the rear of the vehicle during prisoner transports.

Data transfer devices shall be located at divisions throughout the department. Officers shall dock the BWC to transfer videos into VEMS.

A charger shall be issued to officers so that the BWC can be properly charged before each use.

Only department-issued equipment and accessories, including mounts, chargers or other devices, shall be used with the BWCs. No third party devices are authorized for use unless approved in advance and in writing by the Chief of Police.

The BWC may only be docked in approved download stations or connected to ap-

proved or department-issued chargers and devices. Employees shall not disassemble the camera, or access or attempt to access the internal storage, files, programs or configuration of the BWCs either wirelessly or by direct connection.

#### **4 TRAINING FOR BODY WORN CAMERA USE**

Only personnel authorized by the Chief of Police, and who have been trained in the use of the BWC, shall be permitted to use the BWC device. Any officer equipped with a BWC shall be trained in the operation of the equipment prior to its use. BWC equipment shall be used in accordance with the BWC operations manual.

Training content shall include, but not be limited to the following:

- a. Practices and protocols covered by this General Order.
- b. An overview of relevant state and federal laws governing consent, evidence, privacy, and public disclosure.
- c. Operating procedures of the BWC.
- d. Discussion of scenario-based events officers might encounter.
- e. Procedures for uploading and classifying recorded data.
- f. Procedures for accessing and reviewing recorded data.
- g. Procedures for preparing and presenting digital evidence in court.
- h. Procedures for documenting and reporting any malfunctioning BWC device or supporting system.

Relevant BWC training material shall be posted on the HPD Intranet Portal to serve as a reference for employees.

## **5 DIVISION COMMANDER RESPONSIBILITIES**

Division commanders shall ensure that every officer under their command that has been designated to receive a BWC has had one issued to them. They shall also ensure that all officers under their command are trained in the proper use of the BWC in accordance with departmental policies and that they are made aware of updates to applicable policies and procedures.

Additionally, division commanders shall ensure that there are sufficient data transfer devices within their divisions and that they are operating properly. They shall also ensure that the BWC equipment assigned to employees under their command is being properly utilized and maintained in accordance with departmental policies and procedures.

Division commanders shall ensure that shift commanders within their division properly complete monthly audits of the sergeants and officers assigned to them in accordance with this policy.

Division commanders shall ensure that a division roster exists for all BWCs and BWC-associated equipment utilized by employees in their division. They shall also ensure that changes in the assignment of BWCs and associated equipment are properly accounted for within the division and reported to the Video Tech Unit on a department-authorized schedule so that the Master Inventory can be updated.

Division commanders shall also designate a divisional liaison to the Video Records Unit (VRU).

## **6 SHIFT COMMANDER RESPONSIBILITIES**

Shift commanders shall ensure that all officers under their command are trained in the proper use of the BWC in accordance with departmental policy and that they are made aware of updates to applicable policies and procedures.

In accordance with Section 20 of this General Order, shift commanders shall conduct random, periodic audits of their officers' and sergeants' videos each month to ensure that the use of BWC equipment is in compliance with departmental policies and procedures.

## **7 SERGEANT RESPONSIBILITIES**

Sergeants shall ensure that all officers assigned to them are trained in the proper use of the BWC in accordance with departmental policy and that they are made aware of updates to applicable policies and procedures.

Sergeants shall ensure that officers are equipped with their BWCs before releasing them from roll call to report to their assignments.

Sergeants shall remind officers to properly classify their BWC recordings and to ensure that BWC recordings are properly uploaded to VEMS in accordance with this General Order.

Sergeants shall ensure that all videos related to significant events or events for which Class B or above charges are filed are uploaded by the end of the shift. All other BWC recordings shall be uploaded at the beginning of the officer's first shift worked following the shift during which the recording was made, but not later than 72 hours after the end of the shift during which the recording was made.

A sergeant who becomes aware that an officer has a malfunctioning or defective BWC shall determine whether the BWC can be replaced or repaired prior to the officer reporting for their assignment. Once that determination is made, the sergeant shall proceed as follows:

The sergeant may authorize the officer to report for their assignment without their BWC equipment. The sergeant shall notify dispatch of this authorization via the CAD system.

A sergeant may determine that the officer shall seek repairs or obtain a replacement BWC before reporting for their assignment. In this case, the sergeant shall not authorize the officer to report for their assignment without their BWC equipment and shall ensure that the officer seeks such repairs or replacement before reporting for their assignment.

Whenever feasible, sergeants shall review relevant BWC recordings prior to submitting any administrative reports as they relate to incidents involving use of force, pursuits, city vehicle crashes, etc.

Periodically, sergeants shall review the reports and work cards of their officers to ensure that BWC's are being properly utilized.

Sergeants shall identify recordings that may have training value and follow the procedure laid out in Section 26 of this General Order.

Any sergeant who becomes aware that an officer's conduct is in violation of this General Order or associated BWC procedures shall take appropriate action in accordance with Department policies governing such violations, including General Order 200-03, **Investigation of Employee Misconduct**.

Each officer who has been issued BWC equipment shall:

- a. Be responsible for the care and custody of all BWC equipment assigned to them while it is in their possession.
- b. Inspect their assigned BWC devices daily to ensure that there is no visible damage and that the device is in proper working order.
- c. Immediately report any loss of or known malfunctioning of BWC equipment to a supervisor prior to reporting to their assignment if the malfunction is discovered prior to reporting for duty or as soon as it is safe to do so if the malfunction or loss is discovered during their shift. If authorized to report for or continue working on their assignment without fully functional BWC equipment, the officer shall notify dispatch of the authorization, including the authorizing supervisor's unit number.
- d. Ensure that the camera has been fully charged prior to reporting for work, whether in an on-duty or extra employment status.
- e. Wear the BWC above the horizontal midline of their torso and ensure the BWC is in a position to effectively record their interactions.
- f. Use the BWC in compliance with this General Order and other departmental policy.
- g. Notify their supervisor any time a recording may have training value.
- h. If an incident report is required, document in the incident report whether a BWC recording is available.
- i. Document in a crash report whether a BWC was used during the investigation.

## 8 OFFICER RESPONSIBILITIES

- j. Any officer not designated as the primary unit of an event shall notify the primary unit that he activated his BWC while on the primary unit's scene so it can be documented within the primary unit's incident report. The officer shall provide his name and employee number to the primary unit.
  - k. Properly classify all BWC recordings during their shift.
  - l. Ensure that all videos related to significant events or events for which Class B or above charges are filed are uploaded by the end of the shift. All other BWC recordings shall be uploaded at the beginning of the officer's first shift worked following the shift during which the recording was made, but not later than 72 hours after the end of the shift during which the recording was made.
- a. Arriving on scene to any call for service.
  - b. Self-initiating any law enforcement activity.
  - c. Initiating a traffic or pedestrian stop.
  - d. Responding to a citizen who flags them down.
  - e. Detaining, arresting, or attempting to detain or arrest a person.
  - f. Conducting any search, including those of people, vehicles, buildings, and places.
  - g. Transporting any person from one location to another, including prisoners and passengers.
  - h. Interviewing witnesses and complainants.
  - i. Engaging in any vehicular or foot pursuit.

## 9 ACTIVATION OF BWC EQUIPMENT

The BWC has three modes: *Off*, *Standby*, and *Event*. Normally, while performing routine matters and prior to participating in any law enforcement-related activities officers shall keep the BWC in *Standby* mode.

Officers shall place the BWC in *Event* mode to record all law enforcement-related activities. This requirement applies to all officers engaged in a law enforcement activity, whether they are designated as a primary or secondary unit. The BWC shall be activated while officers are acting in a law enforcement capacity, prior to actual contact with citizen(s), or as soon as it is safe to do so. Officers shall continue recording until the law enforcement activity is completed or until there is a reason, as permitted by this policy, to deactivate the BWC.

Officers shall activate their BWC equipment **prior to** conducting any of the following law enforcement activities (the following is a non-exhaustive list):

Officers shall record during the execution of any search warrant, or arrest warrant, and during a consent search including the officer's request for consent and the person's response to such request.

Officers equipped with a BWC shall record all prisoner or passenger transports, regardless of the gender of the prisoner or passenger. The entire transport shall be recorded through the transfer of custody to jail personnel, placement into a holding cell, or completion of the passenger transport.

When a prisoner or passenger is transported by a two-man unit, both officers shall be required to record with the BWC during the transport. In order to document the transport of the prisoner or passenger officers may elect to turn their BWCs so that they face the back seat of the vehicle during transport.



Whenever an officer engages in a vehicular or foot pursuit, the BWC shall immediately be activated, so long as it is safe to do so, so that the incident can be captured from its inception through its final disposition.

The department values the trust of those persons who choose to confidentially assist in its efforts to preserve the peace and enforce the law. Officers shall not knowingly record persons who confidentially provide information for law enforcement purposes.

Officers are sometimes called upon to respond to scenes where persons, including witnesses and complainants, may have been traumatized (e.g. a scene of a sexual assault). While officers are encouraged to use their BWCs when it is prudent to do so, they may use their discretion in choosing to discontinue a recording which might inhibit their ability to obtain a full and candid statement from a complainant or witness. In furtherance of gaining the trust and cooperation of victims who may have been traumatized, officers shall respond in a respectful and supportive manner and be considerate of the fact that some victims may not be comfortable discussing the facts of their situation while being recorded.

Officers may, but are not required to, record informal or casual encounters with members of the public. Officers shall consider that recording people in some circumstances may inhibit the sharing of information or impair the development and maintenance of strong ties between members of the community and officers.

In non-confrontational situations, employees should inform complainants and witnesses they are being recorded. (e.g. interviewing a complainant in a burglary or BMV). Officers may exercise their discretion as to whether to deactivate their BWCs during such non-confrontational encounters unless the scene involves family violence. Officers shall audibly note the reason for

the termination of the recording prior to deactivating their BWCs.

There may be times when an officer is interacting with a citizen and their discussion becomes unexpectedly contentious. As soon as an officer determines that this is likely to occur or is occurring, the officer shall immediately activate his BWC.

## **10 FAILURE TO ACTIVATE BWC**

While the BWC is required to be activated prior to initiating a law enforcement activity, there may be circumstances where it is immediately necessary for the officer to act in order to ensure his safety or the safety of others. In those situations, it may be impractical or unreasonable for the officer to activate their BWC before taking police action. In these instances, the officer shall activate his BWC as soon as it is safe to do so, to ensure that the remainder of the incident is properly recorded.

An officer's justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable shall be evaluated based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

If at any time an officer is required to activate his BWC and fails to do so, or if an officer is unable to activate his BWC in a timely manner as required by this policy, the officer shall immediately after the conclusion of said event, use the BWC to record their explanation or reasoning as to why the BWC was not activated. The officer shall notify their supervisor when these situations occur.

If an event described in the preceding paragraph requires an officer to produce an incident report or notes in a call slip, an explanation of why the BWC was not activated shall also be included in the documentation.

If the department becomes aware of an officer's failure to activate his BWC through supervisory review, random audit, court discovery, or other means, the officer may be subject to disciplinary action.

## **11 DEACTIVATION OF BODY WORN CAMERA EQUIPMENT**

Officers shall stop the video recording using the Record Start/Stop Button.

Deactivating a BWC to cease recording an event is governed by the following guidelines. In most circumstances, an officer's BWC may be deactivated once the following are true:

- a. All arrests have been made and arrestees have been transported from the scene and accepted by jail personnel, or placed into a jail holding cell;
- b. All witnesses and victims have been interviewed; and
- c. All contacts with the public on the scene are completed.

Officers may also deactivate their BWCs in accordance with other circumstances permitted by this General Order.

Except when handling a family violence incident, officers may exercise their discretion as to whether to deactivate their BWCs during non-confrontational encounters. Officers shall audibly note the reason for the termination of the recording prior to deactivating their BWCs.

If an officer encounters a person during an investigation that they believe to be a victim of family violence who refuses to cooperate with the investigation so long as they are being recorded by the officer's BWC, the officer shall briefly explain the department's policy with regard to recording citizen interactions to attempt to alleviate their con-

cerns. If the person continues to object to being recorded, the officer shall cease attempts to interview that person and make contact with a supervisor. The supervisor contacted must ensure that a supervisor reports to the officer's scene. Once at the scene, the supervisor shall make contact with the possible victim and attempt to resolve any issues related to being recorded.

In the rare instance that the supervisor is unable to remedy the person's concerns, they should authorize the investigation to continue while the BWC is deactivated long enough to obtain a statement from that party. The supervisor shall serve as a witness as the statement is taken and generate a supplement detailing their observations and the details of the statement provided by the victim. The BWC shall be reactivated once the contact with that party has ceased and until the remainder of the investigation is complete.

Officers may deactivate the BWC when conferring with other personnel regarding handling of an incident, at the scenes of extended incidents, or when no enforcement action is occurring, but shall audibly note the reason for termination. Officers shall properly classify their recordings when they stop each individual recording (if applicable).

## **12 SPECIAL CIRCUMSTANCES**

There are special circumstances in which additional guidance regarding the use of BWCs is necessary. Those incidents include the following:

### **Driving While Intoxicated**

During encounters with drivers who are suspected of Driving While Intoxicated (DWI), officers shall use both BWCs and mobile video equipment (in vehicles in which mobile video equipment has been installed and is functional) to record any field

sobriety tests before proceeding to an intoxilyzer testing facility.

Traffic Enforcement Division employees shall continue to follow the division's standard operating procedures pertaining to the handling of the recordings captured by Traffic Enforcement Division equipment.

When assisting with blood draws, officers shall continue to record such encounters in accordance with departmental policies and procedures. If an officer or supervisor is present during a blood draw, he shall use his BWC to record the encounter.

### Use of Force Incidents

Officers involved in use of force incidents captured by BWCs shall continue to follow the applicable departmental policies regarding the use of force and reporting of use of force in General Order 600-17, **Use of Force**. When feasible, an officer involved in a use of force incident may, but is not required to, review the BWC recording before completing his incident report. Whenever feasible, an officer's immediate supervisor shall review all video recordings of use of force incidents where the suspect is transported to the hospital prior to completing the supervisor's supplemental report.

If an officer is unable to upload the video to the designated server, due to illness or injury, or because he is prohibited from doing so by other provisions of this policy (for instance, section 18) the supervisor who has been made aware of the officer's inability to upload the video shall be responsible for ensuring that the video is uploaded as soon as is practicable. The supervisor is also responsible for documenting the officer's actions in an incident report, supplement report, or call slip, as appropriate.

Incidents involving deadly force, serious bodily injury, or allegations of serious misconduct captured on BWCs shall be handled as directed by the Homicide Division or

Internal Affairs Division investigator on the scene. Homicide Division and Internal Affairs Division each shall have the authority to classify a video recording as 'Confidential.'

### Weapon Discharges

Any officer involved in a weapons discharge shall be allowed to review video captured by his BWC prior to being compelled to give a statement.

### Extra Employment

All officers and supervisors who have been issued a BWC are required to use it during department-authorized, police-related extra employment activities.

### Special Events

Special events and crowd control situations present unique tactical and safety concerns for both the public and law enforcement. Examples of such events include demonstrations, major sporting events, festivals and parades. The department frequently monitors special events to ensure that the rights to peacefully and lawfully assemble are protected and to ensure compliance with all laws and ordinances. In furtherance of the protection of those rights, the Department is responsible for responding to the disruption of such assemblies.

In accordance with these responsibilities, supervisors tasked with coordinating the response to such events shall have the discretion to order officers to record the entirety of a special event.

## 13 PRIVACY CONCERNS AND ADVISEMENTS

Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.

However, there are circumstances in which officers need to exercise caution in the use of their BWCs.

### **Medical and Psychiatric Facilities**

Officers shall be considerate of a patient's privacy when in medical facilities.

Officers are reminded that, regardless of the setting, when they confront a violent or assaultive suspect, or anticipate any use of force, officers shall, when safely able to do so, activate their BWCs to record the event.

### **Restrooms, Dressing Rooms, Locker Rooms**

BWC recordings shall not be used inside restrooms, dressing rooms, or locker rooms unless officers are entering in response to an on-going emergency or a crime that is still in progress; there is reason to believe that a suspect is still inside the location; or other exigent circumstances exist.

## **14 PROHIBITED USAGE**

Only specifically authorized and provided video cameras (mobile video equipment, body worn cameras or other video recording devices) may be used for any purpose at any time by police department personnel.

Officers are prohibited from using any privately-owned body worn camera or other equipment to video record unless explicitly approved by the department.

Officers are further prohibited from making copies of digital evidence or uploading digital evidence to public or social media sites at any time. While viewing a BWC recording for official purposes, officers shall not take a screen shot or make any separate recording of the BWC recording.

Under Texas Occupations Code Section 1701.659, it is a Class A misdemeanor for a

peace officer or other employee of the department to release a recording created with a body worn camera without permission of the department.

Recordings made by officers while performing their police duties shall not be used for personal gain or entertainment.

An officer seeking a copy of a video shall make a request in writing up the chain of command to the officer's assistant chief stating the specific reasons for requesting the video.

Officers shall not dismantle, erase, or alter any department-issued BWC equipment or software, unless otherwise authorized by the General Order, by the Chief of Police, or by a court of law.

The BWC is for official use only and shall not be used to record the following:

- a. Non-work related activity;
- b. Personal activity;
- c. Meal periods;
- d. Roll calls, department locker rooms, break rooms, restrooms (noted above) or other administrative activities;
- e. Conversations of fellow employees without their knowledge during routine activities not related to enforcement;
- f. Discussions with confidential informants;
- g. Conversations with other law enforcement agency personnel that involve case tactics or strategies; briefings; tactical operation plans or operations; including discussions with the respective District Attorney's Offices, without their knowledge and consent;
- h. Lineup proceedings and associated briefings;

- i. Department meetings, including but not limited to, administrative meetings, committee meetings, mediations or counseling;
- j. In-service training;
- k. Inside police facilities unless taking law enforcement action;
- l. During walk-throughs following officer-involved shootings;
- m. During conversations with employees of District Attorney's Offices.

#### **15 PROCESSING PROHIBITED BWC RECORDINGS**

An officer who becomes aware that his BWC has recorded any activities listed in Section 14 shall immediately deactivate his BWC, classify the video as Information, and notify a supervisor.

Officers who become aware that another officer has recorded any activities listed in Section 14 shall immediately notify a supervisor.

A supervisor shall view the video and ensure that the recording was, in fact, a prohibited recording and that it did not capture misconduct.

In cases where an employee suspects that a prohibited recording has occurred in a restroom or locker room, an employee may request that a supervisor of the same sex as the officer or of the subject of the recording review the recording and that request should be honored if at all possible.

#### **16 CLASSIFICATION OF BWC RECORDINGS**

Proper classification of recorded data is critical for two reasons. First, the retention pe-

riod for a BWC recording is typically set based on its classification. Proper classification is therefore critical for ensuring the video is retained in accordance with department-mandated and legally required retention schedules.

Second, accurate classification helps supervisors, prosecutors, and other authorized personnel readily identify and access videos they need for investigations or court proceedings.

The officer shall perform the classification of the BWC recording on his department-issued BWC. The officer is not required to dock the camera in a data transfer device to accomplish classification.

Once an officer deactivates the BWC by pushing the Record Start/Stop Button, the officer shall have 2 minutes to classify the recording.

The officer shall press the Display Backlight Button as many times as needed to cycle through the following list of classification options: Class B+, Class C/Traffic, or Information. The classification Class B+ shall be used to indicate that the BWC recording is related to Class B or above criminal offenses, whether or not charges are filed. The classification Class C/Traffic shall be utilized for all Class C arrests and citations and for all traffic stops not resulting in an arrest for a Class B or above criminal charge. The classification Information shall be utilized for all other BWC recordings.

Once the correct classification is identified, the officer shall press and hold the Display Backlight Button for at least 2 seconds. The LCD Display will read SAVED and will show the classification selected.

Officers shall perform this task for each and every video irrespective of whether the officer completes an incident report or issues a traffic citation related to the incident.

## 17 DOCUMENTATION WITHIN INCIDENT REPORTS

The BWC recording is not a substitute for a thorough and complete incident or supplement report. Officers shall note in the narrative portion whether the BWC recording was reviewed prior to completing the report.

The classification of Class B+ requires an incident report. Officers shall follow departmental policy when determining whether an incident report is required for an activity classified as Class C/Traffic.

In incidents requiring an officer to complete an incident report, officers shall ensure each BWC recording is documented within the incident report by selecting the appropriate option in the RMS drop-down menu. In instances where no BWC is available, officers shall select No BWC. In instances where there is a BWC recording and it has been reviewed by the officer prior to completing his report, the officer shall select 'BWC – Reviewed'. In instances where there is a BWC recording available but the officer completing the report has not reviewed the video prior to completing his report, the officer shall select 'BWC- Not Reviewed.'

The fact that a recording was made shall also be documented on any other corresponding documentation including, but not limited to, any of the following, crash report, Vehicle Pursuit form, Conducted Energy Device (CED) report, Use of Force report, etc.

Any officer responding to a scene as a secondary unit shall be responsible for the following tasks:

- a. Notifying the primary unit if his BWC was activated while on the scene; and providing his name and employee number to the primary unit.

- b. Classifying the recording using one of the three options identified within Section 16 of this General Order.

- c. Uploading their video to VEMS by the end of the shift for all videos related to significant events or Class B or above criminal offenses for which charges are filed. All other BWC recordings shall be uploaded at the beginning of the officer's first shift worked following the shift during which the recording was made, but not later than 72 hours after the end of the shift during which the recording was made.

The primary unit shall include within the narrative of his incident report references to all employees (by name and employee number) whose BWCs captured recordings on the primary unit's scene or on any scene associated with the incident being reported.

Officers shall continue data collection as required by General Order 600-42, **Racial Profiling Prohibited**, regardless of whether they are utilizing a BWC.

## 18 UPLOAD PROCEDURES

Officers shall ensure that all videos related to significant events or Class B or above criminal offenses for which charges are filed are uploaded by properly docking the BWC by the end of the shift. All other BWC recordings shall be uploaded at the beginning of the officer's first shift worked following the shift during which the recording was made, but not later than 72 hours after the end of the shift during which the recording was made.

An officer or supervisor working extra employment shall ensure that all videos related to significant events or events for which Class B or above charges are filed are uploaded during the extra employment or as soon as practicable after the extra employment concludes. All other BWC recordings

shall be uploaded at the beginning of the officer or supervisor's first shift worked following the extra employment but not later than 72 hours after the end of the extra employment during which the recording was made.

In critical incidents, such as officer-involved shootings, in-custody deaths, or other incidents involving an officer that results in a person's serious bodily injury or death, a supervisor shall take custody of the BWC at the scene and ensure that all recordings are properly uploaded. Officers involved in the incident shall not be tasked with uploading the BWC recordings related to that incident.

## **19 REVIEWING BWC DIGITAL EVIDENCE**

The following requirements and guidelines govern the internal review processes for BWC digital evidence.

### **Employee Reviews**

Officers shall be mindful of how digital evidence is useful in completing incident reports. Officers may, but are not required to review a BWC video before completing an incident report.

Officers shall view their own digital evidence especially prior to providing testimony at hearings, trials, or depositions.

### **Supervisor Reviews**

Training supervisors and employees assigned to the Field Training Administration Office may review recordings of officers in the Field Training Program in order to evaluate the progress of Probationary Police Officers through the Field Training Program.

Employees assigned to the Personnel Concerns Unit and supervisors whose officers have been placed in the Personnel Concerns Program shall review recordings of those officers in order to evaluate their progress through the program.

## **Investigative Reviews**

Investigators are responsible for reviewing digital evidence associated with their cases and for ensuring appropriate references are made within their documentation to the relevance of said recordings.

Investigators shall be able to conduct a search of the Video Evidence Management System (VEMS) by date, time and officer to find videos that may be relevant to their investigation(s). Investigators shall also be able to request that a search for relevant videos be conducted by the Video Records Unit (VRU).

Investigators shall submit a search request in writing on an approved departmental form to the VRU. The VRU shall have three (3) business days to process the request and provide the results. An expedited request may be submitted to the VRU unit supervisor for investigations that involve exigent circumstances.

## **20 AUDITS OF BWC RECORDINGS**

Audits of BWC recordings shall be conducted to determine whether policies and protocols properly account for updates to the technology, are in compliance with new laws, and reflect the most up-to-date research and best practices. Periodic assessments shall also help determine whether current policies and practices are effective and to what extent compliance issues exist.

Three types of audits shall be conducted by HPD personnel; they consist of the following:

### **a. Monthly Audits by Supervisors**

Shift commanders are required to review 2 randomly selected videos for each of their officers and sergeants each month.

**b. Semi-Annual Audits by Inspections Division**

The scope of the audit shall be determined by the Chief of Police; but at the very minimum, randomly selected videos shall be reviewed by the Inspections Division twice a year.

The division commander of the Inspections Division shall contact the Independent Police Oversight Board (IPOB) and ask for four volunteers, one from each panel, to participate in conducting this audit. With each succeeding audit, the IPOB representatives shall rotate membership involvement so that all members have an opportunity to participate in this process.

**c. Semi-Annual Audits by the Office of Technology Services**

Members of the Office of Technology Services shall perform random audits on stored video files for quality control purposes to ensure video quality, audio quality, color rendition and proper focus.

System audits shall also be conducted focusing on user access, retention schedules, partial or incomplete video files and system storage.

For Monthly Audits by Supervisors and Semi-Annual Audits by Inspections Division, personnel within the Office of Technology Services shall use a computer program to generate a list of randomly selected videos for auditing purposes.

The computer program will then send the selection lists, via electronic mail, to the corresponding division commanders to ensure a review of all of the BWC videos for the selected officers for the dates selected. The respective shift commanders shall provide a written report to the division commander that shall include:

- a. Date of audit;
- b. Offense type and number of videos reviewed, if applicable;
- c. The name of the officer assigned to the BWC; and
- d. Documentation of the officer's actions and specifically whether the BWC equipment is being utilized properly.

If within the course of a video review, violations of policy or training are discovered, supervisors shall follow General Order 200-03, **Investigation of Employee Misconduct**.

**21 RETENTION**

Recordings not classified as Class B+ or not needed for other official HPD business shall be retained for 180 days from the date of the recording before being automatically purged from the VEMS database.

BWC records determined to be evidentiary shall be retained for a time period set by the statute of limitations for the listed offense and by the investigative unit handling the case.

Employees specifically designated by the Chief of Police may authorize the retention of recordings beyond the standard 180-day period for administrative purposes.

Recordings shall be subject to the same security restrictions and chain of custody safeguards as other evidentiary property.

**22 BWC VIDEO TECH UNIT (VTU)**

The VTU shall be assigned to the Office of Technology Services and shall primarily be responsible for:



- a. Deploying, maintaining and supporting the functionality of the BWCs, peripheral devices/cables, video transfer devices, work station software, system settings, and any other equipment located on-site;
- b. Maintaining a Master Inventory of HPD BWCs and equipment and conducting an annual inventory;
- c. Arranging for the warranty and non-warranty repair of BWCs;
- d. Addressing requests by BWC users by providing, via electronic communication and, when necessary, on-site support;
- e. Serving as coordinators between the Office of Technology Services and Houston Information Technology Services (HITS) Department to maintain network connectivity, server availability, backup copies, and storage availability;
- f. Conducting periodic random audits of recordings for video and audio quality and provide assistance to personnel performing audit protocols;
- g. Conducting system audits of user accounts;
- h. Handling special requests to access videos not normally accessible by employees;
- i. Maintaining system security by working with HPD's Chief Information Security Officer, members of the Office of Technology Services and HITS support personnel;
- j. Being available to assist with training personnel in the use of the BWC equipment; and
- k. Providing assistance with accessing the VEMS and addressing other technological issues.

### **23 BWC VIDEO RECORDS UNIT (VRU)**

The use of BWCs will generate a tremendous amount of digital video evidence, some of which will have evidentiary value. The Video Records Unit (VRU) shall be created to give the department the capacity to properly manage and account for the acquisition, maintenance, and removal of videos from the VEMS.

The VRU is responsible for the following:

- a. Maintenance of the integrity of video evidence;
- b. Ensuring accountability of the Video Evidence Management System for video collected or maintained by the department;
- c. Exercising control over access to the HPD VEMS including managing cameras, uploading, reviewing, auditing, and transmitting videos;
- d. Producing recordings in response to requests originating within HPD divisions, the District Attorney's Offices, and the courts. Additionally, the VRU is responsible for responding to Open Records requests and to any other request related to legitimate departmental use;
- e. Managing the production of lists and recordings for audit purposes within the department; and
- f. Providing support to all HPD divisions in the location and retrieval of video evidence (e.g. cannot find a video, cannot mark a video as audited).

### **24 REPAIR AND MAINTENANCE**

Upon notification of equipment malfunction or damage, the division shall contact the Office of Technology Services for further direction. The Office of Technology Services

shall have sole responsibility to liaise with the equipment manufacturer for parts and replacement, if needed.

The Office of Technology Services personnel shall also be responsible for issuing a replacement BWC and assuming responsibility for updating the database to reflect changes in equipment status and assignment.

## **25 INTERNAL INVESTIGATIONS**

Internal Affairs Division shall have authority to view any video recording and to flag as 'Confidential' any video recording it deems necessary, including any and all video obtained by any involved officer.

Internal Affairs Division investigators and designated division level Internal Affairs investigators have the authority to show a complainant or witness a video recording only after a complaint has been made in accordance with civil service law.

## **26 USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES**

There may be instances when officers and supervisors believe a recorded incident has training value. In such cases, a supervisor shall send correspondence via his respective chain of command to the Training Division commander for consideration.

Once notified, the division commander shall review the video with other training subject matter experts to determine value and relevancy of the recordings for training.

If a decision is reached that a recording would serve as a training aid, the Training Division commander shall obtain approval from the Assistant Chief of the Professional Development Command prior to incorporating the BWC into training.

## **27 REQUESTS FOR RECORDINGS**

Recordings captured during the scope of an officer's duties may be subject to release under applicable laws.

These recordings shall only be used for official purposes such as court or other official proceedings. Any other attempt to access, copy, forward or release any digital evidence for other than official law enforcement use and contrary to this General Order is strictly prohibited.

Under Texas Occupations Code Section 1701.659, it is a Class A misdemeanor for a peace officer or other employee of the department to release a recording created with a body worn camera without permission of the department.

If it is determined that a copy of the video is required by a District Attorney's Office, City Legal, or a court, the concerned division shall be notified.

Employees shall not release any portion of a 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 who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

### **Texas Public Information Act (TPIA) Requests**

All requests from persons for copies or viewing of video shall be referred to the Office of Public Affairs. These requests shall be handled in accordance with the Public Information Act, Chapter 552 of the Texas Government Code, Chapter 1701 of the Texas Occupations Code, and departmental procedures.

When making requests for information recorded by a BWC under this provision, a member of the public is required to provide the following information to the department:

- a. The date and approximate time of the recording;
- b. The specific location where the recording occurred; and
- c. The name of one or more persons known to be a subject of the recording.

Failure to provide all information in the request for recorded information does not preclude a requestor from making a future request for the same information.

#### Requests from Other Law Enforcement Agencies

The department shall require that all requests for videos from other law enforcement agencies be made in writing to the Chief of Police.

The Offices of District Attorney of Harris County, Montgomery County, and Fort Bend County shall not be required to make requests in writing.

Any BWC recording and documentation of an incident involving the use of deadly force by an officer, or that is otherwise related to a criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated. Recordings related to an active administrative investigation shall not be deleted.

## 28 INVENTORY

General Order 400-14, **Control of Police Department Property**, and General Order 400-18, **Responsibility for City and Other Government Property** shall dictate the re-

sponsibility for and the inventory of BWC equipment.

## 29 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

- 200-03, Investigation of Employee Misconduct
- 200-16 **Weapon Discharges**
- 300-07, Overtime Compensation
- 400-12, Surveillance Equipment
- 400-13, Police Computer System
- 400-14, Control of Police Department Property
- 400-18, Responsibility for City and Other Government Property
- 400-19, Microcomputer Regulations
- 400-22, Keys, Passwords, and Personal Identification Numbers
- 400-25, Acceptable Use of Computers
- 500-04, Driving While Intoxicated
- 600-17, Use of Force
- 600-42, Racial Profiling Prohibited
- 700-01, Property/Evidence Control Regulations
- 800-10, Police Records
- Section 1701.659, Texas Occupation Code

  
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