

**Attachment #61**

**Fort Worth Police Department - PVRD Policy**

# FORT WORTH POLICE DEPARTMENT OFFICER-WORN DIGITAL RECORDING SYSTEMS

## DRAFT POLICY

### **BACKGROUND**

The emerging technology of officer-worn digital recording devices helps to provide an unbiased audio/video recording of events that officers encounter. These recordings can be useful for the documentation of evidence, preparation of offense reports, and future court testimony. These recordings may also be used to protect officers from false allegations of misconduct as well as provide training material for incident debriefings or performance evaluations.

### **PURPOSE AND SCOPE**

The purpose of this document is to outline standard operating procedures that shall be followed should the officer choose to employ an officer-worn digital recording device. This document set guidelines for all officer-worn digital recording devices regardless of whether the device is owned by the department or personally owned by the officer. This document does not pertain to the use of in-car audio/video recording system that is permanently mounted in the patrol vehicle.

### **DIGITAL RECORDINGS**

All digital recordings that are captured during the scope of an officer's duties are property of the Fort Worth Police Department and **shall not** be converted for personal use. Copying, editing or releasing recordings or depictions of recordings without proper approval is strictly prohibited and subject to disciplinary actions.

### **PROHIBITIONS**

Officers shall use sound judgment in determining how and when the officer-worn digital recording device will be utilized. Officers shall adhere to following:

Officers shall not intentionally create digital recordings of other employees (or themselves) in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.

Officers shall not knowingly record undercover officers or confidential informants.

Officers shall not use a departmentally owned officer-worn digital recording device to record any type of personal activities.

Officers shall not allow citizens to review captured recordings without permission from the officer's immediate supervisor.

Any uploading or converting recordings for use on any type of social media (ie Facebook<sup>tm</sup>, YouTube<sup>tm</sup>, etc) is **strictly prohibited.**

# FORT WORTH POLICE DEPARTMENT

## OFFICER-WORN DIGITAL RECORDING SYSTEMS

### **TRAINING**

All officers choosing to deploy a departmentally owned officer-worn digital recording device shall attend training on the device and demonstrate a working knowledge of the device prior to employing the device in field operations.

Officers choosing to purchase and employ a personal device shall demonstrate proficiency in the use of the device and harvesting of the recordings.

All supervisors of officers choosing to deploy a departmentally owned officer-worn digital recording device shall attend training regarding the device to be worn as well as the procedures for storing and retention of recordings.

### **USE OF EQUIPMENT**

Officers should inspect the officer-worn digital recording device prior to each shift to confirm its proper operation, that there is no physical damage, and that it has sufficient battery life to complete the assigned shift. Any problems with departmentally owned devices should be reported by the assigned officer to his/her immediate supervisor. The supervisor (or designee) shall contact the Training Division to secure a replacement or repair of the device.

Officers choosing to wear officer-worn digital recording devices should make every effort to ensure that the device is activated (recording) during potential enforcement activities to include but not limited to:

Traffic Stops;

Criminal investigations (regardless of whether an arrest is made);

All arrest situations (regardless of offense level);

Instances in which verbal consent to search is requested from citizens;

Potential Use of Force situations (If possible, realizing that officer safety is the primary goal);

Critical Police Incidents (If possible, realizing that officer safety is the primary goal);

Instances in which an administrative investigation may arise (i.e. citizen complaint probable);

Vehicle and foot pursuits;

Calls involving mentally distressed persons; and

Any other incident in which the officer believes that a recording of the event will be in the department's or the officer's best interest.

Once the officer chooses to record an event, the recording should continue until the incident is completed, the officer has left the scene, or the citizen contact is complete.

# FORT WORTH POLICE DEPARTMENT

## OFFICER-WORN DIGITAL RECORDING SYSTEMS

If an incident or portion of an incident is captured on the device, and an offense/incident report is completed regarding the incident, the reporting officer shall note in the report that the incident or portion of the incident was captured on an officer-worn digital recording device. The reporting officer should note which officer(s) captured the recording and note the disposition of that recording (i.e. online storage, FWPD Property Room, etc).

Officers should be aware that the Code of Criminal Procedure limits the admissibility of audio statements **made during custodial interrogations** if they are not also video recorded. Therefore, audio recording alone is not sufficient when recording custodial interrogations in the field. (CCP 38.22)

### **MEDIA STORAGE**

All recordings captured by officer-worn digital recording device while the officer is performing official duties are the property of the Fort Worth Police Department and are subject to standing policies regarding release, retention and destruction.

All recordings deemed to be of evidentiary or administrative value shall be downloaded from the device at the end of the assigned officer's shift or sooner if the recording is needed immediately for criminal or administrative investigation of an incident.

If evidentiary recordings are reduced to portable media (DVD, CD, etc), the media shall be placed in the FWPD Property Room in accordance with established procedures for storing of evidence. This is to ensure preservation of chain of custody.

Online storage of recordings shall follow pre-established retention schedules for electronic media.

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

### **REVIEW OF RECORDINGS**

Previously recorded incidents may be reviewed by the involved officer(s) for use in completing offense/incident reports.

Supervisors are encouraged to review captured recordings with involved officers when a recorded event is brought to their attention such as an exceptional incident or an incident with training value.

If a use of force and/or vehicle pursuit is captured on a recording device, one (1) copy shall be reduced to portable media (DVD, CD, etc) and forwarded to the involved officer(s) chain of command per established use of force and administrative pursuit review practices.

Recordings may be shown for training purposes. Permission to show the recording in an open training forum should be gathered from all involved officers depicted in the recording. If an involved officer objects to the showing of a recording, his/her objection will be submitted to his/her Deputy Chief (or equivalent) to determine whether the training value outweighs the involved officer's objection.