

General Order

Houston Police Department



DRAFT

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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's efforts to foster transparency, promote accountability and improve our ability to carry out our mission.

The Houston Police Department will utilize Body Worn Cameras to assist officers in their efforts to reinforce the public's perception of police professionalism and transparency, and preserve recorded evidence of 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 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 or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing.

Buffering Mode or Standby Mode: Immediately upon turning the power on, the BWC is actively scanning in standby mode. Once the BWC is activated to begin recording, only the last 30 seconds of scanning in the buffering mode will be automatically added to a recorded event. This will occur each time the BWC is activated to record when activated from the Standby Mode.

Classifying a Video Recording: A process whereby an employee categorizes a video for evidentiary and retention purposes.

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: A process in 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" will be used to indicate that a BWC has been placed into Event Mode.

Law Enforcement Activity: Any incident where 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 HPD. 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 from various events during an officer's shift.

These recordings can be useful for the documentation of evidence, the generation of incident reports, and preparation for court testimony.

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

BWC recordings may 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 Video Evidence Management

System (VEMS) for video collected or maintained by the department.

This system will be managed and maintained by HPD 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. BWC recordings which capture a criminal incident or critical incident shall be treated as evidence.

3 BWC EQUIPMENT

Each officer designated by the Chief of Police to receive a BWC, will 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.

When required to be worn, the BWC shall be affixed to the front of each officer's uniform shirt or tactical vest so that it is clearly visible to persons with whom the officer comes into contact. The positioning of the BWC should 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 is capable of capturing up to 8 hours of activated audio and video evidence of field activities conducted during an officer's shift.

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 should 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 will be located at various divisions throughout the department. Officers will insert the BWC into the data transfer device to transfer videos into VEMS.

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

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 should 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; and
- h. Procedures for documenting and reporting any malfunctioning BWC device or supporting system.

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

5 DIVISION COMMANDER RESPONSIBILITIES

Division Commanders shall ensure that:

- a. Every officer designated to receive a BWC has had one issued to them;
- b. All officers are trained in the proper use of the BWC and that they are made aware of updates to applicable policies and procedures;
- c. There are sufficient data transfer devices within the division and they are operating properly;
- d. BWC equipment is being properly utilized and maintained;
- e. A Division roster exists for all BWCs and all associated equipment used by officers who have been issued BWCs;

- f. Changes in assignment of BWCs and associated equipment are properly accounted for within the division; and, are reported to the Video Tech Unit on a department-authorized schedule;
- g. Changes in personnel are reported to the Video Tech Unit so the Master Inventory can be updated;
- h. A divisional liaison to the Video Records Unit (VRU) is properly designated.

6 SHIFT COMMANDER RESPONSIBILITIES

Shift commanders shall ensure that:

- a. All officers are trained in the proper use of the BWC and are made aware of updates to applicable policies and procedures;
- b. They conduct random, periodic audits of their officers' and sergeants' videos each month to ensure that policies and procedures are being followed.

7 SERGEANT RESPONSIBILITIES

Sergeants shall ensure that:

- a. All officers assigned to them are trained in the proper use of the BWC and are familiar with applicable policies and procedures;
- b. They conduct routine inspections of cameras assigned to their officers to ensure that they are in proper working order prior to leaving roll call for their assignments;
- c. Officers are reminded to properly classify their BWC recordings and ensure that they are properly uploaded to VEMS at the beginning of their 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.

- d. If an officer has a defective BWC, immediate action is taken to determine whether the BWC should be replaced prior to the officer's return to duty;
- e. Whenever feasible, they review relevant BWC recordings prior to submitting any administrative reports as they relates to incidents involving use of force, pursuits, city vehicle crashes, etc.;
- f. Those recordings that may have training value are properly identified and submitted to their Lieutenant;
- g. If officers are found to be in violation of this General Order or have failed to comply with associated BWC procedures, that appropriate action is taken in accordance with Department policies governing such violations;
- h. BWC recordings are properly reviewed to assist in addressing citizen complaints. Supervisors have the discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.

8 OFFICER RESPONSIBILITIES

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 the device is in proper working order;

- c. Ensure that the camera has been sufficiently charged prior to reporting for work, whether in an on-duty or extra employment status;
- d. Wear the BWC above the horizontal midline of their torso and ensure the BWC is in a position to effectively record their interactions;
- e. Use the BWC in compliance with this General Order and other departmental policy;
- f. Notify their supervisor any time a recording may have training value;
- g. If an incident report is required, document in an incident report whether a BWC recording is available;
- h. Immediately report any loss of or known malfunctioning of BWC equipment to a supervisor;
- i. Document in a crash report whether a BWC was used during the investigation;
- j. Each officer not designated as the primary officer of an event shall inform the primary officer of the existence of their BWC-recorded video so it can be documented within the primary officer's incident report;
- k. When appropriate, classify any video captured by his BWC as evidence so that each video can eventually be linked with other videos taken during the same event;
- l. Classify all BWC recordings during their shift and ensure that all videos are uploaded by properly docking the BWC at the beginning of their 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.

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 on standby mode.

Officers shall place the BWC in event mode to record any law enforcement-related activities. This requirement applies to all officers on the scene. The BWC shall be activated while officers are acting in a law enforcement capacity, prior to actual contact with a 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):

- a. Arriving on scene to any call for service;
- b. Self-initiating a 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. Searching, including all searches such as those of people, vehicles, buildings, and places;
- g. Transporting any person from one location to another, including prisoner transport through transfer of custody to jail personnel;
- h. Interviewing witnesses and complainants;

- i. Engaging in any vehicular or foot pursuit.

The following guidelines will apply to the above-listed activities:

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.

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 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.

Maintaining the trust of persons who choose to confidentially provide information to the department is paramount. Officers shall not knowingly record persons who confidentially provide information for law enforcement purposes.

While the use of a BWC is required in these situations, 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.

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.

In these types of situations or if at any time an officer is required to activate their BWC and fails to do so, the officer must 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 the event requires an officer to produce an incident report or notes to a call slip, an explanation of why the BWC was not activated must also be included in the documentation.

When interviewing complainants or witnesses at a sensitive scene, such as sexual assault victims, where outcry statements may be of significant importance, officers are encouraged to use the BWC, but shall use their discretion as to whether to record the interaction, so as to avoid making the witness uncomfortable or otherwise inhibiting a full and candid statement.

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

In non-confrontational situations, employees should inform complainants and witnesses they are being recorded. (For ex-

ample, 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. 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 could occur or is occurring, the officer shall immediately activate his BWC.

10 SPECIAL CIRCUMSTANCES

There are special circumstances under 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 perform the appropriate scene investigation and use both BWC's and mobile video equipment (in vehicles in which mobile video equipment has been installed) to record any field sobriety tests before proceeding to an intoxilyzer testing facility.

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

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 (e.g., G.O. 600-17, **Use of Force**). 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 17) 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 immediately uploaded and 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:

Officers involved in certain weapons discharges shall be allowed to review video captured by their BWC at the scene, when feasible.

Extra Employment:

All officers who have been issued a BWC are required to use it during department-authorized, police-related extra employment activities. The rules governing activation, documentation, or deactivation shall apply in the same manner as they do to on-duty activities. Video recordings captured during extra employment shall be uploaded at the beginning of an officer's next on-duty shift.

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.

11 PRIVACY CONCERNS AND ADVISEMENTS

Officers are not required to initiate or cease recording an event, situation, or circumstances 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 avoid initiating a recording in any medical or psychiatric facility where persons are receiving treatment unless they are responding to an emergency or crime in progress.

Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional.

Officers shall be considerate of a patient's rights to privacy when in hospital settings.

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 reasonably able to do so, activate their BWCs to record the event.

Restrooms, Dressing Rooms, Locker Rooms:

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

12 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 video recording equipment not explicitly approved by the department. The only exception to this rule is that an officer may use a privately owned digital camera with video-recording capabilities to take still photographs while documenting a crime scene or other evidence. Any officer using such a camera is prohibited from using it to record video evidence and is responsible for properly documenting and tagging all photographic evidence collected in accordance with General Order 700-01, **Property/ Evidence Control Regulations**.

Officers are further prohibited from making copies of digital recordings or uploading digital recordings to public or social media sites at any time.

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

Officers shall not dismantle, erase, alter, or tamper with 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. Pre-shift conferences, department locker rooms, break rooms, restrooms (noted above) or other activities not related to an enforcement contact of a criminal investigation;
- e. Conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
- f. Discussions with confidential informants;
- g. Conversations with other law enforcement agency personnel that involve case tactics or strategies; major crime briefings; tactical operation plans or operations; including discussions with the respective District Attorney's Offices, without their knowledge and consent;
- h. Line up proceedings and associated briefings;
- i. Department members are prohibited from knowingly recording other Department members without their knowledge unless they are engaged in official enforcement duties, contacting a member of the public, in response to a call for

service or capturing evidence through the use of BWCs;

- j. Department meetings, including but not limited to, administrative, committee, or counseling;
- k. In-service training;
- l. Inside police facilities unless taking law enforcement action;
- m. During walkthroughs following officer-involved shootings.

An officer who becomes aware that his BWC has recorded any activities listed above shall immediately deactivate his BWC and notify a supervisor so the recording may be properly classified.

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

13 ACCIDENTAL BWC RECORDINGS

If an officer accidentally records another HPD employee in a private space accessible to officers (i.e. restrooms, locker rooms), the officer shall notify a supervisor of the recording.

The supervisor shall view the video and ensure there is not sufficient reason to store the video. 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. The recording could be a legitimate accident; or, there could be dispute about the incident. In either instance, the supervisor shall prepare written correspondence through his chain of command to his shift commander, indicating his recommendation.

14 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;
- 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 as in accordance with other circumstances permitted by this General Order.

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.

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 must audibly note the reason for termination. Officers shall properly classify their recordings when they stop each individual recording (if applicable).

Officers shall not record any conversations with the Harris County District Attorney's Office.

15 CLASSIFICATION OF BWC RECORDINGS

Proper classification of recorded data is critical for two reasons. First, the retention period for recorded data typically depends on the category of the event captured in the video. Thus, proper classifying is critical for determining how long the video will be retained in VEMS.

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 will have 2 minutes to classify recording.

The officer shall press the Display Backlight Button as many times as needed to cycle through the following list of classification options: Non-evidence, Evidence – Traffic, and Evidence.

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.

Adding an Incident Number to Videos:

An investigator who works a case that has an associated video and at some point in

time results in charges being filed with the District Attorney's Office shall ensure that the incident number is added to the video.

Prior to the case file being sent to the District Attorney's Office, the investigator is required to locate the video and add an incident number to the video's metadata. This is necessary to ensure the District Attorney's Office is aware of the video's existence and also allows them to quickly identify the video for review and retention purposes.

Investigators will be able to access the Video Evidence Management System from their desktop computer to perform this task.

16 DOCUMENTATION WITHIN INCIDENT REPORTS

In incidents requiring an officer to complete an incident report, officers shall ensure each BWC recording is documented within their report for that event, both as in an article screen and in the narrative section of the report. In the narrative, officers shall describe the content of the video. The fact that a recording was made shall also be documented on any other corresponding documentation, crash report, Vehicle Pursuit form, Conducted Energy Device (CED) report, Use of Force report, etc.

Officers, responding to a scene as back-up personnel shall be responsible for the following tasks:

- a. Notifying the primary unit officer if their BWC captured any portion of the incident; and providing their name, employee number, and unit number to that officer;
- b. Classifying the recording using one of the three options identified within Section 15 of this General Order;

- c. Uploading their video to VEMS using a data transfer device at the beginning of their 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 his incident report all references to employees (by name, employee number, and unit number) who recorded any videos of an incident during the time the incident was being handled.

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

17 UPLOAD PROCEDURES

Officers shall upload all the recordings captured on the BWC at the beginning of their 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. Officers are not restricted to uploading recordings at their station; recordings may be uploaded through any department device.

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.

18 REVIEWING BWC DIGITAL EVIDENCE

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

Employee Reviews:

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

Officers should view their own digital evidence especially prior to providing testimony at hearings, trials, or depositions. Digital evidence can provide a cue to an officer's primary memory to recall more facts and greater detail of an incident.

Supervisor Reviews:

Training supervisors and 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.

Supervisors whose officers have been placed in the Personnel Concerns Program and the Personnel Concerns Unit should 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.

19 AUDITS OF BWC RECORDINGS

Audit of BWC recordings will 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 will also help determine whether current poli-

cies and practices are effective and are being adhered to.

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 direct reports each month, including both officers and sergeants.

b. Semi-Annual Audits by Inspections Division

The scope of the audit will be determined by the Chief of Police; but at the very minimum, randomly selected videos will 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 should rotate membership involvement so that all members have an opportunity to participate in this process.

c. Semi-Annual Audits by Technology Services Division

Members of the Technological Services Division 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 Technology Services Division 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.
- d. Documentation of the officer's actions and specifically whether the BWC equipment is being utilized properly.

When it is determined that a video-recorded incident may be of training value, a supervisor shall send correspondence via his respective chain of command to the Training Division Commander for consideration.

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**.

20 RETENTION

Recordings not classified as evidence 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 Video Evidence Management System 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.

21 BWC VIDEO TECH UNIT (VTU)

The VTU will be assigned to the Technology Services Division and will 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 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 the HPD's Chief Information Security Officer, members of the Technology Services Division and HITS support personnel;
- j. Be available for to assist with training personnel in the use of the BWC equipment;
- k. Providing assistance with accessing the VEMS and addressing other technological issues.

22 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) will 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 Video Records Unit (VRU) is responsible for the following:

- a. Maintenance of the integrity of video evidence;
- b. Ensuring accountability of Video Evidence Management System for video collected or maintained by the department;
- c. Exercising control over access to the HPD VEMS including managing camer-

as, 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;
- 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, etc.).

23 REPAIR AND MAINTENANCE

When an officer discovers a malfunction with the BWC or associated equipment, he shall immediately notify his supervisor.

Upon notification of equipment malfunction or damage, supervisors shall ensure the body camera is taken to Technology Services for service. Technology Services shall have sole responsibility to liaise with the equipment manufacturer for parts and replacement, if needed.

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

24 INTERNAL AFFAIRS DIVISION

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 the involved officer.

25 USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES

There may be instances when officers and supervisors believe a recorded incident has training value. When this occurs, the supervisor is responsible for bringing this to the attention of his chain of command by seeking approval to contact the division commander of the Training Division.

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 Captain shall obtain approval from the Assistant Chief of the Professional Development Command.

26 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 the 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.

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 such requests for information recorded by a BWC, 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:

All requests for videos from other law enforcement agencies shall be made in writing to the Chief of Police.

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.

27 INVENTORY

General Order 400-14, **Control of Police Department Property**, and General Order 400-18, **Responsibility for City Property** shall dictate the responsibility for and the inventory of BWC equipment.

28 RELATED GENERAL ORDERS

200-03: Investigation of Employee Misconduct
300-07: Overtime Compensation
400-13: Police Computer system
400-14: Control of Police Department Property
400-18: Responsibility for City Property
400-19: Microcomputer Regulations
400-22: Keys and Passwords
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

Charles A. McClelland, Jr.
Chief of Police