



HOUSTON POLICE DEPARTMENT

GENERAL ORDER 400-28: BODY WORN CAMERAS
NOVEMBER 19, 2015

Revisions to General Order 400-28: Body Worn Cameras since October 1, 2015 Draft

Below, you will find listed the most significant substantive changes made to the current draft of General Order 400-28: Body Worn Cameras. Below the description of each change we have listed where the affected language can be found and some of the rationale for the change. Additionally, the stakeholders who expressed interest or concern with regard to the listed section are also included.

1. The policy section has been revised to reflect the department's focus on its mission and goes further in laying out some of the potential benefits of implementing a BWC program.

"Policy" Section

The 'Policy' section was revised to reflect the department's recognition that Body Worn Cameras (BWC's) will improve our ability to carry out our mission. Additionally, the new policy statement highlights the department's efforts to foster transparency, promote accountability, improve community relations, strengthen public trust in law enforcement, reduce the number of citizen complaints, resolve allegations of misconduct by officers, and improve training and evaluation.

Stakeholders

- Houston Police Officers' Union (HPOU)
- HPD Body Worn Camera Pilot Program Officers

2. The policy initially prohibited officers from recording informal or casual encounters with members of the public. That provision has been changed to allow officers to use their discretion with regard to whether or not to record such encounters.

Section 12 "Prohibited Usage", Subsection j.

This section was changed to be permissive with regard to whether officers will be allowed to record their casual encounters with members of the public.

Stakeholders

- Houston City Council

3. The retention period for BWC recordings has been extended from the 90 days required by state law to 180 days.

Section 20 “Retention”

By requiring that the BWC recordings be retained for a minimum of 180 days, the department will ensure that persons wishing to file complaints against police personnel will have access to the recordings for the full 180-day period in which the Chief of Police may discipline an employee for sustained allegations of misconduct in accordance with state law. Additionally, the department’s ability to access to the BWC recording for this longer period of time will allow for its use in resolving complaints that are filed more than 90 days after the incident but within 180 days. This will protect both persons filing complaints and the officers utilizing the BWC’s.

Stakeholders

- Town Hall Meeting attendees
- Harris County Public Defender’s Office
- Independent Police Oversight Board (IPOB)
- Retired HPD Sergeant Shelby Stewart

4. Originally the BWC’s “buffering” mode was set to capture the 2 minutes of footage immediately preceding activation. That has now been changed so that 30 seconds of footage is captured.

Section “Definitions”, “Buffering Mode or Standby Mode”

This change was made to address privacy concerns and to prevent unnecessary use of valuable digital evidence storage space.

Stakeholders

- Houston Police Officers’ Union (HPOU)
- HPD Body Worn Camera Pilot Program Officers

5. Initially the policy included that officers would have 30 seconds after the BWC’s deactivation to classify a recording. This has been changed to allow officers 2 minutes to make the classification.

Section 15 “Classification of BWC Recordings”

This change was made to give officers ample opportunity to properly classify their BWC recordings. This step in the process is crucial because it is the moment during which the BWC footage can be properly classified as evidence, when appropriate. This classification will also affect the retention period that is applied to the BWC footage.

Stakeholders

- Houston Police Officers’ Union (HPOU)
- HPD Body Worn Camera Pilot Program Officers

6. The policy held that officers would be required to upload BWC recordings captured during their shift by the end of that same shift. That provision has been changed to allow officers to complete the upload process at the beginning of their next shift, but not later than 72 hours following the end of their last shift.

Section 17 "Upload Procedures"

This change was made to help ensure that officers will not be held over at the end of their shifts because they are waiting for uploads to complete. Additionally, this provision will potentially allow for better decisions with regard to staffing, as supervisors will be able to anticipate that officers coming on-duty will be briefly tied up completing their uploads.

Stakeholders

- Houston Police Officers' Union (HPOU)

7. The word "citizen" has been replaced with more inclusive terminology throughout the General Order.

Multiple sections

This change was made to make the policy more inclusive of those persons who may not be citizens of this city, state or country.

Stakeholders

- HPD Body Worn Camera Pilot Program Officers

8. Both officers are now required to record during the transport of any prisoner or other passenger in an HPD patrol car.

Section 9 "Activation of BWC Equipment"

By requiring both officers to record the entirety of the transport, the department can ensure that the most complete video record of the transport will be obtained. Also, should one of the cameras malfunction, there will be an additional BWC recording that has captured the event. This will protect both the persons being transported and the officers utilizing the BWC's.

Stakeholders

- Town Hall Meeting attendees
- Public Comment

9. Officers can position BWCs to face the back of the patrol car while transporting persons and prisoners.

Section 9 "Activation of BWC Equipment"

In order to make the best use of BWC technology to protect the persons being transported by officers and the officers themselves, the policy has been revised to allow officers to elect to turn the BWC to face the back seat of their car during transports.

Stakeholders

- Houston Police Officers' Union (HPOU)
- HPD Body Worn Camera Pilot Program Officers

10. A provision has been added to allow an officer to request that a supervisor of the same sex review any accidental BWC recordings in private spaces, such as bathrooms or locker rooms.

Section 13 “Accidental BWC Recordings”

This change was made to better protect the privacy of officers and any other persons who may inadvertently become the subject of an accidental BWC recording.

Stakeholders

- Houston Police Officers’ Union (HPOU)
- HPD Body Worn Camera Pilot Program Officers