MOBILE DIGITAL RECORDING SYSTEMS
401.04

Effective Date: 01/14/05
Revised: 04/02/24
Replaces: 06/30/21
Standard: 41.3.8; 84.1.1

I. PURPOSE AND RESPONSIBILITY:

A. Purpose: This policy is to provide officers with guidelines for the use of in-car video and body worn camera equipment.

B. Responsibility:

1. It will be the responsibility of all affected personnel to operate the audio and digital recording units in accordance with this directive.

2. It will be the responsibility of the support service training unit supervisor to coordinate the instruction of department personnel in the proper use of the audio and digital recording units.

3. It will be the responsibility of supervisors to randomly review digital recordings of all personnel assigned to them as outlined in this policy.

4. It will be the responsibility of Patrol and Traffic supervisors to randomly conduct and document in person on-scene observations of all personnel assigned to them as outlined in this policy.

5. It will be the responsibility of the employee who initiated the digital recording to classify and/or attach a video if it is associated with a case.

II. DEFINITIONS:

A. BODY WORN CAMERA (BWC): Any device that can be worn on the body and capture digital multimedia evidence.

B. IN-CAR VIDEO CAMERA SYSTEMS: Any device attached to a police vehicle which captures digital multimedia evidence.

C. MOBILE DIGITAL RECORDING (MDR): An electronic recording device (in car video camera system, helmet mounted camera, or body worn camera) that is capable of making a video and/or audio recording of interaction

between department personnel and the public. The recording is stored digitally.

D. PRIVATE SPACE: A location in which a person has reasonable expectation to be safe from uninvited intrusion or surveillance but does not include a place to which the public has lawful access.

III. **POLICY**:

A. It will be the policy of the Keller Police Department that the MDR units will be activated during contacts between employees and the public in accordance with the guidelines established in this directive.

B. It will be the policy of the Keller Police Department that the MDR units will be employed only in a lawful manner, in accordance with applicable state and federal laws.

IV. **PROCEDURES**:

A. PROGRAM OBJECTIVES: This agency has adopted the use of MDR, in order to accomplish several objectives, including:

1. Accurate documentation of events, actions, conditions, and statements made, during arrest and critical incidents, so as to enhance departmental reports, collection of evidence, and testimony in court; and

2. Enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for departmental training.

3. Provide this department and its employees with some protection from frivolous or fabricated misconduct complaints.

4. Provide another avenue of transparency in police actions that enhances our department's mission and values.

Standard 41.3.8 (a)(c)

B. EQUIPMENT:

1. Each patrol vehicle and select other vehicles regularly used by this department to make traffic and pedestrian stops are equipped with an in-car video camera system. The employee's assigned BWC will be synchronized with the in-car camera system to document incidents from multiple perspectives.

2. Any Detention Officer, Animal Control Officer, and / or Officer assigned to divisions that do not have in-car video systems are responsible for any BWC they have been assigned.

3. Employees assigned a BWC shall wear the BWC on their person when one of their primary functions involve enforcement activity, except while working in an undercover capacity. In addition, officers working in an enforcement capacity at special events or working off duty security will wear a BWC on their person.

4. Strip searches will not be recorded by BWC.

C. OPERATING PROCEDURES: Employees shall adhere to the following procedures when utilizing MDR equipment.

1. ACTIVATION:

a. In-car video camera equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle. BWCs are the responsibility of the employee assigned to that BWC. MDR equipment will be maintained according to vendor's recommendations.

b. Prior to each shift, employees shall determine whether the MDR equipment is working satisfactorily and shall immediately bring any problems discovered, at this or any other time, to the attention of their supervisor. If the problem cannot be remedied immediately, the vehicle/BWC will be taken out of service until the MDR equipment can be repaired/replaced and the Support Services Commander, or their designee, will be notified. During the employee's routine MDR check, they will ensure that:

(1) The recorder is positioned and adjusted to record events.

(2) The employee is logged into the MDR.

(3) If applicable, the in-car video camera system and BWC are synced, and the MDR is operational, in order to provide narration with the video recording, to explain the reason for the current or planned enforcement action.

(4) The MDR activates by light bar activation, BWC activation, and manual monitor/recorder box activation, as applicable. The MDR will also activate due to Conducted Energy Weapon activation or being in proximity to another user's activation, but

these are not expected to be tested during a user's routine MDR check.

(5) The MDR has an adequate digital memory and batteries to complete their tour of duty. The in-car videos are automatically uploaded wirelessly through the City of Keller's secure network. When an employee observes an uploading issue, the issue will be immediately reported.

Standard 41.3.8 (e)

c. The in-car camera system, along with the officer's BWC, is automatically activated anytime a patrol or motor officer's assigned vehicle's emergency equipment is activated. Patrol programed MDR will also record upon activation of the BWC or the vehicle travels in excess of 100 MPH. The in-car camera system will automatically record a designated length of video prior to activation (usually 30 seconds).

d. MDR equipment that has pre-event recording settings activated will continuously record video only. An authorized user may convert this background recording to a pre-event recording for instances where an officer did not/was not able to press record. This feature will only be used for law enforcement purposes and is only available until the memory is overwritten with new data.

e. BWCs will be worn and on at all times when in contact with a person the employee suspects has committed an offense or is about to commit an offense. The audio recording will not activate unless the video recording has been activated.

f. The events to be documented by MDR shall include, but are not limited to, the following:

(1) All traffic stops, pursuits, code responses, enforcement actions, prisoner transports, field contacts, motorist assists, courtesy escorts, and pedestrian stops.

(2) Actions of suspects during interviews, when undergoing sobriety testing, when placed in custody, or in any circumstance where the recording could prove useful in later judicial proceedings.

(3) Circumstances at crime and accident scenes or other events, such as the confiscation and documentation of evidence or contraband.

(4) Recording of victim, suspect or witness statements and demeanor upon initial response to incidents.

g. Employees are not prohibited from recording any contact they feel is becoming controversial or dangerous, etc. For safety, at no time will an interview be conducted between two vehicles. Employees should be cognizant of performing duties within the scope of the camera's field of view when possible. When feasible to do so, the camera should be turned to capture critical activities performed by the employees or actions of suspects.

h. When actively participating in an investigation, employees must keep the camera activated for the entirety of the active participation in the investigation.

i. Employees will note in incident, offense, arrest, or other related reports when audio or digital recordings were made during the incident being reported.

j. In the event an employee fails to activate the MDR or notices a malfunction during a call for service as required by this General Order, the employee will document the incident. This may be accomplished in the call for service sheet comments, incident report, and/or supplement report.

k. Employees are encouraged to inform their supervisors of any digital recording sequences that may be of value for training purposes.

l. Supervisors that have been granted permissions may watch MDR videos live if the MDR is actively recording. Viewing of live recordings will only be conducted for legitimate supervisory / command purposes.

m. Certain MVR equipment may have GPS settings activated. If activated, supervisors that have been granted permissions may view GPS location data for legitimate supervisory / command purposes.

Standard 41.3.8 (b)(c)

2. DEACTIVATION:

a. After each use, the in-car camera must be manually deactivated from inside the vehicle. BWCs may be deactivated on the camera.

b. Employees are responsible for classifying or "tagging" their videos upon deactivation according to enforcement action taken.

c. Officers are not required to record, and they may turn off the MDR when conducting traffic control while using the emergency lights of the police vehicle for safety reasons.

d. Personnel will not be required to activate the MDR equipment to capture non-law enforcement actions including, but not limited to, community programs, meal breaks, stops at convenience stores, fueling, etc. Should a non-law enforcement action become enforcement related, personnel will activate the MDR equipment manually.

e. Personnel will not disable, disrupt, tamper with, or otherwise interfere with a required recording. The digital video and audio recording of all required and enforcement activations must cover the entire event without “dead” spots caused by the officer disabling equipment.

f. Tampering or disabling MDR equipment, obstructing, shielding, or taking any other action which interferes with the proper operation of MDR equipment is cause of disciplinary action.

g. All MDR equipped vehicles that are permanently disabled through a fleet accident, shall have the memory card from the MDR removed, uploaded, and secured by the shift supervisor or the Support Services Commander, or their designee.

h. MDR equipment that activates due to proximity to another user’s activation may be deactivated if it is not connected to the law enforcement action that caused the activation.

3. EXPECTATION OF PRIVACY

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

b. Employees shall not use MDR for the clandestine recording of the voice or image of a member of the Department.

c. Employees shall not knowingly record undercover officers or confidential informants.

d. Employees shall not use MDR to record any type of personal activities.

e. Employees shall not create recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, or a specific call for police service; in compliance with Federal HIPPA regulations.

Standard 41.3.8 (b)

D. DIGITAL VIDEO CONTROL AND MANAGEMENT:

1. All digital media captured using MDR is considered the property of the Keller Police Department. Accessing, copying, or releasing captured recordings must be in accordance with department policies.

2. The in-car videos are automatically uploaded wirelessly through the City of Keller's secure network. If there is an issue, a supervisor may download the in-car video manually. BWC must be downloaded to the secure network through physical docking unless it is deemed necessary, or a supervisor requests a priority upload from the field.

3. All recordings shall be securely downloaded no later than the end of the employee's shift by that employee. In the event that the employee is involved in an employee critical incident (e.g., officer-involved shooting), the employee's supervisor will download the recording as soon as practical. If a BWC was utilized, the supervisor should take physical custody of the BWC and download the recording as soon as practical.

4. BWCs will not be taken home with the employee with video evidence that has not been submitted. If the employee needs to take a BWC with them after their shift but their assigned BWC needs to download a recording, the employee will dock their BWC and take another BWC with empty memory, if available. If a spare BWC is not available, the employee will wait for the video evidence to download.

5. The Mobile Digital Video system requires users of the system to log in using a username and password to control access to the video evidence and case data maintained by the system. Access to the electronically stored files is restricted to personnel designated by the Chief of Police.

6. Retention of digital recordings will be based on the employee's classification of the recording. All digital recordings will be securely stored in accordance with state retention schedules. All recordings related to a law enforcement purpose will be retained by the department for a minimum of ninety (90) days.

7. Any recording used as part of a Response to Resistance investigation, Attempt to Stop / Pursuit investigation, or other administrative investigation will be appropriately tagged and saved to be retained in accordance with the state retention schedules.

8. Any digital recording stored off the secure server (CD, DVD, etc.) that is placed into a records file will be destroyed by following the records retention schedule.

Standard 41.3.8 (d)
Standard 84.1.1 (d)

9. Public requests through the Freedom of Information Act will be handled according to the state law pertaining to open records. These requests will be handled through the Records Division. Digital recordings made in a private space will be redacted prior to release.

10. Employees shall be allowed to review the recording from their MDR at any time. To help ensure accuracy and consistency, employees are encouraged to review recording prior to preparing reports. In accordance with Texas Occupations Code 1701.655 (b)(5), an officer is entitled to access any recording of an incident involving the officer before the officer is required to make a statement about the incident. If the employee is giving a formal statement about a use of force or if the employee is the subject of a disciplinary investigation, the employee shall:

    a. Have the option of reviewing the recordings; and

    b. Have the right to review recordings from other recording devices capturing the employee's image or voice during the underlying incident.

11. Employees may review MDR videos for the purposes of criminal investigations they are involved in or for completion of their administrative responsibilities (Response to Resistance administrative review, complaint investigation, supervisor's monthly video reviews, etc.). Employees will not view department MDR videos without a specific law enforcement purpose. Use of an employee's MDR video for training purposes will be done with approval from the Chief, a Captain, a Lieutenant, or Training Sergeant. Supervisors authorized to access "Record-After-the-Fact" shall only do so for specific investigations where there is reason to believe video of law enforcement value is on the MDR, but the video system was not activated by the employee.

12. Officers and/or any employee shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any video without prior authorization from the Chief or a Commander.

13. Employees shall not make unauthorized screen grabs, screen recordings, or copies of MDR videos.

Standard 41.3.8 (c)

E. SUPERVISORY RESPONSIBILITIES: Supervisory personnel who manage employees equipped with MDR will conduct the following random reviews:

1. Patrol and Traffic (as applicable): Shift sergeants may split this responsibility between themselves and their assigned corporals.

   a. Three (3) BWC reviews monthly;

   b. Two (2) in-car reviews per month; and

   c. Two (2) in-person reviews per month.

2. All other supervisors will conduct three (3) BWC reviews monthly.

3. The Chief of Police and captains are not expected to conduct reviews on their direct reports but may choose to review any employee's MDR videos at any time.

4. Once a recording / in person review has been conducted, the supervisor must document the following information on the appropriate form:

   a. Identify video(s) reviewed and in person observations details, as applicable (car unit number / BWC ID, and date / time); and

   b. Identify the employee evaluated on the mobile video(s) / in person review; and

   c. Any problems noted and corrective action taken/or no problems noted.

   This documentation will be saved to the appropriate personnel file by the supervisor.

Standard 41.3.8 (g)

F. <u>RECORDING USE IN COURT / FORMAL VENUE:</u>

1. When a recording is being stored as evidence, and there is a request to present the recording to court or some other type of venue, the employee should make a request in writing to the records department if the prosecuting attorney has not already received a copy through a formal request.

2. This request form must be routed through proper procedure as outlined in General Orders 402.06.

3. All digital recordings for all charges Class B and above will be copied by the records division without a request. If an employee makes an arrest

for a Class B offense or higher the employee is responsible for flagging the video for a DME case. Once the recording has been copied the Records Clerk will file the recording with the DA's office. Class C offenses will only be copied if the case is needed for a scheduled court appearance.

Standard 41.3.8 (c)

G. REPAIR AND MAINTENANCE:

1. Repairs and replacement of damaged or non-functional MDR equipment is performed as soon as possible.

2. Malfunctioning equipment will be reported to a patrol supervisor and the Support Service Commander, or his designee, immediately. Repair of equipment will be processed through the manufacturer or designated repair facility.

3. Employees should periodically clean the lens of the camera with a clean dry lens cleaning cloth only (paper towels, tissue, etc. may scratch the lens). Any dirt that cannot be removed with a dry cloth should be removed with water and a mild detergent then wiped with a dry cloth.

Standard 41.3.8 (e)

H. TRAINING:

1. Employees will be provided training in the required use, operation, and maintenance of MDR equipment during initial training and as needed.

2. New supervisors will be trained in the appropriate review and saving / retention of employee recordings during their on-the-job supervisor training.

Standard 41.3.8 (f)