

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 430-004</b>
		<b>EFFECTIVE DATE: September 8, 2015</b>
	<b>SUBJECT: Body Worn Cameras</b>	<b>REVISED DATE: July 21, 2022</b>

## **POLICY**

The Houston Independent School District Police Department recognizes the benefits of using body-worn cameras to pursue our mission to enhance the quality of life in the district by working cooperatively with the public to prevent crime, enforce the law, preserve the peace, and provide a safe environment. Body Worn Cameras will assist the department in fostering transparency, promoting accountability, and improving our ability to carry out our mission.

The department shall utilize body-worn cameras to assist officers in enhancing police professionalism, improving transparency, and preserving recorded evidence of their interactions with the public. Body-worn cameras can 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.

This policy aims to establish guidelines for using body-worn camera equipment and the storage, management, retrieval, and release of the video and audio recordings captured by body-worn cameras.

This directive applies to all classified employees.

## **DEFINITIONS**

**Body Worn Camera (BWC):** A recording device capable of recording or transmitting 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 covert 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 the 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 that result 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 directive, 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 Evidence.com. Additionally, the BWC's battery is charged, and its firmware is up- dated during docking.

**Evidence.Com:** Evidence.com is the department's repository for the department's video systems. Evidence.com software is used to generate, collect, store, backup, retrieve, review, transmit, and archive videos created from various media sources, including body-worn cameras and mobile video equipment.

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

## **BWC VIDEOS**

BWCs shall be used to capture audio and video footage of law enforcement activities conducted by HISD PD officers and supervisors. These recordings can be helpful to employees as they generate incident reports, collect and document evidence, investigate criminal activity, and prepare to testify in court. BWC recordings can also assist in investigating alleged policy violations by officers. BWC recordings may also be used to debrief incidents and training tools.

## **INTEGRITY OF VIDEO RECORDINGS**

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

Evidence.com shall be managed and maintained by the HISD PD Technology Officer 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 HISD Police Department. Only personnel authorized by the Chief of Police shall operate or have a department-issued BWC device.

## **BWC EQUIPMENT**

All officers, up to and including the rank of sergeant, shall wear a BWC during duty hours and when working a law enforcement-related extra job. This requirement applies to both uniform and non-uniform positions. 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 that 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 between the collar bone and navel and must be visible to persons with whom the officer comes into contact. The officer must ensure the BWC is worn on the officer's weak side to avoid obstructing the camera if the officer deploys a shoulder-mounted weapon. 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. The officer's responsibility is to ensure that the BWC is properly affixed to his uniform so no obstructions interfere with proper recording.

Data transfer devices shall be located at divisions throughout the department. Officers shall dock the BWC to transfer videos into VEMS. Additionally, each officer is issued a charger and docking station so that the BWC can be adequately charged and videos uploaded to Evidence.com. HISD BWCs are also capable of wireless uploading, which can eliminate the use of physically docking the BWC. Regardless of which uploading method the officer uses, it is the officer's responsibility to upload and categorize the videos or images captured on their BWC.

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 approved 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.

## **BODY-WORN CAMERA TRAINING**

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

## **ACTIVATION OF BWC EQUIPMENT**

The Axon B3 has two modes, *Ready and Record*. Usually, while performing routine matters and participating in any law enforcement-related activities, officers shall keep the BWC in the *Ready* mode.

Officers shall place the BWC in *Record* 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 when officers act in a law enforcement capacity before actual contact with the citizen. 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 **before** conducting any of the following law enforcement activities (the following is a non-exhaustive list):

- a) Upon receiving a call from dispatch.
- b) Receiving a telephone call or campus administrator requesting officer assistance.
- c) Monitoring lunch periods.
- d) Arriving on the scene to any call for service.
- e) Self-initiating any law enforcement activity.
- f) Initiating a traffic or pedestrian stop.
- g) Responding to a citizen who flags them down.

- h) Detaining, arresting, or attempting to detain or arrest a person.
- i) Conducting any search, including those of people, vehicles, buildings, and places.
- j) Transporting any person from one location to another, including prisoners and passengers.
- k) Interviewing witnesses, complainants, and victims.
- l) Engaging in any vehicular or foot pursuit.

Officers shall record during the execution of any search or arrest warrant and 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 two-person unit transports a prisoner or passenger, both officers shall be required to record during the transport. To document the transport of the prisoner or passenger, officers may elect to turn their BWCs so that they face the vehicle's back seat 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 the incident can be captured from its inception through its final disposition.

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 consider 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 sharing information or impair the development and maintenance of strong ties between community members and officers.

Upon activation, employees should inform complainants, witnesses, and suspects they are being recorded. There may be times when an officer interacts with a citizen, and their discussion becomes contentious. As soon as an officer determines

that this is likely to occur or is occurring, the officer shall immediately activate his BWC.

## **CLASSIFICATION OF BWC VIDEOS**

Proper classification of recorded data is critical for two reasons. First, the retention period for a BWC recording is typically set based on its classification. Therefore, proper classification is critical for ensuring the video is retained in accordance with department-mandated and legally required retention schedules.

Accurate classification helps supervisors, prosecutors, and other authorized personnel 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.

The officer shall press the Display Backlight button as many times as needed to cycle through the following 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 regardless of whether or not charges are filed.

Class C/Traffic shall be utilized for all Class C arrests, citations, and 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. Officers shall perform this task for every video irrespective of whether the officer completes an incident report or issues a traffic citation related to the incident.

## **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 before 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 the officer has reviewed it before 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 before completing the 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, Response to Resistance 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 their BWC was activated while on the scene; and providing their name and employee number to the primary unit. Classify the recording using one of the three options listed in this directive.
- b) Uploading their video to Evidence.com 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 no later than 24 hours after the end of the shift during which the recording was made.

The primary unit shall include references to all employees (by name and employee number) within the narrative of the incident report whose BWCs captured recordings.

## **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 or using the wireless upload method. 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 no later than 24 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 following the extra employment but not later than 24 hours later.

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, the officer shall maintain custody of their BWC until the completion of the scene. A supervisor will stay with the officer and ensure all recordings are properly uploaded. Officers involved in the incident shall not be tasked with uploading the BWC recordings related to that incident.

## **FAILURE TO ACTIVATE BWC**

While the BWC is required to be activated before initiating a law enforcement activity, there may be circumstances where the officer must act to ensure his safety or the safety of others. It may be impractical or unreasonable for the officer to activate their BWC before taking police action in those situations. In these instances, the officer shall activate his BWC as soon as it is safe 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 would have made the same decision under the same or similar circumstances.

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 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.

## **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 persons stopped have been released.

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

Except when handling a family violence incident, officers may exercise discretion as to whether to deactivate their BWCs during non-confrontational encounters. Officers shall audibly note the reason for the termination of the recording before 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 because they are being recorded, the officer shall briefly explain the department's policy concerning



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

If the supervisor cannot 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 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 recording (if applicable).

## **SPECIAL CIRCUMSTANCES**

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

### **Driving While Intoxicated**

During encounters with drivers 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 an intoxilyzer testing facility.

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.

### **Response to Resistance Incidents**

Officers involved in the 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 Directive 450-001, **Response to Resistance**. When feasible, an officer-involved in response to resistance incidents may, but is not required to, review the BWC recording before completing his incident report. An officer's immediate supervisor shall review all video recordings of use of force incidents where the suspect is transported to the hospital before completing the supervisor's supplemental report.

If an officer is unable to upload the video due to illness or injury or because they are prohibited from doing so by other provisions of this directive, 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 or supplement report.

Incidents involving deadly force, serious bodily injury, or allegations of serious misconduct captured on BWCs shall be handled as directed by the Internal Affairs Unit on the scene. The Chief of Police or Assistant Chief shall be able to classify a video recording as 'Confidential.'

### **Weapon Discharges**

Any officer involved in the discharge of a weapon shall be allowed to review the video captured by his BWC before 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 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 compliance with all laws and ordinances. In furtherance of protecting those rights, the department is responsible for responding to the disruption of such assemblies. Supervisors tasked with coordinating the response to such events shall have the discretion to order officers to record the entirety of a special event.

## **CAPTAINS RESPONSIBILITIES**

Captains shall ensure that every officer under their command that has been designated to receive a BWC has one issued to them and is trained in the proper use of the BWC per departmental policies, and is made aware of updates to applicable policies and procedures.

Additionally, Captains shall ensure sufficient data transfer devices within their divisions operate correctly. They shall also ensure that the BWC equipment assigned to employees under their command is properly utilized and maintained according to departmental policies and procedures.

Captains shall ensure supervisors within their division properly complete monthly audits of the sergeants and officers assigned to them in accordance with this policy.

Captains 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 BWCs and related equipment changes are appropriately accounted for within the division and reported to the HISD PD Technology Officer so the Master Inventory can be updated.

## **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 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. According to this directive, sergeants shall remind officers to correctly classify their BWC recordings and ensure that BWC recordings are properly uploaded to VEMS.

Sergeants shall ensure that all videos related to significant events or events for which Class B or above charges are filed are up-loaded 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 no later than 24 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 before the officer reports for the assignment. Once that determination is made, the sergeant shall proceed as follows:

- a) The sergeant may authorize the officer to report for their assignment without their BWC equipment. The sergeant shall notify dispatch of this authorization via radio.
- b) 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 they seek such repairs or replacements before reporting for their assignment.

Sergeants shall review relevant BWC recordings before submitting any administrative reports related to incidents involving response to resistance, pursuits, district vehicle crashes, etc. Periodically, sergeants shall review their officers' reports and work cards to ensure that BWCs are properly utilized.

Sergeants shall identify recordings with training value and refer them to the Training Sergeant. If a video is identified, the supervisor shall discuss the incident with the officer before officially being used as a training video.

Any sergeant who becomes aware that an officer's conduct violates this directive or associated BWC procedures shall take appropriate action with Department policies governing such violations, including Directive 420-002, **Investigation of Employee Misconduct**.

## **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 that the device is in proper working order.

- c) Immediately report any loss of or known malfunction of BWC equipment to a supervisor before reporting to their assignment. 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 before 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 record their interactions effectively.
- f) Use the BWC in compliance with this directive and other departmental policy.
- g) Notify their supervisor any time a recording may have training value.
- h) If an incident report is required, document whether a BWC recording is available in the incident reports.
- i) Document in a crash report whether a BWC was used during the investigation.
- 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.
- i) When transporting a prisoner in a vehicle without recording capabilities, the officer may elect to have the BWC facing the vehicle's rear during prisoner transports.
- l. Ensure that all videos related to significant events or events for which Class B or above charges are filed and 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 no later than 24 hours after the end of the shift during which the recording was made.

## **PRIVACY CONCERNS AND ADVISEMENTS**

Officers are not required to initiate or cease recording an event solely at the citizen's demand. However, there are circumstances in which officers need to exercise caution in using 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 activate their BWCs to record the event when safely able to do so.

## **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 ongoing emergency or a crime that is still in progress or there is reason to believe that a suspect is still inside the location or other exigent circumstances exist.

## **PROHIBITED USAGE**

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

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

Officers are further prohibited from making copies of digital evidence or uploading digital evidence to public or social media sites. While viewing a BWC recording for official purposes, officers shall not take a screenshot 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.

While performing their police duties, officers' records shall not be used for personal gain or entertainment. An officer seeking a copy of a video shall request in writing up the chain of command to the officer's assistant chief, stating the specific reasons for requesting the video.

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) Conversations with other law enforcement agency personnel that involve cases, tactics, or strategies; briefings; tactical operation plans or operations; including discussions with the respective District Attorney's Offices, without their knowledge and consent;
- g) Department meetings, including but not limited to administrative meetings, committee meetings, mediations, or counseling;
- h) In-service training;
- i) Inside police facilities unless taking law enforcement action;
- j) During walk-throughs following officer- involved shootings;
- k) During conversations with employees of the District Attorney's Offices.

## **AWARE AND LIVE STREAM PROCEDURES**

Axon Body 3 cameras (BWC) have built-in capabilities, which will provide real-time alerts, real-time location, and live streaming of critical incidents to include, but are not limited to, the following:

- a) Active shooters
- b) Officer-involved shootings
- c) Mass casualty event
- d) Special Operations
- e) Civil Unrest

Location and live streaming are only available while the BWC is on and recording. Authorized users with proper permissions can only access Livestream. There are three features that will alert an officer the live stream function has been activated:

- a) The LCD screen will show the "Livestream" icon while the Livestream is on.
- b) If the officer has the volume on, the camera will provide three short rising pitch tones and one long vibration.
- c) The Operation LED will change colors and blink purple.

The information is automatically logged in both the user and device audit trails when a live stream is accessed. The user audit trail will show the date and time the live stream is accessed and closed, along with the serial number of the Axon Body 3 camera. The device audit trail shows the date and time the live stream was accessed and closed and shows which user accessed the stream.

The HISD PD Technology Officer shall enable the appropriate permissions for the Roles authorized to utilize the Axon live mapping and live streaming function. The Axon Aware capability permissions will be granted to the rank of Captain or higher and can only be used for the listed incidents in this directive or exigent circumstances

## **PROCESSING PROHIBITED RECORDINGS**

An officer who becomes aware that his BWC has recorded any activities listed in "Prohibited Uses" shall immediately deactivate their BWC, classify the video as information, and notify a supervisor. Officers who become aware that another officer has recorded any activities listed in "Prohibited Uses" 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 the subject of the recording review the recording.

## **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 helps complete incident reports. Officers may not be required to review a BWC video before completing an incident report. Officers shall view their digital evidence, especially before providing testimony at hearings, trials, or depositions.

### **Supervisor Reviews**

Training supervisors and employees assigned as FTOs review recordings of officers in the Field Training Program to evaluate the progress of Probationary Police Officers through the Field Training Program.

### **Investigative Reviews**

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

Investigators shall be able to conduct a search of Evidence.com by date, time, and officer to find videos that may be relevant to their investigation(s). Investigators shall also request that the HISD PD Technology Officer search relevant videos.

### **Citizen Reviews**

Citizens are not authorized to view BWC footage unless specifically authorized by the Chief of Police.

## **BWC AUDITS**

Audits of BWC recordings shall be conducted to determine whether policies and protocols properly account for updates to the technology, comply 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 exists. Supervisors at the rank of sergeant and above must review two randomly selected videos for each of their officers and sergeants each month.

## **RETENTION**

Recordings not classified as Class B+ or not needed for other official HISD PD business shall be retained for 90 days from the recording date before being automatically purged from Evidence.com.

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

The Chief of Police may authorize the retention of recordings beyond the standard 90-day period for administrative purposes.

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

## **HISD PD Technology Officer**

The use of BWCs will generate a tremendous amount of digital video evidence, some of which will have evidentiary value. The HISD PD Technology Officer manages the acquisition, maintenance, and removal of videos from the VEMS.

The HISD PD Technology Officer is responsible for the following:

- a) Maintenance of the integrity of video evidence;
- b) Ensuring accountability of the Evidence.com for video collected or maintained by the department;
- c) Exercising control over access to the HISD PD Evidence.com including managing cameras, uploading, reviewing, auditing, and transmitting videos;
- d) Producing recordings in response to requests originating within HISD PD divisions, the District Attorney's Offices, and the courts. The HISD PD Technology Officer is responsible for assisting the departments Business Manager with Open Records requests and any other requests related to legitimate departmental use;
- e) Manage 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).

## **REPAIR AND MAINTENANCE**

Upon notification of equipment malfunction or damage, the officer shall contact the HISD PD Technology Officer for further direction. The HISD PD Technology Officer shall also be responsible for issuing a replacement BWC and updating the database to reflect equipment status and assignment changes.

## **INTERNAL INVESTIGATIONS**

Internal Affairs Investigators shall have the authority to view any video recording and flag as 'Confidential' any video recording it deems necessary, including any video obtained by any involved officer after consulting with the Assistant Chief.

Internal Affairs Unit and designated 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.

## **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 Sergeant for consideration.

Once notified, the Operations Captain shall review the video with other training subject matter experts to determine the value and relevancy of the recordings for training. If a decision is reached that a recording would serve as a training aid, the Training Sergeant shall obtain approval from the Assistant Chief before incorporating the BWC into training.

## **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 other than official law enforcement uses contrary to this directive 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 or any department outside of HISD PD, the Chief of Police 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 a 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 the video shall be referred to the Business Office. 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 the 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 the 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 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 done adjudicated. Recordings related to an active administrative investigation shall not be deleted.

Approved By

  
Pedro Lopez Jr., Chief of Police