

Brief reason for the revision:

304 DMAV has been updated and combined into 303 (the old BWC). The new 304 is now Livestreaming.

Risk Management updated a section of the new 303 Body-Worn and Vehicle Camera Systems for how the department conducts quarterly personnel inspections. Quarterly inspections will still be conducted with the BWC section, and the rest of the inspection will be on two different systems. BWC inspections are moved over to Axon Performance. While the rest of the pdf form for personnel inspections will be on a different form.

Green indicates a section of policy that was moved.

303 Body-Worn and Vehicle Camera Systems

303.1 PURPOSE AND SCOPE

In this order, the word “employees”, or variant of, refers to sworn and civilian employees trained and authorized to wear and operate the Body-Worn and Vehicle Camera systems ~~(BWC)~~. The ~~BWC~~ camera systems provides an unbiased audio/video recording of events that employees encounter. These recordings can be useful for the documentation of evidence, ~~the preparation of~~ offense reports, and future court testimony. ~~BWC~~ The camera systems can improve community relations and deter inappropriate conduct by both the members of the public and the ~~police d~~ Department.

This order covers the use of the Department issued ~~and personally owned BWC camera~~ systems. No personally owned camera systems are authorized. This order does not cover ~~the use of~~ surreptitious recording devices used in undercover operations.

303.2 DEFINITIONS

~~MAV Recording: Mobile Audio Video media obtained from Body Worn Camera and/or Digital Mobile Audio Video systems.~~ Body-Worn Camera (BWC) - A body-worn camera is a device used to capture audio and video evidence in the performance of official duties.

Digital Evidence Management System (DEMS) - The Department’s Digital Evidence Management System is Axon Evidence™, also known as evidence.com.

Metadata - Data that provides detailed information unique to each entry in ~~Evidence.com~~ Axon Evidence™ and Arbitrator Back-end Client, such as, ID (Incident Case Number), Category, and Title. The words “categorize”, “classify”, “tag”, and “title” may be used synonymously.

Vehicle Camera System - A vehicle mounted camera system that is used to capture audio and/or video evidence in the performance of official duties. The Department currently uses two (2) different camera manufacturers, Panasonic Arbitrator and Axon Fleet®.

303.3 ~~DEPARTMENT ISSUED~~ BODY-WORN CAMERA

Body-Worn Camera (BWC) equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

- (a) The Chief of Police, Assistant Chiefs, and Commanders are exempt from wearing the BWC except when law enforcement action is foreseen or likely to occur; (e.g. working patrol duties, actively

participating in a tactical operation or deployment).

- (b) Employees assigned to a federal task force will adhere to the latest Department of Justice policies and the respective Memorandums of Understanding and Standard Operating Procedures established between the Department and sponsoring federal agency regarding the use of BWC equipment when conducting task force-specific investigations.
- (c) Employees equipped with a Department issued BWC ~~system~~ must be trained in the operation of the equipment prior to its use. BWC equipment will be used ~~in accordance with~~ per Department training and the BWC operations manual.
- (d) Unless otherwise authorized by the Chief of Police or their designee, BWC's will be worn consistent with the training and manufacturer's recommendations ~~, in regards to~~ regarding fields of view and employee safety. Employees will adhere to the following dimensions for placement of the BWC:
 - 1. From the center of the sternum, no more than four inches to the right or left on the outermost layer of clothing such that the camera has an unobstructed view.
 - 2. No higher than four inches below the top button of the uniform shirt and no lower than six inches below the top button of the uniform shirt.
 - 3. Commander or above could ~~Exemptions to~~ the placement of the BWC ~~in accordance with~~ per this order ~~will be authorized by a Commander or above~~. Examples for exemptions may include, but are not limited to, SWAT, OCD, Executive Protection, and Mounted Patrol.
- (e) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.
 - 1. Employees assigned to the units below are considered first responders. They are required to power on the device at the beginning of their tour of duty and not power their BWC ~~device~~ off until the end of that tour of duty.
 - (a) Airport
 - (b) Commercial Vehicles Enforcement;
 - (c) Court Services;
 - (d) DTAC Patrol;
 - (e) DWI
 - ~~(f) —George District Representatives,~~
 - ~~(g)(f) Lakes, Patrol,~~
 - ~~(h)(g) Metro Tac;~~
 - ~~(i)(h) Motors;~~
 - ~~(j)(i) Mounted Patrol;~~
 - ~~(k) —Park Patrol,~~
 - ~~(l)(j) Patrol;~~
 - ~~(m)(k) Patrol K9.~~
 - 2. Employees not assigned to the units above are not considered ~~to be~~ first responders and ~~are~~ therefore not required to power on their assigned ~~Body Worn Camera~~ BWC at the beginning of their tour of duty. However, if at any time their duties and responsibilities require any type of field-work where they could be called upon to take enforcement action, their ~~device~~ BWC will be properly attached and powered on for the entirety of the time they are in that role.
 - 3. Employees not engaged in a law enforcement action shall power the ~~device~~ BWC off or remove

it from their body when using a restroom, locker room, changing room, or any other location where the employee ~~has an expectation of~~ privacy. Immediately upon exiting such a facility or room, the employee shall ensure the BWC ~~equipment~~ is powered back on and appropriately placed according to this order.

~~(f)(a) Employees shall test the BWC equipment at the commencement of their tour of duty and shall categorize the video as '10-41'.~~

~~(g)(a) The BWC equipment test shall consist of employees recording the following:~~

- ~~1. Employee name;~~
- ~~2.1. Employee number; and~~
- ~~3.1. The current date and time.~~

~~(h)(a) Employees shall review the recording to verify the BWC microphone is operational, and the date and time is accurate.~~

~~(i)(a) Employees who discover an operational defect with the BWC system shall attempt to correct the system following the received training on the device (i.e., Reseating cables, Cycling the power, etc.). If the BWC is found to have a physical defect or malfunction:~~

- ~~1. Employees shall notify an on-duty supervisor, and write up the device for service describing the events leading up to the failure.~~
- ~~2.1. Employees shall notify their dispatcher to have a note added to their activity log that their BWC system has failed.~~
- ~~3.1. Employees shall notate on the device repair form if there is existing video which was unable to be uploaded because of the device's failure.~~
- ~~4.1. Employees shall complete a supplement to any report in which there is video on the defective camera that was unable to be uploaded to Evidence.com.~~

~~(j) Employees shall not:~~

- ~~1. Bypass or attempt to override the equipment;~~
- ~~2. Erase, alter, or delete any recording produced by the BWC; or~~
- ~~3.1. Use any non-issued chargers, adapters, or cables with the BWC system.~~

303.4 BODY-WORN AND VEHICLE CAMERA SYSTEM OPERATIONS

(a) The body-worn and/or vehicle camera system(s) are designed to activate due to triggers. These triggered activations include:

1. Emergency lights.
2. Siren system.
3. Driver's door opening.
4. Passenger's door opening.
5. Rear Passenger's side door opening.
6. Impact sensor.
7. Speed in excess of 90 MPH.
8. Activation of a wireless body microphone. (Arbitrator System Only)
9. Axon Signal™.

10. TASER® activation weapon draw.

(b) Camera systems are activated manually by pressing the record or event button on the:

1. Camera.
2. The mobile data computer.
3. Lights and siren controller.
4. The Video Processing Unit of the Arbitrator system.

(c) Employees shall turn off the vehicle's AM/FM radio and/or personal music devices while their camera systems are recording.

(d) Employees shall not:

1. Bypass or override, or attempt to bypass or override any camera system or the automatic activation of the camera systems.
2. Erase, alter, or delete, or attempt to erase, alter, or delete any recording produced by the camera systems.
3. Stop a recording by pressing and holding the power button on the body-worn camera.
4. Power off a body-worn camera while on-scene of a call or police incident.
5. Use any non-issued chargers, adapters, or cables with the BWC system.

~~(d) Absent legal cause or lawful order, no member of the Department may surreptitiously record any other member of the Department without the expressed knowledge and consent of all parties.~~

303.4.1 CAMERA SYSTEM(S) REQUIRED TESTING

Employees operating body-worn or vehicle camera systems during field duty assignments where the required use of body-worn or vehicle camera systems is likely (e.g., patrol, metro-tactical shifts, traffic enforcement) must be trained in the operation of the equipment prior to its use.

(a) Employees shall test the BWC equipment camera system(s) at the commencement of their tour of duty. They shall categorize the video as '10-41' or anytime they switch vehicles during a shift.

(b) The BWC equipment camera system(s) tests shall consist of employees recording the following:

1. Employee name.;
2. Employee number.; and
3. The current date and time.;
4. A TASER ® function test per General Order 208.7 Functionality Check,
5. A check of the vehicles emergency warning equipment, prisoner areas for contraband, and overall condition.

(c) Employees shall review the recording to verify that the camera system(s) are operational. BWC microphone is operational, and the date and time is accurate.

(d) Employees who discover an operational defect with the BWC any camera system(s) shall attempt to correct the system following the received training on the device (i.e., Reseating cables, Cycling the power, etc.).

1. If the BWC body-worn camera is found to have an unfixable or uncorrectable physical defect or malfunction, employees shall:

(a) Employees shall notify an on-duty supervisor, and have the device replaced by Police

Equipment as soon as possible. ~~write up the device for service describing the events leading up to the failure.~~

- (b) Employees shall ~~n~~Notify their dispatcher to have a note added to their activity log that their BWC ~~body-worn camera~~ system has failed.
- (c) Employees shall ~~notate on the device repair form~~ Notify Police Equipment if there is an existing video which ~~that~~ was unable to be uploaded because of the device's failure.
- (d) Employees shall ~~e~~Complete a supplement to any report in which there is a video on the defective camera that was unable to be uploaded to ~~Evidence.com~~ Axon Evidence™.

2. If a vehicle camera system is found to have an unfixable or uncorrectable deficiency or malfunction, Employees should refer to Department Policy 804.5 Repair of Department Vehicles. Vehicles with non-operable camera systems will not be used unless an emergency situation exists and a lieutenant approves its use. If this occurs, remove the unit from service as soon as the emergency subsides.

303.3.14.2 WHEN ~~DEPARTMENT ISSUED BWC~~CAMERA SYSTEM(S) USE IS REQUIRED

This section ~~is not intended to~~ does not describe every possible situation where ~~the camera~~ system(s) may be used. In some circumstances, ~~it may not be possible to capture~~ ing images of an incident may not be possible due to conditions or camera's location. ~~Location of the camera, h~~However, the audio portion can be valuable evidence and is subject to the same activation requirements. ~~The BWC Camera system(s)~~ should only be activated for law enforcement purposes.

- (a) All employees assigned to a call shall activate or ensure activation of their camera system(s) when they~~All units responding to a scene shall activate their department issued BWC equipment when they:~~
 - 1. Arrive on-scene to any call for service.;
 - 2. Have detained or arrested a person.;
 - 3. Are attempting to detain or arrest a person.;
 - 4. By the nature of the call for service, they are likely to detain or arrest a person.;
 - 5. Any consensual contact in which the employee or a citizen believes activation of ~~the BWC~~ the camera system(s) would be in the best interest of the community.
- (b) Examples of when ~~the department issued BWC~~ camera system(s) must be activated include, but are not limited to:
 - 1. Traffic stops.;
 - 2. Foot pursuits, ~~until completion of enforcement action~~.;
 - 3. DWI investigations ~~including field sobriety tests~~.;
 - 4. Investigatory stops.;
 - 5. While interviewing an employee during a Response to Resistance review.
 - 4.6. Execution of Warrant service, including the execution of a search warrant for a vehicle or physical structure (this includes the entire duration of the search).;
 - 5.1. ~~Investigatory stops~~.;
 - 7. While operating a vehicle per General Order 400.2.1 Code 3 (Emergency Operation) or 400.2.2 Code 2 (Limited Emergency Operation).;
 - 6.8. Any contact that becomes adversarial in an incident that would not otherwise require recording.
 - 0.1. ~~While interviewing an employee during a Response to Resistance review.~~

~~(d)(c)~~ Employees ~~that are issued a BWC~~ shall utilize the BWC camera system(s) when engaging in Off-Duty LERE Overtime.

(d) When communicating via phone with a victim, witness, subject, suspect, or any person related to a call for service. (e.g., clearing a call by making call back)

(e) In addition to the required situations, employees may activate ~~the camera~~ system(s) anytime they believe its use would be appropriate and/or valuable to document an incident.

(f) There may be instances in which an employee is required to take immediate action in response to an event ~~which that~~ may not allow time, may be impractical, or may be unreasonable to activate their ~~BWC camera system(s) before taking police action. In those situations, it may be impractical or unreasonable for employees to activate their BWC system before taking police action.~~ It is expected that once the immediacy of the situation is over, employees will activate their BWC camera system(s) to record the remainder of the incident. Employees shall articulate the reasoning for the delayed activation of their BWC camera system(s) in an offense report, supplement, or other ~~form~~ of Department approved documentation forms.

~~303.3.2 ADVISEMENT AND CONSENT~~

~~Employees should inform individuals they are being recorded unless doing so would be unsafe, impractical or impact the investigation of criminal activity.~~

~~303.3.3~~ WHEN ~~DEPARTMENT ISSUED BWC~~ CAMERA SYSTEM(S) DEACTIVATION IS AUTHORIZED

Employees who activate their body worn and/or vehicle camera system(s) shall ensure that their body worn and/or vehicle camera system(s) remains activated until the employee's active participation in the incident or criminal investigation has ceased or concluded or until deactivation is otherwise permitted by this order. ~~Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.~~

(a) For purposes of this section, conclusion of an incident has occurred when:

1. All arrests have been made, and arrestees have been transported, ~~and~~
2. No further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive).

(b) ~~Employees may choose to discontinue a recording currently in progress for any non-confrontational encounter with a person, including an interview of a witness or victim.~~ For any encounter with a person that is unrelated to the investigation of a criminal offense, employees may choose, or be authorized:

1. Not active their BWC system; or
2. Discontinue a BWC recording that is currently in progress.

(c) Employees shall adhere to posted policies of any Law Enforcement, Court, or Corrections entity that prohibit the use of BWC systems therein (i.e. TCSO, Courts, Juvenile Detention Centers).

(d) Employees may deactivate the audio portion by engaging the mute button on the body-worn camera, for administrative reasons only, as follows:

1. The reason for audio deactivation must be recorded verbally prior to audio deactivation; and
2. After the purpose of audio deactivation has concluded, employees will reactivate the audio track.

(e) For purposes of this section, an "administrative reason" refers to:

1. Personal conversations unrelated to the incident being recorded.

2. Employee to employee training (e.g., when a Field Training Employee or Field Training Supervisor wishes to speak to an employee enrolled in the Field Training Program about a training issue).
3. Any reason authorized by a supervisor. The identity of the supervisor granting the authorization shall be stated prior to the audio deactivation.

303.34.4 VICTIM AND WITNESS STATEMENTS

When conducting an investigation, the employee shall attempt to record the crime victim or witness' statement with the ~~body worn camera BWC~~. The recording may be valuable evidence that contributes to or complements an investigation. While evidence collection is important, the Department also recognizes ~~it is important for employees to~~ that employees must maintain credibility with people wanting to share information with law enforcement.

~~On occasion~~ Occasionally, an employee may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the employee should continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy.

Should the employee use discretion and not record the crime victim or witness statement with the ~~body worn camera BWC~~, the employee shall document the reason for not fully recording the statement with the ~~body~~-worn camera. In these instances, employees may still record with an audio recorder. Employees should work with victim services when possible in determining what type of statement ~~will be to~~ taken.

(a) If a citizen, other than a victim or witness as described in this section requests that an employee turn off the BWC, while the employee is responding to an incident or conducting a criminal investigation, the employee will explain that APD General Orders requires the ~~camera BWC~~ to be activated and recording until the conclusion of the incident or until there is no further law enforcement action necessary.

303.34.5 WHEN ~~DEPARTMENT ISSUED BWC~~ CAMERA SYSTEM(S) USE IS NOT REQUIRED

Activation of ~~the BWC camera~~ system(s) is not required under the following circumstance:

- (a) During break and lunch periods.
- (b) When not in service and not on a call.
- (c) When in service, but not on a call.

303.4.6 WHEN CAMERA SYSTEM USE IN NOT PERMITTED

Activation of the camera system(s) shall not be utilized in the following circumstances:

~~(c) — Employees shall not utilize the body worn camera in the following circumstances:~~

- ~~2.~~ (a) A potential witness who requests to speak to an employee confidentially or desires anonymity.
- ~~3.~~ (b) A victim or witness who requests that they not be recorded as a condition of cooperation and the interests of justice require such cooperation.
- ~~4.~~ (c) During tactical briefings, or the discussion of safety and security procedures, unless approved by the commander.
- ~~5.~~ (d) Public or private locker rooms, changing rooms, and restrooms, unless taking police action.
- ~~6.~~ (e) Doctor's or lawyer's offices, unless taking police action.
- ~~7.~~ (f) Medical or hospital facilities, unless taking police action.
- ~~8.~~ (g) At a school, where minor children are present, unless taking police action.

~~9.(h)~~ To monitor persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition, and assembly under the United States Constitution, or because of the content or viewpoint of the person's protected speech.;

~~10.(i)~~ While in any magistrate's or judge's office or in any courtroom, except under exigent circumstances; i.e. police action being taken.;

~~11.(j)~~ During departmental or supervisory meetings.

~~(k) Absent legal cause or lawful order, no member of the Department may surreptitiously record any other member of the Department without the expressed knowledge and consent of all parties.~~

303.45 REQUIRED ENTRY OF METADATA FOR BWC CAMERA SYSTEM(S) RECORDINGS

~~All BWC recordings shall be assigned a category. Doing so determines the length of time the recording is retained in the Evidence.com storage system. Promptly adding the correct metadata, which affects the retention length, to body-worn and vehicle camera system(s) recordings is important for case integrity. Body-worn and vehicle camera system(s) recordings shall be assigned the correct category or categories. Doing so determines the length of time a recording is retained in the DEMS or Arbitrator Back-end Client. Recordings should only be retained for the longest period necessary as required by state law and City policy.~~

~~(a) Employees shall ensure that all BWC recordings are uploaded from the camera to the storage system prior to the completion of their scheduled tour of duty unless approved by a supervisor.~~

~~(b)(a) Recordings from response to resistances, officer-involved collisions, and critical incidents shall have accurate metadata assigned and be uploaded prior to the end of shift. All other recordings Employees shall ensure that shall be accurately classified/categorized and uploaded within 5 days within two weeks from the recording date all videos are assigned the proper category and the ID field contains the 9 digit incident number (YYJJJ#####), if applicable.~~

~~1. For purposes of this section, a "Non-Event" video generally refers to a recording that meets all of the following criteria:~~

~~(a) Video where no investigatory stop is made.;~~

~~(b) Video that does not include any call for service.;~~

~~(c) Video where no person has been detained or arrested.; and~~

~~(d) Video where no enforcement action is documented.~~

~~(e)(b) When possible, all employees who are "on-scene" or "10-23", assigned to the same call or working the same incident, should assign the same category metadata to their video recordings as the primary employee ~~(e.g. arresting officer or employee writing initial report).~~~~

~~(d)(c) Except for recordings that fall under subsection (a) Unless employees involved in a response to resistance, an arrest, or when approved directed by a supervisor, employees utilizing a BWC during LERE overtime are permitted to download and categorize their recordings during their next regularly scheduled work day when working LERE overtime.~~

~~(e)(a) For purposes of this section, a "Non-Event" video generally refers to a recording that meets all of the following criteria:~~

~~0.1. Video where no investigatory stop is made;~~

~~0.1. Video that does not include any call for service;~~

~~0.1. Video where no person has been detained or arrested; and~~

~~0.1. Video where no enforcement action is documented.~~

~~(j)(d) Detectives are responsible for verifying the category assigned to recordings for assigned incidents within 30 days of the recording. Detectives are also responsible for updating the category for recordings when necessary to ensure proper retention. Detectives are ultimately responsible for:~~

1. Verifying the metadata of recordings for assigned incidents within 30 days of the recording.
2. Reclassifying recordings when necessary to ensure proper retention.
3. Periodically check the DEMS for additional evidence or recordings related to their cases.

303.66 REVIEW OF ALL BWC CAMERA SYSTEM RECORDINGS

~~(a) If available, the recording that best captured the incident should be reviewed by the involved officers~~
the involved officers should review the recording that best captured the incident in the following situations prior to writing a report, supplement, memorandum, or prior to making a required statement for:

1. Critical incidents, as defined by per General Order 902.1.2(h);
2. Response to resistance incidents; and
3. Foot and vehicle pursuits.

~~(b) Recordings may only be reviewed:~~

1. By an employee to make sure the BWC camera systems is/are operational;
2. By an employee to assist with the writing of a report, supplement, memorandum, or prior to making a required statement about the incident;
3. By authorized persons for the purpose of reviewing evidence;
4. Upon approval by the Chief of Police, by a person, or the person's authorized representative, who is depicted in a recording of an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer, but who is not a witness to the incident (Tex. Occ. Code § 1701.660);
5. By a supervisor investigating a specific act of employee conduct; or
6. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.

~~(c) Recordings may be shown for the purpose of training. Employees wishing to view another employee's video for training purposes will submit a request via email for approval through their chain-of-command, up to their lieutenant, for approval. The receiving lieutenant will review the video to ensure a training purpose exists and that the video is appropriate for viewing. If the lieutenant questions whether the video should be viewed for training, the lieutenant will contact the involved employee's lieutenant for approval. If the two lieutenants disagree, the involved employee's commander shall decide, make the final determination. Factors for determining whether a video is appropriate for viewing for training include:~~

1. The likelihood of an internal/external investigation;
2. Whether the video portrays actions that are likely to be embarrassing for any involved employee, and whether the embarrassment suffered by the employee would be outweighed by the training benefits; and
3. Whether permitting uninvolved officers to view the video for training purposes may have a negative impact on any future or current prosecution or civil proceeding (lawsuit).

~~(d) In no event~~Under no circumstances shall any recording be used or shown to ridicule or embarrass any employee.

(e) Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.

(f) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook).

303.4.17 SUPERVISOR RESPONSIBILITIES

(a) ~~In conjunction with personnel inspections, General Order 801.8. S~~Supervisors of first responder units listed in 303.3(~~e~~)1 of this order shall conduct inspections of BWC recordings, ~~to ensure they are complying with APD General Orders.~~ Supervisors shall ensure that all assigned employees are reviewed in a fair and equitable manner. Additionally, supervisors shall ensure that employees:

1. Act professionally, treating persons fairly and impartially.;
2. Demonstrate the appropriate knowledge, skills, and abilities to manage the interaction.;
3. Comply with laws, ordinances, and APD written directives.

(b) These inspections ~~will be electronically documented on form PD0128~~ are conducted quarterly in Axon Performance® and sent to the lieutenant within the chain-of-command. ~~Each inspection will include:~~

- ~~1. One randomly selected recording to ensure compliance with “10-41” video check;~~
- ~~2. Two randomly selected recordings to ensure compliance with the “eventful video” compliance check; and~~
1. Each inspection will include ~~T~~two randomly ~~selected~~generated Axon Performance recordings from employee-initiated calls to ensure compliance with the General Order 328 Racial or Bias-Based Profiling. ~~general order.~~
- ~~3-2.~~ If an employee fails at any metric on the random video review, the supervisor will include a notification via Axon Performance to the officer, the lieutenant within the chain-of-command, and Risk Management. This is performed after the specific video review.

(c) All shift/unit supervisors shall:

- ~~(e)1. In addition to the above inspections, supervisors shall ensure all assigned employees have categorized all videos in accordance with~~ Ensure all assigned employees have assigned a category and, if needed a case number to each video, per APD General Order 303.4.
- ~~(d)2. Supervisors shall e~~Ensure all employees assigned to them are allotted time during their regularly scheduled work week to properly categorize all BWC recordings in Evidence.com.
3. Investigative unit supervisors shall ensure their assigned Detectives have properly categorized assigned a category and, if needed, a case number on all videos in accordance with per APD General Order 303.4.
- ~~(e)4. When an employee transfers from a shift/unit, the receiving supervisor shall transfer the~~ affected employee to their shift/unit in Axon Evidence™.

303.47.1 COPIES OF BWC SYSTEM RECORDINGS

BWC media recordings shall be used for official APD business only. This may include public information requests after the recording has been reviewed by the Department Legal Advisor and approved for release by the Department. Copies of BWC System Recordings will not be provided unless the person requesting the copy is authorized to view the recording and does not otherwise have access to view the recording using the BWC system. Personnel assigned to Special Investigations and Internal Affairs are authorized to create copies of BWC recordings as needed per their investigative

process. When a copy is made, ~~it is the responsibility of~~ the person receiving the copy ~~to~~shall comply with records retention as outlined in General Orders.

303.47.2 BWC RECORDING RETENTION SCHEDULE

Videos shall be retained for the longest period of time consistent with the City of Austin's Records Management Ordinance, Chapter 2-11, and any applicable City Records Control Schedules and/or the State Local Government Retention Schedules. At a minimum, retain all BWC recordings ~~shall be retained~~ for 181 days.

303.47.3 STORAGE AND SECURITY OF BWC SYSTEM RECORDINGS

Employees will upload the media and data ~~contained~~ on their BWC into the Department's official system of record for ~~the storage of~~storing BWC information utilizing the approved upload procedures (wireless, docking station, etc.).

- (a) The Department's official system of record for BWC media and data will be stored utilizing a secure storage server and backed up for redundancy ~~purposes~~.
- (b) The Department's official system of record will store all BWC media and data utilizing nationally recognized and approved security methods, ~~and will be in compliance~~ it with comply with State of Texas Occupations Code 1701.655(b)(3).
- (c) A maintenance agreement and/or contract for the BWC program shall be in place to ensure the security of all BWC media and data stored in the Department's system of record. This contract will include, but will not be limited to:
 1. A service level agreement (SLA);
 2. Data protection;
 3. Data ownership;
 4. Data location;
 5. Import and export of data;
 6. Right to audit;
 7. Security, to include compliance with Chapter 521 of the Texas and Business Commerce Code;
 8. Security incident or data breach notification;
 9. Change control and advance notice; ~~and~~
 10. Notification of legal requests.

~~303.4.5 REQUESTS FOR BWC RECORDINGS~~

~~The Department shall comply with all applicable laws pertaining to the release of BWC recordings. News or other media outlet requests for video will be processed through the Public Information Office (PIO). All other open records requests will be processed through the department coordinator in Central Records.~~

~~303.5 PERSONALLY OWNED BWC SYSTEMS~~

~~Personally owned BWC's are not permitted for use by employees.~~

~~303.6 REVIEW OF ALL BWC SYSTEM RECORDINGS~~

~~(a) If available, the recording that best captured the incident should be reviewed by the involved officers in the following situations prior to writing a report, supplement, memorandum, or prior to making a required statement:~~

- ~~1. Critical incidents, as defined by General Order 902.1.2;~~

~~2.1. Response to resistance incidents; and~~

~~3.1. Foot and vehicle pursuits.~~

~~(b)(a) Recordings may be reviewed:~~

~~1. By an employee to make sure the BWC system is operational;~~

~~2.1. By an employee to assist with the writing of a report, supplement, memorandum, or prior to making a required statement about the incident;~~

~~3.1. By authorized persons for the purpose of reviewing evidence;~~

~~4.1. Upon approval by the Chief of Police, by a person, or the person's authorized representative, who is depicted in a recording of an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer, but who is not a witness to the incident (Tex. Occ. Code § 1701.660);~~

~~5.1. By a supervisor investigating a specific act of employee conduct; or~~

~~6.1. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.~~

~~(c)(a) Recordings may be shown for the purpose of training. Employees wishing to view another employee's video for training purposes will submit a request via email through their chain of command, up to their lieutenant, for approval. The receiving lieutenant will review the video to ensure a training purpose exists and that the video is appropriate for viewing. If the lieutenant questions whether the video should be viewed for training, the lieutenant will contact the involved employee's lieutenant for approval. If the two lieutenants disagree, the involved employee's commander shall make the final determination. Factors for determining whether a video is appropriate for viewing for training include:~~

~~1. The likelihood of an internal/external investigation;~~

~~2.1. Whether the video portrays actions that are likely to be embarrassing for any involved employee, and whether the embarrassment suffered by the employee would be outweighed by the training benefits; and~~

~~3.1. Whether permitting uninvolved officers to view the video for training purposes may have a negative impact on any future or current prosecution or civil proceeding (lawsuit).~~

~~(d)(a) In no event shall any recording be used or shown to ridicule or embarrass any employee.~~

~~(e)(a) Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.~~

~~(f)(a) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook).~~

303.7 REVIEW OF BODY WORN CAMERA ORDER

This order will be reviewed for continuous effectiveness and adherence to local, state, and federal laws by the Department.