



BODY CAMERAS

POLICE OFFICER BODY CAMERAS

**HOT
TOPIC!**



WHY ALL THE TALK?

National events

Michael Brown – August 9, 2014



WHY ALL THE TALK?

Everyone has a cellphone with a camera.

Walter Scott – April 4, 2015





WHY ALL THE TALK?



Philando Castile – July 26, 2016





BENEFITS



- Reduces Officer Complaints
- Training and SOP Compliance
- Criminal Investigations
- Officer Accountability
- Portability vs. In-car video
- More/Better Evidence
- Domestic Violence prosecutions



COMPLAINTS AGAINST OFFICERS

Get started



File Complaint



COMPLAINTS AGAINST OFFICERS



RIALTO, CALIFORNIA STUDY

(100,000 RESIDENT / 115 SWORN)

- Evaluated whether body cameras reduced officer complaints.
- Recorded all police interactions for a year.
- Findings:

2009	36 complaints
2010	51 complaints
2011	28 complaints
2012 (body cameras)	3 complaints



TRAINING AND SOP COMPLIANCE

Liability to Cities under 18 USC §1983

Policy, practice or custom that results in violations of constitutionally protected rights.

Best protection is proper supervision and training.



CRIMINAL INVESTIGATIONS OF OFFICERS



Texas Ranger Nick Hanna

In Custody Death
Investigations

Officer Involved Shooting
Investigations

Use of Force Investigations



CRIMINAL INVESTIGATIONS

What charges are being investigated?

- Murder and Aggravated Assault
- Manslaughter
- Reckless homicide
- Official Oppression



BODY CAMERA VS. IN-CAR VIDEO

More accurately portrays officers perspective.

Mobile

Subject to displacement in a combative situation.

Only portrays one officer's perspective

Stability

Never Blinks

Limited Field of Vision

One perspective



IN-CAR VIDEO



BODY CAMERA

WARNING

THE FOLLOWING VIDEO CONTAINS ACTS OF VIOLENCE
THAT MAY BE DISTURBING TO SOME VIEWERS
DISCRETION IS ADVISED



BODY CAMERAS AS EVIDENCE

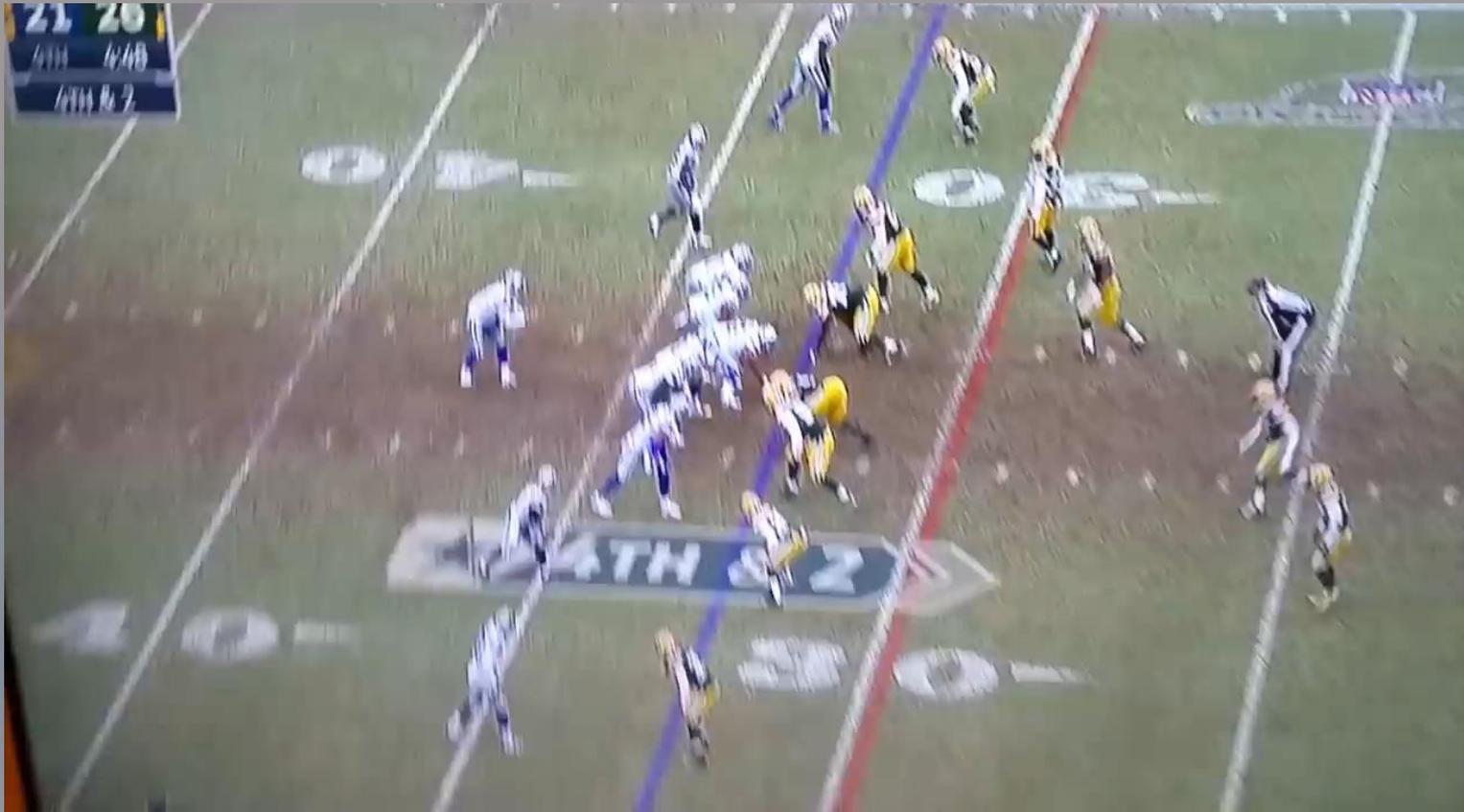
Captures scene as the events occurs.

INCLUDING

- Distances
- Statements by officers and citizens (Excited utterances)
- Emotional responses at the scene
- Threat levels to officers and citizens
- Number of shots
- Existence of weapons



ARE CAMERAS GOOD EVIDENCE?



PROSECUTION OF DOMESTIC VIOLENCE

Pros

- Supports arrest in the event of reluctant witness.
- Documents the disarray in a scene.
- Captures arbitrary evidence such as the victims relief upon arrest.
- Records statements made by victims, accused, and officers.

Cons

- Victimizes the victim twice.
- Equates summoning police for assistance to consenting to prosecution.
- Discourage calls from certain segments of population.
- Privacy concerns pertaining to recording events inside an individuals home.



CONCERNS

- Cost
- Storage and Retention
- PIA requests
- Privacy Concerns
- Distortions: Time, distance, sound
- Resolution/frames per second
- Night viewing-Some cameras have better night vision than your officer.



COSTS



- Camera \$
- Storage of data (cloud or server) \$\$\$\$\$
- Data retrieval/redaction (additional staff) \$\$\$\$\$
- Uploading information secured wireless \$





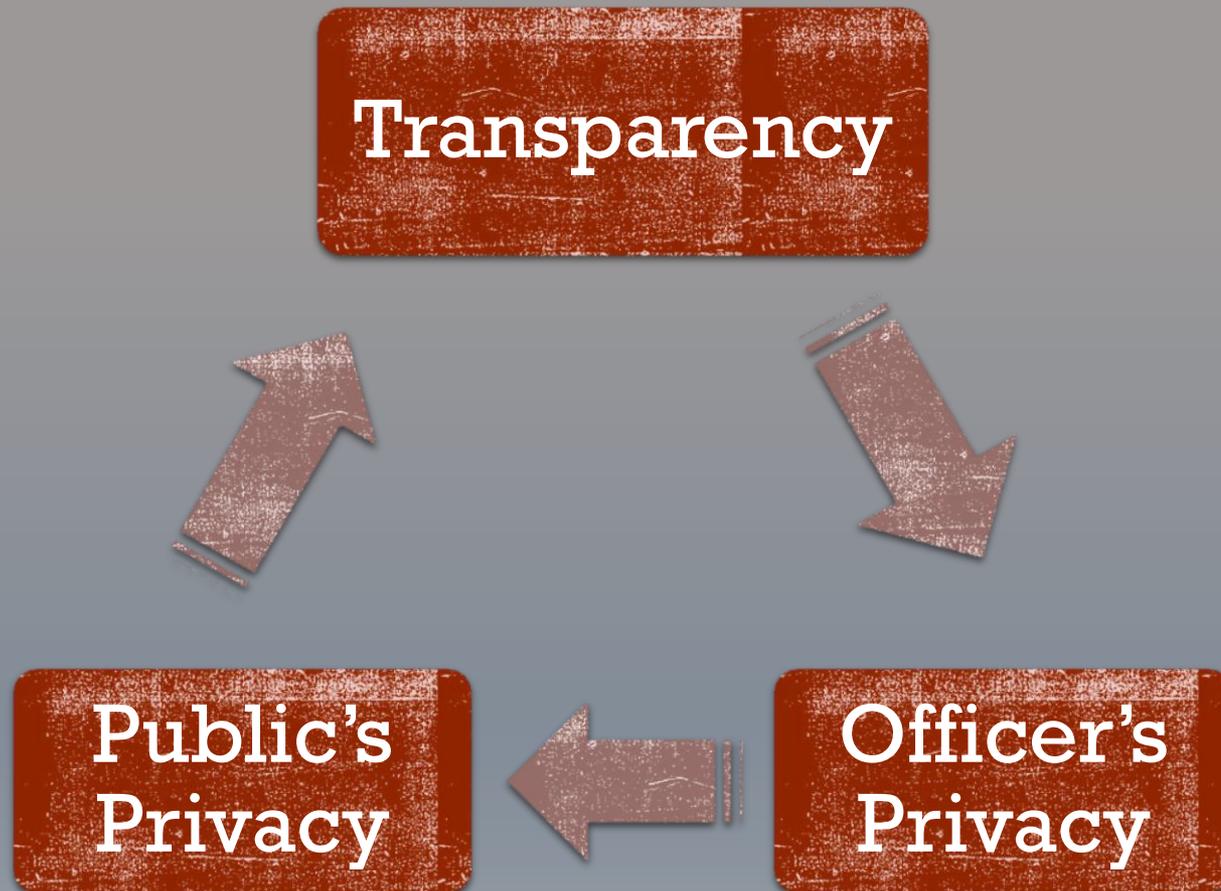
RECORD RETENTION

Texas Records Retention Schedule Body Camera Footage

- | | |
|--|----------|
| ▪ Class C misdemeanor | 6 months |
| ▪ Class A or B misdemeanor | 2 years |
| ▪ State Jail felonies | 2 years |
| ▪ 2 nd or 3 rd degree felonies | 10 years |
| ▪ 1 st degree or capital felonies | 50 years |



PRIVACY (#1 CONCERN OF OFFICERS)



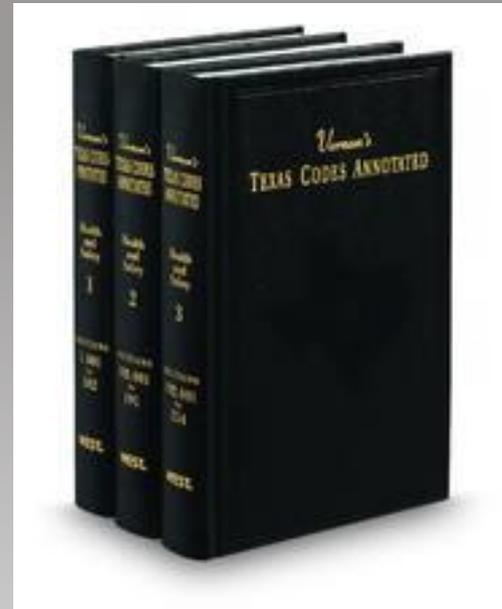
EVIDENTIARY ISSUES

- Distortion
- Improper use by officer.
- Storage Concerns.
- Clear understanding and adherence to Department policies pertaining to when to activate or deactivate a camera.
- Concerns of improper editing by officers.
- Reliance on a body camera sometimes supplants a thorough investigation.



BODY WORN CAMERA PROGRAM (SB 158 IN 2015)

- Codified in §1701 of the Texas Occupations Code



BODY CAMERAS

(SB 158)

- **Definitions:**

- A BWC is a recording device capable of recording audio or video and worn on the person of a peace officer.
- “Private space” is a locations where a person has a reasonable expectation of privacy, including their home.



BODY CAMERAS

(SB 158)

- **Policy requirements (required if grant funded)**
 - LE purpose only
 - Privacy
 - When to activate or discontinue recording based on need for privacy based on situation or location

BODY CAMERAS

(SB 158)

- Retention (90 day min.), storage, backup, & security
- Guidelines for open records requests
- Provisions entitling officers access to any recording before being required to make a statement



BODY CAMERAS

(SB 158)

- Procedures for supervisory or internal review
- Cannot require an officer to keep a camera activated during the entire shift



BODY CAMERAS

(SB 158)

- **Training (All agencies)**
- **All peace officer and other personnel who will come in contact with body camera video must receive training from the agency**
 - **TCCOLE has developed a mandatory body camera training program for peace officers**
 - **Course #8158**



BODY CAMERAS

(SB 158)

- **Recording Interactions with the Public (All)**
 - Officers choose to activate or discontinue recording in a non-confrontational encounter (e.g. witness or victim)
 - Officer who does not activate camera in response to a call for assistance must note the reason
 - Failing to activate because its unsafe, unrealistic, or impracticable should be based on the whether a reasonable officer would have made the same decision in the same or similar circumstances



BODY CAMERAS

(SB 158)

- Use of Personal Equipment
 - Allowed in limited circumstances
 - Not allowed if agency received a grant
 - Must make provision regarding the security and compatibility of the recordings



BODY CAMERAS

(SB 158)

- **Offense**
 - **It is a Class A misdemeanor for officer or employee to release a body camera recording without permission of the agency**



BODY CAMERAS

(SB 158)

- Recordings as Evidence
 - Body camera recordings that are related to an incident involving deadly force, or a criminal or administrative investigation of an officer may not be deleted, destroyed, or released to the public until the criminal or administrative case(s) has concluded
 - But, a law enforcement agency can release a recording to the public if it furthers a “law enforcement” purpose
 - This does not affect the ability to withhold under the PIA because it did not result in a conviction or deferred disposition



BODY CAMERAS

(SB 158)

- Release of Body Camera Video
 - An open records request must provide the following prior to release:
 1. The date and approximate time of the recording;
 2. The specific location of the recording; and
 3. The name of one or more persons known to be a subject of the recording.
 - An agency cannot release a recording made in a (1) “private space” or (2) of an investigation of a fine only offense that did not result in arrest *unless* they get written permission from the person who is the subject of the recording.



RESOURCES

Texas Municipal League

- General Information and links to information

Texas Police Chiefs Association

- Model Policies

Department of Justice

- Guide to Implementing a Program



Questions?

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