



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 410 – Body Worn Cameras

Office with Primary Responsibility:	COP, COB, CSB	Effective Date: Prior Revision Date:	December 5, 2019 January 31, 2017
Office(s) with Secondary Responsibilities:	PSC, PNC, TEC, FCD, IDC, SSB	Number of Pages:	10
Forms Referenced in Procedure:	SAPD FM #162	Related Procedures:	303, 310, 408, 409, 507, 705, 905

### .01 INTRODUCTION

The purpose of this procedure is to establish guidelines for the operation of Body Worn Cameras (BWC) assigned to San Antonio Police Officers for capturing audio/video evidence of police interactions including, but not limited to, traffic violations, field interviews, field sobriety testing, and/or other official police activity.

### .02 TERMINOLOGY

Body Worn Camera (BWC) means a bodily worn digital recording system and its components used to record audio/video during police interactions.

Digital Media Evidence (DME) means analog or digital media, including, but not limited to, electronic recordings of video, photograph, audio, film, magnetic and optical media, and/or the information contained therein digitally committed to file and of probative value that is stored or transmitted in binary form.

#### Body Worn Camera Status

- 1) Off – the camera is not on. In this mode, the camera does not have power and will not record video or buffering video but does record button presses.
- 2) Buffering Mode (ON) – the camera is powered on but not recording. In this mode, the camera stores a 30 second history in flash memory prior to the start of the BWC DME recording. When the recording is started the buffering recording becomes part of the BWC DME. Officers are required to leave their BWC powered ON for their entire shift, except when on a Personal Relief Break.
- 3) Recording – the camera is powered on and recording a video. An officer starts a recording by pushing the event button twice. A recording is stopped by a “long” press of the event button.

Buffering Video means the video stored in the flash memory of a Body Worn Camera that captures events prior to a recording being started.

### .03 POLICY

- A. It is the policy of the San Antonio Police Department to present for prosecution audio/video evidence of traffic and other law violations as outlined in Section .06 of this procedure. To this end, Officers with properly functioning BWC equipment shall record all events surrounding the contact, stop, detention, interview, and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution.
- B. All DME generated on Department-owned BWC equipment is the property of the San Antonio Police Department. The copying or reproducing of any DME generated by members of the Department for use outside of Department business is prohibited. Requests for copies will be processed by the Departments Video Evidence Custodian.
- C. Distribution of any DME generated by Department members in any format or for any purpose must be in compliance with this procedure and applicable unit SOPs.
- D. All Officers assigned BWC equipment issued by the Department shall be properly trained in its functions and procedures before use. Uniformed officers that regularly engage or have contact with the public shall wear their



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issued BWC during their tour of duty. Officers wearing any other uniform should have their issued BWC readily available for use as outlined in this procedure

- E. The BWC program shall be reviewed and updated continuously by the Body Worn Camera Unit as the program moves forward. Individual Sections/Units shall be responsible to document their individualized utilization of cameras, which are in line with this procedure but not defined in this procedure, in their respective Standard Operating Procedures (SOPS). Examples may include utilizing the BWC for interviews/interrogations, training and other section/unit specific activities.
- F. Failure to record activities as laid out in this policy will not be considered a policy violation as long as reasonable justification is documented. Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision (Texas Occupations Code Sec 1701.657 (d)).

### **.04 ADMINISTRATIVE**

- A. All generated DME will be retained according to Section .12 of this procedure.
- B. DME shall not be altered, modified, misused, or tampered with.
- C. Any disabling of the BWC system in any manner is prohibited.
- D. Any unauthorized decals, emblems, symbols or other advertisement affixed to the device are prohibited. A label containing identifiable markings, affixed to the rear of the BWC device not visible while worn is authorized.
- E. Standardized viewing privileges of DME for administrative and investigatory purposes shall be as follows:
  - 1. All Officers will be able to view their own DME;
  - 2. Detective-Investigators and above will have viewing privileges for all DME.
- F. All generated BWC DME associated with a Call for Service number should be identified and labeled by the DME system, as long as the officer is assigned to a CFS prior to the beginning of the recording.

### **.05 START UP**

- A. Officers shall ensure that the BWC is operational by powering the unit on and confirming the status of the indicator LED's.
- B. Officers shall ensure proper alignment and positioning of the BWC on the front of the Officer's outer most garments (nothing shall be placed in front of the camera in such a manner that it interferes with or obstructs the recording of video at any time during the course of the Officer's duties, this includes any object that prevents the camera from recording both video and audio).
- C. Officers shall keep their Body Worn Camera in buffering mode (ON) throughout their shift. Officers shall not change the operation of their Body Worn Camera that prevents the camera from capturing the buffering video, the video and audio of their calls.

### **.06 RECORDING**

- A. Officers are not required to advise citizens they are being recorded and are prohibited from showing any citizen a video which they recorded; furthermore, Officers should not start/stop the BWC solely upon the request of a citizen.
- B. Officers shall create a Call for Service (CFS) for any self-initiated video at the time of recording. Officers shall stop recording at the end of each CFS number and start a separate recording for each new CFS number assigned or initiated.



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- C. Officers shall use the recording to gather pertinent information for composing reports, training, and investigatory purposes.
- D. Officers shall begin recording the following events and continue recording until the event is concluded; (Any deviations will require a supervisor's approval and must be documented in the Officer's video, report, or CFS comment entry field in accordance with Section .07 of this procedure):
  - 1. Upon observation of suspicious or criminal behavior;
  - 2. Officer-initiated contacts:
    - a. Arrest,
    - b. Field Contacts,
    - c. Traffic/Pedestrian Stops,
    - d. Vehicle/Foot Pursuits;
  - 3.-During all prisoner or witness transports. If an officer arrives at a facility that is recorded, such as Public Safety Head Quarters (PSHQ) or the Magistrate's Office, the Officer may ~~eease~~ stop recording upon entering the facility or transferring custody of the prisoner/witness;
  - 4. In instances where the Officer reasonably believes that the recording may provide evidence in criminal investigations;
  - 5. Service of any search or arrest warrants on the premises of a residence, business or building, if the Officer is assisting in such service of search or arrest warrants; and
  - 6. Citizen-initiated contacts or flagged down requests for public safety services.
- E. Officers should begin recording upon reception of or response to CFS, whether dispatched or not; to include assisting outside agencies (Federal, State, County or Municipal.) However, officers shall begin recording prior to arriving at the scene.
- F. Subsequent arrest, handcuffing and search of violators should take place in view of the camera when practical and in accordance with Departmental policies. All arrests, handcuffing, and searches occurring out of view of the camera must be documented in the Officer's video, report, or CFS comment entry field in accordance with Section .06 of this procedure.
- F. Officers shall not stop or mute a recording during a public encounter or assigned CFS, except for the following reasons.
  - 1. Officers may stop and/or mute:
    - a. While conferring with undercover/covert officers from investigative divisions, or confidential informants or with federal officers/agents. However, officers shall un-mute prior to continuing or taking any law enforcement action;
    - b. Personal relief or break and;
  - 2. Officers may momentarily mute only:
    - a. Conversations that involve police and/or case tactics or strategy and;



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- b. Personal emergency matters of a sensitive nature (i.e. family emergency, medical emergency, catastrophic event).
  3. Officers may mute, with Supervisors approval only, where Officers duties are unlikely to lead to information relevant to a case, (i.e. directing traffic, preserving a crime scene). The BWC audio shall be reactivated immediately if the circumstances change or any police action is to be taken.
- G. All stoppages and/or muting, other than accidental recording, of the BWC must be verbally documented—stating a specific reason—in the officer’s video, and in writing in the officers report or CFS comment entry field in ccordance with Section .07 of this procedure.
- H. When an Officer makes the decision to start an investigation, or at the start of the initial CFS, the officer may verbally articulate facts or observations that may be noteworthy. This articulation may continue throughout the entire recording. **(Note: This does not apply to DWI investigations, Procedure 507, Sec .04.)**
- I. Officers shall not:
1. Mute/Stop BWC DME Recordings where other members of the department are off duty and a subject of the call in which the member was not acting under the color of his or her authority.
  2. Intentionally create DME recordings of themselves or other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
  3. Be assigned to a new call before the end of their current call, due to video recording restrictions. . Officers will not request a dispatcher to “put a call on hold” to briefly make the scene of another call then return to the original call on the same recording.
  4. Use the BWC for the clandestine recording of the voice or image of a member of the Department unless specifically authorized by the Office of the Chief.
  5. Knowingly record undercover officers or confidential informants.
  6. Use Departmentally-owned BWC equipment to record any type of personal activities.
  7. Allow non-sworn personnel to view the DME video without permission from the Officer’s immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the DME video or who work in Internal Affairs or IT Services supporting BWC are exempt from this provision.
  8. Create recordings in patient care areas of any medical or mental health facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for police service, in compliance with Federal HIPAA regulations.
  9. Record any court facility, legal proceeding (i.e. deposition, city council meetings) or, secured governmental facility.
  10. Upload or convert DME for use on any type of social media.
  11. Connect BWC equipment to any unauthorized computers, phones, tablets or similar devices, either wirelessly or by the use of a cable.
- J. Officers shall notify a Supervisor immediately if he/she accidently records, or is aware of any of the listed incidents:



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1. An Officer, SAPD employee, COSA employee, or authorized person in a designated private area (i.e. restroom, locker room), accessible to the Officer, shall notify a supervisor immediately of the recording;
  2. An individual in a designated private area (i.e. restroom, locker room) where the video is non-evidentiary;
  3. A Personal conversation among Officers or other employees, where the video is non-evidentiary;
  4. Supervisors shall make notifications as listed in this procedure section 12.E.
- K. When responding to a call or initiating any activity in which an explosive device, suspected explosive device or Hazardous Materials Environment is present, the officer will, prior to exiting their vehicle, ensure that their in-car system is recording and remove their microphone and/or BWC and leave it in their vehicle. The removing of the microphone and/or BWC and leaving it in the vehicle must be clearly documented in the officer's report or CFS comment entry field.

### **.07 WHEN A BODY WORN CAMERA VIDEO CAN BE STOPPED**

- A. Unless otherwise permitted by this procedure, once the BWC is recording, it shall remain recording until the incident has concluded.
- B. For the purpose of this section, conclusion of the incident has occurred when:
  1. All arrests have been made and arrestees have been transported and released from custody;
  2. All witnesses and victims have been interviewed; and
  3. The continued recording will not serve to obtain additional evidence.
- C. All stoppages and/or muting, other than accidental recording, of the BWC must be verbally documented—stating a specific reason—in the officer's video, and in writing in the officers report or CFS comment entry field in accordance with Section .07 of this procedure.
- D. Failure to record activities as laid out in this policy will not be considered a policy violation as long as reasonable justification is documented. . Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision (Texas Occupations Code Sec 1701.657 (d)).

### **.08 BWC DME UPLOADS**

- A. Officers will upload video in accordance with the specific device's operational instructions.
- B. The officer shall enter any pertinent information associated with each video (e.g. citation #, warning #, etc.), in the CFS/Case notes section of CAD before being placed in service.
- C. Officers shall annotate in their reports the existence or absence of any associated BWC DME.
- D. Prior to the end of their duty day the officer will go to a designated docking station and upload the BWC DME. The DME will then be uploaded to the departments contract cloud based storage.
- E. Special/Exigent Circumstance DME Uploading.
  1. If Officers are involved in collisions and/or are otherwise unable to return to the substation, supervisors shall adhere to the following:
    - a. The notified supervisor or Patrol Supervisor shall coordinate the retrieval and upload of the BWC;



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- b. The Crime Scene Investigator Supervisor will then upload the BWC (if applicable);
- c. Upon completion of the video upload, the BWC must be returned to the Officer's supervisor.

### 2. Critical Incidents

- a. Upon the conclusion of a critical incident, all Officers will return to the appropriate facility in order to have all DME uploaded. The BWC device will not be returned to service until all DME has been removed and completion confirmation of upload has been received by the CSI supervisor or designee.
- F. All video must be uploaded before the Officer's next assigned shift. No Officer is permitted to take a BWC home while it still contains video on it, unless authorized by the on duty Sergeant or in accordance with Section .16 of this procedure.

## **.09 EQUIPMENT**

- A. On an individual basis, Officers will sign for and be issued a BWC as well as the device's associated accessories. It will be the Officer's responsibility to ensure their issued BWC device is fully charged, available and operable prior to their tour of duty.
- B. No member assigned BWC equipment shall alter, modify, reuse, tamper with or disable the device or associated accessories in any manner.
- C. Officers assigned BWC equipment are responsible for ensuring the equipment remains in operating condition. Officers shall notify their immediate supervisor of damaged or malfunctioning BWC equipment and complete SAPD Form BWC2, *Body Worn Camera Equipment Replacement Receipt*.
- D. Officers shall report lost/damaged/malfunctioning BWCs to their immediate supervisor. A written report shall be completed as directed by the Officer's SOP for lost or damaged items.
  - a. Replacement cameras can be obtained through :
    - i. The Body Worn Camera Unit or;
    - ii. The Ready Room at Public Safety Headquarters (a supervisor must check out the key from RMC). When a supervisor replaces an officer's camera, the supervisor shall assign the replacement camera to the officer and complete form BWC2, which is located in the Ready Room at PSHQ.

## **.10 VIDEO COPIES/RECORDS REQUEST**

- A. Requests by non-criminal justice agencies/individuals for DME will be handled under the Open Records Act in accordance with GM Procedure 323, *Release of Police Records*.
- B. A copy (for internal use only) of DME file may be requested through the Video Evidence Custodian or their designee. If such copy is provided, the file shall not be further copied except by the Video Evidence Custodian or their designee.
- C. Requests for DME from other criminal justice agencies are to be submitted in writing on agency letterhead and signed by the agency's Chief Executive Officer to the Video Evidence Custodian or their designee. Request letters may be emailed [PDCobanVideoRequests@sanantonio.gov](mailto:PDCobanVideoRequests@sanantonio.gov).
  - 1. Requests for DME for prosecutorial purposes may be submitted directly to the Video Evidence Custodian or their designee.
  - 2. Requests for DME from defense attorneys in county, district, or federal courts must be made through the appropriate prosecutor.



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- D. All copies of DME will be produced by the Video Evidence Custodian or their designee. A copy is defined as a reproduction of the primary recording of the event.
- E. The cost for producing the DME will be determined by the Records Unit.
- F. All other requests for DME should be referred to the Office of the Chief of Police.
- G. An automated internal electronic data access log (chain-of-custody) will be generated and kept for every DME file produced via BWC to document the authenticity of the DME. Members shall be prepared to justify the reason for accessing/viewing DME.
- H. The release of all digital evidence created/generated through the use of BWC will only be conducted under the statutes and limitations outlined in the *Texas Occupation Code, Title 10. Occupations Related to Law Enforcement and Security, Chapter 1701. Law Enforcement Officers*

### **.11 COMPLAINTS RECEIVED/VIDEO REVIEW**

- A. When a complaint is received alleging misconduct involving an Officer who is assigned a BWC, the following procedures shall be followed:
  - 1. The Officer's immediate supervisor or Internal Affairs Unit shall determine if any police originated DME exists.
  - 2. The supervisor or Internal Affairs Unit shall view the video(s) of the incident in question and determine if there is any cause for the allegations in the complaint.
  - 3. If no cause is determined, the supervisor or Internal Affairs Unit shall contact the complainant and advise them police originated DME exists for the incident and that no misconduct was observed.
  - 4. The supervisor or Internal Affairs Unit shall advise the complaining party that they may make an open records request for copy/copies of the police originated DME.
  - 5. The supervisor or Internal Affairs Unit shall proceed with their established protocols if misconduct is determined.
- B. An Officer who is the respondent to a citizen or administrative complaint shall have the ability to review any police originated DME and/or any police originated DME audit trail of the incident in question.
- C. The Internal Affairs Investigator may, for the purposes of an investigation or complaint, export or copy any and all police originated DME as needed.

### **.12 VIDEO CATEGORIZATION AND RETENTION**

- A. After stopping the recording, Officers shall apply the proper call disposition code to the call.
- B. Video retention will be computer generated based on the call disposition code the officer entered. All generated BWC DME associated with a Call for Service number should be identified and labeled by the DME system, as long as the officer is assigned to a CFS prior to the beginning of the recording.



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<b>VIDEO CATEGORIZATION AND RETENTION PERIODS</b>	
<b>Category</b>	<b>Retention Schedule</b>
Admin Retention	5 years
Admin/Default, Crash, N-Code	180 days
Felony (Capital & First)	50 years
Felony (Second, Third & State), Recovered Stolen Veh, DWI	10 years
Misdemeanor Offense Report	2 years
Open Records Request	4 years
Police Act 30 Mon Retent	900 days
Reportable Incident, Traffic	2 years
Training	15 days
Uncategorized, Restricted, Pending Review	Until Manually Deleted

- C. Any/all videos initially categorized or upgraded to a Capital Felony or First Degree Felony must be retained for a minimum of 50 years (18,250 days) in accordance with the Texas State Library and Archive Commission (Record # PS-4125-05b). Capital Felony/First Degree Felony, or any other video having evidentiary value, which needs to be retained past the standard retention period, must be identified by a Detective Investigator or a supervisor and have a hold request with an expiration date forwarded to the Records and Administration Office through the chain of command.
  
- D. Any video that becomes part of an internal investigation will:
  - 1. Have all viewing privileges blocked out with the exception of personnel assigned to the Professional Standards/Internal Affairs Unit, the Shooting Team, or as assigned by the Chief of Police. This will be done in “active case management” and can be done remotely by those with administrative rights.
  - 2. Be placed on hold for indefinite retention until it is no longer needed.
  
- E. Non-evidentiary, accidental recordings tagged under category Admin Default, which contain personal and/or sensitive material and which fall under Section .06J, may be deleted when:
  - 1. An immediate supervisor is notified in writing; the supervisor notifies a systems administrator, who will restrict the video;
  - 2. Reviewed by a supervisor from the office of the Chief of Police;

### **.13 SUPERVISOR RESPONSIBILITIES**

- A. Supervisors shall ensure Officers are using the recording equipment according to established guidelines, policies, and procedures.
  - 1. Supervisors, on a quarterly basis, will review at least one recording for all Officers under their command to ensure proper usage of recording equipment and adherence to established policy and procedures and where the officer had interaction with a citizen in their official capacity as a peace officer (Operational Conduct).
 

**OPERATIONAL CONDUCT** – Activity and/or action undertaken by a sworn member of the Department (Texas licensed Peace Officer) while acting in their official capacity and exercising their police powers. This includes actions taken while on duty or off duty employment.
  - 2. Supervisors will review any category of recordings except Admin/Default, in accordance with Section .11 of this procedure.



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3. Supervisors will take corrective action for any procedural violation they observe and document the findings on the proper form.
4. Supervisors will identify and document the video they reviewed on the appropriate departmental form. All reviews shall be done no later than the 15<sup>th</sup> day after the quarter has ended. Supervisors shall provide an explanation in the “notes” section for any officer who did not have any videos reviewed during the quarter. Reviewing timelines are as follows:

	Starts	Ends	Review Deadline
<b>Quarter 1</b>	January 1 <sup>st</sup>	March 31 <sup>st</sup>	April 15 <sup>th</sup>
<b>Quarter 2</b>	April 1 <sup>st</sup>	June 30 <sup>th</sup>	July 15 <sup>th</sup>
<b>Quarter 3</b>	July 1 <sup>st</sup>	September 30 <sup>th</sup>	October 15 <sup>th</sup>
<b>Quarter 4</b>	October 1 <sup>st</sup>	December 31 <sup>st</sup>	January 15 <sup>th</sup>

- B. Supervisors shall record all incidents (i.e. use of force, Officer-involved accidents, and complaints against Officers) when requested or required to respond, in addition to those listed under Section .06D of this procedure.
- C. Supervisors shall view the recordings of all use of force incidents, police vehicle crashes, and police pursuits prior to completing their evaluations.
- D. Supervisors may view the recordings of their subordinates in the field at any time during the shift.
- E. Minor infractions (non-criminal) discovered during the routine reviews of recorded material should be addressed by the reviewing supervisor, including retraining when appropriate. Disciplinary actions will be addressed in accordance with GM Proc. 303, *Disciplinary Procedures*.
- F. Any supervisor made aware of a damaged or malfunctioning body worn camera shall arrange for replacement of the body worn camera. Supervisors shall replace the damaged/malfunctioning BWC in accordance with Section .09E of this procedure.

### **.14 REVIEWING DME**

- A. The viewing of videos is restricted for official use only. Videos may be viewed for the following purposes:
  1. Criminal investigations;
  2. Internal Affairs or complaint reviews in accordance with Section .11 of this procedure;
  3. Pursuits;
  4. Use of force reviews;
  5. Open Record Requests (ORRs) in accordance with Section .10 of this procedure;
  6. Officer involved crashes; or
  7. Other – any purpose not listed in this procedure shall have prior documented approval by a supervisor.
- B. Personnel requiring access to locked videos will send a request for access/viewing of the specific DME through their chain-of-command.
- C. Personnel reviewing DME shall manually document name, badge number, and the purpose of their viewing in the “notes” field in the BWC application.



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- D. An Officer is entitled to access any police originated DME recording of an incident involving the Officer before the Officer is required to make a statement about the incident.
- E. The making of unauthorized copies is prohibited.

### **.15 USE OF BWC OFF-DUTY**

- A. Officers working Off-Duty Employment or Outside Employment, with an approved off-duty employment permit as an extension of police services, shall utilize their BWCs in accordance with this procedure. However, Officers shall not utilize their BWC equipment while working NSA assignments.
- B. Off-duty Officers involved in an incident, where the BWC is used to collect DME, shall notify dispatch for a CFS or Case number to be assigned, so that proper tagging of the DME can occur.
- C. Officers requiring the use of BWC for off duty employment are allowed to utilize the BWC with video not yet uploaded.
- D. Officers shall dock and upload their BWC on their next regularly scheduled tour of duty or within 72 hours of their last regular duty assignment (in an effort to prevent loss or tampering of evidence). An Officer may request to go beyond the 72 hour period with the approval of a Sergeant or above, as per Section .13C of this procedure.
- E. Officers working **Extended Off-Duty hours** (i.e. Courtesy Officer or Rodeo, etc.) shall not work more than fourteen (14) consecutive days without docking their BWC for a “rest period” of twenty-four (24) hours to allow it to upload all video content, charge the battery and transmit / receive firmware updates and system maintenance.
- E. If, while off-duty, the officer’s BWC is lost / damaged, the officer shall refer to Section .09E of this procedure to obtain a replacement.

### **.16 TRAINING VIDEOS**

- A. Officers/Supervisors aware of recorded files containing material that may be deemed beneficial as training material shall direct notification up the chain-of-command.
- B. The Training Academy Commander may, with the approval of the Chief of Police, use such recording for training purposes, taking into consideration pending judicial and/or administrative investigations.