GENERAL ORDER REVISION AUTHORIZATION

506.03 OFFICER-WORN DIGITAL RECORDING DEVICES

A. The guidelines in this order apply only to digital recording devices that attach directly to the officer’s uniform or person. These guidelines do not apply to the use of the in-car fixed audio/video recording systems mounted in Fort Worth Police Department vehicles.

B. All digital multimedia evidence (DME) captured during the scope of an officer’s duties is property of the Fort Worth Police Department and subject to City, State, and police department policies regarding the viewing, release, retention and destruction of the same. Officers shall not convert DME for personal use, and any access, copying, editing or release of recordings (or depictions from recordings) without proper authority and/or approval.

C. Officers are prohibited from utilizing personally-owned digital recording devices while on-duty or while engaged in approved off-duty law enforcement and security-related (LE/SR) employment; however, officers are encouraged to utilize a city-owned digital recording device pursuant to this General Order and applicable statutory laws cited herein.

D. The patrol supervisor shall issue/assign all uniformed officers under their command a digital recording device for each shift. Officers are required to use the device as outlined in this order as well as following the corresponding standard operating procedures.

1. The officer-worn digital recording device benefits the officer by providing a supplemental asset when police and/or civilian actions during an incident necessitate review. With this benefit in mind, use of an officer-worn digital recording device and its recording shall not be used to initiate arbitrary and/or punitive mechanisms in order to instigate discipline against any police department personnel.

E. Officers deploying an officer-worn digital recording device shall attend department-approved training on the device, review the standard operating procedures governing its use and demonstrate a working knowledge of the device prior to employing it in field operations.

F. Supervisors of officers deploying an officer-worn digital recording device shall attend department-approved training regarding the device as well as the procedures for storing and retention of the DME.

G. Officers shall inspect the digital recording device prior to each shift to confirm the device is operational and has sufficient battery life. Any problems with the digital recording device shall be reported to the officer’s supervisor immediately and the supervising officer shall contact the Body Camera Program Coordinator to secure a repair or replacement.

H. In the event that a digital recording device is lost, upon discovery the officer shall immediately notify their supervisor. The supervisor shall ensure the officer completes an Equipment Replacement Request and submit/route the approved request through the chain of command to the Body Camera Program Coordinator for appropriate action.

I. Officers may be subject to disciplinary action for reporting to duty without their assigned digital recording device and/or for the intentional, negligent loss of, or damage to, a device.

J. Officers assigned a digital recording device are encouraged to use the device at approved LE/SR employment but only for off-duty law enforcement action. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.
K. At the start of each shift, officers utilizing an officer-worn digital recording device shall indicate this by selecting “On-Officer Camera” from the selection box on the Visinet Mobile login screen.

L. The officer-worn digital recording device should be activated under the following circumstances:

1. **Collection** of evidence that can be used in the prosecution of criminal offenses;
2. **Recording** contacts with the public in connection with investigations where law enforcement action will potentially be taken;
3. **Pursuits** by vehicle and on foot;
4. **Execution** of consent searches;
5. **Investigating** calls involving mentally-distressed persons; and
6. **Documentation** of accident or crime scenes, etc.

M. Officers who conduct or supervise planned tactical entry operations shall ensure that at least one (1) digital recording device is worn and activated during its execution. This also applies to Fort Worth officers who are members of other task forces. This mandate applies in both dynamic and deliberate operations.

1. **Dynamic** entry: rapid entry and movement through a target location with the intent of quickly overwhelming any potential threats and/or preventing the destruction of contraband.
2. **Deliberate** entry (Slow Clear): the entry into and methodical movement through a target location with the intent of identifying and securing potential threats.

N. Officers may deactivate the digital recording device when the purpose for activation is no longer present. Officers shall verbally state why they are choosing to deactivate the digital recording device prior to doing so. Temporary deactivation may also occur when:

1. Exchanging NCIC/TCIC, DPS or other law enforcement sensitive data either in person or via the police radio or MDC;
2. Facilitating discussion of training issues or operation strategies;
3. Sharing information such as telephone numbers or personal information with another officer;
4. Conducting conversations containing privileged information (i.e. communication with Clergy and Police Alliance/Ministers Against Crime, Police Peer Counselors, Attorneys, Physicians, etc.); and
5. Authorized by a supervisor or commander who determines that continued recording of an incident is not required to meet the objective of the Officer-Worn Digital Recording Device SOP that corresponds with this General Order. The authorizing supervisor or commander should be identified in the appropriate report narrative.

6. In accordance with Texas Occupations Code 1701, when an officer makes the decision to discontinue recording or chooses not to record the incident at all, the officer must note in the CAD call notes the reason the officer chose not to capture the recording. Justifications based on safety issues, unreasonableness, or impracticality must be based on whether a reasonable officer in the same situation would have made the same decision.

O. Officers shall not:

1. Release video captured from an officer-worn digital recording device without express permission from the Fort Worth Police Department. An exception shall be for legitimate court-related evidentiary purposes. Any release without departmental
permission (see General Order 429.01 for chain of command accountability) is a violation of state law and may be punishable as a Class A Misdemeanor. (see Texas Occupations Code 1701.659).

2. Delete, cause to be deleted, or release, any recording from an officer-worn digital recording device that documents 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 until all criminal matters have been finally adjudicated and all related administrative investigations have concluded. (see Texas Occupations Code 1701.660).

3. Intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.

4. Knowingly record undercover officers or confidential informants.

5. Use a police department-owned officer-worn digital recording device to record any type of non-law enforcement-related personal activities.

6. Allow non-sworn personnel to view the DME 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 or who work in Internal Affairs are exempt from this provision.

7. Upload or convert digital recordings for use on any type of social media.

8. Create recordings in patient care areas of medical 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.

9. Intentionally record juveniles unless evidentiary in nature or as authorized by the Family Code.

10. Wear an officer-worn digital recording device into a testing area, courtroom, arbitration hearing, or disciplinary meeting with the officer’s chain of command.

   a. Officers do not have to remove their digital recording device when in departmental and/or public meetings or when in classrooms unless testing will be included; however, the device shall be deactivated unless the instructor or facilitator has authorized the device to be activated during the meeting or class.

P. When creating intentional recordings involving juveniles, the investigator shall download the video to the appropriate media partition (i.e., juveniles in the juvenile folder, adults in the general folder) as soon as possible, and request destruction of the DME as provided for in this General Order and/or corresponding standard operating procedures.

Q. When an incident has been recorded and an offense/incident report is generated, the officer shall note in the first sentence of the report narrative that the incident or a portion of the incident was captured by an officer-worn digital recording device. If the officer recording the DME is not the reporting officer, the officer recording the DME shall immediately notify the report writing officer of the existence of a DME, and if necessary supplement the report to note this.

1. If the citizen contact resulted in the issuance of a Class C misdemeanor citation, the officer shall note on the back of the citation that DME was captured and placed on Evidence.com.

R. The officer shall label the recording with any applicable report number. In addition, the officer shall choose a category for the recording when appropriate. The two categories are Criminal (criminal offense related) or Administrative (use of force, pursuits, officer involved
traffic accidents, etc.) if unrelated to a criminal event. These tasks can be accomplished via a mobile device or by accessing Evidence.com directly.

Note: In the event of a non-happening, the officer will simply not categorize a recording.

S. Officers may use media captured via the officer-worn digital recording device to assist with the investigation and to promote accuracy in the completion of reports.

T. The decision when to allow officers involved in a Critical Police Incident (CPI) to review media captured from an officer-worn digital recording device will rest with the appropriate investigator. However, officers should be permitted to review the media with their attorney.

U. Officers may review media captured from an officer-worn digital recording device before making any statements.

V. By the end of each duty day, if the officer’s digital recording device is storing DME, the device shall be placed in an appropriate docking station and should not be removed until the download of data is complete. If the DME is recorded during off-duty LE/SR employment, the officer shall place the device in the docking station by the end of the officer’s next scheduled on-duty shift.

W. All DME captured by officer-worn digital recording devices shall be uploaded to Evidence.com for storage.

1. DME on Evidence.com that was categorized as Criminal or Administrative will be kept for a minimum of two (2) years. Uncategorized DME will be destroyed after 180 days. In addition, a category entitled Until Manually Deleted will be utilized in those instances dictated by the City Attorney’s office or the Risk Management office.

2. Should DME be required for criminal cases or other litigation that requires the evidence to be retained for longer than two (2) years, it shall be the responsibility of the investigator to transfer the DME to the appropriate media for storage with the case evidence.

3. If a use of force, vehicle pursuit or any other administrative inquiry-based personnel action related to a misconduct case is captured on an officer-worn digital recording device, the DME(s) from the incident shall be uploaded to the administrative report by a supervisor to facilitate seamless administrative review.

4. Officers are encouraged and supported by the Chain of Command to flag the DME when the officer feels that he/she may face an unsubstantiated compliant or accusation as a result of a DME captured encounter.

a. If an accusation filed against an officer is unfounded, meaning an investigation determined the accusation is determined to be false or fabricated, the Special Investigations Section shall conduct the investigation. Furthermore, on a case by case basis, and depending on factors such as, but not limited to, the severity of the alleged violation and/or input from the officer, charges may be filed against any individual who made the false or fabricated accusation.

5. Monthly random audits of DME shall be completed by reviewing supervisors outside of the chain of command of the officer(s) wearing the digital recording device (i.e., North Command supervisors will audit South Command officers, and vice-versa, etc.).

a. The Divisional Commanding Officer (Captain) shall ensure that supervisors conducting random/monthly audits of DME submit their findings by the 4th day of every month in a comprehensive monthly report to the Body Camera Program Coordinator and applicable Deputy Chief.
b. Additionally, supervisors are required to articulate the reason for their review of DME (i.e., monthly audit, misconduct, random audit, etc.). In the event a monthly or random audit reveals minor infractions or inappropriate activities, the Divisional Captain shall address the infraction in the appropriate corrective manner immediately, and retain documentation of the results (i.e., retraining, verbal warning, etc.).

X. It is permissible to retain recordings for display during training exercises upon final adjudication of all associated criminal cases.

Y. All stored DME is subject to release in accordance with the Texas Public Information Act, and/or Texas Occupations Code 1701.

This General Order revision shall be effective immediately.

Date of Approval

Joel F. Fitzgerald
Chief of Police

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