





1100 MOBILE VIDEO

It is the policy of the El Paso Police Department to utilize digital mobile video/audio recording equipment in police vehicles, both cars and motorcycles, to create a video and audio recording of events as they occur. Recordings assist in gathering evidence, enhancing officer safety, and protecting officers against false allegations of misconduct.

- A. Mobile Video recordings improve the Department’s capability to document events, actions, conditions, and statements made during arrests and critical incidents. Mobile Video recordings further reinforce actions documented on officers’ reports and the collection of evidence used for testimony in court.
- B. Mobile Video recordings enhance the Department’s ability to review arrest procedures, officer interaction with the public and suspects, and submitted as evidence for investigative purposes. Mobile Video recordings can be used for officers’ evaluations and for training, when applicable.

**1100.1 DEFINITIONS**

- A. DMVR. Digital Mobile Video Recording.
- B. DMVR Car. A police vehicle that has the capability to transfer video files to the DMVR Server via a Wi-Fi hotspot.
- C. DMVR Server. Is a computer server with capabilities for the transfer, storage, and viewing of DMVR videos.
- D. DMVR System Administrator. The point of contact who controls permission rights to the DMVR Server, manages personnel access to the DMVR Server, coordinates training, trouble shoots issues with Fleet Management and IT Support, and manages the retention of records on the DMVR Server.
- E. Ingestion Agent. A computer application that transfers video files from DMVRs, and from a patrol vehicle’s hard drive to the DMVR Server via a computer work station at the regional commands or Police Headquarters.
- F. Manual Ingestion. The transfer of video files from the marked units hard drive to the DMVR Server using the Ingestion Agent, which can be done with either the use of hardware or software.
  - 1. In the event of a DMVR wireless outage, a wireless technical problem, or an excessive amount of recordings on the vehicle’s hard-drive, the hard-drive can be removed and the recordings manually ingested using the docking station at the regional commands or Police Headquarters.
  - 2. The DMVR system is equipped with a jump-drive that will allow ingestion into that system.
- G. PC Format. A digital file of a DMVR that is capable of playing on a computer media player.
- H. Wireless Upload. The transfer of video from the patrol car to the DMVR Server via a Wi-Fi Hotspot.

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## 1100.2 START UP

- A. At the start of the shift, officers will ensure proper camera alignment and conduct a function check of the DMVR system.
- B. Officers will ensure that the DMVR is operational by powering the marked unit's overhead lights, ensuring red LED light activation on camera system, and conducting a test of the system wireless microphone.
- C. Officers will ensure the video recorder is positioned and adjusted properly to record events.
- D. Officers will ensure the DMVR properly deactivates at the conclusion of the system test.
- E. The wireless microphone activates in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
- F. Officers will log in to the DMVR systems with their name and ID numbers.
- G. Officers will ensure that the correct date and time appear on the screen.
- H. During the pre-shift inspection, and at any other time during their tour of duty, officers will determine whether all components of the recording equipment are working satisfactorily and will bring any problems to the attention of their immediate supervisor. The supervisors will determine if the police vehicle is operable. Supervisors must be notified of any malfunctioning wireless microphones, DMVR memory cards, and hard drives or system components in order to obtain a replacement or repair. Any noted malfunctions of video equipment must be documented on the officer's daily activity report (DAR) and on a vehicle gripe form in order to complete repairs. Supervisors will also notify the DVRS unit by email at [PDDVRS@elpasotexas.gov](mailto:PDDVRS@elpasotexas.gov). The DVRS unit will make all notifications and coordinate with IT and the vendor.

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## 1100.3 RECORDING

- A. Officers will use the recording to gather pertinent information for composing reports, training, and investigatory purposes.
- B. Officers will manually activate their DMVR in situations where the overhead or emergency lights were not activated and the DMVR and microphone did not activate automatically.
- C. Officers will utilize their DMVR microphone anytime the DMVR is activated, unless equipped with a Body Worn Camera.
- D. Officers will begin recording for the following events and continue recording until the event has concluded. Any deviation(s) will require a supervisor's approval and must be documented in the officer's video and current records management system report. In instances where no current records management system report is generated, a supervisor's log will be generated documenting the DMVR deviation. The following constitute reasons for activating the marked units DMVR:
  - 1. All dispatched calls for service.
  - 2. All officer initiated calls for service and contacts, including but not limited to: traffic/pedestrian stops, arrests, vehicle/foot pursuits, and code III response and traffic control.
  - 3. When assisting another unit on a call for service.
  - 4. Any citizen-initiated contact(s) or a flag-down request for any public safety concerns or services.
  - 5. Service of 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.

6. Any time a person is placed in the backseat of the patrol car.
- E. Officers will not:
    1. Use Department-owned equipment to record any type of personal activities
    2. Upload or convert digital evidence for use on any type of social media or public media websites
    3. Officers will not erase, alter recordings, record over any incident, intentionally cause the unit to malfunction, make a duplicate copy of a recording, or in any way interfere with the recording system.
  - F. Officers are encouraged to inform their supervisor of any audio/video recording sequences that may be of value for training purposes.
  - G. Officers will only use recording media issued and approved by the Department.
  - H. At no time will officers remove memory cards or hard drives from recording systems. Officers will not be permitted into the storage areas for any reason, unless accompanied by a supervisor.
  - I. For equipment containing a hard drive, officers will notify a supervisor/station manager and request a fresh hard drive when the system shows more than three quarters full. Supervisors/station managers will replace the hard drive.
  - J. Officers assigned a DMVR car will park it as close as practical to the Wi-Fi Hot Spot at their regional command or headquarters at the end of their shift.
  - K. When a police vehicle equipped with recording equipment is used as backup for another police vehicle, the backup unit will be positioned in a manner that will allow the recording system to record the incident whenever possible. All assisting units will use the same classification of their recording as that of the primary/handling unit.
  - L. 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, before exiting their vehicle, ensure that their in-car system is recording, remove their microphone and/or DMVR, and leave it in their vehicle. The removing of the microphone and/or DMVR and leaving it in the vehicle must be clearly documented in the current records management system report/supervisors log, also the dispatcher must be notified.
  - M. Officers are required to wear on their person the wireless microphone for the DMVR during their entire tour of duty unless in charging station/dock in unit. In the event there was an activation of the DMVR under extenuating circumstances, and the wireless microphone was not on the officer's person, the officer must retrieve the microphone as soon as practical and must advise a supervisor of the circumstances. Officers issued a BWC are not required to utilize the wireless microphone.
  - N. An officer who does not activate a DMVR and or a microphone as required by this policy must notify a supervisor the reason for not activating the DMVR. Failure to activate the DMVR as per this policy must be documented in either the officer's incident report, the Daily Activity Report, and in a supervisor's log.

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#### 1100.4 ENDING RECORDINGS

- A. Unless otherwise permitted by this policy, once the DMVR is activated, it shall remain on 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 searched and transported to a regional command, or secured facility. At no time shall the DMVR be deactivated by an officer until the arrestee has arrived and escorted into the appropriate command or secured facility.
  2. All witnesses and victims have been interviewed on scene.

3. The continued recording will not serve to obtain additional evidence.
  4. The DMVR will be deactivated by the officer after the enforcement action is completed and the offender vehicle has pulled away.
- C. Officers and supervisors shall ensure that the existence of an evidentiary recording captured on a DMVR is documented within the evidence portion of the incident report for that case. Officers and supervisors are also required to make notation of DMVR video availability at the top of the narrative in the case report. In administrative cases, documentation of the existence of DMVR video will be made in the Blue Team incident.
- D. Officers will document on their Daily Activity Report (DAR) if an exception had been met to stop a recording before the event concluding and what the exception was. A supervisor must be notified and must document the incident.

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### 1100.5 END OF SHIFT

Before the end of their duty day, the officer will go to a designated upload location and ensure proper ingestion. With proper docking procedure, recordings will then be uploaded to the Department's evidence servers via Wi-Fi upload.

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### 1100.6 CATEGORIZATION

After stopping the recording, officers shall categorize each WatchGuard video by selecting the appropriate event type from the menu and shall include the existence of video evidence in the police report for follow-up investigations. The officer shall input the case number, written warning number, or citation number in the case number field. Department approved categories are as follows:

Category	Definition
Traffic Stop-Written Warning	Any officer to citizen involved contact which results in a written warning being issued
Class C	Any officer to citizen involved contact which results in a traffic citation or class C citation being issued as defined by the Texas Penal Code, Texas Traffic Code, and El Paso Municipal Code
Traffic Control	Any officer involved guidance of vehicular or pedestrian traffic, other than a crash, either by the officer or by marked unit lights and sirens
DWI	A DWI arrest or recording which may result in an offense as defined by Chapter 49 of the Texas Penal Code
DWI-Home Visit	A court-mandated interaction between DWI Task Force personnel and subjects placed on supervision
Emergency Detention Order (EDO)	An emergency detention as defined by Chapter 573 of the Texas Health and Safety Code conducted by an officer

CIT-Mental Health Encounter	An interaction between CIT personnel and citizens where a report is generated for follow-up
Felony Offense 2 <sup>nd</sup> -3 <sup>rd</sup>	A second or third degree felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Felony Offense Capital-1 <sup>st</sup>	A first degree or capital felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Voluntary Transport-CIT	A civil transport conducted by CIT personnel
Voluntary Transport-Patrol	A civil transport conducted by patrol personnel
Test Recording	A test of the DMVR system conducted that has no direct police action
Crash	A vehicle collision and/or pedestrian collision
Class A/State Jail	A class A misdemeanor or state jail felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Class B	A class B misdemeanor arrest or recording which may result in an offense as defined by the Texas Penal Code

## 1100.7 SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure officers are using the recording equipment according to established guidelines, policies, and procedures.
  1. The DVRS unit will provide supervisors with a report on uncategorized events every month. Audits will be provided directly to the regional commander to be disseminated through their chain of command.
  2. Supervisors will take corrective action for all uncategorized recordings.
- B. Supervisors shall view the recordings of all use of force incidents, police vehicle crashes, incidents that may later serve as potential training videos, and citizen complaints.
- C. Minor infractions (non-criminal) discovered during the routine reviews of recorded material should be addressed by the reviewing supervisor.
- D. Supervisors shall be responsible for ensuring a DMVR is properly docked if officers are incapable of docking themselves.
- E. Supervisors/investigators reviewing digital evidence through the WatchGuard evidence library are required to manually document their name, badge number, and purpose of their viewing, burning, downloading or any interaction with the digital evidence under the "Event Notes" section.
- F. Supervisors/investigators requesting access to restricted (locked) videos will send a request via e-mail for accessing/viewing of the specific evidence to unit or section that originally locked or restricted the video.
- G. Supervisors/investigators not directly involved in a Digital Evidence recording (administration or investigation) are not authorized to access the video evidence.

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## 1100.8 TRAINING

All officers will receive interdepartmental training on the use of the DMVR equipment. Training can be completed in the shift meetings or on any Department approved computer system.

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## 1100.9 RECORDING CONTROL MANAGEMENT

- A. All recordings containing information that may be of value for administrative investigations or prosecution are safeguarded. Any agency requesting video will need to complete a law request, all law request shall go through records. The original recording will remain stored for the required time period, as set out in this policy.
- B. If a complaint is filed with the Department with respect to an incident appearing on a recording, including alleged racial profiling, the Department shall retain a copy of the videotape or DVD copy of the digital recording until final disposition of the complaint, including any claim or lawsuit filed against the City is rendered.

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## 1100.10 RETENTION AND RELEASE

All recordings shall be stored in accordance to applicable records retention requirements. This includes, but is not limited to, recordings that are evidentiary, non-evidentiary, or accidental. Deletions of the video must be submitted for approval via the record destruction form. Requests for recordings captured during the scope of an officer's duties may be subject to release under applicable laws:

- A. External requests (citizens, the media, law requests etc.) for copies or viewing of video will be referred to the Records Division. These requests will be handled under the Texas Public Information Act.
- B. Requests for copies from the District Attorney's Office or investigative sections shall be granted. These requests will be processed by Planning and Research via Cloud-Share.
- C. The categorization label will determine the minimum length of retention. Videos will be categorized based on the following criteria as established by the Texas State Library and Archive Commission:

Category	Retention Schedule
CIT Mental Health	180 days
DWI-Supervision	180 days
Emergency Detention Order (EDO)	180 days
Test Recording	180 days
Traffic Control	180 days
Class C	6 months
Crash	180 days
Traffic Stop-Written Warning	180 days

Voluntary Transport-CIT	180 days
Voluntary Transport-Patrol	180 days
Class B	2 years
Class A/State Jail	2 years
DWI	2 years
Felony 2nd-3rd	10 years
Felony 1st/Capital	50 years


- A. Any video having an 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 DVRS unit.
- B. Video that becomes part of an internal investigation will be restricted at the request of the Internal Affairs Unit, Crime Against Persons, Special Investigations Unit, or by the Chief of Police, and will be placed on hold for indefinite retention until the investigation has concluded.
- C. In cases where recordings relating to litigation (either civil or criminal) for which the Department receives a no destruction demand, the recordings will be held indefinitely.

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#### 1100.11 DISPOSITION OF EVIDENTIARY RECORDINGS

All recorded arrests will be considered evidence, including defective recordings. Any other recording that may be of value in an investigation will be submitted/shared as evidence per proper procedures.



 <b>El Paso Police Department Procedures Manual</b>	<b>Chapter 11: Digital Video Recording Systems</b>
<b>1101 Fleet and Body Worn Camera Systems</b>	<b>Policy Effective: 04/10/2024 Previous Version: 02/07/2024</b>

## 1101 AXON FLEET AND BODY WORN CAMERA SYSTEMS

The purpose of this policy is to establish guidelines for the use and management of the fleet and body worn camera (BWC) systems. It is the policy of the El Paso Police Department to utilize BWC systems and in-car video systems to record officer-citizen contacts, police activities, critical incidents, arrests, and interactions to create video/audio evidence of events as they occur. These recordings assist in the documenting of evidence, enhancing officer safety, and allowing for objective review and analysis of officer-citizen interactions. Only Department supplied BWCs and in-car systems are authorized. Officers shall not use personally owned or other recording devices to record and/or copy video/audio footage.

### 1101.1 DEFINITIONS

- A. Body Worn Camera (BWC). A camera system capable of recording audio and video and designed to be worn on the most outer most clothing of an officer.
- B. Metadata. Descriptors used to identify digital evidence. Examples of Metadata include officer name, vehicle ID, vehicle speed, date and time, and GPS location.
- C. Digital Evidence (DE). Includes, but is not limited to, photographs and audio/visual records that are stored digitally.
- D. DMVR. Digital mobile video recording system.
- E. Digital Video Recording Systems Unit (DVRS unit). Responsible for the administration of the BWC and Fleet video recording systems program and other technology devices. This includes administration of the evidence library, issuance of devices, maintaining inventory, troubleshooting of devices, and licenses.

### 1101.2 EQUIPMENT

- A. On an individual basis, officers will sign for and be issued a BWC along with the device's associated accessories.
- B. No member shall alter, modify, reuse, tamper with, or disable the device or associated accessories in any manner.
- C. Department BWC equipment shall not be connected to unauthorized computers.
- D. Officers assigned BWC equipment or a vehicle with an in-car camera system are responsible for ensuring the equipment remains in operating condition. Officers shall notify their immediate supervisor of damaged or malfunctioning camera equipment. The supervisor receiving a report of a malfunctioning Axon component shall notify the DVRS unit with request for repair and/or replacement of the equipment. This includes download/upload issues. The DVRS unit may be reached via phone for assistance at 212-4071 during regular business hours. In an emergency the DVRS unit may be contacted through PD communications supervisors. However, all

requests for repair must be made via email to PDDVRS@elpasotexas.gov. All contact and requests with the vendor or IT will be made only by the DVRS unit.

- E. DVRS unit will keep track of all replacements for broken AXON BWC cameras or any style of mounts. This process includes a signature from their immediate supervisor, Station manager, and the DVRS unit, recording the broken/malfunctioning equipment. DVRS unit equipment exchange form (EPPD form #23-05001) will need to be filled out and signed when making this exchange. Officers must not leave any equipment without a signature on any desks or mailboxes.
- F. Officers will use only Department-approved BWC equipment and docking stations.
- G. Officers may install the Axon View application on their cellphone and pair their assigned BWC with the application. Once installed, officers may use the application to adjust individual camera settings such as display brightness and sound. Officers are able to view and categorize videos on their BWC with the application, and officers are also able to view a live feed from their BWC. Videos are viewed but not stored on mobile device. Use and installation of this application is **voluntary**. Officers that choose to install the application shall use the application for official use only.
- H. Officers will not disable the vibration setting on the BWC, this is for SWAT use only.

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### 1101.3 USE OF VIDEO EQUIPMENT

It is the policy of the El Paso Police Department to present audio/video evidence of traffic and other law violations outlined in the Texas Penal Code, El Paso Municipal Code, civil process, and all law enforcement related incidents involving the Department.

To this end, officers who are issued camera equipment will record all events surrounding the contact, stop, detention, interview, and arrest of suspected violators when safe to do so and maintain this recorded evidence. The BWC shall be used simultaneously with the Digital Mobile Video Recorder (DMVR) to capture additional evidence. In-car mobile recording systems shall be used as per Department Policy.

- A. All DE generated on authorized department-owned BWC equipment is the property of the El Paso Police Department. The copying, reproducing, altering, or tampering with DE generated by members of the Department is strictly prohibited.
- B. Distribution of any DE generated by department personnel in any format or for any purpose must comply with all sections of the Procedures Manual.
- C. All officers assigned a BWC by the Department will be properly trained by the DVRS unit in its functions and procedures before use. All training must comply with academy policies. All training conducted will be documented through training rosters, lesson plans, and/or PowerPoint presentations and/or department approved on-line training bulletins.
- D. The BWC program and related policies and procedures shall be reviewed and updated every three years by the DVRS unit and Planning and Research.
- E. Officers will place their BWC into sleep mode during all meal breaks and personal breaks, ie. using the restroom or visiting the locker room. Cameras are to immediately be taken out of sleep mode and placed back into ready mode once the officer returns to service.
- F. Supervisors will be immediately notified in the event of any lost BWC or equipment. Attempts will be made to locate the equipment and the DVRS unit will be notified of the lost equipment via phone at 212-4294 and email at PDDVRS@elpasotexas.gov. The supervisor will ensure a

lost/stolen property report is generated, a Blue Team log completed, and that proper notifications are made to the Fusion Center.

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#### 1101.4 START UP

##### A. For Body-Worn Cameras:

1. At the start of their shift, officers shall ensure proper vertical alignment and positioning of the BWC on the front center mass of the officer's outer most garments. No fixed object(s) 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.
2. Officers shall ensure that the BWC is operational by powering the unit on and confirming the status of the indicator LED lights.
3. Officers shall ensure that the BWC contains no video or audio recording and is properly operating at the beginning of each shift.
4. It will be the officer's responsibility to ensure the BWC device is fully charged and operable before their tour of duty.

##### B. For In-Car Systems:

1. At the start of the shift, officers will log into the MCT and the Axon Fleet Dashboard. If the unit is full-crew both officers must log in to the dashboard. Officers will ensure proper camera alignment and conduct a function check of the DMVR system by ensuring the fleet devices are displayed on the screen and positioned to record events. Officers will check the pairing status of their body-worn camera and pair them to the Fleet system if not already paired.
2. If an officer is not assigned a BWC or working with an officer with a BWC, the officer will have to manually activate the in-car system. At the end of the officers shift, all activities will be documented on the officers DAR and the DAR will be forwarded to the PD DVRS for categorization and assignment.

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#### 1101.5 RECORDING

- A. Officers shall use the recording to gather pertinent information for composing reports, training, and investigatory purposes.
- B. Officers will manually activate their DMVR in situations where the overhead emergency lights were not activated and the DMVR did not activate automatically.
- C. Officers will utilize their issued body-worn camera anytime the DMVR is activated.
- D. Officers shall begin recording for the following events and continue recording until the event has concluded. Any deviation(s) will require a supervisor's approval and must be documented in the officer's video and report. The following constitute reasons for activating the BWC/DMVR:
  1. Upon arriving on scene for all dispatched calls for service;
  2. All officer-initiated calls for service and contacts, including but not limited to: traffic/pedestrian stops, arrests, vehicle/foot pursuits, and code III response and traffic control.
  3. When assisting another unit on a call for service,

4. Any citizen-initiated contact(s) or a flag-down request for any public safety concerns or services.
5. Service of 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.
6. Anytime a person is placed in the backseat of a patrol car.
- E. Subsequent arrest, handcuffing, and search of violators will take place in view of the camera when practical and in accordance with Departmental policies.
  1. Officers shall not stop a recording during a public encounter.
  2. Officers will not intentionally record any direct contact with officers working in an undercover capacity.
- F. All stoppages, other than administrative functions testing or accidental activation of the BWC, must be verbally documented by stating a specific reason. The officer shall also annotate in the body of their incident report any BWC stoppages.
- G. Officers will turn off their AM/FM radio of the vehicle while on a call and the DMVR and/or BWC is active.
- H. Officers shall not:
  1. Intentionally create DE recordings of themselves or other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.;
  2. Knowingly record undercover officers or confidential informants;
  3. Use Department-owned equipment to record any type of personal activities;
  4. 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;
  5. Record any court facility, legal proceeding (i.e. deposition, city council meetings), or secured governmental facility;
  6. Upload or convert DE for use on any type of social media or public media websites;
  7. Create recordings in administrative settings;
  8. Record strip searches.
- I. Officers shall notify a supervisor immediately if he/she accidentally records or is aware of any of the listed incidents:
  1. An individual in a designated private area (i.e. restroom, locker room) if the video is non-evidentiary;
  2. A personal conversation among officers or other employees if the video is non-evidentiary.
- J. 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, before exiting their vehicle, ensure that their in-car system is recording, remove their BWC, and leave it in their vehicle. The removing of the BWC and leaving it in the vehicle must be clearly documented in the officer's report, also, the dispatcher must be notified.
- K. In the event an officer is unable to activate their BWC due to extenuating circumstances, the officer must activate the BWC as soon as practical and must advise a supervisor of

the circumstances. If the incident prior to the event was evidentiary in nature the supervisor will contact the DVRS unit by phone at 212-4294 and email at PDDVRS@elpasotexas.gov for assistance.

- L. Specialty Teams
  - 1. BWC Activation
    - a. At incidents that afford an opportunity for pre-planning, briefings, and/or rehearsal, BWC will be deactivated. If a BWC is already recording, prior to the BWC deactivation the user shall make a recorded announcement with the reason for deactivation. i.e. tactical planning. Prior to initiation of the tactical plan, all involved BWCs will be activated. The SOG Commander or designee will ensure this is communicated to all SOG personnel prior to mission initiate. Once the operation is on-going, BWCs will remain activated until the conclusion of such incident. BWC however may be temporarily deactivated for discussions regarding further tactics and strategy. An officer involved in such discussion will announce the reason to be captured audibly.
    - b. At incidents involving rapid deployment and/or hasty team action, BWC will be activated once the officer is actively involved or on scene.
  - 2. BWC De-activation
    - a. BWC will be deactivated upon conclusion of an incident. SOG Commander or designee will ensure this is communicate to all SOG personnel.
    - b. BWC will remain deactivated during any internal post incident debriefs
  - 3. Special Cirmcumstances
    - a. SWAT precision marksman/ observers: When a BWC is activated its lighting features will be deactivated. Due to concealment and body positioning, the BWC is not required to be worn in the standard body-mounted position and will not be utilized.
    - b. Bomb Squad: BWC will be turned off or not present on site if it is believed any electronic signal will result in an explosive detonation. Tactics and strategy for defeating improvised explosive devices will not be recorded on any BWC.

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#### 1101.6 ENDING RECORDINGS

- A. Unless otherwise permitted by this policy once the BWC is activated, it shall remain on until the incident has concluded.
- B. For the purpose of this section, conclusion of the incident has occurred when one or more of the following has occurred:
  - 1. All arrests have been made, and arrestees have been searched and transported to an appropriate regional command, secured facility, and inside the facility;
  - 2. All witnesses and victims on-scene have been interviewed;
  - 3. The continued recording will not serve to obtain additional evidence.
- C. Officers and supervisors shall ensure that the existence of an evidentiary recording captured on a BWC is documented within the evidence portion of the incident report for that case. Officers are required to select the video evidence field in RMS when BWC video is available. In administrative cases, documentation of the existence of BWC video shall be made in the Blue Team incident.

- D. In the event a recording was stopped and does not meet the above criteria, officers will document on their Daily Activity Report (DAR) the reason for stopping the recording. Officers will note the reason in the narrative of the Activity and Disposition section of the DAR.
- E. When an officer(s) is involved in a critical incident a supervisor on scene will make the determination when the officer(s) are no longer actively part of the scene and can stop recording. When this is done, the supervisor giving authorization will make themselves visible and verbally give the order in front of the involved officers BWC.

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#### 1101.7 OFFICER RESPONSIBILITIES

- A. Before the end of their duty day, the officer will go to a designated docking station and ensure proper docking of their BWC. With proper docking, DE will then be uploaded to the department's evidence library via the docking station. Officers may leave their BWC docked at the end of the shift if extended time is needed to upload events or to charge the BWC.
- B. Officers videos from the patrol car are uploaded wirelessly. Officers will ensure that videos are successfully uploaded to prevent the potential loss of DE. Officers will properly name/title with applicable case number and categorize their evidence at the end of the shift for incidents involving an arrest. For incidents not involving an arrest, the evidence may be categorized the following shift. In all instances a supervisor must be notified and approve if an officer is to go into overtime.
- C. Officers shall not leave evidence in the "uncategorized" or "pending review" categories.
- D. Officers will not utilize a BWC belonging to another officer.
- E. Officers issued a BWC will wear their BWC during any extra-duty assignments and activate them under the same circumstances as they would on-duty. It is the officer's responsibility to ensure their BWC is fully charged before their next shift. Any recorded videos will be downloaded upon the return to their next regularly scheduled shift.
- F. Officers whose BWC battery drops below 34% or has an exclamation mark on the display will charge their BWC as soon as possible.

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#### 1101.8 SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure officers are using the recording equipment according to established guidelines, policies, and procedures.
  - 1. The DVRS unit will provide supervisors with a report on uncategorized events every month. Audits will be provided directly to the regional commander to be disseminated through their chain of command.
  - 2. Supervisors will take corrective action for all uncategorized recordings.
- B. Supervisors shall view the recordings of all use of force incidents, police vehicle crashes, and citizen complaints.

- C. Minor infractions (non-criminal) discovered during the routine reviews of recorded material should be addressed by the reviewing supervisor.
- D. Supervisors shall be responsible for ensuring a BWC is properly docked if officers are incapable of docking themselves.

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#### 1101.9 REVIEWING DIGITAL EVIDENCE (DE)

- A. The viewing of videos is restricted for official use only. Any and all viewings/usage is tracked within the evidence library system.
- B. Officers will be entitled to review their own DE before administrative statements, including statements pertaining to officer involved shootings or critical incidents.
- C. Personnel requiring access to restricted videos will request assistance from the unit restricting the video or the DVRS unit for further assistance.
- D. Personnel reviewing DE shall manually document their name, date of access, badge number, and the purpose of their viewing in the “Notes” field on the Evidence Detail Page of evidence.com.

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#### 1101.10 CITIZEN REQUEST TO STOP BWC RECORDING

If a citizen requests the officer to stop recording while in a public place, officers have no obligation to stop recording if the recording is under an investigation, arrest, lawful search, or the circumstances dictate that continued recording is necessary.

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#### 1101.11 CATEGORIZATION

After stopping the recording, officers shall categorize each video by selecting the appropriate event type from the menu and shall include the existence of video evidence in the police report for follow-up investigations. Videos of assisting units will be categorized the same as the primary or handling unit. Department approved categories are as follows:

Category	Definition
Uncategorized	<b>DO NOT USE.</b> Officers MUST enter a category and not leave evidence under “Uncategorized”
Pending Review	<b>DO NOT USE.</b> Officers will not use this category
False Signal Cancellation	When a video is recorded due to a nearby signal activation and cancelled ad officer was not involved in any enforcement action.
Training	Any recording to test the functionality of the camera only and contains no direct police action. Recordings created by systems admin that do not contain direct police action.
Traffic Stop-Written Warning	When a marginal traffic stop was conducted and a Written Warning was issued to the driver of a vehicle.

Traffic Stop – Citation Issued	When a traffic stop was conducted and a citation was issued under the Transportation Code or Municipal Code.
DWI	A DWI arrest or recording which may result in an offense as defined by Chapter 49 of the Texas Penal Code
DWI-Home Visit	A court-mandated interaction between DWI Task Force personnel and subjects placed on supervision
Felony Offense 2 <sup>nd</sup> -3 <sup>rd</sup>	Second or third degree felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Felony Offense 1 <sup>st</sup> - Capital	Capital Felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Voluntary Transport-CIT	A civil transport conducted by CIT personnel
Voluntary Transport-Patrol	A civil transport conducted by patrol personnel
Crash	A vehicle collision and /or pedestrian collision.
Class A/State Jail	Class A misdemeanor/State Jail Felony arrest or recording which may result in an offense as defined by the Texas Penal Code
Class B	Class B misdemeanor arrest or recording which may result in an offense as defined by the Texas Penal Code
Class C	Class C misdemeanor arrest/citation or recording which may result in an offense as defined by the Texas Penal Code, Transportation Code, or Municipal Code
Citizen Interaction-No Report	Citizen interaction where no report is generated
CVI	When a commercial vehicle safety inspection is conducted.
Dispatched Call-Information Report	Any citizen interaction/dispatched call that a report is generated
Offense Report	Any time an officer is dispatched or engages in self-initiated activity where an offense report is generated but no arrest was made. Must include case ID.
Dispatched Call-Negative Contact	Any dispatched call for service where an officer does not make contact with any individuals, is unable to locate, or reporter is gone on arrival.

#### 1101.12 RETENTION AND RELEASE

All recordings shall be stored in accordance to applicable records retention requirements. This includes, but is not limited to, recordings that are evidentiary, non-evidentiary, or accidental. Deletions of the video must be submitted for approval via the record destruction form. Deletions can only be conducted by the DVRS unit. Requests for recordings captured during the scope of an officer's duties may be subject to release



under applicable laws:

- A. External requests (citizens, the media etc.) for copies or viewing of video will be referred to the Records Division. These requests will be handled under the Texas Public Information Act and in accordance with the Texas Occupations Code Section 1701.661.
- B. Requests from investigative sections shall be granted and may be shared by any supervisor with access to the DE. The DVRS unit will assist with these requests if needed.
- C. The categorization label will determine the minimum length of retention. Videos will be categorized based on the following criteria as established by the Texas State Library and Archive Commission (Record # PS-4125-05b).
- D. Any video having an evidentiary value which needs to be retained past the standard retention period must be identified by a supervisor and have a hold request with an expiration date forwarded to the DVRS unit.
- E. Any video may be restricted at the request of the Internal Affairs Unit, CAP, SIU or other specialized unit, or by the Chief of Police, and placed on hold for indefinite retention until the investigation has concluded.
- F. IAD may export or copy videos as necessary for case preparation and presentation. It is IAD's responsibility to advise when an investigation is concluded if a hold was placed on DE when its retention is no longer needed.
- G. In cases where recordings relating to litigation (either civil or criminal) for which the department receives a no destruction demand, the recordings will be held indefinitely.
- H. Sharing of evidence shall only be done for official use. This includes sharing evidence to the District Attorney, County Attorney, other agencies, etc. Only an authorized person may share DE.

Category	Retention Schedule
Uncategorized	Cannot delete
Pending Review	Cannot delete
False Signal Cancellation	180 Days
Training	180 days
Test/Admin Recording	180 days
Traffic Control	180 days
Traffic Stop – Written Warning	180 days
Traffic Stop-Citation Issued	6 Months
DWI	2 Years
DWI-Home Visit	180 days
Felony Offense 2 <sup>nd</sup> -3 <sup>rd</sup>	10 Years
Felony Offense 1 <sup>st</sup> -Capital	50 Years
Voluntary Transport-CIT	180 days
Voluntary Transport-Patrol	180 days
Crash	2 Years
Class A/State Jail Felony	2 years
Class B	2 Years
Class C	6 months

Citizen Interaction-No Report	180 days
CVI	180 days
Dispatched Call-Information Report	180 days
Offense report	180 Days
Dispatched Call-Negative Contact	180 Days

### 1101.13 – SECTION 1701.660 OF THE OCCUPATIONS CODE

The El Paso Police Department will comply with the following:

(a) Except as provided by Subsections (a-1) and (b), a recording created with a body worn camera and documenting 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 may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

(A-1) A law enforcement agency may permit a person who is depicted in a recording of an incident described by Subsection (a) or, if the person is deceased, the persons authorized representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and provided that any authorized representative who is permitted to view the recording was not a witness to the incident. A person viewing a recording may not duplicate the recording or capture video or audio from the recording. A permitted viewing of a recording under this subsection is not considered to be a release of public information for purposes of Chapter 552, Government Code.

(b) A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.

This section does not affect the authority of a law enforcement agency to withhold under Section 552.108, Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.

### 1101.14 SHARING EVIDENCE

In cases of an arrest, digital evidence will be shared with the District Attorney's Office. Officers will be responsible for sharing of DE through Evidence.com. The officer will indicate so in the video evidence

field in WebRMS and by selecting "Yes shared". Supervisors will be responsible for confirming shared evidence field was selected in WebRMS upon review and approval of the offense reports and that the Video Evidence field in WebRMS has been answered.

The following must be done to submit evidence:

- A. The evidence sharing options are listed under the Manage Shares area when the specific DE file is viewed on evidence.com.
- B. Type the email address that you are sharing the evidence to in the user or group field. Evidence shared to the District Attorney's Office will be shared to the group **DA Evidence Share**. In cases of a juvenile referred to JPD, video will be shared to the group El Paso County Attorney's Office in Evidence.com.
  
- C. Under permissions, select view and download. Select never for re-share. Default setting for duration is 365 days.
- D. Ensure the proper case number(s) is attached to the evidence to be shared and enter the case number in the message field.
- E. Review the Manage Access and Manage Shares tab before sending.