OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL

Subject **Body Worn Video (BWV) Camera Program**			Policy Number 413
Effective Date September 1, 2015	Revision Date November 1, 2026	Reevaluation Date Annually	Number of Pages 9
Reference Standards			
Texas Senate Bill (SB) 158 *Texas Occupations Code 1701, Subchapter N* (effective September 1, 2015) *Texas Code of Criminal Procedure* 2.131-2.138 & 3.05 *Texas Penal Code* 16.02 *Texas Code of Criminal Procedure* 18.20 Texas House Bill (HB) 929 (87th Leg., 2021) Texas House Bill (HB) 1938 (87th Leg., 2021)		CALEA: 41.3.8 and 82.1.3 IACLEA 9.1.7 Texas Best Practices 7.25 Bureau of Justice Assistance (BJA) Police Executive Research Forum (PERF) Community Oriented Policing Services (COPS) International Association of Chiefs of Police (IACP) UT System Police Training Bulletin 005 UT System Office of General Counsel legal memorandum "Body Worn Cameras", May 23, 2016	

I. POLICY AND INTRODUCTION

It shall be the position of the Office of Director of Police that the employment/deployment of body worn cameras or video recording devices shall be strongly recommended but shall not be required for the institution police departments. The decision to employ/deploy such systems shall rest solely with the institution Chief of Police. For those institution Chiefs of Police who choose to employ/deploy body worn camera or video devices, this policy provides both recommended guiding principles/protocols and best practices to follow as well as the statutory requirements that must be fulfilled when such systems are in use.

For the purposes of this policy, a body worn camera or video recording device (also referred to as "BWV" or the "system") refers to that technology which is physically attached in some way to the body of a police officer or worn by a police officer and does not refer to mobile video recording systems in police vehicles.

This guidance is based on the premises that democratic policing should be an open and transparent process, that the use of body worn cameras or video recording devices can further establish the legitimacy and credibility of our institution police departments, and that their use can further strengthen police-community relationships as well as reaffirm the concept of accountability for law enforcement. At the same time, it is understood that the use of such systems can invite legitimate questions regarding concerns such as individual privacy, crime victims' rights and public access to the recordings.

It is generally acknowledged that the use of body worn cameras or video recording devices can be of evidentiary value in the investigation and prosecution of criminal offenses; can, with limitations, objectively and accurately document encounters between police officers and members of the public; and provide, again with limitations, accurate depictions of circumstances leading to an officer's decision to use force. At the same time, this policy acknowledges that the use of such systems is not an exclusive or sole solution to concerns that may arise regarding encounters between police officers and members of the public and should not be relied upon as such. Similarly, this policy acknowledges the inherent technological limitations of such systems which may impact the interpretation or understanding of such recordings.

For the purposes of guidance, for those institution police departments employing such systems, *police officers shall activate their authorized body worn camera or video recording device during every call for law enforcement service or encounter with a person in a public place unless:*

1. There is no criminal nexus to the activity encountered.
2. A legitimate concern for privacy is reasonably established.
3. The protection of persons as crime victims is a concern.
4. The circumstances that exist are unsafe for recording purposes.
5. The circumstances that exist make it logistically impractical or impossible to record events.
6. A victim or witness expresses a reluctance to be recorded.
7. Those likely to be recorded are in a state of undress and the prevailing circumstances reasonably suggest discretion should be employed.
8. Investigations where juveniles are involved.
9. Interviews involving sexual assault victims.
10. The encounter spontaneously or inadvertently produced law enforcement sensitive information or intelligence; in which case the recording should be concluded.
11. The encounter is with a confidential informant, a witness to a criminal offense who is requesting anonymity or an undercover police officer.
12. The conversation to be recorded includes discussion of investigative tactics or intelligence information.

This policy applies only to uniformed patrol officers wearing an authorized uniform while performing in an on-duty capacity and generally applies to encounters or activities that occur in a public place or space. This language shall not be interpreted as to relieve the officer(s) of the responsibility to adhere to the requirements of HB 929 (87th Leg., 2021) which states "departments must have a policy requiring a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer 's active participation in the investigation unless the camera has been deactivated in compliance with that policy".

This policy conforms to the requirements found in SB 158, *Texas Occupations Code* 1701, Subchapter N, and the *Texas Code of Criminal Procedure* Sections 2.131-2.138; 3.05 and 18.20 respectively. This policy should be read in conjunction with University of Texas System Police (UTSP) Training Bulletin 005, "Citizen's Right To Record The Police", dated August 25, 2014. It is understood that employment/deployment of systems governed by this policy shall be consistent with the *Federal Rules of Evidence* and the *Texas Rules of Evidence*.

II. TRAINING

If an institution police department chooses to employ/deploy such a system, the officers and employees utilizing such a system must receive training consistent with the curriculum and learning objectives identified in Section 411.443 of the *Texas Government Code*. This training, to be developed by the Texas Commission on Law Enforcement, shall be made available to all UTSP officers using such systems and shall be considered required training.

III. BACKGROUND AND PROCEDURE

As defined in *Texas Penal Code* Section 16.02, Unlawful Interception, Use, or Disclosure or Wire, Oral, or Electronic Communications, it is an affirmative defense to prosecution for unlawful recording if one of the parties involved is a party to the communication or one of the parties has given consent to the recording. This qualifies Texas as a "one-party consent" state for the purposes of the use of the systems described in this policy under certain conditions.

All officers who use such equipment shall be trained on the processes by which the system shall be utilized, tested, and maintained as well as the process by which the recordings shall be considered properly documented, secured and maintained. That training shall be consistent with *Texas Occupations Code* Section 1701.656 "Training".

A. It is the responsibility of each individual officer to test the system equipment at the beginning of each tour of duty. Officers equipped with such equipment will ensure that the batteries are fully charged prior to the beginning of the tour of duty. In the event that the equipment is found to be malfunctioning, the officer shall immediately report the concern to an immediate supervisor so that the information can be documented and arrangements made for repair.

B. Uniformed patrol officers assigned such equipment shall wear the equipment at all times while on duty and on an appropriately sanctioned UTSP police uniform.

C. Such equipment should be worn and employed/deployed as recommended by the manufacturer of the particular device to optimize the video/audio capabilities.

D. Uniformed officers who are assigned such equipment should activate the system during the following police activities, make note of that activation in any corresponding reports and continue the recording to the conclusion of the event or encounter:

1. Calls for service in which a citizen contact is made;
2. Traffic stops when the in-car system is not working;
3. Foot pursuits;
4. Arrests;
5. Searches other than strip searches or body cavity searches;
6. Seizure of evidence to include asset forfeitures;
7. Requests for consent to search;
8. Miranda warnings and responses from in-custody suspects;
9. K-9 searches;
10. Issuance of written citations;
11. When arriving at law enforcement events and/or citizen contacts initiated by other officers and camera activation is deemed necessary;

12. Other incidents the officer reasonably believes should be recorded for law enforcement purposes;
13. Any encounter with a member of the public that escalates and becomes adversarial after the initial contact.

E. Officers will make every reasonable effort to ensure that the recording equipment is accurately capturing events. A reasonable effort includes:

1. Activating the video/audio recording as soon as the officer makes citizen contact, and the citizen has been informed that a recording is taking place if appropriate.
2. Activating the video/audio when citizen contact is initiated by another officer and the arriving officer is present at the event.
3. Positioning and activating the equipment to record the event to the extent this can be accomplished without compromising officer safety.
4. Unless special circumstances addressed elsewhere in this policy exist, officers are not required to discontinue recording simply because those citizens they encounter ask them to do so.

F. If an officer deems it necessary to stop recording during the event, he/she will make every effort to verbalize his/her intentions to stop the recording and subsequently be prepared to articulate his/her reasoning for doing so in any associated written report, in compliance with HB 929 (87th Leg., 2021).

G. When a system recording is being entered into the property and evidence storage area of the agency, a chain of custody log shall be initiated to include, but need not be limited to:

1. Case tracking number;
2. Date recorded;
3. Time of recording;
4. Date submitted;
5. Specific location where recording occurred;
6. Name or names of one or more persons known to be the subject of the recording;
7. Name of officer submitting the media;
8. Hold for evidence and properly labeled as such; and
9. Hold for training purposes.

H. The use of a personally owned body worn camera or video recording device by an officer is prohibited due to the statutory requirements which now control such use and the inability of the officers, institution Police Chiefs or the Office of the Director of Police to ensure the quality and compatibility of BWV technology personally deployed by officers; to protect against selective use, improper file sharing or tampering with the recorded video; to ensure the required training is property extended to include personally owned BWV technology; to ensure the chain of custody for evidentiary BWV recordings from personally owned technology is maintained; to properly manage the statutory obligations to archive and lawfully dispose of BWV recordings from personally owned technology; to meet the requirements of *Texas Code of Criminal Procedure*, Chapter 2B, Art 2B.0109, in general.

I. The disclosure (or exemption from disclosure) of recordings and images captured on systems governed by this policy shall be consistent with the Texas Public Information Act, the Rules of Discovery, and guided by the Office of General Counsel. Additionally:

1. The department shall provide guidelines for public access through open records requests, to recordings that are public information (87th Leg., 2021).
2. During the course of an interview with a sexual assault victim or a juvenile victim or offender, officers shall discontinue any recording and document the decision accordingly. The victim or offender, respectively, shall be so informed. The officer should cite the need for sexual assault victim privacy and the statutory protection for juveniles.
3. The system shall not be activated when the officer is on break, engaged in personal activities, engaged in casual conversation with fellow officers or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom, locker room or a similar environment.
4. For officer safety and investigative confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
5. When entering a private residence that may include, but not be limited to, a campus dormitory room, an on or off campus apartment residence, a hospital room or other similar location where there is a heightened degree and expectation of privacy: an officer shall weigh the appropriateness of discontinuation of the recording (unless consent is given to proceed by the resident) against the exigent or criminal circumstances that are occurring in the officer's presence, the recording of which would be evidentiary in nature or critical to the documentation of what has occurred.

J. The guidelines for electronic storage of the images and recordings captured with systems governed by this policy shall be consistent with *Texas Occupations* Code Section 1701.655, "Body Worn Camera Policy", and are as follows:

1. Audio and video recordings will be stored on a secure system, capable of creating backup copies while maintaining security of the recordings (87th Leg., 2021).
2. Non-evidentiary video/audio recordings should be maintained in the network server or via an equivalent process or technology for a period of 90 days from the date of the recorded incident unless it has been determined that such video/audio, by definition, constitutes a public record, in which case the video/audio shall be maintained in accordance with the State of Texas Records Retention Act.
3. Recordings retained as part of a criminal investigation shall be maintained until the case is completed and/or closed and in accordance with the Texas State Records Retention Schedule. Such recordings may also be subject to discovery.
4. All official recording media recorded images and audio recordings are the property of the institution police department. Any reproduction or dissemination outside of the institution police department, other than by/to the Office of Director of Police, shall be authorized only by the institution Chief of Police.
5. Recordings used in support of employee disciplinary action shall be maintained in accordance with the Texas State Records Retention Schedule.
6. A copy of the recording referenced in (4) above shall be added to the officer's personnel file with the Office of Director of Police in a DVD media format.
7. As a general rule, only first line supervisors or higher will initiate a review of a recorded incident and the supervisor shall document that review.

8. Should such reviews reveal misconduct, apparent misconduct, unprofessional conduct, or criminal conduct on the part of the officer or officers being recorded, an appropriate investigation shall be initiated.
9. In certain circumstances to include, but not limited to, officer involved shootings, in custody deaths or other incidents involving an officer and resulting in serious bodily injury or death, a supervisor shall immediately take physical custody of the involved camera recording devices.
10. Release of Video Recordings of Arrests for Intoxication Offenses
    Persons stopped or arrested on suspicion of an offense under Sections 49.04 Driving While Intoxicated; 49.045 Driving While Intoxicated with Child Passenger; 49.07 Intoxication Assault; or 49.08 Intoxication Manslaughter, on or after September 1, 2015, are entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:
    a. The stop;
    b. The arrest;
    c. The conduct of the person stopped during any interaction with the officer, including during the administration of a field sobriety test; or
    d. A procedure in which a specimen of the person's breath or blood is taken.

K. Exceptions to the use of systems governed by this policy shall include the following:

1. There is no criminal nexus to the activity encountered.
2. A legitimate concern for privacy is reasonably established.
3. The protection of persons as crime victims is a concern.
4. The circumstances that exist are unsafe for recording purposes.
5. The circumstances that exist make it logistically impractical or impossible to record events.
6. A victim or witness expresses a reluctance to be recorded.
7. Those likely to be recorded are in a state of undress and the prevailing circumstances reasonably suggest discretion should be employed.
8. Investigations where juveniles are involved.
9. Interviews involving sexual assault victims.
10. The encounter spontaneously or inadvertently produced law enforcement sensitive information or intelligence; in which case the recording should be concluded.
11. The encounter is with a confidential informant, a witness to a criminal offense who is requesting anonymity or an undercover police officer.
12. The conversation to be recorded includes discussion of investigative tactics or intelligence information.

IV. WEAR OF BWV CAMERAS ON THE POLICE UNIFORM

A. Placement of body worn cameras or video recording devices shall be dictated by determining what location will best utilize the capabilities of the equipment, capture the objectives of the recording most completely and accurately and conform to the recommendations of the manufacturer. Field of vision, functionality, comfort, and ease of operation must be considered.

B. Any officer assigned such equipment is responsible for the care and cleaning of the camera and camera lens during their individual tour of duty.

C. The officer will also ensure that the camera lens is clear of any equipment obstructions that could interfere with the camera use during his/her of tour duty.

V. PROHIBITED ACTS

A. No person shall tamper with, delete portions of, edit or make unauthorized copies of recordings governed by this policy.

B. The purposeful or intentional activation of body worn cameras or video recording devices during on duty personal conversations between officers or between officers and supervisors involving counseling, guidance sessions or personnel evaluations shall be prohibited unless all parties present, agree to be recorded.

C. Under no circumstances shall recordings governed by this policy be accessed/used for personal purposes or uploaded onto private or public social media sites.

D. Recordings governed by this policy that document an incident involving the use of deadly force by a peace officer or recordings that are otherwise related to an administrative or criminal investigation of an officer shall not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded. However, an institution police department may release such a recording to the public if it is determined that such a release furthers a law enforcement purpose.

VI. BWV CAMERA RECORDING DURING A PROLONGED OR EXTENDED POLICE INVESTIGATION/RESPONSE

A. During a prolonged field investigation and/or an extended initial police response, the BWV recordings should be limited to the initial response window of time. The BWV camera technology should not be used as an alternative to the videotaping required during more extended crime scene search and evidence collection processes.

B. At the appropriate time after the initial response, the responding institution police department supervisor or the responding officer will make a BWV on-camera announcement that the BWV camera will be turned off as there is no further evidentiary value required beyond the initial BWV camera recording intent. The announcement should refer to the forthcoming police report(s) associated with the investigation at hand.

VII. RIGHTS OF OFFICERS

A. At institution police departments where systems are officially employed/deployed, UTSP officers are entitled to access any official recording of an incident involving the officer before making a statement or report about the incident.

B. If not requested, a UTSP officer will be reminded, by a police supervisor, of the option to access any official recording of an incident involving the officer before making a statement about the incident.

C. A UTSP supervisor is permitted to review a recording governed by this policy under the following circumstances including, but not limited to:

1. the investigation of an allegation of misconduct, unprofessional or criminal conduct on the part of an officer;

2. to identify potential evidence for a criminal investigation not related to the officer's conduct;

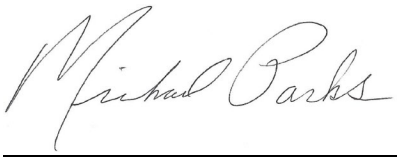
3. for training purposes;

4. for the assessment of probationary police officers during field training;

5. when an officer has experienced a pattern of concerns regarding verbal or physical abuse;

6. and when officers are identified through an early warning/intervention system.

7. in addition, each institution police department shall have a protocol in place to review a sample of video captured on officers' body worn cameras on at least a monthly basis and the review shall be of sufficient length beyond the buffering stage to evaluate the event that was recorded.



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Changes/Amendments since last publication:

Updated III. H. to latest statute. November 1, 2026