

How does APD's Body Camera Policy Match Up to Best Practices?

Standard	Allowable under Tx statute?	APD Policy meets criteria	Groups endorsing
The department publishes the most recent publicly available version of its policy on its website, in a location that is easy for members of the public to find.	Yes	YES	The Leadership Conference, Upturn
The policy clearly describes when officers must record, and requires officers to provide concrete justifications for failing to record required events.	Yes	YES	The Leadership Conference, Upturn, Brennan Center
Camera must be activated at the start of any encounter and remain on until interaction is fully concluded and officer leaves the scene	Yes	YES	ACLU, CATO, International Association of Chiefs of Police, Brennan Center (includes all the way to booking)
Officers should be required to have their body cameras on when they are responding to a 911 call; performing an arrest, search, detention, or traffic stop; and any time when they reasonably suspect that they will soon be conducting an arrest, search, traffic stop, or detention	Yes	YES	CATO, International Association of Chiefs of Police, Brennan Center (includes while transporting persons)
Officers shall notify subjects that they are being recorded at first reasonable opportunity	Yes	NO	ACLU, CATO, International Association of Chiefs of Police, Brennan Center
The policy specifically protects categories of vulnerable individuals (e.g., victims of sex crimes) from being recorded without their informed consent.	Yes	NO, gives officer complete discretion to decide to protect privacy or not, no specific categories of privacy given special protection	The Leadership Conference, Upturn
The policy allows people in clearly defined situations to ask that recording be stopped (eg anonymous witness, certain crime victims, entering home of non-suspects) and recording stops	Yes	NO	ACLU, International Association of Chiefs of Police

Cameras shall not be used on school grounds unless officer is responding to imminent threat to life or health	Yes		ACLU, CATO
The policy requires officers to file an initial written report or statement <i>before</i> relevant footage is reviewed, for all incidents.	Texas law specifically <i>authorizes officers to view footage before being interviewed</i> or writing up a report. This requires statutory change.	NO	The Leadership Conference, Upturn, Campaign Zero, CATO, Brennan Center
The policy requires the department to delete most footage within six months.	Yes	YES	The Leadership Conference, Upturn, ACLU, Campaign Zero
The policy requires three year video retention for use of force, complaints against officers, felony level arrest/crime, or if requested by subject of video	Yes	Unclear – references general laws and rules related to record retention, does not call out specific categories for longer retention	ACLU
The policy clearly authorizes civilians to review footage of themselves or family members and authorize public release of that footage	Yes	NO	Campaign Zero, ACLU (request and review)
The city has a policy of public release of video unless release would trigger clear specific harms	Yes	NO	Electronic Frontier Foundation
Footage taken in property open to the public (street, restaurant, park) of use of force, arrests, detentions or interactions that result in a complaint should be released to the public upon request.	Yes	NO	CATO, ACLU
Specific privacy interests in otherwise publicly releasable video can be handled through redaction		NO	CATO, ACLU
Ensure direct access to footage by civilian oversight structures and DAs	Yes	DA YES, OPM NO: all access references “Department personnel” and the office of police monitor is not part of APD	Campaign Zero
Require LE to prove FOIA exceptions in court	This standard would require an amendment to body camera statute and/or PIA	NO	Campaign Zero, ACLU

The policy expressly prohibits both footage tampering and unauthorized access, and indicates that all access to recorded footage will be logged or audited.	Yes	YES, except not clear that access to footage will be logged or audited	The Leadership Conference, Upturn
Missing footage or evidence of tampering can be a factor considered in criminal and administrative proceedings	Yes	Policy is silent, but probably covered by normal rules of evidence	Campaign Zero
The policy provides for specific consequences for officers who fail to turn on or use cameras in accordance with policy or interfere with camera's ability to accurately record incidents	Yes	NO	ACLU, Electronic Frontier Foundation, Brennan Center
The policy expressly allows individuals who are filing police misconduct complaints to view all relevant footage.	Yes	NO	The Leadership Conference, Upturn
The policy sharply limits the use of biometric technologies (e.g., facial recognition) to identify individuals in footage.	Yes	NO	The Leadership Conference, Upturn, Electronic Frontier Foundation, Campaign Zero, Brennan Center
The policy prohibits use of cameras for intelligence gathering around First Amendment protected events (protests, religious assembly, etc)	Yes	NO	ACLU, Electronic Frontier Foundation

Sources for model policy recommendations:

Campaign Zero: <http://www.joincampaignzero.org/film-the-police>

ACLU: https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf

International Chiefs of Police: <http://www.tml.org/p/IACP%20Body-worn%20Cameras.pdf>

Electronic Frontier Foundation: <https://www.eff.org/document/eff-letter-san-francisco-police-commission-redraft-body-camera-policy>

The Leadership Conference/Upturn: <https://www.bwcscorecard.org/>

Brennan Center: <https://www.brennancenter.org/analysis/police-body-camera-policies-accountability>

CATO: <http://object.cato.org/sites/cato.org/files/pubs/pdf/pa782.pdf>

Reason Magazine's Scott Shackford has weighed in support of many of the policies listed above, but Reason has not produced a formal set of recommendations. <http://reason.com/blog/2015/09/24/lapd-cameras-cash-in>, <http://reason.com/blog/2016/01/27/chicago-police-deliberately-sabotaging-r>