

Austin Body Camera Policy

Transparency is not a done deal!

https://rcfp.org/bodycam_policies/TX/Austin_BWC_Policy.pdf

What in the world is happening to the police accountability debate? Body cameras happened!

“Acceptance of body-worn cameras by many police departments comes at the cost of changing their focus from accountability to evidence collection and surveillance.” Ian Head, Center for Constitutional Rights, March 9, 2016

“Supporters of body-worn cameras may assume that the public will have access to the footage, but that’s not always the case. Nearly every state has exemptions to the public records laws for law enforcement, and those exemptions can stand in the way of realizing greater transparency through body-worn cameras.” Urban Institute, <http://apps.urban.org/features/body-camera/>

“Assemblyman Bill Quirk (D-Hayward, California) wants to ensure that body camera footage, especially in high-profile cases, would be released as soon as two months after the incident occurred -- a big change from current practice which provides no guarantee any footage would ever come to light.” LA Times, March 19, 2016

Texas body cam law (SB 158): defaults to secrecy

Sec. 1701.660. RECORDINGS AS EVIDENCE. (a) Except as provided by Subsection (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.

(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**.

(c) 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.

Sec. 1701.661. RELEASE OF INFORMATION RECORDED BY BODY WORN CAMERA. (a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Texas body cam law (SB 158): local policy trumps

(b) A policy described by Subsection (a) must ensure that a body worn camera is activated only for a law enforcement purpose and must include:

- (1) guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;
- (2) provisions relating to data retention, including a provision requiring the retention of video for a minimum period of 90 days;
- (3) provisions relating to storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security;
- (4) guidelines for public access, through open records requests, to recordings that are public information; **(can define law enforcement purpose)**
- (5) provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;
- (6) procedures for supervisory or internal review; and
- (7) the handling and documenting of equipment and malfunctions of equipment.

Whereas trust between Austin police and all members of the Austin community is fundamental to effective community policing and, ultimately, public safety; and

Whereas holding officers accountable when misconduct does occur and releasing body worn cameras footage of critical incidents builds trust between the community and law enforcement; and

Whereas the public release of body camera video can help the public understand the split second decisions that officers must make;

Whereas public trust cannot be built on discretionary video release because the public will wonder why some video is released while other video is not released; and

Whereas individual privacy can best be protected by giving citizens, to the greatest extent possible, the ability to choose whether video of non-critical incidents shall be public; and

Whereas Texas law allows Austin to decide that building trust in the police force through transparency and accountability is a “law enforcement purpose,”

Therefore, the City of Austin directs APD to implement a body camera policy designed to ensure the rapid public release of all critical incident video and maximize the public’s control over the release of non-critical incident video.

Resources:

http://isp.yale.edu/sites/default/files/publications/police_body_camera_footage_just_another_public_record.pdf

<http://apps.urban.org/features/body-camera/>

<https://www.aclu.org/police-body-mounted-cameras-right-policies-place-win-all>

<http://www.rcfp.org/bodycams>

<https://ccrjustice.org/home/blog/2016/03/09/rush-body-cameras-does-little-create-police-accountability>

http://www.huffingtonpost.com/entry/kansas-police-body-camera-law_us_56bca6e6e4b0b40245c57776