



Texas Criminal Justice Coalition

Police Body Camera Policy in Texas

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LEGISLATIVE PROGRESS: BODY CAMERA IMPLEMENTATION

Texas passed legislation (SB 158, 84th Texas Legislature) authorizing body cameras for police officers and providing grant funding to support the purchase of camera systems. That law was a good first step. It created incentives for body camera adoption, and those incentives are working. The state's largest police agencies (Austin, San Antonio, Dallas) have moved forward with new body camera programs or have expanded existing programs (Houston). Smaller departments are also moving forward with grant applications. Even some school districts have moved to implement cameras.

Recently, policies created by Texas cities under SB 158 were [rated and found wanting by The Leadership Conference](https://www.bwccscorecard.org) [https://www.bwccscorecard.org] on several fronts, in part thanks to practices either allowed or required by SB 158.

PROPOSALS TO IMPROVE THE POLICIES GOVERNING BODY CAMERAS IN TEXAS

When should officers get to see the video after a critical incident?

Texas law *requires* that officers see all the video of critical incidents (like officer-involved shootings) prior to making a statement. While this a popular idea among police officers, it is a poor investigative practice not used in other circumstances.

Police investigators do not generally share video evidence with suspects, witnesses, or civilians subjected to use-of-force before taking their statements. Why? Because research shows that seeing such evidence before making a statement can alter the memory of an event. Officers should, of course, be allowed to see the body camera video in accordance with best investigative practice: initial statement, video, additional statement(s). And officers should not be disciplined for giving a statement that contradicts a video absent evidence that they intentionally misstated the facts.

When should the public get to see the video after a critical incident?

Because body camera video creates a more complete record of the behavior of both civilians and officers, research has shown that it can improve police-civilian interactions. That improvement is based in part on the idea that the video will at some point be seen by the public. Texas law says camera video can be released for "law enforcement purposes." Jurisdictions are wrestling with what this means. If police can decide to release some videos but not others, the community will suspect the police of protecting their own interests at the expense of community safety, accountability, and respect.

The following improvements would clarify the framework created by SB 158:

- All critical incident video should be released to the public in a reasonable timeframe (for instance, within 30 days).
- Officers should tell people they are being recorded unless circumstances prevent it, and then they should provide notice as soon as reasonably possible.
- Local policies should create a clear framework for people to give consent to release of video from traffic stops or video taken in a private home. SB 158 requires consent, but it does not require police agencies to create a process for that consent to be granted. No major city body camera policy currently includes such a process.
- Before entering a private residence without a warrant or in non-exigent circumstances, the officer should seek consent to continue to record inside the residence. A body-worn camera should not be used to create an inventory of items in the residence.
- If an interview includes the collection of sensitive information about where a witness or victim lives or will be living, the body-worn camera should be turned off.