

COURSE/LESSON OVERVIEW

This course/lesson was directed by Constable Robert M. (Mike) BLOUNT. It is essential for all of my Deputy Constables to know how vital the BWC are to them as providing prima facia documentation and/or evidence of what really happened. It can save your career; when you follow SOP and activate them as you have been trained to do during this course/lesson.



Your Instructor – Course Facilitator and Mentor Trainer Deputy Chief George D. Little

A.S. & B.S. Criminal Justice & Sociology
B.S.C.J Wayland Baptist University, San Antonio
M.S. Criminology & Counter-Terrorism University of the State of New York:P
2012 T.C.O.L.E. Professional Achievement Award
Certified Crime Prevention Specialist (C.C.P.S.)

FAMS TCOLE Basic Instructor Certificate 1984
CERTIFIED TCOLE Advanced Instructor 2012
TCOLE Master Peace Officer 1991

MP Special Operations Operator Counter-Terrorism 1988
Military Police Investigations (MPI) & Criminal Investigation Division
(CID) Special Agent

Graduate Drug Enforcement Administration Academy 1977

44- years Law Enforcement Experience
40-Years Teaching & Instructor Experience

Administrative

- Make sure you completed BCCO PCT#4 Participant Registration form.
- Make sure you signed the TCOLE Report of Training Roster.
- Listen and learn takes notes on your participant handout.
- · Be On-TIME every day.
- Set Cell Phones on Vibrate preferred
 OFF so you can learn stay focused.

3/18/2016

Learning Objectives

Learning Objective 1.0: Participant will be able to discuss when a camera should be activated due to privacy and agency situations.

Learning Objective 1.1: Participant will be able to discuss between when a recording should be discontinued due to privacy and situations based on agency policy and procedure.

Learning Objective 1.2: Participant will be able to discuss what data retention is and why it is important to a body worn camera program.

Learning Objectives - Cont'd:

Learning Objective 1.3: Participant will be able to recognize the provisions relating to data storage, backup, and security maintenance

Learning Objective 1.4: Participant will be able to identify public access concerning open records request.

Learning Objective 1.5: Participant will be able to discuss the provisions entitling officer access to incident recordings. Outlined in Occupation Code 1701 Subchapter-N

Learning Objectives - Cont'd: Learning Objective 1.6: Participant will be able to describe the accessibility of recordings as they relate to supervisory or internal review. Outlined in Occupation Code 1701 Subchapter-N Learning Objective 1.7: Participant will be able to demonstrate the handling and documenting of equipment as well as list possible malfunctions. Learning Objectives - Cont'd: Learning Objective 1.8: Participant will be able to discuss the Federal Rules of Evidence and the Texas Rules of Evidence. ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS of both Federal and State Rules of Evidence. Learning Objective 1.9: Participant will be able to identify when and if personally owned body camera equipment can be utilized. INTRODUCTION Introduce yourself Name · Agency/department/office · Years in Law Enforcement Experience with Body Worn Camera?

· Knowledge (other courses on

body camera)

UNIT ONE

Body worn cameras are activated only for a law enforcement purpose, and the policy must include guidelines for these purposes





It is the policy of this agency that
Deputy Constable(s) shall
his/her BWC upon any/all public
contact and/or prior to exiting
patrol vehicle and any time BWC
use is appropriate to the proper
performance of his or her official....

Bexar County Constable Office PCT#4 Standard Operating Policy & Procedures 010 BWC – Cont'd

duties, where the recordings are consistent with this policy and law.

This policy does not govern the use of _____ recording devices used in undercover operations.

1.0 DEFINITIONS	
Body Worn Camera (BWC) – a	
recording device that is capable of	
recording, or transmitting to be recorded remotely, video or audio,	
and is worn on the person of a	
peace officer, which includes being attached to the officer's	
clothing or worn as glasses.	
1.0 DEFINITIONS - Cont'd	
• Drivete Conser a leastion in	
Private Space – a location in which a person has a	
expectation of, including a person's home	
and the second second	
1.0 When to activate the	
Body Worn Camera: Activate according to agency	
policy.	
Policy require officers to keep a BWC activated for an	
entire shift.	
When non-enforcement contacts	
with the public become	

1.0 When to activate the	
Body Worn Camera:- Cont'd:	
, assaultive, or enforcement-oriented.	
When the Deputy Constable feels the use of the BWC is	
appropriate and beneficial in documenting an incident.	
Besar County Constalk's Department Procinct Procinct Procinct A POLICY & PROCEDURES	
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1.0 When to activate the Body Worn Camera:- Cont'd:	
· All enforcement encounters	
where there is at least reasonable	
suspicion the person(s) has	
committed, is committing, or may	
be involved in criminal activity.	
>	
>encounters	
encounters encounters	
4.0 14/1/2014 40 4" 4"	
1.0 When to activate the	
Body Worn Camera:- Cont'd:	
 Taking or attempting to take a person into 	
Any incident involvingof	
· Coming of annual	
Service of search or arrest Warrants and/or civil process	
warrants and/or civil process & writs	

1.0 When to activate the	
Body Worn Camera:- Cont'd:	
Suspect statements	
✓ Verifies given	
to suspect/subject. ✓ Documents any	
statements (those independently	
made by a person of and on his	
own accord).	
Policy & Procedures	
	-
1.0 When to activate the	
Body Worn Camera:- Cont'd:	
• / statements	
(when practical)	
•	
Response to or calls	
for service	
• Upon making with any	
	_
1.0 When to activate the	
Body Worn Camera:- Cont'd:	
It should be noted that there may be	
instances where it is neither	
officer to activate the BWC.	
The safety of the officer and of the public is the foremost priority;	
the BWC should not be activated if	
it is an impediment of safety	

1.0 When to activate the Body Worn Camera:- Cont'd:	
It should also be noted that an	
officer or the	
BWC based solely upon the request	
or demand of a citizen; but rather	
rely on	
•	
• and	
• to determine the	
necessity of activation.	
Sec. 16.02. UNLAWFUL INTERCEPTION,]
USE, OR DISCLOSURE OF WIRE, ORAL,	
OR ELECTRONIC COMMUNICATIONS	
(3) a person acting under color of	
law intercepts:	
(A) a wire, oral, or electronic	
communication, if the person is a	
party to the communication or if one	
of the parties to the communication	
has given prior to the interception;	
ппетсерион,	
Sec. 16.02. UNLAWFUL INTERCEPTION, USE, OR DISCLOSURE OF WIRE, ORAL, OR	
ELECTRONIC COMMUNICATIONS - Cont'd	
(B) a wire, oral, or electronic	
communication, if the person is	
acting under the authority of Article	
18.20 Code of Criminal Procedure;	
(Art. 18.20. DETECTION,	
INTERCEPTION, AND USE OF WIRE,	
ORAL, OR ELECTRONIC	
COMMUNICATIONS)	

1.1 When To Deactivate BWC	
· Follow agency policy.	
Should not deactivate until encounter has concluded except for or reasons, or if the encounter no	
longer holds investigative or evidentiary value.	
1.1 When To Deactivate BWC – Cont'd:	
If deactivated prior to conclusion of encounter, document the reasonto deactivation	
on camera as well as in report.	
• If no report made, document on or in officer daily report.	
· Use reasonable judgment.	
1.1 When To Deactivate BWC – Cont'd:	
 Reactivation may be necessary depending on circumstances. 	
D. The BWC shall not generally be used to record:	
1.Communications with other personnel	
without the permission of the Constable in writing and/or;	

1.1 When To Deactivate BWC - Cont'd:

- D. 2. Encounters with undercover officers or confidential informants and/or;
- 3.When on _____ or otherwise engaged in personal activities; or

1.1 When To Deactivate BWC - Cont'd:

D. 4. In any location where individuals have a reasonable expectation of _______, such as a restroom or locker room.



1.2 Data Retention Why It Is Important to BWC Program

Bexar County Constable Office, PCT#4 Standard Operating Policy and Procedure 010 subparagraph E. Storage states.

1. All files shall be downloaded periodically and no later than the end of each shift.

Each file shall contain information

1.2 Data Retention Why It Is Important to BWC Program – Cont'd	
E. 1. related to the date, BWC	-
identifier, and assigned officer.	
2. All images and sounds recorded by the BWC are the	
property of this	
agency. Accessing, copying, or	
releasing files for non-law enforcement purposes is	
1.2 Data Retention Why It Is	
Important to BWC Program Cont'd E. 3. All access to BWC data	
(images, sounds, and metadata)	
must be specifically authorized	
by the Constable PCT#4 or his or	
her designee in writing, and all	
access is to be to ensure that only users are	
accessing the data for legitimate	
and authorized purposes.	
100 100	
1.2 Data Retention Why It Is Important to BWC Program – Cont'd	
E. 4. Files should be securely	
stored in accordance with	
state records retention laws	
and no longer than useful for	
purposes of training or for use in an investigation or	
prosecution.	
Constable's Department Precinct 4	
AZ A	

1.2 Data Retention Why It Is Important to BWC Program – Cont'd

E. 4. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency. For the purpose of this document, the term "file" refers to all sounds, images, and associated metadata.



OFFENSE MONTHS INVESTIGATION RECORD

Cases in which an arrest is made or a citation issued and a law enforcement agency has certain knowledge of the pretrial or adjudicated disposition of an arrested or cited person and considers the case to have been cleared by the conviction or acquittal of the person arrested or cited, by the dismissal of charges against the person, or by the entry on the record of a court by a prosecuting attorney of a nolle prosequi.

POFFENSE INVESTIGATION RECORD - CONT	
(1) Class C misdemeanors and unviolations of state law or local or punishable by fine only (including reports and citations). YEARS	linance
(2) Class A and B misdemeanors jail felonies. YEARS	and state
(3) Second and third-degree felon	ies YEARS
(4) First-degree and capital felonic	es.

OFFENSE INVESTIGATI RECORD – CONT'd	ON
(5) Driving while intoxicated offenses.	YEARS
(6) Or, for any classification of offense	e.
DATE OF OT INDIVIDUAL IT KNOWN	

RETENTION PERIODS
Retention Note:
a) Retention periods date from date of and are
based on the highest classification of offense for which a person is arrested and charged or, if applicable, the highest classification of offense for which a person is tried, whichever the lesser classification.

RETENTION PERIODS - Continued	
b) Coming of decomposite in effects	
b) Copies of documents in offense investigation records the originals	
of which are maintained by, filed	
with, or returned to a or another state or local law	
enforcement agency need be	
retained only as long as	
administratively valuable.	
RETENTION PERIODS -	1
Continued	
b) – Cont'd:	
are copies of notices	
or other process that provide	
certain knowledge to the law enforcement agency of the pretrial	
or adjudicated disposition of a	
case.	
1.3 Data Storage, Back-Up]
and Security Maintenance	
C.6. Deputy Constable(s) shall	
not edit, alter, erase, duplicate,	
copy, share, or otherwise distribute in any manner BWC recordings	
without prior	
and approval of the	
Constable Bexar County PCT#4.	

1.3 Data Storage, Back-Up and Security Maintenance – Cont'd

C.4. BWC equipment is the responsibility of individual **Deputy** Constable and will be used with reasonable care to ensure proper functioning.



1.3 Data Storage, Back-Up and Security Maintenance – Cont'd

Equipment malfunctions shall be brought to the attention of the Deputy Constable(s)

_____ as soon as possible so that a replacement unit may be procured.



1.4 Open Records Request & Public Access

Sec. 1701.659. Offense. (a) A peace officer or other employee of a law enforcement agency.....> commits an ______ if the officer or employee ______ a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

1.4 Open Records Request & Public Access - Cont'd	
Tablic Access - cont a	
(b) An offense under this	
subchapter is a Class A	
misdemeanor.	
Recordings documenting incidents	
involving the use of	
by a peace officer or	
that is otherwise related to an	
administrative or investigation	
1.4 Open Records Request &	1
Public Access - Cont'd	
Tubio Access - Cont u	
of an officer may not be deleted,	
, or to	
the public until all related	
administrative investigations	
have concluded.	
Bexar County Constable's Department	
Precinct 4	
POLICY & PROCEDURES	
1.4 Open Records Request &	
Public Access - Cont'd	
A law enforcement agency may	
release to the public a	
recording described above if the	
law enforcement agency	
determines that the release	
a law enforcement	
purpose.	
Constable's Capartment Procinct 4	
POLICY & PROCEDURES	

1.4 Open Records Request & Public Access - Cont'd	
A law enforcement agency may	
NOTany portion of a recording made in a private space,	
or of a recording involving the	
investigation of conduct that	
constitutes a misdemeanor	
punishable by fine only and does	
not result in an arrest, without	
Contained Fractical Arrival Fractical Arrival Fractical Arrival Fractical Arrival Fractical Frac	
1.4 Open Records Request &	
Public Access - Cont'd	
	g.
written authorization from the	
person who is the subject of	
that portion of the recording or,	
if the person is deceased, or	-
from the <i>person's</i>	
representative.	
Bexar County Constable's Department Precinct 4 POLICY & PROCEDURES	
1.4 Open Records Request &	
Public Access - Cont'd	
A recording is if	
the recording was not required	
to be made public by law or	
policy and does not relate to a	
law enforcement purpose.	
1.5 Provisions Entitling Officer	
Access to Recordings	
Occupation Code 1701 Subchapter-N	

1.6 Supervisor or Internal Review access to Recordings Bexar County Constable PCT#4 Policy 010 1. Supervisory personnel shall ensure that Deputy Constable(s) equipped with BWC devices utilize them in accordance with and defined herein.	
Bexar County Constable's Opportment Precinct & Policy & Procedures	
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is properly and that Deputy Constable(s) are using the devices appropriately and in accordance with policy and to identify any areas in which additional or guidance is required.	
1.7 Equipment Malfunction BWC equipment is the of individual Deputy Constable and will be used with reasonable care to ensure proper functioning.	
Equipment malfunctions shall be brought to the attention of the Deputy Constable (s) supervisor	

1.7 Equipment Malfunction Continued

soon as possible so that a so that a replacement unit may be procured.



1.8 Federal & Texas Rules of Evidence ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS	
Rule to This Article	. Definitions That Apply
Rule Original	Requirement of the
Rule Duplicates	Admissibility of

Rule Admissibility of Other Evidence of Content Rule Copies of Public Records to Prove Content Rule Summaries to Prove Content ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply to This Article In this article.	ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd	
Rule Copies of Public Records to Prove Content Rule Summaries to Prove Content ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply		
Rule Summaries to Prove Content ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	Rule Copies of Public	
ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	Rule Summaries to Prove	
WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	Contone	
WRITINGS, RECORDINGS, AND PHOTOGRAPHS - Cont'd Rule Testimony or Statement of a Party to Prove Content Rule Functions of the Court and Jury Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply		
ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	WRITINGS, RECORDINGS, AND	
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Rule Translating a Foreign Language Document ARTICLE X. RULES ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply		
ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	Rule Translating a Foreign	
ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply		
ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply		1
WRITINGS, RECORDINGS, AND PHOTOGRAPHS Rule 1001. Definitions That Apply	ARTICLE X. RULES	
Rule 1001. Definitions That Apply	WRITINGS, RECORDINGS,	

ARTICLE X. RULES - Cont'd:	
(a) A " " consists of	
letters, words, numbers, or	
their equivalent set down in	
any form.	
(b) A " " consists of	
letters, words, numbers, or	
their equivalent recorded in	
any manner.	
ARTICLE X - Continued:	
(c) A "" means a	
photographic image or its	
equivalent stored in any form.	
(d) An "" of a writing	
or recording means the writing	
or recording itself or any	
counterpart intended to have	
the same effect by the person	
who executed or issued it	
ARTICLE X - Continued:	
for electronically stored	
information, "original" means	
any printout—or other output	
readable by sight—if it	
accurately reflects the	
information.	
An "original" of a photograph	
includes the negative or a print	
from it.	

ARTICLE X - Continued:	
(e) A "" means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original.	
Article X. RULE REVIEW Rule 1002. Requirement of the An original writing, recording, or photograph is required in order to prove its content unless these rules or other law provides otherwise.	
]
Rule 1003. Admissibility of A duplicate is admissible to the same extent as the original unless a question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.	

ARTICLE X. RULES - Cont'd	
Rule 1004. Admissibility of Other of Content An	
original is not required and other evidence of the content of a writing, recording, or photograph	
is admissible if:	
ARTICLE V RULES COMMI	
ARTICLE X. RULES - Cont'd	
Rule 1004 – Cont'd:	
(a) all the originals are lost or destroyed, unless the proponent	
lost or destroyed them in bad faith;	
(b) an original cannot be obtained	
by any available judicial process; 57	
ARTICLE X. RULES - Cont'd	
Rule 1004 – Cont'd:	
(c) an original is not located in	
Texas;	
(d) the against whom the	
original would be offered had	
control of the original; was at that time put on notice, by pleadings or,	

ARTICLE X. RULES - Cont'd	
Rule 1004 - Cont'd:	
(d) >otherwise, that the original would be a subject of proof at the or; and fails to produce it at the trial or hearing; or	
(e) the writing, recording, or photograph is not closely related to a controlling issue.	
ARTICLE X. RULES - Cont'd	
Rule 1005. Copies of Public	
Records to Prove The proponent may use a copy to prove	
the content of an official record—or	
of a document that was recorded or	
filed in a public office as authorized by law—if these conditions are met:	
the record or document is>	
ARTICLE X. RULES – Cont'd	
Rule 1005 – Cont'd: otherwise admissible; and the copy is	
certified as correct in accordance	
with Rule 902(4) or is testified to be	
correct by a witness who has	
compared it with the original.	

ARTICLE X. RULES – Cont'd Rule 1005 – Cont'd: If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.	
ARTICLE X. RULES – Cont'd	
Rule 1006. Summaries to Prove Content The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in court.	
ARTICLE X. RULES – Cont'd Rule 1006 – Cont'd:	
The proponent must make the originals or available for examination or copying, or both, by other parties at a reasonable time and place.	
And the court may order the proponent to produce them in court.	

ARTICLE X. RULES - Cont'd Rule 1007 or of a Party to Prove Content The proponent may prove the content of a writing, recording, or photograph by the testimony, deposition, or written statement of the party against whom the evidence is offered. The proponent need not account for	
the original.	
ano originari	
Provided in your Participant Handout	
Rule 1008 of the	
Court and Jury	
Rule 1009 a	
Foreign Document	
	1
1.9 Can Personally Owned BWC be used	
If a law enforcement agency	
receives a grant for BWC, a peace	
officer who is employed by the	
agency and who is on duty may	
ONLY use a BWC that is issued	
and maintained by that	
(See Handout)	

1.9 Can Personally Owned BWC be used – Cont'd

If a law enforcement agency is not receiving grant funding for BWC, a peace officer employed by the agency may use a personally owned BWC IF permitted by the agency



1.9 Can Personally Owned BWC be used – Cont'd

If the agency permits use of personally owned BWC, the agency must make provisions for the security and compatibility of the recordings made by those cameras.