

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor & Council

AGENDA DATE: November 28, 2017

CONTACT PERSON NAME AND PHONE NUMBER: City Representative Henry Rivera, District 7 – 915-212-0007

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #2 – Set the Standard for a Safe and Secure City

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

*Discussion and action to request the City Manager to apply for a grant application to the Office of the Governor of the State of Texas Criminal Justice Division for their Body-Worn Camera Program – Third –Round Funding Announcement coming up in December 2017 or near future.*

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

*Taking advantage of available funding dollars in the upcoming 3<sup>rd</sup> Round funding announcement for Body-Worn Camera Program from the Office of the Governor, Greg Abbott – Criminal Justice Division.*

*Law enforcement agencies across the country are using body-worn cameras (BWC) as a tool to improve law enforcement interaction with the public. BWCs provide a visual and audio record of interactions. Some evidence indicates the presence of BWCs help strengthen accountability and transparency, and can assist in deescalating conflicts, resulting in more constructive encounters between police and the community.*

*The County of El Paso and Sheriff's Office has taken the opportunity to apply on a similar grant, fund the program, and implement body-worn cameras.*

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one? No

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded?

Has the item been budgeted?

If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

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# Body-Worn Cameras

Senate Bill 158 passed during the 84th legislative session requires that a law enforcement agency that operates a body-worn camera program must adopt a policy and training program for the use of body cameras. The body camera policy must include when and why an officer may choose to activate or not activate a body worn camera. Departments operating a camera system have until September 1, 2016, to implement a body camera policy and training program under this law.

The legislature authorized \$10 million for grants for law enforcement agencies to equip officers with body-worn cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for assistance from the public. The grants will be administered through the Governor's office. For more information on the grant program, how to apply, and how and when funds will be disbursed, please visit eGrants Online (<https://egrants.gov.texas.gov/Default.aspx>). A local law enforcement agency must match 25 percent of any grant money received. Additionally, a law enforcement agency that receives a grant from the Department of Public Safety to provide body cameras to its officers must also adopt a policy and training program for the use of body cameras.

The following resources may assist a law enforcement agency in adopting and implementing a body-worn camera policy. Please be advised that this information is posted for informational purposes only. City and law enforcement officials should consult with local legal counsel to ensure that any information complies with current law and the particular facts of each situation.

## Resources

- International Association of Chiefs of Police Body-Worn Cameras Model Policy (</p/IACP%20Body-worn%20Cameras.pdf>)
- IMLA Model Act for Regulating the Use of Body-Worn Cameras (</p/IMLA%20Model%20Act%20for%20Regulating%20the%20Use%20of%20Wearable%20Body%20Cameras%20by%20Law%20Enforcement.docx>)
- U.S. Department of Justice Police Executive Research Forum's guide to Implementing a Body Worn Camera Program (</p/implementing%20a%20body-worn%20camera%20program.pdf>)
- Record Retention Requirements for Body-Worn Camera Videos (<https://www.tsl.texas.gov/slrmblog/?p=7623>)
- Texas Administrative Code Rule §70.13, Fee for Obtaining Copy of Body Worn Camera Recording ([http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=1&pt=3&ch=70&rl=13](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=3&ch=70&rl=13))

Senate Bill 158 requires the attorney general to set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording from a body-worn camera. The fee amount must be sufficient to cover the cost of reviewing and making the recording. As of September 1, 2015, when Senate Bill 158 went into effect, the Attorney General's Office had not yet adopted a rule related to fees for body-worn camera footage. The League will continue to monitor any related rulemaking and will provide more detailed information, as it becomes available. In the meantime, cities can call the Attorney General's Toll-Free Cost Hotline with questions on how much to charge for producing footage: 888/672-6787 (888/ORCOSTS).

## Retention Schedule for Body-Worn Cameras

Senate Bill 158, passed during the 84th legislative session, governs various facets of police officer-worn cameras. The bill did not, though, provide a specific retention schedule for the video footage captured on these cameras. Thus, the Texas State Library and Archives Commission proposed rules adding officer-worn cameras to the local government public safety retention schedule.

Cities must retain video and audio recordings from an officer-worn camera that do not capture a violation, use of deadly force by an officer, or are otherwise related to an administrative or criminal investigation of an officer for 90 days.

If the video and audio recording from an officer-worn camera captures the use of deadly force by an officer, is related to an administrative or criminal investigation of an officer, or captures a violation by any person, then cities should follow retention periods for internal affairs investigation records or offense investigation records, as appropriate, but not less than 90 days.

Additional information and a copy of the proposed rules are available on the Texas State Library and Archives Commission website at <https://www.tsl.texas.gov/slrmblog/recordspubs/localretention/updates.html> (<https://www.tsl.texas.gov/slrmblog/recordspubs/localretention/updates.html>)

Written comments on these proposed changes may be submitted to Sarah Jacobson, Manager, Records Management Assistance, Box 12927, Austin, Texas 78711; by fax to (512) 936-2306; or by email to [sjacobson@tsl.texas.gov](mailto:sjacobson@tsl.texas.gov) (<mailto:sjacobson@tsl.texas.gov>). The deadline for comments is September 23, 2016.

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([/p/TML%20Website%20Terms%20and%20Conditions%20of%20Use\\_7%2030%2013\\_SH.pdf](/p/TML%20Website%20Terms%20and%20Conditions%20of%20Use_7%2030%2013_SH.pdf)) (</p/10reasonsTMLAssociate.pdf>)



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**County of El Paso  
Agenda Item Details**

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**Item Title:** Sheriff's Office - SO-Body Worn Cameras

**Submitted By:** Richard Wiles, Sheriff, El Paso County Sheriff's Office (915) 538-2216

**Subject:** Approve and authorize the County Judge to execute a grant application for submission to the US Department of Justice for Body-Worn Camera Pilot Implementation Program FY2015 Competitive Grant Announcement for the El Paso County Sheriff's Office and Constables to request 160 body cameras for \$414,847.50 with a 50% cash match of \$207,423.75 from 10/1/2015 to 9/30/2017(2015-309). An MOU for each Precinct will be included with the application outlining terms and conditions.

**Background:** Law enforcement agencies across the country are using body-worn cameras (BWC) as a tool to improve law enforcement interaction with the public. BWCs provide a visual and audio record of interactions. Some evidence indicates the presence of BWCs help strengthen accountability and transparency, and can assist in deescalating conflicts, resulting in more constructive encounters between police and the community.

**Fiscal Impact:** 50% match of \$207,423.75

**Recommendation:** Recommend approval.

**Prior Action:** None.

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**ATTACHMENTS:**

Description	Upload Date
<input type="checkbox"/> <a href="#">Grant Form</a>	6/10/2015
<input type="checkbox"/> <a href="#">Abstract</a>	6/10/2015
<input type="checkbox"/> <a href="#">Narrative</a>	6/10/2015
<input type="checkbox"/> <a href="#">Budget</a>	6/10/2015
<input type="checkbox"/> <a href="#">Timeline</a>	6/10/2015
<input type="checkbox"/> <a href="#">Grant Application</a>	6/10/2015
<input type="checkbox"/> <a href="#">Current Policy</a>	6/10/2015