BODY CAMS –
AN IMPERFECT SOLUTION

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BODY CAMS – AN IMPERFECT SOLUTION

I. INTRODUCTION

Every child remembers scrapped knees. Whether the torn flesh originated from a stumble or a reckless endeavor, a Band-Aid was inevitably slapped on the wound. Despite the Band-Aid's comforting presence, sometimes colored with a favorite cartoon, the adhesive bandage did not fix the gash. And a Band-Aid regularly caused its own set of problems: coming loose in the swimming pool, sticking to the wound, or causing more damage when pulled off. In fact, the idiom "ripping off a Band-Aid," expressing the idea that unpleasant tasks are better done quickly, derives from the painful sensation of peeling off a Band-Aid. But, although Band-Aids have drawbacks, they are nevertheless the most convenient remedy for minor scrapes, an imperfect solution.

Body cameras, like Band-Aids, are an imperfect solution to questions of police accountability and police–civilian interactions. The most convenient remedy, body camera programs still have drawbacks. This article explores potential benefits and challenges raised by a body camera program and reviews the recently enacted Texas statute, which creates a framework for the implementation of body camera programs in Texas.

II. PROCEED WITH CAUTION: POTENTIAL BENEFITS & CHALLENGES AHEAD

In 2013, only a third (32 percent) of local police departments reported providing *some* of their officers with body cameras.[1] But in the wake of calls for increased police accountability, demand for police officers to wear body cameras has intensified.[2] Yet, because of a lack of research, limited empirical evidence supports the claims made by both advocates and critics of body cameras.[3] While the few available studies do provide insight into the potential benefits of body cameras, the studies also identify prospective challenges.

A. Potential Benefits

1. Increase Transparency and Improve Public Perception

Potentially offering a crucial benefit, body cameras may increase transparency into law enforcement actions and improve the public's perception of police legitimacy. The mere fact that a law enforcement agency is willing to establish a body camera program can demonstrate that the agency is committed to fairness and accountability.[4] Advocates of body camera programs argue that the transparency fostered by a body camera program:

> "leads to public trust and trust benefits the community[.]"[5]

However, limited evidence currently supports this claim as few studies have examined how body cameras influence citizen and community perceptions of the police.[6] Despite the lack of targeted studies, body camera initiatives have nevertheless received:

> "overwhelming support from every stakeholder in the controversy—the public, the White House, federal legislators, police officials, and police unions."[7]

The outpouring of support suggests that the implementation of body camera programs could satisfy the demand for greater police accountability and improve community–police relations.[8]

2. Improve Citizen and Police Behavior

Preliminary evidence suggests that the use of body cameras also tempers public and police interactions. Where body cameras have been deployed, law enforcement agencies have observed fewer citizen complaints and fewer assaults on officers.[9] For example, one study reported that citizen complaints against officers fell 88 percent following the commencement of a body camera program; the study also noted that the use of body cameras correlated with a 60 percent decrease in officer use of force incidents.[10]

Police executives emphasize that the:

> "mere presence of a camera can lead to more civil interactions between officers and the public"

because the knowledge that an interaction is being recorded changes behavior.[11] Evidence also suggests that the drop in complaints against officers might stem from a decrease in the filing of frivolous complaints against officers in light of video evidence.[12] Whether these results were caused by the use of body cameras, an increased culture of accountability for police, or other factors and whether such results will persist over time is yet undetermined.[13]

3. Provide Evidentiary Advantages

Additionally, the resulting footage from body cameras may provide evidentiary advantages in a variety of proceedings. For instance, studies suggest that body camera footage helps resolve citizen complaints against police officers.[14] Where complaints against officers have historically required significant resources to investigate:

> "the officer's word against the citizen's[,]"

video footage provides a new source of evidence, reducing the time needed to resolve a complaint.[15]

Furthermore, as body cameras create a permanent, real-time record, body cameras can improve the quality and amount of evidence available for investigations and court proceedings.[16] Body cameras can capture evidence such as witness statements and accident scenes, preserving the information without reliance on memory.[17] Thus, video evidence has the potential to reduce officers' paperwork, enable an officer to determine when a crime occurred, and marshal greater evidence.[18] One United Kingdom study even suggested that body cameras increase the likelihood that a case will be resolved through guilty plea rather than trial.[19]

4. Create Officer Development Opportunities

Body cameras also offer a new tool for evaluating officer performance in the field.[20] Agencies can more readily identify officers who abuse their authority or commit misconduct and respond accordingly through counseling, reprimands, or termination.[21] Through after action review of footage, police officers and their superiors may be able to identify where additional training is needed and what that training should address.[22] Particularly for police academy students and new officers, video evidence offers a second look at how an officer approached a situation, what went well, and what can be improved.[23] Greater review of officer decision-making across an entire agency for specific types of incidents in the aggregate, such as how officers in an agency tend to use force, may also be possible.[24] Leaders would have another instrument to identify patterns and determine how often problems occur, thus enabling refined policies, procedures, and standards.[25] Body cameras have considerable potential as a tool for officer development, but their full use to assess and improve officer performance has not yet been realized. [26]

5. Reduce Civil Liability

If body camera programs successfully decrease police misconduct, improve evidence available for investigations, and foster more effective training, the implementation of a body camera program could reduce the number of lawsuits filed against law enforcement agencies and their associated authorities.[27] Video evidence could also deter frivolous claims and foster faster resolutions and settlements.[28] In total, body cameras have the potential to reduce civil liability, although such a claim is only a conjecture without supporting data.[29]

B. Potential Challenges

1. Privacy Issues for Citizens and Police Officers

Despite the persuasive list of potential advantages, the use of body cameras and the resulting footage creates a myriad of privacy concerns for both citizens and law enforcement officers. These privacy concerns can be broken into two categories, filming and release.[30] Concerning filming, body cameras can capture private or sensitive conversations or events on film, potentially invading both citizen and officer privacy. Victims of crimes, informants, people involved with medical emergencies and accidents, and anyone being detained or arrested may prefer not to be recorded.[31] Filming within private homes or in places where a person has a reasonable expectation of privacy may raise Fourth Amendment questions.[32] With respect to law enforcement officers, body cameras could pick up private conversations between officers or sensitive personnel information.[33]

Once footage exists, its potential public release poses a second privacy risk. The public release, authorized or unauthorized, of sensitive information causes concern for both citizens and police officers.[34] Furthermore, officers have expressed anxiety that supervisors may use video footage for fishing expeditions to find indications of wrongdoing or justification for personally motivated employment decisions.[35] Some police unions have also indicated that body camera programs change police working conditions and thus contracts should be renegotiated.[36] Overall, body cameras create several privacy risks that law enforcement agencies would be wise to address before problems arise.

2. Necessitates a Comprehensive Policy

Just as the privacy issues raised by body cameras are better confronted in advance, body camera programs require complex administrative policies that preemptively address a multitude of other thorny policy issues. For example, citizens have customarily filmed many of the examples of police—civilian interactions that brought public and media attention to the issue of police misconduct.[37] Implementing a body camera program shifts control of filming and the resulting footage to the law enforcement officers and their agencies.[38] Officers and their agencies then have the ability and may have the incentive to shield themselves from oversight and criticism by not recording, not publically disclosing information, or altering footage.[39] Establishing procedures and checks on the body camera process can minimize this type of misbehavior.

Moreover, having a detailed administrative policy that surrounds the execution of a body camera program and incorporates feedback from officers, the public, community groups, and legal advisors will likely increase its perceived legitimacy and make implementation progress more smoothly.[40] An organization's policy should address when to record, when to inform the public that an interaction is being recorded, when to obtain consent to film.[41] Furthermore, law enforcement agencies need to identify how and when officers and supervisors can review footage, how

footage is downloaded from cameras and stored, the length of retention, and how footage is destroyed.[42] External audiences, such as defense attorneys, courts, prosecutors, and the media need to understand when they can access footage, what will be redacted, and when footage will be publically released.[43]

3. Substantial Commitment of Resources

In order to effectively institute a body camera program, each law enforcement agency will need to invest significant financial, technological, and personnel resources. Each program will have direct costs, such as the costs of cameras, batteries, and storage capacity, as well as indirect costs like data storage management, training programs, and tools and procedures to make recordings accessible.[44]

Specifically, a key logistical challenge is how each agency will manage the enormous amount of data produced by the body cameras.[45] The data must be stored, protected from unauthorized access, and processed or indexed so that it can be retrieved when necessary.[46] Full-time staff may be needed to maintain the cameras, fix technological problems, and identify officer non-compliance.[47] Several agencies who have already implemented body programs have emphasized the added difficulty of processing public disclosure requests; these requests require an officer or a staff person to find the footage, review it, and then redact certain portions of confidential information as required by law.[48] Within the law enforcement agency and the court system, additional stakeholders including police officer supervisors, internal affairs departments, judges, court staff, and prosecutors will also likely need the technological tools to access and view body camera footage.[49]

Finally, agencies should implement a comprehensive training regime for police officers and staff to explain how to use and maintain a camera and ensure a thorough understanding of the policies surrounding body camera use and footage.[50]

4. Questions about Objectivity, Reliability, and Overreliance

Rather than being unambiguous and objective, body camera footage provides one perspective of an event. Video footage can foster different interpretations and conclusions based on what is captured, the clarity of images, the lighting, and other elements of quality.[51] Personal and cultural biases also play a role in how footage is interpreted.[52] Body camera footage will almost always be filmed from the direction of an officer.[53] However, a body camera may not capture events or reactions outside the camera's of view or the prior, triggering events for actions recorded on film.[54] Lastly, video evidence also raises questions about whether an individual chose an angle deliberately, purposely failed to record, or edited footage.[55]

Nevertheless, body cameras are touted as a panacea to issues of police accountability, possibly causing overreliance on body camera footage because of its perceived objectivity.[56] For example, the Chesapeake Police Department of Chesapeake, Virginia has become so reliant on body cameras that it has removed dashboard cameras from its police cruisers.[57] However, body cameras are not foolproof and other checks on police conduct need to be maintained.

5. Altered Community Expectations

As body cameras become more widespread, the public, media, courts, juries, litigants, and citizen review boards may come to expect that all police encounters be captured on video.[58] As a result, any absence of video evidence may be:

> "itself suspicious and suggestive of misconduct."[59]

Because of expectations surrounding the strength of video evidence, judges may require video evidence to proceed with criminal trials.[60] And as the use of body cameras shapes jury expectations, a jury may base its conclusions only on video evidence or the belief that video evidence should have been provided.[61]

In total, body cameras offer tantalizing advantages for both the public and law enforcement, but the purported benefits are not without challenges that will likely complicate implementation. Thus, in commencing a body camera program, law enforcement agencies, government officials, and other stakeholders should proceed with caution, encouraging periodic evaluation and a flexible, realistic approach.

III. NAVIGATING THE TEXAS LANDSCAPE: TEXAS STATUTORY REQUIREMENTS FOR A BODY CAMERA PROGRAM

In the Texas context, the cautious approach to commencing a body camera program begins with understanding the newly-minted statutory framework. In 2015 the Texas Legislature enacted a Body Worn Camera Program under Chapter 1701, Subchapter N of the Texas Occupations Code. In general, that statute aims to create a fertile but structured environment for the development of body camera programs across the state.[62]

As part of the effort to nurture the growth of body camera programs, the statute implements a grant program to defray the costs of implementing and equipping peace officers with body cameras. A police department, county sheriff, or the Texas Department of Public Safety may apply for a grant if the agency employs officers who engage in traffic or highway patrol, regularly stop motor vehicles, or serve as primary responders and respond directly to the public's calls for assistance. Minimal strings attach with the receipt of a

grant, namely an annual report tallying the costs of implementing a body camera program.

Important to note, presumably to protect law enforcement agencies and officers employing body cameras, the Texas Legislature did not create a private cause of action for failure to comply with the statute. Although the statute creates a criminal offense under other, specific circumstances, the statute does not waive sovereign immunity. However, there may be significant implications for law enforcement entities in criminal proceedings and litigation. The implications to cases involving employment, negligence and civil rights have yet to be determined.

To provide structure, the statute also establishes state-wide requirements for body camera programs but allows each law enforcement agency to retain autonomy over its body camera program. For example, the statute requires each law enforcement agency operating a body camera program, regardless of whether it receives state grant money, to adopt an administrative policy.[63] While the statute lists the subjects that such a body camera policy must address, like when a camera should be activated, individual law enforcement agencies must each articulate their own policy.

At its core, the 2015 body camera statute encourages law enforcement agencies to begin body camera programs. Rather than simply promoting free-form program development, the Texas Legislature articulated a framework to guide that development while allowing individual law enforcement agencies to take the lead. The subsequent sections examine the statutory framework in greater depth, the resulting implications, and lingering questions.

A. Policy Requirements & Implementation

In a relatively unusual step, the Texas Legislature not only set out the subjects law enforcement agencies must address in body camera policies but also outlined specific prohibitions and requirements. For instance, an agency's policy must ensure that a body camera is activated *only* for law enforcement purposes[64] and must include guidelines or provisions addressing the following:

1) When a peace officer should activate camera or discontinue a recording in progress, considering the need for privacy in certain situation and at certain locations;
2) Data retention, including a provision requiring retention of a video for a minimum period of 90 days;
3) Storage of video & audio files, including the creation of back-up copies and maintenance of data security;
4) Public access, through open records requests, to recordings that are public information;
5) The entitlement of 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;
7) The handling and documenting of equipment and malfunctions of equipment;[65]
8) The prohibition against requiring officers to keep their body cameras activated for entire shifts;[66] and
9) Maintaining records consistently with Federal and Texas Rules of Evidence.[67]

Prior to implementing a body camera program, an agency must also provide training to the officers who will wear the body camera and any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.[68]

B. Recording Interactions with the Public

If an officer has a body camera, the officer is required to act consistently with agency's policy about when and under what circumstances the body camera must be activated.[69] However, the statute specifically allows an officer with a body camera to choose not to activate a camera or to discontinue a recording for any nonconfrontational encounter, including an interview of a witness or victim.[70] If an officer does not activate his or her body camera in response to a call for assistance, the officer must include in the incident report or otherwise note in the case file or record the reason for not activating.[71] Any justification for failing to activate a body camera because it is unsafe, unrealistic or impracticable is based on:

> "whether a reasonable officer under the same or similar circumstances would have made the same decision."[72]

This standard for evaluating the failure to record differs from the standard generally used to determine negligence under the Texas Tort Claims Act. In a negligence claim, an officer is entitled to official immunity for the good-faith performance of discretionary duties within the scope of the employee's authority.[73] In that context, good faith is a test of objective legal reasonableness.[74] The evaluative standard in the negligence context thus focuses on:

> "what a reasonable officer *could have believed*, and the determinative inquiry is whether any reasonably prudent officer possessed of the same information *could have determined* the trooper's actions were justified."[75]

The consequences of the "would have" v. "could have" distinction have yet to be explored, but the distinction implies that officer body camera decisions will be subject to greater scrutiny.

C. Limitations on the Use of Personal Body Camera Equipment[76]

If an agency receives a grant, the agency is prohibited from allowing the use of privately-owned body cameras. On the other hand, if an agency does not receive a grant and does not otherwise provide body cameras, the agency may permit officers to use privately-owned body cameras. But where an agency does provide body cameras, regardless of the funding source, an officer can only use a body camera issued and maintained by the law enforcement agency. Note that if an agency does permit the use of privately-owned body cameras, the agency is also required to make provisions for the security and compatibility of the resulting recordings.

D. Offense for Improper Release[77]

It is a Class A misdemeanor for a peace officer or other employee of a law enforcement agency to release a body camera recording without permission of the applicable law enforcement agency.

E. Recordings—Release and Retention by the Law Enforcement Agency[78]

The body camera statute includes several provisions concerning the handling of recordings, focusing in particular on release and retention. Generally, body camera recordings should not be released to the public except in response to a specific request, the process for which is outlined below. However, a law enforcement agency may publically release a body camera recording if the agency determines that the release furthers a law enforcement purpose. No further guidance has yet been provided to direct such a decision.

Additionally, a law enforcement agency must retain a body camera for at least 90 days. But if a body camera recording documents the use of deadly force by a peace officer or otherwise relates to an administrative or criminal investigation of an officer, then it 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.

1. Process for Public Release of Recordings[79]

The body camera statute specifically outlines the process by which a member of the public may request and receive a recording. In particular, a request for a body camera recording must be in writing and include the following information:

a) the date and approximate time of the recording;
b) the specific location where the recording occurred; and
c) name of one or more persons known to be a subject of the recording.

Failure to comply with these requirements may delay the release of otherwise public information, but does not preclude a future request for the same information. And although the Attorney General is required to set proposed fees for obtaining a body camera recording, an agency may provide a copy at no or reduced cost if the fee waiver or reduction is in the public interest.

Unlike other open records requests, a law enforcement agency has 20 business days, starting from the receipt of a written request, to respond to a requestor, and ask for an Attorney General Open Records Request decision if relevant.[80] In addition, before release, each recording should be evaluated to determine if it contains public information. The body camera statute expressly declares that a recording is confidential and excepted from laws concerning public information if the recording does not relate to a law enforcement purpose and was not required to be made under law or under an agency's body camera policy.[81] Thus, "other" information captured by body cameras is not public information, is therefore confidential, and consequently should not be released.

An agency may also seek to withhold the information through the process outlined in Tex. Gov't Code §552.301 by asserting any of the exceptions to disclosure outlined in Chapter 552 or in other law. Specifically, applying Tex. Gov't Code §552.108 to the body camera context, an agency may withhold recordings related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.

Nevertheless, the body camera statute authorizes the release of the requested information after an agency redacts any confidential information. The statute specifically prohibits, however, releasing any portion of a recording made in a private space. The statute also forbids releasing a recording involving the investigation of misdemeanor conduct punishable only by fine that does not result in an arrest unless prior written authorization from the person (or authorized representative) who is the subject of the recording is obtained.

Additionally, body camera recordings are generally exempted from Tex. Gov't Code §552.021's requirement that public information be:

> "available to the public at a minimum during normal business hours of a governmental body."

However, if the recording contains information that is or could be used as evidence in a criminal prosecution, then §552.021 applies and the recording must be made available as public information during normal business hours.

2. Response to Voluminous Public Information Requests[82]

When a public information officer receives a voluminous request for information, the officer may produce that information by the 21st business day after receiving the written request rather than producing the information "promptly", "within a reasonable time, without delay."[83]

"Voluminous requests" include:

a) A request for body camera recording for more than 5 separate incidents;
b) More than 5 separate requests for body camera recordings from the same person in a 24-hour period, regardless of the number of incident included in each request; or
c) A request or multiple requests from the same person in a 24-hour period for body camera recordings if taken together constitute more than 5 total hours of video footage.

IV. CONCLUSION

As an imperfect solution, body cameras offer both potential advantages and disadvantages. Looking ahead, the Texas body camera statute attempts to maximize those advantages and minimize the disadvantages by creating a framework for program development. Among other things, the statute mandates that law enforcement agencies plan for difficulties like data storage, provides a mechanism for reducing starting costs, and creates rules for the release of body camera recordings. But, despite the statute's framework, adding body cameras to the existing law enforcement and legal structure will still be difficult. Without careful implementation, the challenges facing a body camera program can thwart its goals.

ENDNOTES

[1] BUREAU OF JUSTICE STATISTICS, NCJ 248767, LOCAL POLICE DEPARTMENTS, 2013: EQUIPMENT AND TECHNOLOGY (2015).

[2] *Chapter Four Considering Police Body Cameras*, 128 HARV. L. REV. 1794, 1794–97 (2015) [hereinafter *Chapter Four*].

[3] MICHAEL D. WHITE, WASHINGTON, DC: OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, POLICE OFFICER BODY-WORN CAMERAS: ASSESSING THE EVIDENCE 6 (2014).

[4] *Id.* at 6, 19.

[5] *Id.* at 19 (citing Mark Clark, *On-Body Video: Eye Witness or Big Brother?*, POLICE MAGAZINE (July 8, 2013), http://www.policemag.com/channel/technology/articles/2013/07/on-body-video-eye-witness-or-big-brother.aspx).

[6] *Id.*

[7] *Chapter Four*, *supra* note 2, at 1795.

[8] *See id.* at 1794–96 (discussing the movement characterized by phrases like "Hands Up, Don't Shoot" and "Black Lives Matter" in response to the frequent killing of black persons by white police officers).

[9] LINDSAY MILLER, JESSICA TOLIVER & POLICE EXECUTIVE RESEARCH FORUM, WASHINGTON, DC: OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, IMPLEMENTING A BODY-WORN CAMERA PROGRAM: RECOMMENDATIONS AND LESSONS LEARNED 5–7 (2014).

[10] *Id.* at 5 (citing results from the use of body cameras in the Rialto, California Police Department starting in 2012).

[11] *Id.* at 6 (citing interviews with a variety of police executives).

[12] WHITE, *supra* note 3, at 20–21.

[13] *Chapter Four*, *supra* note 2, at 1800–02.

[14] WHITE, *supra* note 3, at 23–24.

[15] *Id.*

[16] MILLER, *supra* note 9, at 9.

[17] *Id.*

[18] *Id.*

[19] WHITE, *supra* note 3, at 24.

[20] MILLER, *supra* note 9, at 7.

[21] *Id.*

[22] *Id.*

[23] WHITE, *supra* note 3, at 25–26.

[24] *Id.*

[25] *Id.*

[26] *See id.* at 26.

[27] DISTRICT OF COLUMBIA POLICE COMPLAINTS BOARD, ENHANCING POLICE ACCOUNTABILITY THROUGH AN EFFECTIVE ON-BODY CAMERA PROGRAM FOR MPD OFFICERS 5 (2014).

[28] *Id.*

[29] *See id.*

[30] *See Chapter Four*, *supra* note 2, at 1808–09 (examining the privacy concern surrounding both recording and the release of footage).

[31] JAY STANLEY, AMERICAN CIVIL LIBERTIES UNION, POLICE BODY-MOUNTED CAMERAS: WITH RIGHT POLICIES IN PLACE, A WIN FOR ALL 3, 5 (2015).

[32] MILLER, *supra* note 9, at 15.

[33] STANLEY, *supra* note 31, at 3.

[34] *Id.* at 6–8; *Chapter Four*, *supra* note 2, at 1808–09.

[35] WHITE, *supra* note 3, at 28.

[36] *Id.*

[37] *Chapter Four*, *supra* note 2, at 1805 (2015).

[38] *Id.* at 1805–06.

[39] *Id.*

[40] MILLER, *supra* note 9, at 37.

[41] *Id.* at 11–14.

[42] *Id.* at 14–18.

[43] *Id.* at 17.

[44] WHITE, *supra* note 3, at 32–33.

[45] *Chapter Four*, *supra* note 2, at 1808–09.

[46] WHITE, *supra* note 3, at 32–33.

[47] MILLER, *supra* note 9, at 32–33.

[48] *Id.* at 33.

[49] WHITE, *supra* note 3, at 9; *see also* Drub S. Letourneau, *Police Body Cameras: Implementation with Caution, Forethought, and Policy*, 50 U. RICH. L. REV. 439, 472 (2015) (reporting the difficulties of enabling attorney, court, and jury access to the videos).

[50] *Id.* at 30.

[51] Howard M. Wasserman, *Moral Panics and Body Cameras*, 92 WASH. U.L. REV. 831, 840–41 (2015).

[52] *Id.*

[53] *Chapter Four*, *supra* note 2, at 1813.

[54] *Id.* at 1812–13.

[55] WHITE, *supra* note 3, at 11.

[56] *Chapter Four*, *supra* note 2, at 1812–13.

[57] Letourneau, *supra* note 49, at 471.

[58] Wasserman, *supra* note 51, at 842.

[59] *Id.*

[60] *See* MILLER, *supra* note 9, at 28 (noting that police executives who have implemented body camera programs report the dismissal of criminal cases when not supported by video evidence).

[61] *Id.* at 28–29.

[62] *See* S. Comm. Rep., S. 84-23066, Reg. Sess., at 1 (Tex. 2015) (S.B. 158 creates statewide policy and guidelines on the use of body-worn cameras . . . . [and] also proposes to provide a matching grant program that would assist Texas law enforcement agencies in securing the equipment required to operate a body-worn camera program."); H. Comm. Rep., H. 84-31246, Reg. Sess., at 1 (Tex. 2015) ("C.S.S.B. 158 seeks to create statewide standards on the use of body worn cameras by law enforcement and assist in the procurement and operation of a body worn camera program.").

[63] Tex. Occ. Code §1701.652(a)

[64] *Id.* at §1701.655(b).

[65] *Id.* at §1701.655(b).

[66] *Id.* at §1701.655(c).

[67] *Id.* at §1701.655(d).

[68] *Id.* at §1701.656.

[69] *Id.* at §1701.657(a).

[70] *Id.* at §1701.657(b).

[71] *Id.* at §1701.657(c).

[72] *Id.* at §1701.657(d).

[73] *Wadewitz v. Montgomery*, 951 S.W.2d 464, 466 (Tex. 1997).

[74] *Texas Dep't of Pub. Safety v. Bonilla*, 481 S.W.3d 640, 643 (Tex. 2015).

[75] *Id.* at 644 (second emphasis added) (citations omitted).

[76] Occ. §1701.658.

[77] *Id.* at §1701.659.

[78] *Id.* at §1701.660.

[79] *Id.* at §1701.661.

[80] *Id.* at §1701.662.

[81] *Id.* at §1701.661(h).

[82] *Id.* at §1701.663.

[83] *Compare* Tex. Gov't Code §552.221 *with* Tex. Occ. Code § 1701.663.