

NOTICE REGARDING REQUESTS FOR BODY CAMERA RECORDINGS

Pursuant to Section 1701.661 of the Texas Occupations Code, 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.

In addition, a law enforcement agency may not release any 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 arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative. Therefore, if a request involves a recording that falls within these categories, in addition to the information required above, a requestor must provide such a written authorization. Furthermore, any recording not required to be made by law and not relating to a law enforcement purpose is not releasable.

If a recording is or could be used in a criminal prosecution (a crime that could result in incarceration), it is subject to the Texas Public Information Act. However, it may be withheld pursuant to applicable exceptions under the Act if the law enforcement agency seeks a Texas Attorney General's ruling thereon.

The cost of review, redaction and duplication of a recording are set by the Texas Attorney General's Office.

Making a "voluminous request" for recordings as that term is defined Section 1701.663 of the Texas Occupations Code will delay a requestor's receipt of the information.