RESOURCE

Police Body Camera Policies: Retention and Release

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This chart includes categories for how long video is kept if it does not contain evidence of a crime, the rules for public access to videos, and any exemptions to local Freedom of Information laws that are specific to BWCs.

PUBLISHED: August 3, 2016

Last Updated: July 19, 2019

The body camera policies address several issues related to retention and release of recorded data.

"How long is non-evidentiary video kept?": In order for video to be used or released, it has to be preserved. Storage space for video is very expensive, however, and privacy and security concerns crop up with a large database of videos. The length of time potential evidence in a court case must be preserved is governed by state law. Retention time for all other video is generally a matter of police policy.

"Can public see or request recordings?" One of the biggest questions surrounding body-worn cameras (BWCs) is whether the video will be eligible for public release under public records laws. This question is often not at the discretion of the police departments or specific to BWC video. Laws in each state address the release of public records and large departments usually have existing policies and offices to deal with public records requests. BWC video, however, presents unique challenges and privacy threats. Many state legislatures are debating bills to address this issue. In the meantime, departments have their own systems for how they deal with requests for video. Where policies are not clear on this issue, we have attempted to fill in some of the gaps with links to reporting. We expect this information to change for many departments as laws are passed and technical and privacy issues crop up.

"How can the data be shared outside of the police department?" Retention of body-worn camera video creates a substantial database that can be used as a powerful instrument of surveillance. Many of the police departments that use BWCs participate in **fusion centers**, joint information-sharing efforts between local, state, and federal government and the private sector. These fusion centers pull in copious data that is tenuously related to crime or terrorism and generally retain it for long periods of time, and have been **castigated** as endangering citizens' civil liberties with little

counterterrorism value to show for it. At the same time, departments will occasionally need to be able to share evidentiary videos relating to a specific video with other law enforcement agencies. Even this limited sharing can raise privacy issues if the privacy protections the originating department has in place are not binding on the recipient agency. While most of the policies require permission from the Chief of Police for dissemination of video outside the department, few of the policies or related statutes provide guidance for when and with what limits will sharing with other law enforcement agencies be permitted.

Download the PDF here—recommended for mobile users.

View our map and other charts.

City or Org	How Long is Non-Evidentiary Video Kept?	Can Public See or Request Records?	How Can the Data be Shared Outside of the Police Department?
Arlington, TX	90 days	Yes, in accordance with **Chapter 552** of the Texas Government Code, and departmental procedures.	Data can be accessed for criminal investigation or prosecution "as required through the evidentiary sharing process." The BWC files will not be released to non-criminal justice agency without approval of the legal advisor. If the evidence is needed for internal police department investigations, it will not be released without approval from the Internal Affairs section.
Atlanta	5 years	Yes, in accordance with the Atlanta Police Department **Standard Operating Procedure 1060** "Public Affairs".	"The Open Records Unit (ORU) is responsible for coordinating all open records requests relating to the video data captured and of that archived by the BWC." "The Chief of Police or his/her designee shall be the final approving authority regarding the BWC and all recordings and data release as it relates to the media/press or general public."

Austin	90 days, per **Chapter 1701** of Texas Operations Code	**Texas Operations** Code says that recording of an incident that "involves deadly force or is otherwise the subject of an investigation" may not be released until the investigation is complete, but other footage is available. Recordings are reviewed by the Department Legal Advisor and approved by the Department before being released to the public.	"News or other media outlet requests for video will be processed through the Public Information Office (PIO). All other requests will be processed through the department coordinator in Central Records."
Baltimore	Not specified	Requests from the public shall be granted or denied based upon the **Maryland Public Information Act**, which says to release records as long as release does not interfere with a law enforcement proceeding or constitute an unwarranted invasion of personal privacy. According to **media** reports, a new policy gives police commissioner 1 week after police-involved shooting to determine whether to release the footage to the public.	Process for law enforcement agencies to request access is not specified but upon request, those with prosecuting authority must get approval from BWC Coordinator. In general, Police Commissioner, or their designee, must authorize access in writing. Data shall not "be used to create a database or pool of mug shots."
Boston	30 days	Yes, recordings may be requested by the public pursuant to a public records request, as defined in **Chapter 66, Section 10** of Massachusetts General Laws (M.G.L.).	The Video Evidence Unit processes requests from the public as well as federal, state and local prosecutors. Civil discovery requests are submitted to the assigned attorney in the Office of the Legal Advisor and requests by collective bargaining representatives under **M.G.L. c. 150E** are submitted to Office of Labor Relations. If an officer receives a court order or civil case subpoena, he or she forwards it to the Office of the Legal Advisor.

Charlotte, NC	45 days	"Recordings are not public records as defined by **G.S. 132–1**. Recordings are not personnel records as defined in Part 7 of **Chapter 126** of the General Statutes, **G.S. 160A-168**, or **G.S. 153A-98**. Recordings shall be disclosed only as provided by **Chapter 132** of the General Statutes, **GS 132–1.4A**." That being said, the following individuals may receive disclosure of video/audio recording: a person whose image or voice is in the recording; a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure; a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording; a personal representative of a deceased person whose image or voice is in the recording; a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure."	"Recordings shall be released for court and law enforcement purposes only." The Chief of Police may release footage to other law enforcement agencies without a court order. In compliance with **Section 132–1.4A(f)**, upon request from Chief of Police, the Police Attorney's Office can petition the Court for an order releasing BWC video feat. significant officer involved incidents to the public.
Chicago	90 days unless extended hold requested for complaint or other "official purpose."	Not specified in policy. Under **5 Ill. Comp. Stat. 140/7.5 (cc)**, recordings are subject to FOIA only if flagged for a complaint, discharge of a firearm, use of force, arrest or detention, or death or bodily harm. If a victim or witness is the subject of an encounter and has a reasonable expectation of privacy, that person's permission is necessary for release. Any recording shall be released to the subject of the encounter upon request. Any disclosed recording shall be redacted to remove identification of any person that appears on the recording and is not involved in the encounter.	The Superintendent must provide specific authorization to disseminate recordings outside the department. Additionally, the Information Services Division will ensure any "authorized outside-agency personnel" will have access to recordings that relate to their official duties.
Cincinnati	90 days	Yes, public can request videos through Form 29, Police Public Records Request. Form 29 can be completed online, through email, or by oral request (as stated in **Procedure 18.120,** Public Records Requests).	Police Records must approve and complete any records requests. Media requests for recordings will be approved by the Public Information Office. Release of any recordings relating to instances of driving under the influence will be approved by the prosecutor.

Cleveland	90 days	Yes, the public can request captured media through public records requests, which must clearly state the records and/or information being sought. The release of media is done under the **Cleveland Public Record Policy** in accordance with the Ohio Public Records Law, Ohio Rev. Code **Section 149.43 (H).**	The Chief of Police handles requests to release media to outside parties. "The Mobile Support Unit shall also screen and forward requests for any law enforcement purpose (e.g., court, case files, and supervisory investigations)." The Office of Professional standards is granted access without filing a public records request.
Dallas	90 days	Yes, under existing public records law: "Public Information Act requests for videos will be handled in accordance with **Chapter 552** of the Texas Government Code and departmental procedures." Texas law says recording of an incident that "involves deadly force or is otherwise the subject of an investigation" may not be released until the investigation is complete.	Recordings will not be shared outside the Department unless requested through Public Records or a "Criminal Justice request." The latter is undefined in the policy.
Denver	30 days, per the City and County of Denver General Records Retention Schedule (GRRS) 100.080*BB	Public requests for video are governed by the general records disclosure policy, Denver Police Department Operations Manual **Section 109.04**, which allows for release of any records not explicitly required for or prohibited from disclosure at the discretion of the Records Coordinator.	Any request for BWC media made from outside the Denver Police Department, including other law enforcement agencies, must comply with the department's records management and disclosure policies (OMS **109.04** and **109.05**). These policies do not specifically address BWC videos but allow criminal history records/photographs to be shared with other law enforcement agencies.

Ferguson	30 days, per **Police Clerks Records Retention Schedule**	In accordance with **MO Statute 610.205**, recordings that "depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered closed records" and will only be disclosed to the deceased's next of kin or an individual who receives a written release from the next of kin. In the case of closed criminal investigations, circuit court judges can disclose recordings "upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin."	Requests for recordings must be submitted in writing to the Ferguson City Clerk and then forwarded on to the Chief of Police, who must approve external requests for video in accordance with the Sunshine Law.
Jacksonville	90 days	Yes, the Public Information Unit is responsible for handling distribution of public copies, in accordance with federal law, state law (which includes Florida Statutes **Chapter 119**), local statutes and policies. Prior approval from BWC Administrator is required.	BWC Administrator processes and approves all outside requests for recordings but only the Public Information Unit can satisfy the requests.
Las Vegas	45 days	"It is the policy of LVMPD to balance the interests of individuals who seek access to BWC records with individual privacy rights and applicable confidentiality laws. The release of any BWC recordings to media outlets will be in strict compliance with this and department policy 5/107.24, News Media and Public Information." The **Department website** says requests must be limited to a specific incident. A requestor will be allowed to view the video at department headquarters within 5 days of the request. The requestor may then request a copy and will be charged for redaction fees. "A citizen who had direct and primary interaction with an officer wearing a BWC" can request their confidential information not be redacted.	Process for law enforcement agencies to request access is not specified. In general, Sheriff must provide written consent to make copies.
Los Angeles	60 days, per **California Penal Code Section 832.18 (b)(5)(A)**	In accordance with the **California Public Records Act**, when a member of the public requests to inspect a record, the agency shall make the records promptly available. Beginning on July 1, 2019, recordings relating to critical incidents can be withheld during active investigations for no longer than 45 days and if the privacy interest in withholding the video outweighs the public interest in disclosure. When there is a reasonable expectation of privacy for the subject, the agency can also use redaction technology, including image distortion, to obscure specific portions of the video to protect privacy. In instances when privacy outweighs public interest in disclosure, upon request, recordings should still be released to the subject whose privacy is being	Process for law enforcement agencies to request access is not specified.

		protected, the legal guardian if the subject is a minor and the beneficiary, heir, authorized legal representative or designated immediate family member if the subject is deceased.	
Mesa, AZ	185 days, per **AZ State Archiving Law GS 1031**	Yes, copies can be requested through a public records request as outlined in **DPM 3.3.70, Public Records Request**.	Access and copying permitted only for "official law enforcement purposes," and "dissemination of information will be for criminal justice purposes only." All public records requests are received and processed in the Records Section and "will be routed to the Program Administrator(s) for redaction."
Minneapolis	1 year	Yes, public records requests are to be considered in accordance with the **Minnesota Government Data Practices Act** and other applicable laws. MN. **Section 13.825** of the Act states that a video that is not part of an active investigation is subject to public records requests if it depicts firearm discharge or use of force by an officer resulting in substantial bodily harm; if a subject requests it be public (with non-consenting civilian subjects redacted in any copies); or if it is "public personnel data." The department may redact video portions that are "clearly offensive to common sensibilities." Any person may bring action in district court to challenge decision to withhold video.	Requests by the public and other law enforcement agencies are handled by the Records Information Unit in accordance with the **Minnesota Government Data Practices Act**. **Section 13.825** of the Act says that access by other law enforcement agencies must be authorized in writing by the Chief of Police and must be shared for a "legitimate, specified law enforcement purpose." The recipient agency must comply with all data classification, destruction, and security requirements of the law.

New Orleans	2 years; however, deletion of non-evidentiary footage can be requested by officer.	**La. Rev. Stat. Ann. Section 44:3 (I)** (Public Records Law) generally requires the release of incident-specific requests for body-worn camera recordings, with exceptions for videos that are being used as investigative records and/or that violate an individual's reasonable expectation of privacy. The policy on **Public Release of Critical Incident Recordings** applies in cases where officer use of force or a vehicle pursuit results in hospitalization or death, an officer shoots his or her gun at a person, or an arrested or detained subject dies. In these incidents, the Public Integrity Bureau will confer with relevant Attorneys' Offices and make a recommendation on release within 7 days to the Superintendent of the NOPD, who will decide within 48 hours whether to release the video. No recording will be released in cases of domestic violence or sexual assault. During the duration of the NOPD Federal Consent Decree, this decision will be reported to the court administering the decree, the Consent Decree Monitor and the Department of Justice within 24 hours of the decision to not release.	"General access to digital recordings shall be granted to Department-authorized users only." Not clear whether other agencies can get access to specific videos.
New York	18 months, per NYPD **website**	Generally, yes. Under the **New York Freedom of Information Law**, agencies can refuse to disclose records that are specifically exempted by state or federal statute, and records that could: interfere with law enforcement investigations or judicial proceedings, pose unwarranted invasions of personal privacy, identify confidential sources, deprive a person of a right to a fair trial, endanger the life or safety of any person, or reveal criminal investigative techniques. When there is a high-profile incident, the NYPD will confer with the Attorney General about release.	Desk Officer is responsible for sharing arrest footage with the District Attorney's office. "Other than providing copies of BWC video to members of the Department for official purposes and prosecutors as described above, uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner."
		Yes, in accordance with statutes & Departmental General Order M-9.1, **Public Records Access**, as governed by the **California**	

Oakland, CA	2 years	**Public Records Act**. As early as July 1, 2019 (under the California Public Records Act), recordings related to critical incidents can be withheld for up to 45 days and recordings can also be withheld in instances when privacy interests outweigh public interest in disclosure. In incidents when the maintenance of privacy outweighs public interest in disclosure, upon request, recordings are still released to the subject whose privacy is being protected, the legal guardian if the subject is a minor and the beneficiary, heir, authorized legal representative or designated immediate family member if the subject is deceased.	Individuals with a "lawful right to know and need to know" may view or receive videos, and Chief of Police can authorize additional sharing under unspecified circumstances.
Orlando	90 days	Yes, videos are public records as defined **in Chapter 119, Florida Statutes.** Florida law exempts BWC video from release if it is from inside a home, a facility that offers health care, or somewhere the individual recorded has "a reasonable expectation of privacy." However, the subject of any footage can authorize its release. Additionally, if BWC video is taken inside a place where a person lawfully resided, dwelled or lodged, but the person was not depicted in the video, the person can receive portions of the video recorded inside the place.	**Florida Statute 119.071(2)(l)(3)** permits disclosure of BWC videos "[t]o another governmental agency in the furtherance of its official duties and responsibilities."
Philadelphia	75 days	Yes, through a public records request in accordance with **42 Pa. C.S. Chapter 67A**. The individual requesting the video must serve a written request to the Department's Right-to-Know Officer within 60 days of the creation of the recording. If the agency determines that the recording contains pertinent information to an investigation, potential evidence in a criminal matter or confidential/victim information, and redaction of the video or audio will not safeguard the information, the agency will deny the request in writing within 30 days of receiving it.	Requests for digital recordings from non-law enforcement agencies are processed by the Department's Right-to-Know Officer and the Digital Evidence Custodian. Pertinent members of the District Attorney's Office and PPD investigators are given access as needed for official investigations and the District Attorney's Office Charging Unit can gain access through submission of a PARS report. Other prosecutorial agencies can gain temporary access in prosecution/legal defense cases that arise from BWC incidents and only the Police Commissioner can release recordings to the media (for

			legitimate law enforcement purposes).
Phoenix, AZ	190 days	Yes, through a public records request in accordance with existing policy and state **public records laws**. Videos can be released with standard redactions, including victim's identifying information, as well as "information that by its very nature is so gross, demeaning, biased, or sensitive that it would do irreparable harm to innocent persons or their character if released."	Not specified
Rialto, CA	60 days, per **California Penal Code Section 832.18 (b)(5)(A)**	Files will be reviewed and released according to "federal, state, local statutes and Departmental policy (public records act, etc.) as set forth in General Order 810 Public Information Release." Media inquiries and requests are processed in accordance with General Order 346 Media Relations. The publicly available Rialto Police Department Policy Manual does not include any policies at those General Order numbers, but does include a Media Relations Policy at **General Order 324**.	Requests from outside the department are processed "in accordance with federal, state, local statutes and Departmental policy."
San Antonio	180 days	Yes, recordings may be requested under the Open Records Act in accordance with **GM Procedure 323**, Release of Police Records.	Criminal justice agencies can make a request in writing on the agency letterhead, signed by the agency's Chief Executive Officer, to the Video Evidence Custodian or their designee. Requests from defense attorneys must be made through the appropriate prosecutor.
San Bernardino	60 days, per **California Penal Code Section 832.18 (b)(5)(A)**	"Public release of digital evidence is prohibited unless approved by the Chief of Police or his/her designee." Method and criteria not specified in policy.	"Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited."
San Diego	60 days, per **California Penal Code Section 832.18 (b)(5)(A)**	"Public release of digital evidence is prohibited unless approved by the Chief of Police or designee." No criteria for these approvals in policy.	"In situations where there is a need to review digital evidence not covered by this procedure, a captain or higher must approve the request.... evaluated on a case by case basis"

San Francisco	60 days	Yes, recordings are subject to Public Record Act requests. Method or criteria for requesting is not specified in policy, but the department must comply with the **San Francisco Sunshine Ordinance, Administrative Code, Chapter 67**.	"The Department shall accept and process PRA [Public Records Act] requests in accordance with the provisions of federal, state and local statutes and Department policy."
San Jose	1 year, per **BWC Program Executive Summary**	"City and Department Public Records Act policy treats body camera audio-visual files as records of police investigations that are generally exempt from public disclosure under the **California Public Records Act**. State law treats the police investigation record exemption as a discretionary exemption, therefore the Chief of Police may, on a case-by-case basis, make the determination to provide greater public disclosure of information or records that are otherwise exempt from disclosure. A requesting party also has the independent right under the Act to institute judicial proceedings for injunctive or declarative relief or a writ of mandate to enforce his or her right to inspect or to receive a copy of any public record (**California Government Code Sections 6258 and 6259**)." (from department **website**)	"All file viewing is for law enforcement use only and subject to a right to know and need to know basis." Policy does not specifically address viewing outside the Department.
Seattle	60 days, per **Wash. Rev. Code 42.56.240**	Yes, under **Wash. Rev. Code 42.56 Public Records Act (PRA)** as interpreted by Washington courts, all Department records must be identified to the public, so long as the records are not part of an open and active investigation or meet specific exemptions. **Wash. Rev. Code 42.56.240 (14)** exempts video from public release if it depicts: a medical facility or patient, the interior of a place of residence, an "intimate image," a minor, a dead body, the identity of a victim or witness of sexual assault or domestic violence (unless the subject requests release), or the location of a domestic violence program. This exemption "may be rebutted by specific evidence in individual cases." A request for recordings must specify a person involved, a case number, or a date, time, and location. A person involved in a recorded incident, or a relevant criminal case, an attorney representing a person regarding the denial of civil rights or a violation of a U.S. Dept. of Justice settlement agreement, or an executive director from the Washington State Commission on African-American Affairs, Asian Pacific American Affairs, or Hispanic Affairs, has the right to obtain video, subject to exemptions under the law.	In accordance with the **Public Records Act (PRA)**, the Legal Unit is supposed to respond to all public disclosure requests; however, the Public Records Unit handles all requests for police reports and redacts electronic police reports.

Tampa	90 days	Yes, through "the Public Records Office and subject to the provisions of **Florida Statutes Chapter 119**." Florida law exempts BWC video from release if it is from inside a home, a hospital, or somewhere the individual recorded has "a reasonable expectation of privacy." However, the subject of any footage can authorize its release.	**Florida Statute 119.071(2)(l)(3)** permits disclosure of BWC videos "[t]o another governmental agency in the furtherance of its official duties and responsibilities." The Chief of Police must authorize the release of the recordings.
Tucson	180 days	Yes, with redactions, through the existing public records process. The release of recordings "will be subject to the same statutory exemptions from disclosure as any other departmental records"	"Accessing, viewing, copying, or releasing BWC recordings for other than the official law enforcement purposes set out in this General Order is strictly prohibited. Any deviation must be approved by a supervisor."
Washington, D.C.	90 days. Recordings of First Amendment activities kept for 3 years. Retained videos reviewed every 60 days for deletion after court proceeding or other retention reason is complete.	Yes, BWC video is available through public records law. Video is exempted from release if it is from inside a personal residence, is related to an incident involving domestic violence, stalking, or sexual assault, or if release would interfere with enforcement proceedings. **The Body-Worn Camera Program Regulations Amendment Act of 2015** allows the Mayor to release recordings in matters of "significant public interest" that would not be releasable to a FOIA request. A subject of a recording can view it at a police station if it does not interfere with the privacy rights or safety of another subject but must file a FOIA request for a copy of the recording.	**D.C. Law 21–83** directs the police department to make recordings available to "law enforcement or investigatory agencies … pursuant to the officers' or agencies' official duties." The department may also provide access to other government agencies, if the governing agreements require the receiving agency to comply with privacy protections imposed by statute or departmental policy.
ACLU Model Statute	6-months for non-evidentiary video (3 years for video flagged for retention by officer or subject).	Yes, but video footage should not be released without express written permission from non-law enforcement subjects of the video footage. In cases where subject of the video is shot by a firearm, killed or grievously injured, the requested footage will be provided as quickly as possible – no later than 5 days after receipt of the request. Footage cannot be withheld from public on basis of being an investigatory record when a police officer or other law enforcement employee is the subject under investigation in relation to his or her on-the-job conduct.	Recordings "shall not be divulged or used… for any commercial or non-law enforcement purpose."

International Association of Chiefs of Police	Not specified	Not specified	The chief executive officer must authorize all distribution; authorization criteria are not specified.
Police Executive Research Forum	60–90 days common for non-evidentiary video.	"PERF generally recommends a broad disclosure policy to promote agency transparency and accountability." Note that evidence in an ongoing proceeding is usually exempted by state law. "When the videos raise privacy concerns, such as recordings of crime victims or witnesses or footage taken inside a private home, agencies must balance privacy concerns against the need for transparency while complying with relevant state public disclosure laws."	Not specified

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