

**TYLER POLICE DEPARTMENT  
GENERAL ORDER**

**VIDEO /AUDIO RECORDING**

**05.300**

**REVISED: 01/05/15**

**EFFECTIVE 7/27/01**

**05.301 PURPOSE (CALEA 41.3.8.a)**

It is the purpose of this policy to establish guidelines for officers utilizing Video/Audio Recording Equipment, in order to accomplish several objectives, including but not limited to: accurate documentation of events and statements made during traffic stops, pedestrian stops, vehicle searches, arrests, accidents and other incidents to enhance officer reports, collection of evidence and statements for court; and the enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction and evidence for investigative purposes, as well as for officer evaluation and training.

The purpose of this policy is to provide officers with guidelines for the use of recording equipment and comply with Bias-Based/Racial Profiling Policy 12.600.

**05.302 OPERATIONS FOR VIDEO/AUDIO RECORDING**

- A. Prior to issuing recording equipment, supervisors shall ensure that the officers in their command are appropriately trained in the use and operation of recording equipment and that they are familiar with this policy.
- B. Officers shall be responsible for the operation and care of the assigned recording equipment.
- C. Prior to and during each shift, officers shall determine that recording equipment is working satisfactorily. A supervisor will be notified, as soon as possible, if any problems are detected and the appropriate written request for repair will be submitted.
- D. Officers shall only use video/audio equipment issued or authorized by the department. All data, images, video, audio and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency and, except as provided below, shall not be edited, altered, erased, copied, reproduced, shared or distributed in any manner.
- E. Officers shall activate all available video systems, mobile and / or body worn, to record all dispatched calls, enforcement related citizen contacts, or any citizen contact where the citizen is antagonistic toward the officer. Except as provided below, officers shall not stop or mute the recording until the completion of the incident. Public relations contacts and events such as crime watch meetings, bicycle rodeos, K-9 demos, casual conversations etc. need not be recorded. (CALEA 41.3.8.a)
- F. In order to respect the privacy interests of the public, Officers may stop and / or mute a recording in private places or when requested to do so by a citizen, provided the need for privacy outweighs any evidentiary or law enforcement need to continue recording. Prior to muting or stopping the recording, the officer will articulate on video the reason for doing so. Examples may include but are not limited to walking through private areas such as occupied dressing rooms, medical facilities, restrooms, interviewing a sexual assault victim, taking a statement from a reluctant witness or recordings of individuals in embarrassing circumstances.
- G. At the scene of incidents when no further confrontation or enforcement action is anticipated or evidentiary value to be obtained, officers may terminate video recordings provided the officer first articulates on video his intent to do so.
- H. Officers may momentarily mute or stop a video recording during an incident to tend to personal or official business unrelated to the incident provided the officer first articulates on video his intent to mute or stop the video and reason for doing so. Examples may include bathroom breaks, phone calls or personal conversations unrelated to the incident. Once the business is done, the officer shall un-mute and / or re-activate the recording.

- I. Whenever possible, officers should inform individuals that they are being recorded.
- J. Officers shall not erase or in any manner alter video/audio recordings. (CALEA 41.3.8.a, b)
- K. In the event it becomes necessary, the recording may be played back in the patrol unit at the scene to obtain any needed information. Officers may review recordings to recover accurate facts for reports.
- L. Each officer shall digitally label their recordings by providing a case or citation number and / or defendant's name where applicable. This will ensure that the recording is retained, on record and viewable, for the correct number of days after the recording is made.
- M. Officers shall note at the beginning of every narrative if they have mobile or body video for the incident.
- N. Officers will download mobile video files to the department server at the conclusion of each shift. Body camera videos may be downloaded on a schedule set by the patrol division Assistant Chief.

05.303 VIDEO / AUDIO FILE CONTROL AND STORAGE (CALEA 41.3.8.b)

- A. Control
  - 1. Video and audio files and their contents are considered public information, unless marked as evidence.
    - a. In order to address citizen concerns or complaints associated with Class 2 violations, requests to see or hear any portion of a video or audio-file by anyone not employed by the department must be approved by a lieutenant or higher.
    - b. When addressing citizen concerns or complaints that would be considered a Class 1 violation, requests to see or hear any portion of a video or audio-file by anyone not employed by the department shall be referred to the Integrity Unit.
    - c. Viewing or listening to the file may take place at the department during normal business hours under the direction of the Integrity Unit Supervisor or at a time that is convenient for the supervisor and concerned party.
  - 2. Video and audio-files containing information that may be of evidentiary value or used in civil adversary proceedings shall be safeguarded and a chain of custody maintained, as with other evidentiary items.
- B. Storage (CALEA 41.3.8.c)
  - 1. Audio/Video Files will be stored for a minimum of 90 days.
  - 2. Files marked as evidence shall be handled as such and retained until final disposition or expiration of the statute of limitations.
  - 3. If there is an ongoing complaint investigation the related videos will be retained until final disposition of the complaint.

05.304 DUPLICATION / DELETION OF RECORDINGS

- A. Recordings may not be duplicated or shared in any manner for personal use without written authorization of the Chief of Police. This includes but is not limited to recording the playback of a video on a computer monitor with a personal cell phone or other device.
- B. Duplication of recordings for the purpose of investigation, appearance in court, or DA case presentation is allowed.
- C. Recordings that fall under a public information request will follow records policy 23.200.
- D. Requests for recordings from criminal justice agencies shall be submitted in writing on agency letterhead.
- F. All other requests for duplicate recordings shall be referred to the Chief. Requests should include

specific information regarding the incident, i.e. date, time, location, etc.

1. A duplication fee as authorized in the Public Information Act may be assessed.
  2. Duplicated recordings are furnished to the requesting entities for the express use of the requester and further duplication or distribution without the express written consent of the Chief or his designee is prohibited.
  3. The duplicate recording shall be labeled with the following:
    - a. Tyler Police Department
    - b. Date of duplication
    - c. A statement prohibiting further duplication or distribution of the recording without express written consent of the Chief or his designee.
- G. In the event that an officer inadvertently records something of a personal, private or embarrassing nature to either the officer or a citizen and that recording or portion of the recording has no evidentiary or other legitimate law enforcement value, the officer may submit a request to his or her lieutenant that the video be deleted or redacted. The lieutenant will move the video to a limited access folder and forward the request to the Chief of Police. The Chief of Police must authorize or deny any deletion or redaction of the video as well as its final storage disposition.

#### 05.305 SUPERVISORY RESPONSIBILITIES

- A. Supervisors shall ensure officers utilizing recording equipment adhere to established procedures, guidelines and policies.
- B. Supervisors, at a minimum, will review on a monthly basis a sampling of at least three video or audio files of each of their assigned personnel in order to ensure bias-based/racial profiling is not occurring. Other violations of law or policy should be properly investigated and addressed, if discovered in the course of this review.
- C. In any use of force, or pursuit situation by a Tyler Police Officer, the reviewing supervisor will review the videos of the involved officers to make sure that the incident was properly recorded. This shall be completed during the review process. The supervisor will include any policy violations or training concerns observed in the video in the Pursuit/Use of Force Review Form. In those situations where a Review Form was not completed the supervisor will forward a memo detailing concerns to the involved Officer's Shift Commander. In those situations where a recording was not made, the supervisor will attach a memo to the Review Form, or in those cases where a Review Form was not completed will forward the memo to the involved Officer's shift commander, detailing why a recording was not made.
- D. The supervisor shall assist officers in arranging for repair of recording equipment if needed.

#### 05.306 EQUIPMENT ASSIGNMENT

- A. Marked patrol units will be equipped with mobile video equipment. Officers will check out the necessary storage devices and transmitters at the beginning of each shift.
- B. Body cameras will be individually assigned to all uniformed officers. Officers shall be responsible for charging, downloading and storing their assigned cameras.
- C. Traffic Unit motorcycles will be equipped with mobile video systems. Motorcycles and related video equipment will be individually assigned to Traffic Unit Officers.
- D. Investigators will be assigned digital audio recorders. All interviews will be uploaded onto department drive(s) into personal corresponding folders.

#### 05.310 LEGAL REQUIREMENTS

The officer shall read the suspect his or her statutory warning, Constitutional rights, interview questions, and all other pertinent information on camera when conducting a custodial interrogation.

05.311 EVIDENCE DISPOSITION

- A. Video recordings containing evidence shall be digitally labeled to ensure the data will be retained accordingly. The officer shall digitally label the recording with the proper case number.
- B. Audio recordings containing evidence shall be properly labeled and logged into Property accordingly.

Approved: 01/05/15

A handwritten signature in black ink, appearing to read "Angie Smith". The signature is written in a cursive, flowing style.