



TYLER POLICE DEPARTMENT

GENERAL ORDER: 05.300

	MOBILE VIDEO / AUDIO RECORDING	
	EFFECTIVE DATE: 07-27-2001	
	REVISED DATE: 09-12-2018	
CALEA STANDARDS: 41.3.8; 82.1.6		

05.301 PURPOSE – [CALEA Standard: 41.3.8]

- A. It is the purpose of this policy to establish guidelines for department personnel utilizing Mobile Video / Audio Recording Equipment; accomplishing several objectives, including, but not limited to: accurate documentation of events and statements made during motor vehicle traffic stops, pedestrian stops / contacts, searches, arrests, motor vehicle accidents, evidence collection and purpose, statements used for court, and other occurrences to enhance officer reporting capabilities.
- B. The aim of this policy is also to enhance the department's ability to review probable cause findings for arrest, arrest procedures, search and seizure procedures, interactions between officers and the citizenry, and officer evaluation and training.
- C. Furthermore the intent of this policy is to provide officers with guidelines for the use of mobile video / audio recording equipment that complies with [Articles 2.131 – 2.138 of the Texas Code of Criminal Procedure](#) and [General Order 12.600 – Bias-Based/Racial Profiling](#).

05.302 OPERATIONS FOR VIDEO / AUDIO RECORDING – [CALEA Standard: 41.3.8]

- A. Prior to any video / audio recording equipment being issued or temporarily checked-out, supervisors will ensure their assigned personnel are familiar with and have been appropriately trained on the respective recording equipment's use and operation.
 - 1. Supervisors will also make certain their assigned personnel are familiar with this policy.
- B. Each employee that has been assigned or temporarily checks-out video / audio recording equipment shall be responsible for its care and functionality.
 - 1. Prior to or immediately following the start of their shift, each employee shall determine if their assigned or temporarily checked-out recording equipment is functioning properly. If any problems with the equipment are detected before or in the course of their shift a supervisor is to be promptly notified.
 - a. If a problem occurs with the police vehicle recording equipment and cannot

be resolved, the vehicle housing the recording equipment shall be downed for repair.

- 1) A down slip is to be completed noting the specific reason(s) for downing the vehicle and placed in the appropriate department armory location.
 - b. If a problem occurs with a body worn camera / recording equipment and cannot be resolved, the recording equipment shall be retrieved for repair and the employee provided with a temporary body worn camera / recording equipment.
 - 1) If it is determined that the equipment cannot be repaired the employee shall be provided with a new, fully operational, body worn camera / recording equipment.
 - c. Should material of an evidentiary nature be present on any malfunctioning video / audio recording equipment all attempts to retrieve and properly store the information shall be made.
 - 1) If all in-house retrieval methods have failed the video / audio recording equipment may be returned to the manufacture in an attempt to recover the recording(s).
- C. Employees will only use video / audio recording equipment authorized by this department. All images, video, audio, data, and metadata captured, recorded, or otherwise produced by the recording equipment is the sole property of the Tyler Police Department. and,
1. The material noted directly above shall not be edited, altered, erased, copied, reproduced, shared or distributed in any manner except as provided below.
- D. Employees shall activate all available recording equipment, police vehicle and/or body worn, on all dispatched calls, enforcement related citizen contacts, or any citizen contact where the citizen is antagonistic toward the employee. If possible, persons contacted under these and all other circumstance should be informed that they are being recorded. Except as provided below, officers shall not stop or mute the recording until the completion of the incident, stop or contact.
1. Public relations contacts and events (e.g. crime watch meetings, bicycle rodeos, K-9 demonstrations, and casual conversations) need not be recorded.
- E. In order to respect the privacy interests of the public, employees may stop and / or mute a recording in private places or when requested to do so by a citizen; the need for privacy must outweigh any evidentiary or law enforcement need for continued recording. Prior to stopping or muting the recording, the employee will articulate their reason for doing so.
1. 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 the recording of individuals in embarrassing circumstances.
- F. While on scene employees may elect to terminate all video / audio recordings when no further confrontation or enforcement action is anticipated or evidentiary value to be obtained. Prior to doing so the employee must first articulate their intent to mute or end the recording as noted in subsection E above.
- G. Employees may momentarily mute or stop a recording of an incident to attend to personal or official business unrelated to the incident the employee is currently working. Once the matter is done, the officer shall un-mute and / or re-activate their recording. Prior to doing so the employee must first articulate their intent to mute or end the recording as noted in subsection F above.
1. Examples may include, but are not limited to, bathroom breaks, phone calls or

personal conversations unrelated to the incident.

- H. Employees shall not erase or in any manner alter any video / audio recording without express permission from the Chief of Police.
- I. If necessary all video / audio recordings (police vehicle and body worn) may be temporarily stopped while on scene and reviewed to obtain crucial information. Prior to doing so the employee must first articulate their intent to temporarily stop the recording. Once an employee has reviewed the recording the equipment shall be reactivated unless section G above is satisfied.
 - 1. Employees may review all video / audio recordings to recover accurate facts for report purposes.
- J. Employees shall label their video / audio recordings by providing the appropriate information to ensure the data is maintained for the minimum retention period as required by the [Texas State Library Archives Commission Retention Schedule for Records of Public Safety Agencies](#).
 - 1. Police vehicle recordings shall be labeled using the appropriate incident designation, correct case number, and/or citations / warning ticket number.
 - 2. Body worn recordings shall be labeled with the employee's name (i.e. jdoe) followed by the incident's case number if evidentiary in nature.
 - a. If not evidentiary the employee is not required to label the recording.
 - 3. Digital audio recordings obtained by case investigators shall be appropriately labeled for easy of identification and maintained by the assigned investigator in the designated case folder.
- K. At the beginning of every report narrative each employee shall document if they have any video / audio (police vehicle and/or body worn) recordings of an incident.
- L. Employees are not required to keep their police vehicle or body worn video / audio recording devices active throughout the duration of their shift. However, they shall be activated and deactivated per subsections D through G as noted above.

05.303 VIEWING AND RELEASE OF VIDEO / AUDIO RECORDINGS – [CALEA Standard: 41.3.8]

- A. General Public Release
 - 1. The release of any department held video / audio recording(s) (in part or in whole) for viewing by the general public based on safety awareness or community concerns is at the sole discretion of the Chief of Police.
 - a. Prior to releasing any portion of a video / audio recording to the general public all applicable State law and department policy pertaining to the redaction of information shall be weighted for consideration.
- B. Complainant Viewing Process
 - 1. Video / audio recordings and their contents are considered public information and available for view by a complainant or concerned citizen, unless evidentiary in nature.
 - a. In order to address a citizen's concern or complaint associated with a Class 2 violation, the request to see or hear any portion of a video / audio recording by anyone not employed by the department shall be approved by a lieutenant or higher.

- b. When addressing a citizen's concern or complaint associated with a Class 1 violation, the request to see or hear any portion of a video / audio recording by anyone not employed by the department shall be referred to the Integrity Unit.
 - 1) If authorized the viewing or listening of the video / audio recording shall take place at the Downtown Police Station under the direction of the Integrity Unit Sergeant. The meeting should occur during normal business hours, but may be schedule for a time that is more convenient for the sergeant and complainant or concerned party.
 - 2) The citizen or complainant will not be permitted to record or document any information obtained from the viewing or hearing of the video / audio recording.
 - i. The citizen or complainant may submit an Open Records Request in order to obtain a copy of the video / audio recording before or after the viewing or hearing of the video / audio recording.
 - c. The request to view or hear any video / audio recording from a citizen or complainant involving any class of complaint that is deemed evidentiary or part of an open investigation / case shall be at the solo discretion of the Chief of Police.
2. Upon receipt of a formal complaint, regardless of class, employees shall be permitted to review any available video / audio recording(s) prior to being required to provide a written statement.

C. Open Records Request

- 1. All requests to obtain copies of police vehicle or other non-body worn video / audio recordings shall be made through the filing of a written open records request to the Department. The release of the records to the requesting party shall comply with all applicable [Texas Government Code, Chapter 552](#) and [General Orders 23.200 – Data Management](#) requirements and constraints.
- 2. All requests to obtain copies of body worn video / audio recordings shall be made through the filing of a written open records request to the Department. The release of the records shall comply with the [Texas Occupations Code, Chapter 1701, Subchapter N](#) and General Order 23.200 – Data Management requirements and constraints.

05.304 DATA STORAGE, RETENTION, AND SECURITY – [CALEA Standards: 41.3.8; 82.1.6]

- A. All video / audio recordings will be stored on internal network devices / drives. Network devices / drives containing all department video / audio recordings shall be backed-up on a daily and weekly schedule as outline in [City of Tyler Policy: 3-130 – City Network & Computer Systems Maintenance](#).
- B. As noted in Section [05.302\(K\)](#) above all video / audio recordings shall be preserved for the minimum retention periods prescribed by the Texas State Library Archives Commission Retention Schedule for Records of Public Safety Agencies.

1. All police vehicle and body worn video / audio recordings shall be retained for no less than of 90 days.
 2. All video / audio recordings designated as evidence shall be retained for the minimum requirement periods based on the Class or Degree of the offense.
 - a. Due to the nature or seriousness of the offense the Department may choose to retain a video / audio recording greater than the period required by the retention schedule.
 3. All video / audio recordings related to an active complaint under investigation shall be retained until the final disposition of the complaint.
 - a. Due to the nature or seriousness of the complaint the Department may choose to retain a video / audio recording beyond the final disposition of the complaint.
- C. Data security for all video / audio recordings is established by [City of Tyler Policy: 2-120 – Computer Use Ethics](#) and monitored by the Technology Unit Sergeant.
1. Police Vehicle Recordings
 - a. As the lead administrator for all police vehicle recordings the Technology Unit Sergeant shall establish groups (e.g. User, Supervisor, Administrator, etc.) with designed rights and access permissions / restrictions.
 2. Body Worn and Digital Audio Recordings
 - a. As the lead administrator for all body worn and digital audio recordings the Technology Unit Sergeant shall establish file security for the storage of both types of recordings.
 - 1) This shall be done through the assignment of groups and/or persons (e.g. All Investigators, All Sergeants, All Lieutenants, etc.) with designed file rights and access permissions / restrictions.
 3. Annually, the Technology Unit Sergeant shall conduct an internal security audit as outlined in [General Orders 21.100 – Electronic Security](#) to ensure that all established video / audio recording security measures are effective and being maintained.

05.304 DUPLICATION AND DELETION OF RECORDINGS

- A. No video / audio recording may be duplicated or shared in any manner for personal use without written authorization from the Chief of Police. This includes, but not limited to, recording the playback of a video on a computer monitor with a personal cell phone or other device.
- B. Duplication of video / audio recordings for the purpose of investigation, appearance in court, or DA case presentation is allowed.
 1. The department's DA Liaison shall be responsible for the duplication of all police vehicle and body worn video / audio recordings obtained by patrol personnel for DA case presentation.
 2. Requests for copies of any police vehicle and/or body worn video / audio recording by outside criminal justice agencies not local or common to the department must

submit the request in writing to the DA Liaison on that agencies official letterhead.

- a. Local agencies or those common to the department may not be required to submit a request in writing; however, the DA Liaison will require the agency's receiving person to sign the department's [Incident Report & Digital Evidence Request form \(TPD Form A-118\)](#) documenting the release of the duplicated video / audio recording(s).
- C. Requests for duplicated video / audio recordings made to department investigators must meet the criteria outlined below prior to the recording(s) being released.
1. The requesting party must be a known or confirmed investigator from an outside criminal justice agency and the request made directly to or forwarded to the assigned case investigator.
 2. The request for the video / audio recording(s) must pertain to a criminal case or incident the outside agency is currently working and any police vehicle, body worn, and/or digital audio recordings obtained by department personnel would aid in the outside agency's investigation.
 - a. The release of video / audio recordings that are not mobile or obtained in the field shall adhere to criteria set forth in [General Order 18.100 – Investigative Services](#).
 3. If the assigned case investigator is unavailable the request will be forwarded to the unit sergeant or division lieutenant. Upon review of the request the unit sergeant or division lieutenant may authorize the release of the video / audio recording(s).
 - a. If the unit sergeant or division lieutenant is unavailable the request shall be forwarded to the DA Liaison for release of the video / audio recording(s) detailed in Section 05.304(B) above.
- D. Public information requests for the duplication and release of department held video / audio recordings will adhere to [Section 05.303\(C\)](#) of this policy and [General Order 23.200 – Data Management](#).
1. A fee for duplication and redaction of certain information may be assessed as authorized by the Texas Government Code and Texas Administrative Code.
- E. 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 SUPERVISOR RESPONSIBILITIES

- A. Supervisory personnel that oversee employees that regularly use and/or are issued video / audio recording equipment shall ensure employee adherence to established policies, procedures, and guidelines.
- B. Supervisory personnel who meet the condition stated above shall conduct a monthly review of their employee's video / audio (i.e. body worn, in-car) recordings. If assigned to the Patrol Division the review will consist of no less than three (3) randomly selected recordings with at least one (1) of the recordings being of a motor vehicle traffic stop. If assigned to the Investigative Division the review will consist of at least one (1) recording obtained in the field, if any exists.
 1. The review is conducted to ensure there are no employee violations of the law,

department policy or any other concerns or issues needing to be addressed by the reviewing supervisor. All violations discovered in the course of this review shall be properly investigated and attended to as necessary.

2. Additionally, the review shall be completed to make certain that no employee of this department is or has engaged in bias-based / racial profiling.
- C. Supervisory personnel who meet the condition noted in subsection 05.305(A) will review all available video / audio recordings of each employee involved in any use of force incident, motor vehicle pursuit, and formal citizen complaint.
1. The purpose of the review process has several components, one of course being that the incidents noted above are appropriately recorded / documented.
 2. During the review process the supervisor will document any policy violations or training concerns observed while reviewing the video / audio recording on the appropriate IA Record of Investigation form (i.e. Pursuit, Subject Resistance, Complaint / Summary Violation). The form shall then be forwarded to the involved officer's shift / division lieutenant.
 - a. In situations where a Record of Investigation was not completed the reviewing supervisor will forward a memorandum detailing their concerns to the involved officer's shift / division lieutenant.
 - b. In situations where a recording of an incident was not made, the reviewing supervisor will attach a memorandum detailing why a recording was not made on the appropriate Record of Investigation. The form and memorandum shall then be forwarded to the involved officer's shift / division lieutenant.
 - c. In instances where no recording of an incident was made, nor a Record of Investigation completed, the reviewing supervisor shall submit a memorandum to the involved officer's shift / division lieutenant detailing reasons why neither were completed.
- D. Supervisory personnel shall assist employees in arranging for repair of video / audio recording equipment as well as the replacement of damaged or outdated equipment.

05.306 EQUIPMENT ASSIGNMENT

- A. Marked patrol units will be equipped with mobile video recording equipment. Employees operating a marked patrol unit are required to check out audio transmitters at the beginning of their shift and returned at the close of their shift.
- B. Body worn cameras will be individually assigned to all sworn uniformed and non-uniformed personnel. Employees issued body worn cameras are responsible for charging, downloading and storing their assigned cameras.
- C. Traffic Unit motorcycles will be equipped with mobile video recording equipment. Related motorcycle recording equipment will be individually assigned to each Traffic Unit officer.
- D. Investigators will be assigned digital audio recorders. Investigators are responsible for the downloading and storing of their assigned digital audio record.

05.310 LEGAL REQUIREMENTS


- A. Sworn employees shall read a 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. Police Vehicle, Body Worn Cameras, and Digital Audio Records

1. Recordings containing evidence shall be labeled as outlined in subsection [05.302\(K\)\(1-3\)](#) above to ensure data is correctly stored and retained.

Approved: 09-12-2018



Jimmy Toler
Chief of Police