
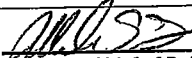


CHAPTER 9 COMMUNICATIONS

	ARGYLE POLICE DEPARTMENT	
	Policy 9.1 Communications Procedures	
	Effective Date: 17Feb12	Replaces:
	Approved:  Chief of Police	
	Reference: TBP: 3.18.1, 9.01.1, 9.02.1, 9.03.1, 9.04.1, 9.05.1, 9.06.1, 9.07.1, and 9.08.1.	

I. POLICY

Accurate communication is essential in the operation of a department. The Argyle Police Department recognizes the need for a communications center to be a 24-hour operation to provide safety and security to police personnel and respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively and properly. The Argyle Police Department contracts for dispatch services through an Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System. (Appendix F)

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 and Dispatch Services System.

III. GENERAL

- A. The Communications Center operates 24 hours a day and has 24 hour two-way radio communication with all members of the department when operating in the field. (TBP: 9.01.1, 9.06.1)
- B. The Communications Center is a secure facility and no unauthorized personnel are allowed inside the facility without the express approval of a Communications Supervisor. (TBP: 9.02.1)
- C. Police personnel will limit their access to the Communications Center to business related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.
- D. The Communications Center has an Emergency Back-up Generator for power and portable radios and cell phones for communications in the event of a power failure. In the event of an extended power failure and in-coming 911 calls are at risk, the 911 calls should be transferred to another PSAP and police and fire call response initiated by portable radio systems.

- E. The back-up generator is maintained by Denton County Facilities and receives documented tests on a routine basis. (TBP: 9.04.1)
- F. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary. (TBP: 9.03.1)

IV. COMPLIANCE WITH FCC RULES AND REGULATIONS

- A. Employees will comply with FCC regulations relating to the use of radio communications systems.
- B. Employees will follow established guidelines and procedures as outlined below:
 - 1. Communications involving the protection of life and property shall be afforded priority.
 - 2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited.
 - 3. Employees shall monitor the frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.
 - 4. Duration of radio transmissions must be restricted to the minimum practical transmission time.

V. RADIO COMMUNICATIONS

- A. Only English will be spoken. Clear, concise and controlled language will be used. Obscene, indecent, profane or slang language, horseplay and joking are not permitted.
- B. Units calling the station shall identify themselves by their assigned unit number. They should not continue the transmission until acknowledged by the dispatcher.
- C. Units will give their unit number when responding to the dispatcher.
- D. Officers will not call for another employee by name unless their radio or unit number is unknown.
- E. Officers will advise the dispatcher of their arrival on the scene of a dispatched call using proper radio etiquette or by MDC.
- F. Upon arrival at a scene, officers will notify the dispatcher if no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the officer will update their location by radio or via MDC to the dispatcher.

- H. Upon completion of a call, officers will clear the call in the proper manner via radio or MDC and immediately go back in service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, as a CAD message, or via a cell phone if available. Long transmissions should always be held to a minimum.
- J. Employees will not become engaged in an argument on the radio. Conflict between an officer and a dispatcher should be referred to the employees' immediate supervisors for resolution.
- K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or Department policy. Officers should consult their immediate supervisor on these matters or obtain the information from their laptop computers.

VI. EMERGENCY SITUATIONS

- A. Transmissions regarding emergencies (e.g., pursuits, serious crimes in progress, etc.) will be given priority over all other transmissions. Units not involved in the emergency will stay off the air until the situation has been resolved.

VII. MONITORING RADIO CHANNELS

- A. Field units will continuously monitor their primary channel.
- B. Investigative, support and special unit personnel will monitor the patrol channel when they are in the field.
- C. Supervisors may monitor additional frequencies; however, they will remain available to their primary channel.

VIII. RESPONSIBILITY OF SUPERVISORS

- A. Supervisors will carefully monitor and supervise the use of the radio to assist their officers as needed.
- B. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
- C. Supervisors may be assigned calls when other units are not available.

- 1. When called upon by subordinates, supervisors will respond to any scene when requested.

IX. MDC COMPUTER USAGE

- A. The Mobil Data Computer (MDC) is a part of the Dispatch Services System. Rules concerning proper radio procedures also apply to use of the MDT. Additionally, messages:
 - 1. Will not be personal in nature;
 - 2. Will not contain derogatory references to other persons or agencies; and
 - 3. Will not contain any text a reasonable person would find offensive.
- B. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.

X. CALL HISTORY

The following information will be created and maintained regarding each request for police services (call for service) and officer self-initiated activity and will include:

- A. Case or service number;
- B. Date and time of request;
- C. Name of complainant, if possible;
- D. type of incident reported;
- E. location of incident reported;
- F. identification of officer(s) assigned as primary and backup;
- G. time of dispatch;
- H. time of officer arrival;
- I. time of officer return to service; and
- J. disposition or status of reported incident.

XI. ASSIGNMENTS OF CALLS FOR SERVICE

A. Call Priority

- 1. The Communications center maintains a listing of the types of calls by priority. Priority 1 calls are those where an immediate response is required to prevent injury or loss of life. Other calls are classified as Priority 2, 3, and 4 depending on the nature of the call and which should be handled first.
- 2. The Chief of Police shall establish the Call Priority list as needed to respond to the needs of the community.

B. Assignment of Priority Calls

- 1. Units Available/Units Not Available
 - a. Calls for service shall be assigned to the in-service officer responsible for the area in which the call is located. When area officers are not available, the nearest area officer will be selected. Officer safety and call priority will be the first consideration when selecting alternate area officers.
 - b. Supervisors will monitor dispatching of Priority One calls and ensure that officers are, or quickly become, available to respond.


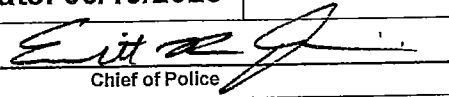
2. Backup Units

- a. Backups are assigned to ensure officer safety, to help secure crime scenes, and to check the area for suspects. Most calls categorized as priority 1 will require a backup. The decision to send a backup on a priority 2 call is decided on a call-by-call basis. However, supervisors or on-scene officers may authorize the response of additional units if needed.

XII. COMMUNICATION OFFICER TRAINING (TBP: 3.18.1)

A. TCIC and NCIC Operations

1. The Communications Center has access to TCIC and NCIC systems. (TBP: 9.07.1)
2. All call takers will be trained in TCIC/NCIC Full Access and will comply with all rules and regulations regarding operation of the systems.

	ARGYLE POLICE DEPARTMENT	
	Policy 9.2 Mobile Audio/Video Recording Systems and Body Worn Cameras	
	Effective Date: 06/19/2020	
	Approved:  Chief of Police	
Reference:		

I. POLICY

- A. It is the policy of the Argyle Police Department that officers shall activate mobile audio/video recording equipment and body worn cameras when such use is appropriate to the proper performance of their official duties, and that audio/video evidence of traffic and other law violations be available to present for prosecution. To this end, officers with properly functioning body worn camera equipment shall record all events surrounding the contact, stop, detention, interview and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution and internal investigations.
- B. All recording generated on department-owned mobile audio/video recording equipment and body worn camera equipment are the property of the Argyle Police Department. The copying or reproducing of any recordings generated by members of the department for use outside of departmental business is prohibited. The Argyle Police Department records custodian or a supervisor will process requests for copies.
- C. Distribution of any recordings generated by department members in any format or for any purpose must be in compliance with this procedure and legal guidelines. Release of any recording created with a body worn camera by any officer, without the permission of the Argyle Police Department, is a violation of Section 1701.659 of the Texas Occupations Code, as amended.

II. PURPOSE

This policy was created to provide guidelines and procedures for use, maintenance, and management of the mobile audio/video recordings systems and body worn camera equipment.

- A. The Argyle Police Department is dedicated to utilizing body worn cameras in a manner that is fair and equitable to both citizens and employees.
- B. The use of body worn cameras is intended to accomplish the goals of:
 - 1. Enhance Department transparency to the public.
 - 2. Enhancement of officer safety.

3. Enhancement of officer reporting, evidence collection, and court testimony.
4. Enhance officer training.
5. Protection from false claims of impropriety.
6. Provide accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents.
7. Document the quality of service provided by police officers.

III. DEFINITIONS

- A. Mobile audio/video recording equipment – refers to a device mounted in a vehicle (sometimes referred to as a “dash cam” or “in-car camera”) which is capable of recording both audio and video.
- B. Body Worn Camera Equipment – refers to a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio and worn on the person of a peace officer, which includes being attached to the officer’s clothing or worn as glasses.
- C. Video – refers to both video and audio recorded by either mobile audio/video recording equipment or body worn camera equipment.

IV. MAINTENANCE OF EQUIPMENT

- A. All members of the Argyle Police Department shall ensure that mobile audio/video recording equipment and body worn cameras are maintained in a state of operational readiness. Equipment malfunctions will be brought to the attention of a supervisor as soon as possible. Officers observing damage to body worn cameras will immediately remove the device from service and a supervisor will be notified to make a repair.
- B. Body worn cameras and their associated accessories shall be made readily available to officers. Prior to use of a body worn camera, officers shall log into the Evidence Library computer application and “assign” the body worn camera to themselves.
- C. It is the officer’s responsibility to ensure the body worn camera device is fully charged and operable prior to their tour of duty. Body worn cameras are the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning.
- D. No officer shall alter, modify, reuse, tamper with or disable the body worn camera or associated accessories in any manner. Department body worn camera equipment shall not be connected to an unauthorized computer, nor shall non-department-issued equipment be connected to any department-issued body worn camera device.
- E. Employees shall use department equipment in accordance with established departmental procedures and directives. Employees shall not, intentionally or through negligence, abuse, damage, or lose departmental equipment. Loss, theft, or severe

1

damage to body worn camera equipment will be documented by the officer(s) in an incident report and will be immediately reported to a supervisor. The supervisor will ensure that the incident has been completed and will draft a memo to the Chief of Police. In this memo, the supervisor will make a recommendation regarding whether the officer should be required to make restitution.

V. OFF-DUTY USE OF BODY WORN CAMERA EQUIPMENT

Officers working off-duty employment shall use a body worn camera if the employment is police- or security-related and approved by the department, but only in compliance with Argyle Police Department general orders and legal standards. Officers shall download all evidence recorded during their off-duty employment no later than during their next regularly assigned on-duty shift or when directed by a supervisor.

VI. BODY WORN CAMERA EQUIPMENT TRAINING

- A. Officers who utilize a body worn camera, and any other personnel who will come into contact with audio/video data obtained from a body worn camera, shall complete an agency approved and/or provided training program to ensure proper use and operation.
- B. Additional training may be required at periodic intervals to ensure that continued effective use and operation of the equipment, performance, and to incorporate changes, updates, or other revisions in policy and equipment.

VII. MOBILE AUDIO/VIDEO EQUIPMENT PROCEDURES

- A. Officers assigned to patrol vehicles equipped with mobile audio/video recording systems shall adhere to the following listed procedures:
 - 1. The officer shall carry the microphone/transmitter on his/her person and shall ensure the transmitter and receiver are set to the same frequency and working properly.
 - 2. Officers shall not intentionally direct a person out of the camera's field of view to avoid having the contact visually recorded or turn off the transmitter while contact is being made.
 - 3. Officers shall not erase, destroy, record over, tamper with, make an unauthorized copy, or otherwise alter an audio/video recording obtained from department mobile audio/video recording equipment.
 - 4. Citizens may not view mobile audio/video recordings in the field.
- B. Officers assigned to patrol vehicles equipped with mobile audio/video recording systems shall activate their audio and video recording systems when responding to and under the following conditions:
 - 1. All officer-initiated enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.
 - 2. Anytime the officer's emergency lighting is activated while responding to a call for service.

3. Any criminal investigation where the initial response required the activation of emergency lights or siren.
4. Anytime an officer is in contact with a citizen or suspect and it is feasible that the video system may record all or part of the contact.
5. Any officer involved in a fleet collision shall, unless physically unable to, immediately activate their audio and video recording system.
6. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
7. Any situation the officer believes may be later called into question, or where mobile audio/video recording equipment footage would aid in the resolution of a citizen complaint.

VIII. WHEN BODY WORN CAMERA WILL BE ACTIVATED

- C. Officers will inspect and test the body worn camera prior to each shift in order to verify proper functioning. Officers will also ensure the clip is in good condition and the body worn camera is securely affixed to the officer's uniform.
- D. While no officer shall be required to keep a body worn camera activated the entire shift, officers shall activate their body worn camera to record all contacts conducted within the scope of an official law enforcement capacity, including but not limited to:
 1. Before any enforcement stop, pedestrian or vehicle, officers will activate the body camera upon exiting the police vehicle. An officer may activate the camera any time prior to exiting the vehicle. If the body worn camera cannot be activated upon exiting the police vehicle, it will be activated as soon as practical and safe to do so.
 2. Upon arrival when on any call for service. Officers may activate the camera while en route to a call destination if they deem it necessary.
 3. During non-vehicle pursuits (foot, bike, etc.) as soon as the officer can do so safely.
 4. During vehicle pursuits in vehicles without in-car DVR systems, as soon as the officer can do so safely.
 5. Upon arriving to all crime in progress calls as soon as the officer can do so safely.
 6. During the execution of a warrant or "knock and talk" operation.
 7. When requesting and conducting a consensual search of any type.
 8. Before any planned or anticipated arrest.
 9. During the inventorying of seized narcotics, money, or any high value property.
 10. During the inventorying of a vehicle that is being impounded.
 11. When conducting the Standard Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) test.
 12. Any situation where the officer's training and experience causes him/her to believe the incident needs to be recorded to enhance reports, preservation of evidence, and aid in subsequent court testimony.
 13. Any situation the officer believes may be later called into question, or where body worn camera footage would aid in the resolution of a citizen complaint.

14. Any incident or contact that may result in an enforcement action being taken or official report being generated.
 15. Any time an officer deems necessary.
- E. Any decision not to activate the body worn camera because it is unsafe, unrealistic, or impracticable will be based on whether a reasonable officer under the same or similar circumstances would have made the same decision.
- F. If an officer fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, or in the event of equipment malfunction, the officer will document why a recording was not made, was interrupted, or was terminated in the officer's report, supplemental report, or call for service.

IX. USE OF BODY WORN CAMERA EQUIPMENT PROHIBITED

Officers are required to be responsible in their use of audio/video recording devices and to avoid recording in places where it would be inappropriate or prohibited by law. As such, no officer shall:

- A. Record or monitor another member without the second member having prior knowledge he/she is being recorded or monitored. However, the Chief of Police or his/her designee may authorize exceptions for just cause and during internal/criminal investigations. Members shall assume audio and/or video recording equipment is activated under the following circumstances:
1. While transmitting on a departmental radio channel.
 2. While speaking on a departmental telephone.
 3. While responding as a cover officer to a call for service, traffic or pedestrian stop, offense scene or other incident that would require the initial responding officer to activate his/her body worn camera.
 4. While in the vicinity of a Patrol Vehicle equipped with a video camera system.
- B. Use departmental audio and/or visual recording equipment for his/her personal use.
- C. Intentionally create recordings of themselves or other employees in areas where a reasonable expectation of privacy exists including, but not limited to locker rooms, restrooms, etc.
- D. Knowingly record undercover officers or confidential informants.
- E. Allow citizens to view the body worn camera recordings in the field.
- F. Allow non-sworn individuals to view body worn camera recordings without permission from the officer's immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the body worn camera video or who work in Internal Affairs or IT Services supporting body worn cameras are exempt from this provision.

- G. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for service; in compliance with Federal HIPPA regulations.

X. DEACTIVATION

Officers may deactivate mobile audio/visual recording equipment or body worn camera, or discontinue recordings, under the following circumstances:

- A. When the officer reasonably believes the privacy of the individual being recorded outweighs the needs of the state.
- B. At the conclusion of the precipitating event.
- C. When the event includes an extended contact that is not confrontational (including an interview with a witness or victim).
- D. When the event includes an extended perimeter, or on a prolonged event that is not of an adversarial nature (Example: extended traffic control where the officer is not involved in any form of investigation).
- E. In those instances when an officer deactivates mobile audio/video recording equipment or body worn camera equipment as described above, they should be mindful to resume the recording as soon as practical if necessary.
- F. Officers shall not discontinue the use of the body worn camera once it is in use if dictated by this policy to record.

XI. USE OF PERSONAL RECORDING EQUIPMENT WHILE ON DUTY

Employees may not use personal audio and/or visual recording equipment while on duty.

XII. RELEASE OF RECORDINGS

Recordings made using mobile audio/video equipment or body worn cameras pursuant to this policy are department records and may only be released as provided by the Texas Public Information Act or for other authorized legitimate department business purposes. Release of body worn camera recordings shall conform to guidelines established in Texas Occupations Code 1701.661.

XIII. DATA STORAGE AND RETENTION

- A. After the creation of a recording, officers shall be responsible for classifying the recording as one of the following:
 - 1. Traffic Stop
 - 2. Contact
 - 3. Search

4. Arrest
 5. Test Recording
- B. Unless authorized by a sergeant or above, body worn camera video shall be downloaded at the conclusion of the officer's shift.
- C. All recordings shall be retained for a period of not less than 90 days.
- D. Recordings classified as Contact, Search or Test Recording shall be purged after 90 days, unless the recording is flagged for longer retention.
- E. Recordings classified as Traffic Citation or Arrest shall be maintained until the conclusion of any legal or administrative investigations.
- F. Supervisors shall perform daily checks of uploaded video to ensure that each recording has been assigned a classification.
- G. In some situations, the supervisor may deem it necessary to take physical custody of the mobile audio/video recording equipment and/or body worn camera hard drive for preservation. It will be the supervisor's responsibility to maintain the integrity of the device(s) once seized and upload the video to the video recording system. These situations may include, but are not limited to:
1. Officer involved shootings;
 2. In custody deaths;
 3. Incidents involving an officer that result in death or serious bodily injury to a person;
 4. Fleet crashes where the unit is disabled; or
 5. Officers otherwise not able to upload their recorded video to the video recording system.

XIV. SUPERVISORY RESPONSIBILITIES


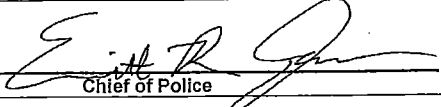
- A. Weekly, supervisors will review at least one body worn camera recording and, if applicable, one mobile audio/video recording for each officer they supervise. Supervisors will record the following in the camera audio log located at PDShare/PDSup/Body Camera Program/Camera Audit Log:
1. The officer whose camera recording was reviewed;
 2. The date of the review;
 3. The type of camera recording reviewed (body worn camera or mobile audio/video);
 4. Incident type;
 5. Whether officer actions captured on the recording conformed with Argyle Police Department policy; and
 6. Supervisor name.
- B. Minor infractions (conduct that would result in only minor administrative punishment, and not criminal in nature) discovered during the routine review of recorded material

should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, appropriate disciplinary or corrective action shall be taken.

- C. Supervisory personnel who manage employees using body worn cameras and mobile audio/video recording equipment shall ensure:
 - 1. Employees shall follow established procedures for the use and operation of body worn cameras and mobile audio/video recording equipment, handling of video recordings, and the completion of data transfer and documentation.
 - 2. All videos are uploaded prior to the end of shift. No videos are to be left on a body worn camera at the completion of an officer's shift.
 - 3. The need for repairs and/or replacement of damaged or nonfunctional body worn cameras is reported and actions are taken to repair or replace these pieces of equipment.

XV. REVIEW OF RECORDINGS

- A. When preparing written reports, officers are encouraged to review mobile audio/video and body worn camera recordings as a resource to ensure the accuracy and consistency of the report.
- B. Mobile audio/video and body worn camera recordings are not a substitute for required written reports.
- C. Employees shall not retain personal copies of any recordings.
- D. Officers shall be given access to any recording of an incident involving the officer before the officer is required to make a formal statement.
- E. Supervisors are authorized to review relevant recordings:
 - 1. Any time they are investigating alleged misconduct or reports of meritorious conduct;
 - 2. Whenever such recordings would be beneficial in reviewing an officer's performance; or
 - 3. Periodically, for the purpose of verifying compliance with this policy or legal requirements.
- F. Recorded files may also be reviewed:
 - 1. By officers for the purpose of ensuring recordings are properly categorized for retention.
 - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - 3. By media personnel or citizens with permission of the Chief of Police.
 - 4. In compliance with the Texas Public Information Act.

	ARGYLE POLICE DEPARTMENT	
	Policy 9.3 Public Recording of Police	
	Effective Date: 03/30/2020	Replaces:
	Approved:  Chief of Police	
	Reference:	

I. POLICY

- A. The Argyle Police Department recognizes that, as public servants, the actions of police officers that occur in a public space are subject to public view and scrutiny. Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public spaces, as long as their actions do not interfere with the officer's duties or the safety of officers or others.
- B. Officers should assume that they are being recorded at all times when on duty in a public space.

II. PURPOSE

This policy provides officers with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

III. DEFINITIONS

- A. Recording- Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.
- B. Media- The storage source for visual or audio recordings, whether by film, analog, or digital means.
- C. Public Space- Any location that is open and legally accessible to the public. This includes, but is not limited to, places such as parks, public sidewalks, streets, and buildings designated for public use such as libraries and the common areas of government buildings. This also includes the portions of the police department that are open to the public, such as the lobby and unrestricted parking lot.

IV. PROCEDURES

- A. Individuals who are in a place where they have a legal right to be-such as their home, place of business, or any public space-have a right to record things in plain sight or hearing which occur in that place, to include police activity.

B. When encountering an individual who is recording in a public space, officers shall not:

1. Threaten arrest;
2. Threaten use of force;
3. Intimidate; or
4. Otherwise discourage or interfere with the lawful recording of police activities.

V. LIMITATIONS ON THE RIGHT TO RECORD POLICE ACTIONS

The right to record is not absolute and is subject to legitimate and reasonable legal restrictions. Individuals may not:

- A. Trespass on private property; or
- B. Put themselves or others in danger; or
- C. Enter a marked crime scene; or
- D. Interfere with police in the performance of their duties (This includes tampering with evidence or a witness, persistently engaging an officer with questions or interruptions, or impeding emergency responders or vehicle traffic}. Verbal criticism of officers does not of itself constitute interference and does not warrant ordering that the recording be stopped; or
- E. Enter any area that is not accessible to the general public; or
- F. Enter a private dwelling or similar private space without the owner's permission.

VI. OFFICER RESPONSE TO INDIVIDUALS WHO ARE RECORDING

- A. Whenever possible, officers shall ignore the presence of an individual who is engaged in lawful recording of police activities.
- B. An officer who responds to a service call, or who is otherwise drawn into an incident, concerning an individual who is recording shall:
 1. Activate his/her body worn camera (BWC) and ensure that it is recording.
 2. Inform the individual that the interaction is being recorded, per Argyle Police Department policy.
 3. Advise the individual if/when they are doing something that is not permitted. The officer shall fully articulate why the action being performed is not permitted.
 4. Direct the individual to a location at a reasonable distance where he/she may record.
 5. In situations where a criminal investigation must be conducted, designate a reasonable police perimeter. This perimeter must be applied to all individuals equally and the individual who is recording police activity shall not be singled out.

- C. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording.
- D. Arrest of an individual does not provide an exception to the requirement to obtain a warrant for the search of the individual's recording equipment or media. While recording equipment may be seized incident to an arrest, a search warrant is required to download, view, or otherwise access files on the equipment.
- E. Arrest of an individual does not provide an exception to the requirement to obtain a warrant for the search of the individual's recording equipment or media. While recording equipment may be seized incident to an arrest, a search warrant is required to download, view, or otherwise access files on the equipment.
- F. Officers shall not alter, destroy or delete audio or video files or recordings, regardless of whether the footage is obtained with a search warrant or bona fide exception to the warrant requirement.

VII. SEIZURE OF RECORDING DEVICES OR MEDIA

- A. Officers shall not seize, or threaten to seize, an Individual's recording device as a response to being recorded.
- B. Officers shall not order an individual to show recordings that have been made of enforcement actions or other police operations.
- C. If an officer has probable cause to believe that evidence of a serious crime has been recorded, he/she shall:
 - 1. Consult a supervisor for direction;
 - 2. Ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence. The officer may also ask the individual if they will consent to e-mailing the recording to the Detective or Chief of Police at their government e-mail address; and
 - 3. Ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence. The officer may also ask the individual if they will consent to e-mailing the recording to the Lieutenant or Chief of Police at their government e-mail address; and
- D. Under exigent circumstances, where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.

- E. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved. In all cases, property receipts shall be provided to the owner.

VIII. SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor radio traffic and shall respond to any incident where:

- A. An individual recording police activity is going to be, or will most likely be, arrested; or
- B. When recording equipment may be seized without a warrant or lawful consent.

IX. IDENTIFICATION OF INDIVIDUALS

Officers shall comply fully with Texas Penal Code Sec. 38.02 while investigating incidents of individuals recording police activity. This statute states:

"FAILURE TO IDENTIFY,

(a) A person commits an offense if he intentionally refuses to give his name, residence address, or date of birth to a peace officer who has lawfully arrested the person and requested the information.

(b) A person commits an offense if he intentionally gives a false or fictitious name, residence address, or date of birth to a peace officer who has:

- (1) lawfully arrested the person;*
- (2) lawfully detained the person; or*
- (3) requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense."*

- A. An individual who has not been lawfully arrested shall not be required or compelled to provide their name, date of birth, or other identification. Officers shall not use the act of recording, in itself, as grounds for detention or arrest of an individual.
- B. Officers responding to a call for service may detain an individual for a brief period in order to investigate the call. The individual does not commit an offense *merely* by refusing to provide identification while detained.