

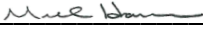


CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Recording Systems

NUMBER: 1.14.01

EFFECTIVE: 11-24-2015

APPROVED: 
Chief of Police

I. POLICY

It is the policy of the Cedar Park Police Department ("Department") that members assigned a recording system 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 where the recordings are consistent with this policy as well as state and federal law.

II. SCOPE

This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PURPOSE

The purpose of this policy is to provide guidelines and procedures for use and management of Department provided mobile audio/video recordings systems and equipment. The use of these recording systems protect the employee, the Department, and aid in the successful prosecution of criminal cases.

IV. ADMINISTRATION PROCEDURES

Audio/Video Equipment Training – Officers who are assigned audio/video equipment, supervisors who are responsible for reviewing recordings, and any other personnel who will come into contact with audio/video data, must complete an agency approved and/or provided training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, performance, and to incorporate changes, updates, or other revisions in policy and equipment.

Audio/Video Review – Supervisors shall review, on at least a quarterly basis, at least three recordings from each sworn member on patrol and animal control officer that utilizes a recording system. Recordings will be selected for review to assist in periodic assessment of officer performance, to determine if equipment is functional and being properly used, and to ensure compliance with [GO 2.01.01 Biased Policing](#).

V. GUIDELINES FOR USE

Use of Recording Equipment – No member of this Department may surreptitiously record another member of this Department except with a court order or when lawfully authorized by the Chief of Police. Members should assume that audio and/or visual recording equipment is activated under the following circumstances:

- While transmitting on a Department radio channel.
- While speaking on a Department telephone.
- While in the vicinity of fixed microphones and/or cameras within the physical police buildings (e.g., interview rooms).
- While in the vicinity of a patrol vehicle equipped with a video camera system.
- While on scene of any call, including self-initiated or other requests for service.

No member shall use Department audio and/or visual recording equipment for personal use.

Use of Personal Recording Equipment While on Duty – Members may not use personal audio and/or visual recording equipment while on duty.

Off-Duty Use of Mobile Audio/Video Recording and Body Worn Camera Equipment – Members shall use their mobile audio/video recording and body worn cameras while working extra employment if the employment is police or security related and approved by the Department.

VI. EQUIPMENT PROCEDURES

Officers shall not intentionally direct a person out of the camera's field of view for the purpose of not having the contact visually recorded or turn off the microphone while contact is being made.

Recorded video shall be downloaded at the conclusion of the shift. All body worn camera video recorded while in transit from the assigned workplace or recorded while in transit to or from or while working an approved extra employment shall be downloaded at the next assigned regular duty shift unless that shift is scheduled outside of an 80-hour period. All exceptions must be approved by a supervisor.

Mobile Audio/Video Equipment – Officers assigned to patrol vehicles equipped with audio/video recording systems shall adhere to the following listed procedures.

1. The officer shall ensure they are logged in to the in-car video system by their name.
2. Officers should sync their body cameras to the patrol vehicle recording systems each time the vehicle or body camera is turned off.
3. Officers should check the system to confirm volume, video, and data transfer are at appropriate levels and continuously possible.

Body Camera Equipment – Members assigned body camera equipment shall adhere to the following listed procedures.

1. Members shall inspect and test the body worn camera prior to each shift in order to verify proper functioning.
2. Members shall ensure the body worn camera is attached to the uniform to prevent the body worn camera from being damaged or misplaced.
3. Members observing that body camera equipment has been damaged, lost, or is malfunctioning, shall report same to their supervisor as soon as possible, and shall be held accountable for the security, safety, and condition of said property.
4. Any issues should be promptly reported to the Information Services Division to facilitate repair or replacement.

VII. ACTIVATION/DEACTIVATION PROCEDURES

MOBILE AUDIO/VIDEO CAMERAS – Officers assigned to a vehicle equipped with audio/video recorder system shall activate audio and video recording when responding to and under the following conditions:

1. All enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.
2. All criminal investigations.
3. Anytime an officer is in contact with a citizen or suspect when it is feasible that the video system may record all or part of the contact.
4. Anytime the officer's emergency lighting is activated while responding to a call for service.
5. Any officer involved in a fleet collision shall, unless physically unable to, immediately activate their video and audio recording system.
6. Any other contact that becomes adversarial or investigative after the initial contact in a situation that would not otherwise require recording.

BODY WORN CAMERAS – Members equipped with body worn camera systems shall activate their audio/video recording systems under the following conditions:

1. All enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.
2. Anytime the officers respond directly pursuant to a call for service or request for police assistance.
3. Any other contact that becomes adversarial or investigative after the initial contact, in a situation that would not otherwise require recording.

Officers may choose to discontinue a recording under the following conditions:

1. While they are no longer actively participating in an investigation, but must reactivate their recording device upon resuming investigative duties.
2. When on extended perimeter on a prolonged event. If contact with a citizen is made subsequent the deactivation, it should be reactivated for the duration of the citizen encounter (e.g., someone walks up while working perimeter), and shall be reactivated if the contact is adversarial or investigative.

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. Once the recording has started, officers shall not discontinue the use of the body worn camera once it is in use if dictated by this policy to record.

If an officer fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in the officer's report, supplemental report, or call for service.

OTHER DEPARTMENT CAMERA ACTIVATION – Other recording devices, including the device on the UAV, should be activated when being used during a scene when the activation would be relevant or prudent during initial or follow-up investigations. Any activation and deactivation of Department recording devices shall be in compliance with this policy, City policy, and state law as it related to retention, security, and storage.

VIII. EVIDENCE

Officers are required to submit video and audio recordings as evidence for all criminal cases, or when said recordings contain any contact with potential witnesses, suspects, or depict any other duties performed at the scene that has the potential to result in an arrest or investigation leading to a possible arrest of any persons involved. These recordings shall be categorized and added the appropriate electronic media case file through Department utilized software.

IX. SECURITY AND STORAGE OF DATA

DATA SECURITY – The Cedar Park Police Department tightly controls and enforces the security of all video/audio recordings. These security features include but are not limited to:

- The control of access to video files located on the video recording system.
- Audit logs of all videos accessed, uploaded, and downloaded. This audit log monitors all user's activity by login ID and tasks performed.
- Any violations of departmental policy are immediately reported to proper personnel along with the audit log files.

While the City of Cedar Park Information Services (IS) does have access to the video system, IS personnel are not authorized to view, edit, delete or download videos without the authorization from Cedar Park Police Department Command Staff.

Officers shall not erase, destroy, record over, tamper with, make unauthorized copy, or otherwise alter an audio/video recording obtained from Department audio/visual recording equipment. Officers shall not permit another person of doing the same course of conduct.

SYSTEM STORAGE - The City of Cedar Park Information Services Department (IS) manages and maintains the backup and maintenance of data contained on the Digital Evidence Management System. The backup

methods utilized ensure that all audio/video recordings that have successfully uploaded to the management system remain intact and safe in the event of a server crash. Additional back-up videos to Blu-ray are maintained by the Evidence Division. IS cannot retrieve or provide copies of video without the approval from the Cedar Park Police Department Command Staff.

RETENTION REQUIREMENTS – All recordings shall be retained for a period of not less than 90 days. All evidentiary recordings will be retained based on the statute of limitations of the case.

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 Open Records Act / Texas Public Information Act or for other authorized legitimate Department business purposes. Release of body worn camera recordings shall conform with guidelines established in [Texas Occupations Code 1701.661](#).

X. REVIEW OF RECORDINGS

Recordings may be viewed for legitimate law enforcement purposes including:

1. Members shall be given access to any body worn camera recording of an incident involving the member before the member is required to make a statement in compliance with [Texas Occupations Code 1701.655](#).
2. By members viewing an incident they are involved in to assist with writing a report, supplement, statement, memo, or while preparing for court.
 - a. When preparing written reports, members should review their recordings as a resource. However, recordings are not a replacement for written reports.
3. By authorized members for the purpose of reviewing evidence, processing records requests, or other official purposes.
4. By supervisors to investigate alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance. This includes the quarterly review of at least three (3) random recordings.
5. Upon approval by a supervisor, by any member of the Department participating in an official investigation, such as an external or internal complaint, administrative inquiry, or criminal investigation.
6. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
7. By media personnel with permission of the Chief of Police or designee.
8. Upon approval by the Chief or designee for Department training purposes.
9. In compliance with the Open Records Act / Texas Public Information Act.

Members shall not retain personal copies of any recordings unless it is obtained through public release procedures. All recordings should be reviewed by the City of Cedar Park Legal Department prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.