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**ADMINISTRATIVE DIRECTIVE – 112.024**  
**USE OF AUDIO AND VIDEO RECORDING EQUIPMENT**

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**EFFECTIVE DATE: February 7, 2008**  
**AFFECTS: All Personnel**

**REVISION DATE: September 22, 2022**

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**I. PURPOSE**

This administrative directive provides guidelines for the use of audio and video recording equipment by Plano Police Department employees; including the collection, management, storage, and retrieval of all recordings and images produced as a result.

**II. POLICY**

- A. The Plano Police Department has adopted the use of video and audio recording equipment to accomplish several important law enforcement objectives. These include, but are not limited to:
  - 1. Officer safety;
  - 2. Evidence collection;
  - 3. Criminal surveillance;
  - 4. Evaluation and training;
  - 5. Enhanced report accuracy;
  - 6. Increased homeland security;
  - 7. Supervisory and judicial review;
  - 8. Protection from false claims of impropriety;
  - 9. Compliance with legal requirements and mandates;
  - 10. Achievement of optimal officer performance and professionalism; and
  - 11. Improved community and media perceptions through transparency of police operations.
- B. It is the policy of this department that employees shall use this type of equipment only as appropriate to the proper performance of their official duties, and where recordings produced are consistent with this directive and all applicable laws. By maximizing the effectiveness of these valuable tools, we can ensure they continue to provide our department with all the intended benefits.
- C. Unless specifically authorized by the chief of police or their designee, no employee shall use any personally owned device as a body worn camera, or to otherwise audibly or visually record events while on-duty or acting in their official capacity as a representative of the Plano Police Department. This includes, but is not limited to, cameras, camcorders, tablets, and smartphones.
- D. Police employees shall not use any device to surreptitiously record other city personnel.
- E. Except as described below, no employee shall tamper with any audio or video recording equipment or attempt to alter an original recording in any manner. This includes any effort to bypass the management software and directly access data contained within the USB backup drive, flash memory, hard drive, or other internal storage device of any recording system. Such action shall result in disciplinary action up to and including termination.
  - 1. An authorized system administrator may directly access the internal storage of a body worn camera, mobile video recorder, interview room recording system, or other audio or video recording device, only as necessary to lawfully recover data due to a system or user error. No information shall be deleted as part of this process.
  - 2. An authorized system administrator may cause a recorded event that is of no evidentiary, administrative, or training value to be manually deleted from the system, irrespective of any schedules designated for retention of such data, as necessary to ensure proper system operation or conservation of storage space. This is normally accomplished only when a device

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has been accidentally activated or left in recording mode while unattended, resulting in large unnecessary data files being transferred and stored on the server.

3. A computer forensic examiner, with the approval of the chief or their designee, may directly access the internal storage of a body worn camera for the purpose of uploading body worn camera footage containing sensitive images to a video management system that resides on a separate computer or server than the department's primary management software. The examiner shall meet the reporting requirements of paragraph 4 of this section.
4. Any manual file deletion or direct access to the internal storage of an audio or video recording device, which bypasses the management software and is therefore not automatically logged in the system, shall be officially documented by the authorized system administrator who performed the action. This shall be accomplished through the addition of investigative notes in RMS, completion of an incident report supplement, entry into a shared log file, or any other method designated for this purpose by the technical services lieutenant. Details provided should include the following information (if applicable): administrator's name; requestor's name; incident number; date and time; description of system; action(s) taken; and justification.

### III. DEFINITIONS

- A. Actively Participating in an Investigation – Currently engaged in investigative activities at the scene of an incident requiring police response.
- B. Authorized System Administrator - Currently defined as the technical services officer, a digital media forensic specialist, or the technical services lieutenant.
- C. Body Worn Camera (BWC) - Defined in the Texas Occupations Code, Section 1701.651, as “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.”

\*Note: Although other types of wearable cameras, including covert cameras used by Criminal Investigative Services Division personnel, have not been excluded from the state Body Worn Camera definition; this policy is not intended to regulate the specific use of such devices by non-uniformed personnel (refer to Criminal Investigative Services Division SOP 302.003). The same rules of retention, evidence management, and public access will, however, apply to any recordings produced (when applicable).

- D. Digital Audio Recorder - A digital recorder designed to capture audio signals only.
- E. Equipped – Securely attached to the employee's clothing or uniform, in a powered-on state, and fully functional. Depending on the type of body worn camera issued to the employee, this may include having the battery attached or having the lens attached to the body worn camera DVR via the vendor-supplied cable. For uniformed personnel, non-cabled body worn cameras should be attached to the uniform shirt or outer vest carrier unless impracticable to do so. This definition applies exclusively to Section V(B) – “Body Worn Cameras”.
- F. Mobile Video Recorder (MVR) - Any system capable of recording, or transmitting to be recorded remotely, video or audio, which has been installed in a police vehicle for the purpose of documenting the daily activities of police personnel. This does not include mobile license plate recognition (LPR) systems, cameras installed on City of Plano vehicles solely to record fleet crashes, or covert equipment used by Criminal Investigative Services Division personnel for criminal surveillance.
- G. Private Space - Defined in the Texas Occupations Code Section 1701.651, as “a location in which a person has a reasonable expectation of privacy, including a person's home.”

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- H. Trigger - A programmable input that results in automatic activation of recording equipment. These include, but are not limited to, emergency lights, siren, crash sensor, speed indicator (80 mph or greater), or remote activation with the wireless audio transmitter.

**IV. ADMINISTRATION**

**A. Training**

1. The technical services officers will coordinate with the Training Unit, digital media forensic specialists, and others, as necessary, to ensure that all employees are trained in the appropriate use and maintenance of any audio and video recording equipment that will be used in the normal course of their assigned duties.
2. Per state law, any employee who will be operating a body worn camera or may come into contact with video and/or audio data obtained from the use of such equipment, must first receive training that complies with a curriculum established by Texas Commission on Law Enforcement (TCOLE).

**B. Equipment Inspection and Maintenance**

1. Individual employees are responsible for the proper use of all audio and video recording equipment, which must be operated and maintained according to manufacturer recommendations.
2. Prior to use of any police department audio or video recording equipment and throughout the shift, the employee will ensure all components are properly configured and operational. This includes verification, through visual inspection and the creation / review of brief test recordings, that:
  - a. Any necessary portable equipment, such as a body worn camera is fully charged, assigned for use by the employee, functioning properly, configured correctly for its intended use, and securely attached to the uniform (if applicable).
  - b. The employee has successfully logged into the appropriate system and recordings are being marked with the correct information, such as the vehicle number, room identifier, officer name, date, or time.
  - c. All camera lenses are properly positioned and capturing clear video images.
  - d. Any wired microphones, including the mobile video recorder cabin microphone (located in the rear passenger compartment) are functioning properly.
  - e. A body worn camera capable of synchronizing with the mobile video recorder is properly synchronized with and activates simultaneously with the mobile video recorder.
  - f. All previously produced recordings have been successfully uploaded from the internal storage drive(s) to the digital evidence management system; or (if complete upload is impractical), sufficient media storage is readily available to record and backup events for the duration of the shift.
3. Any missing equipment or malfunction discovered must be reported to a supervisor and through completion of a service request in SharePoint as soon as possible. This will help ensure proper notification, documentation, and tracking of the issue.
4. If a mobile video recorder is not believed to be fully functional or sufficient media storage is not available on the MVR's internal hard drive and/or USB flash drive to record events for the duration of the shift, that vehicle shall be placed out of service and an alternative selected for use (unless directed otherwise by a supervisor).

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5. If a body worn camera is not believed to be fully functional or has insufficient storage space remaining to record events for the duration of an upcoming shift, the watch commander on duty shall be contacted so a spare unit can be obtained for temporary use (unless directed otherwise by a supervisor). If the issue is storage space, the device may be left docked in the transfer station until it has completed the upload process.
6. If an interview room recording system is not believed to be fully functional, an alternative room should be used (unless unavailable or directed otherwise by a supervisor).
7. The technical services officers will have primary responsibility for the configuration and support of all mobile video recorder and body worn camera equipment. They will provide technical support and coordinate with the Quartermaster Unit, Technology Services Department, Fleet Services, vendors, and others, as necessary to resolve any reported issues.
8. Upon receipt of a service request, the technical services officers will coordinate with the Quartermaster Unit, equipment officer, digital media forensic specialists, and others, as necessary to ensure the problem has been fully resolved and the vehicle, if downed for service, is immediately returned to available status. They shall update the service request detailing any corrective actions taken.
9. The digital media forensic specialists will have primary responsibility for the configuration, support, and maintenance of all interview room recording systems. They will provide technical support and coordinate with the technical services officers and others, as necessary to resolve any reported issues.

**V. OPERATIONAL PROCEDURES**

**A. Mobile Video Recorders**

1. A wireless microphone will be assigned to each vehicle. In the case of a failure of the body worn camera during an officer's shift, the officer shall utilize the wireless microphone for audio recording until the body worn camera can be replaced or repaired. Recruits in field training may be required to wear the wireless microphone at the discretion of their field training officer (FTO), so that the FTO can utilize the mobile video recorder's "live audio" feature.
2. The mobile video recorder is designed to begin recording automatically when a trigger event occurs, including a brief period of "pre-event" activity (video only). An audible signal should be generated to inform the officer that recording has begun. If the mobile video recorder is not automatically activated, recording will be manually initiated by the officer before engaging in any enforcement contact or investigation (whenever practicable). It will then remain in recording mode until the contact or investigation has concluded (refer also to A.D. 112.032).
3. Activities that shall be both visually and audibly recorded include, but are not limited to the following:
  - a. All calls for service.
  - b. All crimes in progress.
  - c. All motor vehicle stops and self-initiated investigations.
  - d. All investigative contacts, detentions, frisks, searches, arrests, and transports.
  - e. Any time a police department vehicle is being operated in excess of posted speed limits in response to an emergency call, violator apprehension, or pursuit.
  - f. Any other incident or contact which is reasonably likely to result in a verbal altercation, citizen complaint, use of force, criminal investigation, or administrative review.

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4. Recording may be manually deactivated during a routine non-enforcement, non-investigative activity, such as protection of a traffic crash scene, extended duty at an outer crime scene perimeter, or parade escort; however, the mobile video recorder must record continuously anytime the emergency equipment is activated and the vehicle is moving.
5. The mobile video recorder is equipped to buffer video from all active cameras, at all times, while powered on (if enabled). If the mobile video recorder had not been automatically or manually activated at the time of an event, and the recording becomes necessary for criminal investigation, training, or administrative review; any supervisor, authorized system administrator, or Professional Standards Unit investigator may utilize this feature to recover data (video only) before it has purged from the internal storage drive (typically within 24 hours of vehicle operation). Once created, this recording should automatically upload to the server when the vehicle is in range of an access point. **An officer may also request recovery of this data from the MVR of their assigned vehicle if it is needed for the investigation of a criminal offense.**
6. If a mobile video recorder malfunctions during a motor vehicle stop or it is not recorded for any other reason, the officer shall note such on the citation, written warning, arrest report, field contact card, or juvenile warning / notice.
7. At the conclusion of each recording, officers shall, whenever practicable, categorize and “tag” the event with all information available. This allows for assignment of the appropriate retention schedule and for ease of future review / export as evidence.
8. Any mobile video recorder recordings produced during a tour of duty should automatically upload to the server over commercial wireless data services through the in-vehicle router or while the vehicle is in range of a designated access point (currently at each of the three police stations). Each officer shall ensure this occurs at the end of their shift or any other time the recording becomes necessary for training, criminal investigation, or administrative review.
9. Unless authorized by the chief of police as part of an official investigation; police personnel shall not use any mobile video recorder component, including the wireless microphone, to surreptitiously record other department personnel.
10. The mobile video recorder may be configured to allow for remote live-viewing by authorized personnel for law enforcement purposes only. An audible and visual indicator will alert the officer of in-progress remote live-viewing on the mobile video recorder's display panel. This live-streaming software has no operational control of the Mobile Video Recorder and does not have any of the following capabilities to stream or activate:
  - a. video, whether live view, previously recorded, or buffered, from any BWC;
  - b. previously recorded video from the MVR;
  - c. an inactive camera or microphone on the MVR;
  - d. a recording on the MVR or BWC, either directly or indirectly; or
  - e. recovery of buffered video from either the MVR or BWC.

**B. Body Worn Cameras**

1. An officer who is equipped with a body worn camera, as defined in Section III(E) of this policy, and actively participating in an investigation, as defined in Section III(A) of this policy, shall keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with this policy.
2. Uniformed Personnel/Assignments

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- a. Unless it has been temporarily removed or powered off in accordance with this directive for battery charging, transfer of recordings, or privacy considerations outlined in paragraph 6 of this section, an officer who has been issued a body worn camera shall be equipped with and utilize the equipment while actively participating in an investigation.
- b. Except as provided by paragraph 6 of this section, activities that shall be both visually and audibly recorded by any officer equipped with a body worn camera include, but are not limited to the following:
  - a) All calls for service.
  - b) All crimes in progress.
  - c) All motor vehicle stops and self-initiated investigations.
  - d) All investigative contacts, detentions, frisks, searches, and arrests.
  - e) Any other incident or contact which is reasonably likely to result in a verbal altercation, citizen complaint, use of force, criminal investigation, or administrative review.
- 3. Criminal Investigative Services Division
  - a. Officers assigned to the Criminal Investigative Services Division (CISD) shall be equipped with and utilize a body worn camera during the following activities:
    - a) Execution of search warrants;
    - b) Execution of arrest warrants;
    - c) While actively participating in an investigation; and
    - d) Interviews and interrogations, unless another recording mechanism, such as interview room recording equipment, is utilized.
  - b. Officers may utilize alternative ways to secure a body worn camera during stationary investigative activities such as interviews and interrogations. Examples include securing it to a bag or inside of a car.
  - c. A body worn camera may be deactivated during administrative or non-investigative activities while at the scene of an incident requiring police response. Examples of administrative or non-investigative activities include writing search warrants, canvassing (unless a witness or victim is identified during the canvass), or encounters with persons not related to an investigation.
  - d. Additionally, any officer who is federally deputized as a task force officer (TFO) will strictly adhere to the guidelines set out in CISD SOP 303.008 for utilization of such equipment during federal task force operations and the management of any recordings produced as a result.
- 4. When body worn camera activation is required, it shall be initiated by the employee before engaging in the activity (whenever practicable) and remain in recording mode until it has concluded (refer also to A.D. 112.032). If the body worn camera in use is capable of wireless synchronization with the vehicle MVR, it remains the responsibility of the employee to ensure that recording has been successfully activated whenever required.
- 5. Recording may be manually deactivated during a routine non-enforcement, non-investigative activity, such as protection of a traffic crash scene, extended duty at an outer crime scene perimeter, parade escort, or encounters with persons not related to an investigation.
- 6. Officers should carefully consider the need for privacy in certain situations and within certain premises, such as a home, medical facility, or other “private space.” If recording becomes

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necessary in one of these types of locations, officers should attempt to avoid capturing the activities of uninvolved residents, patients, or others who may be present.

7. A body worn camera shall not be used for any of the following purposes:
  - a. Personal, non-law enforcement related activities;
  - b. The surreptitious recording of other department employees; or
  - c. Recording of encounters with undercover officers or confidential informants.

In addition, unless necessary to document a call for service or official investigation, an employee wearing a body worn camera should remove or completely power off the unit before entering a location where individuals have a heightened expectation of privacy, such as a department restroom or locker room, to prevent any accidental recording or buffering in those areas. The employee must, however, remember to retrieve and/or turn the body worn camera back on when leaving or at any time recording becomes necessary.

8. An officer who does not activate a body worn camera in response to a call for assistance, **or deactivates it prior to the conclusion of the call**, must include in the officer's incident report or otherwise note in the case file or record the reason for not activating **or deactivating** the camera. Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision."
9. To upload recordings produced during a tour of duty, officers will need to either manually dock their assigned cameras using one of the designated transfer stations or follow established guidelines for in-car upload (if applicable). Docking of body worn cameras during routine station visits is encouraged; however, officers must remember to retrieve this equipment before returning to duty. **Additionally, an officer in an unsecure police facility, such as an NPO storefront, should consider whether the public has immediate access to the facility before docking or powering off their camera.** In any event, each officer shall ensure upload occurs before the end of his or her shift; or at any time a recording becomes necessary for training, criminal investigation, or administrative review. Whenever practicable, all recordings must be uploaded from the body worn camera before it is taken home or placed into service at the beginning of a shift. If an officer has insufficient time remaining before the end of a shift to upload all recordings, and is not planning to work any secondary or extra-duty police assignment before returning to the station for his or her next tour of duty; the camera may be left docked for upload and charging. Unless authorization has been received from a supervisor; each officer shall use only their assigned camera and will not remove any other equipment from the docking stations.
10. The body worn cameras currently in use are capable of recording continuously at all times while powered on, which can allow them to capture **a brief period** of "pre-event" activity and/or incidents that were not intentionally recorded by the officer (video only). If the body worn camera was not manually activated at the time an event occurred and the recording becomes necessary for criminal investigation or administrative review; the Professional Standards Unit sergeant, a deputy chief, an assistant chief, an administrative manager, or the chief of police may request this feature be utilized (if it had been enabled) to immediately recover data before it purges from the internal storage drive (typically within 12 hours of operation). **An officer may also request recovery of this "buffered" data from their issued body worn camera if it is needed for the investigation of a criminal offense.**
11. The body worn cameras currently in use are capable of connecting wirelessly to smartphones with a specific mobile application installed to change camera settings, view a live video stream

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from camera, or review recordings that have not yet been uploaded. The camera and application are designed to operate utilizing a multi-step activation process that prohibits the use of the application without the user having direct physical access to the camera itself. This ensures that no third-parties, supervisors, or other officers have remote access to the camera through the application. **Use of this application to display any portion of a body worn camera recording to a person other than an authorized member of the police department is considered a release and is subject to the restrictions set out in Section VI(D) of this directive.**

**C. Interview Room Recording Systems**

1. The systems in each DWI interview room are designed to begin recording automatically when motion is detected and cease after two minutes of inactivity. All others must be activated and deactivated manually through the use of a control panel or toggle switch (when applicable).
2. Whenever possible, any interview with a suspect, victim, or witness that takes place in one of the rooms equipped with a system should be recorded.
3. Authorized personnel, including supervisors and officers who are assisting with a criminal investigation, may monitor an interview as it occurs using the appropriate control panel or software application that provides remote live viewing capability.

Detention staff members are also authorized to monitor interview rooms in the jail and juvenile investigations area to ensure the safety of interviewing officers.

4. At the conclusion of each interview, officers shall, whenever practicable, properly categorize and “tag” the event with all information available. This allows for ease of future review / export as evidence.
5. Recordings should automatically transfer, within a few minutes after each interview has concluded, from the recording server to the application server. They may then be accessed by authorized personnel using the appropriate application from any computer connected to the City of Plano network.
6. Each of the interview room recording systems is equipped to buffer video at all times. If recording was not activated at the time an interview occurred, an authorized system administrator must be immediately notified so the data can be recovered before it has purged from the recording server (typically within 48 hours of operation).

**D. Security Cameras**

1. Fixed security cameras have been installed in and around various facilities operated by the Plano Police Department. Locations include, but are not limited to, the police headquarters and adjacent parking garage; joint use facility; jail; and juvenile processing area.
2. Although these systems are supported and maintained by the Technology Services Department; the Plano Police Department remains responsible for operational procedures, access control, and management of any recordings produced. The technical services lieutenant will serve as a primary point of contact for access requests and any other questions related to these cameras.

**E. Other Audio and Video Recording Equipment**

1. Any recording produced through the use of the following equipment, which may contain information that may be of value in a criminal or civil court proceeding, shall be safeguarded as evidence and uploaded to the department’s digital evidence management system:



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- a) Special surveillance equipment maintained and distributed by the Technical Services Unit and other designated personnel. For specific usage and operation guidelines, refer to Criminal Investigative Services Division SOP 302.003.
  - b) Manned and unmanned mobile surveillance towers managed and maintained by the Crime Prevention Unit. For specific usage and operation guidelines, refer to Crime Prevention Unit SOP 402.021.
  - c) Audio and video recording equipment used by crime scene investigators that will be maintained, distributed, and operated pursuant to the Crime Scene Investigation Unit SOP 504.002.
  - d) Portable digital audio recorders maintained and distributed by the Quartermaster Unit to Plano Police Department employees, as required by their current assignment.
  - e) Small unmanned aircraft systems (sUAS). Refer to AD 112.048 for specific guidelines regarding management of these recordings.
- F. Recommendations for Proper Use of Equipment
- 1. Officers should continue to use the wireless microphone at all times while the mobile video recorder is operational, even while seated in the police vehicle. This will enhance the audio quality of recordings, as the cabin microphone in the rear passenger compartment might not properly capture all statements that are made.
  - 2. Employees shall ensure the sound volume from the police vehicle's entertainment audio system or other electronic device in the vehicle has been turned off or lowered whenever the mobile video recorder or a body worn camera is activated, as unnecessary background noise can negatively impact quality of the audio recording (this does not apply to the official police radios).
  - 3. **When possible to do so safely**, officers should consider parking at least two car lengths behind the violator vehicle and deactivating the front emergency lights (after the stop has been made); leaving only the rear flashers activated. Use of low beams and a spotlight aimed near the roof line of the violator may also help reduce flashback and glare for a better visual recording. Following these guidelines can enable the camera to capture more information, including any suspects involved.
  - 4. Officers should be mindful, **without disregarding any safety considerations**, of the fields of view available with the mobile video recorder and the body worn camera equipment. This includes repositioning the mobile video recorder camera as needed to ensure any field sobriety tests or other investigative actions are effectively captured in any recordings.
  - 5. When appropriate during an arrest, officers are encouraged to read the suspect their Miranda warnings and provide notification that they are being recorded both audibly and visually. Officers might also consider requesting the breath or blood specimen from an impaired driving suspect while still being recorded by the mobile video recorder or the body worn camera.

## **VI. MANAGEMENT OF RECORDINGS**

### **A. Retention**

- 1. All data, images, recordings, and metadata captured or otherwise produced through the use of Plano Police Department equipment are the exclusive property of the Plano Police Department.
- 2. Recordings from security cameras situated in the jail and juvenile processing area will be retained for a minimum period of ninety (90) days; while all others will be available for only seven (7) days. If one of these recordings is needed for a criminal investigation or administrative review, a request should be made as quickly as possible to the technical services lieutenant.

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3. All mobile video recorder, body worn camera, and interview room recordings will be retained for a minimum period of ninety (90) days; with the exception that a test or unintended recording, which is not related to a motor vehicle stop and has no evidentiary, training, or administrative review value, may be immediately purged by an authorized system administrator with approval from the chief of police or their designee.
  4. A retention period exceeding 90 days may be assigned to any mobile video recorder or body worn camera event based on categorization by the recording officer, a supervisor, Property Unit personnel, or an authorized system administrator; as necessary to ensure preservation for criminal prosecution, training, or administrative review. This can be done by the officer for mobile video recorder recordings using the MDC interface or in-car LCD display. On a body worn camera, the category can be selected upon termination of the recording using the LCD display (if enabled).
  5. All mobile video recorder, body worn camera, and interview room recordings, as well as digital evidence from other sources (both internal and external), will be transferred to and stored in the Plano Police Department's digital evidence management system (DEMS), which is to be supported and maintained by the Technology Services Department. Data backups will be generated and managed by the Technology Services Department pursuant to established redundancy and disaster recovery policies.
  6. Any mobile video recorder, body worn camera, or other recording of a vehicle pursuit, use of force, arrest, search resulting in property seizure, or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted or destroyed until all criminal matters have been finally adjudicated and all related administrative investigations have concluded. Personnel are also required to notify a supervisor of any other recording that may have training value or should be retained for administrative review.
  7. To ensure a recording is properly preserved as required; the officer who recorded the event, a supervisor, a Property Unit evidence specialist, or an authorized system administrator shall enable the "prevent purge" or similar feature using the in-car system or appropriate evidence management server application.
  8. Any body worn camera recording produced by a TFO, while engaged in a federal task force operation, shall be appropriately designated as such and retained in compliance with Cisd SOP 303.008.
  9. The digital evidence management system is designed to allow for secure viewing of audio and video recordings, by authorized police personnel, from any network-connected city computer. Permission for export or transfer of recordings will therefore be limited to specifically authorized personnel. A supervisor, Professional Standards Unit investigator, Property & Evidence Unit specialist, Open Records Unit specialist, Records Unit technician/coordinator, or authorized system administrator may export or reproduce such a recording, only as necessary for official departmental use. Other police personnel are not permitted to export, reproduce, release, or otherwise obtain a copy of any audio or video recording from the digital evidence management system without approval of the chief of police or their designee.
- B. Review
1. Officers are encouraged to review any available recordings of an incident prior to and/or during the preparation of written reports to ensure all details have been accurately and consistently documented.

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2. As required by Texas Occupations Code Section 1701.655(b)(5): Before an officer is required to make a statement about an incident involving the officer, they will be provided with access to any related body worn camera recordings.
  3. It shall be the responsibility of any supervisor with direct employee reports using mobile video recorder and/or body worn camera equipment to randomly review at least five recordings during each calendar quarter for each officer. The purpose of these reviews is:
    - a. To ensure compliance with legal and departmental directive requirements;
    - b. To periodically assess officer performance;
    - c. To ensure the mobile video recorder or body worn camera equipment is functioning properly;
    - d. To determine if the mobile video recorder or body worn camera equipment is being operated properly; and
    - e. To identify any recordings that may be appropriate for training.
  4. Supervisors having employees newly assigned to mobile video recorder or body worn camera equipment will conduct a review of the recordings bi-weekly to ensure the equipment is being properly operated. Once the supervisor has determined that the employee is in full compliance, the supervisor may then begin conducting quarterly reviews.
  5. Supervisors will periodically monitor mobile video recorder storage in vehicles to ensure that recordings are being uploaded in a timely manner, as failure to do so may be indicative of unreported technical or directive compliance issues.
  6. Supervisors observing recordings that may require further review shall enable the “prevent purge” or similar feature using the in-car system or appropriate evidence management server application.
  7. Notwithstanding any specific facts or circumstances, a minor infraction (not criminal in nature) discovered through routine review of recordings may be considered as a training opportunity, rather than a reason for immediate discipline. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
  8. When an incident occurs that requires immediate retrieval of the recording (serious crime scene, departmental shooting, fleet accident, or other event that might be of significant public interest), a supervisor shall ensure the recording is uploaded immediately using one of the designated wireless access points and then submitted as evidence or surrendered to the authorized investigative personnel. Once this task has been accomplished, the watch commander shall be immediately notified and the appropriate notations made in any related reports. If a mobile video recorder recording is needed and the vehicle has become inoperable or cannot otherwise be driven to a station for upload; the watch commander shall notify a technical services officer or a digital media forensic specialist. They shall then respond as soon as practicable to retrieve the recording and upload it to the server.
  9. Review of mobile video recorder or body worn camera recordings is to be strictly limited to the purposes listed above, or for a ***specific law enforcement purpose*** related to the recording being reviewed.
- C. Evidence Processing
1. Any audio or video recording containing information that may be of value in a criminal or civil court proceeding shall be safeguarded as evidence. Such a video recording:

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- a. Will be subject to the same security restrictions and chain of evidence safeguards as detailed in the evidence control policy;
  - b. Will not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to the Property and Evidence Unit for safe storage; and
  - c. Will not be released to other than bona fide criminal justice agencies without prior approval of the chief of police or their designee.
2. If an evidentiary audio or video recording has been captured using a mobile video recorder, a body worn camera, interview room, or any other type of equipment, the related incident report(s) shall include all pertinent details, including, but not limited to the type of equipment used, vehicle number, relevant times, and where the video was uploaded. The officer must also complete an evidence report carefully describing each item to be submitted.
3. No employee shall alter, redact, delete, or tamper with any original evidentiary recording or still image. If any type of digital multimedia evidence is needed for an investigation, a duplicate must be made for use as a “working copy,” with steps taken to ensure data integrity is maintained at all times. This copy may then be edited for official use only by authorized personnel who have received departmentally approved training. This is not intended to prohibit an officer, crime analyst, other employee, intern, or citizen volunteer from simply cropping a photo or capturing the relevant portion of a duplicate recording as needed for use in a crime bulletin or broadcast; however, care must be taken not to materially alter any image that is to be disseminated or used in an investigation, including the color and aspect ratio. If complex enhancement, clarification, or forensic analysis of multimedia evidence is required; a request for assistance from a digital media forensic specialist should be submitted. For additional guidelines related to the processing of multimedia evidence, refer to AD 111.007 and Crime Scene Investigation Unit SOP 504.009.
4. Property and Evidence Unit personnel will have primary responsibility for the export and publishing of evidentiary audio and video recordings from the digital evidence management server to CD, DVD, Blu-Ray Disc, or other media.
5. Designated Records Unit personnel will be responsible for duplication of media, as necessary, for submission to the County, District, and Federal Courts for prosecution of criminal cases. If case documents and/or digital evidence is submitted electronically, the Property and Evidence Unit will ensure all procedures have been properly followed and the information was successfully received by the prosecuting agency.
6. Body worn camera video recorded and uploaded during the normal course of duties, or retrieved and uploaded in accordance with section V(B)(10) of this policy, shall suffice in meeting the evidentiary requirements of the Texas and Federal Rules of Evidence; however, the body worn camera itself may be collected and placed into evidence at the direction of the Chief of Police, the CAPERS Lieutenant, or CAPERS Sergeant supervising the investigation of an officer-involved shooting.
7. Any time digital audio or video evidence is submitted as evidence, the following information will be marked on the physical media or otherwise provided to the recipient:
  - a. “Plano Police Department”
  - b. “Evidence: Do not Destroy”
  - c. Incident #

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- d. Suspect Name (if applicable)
  - e. Content of Media Recording (video or audio)
- D. Reproduction and Release
1. All audio and video recordings produced by police department personnel are considered subject to open records requests, which will be directed to the Open Records Unit. The Legal Advisor will be ultimately responsible for determining if and/or to what extent the contents of any recording are to be released.
  2. The use of any device or software application to capture or reproduce any segment of a body worn camera video recording (including a still image) is prohibited, with the following exceptions:
    - a. Upon approval of the chief of police or their designee.
    - b. Upon approval of a sworn supervisor at the rank of sergeant or above, only under exigent circumstances, when he or she reasonably believes the immediate dissemination of information contained within the recording segment or image is necessary for a law enforcement purpose. Under this exception, the information shall only be released to authorized law enforcement personnel, including those from other agencies, who are directly involved in the incident.
    - c. For non-exigent circumstances when the information is valuable enough that law enforcement bulletins are needed, the Crime Analysis Unit may use still images to create BOLOs for internal use at Plano PD or to send to other law enforcement agencies.
    - d. Detectives in CISD may capture and use still images for case reports, affidavits, and other investigative purposes in the preparation and filing of criminal cases.
  3. If a supervisor has been notified of, or identified through review, a recording that they believe may be appropriate for use in departmental training, a request may be forwarded up the chain of command to the assistant chief of that bureau for approval. The recording will then be exported by a digital media forensic specialist or technical services officer and made available to the Training Unit for use and viewing only by authorized departmental personnel. Any other release or display of a body worn camera recording will require prior approval of the chief of police. Whenever practicable, any officers who are visible within the recording segments to be presented for training purposes should be notified in advance.
  4. The lead investigator on a criminal case may also request that a digital media forensic specialist or a technical services officer export a recording for release to another law enforcement agency that is assisting with the investigation, such as a neighboring municipality, CCSO, TxDPS, FBI, DEA, ATF, TABC, TxDPS, or CCSO. Approval must be obtained by the chief or an assistant chief prior to such release.
  5. Any body worn camera recording produced by a TFO, while engaged in a federal task force operation, shall be released only in compliance with CISD SOP 303.008.
  6. Unless specifically authorized by the chief of police for furtherance of a law enforcement purpose; no audio or video recording that documents an incident involving the use of deadly force by a peace officer, or that is otherwise related to an administrative or criminal investigation of an officer, may be released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.
  7. Per Texas Occupations Code Section 1701.659(a): **“A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission**

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**of the applicable law enforcement agency.” An offense under this section is punishable as a Class A Misdemeanor.**

**VII. LEGAL REFERENCES**

- A. Texas Code of Criminal Procedure, Articles 2.132, 2.134, and 2.135.
- B. Texas Government Code, Sections 411.048, 552.021, 552.108, and 552.301.
- C. Texas Occupations Code, Sections 1701.651, 1701.655, 1701.656, 1701.657, 1701.658, 1701.659, 1701.660, 1701.661, 1701.662, and 1701.663.