

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> April 25, 2010		<i>Amended Date</i> December 1, 2015		<i>Directive</i> 7.36.1	
<i>Subject</i> Digital Mobile Video/Audio Recording Equipment					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i>		<i>Review Date</i> January 1, 2017	
				<i>Pages</i> 5	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to provide members of the Department with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems.

SECTION 2 POLICY

The use of an in-car video system can provide powerful evidence of criminal activity. The in-car camera has also proven to be a valuable tool for law enforcement practitioners by documenting their honesty, integrity, and professionalism. The Department's policy is that officers will use DMVR equipment to create video/audio files which facilitate court prosecutions; refute baseless complaints against officers and the Department; comply with State law regarding racial profiling; and serve as training aids for procedural, legal and safety-related issues.

SECTION 3 DEFINITIONS

DMVR - Digital Mobile Video Recorder and applies to all elements of mobile video/audio recording systems. Wherever the operation of the DMVR is referenced, such operation includes both the video and audio capabilities of this equipment (wireless body microphone, interior microphone, and video equipment).

CONTINUOUS RECORDING - The vehicle DMVR system is always on and recording, except when the vehicle has been turned off for more than a preset amount of time (example: 60 minutes). However, the recording is not saved unless a trigger event occurs.

TRIGGER EVENT - An event that causes the vehicle DMVR to begin saving video/audio recordings. Events include activation of the following: emergency lights/siren, vehicle collision sensor, vehicle speed exceeds preset threshold setting, and manual activation of the DMVR system. The recording ends when the officer presses the stop button.

PRE-EVENT RECORDING - The vehicle DMVR system will retain the video recording made prior to a trigger event, up to 60 seconds, depending on system settings. Audio is not recorded until the trigger event occurs.

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POST-EVENT RECORDING - Once a trigger event has ended, the vehicle DMVR system will continue to save a recording up to 60 seconds, depending on system settings.

WIRELESS UPLOAD - When the police vehicle is within range of the wireless access point antennas installed at various locations, the recordings stored on the vehicle DMVR are automatically transferred over a wireless connection to the DMVR server.

TAG - A video/audio segment that has been marked to be retained for longer than the default retention period.

AGENCY ADMINISTRATOR - Person assigned to administer the DMVR system for the Department.

CASE CHAIN OF CUSTODY REPORT - Report provided from the DMVR system to document all events that are associated with the case.

VIDEO CLASSIFICATION –The classification of a video file made by an officer used to determine the retention period and/or archival process for the file.

MOTOR VEHICLE STOP – An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

SECTION 4 PROCEDURES

- A. Unless otherwise approved by a supervisor, officers will always utilize patrol vehicles equipped with operating DMVR equipment if available.
- B. Upon preparing to go in service, officers will complete the DMVR login procedure and confirm the equipment is operating properly.
- C. Officers will immediately notify a supervisor of any DMVR equipment malfunctions or maintenance issues and note the problems on the Daily Vehicle Inspection Report:
- D. Unless the delivery of emergency police services would be prevented, an officer's personal safety would be jeopardized, or police strategy is being discussed, officers will ensure the DMVR equipment is always fully activated either manually or automatically:
 - 1. On all motor vehicle stops.
 - 2. On every call for service, immediately upon being dispatched.
 - 3. On self-initiated calls, prior to making citizen contact.
 - 4. On all pedestrian stops.
 - 5. During any prisoner transport with the in-car video camera positioned toward the prisoner.
 - 6. During any interviews, interrogations and other investigative activities where use is practical.
 - 7. Any time the officer or supervisor believes the use of the equipment would be beneficial.

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- E. DMVR activation of audio and video recording occurs:
 - 1. Automatically when the patrol vehicle's emergency lights or siren is activated.
 - 2. When the patrol vehicle exceeds a preset speed.
 - 3. When the patrol vehicle is involved in a collision.
 - 4. Manually upon activation of the wireless microphone or the record button on the front panel.
- F. When the DMVR is activated to record a new video file, the DMVR will automatically capture video for the thirty second period just prior to activation. However, no audio signal will be captured during this period.
- G. Officers must carefully consider when to cease recording an event and be prepared to justify the action in the event that an incident occurs while DMVR equipment is not recording. DMVR video files will only be prematurely terminated when there is a reasonable and articulable belief no critical documentation will be lost and intent to terminate the video recording is narrated in advance.
 - 1. The intentional stopping of recording during incidents where the use of the DMVR equipment is required by this order may be cause for disciplinary action. Obstructing, shielding, or any act of interfering with the DMVR equipment is not permitted.
 - 2. Officers will not cease recording of an event, situation, or other circumstances solely at the demand of anyone other than a supervisor. Officers will inform those who ask that video/audio recording equipment is in use.
- H. In the event an officer's video/audio recording malfunctions or was not operational due to technical issues, officers should note such in Offense, Arrest, and other related reports.
- I. Officers shall not attempt to enter the locked portion of the DMVR or remove the memory card.
- J. Officers will effectively manage their DMVR units video files by routinely completing wireless file uploads at a designated access point throughout their shift to ensure sufficient file space on their unit and to limit the number of officers waiting to complete end-of-shift uploads., so:
- K. To ensure video files are available for court hearings and various Department review purposes, officers will attach appropriate priority levels to all video files using the following guidelines:
 - 1. Level 1: Motor Vehicle Stop – when a traffic citation is issued or no other action is necessary.
 - 2. Level 2: Routine Call – calls recorded by the system, but don't appear to have an immediate need for retention.
 - 3. Level 3: Complaint, Use of Force, Pursuit or other Emergency Response.
 - 4. Level 4: Arrest or Prisoner Transport – all custody arrests regardless of charge and anytime a prisoner is transported.

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- 5. Level 5: Notable Event – any recording that is deemed significant enough to require retention. Examples of such events may include field interviews, civil unrest, hazardous conditions, major traffic crashes, etc.

- L. Video files assigned Level 1 or Level 2 will be archived on the server for 90 days, and will not be archived to a back-up disc. Video files assigned a Priority 3 or greater are archived on the server for at least 30 days, and thereafter automatically archived to a back-up disc.

Video files may be tagged to keep them on the server for longer than the standard retention period. The officer that placed the tag is responsible for removing it when the video is no longer needed on the server.

- M. Officers may access and view their video files using their vehicle’s DMVR until the video file is uploaded to the server. Thereafter, the files are available on department computers upon proper entry of a user ID and password.

- N. When completing use of any DMVR equipment, officers will logout of the system.

- O. All images and sounds recorded by the DMVR are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
 - 1. All access to DMVR data (images, sounds, metadata) must be specifically authorized by the Chief of Police or their designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
 - 2. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training, or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
 - 3. Electronic copies of video files may be created on a portable data storage device (such as a DVD) by officers only for evidentiary purposes. It should be placed into Property as evidence, and a copy of the Chain of Custody Report should be attached to the Property Record.
 - 4. All public requests for DMVR video files will be submitted through the City of Texarkana, Texas release of information process.

- P. Each officer will be issued a USB drive that, when used with the DMVR system, inserts the appropriate metadata on the recording that identifies the officer.
 - 1. When using DMVR equipment, officers will never knowingly use another officer’s USB drive or data file information.
 - 2. All USB drive replacement requests should be on a Request for Uniforms/Equipment form and require supervisory approval.
 - 3. USB drives will be replaced if defective or become damaged during the normal course of duty. Drives lost or damaged due to negligence will be replaced at the officer’s expense.

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- Q. Field supervisors shall regularly conduct random reviews of the video files recorded by officers under their supervision to assess performance and safety practices ensure compliance with departmental policy, ensure proper use of DMVR equipment, and identify appropriate training video.
1. Supervisors, at a minimum, will review a sampling of at least two video or audio files of each of their assigned officers on a monthly basis in order to ensure proper adherence of departmental policies. The review will include a minimum of one traffic contact for each officer. Violations of law or policy should be properly addressed if discovered in the course of the review.

No later than the 15th of the subsequent month, supervisors will prepare and submit a report to the Operations Division Secretary that includes the total number of recordings created by each officer, the dates each officer was reviewed, and the supervisor conducting each review. The Operations Division Secretary shall maintain a log of the completed reviews. Shift Commanders shall be responsible for ensuring the video reviews are conducted and documented.
 2. Reviews shall occur whenever:
 - a. An officer is involved in a pursuit.
 - b. An officer is involved in a use of force recorded by the system.
 - c. A complaint is lodged against an officer.
 - d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.
 3. Video events which may be evidentiary in nature should be reviewed and properly documented.
- R. The Chief of Police shall designate a System Administrator, who will:
1. Ensure all video files initially maintained on the server are properly archived as prescribed in Section L and server space is available for new video recording files.
 2. Liaison with the hardware/software provider.
 3. Administer user accounts, to include permissions and access.
 4. Troubleshoot hardware and software problems.
 5. Ensure proper filing and storage of all archived DVDs in the Property Section.
- S. RESPONSIBILITY
1. All members of the Department shall know and comply with all aspects of this directive.
 2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.