

ROCKWALL POLICE DEPARTMENT

ROCKWALL, TEXAS

GENERAL ORDERS 339.00

PUBLIC RECORDING OF OFFICIAL ACTS

- e. Provide only Tactical Combat Casualty Care before removal to the Casualty Collection Point for further treatment by fire or medical personnel.

D. Incident Command

1. The initial Incident Commander should concentrate their activities initially to:
  - a. Maintaining open communications with any Contact Teams deployed;
  - b. Assembling and sending in Rescue Teams as soon as possible;
  - c. Establishing an inner perimeter; and
  - d. Establishing an evacuee area.
2. The department will provide training to all department supervisors on the Incident Command process and priorities for command.

338.06 CONCLUSION OF EVENT

A. Incident Conclusion

1. The conclusion of an incident of this nature will be difficult and will vary significantly based on the number of injured or killed, the type of location, and the actions taken by police. The department will remain flexible and respond according to the directions and instructions from the Incident Commander.
2. Should there be an exchange in gunfire, the department will implement the officer involved shooting policy and respond accordingly.
3. The clear priorities will be:
  - a. Locating and providing aid to injured individuals;
  - b. Ensuring the location is secure from further violence;
  - c. Protecting the scene for investigation; and
  - d. Conducting an appropriate investigation.
4. All requests for information from the media should be funneled through the Public Information Office (PIO) or the Incident Commander (IC) for coordination.

**339.00 PUBLIC RECORDING OF OFFICIAL ACTS**

339.01 PURPOSE AND SCOPE

The Rockwall Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record police officers while they are conducting official business or while acting in an official capacity in any public place unless such recordings interfere with police activity.

339.02 INTERACTION WITH COMMUNITY

- A. Officers are reminded that photography, including videotaping of places, buildings, structures and events are common and lawful activities.
  1. If a person is taking photographs or recording from a place where he or she has a right to be, officers are reminded that this activity by itself does not constitute suspicious activity.
- B. In areas open to the public, officers shall allow bystanders the same access for photography as is given to members of the media. Officers shall be aware of the following:
  1. A bystander has the same right to take photographs or make recordings as a member of the media, as long as the bystander has a legal right to be present where he or she is located.
  2. A bystander has the right under the First Amendment to observe and record officers in the public discharge of their duties.
  3. Public settings include parks, sidewalks, streets, and locations of public protests; but that protection extends also to an individual's home or business, common areas of public and

- private facilities and buildings, and any other public or private facility at which the individual has a legal right to be present.
4. The fact that a bystander has a camera or recording device does not, however, entitle the bystander to cross a police line, to enter an area that is closed to the public, or to enter any area designated as a crime scene.
- C. As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with an officer's safety or lawful duties, officers shall not inform or instruct people that photographing or recording police officers, police activity or individuals who are the subject of police action is not allowed; requires a permit or requires officer's consent. Additionally, officers shall not:
1. Order the person to cease such activity;
  2. Demand the person's identification;
  3. Demand that the person state a reason why he or she is taking photographs or recording;
  4. Detain the person;
  5. Intentionally block or obstruct cameras or recording devices; or
  6. In any way threaten, intimidate or otherwise discourage an individual from recording officer's enforcement activities.
- D. Nothing in this policy prohibits officers from questioning or detaining an individual they reasonably suspect have committed or are about to commit any crime.
- E. Officers are reminded that a person commits an offense if the person with criminal negligence, disrupts, impeded or otherwise interferes with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law.
1. If a person is photographing or recording police activity from a position that impedes or interferes with the safety of officers or their ability to perform their duties, an officer may direct the person to move to a position that will not interfere. However, an officer shall not order the person to stop photographing or recording.
  2. If a person is photographing or recording police activity from a position that impedes or threatens the safety of members of the public, the officer shall direct the person to move to a safe position. However, officers shall not order the person to stop photographing or recording.
  3. A person's recording or officer activity from a safe distance and absent any attendant action that obstructs the activity or threatens the safety of any officer, does not constitute interference.
  4. A person has the right to express criticism of the police activity being observed. As long as that expression does not jeopardize the safety of any officer, suspect or bystander; and so long as that expression does not violate the law or incite others to violate the law, the expression does not constitute interference.

### 339.03 HANDLING OF EVIDENCE ON A CAMERA OR A RECORDING

- A. If an officer has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts, the officer shall request that the person either:
1. Allow the officer to listen or view the recording;
  2. Voluntarily provide the device or recording medium such as a memory chip to the officer;
  3. Where possible and practicable and in the presence of the officer, voluntarily transmit the images or sound via email to the officer's official government email account; or
  4. Consent to view or take possession of a recording device or medium must be given voluntarily and in accordance with Rockwall Police Department General Order 314.07, Search and Seizures.
- B. If the person provides the device or recording medium to the officer, the officer shall:
1. Exercise due care and caution with any of the individual's property or electronic devices;
  2. Enter the item into evidence;

3. Document the officer's request and the person's response in the narrative of the report; and
  4. Notify CID that the device or medium has been placed into evidence.
- C. If the individual declines to voluntarily provide the device or recording medium, or to electronically transmit the sound and/or images where possible and practicable, and the officer believes that exigent circumstances exist insofar as the evidence of criminal activity will be lost absent and immediate seizure of the device, the officer shall take control of the device and contact a supervisor.
1. The supervisor shall determine whether exigent circumstances permit the seizure of the device without a warrant. Warrantless seizure is permissible only when:
    - a. There is probable cause to believe that the property holds contraband or evidence of a crime; and
    - b. The exigencies of the circumstances demand it or some other recognized exception to the warrant requirement is present.
- D. Viewing/Listening to Evidence on a Camera or Recording Device
1. Absent exigent circumstances, officers shall obtain a search warrant before viewing photographs or listening to recordings on a camera or memory chip that has been seized as evidence.
  2. In exigent circumstances, where there is reason to believe that an immediate search of the seized material is necessary to prevent death or injury, officers shall contact a supervisor for authorization to review photographs or recordings without a warrant.
  3. Photographs or recordings that have been seized as evidence and are not directly related to the exigent purpose shall not be reviewed.
- E. Officers shall not under any circumstances erase, instruct or require any other person to erase any recorded images or sounds from any device.