



FARMERS BRANCH POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

Public recordings of police interaction
with the community
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Chapter: General SOP
Section: General Procedures
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PURPOSE

It is increasingly common for uninvolved bystanders at the scene of police activity to photograph and/or video/audio record the actions and conduct of police officers. Officers of the Farmers Branch Police Department should assume that they are being photographed and/or recorded by the public.

Officers must understand that any bystander has a right to photograph and/or video/audio record the actions of any police officer so long as the bystander's actions do not interrupt, disrupt, impede, or otherwise interfere with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law.

DEFINITIONS

Interference with Public Duties – A person commits an offense if the person, with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law. (Section 38.15, Texas Penal Code)

Photographing – The act of capturing and storing a still image, whether in an electronic/digital format, or on any type of light-sensitive film.

Video/Audio Recording – The act of capturing a series of images that, when replayed in succession, reproduce a sequence of activities in motion. Video/audio recordings may be stored on a length of light sensitive film, a videotape cassette, or in a digital format (e.g., a removable memory card), and may or may not contain a simultaneous audio recording.

Video/Audio Recording Device – For the purposes of this Standard Operating Procedure, a video recording device includes, but is not limited to, any device capable of capturing a still or moving image(s), regardless of whether or not a simultaneous audio recording is included. Examples may include any of the following devices:

- A cellular telephone of any make, model, or manufacturer, including those devices referred to as “Smart Phones.”
- A Personal Digital Assistant, also known as a Personal Data Device or PDA.
- A tablet-style mobile computer commonly referred to simply as a “tablet.”
- Any camera, whether still-photo and/or video, of any make, model, or manufacturer, regardless of whether or not the device is capable of capturing a simultaneous audio recording, and regardless of how the device stores the images it captures.

PROCEDURES

The Farmers Branch Police Department will ensure the protection and preservation of every person's constitutional rights.

No member of the Farmers Branch Police Department may prevent or prohibit any person's ability to observe, photograph, and/or make an audio/video recording of police activity that occurs in the public domain, so long as the person's location, actions, and/or behavior do not interrupt, disrupt, impede, or otherwise interfere with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law.

David Hale
Chief of Police

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