Carrboro Police Department

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I. Purpose

Establish guidelines for the use, management, storage, and retrieval of audio-visual media recordings from Body Worn Camera Recording systems.

II. Definitions

A. Body Worn Camera (BWC): A mobile camera that is worn on the uniform to document video, audio, and photographic evidence.

B. BWC Operator: An officer who has been trained in the operation of mobile digital recording devices installed on the body and the departmental policy regarding such.

C. Manual Activation: When the Body Worn Camera (BWC) is manually activated to record.

D. Recording Media: material used to store data, including but not limited to DVD's, CD's and Digital Memory Cards.

E. Records Management System (RMS): Computer based system for entering, storing, and searching records of the police department.

F. Video Management Software: Software that manages the access, downloading, viewing, and copying of audio and video recordings and prohibits modification or manipulation of the original file.

G. Records of Criminal Investigations: Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, are not public records as defined by G.S. 132-1. Records of criminal investigations conducted by public law enforcement agencies or records of criminal intelligence information may be released by order of a court of competent jurisdiction. See NCGS 132-1.4.

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H. Incident Classification: Term used to signify the various methods an authorized user can classify an event that has been recorded and a set retention period has been established, including, but not limited to: Traffic Crash, DWI, K-9 Search, Pursuit, Traffic Stop, Transport, and Use of Force.

I. Checking Station: A systematic way of stopping and surveying vehicles to check for compliance with NC driver's license laws.

J. System Administrator: The Chief of Police's designee(s) that is responsible for retrieving and downloading of video recordings, and acts as liaison to the Town IT Department.

K. Tactical Operation: Activities outside the usual law enforcement response. Examples include but are not limited to search warrant service, active shooter response, high risk warrant service, etc.

III. Body Worn Camera Procedures

A. Officers will adhere to the procedures listed below when utilizing BWC equipment.

1. Officers are not authorized to utilize or deploy non-departmental issued BWCs.

2. Officers will adhere to the procedures listed below when utilizing BWC equipment.

3. Prior to and throughout each shift, officers will ensure that all components of their BWC equipment are working satisfactorily and will immediately bring any problems to the attention of a supervisor. The officer will also notify the Quarter Master of any malfunctions.

4. The Field Training Officer will be responsible for the training of new officers on all mobile digital audio/video recording devices.

5. The Quartermaster will be notified by the Patrol Supervisor if a BWC is damaged, or malfunctioning. The Quarter Master will arrange to have a spare BWC issued to the officer if available.

B. BWC equipment activation:

1. All officers issued a BWC will wear the camera on the outside of their

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uniform in such a manner that optimal video and audio is achieved. Optimal shall be defined as to show the best vantage point of the recorded interaction.

2. Once recording starts, it must continue until the incident is completed. If for some reason, recording must be stopped, the officer must verbally indicate the reason on the recording before being stopped. This shall also be documented in the written report.

3. Officers may inform individuals that they are being recorded, but this action is not required on the part of the officer. If an officer is asked if they are recording, the officer is expected to be truthful unless the nature of the law enforcement activity requires a different answer i.e. an undercover operation.

C. An officer shall turn on the BWC under these circumstances unless the situation at hand prevents activation. If the officer does not activate the BWC during one of these situations, it must be documented:

1. All traffic stops before the officer(s) exits the vehicle.

2. During Traffic Checkpoints, the BWC will be activated prior to initial contact of the first vehicle during the checkpoint and remain on during the operation. If there is a lull in traffic, the BWC can be turned off but must be reactivated prior to the initial contact of the next vehicle.

3. K-9 Vehicle Searches and any other K9 utilization that may involve tracking or involvement with a suspect.

4. Vehicle Searches

5. Vehicle pursuits as soon as practical but no later than when officer exits the vehicle.

6. Foot Pursuits

7. All stops of a person based on reasonable suspicion, i.e. “Terry” Stops.

8. During any tactical operations the BWC will be activated for pre-planned events i.e. when there is sufficient time to develop a written plan of action. During other tactical operations, a BWC should be used when practical.

9. Any calls for service when a possible suspect is on scene.

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10. When two parties are reported to be involved in a dispute.

11. Any interaction with a person known to the officer to have a history of being confrontational and/or violent.

12. When contact with an individual becomes adversarial after the initial contact in a situation that would not otherwise require recording.

13. Record the actions and/or statements of suspects if the recording may prove useful in the later judicial proceedings. Examples include but are not limited to: field interviews, sobriety performance tests, and confiscation or documentation of evidence.

14. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded. If an officer is unsure if activation is required or not the officers default will be to activate the BWC.

D. Recording in areas with reasonable expectation of privacy

1. The use of the BWC when entering private property requires a balance between privacy rights and the need for the government intrusion into the space. When practicable, officers may notify people that they are being recorded. If a person with legal authority over the private property in question requests that recording be stopped in areas in which a person has a reasonable expectation of privacy and the situation is not listed in section III C of this policy, the officer may stop the recording. Prior to stopping the recording, the officer must state on the recording the reason for the stop. If the incident is one that requires a report the reason for stopping the BWC will be included in the written report.

2. If an officer is responding to a possible crime or disturbance in progress, the BWC will be activated. If a determination is made that the crime is belated or no longer meets the criteria for recording, the BWC may be deactivated once the situation no longer needs to be recorded. The officer will verbally state the reason for BWC recording cessation on the recording and indicate such in the report of the incident.

E. If an officer is responding to a belated or general call for service that would not normally be recorded, the BWC does not need to be activated unless the situation changes to one in which recording is allowed.

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F. Cessation of recordings:

Once activated, the BWC should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations. If an arrestee is placed in a vehicle with a recording MVR, the BWC may be turned off.

G. Recording not required:

1. Activation of the BWC system is not required when exchanging information with other officers or during breaks, lunch breaks, when not in service, or actively on patrol;

2. Officers shall not record encounters with undercover officers or confidential informants;

3. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room unless the situation meets criteria in section III, C.

H. Surreptitious recording

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when authorized by the Chief of Police or the Chief's authorized designee for conducting a criminal or administrative investigation.

I. BWC operators shall document the use of BWC equipment in the appropriate RMS report.

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IV. Supervisor Responsibilities

A. When an incident occurs that requires the immediate downloading or retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental traffic crashes), a supervisor shall respond to the scene, determine if an immediate download is needed, and ensure that the video footage is downloaded as soon as possible.

B. When an officer reports a malfunction of BWC equipment to a supervisor, the supervisor will, as soon as is practicable, seek a replacement unit if available and shall ensure that authorized personnel make repairs in a timely manner. If no BWC is available for the officer to use, the officer shall indicate in written reports that no BWC was available at the time of incident.

C. Supervisors shall conduct quarterly reviews of officers' recordings in order to:

1. Assess officer performance;
2. Assure proper functioning of BWC equipment;
3. Determine if BWC equipment is being operated properly; and
4. Identify recordings that may be appropriate for training. If this footage involves a personnel action according G.S.160A-168, written permission from the officer(s) involved must be received.

D. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned BWC equipment in order to ensure compliance with departmental policy. These reviews shall last 30 days. Supervisors shall thereafter conduct quarterly reviews of randomly selected video recoded by their officers.

E. Minor infractions (not criminal in nature) committed by any member of the Carrboro Police Department and discovered during routine review of recorded material should be viewed as training opportunities; however, depending on the severity of the action the supervisor may take disciplinary actions. Should the behavior or action become habitual after being addressed, the appropriate level disciplinary action will be taken to correct the behavior.

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F. Deliberate or unauthorized deletion of recorded media shall result in disciplinary actions up to, and including, termination.

V. Management of Recordings

A. All recordings on the BWC must be downloaded prior to the end of the officers' tour of duty. Supervisors shall notify administrators of any incidents of unusual importance in a timely manner.

B. Officers shall not attempt to erase, alter or tamper with BWC recordings. Deliberate or unauthorized deletion of recorded media shall result in disciplinary actions up to, and including, termination.

C. BWC upload procedure:

1. BWC video will be uploaded by directly connecting the BWC to a docking station or USB cable to facilitate upload in to the video system management system.

2. Videos will be correctly classified once uploaded to the video management system.

D. Deletion of Recordings

1. No officer shall delete recordings. All recordings will be maintained according to section VI. Retention of Recordings.

VI. Retention of Recordings

A. Officers shall classify all videos recorded in the appropriate category noted in the system once recording and upload is completed. **Any officer, who intentionally or repeatedly misclassifies a video recording in an effort to avoid disciplinary or criminal investigation, is subject to disciplinary actions up to, and including, termination.**

B. Recordings that are evidentiary in nature will be retained in conformance with the Department of Cultural Resources Retention Schedule adopted by the Town of Carrboro.

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C. The retention period for the video will be set based on the following criteria:

Retention Schedule

TYPE OF INCIDENT	MVR
Equipment Check, Accidental activation	30 Days
Criminal Intelligence/Criminal Investigations	90 Days
Hold for training purposes	90 Days
General calls for service	90 Days
Traffic Stop to include K9 or other vehicle search	180 Days
DWI	180 Days
Custodial Arrest	180 Days
Vehicle or Foot pursuit	180 Days
Hold for review by internal review/complaint	180 Days
Any use of force	180 Days

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D. Legal classifications

1. All recording media, images, and audio are property of the Carrboro Police Department (CPD) and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any member of the CPD make a personal copy of any recorded event. Officers may request a copy of a recording for use in professional training with the written approval from the Chief of Police. This policy shall act as express permission by the Chief of Police for a copy of any recorded event related to a criminal case to be released to the Orange County District Attorney's Office or any other District Attorney's Office having jurisdiction in a recorded criminal matter. Recordings made with this equipment are records of criminal investigations and as such will not be subject to release through North Carolina public records law.

VII. Review of Recordings

A. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Chief of Police or his designee. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

B. Recordings may be reviewed in any of the following situations:

1. For use when officers are preparing reports or statements;

2. By a supervisor or other designated officer investigating a specific act of officer conduct related to an official investigation such as a personnel complaint, administrative inquiry, or a criminal investigation;

3. By a supervisor to assess a subordinate officer's performance;

4. By an officer who is captured on, or referenced in, the video or audio data and reviews and uses such data for any purpose relating to his/her employment unless such material is part of an internal investigation;

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5. By court personnel through proper legal process (court order) or with permission of the Chief of Police or the authorized designee. This policy shall act as express permission by the Chief of Police for a copy of any recorded event related to a criminal case to be released to the Orange County District Attorney's Office or any other District Attorney's Office having jurisdiction in a recorded criminal matter;

6. By the media by order of a court of competent jurisdiction or with permission of the Chief of Police or the authorized designee.

7. Recordings may be shown for officer training and development purposes. If the recording is part of a personnel matter, a written waiver from the officer involved must be obtained prior to release of video for training and development purposes.

8. Any person may request to view recorded materials in which they appear unless such material is criminal intelligence, records of criminal investigations, or evidence in a criminal matter.

9. When a recording contains a minor, a custodial parent or guardian may request to view the material unless such material is criminal intelligence, records of criminal investigations, or evidence in a criminal matter.

10. Persons requesting to view aforementioned material will not be allowed to make copies of the material or take pictures of the screen. Access to recorded material under this provision only allows the requester to view the material.

11. Persons may request access to this material by completing the form entitled "Recorded Material Review Request".

C. Employees desiring to view any previously uploaded or archived recordings should submit a request in writing (email is appropriate) to the shift supervisor and then forwarded the System Administrator for processing.

D. No recording may be used or shown for the purpose of ridiculing or embarrassing any employee.

E. Any video that is evidence in an active internal investigation will only be viewed by the appropriate employees and will not be available for training purposes until after completion of said investigation and upon receipt of written authorization from the involved employee.

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F. All recordings are subject to be erased after the designated retention period unless a longer retention period has been identified for court or investigative purposes.

G. An officer, by way of their supervisor, may request a copy of a video or to extend the retention period for court purposes. This request will be in writing from the supervisor (can be through e-mail) to the System Administrator. Any supervisor can request a copy of a video or for the retention period to be extended for evidentiary purposes, internal investigation, or for training purposes. If this footage involves a personnel action according G.S.160A-168, written permission from the officer(s) involved must be received prior to release.

H. Recordings will only be released to attorneys upon the presentation of a valid order issued by a court of competent jurisdiction or upon approval from the District Attorney. Attorneys must submit a written request to hold recordings until a valid court order issued by a court of competent jurisdiction is received. This written request is good for 30 days upon receipt by the police department.

I. Officers who need recordings duplicated for court must make the request at least five business days prior to the court date. Exceptions to this requirement will be handled on a case-by-case basis.

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