



# Carrboro Police Department



<b>Subject:</b> <b>Chapter 9: Body Worn Camera</b>		<b>Chapter:</b> <b>IX Subsections</b>
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## **I. PURPOSE**

In furtherance of the Police Department’s goals of transparency and accountability, this policy establishes guidelines for the use, management, storage, and retrieval of audio-visual media recordings from Body Worn Camera Recording systems. Nothing in this policy is intended to authorize surveillance of any person or infringement of legally protected personal privacy or to supplant or supersede any applicable State or Federal Laws.

## **II. DEFINITIONS**

- A. **Body Worn Camera (BWC):** An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.
- B. **Body Worn Camera Operator:** An officer who has been issued and trained in the operation of mobile digital recording devices installed on the body and the departmental policy regarding such.
- C. **Checking Station:** A systematic way of stopping and surveying vehicles to check for compliance with NC driver’s license laws.
- D. **Disclosure:** To make the recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. Recordings under disclosure shall not be copied or recorded by the viewer.
- E. **Incident Classification:** Term used to signify the various categories and subsequent retention periods an authorized user can use to classify an event that



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has been recorded, including but not limited to: Traffic Crash, DWI, K-9 Search, Pursuit, Traffic Stop, Transport, and Use of Force.

- F. **Manual Activation:** When the Body Worn Camera (BWC) is manually activated to record.
- G. **Original Format:** The original medium that digital evidence is stored on once it is downloaded from the BWC; specifically, the Carrboro Police Department’s digital evidence server.
- H. **Records of Criminal Intelligence:** Records or information that pertains to a person or group of persons that are compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.
- I. **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.
- J. **Recording Media:** Material used to store data, including but not limited to: DVDs, CDs, and Digital Memory Cards.
- K. **Records Management System (RMS):** A computer-based system for entering, storing, and searching records of the police department.
- L. **Release:** To provide a copy of a recording.
- M. **System Administrator:** The Chief of Police’s designee(s) that is responsible for retrieving and downloading video recordings, and acts as a liaison to the Town IT Department.
- N. **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, use of Critical Incident Unit, etc.
- O. **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.



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## III. PROCEDURES

### A. General procedures:

1. Officers shall not utilize or deploy non-departmental issued BWCs except with prior authorization.
2. Body Worn Cameras (BWC) will be assigned to officers at the rank of Lieutenant and below and will be required to be utilized by officers working in a uniformed capacity.
3. Plainclothes detectives are not required to wear the external vest and BWC throughout their duty day. However, the vest and BWC will be worn prior to any pre-planned tactical or enforcement situation.
4. Those working off-duty or department paid overtime in the uniform of the day shall wear a BWC.
5. Officers shall adhere to the procedures listed below when utilizing BWC equipment.
6. 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 Quartermaster of any malfunctions.
7. 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 Quartermaster 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 uniform in such a manner that optimal video and audio is achieved. Optimal shall be defined as to show the best vantage point for anticipated 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 the recording is stopped. This reason shall also be documented in the written report if a report is needed.



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3. Officers shall give notice as soon as reasonably possible that the BWC is in operation. The timing of notice may vary depending on the context of the encounter. The requirement to give notice may be waived under exigent or other legitimate law enforcement circumstances. If an officer is asked whether the interaction is being recorded, the officer is expected to be truthful unless the nature of the law enforcement activity requires a different answer, e.g., an undercover operation.
- C. An officer shall turn on the BWC under the following circumstances, unless the situation at hand prevents activation. If the officer does not activate the BWC during one of these situations, the fact that the BWC was not activated must be documented. **Any officer who intentionally or repeatedly neglects to activate the BWC consistent with this section may be subject to disciplinary action up to, and including, termination.**
1. All traffic stops before the officer(s) exits the vehicle.
  2. During Traffic Checkpoints, the BWC will be activated prior to initial contact with 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 and pedestrian searches.
  5. Vehicle pursuits, as soon as practical, but no later than when the officer exits the vehicle.
  6. Foot Pursuits.
  7. All stops of an investigative nature including but not limited to “Terry Stops.”
  8. During any tactical operations, including activation of the department Critical Incident Unit. The BWC will be activated for pre-planned events when there is sufficient time to develop a written plan of action. During unplanned and spontaneous tactical operations, a BWC should be used when practical and time and circumstances permit.
  9. If an officer is responding to an incident in progress at a medical facility, the BWC will be activated. If an officer is transporting an arrestee or mental patient to a medical facility, the BWC does not need to be activated



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in the facility unless the officer feels the situation needs to be recorded or may become physical in nature.

10. Any calls for service when a possible suspect is on scene.
11. When two parties are reported to be involved in a dispute.
12. Any interaction with a person known to the officer to have a history of being confrontational and/or violent.
13. When contact with an individual becomes adversarial after the initial contact in a situation that would not otherwise require recording.
14. 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.
15. Any situation or incident that the officer, in the exercise of professional judgment based on training and experience, believes should be audibly and visually recorded. If an officer is unsure if activation is required the default should be to activate the BWC.
16. At the request of the victim of a crime of a sensitive nature, such as a sexual assault or a sexual act involving a minor, an officer may deactivate the camera for the duration of the interview of that victim only.

**D. School Resource Officer:**

The application of this policy to minors on the premises of the Chapel Hill-Carrboro City Schools during business hours shall be subject to the terms and conditions specified in a Memorandum of Understanding between the Town of Carrboro and the Chapel Hill-Carrboro City Schools.

**E. Recording in areas with a 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 shall notify people that they are being recorded as soon as reasonably possible consistent with section III.B.3 of this policy. Prior to stopping the recording, the officer must state on the recording the reason for stopping the recording. If the incident is one that



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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 if a report is needed.
- F. 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.
- G. Cessation of recordings:
1. Once activated, the BWC should remain on until the incident has concluded. For purposes of this section, the conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. The 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 or someone being voluntarily or involuntarily committed is placed in a vehicle with a recording MVR, the BWC may be turned off.
  2. If an arrestee or someone being voluntarily or involuntarily committed becomes unruly during transport or after entering the jail, hospital, or other facility, the officer should activate the BWC.
- H. Recording not required:  
Activation of the BWC system is not required when exchanging information with other officers or during breaks, lunch breaks, or when not in service.
- I. Recording not allowed:
1. Officers shall not record encounters with undercover officers or confidential informants.
  2. 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.



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- J. Surreptitious and unauthorized recording:
  - 1. 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.
  - 2. No member of this department shall surreptitiously record members of the public that an officer is not directly interacting with (e.g., an officer providing logistical support at a political rally shall not utilize his or her BWC to record individuals at the rally). This does not apply when the actions of the public turn criminal in nature or to an officer working in an undercover capacity.
  - 3. No member of this department shall use a BWC unlawfully to gather with the intention or purpose of gathering intelligence information based on First Amendment protected speech, associations, or religion.
- K. BWC operators shall document the use of BWC equipment in the appropriate RMS report.

## 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 the incident.
- C. Supervisors shall conduct quarterly reviews of officers' recordings in order to:
  - 1. Assess officer performance;
  - 2. Assure proper functioning of BWC equipment;



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- 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 to G.S.160A-168, written permission from the officer(s) involved must be received.
- D. Supervisors shall conduct twice-a week 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 recorded by their officers.
- E. Minor violations of department policy (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 infraction, the supervisor may take disciplinary actions. Should the behavior or action become habitual after being addressed, the appropriate level of disciplinary action will be taken to correct the behavior.

**Deliberate or unauthorized deletion of recorded media or damage to recording equipment 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 or damage to recording equipment 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 into the video



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management server, which is housed in a secure location at the police department.

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

D. Deletion of Recordings:

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 are completed.

**Any officer, who intentionally or repeatedly misclassifies a video recording in an effort to avoid disciplinary action or criminal investigation, is subject to disciplinary actions up to, and including, termination.**

- B. If a recording can be classified into multiple categories, the officer shall choose the category with the longest retention schedule.
- C. 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 and any statutory requirements.
- D. The retention period for the video will be set based on the following criteria:



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## Retention Schedule

Type of Incident	Retention Days
Equipment Check/Accidental Activation	30 Days
Traffic Stop	90 Days
Hold for Training Purposes	90 Days
General Calls for Service	90 Days
Criminal Intelligence/Criminal Investigations	180 Days
Traffic Stop – Citation or K9 Sniff	180 Days
Hold for Internal Review/Complaint	180 Days
Vehicle or Foot Pursuits	180 Days
Custodial Arrest	730 Days
Traffic Stop - DWI	730 Days
Any Use of Force	730 Days

E. Retention periods can be lengthened based on State and Federal evidentiary purposes and §1983 concerns.

F. Legal classifications:

All recording media, images, and audio are the 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 or state law. 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 and in accordance with state law. This policy and state law 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.



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## VII. INTERNAL REVIEW OF RECORDINGS

- A. To prevent damage to, or alteration of, the original recorded media 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. If an officer(s) is involved in a shooting or other deadly force incident, the officer(s) must provide a public safety statement first, in accordance with OIS policy section VI. After a written statement is provided by the officer(s) according to OIS policy section VI, the officer(s) may view the recording of the incident and shall be allowed to amend their statement if need be after viewing recording.
  - 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.
  - 5. 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(s) involved must be obtained prior to the release of the video for training and development purposes.
- C. Employees desiring to view any previously uploaded or archived recordings other than their own should submit a request in writing (email is appropriate) to the shift supervisor and then forwarded to the System Administrator for processing.
- D. No recording may be used or shown for the purpose of ridiculing or embarrassing any employee or member of the public.



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- E. Any video that is evidence in an active internal investigation will only be viewed by the appropriate employees as determined by the Chief and will not be available for training purposes until after completion of said investigation and upon receipt of written authorization from the involved employee(s).
- 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 to G.S.160A-168, written permission from the officer(s) involved must be received prior to release.
- H. Recordings of an evidentiary or criminal nature will only be released to attorneys pursuant to the procedures established in NCGS 132-1.4(A) upon the presentation of a valid order issued by a court of competent jurisdiction.
- 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.
- J. If at any time the video management system is linked to any external database or other records management system not substantially under the control of the Town, the department will discontinue the use of BWCs until the Board or Alderman reauthorizes their use.

## VIII. DISCLOSURE OR RELEASE OF RECORDINGS

- A. Disclosure or releases of recordings will be governed by the procedures outlined in NCGS 132-1.4(A) or as otherwise authorized by law. It is the policy of the Town of Carrboro that the police department will have a strong presumption in favor of disclosure.
- B. Any person requesting disclosure of a recording must complete the department disclosure form to initiate the disclosure process.
- C. All recordings will be reviewed prior to release and will be subject to redaction to protect victims, witnesses, bystanders and juveniles.



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## IX. REVIEW OF POLICY

- A. This policy shall be reviewed at the beginning of each fiscal (July – June) year to ensure it's content is up to date and conforms to any legal standards or updates.



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