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I. PURPOSE

A Body Worn Camera (BWC) is utilized by officers to promote transparency and accountability for officers and the community through objective evidence. This policy will establish guidelines regarding the use, management, storage, and retrieval of the audio and video recordings from BWCs.

II. POLICY

- A. It is the policy of CMPD that officers issued a BWC shall use it to record interactions that occur between officers and the public as described in this directive.
- B. Any violation of this directive is considered a violation of Rule of Conduct (ROC) #42 (Use of Body Worn Cameras) and will be investigated.
- C. Officers shall insert the BWC into a designated docking station at the end of their shift to facilitate automatic video/audio upload.

III. DEFINITIONS


- A. Body Worn Camera: An “on the body” video and audio recording system assigned to an officer as a means of documenting interactions between officers and the public.
- B. Citizen Contact: An encounter with a citizen that has no criminal or investigative purpose. Ex: Stopping to say hello to someone or interacting with persons to obtain information that is non-criminal in nature.
- C. Criminal Investigation: For the purposes of this directive, “Criminal Investigation” refers to the point at which a CFS or other defined recording situation changes from adversarial or fact finding contact to an investigation. For example, an officer has arrived on scene and the initial contact is over, the suspect has left, or the officer is now taking written statements, identifying witnesses, or processing the crime scene.
- D. Audit: The review by supervisors of BWC recordings to ensure compliance with departmental directives.
- E. Pre-Event Buffering is the BWC continually recording video, but not committing it to memory (this means it’s not recording audio). Once you activate the record on/off button, the previous 30 seconds of video is then committed to memory on the system.

IV. DUTES AND RESPONSIBILITIES OF DEPARTMENT EMPLOYEES

A. CHIEF OF POLICE

The Chief of Police shall:

- 1. Ensure compliance of this directive by all personnel.
- 2. Review and determine the release of any BWC recordings that is in the best interest of public safety and in accordance with state and federal law.

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B. EXECUTIVE STAFF (DEPUTY CHIEF AND MAJOR)

Executive Staff members shall:

1. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.
2. Ensure compliance of this directive by all personnel under their command.
3. Utilize BWC audits to identify policy and training issues. When identified, they will develop and implement best police practices.
4. Make the final adjudication on allegations related to ROC #42.
5. At the direction of the Chief of Police a Deputy Chief may release video that is in the best interest of public safety and in accordance with state and federal law.

C. CAPTAIN RESPONSIBILITIES


Captains responsible for personnel using BWC equipment shall ensure:

1. Adherence to established procedures for the use and maintenance of BWC equipment, recording media, and the completion of BWC documentation.
2. Compliance of this directive by Lieutenant's and personnel under their command.
3. Recordings related to an administrative investigation are properly categorized in the investigative file prior to the scheduled deletion date from the digital storage system.
4. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

D. LIEUTENANT RESPONSIBILITIES

Lieutenants responsible for sergeants and officers using BWC equipment shall:

1. Review current recordings and document best police practices and compliance with this directive as a part of a sergeant's PRD or video audit.
2. Ensure compliance with this directive by sergeants and officers under their command.
3. Ensure recordings related to an administrative investigation are properly bookmarked in the investigative file prior to the scheduled deletion date from the digital storage system.


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4. Ensure all BWC video in felony cases, involving a Sergeant, shall be reviewed for personnel related matters no later than 30 days post papering acceptance and prior to the DA-Superior Court Services Unit duplicating any recordings.
5. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

E. SERGEANT RESPONSIBILITIES

Sergeant's using and responsible for officers using BWC equipment shall ensure:

1. All patrol, motor and K-9 officers are equipped and properly wearing their operational BWC prior to beginning their scheduled shift.
2. All BWC's are properly docked for charging and uploading at the end of an officer's shift. When feasible, supervisors should ensure cameras are not removed from their docking station before the uploading of recordings is complete.
3. Upon being notified of any damage or malfunction of a BWC, the supervisor shall follow appropriate trouble shooting steps. If they are still unable to resolve the issue the supervisor will direct the officer to make contact with the RTCC. However; if a loaner is not available, this shall not prevent the officer from working the remainder of their shift without a BWC. The Sergeant shall notify the officer to document in their departmental reports the reason for lack of BWC recordings.
4. BWC recordings are to be documented by the officer in all associated reports under the corresponding complaint number.
5. An audit of selected BWC video is reviewed to assess an officer's performance; the camera is being utilized according to this directive and to identify any video that may benefit future training.
6. Officers investigating cases have all video properly categorized by the OIC. When video is categorized incorrectly, they shall ensure this is corrected within 24 hrs.
7. That video associated with any complaint received is properly categorized by the end of their shift.
8. Any BWC video in felony cases is reviewed for personnel related matters no later than 30 days post papering acceptance by the DA and prior to the DA-Superior Court Services Unit duplicating it for court.
9. Officers notify their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the RTCC should be notified.


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10. That they adhere to all operational and directive guidelines of an officer when utilizing a BWC to record citizen interactions.

F. OFFICERS RESPONSIBILITIES:

Officers are responsible for using BWC equipment and shall adhere to the procedures listed below:

1. Officers shall wear the BWC mounted in one of the departmentally approved locations; glasses, shirt epaulet, collar, ball cap/helmet, or head utilizing only the mounting equipment provided by CMPD. It is the responsibility of the officer to ensure the BWC is activated, operating, and positioned to record the events specified in this directive.
2. A BWC issued to an officer, or any BWC equipment installed in a vehicle, is the responsibility of that officer and will be utilized according to departmental policy.
3. Prior to, and throughout each shift, officers shall ensure that all components of their BWC are working satisfactorily. A pre-shift audio and video recording test shall be conducted and the video will be categorized as Non-Citizen Involvement. If a malfunction occurs at any time you shall immediately notify a supervisor.
4. All officers issued a BWC shall sign into CAD.
 - a. Two-officer CFS units must utilize a two officer unit ID and both officers' code numbers shall be logged into CAD.
 - b. All two-officer specialized unit cars must also sign into CAD with both officers code numbers.
5. Officers must ensure non-police related electronic devices within the vehicle (music radios, CD players, etc.) are turned off when the BWC is activated.
6. While on duty, BWCs shall be turned on and activated to record responses to calls for service and interactions with citizens. Recording shall occur prior to or in anticipation of the following circumstances. These circumstances include but are not limited to:
 - a. Traffic stops: The stopping of a motor vehicle for law enforcement purposes;
 - b. Suspicious vehicles or persons;
 - c. Voluntary Investigative Contact: The mere suspicion of some type of criminal activity by a person;
 - d. Arrests;

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- e. Uses of force;
- f. When operating a vehicle in emergency or pursuit situations;
- g. Forced entry search warrants, consent searches or exigent circumstance searches of persons, vehicles, buildings, and other places.
 - (1) During a consent search in one of the above, the officer shall record him or herself asking for consent and the citizen's response to that request.
 - (2) If during a consent search in a non-public place the citizen no longer wants the search recorded, the officer shall consider that as a citizen's withdrawal of their consent to the search.
- h. Calls for Service (CFS):

The BWC will be activated in the following citizen or officer generated request for police response.

 - (1) Disturbances or disorders.
 - (2) Involving emotionally or mentally disturbed persons.
 - (3) Involving weapons or violence.
 - (4) Identified as "in progress".
- i. K-9 tracks and building searches.
- j. When requested by a citizen during an interaction with an officer.
- k. Traffic Checking Station:

The preplanned systematic stopping of vehicles to check motorists for compliance with license requirements and other motor vehicle laws including driving while impaired.

 - (1) Once an officer determines there is reasonable suspicion or probable cause to detain the driver, the officer shall begin recording with their BWC.
 - (2) Except as listed above, officers are not required to record during the entire duration of the checkpoint.
- l. The BWC will be used during the entire duration of the transportation of any prisoner who:
 - (1) Is argumentative and/or combative.
 - (2) Has been involved in a use of force.


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- (3) Is injured or claims to be injured
- m. Officers shall position their DMVR camera, if available, to also record the actions of the prisoner.
- 7. When an incident has ended, the officer shall stop the BWC recording and enter the incident complaint number and appropriate category.


Category is the term used to identify the selections an authorized user can classify an event that has been recorded.

Category	Retention Period
Non-Citizen Involvement	45 Days
Traffic Stop – Warning	45 Days
Traffic Stop – Infraction	45 Days
Traffic Stop – Misdemeanor	3 Years
Traffic Stop – Felony	20 Years
Non-Criminal Offenses	45 Days
IACMS	4 years
Criminal Investigation – Non Felony	3 Years
Criminal Investigation – Felony	20 Years

- Non-Citizen Involvement: Video that does not contain an interaction with a citizen, suspect or associated with any other category. Ex: Pre shift test video, blue light and TASER spark test, accidental activation.
- Traffic Stop Warning: Verbal or written warning, with no citation or arrest, regardless of reason for stop.
- Non-Criminal Offenses: Interaction with a citizen that is not related to a criminal charge or investigation.
- IACMS: All video associated with an internal investigation should be categorized IACMS, unless the suspect is charged with a felony. If so, it shall be categorized as traffic stop or criminal investigation – felony.
- 8. It is recognized that officers with a take home vehicle may need to make enforcement stops or respond to a law enforcement need while traveling to and from work, which may result in stops not being recorded. When this occurs the officer shall document their actions and reason for not having their BWC within the KBCOPS report or CAD.
- 9. A BWC recording shall be stopped during non-enforcement activities such as traffic control, criminal investigations, or when no adversarial events are ongoing. An example of this would be the time in which a CFS or other defined recording event changes from adversarial or a fact finding contact to a follow up investigation. For example, an officer that has arrived on scene and the suspect has left and the officer is now taking written statements, identifying witnesses, and processing the crime scene.
- 10. In the event an officer loses or damages their BWC, they shall immediately notify their supervisor who will initiate a lost equipment memorandum. The supervisor will then notify RTCC.

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11. BWC recordings will be automatically uploaded using a docking station at the division offices.
12. Officers are responsible for notifying their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the Agency System Administrator should be notified.
13. If a BWC is determined to be non-operational during a shift, the officer will notify their supervisor and contact the RTCC.
14. BWC's will only be used for law enforcement purposes in accordance with applicable law and departmental policy.
15. Unless present in an official capacity, the BWC shall not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.
16. Prior to conducting a strip search, the officer shall record a 360-degree video of the location where the search will be conducted; however, before any part of the actual strip search begins, the officer shall verbally record as to the reason the BWC is being turned off. Once the reason is recorded the officer(s) shall properly turn off the BWC. As soon as the search is complete, the BWC shall immediately be turned back on.
17. To aid in the protection of the right to privacy, officers shall not record while:
 - a. In a patient care area of a health care facility, unless the patient becomes adversarial with the officer or others. If so, the officer shall record for law enforcement purposes only, but not record any patient/doctor conversations;
 - b. Discussing a case with other officers or supervisors;
 - c. Conducting tactical planning;
 - d. In the presence of a Confidential Informant (CI) or Undercover Officer (UC);
 - e. In the magistrate's office or any state or federal court;
 - f. Having discussions with attorneys, peer support counselors, doctors, etc;
 - g. Involved in a department, supervisory, or public meeting;
 - h. In a classroom and/or when in a testing environment;
 - i. Any person or conversation that is not involved in a call for service or event as outlined in this directive.

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18. The viewing of any recording for anything other than approved departmental purposes is prohibited. Ex. Officers shall not use the BWC as a means to conduct a field show up of a suspect.
19. When recording juveniles not involved in criminal activity, under six years of age, or while in a person's residence officers should ensure all recordings are for official purposes as outlined within this directive.
20. It shall be the responsibility of the Officer in Charge (OIC) of a case to ensure all recordings which constitute evidence or are required to be included in a case file are properly categorized and maintained for storage prior to their scheduled deletion date. In instances where a video is not properly categorized, the OIC shall contact the officer whose video it is and have them correctly categorize it. If the officer has not made the necessary change within 48 hours the OIC shall notify their division supervisor to have the video properly categorized.
21. Officers shall document within a KBCOPS or Miscellaneous Incident report (CAD) that a BWC recording exists. This documentation shall include a brief description of what was captured by the video.
22. Officers are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC.
23. PTO's training new officers using BWC equipment will ensure and document in their PTO manual that officers understand when to and not to record events as outlined within this directive.
24. Once a BWC is started, officers shall continue to record until the incident evolves into a criminal investigation or the adversarial action has stopped. However; traffic stops shall be recorded in their entirety, which is until the vehicle has left the stop or a person is placed under arrest and is being transported to the intake center.

G. ADMINISTRATOR RESPONSIBILITIES

1. Policy and Compliance Administrator


The Agency Policy and Compliance Administrator shall be an Executive or Command Staff member responsible for developing policy and conducting video audits to ensure accountability and compliance with the BWC directive.

The Policy and Compliance Administrator shall:

Oversee an audit process and ensure compliance with this directive.

a. Tier #1 Audit – Division Level

- (1) Create a random report that supervisors will use to perform audits of BWC video on a quarterly basis. These audits do not preclude a

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supervisor from reviewing video during the course of his/her regular duties as needed.

(2) Upon completing the division level review the supervisor shall document their findings and submit to the Agency Policy and Compliance Administrator via their chain of command.

b. Tier #2 Audit – Departmental Level

(1) Create and review a department wide audit of random BWC videos.

(2) Upon completing the department level review the Agency Compliance Administrator shall document their findings and review any training or policy issues with the officers chain of command.

2. Agency System Administrator:

The CMPD CTS Official who shall be responsible for:

a. Maintaining an accurate list of all users in the BWC and digital storage management system.

b. Assigning permissions and roles to users in the BWC system based on transfers/promotions

c. Maintaining overall maintenance of the BWC System.

d. Responding to requests from Division Administrators.

e. Redacting or deleting any video in consultation with the Agency Compliance Administrator. Any video redacted shall be documented in the KBCOPS report associated with that video.


3. Division Administrator:

Division administrative sergeant who coordinates the BWC program within the division and is the first point of contact to address questions or issues.

V. RECORDING CONTROL AND MANAGEMENT

A. All video/audio recordings are the property of CMPD and will not be duplicated except as described in (Section V.I).


B. BWC recordings are incapable of being altered or deleted by officers and supervisors. Each recording has an audit trail that tracks the date and time of each person that accesses all video within the system.

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- C. Employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC, unless authorized by this directive.
- D. Each video recording has a Chain of Custody Audit Trail which documents all events associated with the file.
- E. Any portion of a video/audio recording that contains events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in this State or the United States or an infraction) is considered a record of a criminal investigation, as described in N.C.G.S. 132-1.4, and not a public record, as defined in N.C.G.S. 132-1.
- F. Any portion of a recorded image that may be used to subject an employee to departmental disciplinary action is a part of that employee's personnel file (NC GS 160A-168), and is open to inspection only as provided by that statute unless otherwise required to be disclosed as evidence in a criminal proceeding.
- G. The BWC system automatically deletes recordings from the server when the retention period for the categorized recording has elapsed. The retention period is set by the system according to specific categories assigned to the video by the officer, supervisor or authorized user.
- H. Digital files associated with an investigation shall be disposed of or deleted in accordance with current CMPD policy and state and federal laws.
- I. Recordings shall be duplicated for court and investigative purposes only, unless authorized by the Chief of Police. Duplicate recordings shall only be made by the following units under the direction of a sergeant assigned to that unit:
 1. Court Liaison Unit

District Court – Duplicates will only be created by the Court Liaison Unit. Officers must make the request at least 48 hours prior to the court date and provide the correct category and complaint number. The Court Liaison Unit shall be responsible for ensuring the needed recording is duplicated and delivered to the District Attorney's Office or courtroom. Duplicate recordings shall not be given to a defense attorney or other entity.
 2. DA-Superior Court Services Unit

DA Papering – Duplicates shall only be created by the DA-Superior Court Services Unit. If a case is accepted for prosecution, the Papering ADA will notify the DA-Superior Court Services Unit, who shall then be responsible for ensuring a duplicate recording is delivered to the requesting ADA. These duplicates shall not be made before receiving written notification from the division supervisor that the video has been reviewed for any personnel related matters. These will then be accessible for Superior and Federal Court Cases.

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3. Homicide Unit

- a. A sergeant within the homicide unit must authorize duplication of any video a detective needs for an investigative purpose.
- b. Detectives shall ensure all recordings stored on a BWC system have been categorized appropriately.
- c. The creation of any DVD or CD of BWC video will be documented in the incident or supplement report associated with the recording(s).

J. Access to Review Video/Audio Recordings:

1. Authorized users and access levels are defined as follows:


- a. Lieutenant's and above, Internal Affairs, and Police Attorneys: Access to all recorded video files. Can categorize files for extended retention.
- b. Sergeant's: Access to officer video files within their division. Each can categorize files for extended retention.
- c. Patrol Officers: Access to only their video files and can categorize them for extended retention.
- d. The Agency Administrator: Access to all video files and can restrict or limit access to authorized users. Will have access to manage, redact and set permissions on the entire system.

2. Recordings which do not involve an active internal or criminal investigation, an active criminal prosecution, or classified as criminal intelligence that have a training benefit, shall be forwarded to the Agency Policy and Compliance Administrator for review. These recommendations shall then be forwarded to the Training Division Captain for further action.


Video recordings associated with a closed internal investigation may be used for internal training purposes only.

3. Recordings may be available for viewing in the following circumstances:

- a. By the media when mandated upon receipt of a court order from a court of competent jurisdiction.
- b. A person may submit a request to view a BWC recording if they can identify the recording by date, approximate time, encounter or other reasonable particularity, unless such recordings are criminal intelligence, records of a criminal investigation, evidence in a criminal matter or associated with a personnel investigation.

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- (1) Persons requesting to view aforementioned material will not be allowed to make copies nor record/photograph any of the recordings. Access to recorded material under this provision only allows the requester to view the material.
 - (2) To view video the requestor shall submit a "BWC Request for Review" form to the Police Attorney's Office.
 - c. Officers may review BWC video to aid in completing reports, providing statements or court testimony.
 - d. Defendants in pending criminal cases may view videos in accordance with NC Discovery laws as permitted by the District Attorney's Office.
4. Citizen Review of Video/Audio Recordings (*This section is supported by CMPD, but will not be effective until NC Legislative change is enacted).
- a. Citizen Review: That portion of a video/audio recording which contains an event resulting in a citizen complaint against an officer may be reviewed by the person alleged to have been aggrieved by the officer's actions (hereinafter "complainant") according to N. C. G. S. 160A-168(c) (9). Any video/audio recording which depicts a discharge of firearm by an officer or serious injury or death of any person will not be shown to a complainant without prior approval of the Chief of Police.
 - b. Upon being informed of the complaint, the officer's supervisor will review the recording to determine if any apparent violation(s) of CMPD policies or procedures has occurred.
 - c. If the supervisor determines that such violation(s) may have occurred, the supervisor will initiate an investigation of the incident and will complete a complaint investigation in the IACMS.
 - d. If the supervisor determines that no such violation(s) occurred, they will document the complaint and a summary of their actions on a memorandum to the division captain. Internal Affairs case numbers will not be generated. The memorandum form will be filed in the division/unit office for one year from the date of filing. In addition, the supervisor will ensure the recording is marked so that it is retained for a three year period. If the complainant does not agree with the supervisor's determination that no violation(s) occurred, the complainant may appeal that determination to the division/unit captain. The decision of the division captain is final.
 - e. All other citizen requests for reviewing or copying video/audio recordings will be referred to the Agency Compliance Administrator in charge of the BWC program.

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VI. REFERENCES

- Rules of Conduct, Rule #42
- 200-001 Discipline, Internal Investigations and Employee Rights
- 400-003 Equipment, Lost or Damaged Equipment
- 600-009 Traffic Enforcement Procedures, Checking Stations
- 600-022 Emergency Response and Pursuit Driving
- 800-004 Public Records Retention and Disposition
- N. C. G. S. 132-1 and 1.4
- N. C. G. S. 160A-168(c) (9)
- N. C. G. S. 15A- 903
- CALEA