



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

POLICY 4-5

Body-Worn Camera/Mobile Video Recorder

PURPOSE

To establish guidelines for the proper use, care, and maintenance of Body-Worn Camera (BWC) and Mobile Video Recorder (MVR) equipment. It also provides an outline to use for collecting and documenting evidence, as well as to provide for security and a uniform method of recording, storing, and recycling audio/video tapes. The BWC and MVR has been demonstrated to be of value in the prosecution of traffic and criminal offenses, in the evaluation of officer performance, as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for BWC and MVR equipment. **41.3.8a**

POLICY STATEMENT

The Body-Worn Camera (BWC) and Mobile Video Recorder (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for the BWC and MVR equipment use as set forth in this policy. All personnel shall be trained in the use of their camera system by an administrator prior to use. **41.3.8a**

DESCRIPTORS/DEFINITIONS

Body-Worn Camera/Mobile Video Recorder

The BWC is an "on-the-body" video and audio recording system assigned to an officer as an additional means of documenting specific incidents in the field. BWC is another tool available that enables the officer to document encounters with citizens and/or crime scenes. The camera's ability to record events from the perspective of the officer wearing the camera has the potential to greatly raise solvability

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factors in the investigation of a crime, as well as, providing the investigating officer and any assisting officers the opportunity to review the recording for accurate documentation of an incident and subsequent trial preparation.

Mobile Video Recorder (MVR)

The MVR is audio/video recording equipment designed for fixed installation in patrol vehicle. Mobile video recording (MVR) equipment has been proven to be a valuable law enforcement tool in the prosecution of traffic violations and related criminal offenses, for evaluation of officer tactics and performance and for training purposes.

In order to maximize the utility and benefit of this specialized equipment, officers will follow the procedures set forth in this policy as outlined below.

I. Evidentiary Value

Camera systems shall be used only for legitimate law enforcement purposes in accordance with applicable law and departmental policy. All data recorded is tamperproof and only information may be added to identify and categorize the incident for future evidentiary use. All evidentiary data stored shall be documented and saved as evidence and are part of investigations.

As with all evidence, data stored is subject to disclosure and discovery rules. The original recording will be stored on the appropriate server. All felony and misdemeanor videos of evidentiary value videos shall be marked "misdemeanor" or "felony" arrest/case investigation for the purpose of complying with state law evidentiary rules. If the video does not contain evidentiary/investigative materials, it will be marked as "other". Recordings which have been marked as part of a felony case file will be maintained indefinitely. Those which are indicated to be part of a misdemeanor case file will be maintained for a period of three (3) years. Any recording that has not been saved as evidence or made a part of any investigation or claim shall be purged from the server at the end of sixty (60) days, and in accordance with North Carolina Records and Retention laws. **41.3.8c-d**

Any portion of a recorded image that records events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in this state or in 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 is not a public record, as deemed in N.C.G.S. 132-1.4A (b). Videos shall be marked and identified in the report as part of the investigatory file.

The disclosure and release of video recordings is governed by N.C.G.S. 132-1.4A.

Officers will document the use of a recording device in all corresponding investigative/arrest records in the records management system.

II. Department Administrators

Administrators shall be designated by the Associate Vice Chancellor for Police and Public Safety/Chief of Police and are responsible for:

1. Providing training on all aspects and requirements on the use of a camera system
2. Overseeing the assignment of the cameras systems
3. Maintaining a log of officers assigned a camera system
4. Facilitating needed repairs
5. Monitoring available storage
6. Monitoring purging schedule for compliance

III. Training

All personnel shall be trained on the use of the BWC and MVR camera system by an administrator prior to use. Procedures for saving data will be provided to officers prior to issuance. **41.3.8f**

IV. Guidelines for Use: General Provisions

Officers should observe the following general procedures to ensure that the camera system equipment will properly record traffic stops or other enforcement action undertaken in the field:

1. Prior to beginning a tour of duty, the officer shall inspect the recording equipment assigned to them is working properly, and shall immediately notify their supervisor of any malfunction or problem **41.3.8e**
2. Ensure prior to the start of each shift, that enough media storage is available, at a minimum, to cover the entire shift assignment
3. Make sure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record events
4. All traffic stops without exception shall be recorded. If an officer utilizes two camera systems, both shall be activated
5. Officers shall not attempt to erase, alter, or tamper with camera recorded media even in an attempt to correct a potential problem but shall seek assistance from the administrator or his/her designee
6. Officers shall upload video recordings by docking their BWC at the end of every shift. This will ensure adequate space for all interactions.
7. Officers shall mark video recordings with the appropriate administrative designation at the completion of the upload
8. The Use of Personally Owned Camera Systems Is Expressly Prohibited. Violation of this provision will subject the offending person(s) to disciplinary action, up to and including dismissal.

Guidelines for Use: BWC

The Body Worn Camera (BWC) shall be activated to record during all field contacts involving actual or potential violations of law to include:

1. Traffic Stops
2. Suspicious vehicles or persons
3. Arrests
4. Voluntary contacts of an investigative nature

The BWC also shall be activated when responding to the following calls for service:

1. Disturbances or disorders
2. Calls involving emotionally or mentally disturbed subjects, including service of Involuntary Commitment Orders
3. Offenses involving weapons or violence
4. When responding to any "in-progress" call for service

Additionally, the BWC shall be activated during the following situations:

1. While operating a vehicle in a manner that requires activation of its blue lights and siren under law
2. During tactical activities, including the execution of search warrants
3. During warrantless searches of individuals, vehicles, buildings, and other places
4. All 'Terry' frisks and requests for consent to search
5. During the initial inventorying of seized money or any high value property
6. Prisoner transport and handling or escorting
7. Interviewing juveniles in accordance with departmental policy 5-1

Once activated, the BWC recording shall be continuous throughout the duration of the interaction or call for service. If the interaction or call for service results in arrest, it should remain on from the placement of the individual into the transport vehicle, during transport and throughout the booking process. **41.3.8b**

An exception to the continuous recording requirement is when a discussion is necessary between officers for tactical confidential planning prior to engaging a suspect, and only then, shall the recording be paused until activity by the officers is resumed.

Due to expectations of privacy, a recording should not be done on interactions in the home or a room of a citizen who is not in any way, the subject of a violation of law or criminal investigation, unless the interaction rises to the level that makes it more prudent to begin recording.

In certain situations a visual (video) recording shall not be conducted. Examples of those situations include but are not limited to:

1. Suspects during Rape Kit Processing
2. Children (Unless classified as a suspect, at which time the officer will comply with departmental policy 5-1)
3. Confidential Informants (C.I.)
4. Hospitals/Doctor's Offices (with the exception of common/public areas)
5. Bathrooms
6. Lockers/Dressing Rooms
7. Half-way houses, treatment facilities, sober houses, counseling centers, addiction or mental health treatment facility, or any other similar facility or institution.
8. Strip Searches

Prior to conducting a strip search, the officer will record a three hundred sixty (360) degree video of the location where the strip search will be conducted. During the actual strip search, the BWC shall be utilized to only capture audio of the event by positioning the camera away from the subject of the search.

If the location or type of interaction with a subject is prohibited by law and/or policy from being in the line-of-sight of an activated camera, then the camera shall be turned away from the location and/or subject, and only an audio recording conducted. **41.3.8b**

Recording of another officer without the officer's knowledge is prohibited, unless the recording is of a violation of a criminal, traffic, or local law. The camera shall not be used for the recording of an Administrative Investigation without prior approval of the Associate Vice Chancellor for Police and Public Safety/Chief of Police. **41.3.8c**

Guidelines for Use: MVR (Motor Vehicle Recording)

1. MVR equipment will automatically be activated when the vehicle's emergency warning devices are in operation. **41.3.8b**
2. Emergency response requires activation of all emergency equipment which will include MVR equipment.
3. The equipment may be deactivated during non-enforcement activities such as protecting collision scenes from other vehicular traffic.
4. MVR equipment can also be manually activated by pressing the record button or turning on the wireless microphone transmitter.
5. Officers utilizing MVR equipment shall continuously record prisoner transport with both the front and rear camera if equipped.

The wireless microphone should not be manipulated to decrease the effectiveness of, or eliminate the audio recording. Officers are encouraged to inform their supervisors of any type of recorded sequences that may be of value for training purposes.

BWC Recording Media Management and Control

Each camera is individually identified by the serial number which is entered into the designated server. Officer uploads are password protected and security authorization protected. Tracking access to each

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uploaded event is done by a digital footprint which protects against unauthorized access. The sharing of user names and passwords is prohibited.

To protect the credibility of the Department and protect all aspects of a criminal investigation, any copies of recordings with evidentiary value shall be processed immediately as evidence according to General Orders 9-1 and 9-2 of the University Police Department's Policy and Procedures Manual.

The Administrator shall be responsible for compliance with the retention policy and ensuring all non-evidentiary recordings are purged.

Recording logs are generated through the digital video management system and include: MVR/BWC recording media number; officer to whom MVR recording media is issued; date and time stamp of the recording.

V. Supervisor Responsibilities

A supervisor with officers assigned a BWC and MVR will be responsible for:

1. Ensuring all officers follow established procedures for the use and maintenance of the recording equipment, and the completion of camera uploads as required by policy.
2. Removing from service any damaged or nonfunctional camera system to return it for repairs to a Department Camera Administrator.
3. Ensure that all recorded events are documented by the officer in the associated reports and citations.
4. Supervisors will ensure that any recordings relating to an Administrative Investigation are downloaded and stored for inclusion in the investigative file prior to their scheduled purge date from the remote digital storage system.
5. Supervisors shall conduct documented routine reviews of selected recordings captured by officers assigned to them in order to assess officer performance, ensure that the BWC and MVR is being utilized properly, and to identify videos that may be appropriate to enhance training programs or experiences. The reviews shall be conducted every 15 days and include one review of the BWC and one review of the MVR for each office assigned to them. **41.3.8g**
5. Notification of the existence of recordings which may be beneficial for training purposes shall be forwarded via the chain of command to the Associate Vice Chancellor for Police and Public Safety/Chief of Police for determination of training value and use. If an involved officer objects to the use of a recording for training purposes, the officer may submit an objection, in writing, via the chain of command to the Associate Vice Chancellor for Police and Public Safety/Chief of Police who will determine if the training value outweighs the officer's objection.

The Associate Vice Chancellor for Police and Public Safety/Chief of Police may designate a sworn supervisory level employee to oversee the BWC and MVR program for the department. This employee will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy.

VI. Public Access to Recorded Events

The disclosure and release of video recordings is governed by N.C.G.S. 132-1.4A.

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Date policy is effective: Upon approval

Approved by: Associate Vice Chancellor for Police and Public Safety/Chief of Police

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