

<b>TITLE: BODY WORN CAMERAS (BWC)</b>	<b>NUMBER 15.11</b>
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<b>REVISION HISTORY: (Adopted 08-30-2013) R2/(Proposed)</b>	

### **15.11.1 PURPOSE**

In an effort to enhance services to the community a Body Worn Camera is assigned to an officer as an additional means of documentation for evidentiary and administrative purposes of events, actions, conditions and statements made during certain police encounters. Additionally, Body Worn Cameras are utilized by officers to promote transparency and accountability for officers and the community through objective evidence. The purpose of this policy is to establish guidelines related to the use, management, storage, and retrieval of the audio and video recordings from the departmentally issued Body Worn Camera.

### **15.11.2 DEFINITIONS**

*Body Worn Camera (BWC):* An “on-the-body” video and audio recording system assigned to an officer as an additional means of documenting incidents in the field.

*Citizen Contact:* An encounter with a citizen that has no criminal or investigative purpose. (i.e. Stopping to say hello to someone or interacting with persons to obtain information that is non-criminal in nature.)

*Pre-Event Buffering:* The BWC is continually capturing video, but is not committing it to memory. When the BWC is activated, the previous 30 seconds of video is recorded and committed to memory on the system. However, during the 30 seconds of buffering, no audio is captured.

*Body Worn Camera Administrator:* An assigned sergeant within the Professional Standards Division, responsible for:

- Maintaining user accounts for the remote digital storage system for BWC recordings;
- Assigning permission levels within the remote digital storage system;
- Overall maintenance of the BWC system; acting as a liaison with the BWC vendor;
- Completing departmental random audits of BWC recordings;
- Redacting or deleting any video;
- Ensuring automation of the retention schedule with the remote digital storage system.

### **15.11.3 TRAINING**

The Body Worn Camera (BWC) will be carried only by personnel who have been properly trained in its use. The BWC issued by the Department will be the only BWC authorized for use. Any use of a BWC will conform to the current methods and techniques as approved by the Professional Standards Division.

### **15.11.4 DEPLOYMENT OF BODY WORN CAMERAS**

- A. Body Worn Cameras (BWC) will be assigned to officers at the rank of sergeant and below working in a uniformed capacity in an assignment that necessitates regular contact with

citizens. They will also be assigned to officers working in a non-uniformed capacity in an assignment that is focused on enforcement or apprehension.

Immediate supervisors are responsible for ensuring that affected on-duty officers are equipped with a functioning BWC at the beginning of each shift. The supervisor will record the officer and assigned camera into the designated software application to enable proper video uploading into the remote digital storage system.

Upon being assigned the BWC, individual officers are responsible for its use and maintenance during their shift. Any apparent problems with the BWC will be immediately brought to the attention of a supervisor. The officer or supervisor will make contact with the Body Worn Camera Administrator for any needed troubleshooting or repairs, and to arrange for issuance of replacement equipment if necessary.

- B. Uniformed officers will wear the BWC on their strong (gun hand) side and mounted in one of the departmentally approved methods, utilizing only the mounting equipment provided by the manufacturer of the BWC. It shall be the responsibility of the officer to ensure the BWC remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight perspective of the officer.
- C. Plain clothes officers will wear the BWC mounted on their external ballistic vest carrier. It shall be the responsibility of the officer to ensure the BWC remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight perspective of the officer.

Plain clothes 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 such as those described in D. D. 15.11.5 – Use of the Body Worn Camera.

#### **15.11.5 USE OF THE BODY WORN CAMERA**

##### **A. Activation:**

The Body Worn Camera (BWC) shall be activated to record upon the officer being dispatched to, beginning a self initiation of, or becoming involved in, any of the following:

- Vehicle Stops
- Suspicious vehicles or persons
- Arrests
- Voluntary contacts of an investigative nature
- Disturbances or disorders
- Calls involving emotionally or mentally disturbed subjects
- Offenses involving weapons or violence
- When responding to any “in progress” call for service
- Vehicle Crashes
- While operating a vehicle in a manner that requires activation of its blue lights and siren under law
- During the entire duration of transportation of any person who:
  - Has been involved in a use of force

- Is argumentative or combative
- Is verbally abusive
- Is injured or claims to be injured
- During tactical activities, including the execution of search warrants
- During warrantless searches of individuals, vehicles, buildings, and other places
- During seizure, counting, or inventorying of seized money or any high value property

BWC activation shall begin prior to or in anticipation of the above listed circumstances. Additionally, it is the responsibility of the officer to periodically ensure that the BWC is still recording during the required activation. The indication that the BWC is recording can be confirmed either audibly or visually.

If not already activated, the BWC shall be activated to record any citizen contact that becomes adversarial or in any situation that the officer believes its use would be appropriate or valuable to document the incident or encounter.

**B. Special Circumstances:**

Special circumstances are recognized that necessitate different guidance for when to activate and deactivate the BWC. Absent one of the circumstances listed in this section, officers shall follow the direction of the remainder of this policy. Special circumstances include:

- **Traffic Checking Station:**
  - Once an officer determines there is reasonable suspicion or probable cause to detain the driver beyond the initial encounter, the officer shall activate their BWC.
  - From this point forward this encounter shall be treated in the same manner as a traffic stop; and shall be recorded in its entirety, which is until the vehicle has left the stopped location or a person is placed under arrest and has been transported to the magistrate's office.
  - Except as listed above, officers are not required to record during the entire duration of the checkpoint.
- Prior to any animal euthanasia, the officer will record the animal and a 360-degree video of the location, then deactivate their BWC prior to euthanizing the animal.
- While taking statements from subjects, victims, and witnesses, Officers shall have the discretion to deactivate a recording at the request of a non-suspect. The citizen's request shall be captured on the BWC recording prior to deactivation.
- Prior to conducting a strip search, the officer will record a 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.

It is recognized that officers utilizing 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 activities not being recorded. When this occurs the officer shall document their actions and reason for not having their BWC within the CAD notes of the associated event.

**C. Deactivation:**

Once the BWC is activated, officers will continue to record until the conclusion of their involvement in an event. In most situations conclusion of involvement in an event would be

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signified by leaving the scene. Only under the following circumstances may an officer deactivate their BWC prior to concluding their involvement in an event:

- Circumstances covered within D.D. 15.11.5(B)
- When the officer's on-scene investigation is complete and he/she is prepared to begin typing the appropriate report(s).
- When directed by the on-scene supervisor.
- When relaying preliminary investigative information (ex. Victim/witness statements, possible suspect information, etc.) to additional officers or investigators; and only absent the presence of any citizens. Under this circumstance officers will reactivate their BWC as soon as the relaying of information is complete.
- When arriving to a scene that is controlled and orderly, if an officer is assigned to a post or in a position that does not put them directly in contact with citizens, they will deactivate their BWC, without awaiting direction from a supervisor. This includes assignments involving traffic direction or crime scene security. If the officer becomes engaged in any citizen contact that becomes adversarial they shall activate their BWC.

#### **15.11.6 RESTRICTED USES**

Body Worn Cameras (BWC) shall be used only for legitimate law enforcement purposes in accordance with applicable law, departmental policy, and City Personnel Policy H-1.

The BWC will not be used to record fellow city employees except during an investigation of a suspected violation of criminal, traffic, or local law.

Unless present in an official capacity, the BWC should not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.

For the purpose of protecting their identity, the BWC will not be used while interacting with known confidential informants or undercover officers. In situations where the recording of an interaction with an informant is of important evidentiary value, an officer may choose to capture audio recordings of the interaction by positioning the camera away from the informant.

Officers will not use the BWC to record personal activity.

Officers shall only use the BWC while in patient care areas of a health care facility when the recording is for official purposes and care should be used to record only the parties involved in the event being investigated.

Officers shall not use a BWC recording as a means to conduct a field show-up of a suspect.

Citizens are not allowed to view BWC recordings unless permission has been obtained from the Chief of Police or his designee.

The viewing of any recording for anything other than approved Departmental purposes is prohibited.

No officer shall attempt to erase, edit or otherwise alter any data captured by a BWC.

The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.

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**15.11.7 COLLECTION OF BODY WORN CAMERA DATA**

Prior to the end of an officer's duty day, officers, utilizing the designated software application, will categorize each recording captured by the Body Worn Camera (BWC) and label it with their last name, followed by the associated case number or event number, when available. In instances where an officer has multiple recordings of the same incident, they will differentiate the files when labeling them to include parentheses containing a numeral, beginning with the number 1. Each subsequent recording from that event will be labeled in the same manner, with the numerals continuing sequentially. When complete, officers will return the BWC to a dock or place it in a designated drop box for docking.

Officers shall note in any incident reports and/or citations that there is a BWC recording of the incident, to include a brief description of what was captured by the BWC.

Officers may use media captured via the BWC to assist with an investigation and to aide in the completion of reports.

Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.

**15.11.8 RETENTION**

The Body Worn Camera (BWC) and all video files are the property of the Greensboro Police Department and are to be used for official purposes only.

Any portion of a recorded image that records an event surrounding a violation of the law, which includes an infraction or a crime or offense prosecutable in the criminal courts in this State or the United States, is considered a record of a criminal investigation, as described by NCGS 132- 1.4, and not a public record, as deemed in NCGS 132-1.

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 as defined in NCGS 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.

Uploaded recordings will be retained on the remote digital storage system based upon the retention schedule established for each category of recording. The following is the retention period for each category:

<b>Category</b>	<b>Retention Period</b>
Citizen Contact, Non-Criminal	90 days
Criminal Investigation	3 years
Vehicle Stop/Crash – Warning or Infraction	90 days
Vehicle Stop/Crash – Criminal Charge	3 years
Non-Citizen Involvement	90 days
Field Training Video	1 year
Administrative Investigation	Indefinitely

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Category Descriptions:

- **Citizen Contact, Non-Criminal:** Video of an interaction with a citizen that is not part of a criminal investigation, nor results in a criminal charge.
- **Criminal Investigation:** Video of an interaction, or otherwise of evidentiary value, to any case that has resulted in, or could result in, a criminal charge being made.
- **Vehicle Stop/Crash – Warning or Infraction:** Video of a vehicle stop resulting in a verbal or written warning, or resulting in a citation being issued for an infraction, regardless of the reason for the stop.
- **Vehicle Stop/Crash – Criminal Charge:** Video of a vehicle stop resulting in a criminal charge being made, when either a citation was issued for a misdemeanor criminal charge or an in custody arrest was made, regardless of the reason for the stop.
- **Non-Citizen Involvement:** Video that does not contain an interaction with a citizen, suspect or associated with any other category.
- **Field Training Video:** Video journals made in accordance with the guidelines outlined by the Police Training Officer program and the Board of Evaluators. Except for video journals, all other videos within this category should be additionally categorized based on the original activity. Except for video journals, only videos capturing other activities that are directly discussed during journaling, and that need to be reviewed by the Training Division, should additionally receive this categorization.
- **Administrative Investigation:** Video associated with an internal administrative investigation. Should only be added in addition to a video's original categorization.

It shall be the assigned case officer's responsibility to ensure that all recordings which constitute evidence, or are required to be included in the case file, for any incident that resulted in, or could later result in, a felony charge are downloaded and stored within the Records Management System as an attachment to the corresponding investigative report prior to their scheduled purge date from the remote digital storage system.

It shall be the initiating supervisor's responsibility to ensure that all recordings which have bearing on an administrative investigation have the additional category of "Administrative Investigation" assigned to the BWC recording within the remote digital storage system and are downloaded and stored within the Department's administrative reports system prior to their scheduled purge date from the remote digital storage system.

Digital files associated with an investigation shall be purged in conjunction with other evidence associated with that case.

In the event of an unintentional activation of the BWC, an officer may request the recording be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded to the officer's Division Commander. If approved, the deletion will be made by the system administrator.

**15.11.9 SUPERVISORS' RESPONSIBILITIES**

In order to ensure proper use of Body Worn Cameras, Supervisors shall:

- Assign Body Worn Cameras (BWC) to all officers assigned to them, prior to the beginning of their shift. When issuing cameras, the BWC should not be removed from the docking station before the transfer of data is complete;
- When authorizing the euthanizing of an injured animal, direct the Officer to record a 360-degree video of the animal and location then deactivate his BWC prior to euthanizing the animal;
- Ensure that all assigned BWC are properly docked for charging and uploading of files at the end of each shift;
- Conduct routine reviews of recordings captured by officers assigned to them in order to assess officer performance, ensure that the BWC is being utilized appropriately, that recordings are being labeled and categorized accurately, and to identify videos that may be appropriate to enhance training programs or experiences.

Upon receiving notification of any damage or malfunction of a BWC that would render the BWC no longer operational, the supervisor will remove the BWC from service and notify the Body Worn Camera Administrator.

In the event an officer loses or damages their BWC or any of the issued accessories, the supervisor will initiate a lost equipment memorandum. A copy of this memo should be sent electronically to the Body Worn Camera Administrator. In the case where an officer had or should have had video on the BWC that had not yet been uploaded to the remote digital storage system, the Professional Standards Division may investigate the loss or damage of the BWC, if not already included within another administrative investigation.

Supervisors will ensure that all recorded events are being documented by the officer in the associated reports and citations.

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.

**15.11.9-10 SUPERVISOR REVIEW AND AUDITING**

Officers assigned to utilize BWC are expected to be in complete compliance with Departmental policy and training concerning the use, management, storage and retrieval of the audio and video recordings from the departmentally issued BWC.

All supervisors are expected to routinely review BWC recordings created by their direct subordinates. Monthly, a review shall be completed for the previous month, ensuring that videos are being labeled and that the labeling is of the correct formatting. Additionally, during this review supervisors shall be viewing at least three (3) videos from each officer under their supervision, looking at the content of the video. While viewing these videos supervisors should be looking for any videos that would be beneficial to other officers in terms of training videos. Supervisors will complete the "Monthly Squad BWC Review Form" and save an electronic copy within the appropriate folder on GPDNET. Additionally, an electronic copy of this form shall be forwarded through the chain to the supervisor's Commanding Officer for review.

Notifications of the existence of recordings which may be beneficial for training purposes shall be forwarded via the chain of command to the Commanding Officer of the Training Division for determination of training value and use. If an involved officer objects to the use of a recording for training purposes, he may submit his objection, in writing, via the chain of command to both the Commanding Officer of the Training Division and the Deputy Chief of the Management Bureau to determine whether the training value outweighs the officer's objection.

Monthly, the Body Worn Camera Administrator will audit randomly selected squads. These squads will be selected from the entire pool of candidates assigned to utilize BWC. The number of squads selected for auditing, and the frequency of the selection process, will be determined by the Professional Standards Division to ensure that the number of employees audited each month represents a minimum of ten (10) percent of the total number of employees eligible for auditing.

In addition to the random auditing process, the Professional Standards Division will review BWC audio and video recordings on an "as needed" basis to conduct internal investigations and inquires.

#### **15.11.11 VIDEO AND ELECTRONIC CASE SHARING WITH EXTERNAL PARTNERS**

Throughout the course of an investigation certain videos will be required to be shared with external partners, such as the District Attorney's Office. In order to facilitate the sharing of these videos, upon request from an external partner, the final investigating officer will create an electronic case within the remote digital storage system. This officer will then share the case rather than the individual video(s) with the external partner through the remote digital storage system.

The process of creating and sharing of electronic cases, specifically with the District Attorney's Office, may be assisted by the Court Liaison Officer for cases that have not been assigned to another officer or detective for further follow-up investigation.

Sharing through the remote digital storage system shall only be permitted with external partners that are approved. Request for approval for sharing with external partners will be routed through the Body Worn Camera Administrator; but the approval status will be determined by the Chief of Police.

#### **15.11.12 ACCESS TO REVIEW VIDEO RECORDINGS**

##### **A. Internal Training**

Notification of recordings that have a training benefit and do not involve an active internal or criminal investigation, an active criminal prosecution, or are classified as criminal intelligence shall be forwarded to the Commanding Officer of the Training Division.

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

##### **B. Recordings may be available for viewing in the following circumstances:**

- By the media, when mandated by a court order from a court of competent jurisdiction.



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- Officers may review BWC video to aid in completing reports, providing statements, or court testimony.
- Defendants in pending criminal cases may view videos in accordance with NC Discovery laws as permitted by the District Attorney's Office.

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