



# ***Charlotte – Mecklenburg Police Body Worn Cameras Overview, Retention Public Accessibility February, 2016***



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## Background

- March, 2015
  - Finalized contract with Taser
    - \$5.4 million
    - 1400 Cameras
  - Two phases of implementation
- Phase 1- March, 2015-September, 2015
  - Deployed 1100+ cameras to 17 Patrol based divisions
- Phase 2- September, 2015- February, 2016
  - CAD Integration
  - Signal Unit Deployment for triggered recording
- Phase 3- Under Evaluation
  - Outfit additional officers with BWC

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## Storage

- Evidence.Com
  - Hosted solution
  - Cloud-based CJIS compliant system
  - Forty-five day storage
    - Video not marked for longer-term retention for evidence or personnel matter
    - Deleted if not marked for retention after forty-five days
- Digital Evidence Management
  - Current design is to complete interface between Evidence.com and Digital Evidence Management System for video retained past 45 days

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## Tagging and Retention

- Retention Periods/Tags

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

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## Records Retention and Disposition Schedule

ITEM #	STANDARD-9: LAW ENFORCEMENT RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
81.	<b>MOBILE UNIT VIDEO TAPES</b> Tapes and digital recordings generated by mobile audio and video recording equipment installed in patrol vehicles.	a) Destroy in office after 30 days if not made part of a case file.  b) If record is made part of a case file follow disposition instructions for <a href="#">CASE HISTORY FILE: FELONIES</a> item 17, page 64; or <a href="#">CASE HISTORY FILE: MISDEMEANORS</a> item 18, page 64.	

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## Records Retention and Disposition Schedule

ITEM #	STANDARD-9: LAW ENFORCEMENT RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.	<b>CASE HISTORY FILE: FELONIES</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports, statements of seized and returned property, interview sheets, case status reports, photographs, court orders, correspondence, including email, officer's notes, laboratory tests, court dispositions, and other related records.  See also <a href="#">ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE)</a> item 44, page 71.	a) Destroy in office records concerning solved cases after 20 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.  b) Retain in office records concerning unsolved cases until solved, and then follow disposition instructions in part (a).	Comply with applicable provisions of G.S. §132-1.4 regarding confidentiality of records.
18.	<b>CASE HISTORY FILE: MISDEMEANORS</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports, statements of seized and returned property, interview sheets, case status reports, photographs, court orders, correspondence, including email, officer's notes, laboratory tests, court dispositions, and other related records.	a) Destroy in office records concerning solved malicious misdemeanor cases after 3 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.  b) Retain in office records concerning unsolved malicious misdemeanor cases until solved, and then follow disposition instructions in part (a).  c) Destroy in office records concerning all misdemeanor cases not covered in (a) or (b) after 3 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.	Comply with applicable provisions of G.S. §132-1.4 regarding confidentiality of records.

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## Records Retention and Disposition Schedule

21.	<b>CITIZEN COMPLAINTS/ADMINISTRATIVE INVESTIGATION RECORDS</b> Citizen complaints against law enforcement officers. May include administrative investigation reports initiated within the municipal law enforcement office.  See also <a href="#">INTERNAL AFFAIRS CASE RECORDS</a> item 76, page 78.	Destroy in office 1 year after resolution.*	
76.	<b>INTERNAL AFFAIRS CASE RECORDS</b> Records concerning internal investigations of alleged officer misconduct. May include complaints, investigation reports, and other related records.	a) Transfer records concerning substantiated cases as applicable to <a href="#">PERSONNEL RECORDS (OFFICIAL COPY)</a> item 47, page 112.  b) Destroy in office records concerning unsubstantiated cases when administrative value ends.† Agency Policy: Destroy in office after _____	

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## Records Retention and Disposition Schedule

47.	<b>PERSONNEL RECORDS (OFFICIAL COPY)</b> Official copy of personnel file maintained on each agency employee. May include basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment.  See also <a href="#">EMPLOYEE MEDICAL RECORDS</a> item 22, page 106.	a) Destroy in office after 30 years from date of separation information needed to document: Date and amount of each increase or decrease in salary with that municipality; Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality; Date and general description of the reasons for each promotion with that municipality; Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.  b) Destroy in office information used to verify benefits 30 years after date of separation.  c) Destroy remaining records in office when individual retention periods are reached as noted in individual items in the Records Retention and Disposition Schedule.	G.S. § 160A-168 (Municipal Employees)
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Public Accessibility

- In-Car Camera Video
  - Under N.C.G.S. 160A-168 (handout) the video is interpreted to be part of the employee's personnel record
    - CMPD awarded exemption by General Assembly in 1997 allowing aggrieved citizens to review video with CMPD supervisor. (See Hand-Out 1997 N.C. ALS 305)
- Body Worn Camera Video
  - Video is captured for the same reasons as 1997. The main difference is where the video is captured and how much video exists.

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Public Accessibility

- Body Worn Camera Video
  - Under N.C.G.S. 160A-168 the video is currently interpreted to be part of the employee's personnel record
  - CMPD does not have an exemption for public access

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## Public Accessibility

- Recommendations
  - Amend G.S. 132-1.4(b)(1), the definition of "Records of criminal investigations"
    - Add the underlined language: "including information derived from witnesses, laboratory tests, surveillance, body-worn and in-car cameras, investigators, confidential informants, photographs, and measurements."

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## Public Accessibility

- Amend G.S. 132-6 by adding a new subsection (b1) to read: "
  - "A person alleged to have been aggrieved by an officer's actions who is seeking to listen to audio and/or watch video recorded from a law enforcement officer's body-worn or in-car camera must state the date and approximate time of the incident or encounter in question or otherwise identify the incident or encounter with reasonable particularity. Notwithstanding the requirements of otherwise applicable statutes regarding confidentiality of public employee personnel records, a law enforcement agency may allow the review such audio or video records without the consent of the employees whose actions are depicted on such records."

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## Public Accessibility

- The first amendment would make it clear that audio/video that otherwise qualifies as records of criminal investigations is treated as other criminal investigatory material. Such material could, but is not required to be released or shown to certain individuals.
- The second amendment recognizes that some audio/video would not qualify as records of criminal investigation, but to avoid the burden of sweeping requests that could paralyze a law enforcement agency, requests must be relatively specific. It also makes it clear that an agency could release audio/video without the need to obtain the permission of officers who might claim that the records are personnel records.

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