

Joint Legislative Oversight Committee on  
Justice and Public Safety

Subcommittee on Body-Worn Cameras

North Carolina Association of Chiefs of Police

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# Purpose of Body Cameras: Transparency and Accountability

- Improved community relations and trust
- Elevated behavior by officers and citizens
- Complaint reduction and resolution
- Discipline/terminate deficient officers
- Training and risk reduction
- Evidence in criminal cases

## (purposes continued)

- Adds officer perspective to other cameras present
- Limitations include partial perspective, unrecorded incidents.

# Prevalence

- Growing use nationally and in NC
- Governor's Crime Commission Grants
- Not all agencies want body cameras now

Costs

Uncertainty of operation and data access,  
maturity of best practices

Perceived value

# Costs

- Cameras and hardware
- Data storage and retrieval
- Facility space for equipment and servers
- Administration of access requests
- Training
- IT maintenance

# Legal Issues

- Public Records Law:

Exception for records of criminal investigations (all information gathered to prevent or solve crimes)

- Personnel Privacy Law:

Prohibits release of any information gathered about an employee (beyond basic facts such as salary)

# Privacy

Concerns include:

- Video of interior of homes, businesses, or other areas with expectation of privacy
- Nudity, decedents, graphic injuries
- Informants, reluctant witnesses, citizens' conversations
- Sensitive victim encounters such as rape, child or spousal abuse, children

# Maximum Data Retention Periods

## (Value vs Privacy)

- Currently 30 day minimum by NC Records Retention Schedule
- Evidentiary vs non-evidentiary data, gradations of evidentiary data (felonies, others)
- Non-evidentiary data involving complaint or discipline
- Other non-evidentiary data



# Access to Data

- Involved parties vs any person
- Request for data should be reasonably specific
- Restricted access within agency

# Recommendation

Enact H 811 (now in Senate Rules Committee)

Directs a joint study by Criminal Justice Education and Standards Commission and Sheriffs Education and Standards Commission, in consultation with UNC School of Government, District Attorneys Conference, and others, to make recommendations to the General Assembly concerning use of body cameras by state and local law enforcement agencies.

# Possible approach: Required Policy For Body Cameras

- Same concept followed in 2015 legislation governing automatic license plate readers, G.S. 20-183.22

Written policy required to address:

- Required activation (all calls for service; encounters likely to lead to citation or arrest including traffic stops; vehicle searches; pursuits; stops on reasonable suspicion; any encounter that becomes adversarial)
- Non-activation/deactivation (sensitive victim interviews; reluctant witnesses; informers; citizen conversations)
- Articulation of basis for non-activation/deactivation

## (policy requirements continued)

- Access to data by persons depicted, parents or guardians, next of kin, legal representatives of decedents, injured parties
- Requests should include information necessary to locate data; reasons for inability to locate recorded
- Approved cameras to be used
- Where worn on body
- Training

## (policy requirements continued)

- Prevent general surveillance of persons or groups exercising protected rights of speech and association
- Data downloading at end of each shift
- Prohibit unauthorized deletion, editing, uploading, inspection, copying of data
- Regular officer review for compliance; discipline/termination for noncompliance
- Data retention schedules

NCACP is developing model body worn camera policy

“Implementation of law enforcement technology (such as body worn cameras) should remain a local decision to address the needs and resources of the community”.

President’s Task Force on 21<sup>st</sup> Century Policing Final Report, May 2015