

River Bend Police Department

Body-Worn Cameras

General Order 26

Effective Date 12/09/2020

- 26.1 Purpose:** This General Order establishes procedures and guidelines for the use, maintenance and disclosure of recordings of the River Bend Police Department's (RBPD) Body-Worn Camera (BWC) system in accordance with N.C.G.S. § 132-1.4. 4A, as well as the disclosure of records of criminal investigations and records of criminal intelligence information in accordance with N.C.G.S. § 132-1.4. The purpose of the device will be to gather recorded evidence for prosecution of violators of criminal laws. Additionally, this device will assist the agency in the review of complaints against personnel, quality assessment of officer-citizen contacts and officer safety.

The intent of this policy is to give clear guidelines on the use of this technology for law enforcement related duties, to ensure that it does not undermine the agency's goals of establishing greater accountability without jeopardizing the privacy of the public and the officer, and to enhance the law enforcement effectiveness of the agency while balancing and maintaining public trust and confidence in the agency's law enforcement efforts. This policy establishes procedures for the use, maintenance and control of the Department's BWC system. This policy shall apply to any "recording" as that term is defined in this Policy, below.

- 26.2 Policy:** The River Bend Police Department may provide officers with audio and video body-worn cameras for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between officers of the Department and the public.

- 26.3 Definitions:** The following definitions of terms will apply throughout this general order.

Body-Worn Camera (BWC) – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.

Recording - A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.

Digital Multimedia Evidence (DME) – Consists of all digital recordings to include, but are not limited to, audio, video, photographs, and their associated media, after they become evidence.

Employees Required to Wear on Duty – All uniformed patrol shift officers who are tasked with responding to calls for service and have been issued a BWC.

Uniform Officer or Officer – A sworn officer who uses a body-worn camera (BWC) and is solely assigned as a uniformed patrol officer.

Shift – A designated period of time when a RBPB officer is working in an official capacity. This will include an officer's normal working schedule, off-duty employment (in uniform), overtime assignments and assignments directed by a supervisor as approved by the Chief of Police.

Place Holder – A digital image or thumbnail image in a recording that depicts a certain location within a recording.

Serious Bodily Injury – A bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

Critical Incident – An incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.

Records of Criminal Investigations - All records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements. The term also includes any records, worksheets, reports, or analyses prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation.

Records of Criminal Intelligence Information - Records or information that pertain to a person or group of persons that is compiled by a public law

enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.

26.4 Officer Privacy Expectation: All recordings made by officers on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

26.5 Officer Responsibilities: Prior to going into service, each uniformed officer that has been issued a BWC by the Department and is assigned to a patrol function, and is working in the field will be responsible for making sure that he/she is equipped with a BWC, and that the recorder is in good working order. If the recorder is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practical. The BWC will be properly affixed upon the employee's uniform at the beginning of the shift. The BWC shall be placed above the midline of their torso and in a position designed to produce an effective recording to closely replicate the perspective of the officer using the equipment. The BWC must be kept in a constant state of operational readiness. This means that the camera has adequate battery life and available storage. The BWC will be worn at all times during the employee's shift.

When using a BWC, the on-duty officer shall report for duty to the RBPD office and retrieve a BWC that is available. In the event that BWCs are issued to individual officers, the officer will retrieve the BWC that has been assigned and issued to them.

Once an officer's shift concludes, the officer will return to the RBPD office prior to checking out of service and download the day's Body-Worn Camera evidence. In the event of critical incidents, the responding supervisor should secure and download the officer's Body-Worn Camera evidence as soon as reasonably possible.

Any BWC recorded incident shall be documented in the associated departmental incident reports, Computer Aided Dispatch (CAD) entries, field interview entries, and/or traffic citations. This can be achieved by adding "Body-Worn Camera Record" or "BWCR" to the narrative or note section. Officers should document any instance where the recorder malfunctioned or the member deactivated the recording. Officers should include the reason for deactivation.

26.6 Activation of the Body-Worn Camera: This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Officers should activate the recorder anytime the officer believes it would be appropriate or valuable to record an

incident. Officers handling calls by telephone will not be required to activate their BWC. The BWC should be activated in any of the following situations or upon being dispatched to a call for service:

- A. All enforcement and investigative contacts including stops and field interview situations
- B. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- C. Self-initiated activity in which an officer would normally notify Craven Communications Center
- D. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording.

Requests by members of the public to stop recording should be considered using this same criterion. Examples of when a recording should be ceased are, but not limited to, a sexual assault victim, mentally handicapped persons or at the request of a juvenile's legal guardian. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criterion for recording.

At no time is an officer expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practical. If an officer fails to activate a BWC, or fails to record an incident in its entirety, the officer shall notify his/her supervisor immediately.

26.7

Deactivation of the Body-Worn Camera: Once activated, the portable recorder should remain activated continuously until the officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Recording may also be stopped to discuss sensitive law enforcement information between officers. Such sensitive information may be the procedures and tactics of processing of crime scenes or any tactical operation, i.e., command post operations or hostage negotiations.

In the event that a citizen's request to deactivate the BWC is granted by an officer, the request should be captured on the BWC recording prior to

deactivation. Officers shall verbally narrate their intention for deactivation prior to ceasing the recording.

Obstructing, shielding, or any intentional act of interference with the BWC is prohibited.

26.8 **Surreptitious Use of Body-Worn Camera:** North Carolina law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (N.C.G.S. § 15A-287).

Officers of the Department may surreptitiously record any conversation to which they are a party during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Officers shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police (Chief) or the authorized designee.

Officers shall not surreptitiously record any staff of the Town of River Bend outside the course of a criminal investigation without the lawful authorization by the Chief or the authorized designee.

26.9 **Prohibited Use of Body-Worn Camera:** Officers are prohibited from using department-issued BWCs and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Officers are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned BWCs. Officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Officers are prohibited from using personally owned BWCs while on-duty without the expressed written consent of the Chief. Any officer who is granted permissions and uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify their supervisor of such use as soon as reasonably practical.

Recordings shall not be used by any officer for the purpose of embarrassment, harassment or ridicule.

Officers shall not record in a hospital setting or hospital emergency room where patients are receiving treatment for physical and/or mental ailments, unless it becomes necessary to take official law enforcement action.

Officers are prohibited from recording during their appearance before the 4th judicial district magistrates court for determining the purpose of confinement, bond hearing or other procedures during a defendant's appearance before a magistrate judge, unless it becomes necessary to take official law enforcement action or in any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless it becomes necessary to take official law enforcement action.

Officers are prohibited from activating their BWC while on breaks, meal breaks or while engaged in personal activities.

Officers shall not attempt to erase, edit, modify or otherwise alter any data captured by a BWC.

26.10

Data Management: All files from BWC shall be securely downloaded no later than the end of the officer's shift. Each file shall contain information related to the assigned officer, date, and shift (Day, Night or Mid.). The following is an example: lastnameMMDDYYD / smith093020N

Officers directly or indirectly involved in any recorded incident that requires written administrative documentation (i.e. use of force, vehicle pursuits, collisions involving departmental vehicles, injury, damage to city property, citizen complaints, etc.), shall download/upload the files prior to ending their shift. The supervisor of the officer involved in the above listed incidents will ensure that the file has been uploaded prior to checking off-duty.

- A. Officers may review a recording to further their investigation into a criminal or an administrative matter per approval by the Chief. Viewing of recordings will be conducted inside the Department and at the discretion of the Chief.
- B. Data recordings that contain material deemed beneficial by the Training Coordinator may, with the approval of the Chief, be utilized for training purposes after the case has been prosecuted or any civil litigation has been resolved.
- C. Command staff officers of the agency shall have access to all BWC data recordings for reviewing complaints filed against officers.
- D. A supervisor will physically take custody of the officer's BWC at the scene of an officer involved shooting or at another serious incident in which the officer was involved and will assume responsibility for downloading the data in accordance with Departmental policy and procedures.

Once an incident has concluded and the officer has deactivated his/her BWC, the officer will label the event in accordance with departmental training, policy and procedures. Suggested labels include, but are not limited to:

1. Felony
2. Misdemeanor
3. Infraction
4. Verbal Warning
5. Citizen Contact
6. Interview
7. Test

An example of a completed file label is as follows:

last name date shift event label
smith093020Ncitizencontact

When digital files become evidence, they are to be considered Digital Multimedia Evidence (DME) and will be treated as any other evidentiary items in accordance with Departmental evidence procedures. All DME will be electronically attached to the corresponding Case Report. All recordings are subject to being erased from the stand-alone server after the designated retention period unless a longer retention period has been identified for court, investigative or training purposes.

26.11 Retention of Recordings: Pursuant to N.C.G.S. § 132-1.4A(i), any recording as defined in this policy shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records. Provided that, pursuant to N.C.G.S. § 132-1.4(i), the Town shall not be required to maintain any tape recordings of “911” or other communications for more than 30 days from the time of the call, unless a court of competent jurisdiction orders a portion sealed.

All recordings should be securely stored on a RBPD server in accordance with state records retention laws, including, but not limited to, (N.C.G.S. § 132-1.4) and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency. The stand-alone police server shall be housed in a secure area.

The River Bend Police Department has determined the following storage schedule:

- A. Un-Categorized: 30 Days
- B. Administrative Investigation/Internal Affairs: Until manually deleted
- C. Arrest Felony: 20 Years
- D. Arrest Misdemeanor: 3 Years. Citation: 3 Years

- E. Death Investigations, All Types: Until manually deleted
- F. Field Interview/Call for Service: 90 Days
- G. No Action, Citizen Contact: 30 Days
- H. No Action Traffic Stops: 30 Days
- I. Sex Crimes: Until manually deleted

26.12 Unintentional/Accidental Activation: In the event of an unintentional activation of BWC during non-enforcement or non-investigative activities (e.g., in the restroom, during a meal break, or in other areas where reasonable expectations of employee privacy exists), a Department member may request a recording deletion. An interoffice memo detailing the circumstances of the unintentional recording will be forwarded through the chain of command to the officer's supervisor. If approved, the actual deletion requires a two-party authorization: the officer's supervisor and the Chief. Records of the deletion will be maintained. If approved, the deletion will be made by the officer's supervisor and in the presence of the officer once the nature of the video is confirmed. This confirmation process may be done by the officer selecting a place holder in the video that shows the location, but not necessarily the image that may be embarrassing. The setting is sufficient if the context fits other documents. As an example, an officer may show a supervisor the initial image of an accidental activation in a restroom, but is not required to show the actual embarrassing image.

26.13 Disclosure of Recordings: Records of Criminal Investigations and Records of Criminal Intelligence Information shall be disclosed as provided in N.C.G.S. § 132-1.4. Recordings shall be disclosed as provided in N.C.G.S. § 132-1.4A.

26.14 Review of Recorded Media Files: When preparing written reports, officers should review their recordings as a resource for accuracy in reporting. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the officer's performance.

At least monthly, supervisors shall randomly review BWC recordings to ensure that officers are using the devices properly and in accordance with policy in order to identify any areas in which additional training or guidance is required.

The Department Training Coordinator is authorized to review records for the purposes of identifying and evaluating training needs within the department.

Recorded files may also be reviewed (N.C.G.S. § 132-1.4A):

- A. Upon approval by a supervisor, by any officer of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- B. Pursuant to lawful process or by a District Attorney who is otherwise authorized to review evidence in a related case.
- C. To certain members of the public who appear in or represent someone who appears in the recording, as provided in N.C.G.S. § 132-1.4 and upon approval of the Chief of Police.
- D. Following a use of force incident

26.15

Training: All officers who are authorized to use body-worn cameras must complete mandatory training provided by the Department to familiarize themselves with the recording system and Departmental procedures prior to its use. Officers shall complete training on the following items:

- A. Policy and Procedures associated with the use and operation of body-worn cameras.
- B. Nomenclature of the issued body-worn camera.
- C. Use of any accompanied software for the issued body-worn cameras.
- D. Obtaining body-worn camera evidence for prosecutorial purposes.
- E. Proper positioning of the body-worn camera for the best possible recording of potential evidence/incidents. As part of training operational use, the Chief or their designee will review the effectiveness of the RBPB body-worn camera program annually and make revisions or recommendations consistent with current standards and practices.

Town of River Bend

Request for Supervision to Provide Video/Audio Recording(s) for Prosecution or Law Enforcement Purposes

This form serves as a request to the Chief of Police or his designee for the release of video/audio recording(s) for the purpose of prosecution or Law Enforcement Purposes pursuant to General Statue 132-1.4.

Requesting Person: _____

Agency Requesting: _____

Date/Time of Request: _____

Name of Person In video: _____

Date/Time of Recording: _____

Other Particulars of Recordings to Help Identify the Recordings (Location, Type of Call, Etc.):

Reason for the Request: _____

Name of Requestor: _____

Date: _____

Signature of Requestor: _____

Date: _____

Supervisor Name (Print): _____

Date: _____

Signature of Supervisor: _____

Date: _____

Town of River Bend

Request for Discloser of Video/Audio Recording(s) Form

This form serves as a request to the Chief of Police or his designee for the discloser of video/audio recording footage that has been obtained by this agency.

Requesting Person: _____

Contact Address: _____

Phone Number: _____

Date/Time of Request: _____

Name of Person In video: _____

Relationship to Person: _____

Description of Person In-Video: _____

Date/Time of Recording: _____

List Particulars of Recordings to Help Identify the Recordings (Location, Type of Call, Officer Present, Etc.): _____

Reason for the Request: _____

Signature of Requestor: _____ Date: _____

Official Use Only Below

Request Reviewed By (Print): _____ Date: _____

Approved: _____ Denied: _____

Reason(s) for Approval or Denial: _____

Signature: _____

Date: _____

Town of River Bend

Body Worn Video Recording Devices Administrative Review

Date From: _____

Date To: _____

Officer Video(s) Reviewed: _____

Date Reviewed: _____

Supervisor Reviewing: _____

In-Car / BWC Video(s) Reviewed

Date of Video: _____

Time of Video: _____

Officer(s) Involved: _____

Patrol Car No: _____

BWC No: _____

Reason for Review:

Training: _____

Vehicle Pursuit: _____

Internal Investigation: _____

FOIA Request: _____

Case Investigation: _____

Use of Force: _____

Other: _____

Proper Video Classification: _____

Number of BWCs Not Classified Properly: _____

Supervisory Action Taken: _____

Date: _____

Supervisor's Signature: _____ Date: _____

BWCs: Housed and saved to Server: Must be reviewed, properly classified, and verified for proper retention schedule set-forth in the Standard Operating Policies and Procedures 26 Body-Worn Cameras. First-Line Supervisors / or Chief of Police must complete this form pursuant with policies and procedures set-forth by the River Bend Police Department, and any other administrative directive set-forth by the Chief of Police.

DVD: Video Copies: Must be requested by proper procedure, and approved by Chief of Police, or his

designee. Administration Use: _____ Approved _____ Denied

Authorizing Signature: _____ Date: _____