



# CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

## VIDEO RECORDING EQUIPMENT

**GENERAL ORDER:** 07.04

**CALEA STANDARD:** NA

**ISSUE DATE:** December 01, 2000

**ACTION:** Amends revision dated: December 01, 2003

**EFFECTIVE DATE:** May 25, 2016

### **07.04.0**     **PURPOSE**

The purpose of this General Order is to establish departmental guidelines for the use of video recording equipment worn by officers and installed in police vehicles.

### **07.04.1**     **POLICY**

Video recording equipment has proven to be a valuable law enforcement tool in the prosecution of traffic violations and other criminal offenses, for evaluation of officer tactics and performance, and for training purposes. In-car video cameras and body worn cameras shall be used only for legitimate law enforcement purposes in accordance with applicable law and departmental guidelines.

### **07.04.2**     **IN-CAR CAMERA / BODY WORN CAMERA PROGRAM OBJECTIVES**

- A. The Concord Police Department has approved the use of in-car video and body worn camera systems to accomplish legitimate police objectives, including but not limited to:
1. Accurate documentation of events, actions, conditions and statements made during investigative stops, field interviews, arrests, and critical incidents to enhance officer reports, collection of evidence, and courtroom testimony.
  2. Collecting or reviewing probable cause for arrest, custody procedures, officer and citizen interaction, and evidence for investigative purposes.
  3. Evaluation of officer tactics and field performance for training purposes.
  4. Enhance transparency and improve community trust in the department.

### **07.04.3**     **IN-CAR VIDEO RECORDING / USE GUIDELINES**

- A. Officers will be trained on the proper operation and use of in-car camera equipment.
- B. The care and security of in-car camera equipment is the responsibility of the officer assigned to that vehicle and will be maintained and operated according to manufacturer's recommendations.
- C. Prior to beginning a shift, the officer shall determine if the in-car camera equipment installed in his/her assigned vehicle is working properly and shall promptly notify his/her supervisor of any malfunction or problem.

- D. The in-car camera equipment is installed and designed to activate automatically when the patrol car's emergency lights are in operation. In-car camera equipment can also be remotely activated by the officer from outside the vehicle by using the remote audio receiver and wireless microphone transmitter.
- E. When practicable, officers shall use in-car camera equipment to record the actions of citizens during field interviews, vehicle stops, field sobriety testing, arrests and investigative detention, and field searches, as well as to record crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband. At no time should the safety of the officer or other persons be compromised in order to capture video evidence. Officers are expected to consider vehicle positioning during traffic stops and subject stops in order to fully frame the vehicle or person(s) involved.
- F. Officers shall record **audio and video** of traffic stops, pursuits, emergency responses, field sobriety testing, or other enforcement actions undertaken in the field:
1. Make sure that the front in-car camera is pointed in the direction that captures activities occurring in front of the car. The rear seat camera should be pointed and secured properly for recording activities in the rear seat.
  2. The in-car camera and microphone should not be deactivated until the enforcement action has been completed, completion of a call, or completion of a transport to the police department or jail.
- G. In-car camera equipment shall be used whenever a prisoner, witness, victim or general citizen is transported or otherwise placed inside the car.
- H. No city personnel shall have the authority to erase, reuse or in any manner alter in-car camera recordings, except as specifically provided in this General Order. All completed recordings shall be properly labeled and classified by the officer prior to being submitted for evidentiary or normal 180 day storage.
- I. Officers should officially note in all incidents, arrests, and any other related reports, when video/audio recordings have been made with in-car camera equipment.
- J. Officers should ensure non-police related electronic devices within the police vehicle (AM/FM radio, CD players, auxiliary music devices) are at a volume level during the activation of the in car audio system as not to interfere with the audible recording of the event. This does not apply to police issued radios.

- K. Officers may deactivate or pause the in-car camera recording when no significant investigative or law enforcement action is occurring such as protecting a collision scene, conducting traffic direction, etc.
1. Officers will verbally confirm their intention to deactivate the in-car camera on the audio portion of the system prior to it being deactivated. Officers must be prepared to justify the deactivation in the event an incident occurs while the camera is deactivated.
  2. **Intentional deactivation** of audio and/or video during incidents where the use of the in-car camera system has been required by this General Order shall be cause for disciplinary action.
  3. Officers are forbidden from uploading any video, audio, or still images obtained on an in-car camera onto public or social media websites.
  4. Officers are prohibited from using personal audio or video recording equipment.

#### **07.04.4 SUPERVISORY IN-CAR CAMERA RESPONSIBILITIES**

- A. Supervisory personnel who manage officers assigned to utilize in-car camera equipment are responsible for the following:
1. Ensuring that all officers follow established procedures for the use and maintenance of in-car camera equipment, handling of videos, handling of video/audio recordings, and the completion of in-car camera documentation.
  2. Conducting a periodic review of in-car camera recordings to assess officer performance, determine whether in-car camera equipment is being fully and properly used, and to identify recordings that may be of value for training purposes.
  3. Ensuring that repairs and replacement of damaged or non-functional in-car equipment is properly performed.
  4. Ensuring the completion of all statistical reports necessary to ensure adequate in-car program evaluation.
  5. Downloading video that is part of an officer-involved shooting or personal injury to a citizen by the officer.
  6. Reporting violations or suspected violations of this policy.

**07.04.5 BODY WORN CAMERA OPERATORS**

- A. All officers who have primary contact with the public (i.e. patrol, traffic enforcement, school resource officers, or otherwise designated by the chief of police or his designee) will be assigned a body worn camera (BWC).
- B. Officers will be trained on the proper operation and use of body worn cameras before being equipped with the cameras. BWCs shall be worn during on-duty shifts and secondary employment shifts.
- C. Officers shall make sure that the BWC is mounted in such a way to provide the best opportunity for recording the officer's point of view during recordings. The department will supply the necessary camera mounting accessories or other equipment for use in the field.
- D. The care and security of each BWC shall be the responsibility of the officer to whom the equipment was assigned, and shall be maintained and operated in accordance with manufacturer recommendations or departmental directives.
  1. If a malfunction or problem is found the officer shall promptly notify their immediate supervisor, who will then notify the commander of the Administration Bureau in a timely manner. An officer may be issued a temporary camera while their assigned camera is being repaired or replaced, provided that a spare camera is available.
  2. Officers shall not tamper with or dismantle camera components without having authority to do so by the commander of the Administration Bureau.

**07.04.6 BODY WORN CAMERA RECORDING/USE GUIDELINES**

- A. BWCs shall be activated to record the officer's point of view prior to any initial contacts with persons involved with actual or potential violations of law to include, but not limited to:
  1. Pedestrian and vehicle stops
  2. Suspicious vehicles / persons
  3. Emergency responses
  4. Voluntary contacts for investigative purposes
  5. Arrests
  6. Any law enforcement event the officer deems necessary to record
- B. BWCs shall also be activated when responding to calls for service to include but not limited to:
  1. Domestic disturbances and other types of disturbances
  2. Encounters with emotionally or mentally disturbed subjects
  3. Any event involving weapons or physical violence
  4. All significant encounters with the public and/or law enforcement actions shall be recorded in their entirety

- C. Officers should refrain from recording juvenile victims under most circumstances; however juvenile suspects can and should be recorded.
- D. Officers should obtain permission from victims of crimes of a sensitive nature (i.e. sexual assault) prior to activating their BWC, unless the crime is in progress and the officer is attempting to intervene.
- E. Officers should be able to articulate why an incident was not recorded as mandated by departmental policy. Omissions and oversights must be reported as soon as possible by the officer to his/her supervisor so notations can be attached to arrest reports, use of force reports, and felony case summaries.
- F. Officers may deactivate or pause the BWC whenever no significant investigative or law enforcement action is occurring, or when the officer is no longer directly involved with the public. (For example: conducting crime scene security or in direct conversation with another officer away from the public to discuss the encounter.)
  - 1. Officers will verbally confirm their intention to deactivate the BWC on the audio portion of the system prior to it being deactivated. Officers must be prepared to justify the deactivation of the BWC in the event an incident occurs while the camera is deactivated.
  - 2. **Intentional deactivation** during incidents where the use of the BWC has been required by this General Order shall be cause for disciplinary action.
  - 3. Officers are forbidden from uploading any video, audio, or still images obtained on a BWC onto public or social media websites.
  - 4. Officers are forbidden from utilizing their department issued BWCs for personal use.
  - 5. Officers are not authorized to use a personal BWC.
  - 6. When possible, officers should avoid recording exposed areas of the body that would cause embarrassment.
- G. Officers working plainclothes assignments may use a BWC if the situation warrants its use.
- H. For the purpose of protecting their identity, the BWC will not be used while interacting with known confidential informants or undercover officers.
- I. Student and faculty privacy is of utmost concern to the Concord Police Department. Therefore, within a school environment, School Resource Officers shall limit their use of a BWC to those situations outlined in 07.04.6 (A) & (B). Consensual encounters and monitoring of routine school activities shall not normally be recorded unless the officer knows or has reason to believe that recording will advance a proper law enforcement purpose.

- J. Utilization of the BWC during critical incidents involving the Concord Police Department Special Weapons and Tactics team shall be determined by the Chief of Police or designee on a case-by-case basis. Consideration will be given to the disclosure of tactics, safety of officers, and assignments during the incident (i.e. use of BWC by snipers may hinder movement, concealment and provide video/audio of no value).

#### **07.04.7      COLLECTION OF BODY WORN CAMERA VIDEO**

- A. Prior to the end of an officer's shift, or during the next scheduled working shift, (but no longer than 72 hours after the end of current shift), utilizing the designated software application, officers will categorize each recording captured by their BWC and insure it is properly labeled with their last name, followed by the associated case number or event number.

**Note: If the officer captured a use of force, serious crime, or officer-citizen contact of substantial importance, etc., this video should be uploaded as soon as practicable, but no later than the end of the officer's current shift. If an officer is unable to upload such video by the end of their shift, or is unable to upload non-evidentiary video within 72 hours, he/she shall notify a supervisor and explain the circumstances that prevent uploading within the designated timeframe. The supervisor will assess whether the delay is reasonable or whether other arrangements need to be made to upload the video.**

- B. In the event the video is part of an officer involved shooting or any personal injury to a citizen by the officer, the officer's supervisor shall take custody of the video uploading process.
1. During instances where an officer has multiple recordings from the same incident, the files will be differentiated when labeling them to include parentheses beginning with the number 1. (For example, 1 of 3, 2 of 3, etc.)

#### **07.04.8      BODY WORN CAMERA SUPERVISOR RESPONSIBILITY**

- A. Ensuring that all officers follow established procedures specified within this General Order, regarding care and usage of BWCs.
- B. Ensure that the BWC is properly charged and that video files are being uploaded each day unless technical delays exist. Videos that cannot be uploaded each day should be uploaded during the following work day.
- C. Random supervisory reviews of any video obtained from an officer's BWC will occur as necessary, including but not limited to: vehicle pursuits, uses of force, citizen complaints, or otherwise directed by the chief of police or designee.
- D. To ensure that repairs and replacement of damaged or nonfunctioning equipment is reported to the commander of the Administration Division or designee.

- E. To ensure that officers report incidents of non-recorded contacts when omissions and failures to record were made onto departmental reports of arrests and uses of force.
- F. Reporting violations or suspected violations of this policy.

**07.04.9 IN-CAR and BODY WORN CAMERA RECORDING CONTROL AND MANAGEMENT**

- A. All recordings collected using in-car cameras and/or body worn cameras are considered a record of the Concord Police Department and are for official use only.
  - 1. Any portion of video/audio that records events for the purpose of attempting to prevent or solve violations of the law or that is recorded in an effort to anticipate, prevent, or monitor possible violations of the law, is considered a record of criminal investigation as described in North Carolina General Statute 132-1.4 and is not a public record.
  - 2. Any portion of video/audio that is used to subject an employee to departmental disciplinary action during an administrative investigation is part of that employee's personnel file as defined in North Carolina General Statute 160A- 168, and is open to inspection only as provided by statute.
  - 3. Public record requests to view any video should be promptly directed to the Office of the Chief of Police for review and consideration.
  - 4. Subpoenas or court orders served on officers for audio/video requests shall be directed to the Support Services Division Captain for processing. The officer is responsible for compliance to any court order or subpoena in a timely manner. Therefore, the officer must communicate with the Support Services Division Captain to seek proper responses to subpoenas or court orders. The City of Concord Legal Department should be utilized when questions arise about the release of audio/video materials pursuant to a court order or subpoena. The City Attorney, or designee, is the only representative that can file motions before the court to object to court orders or subpoenas on behalf of the City of Concord Police Department.
- B. Officers shall not make copies of any recordings for their personal use.
- C. Officers are permitted and encouraged to review video footage of an incident in which they were involved prior to making a statement.
- D. Personnel conducting internal administrative investigations may be permitted to retain a video recording at the direction of the chief of police.
- E. Accidental recordings made by officers in locker rooms, rest rooms, or other private locations that pose a risk of embarrassment to employees must be reported as soon as possible to one of the department's camera administrators so the video can be restricted and deleted. A female and male camera administrator will be assigned to these duties according to the gender of the employee(s) involved during the accidental recording.

- F. Video/audio recordings containing information that may be of evidentiary value in a criminal, civil, or administrative proceeding shall be subject to the security restrictions as any other evidence in order to maintain a chain of custody.
- G. Video/audio recordings not deemed public records shall not be released to any outside agency without the prior consent of the chief of police, or pursuant to a valid court order.
- H. Video/audio recordings not held for evidentiary purposes shall be retained for a minimum of 180 days. All video files stored on servers, DVDs or cloud storage shall be labeled in a manner that allows efficient identification and retrieval.
- I. Video/Audio Recordings Storage and Retention Schedule

1. All video/audio recordings will be retained in a secure environment. (Evidence & Property Control for Watchguard camera DVD's, department storage server for Kustom Signals' camera files, Solid State hard drives for Panasonic, and the cloud storage server approved by the department for other models of in-car cameras.) These recordings will be retained based on activation classification for these retention periods.
2. Video/audio not deemed evidence will be retained for a minimum of 180 days before being deleted.
3. Video/audio deemed as evidence will be retained according to the schedule listed below.

Felony	20 years
Infraction or Misdemeanor	3 years
Internal Investigation	3 years
Administrative Investigation (Use of Force, Pursuit, Vehicle Crash)	3 years
Indefinite retention	As directed by the chief of police

**Note: When in doubt as to whether video should be considered evidence, consult with a supervisor or err on the side of treating the video as evidence.**

**Video of a traffic stop with or without taking enforcement action (citation or arrest) is not normally going to be evidence. However, if video captured the violation for which a citation is issued, or the person makes a statement of guilt, then the video is most likely going to be considered evidence.**

**07.04.10 CAMERA ADMINISTRATOR(S) RESPONSIBILITIES**

- A. The commander of the Administration Bureau will serve as the administrator assigned to overall management of the department's in-car and body worn camera program. There will be co-workers assigned to assist in the management of the daily activities related to camera assignments, replacements, repairs, procurements of needed parts, video storage access and deletion authority, public records requests, court orders or subpoena processing, and policy development related to the program.

**07.04.11 DISCLOSURE PROCEDURES**

- A. All digital media that is captured with an in-car camera or body worn camera is the property of and will be retained by the Concord Police Department according to the retention schedule. Captured video may be retained for longer periods of time at the discretion of the chief of police.
- B. Recordings related to a criminal investigation will be provided to the District's Attorney's Office in compliance with the State of North Carolina Discovery Laws.
- C. All other releases require the authorization of the chief of police or designee.
- D. Challenges to redactions pursuant to public records request shall be referred to the City of Concord Attorney's Office at the direction of the chief of police.



GARY J. GACEK  
CHIEF OF POLICE