

	Fayetteville Police Department OPERATING PROCEDURE	Number 3.24
	Subject BODY WORN CAMERAS (BWCS)	Effective Date 18 December 2015
	NEW	Page 1 of 5

3.24.0 OBJECTIVE

To establish procedures for the use of body worn cameras (BWC) by members of the Fayetteville Police Department (FPD), which are used as a safeguard for employees against false claims of misconduct, while ensuring that all personnel are performing their duties to the highest standards of professional integrity. This operating procedure does not apply to the use of hand held camcorders or audio/video surveillance devices.

3.24.1 DEFINITIONS

Body Worn Camera (BWC) – Audio/video recording system designed to be worn by an individual officer in accordance with the manufacturer’s recommended method and departmental training.

3.24.2 OFFICER RESPONSIBILITIES

- A. All officers assigned a BWC, who are in uniform and engaged in law-enforcement related activity, will have the BWC affixed to the individual in accordance with the manufacturer’s recommended method and departmental training. The officer will take into consideration different body sizes and gender as to placement of the BWC. It is the responsibility of the officer to ensure the BWC is activated, operating, and positioned to record the events specified in this operating procedure.
- B. Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure the BWC is functional. Each officer shall ensure the BWC’s battery is fully charged when reporting for their tour of duty. This includes the officer working in an off-duty, overtime and extra duty capacity.
- C. Prior to the end of the each work week, officers will categorize each recording in accordance with section 3.24.9 of this policy, along with their name and the incident number when available. Appropriately categorized video will then be uploaded and stored within the FPD on-line evidence storage account at www.evidence.com
- D. BWC’s are set to ensure accuracy and accountability for use in court. Officers should continually check to ensure the date and time function of the BWC is accurate. If the date/time stamps are not in sync with current date and time, officers are to notify their supervisor immediately and remove the BWC from service. The BWC will then be turned over to the Administrative Bureau Technical Services Video Recording Supervisor to ensure proper repairs/adjustments are made by the appropriate manufacturer.
- E. Routine maintenance and care of the BWC is the responsibility of the individual officer. Officers will ensure the BWC is clean and in proper working order and any operational issues are reported to the officer’s immediate supervisor and the Administrative Bureau Technical Services Video Recording Supervisor.
- F. Any officer who intentionally disables any part of the video recording or transmitting equipment, or who fails to activate the system as required by this operating procedure, will be subject to criminal and /or administrative disciplinary actions.
- G. When not on duty, the BWC shall be stored in a safe location and away from exposure to direct sunlight, moisture or excessive heat.

3.24.3 SUPERVISORY RESPONSIBILITY

- A. Supervisors will, prior to beginning of the officers scheduled shift and in accordance with FPD Training, Operating Procedures and manufacturer guidelines, ensure that all officers assigned a BWC are equipped and properly wearing their BWC.
- B. Ensure all officers follow established procedures for the operation and maintenance of the BWC, the handling of all video/audio recordings, and the completion of all necessary documentation.
- C. Supervisors are responsible for conducting random reviews of their officer's BWC data to ensure FPD employees' behavior and performance are in compliance with established policy and procedures. Additionally, video data for officers will be periodically reviewed and the information included during Quarterly Biased Based Policing Reviews. However, video files are subject to review by supervisory staff at all times.
- D. Ensure any video associated with any citizen complaint or internal investigation is properly categorized by the end of the officer's shift.

3.24.4 GENERAL OPERATIONS

- A. All contacts and activities other than those noted as mandatory are considered optional and may be recorded at the discretion of the individual officer and all recordings should continue without interruption until the contact ends, if feasible.
- B. A BWC recording shall be stopped during non-enforcement activities such as traffic control, criminal investigations or when no adversarial events are ongoing. An example of this would be the time in which a call for service or other defined recording event changes from adversarial to a fact finding contact or follow-up investigation. However, officers should be prepared to activate their BWCs if the situation changes.
- C. Officers should activate the BWC at the first reasonable opportunity, unless an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, in which case the officer should activate the BWC as soon as possible. Additional arriving officers equipped with a BWC should activate their cameras upon arrival to an incident requiring a recording.
- D. Unless present in an official police capacity, the BWC should not be used in bathrooms, locker room, or other place where there is an expectation of privacy.
- E. The BWC should not be used to document crime scenes or in custody interviews and interrogations. The BWC should not be used when interacting with known confidential informants or undercover officers.
- F. In most circumstances, Officers assigned to the Civil Emergency Unit (CEU) should not utilize their BWC to record civil disturbances while in a CEU capacity. CEU operations will be recorded by a designated member of the CEU with an external handheld type of video recorder and according to CEU policy and procedures.
- G. The BWC will be turned off when entering any police building or substation.
- H. To aid in the protection of the right to privacy, officers **shall not** record while:
 - 1. In a patient care area of a health care facility, unless the patient becomes adversarial with the officer or others and a potential police action may be required. If the need to record does arise, officers shall only record for law enforcement purposes and will not record any patient/doctor conversations;
 - 2. Discussing a case with other officers or supervisors;
 - 3. Conducting tactical planning;

4. In the magistrate's office or any state or federal court facility, unless an adversarial type of disturbance occurs requiring the officer wearing the BWC to take police action;
5. Having discussions with attorneys, peer support counselors, doctors, etc.;
6. Involved in a department, supervisory or public meeting;
7. In a classroom and/or in a testing environment.

3.24.5 ACTIONS REQUIRING MANDATORY RECORDING

- A.** This operating procedure 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. However, an officer **shall** activate the BWC during the following circumstances, unless overwhelmingly extenuating circumstances prevent the activation of a BWC:

1. Traffic stops;
2. Priority responses and/or responses requiring blue lights and siren;
3. Vehicle pursuits;
4. Suspicious persons/vehicle contacts;
5. Arrests, detentions or protective frisks (persons and vehicles);

NOTE: During an arrest, Officers may only deactivate their BWC until after the individual is placed into a patrol vehicle where the in-car camera has been activated.

6. Warrantless searches of individuals, buildings, vehicles (including K-9 sniffs) and other places;
7. Physical or verbal confrontations;
8. Domestic violence calls;
9. DWI investigations;
10. Foot pursuits;
11. Advising an individual of their Miranda warnings while not in an FPD interview room;
12. Crimes in progress;
13. Contact with distraught, disorderly, argumentative, emotionally disturbed persons or angry persons;
14. Planned and deliberate ERT Operations, situations which become dynamic in nature and/or at the direction of the Chief of Police, ERT Commanders or ERT Supervisors;
15. During search warrant executions when the structure or area has not previously been rendered safe and secure;
16. Any other situation which could result in potential adversarial conditions or liability for the officer, FPD or City of Fayetteville.

- B.** If there is any doubt in the officer's mind whether a situation should be recorded, the officer should opt to record the event.

3.24.6 DOCUMENTATION

- A.** Personnel shall document in their incident reports, supplemental reports, citations, affidavits and field interviews that a BWC was utilized.
- B.** It is the responsibility of the member downloading a video file to identify any digital file associated with an investigation.

3.24.7 RESTRICTIONS

- A.** At no time will any employee utilize a portable uniform camera for the purposes of recording personal activities while the employee is on or off-duty.
- B.** The BWC will not be utilized for anything other than official FPD business, unless permission has been obtained from the Chief of Police or his/her designee.

- C. FPD personnel shall not record the personal conversations of, or between, other FPD members without each individual's knowledge or consent.

3.24.8 DUPLICATION AND DISTURIBUTION OF RECORDINGS

- A. The BWC and all video files are the property of the FPD and will be only be used for law enforcement purposes in accordance with applicable law and departmental policy. Employees/Officers are **prohibited** from using any device to copy, photograph or record the playback of any video/audio data by a BWC other than for official police purposes.
- B. Employees/Officers are **prohibited** from disseminating or performing any type of playback to non-FPD employees, unless the employee performing the dissemination or playback has received authorization from the Chief of Police or FPD Police Attorney and in accordance with all applicable laws and departmental policy.
- C. Recordings that are NOT classified as public record pursuant to North Carolina State Law will only be given to attorneys upon the presentation of a valid court order issued by a court with appropriate jurisdiction. Only those portions of the recording relevant to the incident will be furnished.
- D. Any requests for a recording by an outside law enforcement agency will be made to the Internal Affairs Unit and/or Police Attorney's Office, and must be on the requesting agencies departmental letterhead with the chief law enforcement official's signature.
- E. Any portion of a recording that may be used to subject an employee to administrative disciplinary action is a part of the 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.
- F. The District Attorney's (DA) Office will submit a request for BWC video through the DA Liaison Officer, or his/her designee, in the same manner as other evidence requests are submitted.
- G. All Public Defenders and Private Attorneys will submit a request through the Cumberland County District Attorney's Office, which will in turn disseminate the video evidence to the Public/Private Attorney at their discretion and in accordance with all established laws and procedures.
- H. Any FPD employee receiving a subpoena or court order for copies of BWC data shall contact the FPD Police Attorney's Office and advise them of the order. No video will be released absent a court order unless otherwise directed by the Chief of Police, or his/.her designee.
- I. All public record requests shall be referred to the Internal Affairs Unit and/or Police Attorney's Office for action.

3.24.9 STORAGE AND RETENTION SCHEUDLE

- A. Digital recordings will be maintained and stored on the FPD's on-line storage account (www.evidence.com) for the designated time, based on activation classification. Digital recordings of the following types of incidences/scenes will be classified by the officer utilizing the table below with the most appropriate classification titles:

Category	Retention Schedule
Non-Citizen Involvement	29 Days
Field Contacts/Non-Criminal Offenses	45 Days
Traffic Stop Warning (written or verbal)	45 Days
Traffic Stop-Infraction	45 Days
Traffic Stop-Misdemeanor	1095 Days (3 Years)
Traffic Stop-Felony	3650 Days (10 Years)

Criminal Investigation- Non Felony	1095 Days (3 Years)
Criminal Investigation-Felony	3650 Days (10 Years)
Internal Affairs	2555 Days (7 Years)

1. Non-Citizen Involvement: Video that does not contain interaction with a citizen, suspect or associated with any other category. (examples: test video, accidental activation.
2. Field Contacts/Non-Criminal Offenses: Interaction with a citizen that does not result in a criminal charge.
3. Internal Affairs: All video associated with an internal investigation should be categorized as such, unless the suspect is charged with a felony, if so, it should be categorized appropriately.

3.24.10 REFERENCES

- O.P. 3.21** In-Car Camera Systems
O.P. 6.1 Collection and Preservation of Evidence

BY ORDER OF: _____

HAROLD E. MEDLOCK, CHIEF OF POLICE