

GENERAL ORDER		Number		3-1.2	
		Issued	1/5/2017	Effective	IMMEDIATELY
Subject	Body Worn Cameras/ Dashboard Cameras				
Indexed As	Issued Equipment				
Reference	Fayetteville Police Department Policy 3.24 Body Worn Cameras, IACP Sample Policy, Boone Police Department Policy, N.C.G.S. 132-1.4A & NCACP's Model Policy Body Worn Cameras April 2016.				
Cancels	In Car Video Recording Devices – Chief Randy Chapman	Amends			

This General Order contains the following numbered sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Procedures
- V. Effective Date

I. Purpose

The purpose of this policy is to provide Forest City Police Officers the procedures for the use of Body Worn Cameras (BWC) and Dashboard Cameras (DBC), which are used to document specific incidents in the field. The Body Worn Cameras and Dashboard Cameras will be used to safeguard employees against false claims of misconduct, while ensuring that all personnel are performing their duties to the highest standards of professional integrity.

II. Policy

It is the policy of the Forest City Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. Definitions

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.

Dashboard Camera (DBC): A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel.

Special Response Team (SRT): The tactical team of the Forest City Police Department

Investigative Actions: Any contact with a citizen or suspect that occurs on any call whether self-initiated or dispatched.

Non-Committed Times: Any time in which the officer is not on a call for service or self-initiated activity.

Disclosure: To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. **This term does not include the release of the recording.**

Release: To provide a copy of the recording

Personal Representative: A parent, court appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If the person in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or a parent or guardian of a surviving minor child of the deceased.

Recording: A visual, audio, or visual and audio recording captured by a body worn camera, a dashboard camera, or any other video and 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.

IV. Procedures

A. Administration

The support services commander will serve as the program manager for the BWC/DBC program. The program manager will be responsible for the overall maintenance of the program and equipment, including but not limited to:

- a. Coordinating maintenance of equipment and ensuring functionality.
- b. Inventory and issuance of equipment.
- c. Setting administrative rights.

B. Approved BWC/DBC devices

Only devices approved by the Chief of Police or his designee will be used by Forest City Police Department personnel.

C. Training

Only those who have successfully completed the Forest City Police Department's approved BWC/DBC training course will be authorized to use the device.

D. Officer Responsibilities

1. The BWC/DBC equipment is the responsibility of the officer assigned the equipment and will be maintained according to the manufacturer's recommendations.
2. 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 department training. It is the officer's responsibility to ensure the BWC is activated, operating, and positioned to record the events specified in this General Order.
3. Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure the BWC/DBC is functional. Each officer shall ensure the BWC's battery is charged and has sufficient storage when reporting for their tour of duty. This includes the officer working in an off duty assignment. If a problem or malfunction is found, the officer shall promptly notify their supervisor.
4. Prior to the end of each duty shift, officers will categorize each recording in accordance with section IV (M) of this policy, along with their name and the incident number when available. Appropriately categorized video will then be uploaded and stored within the Forest City Police Department's on-line evidence storage account at www.evidence.com.
5. BWC/DBC are set to ensure accuracy and accountability for use in court. Officers should regularly check to ensure the date and time function of the BWC is accurate. If the date/time stamps are not accurate, officers should notify their supervisor and remove the BWC/DBC from service at the first reasonably available opportunity.
6. Routine maintenance and care of the BWC/DBC is the responsibility of the assigned officer.
7. When not on duty, the BWC shall be stored in a safe location away from exposure to direct sunlight, moisture or excessive heat.

E. Supervisory Responsibility

1. Supervisors will verify that all officers assigned a BWC are equipped and properly wearing the BWC prior to the beginning of the each officer's scheduled shift.
2. Verify that all officers follow established procedures for the operation and maintenance of the BWC/DBC, the handling of all video/audio recordings, and the completion of all necessary documentation.
3. Verify that any video associated with any citizen complaint or internal investigation is properly categorized by the end of the officer's shift.
4. Supervisors are responsible for conducting monthly random reviews of their officer's BWC/DBC data to ensure Forest City Police Department employees are in compliance with established policy and procedures. Video files are subject to review by supervisory staff at all times.

F. General Operations

1. The BWC/DBC shall be activated upon being dispatched to, or responding to assist another officer for any calls for service, during all traffic stops, pursuits, arrest, investigative actions, and any other relevant interactions with the public.
2. All significant encounters with the public and/or enforcement actions shall be recorded in their entirety, which is generally until the event is terminated and/or the officer or violator has left the scene.
3. Officers should activate the BWC/DBC at the first reasonable opportunity, unless it is impossible or dangerous, in which case the BWC/DBC should be activated as soon as possible.
4. Unless lawfully present in an official police capacity, the BWC should not be used in bathrooms, locker rooms, or other place where there may be an expectation of privacy.
5. When practical, officers should inform individuals that they are being recorded; however, the discretion remains with the individual officer. If a citizen inquires as to whether the BWC/DBC is in use, officers shall provide a prompt and truthful response.
6. The BWC shall be turned off when entering any police building or substation.
7. To aid in the protection of the right of privacy, officers **shall not** record while:
 - a. In a patient care area of a health care facility, unless an adversarial type of disturbance occurs requiring the officer wearing the BWC take action. If the need to record does arise, officers shall only

record for law enforcement purposes and shall not record any patient/doctor conversations;

- b. Discussing a case with other officers or supervisors;
- c. Conducting tactical planning;
- d. 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 action;
- e. Having discussions with attorneys, peer support counselors, doctors, etc;
- f. Involved in a department, supervisory or public meeting;
- g. In a classroom and/or a testing environment, unless an adversarial type of disturbance occurs requiring the officer wearing the BWC take action.

G. Actions Requiring Mandatory Recording

- 1. This operating procedure is not intended to describe every possible situation in which the BWC/DBC should be used. However, an officer shall activate the BWC/DBC during the following circumstances, unless extenuating circumstances prevent the activation of a BWC/DBC:
 - a. Traffic stops;
 - b. Priority responses and/or responses requiring blue lights and siren;
 - c. Vehicle pursuits;
 - d. Suspicious persons/vehicle contacts;
 - e. Arrests, detainments or protective frisks (persons and vehicles);
 - f. Warrantless searches of individuals, buildings, vehicles (including K-9 sniffs) and other places;
 - g. Physical or verbal confrontations;
 - h. Domestic violence calls;
 - i. Foot pursuits;
 - j. Advising an individual of their Miranda warnings while not in an recorded interview room;
 - k. Crimes in progress;

- l. Contact with distraught, disorderly, argumentative, emotionally disturbed or angry persons;
 - m. Planned and deliberate SRT Operations, situations which become dynamic in nature and/or at the direction of the Chief of Police or the SRT Commander or SRT Supervisors;
 - n. During search warrant executions when the structure or area has not previously been rendered safe and secure;
 - o. DWI Investigations;
 - p. Any other situation which could result in potential adversarial conditions or liability for the officer, Forest City Police Department or Town of Forest City.
2. If there is any doubt in the officer's mind whether a situation should be recorded, the officer should opt to record the event.

H. Documentation

1. Personnel shall document in their incident reports, supplemental reports, arrest reports, citations, affidavits and field interviews that a BWC/DBC was used.
2. It is the responsibility of the officer downloading a video file to identify any digital file associated with an investigation.

I. Restrictions

1. At no time will any officer utilize a BWC/DBC for the purpose of recording personal activities while the employee is on or off-duty.
2. The BWC/DBC will not be utilized for anything other than official Forest City Police Department business.
3. Forest City Police Department personnel shall not record the personal conversations of, or between, other Forest City Police Department members without each individual's knowledge or consent.

J. Disclosure and Duplication

1. The BWC/DBC and all video files are the property of the Forest City Police Department and will only be used for law enforcement purposes in accordance with applicable law and department policy. Employees/Officers

are **prohibited** from using any device to copy, photograph or record the playback of any video/audio data by a BWC/DBC.

2. Any request for disclosure shall be requested using the Forest City Police Department Request for Disclosure of Law Enforcement Video Recordings Form. The form shall be submitted to the Chief of Police or his designee for review.
3. The Chief of Police may only disclose a recording to the following:
 - a. A person whose image or voice is in the recording.
 - b. A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
 - c. A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
 - d. A personal representative of a deceased person whose image or voice is in the recording.
 - e. A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.
4. The Chief of Police may consider any of the following factors in determining if a recording is disclosed:
 - a. If the person requesting disclosure of the recording is a person authorized to receive disclosure.
 - b. If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or Federal Law.
 - c. If disclosure would reveal information regarding a person that is of highly sensitive personal nature.
 - d. If disclosure may harm the reputation or jeopardize the safety of a person.
 - e. If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
 - f. If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
5. Disclosure allows for the recording to be viewed or listened to by the person requesting the disclosure. The person requesting disclosure shall be notified within three (3) business days of the decision.

6. When disclosing the recording, the Forest City Police Department shall disclose only those portions of the recording that are relevant to the person's request.
7. A person who receives disclosure pursuant to this policy shall not record or copy the recording.
8. Notwithstanding subparts 10, 11, 12, and 13 of this Section, a recording will only be released pursuant to a court order. Only a Superior Court Judge can order the release of the recording.
9. Recordings are not public record and are not personnel records.
10. The Forest City Police Department will disclose or release a recording to the district attorney for review of potential criminal charges, in order to comply with discovery requirements in criminal prosecution, for use in criminal proceedings in district court, or for any other law enforcement purpose.
11. The Chief of Police or his designee may disclose or release a recording for law enforcement training purposes.
12. The Chief of Police or his Designee may disclose or release a recording within the Forest City Police Department for any administrative, training, or law enforcement purpose.
13. The Chief of Police or his designee may disclose or release a recording to another law enforcement agency for a law enforcement purpose. The request shall be written on department letter head and shall be signed by the department head.

K. Appeal of Disclosure Denial

If the Forest City Police Department denies disclosure, or has failed to provide disclosure more than three business days after the request for disclosure, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for review of the denial of disclosure.

L. Deletion of Unintentional Recordings

1. In the event of an unintentional recording during non-enforcement or non-investigative activities (e.g. restroom, meal breaks, or other areas where a reasonable expectation of privacy exists) officers may file a written request to their supervisor for deletion of the video. The actual deletion requires two-party authorization by the immediate supervisor and a member of the command staff (Captain or Chief).

M. Storage and Retention Schedule

1. Digital recordings will be maintained and stored on the Forest City Police Department's on-line storage account (www.evidence.com) for the designated time, based on classification.

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)

- a. Non- Citizen Involvement: Video that does not contain interaction with a citizen, suspect or associated with any other category. (examples: test videos, accidental activation).
- b. Field Contacts/Non-Criminal Offenses: Interaction with a citizen that does not result in a criminal charge.
- c. 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.

V. Effective Date

This General Order is effective immediately.



Jay S. Jackson
Chief of Police