



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

VIDEO RECORDING EQUIPMENT

GENERAL ORDER: 07.04

CREATED: December 1, 2000

ISSUE DATE: September 1, 2021

CALEA STANDARD: 41.3.8, 42.2.8

EFFECTIVE DATE: September 8, 2021

ACTION: Amends general order dated October 1, 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 **VIDEO RECORDING 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 incident 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 shall 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 shall 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.
- E. When practicable officers shall use in-car camera equipment to record the actions of citizens during field interviews, vehicle stops, field sobriety testing, traffic direction, arrests, 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 shall be pointed and secured properly for recording activities in the rear seat.
 2. The in-car camera and body camera shall 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.
- I. Officers shall 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.
- J. Officers may mute the in-car camera recording when no significant investigative or law enforcement action is occurring. However, officers shall not stop the video recording until after the investigative or law enforcement action is over.
1. Officers shall verbally confirm their intention to mute the in-car camera on the audio portion of the system prior to it being muted.
 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.
 5. Officers shall not unplug or otherwise disable the power to the in-car camera.

07.04.4 **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) shall be assigned a body worn camera (BWC).
- B. Officers shall be trained on the proper operation and use of BWCs before being equipped with the cameras. BWC's shall be worn during on-duty shifts and secondary employment shifts.
- C. Officers shall make sure 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 shall 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 shall 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.

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

- A. While on shift, officers shall keep the power to the BWC in the on position and ready for activation unless they are on a restroom break, in a police locker room, or other articulable situation where personal privacy (non law enforcement duty) is necessary. BWCs shall be activated to record the officer's point of view prior to any law enforcement action 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. Traffic Direction
 7. Domestic disturbances and other types of disturbances;
 8. Encounters with emotionally or mentally disturbed subjects;
 9. Any event involving weapons or physical violence;

10. All significant encounters with the public and/or law enforcement actions shall be recorded in their entirety.
11. Any law enforcement event the officer deems necessary to record.
 - B. Officers shall refrain from recording juvenile victims under most circumstances; however juvenile suspects can be recorded.
 - C. Officers shall 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.
 - D. Officers shall be able to articulate why an incident was not recorded as mandated by departmental policy. Omissions and oversights shall be reported as soon as practicable by the officer to his/her supervisor.
 1. Officers may mute the body camera recording when no significant investigative or law enforcement action is occurring. However, officers shall not stop the video recording until after the investigative or law enforcement action is over.
 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 shall avoid recording exposed areas of the body that would cause embarrassment.
 - E. Officers working plainclothes assignments shall use a BWC if the situation warrants its use. (Refer to section 07.04.5)
 - F. For the purpose of protecting their identity, the BWC shall not be used while interacting with known confidential informants or undercover officers.
 - G. Student and faculty privacy are 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). Consensual encounters and monitoring of routine school activities shall not normally be recorded unless the officer knows or has reason to believe that recording advances a proper law enforcement purpose.
 - H. 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 shall 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).

07.04.6 **COLLECTION OF CAMERA VIDEO**

- A. At a minimum, prior to the ending of each shift before a regularly scheduled day off or scheduled leave time away from work (i.e. vacation, military leave, FMLA, etc.), utilizing the designated software application, officers shall dock their BWC and ensure the category assigned to the video by the Axon Auto Tagging program for each recording captured by a police video system is in accordance to the retention policy listed in 07.04.9 (J3). (Officers are encouraged to dock their BWCs throughout their shift as time allows to upload video and charge their BWC). Categories for "Infraction and Misdemeanor" and "Felony" shall be used only if a charge is or may be filed in the future. If there is no charge associated with the video and it does not meet the criteria for another category, and no future charges are expected, the video shall be categorized as "No Enforcement Action." When a video has been recorded that meets more than one category, the highest retention category shall ~~should~~ be selected. For example, when a use of force has occurred and resulted in a misdemeanor charge, the correct category shall be "Administrative Investigation." Officers shall also ensure the video is properly labeled in the "ID" field with the associated case number (OCA) if a charge is filed or the CAD event number if no charges are filed. No other characters such as dashes or letters shall be included in this field, only numbers.

Note: If the officer captured a use of force, serious crime, or officer-citizen contact of substantial importance, etc., this video shall 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, he/she shall notify a supervisor and explain the circumstances that prevent uploading within the designated timeframe. The supervisor shall assess whether the delay is reasonable or whether other arrangements need to be made to upload the video.

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

07.04.7 **INTERVIEW ROOM VIDEO SYSTEM**

- A. The interview rooms on the main floor at police headquarters are equipped with a video recording system. There are four interview rooms with overt recording systems and one room with a covert system. These rooms shall be utilized if an officer is conducting an interview with a victim, witness, or suspect at the police department. Initial report taking and fact gathering may still be conducted in a non-recorded room.
- B. Officers shall be trained on the proper operation and use of the interview room equipment and software prior to use.

- C. All interview room procedures shall adhere to department General Order 10.06 Interviews/Interview Rooms.
- D. When an interview is being conducted, both the audio and video shall remain enabled at all times except in the event where a suspect is in custody and an attorney asks to speak with their client. In this case, officers may mute the camera audio recording but shall not stop the video recording until after the interview is over.
- E. Videos shall be labeled and categorized per section 07.04.6 Collection of Camera Video of this general order.

07.04.8 SUPERVISORY RESPONSIBILITIES

- A. Supervisory personnel who manage officers assigned to utilize in-car camera and body 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. On a quarterly basis, supervisors shall perform four documented video reviews of their subordinates. The purpose of the quarterly review is to increase officer safety and provide feedback to employees regarding their work performance. Each supervisor shall utilize Axon Performance Review software and the system's randomly selected videos. The review shall be discussed with the employee to provide positive and constructive feedback.
 - 3. Ensuring that repairs and replacement of damaged or non-functional in-car equipment is properly performed.
 - 4. Downloading video that is part of an officer-involved shooting or personal injury to a citizen by the officer.
 - 5. Reporting violations or suspected violations of this policy.

07.04.9 IN-CAR/BODY WORN CAMERA RECORDING CONTROL AND MANAGEMENT

- A. All recordings collected using in-car cameras and/or body worn cameras are considered a record and property of the Concord Police Department and are for official use only.
 - 1. In compliance with North Carolina General Statute 132-1.4A all public record requests for disclosure or release of any video shall be promptly directed to the Office of the Chief of Police for review and consideration.

2. Subpoenas or court orders served on officers for audio/video requests shall be directed to the Support Services Division commander for processing. The officer is responsible for compliance to any court order or subpoena in a timely manner. Therefore, the officer shall communicate with the Support Services Division commander to seek proper responses to subpoenas or court orders. The City of Concord Legal Department shall 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 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 shall be categorized as "Restricted" and reported as soon as practicable to the commander of the Administration Bureau, so the video can be deleted. The Administration Bureau commander shall assign a female and male camera administrator 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. Recordings related to a criminal investigation shall be provided to the District Attorney's Office in compliance with the State of North Carolina discovery laws.
- H. Recordings, covered by this general order, shall not be disseminated to other law enforcement agencies or used for training purposes without permission from the Chief of Police. Requests for video to be released to other agencies shall be forwarded to the Police Video Technician.
- I. Video/Audio Recordings Storage and Retention Schedule
1. All video/audio recordings shall be retained in a secure environment. These recordings shall be retained based on activation classification for these retention periods.
 2. Video/audio not deemed evidence shall be retained for a minimum of 180 days.
 3. Video/audio deemed as evidence shall be retained according to the schedule listed below.
- | | |
|---------------------------|----------|
| Felony | 20 years |
| Infraction or Misdemeanor | 3 years |

Internal Investigation Indefinite

Administrative Investigation Indefinite
(Use of Force, Pursuit, Vehicle Crash)

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.

Officers may sometimes respond to events and, at the time of the event, not know the video/audio recording is subject to the retention requirements within this policy. Therefore, it is the responsibility of the charging officer to ensure that when charges are filed at a later time that any and all in-car and body worn camera video/audio related to a case is reclassified and properly labeled and categorized in compliance with this policy. If video/audio recordings exist from multiple officers for the event that needs reclassifying the charging officer, with assistance from his/her supervisor, shall ensure that all video/audio recordings are in compliance with this policy.

07.04.10 CAMERA ADMINISTRATOR(S) RESPONSIBILITIES

The commander of the Administration Bureau shall serve as the administrator assigned to overall management of the department's video recording program. There shall 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 PUBLIC DISCLOSURE AND RELEASE PROCEDURES

- A. Disclosure and release of video recordings is covered by North Carolina General Statute 132-1.4A.
- B. Challenges to public records requests 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