



# GENERAL ORDER

DURHAM POLICE DEPARTMENT  
DURHAM, NC

NUMBER:

4064 R-9

## In Car Cameras

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### INTRODUCTION

In an effort to enhance its services to the community, the Durham Police Department utilizes In Car Camera Systems. The goals are to improve both officer and community member accountability, and strengthen public trust, by preserving audio/visual representations of officer-community member interactions, protect civil liberties and privacy interests, enhance evidence collection and training efforts, and provide an additional means of documentation for administrative and public interest purposes. This policy establishes guidelines for the use and maintenance of departmentally owned and operated In Car Camera systems, hereinafter referred to as "In Car Camera (ICC)", and disseminating, retrieving, and storing recordings produced by these cameras.

### DEFINITIONS

*A/V Unit:* Refers to members of the IT Division Staff that are assigned to the A/V Unit.

*In Car Camera (ICC)* - A device or system installed within select Durham Police Department vehicles that is used for electronically recording images or audio depicting interaction with others by law enforcement agency personnel. Systems may include some or all of the following components: front facing camera, rear facing camera/ in-car microphone, Computer Application on Mobile Data Terminal trunk-mounted wireless router and power supplies, and a personally issued Body Worn Camera that is the ICC body microphone.

*In Car Camera Program Manager:* The overall management of the body-worn camera program will reside with the Department's Information Technology (IT) A/V Unit administrator within the Administrative Services Bureau. The A/V Unit administrator is responsible for handling or directing administrative and management matters related to the Department's In Car Camera program, as outlined in this policy or as further required.

*Disclose or Disclosure* - To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the Durham Police Department. This term does not include the release of a recording.

*Personal Representative* - A parent, court appointed guardian, spouse or attorney licensed in North Carolina of a person whose image or voice is in the recording. If a person whose image or voice is 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 licensed in North Carolina; or the parent or guardian of a surviving minor child of the deceased.

*Recording* - A visual, audio, or visual and audio recording captured by an In Car Camera operated by or on behalf of the Durham Police Department or its law enforcement personnel when carrying out law enforcement responsibilities. For purposes of disclosure and release, this term does not include interviews of suspects or witnesses.

*Release* - To provide a copy of a recording.

*PD Help Desk* - A component of the DPD Information & Technology Division (IT), the PD Help Desk is the first point of contact for all ICC-related requests and may be reached via email [pdhelpdesk@durhamnc.gov](mailto:pdhelpdesk@durhamnc.gov) or phone 919-560-1350.

## **ASSIGNMENT**

ICCs are assigned to all patrol, and traffic services vehicles. They may also be added to other units if determined by the Chief of Police to be of sufficient benefit to the Department.

## **APPLICATION & USE**

Officers are required to conduct a test to ensure that both audio and video recording capabilities are functioning at the beginning of each shift/vehicle use when they turn the system on.

### ***Powering on the ICC***

The ICCs are designed to power “on” whenever the vehicle’s ignition is started. Officers must log in on the Axon View XL application and ensure that they are logging in under their account and that the Fleet# is correct.

### ***Logging in and pairing the body camera***

Once officers are logged in they will check to make sure their body worn camera is paired, if not this can be done by going into the admin section of Axon XL View. Select pair camera and follow on screen instructions to pair.

### ***Activating a Recording***

Recordings will be activated either automatically or manually (using the Axon View XL application to start recording or press the EVENT button on the camera/controller) to document evidentiary (criminal actions, crime scenes, statements by or to a suspect/victim/witness, etc.) or procedural (searches, arrest process/transport, police vehicle response, police vehicle accident, etc.) actions. When a detainee is transported, the appropriate camera will record both audio and video for the transport to include activation of the rear video and audio system when the detainee is transported in the rear seat.

There is a 30 second pre-event buffer programmed into the front and rear camera settings which allows the ICC to record 30 seconds of video only (no audio) prior to the physical activation of the ICC’s record mode. For example, when an officer activates his/her blue lights, the front camera and body worn camera start recording both audio and video beginning at the exact time of the blue light activation. However, the 30 seconds prior to the blue light activation will also be recorded as video only.

If a citizen asks whether an ICC recording is being made, officers should answer to the affirmative in cases where the ICC is in active record mode.

## ***Stopping a Recording***

Stopping an active recording is only permitted when there is no longer any reasonable likelihood of recording video or audio that is evidentiary or procedural in nature. This is done by using the Axon View XL application to stop recording or press the EVENT button on the camera/controller.

Once a recording has been stopped, the officer can put the IR# or event# in the ID section of the video or use the available drop-down menu to select the appropriate “category” for that video to ensure that the video is retained in accordance with the requirements for municipal records retention and available for criminal discovery, civil matters that may arise, and administrative purposes. If no event type is selected, the default event type allows for a video retention of 180 days before the video is deleted.

Officers who fail to select an event type immediately following the stoppage of an active recording or who need to reset an event type may do so later by updating the video in the Axon View XL application. After upload, they may make the change using a designated PC at [Durhampd.evidence.com](http://Durhampd.evidence.com) or contact the PD Help Desk to request the update.

## **RECORDED VIDEO STORAGE & RETENTION**

Recordings are transferred from an ICC to Evidence.com through one of two methods:

- Wireless uploads are processed continuously during the operation of the vehicle, if videos are not fully uploaded after 2 hour from when the vehicle ignition was turned off, turn the ignition back on to complete all videos being transferred.
- Manual uploads by authorized personnel who physically remove and replace an ICC’s cameras.

Officers are encouraged to take every opportunity to periodically upload recordings throughout the workday to reduce excessive delays at the end of the day. This can be done by going to the video review section in Axon View XL, hitting prioritize upload and then hit the upload button.

Prior to going off-duty for that particular shift, officers should upload all recordings from their ICC, if reasonably feasible. All recordings must be uploaded no later than the officer’s next working day and prior to any 7-day or longer breaks. If an officer has recorded an incident that an officer reasonably believes may be relevant to a citizen’s complaint, involves a use of force or significant arrest, or any other similar incident, the officer shall upload said recording before going off-duty. Officers shall make every reasonable effort to upload recordings as required while already on-duty with the City to avoid incurring unnecessary overtime. Supervisors are responsible for monitoring and ensuring that overtime is not being unreasonably or unnecessarily accumulated.

Recordings are stored in [Durhampd.evidence.com](http://Durhampd.evidence.com) for a minimum of 180 days. By selecting an event type other than the default event type for a specific video, the minimum retention of the video is increased. The retention time frames for each event type are:

- 180 days (6 months) – Calls for Service (non-criminal incidents generating an IR Number such as attempted suicides and involuntary commitments; infractions; and crash scenes)
- 365 days (1 year) – Field Contacts
- 1095 days (3 years) – Exceptionally cleared misdemeanor cases
- 7300 days (20 years) – Exceptionally cleared felony cases
- Indefinite hold
  - IA (includes citizen complaints, uses of force, crashes involving city vehicles, etc.)

- Misdemeanor and felony cases that have not been exceptionally cleared.

## **DISCLOSURE AND RELEASE**

All video and/or audio captured by ICCs are the property of the Department.

Any interviews of suspects or witnesses captured by an ICC constitute criminal investigation records, and are not public records, pursuant to [N.C.G.S. §132-1.4](#). Such records are open to inspection, copying, and dissemination in accordance with this statute or as otherwise required by law.

All other ICC recordings are governed by [N.C.G.S. §132-1.4A](#). These recordings may only be disclosed or released in accordance with the below provisions.

### ***Internal Disclosure and Release***

A recording shall be disclosed or released to the City Manager and/or Deputy City Manager(s), and attorneys assigned to the City Attorney's Office, as requested by such individuals for administrative purposes.

Officers may upload and view/listen to their own ICC recordings for law enforcement purposes only. Officers may not upload or view/listen to recordings from ICCs assigned to other officer's vehicles unless necessary for the performance of a supervisory function or administrative duty/assignment, mandatory or supervisor approved training, or as otherwise required by law.

Recordings may only be released to officers when necessary for administrative, training or law enforcement purposes.

Officers shall send requests for the release of a recording via email or telephone to the PD Help Desk, which will then forward them to appropriate IT Division personnel for processing. Due to the amount of time it may take to locate recordings, these requests should be made as far in advance as possible and, to the extent it is reasonably known or available, the following information should be included:

- Requesting officer's name and contact information (typically, a recording will only be released to the lead officer/investigator for that particular incident)
- Reason for request (evidence for court, wreck investigation, training, etc.)
- The number of copies needed (for court purposes, normally two copies are provided – one for the officer's case file, and one for the District Attorney's office).
- Date copies are needed by
- Approximate date/time of the recorded incident
- Brief incident description (suspect or vehicle description, location, action to look for, etc.)

Officers to which recordings are released shall not further disclose or release the recording beyond the extent necessary for the purpose for which it was provided, unless such disclosure or release is specifically authorized by this policy or required by law.

### ***Disclosure and Release to a District Attorney or Law Enforcement Agency***

A recording must be disclosed or released to a district attorney:

- For review of potential criminal charges;
- In order to comply with discovery requirements in a criminal prosecution;

- For use in criminal proceedings in district court; or
- Any other law enforcement purpose.

A recording may be disclosed or released to another law enforcement agency for law enforcement purposes.

### ***Disclosure of Recordings Depicting Death or Serious Bodily Injury***

Besides those disclosures mandated or permitted above, any individual seeking disclosure of a law enforcement recording which depicts death or serious bodily injury must submit a signed and notarized AOC form requesting such disclosure to the Chief of Police. Any person receiving such a request shall immediately deliver the form by personal delivery or email to the Chief of Police or his or her designee, and to the Police Attorney or other attorney in the City Attorney's Office if the Police Attorney is unavailable. Within 3 business days of receipt of the notarized form, the Police Department, through the City Attorney's Office, shall file a petition in superior court for issuance of a court order regarding disclosure of the recording. Within 7 business days of the filing of the petition, the court will enter an order instructing that the recording either not be disclosed, or disclosed with or without redactions, to the injured individual or to a personal representative of the deceased or injured person. Any disclosure ordered by the court shall be done in a private setting. Recordings depicting a death or serious bodily injury may only be disclosed as provided above.

### ***Disclosure Pursuant to a Written Request***

Besides those disclosures mandated or permitted above, any other disclosure of recordings must be pursuant to a written request made to the Chief of Police. The written request may, but is not required to be, on a form created and provided by the Department. All written requests must include the date and approximate time of the activity captured in the recording, or other identification of the activity with reasonable particularity to sufficiently identify the recording to which the request refers.

Only the following persons are authorized to receive disclosure of a recording pursuant to a written request:

- A person whose image or voice is in the recording;
- A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
- A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
- A personal representative of a deceased person whose image or voice is in the recording; or
- A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Due to the short period of time in which the Department must respond to such requests, any person receiving a written request shall immediately deliver the request by personal delivery or email to the Professional Standards Division. The Commander of the Professional Standards Division or his/her designee will immediately request a copy of the recording from the A/V Unit. The A/V Unit staff will provide the recording as soon as possible, but absent extenuating circumstances communicated to the Professional Standards Division Commander, no later than one business day after receiving the request from the Professional Standards Division. The recording will be reviewed by the Professional Standards Commander or his/her designee within the Professional Standards Division, along with the affected officer(s)' Assistant Chief, Deputy Chiefs, and/or Chief of Police, who will determine if disclosure to the requesting party will be allowed or denied and, if allowed, whether any redactions will occur. The following factors may be considered in making this decision:

- Whether the person requesting disclosure of the recording is a person authorized to receive disclosure;

- Whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- Whether disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- Whether disclosure may harm the reputation or jeopardize the safety of a person;
- Whether disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; and
- Whether confidentiality is necessary to protect either an active, inactive, or potential, internal or criminal investigation.

Unless otherwise agreed to by the requesting party, within 3 business days of the Department's receipt of a written request for disclosure, the Commander of the Professional Standards Division or, in his/her absence, his/her designee, must either disclose the recording or notify the requesting party of the Department's decision not to disclose the recording and the reason(s) for such denial.

If a written request for disclosure is granted, only those portions of the recording relevant to the person's request may be disclosed. A person who receives disclosure is prohibited from recording or copying the recording.

If a written request for disclosure is denied, or if disclosure has not been provided more than 3 business days after a request is made, the person seeking the disclosure may appeal to superior court. The Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be notified of the appeal and given an opportunity to be heard. Any person receiving notice that a petition for disclosure has been filed shall immediately notify the police attorney or, in his/her absence, other staff of the City Attorney's Office. A judge may issue an order for disclosure if the court finds that the Department abused its discretion in denying the request. Any order issued pursuant to this procedure may not direct release of the recording.

### ***Release Pursuant to a Court Order***

Besides those releases mandated or permitted as described above, any other release of a recording must be pursuant to a court order. An individual whose voice and image appears in the recording, or their personal representative, may file a Petition in superior court seeking an order to release a recording. Any other requesting party, including the City, must initiate an action by filing a complaint in superior court. Any officer seeking the release of a recording pursuant to a court order shall make a request through the officer's chain of command to the Chief of Police. The Chief of Police must be given notice and an opportunity to be heard when a petition is filed by a person authorized to receive disclosure for release to such a person. If a complaint is filed by a person not authorized to receive disclosure or which seeks release to any person other than a person authorized to receive disclosure, the Chief of Police, Department personnel whose image or voice is in the recording, and the District Attorney must be given notice and an opportunity to be heard. Only portions relevant to the request may be ordered released.

## **SUPERVISOR REVIEW**

District and Division Commanders and Assistant Commanders with direct reports utilizing In Car Cameras, as described hereinabove, are responsible for ensuring that supervisors are conducting documented reviews of In Car Camera recordings of their direct reports each month.

Random reviews:

On a monthly basis, District and Division Captains and Lieutenants as well as unit and squad Sergeants and Corporals will each conduct a random review of at least one (1) ICC recording from four (4) separate officers' ICC's (i.e., a total of 4 recordings) when applicable. This review will include:

- Verification that officers are accurately categorizing their recordings in the system;
- If a report was completed for the incident, verification that the report reasonably reflects the contents of the footage, and
- Documentation of any follow-up actions related to any policy violations or other improper usage.

These reviews will be documented on each supervisor's Monthly Camera Review form that will be maintained in PowerDMS. The Professional Standards Division will conduct a quarterly audit of the Monthly Camera Review forms in PowerDMS to ensure that they are being completed on a monthly basis. Should a discrepancy be identified, the Professional Standards Division will notify the supervisor's Chain of Command for potential disciplinary action.

## **EDITING OR REDACTION OF ICC RECORDINGS**

The disclosure or release of ICC recordings may require editing or redaction to limit or prevent dissemination of information that may compromise an ongoing investigation, reveal the identity of juveniles, victims, witnesses, etc. Any editing or redaction of recordings requires a court order or prior approval by the Chief of Police or his/her designee. At the direction of the Chief of Police or his/her designee, the IT Manager will coordinate the redaction of the required portions of the designated recording.

## **ICC INSTALLATION, REPAIRS AND INVENTORY**

### ***Installation***

Installation and repairs shall be coordinated by the A/V Unit personnel and will be handled by an authorized service center for the department's ICC systems.

### ***Inspections***

Supervisors may, at their discretion, choose to inspect ICC systems during line inspections. The A/V Unit Administrator may conduct inspections of any ICC System at their discretion. These inspections should be scheduled with the affected supervisor.

### ***Repairs***

Officers shall report any issues/problems with ICC equipment to their immediate supervisors.

Officers shall immediately report any issues involving malfunctioning, broken or missing ICC equipment to the PD Help Desk or contact the A/V Unit, who will coordinate all repairs and troubleshooting.

A/V Unit personnel will document reported malfunctions and the solutions to those malfunctions.

### ***Inventory***

The A/V Unit Administrator will maintain an inventory database of all main ICC components, to include personally assigned wireless microphone transmitters.

## **TRAINING**

Officers will receive initial training on all aspects of this General Order during their PTO phase of training.

Supervisors required to conduct administrative reviews will obtain instructions for the use of the system through their chain of command.

Officers needing additional training in using the ICC equipment should contact the A/V Unit or PD Help Desk to request such training. Likewise, supervisors who note that any of their subordinates need additional training in ICC use should contact the A/V Unit or PD Help Desk.

## **ANNUAL ADMINISTRATIVE REVIEW**

The Professional Standards Division will conduct a documented annual review of the agency's practices to ensure compliance with established policy. This review will encompass an evaluation of data, an assessment of necessary policy revisions, and an examination of operational practices in alignment with the organization's mission, vision, and values. It will also include a detailed assessment of data usage, specifying the total terabytes utilized by the camera systems and identifying the specific systems in operation.

This review's purpose is to identify any requirements for additional training, explore opportunities for enhancing the camera systems, and address maintenance and repair needs. Furthermore, it will facilitate any necessary policy revisions to preserve the organization's integrity.

Additionally, the Professional Standards Division will perform quarterly audits of the Monthly Camera Review forms to ensure that supervisors conduct consistent reviews of body-worn and in-car camera footage each month. The findings from these audits will be presented to the Chief Executive Officer or designee.



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