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		Amended: 8/12/2020 Amended: 03/09/2022	
		POLICY # 400.10.08	

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with law. This policy also establishes guidelines related to the use, management, storage, and retrieval of the audio and video recordings from departmentally issued BWCs.

II. POLICY

It is the policy of the Gastonia Police Department (GPD) that officers shall activate the BWC when such use is appropriate to the proper performance of an officer’s official duties, where the recordings are consistent with this policy and applicable law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES


A. Administration

The GPD has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs assist in documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance the ability of the GPD to review probable cause for arrest, officer and suspect interaction, and evidence for investigative, prosecutorial purposes, provide additional information for officer evaluation, and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official enforcement or investigative duties. Officers may deactivate the BWC when the incident has transitioned to a controlled orderly manner, when the interaction has been completed by the officer, or as instructed by their supervisor. If any officer fails to activate the BWC, mutes his or her BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made or was muted, interrupted or terminated.


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2. Subject to offer safety, if a BWC has been deactivated, officers shall activate their BWC to record any encounter that becomes adversarial in nature.
3. In locations where individuals have a reasonable expectation of privacy, such as a residence, the individual may decline to be recorded unless the recording is being made pursuant to an arrest, search of the residence or the individuals, or sweep of the residence as authorized by law.
4. Prisoner Transport

The BWC shall be activated to record the entire duration of the transportation of any prisoner.

C. Procedures for BWC Use

1. BWC equipment is issued to uniformed personnel as authorized by the GPD. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by the GPD. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the GPD.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. Officers shall wear the most recently issued BWC and mount in a manner consistent with their training, and which will allow the recording of an incident that most closely replicates the best sight line of view for the officer during a recording encounter. It is the responsibility of the officer to ensure the BWC remains in a position for proper recording during his or her shift.
5. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions or damaged or lost equipment shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured if available. Any damaged


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or lost equipment due to officer negligence or carelessness shall be subject to disciplinary action.

6. Officers shall inspect and test the BWC and its battery prior to each shift in order to verify it is fully charged and is properly functioning. Officers shall notify their supervisor of any problems with their BWC.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee. The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited. Dissemination of any recording captured by a BWC, except in accordance with official GPD business and this policy, is strictly prohibited.
8. Employees shall not use any recording device (such as a phone, secondary camera or any other such device) to record captured video/audio footage or retrieve stored data.
9. Officers will inform their immediate supervisor of any recordings that may be of value for training purposes.
10. If an officer is suspected of misconduct, involved in an officer-involved shooting or other use of force incident resulting in serious injury; the officer shall complete all reports and give his or her statement to the Office of Professional Standards prior to viewing the BWC footage. Only after an officer has completed his or her reports following a use of force event, shall the officer be permitted to view the BWC footage if they desire to do so.

Upon completion of the incident report, the officer shall include the following statement: "I have completed this report prior to reviewing any video/audio pertaining to this incident to best of my knowledge."

11. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief or his or her designee in accordance with North Carolina municipal record retention schedules. All requests and final decisions regarding any deletion shall be kept on file until the administrative value of the decision comes to a close.
12. Officers shall note in all reports when recordings are available. However, BWC recordings are not a replacement for written reports.


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13. Prior to conducting a strip search, the officer shall record a 360-degree video of the location where the search will be conducted; however, before any part of the actual strip search begins, the officer shall verbally record as to the reason the BWC has stopped recording. Once the reason is recorded, the officer(s) shall stop recording. As soon as the search is complete, the officer shall resume recording.
14. During a consent search, officers shall record themselves asking for consent and the citizen’s response to that request. If during a consent search in a non-public place, the citizen no longer wants the search recorded, the officer shall stop recording.

D. Restrictions on Using BWC

BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:

1. Surreptitious recordings of communications between police personnel (Sworn/Non-Sworn) is prohibited without the express written permission of the Chief or his or her designee.
2. Encounters with undercover officers or confidential informants.
3. Any tactical planning, including preparations for the tactical service of any search or arrest warrant.
4. In a non-law enforcement capacity or for personal activities or use.
5. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or dressing room, unless present in an official law enforcement capacity.
6. Exposed genitals or other sexually sensitive areas, unless doing so is unavoidable.
7. The purposeful activation of BWC’S during personal conversations involving counseling, guidance sessions, or personnel evaluations is prohibited unless all parties present agree to be recorded.
8. Whenever reasonably possible, officers should avoid recording children who are not involved in an incident, as well as innocent bystanders.

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9. Judicial proceedings, including first appearances in front of magistrates. The BWC shall be powered off for judicial proceedings.
10. Conversation between healthcare providers and patient pertaining to his or her medical history and or treatment.
11. When interacting with an apparent crime victim, if the apparent crime victim wants the officer to discontinue use of the body camera. An officer shall as soon as practicable ask the apparent crime victim if the apparent crime victim wants the officer to discontinue use of the body camera. If the apparent crime victim responds affirmatively, the officer shall immediately discontinue use of the body camera, unless the officer believes it is necessary to continue taping the event, for the officer's safety, the safety of others or to insure an accurate account of the event.

E. Secondary Employment

1. Officers issued a BWC shall adhere to all guidelines and procedures set forth in this policy while performing secondary employment.
2. Officers at the rank of sergeant and below who are assigned a BWC shall be required to wear and use the most recently issued BWC and mount during the course of their law enforcement off-duty secondary employment except as follows: Sworn employees working as School Resource Officers are not to activate a BWC while working on campus during normal school hours, unless responding to a police related call for service.

F. Storage

1. All files shall be securely downloaded by the end of each shift. The officer shall categorize the file no later than 3 days from the recording. Each file shall contain information related to the date, BWC identifier, case report number, title of the case, categorization type, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of the GPD. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All BWC digital media will be erased from the server after the appropriate retention period based upon the classification of the case set forth in appendix A.

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4. Case files must be retained in accordance with North Carolina municipal records retention schedules.

G. Supervisory Responsibilities


1. Supervisory personnel shall ensure that officers equipped with a BWC utilize the equipment in accordance with policy and procedures.
2. Supervisory personnel shall ensure that BWC recordings are correctly retained and categorized according to storage procedures in section F subsection 1.
3. Supervisors with a BWC shall place the BWC in recording mode upon arriving on scene of all supervisor requests initiated by a citizen or an officer.
4. At least quarterly, supervisors will audit one video per officer and document their findings in a report to ensure that the equipment is operating properly and officers are using their BWC in accordance with policy.

The report shall address any training or written directive issues resulting from the audit and provide recommendations regarding compliance and accountability.

5. Any supervisor or command staff officer of the department shall have access to all BWC data recordings for reviewing complaints filed against officers which the supervisor is responsible for investigating.
6. Supervisors will download recordings to media file (i.e. MP4) for administrative investigations within 90 days. The recording will be placed in the investigative file as an attachment in IA Pro.
7. A supervisor will physically take custody of the officer's BWC at the scene of an officer-involved shooting or use of force incident involving serious injury. The supervisor assumes responsibility for downloading the data.
8. Retention
 - a. Any portion of a recorded image that records an event surrounding a violation of the law, which includes an infraction or a crime or offense prosecutable in the criminal courts in this State or the United States, is considered a record of a criminal investigation, as described by NCGS 132-1.4, and not a public record, as deemed in NCGS 132-1.

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- b. Recordings will be released or disclosed pursuant to NCGS 132-1.4A.
- c. It shall be the assigned case officer's responsibility to ensure that all recordings which constitute evidence, or are required to be included in the case file, are properly labeled and categorized for storage prior to their scheduled purge date from the department's designated BWC digital evidence media management location.
- d. When a case status changes the assigned officer or the Criminal Investigations Division (CID) supervisor will re-categorize the video(s) in the retention system.
- e. Digital files associated with an investigation shall be purged in conjunction with other evidence associated with that case and in accordance with current GPD policy, state and federal laws.

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APPENDIX A

A list of each category and the number of days until deleted.

	Category	Days Until Deleted
0	All Other	30 Days
1	Misdemeanor	1,095 Days
2	Solved Felony	7,300 Days
3	Unsolved Felonies	Indefinite
4	Unsolved Malicious Misdemeanor	Indefinite
5	Administrative Investigation	90 Days
9	Restricted	90 Days
10	None/Uncategorized	30 Days