

 <b>Kinston Police Department</b>	<b><u>POLICY: Body Worn Camera (BWC) and In-Car Camera</u></b>						<b><u>POLICY #:</u></b>
	<b><u>NCLEA Standards: 6.22</u></b>						<b>200-16</b>
	<b><u>CALEA Standards: 41.3.8</u></b>						
	<b><u>NCLM Standards: II.9:</u></b>						
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<input checked="" type="checkbox"/> Revised							
<b>Approval: Chief of Police</b>							

### **I. PURPOSE**

This policy also provides clear direction to officers, supervisors, and Records personnel by incorporating both policy expectations and procedural requirements into a single, unified document. **(CALEA 41.3.8 a; NCLEA 6.22 A)**

### **II. POLICY**

These systems provide an objective record of events and shall be used for legitimate law enforcement purposes, including criminal investigations and prosecutions, administrative review, training, and performance evaluation. All recordings created pursuant to this policy are the property of the Department and shall be accessed, managed, and released only in accordance with this policy and applicable law. **(CALEA 41.3.8 c; NCLEA 6.22 C)**

### **III. DEFINITIONS**

1. **Body-Worn Camera (BWC):** A video and audio recording device worn on an officer's person that captures interactions during the performance of official duties.
2. **In-Car Camera System:** A vehicle-mounted recording system that captures audio and video of law enforcement activity occurring in or around a patrol vehicle.
3. **Recording:** Any audio, video, or combined audio/video file created by Department-issued equipment while personnel are performing official duties.

4. Disclosure: The act of allowing an authorized individual to view or listen to a recording without receiving a copy.
5. Release: The act of providing a copy of a recording pursuant to lawful authority, including a court order.
6. Custodian of Recordings: The Chief of Police or designee responsible for reviewing and determining the disposition of requests for recordings.
7. Personal Representative: An individual legally authorized to act on behalf of a person whose image or voice appears in a recording, including a parent or legal guardian of a minor, a court-appointed guardian, an executor or administrator of an estate, an attorney licensed to practice law in North Carolina representing the individual, or any other person authorized by law. This definition shall be interpreted in accordance with N.C.G.S. §132-1.4A.
8. Serious Bodily Injury: An injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term impairment of bodily function.

#### **IV. GENERAL PROCEDURES**

Officers shall use only Department-issued recording equipment and shall operate such equipment in accordance with this policy and manufacturer guidelines.

Recordings created pursuant to this policy shall be treated as official records and, when applicable, as evidence. Officers shall ensure recordings are handled in a manner that maintains integrity, prevents unauthorized access, and supports investigative and prosecutorial needs.

Officers are expected to remain aware of recording status during enforcement activities and shall take reasonable steps to ensure recording systems are functioning as intended.

#### **V. BODY-WORN CAMERA PROCEDURES**

Officers assigned body-worn cameras shall wear and maintain the device in a manner that allows for the effective capture of events from the officer's perspective.

Officers are responsible for ensuring their assigned equipment is functioning properly and ready for use at the beginning of each shift.

##### **Officers shall:**

1. Ensure the camera is properly positioned and unobstructed
  - a. Inspect the device at the beginning of each shift for functionality
  - b. Confirm sufficient battery life prior to deployment

- c. Report any malfunction, damage, or missing equipment to a supervisor as soon as practical

2. Maintain the device in a ready state while on duty

### **Docking and System Maintenance**

Officers shall dock their body-worn cameras at the beginning of shift during briefing when practical and as needed throughout or after shift to upload recordings, conduct reviews, and maintain system updates.

Recordings from the previous shift are uploaded in a timely manner

Cameras are docked when directed by a supervisor or required for case preparation

Cameras are docked for system updates at least once every fourteen (14) days

### **Take-Home Vehicle Requirement**

Officers assigned take-home vehicles shall maintain their body-worn camera in their possession or within their assigned vehicle to ensure availability during emergency response or call-outs.

- a. The device is readily accessible
- b. The device is maintained in an operational condition
- c. The device can be deployed without unnecessary delay

## **VI. IN-CAR CAMERA PROCEDURES**

In-car camera systems shall be used to capture enforcement actions occurring in or around Department vehicles.

Officers shall verify system functionality at the beginning of each shift, ensure the camera view is unobstructed, and confirm system activation during enforcement situations.

In-car systems are designed to activate automatically through system triggers. Officers shall manually activate the system when automatic activation fails or when additional recording is necessary.

## **VII. ACTIVATION OF RECORDING DEVICES**

Officers shall activate recording devices during all law enforcement encounters and activities where recording would reasonably document official actions or capture evidence. Activation shall occur as soon as practical and shall not be intentionally delayed. **(CALEA 41.3.8 b; NCLEA 6.22 B)**

**Recording is required during, at a minimum:**

- a. Calls for service (dispatched or self-initiated)
- b. Traffic and pedestrian stops
- c. Detentions and arrests
- d. Searches of persons, vehicles, or property
- e. Use of force incidents
- f. Domestic disturbances
- a. Pursuits and K9 deployments
- b. Warrant service
- c. Transportation of detainees
- d. Any encounter that becomes adversarial

When feasible, both body-worn and in-car systems should be recording simultaneously.

## **VIII. DEACTIVATION OF RECORDING DEVICES**

Once activated, recording devices shall remain in operation until the incident has concluded or a lawful reason for deactivation exists.

Officers may deactivate recording when the incident has concluded, continued recording would violate a reasonable expectation of privacy and is not necessary for law enforcement purposes, or recording would compromise officer safety or investigative integrity.

When deactivation occurs prior to the conclusion of an incident, the officer shall state the reason for deactivation on the recording when practical and document the reason in the incident report if not captured.

## **IX. DIGITAL EVIDENCE MANAGEMENT (AXON SYSTEM)**

All recordings shall be managed through the Department's Axon Evidence System, which serves as the official repository for digital evidence. **(CALEA 41.3.8 d; NCLEA 6.22 D)**

### **Body-Worn Camera Docking, Upload, and Update Procedures**

The Department utilizes a structured but flexible docking process to ensure timely upload of digital evidence while maintaining operational readiness.

#### **A. Shift Briefing Docking Requirement**

Officers shall dock their body-worn cameras at the beginning of their shift during briefing when practical to upload recordings from the previous shift, ensure availability for supervisory review, and support timely investigative and prosecutorial needs. When performed consistently, this process should require only a brief period of time and is considered an efficient use of shift briefing time.

#### **B. Additional Docking Requirements**

Officers shall dock their body-worn cameras as needed throughout or after their shift when uploading recordings related to arrests, use of force, major incidents, when directed by a supervisor, or when preparing a case for review or submission. Officers shall not unnecessarily delay the upload of recordings likely to be needed for investigative or prosecutorial purposes.

### **C. Charging and In-Field Readiness**

Officers are issued charging cables for use in their assigned vehicles. Officers shall maintain their body-worn camera in a charged and operational state while on duty and monitor battery levels to prevent loss of recording capability.

### **D. Required System Updates**

All body-worn cameras shall be docked for system synchronization and updates at least once every fourteen (14) days. This requirement applies particularly to non-patrol personnel or those with limited docking frequency. Supervisors shall monitor compliance.

### **E. Take-Home Vehicle Requirement**

Officers assigned take-home vehicles shall maintain their body-worn camera in their possession or within their assigned vehicle while off-duty to ensure availability for emergency response or call-outs. The device shall be maintained in an operational condition and readily accessible.

### **F. Equipment Accountability**

Officers are responsible for the care, custody, and proper functioning of assigned equipment, including securing devices when not in use, reporting malfunctions, and ensuring timely upload of recordings. Supervisors shall ensure compliance.

### **Officer Workflow**

Step 1 – Upload and Docking: Officers shall dock cameras to initiate upload and confirm the process has begun.

Step 2 – Verification: Officers shall verify all expected recordings are present and notify supervisors of any issues.

Step 3 – Tagging and Classification: Officers shall assign OCA numbers and appropriate categories.

Step 4 – Case Folder Creation: Officers shall create case folders and attach all related evidence.

Step 5 – Documentation: Officers shall reference digital evidence in reports and document issues.

### **Supervisor Workflow**

Supervisors shall review digital evidence to ensure completeness, accuracy, and compliance with Department policy prior to final approval of reports and case submission.

#### **Supervisors shall:**

- a. Review case folders to ensure all relevant recordings have been uploaded and properly associated with the incident
- b. Verify that recordings are correctly tagged, including OCA number and appropriate case category
- c. Ensure that all recordings referenced in reports are present
- d. Identify missing, incomplete, or improperly categorized evidence

### **Deficiencies and Corrective Action**

- a. Determine whether the issue is the result of equipment malfunction, user error, or policy violation
- b. Require corrections to tagging, categorization, or case association
- c. Ensure missing evidence is uploaded or properly documented
- d. Require supplemental reports when necessary

### **Documentation and Accountability**

- a. Document any deficiencies identified
- b. Document corrective actions taken

### **Monitor for repeated issues**

Address recurring deficiencies through training, counseling, or formal action  
Submission Oversight

- a. Ensure misdemeanor cases are properly shared when required
- b. Ensure felony cases are properly identified for District Attorney review
- c. Verify all required evidence is accessible and properly labeled

## **X. STORAGE AND RETENTION**

All recordings shall be securely stored within the Department's [digital evidence system](#) and retained in accordance with applicable law and [Department procedures](#). (CALEA 41.3.8 d; NCLEA 6.22 D)

Recordings not associated with a criminal investigation, arrest, use of force, complaint, or administrative purpose shall be retained for a minimum of thirty (30) days, after which they may be deleted in accordance with system settings.

### **Extended Retention**

- a. Criminal investigations or arrests
- b. Use of force incidents
- c. Citizen complaints or internal investigations
- d. Administrative reviews
- e. Pending litigation
- f. Any incident with evidentiary value

### **Evidence Preservation**

- a. Assign appropriate case categories
- Associate recordings with case numbers
- a. Ensure evidence is preserved when required

### **Access and Security**

- a. Access restricted to authorized personnel
- b. Do not delete recordings outside authorized processes
- c. Do not alter or edit recordings
- d. Do not download or distribute recordings to unauthorized devices or individuals

## **XI. SUPERVISOR RESPONSIBILITIES**

Supervisors shall ensure compliance with this policy through regular review and oversight of recordings and associated documentation.

### **Supervisors shall:**

- Review a minimum of seven (7) recordings per month
- Ensure a variety of incident types are reviewed

- Evaluate officer compliance with activation and deactivation requirements, professional conduct, and Department policy
- Identify training needs
- Ensure digital evidence is properly uploaded and categorized

**(NCLEA 6.22 G)**

### **Documentation Requirements**

Supervisors shall document each review conducted in the Notes section of the item assessed within Department's [digital evidence system](#). Documentation should reflect a professional, objective, and developmental approach and shall include:

- Assessment of policy and performance alignment, including whether the recording demonstrates compliance with Department standards, expectations, and applicable procedures. Annotation should indicate whether the recording met policy requirements.
- Observations and opportunities for improvement, including any identified concerns, training needs, or process issues. Annotation should indicate any deficiencies or concerns.
- Actions or follow-up taken, such as coaching, recognition, training referral, category correction, support notification, or other appropriate response.

Where applicable, reviewers should also confirm proper categorization, associated case identifiers, and evidence management compliance. Applicable checklists are available in [Department procedures](#).

Supervisors and authorized personnel shall ensure all documentation is maintained within the system for administrative accountability, audit readiness, and accreditation purposes.

## **XII. FAILURE TO RECORD AND POLICY VIOLATIONS**

Officers shall document any failure to activate or interruption of recording. Supervisors shall review each incident to determine cause and appropriate corrective action.

## **XIII. TRAINING**

Personnel shall receive training on operation of recording equipment, legal considerations, privacy requirements, and digital evidence procedures. Supervisors shall receive additional training on oversight responsibilities. **(CALEA 41.3.8 f; NCLEA 6.22 F)**

## **XIV. PUBLIC DISCLOSURE AND RELEASE OF RECORDINGS**

All recordings are governed by N.C.G.S. §132-1.4A and are not public records. Requests shall be processed through the Records Unit. **(NCLEA 6.22 H)**

### **Request Intake Procedures**

Records personnel shall log requests, verify identity, ensure sufficient information is provided, and determine the type of request.

### **Disclosure Procedures (Viewing Only)**

Records shall verify eligibility, forward the request to the Custodian, schedule supervised viewing, and document all disclosures. Viewing shall not allow copying or recording.

### **Records Unit Responsibilities**

- a. Maintain a log of all requests received
- b. Assign tracking identifiers
- c. Track the status of each request
- d. Maintain all correspondence related to requests
- e. Ensure documentation is retained for audit and legal purposes

### **Request Processing**

- a. Determine whether the request qualifies for disclosure or requires a court order
- b. Notify requesters when additional information is needed
- c. Coordinate with the Custodian of Recordings
- d. Ensure all actions taken are documented

### **Denials**

- a. Document the reason for denial

Advise the requester of applicable legal requirements for obtaining a court order

## **XV. COURT-ORDERED RELEASE (AOC-CV-270 PROCESS)**

Copies of recordings shall not be released without a valid court order. Requesters shall be directed to file AOC-CV-270.

Upon receipt of a court order, the Department shall verify authenticity, review scope, identify redactions, retrieve recordings, prepare and release in accordance with the order, and document all actions.

## **XVI. DOCUMENTATION AND RECORDKEEPING**

The Records Unit shall maintain documentation of all requests, disclosures, releases, denials, court orders, and redactions for legal, audit, and accreditation purposes.