 Kinston Police Department	<u>POLICY: Body Worn Camera (BWC)</u>						<u>POLICY #:</u> 200-16
	<u>NCLEA Standards: 6.21:</u>						
	<u>NCLM Standards: II.9:</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/16/22				07-01-2019
Approval: Chief of Police							

I. PURPOSE


The purpose of this guideline is to establish procedures for the use of the Body Worn Camera

II. DEFINITIONS

- A. Body Worn Camera (BWC): Is an “on-the-body” video and audio recording system assigned to an officer as an additional means of documenting specific incidents in the field. The camera is capable of recording for numerous hours and each recording is date and time stamped.


III. POLICY

- A. The Body Worn Camera shall be used only for legitimate law enforcement purpose in accordance with applicable law and Department policy.
1. Any portion of a recorded image that records events surrounding a violation of the law (which includes a crime or offense prosecuted in the criminal courts in this State or in the United States or an infraction) is considered a record of a criminal investigation, as described in N.C.G.S. 132-1.4 and not a public record, as deemed in N.C.G.S. 132-1.
 2. Any portion of a recorded image that may be used to subject an employee to Department disciplinary action is a part of that employee’s personnel file as defined in N.C.G.S. 160A-168, and is open to inspection only as provided by that statute unless otherwise required to be disclosed as evidence in a criminal proceeding.
- B. Guidelines for Use
1. All officers assigned a BWC must receive training prior to use.
 2. Officers shall ensure prior to the start of each shift that sufficient media storage is available to complete their tour of duty.
 3. Activation is essential for all enforcement actions for those assigned a BWC. Officers should activate their BWC on all dispatched or self-dispatched calls. An officer shall activate the BWC during the following circumstances, unless overwhelmingly extenuating circumstances prevent the activation of the BWC:
 - a. When possible and while responding, officers shall activate the body-worn

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camera to record all contacts with citizens in the performance of official duties, such as enforcement action.

- b. If asked, the officer will inform the person they are being recorded.
- c. When possible, body-worn cameras shall be activated in the following circumstances:
 1. Detentions and arrests;
 2. Statements made by suspects;
 3. Consensual encounters;
 4. Traffic and pedestrian stops;
 5. K9 deployments
 6. Emergency Response Team Deployments;
 7. Foot pursuits;
 8. Domestic disturbances;
 9. Use of force
 10. When serving an arrest or search warrant;
 11. Conducting any of the following searches on a person or property;
 - i. Incident to arrest;
 - ii. Cursory;
 - iii. Probable cause;
 - iv. Probation/Parole; or
 - v. Vehicles
 12. Search by consent
 - i. Prior to conducting a consensual search, an officer should verify the body-worn camera is activated and recording. Permission to search shall be recorded by the officer before any search takes place.
 - ii. If the subject granting consent limits the scope of the search by requesting de-activation of the body-worn camera, the officer may honor the request and proceed within the scope of the search. The request for de-activation shall be recorded.
 13. Transportation of arrestees or detainees;
 14. During any citizen encounter that becomes hostile;
 15. Any situation where the officer determines recording would be valuable for evidentiary purposes;
 16. When directed by a supervisor;
- d. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will lead to a citizen complaint, the officer

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will notify his/her supervisor before the end of his/her shifts.

- e. Once the body-worn camera is activated, it shall not be intentionally turned off until the event is completed, unless authorized by policy.


4. Without justifiable circumstances, recording shall not be done in situations where a person has a reasonable expectation of privacy such as in a restrooms, locker rooms, etc.
5. Recording of interactions with confidential informants is not authorized.
6. Recording of another officer without the officer's knowledge is prohibited.
7. Using the camera for the recording of an Administrative Investigation without prior approval of the Chief of Police is prohibited.
8. Once an officer has activated his body camera for an incident, he/she should continue recording until the incident or enforcement action has concluded.
9. Officers are encouraged to inform their supervisors of any type of recorded sequences that may be of value for training purposes.
10. Officers shall notify their supervisor if the camera is found to be functioning improperly. The supervisor will ensure the camera is inspected by the Office of Training and Safety prior to continued use.

C. Body Worn Camera Recording Media Management

1. Events being recorded on the BWC shall be downloaded by the officer's supervisor or designee on a designated hard-drive as decided by the agency.
2. Officers will not erase, alter or tamper with the BWC recording media.
3. Each camera is individually assigned by serial number to each officer.
4. A download of recorded events shall at a minimum, be completed at least once during an officer's consecutive days of working.

D. BWC Storage and Disposal

1. All BWC recorded media shall be considered evidence and shall be handled in

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accordance with established policy regarding property and evidence in section 600 - 5 of the Kinston Police Department Policy and Procedure manual

2. All BWC recorded media will be retained as evidence until the potential for evidentiary value no longer exist.

E. Supervisory Responsibilities


1. Supervisors with officers assigned a BWC will be responsible for:
 - a. Ensuring all officers follow established procedures for the use and maintenance of BWC as well as conducting random recorded media reviews.
 - b. Ensuring that BWC needing repair or replacement due to damage is reported to the Office of Training and Safety.
 - c. Downloading of cameras by supervisor or his/her designee.

F. Personal Recording Equipment

1. The use of personal recording equipment while on duty is prohibited unless prior approval of the Chief of Police or his/her designee.

G. External BWC requests

1. The Chief of Police or designee will process all external (non-KPD) requests on a case-by-case basis. Public requests for video data will be sent to the City of Kinston Attorney's Office. External requests may be approved:
 - a. Electronic video data collected pursuant to these operating procedures shall be considered records of criminal investigations and records of criminal intelligence information conducted by a public law enforcement agency pursuant to NCGS 132-1.4 (a) and are therefore not public records and may only be released to the public by order of the court or pursuant to NCGS 132-1.4.
 - b. For official use by other City of Kinston departments unless release is likely to jeopardize an ongoing administrative or criminal investigation or prosecution.
 - c. Pursuant to an order of a court of competent jurisdiction.

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- d. Subpoenas and other legal process for video data will be immediately forwarded to the Chief of Police and City of Kinston Attorney's Office. The person receiving the process will identify the date and time the process was received.
- e. Requests from other law enforcement agencies for video data shall be forwarded to the Chief of Police or designee and the City of Kinston Attorney's Office. If the request is related to an on-going criminal investigation, then the outside investigator will be permitted to view the video data. A copy of the video may be released upon completion of a request with agency letterhead and property hand receipt.