	Matthews Police Department		
	General Order: AUDIO / VIDEO / CLOSED CIRCUIT SYSTEMS	Section .04: Equipment and Personal Appearance	Order #: 04-06
	Review: Annually in December by the Administrative Division Commander	Issue Date: 08/15/2024 Supersedes Date 12/07/2021	

I. PURPOSE:

The purpose of this General Order is to establish the policies and procedures for the use, management and control of all audio and video recordings, whether from Mobile Video Units (MVU), Body Worn Cameras (BWC), Closed Circuit Systems (CCS), or other departmental recording devices.

II. CROSS-REF:

G.O. 04-06.4 (C) (2) (C)

S.O.P. PE-001 Audio, Video, Digital Evidence Management

NC General Statutes 132-1.4; 132-1.4A; 15A-903;

CALEA STANDARD 41.3.8; 83.2.1

III. DISCUSSION:


The video and audio recordings from MVU's, BWC's and CCS's can be used by law enforcement to demonstrate transparency to their communities; to document statements, observations, behaviors, and other evidence; and to deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public. Audio/Video recordings are becoming a standard expectation for law enforcement interactions with citizens and have very high evidentiary value.

IV. POLICY:

It is the policy of this department that officers shall utilize mobile and/or body worn video cameras when such use is appropriate to the proper performance of his/her official duties, where the recordings are consistent with this policy and law. This policy does not govern the surreptitious recording devices used in undercover operations. Those devices will be operated under directives and training provided by the department. All audio / video recordings produced by equipment owned / leased / used by the members of the department remain the exclusive property of the Matthews Police Department. Only recording equipment approved and/or issued by the department will be used by employees. Audio video recordings will only be produced for official law enforcement purposes. Employees are prohibited from privately recording conversations / meetings / encounters involving other members of the department without first obtaining express consent from all persons involved or when acting upon legal direction of a member of the department's command staff. No digital copies, video, or pictures shall be made of a department recording without proper authorization. Dissemination or sharing of any recording outside of law enforcement purposes is prohibited. The access, release, publication or dissemination of any resulting recordings shall be conducted only as described in this policy.

V. DEFINITIONS:

1. **BODY WORN CAMERA (BWC)** - a wearable audio/video/photographic recording system for the purpose of capturing public interactions and documenting evidence.
2. **MOBILE VIDEO UNIT (MVU)** – (aka – Dashboard Camera) are mounted in police vehicles for the purpose of capturing video evidence from the vehicle perspective and to assist with audio video recordings of those inside or being transported within the vehicle.
3. **CLOSED CIRCUIT SYSTEMS (CCS)** - surveillance cameras within the department building that are mounted in fixed positions. CCS cameras are used for department security and for interview and interrogation purposes.
4. **DISCLOSURE** – playing a recording for someone entitled to view the recording.

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5. RELEASE – providing a copy of a recording to some entitled to possess the recording.
6. PERSONAL REPRESENTATIVE – a parent, court-appointed guardian, spouse, or a North Carolina licensed attorney 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; or the parent or guardian of a surviving minor child of the deceased.
7. RECORDING – A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.
8. SERIOUS BODILY INJURY - any bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

VI. GENERAL PURPOSE OF RECORDING SYSTEMS:

1. In order to enhance the safety of our employees, evidence collection, transparency, oversight, accountability and to comply with statutory requirements of certain criminal interrogations, the department shall provide body worn cameras, mobile video recording systems and internal (facility) closed circuit recording systems.
2. Audio / video recordings allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
3. Audio / video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
4. Recordings may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

VII. OPERATIONAL GUIDELINES:


1. All sworn personnel will receive training on operations or department issued audio / video recording devices by in person instruction, on-line video training, or through the Field Training Officer program and will acknowledge proficiency and understanding prior to working with assigned equipment.
2. Any officer experiencing an operational issue with their recording equipment should report it immediately to their supervisor or IT personnel when appropriate. All assigned audio / video recording equipment will be inspected by the unit supervisor conducting monthly vehicle inspections for any maintenance issues.
3. Officers may review audio / video recordings to aid completing reports, providing statements or court testimony.
4. Supervisors are able to conduct an administrative review of any audio video recording for the purposes of evaluation and/or complaint investigation.

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5. If an officer is suspected of wrongdoing or involved in an accident requiring internal review or investigation, the department reserves the right to limit or restrict an officer from immediately viewing any official video file.
6. When interviewing or in the presence of victims of sexual assault, stalking and/or domestic violence, the officer should inform the victim(s) that the encounter is being recorded, and why it is of evidentiary value.
 - A. If the victim requests not to be recorded, the officer shall narrate the reason for the termination of the recording before doing so.
 - B. Upon the completion of the victim interview/encounter, the officer shall activate the BWC and narrate the re-engagement of the BWC and a general overview of the non-recorded encounter (i.e., "Conducted interview with victim X in the presence of Y, Z etc.").

VIII. MOBILE VIDEO UNITS (MVU):

1. Each officer assigned an MVU shall test the unit before each shift to ensure it is working properly. If any component of the system is not functioning properly, the Fleet Manager, IT Specialist, or the officer's supervisor shall be notified before the vehicle is placed into service.
2. The MVU shall be powered on upon each use of the vehicle. It shall always be kept in a powered and ready mode for potential / required recordings.
3. The MVU shall be activated and utilized in the following manner:
 - A. The MVU is designed to automatically activate upon the activation of the blue light system;
 - B. When an officer observes a violation or suspicious activity that warrants surveillance or monitoring, the officer should manually activate the MVU;
 - C. On any such instance when the MVU is manually activated, the officer should verbally articulate the reason for the activation as soon as practical.
 - D. Officers must ensure non-police related electronic devices with the police vehicle (music radios, CD players, etc.) are turned off when the MVU is activated. This does not apply to police radios. Other noise such as wind or road noise from an open window should also be limited if possible.
4. When exiting the police vehicle on a traffic stop, investigatory stop, or any incident where a citizen contact is likely and where the MVU has been activated, the MVU shall remain activated at all times while the officer is in contact with a member of the public when BWC is not available.
5. BWC or MVU will be used during the entire duration of the transport of any person unless restricted by this policy.
6. Upon any activation of the MVU, the officer shall close the recording by selecting the appropriate Incident Classification pursuant to the operator training provided.
7. Cloud storage uploaded MVU (Visual Labs System) recordings have an automatic 180-day retention period. If the MVU recording is believed to have evidentiary value, or could be requested at a later date for internal review, the video should be moved into the department's digital evidence management system Evidence.com for long term storage and retention. Any


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MVU recordings stored in digital evidence management shall be appropriately tagged and marked/referenced to the associated case.


8. Unless there are exigent circumstances, remote activation and viewing of a MVU can only occur by a supervisor or member of the command staff that is of a higher rank than the person who's MVU is being accessed. Any supervisor or command staff member can instruct another member, including dispatch staff, to activate someone's MVU for the purpose of officer safety.

IX. BODY WORN CAMERAS (BWC):

1. The BWC shall be issued and used under the following conditions and requirements:
 - A. While the BWC equipment shall be issued to all sworn personnel working in a field assignment position, all officers working in a uniformed operational capacity may be required by a supervisor to wear and utilize a BWC. Officers who are permanently assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
 - B. Police personnel who are assigned a BWC must be provided training through the FTO 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.
 - C. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Officers shall inspect equipment prior to each shift in order to verify proper functioning. Malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procure.
 - D. 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.
 - E. Officers shall not allow non-authorized personnel to review the BWC recordings unless authorized by the Chief of Police or his designee.
 - F. Officers are encouraged to inform their supervisor, or the training unit, of any recordings that may be of value for training purposes.
 - G. Officers are encouraged to inform their supervisors of any situations where the officer anticipates that a problem or complaint may arise at a later date, for example: cases of property damage, antagonistic citizens, etc.
 - H. Requests for deletion or redaction of portions of the recordings (e.g. in the event of an accidental personal recording) must be submitted in writing and approved by the Chief of Police or his designee in accordance with state record retention laws. All requests and final decisions shall be kept on file with the Office of Professional Standards.
 - I. Unless excused by the Chief of Police based on Federal Agency policy, Officers and Detectives serving as Federal Task Force Officers will utilize the BWC during enforcement actions.
2. The BWC shall be utilized under the following circumstances and guidelines:

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- A. Officers shall activate the BWC to record all contacts with citizens when in the performance of official duties. This shall include all matters of an investigatory or enforcement nature, except where otherwise exempted or restricted as described within this policy. These circumstances include but are not limited to:
- (1) Traffic Stops, the stopping of a motor vehicle for law enforcement purposes
 - (2) Voluntary Investigative Contact: The mere suspicion of some type of criminal activity by a person.
 - (3) Investigative Contacts: During responses to citizens' calls for service regarding criminal or public safety matters.
 - (4) Investigation of suspicious vehicles or persons.
 - (5) Any Detention or Arrest
 - (6) Transports: BWC or MVU will be used the entire duration of the transport of any person unless restricted by this policy.
 - (7) Uses of force encounters
 - (8) When operating a vehicle in emergency or pursuit situations, when MVU is not available.
 - (9) Searches: search warrants, consent searches, or exigent circumstance searches of persons, vehicles, buildings, and other places. (see GO 04-06.4 (C) (2) (C) regarding strip searches)
 - a. During 'consent search' officers should record themselves asking for consent to search and the citizen's response.
 - b. If during a consent search the citizen no longer wants the search recorded, the officer shall consider that as a withdrawal of the consent to search. However, the BWC will not be disengaged until the termination of the citizen contact or the officer's departure from citizen's private property.
 - (10) During all K-9 tracks, building searches and/or enforcement actions.
 - (11) Traffic checking stations
 - a. Once an officer determines there is reasonable suspicion or probable cause to detain the driver, the officer shall activate the BWC
 - b. Unless otherwise listed in this order, it is not required that the officer record during the entire duration of the checkpoint.
 - (12) When requested by a citizen during the interaction with an officer, unless otherwise restricted by this policy.
- B. The BWC shall remain activated until the event has been completed in order to ensure the integrity of the recording unless the contact moves into an area otherwise restricted by this policy.
- C. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was

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interrupted, or was terminated.

- E. Any recordings made in cases where an incident report has been generated, all officers with related audio/video/photo recordings will note it in the incident report.
- F. As often as practical the officer shall cause for the upload of all recorded data files by the means described during operator training. If not uploaded by the end of the tour of duty, the upload shall occur at the start of the next tour of duty.


3. Restrictions & exceptions on use of BWC:

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

- A. Communication with other police personnel;
- B. Encounters with undercover officers and/or confidential informants unless directed by case officer or supervisor;
- C. When present within another law enforcement agency if not conducting an authorized criminal investigation;
- D. When on break or otherwise engaged in personal activities;
- E. When conducting tactical planning;
- F. While having non-investigatory discussions with attorneys, peer support counselors, doctors, etc.;
- G. When in a law enforcement classroom and/or testing environment;
- H. When in a patient care facility, unless the patient is giving relevant investigative information, or becomes adversarial with the officer or others. If so, the officer shall record for law enforcement purposes only, but not record any patient/doctor conversations.

4. Supervisory Responsibilities.

- A. Supervisory personnel are responsible and have discretion for the assignment of BWC's based upon the availability of the equipment and the needs of the agency.
 - (1) Priority of assignment is to the Patrol Division and SRO personnel first based upon equipment availability, except when CID or other components have high risk operations where the need for BWC's are of greater priority.
- B. Supervisory personnel will ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures described herein.
- C. Patrol Supervisors will conduct a minimum of two (2) BWC/MVU recording reviews for every officer each month. The purpose of these reviews is to assess officer performance, identify training needs, and to determine whether recording devices are being used in accordance with policy. These reviews will be documented and maintained in SmartForce on the BWC/MVU Review section found by selecting Special Services

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on the top menu taking you to the "Administrative" page and then by selecting BWC/MVU Review on the left side of the page. Select "New" and fill in the blanks.

- D. OPS will monitor documentation and notify the division commander of any identified deficiencies.


X. CLOSED CIRCUIT RECORDING SYSTEM:

1. The department shall monitor / record movements within and surrounding the facility utilizing a closed-circuit system (CCS). This shall include within other work areas of the facility utilized by other town departments.
2. The department shall maintain digital video systems for various work areas including, but not limited to, the Intox Room and the Interview Rooms of the Criminal Investigations Division.
3. Monitoring or viewing of Intox tests and interview room recordings can only be done by those authorized to do so in that specific case.
4. The Department shall monitor and record movements within some areas available to the public, including but not limited to, town parks and around town facilities.
5. All CCS recordings shall be maintained and controlled through the office of Property Control and IT Specialist;

XI. INTERNAL REPORTING & RETENTION OF AUDIO / VIDEO RECORDINGS:

1. All audio / video recordings will be maintained for specified lengths of time as directed by N.C. General Statutes and/or as determined by the Chief of Police. At a minimum, all recordings will be maintained for at least ninety (90) days, with recordings providing any evidentiary value for traffic or criminal charge being retained pursuant to the following retention schedule:

Category	Retention Period
MVU Automatic Retention	180 days
All other activations (Non-Criminal Citizen Contact, accidental activation, equipment test, No injury accident)	90 days
Accident with Injury (Accidents that may become criminal or civil lawsuits)	3 years
Felony Cases and Arrests (Includes Assisting Officers)	20 years
Field Interview	180 days
Misdemeanor Cases and Arrests (Includes Assisting Officers)	3 years
Officer Injury	20 years
Pending Review	20 years


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Traffic Stops with Citation	3 years
Traffic Stop Verbal/Written Warning	3 years
Uncategorized	Until Properly Categorized and Deleted Following Set Retention Period
Use of Force	20 years


2. Videos not properly categorized in Evidence.com are labeled by default as "Uncategorized." Uncategorized videos are to be reviewed on a quarterly basis by the Officer or the Officer's chain of command to ensure proper categorization for proper retention. The Office of Professional Standards will conduct monthly reviews to ensure this process is done.
3. Assisting Officers submitting BWC video should categorize it as such to reflect the primary officer's category (i.e., Title – if created, case number, and category). The officer should add any notes in the "Notes" field that may describe the footage or point out any part of the footage.
4. For digital recording "tags", officers shall follow the procedures specific to the assigned MVU or BWC for denoting the purpose of the recording, or the fact that there is nothing of apparent evidentiary value contained.
5. Officers should advise their supervisor of any recording where, while not resulting in any evidentiary value as described in the policy, may prove vital in any possible complaint on the officer. The supervisor, upon review of the recording, will determine whether or not a copy should be secured for that purpose. If determined a BWC video should be secured, the proper category will be "Pending Review."
6. The internal closed-circuit system retains all recordings for the limit of the server's design, typically not less than thirty (30) days.

XII. INTERNAL REVIEW, RELEASE & DISCLOSURE OF RECORDINGS:

1. All recordings, original and copies, remain the exclusive property of the Matthews Police Department and shall be handled, released, and/or destroyed only as described in this policy.
2. Copies of audio or video recordings shall not be produced or released without the authorization of the Chief of Police or as described in this policy.
3. All audio / video recordings subject to release pursuant to this policy may be reviewed by the Office of Professional Standards, involved officer's division commander, or his/her designee, prior to access and reproduction by Property Control.
4. Release of recordings will be authorized under the following conditions:
 - A. For the review by the District Attorney's Office, or any another prosecutorial official.
 - B. North Carolina General Statue 15A-903, Disclosure of Evidence by the State Information Subject to Disclosure: Open File Discovery Law. This statue outlines the obligations law enforcement has regarding criminal discovery requests. Recordings from mobile recorders may be considered evidence and must be submitted as part of the discovery process.
 - C. For court preparation and testimonial purposes;

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- D. By another law enforcement agency with proper need and jurisdiction;
 - E. When subpoenaed by an attorney having demonstrated representation of the individual who is subject of the recording;
 - F. By a 'Petition for Release of Custodial Law Enforcement Agency Recording' Superior Court order;
 - G. Pursuant to any verified court order of proper jurisdiction;
 - H. For in-service training purposes when approved by the Chief of Police.
5. Requests for Release of recordings shall be handled as follows:
- A. Requests by officers of the department shall be made through the completion of an Audio / Video Recording Request form.
 - B. Requests from other law enforcement agencies must be received in writing and approved by a division commander or the Chief of Police.
 - C. Requests by subpoena or court order shall be handled by the Property Control Technician.
 - D. Requests for release any closed-circuit recordings will be directed to the Chief of Police or representative. Recordings of areas not generally accessible to the general public (i.e., all secured work areas) will generally not be released without a court order.
6. Request for Disclosure of recordings NOT depicting death or serious injury:
- A. A person whose voice or image appears on a law enforcement recording or their personal representative requesting disclosure of a recording will present a written request to the Chief of Police which states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.
 - B. Disclosure will only apply to those portions of the recording that are relevant to the person's request.
 - C. The Chief of Police will consider the following factors in determining if a recording is disclosed:
 - i. If the person requesting disclosure of the recording is a person authorized to receive disclosure.
 - ii. If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
 - iii. If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
 - iv. If disclosure may harm the reputation or jeopardize the safety of a person.
 - v. If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
 - vi. If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

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- D. If the disclosure request is approved, the Chief of Police will direct the disclosure of the recording.
 - E. If the disclosure request is denied, the person seeking disclosure may apply to the Superior Court for a review of the denial of disclosure.
 - F. At the conclusion of the court's review, the Chief of Police will direct the fulfillment of the court's determination.
 - G. A person who receives disclosure shall not record or copy the recording.
7. Request to disclosure recordings depicting an image involving death or serious injury:
- A. A person whose voice or image appears on a law enforcement recording or their personal representative requesting disclosure of a recording depicting death or serious injury will be presented with request for AOC-CV-275 (Request to LE Agency to Disclose Recordings of Death or Serious Bodily Injury).
 - B. Within (3) days of the receipt of a notarized AOC-CV-275 request form, the Chief of Police or his representative will cause a petition of the Superior Court to be filed. (AOC-CV-276 – Petition for Review of Request to Disclose Recordings of Death or Serious Bodily Injury). Concurrently, the department will deliver a copy of the unedited, unredacted recording to the office of the senior resident Superior Court judge or his designee.
 - C. Upon notice of the scheduled hearing, the department will give notice of hearing to all department personnel whose image or voice appear in the recording.
 - D. Pursuit to judgement of the court, the Chief of Police will direct the disclosure of recordings.
 - E. A person who receives disclosure shall not record or copy the recording.

XII.MISCELLANEOUS:

- 1. Officers shall not release or allow the review of any audio or video recording by any unauthorized person without the authorization from the Chief of Police or when mandated by law.
- 2. Allowing unauthorized viewing, release, copying, erasure or alteration of any videotape, or any portion thereof, will result in disciplinary action, as defined in RC 101.17(c) and may be subject to criminal action.
- 3. Except for repair or storage, Mobile Video Units shall not be removed from vehicles without the direction of a supervisor.