



# UNC Greensboro Police Department

## Mobile Video/Body-Worn Camera

### General Order 2-1.4

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The UNCG Police Department will provide Police and Security Officers with access to portable recorders, either audio or video, or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between employees of the Department and the public.

For the purpose of this policy a recording is 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.

#### **Body Worn Camera (BWC) Coordination**

The Operations Resource Unit (ORU) and the Technical Services Unit (TSU) have been designated by the Chief of Police as BWC Coordinators. The coordinators will be responsible for:

- a. Establishing standard operating procedures for the security, storage, and maintenance of data and recordings.
- b. Establishing procedures for accessing data and recordings.
- c. Establishing procedures for logging or auditing access.
- d. Establishing procedures for transferring, downloading, tagging, or marking events.

#### **Employee Privacy Expectations**

All recordings made by employees on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **Member Responsibilities**

Prior to going into service, each uniformed officer will be responsible for making sure that they are equipped with a BWC issued by the Department, and that the BWC is in good working order. If the recorder is not working or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed officers should wear the BWC in a conspicuous manner. When

wearing the exterior vest, the BWC shall be worn in a forward-facing center mass of chest position that allows for the best possible recording angle and image quality of the officer.

Any employee assigned to a non-uniformed position may carry an approved BWC at any time the employee believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the BWC in a conspicuous manner when in use.

BWC operators shall document the use of BWCs in the records management system (RMS) incident report associated with each event. Such documentation should include any instance where the recorder malfunctioned, or the member deactivated the recording. Members should include the reason for deactivation.

All recordings on a BWC must be downloaded prior to the end of the BWC operator's shift in accordance with procedure.

### **Unauthorized Modification, Deletion, and Reproduction**

Attempted or deliberate unauthorized modification or deletion of BWC recordings is prohibited and may result in disciplinary action up to, and including, dismissal. Employees are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media captured on a BWC. Posting of BWC footage to any internet, social media site, or other medium accessible by the public or third parties without prior written approval from the Chief of Police is strictly prohibited.

### **Patrol Supervisor Responsibilities**

Patrol supervisors will ensure that all uniformed officers are equipped with available BWCs prior to beginning their shift. Patrol supervisors will ensure that all recorded events are documented by BWC operators in the appropriate reports.

When an incident arises that may require immediate downloading or retrieval of the recorded media (e.g., serious crime scene, departmental shootings), the on-duty patrol supervisor shall respond to the scene, determine if an immediate download is needed, and ensure that the media recording footage is downloaded as soon as possible.

### **Patrol Supervisor Review of Recordings**

On a monthly basis, patrol supervisors shall conduct documented reviews of at least five BWC recordings to:

- a. Assess BWC operator performance
- b. Assure proper functioning of BWCs
- c. Determine if BWCs are being operated properly
- d. Identify recordings that may be appropriate for training
- e. Identify any infractions committed by any member

### **Activation of BWC**

This policy is not intended to describe every possible situation in which a BWC should be used, although there are many situations where its use is appropriate. Employees should activate the BWC any time the employee believes it would be appropriate or valuable to record an incident. If a BWC operator is unsure if activation is necessary, the operator should default to activation of the BWC.

The BWC shall be activated in any of the following situations unless exigent circumstances prevent activation (for example, if the BWC operator or another individual is the subject of an unforeseen physical assault requiring an immediate response, or the BWC operator becomes involved in a spontaneous foot pursuit with an individual believed to have committed a crime):

- a. Responding to any in progress call for service
- b. Responding to any call for service when a suspect is expected to be on scene
- c. All enforcement and investigative contacts including stops and field interview situations
- d. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops prior to the BWC operator exiting their vehicle
- e. Performing searches of vehicles, residences, and persons
- f. When processing evidence, currency, or found property.
- g. Engaging in foot pursuits
- h. Performing detentions and arrests
- i. Responding to reports of disputes or disturbances
- j. Interacting with drivers during traffic checkpoints
- k. Conducting pre-planned tactical operations
- l. Interacting with a person known to the BWC Operator to have a history of being confrontational and/or violent
- m. Self-initiated activity in which a member would normally notify the Communications Center
- n. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- o. Any situation or incident that the officer, through their training and experience reasonably believes should be recorded.

If an employee fails to activate the BWC or fails to record the entire contact, the employee will notify their supervisor and the reason for the deactivation. The employee must also document why a recording was not made, was interrupted, or was terminated. This documentation can be made on the case report narrative or in the call for service notes if no other report is generated. Once activated, officers are not permitted to deactivate the BWC until the reason for the contact or incident has been completed unless approved by a supervisor.

At no time is an employee expected to jeopardize their safety to activate a BWC or change the recording media. However, the BWC should be activated in the situations described above as soon as reasonably practicable.

### **Cessation of Recording**

UNCGPD will operate a "Steering Wheel to Steering Wheel" model. When a BWC operator exits their patrol vehicle, the BWC will be activated. The BWC should remain activated until the operator returns to their patrol vehicle, or one of the conditions listed below occurs. Recording may be stopped:

- a. During significant periods of inactivity, such as report writing or other breaks from direct participation in the incident.
- b. When an incident reasonably appears to have concluded or the BWC operator's involvement in the incident has concluded.
- c. When the initial report of a crime in progress is deemed, upon arrival to the scene, to be belated or nonexistent.
- d. Coaching sessions with supervisors or other officers.

### **Recording of other Departments Employees Prohibited**

North Carolina law permits an individual to record any conversation in which one party to the conversation has given their permission (N.C.G.S. § 15A-287).

Employees of the Department may record any conversation to which they are a party during a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation.

Employees shall not record another department employee without a court order unless lawfully authorized by the Chief of Police or the authorized designee. Unless otherwise required, BWC operators shall deactivate their BWCs in restrooms, locker rooms, and any other area where there is a similar expectation of privacy.

### **Prohibited use of BWCS**

Employees are prohibited from using department-issued BWCs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Employees are prohibited from recording encounters with undercover officers or confidential informants.

Recordings shall not be used by any employee for the purpose of criticism, embarrassment, harassment, or ridicule or gossip

### **Identification and Preservation of Recordings**

To assist with identifying and preserving data and recordings, employees should classify these in accordance with procedure and document the existence of the recording in any related case report.

An employee should classify recordings for retention beyond the standard retention period when the employee reasonably believes:

- a. The recording contains evidence relevant to potential criminal, civil, or administrative matters or potential training material.
- b. A complainant, victim, or witness has requested non-disclosure.
- c. A complainant, victim, or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
- d. Disclosure may be an unreasonable violation of someone's privacy.
- e. Medical or mental health information is contained.
- f. Disclosure may compromise an undercover officer or confidential informant.

If a recording contains any confidential personnel file information belonging to an employee, the Department will obtain the employee's consent before using the recording for training purposes. If a recording relates to an ongoing internal investigation, it shall not be used for training.

Any time an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact); the employee should promptly notify a supervisor of the existence of the recording.

### **Retention of Recordings**

All recorded data will be stored and retained by the department for a minimum of 30 days, or until all criminal, civil or administrative cases to which the recordings are relevant have been adjudicated or an order for expungement has been issued by a court. Recorded data obtained during a death investigation will be maintained for a period of 30 years.

### **Release of Audio/Video Recordings**

Requests for the release of BWC recordings shall be processed in accordance with the North Carolina public records laws regarding video recordings (N.C.G.S. § 132-1.4A). No Recording Media, images, or audio will be copied, released, or disseminated in any form or manner other than as set forth in this policy without a written request to, and written approval from, the Chief of Police or through a court order.

Copies of recording media, images, and audio of any recorded event related to a criminal case may be released to the Guilford County District Attorney's Office or other court official or law enforcement agency having jurisdiction in a recorded criminal matter. Officers who need recordings duplicated for court must make the request using the web help desk at least five days prior to the court date.

If a recording contains confidential personnel file information, the employee's written consent or a valid court order is required before the recording is released.

## **Review of BWC Footage**

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed (N.C.G.S. § 132-1.4A):

- a. Upon approval by a supervisor, any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- b. Pursuant to lawful process or by a district attorney who is otherwise authorized to review evidence in a related case.
- c. To certain members of the public who appear in or represent someone who appears in the recording, as provided in N.C.G.S. § 132-1.4A and upon approval of the Chief of Police.

## **Damaged and Malfunctioned BWCS**

The ORU will be notified by the on-duty patrol supervisor if a BWC is damaged or malfunctioned. The on-duty supervisor will arrange to have a spare or other available BWC issued to the BWC operator, if available. An officer may use the BWC of an officer who is not on duty.