



# Wilmington Police Department

Directive: .05.11

## Recording Devices and Imaging Equipment

CALEA Standards: 41.3.8

NCLEA Standards: 6.22



### I. Purpose:

The purpose of this directive is to establish departmental guidelines for the use of Body Worn Cameras (BWC), Vehicle Mounted Cameras (VMC), and other recording devices, both audio and visual, used by members of the Wilmington Police Department. BWCs, VMCs, and other recording equipment shall be used during the course of all regular and extra duty employment to document all self-initiated or dispatched citizen contacts that are investigative or criminal in nature, preserve evidence for the prosecution of criminal and traffic offenses, to assist the agency with the investigation of complaints against personnel, and for any other purpose that the department deems is necessary. All audio and video equipment shall only be used for legitimate law enforcement purposes and in accordance with applicable law and departmental policy.

### II. Definitions:

- A. Body Worn Camera (BWC):** An on-the-body audio/video recording system, assigned to an officer and affixed to their uniform or person, for the purpose of documenting law enforcement encounters with the public.
- B. Vehicle Mounted Camera (VMC):** Audio/video recording equipment designed for fixed installation in police vehicles for the purpose of documenting law enforcement encounters with the public.
- C. Axon Evidence:** Axon Evidence (Evidence.com) is the remote digital storage system used to store and maintain the Department's digital evidence.
- D. Axon Capture:** Axon Capture is an application designed for department-issued smartphones. Officers can capture photos, audio recordings, and video evidence without the use of a BWC or VMC. These files are then securely uploaded into the officer's Axon Evidence (Evidence.com) profile. Evidence is automatically identified with GPS locations and other metadata.
- E. Axon View:** Axon View is an application designed for any smartphone. Officers can connect their BWC to their smartphone via a secured Bluetooth connection. Once connected, officers can livestream their BWC to their devices, replay recently recorded videos, and add required metadata to their recordings.
- F. Citizen Contact:** An encounter with a citizen that has no criminal or investigative purpose (i.e., stopping to say hello to someone or interacting with persons to obtain information that is non-criminal in nature).

- G. Law Enforcement Function:** Any action that may only be performed by a person having the legal authority of a law enforcement officer.
- H. Investigative Action:** Any contact with a citizen or suspect that occurs on any call for service, whether self-initiated or dispatched.
- I. Pre-Event Buffering:** The BWC and VMC is continually capturing video but is not committing it to memory. When the BWC or VMC is activated, the previous 30 seconds of video and audio is recorded and committed to memory on the system.
- J. Video Recall:** Video Recall allows Axon Body 3 or newer cameras to capture audio-free lower-resolution evidence while idle. Users with the appropriate permissions can retrieve evidence from the last 18 hours of active camera use in the event that a camera was not recording during a critical incident. Video recall files on a BWC shall only be accessed by the officer assigned to the BWC or the BWC Administrator at the direction of the Chief of Police. Supervisors, Command Staff, and members of the Professional Standards Division shall not access or activate the video recall files of subordinates.
- K. False Signal Dismissal:** A False Signal Dismissal allows an officer to identify an accidental Signal-Activated event recording as a false detection, and quickly stop the recording with a single press of the Select button. This dismissal will automatically add the "Test/Accidental" category to the recording and place the camera back in "Ready" status.
- L. Live Streaming:** Axon's "Live Streaming" function is a tool used to provide real-time information and updates to assist in developing strategies in order to enhance public and officer safety during special circumstances or specific calls. This function is accessible to supervisors, command staff, and STING Center personnel through the Respond tab in Evidence.com. BWCs and front-mounted VMCs (Fleet 3 or newer) can be live-streamed. Live Streaming can only be used when the camera is actively recording.
- M. Axon System Administrator:** The employee(s) responsible for:
- Maintaining user accounts within Evidence.com for BWC and VMC recordings
  - Assigning permission levels within Evidence.com
  - Overall maintenance of the BWC and VMC systems
  - Acting as a liaison with the vendor
  - Redacting any video
  - Ensuring automation of the retention schedule with Evidence.com
  - Receiving, reviewing, and responding to requests for disclosure of BWC and VMC recordings
- N. Recording:** A visual, audio, or visual and audio recording captured by a Body Worn Camera (BWC), Vehicle Mounted Camera (VMC), or any other video or audio recording device, operated by a law enforcement officer when carrying out law enforcement responsibilities. This term does not include any

video or audio recordings of interviews regarding Professional Standards investigations or interviews/interrogations of suspects/witnesses.

**O. Evidentiary Recording:** Any visual, audio, or visual and audio recording, captured by a Body Worn Camera (BWC), Vehicle Mounted Camera (VMC), or any other video or audio recording device, operated by a law enforcement officer when carrying out law enforcement responsibilities that are related to crime scenes, traffic stops, arrests, or any investigative action.

**P. Disclose or Disclosure:** To make a recording available for viewing or listening by the person requesting disclosure. The date, time, and location will be chosen by the custodial law enforcement agency. This term does not include the release of any recordings.

**Q. Release:** To provide a copy of a recording.

### **III. Training:**

**A.** Body Worn Cameras (BWC) and Vehicle Mounted Cameras (VMC) will only be utilized by personnel who have been properly trained in their use. The BWC and VMC issued by the Department will be the only BWC and VMC authorized for use. Any use of a BWC or VMC will conform to the current methods and techniques as approved by the Chief of Police.

### **IV. Procedure:**

#### **A. Vehicle Mounted Camera (VMC)**

##### **1. Equipment**

- a) A VMC shall not be used in any Wilmington Police Department vehicle unless it is owned and installed by the Department or an authorized vendor.
- b) Officers will be trained by the agency on the use of VMC equipment, VMC operation, and all related departmental policies and procedures.
- c) VMC equipment installed in WPD vehicles is the responsibility of the officer assigned to that vehicle and must be maintained according to the manufacturer's recommendations.
- d) Officers operating a vehicle equipped with a VMC will utilize their MCT to login into the VMC application prior to checking into service. This will ensure that recordings made while using the vehicle are assigned to the correct officer once they have been uploaded into the remote digital storage system.
- e) A VMC automatically activates for the following triggering events:

- Blue light activation
- Siren activation
- Crash detection
- Vehicle speed above the Departmentally established threshold
- When a Body Worn Camera (BWC) in the immediate vicinity is activated
- When a vehicle equipped with VMC in the immediate vicinity is activated
- When an officer, or an officer in the immediate vicinity, arms their ECW/TEW, performs a spark test, or discharges their ECW/TEW.
- When the right rear passenger door of the patrol vehicle is opened
- When an Axon "signal sidearm" equipped weapon is drawn from the holster.

The VMC can also be manually activated by the officer via the VMC application software on their MCT.

- f) No recording shall be altered in any way and all recordings are the property of WPD. Once a recording is marked as evidence, any portion of that recording that captures events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts of NC, 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 is not public record.
- g) Any portion of the evidentiary recordings that is used to subject an employee to departmental 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.

## **2. VMC Operational Procedures**

Officers operating any Department vehicle, IVAP, or Pool Vehicle, equipped with a VMC, shall comply with the following operational procedures:

### a) Equipment Inspection

Prior to beginning a tour of duty, the officer shall login into the VMC application on their MCT. The officer shall determine if the VMC is functioning properly and shall notify their supervisor or Axon System Administrator of any detected malfunction or problem. The officer shall confirm that front and rear-facing cameras are properly positioned, at the proper viewing angle to visually record events, and that sound is being recorded, by conducting a test recording. If a malfunction or problem is identified and cannot be immediately rectified, the officer is to immediately notify their direct supervisor so that any needed repairs can be facilitated with the appropriate personnel qualified to

make such repairs (Fleet, IT, or the Axon System Administrator). If the officer is driving a pool car, the supervisor may assign the officer to a different vehicle equipped with a functioning VMC, if one is available. If the officer is driving an IVAP vehicle and repairs will take an extended period of time, a temporary vehicle equipped with a functioning VMC may be assigned to the officer, if one is available, and must be coordinated with the Police Administrative Program Manager.

b) Activation

VMC's shall be activated under the following circumstances:

1. Emergency Response – Audio and video VMC equipment shall be used to record the entire duration of any emergency response requiring the use of blue lights and siren as defined in departmental directives. VMC equipment shall remain activated to record all officer contact with the public that occurs at the end of the emergency response.
2. Pursuits – Audio and video VMC equipment shall be used to record the entire duration of a vehicle pursuit. All officers engaged in a vehicle pursuit shall operate their VMC equipment. All VMC equipment will remain activated until the conclusion of the entire pursuit event, to include the apprehension of the violator, or when the pursuit is terminated. Reasonable efforts will be made to record all officer and suspect interaction in its entirety.
3. Traffic Stops – Audio and video VMC equipment shall be used to record the entire duration of all traffic stops. Officers shall activate VMC equipment when following a vehicle that they intend to stop. VMC equipment shall only be deactivated after the traffic stop has ended and the violator or officer has left the scene.
4. Prisoner and Citizen Transports – Audio and video VMC equipment shall be used during the entire duration of the transportation of any prisoner or citizen, for any reason (arrest, transport, medical assist, etc.). Rear facing cameras shall be utilized in all transport situations.
5. Other Circumstances
  - Any citizen contact
  - Any investigatory actions (These recordings shall not be stopped, paused, muted, or otherwise interfered with until investigative action is complete or unless directed to do so by a commanding officer).
  - Any traffic crash
  - Incidents involving an arrest
  - When present at a crime scene

- Incidents involving use of force

c) Deactivation

1. VMC equipment is to remain activated (recording) throughout the officer's entire involvement in an event. In most situations, conclusion of involvement in an event would be signified by leaving the scene.
2. Officers may deactivate their VMC under the following situations:
  - i. When the on-scene investigation is complete, and he/she is prepared to begin typing the appropriate report(s).
  - ii. When directed by the on-scene supervisor or with supervisor approval.
  - iii. During non-enforcement activities such as:
    - Protecting accident scenes from other vehicular traffic.
    - Monitoring an intersection that is temporarily operating the traffic signals with a generator.
    - Directing traffic for extended periods of time.
    - Crime scene security, or while awaiting other services such as crime scene processing, medical examiner services, etc.
3. Intentional deactivation during incidents where the use of VMC equipment is required by this policy may result in disciplinary action.
4. Obstructing, shielding, or any act of interference with VMC equipment is not permitted.
5. Officers must carefully consider deactivation of VMC equipment and must be prepared to justify deactivation in the event that an incident occurs while the VMC is deactivated.
6. Officers shall verbally state their intention to deactivate the VMC on the VMC recording prior to deactivation.

d) Uploads

1. VMC videos are designed to automatically upload into Evidence.com (oldest videos first) via a cellular network. However, officers must ensure that their MDT is properly connected to the VMC system for this function to work properly. Officers should verify that their VMC videos are uploading into Evidence.com and report any problems immediately to the Axon System Administrator.
2. Officers can prioritize the upload of newly created VMC videos via

the Axon View XL (Fleet 2) or Axon Fleet Dashboard (Fleet 3) applications on their MDT. Officers shall ensure that recordings are uploaded into Evidence.com prior to the end of their tour of duty and that all videos are properly ID'ed and categorized under the following circumstances:

- i. If the officer is directly or indirectly involved in any recorded incident that requires written administrative documentation (i.e. UOF, vehicle pursuits, collisions, injury, damage to City property, citizen complaints, etc.).
- ii. If the officer was present during a serious incident requiring immediate investigation or follow-up by CID.
- iii. If the officer was present at a crime scene during a serious incident requiring immediate follow-up by CID.
- iv. Prior to securing the vehicle at the City Garage or other repair facility.

e) Video ID and Categorization

1. Officers are responsible for ensuring all their videos have the proper ID (Case or Event #) and Category. This can be accomplished prior to uploading by utilizing the Axon VMC software on their MCT or by entering the information, after uploading, on evidence.com. VMC videos must be ID'ed and categorized within 7 days of upload into Evidence.com.

## **B. Body Worn Cameras (BWC)**

### **1. Equipment**

- a) Body Worn Cameras (BWC) will be assigned to any sworn, uniformed personnel, regardless of rank, working in an assignment that necessitates regular contact with citizens. Any officer issued a BWC, that is working a secondary employment assignment in uniform, shall wear their issued BWC in accordance with this policy. Officers who were issued a BWC that are transferred from a uniformed assignment to a plain clothes assignment may keep and utilize their BWC in accordance with the guidelines outlined in this policy. However, departmental needs may dictate that the newly assigned plain clothes officer turn in their BWC for uniformed officer use.
- b) The Criminal Investigations Division (CID) and the Special Investigations Division (SID) have BWCs assigned to the respective Divisions for the plainclothes officers to check out and utilize whenever they are needed.
- c) The WPD Front Desk also maintains several spare BWCs for any officer

to temporarily check out and utilize. Personnel should obtain a BWC from the WPD Front Desk in the following situations:

1. They are not assigned a BWC and will be working an assignment requiring one.
  2. Their assigned BWC is uploading in a docking station, has not completely uploaded, and they need to return to service.
  3. Their issued BWC is malfunctioning, the BWC Administrator is not available to diagnose the issue or issue a replacement, and the officer needs to return to service.
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- d) Officers shall not use a BWC assigned to another officer unless authorized to do so by a supervisor or the Axon System Administrator. Spare BWC are located at the WPD Front Desk and can be checked out if needed. If a BWC that is not assigned to the user is used, the user must ensure that any videos created during its use are reassigned to them in Evidence.com.
  - e) BWC's that are not approved for use, or not issued by the agency, are forbidden for use by agency personnel.
  - f) Officers shall not use an agency-issued BWC for personal use, on or off duty.
  - g) Officers are prohibited from maintaining personal copies of videos, audio, or still images of any event that was obtained on an agency BWC.
  - h) Officers are prohibited from using any device to copy, photograph, or record the playback of any videos, audio, or still images of any event that was obtained on an agency BWC.
  - i) Officers are prohibited from posting any BWC footage on any social media websites.
  - j) Officers will be trained by the agency on the use of BWC equipment, BWC operation, and all related departmental policies and procedures.
  - k) The individual officer who is issued the BWC is responsible for its use in accordance with the guidelines established within this policy and must maintain the BWC according to the manufacturer's recommendations.
  - l) Any apparent issues or problems with the BWC shall be immediately brought to the attention of the officer's immediate supervisor. The officer, or supervisor, will contact the Axon System Administrator to arrange troubleshooting, repairs, or to arrange for the issuance of replacement equipment, if necessary.



m) A BWC that is powered on and in "standby mode" will automatically activate for the following triggering events:

- Blue light activation
- Siren activation
- When a Body Worn Camera (BWC) in the immediate vicinity is activated
- When a vehicle equipped with VMC in the immediate vicinity is activated
- When an officer, or an officer in the immediate vicinity, arms their ECW/TEW, performs a spark test, or discharges their ECW/TEW.
- When an Axon "signal sidearm" equipped weapon is drawn from the holster.

The BWC can also be manually activated by pressing the event button twice.

- n) Officers shall only utilize the BWC mounting equipment issued to them by the agency.
- o) While wearing a BWC, personnel shall ensure that the BWC is powered on and in standby mode for the duration of the tour of duty or secondary employment shift (unless engaged in personal service). Officers are issued USB-C cables that can be used to charge the camera while on duty.
- p) Uniformed officers will wear their BWC in a location and manner that maximizes the camera's ability to capture an encounter or incident. It shall be the responsibility of the officer to ensure that the BWC remains in a position that most clearly replicates the perspective of the officer.
- q) SWAT members that are issued BWC's shall use them during any SWAT operations. SWAT members will wear the BWC in a location and manner that maximizes the camera's ability to capture an encounter or incident. It shall be the responsibility of the officer to ensure that the BWC remains in a position that most clearly replicates the perspective of the officer.
- r) Plain clothes officers and detectives will wear the BWC in a location and manner that maximizes the camera's ability to capture an encounter or incident. It shall be the responsibility of the officer to ensure that the BWC remains in a position that most clearly replicates the perspective of the officer.

Plain clothes officers and detectives are not required to wear the external vest and BWC throughout their tour of duty. However, the vest and BWC's shall be worn prior to any pre-planned tactical or

enforcement situation as described in WPD WD .04.04 – Wearing of Ballistic Vests. Once the scene is deemed secure, the BWC’s will continue to be used by the officers/detectives who are designated to remain with detainees or who have continual interaction with members of the public unless one of the circumstances for “Deactivation” described in this policy applies.

- s) Officers shall not deliberately remove, dismantle, or tamper with any hardware and/or software component of the BWC.
- t) Officers have the authority to review their own recordings, and are encouraged to do so, to aid with the accurate documentation of incident events in their written reports.
- u) Generally, most officers do not have access to review videos created by other officers. However, a charging officer must have access to a video(s) before they can be shared in a case to the District Attorney’s Office. Video access can be granted in one of three ways:
  - 1. The charging officer can send a “share request” for the needed video in Evidence.com
  - 2. The owner of the video can share the video with the charging officer within Evidence.com
  - 3. A supervisor can grant internal access to the charging officer within Evidence.com
- v) No recording shall be altered in any way and all recordings are the property of WPD. Once a recording is marked as evidence, any portion of that recording that captures events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts of NC, 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 is not public record.
- w) Any portion of the evidentiary recordings that is used to subject an employee to departmental 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.

## **2. BWC Operational Procedures**

Officers equipped with a BWC shall comply with the following operational procedures:

### a) Equipment Inspection

Prior to beginning a tour of duty, the officer shall ensure that their BWC is fully charged, has adequate storage capacity, and determine if the BWC is functioning properly. Any apparent issues or problems with the BWC shall be immediately brought to the attention of the officer’s

direct supervisor. The officer, or supervisor, will contact the Axon System Administrator to arrange troubleshooting, repairs, or to arrange for the issuance of replacement equipment, if necessary. If the Axon System Administrator is unavailable, the officer will temporarily utilize a spare BWC. Spare BWCs can be obtained at the WPD Front Desk. Officers shall ensure that their BWC is mounted in a location and manner that maximizes the camera's ability to capture an encounter or incident and remains in a position that most clearly replicates the perspective of the officer. The officer shall confirm that the BWC is powered on, and remain powered on, throughout their entire tour of duty.

b) Activation

While on duty (or secondary duty assignment) BWC's shall be activated prior to any call for service or any interaction with citizens and shall remain activated throughout the entirety of the event, unless otherwise noted in this policy. Additionally, activation shall occur prior to, or in anticipation of, the following circumstances:

1. Traffic Stops: The stopping of a motor vehicle for law enforcement purposes, including the following of a vehicle you intend to stop or has failed to stop.
2. Suspicious vehicles or persons
3. Voluntary Investigative Contact: The mere suspicion of some type of criminal activity by a person.
4. Arrests
5. Response to resistance
6. When operating a vehicle in an emergency response or pursuit.
7. K-9 tracks and K-9 building searches.
8. When requested by a citizen during an interaction with a sworn employee.
9. Traffic Checking Station:

The preplanned systematic stopping of vehicles to check motorists for compliance with license requirements and other motor vehicle laws, including Driving While Impaired. Once a sworn employee suspects possible impairment or determines there is reasonable suspicion or probable cause to detain the driver, the officer shall begin recording with their BWC. Except as listed above, officers are not required to record during the entire duration of the checkpoint.

10. During the entire duration of the transportation of any prisoner. The BWC shall be utilized in addition to the vehicle's VMC.

11. Search Warrants or Exigent Circumstance searches of vehicles, buildings, and other places; Officers shall not record the preparations for the tactical service or any search or arrest warrant. Officers issued a BWC who are participating in the execution of a search on an entry team shall begin a recording prior to making entry and continue the recording until the premises have been secured.

12. Consent Searches:

During a consent search, officers shall record him or herself 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 and continue as normal without recording.

13. Show-ups:

Officers shall record show-ups either with the VMC or BWC, whichever is most prudent.

14. Officers shall record the handling, counting, weighing, packaging and evidence submission of all seized narcotics and currency even if another officer or witness is present. Officers are to ensure that the total amount of items, weight, or total amount of currency can clearly be verified via a review of the body camera footage. This can be accomplished by;

- i. displaying the items in organized groups, or fanning the items out
- ii. counting out loud and stating total numbers
- iii. positioning the BWC to record scale weights

**Officers that are not issued a BWC shall either check out a spare BWC from the front desk or have an officer with a BWC present to record all activities. All videos shall be appropriately tagged and categorized in accordance with this policy.**

c) Prohibitions

Officers shall not record:

2. In bathrooms, locker rooms, or other places where there is an expectation of privacy unless present in an official capacity.

3. When conducting tactical planning.
4. In the presence of a Confidential Informant.
5. When having discussions with attorneys, peer support counselors, doctors, etc.
6. When involved in a department, supervisory, or public meeting.
7. When in a classroom or testing environment.
8. When speaking to any person or having a conversation that is not involved in a call for service or event outlined in this directive.

d) Deactivation

BWC's are to remain activated (recording) throughout the officer's entire involvement in an event. In most situations, conclusion of involvement in an event would be signified by leaving the scene. Only under the following circumstances may an officer deactivate their BWC prior to concluding their involvement in an event:

1. Circumstances outlined above regarding Checking Station exceptions.
2. When the officer's on-scene investigation is complete and he/she is prepared to begin typing the appropriate report(s).
3. When directed by the on-scene supervisor or with supervisory approval.
4. Prior to conducting a strip search, the officer will record a 360-degree video of the location where the strip search will be conducted. During the actual strip search, the BWC shall be utilized to only capture audio of the event by positioning the camera away from the subject of the search.
5. When an officer receives an assignment such as traffic control, crime scene security, or while awaiting other services such as crime scene processing, medical examiner services, etc. It is common for these assignments to last for extended periods of time, with minimal citizen contact. If the officer becomes engaged in any citizen contact during any such assignment, the officer shall activate their BWC.
6. When officers are relaying/discussing preliminary information amongst themselves, in the absence of any parties to the incident, witnesses, or citizens. The BWC should be reactivated at the conclusion of this interaction.
7. Intentional deactivation during incidents where the use of BWC is required by this policy may result in disciplinary action.
8. Obstructing, shielding, or any act of interference with a BWC is not permitted.

9. Officers must carefully consider the deactivation of their BWC and must be prepared to justify deactivation in the event that an incident occurs while the BWC is deactivated.
10. Officers shall verbally state their intention to deactivate the BWC on the BWC recording prior to deactivation.

e) Uploads

1. BWCs should be uploaded each day, at the end of the officer's tour of duty. Officers should strive to maintain the fewest number of video files on the BWC at any given time. BWC's can be uploaded at the dedicated upload docking stations located at most WPD facilities.
2. BWCs shall be uploaded prior to the end of the officer's tour of duty, and all videos shall be ID'ed and categorized under the following circumstances:
  - i. If the officer is directly or indirectly involved in any recorded incident that requires written administrative documentation (i.e. UOF, vehicle pursuits, collisions, injury, damage to City property, citizen complaints, etc.).
  - ii. If the officer was present during a serious incident requiring immediate investigation or follow-up by CID.
  - iii. If the officer was present at a crime scene during a serious incident requiring immediate follow-up by CID.

f) Video Categorization and Tagging

1. Officers are responsible for Categorizing and Tagging all of their BWC videos prior to the completion of their tour of duty. This can be accomplished prior to uploading by utilizing the Axon View phone App, or by entering the information, after uploading, on evidence.com. BWC videos must be ID'ed and categorized within 7 days of upload.

**C. Supervisory Duties and Responsibilities**

Personnel who supervise officers assigned to utilize VMC/BWC's shall:

1. Ensure that all officers follow the established procedures for the use, uploading, and maintenance of MVC/BWC's.
2. Ensure that all subordinates are properly wearing their BWC and that the officers' VMC is operational prior to beginning their scheduled tour of duty.

3. Conduct a monthly inspection of equipment and a monthly quality assurance review of the videos of each subordinate under them. At least 1 BWC video will be reviewed from each subordinate. If the subordinate also has a VMC, 1 additional video, from a separate event, shall also be viewed. Supervisors shall review these videos to ensure proper MVC/BWC use and adherence to departmental policy, to ensure that all videos are ID'ed and categorized, and to assess officer performance and conduct. These monthly reviews shall be properly documented on the officers' monthly Personnel Inspection Form (WPD-152). Any video related to Use of Force reports, pursuits, and complaints investigations may be included in the quality assurance review.
4. Ensure that proper troubleshooting steps are followed upon notification of any damage or malfunction of a VMC/BWC. If the issue is unable to be resolved, the supervisor will direct the officer to make contact with either the Axon System Administrator, IT, or Fleet (depending upon the camera system and issue).
5. Ensure that repair and replacement of damaged or nonfunctional VMC/BWC's are promptly addressed by the proper personnel.

#### **D. VMC/BWC Video Tags, Categories, and Retention Schedule**

1. All video files recorded with Body Worn Cameras (BWC) or Vehicle Mounted Cameras (VMC) are the property of the Wilmington Police Department and are to be used for official purposes only. NCGS 132-1.4(A) defines BWC and VMC recordings in their collective, as neither public records nor personnel records.
2. 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. Such video shall be maintained in compliance with the Records Retention and Disposition Schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.
3. Uploaded recordings will be retained on the remote digital storage system based upon the retention schedule established for each category of recording. The following is the retention period for each category:

##### Video Categories

VMC and BWC videos can be categorized as any of the following, and have the retention duration in Evidence.com, as indicated, based upon their category:

- i. Uncategorized (Retained Indefinitely)
- ii. Investigation – Felony (20 years)

- iii. Investigation – Misdemeanor (5 years)
  - iv. K9 Training - (90 days)
  - v. Officer Injury (4 years)
  - vi. Pending Review (Until Manually Deleted)
  - vii. Personnel Records (4 years)
  - viii. Protest (3 years)
  - ix. Routine Patrol Activity (1 year)
  - x. SWAT Incident (4 years)
  - xi. Test/Accidental (90 days)
  - xii. Traffic Crash – Fatal (3 years)
  - xiii. Traffic Crash – Non-Fatal (3 years)
  - xiv. Traffic Stop – Felony (Until Manually Deleted)
  - xv. Traffic Stop – Misdemeanor (3 years)
  - xvi. Traffic Stop – Warning (90 days)
  - xvii. Use of Force (4 years)
  - xviii. Warrant Service – Felony (20 years)
  - xix. Warrant Service – Misdemeanor (3 years)
4. The assigned case officer shall be responsible for ensuring that all recordings are properly categorized to prevent videos from being purged from the system.
  5. If an unintentional activation of the BWC or VMC captures something sensitive or private, an officer may request the recording be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded through the chain of command to the Chief of Police. If approved, the deletion will be made by the Body Worn Camera Administrator.

## **E. Recording Control and Management**

1. All video/audio recordings are the property of WPD.
2. VMC/BWC recordings are incapable of being altered or deleted by users. Each recording has an audit trail that tracks the date and time of each person who accesses all videos within the system.
3. Each video recording has a Chain of Custody Audit Trail which documents all events associated with the file.
4. The evidence.com system automatically deletes recordings from the server when the retention period for the categorized recording has elapsed. The retention period is preset by the program administrator based on parameters established by the agency.
5. Digital files associated with an investigation shall be disposed of or



deleted in accordance with current WPD policy and state and federal laws.

6. All requests for disclosure of a recording, other than by a WPD officer for court purposes, shall be made in writing to the Chief of Police stating the date and approximate time of the activity captured in the recording or otherwise identifying the activity with reasonable particularity sufficient to identify the recording to which the request refers. NO ONE other than the Chief of Police may disclose a recording, and such disclosure may only be made pursuant to NCGS 132-1.4A.
7. Recordings in WPD custody shall only be released pursuant to an order by a superior court judge obtained pursuant to NCSG 132-1.4A. NO COW or WPD employee, including the Chief of Police, shall release any law enforcement recording without a valid court order unless such release is for a valid law enforcement purpose as enumerated in NCGS 132-1.4A(g).
8. The release and disclosure of all law enforcement recordings is governed by NCGS 132-1.4A. To the extent that anything in this policy or any other WPD policy is not consistent with NCGS 132-.1.4A, such provision is overruled and invalid.

#### **F. Other Evidentiary Recordings (Non-MVC/BWC recordings)**

1. ANY evidentiary recording associated with an incident, investigation, or crime scene by a department member is evidence. These recordings are the property of the WPD and the COW and shall not be altered or reproduced for personal use or unauthorized purposes.
2. ANY evidentiary images/recordings captured by Department members shall be properly documented on the pertinent official department form (i.e. incident report, supplement report, FIR, etc.) by the department member making the recording. This report shall identify the number of images captured, as well as a general description of the items photographed.
3. Do not attach any evidentiary recordings to departmental reports.
4. Only departmental-approved recording devices shall be used on duty.
5. Members shall not use any personal devices to record any video, audio, or pictures of any crime scene, incident, suspect, or victim.
6. Departmental cameras and recording equipment shall be used for law enforcement purposes only, unless otherwise authorized by the Chief of Police.
7. Department members using recording equipment shall be trained in its use before it will be assigned to them.
8. Department members shall begin each evidentiary recording with an

empty storage device (excludes MVC & BWC's).

9. If not empty, the department member will ensure that it has been properly transferred to the evidence section.
10. Members shall not delete, alter, or redact, any evidentiary recording prior to having it uploaded by the appropriate department personnel and/or copying it onto a disk and placing it into evidence.
11. All evidentiary recordings shall be submitted to the evidence section on the same day unless an exception is approved by a supervisor.
12. All evidentiary recordings captured by any department member shall be submitted into evidence. Any copy necessary for investigative purposes shall be kept properly secured by the case agent.
13. All evidentiary recordings submitted to the evidence section shall be in accordance with Department Policy 10.01 and the Property and Evidence SOP.

#### **G. Live Streaming**

1. Live Streaming of Axon BWCs and VMCs (Fleet 3 and newer) that are in record mode can be activated by the rank of Sergeant and above, along with members of the Real Time Information Center (STING), for the use under the following circumstances:
  - i. Ongoing critical incidents such as but not limited to:
    - Active shooters
    - Hostage/Barricaded subjects
    - Crowd control events
  - ii. Vehicle pursuits
  - iii. Active criminal investigations while officers or their vehicle is at the scene or while stationed on the perimeter of that incident
  - iv. Any other events deemed necessary by the Incident Commander, Watch Commander, or STING Center Supervisor
  - v. SWAT, CNT, and the Bomb Squad team leads may utilize Live Streaming during an activation.
2. When practical, personnel initiating a Live Stream should notify the affected officer(s) that a live stream is about to commence. However, even without a notification, when live streaming is initiated the BWC or VMC will alert the user that a live stream has started. These alerts include distinct tones and lights.

#### **H. Video Recall**

1. Video Recall allows Axon Body 3 (or newer cameras) to capture audio-free lower-resolution evidence while in standby mode and not recording. Users with the appropriate permissions can retrieve and activate evidence from the last 18 hours of active camera use in the event that a camera was not recording during a critical incident. Once a video file has been activated, the file will automatically upload from the BWC into Evidence.com under the user's profile.
2. Video recall files on a BWC shall only be accessed by the officer assigned to the BWC or the BWC Administrator at the direction of the Chief of Police. Supervisors, Command Staff, and members of the Professional Standards Division shall not access or activate the video recall files of subordinates.

