

Reference <b>Operational Policy 0434</b>	# of Pages <b>4</b>	<b>DUNN POLICE DEPARTMENT</b>	
Subject <b>Digital Video Systems</b>		Date of Issue <b>01/13/2009</b>	Revised <b>03/15/2016</b>

## **I. PURPOSE**

The intention of this directive is to provide guidelines for the use of available recording devices.

## **II. POLICY**

The Department provides body-worn camera (BWC) recording devices to Officers and has installed mobile video recording systems in vehicles with the expectation that this equipment will be used to provide a “record” of various citizen encounters occurring during a tour of duty and to assist in the gathering of evidence against a suspect. Personal video recorders are prohibited. Failing to record incidents or any early termination of any recording may cast doubt on the actions of the officer. Deliberate or repeated failure to record incidents when mandated or tampering with any recording is prohibited.

## **III. BODY-WORN CAMERA RECORDINGS**

- A. Body worn camera recorders provide the means for:
  - 1. Video/audio recording evidentiary or copious notes
  - 2. Recording incidents or contacts
  - 3. Protecting officers against false complaints or allegations
- B. Body-worn camera recorders shall be used in a professional manner at all times and shall not be used to record personal conversations between officers of the department, other City employees or officials. Electronic surveillance of a non-consenting two party conversation which the officer is not a part of said conversation, or is not within normal hearing range of said conversation, is prohibited by Federal law.

## **IV. BODY-WORN CAMERA RECORDERS**

- A. Body-worn camera recorders will be used at all times to record contacts with the general public by:

1. An officer performing his/her official patrol duties (e.g. motorist and pedestrian contacts, field interviews, calls for service, etc.), or
  2. An investigator/narcotic agent performing his/her official duties (e.g. interviews, interrogations, investigations, etc.)
- B. Officers have the responsibility of carrying body-worn camera recorders for the reasons outlined above. To ensure immediate accessibility, body-worn camera recorders will be carried on the officer as standard equipment.
- C. Officers shall have the responsibility for the downloading and storage of recordings at the end of their shift so that the recordings are available for review. Officers shall ensure they have sufficient media space to record the duty day's contacts.
- D. Recordings of evidentiary value should be packaged as evidence and held until final case disposition. Any case involving a criminal charge requires the recording be treated as evidence.
- E. Any officer who becomes involved in a controversial conversation or public contact/confrontation shall bring the incident to the attention of his/her immediate supervisor.
1. The supervisor shall review the recording to determine if it may lead to a complaint or it contains audio/conversations of evidentiary value. If so, the supervisor shall send notification electronically to the Captain of his/her Division including the day, date, time, officer's name, and nature of the incident. The recording in question shall be retained and made available for immediate access by the Chief of Police.
  2. The Department reserves the right to request and retain any recordings believed to be of value to an administrative investigation. Recordings will be stored in a secure area.
- F. Recordings downloaded into storage shall be purged from the server after one year by a member of the Command Staff.

## **V. IN-CAR VIDEO RECORDERS**

- A. In-car video recorders are powered on automatically or initiated by the officer at the beginning of each shift or tour of duty. Officers shall notify their supervisor of any deficiency as soon as possible. Officers shall not attempt to repair malfunctioning in-car video equipment.

1. Officers shall ensure that the in-car video system is recording whenever the vehicle is being operated in any situation where a video or audio recording may be of evidentiary value. Some examples are:
  - a. Emergency vehicle operation (including accidents involving police vehicles)
  - b. Pursuits
  - c. Traffic stops
  - d. Arrest (including any use of force)
  - e. Whenever suspects are in the police vehicle (making statements or confessions)
2. An audio recording may be of value even if the officer is out of view of the video camera. Therefore, the remote microphone shall be activated whenever the camera is recording. The officer must use either his/her department issued body-worn camera recorder or the in-car video microphone or the audio recording.
3. The in-car video system is continually recording and captures activity 30 seconds before the emergency lights or remote microphone is activated. If an officer is involved in an accident or other noteworthy incident not already being recorded, the officer should activate the emergency lights or remote microphone as soon as possible in order to capture the prior 30 seconds.
4. Terminating Recording
  - a. If turning off the emergency lights or the remote microphone the officer must stop the digital recorder from recording by stopping the recorder at the conclusion of the incident being recorded. Officers shall not turn the recording or camera off before the conclusion of the incident unless nothing useful is being recorded. Some examples are:
    - 1) Stable accident scene
    - 2) Waiting for a tow truck
    - 3) Road closings
    - 4) Routine traffic direction assignments or traffic control
  - b. Officers will be held strictly accountable if events indicate that the in-car video recorder should have been activated or continued recording but the officer manually terminated the recording.

5. Any officer who becomes involved in a noteworthy incident that was recorded or should have been recorded shall bring the incident to their immediate supervisor at the end of the shift.
6. Video recordings shall be spot checked on an internal basis by immediate supervisors or commanders to confirm proper police behavior, tactics, and adherence to Department policy/procedure.
7. In-car video recordings are downloaded to the server where they are stored. Videos will be purged when the storage capacity is nearing 85% used.

## **VI. SECURITY/HANDLING OF VIDEO FILES**

- A. Video recording shall not be reviewed by anyone outside this department, without approval of the Chief of Police. Copying, releasing, altering, erasing, or allowing unauthorized viewing of a department video recording (or portion thereof) shall be grounds for disciplinary action and may expose an employee to personal liability. Internal requests for copies of in-car video recording will be directed to commanders by e-mail or memorandum.
- B. If a copy of video recording is made for evidentiary purposes, it shall be packaged and handled as evidence. If a copy of a video recording is made for administrative review it shall be securely maintained by the commander. Additional copies of audio or video recordings will not routinely be made.
- C. If an external request for a copy of a video or audio recording is received from an authorized person, the request must be made in writing and approved by the Chief of Police. Upon the Chief's approval, a copy of the recording will be sent and the original video will be maintained by the Department. The requesting person/agency must acknowledge that the recording will be used for law enforcement uses only. The City Attorney, Harnett County Prosecuting Attorney and the U.S. District Attorney are exempt from this requirement.

## **VII. DISPOSAL/DESTRUCTION OF AUDIO RECORDING**

- A. Audio/video recordings entered into evidence shall be retained until the final court disposition. The Evidence Technician is responsible directing the destruction and disposal of any recording no longer needed as evidence.
- B. Copies of audio or video recordings that are no longer needed to resolve citizen complaints or for training purposes will be turned over to the Department Commander who shall be responsible for the destruction and disposal.