



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

NUMBER:

4083

BODY CAMERAS

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INTRODUCTION

In an effort to enhance its services to the community, the Durham Police Department utilizes body worn cameras to provide an additional means of documentation for evidentiary and administrative purposes of events, actions, conditions and statements made during certain police encounters.¹ This policy establishes guidelines for the use and maintenance of departmentally owned or operated wearable Body Camera systems, hereafter referred to as “Body Cameras” as well as the dissemination, retrieval and storage of audio/video recordings produced by these cameras.

DEFINITIONS

Body Camera - A mobile audio and video capture device attached to the officer’s body or uniform that allows officers to record their interactions when taking law enforcement action.

Body Camera Program Manager - The overall management of the Body Camera program will reside with the Department’s Information Technology Manager, within the Administrative Services Bureau. The IT Manager, or their designee is responsible for handling or directing administrative and management matters related to the department’s Body Camera program as outlined in this policy or as further directed.

Body Camera Recordings - Refers to any audio and/or visual recordings made by a departmental Body Camera. Body Camera recordings constitute records of a criminal investigation and/or personnel records and are not public records, pursuant to N.C.G.S. §132-1.4 and §160A-168.

Officers – refers to any sworn police officer working for the City of Durham Police Department.

USE AND REQUIRED ACTIVATION OF THE BODY CAMERA

The Body Camera will be affixed upon the officer’s uniform at the beginning of the shift in accordance with departmental training. While some discretion with regards to placement is allowed, officers are responsible for ensuring that the specific location utilized does not obstruct the camera’s recording capabilities. The Body Camera will be worn for the entire work shift as well as Secondary Employment jobs. Although all sworn officers may be assigned a Body Camera, the following police units shall wear their assigned Body Camera while on duty as a part of their standard duty equipment:

- Uniform Patrol Officers

¹ 41.3.8A
General Order 4083

- H.E.A.T. Officers
- Traffic Services Officers
- Bicycle Officers
- Violent Incident Response Team Officers
- Warrant Squad Officers

Officers will place the Body Camera into record mode in the following situations²:

- prior to any officer initiated field contacts involving actual or potential violations of the law including traffic stops, and pedestrian or vehicle contacts;
- upon being dispatched to, and/or when responding to assist on, any and all calls for service;
- when engaged with a citizen for the purpose of investigating or assisting in the investigation of suspected criminal activity; and
- while executing searches of individuals, personal property, vehicles, and premises. The Body Camera will be used to record a request for consent to search and the granting or denial of that consent. This recording is not intended to replace the use of the Consent to Search Form as required by policy.

Examples include, but are not limited to:

- All calls requiring the presence of a Crisis Intervention Team (CIT) officer;
- When responding to calls reportedly involving potential weapons and/or violence;
- When engaging in foot chases; and
- While taking statements from subjects, victims and witnesses. Officers shall have the discretion to deactivate a recording at the request of a non-suspect. The citizen's request should be captured on the Body Camera recording prior to deactivation.

If not already activated, the Body Camera will be activated to record any encounter that becomes adversarial or in any situation that the officer believes the use of the Body Camera would be appropriate or would provide useful documentation.

Officers shall have discretion with respect to providing advance notice to persons that a Body Camera is recording; however, if a citizen inquires as to whether a Body Camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.

Officers who have inadvertently activated the Body Camera during non-law enforcement related activities (i.e. meal breaks, restroom breaks, etc.) shall make an email request to Audio/Visual personnel, via the PD-Help Desk, to have the recording deleted and shall include the reason(s) for the request. Prior to deletion, the video in question will undergo a second level of review by the IT Manager to ensure that the device only captured a non-law enforcement related recording. The original email and subsequent approval will be retained by the IT personnel for 180 days.

² **41.3.8B**
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DEACTIVATION AND RESTRICTED USE OF THE BODY CAMERA³

Once placed in record mode, the Body Camera shall remain on, and not be turned off or placed in standby mode, until the initial incident that required the activation has stabilized or concluded or the primary officer has left the scene. An incident shall be considered stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation by the primary officer.

Body Camera recordings may also be stopped at the request of a non-suspect. Should the officer choose to honor such a request to stop recording, said request shall be captured on the officer's Body Camera prior to doing so. The officer shall maintain the discretion to resume recording at any time during the encounter should he or she deem it necessary. Additionally, the officer shall have the discretion to deny such a request if he or she deems it appropriate.

The Body Camera may be deactivated in the following situations:

- If an officer is on a perimeter or assigned to a static post where he/she is not in contact with citizens or actively participating in the investigation. The Body Camera will be reactivated if either of these conditions fails to apply.
- If it is necessary to discuss issues or concerns regarding an individual's mental or physical health condition. As soon as the private conversation is completed, the Body Camera shall be returned to record mode so long as the situation still falls under the definition of required use.

Officers will document the reason that the Body Camera has been deactivated in the form of a recorded announcement on the Body Camera prior to deactivation.

Use of the Body Camera is prohibited in in the following situations:

- To record conversations involving Department employees that are not required to be captured pursuant to this policy.
- In places where a heightened expectation of personal privacy exists, such as locker-rooms, dressing rooms, or restrooms unless the recording is for the purpose of official law enforcement activities and no uninvolved parties remain present.
- To record confidential informants or undercover officers.
- To record strip searches.
- In patient care areas of a healthcare facility other than to document injuries for official law enforcement purposes. Officers should take special care to ensure to record only the parties involved in the event being investigated.
- To record judicial proceedings in courtrooms and the Magistrate's Office unless express permission is given beforehand by the presiding judicial official.
- To record communications between a defendant and his/her attorney.
- To record activities that are not official law enforcement functions.

Recordings of matters related to the investigation of suspected criminal activity which are either not required, or are restricted from recording by this policy but which nonetheless have been created, shall be retained as part of the criminal investigative file.

³ **41.3.8B**

DATA MANAGEMENT AND RETENTION⁴

With the exception of those videos not needed for administrative or court purposes, officers will label or tag each recorded Body Camera video with the assigned Incident Report (IR) number and one of the call type categories available within the video management system (DWI, Felony, Infraction, etc.).

Officers, who need to upload video during their workday, may put themselves out-of-service (10-7) for the amount of time needed to complete the upload if necessary. Officers are encouraged to take every opportunity to periodically upload video throughout the workday to reduce excessive delays at the end of the day.

Prior to going off-duty for that particular shift or secondary employment assignment, officers should upload all video from their assigned Body Camera. All video shall be uploaded within 48 hours of the end of the officer's shift or secondary employment assignment.

Recorded videos are transferred from a Body Camera onto departmental storage arrays through one of two methods:

- Wireless uploads via Department authorized wireless methods
- Manual uploads by the officer(s) who physically connect to computers or docking stations designated for this purpose

Videos are stored on departmental storage arrays for a minimum of 180 days. By selecting an event type other than the default event type for a specific video, the minimum retention of the video can be increased. The retention time frames for each event type are as follows:

- 180 days (6 months) – Default
- 180 days (6 months) – Infractions
- 1095 days (3 years) – DWIs
- 1095 days (3 years) – Misdemeanor cases
- 2555 days (7 years) – Accidents involving City of Durham vehicles
- 7300 days (20 years) – Felony cases
- Indefinite hold – Professional Standards

Officers who fail to select an event type prior to uploading a video that requires one may contact the PD Help Desk and request to change the event type to something other than the default 180 day retention.

When an incident arises that requires the immediate retrieval of Body Camera media for chain of custody purposes including, but not limited to, serious crime scenes or critical incidents such as officer involved shootings, a supervisor will respond to the scene and ensure that the Body Camera remains affixed to the officer(s) in the manner it was found and that the Body Camera data remains uncompromised. Through direct and uninterrupted supervision/observation, the supervisor or his/her designee is responsible for the care and custody of the Body Camera(s) until it has been removed and secured by the lead investigator, Forensic personnel, or Professional Standards personnel.

Officers or other Department personnel, shall not destroy, delete, alter, or edit Body Camera recordings unless otherwise allowed by department policy.

⁴ 41.3.8D
General Order 4083

DATA USE AND DISSEMINATION⁵

All media produced from the Body Cameras are the property of the Department and will not be viewed, copied, described, released, or disseminated in any form or manner outside the parameters of this policy or as otherwise required by law without authorization of the Chief of Police or his/her designee.

Officers may upload and view their own Body Camera recordings for law enforcement purposes only. Members may not upload and view recordings from Body Cameras assigned to other officers unless necessary for the performance of a supervisory function or administrative assignment.

Officers may not play back Body Camera recorded media for citizen viewing.

REQUESTING COPIES OF BODY CAMERA VIDEO

Internal Requests

Officers and other DPD staff may only request copies of videos for legitimate job-related reasons. All video copy requests shall be sent via email or telephone to the PD Help Desk, which will then forward them to appropriate IT Division personnel for processing. Due to the amount of time it may take to locate recordings, it is recommended that these requests be made well in advance. To the extent that it is readily known or available, the following information shall be included in video copy requests to assist in the location and dissemination of copies:

- Requestor's name and contact info (in most cases, only the lead officer/investigator for that particular recorded incident will be provided with video copies)
- Reason for request (evidence for court, wreck investigation, training, etc.)
- The number of video copies needed (for court purposes, normally two copies are provided – one for the officer's case file, and a second copy to the District Attorney's office).
- Date copies are needed by
- Approximate date/time of the recorded incident
- Brief incident description (suspect or vehicle description, location, action to look for, etc.)

External requests

The Body Camera Program Manager will process all external (non-DPD) requests on a case-by-case basis. External requests may be approved:

- For official use by any federal or state prosecuting agency
- For official use by other public safety agencies unless release is likely to jeopardize an on-going administrative or criminal investigation or prosecution
- For official use by any other agency of the federal or state government, or any political subdivision of the state, unless release is likely to jeopardize an ongoing administrative or criminal investigation or prosecution
- For official use by other City of Durham departments unless release is likely to jeopardize an ongoing administrative or criminal investigation or prosecution
- Pursuant to an order of a court of competent jurisdiction

⁵ 41.3.8c
General Order 4083

- Upon the approval of the Chief of Police or his/her designee

BODY CAMERA DISTRIBUTION, MAINTENANCE, INSPECTIONS, AND INVENTORY⁶

Distribution

Distribution shall be coordinated by the Body Camera Program Manager and will be handled by the designated Department staff.

Maintenance and Repairs

Officers are responsible for the care and maintenance of their assigned Body Camera. Officers are responsible for charging their assigned Body Camera between work shifts. Officers shall inspect their assigned Body Cameras prior to the beginning of each shift or secondary employment assignment to ensure that the camera has no obvious signs of damage; adequate battery life and storage is available and is functioning properly. Officers shall immediately report any damage, malfunction or loss to the PD Help Desk who will, in turn, forward those concerns to appropriate IT Division staff members for resolution.

Officers shall also report any issues/problems with Body Camera equipment to their immediate supervisors via email.

The IT Division's Help Desk tracking system will be used to document reported malfunctions and the solutions to those malfunctions.

Officers shall not:

- Remove, dismantle, or tamper; or attempt to remove, dismantle, or tamper with any hardware or software component or part associated with the Body Cameras.
- Use any electronic device or other means to intentionally interfere with the functioning of the Body Camera.

Inventory

The IT Division's AV Team and the Body Camera Program Manager will maintain an inventory database of all Body Cameras to include personally assigned accessories.

If the Body Camera, or any accessories, are lost or damaged due to violation of policy or carelessness while assigned to a specific officer, that officer may be held financially responsible for any repair or replacement and may be subject to disciplinary action.

TRAINING

Officers will not use the Body Camera until they have successfully completed all required training on the system's equipment and recorded media. IT members, who have responsibilities regarding the body cameras that exceed the training provided for the basic users, will be trained on the procedures that apply to their specific responsibility.⁷

If, after training, officers are having difficulty operating either the Body Camera or uploading the data, they will contact the PD Help Desk for troubleshooting and clarification. Additional formal training may be requested

⁶ 41.3.8E

⁷ 41.3.8F

through the chain of command as needed. The Body Camera Program Manager will assess requests and process them appropriately on a case-by-case basis.

The PD Help Desk will refer all requests for additional training to the Body Camera Program Manager for follow-up.

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