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	<b>Interactive Directives Guide</b>		<b>Body Worn Camera (BWC)</b>
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I. PURPOSE


A Body Worn Camera (BWC) is utilized by officers to promote transparency in accordance with state law and accountability for officers and the community through objective evidence. This policy establishes guidelines regarding the use, management, storage, and retrieval of the audio and video recordings from BWCs.

II. POLICY

- A. It is the policy of CMPD that officers issued a BWC shall use it to record interactions that occur between officers and the public as described in this directive.
- B. Any violation of this directive is considered a violation of Rule of Conduct (ROC) #42 (Use of Body Worn Cameras) and will be investigated.
- C. Officers shall insert the BWC into a designated docking station at the end of their shift to facilitate automatic video/audio upload.
- D. Officers and supervisors issued body worn cameras will complete and follow the approved CMPD training for use and storage of data for the body worn camera.

III. DEFINITIONS

- A. Body Worn Camera: An on the body video and audio recording system assigned to an officer as a means of documenting interactions between officers and the public.
- B. Citizen Contact: An encounter with a citizen that has no criminal or investigative purpose. Ex: Stopping to say hello to someone or interacting with persons to obtain information that is non-criminal in nature.
- C. Criminal Investigation: For the purposes of this directive, Criminal Investigation refers to the point at which a CFS or other defined recording situation changes from adversarial or fact finding contact to an investigation. For example, an officer has arrived on scene and the initial contact is over, the suspect has left, or the officer is now taking written statements, identifying witnesses, or processing the crime scene.
- D. Audit: The supervisors review of BWC recordings to ensure compliance with departmental directives.
- E. Pre-Event Buffering is the BWC continually recording video, but not committing it to memory (this means it's not recording audio). Once you activate the record on/off button, the previous 30 seconds of video is then committed to memory on the system.
- F. Release: To provide a copy of a recording.
- G. Disclose: To make a recording available for viewing or listening by the person requesting disclosure.

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- H. Entry Team: Any sworn employee whose purpose is to enter and make safe a structure during the execution of a search warrant or with exigent circumstances.
- I. Search Team: Any sworn employee who, pursuant to a judicial order or exigent circumstances, conducts a search of a structure to locate persons involved in a crime or evidence of a crime.

IV. DUTES AND RESPONSIBILITIES OF DEPARTMENT EMPLOYEES

A. CHIEF OF POLICE

The Chief of Police shall:

- 1. Ensure compliance of this directive by all personnel.
- 2. Review and determine whether to seek the release of any BWC recordings that is in the best interest of public safety and in accordance with state and federal law.

B. EXECUTIVE STAFF SUPERVISORY RESPONSIBILITIES


Executive Staff members shall:

- 1. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.
- 2. Ensure compliance of this directive by all personnel under their command.
- 3. Utilize BWC audits to identify policy and training issues. When identified, they will coordinate with the Training Bureau to develop and implement best police practices
- 4. Make the final adjudication on allegations related to ROC #42.

C. CAPTAIN SUPERVISORY RESPONSIBILITIES

Captains responsible for personnel using BWC equipment shall ensure:

- 1. Adherence to established procedures for the use and maintenance of BWC equipment, recording media, and the completion of BWC documentation.
- 2. Compliance of this directive by Lieutenant's and personnel under their command.
- 3. Recordings related to an administrative investigation are properly categorized in the investigative file prior to the scheduled deletion date from the digital storage system.
- 4. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

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**D. LIEUTENANT SUPERVISORY RESPONSIBILITIES**


Lieutenants responsible for sergeants and officers using BWC equipment shall:

1. Review current recordings and document best police practices and compliance with this directive as a part of a sergeant's PRD or video audit.
2. Ensure compliance with this directive by sergeants and officers under their command.
3. Ensure recordings related to an administrative investigation are properly bookmarked in the investigative file prior to the scheduled deletion date from the digital storage system.
4. Ensure all BWC video in felony cases, involving a Sergeant, are reviewed for personnel related matters no later than 30 days post papering acceptance and prior to the DA-Superior Court Services Unit duplicating any recordings.
5. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

**E. SERGEANT SUPERVISORY RESPONSIBILITIES**

Sergeants shall ensure:

1. All employees issued a BWC are properly wearing their BWC prior to beginning their scheduled shift.
2. All BWC's are properly docked for charging and uploading at the end of an officer's shift. When feasible, supervisors should ensure cameras are not removed from their docking station before the uploading of recordings is complete.
3. Proper troubleshooting steps are followed upon notification of any damage or malfunction of a BWC. If the issue is unable to be resolved, the supervisor will direct the officer to make contact with the RTCC for a loaner BWC. If a loaner is not available it shall not prevent the officer from working the remainder of his/her shift without a BWC. However, the officer will be paired with another officer whose BWC is operational. The Sergeant shall notify the officer to document in his/her departmental reports the reason for lack of BWC recordings.
4. BWC recordings are to be documented by the officer in all associated reports under the corresponding complaint number.
5. An audit of selected BWC video is reviewed to assess an officer's performance, that the camera is being utilized according to this directive, and to identify any video that may benefit future training.

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6. Officers investigating cases have all video properly categorized by the Officer in Charge (OIC). When video is categorized incorrectly, they shall ensure this is corrected within 24 hrs.
7. That video associated with any complaint received is properly categorized with IACMS by the end of his/her shift.
8. Any BWC video in felony cases is reviewed for personnel related matters no later than 30 days post papering acceptance by the DA and prior to the DA-Superior Court Services Unit duplicating it for court.
9. Officers must notify their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the RTCC should be notified.
10. That they adhere to all operational and directive guidelines of an officer when utilizing a BWC to record citizen interactions.

**F. ALL SWORN RESPONSIBILITIES:**


All Sworn Employees issued a BWC shall adhere to the procedures listed below:

While wearing a BWC, sworn employees shall ensure the BWC is powered on for the duration of the on or off-duty shift as outlined herein;


1. Officers and Sergeants assigned to Patrol shall wear and operate a BWC as outlined in this directive when working on or off-duty in uniform, when operating a vehicle equipped with emergency equipment or when wearing tactical vests for plainclothes operations.
  - a. Sworn employees assigned to CEU will not wear a BWC when wearing CEU chest protectors.
2. Sworn employees below the rank of Deputy Chief shall wear and operate a BWC as outlined in this directive when working secondary employment in uniform or when wearing a tactical vest for plainclothes assignments,
  - a. Officers and sergeants assigned to Patrol will be issued two BWCs, one for on-duty and one for off-duty.
  - b. All BWCs used for on-duty recordings shall be placed in the division dock at the end of the employees shift. The secondary camera shall be removed and retained by the employee for use at off-duty employment, traveling to and from work while in uniform operating a marked vehicle. Upon return to on-duty the process will repeat and the “off-duty” camera shall be returned to the division dock for charging and downloading

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- (1) It is understood that some employees do not work off-duty on a regular basis; however, this process is required each duty day to maintain the software and battery of all cameras,
3. Sworn employees working off-duty will be expected to dock and download any video recorded that is associated with complaints, uses or force or other situations as directed by a supervisor before the employee ends their tour of duty. The docking and downloading can be done at any division office in any open dock port. The employee shall wait until all video has been downloaded before removing the camera.
  - a. All other recordings shall be downloaded by docking the camera at the employees division office upon the employees return to duty unless that return will be delayed longer than the employees normal days off (2 or 3 days).
4. Sworn employees assigned as School Resource Officers are not required to wear a BWC while working on campus during normal school hours.
  - a. Sworn employees filling-in for absent School Resource Officers shall not wear a BWC while working on campus during normal school hours.
  - b. Sworn employees responding to a call for service at a Charlotte-Mecklenburg School shall operate a BWC as outlined in this Directive for calls for service.
5. Sworn employees assigned as a School Resource Officers shall wear and operate a BWC when working on campus during non-school hours, when working secondary employment in uniform or when working any other assignment outlined in this directive.
6. Sworn employees assigned to SWAT, VCAT, MET, Gang, Firearms shall abide by this directive and any additional requirements outlined in their specific unit standard operating procedure.
7. Sworn employees in a hire-back status shall wear and operate a BWC as outlined in this directive for on-duty and secondary employment.
  - a. BWC's will be docked no less than every 3 days. Hire-back officers will be required to wait until all video has downloaded until removing the camera and working a secondary employment assignment.
8. Sworn employees shall wear the BWC attached to the outermost garment on the upper, center area of the chest utilizing the issued mounting bracket.

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- a. It is recommended that the inner magnet be placed inside the trauma plate pocket of the ballistic vest or the front chest pocket of the uniform shirt.
  - b. To assure adequate retention when wearing the camera on a coat, the magnet should be placed inside the outer coat fabric not the liner.
9. A BWC issued to a sworn employee, or any BWC equipment installed in a vehicle, is the responsibility of that employee and will be utilized according to departmental policy.
10. Sworn employees issued a BWC shall not circumvent the automatic activation features of the BWC including the avoidance of utilizing vehicle emergency warning devices or powering off a BWC prior to the use of equipment installed with an automatic activation device.
11. A pre-shift audio and video recording test shall be conducted utilizing all available automatic activation devices such as blue light automatic activation and Conducted Electrical Weapon (CEW) automatic activation. Test videos will be categorized as Test.
  - a. Test videos shall be played back utilizing the department issued viewer, department issued smart phone or the employee's personal smart phone.
    - (1) The Axon View app which is free to download and does not store any data on the user's smart phone.
12. Prior to, and throughout each on-duty or secondary employment shift, sworn employees shall ensure that all components of their BWC are working satisfactorily.
13. If a malfunction occurs at any time with a BWC or other BWC component you shall immediately notify a supervisor.
14. All sworn employees issued a BWC shall sign into CAD when working in a capacity that requires the wearing of a BWC.
  - a. Sworn employees shall either sign into CAD or contact the Communications Division via radio and request to be signed in for secondary employment.
  - b. Two-officer CFS units must utilize a two officer unit ID and both officers' code numbers shall be logged into CAD.
  - c. All two-officer specialized unit cars must also sign into CAD with both officers' code numbers.


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15. Sworn Employees must ensure non-police related electronic devices within the vehicle (music radios, CD players, etc.) are turned off when the BWC is activated.
  
16. BWCs shall be turned on and activated to record when a sworn employee is assigned to any call for service, crime related interactions with citizens while on duty or working secondary employment. Recording shall occur prior to or in anticipation of the following circumstances:
  - a. 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
  - b. Suspicious vehicles or persons;
  - c. Voluntary Investigative Contact: The mere suspicion of some type of criminal activity by a person;
  - d. Arrests;
  - e. Use of force;
  - f. When operating a vehicle in an emergency response or pursuit;
  - g. Calls for Service (CFS):  
A BWC recording shall be activated upon response assignment to all calls for police service, on or off-duty;
  - h. K-9 tracks and K-9 building searches.
  - i. When requested by a citizen during an interaction with a sworn employee.
  - j. 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.
    - (1) Once a sworn employee determines there is reasonable suspicion or probable cause to detain the driver, the officer shall begin recording with their BWC.
    - (2) Except as listed above, sworn employees are not required to record during the entire duration of the checkpoint.
  - k. During the entire duration of the transportation of any prisoner who:
    - (1) Has been involved in a use of force;

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- (2) Is argumentative and/or combative;
  - (3) Is verbally abusive;
  - (4) Is using any other inappropriate and/or suggestive or sexual language;
  - (5) Is injured or claims to be injured;
  - (6) Any situation that the officer deems necessary.
  - (7) Sworn employees shall position their DMVR camera, if available, to also record the actions of the prisoner.
- i. Search warrants or exigent circumstance searches of vehicles, buildings, and other places.
- (1) Sworn employees shall not record the preparations for the tactical service of any search or arrest warrant.
  - (2) All sworn employees 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.
  - (3) All sworn employees issued a BWC who are participating in a search authorized by a search warrant or with exigent circumstances shall record until the search has been concluded and all evidence has been located and properly confiscated.
- m. Consent Searches
- (1) During a consent search officers shall record him or herself asking for consent and the citizen's response to that request.
  - (2) 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.
- n. Officers shall record show-ups either with the BWC or DMVR; whichever is most prudent.
17. Employees with marked take-home vehicles shall wear and operate, as outlined in this directive, a BWC when operating the vehicle while in uniform regardless of duty status.
18. A BWC recording shall be stopped during non-enforcement activities such as traffic control, criminal investigations, or when no adversarial events are




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ongoing. An example of this would be the time in which a CFS or other defined recording event changes from adversarial or a fact finding contact to a criminal investigation. For example, an officer that has arrived on scene and the suspect has left and the officer is now taking written statements, identifying witnesses, and processing the crime scene.

19. When an incident has ended, the officer shall stop the BWC recording and enter the appropriate category and when necessary the incident complaint number.
20. Sworn Employees shall insure all BWC recordings are properly categorized prior to the completion of their shift.
  - a. Sworn Employees shall be required to add categories and complaint numbers, when appropriate, when videos are recorded during secondary employment.
    - (1) Sworn employees may utilize, when available, a departmentally issued viewer, smartphone or personal smartphone to view, categorize or add complaint numbers to videos.
    - (2) Sworn employees must categorize videos recorded during secondary employment assignments immediately after download utilizing evidence.com if a departmentally issued viewer, departmentally issued smart phone is unavailable or the sworn employee chooses not to utilize his/her personal smartphone.
21. Sworn Employees shall complete any corrections to the categorization or addition of a complaint number within 48 hours of being notified of the error.


Category is the term used to identify the selections an authorized user can classify an event that has been recorded.

<b>Category</b>	<b>Retention Period</b>
Non-Citizen Involvement	45 Days
Traffic Stop – Warning	45 Days
Traffic Stop – Infraction	45 Days
Traffic Stop – Misdemeanor	3 Years
Traffic Stop – Felony	20 Years
Non-Criminal Offenses	45 Days
IACMS	4 years
Criminal Investigation – Non Felony	3 Years
Criminal Investigation – Felony	20 Years
Test	45 Days
Accidental	45 Days
SWAT Use Only	45 Days
VCAT Use Only	45 Days


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Retention Category Definitions:

- a. Non-Citizen Involvement: Video that does not contain an interaction with a citizen, suspect or associated with any other category. Ex: Pre shift test video, blue light and TASER spark test, accidental activation.
  - b. Traffic Stop Warning: Verbal or written warning, with no citation or arrest, regardless of reason for stop.
  - c. Traffic Stop Misdemeanor, Felony: Outcome of the traffic stop is a misdemeanor or felony investigation or charge.
  - d. Non-Criminal Offenses: Interaction with a citizen that is not related to a criminal charge or investigation.
  - e. IACMS: All video associated with an internal investigation should be categorized IACMS. If the suspect is charged with a misdemeanor or felony, it shall additionally be categorized with the appropriate additional category.
  - f. Criminal Investigation – Non Felony: The outcome of the incident results in a criminal investigation or charge that is not related to a traffic stop or felony.
  - g. Criminal Investigation – Felony: The outcome of the incident is a felony criminal investigation or charge that is not related to a traffic stop.
  - h. Test – Shall be used for Test videos only.
  - i. Accidental – Shall be used only for those videos that were accidentally started.
  - j. SWAT Use Only – Shall be used by SWAT Officers ONLY in conjunction with SWAT operations and will be accompanied by other appropriate categories based on the outcome of the incident.
  - k. VCAT Use Only – Shall be used by VCAT Officers ONLY in conjunction with VCAT operations and will be accompanied by other appropriate categories based on the outcome of the incident.
22. In the event a sworn employee loses or damages his/her BWC, the employee shall immediately notify his/her supervisor who will initiate a lost equipment memorandum through the officer's chain of command to the Body Worn Camera Policy and Compliance Administrator.
  23. The supervisor will then notify RTCC.

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24. BWC recordings will be automatically uploaded using a docking station at the division offices.
25. Sworn Employees are responsible for notifying their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the Agency System Administrator should be notified.
26. If a BWC is determined to be non-operational during an on duty or secondary employment shift, the sworn employee will notify their supervisor and contact the RTCC.
  - a. If the camera is unrepairable and/or a replacement is unavailable the sworn employee shall be partnered with a sworn employee with an operational BWC for the remainder of the employee's shift.
    - (1) If the sworn employee is working secondary employment the employee's supervisor must be personally notified by the employee and documented in the XtraDuty notes of the secondary employment record.
27. BWC's will only be used for law enforcement purposes in accordance with applicable law and departmental policy.
28. Unless present in an official capacity, the BWC shall not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.
29. Prior to conducting a strip search, the officer shall record a 360-degree video of the location where the search will be conducted; however, before any part of the actual strip search begins, the sworn employee shall verbally record the reason the BWC is being turned off. Once the reason is recorded the sworn employee(s) shall properly power off the BWC. As soon as the search is complete, the BWC shall immediately be powered back on.
30. To aid in the protection of the right to privacy, sworn employees shall not record while:
  - a. In a patient care area of a health care facility, unless the patient becomes adversarial with the officer or others.
  - b. Discussing a case with other sworn employees or supervisors;
  - c. Conducting tactical planning;
  - d. In the presence of a Confidential Informant (CI)
  - e. In the Intake Center or Jail;
  - f. In the magistrate's office or any state or federal court;

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- g. Having discussions with attorneys, peer support counselors, doctors, etc;
  - h. Involved in a department, supervisory, or public meeting;
  - i. In a classroom and/or when in a testing environment;
  - j. Any person or conversation that is not involved in a call for service or event as outlined in this directive.
31. The viewing of any recording for anything other than approved departmental purposes is prohibited. Ex. sworn employees shall not use the BWC as a means to conduct a field show up of a suspect.
  32. It shall be the responsibility of the Officer in Charge (OIC) of a case to ensure all recordings which constitute evidence or are required to be included in a case file are properly categorized and maintained for storage prior to their scheduled deletion date. In instances where a video is not properly categorized, the OIC shall contact the officer whose video it is and have them correctly categorize it. If the officer has not made the necessary change within 48 hours the OIC shall notify their division supervisor to have the video properly categorized.
  33. Sworn employees shall document within a KBCOPS or Miscellaneous Incident report (CAD) that a BWC recording exists. This documentation shall include a brief description of what was captured by the video.
  34. Sworn employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC.
  35. PTO's training new officers using BWC equipment will ensure and document in their PTO manual that officers understand when to and not to record events as outlined within this directive.
  36. Once a BWC is started, sworn employees shall continue to record until the incident evolves into a criminal investigation or the adversarial action has stopped. However; sworn employees shall record all traffic stops in their entirety; which includes the following of a vehicle they intend to stop or has failed to stop until the vehicle has stopped or sworn employees have left the stop or the sworn employee stops following the vehicle.

**G. ADMINISTRATOR RESPONSIBILITIES**

**1. Policy and Compliance Administrator**

The Agency Policy and Compliance Administrator shall be an Executive or Command Staff member responsible for developing policy and conducting video audits to ensure accountability and compliance with the BWC directive.

The Policy and Compliance Administrator shall:

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Oversee an audit process and ensure compliance with this directive.

a. Random Audit

- (1) Create a random report that supervisors will use to perform audits of BWC video on a quarterly basis. These audits do not preclude a supervisor from reviewing video during the course of his/her regular duties as needed.
- (2) Upon completing the division level review the supervisor shall document their findings and submit to the Agency Policy and Compliance Administrator.

2. Agency System Administrator:

The CMPD Computer Technology Solutions (CTS) Official responsible for:


- a. Maintaining an accurate list of all users in the BWC and digital storage management system.
- b. Assigning permissions and roles to users in the BWC system based on transfers/promotions
- c. Maintaining overall maintenance of the BWC System.
- d. Responding to requests from Division Administrators.
- e. Redacting or deleting any video in consultation with the Agency Compliance Administrator. Any video redacted shall be documented in the KBCOPS report associated with that video.

3. Division Administrator:

The Division Administrative Sergeant or Division Commander's designee will coordinate the BWC program within the division and is the first point of contact to address questions or issues.

V. RECORDING CONTROL AND MANAGEMENT

- A. All video/audio recordings are the property of CMPD and will not be duplicated except as described in (Section V.G.).
- B. 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 that accesses all video within the system.
- C. Employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC, unless authorized by this directive.


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- D. Each video recording has a Chain of Custody Audit Trail which documents all events associated with the file.
- E. The BWC system automatically deletes recordings from the server when the retention period for the categorized recording has elapsed. The retention period is set by the system according to specific categories assigned to the video by the officer, supervisor or authorized user.
- F. Digital files associated with an investigation shall be disposed of or deleted in accordance with current CMPD policy and state and federal laws.
- G. Recordings shall be released for court and law enforcement purposes only. Release for court purposes shall only be conducted by the following units under the direction of a sergeant assigned to that unit:
  - 1. Court Liaison Unit
 

District Court – Duplicates will only be created by the Court Liaison Unit. Officers must make the request at least 48 hours prior to the court date and provide the correct category and complaint number. The Court Liaison Unit shall be responsible for ensuring the needed recording is duplicated and delivered to the District Attorney’s Office or courtroom. Duplicate recordings shall not be given to a defense attorney or other entity.
  - 2. DA-Superior Court Services Unit
 

DA Papering – Duplicates shall only be created by the DA-Superior Court Services Unit. If a case is accepted for prosecution, the Papering ADA will notify the DA-Superior Court Services Unit, who shall then be responsible for ensuring a duplicate recording is delivered to the requesting ADA. These duplicates shall not be made before receiving written notification from the division supervisor that the video has been reviewed for any personnel related matters. These will then be accessible for Superior and Federal Court Cases.
  - 3. Homicide Unit
    - a. A sergeant within the homicide unit must authorize duplication of any video a homicide detective needs for an investigative purpose.
    - b. Detectives shall ensure all recordings stored on a BWC system have been categorized appropriately.
  - 4. In-Service Training Unit
 


A sergeant with the In-Service Training Unit may authorize the duplication of a BWC recording for use in training in compliance with V.H.2.
  - 5. BWC Compliance and Policy Administrator and Agency System Administrator

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- a. The employees in these positions shall have authority to create release copies as directed by the court.
- b. The employees in these positions shall have the authority to create redacted court related copies as directed by the court.

H. Access to Review Video/Audio Recordings:

- 1. Authorized users and access levels are defined as follows:
  - a. Lieutenant's and above, Internal Affairs, and Police Attorneys: Access to all recorded video files. Can categorize files for extended retention.
  - b. Sergeant's: Access to officer video files within their division. Each can categorize files for extended retention.
  - c. Patrol Officers: Access to only their video files and can categorize them for extended retention.
  - d. The Agency Administrator: Access to all video files and can restrict or limit access to authorized users. Will have access to manage, redact (as ordered by the court) and set permissions on the entire system.
- 2. Recordings which do not involve an active internal or criminal investigation, an active criminal prosecution, or classified as criminal intelligence that have a training benefit, shall be forwarded to the Agency Policy and Compliance Administrator for review. These recommendations shall then be forwarded to the Training Division Captain for further action.
  - a. Video recordings associated with a closed internal investigation may be used for internal training purposes only.
  - b. The use of any recording for training will require the authorization of any employee whose image or voice is recorded on the video.
  - c. The use of any recording for training will be restricted to training conducted by CMPD employees for CMPD employees. At no time will a BWC recording be used for any non-law enforcement training or when the trainer is employed to provide the training by an employer other than CMPD.
  - d. Sworn employees may review their BWC video to aid in completing incident reports, preparing for court testimony, or completing statements for internal investigations except as outlined in e below.
  - e. Sworn Employees may review their BWC video in Significant Officer Involved incidents such as officer involved shootings after providing a

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statement to detectives or sergeants with the Criminal Investigations Bureau and/or Sergeants with the Internal Affairs Bureau.

f. Defendants in pending criminal cases may view videos in accordance with NC Discovery laws as permitted by the District Attorney's Office.

### 3. Disclosure of Law Enforcement Video/Audio Recordings

a. Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

b. Recordings shall be disclosed only as provided by Chapter 132 of the General Statutes, GS 132-1.4A

c. Disclosure shall consist only of those portions of a recording that are relevant to the person's request.

d. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

e. The following individuals may receive disclosure of a video/audio recording:


- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

f. A person requesting disclosure of a recording must complete a Video Disclosure Request form located on the CMPD Web-Site and forward the request and any supporting materials to the address contained within the form.


g. The BWC Policy and Compliance Administrator shall review all disclosure request forms to determine if disclosure is permitted and reply to the requestor in writing.

h. Disclosure may be denied if;



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- (1) The person requesting disclosure of the recording is not a person authorized to receive disclosure.
  - (2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
  - (3) Disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
  - (4) Disclosure may harm the reputation or jeopardize the safety of a person.
  - (5) Disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
  - (6) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- i. Once approved for disclosure, the BWC Policy and Compliance Administrator shall forward through the IACMS system a notification to the Chain of Command of the officer(s) who recorded the requested video.
  - j. The receiving chain of command shall assign the disclosure to a supervisor who shall immediately review the video(s) associated with the disclosure for policy violations. If violations are observed, the supervisor shall initiate an internal investigation and document same in IACMS by adding the violations to the BWC Disclosure record originally forwarded.
  - k. The assigned supervisor shall contact the requesting party within five (5) days of receipt of the IACMS disclosure request to arrange a convenient time to review the video(s).
  - l. Upon completing the disclosure the assigned supervisor shall document the conclusion of the action in the IACMS record for the disclosure.
  - m. Failure to complete a disclosure as outlined herein may result in disciplinary action.
4. Release of Law Enforcement Audio/Video Recordings
    - a. Release or Disclosure without a Court Order to District Attorney.  
CMPD shall disclose or release a recording to a District Attorney without a court order:
      - (1) For their review of potential criminal charges;

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- (2) In order to comply with discovery requirements in a criminal prosecution;
  - (3) For use in criminal proceedings; or
  - (4) For any other law enforcement purpose.
- b. Release or Disclosure by Chief of Police without a Court Order.

The Chief of Police may disclose or release a recording without a court order for the following purposes:

- (1) For law enforcement training purposes;
  - (2) Within CMPD for any administrative, training, or law enforcement purpose;
  - (3) To another law enforcement agency for law enforcement purposes.
- c. In compliance with §132-1.4A(f), the Police Attorney's Office, upon request of the Chief of Police, shall petition the Court for an order to release Body Worn Camera video to the public in all significant officer involved incidents where a citizen is seriously injured or killed.
- (1) The PAO shall notify the Director of the PIO's Office and the City Attorney of the Chief's desire to seek release.

Within seven (7) days the Chief of Police will evaluate the status of the investigation to determine the earliest possible date the release can be sought. However, the petition to release a video will occur no later than the receipt of the prosecution decision letter from the District Attorney.

- d. Any employee whose image or voice is captured in a recording (and can be easily identified) shall be notified by the Internal Affairs Bureau or the BWC Policy and Compliance Administrator of the department's desire to have a recordings released.
- e. Any employee whose image or voice is captured in a recording shall have an opportunity to appear in the superior court hearing associated with the release request. The Police Attorney's Office shall notify all identified and affected employees of the date and time of any hearing associated with the request.
- f. Release for reasons other than those outlined in Section V,H4a-b, requires that the person seeking release petition the Superior Court of Mecklenburg County or the county in which the recording was made.

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- (1) The PAO shall notify the Director of the PIO's Office and City Attorney upon receipt of the notice to seek release.

## VI. REFERENCES

[Rules of Conduct, Rule #42](#)  
[200-001 Discipline, Internal Investigations and Employee Rights](#)  
[400-003 Equipment, Lost or Damaged Equipment](#)  
[600-009 Traffic Enforcement Procedures, Checking Stations](#)  
[600-022 Emergency Response and Pursuit Driving](#)  
[800-004 Public Records Retention and Disposition](#)  
 N. C. G. S. 132-1 and 1.4A  
 N. C. G. S. 160A-168(c)  
 N. C. G. S. 15A- 903  
 CALEA