

DRAFT Testing/Evaluating Phase Started March 16, 2015.

BUNCOMBE COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURE MANUAL

Chapter 2 Administration & Personnel	Subject Body Worn Cameras	Policy # TBD	Number of Pages 7
Initial Effective date TBD	Revision Date	Approved by Jack V. Duncan, Sheriff	

I. Introduction and Purpose

The primary purpose of the body worn camera (BWC) is to record the interaction between law enforcement and the public.

This policy is intended to provide deputies with instructions on when and how to use body worn cameras so that deputies may reliably record their contacts with the public in accordance with the law.

II. Policy Statement

It is the policy of the Buncombe County Sheriff's Office that deputies activate body worn cameras when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. The use of body worn cameras will apply whether deputies are on-duty or engaged in secondary and extra duty employment when utilizing a department vehicle or otherwise equipped with an in-car and/or BWC.

III. Definitions

Body Worn Cameras - A Body Worn Camera (BWC) is a video and audio recording system worn "on-the-body" of an assigned deputy as an additional means of documenting specific incidents in the field.

IV. Procedures

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWC's allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of deputy reports and testimony in court.
2. Audio and video recordings also enhance the department's ability to review probable cause for arrest, deputy and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for deputy evaluation and training.
3. The BWC may also be useful in documenting crime and other events that include the confiscation ~~and documentation~~ of evidence or contraband.

B. When and How to Use the BWC

1. Deputies shall make every reasonable effort to activate their BWC prior to making contact with the public in any of the following instances:
 - a. Enforcement encounters where there is a reasonable suspicion that the person is involved in criminal activity or a violation of the law;
 - b. Self-initiated activities;
 - c. Traffic stops;
 - d. Any other investigative or enforcement encounter.
 - e. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.
2. Deputies may activate the BWC before or during any other incident at their discretion.
3. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

4. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the deputy shall document why a recording was not made, was interrupted, or was terminated. (This documentation will be made in an incident report (if generated), or in CAD notes if the situation doesn't merit creating a report. It may should also be noted on the proprietary software provided by Viewu.

4. Civilians are not generally allowed to review the recordings at the scene unless approved by a supervisor. There may be occasion where witnesses should have the opportunity to view recorded video in order to aid in an investigation in the field,

5. There are many situations where the use of BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, deputies should activate the system any time they feel its use would be appropriate and/or valuable to document an incident. When in doubt, it is suggested that the deputy record the incident.

C. Procedures for BWC Use

1. BWC equipment is primarily issued to uniformed personnel as authorized by the Sheriff or his designee. Deputies who are issued BWC equipment must use the equipment unless otherwise authorized by a supervisor.
2. Deputies shall use only BWC's issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Buncombe County Sheriff's Office.
3. Deputies who are ~~issue~~ issued BWC's must complete an agency approved training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute BWC recordings in any manner other than as stated in this policy, without prior written authorization and approval of the Sheriff or his designee.

5. Deputies are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
6. If a deputy is formally accused of wrongdoing, using excessive force leading to serious injury, or an officer involved shooting, the Sheriff or his designee reserves the right to limit or restrict a deputy from viewing video files.
7. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Sheriff or his designee in accordance with the "Municipal Records Retention & Disposition Schedule" issued by the NC Department of Cultural Resources, Division of Archives and History. All requests and final decisions shall be kept on file.
8. Deputies shall note in incident, arrest, and related reports when recordings were made during the incident in question, and make the appropriate request for recorded copies to be preserved and stored.
9. BWC recordings are not a replacement for written reports. Deputies should continue to prepare reports in the same manner as prior to implementation of the BWC system. Deputies should not substitute "referral to video" for a detailed and thorough report. The video should be a visual representation of what is written in the report but cannot be used in lieu of portions of the narrative.
10. The BWC should be switched on when footage might support "professional observation" or would corroborate what would be written in a field notebook.

D. Restrictions on Using the BWC

1. BWCs shall be used only in conjunction with official law enforcement duties. Deputies shall not use the BWC to record any personal conversation of or between another department employee without their knowledge or permission.

2. Other than as outlined in this policy, the BWC shall not generally be used to record:
 - a. Communications with other police personnel without the permission of the Sheriff or his designee.
 - b. Encounters with undercover officers or confidential informants;
 - c. When on break or otherwise engaged in personal activities; or
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned deputy.
2. All images and sounds recorded by the BWC are the exclusive property of Buncombe County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Sheriff or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized law enforcement purposes.
4. Files should be securely stored in accordance with the "Municipal Records Retention & Disposition Schedule" issued by the NC Department of Cultural Resources, Division of Archives and History, and no longer than useful for purposes of training or for use in an investigation or prosecution. "Non-locked down" videos will be kept for 31 days. Those labeled "locked down" and capital punishment prosecution recordings shall be kept until the offender is no longer under control of a criminal justice agency.

F. Deputy Responsibilities

1. BWC equipment is the responsibility of individual deputies and will be used with reasonable care to ensure proper functioning. Equipment malfunctions

shall be reported to a supervisor as soon as possible so that a replacement unit may be procured.

2. Placing the camera in a position to ensure video recordings capture events in the best manner possible. However, deputies should not disregard safety for the purpose of positioning cameras for video recording.
3. Deputies shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify a supervisor of any problems.
4. Personnel utilizing the BWC shall also be responsible for the following:
 - a. Ensuring the battery on their unit is appropriately charged for daily use and operation, with video and audio operating properly.
 - b. Immediately reporting unresolved equipment malfunctions and/or problems to a supervisor.
 - c. Ensure that sound producing non-police related devices (music radios, CD players, etc.) within the police vehicle are turned off when the recording mode of the BWC is activated so as not to hinder good quality audio recording by the device.
 - d. When a deputy has both an in-car camera and BWC, the deputy will utilize both systems.
 - e. Monitoring the system effectiveness and making recommendations for operational improvements and policy revision.
 - f. Categorizing recordings appropriately when downloading. When applicable, ensure that requests for recorded copies to be locked down be preserved and stored.
 - g. Document use of BWC recording on the following:
 - i. In the officer narrative of incident reports.
 - ii. In CAD when appropriate.
 - iii. In an incident supplement.
 - iv. As a notation on a citation.
 - v. On a Field Interview (FI) report.

G. Supervisory Responsibilities

1. Supervisors shall ensure that deputies equipped with BWC devices utilize them in accordance with policy and procedures.
2. During monthly inspections, supervisors will inspect BWC's to ensure the equipment is operating properly, and that deputies are using the devices appropriately and in accordance with policy.
3. Supervisors will facilitate notifying the Training Division of any BWC equipment that is out of service due to malfunctions and/or problems.
4. Supervisors may identify any areas in which additional training or guidance is required.

H. Agency Review

1. Digital recordings shall not be randomly reviewed to monitor deputy performance.
 2. Law enforcement officers may have access to their recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the Sheriff.
1. Dissemination of Video Recordings
 1. All recorded images and audio are the property of the Buncombe County Sheriff's Office and are part of an official investigative or administrative investigation. Any dissemination of such files are prohibited without the express consent of the Sheriff or his designee.

DATE OF LAST REVISION: 5-1-2015

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