

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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## INTRODUCTION

This policy is intended to provide members with instruction on when and how to use body worn cameras so that members may accurately document public contacts, arrests, and other incidents while attempting to solve violations of the law and otherwise serve the public interest.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that members activate body worn cameras when such use is appropriate for the proper performance of their official duties and where consistent with this policy and the law.

This policy does not govern the use of in-car recording systems, surreptitious recording devices used in undercover operations, or the interception of electronic communication for lawful authorized investigative purposes. This policy will apply when members are on-duty and/or engaged in secondary and extra duty employment.

## DEFINITIONS

Body Worn Cameras: A body worn camera is a video and audio recording system worn “on-the-body” of an employee for documenting incidents in the field.

## RULES AND PROCEDURES

### 509.1 OPERATION AND REPORTING REQUIREMENTS

- A. It is each officer’s responsibility to ensure that their assigned body worn camera is charged and in good working order. Prior to going into service, each officer will test the body worn camera in accordance with manufacturer specifications and department training. Testing includes, but is not limited to:
  - 1. Confirming that the body worn camera is functioning properly;
  - 2. Verifying the body worn camera has adequate power;
  - 3. Ensuring that the body worn camera is properly placed/affixed for optimal use.
- B. At the end of a member’s shift, the body worn camera will be secured and set for charging in accordance with manufacturer specifications and department training.
- C. All members will download all recordings from their assigned body worn camera and upload to the central system no later than the end of each shift.
  - 1. Members will inform their supervisors if exigent circumstances prevent downloading recordings at the end of a shift. Files must be downloaded before the end of the next shift absent extreme circumstances and with a supervisor’s written permission.
  - 2. Each file downloaded will contain information related to the date, the body worn camera identifier and the assigned member.
  - 3. In the event of an officer-involved shooting, in-custody death or other incident involving an officer that results in serious bodily harm or death, a supervisor will immediately take physical custody of the involved member’s body worn camera and assume responsibility for downloading any recordings.
- D. Members will ensure recordings are categorized and tagged at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage, and when applicable, properly labeled for retention as evidence.
- E. Body worn cameras will be removed from service any time a member discovers a malfunction. Any and all technical or mechanical issues with a member’s body worn

camera, including running out of power, must be reported to a supervisor as soon as reasonably possible and documented in writing. Such documentation is for the member's protection in the event a body worn camera fails to record a citizen contact that later becomes the subject of a complaint.

- F. Members will ensure that sound producing non-law enforcement related devices (music on radios, etc.) within police vehicles are turned off when the recording mode of the body worn camera is activated so as not to hinder audio recording quality.
- G. When a member has both an in-car camera and body worn camera, both systems will be utilized in accordance with this policy and [APD Policy 1801](#) (Mobile Video Equipment).

### **509.2 ACTIVATION OF THE BODY WORN CAMERA**

- A. Members will activate the body worn camera to record all contacts with citizens in the performance of official duties. Unless otherwise noted in this policy, body worn cameras will be activated in the following situations, regardless of whether they involve citizen contact:
  - 1. Upon arrival at all dispatched calls;
  - 2. When conducting or supporting a traffic stop;
  - 3. When approaching suspicious persons or vehicles;
  - 4. During transport and processing of prisoners;
  - 5. While operating a vehicle with any emergency equipment activated;
  - 6. During the initial inventorying of seized monies or any high value property (e.g. firearms and drugs);
  - 7. During any other investigative or enforcement encounter; and/or
  - 8. At any other time at the member's discretion, if not otherwise prohibited elsewhere in this or any other policy.
- B. Once activated, the body worn camera will remain on and activated until the member's direct participation in the incident that caused the activation has concluded unless otherwise allowed by this policy.
- C. Members should inform subjects they are being recorded unless doing so would be unsafe, impractical, or impossible.
- D. Any incident that is recorded with a body worn camera will be documented in the member's report if a report is created. If a traffic citation is issued, the member will make a notation

on the citation indicating that the incident was recorded. If a member fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, the member will document and notify their supervisor why a recording was not made, was interrupted, or was terminated.

- E. Members will note in incident, arrest, or any other relevant paperwork when recordings were made during the incident in question, and make the appropriate request for recorded copies to be preserved and stored in accordance with current guidelines for the storage of documentary evidence.
- F. At no time is a member expected to jeopardize his/her safety in order to activate a body worn camera; however, the body worn camera should be activated as directed by this policy as soon as practical.

### **509.3 GUIDELINES FOR THE USE OF BODY WORN CAMERAS**

- A. Members will not surreptitiously record other department or City of Asheville employees during non-enforcement related activities unless lawfully authorized by the Chief of Police.
- B. Members are prohibited from using department-issued body worn cameras for personal use and are prohibited from making personal copies of recordings.
- C. Members are not permitted to use any non-department issued body worn cameras under any circumstances. Members are prohibited from retaining recordings, and will not duplicate or distribute such recordings, except for authorized legitimate department purposes.
- D. Body worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the City of Asheville.
- E. Recordings will not be used for the purpose of embarrassment or ridicule of any person.
- F. Recordings made using body worn cameras pursuant to this policy are department records and will not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner other than as stated in this policy, without prior written authorization from the Chief of Police or designee.
- G. There are situations where the use of the body worn camera is not appropriate. This policy is not intended to describe every possible circumstance. Members should be aware of certain circumstances where operating the body worn camera may not be appropriate such as:
  - 1. In a hospital emergency room or other area(s) where patients are actively receiving treatment;

2. At the request of crime victims;
3. Where footage might reveal the identity of a child victim of abuse;
4. When meeting with undercover members or confidential informants.

In such cases, members may decline to activate or may deactivate the body worn camera. All such instances must be appropriately documented and reported to the member's supervisor. In any event, members will activate their body worn cameras if any encounter turns adversarial, unless doing so would jeopardize officer or public safety.

- H. When determining whether to record interviews with witnesses and members of the community who wish to share information, members should consider both the evidentiary value of the recording and the subject's comfort with being recorded. To better capture evidence, members should record such interviews; however, if a person will not talk unless the camera is turned off, members may decide that obtaining information is more important than recording and deactivate the camera. All such instances must be appropriately documented and reported to the member's supervisor.
- I. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- J. The Chief of Police, any supervisor or any member of the Professional Standards Unit may limit or restrict any member from viewing recordings if those recordings relate to an instance where any member is accused or suspected of criminal wrongdoing, or violating any department policy, command or practice.
- K. Requests for deletion of portions of recordings (e.g. in the event of an accidental personal recording) must be submitted in writing and approved by the Chief of Police or their designee.
- L. Body worn camera recordings are not a replacement for written reports. Members should continue to prepare reports in the same manner as prior to implementation of the body worn camera system. Members will not substitute "refer 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.

#### **509.4 SUPERVISOR RESPONSIBILITIES**

- A. Supervisors will ensure that members equipped with body worn camera devices utilize body worn cameras in accordance with all applicable policies and procedures.

- B. During monthly inspections, supervisors will inspect body worn cameras to ensure equipment is operating properly and that members are using the body worn cameras appropriately and in accordance with this policy.
- C. Supervisors will ensure that the Law Enforcement Technology Specialist is notified of any body worn camera equipment that is out of service due to malfunctions or other problems, and will follow-up as necessary to ensure the problem is remedied in a timely manner.
- D. Supervisors may identify any areas in which additional training or guidance is required.

### **509.5 LAW ENFORCEMENT TECHNOLOGY RESPONSIBILITIES**

- A. The Law Enforcement Technology Specialist will be responsible for the following:
  - 1. Conducting monthly random audits. At least two (2) officers from each work unit will have portions of their body worn camera footage accessed and reviewed for compliance with this policy and the law. These audits will be documented on reports to the Operations Bureau Commander. [41.3.8 c]
  - 2. Routine review of recordings to confirm proper classification and tagging of videos, and to ensure evidence is properly classified and tagged with appropriate dates, times, case numbers, and users.
  - 3. Maintaining user accounts and permissions for body camera systems.
  - 4. Providing technical support for cameras, chargers, mounts and other equipment; including ordering, storing, and distributing replacement parts. This includes on-call technical support when necessary.
  - 5. Evaluation of the system on an ongoing basis to gather data regarding the program, service levels, reliability, and maintenance, making recommendations when necessary.

### **509.6 DEPARTMENT REVIEW**

- A. Digital recordings may be reviewed by supervisors in a member's chain of command, the Chief of Police, sworn members in the Professional Standards Section, the City Attorney's Office, or any other person designated by the Chief of Police.
- B. Persons making complaints regarding an officer's actions or behavior who are the subject of a video recording, the parent or legal guardian of a minor who is a subject of the video footage, or a deceased subject's next of kin or legally authorized designee, shall be permitted to review that specific video footage upon request.

- C. Sworn members may access and review recordings when preparing written reports or statements of events to help ensure the accuracy and consistency of accounts, except when the member's access to videos has been limited or restricted in accordance with this policy. To prevent damage, original recordings will not be viewed on any equipment other than equipment authorized by the Chief of Police or their designee.
- D. Each January, to ensure compliance with this policy and all applicable laws and regulations, the Professional Standards Unit will arrange for an audit of the department's use of body worn cameras conducted in accordance with procedures established by the City's Internal Auditor.

### **509.7 STORAGE AND RETENTION**

- A. All recordings shall be retained for at least the minimum time provided in the North Carolina Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources.
- B. All recordings not flagged for retention shall be retained for a maximum of sixty (60) days after they are created.
- C. Unless stated otherwise in this policy, it is the recording officer's responsibility to ensure that recordings useful for the investigation and prosecution of violations of the law are flagged for retention beyond sixty (60) days.
- D. Any recording not already flagged by an officer may be flagged for retention by any supervisor or [the Law Enforcement Technology Specialist](#).
- E. Officers are encouraged to inform their supervisor of any recordings that may be of value for training or commendation purposes, or where a recording may be useful for any other legitimate department or City purpose.

BY ORDER OF:

Tammy Hooper  
Chief of Police