



Wilmington Police Department

Directive: 5.11

Mobile Video and Evidentiary Recordings

Effective: 10/13/2004

Revised: 01/15/2014



CALEA Standards:

- I. **Purpose:** The purpose of this policy is to establish the procedures and guidelines for the use of mobile video equipment, body camera, and other recording devices in evidence gathering by members of the Wilmington Police Department.
- II. **Policy:** It shall be the Policy of the Wilmington Police Department to use evidentiary recordings only for legitimate law enforcement purposes. These recordings shall not be altered in any way and are the property of the Wilmington Police Department. Once a recording is marked as evidence, any portion of that recording that captures events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in this State or in the United States or an Infraction) is considered a record of a criminal investigation, as described in N.C.G.S. 132-1.4, and not a public record, as deemed in N.C.G.S. 132-1. Any portion of the evidentiary recordings that are used to subject an employee to departmental disciplinary action is a part of that employee's personnel file as defined in N.C.G.S. 160A-168, and is open to inspection only as provided by that statute.
- III. **Definitions:**
 - A. **Evidentiary Recordings:** Any image, including, but not limited to photographs, photograph negatives, Polaroid photographs, videos, video images, or digital still media that is related to crime scenes, traffic stops, arrests, or any investigative action. This also includes any audio recordings, including but not limited to audio tapes and digital media.
 - B. **MVRE:** (Mobile Video Recording Equipment): Currently L3 is the supplier of the in video recording devices. This includes the camera, screen, microphone, and storage device.
 - C. **MDVR:** (Mobile Digital Video Recordings): Video recordings that are made on the L3 camera system.
 - D. **Body Cameras:** Currently L3 is the supplier of the VIEVU camera (body camera) which is worn on the upper torso of the uniform. The camera is able to record video and audio anywhere the officer is legally justified to be.
 - E. **Investigative actions:** Any contact with a citizen or suspect that occurs on any call whether self-initiated or dispatched.
 - F. **Storage Device:** Any device that is utilized with a recording device to store any images, video, or audio. Examples of storage devices are USB Drives, flash drives, cameras, audio recording devices, key fobs, etc.

IV. Procedure:

A. Mobile Video Recording Equipment

No Mobile Video Recording Equipment (audio/video) shall be used in any Wilmington Police Department vehicle unless owned and installed by the Department or a vendor contracted to install the equipment by the Department.

Mobile Video Recording Equipment (MVRE) will automatically be activated when the vehicle's emergency warning devices are in operation. Emergency response requires activation of all emergency equipment, which will include Mobile Video Recording Equipment. The equipment may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic. Pressing the record button or turning on the wireless microphone transmitter can also manually activate Mobile Video Recording Equipment.

The MVRE shall be downloaded onto the server from department vehicles prior to securing the vehicle at the City garage or other repair facility. This can be done by parking the patrol vehicle at either station before bringing it the garage. The videos will remotely download.

1. Operational Procedures

Officers operating department vehicles with MVRE shall use the following procedures.

- a. Prior to beginning a tour of duty, the officer shall determine if the MVRE installed in their assigned vehicle is working properly, and shall promptly notify their supervisor of any malfunction or problem.
- b. Officers shall observe the following general procedures to ensure that the MVRE will properly record traffic stops or other enforcement actions undertaken in the field:
 - i. Make sure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record the events.
 - ii. The Mobile Video Recorder shall not be deactivated until the vehicle stop or other enforcement action is completed (may include transport of prisoner).
 - iii. The wireless microphone shall **always** be turned on in order to provide audio recording as well as video recording during Mobile Recording activation.
 - iv. Officers shall ensure they have adequate storage capacity for digital files to complete their tour of duty.
- c. Officers operating pool vehicles shall park the vehicle in the designated patrol parking areas to assure digital video download on a daily basis. **Wireless body packs are to remain in the docking station or on the passenger seat with the vehicle to which they are assigned. The L3 Systems automatically upload when vehicles are parked at either Headquarters or the Southeast Station.**

- d. Officers operating IVAP vehicles will upload to the server at least once during the work week to maintain the fewest number of files on the MVRE at any given time.

2. Guidelines for Use

MVRE will automatically activate when the vehicle's emergency lights are activated. Officers will confirm automatic Mobile Video Recording activation and verify that the wireless microphone is activated. MVRE may be manually activated at any time.

- a. MVRE's, including the wireless microphone, shall be activated during all traffic stops, pursuits, arrests, investigative actions, and any other relevant actions with the public. The officer will insure that the wireless microphone remains activated at all times during citizen contact to provide narration with the video and the recording shall not be stopped, paused, or otherwise interfered with until the investigative action is complete.
- b. Each time the MVRE is activated, the event shall be recorded in its entirety until the stop is terminated and the officer or violator has left the scene.
- c. Officers may deactivate the MVRE and wireless microphone equipment during non-investigative activity. The officer will be responsible for insuring that the system is fully activated, including the wireless microphone when an incident occurs.
 - i. Officers must carefully consider deactivation of the MVRE and must be prepared to justify deactivation in the event that an incident occurs while the MVRE is deactivated.
 - ii. Intentional deactivation during incidents where the use of the MVRE is required by this Order may be cause for disciplinary action. Obstructing, shielding, or any act of interference with the MVRE is not permitted.
 - iii. Officers will not cease recording an event, situation, or circumstances unless directed by a supervisor to do so.
 - iv. Officers will verbally confirm their intention to deactivate the MVRE on the audio portion of the system prior to it being deactivated each time.
- d. Officers directly or indirectly involved in any incident that requires written administrative documentation (ie. Use of force, vehicle pursuits, collisions, injury, damage to city property, citizen complaints, etc.) that has been recorded shall download/upload the files prior to ending their tour of duty.

3. Digital Video Files Control and Management

- a. All digital recordings generated by officers are the property of the Wilmington Police Department.

- b.** All digital recordings are the property of the City of Wilmington, and shall not be in the possession of officers except for purposes of court, training, investigations, or subpoena.
- c.** Digital recordings marked as “evidence” are automatically burned and retained in the Evidence Section.
- d.** All DWI, felony arrests, and other videos of evidentiary value will be classified as evidence.
- e.** All digital files recorded on DVD’s will be labeled in a manner that allows efficient identification.
- f.** The Administrative Services Division will be the System Administrator for all digital files on the L3 system.
- g.** The L3 system server is located in the City of Wilmington IT Building. That building is alarmed.
- h.** Professional Standards will store all DVD’s concerning alleged Officer misconduct.
- i.** Digital files determined to be of value for training purposes by a Division Commander will be stored and maintained by the Training Section.
- j.** In the event a digital file involves an internal investigation, a DVD copy of the file will be given to Professional Standards.
- k.** When digital files become evidence, they will be treated as any other evidentiary items in accordance with Wilmington Police Department evidence procedures.
- l.** Digital files that have not been classified, marked as evidence, been made part of a case file, or that have not been requested for “burning to DVD” will be removed/deleted from the system when they are 30 days old. This practice is per the State of North Carolina Municipal Records Retention Schedule (Standard 12 Item #79). Purging of these older files is also done in an effort to alleviate the storage burden, as our storage capacities are not limitless, and many of the videos produced by mobile video recording equipment have no evidentiary value.
- m.** Officers have the authority to review their own recordings. If they need access to another officers video for court, investigations, or evidentiary purposes they must submit a request to the Administrative Services Division. Officers will not be allowed to randomly view other officer’s video recordings.
- n.** Supervisors are granted viewing rights and access to all videos on the server to review them for accountability purposes.

- o. All Digital File Requests for MDVR's will go through the Administrative Services Division. The video will then be burned and turned into the evidence section. The Officer may then pick the video up from the evidence section for court purposes. Attorneys and defendants will be told they may access the video on the officer's court date and will be able to view it on the WPD court officer's computer. They may only view the video in the presence of the officer and a district attorney.
- p. Officers requesting Intoxilizer room videos for DWI's must submit an Officer Video Request form which is found on the R:\ drive. After the video is located and burned it will be turned into the evidence section. It will be the officer's responsibility to check the video evidence out from property and take it to their assigned court date. Attorneys or defendants requesting videos that are marked as evidence by the officer will be notified they can view the video on the officer's court date. Intox videos that are not classified by an officer will be public information and can be viewed by anyone making a public information request.

4. Supervisory Responsibilities

Personnel who supervise officers assigned to utilize MVRE are responsible for the following:

- a. Ensuring all officers follow established procedures for the use, downloading and maintenance of MVRE.
- b. Conducting a monthly review of Mobile Video Recordings on one third of their subordinates to assess officer performance, determine whether MVRE is being fully and properly used, and to identify material that may be of value for training purposes.
- c. On a quarterly basis the Watch Commander will forward an inspection log to the appropriate Division Commander documenting the monthly reviews of Mobile Video Recordings that have been completed.
- d. Ensuring that repairs and replacement of damaged or nonfunctional MVRE is properly performed.

B. Body Cameras:

1. Operational Procedures:

- a. Officers will only wear department issued body cameras on their person during their tour of duty.
- b. The body camera shall be activated during any investigatory actions, serious incidents, arrests, traffic stops, or crime scenes. The equipment may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic. The officer will insure that

the body camera remains activated at all times during citizen contact; the recording shall not be stopped, paused, or otherwise interfered with until the investigative action is complete.

- c. Each time the body camera is activated, the event shall be recorded in its entirety until the stop is terminated and the officer or violator has left the scene.
- d. Officers shall observe the following general procedures to ensure that the body camera will properly record enforcement actions undertaken in the field:
 - i. Make sure the body camera is fully charged. (Charging of the camera can be accomplished by using the issued charger or connecting it to a computer USB port.
 - ii. Make sure that the video camera is properly positioned on the uniform and adjusted at the correct viewing angle to visually record the events.
 - iii. Officers shall ensure they have adequate storage capacity for digital files to complete their tour of duty.
- e. Officers may deactivate the body camera during non-investigative activity. The officer will be responsible for insuring that the system is fully activated, when an incident occurs.
 - i. Officers must carefully consider deactivation of the body camera and must be prepared to justify deactivation in the event that an incident occurs while it is deactivated.
 - ii. Intentional deactivation during incidents where the use of the body camera is required by this Order may be cause for disciplinary action. Obstructing, shielding, or any act of interference with the body camera is not permitted.
 - iii. Officers will not cease recording an event, situation, or circumstances unless directed by a supervisor to do so.
 - iv. Officers will verbally confirm their intention to deactivate the body camera system prior to it being deactivated each time.
- f. All body cameras shall be downloaded onto the server by the end of the officers work week or when the media storage is full. Officers directly or indirectly involved in any incident that requires written administrative documentation (i.e. Use of force, vehicle pursuits, collisions, injury, damage to city property, citizen complaints, etc) that has been recorded shall download/upload the files prior to ending their tour of duty.

2. Downloading the videos onto the Server

All videos downloaded onto the body camera can be downloaded onto the server using the manufacturer's instructions.

3. Digital Video Files Control and Management

Control and Management of the body cameras is the same as the Mobile Digital Video Recordings

4. Supervisory Responsibilities

Personnel who supervise officers who are assigned a body camera are responsible for the following:

- a. Ensuring all officers follow established procedures for the use, downloading and maintenance of the body camera.
- b. Conducting a monthly review of body camera recordings on one third of their subordinates to assess officer performance, determine whether body camera recording equipment is being fully and properly used, determining if the videos are being properly classified, and to identify material that may be of value for training purposes.
- c. On a quarterly basis the Watch Commander will forward an inspection log to the appropriate Division Commander documenting the monthly reviews of body camera recordings that have been completed.
- d. Ensuring that repairs and replacement of damaged or nonfunctional MVRE is properly performed.

C. Photographs, videos, and audio

This section policy shall apply to Patrol, NEU, CID, and any other section that documents evidence by the use of video, audio, or photographs. CSI shall be exempt since they have an in-depth policy governing this process.

1. Evidentiary Value:

- a. All evidentiary recordings taken of an investigation or crime scene by members of the Wilmington Police Department are evidence. These recordings are the property of the Wilmington Police Department and shall not be altered or produced for personal use or unauthorized purposes.
- b. All evidentiary images/recordings captured by Department members shall be documented in a departmental report (incident report, or supplement) by the member capturing the images.
- c. This report shall identify the number of images captured, as well as a general description of the items photographed.
- d. Do not attach any evidentiary recordings to departmental reports.

2. Equipment:

- a. Only departmental approved recording devices shall be used on duty.
- b. Members shall not use any personal devices to record any video, audio, or pictures of any crime scene, incident, suspect, or victim.

- c. Departmental cameras and recording equipment shall be used for law enforcement purposes only, unless otherwise authorized by the Chief of Police.
- d. Department members using recording equipment shall be trained in its use before it will be assigned to them.

3. Storage Devices:

- a. When members begin to use any image, video, or audio recorders they will use an empty storage device. (this excludes L3 In-car and body cameras)
- b. If the storage device is not empty the operator will not use the device until they are certain the media has been transferred to the evidence section.
- c. Members shall not delete, alter, or redact, any still images, recordings, or video from the digital media prior to downloading by the CSI section or copying it on disk and placing it into evidence.

4. Submission:

- a. The images/recordings will be submitted to the evidence section on the same day unless they have supervisory approval.
- b. All evidentiary images/recordings captured by Department members shall be turned into the property section as evidence. Copies used for investigative purposes may be kept on secure Departmental systems.
- c. All evidentiary recordings submitted to the evidence section shall be in accordance with Department policy 10.01 Evidence, Found Property, and Contraband, and the Property and Evidence SOP.

5. Supervisor Responsibility:

- a. Ensure all officers follow established procedures for the use, downloading and maintenance of evidentiary recordings.
- b. Conduct inspections on all departmental recording equipment used by their subordinates.
- c. Supervisors will report any equipment problems to the logistics/property section.
- d. Supervisors will keep a log of all departmental recording equipment that is shared by section or division if it is utilized by multiple officers.

Approved: _____

Chief of Police

01/15/2014

Date