

 <p style="text-align: center;"><b>WINSTON-SALEM POLICE DEPARTMENT</b> WINSTON-SALEM, NORTH CAROLINA <b>GENERAL ORDERS</b></p>	Issue Date	General Order #
	09-09-13	<b>2.35</b>
	Revision Date	
	09-03-14	
	Approved By	
	Barry D. Rountree, Chief of Police <i>BDR</i>	
<b>Subject</b>	<b>CALEA References</b>	
Body Worn Recording Equipment	N/A	
	<b>Index/Tag</b>	
	Body Worn Camera, Recordings, TASER® AXON™ Camera	

**PURPOSE:** To establish policy regarding the use of issued Body Worn recording systems worn by department personnel and the management of recorded events obtained by the equipment.

This General Order consists of the following numbered sections:

- I. Definitions
- II. General Policy
- III. Training
- IV. Body Worn Recording System Operator Responsibilities
- V. Supervisor Responsibilities
- VI. Body Worn Recording Management and Access
- VII. Public and Criminal Justice Access to Recorded Events
- VIII. Attachments

**I. DEFINITIONS**

- A. **Body Worn Camera Recording Equipment** – (BWC) A system that captures and records audio and video signals while being worn by an officer, and at a minimum will include, a camera, microphone and recorder.
- B. **Taser® Axon™ Body and Flex-** A Body Worn recording system manufactured by Taser International that captures video and audio.
- C. **Evidence.com** – A digital cloud based repository operated by a private commercial entity that stores and secures the digital audio/video recordings made by the TASER® AXON™ Body Worn recording system.
- D. **Official Capacity-** Any interaction with a member of the public that occurs while an officer is working on and/or off duty.
- E. **Administrative Rights-** Full access to Evidence.com.
- F. **Investigative Rights-** Full access to all user accounts on Evidence.com
- G. **User Rights-** Access to files stored on Evidence.com for an officer’s assigned Evidence.com account only.

**II. GENERAL POLICY**

- A. All digital recordings captured during the scope of an officer's duties are property of the Winston-Salem Police Department, and are not to be viewed, duplicated, disseminated, destroyed and /or used without legitimate purposes and in accordance with applicable laws and departmental policy.
- B. The guidelines in this general order apply to all on-officer recording systems regardless of whether the device is owned by the department or personally owned by the officer.
- C. Employees shall not have an expectation of privacy regarding the recording of their work activities.
- D. Officers may record within a medical facility with the body worn camera when there is a need to obtain information in a timely manner.

**III. TRAINING**

Only officers who have received training in the operation of Body Worn recording system equipment and have demonstrated proficiency in its proper operation, use, and care shall be authorized to operate the equipment.

**IV. BODY WORN RECORDING SYSTEM OPERATOR RESPONSIBILITIES**

- A. An officer assigned a Body Worn recording system is responsible for the proper care and operation of the equipment according to manufacturer recommendations and departmental policy.
- B. Prior to and throughout each tour of duty, officers shall ensure Body Worn recording equipment is operating properly. Officers shall notify their supervisor of any malfunction or problem. Additionally, the officer will send their supervisor an electronic message (email), to serve as permanent record of inoperability.
- C. Officer's must manually activate a Body Worn recording system to ensure the recording of enforcement action, use of force incidents, and/or other critical incidents that warrant recording. Officers shall use their Body Worn recording system to record:
  - 1. All encounters with members of the public when acting in an official capacity;
  - 2. All dispatched calls;
  - 3. Any emergency blue light and siren vehicle response;
  - 4. All traffic stops;
  - 5. When transporting non-departmental personnel in the rear compartment of a police vehicle;
  - 6. All prisoner processing of arrestees.
- D. Deactivating a Body Worn recording system should only occur after an investigation and/or enforcement action is complete and the officer or violator has left the scene. Officers must be able to justify all manual deactivations.

- E. Officers must ensure that sound producing non-police related devices (Radios, CD players, etc.) within the police vehicle are turned off when the recording mode of the Body Worn recording system is activated so as not to hinder good quality audio recording by the device.
- F. When an officer has both an in-car recording system (MDVR) and a Body Worn recording system, the officer will utilize both systems.
- G. Officers investigating incidents that result in the Criminal Investigations Division (CID) and/or the Special Operations Division (SOD) conducting on-scene follow-up investigation will keep their camera activated until they are specifically directed by a CID and/or SOD supervisor to stop recording. The Body Worn Camera will **NOT** be utilized in incidents that would divulge investigative or tactical measures, or jeopardize officer safety.

However, upon arrival to a scene that is controlled and orderly, if an officer is assigned to a post or in a position that does not put them directly in contact with citizens, they will deactivate their Body Worn Camera, without awaiting direction as listed above. This includes assignments involving traffic direction and/or crime scene security. Officers in these positions who are approached and/or engage in any activity with a citizen will re-activate their Body Worn camera to capture that contact.

- H. Anytime an audio and/or video recording system is in use by departmental personnel during an incident for which a written report is prepared, officers will document in the first line of the written report that recordings were captured and identify the type of recording system that was in use (i.e. AXON™, MDVR, digital audio recording, etc.), and record the start and stop time of the recording. Date and time stamps are not required for AXON™ body camera systems since video can easily be linked to incidents. If no recordings are made, that information will also be documented on the first line of the written report.
- I. When only a citation is issued, officers will indicate on the bottom right corner of the original or first copy of the citation;
1. That recordings were captured by identifying the type of recording system that was in use (i.e. AXON™, MDVR, digital audio recording, etc.), and record the start and stop time of the recording. Date and time stamps are not required for AXON™ body camera systems since video can easily be linked to incidents.
  2. If no recordings are made, that information will also be documented on the citation by writing “No Audio/Video Recordings Made”.
- J. When a recording captures events that substantiate some or all of the elements of a criminal offense and/or the identification of the suspect; or any other significant aspect of an arrest that would assist with the prosecution of the case, officers shall document, within written reports, the significant aspect(s) of the event captured on the recording.

- K. Officers are encouraged to review recorded events after an incident to ascertain whether any unlawful actions or spontaneous utterances that were captured on the Body Worn recording system.
- L. Officers will dock the Body Worn recording system in an appropriate docking station at the beginning of each workday and utilize their second Body Worn recording system.
- M. All recordings within Evidence.com will be retained in compliance with evidence retention policies outlined in General Order 4.11 and within all North Carolina statutory regulations. Video recordings of evidentiary value will not be deleted until final court dispositions and all appeals have been exhausted. Supervisory approval is required for deletion of Body Worn recording system files.
- N. Routine traffic stops and enforcement action recordings should be maintained until court disposition. Recordings pertinent to citizen complaints should be maintained until conclusion of administrative inquiries or investigations and longer if deemed necessary by supervision or the Professional Standards Division. Recordings involving use of force incidents will be retained for a period of two (2) years. All general recordings with no pending court matters, not of evidentiary value, or subject to current or potential administrative inquiry should be deleted on a frequent basis to allow for adequate storage space. It is the responsibility of the officer wearing the Body Worn camera to classify video footage in the appropriate classification as provided within Evidence.com.
- O. When preparing a Preliminary Hearing Prosecution Report for felony cases with video evidence, the case officer shall make the proper notations on the report to notify court personnel of the existence of the recording, and document the value of the recording to the prosecution of the case. Officers will burn a DVD or share the video link of all videos with evidentiary value through Evidence.com in compliance with all discovery rules. The case officer will document in a supplement report the names of those who were provided access via shared video or DVD, as well as documenting the date/time stamp of the recording.

## V. SUPERVISOR RESPONSIBILITIES

- A. Ensure that officers report a damaged and/or malfunctioning Body Worn recording system to the Axon Program Administrator repair provider in a timely manner.
- B. Ensure that officers operate and maintain the Body Worn recording system per established procedures, policy, and manufacturer's requirements.
- C. Ensure the proper use and operation of the Body Worn recording system by conducting quarterly visual inspections of the equipment.
- D. Ensure that officers properly document the use of the Body Worn recordings in written reports and citations.
- E. Ensure that video recordings are maintained as evidence in compliance within departmental policy and North Carolina State Statute. Supervisors will be responsible for

ensuring recordings of no evidentiary value or significance is deleted in a timely manner. Supervisors will approve video for deletion as established in Evidence.com repository.

- F. Supervisors will access employee video through their administrative rights of significant events in which recordings add clarity or confirmation. Events such as vehicle pursuits, use of force incidents, fleet vehicle accidents, or complaints concerning employee actions should be reviewed and appropriately requested.
- G. First Line Supervisors (Sergeants) will be responsible for the audit of video and audio recordings for their personnel. In addition to “delete” reviews and critical incident reviews, Supervisors should routinely view their personnel’s video to ensure compliance and proper use. Lieutenants will be responsible for a monthly random audit. At least two (2) officers from each Platoon will have their videos accessed and reviewed for compliance.

## VI. BODY WORN CAMERA RECORDING MANAGEMENT AND ACCESS

- A. Recordings may be duplicated for court, investigation, and training. Other purposes may be allowed as authorized by the Chief of Police or his designee. **Unauthorized playing, copying, or distribution of the digital recordings is prohibited.** Access rights granted to individuals or groups shall be limited to legitimate purposes.
- B. Authorized users and access rights are defined as follows:
  - 1. The Chief of Police and/or a designee of their choice will have administrative rights.
  - 2. The Professional Standards Division will have administrative rights.
  - 3. The Axon Program Administrator will have administrative rights.
  - 4. Supervisors will have investigator rights.
  - 5. Officers will have user rights.
- C. Internal request for recordings outside of those with Administrator rights will be requested via an email to the assigned officer copying the officer’s Chain of Command through the rank of Captain. The email will state the need and purpose of the recording.

## VII. PUBLIC AND CRIMINAL JUSTICE ACCESS TO RECORDED EVENTS

- A. Any portion of an audio/video that records events surrounding a violation of the laws prosecutable in the criminal courts of this state or the United States, is considered a record of a criminal investigation, as described in [NCGS 132-1.4](#), and not a public record, as defined in [NCGS 132-1](#).
- B. Any portion of an audio/video that is used to subject an employee to departmental disciplinary action is part of that employee’s personnel file as defined in [NCGS 160A-168](#), and is open to inspection only as provided by statute.

- C. Requests for copies of Body Worn recordings from persons not employed by the Winston-Salem Police Department shall be made on a Request for Copy of Body Worn Digital Recording/AXON™ Camera form (Attachment A).
1. Requests made by the District Attorney's office or a defendant's defense attorney will be forwarded to the Judicial Services Officer who will forward the request to the case officer via their chain of command.
  2. Officers completing prosecution reports or compiling case files involving felony charges may access their video via their user password. Their recording may be shared through Evidence.com or burned to a DVD. The case officer will document in a supplement the date and time and to whom the recordings were released as well as the purpose for the released recordings. All video recordings of evidentiary value will be released in compliance with discovery laws.
  3. Employees receiving media or general public requests for copies of video recordings provide the requesting party the Request for Copy of Body Worn Digital Recording/AXON™ Camera form (Attachment A). This form will be forwarded to the Public Safety Attorney. The Public Safety Attorney's recommendation will be documented on the form and forwarded to the appropriate bureau commander who will address the request as follows:
    - a. If denied, ensure the requestor is notified of the denial by mail or telephone.
    - b. If approved, forward the approved request form (Attachment A) to the case officer's supervisor who will coordinate the dissemination of the file.
    - c. The case officer's supervisor will contact the requesting party via mail or phone to arrange release of the video file.

## VIII. ATTACHMENTS

- A. Attachment A - Request for Copy of Mobile Digital Recording

WINSTON-SALEM POLICE DEPARTMENT  
**REQUEST FOR COPY OF BODY WORN DIGITAL RECORDING/AXON™ CAMERA**

**Person Requesting Recording** \_\_\_\_\_  
Full Name (printed)

**Address** \_\_\_\_\_  
City State ZIP

**Telephone(s)** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Incident #** \_\_\_\_\_ **Offense/Incident** \_\_\_\_\_

**Incident Date** \_\_\_\_\_ **Investigating Officer** \_\_\_\_\_

Please indicate in the space below the reason for your request, the nature of your involvement with this case, and the specific information requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Requestor Date of Request

**WSPD USE ONLY BELOW:**

Request Approved  Request Denied (requestor must be notified)  
(Route to Appropriate Bureau Commander)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_,  Judicial Services Officer  Public Safety Attorney

Video Date: \_\_\_\_\_ Video Start Time: \_\_\_\_\_ Video End Time: \_\_\_\_\_ Video User Code#: \_\_\_\_\_

**CASE OFFICER'S SUPERVISOR USE ONLY:**

Date Received: \_\_\_\_\_ Date Copy Made: \_\_\_\_\_ Made By: \_\_\_\_\_

Date Requestor Notified: \_\_\_\_\_ Notified By: \_\_\_\_\_

Notified Via:  Phone  Mail  Other: \_\_\_\_\_

*Release Receipt*

Released To: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name

Released By: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Amount Collected \$ \_\_\_\_\_ WSPD Witness: \_\_\_\_\_