



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 1 of 12

- I.** Purpose
- II.** Definitions
- III.** Mobile Video Recording Procedures
- IV.** Management of Recordings
- V.** Retention of Recordings
- VI.** Review of Recordings
- VII.** Internal Review of Recordings
- VIII.** Disclosure or Release of Recordings

I. PURPOSE

Establish guidelines for the use, management, storage, and retrieval of audio-visual media recordings from Mobile Digital Audio/Video Recording systems.

II. DEFINITIONS

- A. **Checking Station:** A systematic way of stopping and surveying vehicles to check for compliance with NC driver's license laws.
- B. **Disclose or disclosure:** To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.
- C. **Incident Classification:** Term used to signify the various categories an authorized user can classify an event that has been recorded and a set retention period has been established. See Section III, A, 6 for a list of Classifications
- D. **Manual Activation:** When the MVR is manually activated to record by the operator.
- E. **Mobile Video Recording System (MVR):** A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.
- F. **MVR Operator:** An officer who has been trained in the operation of the mobile digital recording device installed in a law enforcement vehicle and the departmental policy regarding such.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 2 of 12

- G. Records of criminal intelligence: Records of criminal intelligence are records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.
- H. Records of Criminal Investigations: Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, are not public records as defined by G.S. 132-1. Records of criminal investigations conducted by public law enforcement agencies or records of criminal intelligence information may be released by order of a court of competent jurisdiction. See NCGS 132-1.4.
- I. Records Management System (RMS): Computer based system for entering, storing, and searching records of the police department.
- J. Recording Media: Material used to store data, including but not limited to DVD's, CD's and Digital Memory Cards.
- K. Release: To provide a copy of a recording.
- L. Trigger Event: An event that causes the MVR to begin recording automatically.
- M. System Administrator: The Chief of Police's designee(s) that is responsible for retrieving and downloading of video recordings, and acts as liaison to the Town IT Department.
- N. Tactical Operation: Activities outside the usual law enforcement response. Examples include but are not limited to search warrant service, active shooter response, high-risk warrant service, etc.
- O. Video Management Software: Software that manages the access, downloading, viewing, and copying of audio and video recording sand prohibits modification or manipulation of the original file.

III. MOBILE VIDEO RECORDING PROCEDURES

- A. Officers will adhere to the procedures listed below when utilizing MVR equipment.
 - 1. MVR equipment installed in a vehicle is the primary responsibility of the officer assigned to that vehicle.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 3 of 12

2. Prior to and throughout each shift, officers will ensure that all components of their MVR equipment are working satisfactorily and will immediately bring any problems to the attention of a supervisor. The officer will also notify the Quartermaster of any malfunctions.
 3. The Field Training Officer will be responsible for the training of new officers on all mobile digital audio/video recording devices.
 4. The Quartermaster will be notified by the Patrol Supervisor if a vehicle is damaged when security of the MVR may be compromised or where it might be further damaged from exposure. The Quartermaster will arrange to have the unit removed from the damaged vehicle.
- B. MVR/DMVR equipment activation:
1. The MVR equipment is automatically activated when the vehicle's emergency lights are in operation or other trigger events occur such as a collision involving the police vehicle or the police vehicle exceeding a preset speed. Depending on the type of vehicles such as K9, other triggers could be used.
 2. The MVR may be manually deactivated during non-enforcement activities such as traffic control. This deactivation may be only undertaken when action is consistent with this and other department policy.
- C. When the incident has ended, the officer will stop the recording. The officer will then select the correct incident classification for the recording.
1. Incident classifications categories are:
 - a) Traffic Related: This category includes vehicle stops, any vehicle search (K-9 or other), and traffic crashes (personal injury and fatality only). This category includes DWI arrests, but there is a separate category for this. Vehicle pursuits are not included in this category.
 - b) DWI Arrest: Arrest made for impaired driving
 - c) Custodial Arrest / Transport: Any arrest, other than DWI, where an officer takes someone into custody. This shall include Transport of Prisoners, Involuntary or Voluntary Mental Commitments, or Citizen Transports.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 4 of 12

- d) Equipment Check, Accidental Activation: Activations that occur when checking functionality of equipment.
 - e) Criminal Intelligence/Investigations: Information gathered by law enforcement that is consistent with the definition of Criminal Intelligence contained in NCGS 132-1.4.
 - f) Vehicle or Foot Pursuits: Any call where a subject is pursued on foot and/or vehicle.
 - g) Hold for Review by Internal Review/Complaint: Internal departmental investigation to include any material that is not public record under NCGS 160A-168(b) .
 - h) Hold for Training Purposes: Recordings that could be a benefit to training.
 - i) Use of Force: Any use of force used against a subject.
 - j) General Calls for Service: Routine calls for service.
2. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings. Music radio volume must be turned down to a level that cannot be heard or completely shut off when the MVR is activated.
- D. Officers will ensure that the MVR equipment (both audio and video) is activated and operating properly and that, if possible, the video recorder is positioned to record the following events:
- 1. Traffic: This includes any vehicle stop, vehicle search (by officers or K-9s), traffic crash (personal injury or fatality only). This classification does not include vehicle pursuits.
 - 2. Vehicle or Foot Pursuits
 - 3. Emergency Response Driving
 - 4. Transport of Prisoners, Involuntary or Voluntary Mental Commitments, or Citizen Transports
 - 5. When an interaction with an individual becomes adversarial after the initial contact, in a situation that would not otherwise require audio and video documentation.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 5 of 12

- 6. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
- 7. Record the actions and/or statements of suspects if the recording could prove useful in the later judicial proceedings. Examples include but are not limited to field interviews, sobriety performance tests, and confiscation or documentation of evidence.

E. **Officers shall not attempt to erase, alter, or tamper with MVR recordings. Unauthorized deletion of recorded media shall result in disciplinary actions up to, and including, termination.**

F. Officers shall turn on and/or login to the MVR system at the start of their tour of duty and remain logged into the system while operating a police vehicle, until their tour of duty has ended. Examples include traveling to and from work, home, training, and any other time the police vehicle is being driven.. Officers will test the MVR at the beginning of each tour of duty to insure the system is operational. If the system is not operational, the officer will notify their Supervisor immediately.

G. Cessation of recordings:

Once activated, the MVR system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

H. Recording not required:

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch breaks, when not in service or actively on patrol.

I. Recording not allowed:

Encounters with undercover officers or confidential informants shall not be recorded.

J. Surreptitious recording:



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 6 of 12

1. No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when authorized by the Chief of Police or the authorized designee for conducting a criminal or administrative investigation.
2. No member of this department shall surreptitiously record members of the public that an officer is not directly interacting with (e.g. an officer providing logistical support at a political rally not utilize his or her BWC to record individuals at the rally). This does not apply when the actions of the public turn criminal in nature.

K. Operation of MVR Equipment:

1. The MVR equipment is installed and designed to activate automatically when the patrol vehicle's emergency lights are in operation.
2. MVR equipment can also be remotely activated by the officer from outside the vehicle by using the remote audio transmitter and wireless microphone.
3. MVR equipment may be manually deactivated during non-enforcement activities, such as directing traffic or any other non-enforcement situations.

L. Officers shall observe the following procedures to ensure that the MVR equipment will properly record traffic stops or other enforcement actions taken in the field:

1. To the extent possible, ensure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record events.
2. The wireless microphone will be turned on during MVR activation.
3. Operators will not deactivate the microphone at any time they are in contact with the subject of the incident.
4. The MVR will not be deactivated until the vehicle stop or other enforcement action is completed.

M. MVR operators shall document the use of MVR equipment in the appropriate RMS report.

N. A recording that is needed for evidence in a criminal or traffic matter, shall be copied to DVD and entered into evidence within 15 days of the recording.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 7 of 12

O. Supervisor Responsibilities:

1. When an incident arises that requires the immediate downloading or retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental traffic crashes), a supervisor shall respond to the scene, determine if an immediate download is needed, and ensure that the video footage is downloaded as soon as possible.
2. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner. If available, a Supervisor shall make every effort to find a spare MVR-equipped vehicle for the officer to use. If no vehicle is available, the vehicle with the malfunctioning MVR may be used. The officer will indicate in written reports that no MVR was available at time of incident.
3. Supervisors shall conduct quarterly reviews of their officers' recordings in order to:
 - a) Assess officer performance;
 - b) Assure proper functioning of MVR equipment;
 - c) Determine if MVR equipment is being operated properly, and;
 - d) Identify recordings that may be appropriate for training. If this footage involves a personnel action covered under G.S.160A-168, written permission from the officer(s) involved must be received prior to the recording being used in training.
4. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. These reviews shall last 30 days. Supervisors shall thereafter conduct quarterly reviews of randomly selected videos recorded by their officers.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 8 of 12

5. **Minor infractions (not criminal in nature) committed by any member of the Carrboro Police Department and discovered during routine review of recorded material should be viewed as training opportunities; however, depending on the severity of the action the Supervisor may take disciplinary actions. Should the behavior or action become habitual after being addressed, the appropriate level disciplinary action will be taken to correct the behavior. Deliberate or unauthorized deletion of recorded media shall result in disciplinary actions up to, and including, termination.**
6. **Recorded materials will not be used to embarrass or ridicule employees. Any violation of this section will subject the employee to disciplinary action.**

IV. MANAMGEMENT OF RECORDINGS

A. MVR upload procedure

1. MVR video will be wirelessly uploaded when patrol vehicle is in range of the system Wi-Fi antenna.
2. In the event of wireless upload failure, the on-shift supervisor shall remove the recording media device and upload it in to the video system.

B. Deletion of Recordings

No officer shall delete recordings. All recordings will be maintained according to section V. Retention of Recordings.

V. RETENTION OF RECORDINGS

- A. Officers shall classify all videos recorded in the appropriate category noted in the system once recording is completed. **Any officer, who intentionally or repeatedly misclassifies a video recording in an effort to avoid disciplinary or criminal investigation, is subject to disciplinary actions up to, and including termination.**



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 9 of 12

- B. If a recording can be classified into multiple categories, the officer shall choose the category with the longest retention schedule.
- C. Recordings that are evidentiary in nature will be retained in conformance with the Department of Cultural Resources Retention Schedule adopted by the Town of Carrboro.
- D. The retention period for the video will be set based on the following criteria:

Retention Schedule

Type of Incident	Retention Days
Equipment Check/Accidental Activation	30 Days
Traffic Stop	90 Days
Hold for Training Purposes	90 Days
General Calls for Service	90 Days
Criminal Intelligence/Criminal Investigations	180 Days
Traffic Stop – Citation or K9 Sniff	180 Days
Hold for Internal Review/Complaint	180 Days
Vehicle or Foot Pursuits	180 Days
Custodial Arrest	730 Days
Traffic Stop - DWI	730 Days
Any Use of Force	730 Days

- E. Retention schedules can be changed based on State and Federal evidentiary purposes and 1983 concerns.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 10 of 12

F. Legal classifications

All recording media, images, and audio are property of the Carrboro Police Department (CPD) and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any member of the CPD make a personal copy of any recorded event. Officers may request a copy of a recording for use in professional training with the written approval from the Chief of Police. This policy shall act as express permission by the Chief of Police for a copy of any recorded event related to a criminal case to be released to the Orange County District Attorney’s Office, or any other District Attorney’s Office having jurisdiction in a recorded criminal matter.

VI. INTENRAL REVIEW OF RECORDINGS

- A. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Chief of Police or his/her designee. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.
- B. Recordings may be reviewed in any of the following situations:
 1. For use when preparing reports or statements. If an officer(s) is involved in a shooting or other deadly force incident, the officer(s) must provide a public safety statement first, in accordance with OIS policy section VI. After a written statement is provided by the officer(s) according to OIS policy section VI, the officer(s) may view the recording of the incident and shall be allowed to amend their statement if need be after viewing recording.
 2. By a supervisor or other designated officer, investigating a specific act of officer conduct related to an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
 3. By a supervisor to assess a subordinate officer’s performance.
 4. By an officer who is captured on or referenced in the video or audio data and reviews and uses, such data for any purpose relating to his/her employment unless such material is part of an internal investigation.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 11 of 12

- 5. Recordings may be shown for officer training and development purposes. If the recording is part of a personnel matter, a written waiver from the officer involved must be obtained prior to release of video.
- C. Any video that is evidence in an active internal investigation will only be viewed by the appropriate employees and will not be available for training purposes until after completion of said investigation and upon receipt of written authorization from the involved employee.
- D. All recordings are subjected to be erased after the designated retention period unless a longer retention period has been identified for court or investigative purposes.
- E. An officer, through their supervisor, may request a copy of a video or for the retention period to be extended for court purposes. This request will be in writing from the supervisor (can be through e-mail) to the System Administrator. Any supervisor can request a copy of a video or for the retention period to be extended for evidentiary purposes, internal investigation, or for training purposes. If this footage involves a personnel action covered under G.S.160A-168, written permission from the officer(s) involved must be received prior to the use of the recording.
- F. Recordings of an evidentiary or criminal nature will only be released to attorneys pursuant to the procedures established in NCGS 132-1.4(A) upon the presentation of a valid order issued by a court of competent jurisdiction.
- G. Officers who need recordings duplicated for court must make the request at least five business days prior to the court date. In the event of last minute notifications, reasonable exceptions will be made as appropriate.
- H. If at any time the video management system is linked to any external database or other records management system not substantially under the control of the Town, the department will discontinue the use of BWCs until the Board or Alderman reauthorizes their use.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 12 of 12

IV. DISCLOSURE OR RELEASE OF RECORDINGS

- A. Disclosure or releases of recordings will be governed by the procedures outlined in NCGS 132-1.4(A) or as otherwise authorized by law. It is the policy of the Town of Carrboro that the Police Department will have a strong presumption in favor of disclosure.
- B. Any person requesting disclosure of a recording must complete the department disclosure form to initiate the disclosure process.



Carrboro Police Department



Subject: Chapter 8: Mobile Digital Audio/Video Recording Equipment		Subsections: VIII.
Issued: 09-22-14	Revised: 08/28/18	Page 13 of 12

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