

Body Worn Cameras



Tuesday, April 5, 2016

Body Worn Cameras: Daily Deployment

Average Daily Deployment

- 240 Cameras
 - Patrol Officers: 180
 - K9 Officers: 4
 - Traffic Officers: 14
 - Violent Criminal Apprehension Detectives: 8
 - School Resource Officers: 18
 - Police Neighborhood Resource Officers: 10
 - Tactical Narcotics Officers: 6



Body Worn Cameras: Video Storage

During FY 14-15 the following amounts of video were captured via BWC:

- Total for the 12 month period:
 - 191,574 videos
 - 28,687 hours of video
 - 21.56 TB of video
- Average Daily:
 - 525 videos
 - 79 hours of video
 - 59 GB of video

*Current recommended policy change will potentially cause these numbers to increase significantly if not double.



Body Worn Cameras: Video Retention

Retention Categories

Category	Retention Period
Citizen Contact	90 days (30 required)
Criminal Investigation	3 years/20 years
Vehicle Stop/Crash – Warning or Infraction	90 days (30 required)
Vehicle Stop/Crash – Criminal Charge	3 years/ 20 years
Non-Citizen Involvement	90 days (30 required)
Field Training Video	1 Year
Administrative Investigation	Indefinitely

Retention of Records as required under Standard 9 of the N.C. Records Retention and Disposition Schedule for Municipalities.



Body Worn Cameras: Public Record?

NCGS 132-1:

Public Records shall mean all documents or recordings in connection with the transaction of public business

It is the policy of this state that the people may obtain copies of public records at minimal cost unless otherwise provided by law

132-6.2(b):

If the request requires extensive use of resources, then the agency may charge the actual cost incurred or the actual labor costs. (subject to some limitation)



Body Worn Cameras: Criminal Record?

NCGS 132-1.4(a) :

Records of criminal investigations are not public records

All records compiled by public law enforcement for the purpose of attempting to prevent or solve violations of law are records of criminal investigation

Disclosure at the discretion of the Chief of Police and City of Greensboro but subject to Federal law



Body Worn Cameras: Personnel?

NCGS 160A-168(a):

Notwithstanding any law concerning access to public records, personnel files may only be disclosed as provided by this section

An employee's personnel file consists of any information in any form gathered by the City with respect to that employee and relates to his performance or employment

Body Worn Cameras: Personnel ?

NCGS 160A-168(c):

Personnel information can be released:
with consent of the individual officer,
by order of the Courts,
by resolution of City Council,
with agreement of the City Manager, when an
officer has been disciplined and it is necessary
to maintain public confidence



Body Worn Cameras: Privacy Concerns

BWC's go places "In-Car" cameras have never been



At what point does video become protected by a citizen's right to privacy, even if not statutorily protected by either NCGS 132-1 or NCGS 160A-168?

Body Worn Cameras: Review/Redaction



Restricted Information:

- HIPPA restricted content, from where officers need to record while handling a call for service inside any medical facility or on-scene with EMS
- DCI / NCIC: certain information sent or received via the computer inside a police vehicle is restricted by state laws concerning the Division of Criminal Information Networks
 - NCDMV files
 - Sex Offender Registry
 - NCIC Criminal History



S.L. 1997-305, Senate Bill 429 *Charlotte /
Mecklenburg Legislative exception for
complainant viewing of “In-Car” camera video*

“That portion of a video or audio tape produced by a mobile video recorder (MVR) in a police department vehicle which recorded an event resulting in a citizen complaint against a police officer may be reviewed by the person alleged to have been aggrieved by the officer’s actions.”

McDonald v. Suggs,
U.S. District Court,
Eastern Division, March 30, 2009

Dashboard camera footage of a officer involved shooting was found to fall within the protection of the North Carolina criminal investigation statute 132-1.4 and the personnel statute 160A-168

2015 GSO Legislative Agenda

City Manager may permit persons with interaction with GPD and their legal counsel to view the view the video footage

City may redact to protect privacy and comply with state and federal law

Redaction log will be provided to the person

Estimated Cost

Description	Cost	Quantity	Total Cost
Non-Sworn G12 Position <i>(FTE, benefits included)</i>	\$55,440.00	2	\$110,880.00
Sworn Sergeant Position <i>(FTE, benefits included)</i>	\$79,380.00	1	\$79,380.00
Desktop Workstation Computer	\$2,125.00	5	\$10,625.00
Copier, Fax, MFP	\$2,500.00	1	\$2,500.00
Desk Phone	\$384.00	3	\$1,152.00
Cell Phone	\$1,590.00	1	\$1,590.00
Office Furniture	\$6,000.00	3	\$18,000.00
Viewing Room Furniture	\$3,000.00	2	\$6,000.00
Office Supplies	\$5,000.00	1	\$5,000.00
Redaction Software	\$10,000.00	1	\$10,000.00
Other incidentals	\$5,000.00	1	\$5,000.00

***FY Total* \$250,127.00**



Suggested Path Forward

- Legislative Action:
BWC Legislative Study Committee in process of considering legislation
- Unilateral Action:
No case law on point
Risk of potential litigation
Declaratory Judgment Action?

Proposed BWC Footage Release Policy

- 1.1. Purpose. This policy outlines the circumstances and terms under which BWC footage may be released to the public.
- 1.2. Status of BWC Footage. At times, BWC footage constitutes both criminal investigative (CI) records and personnel (PR) records, as those terms are defined by law. If performance of a Police Officer is called into question through BWC footage, the footage serves as a PR and is subject to the protections of the North Carolina PR statute. Once the question is resolved, this status is eliminated, the record reverts to its sole status as a CI record, and the footage may then be released as outlined in sections 1.3, 1.4, 1.5, and 1.6 below. However, if the officer is disciplined in connection with acts captured by the footage, the footage remains a PR. Such footage may be released only by the City Council (with consent of the City Manager) in support of the disciplinary action.

Proposed BWC Footage Release Policy

- 1.3. Permitted Disclosure. Persons recorded on BWC footage may (with his or her legal counsel) review, but not possess, the footage without charge. Further, notwithstanding anything in this Policy to the contrary, the City Council may release BWC footage to any person, including but not limited to persons recorded on the BWC footage at issue, upon finding that release of the footage is essential to maintain public confidence. At all times, however, the Police Department shall retain its right to seek injunctive relief to prevent such a release should it believe (1) the release of the footage would undermine a defendant's right to receive a fair trial, or (2) that an ongoing or future criminal investigation would be undermined by the release.

Proposed BWC Footage Release Policy

- 1.4. Redactions. To the extent required by law, highly personal details and other information protected from disclosure by state or federal law shall be redacted or obscured before footage containing such information is disclosed. Highly personal details and other information that is not protected from disclosure by state or federal law may also be redacted. The Chief of Police or his or her designee may make any such redactions or obscurations. A redaction log shall be maintained and provided to the requester.

- 1.5. Petition to Remove Redactions. Persons may request removal of redactions and obscurations of footage they are permitted to review. The Chief of Police or his or her designee may make any such redactions or obscurations. A redaction log shall be maintained and provided to the requester.