

MONTGOMERY COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES

GENERAL ORDER

SUBJECT: Body Worn Cameras

NUMBER: 419

DATE EFFECTIVE: February 6, 2024

REVIEW DATE: Annually

I. Purpose

To establish procedures for utilizing Body Worn Cameras (BWC) by members of the Montgomery County Sheriff's Office.

II. Definitions

Body Worn Camera (BWC) – Audio/Video recording system designed to be worn by an individual officer in accordance with the manufactures' recommended method and agency training and policy.

III. Use of Body Worn Cameras

All sworn employees of the Montgomery County Sheriff's Office who are assigned a Body Worn Camera, and who are engaged in law enforcement related activities will have the body worn camera affixed to the individual in accordance with the manufactures' recommended method and departmental training. All body worn camera operations should be consistent with this policy.

- A. Body worn cameras shall be affixed to the employees' uniform or clothes consistent with the manufacturer's directions and agency training.
- B. Detectives working in an undercover capacity are exempt from this policy.
- C. Prior to the beginning of each shift, the assigned officer shall perform an inspection to ensure the body worn camera is functional. Each officer shall ensure the body worn camera's battery is fully charged when reporting for their tour of duty. This includes the officer working in an off-duty, overtime, and extra duty capacity. Any problems with the body worn cameras should be reported immediately to the deputy's supervisor.
- D. Sheriff's personnel shall use only issued body worn cameras. The 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 Sheriff of Montgomery County.

- E. Employees assigned body worn cameras must complete an approved and /or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- F. Employees shall not attempt to edit, alter, erase, duplicate, copy, share, or interrupt the recording; the deputy shall document in his/her incident report why a recording was not made, was interrupted, or was terminated.
- G. If a deputy fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, the deputy shall document in his/her incident report why a recording was not made, was interrupted, or was terminated.
- H. An accidental personal recording or a recording not allowed by policy or law, may be requested for redaction or deletion in accordance with state records retention laws. The request must be submitted in writing for consideration by the Sheriff or his designee. Requests and final decisions shall be kept on file. Under no circumstances should the deputy manipulate the recording or its classification in any way so as to cause it to be deleted without this authorization.
- I. Recordings made with a body worn camera are a part of the officer's case file and must be preserved in compliance with all discovery and records retention laws.
- J. When activation is required under this policy, employees should activate the body worn camera at the first reasonable opportunity. Additional arriving employees equipped with a body worn camera should activate their cameras upon arrival to an incident requiring a recording.
- K. Mandatory Recordings
 - 1. The intent of the body worn camera is to document the interaction between law enforcement and the public. Employees should activate their body worn cameras in ALL dispatched or self-initiated calls.
 - 2. If there is any doubt in the deputy's mind whether a situation should be recorded, the officer should opt to record the event.
- L. Prohibited Recordings: Employees are prohibited from using the body worn cameras to record while:
 - 1. In a patient care area of a health-care facility unless the patient becomes adversarial with the officer or others and a potential law enforcement action

may be required. If the need to record does arise, employees shall only record for law enforcement purposes.

2. Discussing a case with other employees or supervisors.
3. Conducting tactical planning.
4. In the magistrate's office or any state or federal court facility, unless an adversarial type of disturbance occurs requiring the officer wearing the body worn camera to take law enforcement action.
5. Having discussions with attorneys, peer support counselors, doctors, et cetera.
6. Involved in an agency, supervisory, or public meeting.
7. In a classroom and/or in a testing environment.
8. Interacting with known confidential informants or undercover officers.

IV. Storage

- A. All files shall be securely downloaded periodically. Each file shall contain information related to the date, body worn camera identifier, and assigned officer.
- B. All images and sounds recorded by the body worn cameras are the exclusive property of the Sheriff of Montgomery County. Accessing, copying, or releasing files for non-law purposes are strictly prohibited without the Sheriff's approval.
- C. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

V. Supervisory Responsibilities

- A. Supervisory personnel shall ensure that employees equipped with body worn camera devices utilize them in accordance with policy and procedures described herein.
- B. Supervisors will regularly review body recordings to ensure that the equipment is operating properly, that employees are using the devices appropriately and in accordance with this policy, and to identify areas in which additional training or guidance is required.

VI. Disclosure and Release of Recordings

Body worn camera recordings are law enforcement recordings as defined in N.C. General Statute 132-1.4A. Pursuant to North Carolina law, they are not public records and are not considered a part of an employee's personnel file. See N.C. General Statute 132-1.4A. Disclosure and release of any body worn video shall be governed exclusively by N.C. General Statute 132-1.4A.

***Note: this section is for internal use only. This policy does not enlarge a deputy's civil or criminal liability in any way and should not be construed to create a higher standard of safety or care than that otherwise required by law with respect to third party claims. Violations of this section, if proven, can only form the basis of a complaint by this Agency, and then only in a non-judicial administrative setting.**