

LISA VIERLING

From: KENNETH SHULTZ
Sent: Thursday, March 16, 2017 11:37 AM
To: RANDY HEMANN; RANDY McCASLIN; TRAVIS STROUD; LISA VIERLING; GREG DEMKO
Cc: BRIAN BEASLEY
Subject: Fwd: Amendment to the Records Retention & Disposition Schedule
Attachments: MVR G.O. 4.11.pdf; 2014 WG PO.pdf

Lisa

As you can see below, all of our people with the technical insight to answer these questions are out. Our IT person is out for a death in the family so I specifically don't want to bother him since his father's funeral is today. The attachments and response below lays out our retention policy which has been based on legal requirements.

I am considering two sources for video; in-car cameras of which I estimate we have between 150 and 175 cameras and our interview room system which we use to capture formal interviews for criminal cases. Major Stroud lays out details on it below.

Our in car cameras begin recording upon activation of blue lights or by manual activation. The amount of footage captured then varies based upon the number of activations and the length of the events. The majority of our cameras are then designed to upload wirelessly to a server once the car pulls onto our lot. Some of our older system cameras require the officers to physically carry their systems into the PD and manually download them.

From this point, officers are required to copy any videos they need onto a flash drive or DVD and log them into evidence. These are used as evidence in court. A majority of our footage that is captured has no evidentiary value. As such, it is left on the sever for the minimum of 30 days. We have found that this has been sufficient for allowing us to go back and pull footage for any investigation that may come up. Common use would include a citizen complaint that comes in after the fact. Our policy is to check the server to see if video footage of the incident was captured so we can use it to verify or disprove the complaint. If footage is found, it is also copied and retained.

My concerns with this Council suggestion center on what they are actually suggesting that we need to retain. Due to the size of the server, we constantly have to clear old videos off of the server so that the new material may be added. While the policy says 30 days, the reality is that it is probably kept longer, but it is deleted and overwritten as needed by the IT person. While I think our videos with evidentiary use are currently copied and kept well beyond the proposed length of time, I fear that a mandate requiring us to preserve all videos for a year or even six months will require substantial increases in our sever storage capability. While City IT should be able to help us determine an actual server size and the subsequent expense, my initial guess is that we will be required to upgrade our server if we are required to maintain all videos captured. Unfortunately, I can not estimate a size or expense at this time. What I would suggest doing is using the amount of \$5000 as being an estimate of what our 30 day retention system currently costs, but I do not know how to multiply that out for a year. I doubt it is \$5000 for every additional 30 days.

See the below information as well. If I have missed something or if you have further questions, please let me know.

Kenneth J. Shultz
Chief of Police, High Point PD

From: TRAVIS STROUD <travis.stroud@highpointnc.gov>
Sent: Thursday, March 16, 2017 10:51 AM
Subject: RE: Amendment to the Records Retention & Disposition Schedule
To: KENNETH SHULTZ <ken.shultz@highpointnc.gov>

Perfect storm today with the key players not here for various reasons to answer questions, especially regarding Watchguard.

Interview Room Recordings:

- The server in there is 4 Terrabytes (no idea on the cost of that server without Lance here).
- There should be no interview recordings kept on that server. All interviews should be immediately downloaded to disc or USB and entered into evidence. Additional copies can be kept in officers case files. The only exception to this is homicide interviews which stay on there indefinitely. BUT, the same process should be followed in regards to the interview being copied to disc/USB and entered into evidence regardless.
- These recordings stay in evidence for the duration of the case. Destroyed through court order from that point.

Watchguard:

- We have a G.O. (attached 4.11) in accordance with state law (132-1.4A Law Enforcement Agency Recordings, (j) "Each law enforcement agency that uses body-worn cameras or dashboard cameras shall adopt a policy applicable to the use of those cameras"
- G.O. 4.11 - Section V(C): MVR recordings will be maintained for a period of 30 days, at which time it can be deleted by the departmental Information Technology personnel, unless circumstances dictate it be held longer.
- Officers SHOULD be following the same protocol as the interview room standard. All pertinent videos for evidence should be downloaded to disc or USB and entered into evidence.
- Since Lance is not here to answer, I would presume that the videos are purged after 30 days (although this could be set for longer).
- Did some research on WG website about video retention and the server does have the ability to be adjusted. It appears we could extend the storage time if we wanted. 90 days was the example used in the video but I saw "years" in the dropbox option. I am not sure how this would affect our capacity if we are currently set at 30 days and extended it to a greater period of time.
- Pulled an old Purchase Order from 2014 for the original WG purchase which included the server. The current WG Video Library we have (server) cost: \$4995.00. There are several other fees that associate with the server (cables, setup, robot, etc..). I am unsure on this technical stuff and what is directly attached to the server. I have attached the PO from 2014. Many of the items on that PO are for the actual cameras. The Video Library is on page 2.
- I am not sure what the annual fee is for WG software. I looked through this year's budget and did not see it listed in any annual service/contract for any division.

Travis

From: KENNETH SHULTZ
Sent: Thursday, March 16, 2017 9:53 AM
To: TRAVIS STROUD <travis.stroud@highpointnc.gov>
Subject: Fwd: Amendment to the Records Retention & Disposition Schedule

This is the original request.

Kenneth Shultz
Chief, High Point Police Department

----- Original message -----

From: LISA VIERLING <lisa.vierling@highpointnc.gov>
Date: 3/14/17 3:56 PM (GMT-05:00)
To: KENNETH SHULTZ <ken.shultz@highpointnc.gov>
Cc: GREG DEMKO <greg.demko@highpointnc.gov>, RANDY McCASLIN <randy.mccaslin@highpointnc.gov>, RANDY HEMANN <randy.hemann@highpointnc.gov>
Subject: Amendment to the Records Retention & Disposition Schedule

Good afternoon, Chief.

At the last Council meeting held on Monday, March 6, 2017, Council adopted an amendment to the Records Retention & Disposition Schedule as per attached. Council Member Cynthia Davis requested a longer retention period for Standard 6: Emergency Services and Fire Department Records. Item #3 (911 Recordings) and Item #18 (Emergency Notifications); and Standard 9: Law Enforcement Records. Item #136 (Law Enforcement Audio and Video Recordings). These are highlighted on the attached excerpt from the schedule.

Council Member C. Davis recommended that the retention for these items be extended to one year or six months (versus the 30 days as recommended by the Department of Cultural Resources). **Prior to taking any action on extending the retention period for these items, Council wanted to first hear from you to ensure that retaining these items for a longer period would not put an unnecessary burden on the Police Department to do so.**

At Council Member Cynthia Davis' request, this matter will be placed on the March 20, 2017 Agenda for further discussion/consideration.

Can you please share your opinion regarding this recommendation and also advise how long the Police Department actually retains these records currently? If you are, in fact, keeping the records longer we just need to pass that information along to the City Council.

I'll be glad to answer any questions that you might have.

Thank you for your assistance.

Lisa

**Lisa B. Vierling,
MMC**



CITY OF HIGH POINT

City Clerk
IIMC Region III Director

211 S Hamilton, Room 320 | High Point, NC 27260
336.883.3536 | fax: 336.822.7067

lisa.vierling@highpointnc.gov | www.highpointnc.gov

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HIGH POINT, N.C. POLICE DEPARTMENT
GENERAL ORDER

	NO. 4.11	DATE OF ISSUE 11-26-07	EFFECTIVE DATE 11-26-07
SUBJECT Mobile Video Recorders	AMENDS		REVIEW DATE 11-20-18
REFERENCE	RESCINDS		

I. PURPOSE

This policy establishes procedures and guidelines for the operation of video and audio recording equipment installed in Departmental vehicles, as well as procedures for maintaining, storing, and handling of evidence obtained through these devices.

II. DEFINITIONS

- A. MVR – An acronym for Mobile Video Recorder, this term refers to audio/video recording equipment designed for fixed installation in patrol vehicles. This General Order does not apply to the use of hand held camcorders or audio/video surveillance devices.
- B. MVR Recordings – This term is used to describe any method of recording images and audio by a MVR. The use of "recordings", for the purpose of this policy could be used interchangeably with other recording medium such as CDs, DVDs, or other digitally stored images.

III. OPERATING PROCEDURES

- A. Only those officers who have received specialized instruction and have demonstrated proficiency in the proper operation and use of MVR equipment shall be authorized by the Department to operate such equipment for enforcement purposes.
- B. Only the recording medium (video recordings, CDs, DVDs, etc.) issued and approved for use by the Department may be utilized in agency MVR equipment.
- C. Officers should observe the following general procedures to ensure that the MVR equipment will properly record traffic stops, or other actions undertaken in the field:
 - i. Ensure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record the events;

- ii. The MVR will not be deactivated until the vehicle stop or other action is completed; or contact has been disengaged;
- iii. The wireless microphone will be turned "ON" in order to provide audio recording as well as video recording during the MVR activation.

IV. EVENTS TO BE CAPTURED

When practical, the following incidents shall be audibly and visually recorded:

- 1. All traffic stops
- 2. All emergency responses
- 3. All vehicular pursuits
- 4. All prisoner transports
- 5. All crimes in progress
- 6. All sobriety tests
- 7. All street investigative stops
- 8. All suspicious person stops
- 9. All vehicle inventories pursuant to vehicle impoundment
- 10. All consent searches of vehicles (to include consent being given)
- 11. Any situation or event that the MVR officer, through their training and experience, believes should be recorded.

V. RECORDING CONTROL AND MANAGEMENT

- A. MVR recordings of evidentiary value in a criminal or civil proceeding shall be treated as evidence, and handled, maintained, and processed as such, and as required in Departmental General Order 3.4. The recordings should be documented in official reports.
- B. Recordings depicting the following shall be considered evidentiary:
 - i. Any contact that results in a felony charge;
 - ii. Any contact that results in an arrest for Driving While Impaired, or other alcohol related offense;
 - iii. Any recording involving a motor vehicle crash resulting in death or serious injury;
 - iv. Any other criminal case involving an accident of major significance;
 - v. Any incident or traffic stop that results in the requirement for a supervisor to complete an Officer Incident Report.
- C. MVR recordings will be maintained for a period of 30 days, at which time it can be deleted by the departmental Information Technology personnel, unless circumstances dictate it be held longer.

- D. MVR recordings may be reviewed by the officer when deemed necessary for reporting purposes, court preparation, or other appropriate purposes.
- E. Officers are prohibited from any use of MVR equipment to make audio recordings of telephone calls they are not a party to or other privileged forms of communications.
- F. MVR operators shall not have the authority to erase, reuse, or in any manner alter MVR recordings, except as specifically provided in this General Order. All completed recordings shall be properly labeled and identified by the MVR operator prior to being submitted for evidentiary storage or normal 30-day storage.
- G. MVR operators are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes.
- H. If any person is injured during a recorded incident, the recording shall be maintained for at least three years and one month from the date of recording.

VI. OFFICER'S RESPONSIBILITIES

- A. Inspection and maintenance of MVR equipment installed in departmental vehicles is the responsibility of the assigned officer.
- B. The equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental policies.
- C. Transferring of recordings to storage (downloading) in a timely manner is the responsibility of the assigned officer, as is completing proper lab request forms for copying events to DVD for long-term storage.
- D. Prior to the beginning of each shift, the assigned officer shall perform a preoperational inspection to ensure that MVR is performing in accordance with the manufacturer's recommendations, and that proper storage space is available for new recordings. This inspection should include remote transmitters, camera lens, and recording mechanisms.
- E. Any malfunctions shall be reported to the immediate supervisor as soon as practical, and repairs arranged with the appropriate technicians. No MVR repairs should be attempted by MVR operators.

VII. SUPERVISORY RESPONSIBILITIES

Supervisory personnel who manage officers assigned to utilize MVR equipment are responsible for the following:

- A. Ensure that all officers follow established procedures for the use and maintenance of MVR equipment, handling of video/audio recordings and the completion of MVR documentation;
- B. Conduct and document a quarterly spot check of MVR recordings to assess officer performance, determine whether MVR equipment is being fully and properly used, and to identify material that may be of value for training purposes;
- C. Ensure that repairs and replacement of damaged or nonfunctional MVR equipment is properly performed.

VIII. OWNERSHIP, CUSTODY, CONTROL, AND DISPLAY OF RECORDINGS

All recordings generated by members of the High Point Police Department are the property of the Department. Recordings used as evidence that are subject to continuing judicial review (appeals, etc.) shall continue to be governed by the joint control of the Department and the affected prosecuting authority.

- A. No recording shall be duplicated for a member's personal use without the authorization from their Division Commander or a higher authority.
- B. Duplication of non-evidentiary recordings for release to the public can be authorized only by the Chief of Police.
- C. Display of evidentiary recordings prior to adjudication of the crime or infraction shall be limited to Departmental employees, law enforcement officials, and those persons specifically designated by the affected District Attorney.
- D. No recording shall be e-mailed, downloaded, or otherwise transmitted electronically without prior authorization from a Division Commander or higher authority.
- E. Any person wishing to view a recording must make a written request to the Chief of Police pursuant to N.C.G.S. 132-1.4A. A copy of a recording may not be released without a court order except in one of the following instances:
 - 1. Release to the District Attorney's Officer for law enforcement purposes.
 - 2. For law enforcement training purposes.
 - 3. Within the High Point Police Department for any administrative, training, or law enforcement purposes.
 - 4. To another law enforcement agency for law enforcement purposes.

By order of:

A handwritten signature in black ink, appearing to read "Kenneth J. Shultz", written over a horizontal line.

Kenneth J. Shultz
Chief of Police

