

City of Fayetteville Staff Review Form

2017-0636

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11/21/2017

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor, Chief of Police

11/3/2017

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policies 41.3.5, Grooming and Uniform Requirements and 41.3.8, Body-Worn Camera.

Budget Impact:

<hr/>		<hr/>	
Account Number		Fund	
<hr/>		<hr/>	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	NA	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: November 2, 2017

SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Policies 41.3.5, Grooming and Uniform Requirements and 41.3.8, Body-Worn Camera.

BACKGROUND:

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended by employees and developing policies to guide employees in the use of new equipment. Policy 41.3.5, Grooming and Uniform Requirements, is an existing policy that was approved by the council on October 6, 2015. Policy 41.3.8, Body-Worn Camera, is a new policy, and it has already been vetted through the City Attorney's Office.

DISCUSSION:

Policy 41.3.5, Grooming and Uniform Requirements is an existing policy that contains changes to officers' grooming standards during on-duty exercising and training. A list of department issued weapons was also eliminated from this policy because the information is recorded within other police department records. All changes are highlighted. Policy 41.3.8, Body-Worn Camera, is a new policy that addresses recently purchased technology. The body-worn cameras will be deployed once this policy is approved.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff at this time.

Attachments:

Fayetteville Police Policy 41.3.5, Grooming and Uniform Requirements
Fayetteville Police Policy 41.3.8, Body-Worn Camera

POLICIES, PROCEDURES, AND RULES

Subject: 41.3.5 Grooming & Uniform Requirements	Effective Date: October 6, 2015
Reference:	Version: 5
CALEA: 1.3.9 a., b.; 22.2.5; 41.3.4 ,5, 6	No. Pages: 8

I. PURPOSE

The individual officer and the department are often judged by the public depending upon the personal appearance of the uniformed officers in particular and all employees in general. Maintaining a professional appearance is critically important to fostering public trust and confidence in law enforcement. The purpose of this policy is to provide grooming and uniform standard guidelines for employees of this department, which will reflect a high standard of professionalism to the public.

II. POLICY

Members of the Fayetteville Police Department shall be neat and clean at all times while on duty. This policy shall apply to all personnel while representing the department in any manner. All sworn personnel shall comply with the following grooming and uniform standards that apply to sworn personnel, unless excluded by the Police Chief due to special assignments. No member of the department shall wear his or her uniform or any part of his or her uniform while he or she is on medical light duty, administrative leave or under suspension. **For current uniform specifications refer to the Uniform Specifications with Photographs and the Quartermaster's Authorized Uniform and Equipment Lists maintained on the computer network.**

III. PROCEDURES FOR SWORN PERSONNEL

All sworn personnel of the Fayetteville Police Department are subject to uniform inspections on a daily basis by any supervisor. Uniformed personnel are to keep their uniform neat, clean and free from defects. All authorized uniform items referred to in this policy are supplied and issued under the Fayetteville Police Department Quartermaster system, except for the Extreme Cold Weather Cap [CALEA 22.2.5, and CALEA 41.3.4]. If specified as a department replacement, defective items shall be replaced through the quartermaster system. Non-uniformed personnel are subject to the same standards and inspections as uniformed personnel. Officers replacing items through the quartermaster system must submit a "Uniform and Equipment Replacement Form" signed by their supervisor. Failure to maintain appearance standards will be noted on your annual evaluation. Repeated failure to maintain proper appearance standards could lead to disciplinary action.

IV. GROOMING FOR SWORN PERSONNEL

- A. Hair: The Chief of Police retains the right to approve or disapprove of any hairstyle, which may cause an unfavorable reflection(s) upon the department.
1. Male - Hair shall be neat, clean, trimmed, and shall present a groomed appearance. Hair will not cover any part of the ears or the collar except the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no case will the bulk or length of the hair interfere with the proper wear of any authorized headgear.
 2. Female – While wearing a uniform, hair shall be worn in a fashion not to create the risk of injury to them. Hair must not hang loose on or below the collar and must be able to wear authorized headgear properly.
- B. Sideburns: If a member chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as his haircut. Sideburns will not extend below the lowest part of the ear, will be of even width (not flared), and will end with a clean-shaven horizontal line.
- C. Mustaches: A short and neatly trimmed mustache may be worn, but shall not extend over the top of the upper lip or beyond the corners of the mouth, and shall not protrude more than one-half inch from the skin surface of the face.
- D. Beards and Goatees: The face will be clean-shaven other than the wearing of the acceptable mustache or sideburns. Beards and goatees are prohibited. Only the Chief of Police may approve the wearing of beards or goatees.
1. An exception will be given when an officer is training and/or exercising, and the officer is not wearing the department badge, gun, insignias, uniform or other items, which make him/her readily identifiable as a police officer.
- E. Wigs: Wigs or hairpieces will not be worn on duty except for cosmetic reasons to cover natural baldness or physical disfiguration. If a wig or hairpiece is worn, it will conform to department grooming standards.
- F. Jewelry:
1. Male – While wearing a uniform, officers may wear watches and wedding bands. Medical alert bracelets may be worn with the approval of the Chief of Police. At no time while on duty will officers be permitted to wear earrings or other ornaments attached to body.
 2. Female – While wearing a uniform, officers may wear watches, wedding bands and post earrings which do not protrude from the ear lobe more than 1/4 inch. If the earrings are worn, the employee will wear one earring in each ear lobe.
- G. Tattoos: Tattoos and brands above the collarbone and below the wrists are prohibited. Officers in uniform and non-uniform assignments are prohibited from displaying any

tattoo, brand or intentional scarring while on-duty or while representing the department in any other manner.

1. An exception will be given when an officer is training and/or exercising, and the officer is not wearing the department badge, gun, insignias, uniform or other items, which make him/her readily identifiable as a police officer.
2. Any current officer in a uniformed assignment with an existing tattoo or brand that is visible while wearing the alternate summer uniform or a short-sleeved shirt shall have the following options:
 - a. Wear the standard uniform with a long-sleeved shirt,
 - b. Cover the tattoo or brand with a skin-tone, blue or black patch. A skin-tone, blue or black patch shall not be an option to cover a tattoo or brand on the officer's leg(s).
 - c. Have the tattoo or brand removed at the officer's expense.
3. Officers in non-uniformed assignment shall have the following options to cover any visible tattoo or brand:
 - a. Cover with appropriate clothing,
 - b. Cover the tattoo or brand with a skin-tone, blue or black patch. A skin-tone, blue or black patch shall not be an option to cover a tattoo or brand on the officer's leg(s).
 - c. Have the tattoo or brand removed at the officer's expense.
4. When deemed operationally necessary, officers in undercover assignments may display tattoos or brands with the approval of the Chief of Police or his/her designee.

H. Body Piercing: Body piercing of the face, head, and mouth not only detracts from a professional appearance, but also poses a serious risk and potential for injury in a confrontational situation, and shall not be worn by any officer of the department when representing the department.

1. With the exception of pierced ears, body piercing of the face, head, and mouth detracts from a professional appearance and is not authorized for wear by any personnel when representing the department.
2. Any body piercing, which is not concealed by the authorized uniform or plainclothes, is prohibited for wear by any personnel when representing the department.
3. When deemed operationally necessary, officers in undercover assignments may display body piercing with the approval of the Chief of Police.

I. Dental Ornamentation: Officers shall not have dental ornamentation. The use of gold, platinum, silver or other veneer caps for the purposes of ornamentation is prohibited. Teeth whether natural, capped or veneered shall not be ornamented with designs, jewels, initials, etc.

V. UNIFORMS FOR SWORN PERSONNEL

Officers will be required to wear a uniform as authorized by the Chief of Police. Uniform specifications will be listed in the Quartermaster's Authorized Uniform and Equipment Lists and will be pictured in the Uniform Specifications with Photographs maintained on the computer network.

Class "A" uniforms will be the department issued dark navy color long sleeve shirt and pants without cargo pockets. Class "A" uniforms will be worn with department issued badge, name tag, collar brass, whistle chain, two pens/pencils, tie, leather gear, duty boots or shoes and duty hat when directed by the Chief of Police. The whistle chain will be attached to the right shoulder epaulet button with the whistle (optional) stored inside the right shirt pocket. Class "A" uniforms are authorized for day to day patrol activities and special occasions such as ceremonies, funeral, special events or any other event authorized by the Chief of Police.

Class "B" uniforms will be the department issued dark navy color long, or short, sleeve shirt and pants with, or without, cargo pockets. Class "B" uniforms will be worn with department issued badge, name tag, collar brass (if applicable), whistle chain (optional), two pens/pencils, leather or web-gear duty belt, duty boots or shoes and duty hat or stocking cap (optional). Collar brass will be worn with the Class "B" uniform short sleeve shirt. Collar brass is not worn on the Class "B" uniform long sleeve shirt for the rank of sergeant, corporal, or patrolman. The rank of lieutenant and above will wear collar brass on the Class "B" uniform long sleeve shirt. A black crew neck type t-shirt will be worn underneath all short sleeve uniforms. A black crew neck t-shirt or mock neck type shirt will be worn underneath all long sleeve uniforms. Class "B" uniforms are authorized for day to day patrol activities or any other event authorized by the Chief of Police.

Class "C" uniforms will be the department issued navy color BDU pant and approved Fayetteville Police Department shirt. Class "C" uniforms will be worn with department issued web gear, duty boots and baseball cap (optional). Class "C" uniforms are authorized for man hunts, K-9 call-outs, training involving physical activity or during any other event authorized by the Chief of Police.

The Chief of Police will authorize special uniforms as necessary (i.e. Administrative Personnel, Emergency Response Team, Honor Guard, etc.).

- A. Duty Belt: Officers will be issued a leather and web-gear duty belt with matching accessories. Items to be worn on the duty belt consist of holster with gun, double magazine pouch with magazines, flashlight and flashlight holder, portable radio holder with radio, handcuff case with handcuffs, keepers, pepper spray holder with pepper spray, the CEW and holster. The department supplied baton holder and baton is optional. No sunglasses, keys, knives, or any other items will be worn on the belt unless approved by the Chief of Police. If authorized to wear the uniform on a "second" job, the COMPLETE prescribed uniform for the time of year will be worn.
- B. Authorized Hat:
 - 1. Duty Hat: To be worn with the Class "A" uniform. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
 - 2. Baseball Cap: The baseball cap may be worn with the Class "C" uniform, at the firing range, manhunts or when otherwise authorized by the Chief of Police. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
 - 3. Stocking Cap: To be worn in cold weather. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

4. Extreme Cold Weather Cap: This item is optional, and it is not furnished by the department. This cap may be worn during extreme cold weather. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
 5. Hat Badge: To be worn with the Duty Hat. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
- C. Patches: The Fayetteville Police Department patch, as designed by the department, will be worn on the left and right shoulder of all shirts one inch from the shoulder seam and centered on the sleeve. Patches on coats will be one inch from the shoulder seam and centered. No other patch, insignia, or pin will be allowed except those authorized by the Chief of Police.
- D. Collar Emblems: The rank insignia shall be worn on both collars of Class "A". Rank Insignia will be worn on both collars of the Class "B" uniform short sleeve shirt. Rank Insignia is not worn on the Class "B" uniform long sleeve shirt for the rank of sergeant, corporal, or patrolman. The rank of lieutenant and above will wear rank insignia on the Class "B" uniform long sleeve shirt. The insignia for the rank of lieutenants and above will be worn on shirt collars parallel to the shoulder. The insignia for the rank of sergeant and below will be worn with the centerline of the insignia bisecting the points of the collar. All non-ranking officers shall wear the F.P.D. emblem on the Class "A" and Class "B" uniforms in a horizontal, centered position between the tip of the collar and the neck opening. Refer to the Uniform Specifications with Photographs.
- E. Name Plate: The nameplate will be furnished by the quartermaster. It will be worn over the right pocket approximately .25 inches above the pocket flap and centered with the button. The nameplate will be worn at all times while in uniform unless otherwise authorized. See illustrations in the Uniform Specifications with Photographs.
- F. Pen and Pencil: To coincide with other metal parts of the uniform, all officers will carry pen or pencils, of which that part is exposed, will be predominately gold in color. No more than two pens or pencils will be exposed in the left pocket at one time. The pens will have black ink and the pencil will be carried due to the inability of a pen to write on a damp or wet piece of paper.
- G. Tie: The tie will be worn with the Class "A" uniform. When ties are in use, they will be worn on the outside of the shirt, not tucked in. Refer to the Uniform Specifications with Photographs.
- H. Shirts and Trousers: Refer to Uniform Specifications with Photographs and the Quartermaster's Authorized Uniform and Equipment Lists.
- I. T-Shirts: A black crew neck type t-shirt will be worn underneath the short sleeve Class "B" uniform. A black mock neck type or crew neck t-shirt will be worn underneath the long sleeve Class "B" uniform. The F.P.D. long, or short sleeve t-shirt will be worn with the Class "C" uniform. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
- J. Coat/sweater: Refer to Quartermaster's Authorized Uniform and Equipment Lists.

- K. Raingear: Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
- L. Footwear: The Chief of Police has authorized footwear for patrol. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
 - 1. Authorized footwear will be kept clean and shined at all times while on duty. Black or dark Blue socks are the required uniform item. Footwear for specialized units such as Bike Patrol, E.R.T., and K-9 officers must be approved by the Chief of Police and will not be worn during normal patrol duties. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
- M. Bullet Resistant Vests: The department will issue a bullet resistant vest to each sworn officer of the department. When in uniform, officers shall wear a bullet resistant vest at all times unless specifically exempted by the Chief of Police. Officers in plain clothes are not required to wear the vest; however, all sworn members are required to maintain their issued vests and are encouraged to have them available should an incident arise for which the officer may be at risk. The vest will be supplied by the department and replaced as necessary [CALEA 41.3.5]. Officers involved in high-risk tactical details shall also be required to wear a bullet resistant vest [CALEA 41.3.6].
- N. Weapons and Ammunition: The Chief of Police will designate the ammunition and weapons carried. No other ammunition or weapon will be carried except when approved by a supervisor for special circumstances and ONLY for that particular situation [CALEA 1.3.9 a. and b.].

VI. DEPARTMENT-ISSUED WEAPONS AND AMMUNITON:

- A. While on duty, uniformed officers will only carry the department-issued weapons. ~~only while on duty.~~ All department-issued weapons and ammunition shall be listed on the department's Approved Weapons and Ammunition List. ~~The authorized weapons utilized by the department include:~~
 - 1. ~~Glock model 35 .40 caliber semi-automatic pistol~~
 - 2. ~~Glock model 23 C .40 caliber semi-automatic pistol~~
 - 3. ~~Remington model 1187 12 gauge shotgun~~
 - 4. ~~AR 15 .223 caliber semi-automatic rifle~~
 - 5. ~~Remington model 700 LTR .308 caliber rifle~~
 - 6. ~~AR 10 308 caliber semi-automatic rifle~~
 - 7. ~~Glock Model 27 .40 caliber semi-automatic pistol~~
- B. Detectives will only carry ~~only the~~ department-issued weapons while on duty. Personal weapons must have the written approval of the Chief of Police prior to being carried as a duty weapon or as a supplemental duty weapon.
- C. Ammunition will be department-issued as approved by the Chief of Police. Authorized ammunition utilized by this department will be governed by the department's Approved

Weapons and Ammunition List as maintained by the Administrative Lieutenant. A copy of this list will be maintained on the computer network [CALEA 1.3.9 b.].

- D. Uniformed officers and detectives of this department will carry only department-issued shotguns and rifles.

VII. DRESS CODE FOR NON-SWORN

- A. Dress Code and Appearance: The Fayetteville Police Department endorses a professional, comfortable work environment for non-sworn employees. All non-sworn employees should dress in job appropriate attire which supports this goal for our workplace. The following will govern attire for non-sworn employees.

1. Non-sworn employees will be allowed to wear:
 - a. Pants, slacks, and capri pants.
 - b. Dresses and skirts with length no shorter than three inches above the knee.
 - c. Tank and spaghetti tops only when worn with a sleeved shirt. Dressy, button up, and sleeveless tops are permissible.
 - d. Leggings or form fitting pants or capris are permissible when worn with a dress, skirt, or tunic top that is long enough to cover the mid-thigh.
 - e. Jeans during the following circumstances:
 - (1) While working as Dispatch personnel during a scheduled shift.
 - (2) Other Civilian personnel not working during regular business hours which translate as outside of 7:00 a.m. to 5:00 p.m.
 - (3) Supervisors may also allow civilian personnel working 7:00 a.m. to 5:00 p.m. permission to wear jeans. Examples of this are a Friday jean day, and during other duties assigned such as cleaning, evidence room assistance, or during periods of inclement weather.
2. Employees should use common sense regarding attire and refrain from wearing unlaundered, sloppy, or overly provocative clothing to work.
3. Specifically prohibited clothing shall include:
 - a. Clothing that exposes the midriff, back, or that has a low cut neckline.
 - b. Spaghetti strap tops, tank tops not simultaneously worn with a sleeved shirt, tube tops, halter-tops, or netted shirts.
 - c. Clothing exposing undergarments.
 - d. Clothing that is torn, frayed, or that has holes.
 - e. Attire or accessories that display suggestive language, derogatory comments, or slogans.
 - f. Clothing that is inappropriately revealing.
 - g. Short pants.
 - h. Sleepwear including pajama pants.
 - i. Sweat pants.
 - j. Leggings that are not worn underneath a dress, skirt, or tunic that are long enough to cover mid-thigh.
 - k. Yoga, athletic, or work-out type pants.
 - l. Flip Flops (Any type of sandal that fits between your toes and only has "one" strap holding it on your feet, whether dress or casual)

B. Violation of Dress Code

1. The non-sworn employee's immediate supervisor will have the authority to determine if an employee's attire violates this policy. Any non-sworn employee who is found in violation of the dress code will be sent home to change. Time away from work to change clothes will be charged to accrued leave banks or leave without pay. Disciplinary action will be taken in accordance with the city and department's policies.

- C. Clothing worn by all non-sworn personnel should be clean and well-kept. Likewise, personnel should maintain an average or higher degree of personal cleanliness.**

POLICIES, PROCEDURES, AND RULES

Subject: Body-Worn Camera 41.3.8	Effective Date:
Reference: FPD 12.1.1, 22.3, FPD 26.1.1, FPD 41.3.5, FPD 53.1, 54.1.1, and GO # 22	Version:
CALEA: 17.5.3, 41.3.8, 53.1.1	No. Pages: 8

I. PURPOSE

The purpose of this policy is to provide officers with guidelines on the use and management of body-worn cameras (BWC). At times, body-worn cameras may document the audio/video of a police officer's investigative and enforcement activities. The use of body-worn cameras are expected to promote officer safety, strengthen police accountability, create a greater operational transparency, provide for more effective prosecution, and improve protection against false allegations of excessive use of force, misconduct or biased-based profiling while protecting civil liberties and privacy interests [CALEA 41.3.8 a.].

II. POLICY

It is the policy of this department that officers shall activate the body-worn camera when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and state law. This policy does not govern the use of recording devices used in undercover operations or Office of Professional Standards (OPS) investigations.

A. Use of Equipment

1. The department issued body-worn camera is authorized for use in the course and scope of official duties as set forth in this policy.
2. The Chief of Police will select which body-worn camera shall be used by the police department.
3. Body-worn camera equipment shall be issued to all sworn personnel.
4. Officers shall only use departmentally approved body-worn cameras.
5. Sworn personnel wearing a Class "A" or "B" uniform as defined in Fayetteville Police Policy 41.3.5 (Grooming and Uniform Requirements) and personnel assigned to motorcycle patrol and bicycle patrol are required to wear the body-worn camera unless approved by a supervisor.

- a. There may be exceptional circumstances during call-out deployments and when officers are in uniform while off-duty or on-duty, and there is need to take law enforcement action without having access to a body-worn camera. When practical, officers shall obtain authorization from a department supervisor before taking law enforcement action without wearing a body-worn camera. Examples of these circumstances include, but are not limited to:
 - (1) Off-duty officers traveling to and from the police department after or before their assigned shift.
 - (2) All deployments requiring immediate response.
 - (3) Critical incidents when no other functioning body-worn cameras are available.
6. While working extra duty employment as defined in Fayetteville Police Policy 22.3 (Secondary Employment) and wearing a Class “A” or “B”, motorcycle, or bicycle uniform, sworn personnel shall wear a body-worn camera. Officers shall ensure the camera is fully charged and ready for use when returning to duty.
7. The department quartermaster shall maintain a record of assignment for each body-worn camera [CALEA 17.5.3].
8. The body-worn camera shall be worn in the center of the officer’s torso at chest height.
9. The body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the agency.

B. Training [CALEA 41.3.8 f.]

1. Prior to the issuance of body-worn cameras, all sworn personnel must complete department approved training and demonstrate proficiency in the operation and care of the camera. This training will include mandatory, permissible, and prohibited uses of the body-worn camera.
2. Additional training may be required for users and supervisors every three years or as needed to ensure the continued effective use and operation of the equipment, or policy revisions.
3. The Training Division will maintain a record of all training as required by this policy.

C. Set up, Maintenance, and Data Upload [CALEA 41.3.8 e]

1. Assigned body-worn camera equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning.
2. Officers shall inspect and test the body-worn camera prior to each shift in order to ensure it is operational, and the battery is fully charged.
3. Officers shall notify their supervisor immediately of any problems or malfunctions. The supervisor will make the determination if the body-worn camera should be removed from service and a temporary replacement issued.
4. If a body-worn camera is damaged, lost, stolen, or defective, the officer shall submit a memorandum through the chain of command.

5. The Administrative Lieutenant will track damaged, lost, stolen or defective equipment.
6. The Chief of Police or his designee will assign peripheral supervisory assignments for the body-worn camera program. Department supervisors who have been assigned this primary or secondary responsibility shall ensure all cameras and related equipment are in a state of operational readiness.
7. At the end of shift or secondary employment, officers shall place the body-worn camera into a docking station for upload of data. This will allow evidence to be transferred from the system to the video management solution and for the battery to be charged. The body-worn camera should not ordinarily be removed from the dock until data has been uploaded and the battery is fully charged [CALEA 41.3.8 d].

D. Activation of the Body-worn Camera [CALEA 41.3.8 b.]

1. When possible, officers shall activate the body-worn camera to record all contacts with citizens in the performance of official duties.
2. If asked, the officer will inform the person they are being recorded.
3. Body-worn cameras shall be activated in the following circumstances.
 - a. Detentions and arrests;
 - b. Statements made by suspects;
 - c. Consensual encounters;
 - d. Traffic and pedestrian stops;
 - e. K9 deployments;
 - f. Emergency Response Team Deployments;
 - g. Foot pursuits;
 - h. Use of force;
 - i. When serving an arrest or search warrant;
 - j. Conducting any of the following searches on a person or property:
 - (1) Incident to arrest;
 - (2) Cursory;
 - (3) Probable cause;
 - (4) Probation/Parole; or
 - (5) Vehicles;
 - k. Search by consent - Officers will follow established procedures as defined in Fayetteville Police Policy 1.2.2 (Warrantless Detention, Search and Seizure).
 - (1) Prior to conducting a consensual search, an officer shall verify the body-worn camera is activated and recording. Permission to search shall be recorded by the officer before any search takes place.
 - (2) If the subject granting consent limits the scope of the search by requesting de-activation of the body-worn camera, the officer may honor the request and proceed within the scope of the search. The request for de-activation shall be recorded.
 - l. Transportation of arrestees or detainees;
 - m. During any citizen encounter that becomes hostile;

- n. Any situation where the officer determines recording would be valuable for evidentiary purposes;
- o. When directed by a supervisor;
- 4. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will lead to a citizen complaint, the officer will notify his/her supervisor before the end of his/her shift.
- 5. Once the body-worn camera is activated, it shall not be intentionally turned off until the event is completed, unless authorized by policy.
- 6. Officers shall document in the CAD incident narrative (if no case report exists), the case report or as a note on the warning or citation if he or she fails to activate, fails to record the entire contact, or the body-worn camera malfunctions.

E. Operational Restrictions [CALEA 41.3.8 b]

- 1. The body-worn camera shall only be used in conjunction with official law enforcement duties.
 - a. The body-worn camera will not be intentionally activated to record fellow employees without their consent during non-enforcement related activities.
 - b. Intentional recordings of confidential informants and undercover officers are prohibited unless authorized by a supervisor.
- 2. Officers shall not modify, dismantle or attempt to make repairs to body-worn cameras.
- 3. Body-worn cameras shall not be used for non-work related activities.

F. Deactivation/Non-Activation/Muting of the Body-worn Camera [CALEA 41.3.8 b]

- 1. Officers will only deactivate or not activate the body-worn camera during an incident when authorized by policy.
- 2. Officers shall properly document reason for deactivation by entering an audio explanation prior to deactivation and including the reason in the CAD incident narrative or case report.
- 3. Officers have discretion on deactivating the body-worn camera under the following circumstances:
 - a. In places where reasonable expectations of privacy exist (ie. bathrooms, dressing rooms, locker rooms, etc).
 - b. No strip or body cavity searches will be recorded.
 - c. When at a crime scene, the body-worn camera may be manually deactivated when the scene is no longer active, and the deactivation is approved by a department supervisor.
 - d. Officers may deactivate or not activate the body-worn camera when dealing with reluctant witnesses or victims.
 - e. Upon approval from any supervisor.
- 4. When discussing sensitive tactical or law enforcement information away from citizens, or when obtaining confidential information, officers can utilize the mute function on the body-worn camera.

5. Other deactivations / non-activations may occur when officers experience equipment malfunctions, when officers do not have a reasonable amount of time to activate their body-worn cameras, or in places where reasonable expectations of privacy exist (ie. bathrooms, dressing rooms, locker rooms, etc).

G. Documentation, Categories, and Retention of Body-Worn Camera Videos

[CALEA 41.3.8 c,d]

1. The Fayetteville Police Department utilizes video management solution software that exports information from our computer aided dispatch (CAD) and records management system (RMS). Once the video has been automatically tagged, it shall be the officers' responsibility to check and verify data files are categorized correctly with the following information:
 - a. By verifying the case number within the CASE ID Field associated with the file is correct;
 - b. By verifying a title in the TITLE field. The title should include sufficient information to identify the file.
 - c. By verifying the appropriate CATEGORY of the video has been selected to establish retention.
2. Categories and associated retention rates as implemented by system administrator:
 - a. BWC Tests - (90 days) – This category is only for documenting the inspection and test of the body-worn camera. Employees are required to manually tag these videos.
 - b. Uncategorized – (Indefinite) – This is a default category for body-worn camera videos that are not categorized by the integration with the computer-aided dispatching / record management system.
 - c. No action - (90 days) - Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
 - d. Training – (90 days) – This category is only for practical training exercises that need to be kept and documented for department training.
 - e. Misdemeanor - (4 years) - All misdemeanor criminal investigations, reports and arrests and traffic citations.
 - f. Death Investigation – (7 years) – All death investigations not categorized as homicides. Employees should document all death investigations in this category. Criminal Investigation Division supervisors will be responsible for tagging the videos in another category if appropriate.
 - g. Felony - (7 years) - All felony criminal investigations, reports and arrests.
 - h. Permanent - (Permanent) - Officer involved shootings, homicides and crimes of violence as defined by ACA 5-42-203. Supervisors in the Criminal Investigation Division and Administration will manually tag the officer involve shooting and homicide videos.
 - i. Restricted - (Indefinite) -Videos under administrative review. The Administrative Lieutenant will manage videos in this category.

H. Accidental Recordings [CALEA 41.3.8 c,d]

1. Requests for deletion of accidental recordings must be submitted in writing and approved by Chief of Police or his or her designee.
2. The IT manager shall ensure the recording is removed from video management solutions.
3. All requests and final decisions shall be kept on file with the IT manager for a period of 3 years.

I. Recording Control and Management [CALEA 41.3.8 c]

1. All body-worn camera videos have a 30 second buffer, which means the video of the incident is captured 30 seconds prior to the activation of the camera.
2. All body-worn camera/video management solution users will be responsible for monitoring system effectiveness and making recommendations for operational improvement and policy revision.
3. The Chief of Police or his designee will establish permission levels for users in the video management solution software. Permission levels will be determined by the employee's function within the organization.
4. The IT Manager or his designee will be responsible for implementing user roles and privileges in the video management solution software.
5. Authorized users will keep their user name and password confidential.
6. The video management solution has an audit function that tracks access of the videos within the system.
7. Accessing, tampering, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.
8. Under no circumstances will employees be allowed to access and view recordings while off duty.
9. Officers are authorized under this policy to review their video as it relates to:
 - a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
 - b. Prior to courtroom testimony.
 - c. For training purposes.
10. Officers assigned to the Community Oriented Policing Division, the Criminal Investigation Division, the Special Investigations Unit, and department conducted energy weapon (CEW) armorer(s) have the authority to view other officers' body-worn camera videos in order to perform functions of their job duties. All other officers are required to receive supervisor approval before viewing other officers' body-worn camera videos.
11. If an officer is the subject of an open/active Office of Professional Standards investigation, he or she will be given an opportunity to review their body-worn camera video/s before he or she is interviewed.

J. Supervisor Responsibilities

1. Supervisors will ensure officers utilizing the body-worn cameras adhere to established procedures, guidelines, and policies.
2. Supervisors shall follow inspection procedures of department equipment as defined in Fayetteville Police Policy 53.1 (Inspections) [CALEA 41.3.8 e].
3. In the event a body-worn camera is damaged, lost, stolen, or defective, the supervisor shall facilitate a replacement as soon as practical.
4. The Chief of Police or his designee will assign peripheral supervisory assignments for the body-worn camera program.
5. Supervisors shall periodically review body-worn camera data to verify compliance with this and other directives. Supervisors are authorized to conduct the following types of reviews [CALEA 41.3.8 g]:
 - a. Administrative
 - b. Compliance
 - c. Performance
6. Supervisors shall review the following videos [CALEA 41.3.8 c.g]:
 - a. Vehicle pursuits;
 - b. The portion of the video that shows officer uses of force involving less lethal weapons;
 - c. The portion of the video that shows weaponless uses of force which results in a subject receiving medical treatment.
7. Patrol lieutenants shall create a quarterly audit of three officers BWC videos and report the findings to the patrol captain. [41.3.8 c.g].
8. If an officer is involved in a serious incident or subject of a serious allegation, the supervisor may confiscate the body-worn camera immediately. The supervisor shall maintain the chain of custody of the body-worn camera if it is related to a criminal investigation or turn it over to the proper authority pending administrative review [CALEA 41.3.8 c].

K. Release of Body-Worn Camera Video

1. Any requests for body-worn camera video by a citizen will be addressed as a Freedom of Information Act (FOIA) request as defined in Fayetteville Police Policy 54.1.1- (Public Information Policy).
2. Prosecutors may be granted access to video management solution by the IT Manager or his designee.
3. Defense attorney requests should be made through the appropriate court prosecutor or Freedom of Information Act (FOIA).
4. Evidentiary copies of digital recordings will be accessed from the video management solution and copied for law enforcement purposes only.
5. Recordings may be duplicated for court, investigations, training, or other purposes as authorized by the Chief of Police or his designee.
6. Officers who need a recording duplicated for court, investigations, or training must make the request through the Property/Evidence Division. For court, the request should be made at least 48 hours prior to the court date when possible.

7. Requests from other law enforcement agencies should be in writing and shall be approved by a lieutenant. The request shall be maintained in the same manner as FOIA requests.
8. When an officer has finished a court appearance using a copy of an original media file, and the file is not retained by the court, the officer will, as soon as practical, return the media to the property room for proper storage or disposal.
9. Video files related to an internal investigation(s) shall be restricted until the investigation is closed.