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SHERIFF/HIGH CONSTABLE

POLICY & PROCEDURE GENERAL ORDER

SUBJECT: Body-Worn Camera (BWC)		04-12-00
EFFECTIVE DATE: After Public Review	REVISION DATE: NEW	PAGES: 10

Purpose:

The purpose of this policy is to set forth guidelines for the use, management, storage, and retrieval of audio/visual media recorded by body-worn cameras (BWC) in accordance with the Code of Virginia.

Policy:

Body-worn cameras shall be used to assist sworn appointees in the performance of their duties by providing an accurate and unbiased recorded account of an incident. To maximize effectiveness and maintain integrity of evidence related documentation, all sworn personnel utilizing BWCs shall adhere to the procedures outlined within this policy. Sworn appointees assigned BWCs shall be trained in their operation and use, as well as limitations and special circumstances as outlined in this policy.

All recordings are the property of the Virginia Beach Sheriff's Office and cannot be edited, altered, erased, copied, released, or disseminated without approval of the Sheriff or designee.

Definitions:

Body-Worn Camera (BWC) - a recording device worn by the deputy on the uniform that captures audio and video of the encounter between the deputy and citizens.

Evidentiary value – any information captured on the deputy's BWC that will likely aid an investigation.

Law enforcement action – any official actions taken by the deputy in the performance of his/her duties.

Program Administrator – Appointee assigned to the Professional Standards Office who has exclusive edit and purge rights of all videos captured by deputies/investigators that use BWCs.

Program Facilitator – Appointee assigned to a command who has access rights to update logistical information regarding BWCs.

Use of Force – Reportable force as defined in S.O.P 11-01-00 Use of Force.

Guidelines for Use:

- A. Administration - Body-Worn Cameras (BWC) are for official Sheriff's Office use only. Intentional abuse or misuse of the equipment or malicious violation of this policy may result in disciplinary action.
1. All sworn personnel shall be issued BWCs to be worn in accordance with this policy. Cameras will not be shared or used by other deputies unless approved by the command/program facilitator.
 2. Unauthorized reproduction of a BWC recording is prohibited.
 3. BWCs shall be worn when working in an on-duty or off-duty uniformed assignment, excluding court appearances when off-duty. Sworn appointees working off-duty employment will abide by provisions in this policy the same as on-duty deputies.
 4. Sworn appointees who primarily work in an administrative or investigative capacity will not be required to wear a BWC while on routine assignment. If the appointee reports for duty to work in an operational capacity, or elects to work an off-duty assignment, they shall wear a BWC in accordance with this policy.
 5. Deputies who work an assignment that involves the potential for a call-out may be assigned a second BWC.
 6. The camera shall be worn in a manner that captures the best point of view, unobstructed, and in accordance with training.
 7. Deputies shall power on their BWC at the beginning of each shift to ensure the equipment is in proper working order. The BWC is to remain powered on for the duration of the shift, except in circumstances outlined in this policy. Any problems with the equipment shall be reported to a supervisor.
 8. BWCs shall be used to record all vehicle inspections.
 9. BWCs shall be docked at the conclusion of each shift to allow video uploads/device updates to occur. When working an off-duty assignment is anticipated, deputies shall dock the BWC at the conclusion of their shift, and then take the device to their off-duty assignment once the upload process is complete. Sworn personnel will be responsible for ensuring the device is properly charged for their next shift.

10. Deputies must ensure the BWC data is uploaded to Evidence.com and categorized as required.
11. Appointees shall not review BWC recordings related to a use of force that results in death or serious bodily injury to a deputy, police officer, and/or other involved persons, or those videos related to a critical incident, prior to the submission of an incident report. All other recordings may be reviewed to assist in completing incident reports and use of force memos.
12. Appointees shall attach any BWC video to their incident report.
13. Appointees shall not edit or delete any recordings. Original recordings may only be edited or purged as authorized by the Commanding Officer of the Professional Standards Office. If a video is edited for any reason, the original intact video will be maintained by Professional Standards.
14. Recordings associated with a case involving the Commonwealth Attorney (CWA) shall be shared to OCA Evidence, Agency: City of Virginia Beach (VA) Commonwealth Attorney within 7 calendar days. Appointees shall edit the title of the BWC to the suspect's full name.
15. When appointees receive notice of appeal in a misdemeanor case, they shall edit the title of the BWC to "Appeal-(insert suspect's full name). The appointee shall then share the case with OCA Evidence, Agency: City of Virginia Beach (VA) Commonwealth Attorney within 7 calendar days.
16. Appointees must receive supervisory approval prior to viewing another appointee's BWC recordings.
17. Each command shall designate a supervisor to act as the Program Facilitator. The Program Facilitator will ensure compliance with this policy and that equipment is properly assigned to each appointee.
18. All videos shall contain tracking software (audits) to indicate who has viewed the footage and if the data was edited. Appointees are reminded that every login access is documented in the video's audit trail. Appointees must note the purpose of viewing the recording in the comments section.

B. Supervisor Responsibilities

1. Sergeants shall ensure BWCs are utilized in accordance with this policy.

2. Sergeants shall inspect BWC monthly and document the inspection.
3. Any defects with BWCs will be reported to their Command Site Facilitator for repair and replacement of the equipment.
4. Sergeants shall conduct a minimum of one administrative BWC review per month on each appointee assigned to them. These reviews shall be separate and apart from those pertaining to a use of force, citizen complaint, or ones initiated by the appointee. Supervisors shall conduct these reviews using Axon's Performance software to ensure proper documentation occurs.
5. Sergeants shall ensure appointees are docking their BWC at the end of each shift.
6. Sergeants shall ensure appointees are categorizing videos as specified in training.
7. If an allegation is made against an appointee is criminal in nature, the supervisor who receives the allegation may review the BWC video, but they shall immediately notify the Professional Standards Office to restrict access to any involved videos.

C. Equipment, Training, and Assignment

1. All BWC equipment shall be issued by the Training Division and maintained by the appointee.
2. Appointees shall test the BWC equipment at the beginning of the shift to ensure it is in good working order with sufficient battery and storage capacity to last an entire shift. Any problems shall be reported to the supervisor immediately.
3. The Training Division will be responsible for training on the use of BWCs and this training will be documented on the appointee's training record. Retraining on the equipment shall be completed as needed.

D. Activation

1. Sworn appointees shall only activate the BWC for law enforcement actions, training, or testing purposes. BWCs are not authorized for personal use.
2. Sworn appointees shall immediately activate their BWC under the following circumstances:
 - a. Upon direction of a supervisor

- b. When any encounter is likely to result in force being used or an arrest being made.
 - c. During any arrest, the BWC shall continue recording until arrival at the jail intake or destination.
 - d. To document citizen interviews or investigative stops.
 - e. When going “enroute” to any call for service.
 - f. Upon activation of emergency equipment (lights and/or sirens) or when taking any law enforcement action
 - g. Whenever reasonable, safe, and practical to do so, sworn appointees should advise citizens that the encounter is being recorded. If asked by the citizen, sworn appointees will confirm that a recording of the event is in progress.
 - h. Once the BWC is activated, the entire encounter shall be recorded without interruption (continuous recording) unless a clear, articulable reason to discontinue recording occurs. In that case, the deputy will state the reason for stopping the recording, when practical.
 - i. If a sworn appointee discontinues recording of an encounter for any reason and then finds it necessary to take law enforcement action, the deputy shall reactivate the camera provided it is safe and practical to do so.
3. Correctional Center Activation: BWC shall be activated for the duration of all security checks and during inmate interactions occurring outside of a security check.

BWC shall also be activated in response to the following activities:

- a. Use of force incidents (to include restraint chair)
- b. Disciplinary moves
- c. Medical codes
- d. Unusual mental health behavior (i.e. smearing body fluids)
- e. Self-harming behavior
- f. Disciplinary Board Hearings
- g. Property damage

- h. Disorderly/disruptive subjects
 - i. Cell searches
 - j. Any other unusual event
4. Intake/Release:
- a. BWC shall be activated when dealing with any inmate, except during dress out.
 - b. The BWC shall not be activated while inside intake or while around any other VCIN terminal unless a significant event/encounter is deemed eminent by the deputy in that area.
5. Court Security
- a. Any law enforcement investigative action/warrant service
 - b. In response to any Emergency Call Buttons and medical emergencies
 - c. Any time someone is remanded to custody
 - d. Escorts of citizens out of the building
6. Transportation
- a. Any law enforcement investigative action/warrant service
 - b. Any inmate movement to/from the vehicle, to including securing the inmate in the unit
7. Civil Process
- a. Any law enforcement investigative action/warrant service
 - b. Evictions and levy's
 - c. All service of paperwork, both postable and personal
- E. Use of Axon Respond Software -Axon Respond provides supervisors a situational awareness tool that displays the location of a deputy based upon their GPS-enabled body camera. In addition, when a body camera is in record mode, authorized users may view a live-stream video from that device. These features shall be restricted based upon the following guidelines:

1. Only Axon Body 3 (AB3) cameras are capable of GPS location and live streaming.
2. All supervisors have access to Axon Respond to view the location of a deputy based upon GPS signal in the AB3.
3. Live stream viewing will be restricted to the rank of Captain and above.
 - a. Live streaming is only enabled when an AB3 is in record mode, and it cannot be accessed when the camera is simply buffering.
 - b. AB3 users are notified by an audible tone and icon on their device when live stream services are accessed.

F. Restricted Use of BWCs:

1. Deputies shall use their best discretion in areas where a high expectation of privacy is present. If a deputy does not record an event or elects to discontinue recording, there should be an articulable reason for doing so. This will be stated on video prior to turning off the camera and noted if there is a corresponding incident report.
2. Deputies shall not record personal activities that are conducted during a normal shift. These include personal phone calls, meal breaks, or other non-work-related personal activity.
3. Unless approved by a supervisor, BWCs shall not be used to record interactions with confidential informants. If the conversation needs to be recorded, deputies shall attempt to capture the audio portion only by covering the video lens or standing outside of the camera's view.
4. Any legal consultation with the Office of the Commonwealth Attorney or City Attorney shall not be recorded.
5. The BWC shall be turned off when appearing before a magistrate. Immediately after the magistrate has concluded the hearing, turn the camera back on to record all further contact with the individual until they are transferred to the custody of the Intake staff for processing.
6. Deputies shall not activate their BWC while attending their court case. BWCs shall be powered off upon entry into the courthouse but shall immediately be powered on upon exiting the facility.
7. Deputies may activate their BWC inside any medical facility where medical privacy is expected and required by law. Deputies shall take all reasonable measures to ensure that only citizens involved with a specific case are recorded.
8. Deputies shall not record strip searches.
9. Deputies shall not record planning briefings without approval from the commanding

officer.

10. Deputies shall not record any aspect of training unless specifically requested to do so.
11. Deputies shall not record routine meetings or discussions with supervisors.
12. Appointees shall not convert, obtain, or copy any BWC footage for personal use. No images, footage or BWC information will be released to any social media site without the permission of the Sheriff.

G. Video Recordings

1. All recordings captured on BWCs are the property of the Virginia Beach Sheriff's Office and will be treated as evidence. No recordings will be disseminated without the approval of the Sheriff or designee and in compliance with State and Federal dissemination laws, privacy protection, and other applicable laws, including the Virginia Freedom of Information Act.
2. Deputies may review BWC recordings to help complete reports, except those instances involving use of force that results in death or serious bodily injury to a deputy, police officer and/or other involved persons, or those videos related to a critical incident.
3. Deputies shall note on any report if an encounter was captured on a BWC. Any specific information pertaining to the video's location shall be included as well.
4. In a critical incident, such as an in-custody death, or use of force causing serious bodily injury or death, the BWC will remain turned on and in the possession of the involved deputy until the appropriate investigator arrives on scene. The video will be handled in a manner consistent with other evidence.
5. Categorizing specific events or recordings will be completed as specified by training. Any recordings deemed to have administrative or evidentiary value shall be categorized accordingly.
6. Only the Commanding Officer of Professional Standards, or designee, is authorized to purge a BWC video from the system. Only videos that are captured outside the requirements of this policy may be purged.
7. Requests for BWC footage from external/private parties, such as a Motion of Discovery, Subpoena Duces Tecum, and Freedom of Information Act request shall be handled in accordance with General Order 05-05-00 and 05-06-00. No video will be released without the approval of the Sheriff or designee and the appropriate review/redactions by the Program Administrator.
8. The Office of the Commonwealth's Attorney will have their own license through Axon that enables their prosecutors to view, edit, and redact BWC videos. VBSO will maintain original copies of all BWC videos.

9. In any case where a deputy has brought charges against an individual, and later learned that the BWC recording contains evidence that may be exculpatory in nature (evidence tending to establish a criminal defendant's innocence), the deputy shall immediately contact their supervisor for guidance regarding the proper disposition of charges. The same shall apply for any supervisor reviewing BWC footage. If the case is being handled by the City/Commonwealth's Attorney, they shall also be notified immediately.

H. Video Retention Schedule

Video retention schedules are promulgated by the Library of Virginia in accordance with Virginia Public Records Act (Refer to Library of Virginia General Schedule GS-17, for Records Retention Management). Any recordings deemed to have administrative or evidentiary value will be saved in accordance with General Schedule (GS) 17 Records Retention guidelines. All videos to be deemed non-evidentiary and non-administrative will be retained for a period of no less than 180 days from the date of recording.

After 180 days, or the retention period set according to their categorization, they will be expunged from the system in accordance with the record of destruction procedures established by the Records of Virginia.

If a deputy inadvertently records an event that is not a law enforcement related encounter or is prohibited by policy, a supervisor shall be notified immediately. The Program Administrator will review the footage and purge the video promptly once it is verified that the video was captured in error. The Administrator will document the reason for the purge in the Audit Log.

Before purging any video, the Program Administrator, or designee, shall take any steps necessary to ensure that the purge complies with the requirements of the Virginia Public Records Act and the procedures established by the Library of Virginia.

Public Comment and Review:

Prior to the adoption of the Body Worn Camera policy, the Virginia Beach Sheriff's shall make The policy available to the public for comment and review in accordance with the Code of Virginia.

Annual Review:

This policy shall be reviewed every 12 months by administrative staff.

The Sheriff may revise or rescind this policy, or any portion thereof, at any time.

A handwritten signature in black ink, appearing to read "KStolle".

Kenneth W. Stolle
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