

Re: FOIA Request / Body Camera Equipment and Policy

Dear Attn: FOIA Officer:

Aquia Harbour Police Department

Attn: FOIA Officer

1221 Washington Drive

Stafford, VA 22554

June 12, 2015

Records Requested

Please provide copies of the following records:

1. All policies, practices, procedures, rules, or orders concerning the use of body cameras, including: **(attached)**
 - a. policies or procedures governing use of body cameras;
 - b. what types of data are obtained;
 - c. the conditions under which body cameras are used;
 - d. the frequency of body camera use;
 - e. the number of body camera units or systems acquired; **(3 Viewu Body Cameras)**
 - f. the number of officers equipped with body cameras; **(We have 7 officers and 3 cameras, they wear them "as available").**
2. All policies, practices, procedures, rules, or orders concerning the review of body camera data by supervising officers or staff or civilian review personnel to ensure officer compliance with department or agency policies and applicable state and federal law;
3. All policies, practices, procedures, rules, or orders concerning the storage of data obtained using body cameras, including:
 - a. where the data is stored; **(Designated air gapped computer)**
 - b. how long data is stored; **(automated – deletes after 90 days)**
 - c. when data must be discarded; and
 - d. how much data your agency or department currently stores; **(We don't store any data beyond 90 days unless it is needed for court in which case it is downloaded onto a disk and housed as evidence.)**
4. All policies, practices, procedures, rules, or orders concerning access to body camera data, including:
 - a. the legal justification required before a law enforcement employee or
 - b. member of the public may access body camera data; **(case by case, but generally always made available to the parties involved and made available to public on case by case basis)**

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- c. purposes for which the data may be accessed;
 - d. purposes for which the data may not be accessed;
 - e. who may access the data, what procedures they must go through to obtain access, and who must authorize access; and
 - f. the existence of a system that records who accesses the data and when the data is accessed;
5. All policies, practices, procedures, rules, or orders concerning the sharing of data obtained through body cameras, including:
- a. what type of data is shared;
 - b. what databases your agency puts collected body camera data into; and **Vievu storage system**
 - c. third parties, governmental or private, that may access your agency's body camera data, including what procedures a third party must go through to access the data and any restrictions placed on a third party regarding further sharing of your body camera data;
6. All agreements to share body camera data with outside agencies or departments, corporations, or other entities; and **(no agreement)**
7. All training materials used to instruct members of your department or agency in body camera deployment, data management, or operation of automated records systems that contain body camera data to which any member of your department or agency has access, including regional or shared databases.

Please inform me in advance if the cost of complying with this request will be greater than \$50. If the requested documents are available in electronic form, please e-mail them to me at fknaack@acluva.org. Otherwise, please mail them to me at ACLU of Virginia, 701 F Franklin Street, Suite 1412, Richmond, Virginia 23219. Please respond within five (5) business days as required by FOIA. Thank you for your prompt attention to this matter. If you have questions, please contact me at fknaack@acluva.org or (804) 523-2144.

I. POLICY

It is the policy of the department to protect and ensure the safety and welfare of our citizens and department personnel. Video documentation has become an integral and valued tool in Law Enforcement for those agencies that have adopted patrol car mounted cameras. The value has repeatedly outweighed the equipment and training costs involved with enhanced evidence gathering, report accuracy, complaint management and increased professionalism. Thus, wearable video technology is the next logical step. The Aquia Harbour Police Department has adopted standard operation procedures when using the on-officer camera.

II. PURPOSE

Officer safety is of paramount concern for the Aquia Harbour Police Department. In order to

provide enhanced safety, field units are being equipped with wearable Video/Audio systems. The VIEVU can be used to record traffic stops, incidents, suspicious and/or criminal activity. Digital recorded evidence can greatly enhance a criminal investigation by providing graphics.

III. OBJECTIVES

The principle objectives of the On-officer camera program include:

- a. Enhancing officer safety
- b. Identifying criminal activity
- c. Identifying suspects
- d. Preventing/deterring crime and public disorder
- e. Reducing and removing the fear of crime
- f. Improving agency accountability
- g. Simplifying incident review
- h. Enhancing new recruit and in-service training (post-incident use of videos)
- i. Improving Community/Media perceptions
- j. Strengthening police leadership
- k. Advancing prosecution/case resolution
- l. Enhancing officer performance and professionalism
- m. Increasing homeland security

IV. PROCEDURES

1. When a VIEVU body camera is available to them, patrol officers are expected to wear them during their tour of duty.
2. The camera system will be maintained according to manufacturer's recommendations. The VIEVU wearable video camera is the only Agency approved On-officer camera.
2. At the beginning of each tour of duty, it shall be the responsibility of the patrol officer wearing the camera to insure that the camera is in working order;

- a. Camera batteries will be charged, in either the wall mount or vehicle charger.

The LED red light will go off when the charge is complete. A blinking green LED light indicates that the camera is on and recording. The LED will blink green until the camera is turned off. When the LED green blinking light turns to a red blinking light you have about twenty percent (20%) of space/power left.

- b. The On-officer camera will be worn on the Agency uniform in a manner that ensures images in front of the officer are captured and recorded.

- c. The camera can record approximately four and one-half hours of video per ten hour shift. Care should be used so that recordable time is not wasted.

3. Activation of the camera is generally at the discretion of the officer, however, activation is strongly encouraged for the following;

- a. Traffic stops.
- b. Suspicious incidents or any other incident where officer safety may become an issue. i.e. Building searches, alarms, etc.
- c. Domestic Violence situations.

- d. Any incident which may lead to an arrest, i.e. Drunk in Public, etc.
- e. On scene Investigative Interviews with victims/witnesses to include their present location or agency vehicles.
- f. Once activate, the camera shall not be turned off mid-altercation. However, it may be intermittently re-started to keep tape segments short.

V. CRIME SCENE ACTIVATION

1. Crime Scene Activation. Digitally recording evidence at a scene assists greatly in the capture of evidence. Therefore, officers are encouraged to activate their On-officer cameras upon arrival and while securing the scene pending the arrival of the Investigator of Evidence Technician.
3. Announcement of date, time, location and purpose of the recording.
4. A capture of the general scene or of an individual. A full frame capture of the person.
5. A capture showing the relationship of any injuries to the subject's body. (privacy should be taken into consideration especially in the case of a person with the opposite gender to the officer).
6. Officers are not able to delete or edit recordings and should not attempt to tamper with the camera's stored recording. Digital images that are relevant for investigative or trial purposes should be downloaded to a DVD, marked for court and kept with the officer's investigative file.
7. The officer should note in the officer's incident report that digital recordings had been taken.

VI. DOWNLOADING TO COMPUTER

At the conclusion of the officer's tour of duty, the officer shall;

1. Download all recordings to the designated computer at the police station.
2. Review any pertinent recordings and request a DVD be made by a supervisor on specific recording pending trial. **NOTE:** only systems administrators can create a recording of any incident.
3. Supervisors will make a DVD copy, and return the disk to the officer to be listed as evidence.
 - a. This master shall serve as the permanent record. A separate DVD should be created for each criminal case or investigation, and the DVD is copy protected
 - b. Once the recording are downloaded, the cameras memory is emptied and ready for new recordings.
 - c. The supervisor should confirm that the digital images were correctly transferred to a blank DVD by;
 - d. Officers shall leave VIEVU cameras at the police station, at the completion of their tour of duty. The camera shall be plugged into the twelve volt lighter charger for use by the next officer on duty.

VII. CONFIDENTIALITY

1. Video recordings shall be conducted in a professional, ethical and legal manner.

strictly

2. Video surveillance for the purpose of monitoring work areas, social areas or sensitive areas should only occur in special circumstances, and this surveillance should further the policy's principle objectives, which include the prevention/deterrence of illegal activity and the enhancement of safety.
3. All recordings that are related to, or of value to an investigation are to be kept confidential.
4. On-officer cameras shall not be directed through windows of a residential dwelling where an individual has a reasonable expectation of privacy.
5. Copies of recording shall only be made for investigative and/or evidence/training purposes and shall be controlled by the Chief of Police.
6. Each individual officer is responsible for all recordings captured by their assigned camera.

VIII. LEGALITY

1. The State of Virginia is a one party consent state. Therefore, only the officer need know that the recording of the encounter is taking place but if asked officers are encouraged to explain the camera and the purpose of it to any citizens that take an interest in it.

IX. TRAINING

1. Officers will receive in-service training on the proper use of the Agency issued on-officer camera. Training will include but not be limited to:

- a. Setup and battery charging.
- b. Uniform placement.
- c. Recording techniques.
- d. Weather conditions.
- e. Camera subject bearings.
- f. Proper care and servicing.
- g. Downloading procedures.
- h. Review of recordings.

X. FAQ

1. How do I know the Viewu is recording ?

A. When the unit is recording, The LED light will blink green until the unit is turned off.

2. How can I tell when the battery/free space is almost used up ?

A. The LED light will turn red and continue blinking when you have about 20% of time/space left.

3. How do I know when my VIEVU is fully charged ?

A. The LED light will show solid red when charging. When charge is complete. The light will go off completely.

4. How long does it take to charge the battery ?

A. The VIEVU PVR uses a lithium ion battery. A completely dead battery will take

LED

approximately three (3) hours using the wall charger.

5. When capacity is full, will my VIEVU stop recording or will it loop over itself ?

A. The camera will stop recording at full capacity and the LED light will turn red.

6. The time stamp is incorrect on my videos ?

A. All the VIEVU PVR's are set to GMT time (Greenwich Mean Time) to ensure accuracy and, if needed, accountability in court.

XI. GREENWICH MEAN TIME

1. When Virginia is on **Eastern Daylight Time**. (Arrives 2:00 A.M. on the second Sunday of March) it is four (4) hours behind Greenwich Mean Time. (GMT)

2. When Virginia is on **Eastern Standard Time**. (Arrives 2:00 A.M. on the first Sunday in November) it is five (5) hours behind Greenwich Mean Time. (GMT)