

COLONIAL HEIGHTS POLICE DEPARTMENT

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Approved:	Jeffrey W. Faries, Chief of Police <i>Colonel Jeffrey W. Faries</i>		

NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY:

It shall be the policy of the Colonial Heights Police Department to utilize Body-Worn Camera (BWC) equipment to assist Department personnel in the performance of their duties by providing an accurate and unbiased recorded event of an incident. Additionally, to maximize effectiveness of the BWC and maintain integrity of evidence and related documentation, all personnel utilizing these devices will adhere to the procedures outlined within this policy. The wearing of a BWC by an assigned officer is mandatory and non-compliance with this order could result in disciplinary action.

II. PURPOSE:

The purpose of this policy is to provide guidance on the proper use of the Body-Worn Camera (BWC) and the proper storage of data retrieved by the use of this equipment.

III. DEFINITIONS:

Body-Worn Camera (BWC): A recording system that captures audio and video that is individually worn by officers and includes, at a minimum, a camera and recorder.

Buffering: The thirty seconds of video prior to activation of the BWC event mode held in temporary storage.

Evidence Transfer Station: A docking station that recharges the Axon Tactical Computer (ATC) while uploading to Evidence.com all data captured from the BWC operator's point of view during the operator's shift.

Evidence.com: The online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly-secure environment.

System Administrator: Officer(s) appointed by the Chief of Police with full administrator rights who assigns and tracks equipment, controls passwords, acts as liaison with Taser Axon representatives and is the department's subject matter expert on body-worn devices.

IV. PROCEDURES – BODY-WORN CAMERA SYSTEM:

Officers assigned a BWC shall don a fully-charged system prior to their tour of duty. In order to best capture that which is observed by an officer using a BWC, the camera should be located on the head or shoulder area of the officer. Officers shall activate the BWC whenever there is a potential for dealing with a suspect of a crime. This would include, but is not limited to, traffic stops, suspicious person contacts, or calls for service. The BWC may also be activated whenever the officer feels its use would be beneficial to his/her police duties. Once the camera is activated to the "event" mode, it shall remain on until the police action is complete.

An officer who is lawfully present in an area protected by the Fourth Amendment shall activate the BWC when there is reasonable suspicion that a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present. In the absence of such criteria, the officer must turn off the BWC if asked to do so by a person with apparent authority over the constitutionally-protected area. As a reminder, entry into a Fourth Amendment protected area requires probable cause and a warrant or warrant exception. (ex. Magistrates Office/Judges Chambers/Clerk of Courts Office/Medical Facility)

Inspections and maintenance of the BWC shall be the responsibility of the assigned officer. Only authorized personnel to whom a recording system is assigned may use, touch or handle that recording system. Unauthorized personnel shall not use, touch or handle any recording system.

At the end of a Officer's tour of duty, the recording system will be placed into the assigned docking station slot on the Evidence Transfer Station located in the squad room at Police Headquarters. The recording system should not be removed from the Evidence Transfer Station until all of the data has been uploaded and the battery has been fully charged. Any functionality or serviceability problems shall be reported to their supervisor immediately, who will then notify the System Administrator.

At the end of the officer's tour, he or she will mark any video related to a criminal or traffic case, or that may be useful to the Department for training purposes. (This includes arrests/search warrants/traffic stops conducted by other officers). When marking video, the officer will ensure that the appropriate category is selected. The categories are Evidentiary, Non-Evidentiary or Training/Demo. All Evidentiary cases must include the case number as the Video ID. Non-Evidentiary cases should include at a minimum a brief description of the incident and/or a case number.

Once an officer determines that Evidentiary video is no longer needed, (i.e. adjudicated in court) the officer will re-categorize that particular video to either Non-Evidentiary or Training/Demo in order to purge video that is no longer needed.

V. DOCUMENTATION:

Officers will document the use of any video recording system in reports, citations, affidavits, field interviews, etc. Before writing reports involving the response to resistance, critical incidents, confessions or admissions, officers will review any video. Officers are encouraged to review available video while preparing written reports to ensure accuracy.

Note: The BWC records at a level beyond human ocular capability.

VI. RESTRICTIONS:

The following uses of Body worn recording systems are strictly prohibited:

1. Using a mobile video recording system to take a statement in lieu of a sworn written statement, unless approved by a supervisor.
2. Video-recording undercover officers or confidential informants.
3. Duplicating or distributing recordings for other than official law enforcement purposes.
4. Permitting citizens to review recordings for other than official law enforcement purposes.
5. Altering captured data.
6. Accessing recordings for other than case-related purposes, responses to resistance, formal or informal complaints, legal review, pursuant to established policy or as directed by the Chief of Police or designee.
7. Making or creating, by separate device or otherwise, a copy of any recording except as directed by the Chief of Police or designee.
8. Posting to social media sites without approval by the Chief of Police.

VII. SYSTEM ADMINISTRATOR:

The Mobile Video System Administrator is responsible for overall maintenance, management, training and retention, and acts as a liaison between the Department

and Taser. The System Administrator reports to the Chief of Police or his designee.

VIII. CONFIDENTIALITY:

All recording media, images, and audio are property of the City of Colonial Heights Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police or his designee. Under no circumstances will any employee of the Colonial Heights Police Department make a personal copy of any recorded event without prior written permission from the Chief of Police or his designee.

IX. RETENTION:

Videos that are categorized as Evidentiary or Training/Demo will be maintained until they no longer serve a law enforcement purpose. After which videos will be re-categorized by the officer or System Administrator as Non-Evidentiary and purged from the system. Non-Evidentiary videos will be purged from the system no sooner than 30 days from their upload or re-categorization. Videos maintained in the system that have are considered "Uncategorized" will also be purged from the system no sooner than 30 days from their upload.

X. VIDEO SHARING:

At times, officers will be asked to share video evidence that they have collected with outside agencies such as the Commonwealth Attorney's Office. Officers are permitted to share with the Commonwealth Attorney's Office as well as any Federal, State or Local agency that is in need of the video for a law enforcement purpose for a duration that satisfies that purpose. Additionally, officers are permitted to allow that evidence to be downloaded by the requesting agency for their law enforcement purpose if necessary. Any other request for video, either Evidentiary, Non-Evidentiary or Training/Demo, shall be approved in writing by the Chief of Police or his designee prior to release.

XI. TRAINING:

Officers shall be trained and receive instruction prior to being assigned a BWC.