



Town of Hurt Police Department

Chief R.D. Rowland
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July 14, 2015

American Civil Liberties Union of Virginia
Attn: Mr. Frank Knaack
701 E. Franklin Street
Suite 1412
Richmond, VA 23219

Dear Mr. Knaack,

Per our earlier conversation I am sending you a copy of the Town of Hurt Police Departments, policy on Body Worn Cameras (BWC). The policy is and will continue to be a working/living document as more information and knowledge of the use of BWC is gained.

I feel that the policy I have implemented provides the best protection and service for the rights of the citizens that I serve as well as the Officers that serve with and for me. If you have any questions concerning the policy please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ronald D. Rowland".

Ronald D. Rowland
Chief of Police
Town of Hurt



June 12, 2015

Hurt Police Department
Attn: FOIA Officer
P.O. Box 760
Hurt, VA 24563

Re: FOIA Request / Body Camera Equipment and Policy

Dear Attn: FOIA Officer:

This letter is a request under the Virginia Freedom of Information Act (FOIA), Va. Code § 2.2-3 700 et seq. This request seeks records regarding law enforcement worn body cameras, also referred to as police body cameras or body-worn cameras (hereinafter “body cameras”).

Records Requested

Please provide copies of the following records:

1. All policies, practices, procedures, rules, or orders concerning the use of body cameras, including:
 - 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; and
 - f. the number of officers equipped with body cameras;
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;
 - b. how long data is stored;
 - c. when data must be discarded; and
 - d. how much data your agency or department currently stores;
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;

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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 data¹ is shared;
 - b. what databases your agency puts collected body camera data into; and
 - 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
- 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.

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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.

Sincerely,



Frank Knaack
Director, Public Policy and Communications

¹ "Data" or "body camera data" means any data recorded by a body camera.

Town of Hurt Police Department		RULES AND REGULATIONS	
SUBJECT: Body –Worn Cameras (BWCs)		NUMBER: 2-15A	
EFFECTIVE DATE: July 12, 2015		REVIEW DATE: July 1, 2017	
AMENDS/SUPERSEDES: ALL PRIOR		APPROVED: <u>Ronald D. Rowland</u> Ronald D. Rowland, Chief of Police	

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 considered 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. PURPOSE

This policy is intended to provide officers with instructions on when and how to use the body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of The Town of Hurt Police Department that officers shall activate the BWC when such use is appropriate to proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration:

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and how to Use the BWC:

1. Officers shall activate the BWC to record all contacts with citizens in the performance of duties.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D. 1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use:

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use

and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC.

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record

1. Communication with other police personnel without permission of the Chief of Police.
2. Encounters with undercover officers or confidential informants;

3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E: Storage:

1. All files shall be securely downloaded onto the Evidence.com account for the specific officer, periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Files that do not have any evidentiary need will be maintained for 90 days.
6. Files needed for case investigation will be downloaded onto a DVDR and secured/stored with the case master file.

F. Supervisor Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.