

LAW OFFICES OF
HARRIS, MATTHEWS & CROWDER, P. C.

Bracey Office

E. Warren Matthews
9718 Highway 903
P. O. Box 369
Bracey, Virginia 23919
Telephone: (434) 636-6363
Fax: (434) 636-5644

South Hill Office

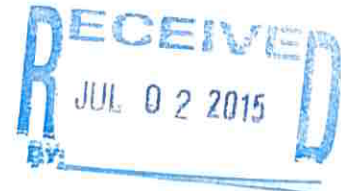
Frank D. Harris (1924-2005)
Charles H. Crowder, III
Harry S. Montgomery, III
Tessie Barnes Bacon
P. O. Box 369
South Hill, Virginia 23970
Telephone: (434) 447-3128
Fax: (434) 447-2755

Kenbridge Office

Calvin S. Spencer, Jr.
111 East Fifth Avenue
P. O. Drawer G
Kenbridge, Virginia 23944
Telephone: (434) 676-2405
(434) 292-1486
Fax: (434) 676-2192

June 29, 2015

American Civil Liberties Union of Virginia
ATTN: Frank Knaack, Director
Public Policy and Communication
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219



Re: FOIA Request for Body Camera Equipment and Policy

Dear Mr. Knaack:

Pursuant to your Freedom of Information Act request of June 12, 2015, please find enclosed the Kenbridge Police Department's policy regarding Body Worn Cameras. I believe this policy is responsive to your request.

The Kenbridge Police Department has a DVD for training purposes. The DVD would be copyright protected. If you would like to view the DVD, then you may contact the Kenbridge Police Chief, Raymond Hite, directly.

Thank you for your attention to this matter.

Sincerely,

Calvin S. Spencer, Jr.

CSSjr/ljt

Enclosure

cc: Raymond Hite, Chief of Police

Kenbridge P.D.

Effective Date

June 1 2015 - *Paul E. Hill*

Number

Subject-Body-Worn Cameras

Reference Special Instructions

Distribution Reevaluation Date November 2015 No. Pages 3

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.¹

II. POLICY

It is the policy of Kenbridge Police Dept. that officers shall activate the BWC when such use is appropriate to the 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 official 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 will be instructed on proper use of BWC. 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 executive officer (CEO) 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 executive officer 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. Communications with other police personnel without the permission of the chief executive officer (CEO);
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 periodically and no later than the end of once a month. 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 Kenbridge Police Dept.. Accessing, copying, or releasing files for non law enforcement purposes is strictly prohibited.

3. All access to BWC files must be specifically authorized by the CEO 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.

F. Supervisory 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.