

has made them practical in limited situations. However it must be kept in mind that these devices are not secure and the images captured may be sensitive in nature. Any photos that will be submitted to the Commonwealth Attorney's office as evidence or the State Laboratory for forensic analysis shall be taken with the department issued 35mm camera and handled as stated previously in this section. Only department issued cell phones, tablets and cameras, digital or film, may be used.

### **VIII. Required paperwork**

- A. Access log (evidence custodian use only)
- B. Request for Destruction order
- C. Authorization of release
- D. Property Record For/Property Release form (submitted with every case by officer)
- E. Right of Refusal
- F. Currency record

### **VIII. Body Worn Audio/Visual Record-Capture Digital Camcorders**

This is to establish policy and guidelines for electronic data collection resulting from the use of body worn audio/visual camcorders (BWC). It also serves to direct officers and supervisors in the proper use and maintenance of the BWC. The purpose of the BWC is to provide an accurate unbiased audio/visual record of enforcement related and non-criminal incidents that will enhance criminal prosecutions and limit civil liabilities.

It will be the policy of the New Market Police Department that officers shall use the issued BWC when interviewing suspects of crimes, field sobriety tests (in conjunction with the in-car video camera), establishing probable cause for pedestrian stops and detentions, or any situation, condition, or event having a potential for loss of life, injury or damage to property.

#### **Procedure**

##### **A. General guidelines for the use of BWC**

1. The BWC is intended to supplement reports and investigations and ultimately aid in prosecuting traffic criminal and related offenses, to improve officer performance through training, and promote officer safety.

2. The BWC is to be used to document events, actions, or statements made during arrests, interviews, and critical incidents in order to enhance report preparation and investigations.
  3. The BWC is meant to enhance the Department's ability to review probable cause for arrests, searches and seizures, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.
- B. The BWC shall not be deactivated until the enforcement action is completed.
- C. Officers shall not erase any audio and or video on the BWC.

#### Prohibitions

- A. Any use of the BWC for any purpose other than official law enforcement business is a violation of this policy. Non-law enforcement business can include, but is not limited to:
1. Covertly recording other law enforcement personnel;
  2. Recording a conversation with a supervisor, council member, or other government employee;
  3. Personal use of the BWC; and
  4. Recording a conversation that the officer is not party to, unless the officer is handling a law enforcement incident and is in a lawful position when the taping occurs.
- B. Officers shall not use the BWC to record a particular person based solely on the person's race, color, age, sex marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or physical disability.

#### Data Management

- A. BWC recordings shall only be downloaded to computers operated and maintained by the New Market Police Department.
- B. If there are any recording that is deemed to be of evidentiary value the officer will notify the Chief of Police that a copy needs to be made on a media storage device (i.e. CD-ROM, flash drive, etc.) and entered into evidence. Officers will note in incident, arrest and related

reports when video/audio recordings were made during the incident in question. Other data not copied to disc will remain on a secure computer for 90 days at which time it shall be erased.

- C. Only a copy of the data will be released to another criminal justice agency for trial or other Reasons. The original data will remain in safe storage.
- D. Data will not be released to any outside non-criminal justice entity, regards of the content, without explicit authority from the Chief of Police or his designee.
- E. The media storage device shall be retained for 3 years or until the case is resolved or evidence is released, whichever is longer, and then the media device or its contents shall be destroyed.
- F. Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made or created subject to one of the following:
  - 1. Permission from the Chief of Police or his designee; or
  - 2. Required by court order.