

1100 Cedar Valley Drive, Suite 2
Post Office Box 33
Cedar Bluff, Virginia 24609
Voice: (888) 374-5078
Fax: (276) 206-2255
www.ratlifflaw.net



Bradley C. Ratliff, Attorney at Law
Natasha L. Ratliff, Paralegal

June 22, 2015

Mr. Fred Knaack
Director, Public Policy and Communications
ACLU
701 E. Franklin Street, Suite 1412
Richmond, VA 23219

RE: FOIA Response

Dear Mr. Knaack:

Please be advised that this office represents the Town of Richlands, Virginia. We are in receipt of your FOIA Request dated June 12, 2015.

You request numerous policies concerning body camera use by the town police force. Attached herewith, please find the town's existing policy. The town has no additional policies in existence with regard to body camera operation, use, data, access, or storage at this time.

Thank you in advance for your kind attention in this regard. If you have any questions, please do not hesitate to contact me.

Sincerely,

Bradley C. Ratliff

BCR/mmww

Cc: Chief Frank Dorton
Mr. Timothy Taylor, Town Manager

TOWN OF RICHLANDS		RULES AND REGULATIONS	
DEPARTMENT OF POLICE			
SUBJECT: Audio/Visual Record-Capture Digital Camcorders		NUMBER: 3-01	
EFFECTIVE DATE: 01/01/2012		REVIEW DATE: 01/31/2016	
AMENDS/SUPERSEDES: Supersedes 3-xx, Jan 14 (Review) and ALL Previously Issued Orders or Policies		APPROVED: F. L. Dorton/ Chief of Police	
VLEPSC STANDARDS:			

NOTE: This order is for internal use only, and does not enlarge a sworn employee'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:

Officers of the Richlands Police Department **shall** use the issued Body Worn Audio/Visual Camcorders (BWC) when interviewing suspects of crimes, field sobriety tests, traffic stops, 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.

II. PURPOSE:

To establish policy and guidelines for electronic data collection resulting from the use of the 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.

III. PROCEDURES:

A. General guidelines for the use of BWC:

1. The BWC is intended to supplement reports and investigations and ultimately aid in prosecuting traffic 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 investigation.
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.

IV. DATA MANAGEMENT

- A. BWC recordings **shall** only be downloaded to computers operated and maintained by the Town of Richlands.
- B. Before going off-duty, officers **shall** download all recordings to a designated secure server/computer. The Uniform Lieutenant will be contacted by the officer to copy any data that is deemed to be of evidentiary value on a media storage device (i.e. CD-Rom, flash drive, etc.) and entered into evidence. Officers **shall** 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 the secure server/computer for 90 days at which time it shall be erased.
- C. Data **shall not** be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage; and
- D. Data **shall not** be released to any outside non-criminal justice entity, regardless of the content, without explicit authority from the Chief of Police or his/her 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 storage 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 and or created subject to one of the following:
 - 1. Permission from the Chief of Police or his/her designee; or
 - 2. Required by court order.

V. 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.