

TOWN OF ROCKY MOUNT  
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C. JAMES ERVIN  
Town Manager

June 17, 2015

Mr. Frank Knaack  
ACLU of Virginia  
701 E. Franklin Street, Suite 1412  
Richmond, Virginia 23219

Re: Your request for documents

Dear Mr. Knaack:

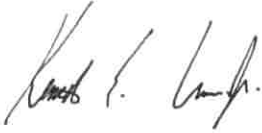
Enclosed please find a copy of the Town of Rocky Mount Police Department's policy on Body Cameras. This is submitted to you in response to your request for information emailed to Chief Criner on June 16, 2015.

Sincerely,

C. James Ervin  
Town Manager

CJE/sbs  
Enclosures (1)

### 3.49 2-49 Body Worn Digital Recording Systems

<b>ROCKY MOUNT POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Body Worn Digital Recording Systems</b>	<b>NUMBER: 2-49</b>
<b>EFFECTIVE DATE: May 1, 2015</b>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS:</b>	

**NOTE:** This rule or regulation 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 Rocky Mount Police Department for all uniformed personnel assigned to the duties of patrol to routinely use a Body Worn Digital Recording (BWDR) System.

#### II. PURPOSE

The use of Body Worn Digital Recording (BWDR) System provides an unbiased audio/video recording of events that officers encounter. These recordings can be useful for the documentation of evidence, the preparation of offense reports, and future court testimony. These recordings can also protect officers from false allegations of misconduct and be of use when debriefing incidents or evaluating performance. This policy covers the use of the department issued and personally owned BDWR systems.

#### III. DEPARTMENT ISSUED BODY WORN DIGITAL RECORDING SYSTEM

- A. Employees equipped with a department issued BWDR system must be trained in the operation of the equipment prior to its use. BWDR equipment will be used in accordance with the BWDR operations manual.

- B.** Officers who discover an operational defect with the BWDR system will attempt to correct the system. If the BWDR is found to have a physical defect or malfunction, the Officer will notify the supervisor describing the events leading up to failure.
- C.** Officers shall not:
  - 1.** Bypass or attempt to override the equipment.
  - 2.** Erase, alter, or delete any recording produced by the BWDR.

#### **IV. WHEN DEPARTMENT ISSUED BWDR SYSTEM USE IS REQUIRED**

- A.** This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements.
- B.** All units responding to a scene shall activate their department issued BWDR equipment when they:
  - 1.** Activate the BWDR prior to arriving on-scene; or
  - 2.** Have detained or arrested a person; or
  - 3.** Are attempting to detain or arrest a person; or
  - 4.** By the nature of the call for service, are likely to detain or arrest a person.
- C.** Examples of when the department issued BWDR system must be activated include, but are not limited to:
  - 1.** Traffic stops
  - 2.** Pursuits, until completion of enforcement action
  - 3.** DUI investigations including field sobriety tests
  - 4.** Warrant service
  - 5.** Investigatory stop
  - 6.** Any contact that becomes adversarial in an incident that

would not otherwise require recording. In those situations, it may be impractical or unreasonable for officers to activate their BWDR system before taking police action. It is expected that once the immediacy of the situation is over, officers will activate their BWDR system to record the remainder of the incident.

- D. In addition to the required situations, officers may activate the system anytime they believe its use would be appropriate and/or valuable to document an incident.
- E. There may be instances in which an officer is required to take immediate action to an event that occurs directly in front of them which may not allow time to activate their BWRD. In these circumstances, the officer shall activate their BWDR as soon as practical that allows the officer to safely contain the situation.

**V. WHEN DEPARTMENT ISSUED BWDR SYSTEM DEACTIVATION IS AUTHORIZED**

- A. Once the BWDR system is activated it shall remain on until the incident has concluded.
  - 1. For purposes of this section, conclusion of an incident has occurred when:
    - a) All arrests have been made and arrestees have been transported
    - b) All witnesses and victims have been interviewed
    - c) Recording may cease if no further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive.)

**VI. WHEN DEPARTMENT ISSUED BWDR SYSTEM USE IS NOT REQUIRED**

- A. During break and lunch periods
- B. When not in service and not on a call
- C. When in service but not on a call.

**VII. WHEN DEPARTMENT ISSUED BWDR SYSTEM USE IS NOT PERMITTED**

- A.** Record other employees and/or supervisors without their knowledge or permission.
- B.** When not in a law enforcement capacity, record areas that otherwise would hold a higher expectation of privacy (ie. bathroom).

**VIII. BODY WORN DIGITAL RECORDINGS**

- A.** Employees will download all captured recordings, from the BWDR system they are carrying, by the end of their tour of duty onto the shared drive.
- B.** Downloaded incidents not needed as evidence or other official RMPD business will be erased after 45 days from the date of the recording.

**IX. PERSONALLY OWNED BWDR SYSTEMS**

- A.** Officers shall NOT use their own BWDR system. Only Departmental issued BWDR will be worn and utilized.

**X. REVIEW OF ALL BWDR SYSTEM RECORDINGS**

This section outlines the review of department issued and personally owned BWDR system recordings.

- A.** Recordings may be reviewed:
  - 1.** By an officer to make sure the BWDR system is working
  - 2.** By an officer to assist with the writing of a report, supplement, or memorandum
  - 3.** By authorized persons for the purpose of reviewing evidence
  - 4.** By a supervisor investigating a specific act of employee

conduct

- 5.** By authorized Department personnel participating in an investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
- B.** Recordings may be shown for the purpose of training. If an involved employee objects to showing a recording, their objection will be submitted to their supervisor to determine if the training value outweighs the employee's objection.
- C.** In no event shall any recording be used or shown to ridicule or embarrass any employee.
- D.** Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a BWDR system. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook, etc.)