



June 19, 2015

American Civil Liberties Union of Virginia  
701 E. Franklin Street, Suite 1412  
Richmond, VA 23219

Mr. Frank Knaack:

In response to your request, enclosed is the only document responsive to your request.

Sincerely,

A handwritten signature in black ink that reads "Michael Coleman".

Michael A. Coleman





<b>WRITTEN DIRECTIVE</b>	No. E-75.0	Page: 1 of 6
Subject:  Body Worn Cameras	Effective Date: June 23, 2015	
	Supersedes/Amends:	
	Reference: 41.3.8	



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**I. POLICY**

It is the policy of the University of Virginia Police Department that officers shall use digital mobile video/audio recorder equipment, or the Body Worn Camera (BWC), for recording objective accounts of events as they occur. This policy does not govern the use of surreptitious recording devices used in undercover operations. BWC equipment shall be used only as set forth in this directive. Officers who deviate from the guidelines set forth may be subject to disciplinary action. Responsibility rests with the Law Enforcement Captain to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

**II. PURPOSE**

The purpose of this directive is to establish procedures for the operation of BWC equipment and for the collection, safeguarding, and storage of BWC recordings.

**III. DEFINITIONS**

Original Digital Recording: the audio/video signal from the BWC that is stored in the cloud at Evidence.com

Downloaded Digital Recording: any reproduction of the original digital recording

BWC: Body Worn Camera

IV. PROCEDURES

A. ADMINISTRATION

The University of Virginia Police Department has adopted the use of the Body Worn Camera (BWC) to accomplish several objectives, including:

41.3.8 (a)

1. Allowing for accurate documentation of police-public contacts, arrests, and critical incidents and enhancing the accuracy of officer reports and testimony in court
2. Enhancing the ability of the agency to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training
3. Documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband
4. Enhancing the department's levels of professionalism, service, and community policing objectives.

B. WHEN AND HOW TO USE THE BWC

1. Except as otherwise provided in this directive, officers assigned BWCs shall wear them at all times while on duty and utilize them to record any and all law enforcement events and citizen contact for law enforcement purposes in which they are participating (which includes conversations occurring during such events or contacts to which the officers are parties or where their presence is otherwise apparent to the parties). 41.3.8 (b)
2. Officers must activate their BWCs during the following situations unless doing so would be impractical or unsafe:
  - a. Traffic stops and accident investigations
  - b. Foot pursuits
  - c. Response or pursuit driving
  - d. Terry stops and pat downs
  - e. All vehicle and subject searches (including vehicle inventories)
  - f. All law enforcement-related interactions where criminal activity is being actively investigated
3. The recording shall continue until the law enforcement event or citizen contact is completed, the citizen involved departs, or the officer discontinues his/her participation in the law enforcement event or citizen contact.

4. If an officer deems it necessary to disengage his/her BWC during a law enforcement event or citizen contact, he/she should first utilize the recorder to record a verbal statement citing his/her intention to stop the recording, the reason(s) for doing so, and any other pertinent information, and shall notify his/her supervisor as soon as practical so that the circumstances can be properly documented.
5. In the event of any officer involved use of force, no officer present at the scene shall disengage his/her BWC until directed to do so by a supervisor.
6. If an officer participating in a law enforcement event or citizen contact becomes aware that the event or contact was unintentionally not recorded by his/her assigned BWC, the officer shall notify his/her immediate supervisor as soon as practical so that the information can be documented and the problem addressed.
7. Each officer assigned the use of a BWC shall wear the recorder as directed by the manufacturer to optimize its video/audio perspectives, and shall make all reasonable efforts to ensure that the BWC is capturing events as accurately and completely as possible. Reasonable efforts include:
  - a. Activating the BWC as soon as the law enforcement event or citizen contact begins, and
  - b. Activating the BWC when the officer arrives at a law enforcement event or citizen contact initiated by another officer
8. Officers shall not erase, alter, modify, or in any way tamper with BWC recordings. Any officer causing or becoming aware of any such damage to a BWC recording shall notify his/her immediate supervisor as soon as practical.

NOTE: Officers may exercise discretion in deciding whether or not to activate their BWCs in certain circumstances such as when providing basic assistance or directions to citizens, engaging in community policing events, and building checks.

#### C. PROCEDURES FOR USE

1. Departmental personnel who are issued BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. All sworn officers shall be issued BWC equipment for use while on duty.
3. Police personnel shall only use department-issued BWCs.
4. Police personnel who are assigned BWCs must complete a department-approved training program to ensure proper use and operation. BWC equipment will be used in accordance with the manufacturer's guidelines.
5. The use of personal BWC recording devices is strictly prohibited.

6. It shall be the responsibility of each officer assigned the use of BWCs to test the recorder at the beginning of each tour of duty and to ensure that the recorder's batteries are fully charged. 41.3.8 (e)
7. In the event that a BWC is found to be non-functioning or functioning improperly, the officer shall notify his/her immediate supervisor as soon as practical so that the information can be properly documented and the problem addressed.
8. Officers are encouraged to inform their supervisor of any video/audio recorded sequences that may be of value during the investigation of a citizen complaint or for training purposes.
9. If an officer is suspected of wrongdoing or is involved in an officer-involved shooting or other use of force incident, the department reserves the right to limit or restrict an officer from viewing the video file except as provided by law.
10. Requests for edits/deletions of portions of original or downloaded recordings (i.e., in the event of an accidental, personal recording) must be submitted in writing and approved by the Chief of Police or designee in accordance with records retention regulations. All requests and final decisions shall be maintained on file.

#### D. RESTRICTIONS

1. The use of Body Worn Camera equipment for purposes other than official police business is strictly prohibited. BWC equipment shall not be used to record: 41.3.8 (b)
  - a. Communications with other police personnel without the permission of the Chief of Police or designee
  - b. Encounters with undercover officers or confidential informants
  - c. When on break or otherwise engaged in personal activities
  - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless pursuit of a suspect led to that location or the incident is criminal in nature.
2. Should an officer be unsure as to whether or not the BWC should be activated, the officer shall always err on the side of recording.
3. Whenever a copy of a downloaded digital recording is made and provided to another agency or office in connection with a criminal, civil, or administrative investigation or proceeding or other official matter, a duplicate copy shall be maintained and accompanied by a notation identifying the agency or office receiving the copy, and the proceeding or matter for which the copy was provided.

E. REVIEW OF BWC SYSTEM RECORDINGS

1. Each officer assigned the use of a BWC shall download its recordings and tag the recordings in Evidence.com no later than at the end of each shift unless a supervisor approves a delay or extension. The reason for the delay or extension shall be documented in writing by the supervisor. 41.3.8 (d)
2. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole and exclusive property of the University of Virginia Police Department. Accessing, copying, or releasing files is strictly prohibited except as approved by the Chief of Police.
3. All access to BWC files will be strictly monitored periodically by the Chief of Police or his/her designee.
4. Recordings may be reviewed: 41.3.8 (c)
  - a. By an authorized person to ensure that the BWC system is operable
  - b. By an authorized person to assist with writing a report, supplement, or memorandum
  - c. By authorized persons for the purpose of reviewing evidence
  - d. By a supervisor investigating a specific act of employee conduct
  - e. By authorized department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation
  - f. By an authorized person as otherwise provided herein.
5. Recordings may be shown for the purpose of training. If an involved employee objects to showing a recording, his/her objection shall be submitted in writing to his/her supervisor to determine if the training value outweighs the objection.
6. At no time shall any officer allow any unauthorized person to review any portion of a video/audio recording without prior approval of the Chief of Police or his/her designee.
7. Each officer shall be audited monthly by his/her supervisor in a review of at least two videos per month to ensure that officers are using the devices appropriately and in accordance with policy, as well as to identify areas in which additional training or guidance is required. The audits will be documented. 41.3.8 (e,g)

F. DIGITAL RECORDINGS AS EVIDENCE

1. Any original digital recording shall be viewed by the officer prior to downloading so that the officer can testify that a downloaded copy used as

evidence is an unaltered copy.

2. Original digital recordings or downloaded digital recordings constituting evidence in any criminal, civil, or administrative investigation or proceeding shall be retained for so long as the investigation or proceeding remains active and for such additional time as required by law. 41.3.8 (d)
3. If an original digital recording or downloaded digital recording is related to a pending criminal case or an ongoing or active criminal investigation, the officer shall tag the recording with the corresponding IBR.
4. A copy of the downloaded digital recording shall then be provided to the Office of the Commonwealth Attorney along with copies of any other relevant materials in the officer's case file and the dissemination recorded.
5. Officers shall utilize their department-assigned Evidence.com accounts to retrieve recordings.
6. Any other request for release of BWC recordings will be directed to the Support Services Captain or designee. This includes subpoenas duces tecum, other legal petitions, and requests under the Freedom of Information Act.

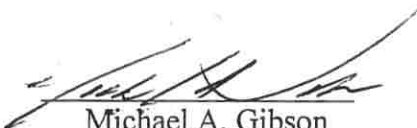
G. STORAGE, RETENTION AND DISPOSAL OF DIGITAL RECORDINGS 41.3.8 (d)

1. Original digital recordings not made into a downloaded recording will automatically be purged 90 days after creation.
2. Original digital recordings made into a downloaded recording shall be entered into evidence or otherwise preserved and shall be handled in accordance with evidence retention schedules.

NOTE: All recordings will be managed in compliance with the Library of Virginia Records Retention and Disposition Schedules.

H. TRAINING

1. Employees shall be fully trained prior to operating any portion of the BWC equipment. 41.3.8 (f)
2. Training shall be conducted by department-assigned trainers.
3. All training in the use of BWC equipment will be documented for inclusion in each employee's training record.

  
Michael A. Gibson  
Chief of Police

06/18/2015  
Date