



# TOWN OF WARRENTON



## POLICE DEPARTMENT

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June 19, 2015

Mr. Frank Knaack  
American Civil Liberties Union of Virginia  
701-F Franklin Street, Suite 1412  
Richmond, VA 23219


Dear Mr. Knaack,


This letter is in response to your Freedom of Information Act (FOIA) request dated June 12, 2015, we are providing the following response to your request for records in the order requested:

1. General Order 2-42 - Mobile Digital Recorder/Body Worn Audio-Visual Camcorders is attached to this letter.  
*\*All police officers are issued body cameras*
2. N/A
3. General Order 2-42 - Mobile Digital Recorder/Body Worn Audio-Visual Camcorders is attached to this letter.
4. N/A
5. N/A
6. N/A
7. N/A

If we can ever be of assistance in the future, please do not hesitate to contact us.

Sincerely,

  
Louis A. Battle  
Chief of Police

 <p style="text-align: center;"><b>Warrenton Police Department</b></p> <p style="text-align: center;"><b>General Order</b> <b>2-42</b></p>	<b>Effective Date:</b> May 1, 2001
	<b>Accreditation Standards:</b> OPR.01.11
	<b>Supersedes Revision Dated:</b> July 1, 2008
<b>Subject: Mobile Digital Recorder/Body Worn Audio-Visual Camcorders</b>	<b>By Authority of:</b> <i>Louis Battle</i> , Chief of Police

**NOTE:**

This General Order 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:**

Mobile Digital Recording (MDR) equipment and Body Worn Audio-Visual Camcorders (BWC) have proven to be a valuable law enforcement tool in the prosecution of traffic violations and related criminal offenses, for evaluation of officer tactics and performance, and for training purposes. In order to maximize the utility and benefit of this specialized equipment, the Department has established certain guidelines for its use. MDR/BWC equipment shall be used only for legitimate law enforcement purposes in accordance with applicable law and Departmental guidelines.

**II. PURPOSE:**

The purpose of this General Order is to establish Department guidelines for the use of MDR/BWC recording equipment installed in police vehicles and issued to police personnel.

**III. DEFINITIONS:**

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

- A. MDR: an acronym for Mobile Digital Recorder; this term refers to audio/video/digital recording equipment designed for fixed installation in patrol vehicles.
- B. BWC: an acronym for Body Worn Audio-Visual Camcorder, designed for wear on the officer's uniform.
- C. MDR/BWC Operator: shall mean an officer who is authorized to utilize such equipment for enforcement and documentation purposes.

#### **IV. PROCEDURES:**

##### **A. Program Objectives**

1. The Warrenton Police Department has approved the use of MDRs and BWCs to accomplish legitimate police objectives, including but not limited to:
  - a. Accurate documentation of events, actions, conditions and statements made during investigative stops, field interviews, arrests and critical incidents, so as to enhance officer reports, collection of evidence, and courtroom testimony.
  - b. Reviewing probable cause for arrest, custody procedures, officer and suspect interaction, and evidence for investigative purposes.
  - c. Evaluation of officer tactics and field performance, and for training purposes.

##### **B. Operating Procedures**

1. The care and security of MDR equipment is the responsibility of the officer assigned to that vehicle, and will be maintained and operated according to manufacturer's recommendations. BWC equipment will be issued to each officer and will also be maintained and operated according to the manufacturer's instructions.
2. Prior to beginning a tour of duty, the officer shall determine if the MDR equipment installed in their assigned vehicle is working properly, and shall promptly notify their supervisor of any malfunction or problem. Officers should also ensure they have an adequate supply of videotape/disk time to complete their tour of duty. Only videotapes/disks issued and approved for use by the Department may be utilized in agency MDR equipment. (Officers will switch to a spare vehicle if their MDR is not working)
3. The MDR equipment utilized by the Department is normally installed and designed to activate automatically when the patrol car's emergency lights are in operation. The officer from outside the vehicle can also remotely activate MDR equipment by using the remote audio receiver and wireless microphone transmitter.
4. MDR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.
5. Officers will ensure that BWC equipment is fully charged prior to the shift and is uploaded into the appropriate file on the p-drive at the end of every shift.
6. Officers are required to use their MDR equipment to record the actions and speech of suspects during field interviews, vehicle stops, field sobriety testing, arrests and investigative detention, field searches and domestic disturbance calls, as well as to record crime and accident scenes, or other events such as the confiscation and documentation of evidence or contraband. The presumption is that all of the above incidents should be recorded, unless it is not possible (OPR.01.11a).
7. BWC equipment are to be used to record interactions with citizens that fall outside the parameters given for MDR use, during encounters that may become controversial, adversarial or confrontational and the MDR is not activated or effective (OPR.01.11a).
8. Officers should observe the following general procedures to ensure that the MVR/MDR equipment will properly record traffic stops or other enforcement actions undertaken in the field;

- a. Make sure that the video/digital camera is properly positioned and adjusted at the correct viewing angle to visually record the events.
  - b. The MDR will not be deactivated until the vehicle stop or other enforcement action is completed.
  - c. The wireless microphone must always be turned on in order to provide audio recording as well as video recording during MDR activation.
9. MDR/BWC Operators shall not have the authority to erase, reuse or in any manner alter videotapes or disks or BWC files. All completed videotapes/disks shall be properly labeled and identified by the Property Evidence Officer (PEO) prior to being placed into storage. All video footage generated by BWC equipment will be uploaded daily onto the p-drive in the officer's designated folder. Hard drives from MDR equipment will be given to the PEO who will upload the files to the designated storage areas.
10. Any use of the MDR/BWC for any purpose other than official law enforcement business is a violation of this policy.
- a. Only audio/video recording devices issued by the Department are authorized for use by Departmental personnel.
  - b. Personally owned audio/video recording devices are not authorized for use by Departmental personnel, while on duty.
  - c. Audio/video recording conducted by Departmental personnel is for official business only.
  - d. Except as directed by the Chief of Police, no member of the Department shall make an audio/video recording of any conversation or interaction with another member of the Department without that person's prior consent and knowledge.
  - e. This consent shall be recorded at the beginning of the recording.
  - f. The person conducting the taping shall, upon request, make the recording available to all other participants of the conversation for the purpose of making a copy.
11. MDR Operators are encouraged to inform their supervisor of any video/digital sequences that may be of value for training purposes.
12. MDR/BWC Operators should officially note in all incidents, arrests and any other related reports when video/digital/audio recordings have been made with MDR/BWC equipment, and may be needed in court.
13. MDR Operators must ensure the MDR equipment is turned off at the end of their shift or when out of the unit for more than one (1) hour.

C. Media Control and Management (OPR.01.11b):



1. Officers are responsible for having sufficient recording space available on the media required for their recording devices. If a cruiser has a lockable vault, the officer will be issued a key for the vault that contains the video recording device. When a videotape or CD is fully recorded, it should be turned in to the PEO who will provide a clean videotape or disk in exchange for each used one. Each videotape or disk must be labeled with the officer's name, cruiser number and the dates that the media went into and out of service. When an MDR hard drive is filled, it will be temporarily labeled with the vehicle number and officer's name and will be turned over to the PEO for uploading into digital storage.
2. MDR videotapes/disks, and digital footage generated by MDRs or BWCs shall not be released to any outside agency or individual, or duplicated for such dissemination, without the prior consent of the Chief of Police or Deputy Chief, or pursuant to a valid court order.
3. Digital footage generated by MDRs and BWCs not held for evidentiary purposes shall be maintained by the PEO in accordance with the standards set forth by the Library of Virginia (OPR.01.11c). All stored videotapes/disks shall be labeled in a manner that allows efficient identification and retrieval.

#### D. Security and Storage

1. The integrity of videotapes and disks is the responsibility of the officer who produces them. When a videotape, disk, or hard drive is fully recorded, it will be given to the PEO for storage, but not listed as evidence. The PEO must be notified as to whether the media will be needed for court testimony or departmental processes.
2. If an officer should want a portion of a videotape or disk reproduced for evidence, the officer should immediately record the vehicle number, time and date of the incident and forward this request through their supervisor to the Deputy Chief.

#### E. Supervisory Responsibilities

1. Supervisory personnel who manage officers who operate MDR/BWC equipment are responsible for the following:
  - a. Ensuring that all officers follow established procedures for the use and maintenance of MDR/BWC equipment.
  - b. Conducting a periodic review of MDR videotapes/disks to assess officer performance, determine whether MDR equipment is being fully and properly used, and to identify material that may be of value for training purposes.
  - c. Ensuring that repairs of damaged and replacement of nonfunctional MDR/BWC equipment is properly performed.
  - d. Ensuring the completion of all statistical reports needed for MDR/BWC program evaluation.

Only audio/video recording devices issued by the Department are authorized for use by Departmental personnel.

Personally owned audio/video recording devices are not authorized for use by Departmental personnel, while on duty.

Audio/video recording by Departmental personnel will be for official business only.

Except as directed by the Chief of Police, no member of the Department shall make an audio/video recording or any conversation or interaction with another member of the Department without that person's prior consent and knowledge. This consent shall be recording at the beginning of the recording. The person conducting the taping shall, upon request, make the recording available to all other participants in the conversation for the purpose of making a copy.