

1 **WAYNESBORO POLICE DEPARTMENT**
2 **GENERAL ORDER**

3
4 **GO Number: 19.04**

5
6 Subject: Body Worn Camera (BWC)

7 Effective Date: 3/01/15

8 Approved By: Chief Michael D. Wilhelm

9 Revised:

10 Policy Review Date: March 2016

11 VLEPSC Standard:

12
13 **POLICY:** A body worn camera can provide powerful evidence of criminal activity and has
14 been demonstrated to be of value in documenting department members' interactions with
15 individuals for use in the evaluation of officer integrity, professionalism and performance. It also
16 serves as a useful training tool to improve law enforcement techniques and tactics. In order to
17 maximize the utility of this equipment in these and related areas, department members shall
18 follow the procedures for body worn camera use as set forth in this policy.

19
20 **PURPOSE:** It is the purpose of this policy to provide department members with guidelines for
21 the use of body worn mobile video and audio recording equipment, commonly referred to as a
22 body worn camera.

23
24 **DEFINITIONS:**

25
26 A. **Body Worn Camera (BWC)** A system worn by individual department members that
27 records audio/video data and related metadata.

28 B. **Evidence Transfer Module (ETM)** A docking station for BWCs that functions to
29 upload audio/video data from the cameras and to recharge them for use.

30 C. **Evidence.com** A web-based evidence management system that securely stores
31 audio/video/photo data.

32 D. **Evidence Sync** A computer-based program that functions to upload audio/video data to
33 from BWCs to Evidence.com.

34 E. **Mobile App** A mobile application specifically designed by the BWC manufacturer that is
35 used to connect to a BWC or Evidence.com for the purpose of reviewing, tagging, and/or
36 classifying audio/video recordings.

37
38 **OBJECTIVES:**

39
40 A. Program Objectives: The Waynesboro Police Department has adopted the use of BWCs
41 in order to accomplish several objectives including:

- 42 1. Accurate documentation of events, actions, conditions, and statements made
43 during arrests and critical incidents, so as to enhance department member reports,
44 the collection of evidence, and testimony in court.
- 45 2. The enhancement of this agency's ability to review circumstances involving
46 arrest, arrest procedures, department member and citizen contacts, evidence for
47 investigative purposes, as well as for department member evaluation and training.
- 48 3. To resolve complaints of misconduct and excessive force against department
49 members.

50
51 **BODY WORN CAMERA PROCEDURES:**

52
53 A. Department members shall adhere to the following procedures when using BWCs:

- 54 1. A supply of BWCs will be available for department members serving in an
55 enforcement capacity.
- 56 2. All department members trained to use the BWC shall utilize the BWC while
57 working in uniform and engaging in law enforcement activities.
- 58 3. Department members who have been trained to use the BWC and are working in
59 "plain clothes" or his/her "uniform of the day" are strongly encouraged to utilize the
60 BWC while engaged in enforcement or investigatory activities if it does not
61 compromise the confidentiality of the activity.

- 62 4. It is the responsibility of each department member utilizing a BWC to ensure the
63 BWC is in good working condition and fully charged prior to its deployment.
- 64 5. If a problem is encountered with any component of the system, this shall be
65 reported to your immediate supervisor as soon as reasonably possible.
- 66 6. Department members will only use BWCs issued or approved by the department.
67 In any event in which an audio/video/photo recording is captured on a non-
68 department issued or approved device by department members engaged in the
69 performance of his or her official duties, any recording and its related metadata
70 are the sole property of the Waynesboro Police Department and is governed by
71 this and other policies.
- 72 7. The BWC equipment and all data, images, video, and metadata captured,
73 recorded, or otherwise produced by the equipment are the sole property of the
74 Waynesboro Police Department and is governed by this and other policies.
- 75 8. The BWC will be worn in such a way as to provide an unobstructed camera view
76 of department member/citizen contacts. Department members will only use
77 department approved equipment to attach the BWC to their uniform, person or
78 external ballistic vest carrier.
- 79 9. Department members shall document that an audio/video recording was made of a
80 contact in all reports related to that contact. This includes but is not limited to
81 incident, field contact, arrest and/or use of force reports.
- 82 10. Once a department member downloads a recording to the Evidence.Com system
83 pertaining to one of the following types of incidents, the department member shall
84 login to the Evidence.Com system and enter a corresponding WPD case number
85 as the ID# that corresponds to the incident.
- 86 A. Recordings needed for court purposes
87 B. Recordings involving any officer injury
88 C. Recordings that may need to be reviewed as part of an Administrative Inquiry
89 or Internal Affairs Investigation
90 D. Recordings involving the use of force

91 11. Department members utilizing a BWC must attend an agency approved training
92 program to ensure proper use and operation of BWC equipment. Additional
93 training may be required at periodic intervals to ensure the continued effective use
94 and operation of the equipment, proper calibration and performance, and to
95 incorporate changes, updates, or other revisions in policy and equipment.

96 12. Department members will not edit, alter, erase, distribute or disseminate in any
97 manner BWC recordings without prior authorization and approval of the Chief of
98 Police or his/her designee. For the purpose of this General Order, entering a WPD
99 case number as the ID# in the Evidence.Com system to correspond with a
100 particular recording will not be considered “editing or altering”

101 A. Copies of specific BWC recording may be obtained from a supervisor for
102 court purposes.

103 B. It is the responsibility of the department member receiving the copy of the
104 requested BWC recording to ensure the recording is not distributed or
105 disseminated beyond its intended use for court purposes without authorization
106 from the Chief of Police or his/her designee.

107 13. Department members are encouraged to inform their supervisor of any recordings
108 that may be of value for training purposes.

109 A. Any requests to retain a recording for a specific training purpose must be
110 forwarded through the Chain of Command to the appropriate Division
111 Commander.

112 B. The Division Commander will determine whether the recording fits a specific
113 training need and will take the appropriate steps in the Evidence.Com system
114 to retain the recording for training.

115 14. The department retains the right to limit or restrict, for any reason at any time, the
116 viewing or accessing of audio/video data generated from BWCs

117 15. The release of BWC information requested through a public records request will
118 be subject to the same statutory and department guidelines as any other

119 department record and must be approved by the Chief of Police or his/her
120 designee.

121 16. All BWC's will be accounted for at the end of each shift.

122 17. Any loss of, or damage to, any BWC or BWC accessory shall be immediately
123 reported to his/her immediate supervisor and documented in an incident report.

124 18. Requests for the deletion of portions of the recordings (e.g., in the event of a
125 personal recording) must be submitted in writing and approved by the Chief of
126 Police or his/her designee. All requests and final decisions shall be kept on file.

127

128 B. Body Worn Camera Operation:

129 1. Department members will activate the BWC when responding to calls for service
130 and during law enforcement related encounters and activities such as traffic stops,
131 arrests, searches, interrogations, and pursuits.

132 2. Department members will activate the BWC when responding to potentially
133 adversarial contacts or at any time that the department member believes the
134 recording would be beneficial to the administration of justice. Potentially
135 adversarial contacts may include but are not limited to, consensual encounters on
136 the street, telephone conversations with agitated individuals, or emotionally
137 charged incidents or situations.

138 3. The BWC shall remain activated until the event is completed in order to ensure
139 the integrity of the recording unless the contact moves into an area restricted by
140 this policy.

141 4. If a department member fails to activate the BWC, fails to record the entire
142 contact, or interrupts the recording, the department shall document why a
143 recording was not made, was interrupted, or was terminated.

144 C. Restrictions on Using BWCs:

145 1. BWCs shall be used only in conjunction with official law enforcement duties.

146 2. The BWC may not be used to record:

- 147 A. Members of the department without their knowledge, unless authorized by the
148 Chief of Police;
- 149 B. Department members when on break or otherwise engaged in personal
150 activities; or
- 151 C. In any location where individuals have a reasonable expectation of privacy, such
152 as a restroom or locker room.
- 153 D. In any other situation where a person is speaking with someone with the
154 privilege of confidential communication such as an attorney or clergyman.
- 155 3. Department members have the discretion to turn off the BWC or not activate the
156 BWC during certain articulable situations, however, in these situations department
157 members shall thoroughly document on camera and/or in a crime incident report
158 his or her reasons for not activating or turning off the camera. Some of these
159 situations include but are not limited to:
- 160 A. Interviews with victims of rape, abuse or other sensitive crimes. In these
161 situations department members should consider the evidentiary value of
162 recording and the willingness of the victim to speak on camera. Department
163 members may also consider turning the BWC away from the victim so they
164 only capture the audio and not video.
- 165 B. Interviews with witnesses of a crime who wish to remain anonymous. In these
166 situations department members should consider the evidentiary value of
167 recording and the willingness of the witness to speak on camera. Department
168 members may also consider turning the BWC away from the witness so they
169 only capture audio and not video.
- 170 C. Encounters or searches of individuals who are partially or completely
171 unclothed.
- 172 D. Encounters or activities the department member determines to be casual in
173 nature such as a person asking for directions or a department member walking
174 into a business and engaging in casual conversation with the store clerk.

- 175 E. Encounters or activities where activating the BWC would seem officious or
176 off-putting.
- 177 F. Encounters or activities where activating the BWC would be unsafe,
178 impossible, or impractical.
- 179 G. Encounters or activities where activating the BWC would have a negative
180 impact on community relationships.
- 181 4. Department issued BWCs will not be used for personal use regardless of whether
182 the department member is on duty or off duty.
- 183

184 D. Data Control and Management

- 185 1. All files contained on a BWC shall be securely downloaded at the end of each
186 department member's tour of duty in accordance with the training provided.
- 187 2. Any deviation from this procedure shall be immediately reported to the
188 department member's immediate supervisor and shall be documented in a crime
189 incident report when applicable.
- 190 3. All data recorded by the BWC is the exclusive property of the Waynesboro Police
191 Department. Accessing, copying, or releasing any of this data for non-law
192 enforcement purposes is strictly prohibited without authorization from the Chief
193 of Police or his/her designee.
- 194 4. Access to all BWC data shall be documented and periodically audited to ensure
195 that only authorized users are accessing the data for legitimate law enforcement
196 purposes.
- 197 5. Data will be securely stored and maintained as required by law and in accordance
198 with the Library of Virginia requirements.
- 199 6. Access to BWC data shall be granted to authorized users only. It is the
200 responsibility of the authorized user to keep his/her user name and password
201 confidential.
- 202 7. Temporary or limited access can be given to the Waynesboro Commonwealth's
203 Attorney's Office or other prosecutorial agencies associated with a prosecution

204 arising from an incident in which a Waynesboro Police Department BWC was
205 utilized.

206 8. Evidentiary copies of recordings for court purposes can be obtained from
207 Evidence.Com by a supervisor.

208 E. Data Retention

209 1. Data from a BWC will be stored and categorized on the Evidence.Com server in
210 one of seven categories:

211 A. Uncategorized

212 B. Traffic stop

213 C. Court Purposes

214 D. Officer Injury

215 E. Pending Review

216 F. Training Demo

217 G. Use of Force

218 2. Uncategorized data and traffic stop data from a BWC will generally be deleted
219 automatically after a period of 90 days.

220 3. All other data will be stored until it has served its legitimate law enforcement
221 purpose. After the data has served its legitimate law enforcement purpose, it will
222 be deleted or retained according to the guidelines established below:

223 A. Data for court purposes shall be retained until the final court proceeding has
224 been completed.

225 B. Data regarding an officer injury will be retained indefinitely.

226 C. Data that is useful for training purposes shall be retained indefinitely.

227 D. Data regarding a complaint, use of force, supervisor inquiry, or internal affairs
228 investigation shall be retained indefinitely.

229 4. Data storage time frames may be edited by the Chief of Police at any time in order
230 to reduce data storage costs on Evidence.com or in order to improve the efficiency
231 of the Evidence.com system.

232

233 F. Supervisory Responsibilities

- 234 1. Supervisory personnel shall ensure that department members utilizing the BWC
235 devices are doing so in accordance with the policies and procedures established by
236 the Waynesboro Police Department.
- 237 2. Supervisors may randomly review BWC recordings to ensure that the equipment
238 is operating properly and that department members are using the devices
239 appropriately and in accordance with policy.
- 240 3. Supervisors may randomly review BWC recordings to identify any areas in which
241 additional training or guidance is required.
- 242 4. Supervisors may review BWC recordings for the purpose of training, critique,
243 early intervention inquiries, civil claims, administrative inquiry, and department
244 investigation of a complaint or any other articulable reason.
- 245 A. Any video copied for the purposes of a Supervisory Inquiry or Internal Affairs
246 Investigation will be placed in the case file and retained in accordance with the
247 requirements set forth by the Library of Virginia and the Waynesboro Police
248 Department General Orders pertaining to Supervisory Inquiries and Internal
249 Affairs investigations.
- 250 B. A request from an Officer, a Supervisor, or an Administrator to have a video
251 reviewed to dispel a complaint on an Officer can be reviewed by the following
252 people: the Officer in question, his/her immediate Supervisor, and the
253 appropriate Division Commander.
- 254
- 255 5. Field training officers engaged in field training may view data captured by a BWC
256 to provide immediate training to recruit officers and to assist with the completion
257 of Daily Observation Reports (DOR)
- 258
- 259