

BEDFORD POLICE DEPARTMENT

SUBJECT: Use of Body Worn Audio Video Recorders & Audio Recorders - General Use and Maintenance	Directive Number: 4.02
	Effective Date: October 2009
STATE STANDARDS: ADM.18.01-18.06	Revised Date: March 9, 2012 Reviewed: March 13, 2012
CALEA STANDARDS:	Chief of Police: J.E. Day
INDEX WORDS: recording, device, audio, video, evidence	

This policy is for departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. Policy

It shall be the policy of the Bedford Police Department to attempt to record the interaction between officers and the public which may be used as evidence or to document situations that may call into question citizen or officers conduct. Recordings may be audio or video or both mediums. No Department employee shall record a conversation with or between other Department employee(s), at any time without the knowledge of the other employee(s).

II. Purpose

The purpose of this directive is to ensure that relations among officers, and between officers and the public, are maintained according to the highest standards of professional police practices. It will also encourage and enhance open communication as well as avoiding any appearance of impropriety.

III. Procedure

Body Worn Audio/Visual Recording System

- A. All Officers are equipped with a body worn audio/visual recorder (BWAVR). In Pennsylvania vs. Muniz, the U.S. Supreme Court held that an officer has the right to observe what the officer can see as long as the officer has a legal right to be present. It follows that if an officer may observe, an officer also has the right to photograph or videotape. A recording is considered to be “one party consent”. The body worn Audio/Visual recording system is used to accomplish several objectives including:
1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in Court.
 2. The enhancement of the ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, and officer evaluation and training.
- B. All officers are to inspect the body worn audio/visual recording system for damage and functionality. Officers are not authorized to make repairs or adjustments.
1. Officers shall notify the Chief of Police or his/her designee by means of a memo if any damage is found, repairs are needed, or if the unit is not working.
- C. Officers are to exercise reasonable care with video equipment. Cameras should be checked periodically to insure that they are properly worn and adjusted, and that the lanyard is attached to uniform.
- D. The video system shall be powered on whenever the officer is on duty. The officer shall manually activate the recording device when he/she exits his/her vehicle for a call and with any citizen contact. Once activated, all events will be recorded, both audio and visual.
1. Officers will wear the BWAVR clipped on the center of the shirt. The lanyard will be worn inside the shirt and connected to the officer’s vest to protect the BWAVR from being pulled loose.
- E. Patrol Sergeants will be issued a USB storage device for the download off all videos from his platoon. The USB drive is to be secured by the sergeant until he/she delivers the USB storage device to the Chief of Police or his designee for download and storage of the videos. Officers are not authorized to remove, repair or tamper with the videos.
1. The USB Drive will be delivered to the Chief of Police or his designee for removal and storage of video recordings. The video recordings will be stored in the Lieutenants office on an external hard drive.

2. Recording medium retention shall be in accordance with Library of Virginia GS-17, series 100796 and/or 100797 as applicable. All audio/visual files will be identified with a time and date and officer number when it is removed from the BWAVR by the Sergeant.
 3. No employee of this Department is authorized to erase, modify, edit or in any manner tamper with a recording medium. Any employee who erases, modifies, edits or tampers with a recording will be disciplined according to City and Department policies and may be subject to criminal sanctions.
- F. Officers who are not familiar with the video system shall receive instruction on it from their field training officer or other properly trained person.
- G. Officers shall record (both visual and audio) all traffic stops and any other incident that falls into the receiving range of the video unit.
- H. The BWAVR is to be used solely for official law enforcement business. Prohibited non-law enforcement business includes but is not limited to:
1. Covertly recording other law enforcement personnel;
 2. Recording conversations with a supervisor, council member, judge, court proceeding, or other government employees;
 3. Personal use of BWAVR;
 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.

Audio recorders

- A. Each officer has been issued an audio recording device. These devices are for official use only and are intended for use by officers for recording victim, witness, and/or suspect statements and interviews. An officer who uses, records with, or carries an audio recording device for official use shall only use the Department issued recording device.
- B. While on duty, or while in uniform whether on duty or not, personnel shall not use or record with any audio recording device, unless the device is necessary to carry out an assigned police duty.

- C. Nothing in this Directive shall be construed to prohibit Investigations Bureau personnel from carrying out their assigned investigations through the use of recorded statements or interviews. Additionally, nothing in this Directive shall be construed to prohibit the use of audio recorders during the investigation or administrative review of a citizen complaint against an officer.
- D. Violation of this directive will be punishable by disciplinary action.