WAYNESBORO POLICE DEPARTMENT
GENERAL ORDER

GO Number: 19.04

Subject: Body Worn Camera (BWC)
Effective Date: 3/01/15
Approved By: Chief Michael D. Wilhelm
Revised:
Policy Review Date: March 2016
VLEPSC Standard:

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

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

DEFINITIONS:

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

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

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

D. **Evidence Sync** A computer-based program that functions to upload audio/video data to/from BWCs to Evidence.com.
E. **Mobile App** A mobile application specifically designed by the BWC manufacturer that is used to connect to a BWC or Evidence.com for the purpose of reviewing, tagging, and/or classifying audio/video recordings.

**OBJECTIVES:**

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

1. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents, so as to enhance department member reports, the collection of evidence, and testimony in court.

2. The enhancement of this agency’s ability to review circumstances involving arrest, arrest procedures, department member and citizen contacts, evidence for investigative purposes, as well as for department member evaluation and training.

3. To resolve complaints of misconduct and excessive force against department members.

**BODY WORN CAMERA PROCEDURES:**

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

1. A supply of BWCs will be available for department members serving in an enforcement capacity.

2. All department members trained to use the BWC shall utilize the BWC while working in uniform and engaging in law enforcement activities.

3. Department members who have been trained to use the BWC and are working in “plain clothes” or his/her “uniform of the day” are strongly encouraged to utilize the BWC while engaged in enforcement or investigatory activities if it does not compromise the confidentiality of the activity.
4. It is the responsibility of each department member utilizing a BWC to ensure the BWC is in good working condition and fully charged prior to its deployment.

5. If a problem is encountered with any component of the system, this shall be reported to your immediate supervisor as soon as reasonably possible.

6. Department members will only use BWCs issued or approved by the department. In any event in which an audio/video/photo recording is captured on a non-department issued or approved device by department members engaged in the performance of his or her official duties, any recording and its related metadata are the sole property of the Waynesboro Police Department and is governed by this and other policies.

7. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Waynesboro Police Department and is governed by this and other policies.

8. The BWC will be worn in such a way as to provide an unobstructed camera view of department member/citizen contacts. Department members will only use department approved equipment to attach the BWC to their uniform, person or external ballistic vest carrier.

9. Department members shall document that an audio/video recording was made of a contact in all reports related to that contact. This includes but is not limited to incident, field contact, arrest and/or use of force reports.

10. Once a department member downloads a recording to the Evidence.Com system pertaining to one of the following types of incidents, the department member shall login to the Evidence.Com system and enter a corresponding WPD case number as the ID# that corresponds to the incident.

A. Recordings needed for court purposes

B. Recordings involving any officer injury

C. Recordings that may need to be reviewed as part of an Administrative Inquiry or Internal Affairs Investigation

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

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

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

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

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

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

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

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

15. The release of BWC information requested through a public records request will be subject to the same statutory and department guidelines as any other
department record and must be approved by the Chief of Police or his/her designee.

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

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

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

B. Body Worn Camera Operation:

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

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

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

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

C. Restrictions on Using BWCs:

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

2. The BWC may not be used to record:
A. Members of the department without their knowledge, unless authorized by the Chief of Police;
B. Department members when on break or otherwise engaged in personal activities; or
C. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
D. In any other situation where a person is speaking with someone with the privilege of confidential communication such as an attorney or clergyman.

3. Department members have the discretion to turn off the BWC or not activate the BWC during certain articulable situations, however, in these situations department members shall thoroughly document on camera and/or in a crime incident report his or her reasons for not activating or turning off the camera. Some of these situations include but are not limited to:

A. Interviews with victims of rape, abuse or other sensitive crimes. In these situations department members should consider the evidentiary value of recording and the willingness of the victim to speak on camera. Department members may also consider turning the BWC away from the victim so they only capture the audio and not video.
B. Interviews with witnesses of a crime who wish to remain anonymous. In these situations department members should consider the evidentiary value of recording and the willingness of the witness to speak on camera. Department members may also consider turning the BWC away from the witness so they only capture audio and not video.
C. Encounters or searches of individuals who are partially or completely unclothed.
D. Encounters or activities the department member determines to be casual in nature such as a person asking for directions or a department member walking into a business and engaging in casual conversation with the store clerk.
E. Encounters or activities where activating the BWC would seem officious or off-putting.

F. Encounters or activities where activating the BWC would be unsafe, impossible, or impractical.

G. Encounters or activities where activating the BWC would have a negative impact on community relationships.

4. Department issued BWCs will not be used for personal use regardless of whether the department member is on duty or off duty.

D. Data Control and Management

1. All files contained on a BWC shall be securely downloaded at the end of each department member’s tour of duty in accordance with the training provided.

2. Any deviation from this procedure shall be immediately reported to the department member’s immediate supervisor and shall be documented in a crime incident report when applicable.

3. All data recorded by the BWC is the exclusive property of the Waynesboro Police Department. Accessing, copying, or releasing any of this data for non-law enforcement purposes is strictly prohibited without authorization from the Chief of Police or his/her designee.

4. Access to all BWC data shall be documented and periodically audited to ensure that only authorized users are accessing the data for legitimate law enforcement purposes.

5. Data will be securely stored and maintained as required by law and in accordance with the Library of Virginia requirements.

6. Access to BWC data shall be granted to authorized users only. It is the responsibility of the authorized user to keep his/her user name and password confidential.

7. Temporary or limited access can be given to the Waynesboro Commonwealth’s Attorney’s Office or other prosecutorial agencies associated with a prosecution
arising from an incident in which a Waynesboro Police Department BWC was utilized.

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

E. Data Retention

1. Data from a BWC will be stored and categorized on the Evidence.Com server in one of seven categories:
   A. Uncategorized
   B. Traffic stop
   C. Court Purposes
   D. Officer Injury
   E. Pending Review
   F. Training Demo
   G. Use of Force

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

3. All other data will be stored until it has served its legitimate law enforcement purpose. After the data has served its legitimate law enforcement purpose, it will be deleted or retained according to the guidelines established below:
   A. Data for court purposes shall be retained until the final court proceeding has been completed.
   B. Data regarding an officer injury will be retained indefinitely.
   C. Data that is useful for training purposes shall be retained indefinitely.
   D. Data regarding a complaint, use of force, supervisor inquiry, or internal affairs investigation shall be retained indefinitely.

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

1. Supervisory personnel shall ensure that department members utilizing the BWC devices are doing so in accordance with the policies and procedures established by the Waynesboro Police Department.

2. Supervisors may randomly review BWC recordings to ensure that the equipment is operating properly and that department members are using the devices appropriately and in accordance with policy.

3. Supervisors may randomly review BWC recordings to identify any areas in which additional training or guidance is required.

4. Supervisors may review BWC recordings for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, and department investigation of a complaint or any other articulable reason.

   A. Any video copied for the purposes of a Supervisory Inquiry or Internal Affairs Investigation will be placed in the case file and retained in accordance with the requirements set forth by the Library of Virginia and the Waynesboro Police Department General Orders pertaining to Supervisory Inquiries and Internal Affairs investigations.

   B. A request from an Officer, a Supervisor, or an Administrator to have a video reviewed to dispel a complaint on an Officer can be reviewed by the following people: the Officer in question, his/her immediate Supervisor, and the appropriate Division Commander.

5. Field training officers engaged in field training may view data captured by a BWC to provide immediate training to recruit officers and to assist with the completion of Daily Observation Reports (DOR)