

	<b>TYPE OF DIRECTIVE</b> LINE PROCEDURE	<b>NUMBER</b> LP-04-18
	<b>SUBJECT</b> BODY WORN CAMERAS	<b>EFFECTIVE DATE</b> 09/27/18
	<b>REFERENCE</b> LP-61, CALEA	<b>RESCINDS</b> LP-04-16

**PURPOSE**

To establish procedures related to the use of a Body Worn Camera (BWC) and the management, storage and retrieval of BWC recordings.

**POLICY**

The Body Worn Camera (BWC) is an audio and video recording system worn by officers and serves as an additional means of documenting incidents encountered by the officer in the course of his public safety duties. When activating a BWC, officers shall consider both the needs of public safety as well as the privacy and constitutional rights of individual citizens.

**REGULATION**

The Police Division will issue BWCs to only those officers who have been properly trained on their operation and the applicable policies governing their use. Officers are permitted to use only Police Division-issued BWCs to capture “point of view” audio and video recordings.

**PROCEDURES**

**I. UNIFORM AND MAINTENANCE**

- A. Officers assigned a BWC shall wear them while working in uniform, in both on-duty and off-duty capacities.
- B. Officers shall wear the BWC on their strong (gun hand) side mounted in one of the Police Division-approved mounting options provided by the manufacturer. Officers are responsible for ensuring the BWC remains in a position that allows the BWC to record an encounter from the officer’s “point of view.”
- C. Officers are responsible for the use and maintenance of the BWC and bring apparent problems with the equipment to the attention of a supervisor immediately. Officers shall not attempt to fix a BWC suspected of malfunctioning.
- D. Any officer that has not captured BWC video within four weeks shall record and upload a test video to ensure the BWC is working properly.

**II. ACTIVATION**

- A. When reasonable, practicable, and safe to do so, officers should advise citizens that the encounter is being recorded by a BWC.

## LP-04-18 BODY WORN CAMERAS

- B. The BWC shall be activated when an officer's contact with a citizen involves actual or potential violations of law, actual or potential suspect(s), or actual or potential verbally or physically aggressive behavior. Examples of circumstances when the BWC shall be used include, but are not limited to, the following:
1. Traffic stops;
  2. Calls involving suspicious vehicles or person;
  3. Domestic calls for service (including single party);
  4. Arrests; and/or
  5. Calls involving mental health consumers.
- C. If not already activated, the BWC shall be activated to record any encounter that becomes adversarial after initial contact or in any situation that the officer believes its use would be appropriate to document the encounter.
- D. Once the BWC is activated, it shall remain activated until:
1. The conclusion of the officer's involvement in that event;
  2. The event becomes predominately investigative in nature (for example, the incident has transitioned from an initial or tactical response into a controlled and orderly investigation);
  3. An officer reasonably believes that doing so will not result in the loss of critical documentary information; or
  4. When directed to do so by a supervisor.

### III. RESTRICTIONS

- A. BWCs shall only be used for a legitimate law enforcement purpose.
- B. BWCs shall not be used in the following situations:
1. To record county employees, including other *Police* Division members, unless taking law enforcement action consistent with Section II;
  2. To record events in bathrooms, locker rooms, or other places where there is an expectation of privacy unless taking law enforcement action;
  3. While interacting with known confidential informants or undercover officers. In situations where the recording is of evidentiary value, an officer may position the BWC in a manner to capture an audio recording of the event but not to record video of the informant or undercover officer;
  4. To record personal activity;
  5. During tactical planning discussions; and/or

## LP-04-18 BODY WORN CAMERAS

6. In court, officers shall leave the BWC in their vehicle.
- C. Unless otherwise required by Section II, officers should not use a BWC to record an encounter with a citizen that is non-confrontational and routine unless an officer has an articulable reason for activating the BWC during that encounter.

### IV. EVIDENCE

- A. A BWC's audio and video recordings are treated as evidence. *Officers should make every effort to upload BWC recordings of Part I crimes or critical incidents prior to the end of the shift it was recorded.*
- B. No officer shall attempt to erase, edit, or otherwise alter any data captured by a BWC.

### V. ACCESS AND RETENTION

- A. The BWC and all video files are the property of the Henrico County Police Division and are to be used for official purposes only.
- B. All BWC recordings shall be uploaded to Evidence.com. Docking stations are located in **all** three Patrol Stations. Officers shall upload all BWC recordings prior to their next tour of duty utilizing the docking stations, ideally leaving the camera docked between shifts. The docking station will automatically upload all data.
- C. All uploaded BWC recordings shall be classified as either "Evidentiary" or "Uncategorized."
  1. "Evidentiary" Recording - Contain documentation that can be used in a criminal investigation or captures a confrontational encounter between an officer and a citizen. "Evidentiary" video will be tagged with the corresponding ICR or CAD number in the ID field and the category set as "Evidentiary" once uploaded to Evidence.com in the below format.

ID example for the ICR#: 150309999  
ID example for the CAD#: C9999 or M9999
  2. "Uncategorized" Recording- Does not contain documentation to be used as evidence and captures a routine or non-confrontational encounter.
- D. Unless categorized as one of the categories listed under Section V. E., the retention period by Evidence.com for BWC recordings shall be as follows:
  1. "Uncategorized" recordings will be retained by Evidence.com for **180**-days.
  2. "Evidentiary" recordings will be retained by Evidence.com for **1 year**.
- E. Categories with extended retention times.

## LP-04-18 BODY WORN CAMERAS

1. Any “Evidentiary” recording needed beyond *1 year* for the prosecution of a criminal or traffic case shall be tagged with the category “Pending Court,” in Evidence.com, by the officer whose BWC captured the recording. Once that case has been heard in court, and the appeal process has passed, the officer shall remove the “Pending Court” tag. Retention for “Pending Court” will be until manually deleted.
  2. All BWC recordings associated with a response to resistance shall be categorized as “Response to Resistance” upon receipt of a Response to Resistance After-Action Report (HCPD-340), by the Commander, Quality Assurance. Retention for “Response to Resistance” will be until manually deleted.
  3. All BWC recordings associated with any Internal Affairs investigation or complaint shall be categorized as “Complaint” and transferred into IAPro by Internal Affairs. Retention for “Complaints” will be until manually deleted.
  4. Any CIS detective may direct officers to categorize their BWC video as “CIS Evidence” if they need it for their case. Retention for “CIS Evidence” will be until manually deleted.
  5. All FOIA requests for BWC video will be categorized as “FOIA” and that video will be produced by the Body Worn Camera Asset Manager. Retention for “FOIA” will be until manually deleted.
- F. Access to Recordings: Whether stored in Evidence.com, ADAMS or other *Police* Division databases, access to BWC recordings is limited to law enforcement or other *Police* Division-approved purposes only. Review of any BWC recording shall be performed only on *Police* Division equipment. Officers shall not:
1. View any BWC recording for anything other than approved *Police* Division purposes;
  2. Copy, download or convert any BWC recording for any type of personal use; or
  3. Sync personal devices to save BWC recordings.

## VI. **RELEASE OF BWC RECORDINGS**

### A. ***Henrico County Departments***

1. ***BWC recordings shall not be disseminated outside of the Police Division, Henrico County Attorney’s Office, or Commonwealth’s Attorney’s Office without prior approval from the Chief of Police (or his designee).***
2. ***Henrico County departments may submit a written request to the Chief of Police for release or review of BWC recordings.***

LP-04-18 BODY WORN CAMERAS

3. *Instructors wishing to use BWC recordings for Police Division training must receive prior approval by submitting an inter-office memorandum to the Commander, Quality Assurance.*

**B. *Outside agencies requests***

*BWC recordings may be requested by outside agencies by completing the Body Worn Camera Video Release (HCPD-056) and forwarding to the Commanding Officer, Professional Standards.*

**C. *All other requests***

*BWC recordings should be treated as a FOIA request and forwarded to the FOIA and Grants Coordinator for review.*

V. SUPERVISOR RESPONSIBILITIES

- A. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will remove the BWC from service and send an email to the BWC email group at [bwc@pdredmine.henrico.us](mailto:bwc@pdredmine.henrico.us).
- B. The Commander, Quality Assurance shall periodically conduct a random review of BWC recordings to assess the overall performance of the BWC equipment.

By Order of:

***Humberto I. Cardounel, Jr.***  
Chief of Police