

	Winchester City Sheriff's Office Manual of General Orders Operations 320	Effective Date: 01/20/17 Accreditation Standards:
		Original Policy: 01/20/17 Review Date: 01/20/20 Next Review: 01/01/23
Subject: Body Worn Cameras (BWC)		By Authority of: <hr/> Les R Taylor, Sheriff

I. POLICY

Deputies shall activate the body-worn cameras (BWCs) when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and the law. The use of BWCs is intended to enhance transparency and accountability. This policy does not govern the use of covert recording devices used in undercover operations.

II. PURPOSE

This policy is intended to provide Deputies with instructions on when and how to use BWCs, to accurately record law enforcement/civil actions and to capture evidence for investigations and court proceedings. Additionally, the use of BWCs may result in reducing the number of complaints against Deputies and frivolous lawsuits against the Winchester Sheriff's Office. This procedure also sets forth guidelines for the management, storage, release, and retrieval of audio – visual media recorded by BWCs.

III. PROCEDURES

A. Use of BWCs Generally

1. BWCs may be used to achieve the following:
 - a. Documentation of law enforcement-public contacts, arrests, and critical incidents;
 - b. Enhancement of law enforcement reports and courtroom testimony;
 - c. Documentation of crime and accident scenes or other events that include confiscation and documentation of evidence and contraband;
 - d. Supervisor review and evaluation of reasonable suspicion, probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes;
 - e. Documentation of Use of Force incidents;
 - f. Identifying and correcting internal agency issues (i.e. tactics, communication, policy compliance, customer service, officer safety, etc.); and
 - g. Enhance law enforcement training.
2. Deputies who are assigned BWCs shall complete a Office approved training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in Office policy and equipment.
3. Procedures or equipment shall be put in place to ensure Deputies do not edit, alter, or erase video/audio recorded by BWCs.

B. Equipment

1. Office issued BWCs shall be for official use only and shall not be used for non-work related or personal activities.
2. Law enforcement shall use only those BWCs issued by the Sheriff's Office. The wearing of personally owned BWC equipment or audio/video recording equipment shall not be permitted unless authorized by the Sheriff.
3. BWC shall be issued and assigned to specific Sheriff's Office personnel.
4. Sheriff's Office personnel shall not use BWC equipment assigned to other Deputies.
5. Intentional misuse or abuse of BWC equipment may result in disciplinary action.

C. Deputy Responsibility

1. Prior to beginning a shift, Deputies shall retrieve their assigned BWC and conduct an operational inspection.
2. Any BWC equipment malfunction shall be immediately documented and The Sheriff or Major will be notified of the malfunction as soon as practical.
3. Deputies shall activate the BWC during each law enforcement-public encounter related to a call for service, law enforcement action, subject stop, traffic stop, and/or police services provided that such activation does not interfere with officer safety or the safety of others. Additionally, the BWC shall be activated for tactical activities such as, searches of buildings and vehicles, searches for suspects and missing persons, seizing and processing evidence, and building checks when security alarms are triggered.
4. Where practical Deputies shall monitor the position of the BWC to ensure the BWC is capturing evidentiary versus non-evidentiary (e.g. ground, sky, officer's) footage.
5. Every Deputy on a scene shall activate their BWC and leave it on for the duration of the incident. This shall include transporting to and processing a person at the jail.
6. Deputies shall note in incident, arrest, and related reports when video recordings were made. However, BWC recordings shall not be a replacement for written reports.
7. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts/mutes the recording the Deputy shall document the reason.
8. Deputies **shall not** edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without the prior written authorization and approval of the Sheriff or a designee.
9. Deputies shall not permit civilians to review recordings without authorization of the Sheriff or a designee.
10. Deputies shall download video files and charge the equipment at the end of each shift. Deputies shall mark files as evidentiary, non-evidentiary, or training demo. Additionally, each file shall contain the date, BWC identifier (i.e. the series of numbers and/or letters assigned to each BWC to distinguish one piece of BWC equipment from another), and the name of the assigned officer.
11. Deputies are restricted to reviewing and categorizing their own videos.
12. At the conclusion of the shift Deputies shall conduct an operability inspection and report any issues to their supervisor.



D. Supervisor Responsibility

1. Supervisors shall:
 - a. Ensure Deputies use BWCs in accordance with Office policy and procedure;
 - b. Review non-evidentiary video and re-categorize for indefinite retention if a complaint or Use of Force is associated with a recorded event or the officer has reason to believe an incident may generate a complaint; and
 - c. Conduct random weekly reviews of selected recordings in order to assess officer performance as well as identify videos that may be appropriate for training.
2. Supervisors may limit or restrict an officer from editing the video file, if an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force.

E. Privacy and Restricted Use

1. Whenever practical Deputies shall inform individuals that they are being recorded.
2. In locations where individuals have a reasonable expectation of privacy, such as a residence, individuals may decline to be recorded unless the recording is being made pursuant to an investigation, arrest, or search of the residence or individuals within the residence.
3. In general BWCs are not to be used in the following circumstances:
 - a. Communications with other law enforcement personnel without the permission of the officer or the Sheriff or a designee;
 - b. Communications involving law enforcement tactical and strategic policy, procedures, or plans;
 - c. Encounters with undercover Deputies/Officers and confidential informants;
 - d. While conducting strip searches;
 - e. When community member, who wishes to remain anonymous, is reporting crime;
 - f. Appearing before a magistrate;
 - g. When Deputies are on break or otherwise engaged in personal activities; or
 - h. In restrooms or locker rooms.
4. Deputies shall comply with individual federal, state, and local courthouse policies regarding the wearing of BWCs within respective courthouses.
5. Deputies shall comply with medical facility policies pertaining to video and audio recordings.

F. Access

1. The BWC equipment and all data, images, sounds, video, and metadata captured, recorded, or otherwise produced by the equipment shall be the exclusive property of the Winchester City Sheriff's Office.
2. All access to BWC data must be specifically authorized by the Sheriff or a designee.
3. Deputies may be permitted to review video footage of an incident in which they were involved, prior to preparing a report or making a statement about the incident.
4. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
5. Court personnel (e.g. representatives from the Office of the Commonwealth's Attorney) may request videos for trial through the Sheriff or a designee.
6. Freedom of Information Act (FOIA) and media requests of video shall be submitted to the Sheriff or designee and shall comply with requirements of Title 2.2 of the *Code of Virginia*.
 - a. Video capturing criminal incident information pertaining to an ongoing law enforcement investigation or prosecution shall not be released if the release of the video is likely to jeopardize the investigation, prosecution, or safety of an individual; or likely to cause a suspect to flee or evade detection, or result in the destruction of evidence.
 - b. Criminal investigative files are excluded from FOIA requirements but may be disclosed by the Sheriff in his discretion, except where disclosure is prohibited by law.
 - c. Provisions will be made for blurring the image of individuals or the personal identifying information (e.g. license plates, addresses etc.) of those not involved in the law enforcement act at question or an act described in section (C)(3) of this policy prior to releasing the video to the media or the individual making the FOIA request.

G. Video Retention

1. Deputies shall make requests for the deletion of portions of the recording (e.g. in the event of a personal recording, conversations with confidential informants etc.) in writing. The Sheriff or a designee shall approve or deny requests in accordance with records and retention schedules issued by the Library of Virginia. All requests for deletions and the final decision shall be kept on file.
2. All video files shall be securely stored in accordance with the records and retention schedules issued by the Library of Virginia. If a video is re-classified to a different category (e.g. non-evidentiary to evidentiary) the video will be subject to deletion based on the new category and the original date of the recording.
3. Back-up storage for video files shall be provided.