



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: BODY WORN CAMERA PROGRAM		Chapter 1	Number 20	# Pages 9
CALEA Standards: 41.3.8	Related Orders: N/A		Effective Date: 08/03/16 Revised By: Scheduled Review Prv. Rev. Date: 05/02/16	
Chief of Police: <div style="text-align: center; margin-top: 10px;"></div>				

I. PURPOSE

To establish procedures and provide guidance related to the use of a Body Worn Camera (BWC) and the management, storage, and retrieval of BWC recordings in accordance with best practices and the law. [CALEA 41.3.8a]

II. SUMMARY OF CHANGE

This revision allows personnel who are subject to being called out and have been approved by the Chief of Police (based on the frequency of call out and the nature of the assignment) to take the assigned BWC home. It permits a police supervisor (Sergeant or above) to take a screen shot of an officer's BWC video from a City of Richmond computer and use that image in a Person of Interest or Wanted Person flyer. This directive change requires that Officers share all videos containing evidence of an arrest with the Richmond Commonwealth Attorney's Office within seven (7) days of that arrest using the prescribed method of sharing cases containing video evidence covered in BWC training. Finally, it changes the retention period for non-evidentiary recordings from 90 days to 60 days. The specific changes are noted in bold italicized text throughout the document.

III. POLICY

It is the policy of the Richmond Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and the law. Law enforcement use of BWC has proven effective in reducing violent confrontations, uses of force, and complaints against officers. This policy does not govern the use of hidden recording devices used in undercover operations.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITION

- A. Body Worn Camera Coordinator: Employee designated by the Chief of Police to manage the body worn camera program.
- B. Body Worn Camera Unit Coordinator: Employees the rank of lieutenant or above who are designated by their commander to assist with the implementation and use of BWCs within their precinct/division by providing assistance and guidance to officers who are assigned BWCs.
- C. Body-Worn Camera: The Body-Worn Camera (BWC) is an audio and video recording system worn by officers, which captures encounters and activities from the officer's perspective. The system consists of the camera, battery pack and several mounting options.
- D. Digital Evidence: BWC files, including photographs, audio recordings, and video footage, captured by a BWC and stored digitally on Evidence.com.
- E. Docking Station: Hardware connected to the Richmond Police Department network that is designed to download digital evidence from the BWC and uploaded to Evidence.com.
- F. Metadata: The IBR number and other descriptors used to identify the categorization and retention period for the BWC recordings.
- G. Track-It Application: A workflow management system that enables employees to submit a work order, and track the progress of any work order that has been submitted in the Officer's name. This application appears as an icon on the desktop of all department computers.

VI. PROCEDURE

A. Operation:

The Richmond Police Department has adopted the use of the BWC to accomplish several objectives.

1. The primary objectives are:
 - a) To enhance transparency and accountability, to build trust, and to foster healthy relationships in the community we serve.
 - b) BWCs allow for additional documentation of police-public contacts, arrests, and critical incidents.

- c) Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- d) The BWC may also be useful in documenting crime and accident scenes or other events that include, but are not limited to, the confiscation and documentation of evidence or contraband.

2. When and How to Use the BWC (RECORDING): [CALEA 41.3.8b]

- a) Officers shall follow existing officer safety policies when conducting enforcement stops, as outlined in department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

NOTE: Officers are reminded that their BWC will "beep" twice every two minutes to remind them that the camera is activated. Officers are cautioned that they should turn the "beep" volume down in situations where it may compromise their safety.

- b) Officers assigned a BWC, including primary, secondary, and assisting officers, shall start their BWC recordings as soon as a radio call for service is initiated via radio or communication from the Department of Emergency Communications (DEC) on their mobile data computer (MDC), or at the beginning of any self-initiated police action.
- c) Below are examples of circumstances including, but not limited to these specific examples, where officers shall activate their BWC's:
 - (1) All citizen contacts initiated pursuant to a law enforcement investigation or investigation of possible criminal activity;
 - (2) Self-initiated contact involving mental health consumers;
 - (3) Citizen contacts involving firearms;
 - (4) Self-initiated contact involving suspicious vehicles, and/or persons;
 - (5) Self-initiated contact involving disorderly groups, and/or persons;
 - (6) Traffic stops;
 - (7) Arrests; and,
 - (8) Any incident where the officer believes its use would be appropriate, or valuable to document the incident/encounter as potential evidence.
- d) Officers equipped with BWCs who are on the scene of an incident and are not the primary, or log unit, or responsible for completing an IBR shall inform the officer completing the IBR of their BWC recording(s) so that the reporting officer may record this information in his or her IBR report.

- e) Officers shall inform individuals that they are being recorded. Officers will make the following statement: “I am Officer (Last Name) and this encounter is being recorded.”

NOTE: There may be circumstances in which it is not reasonable, practicable or safe to inform an individual that he or she is being recorded. In such incidents, the officer will document in the officer’s report(s) the reason for not informing the individual that he or she is being recorded.

- f) The BWC shall continue to record until the officer has completed his/her interaction with the subject/incident, or until one of the following conditions is met:

- (1) The conclusion of the officer’s involvement in that event; or
- (2) When directed to do so by a supervisor. The officer should document the name of the supervisor who ordered the termination of the recording, and the time the order was given. This practice should be applied with the same discretion as terminating a pursuit.

Note: The officer may stop recording during transports, but should start recording again before removing the subject from the vehicle until the event is concluded. If the camera is turned off temporarily before the conclusion of the incident, the officer should state on camera audio the time and reason for the interruption.

- g) If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in an Incident-Based Report (IBR) or on a Field Interview Report (FIR) if no IBR is otherwise required.
- h) Civilians shall not be allowed to review the recordings at the scene.

3. Procedures for BWC Use:

- a) BWC equipment is issued primarily to uniformed personnel as authorized by the Richmond Police Department. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel, or in accordance with this policy.
- b) Police personnel shall use only BWCs issued by the Richmond Police Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the issued BWC equipment is the sole property of the Richmond Police Department.
- c) Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, and to incorporate changes, updates, or other revisions in policy and equipment.

[CALEA 41.3.8f]

- d) ***Only department personnel assigned to units that are subject to call out and have been authorized by the Chief of Police (based on the frequency of call out and the nature of their assignment) may take their BWC home and then, only when they are subject to call out. Such approved personnel must still dock the BWC in accordance with this policy to ensure the data upload to Evidence.com.***
- e) BWC equipment is the responsibility of the individual officer it is assigned to and will be used with reasonable care to ensure its proper function. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible, so a replacement unit may be procured, and to ensure the availability of the equipment for that officer. In the event the BWC equipment is malfunctioning, in any way, the equipment will immediately be taken out of service and turned in to a supervisor. The Officer will submit a work order using the Track-It application to document the malfunction and to initiate the repair or replacement of the BWC.
- f) Officers shall inspect and test the BWC prior to each shift to verify proper functioning and shall notify their immediate supervisor of any problems immediately. If the officer's immediate supervisor is off-duty, the first available supervisor should be contacted.
- g) Officers shall not edit, redact, alter, erase, duplicate, copy, share, or otherwise distribute, nor attempt to do so, in any manner BWC recordings without prior written authorization and approval from the Chief of Police, or designee.

NOTE: An officer's BWC may capture an image of a suspect or potential person of interest in a criminal offense or investigation and that image may be determined to be useful for a Person of Interest or Wanted Person flyer. In these instances, a police supervisor (Sergeant or above) may take a screen shot of the officer's BWC video from a City of Richmond computer. Once the supervisor has captured the image, it may then be utilized in a Person of Interest or Wanted Person flyer with the permission of the Division Commander of the affected division.

- h) Officers are encouraged to inform their immediate supervisor of any recordings that may be of value for training purposes and properly categorize the recording as "Training" as outlined in Section X.A.3.
- i) The department reserves the right to limit or restrict an officer from viewing any video file(s).
- j) Requests for 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 the Body Worn Camera Coordinator, in accordance with state record retention laws. All requests for deletion, and final decisions on deletion, shall be kept on file and processed to completion by the Body Worn Camera Coordinator.

- k) Officers shall note in an IBR and all related reports when recordings were made during the incident documented by the report. However, BWC recordings are not a replacement for written reports.

B. Restrictions on Using the BWC:

BWCs shall only be used for official purposes in conjunction with official law enforcement duties. The BWC shall not be used to record:

1. Communications with other police personnel without their knowledge during routine, non-enforcement related activities. This may include, but is not limited to: roll calls, supervisory counseling sessions, routine patrol activities, and meals;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities;
4. When in a private residence while NOT on a call for service or “self-initiated police action” as mentioned in Section VI.A.2.b. Examples of self-initiated police contacts mandating the activation of the BWC are contained in Section VI.A.2.c;
5. In any location where Officers have a reasonable expectation of privacy, such as a restroom or locker room; or,
6. Recognizing that there are certain areas in medical treatment facilities in which there is a higher expectation of privacy, BWC equipment shall only be activated:
 - a) In public areas such as waiting rooms or hallways, with the exception of psychiatric waiting rooms, and;
 - b) In patient care or clinical areas only when, in the officer’s reasonable judgment, there is a potential threat or harm to patients, visitors, guests, or employees.

NOTE: There is a heightened sensitivity to activating BWC equipment in pediatric, psychiatric, and emergency room clinical areas.

C. Storage

[CALEA 41.3.8d]

1. The Body Worn Camera (BWC) and all video files, images, sounds, and data recorded by an RPD issued BWC are the property of the Richmond Police Department and shall only be used for official business. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
2. All files shall be securely transferred to Evidence.com no later than the end of each tour of duty. Each file shall contain information related to the date, BWC identifier, and assigned officer.

3. At least on a monthly basis, the BWC Coordinator will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with Department policy, and to identify any areas in which additional training or guidance is needed.

[CALEA 41.3.8g]

D. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with the policy and procedures defined herein.
2. The Body Worn Camera Unit Coordinator will provide BWC assistance and technical support to Officers in their assigned Precinct/Division.
3. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will ensure the BWC is immediately removed from service. The supervisor will also ensure that the officer has completed and submitted a Track-It request.
4. Supervisors are reminded of the application of GO 07-21 Internal Investigations, Citizen Complaints, and Integrity Tests:

“Any employee, after observing or learning of alleged misconduct, or policy violation shall notify IAD by the end of his/her tour of duty. All employees have the right and the ability to make such notifications to IAD without fear of reprisal or retaliation. After normal business hours, they will contact the on call IAD supervisor to make that notification.”

5. Prior to making a supervisory recommendation related to whether an officer’s actions are in policy, Supervisors shall review all BWC recordings relating to any incident that requires an officer to complete any of the following forms:

[CALEA 41.3.8g]

- a) PD-10, Firearm Discharge/Assault Report Form
- b) PD-35, Use of Force Report
- c) PD-41, Damage to Private Property Report
- d) PD-44, Pursuit Report
- e) PD-50, Mayday Report
- f) PD-70, Police Vehicle Accident Report
- g) PD 85, Law Enforcement Officer’s Assault Report
- h) PD-111, Critical Incident Checklist
- i) PD-2, Citizen Complaint

VII. UNIFORM AND MAINTENANCE

- A. Officers assigned a BWC shall wear it while working on duty, or departmental approved overtime, except during covert operations.

NOTE: The Chief of Police, or designee, may require the use of the BWC for certain specific off-duty assignments.

- B. Officers shall wear the BWC in one of the department-approved methods, utilizing only the mounting options provided by the manufacturer. Officers should make every reasonable effort to ensure 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. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so a replacement unit may be procured and to ensure the availability of the equipment for that officer. In the event the BWC equipment is malfunctioning, in any way, the equipment will immediately be taken out of service and turned in to a supervisor to facilitate repair. Officers shall not attempt to repair a BWC suspected of malfunctioning. [CALEA 41.3.8e]

VIII. ACCESS

- A. The Body Worn Camera (BWC) and all video files, images, sounds, and data recorded by an RPD issued BWC are the property of the Richmond Police Department and shall only be used for official business. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
- B. All files shall be securely transferred to Evidence.com no later than the end of each tour of duty. Each file shall contain information related to the date, BWC identifier, and assigned officer.
- C. All requests for access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or designee.
- D. All access shall be audited by the BWC Coordinator monthly to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- E. The preferred technique for transferring recordings from the BWC to Evidence.com is by using the officer's assigned docking station. This technique is preferred as the docking station will automatically upload all of the data recorded on the camera directly to the Officer's Evidence.com account.
- F. The BWC system will be docked at least once per regular shift to allow all recorded data to be uploaded to Evidence.com.
- G. Officers involved in a use of force incident will not review the video of any incident involving use of force prior to submitting all necessary use of force documentation, and reports. Immediately after those reports are submitted, the officer will review the video of the incident with their supervisor. If there are any discrepancies between the officer's report and the video, the supervisor will provide an explanation in the supervisor's investigation report.

- H. Access to Recordings: Access to all BWC recordings shall be limited to law enforcement or other Department-approved purposes only.
1. As noted previously, BWC recordings are not a replacement for written reports to document the Officer's perspective of an incident/encounter. The BWC will not capture everything; however, the BWC may capture images not initially discernable or viewable by the human eye.
 2. *The Richmond Commonwealth Attorney's Office will require access to Officers' BWC videos for prosecutorial review and use and for potential pretrial discovery, motions or trial. Officer will share all videos containing evidence of an arrest with the Richmond Commonwealth Attorney's Office within seven (7) days of that arrest using the prescribed method of sharing cases containing video evidence covered in BWC training. Officers will only share evidence in this manner and to only the Commonwealth Attorney's Office. Requests to share directly with individuals or other agencies are prohibited without the written approval of the Chief of Police or designee.*
 3. Officers shall not:
 - a) View any BWC recording unless the viewing is expressly for Department approved purposes;
 - b) Copy, download, convert, disseminate, and or edit any BWC recording for any type of personal use; or,
 - c) Create "screen captures" from recordings using any device *except as permissible in the note in section VI.A.3.f.*

IX. RETENTION

- A. All uploaded BWC recordings shall be classified as either "Evidentiary", "Non-Evidentiary", or "Training". [CALEA 41.3.8c]
1. "Evidentiary" Recording - Contains documentation that can be used in a criminal investigation, for court (where court is mandatory) or captures a confrontational encounter between an officer and a citizen. "Evidentiary" video will be tagged with the corresponding CAD number in the ID field and the category set as "Evidentiary" once uploaded to Evidence.com. BWC audio and video recordings tagged as digital evidence in a criminal investigation shall not be disseminated outside of the Department without prior approval of the Chief of Police or designee.
 2. "Non-Evidentiary" Recording - Does not contain documentation to be used as evidence and captures a non-confrontational encounter. "Non-Evidentiary" recordings will be retained by Evidence.com for a period of **60** days, unless the Chief of Police, or designee, approves a written request submitted by an individual who appears in the recording to retain that recording for a longer period of time.

3. “Training” Recording – is any recording that is not “Evidentiary” in nature, but may be of value for training.
4. All video files shall be securely stored on Evidence.com 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.
5. The CAD number will be formatted as follows: ID example for the CAD#: YYYYMMDD-####.

X. FORMS

- A. Incident-Based Report (IBR)