

	Operational General Order	4.06 Body-Worn Camera (BWC)	ORIGINATOR/REVIEW Operations Division
	SUBJECT Virginia Beach Police Department General Order Chapter 4 - Reporting and Fiscal Management		DISTRIBUTION ALL
	CALEA: 41.3.8 (A, B, C, D)		
BY THE AUTHORITY OF THE POLICE CHIEF: PWN			

Definitions:

Body-Worn Camera (BWC) - a recording device worn by the officer on the uniform that captures audio and video of the encounter between the officer and citizens.

Evidentiary value - any information captured on the officer's BWC that will likely aid in a criminal or traffic investigation.

Law enforcement action – any official actions taken by officers of this department in the performance of their duties: these include, but not limited to: traffic stops, calls for service, investigative stops, crash investigations, citizen interviews, and any other situation where an officer may have an accusatorial encounter with citizens.

Program Administrator – Agency employee assigned to Internal Affairs who has exclusive edit and purge rights of all videos captured by officers/detectives that use BWCs.

Program Facilitator – Agency employee assigned to a command who has limited access rights to update logistical information regarding BWCs.

Use-of-force – Reportable force as defined in General Order 5.01, Use of Force.

Purpose:

The Virginia Beach Police Department will deploy Body-Worn Cameras (BWCs) when providing police services to promote accountability and transparency to our community.

Policy: (CALEA 41.3.8A)

It is the policy of the Virginia Beach Police Department to issue Body-Worn Cameras (BWCs) to all sworn personnel who shall utilize the equipment as specified in this policy. The policy will augment GO 4.05, *Electronic Data Management*, and specifically addresses body-worn cameras. All recordings are property of the Virginia Beach Police Department and cannot be edited or disseminated without the approval of the Police Chief or designee.

Policy/Guidelines for Use: (CALEA 41.3.8)

- A. Administration - Body-Worn Cameras (BWC) are for official Department use only. Intentional abuse or misuse of the equipment or malicious violation of this policy may result in disciplinary action.
1. All sworn personnel shall be issued BWCs to be worn in accordance with this policy. Cameras will not be shared or used by other officers unless approved by the command/program facilitator.
 2. Unauthorized reproduction of a BWC/In-Car Camera recording is prohibited.
 3. BWCs shall be worn when working in an on- or off-duty uniformed assignment, excluding court appearances when off-duty. Officers working off-duty employment will abide by the provisions of this order (same as on-duty).
 4. Sworn personnel who primarily work in an administrative or investigative capacity will not be required to wear a BWC while on routine assignment. If the member reports for duty to work in an operational capacity, or elects to work an off-duty assignment, they shall wear a BWC in accordance with this policy.
 5. Officers who work in assignments that involve the potential for call-out will be assigned a second BWC.
 6. The camera shall be worn in a manner that captures the best point-of-view, unobstructed, and is in accordance with training.
 7. Officers shall power on their BWC at the beginning of each shift to ensure the equipment is in proper working order. The BWC is to remain powered on for the duration of the shift, except in circumstances outlined in this policy. Any problems with the equipment shall be reported to a supervisor.
 8. BWCs shall be used to record pre- and post-shift vehicle inspections.
 9. BWCs shall be docked at the conclusion of each shift to allow video uploads/device updates to occur. When working an off-duty assignment is anticipated, officers shall dock the BWC at the conclusion of their shift, and then take the device to their off-duty assignment once the upload process is complete. Officers will be responsible for ensuring the device is properly charged for their next shift.
 10. Officers must ensure the BWC data is uploaded to Evidence.com and categorized as required.
 11. Personnel shall not review BWC or In-Car Camera (ICC) recordings related to a use of force that results in death or serious bodily injury to an officer and/or other involved persons, or those videos related to a critical incident, prior to the submission of a BlueTeam report. All other recordings may be reviewed to assist in completing investigative/use of force reports.

12. Officers shall attach any BWC video to their BlueTeam report and submit in accordance with General Order 5.01, Use of Force.
 13. Officers shall not edit or delete any recordings. Original recordings may only be edited or purged as authorized by the Commanding Officer of Internal Affairs. If a video is edited for any reason, the original intact video will be maintained by Internal Affairs.
 14. Recordings associated with a case involving the Commonwealth Attorney (CWA) shall be shared to OCA Evidence, Agency: City of Virginia Beach (VA) Commonwealth Attorney within 7 calendar days. Officers shall edit the title of the BWC to the suspect's full name.
 15. When officers receive a notice of appeal of a misdemeanor case, they shall edit the title of the BWC to "Appeal-insert suspect's full name". The officer will then share the case with OCA Evidence, Agency: City of Virginia Beach (VA) Commonwealth Attorney within 7 calendar days of receiving the notification.
 16. Officers must receive supervisory approval prior to viewing another officer's BWC or In-Car Camera recording(s).
 17. Each command shall designate a supervisor to act as the Program Facilitator. The Program Facilitator will ensure compliance with this policy and that equipment is properly assigned to each officer.
 18. All videos shall contain tracking software (audits) to indicate who has viewed the footage and if the data was edited. Officers are reminded that every login access is documented in the video's audit trail. Officers must note the purpose of viewing the recording in the comments section.
- B. Supervisor Responsibilities:
1. Sergeants shall ensure BWCs are utilized in accordance with this policy.
 2. Sergeants shall inspect BWCs monthly and document the inspection on the PD-42 Personnel Inspection form.
 3. Any defects with BWCs will be reported to their Command's Site Facilitator for repair or replacement of the equipment.
 4. Sergeants shall conduct a minimum of one administrative BWC review per month for each officer assigned to them. These reviews shall be separate and apart from those pertaining to a use of force, citizen complaint, or ones initiated by the officer. Supervisors shall conduct these reviews using Axon's Performance software to ensure proper documentation occurs.
 5. Sergeants shall ensure officers are docking their BWC at the end of each shift.
 6. Sergeants shall ensure officers are categorizing videos as specified in training.

7. If an allegation made against an officer is criminal in nature, the supervisor who receives the allegation may review BWC video, but they shall immediately notify Internal Affairs to restrict access to any involved videos.
- C. Equipment, Training, and Assignment: (CALEA 41.3.8 E, F)
1. All BWC equipment shall be issued by PD&T and maintained by the officer.
 2. Officers shall test the BWC equipment at the beginning of the shift to ensure it is in good working order with sufficient battery and storage capacity to last the entire shift. Any problems shall be reported to the supervisor immediately. (CALEA 41.3.8 E)
 3. PD&T will be responsible for training on the use of BWCs and this training will be documented on the officer's training record. Retraining on this equipment shall be completed as needed. (CALEA 41.3.8 F)
- D. Activation: (CALEA 41.3.8 B)
1. Officers shall only activate the BWCs for legitimate law enforcement, training, or testing purposes. BWCs are not authorized for personal use.
 2. Officers shall immediately activate their BWC under the following circumstances:
 - a. Upon direction by a supervisor
 - b. When going "en-route" to any call for service
 - c. Upon activation of emergency equipment (lights and/or sirens) or when taking any law enforcement action
 - d. When any encounter is likely to result in force being used, an arrest being made, or during any event where there may be an actual or potential breach of the peace
 - e. During any arrest or search warrant service
 - 1) Officers providing perimeter support during tactical or high-risk scenes shall keep BWCs activated through the duration of their involvement in the call unless directed otherwise by the Incident Commander
 - 2) To document citizen interviews or investigative stops
 - f. Whenever reasonable, safe, and practical to do so, officers should advise citizens that the encounter is being recorded. If asked by the citizen, officers will confirm that a recording of the event is in progress.
 - g. If an arrest is made during a recorded incident, the BWC shall continue recording until arrival at the jail or final destination.
 - h. Once the BWC is activated, the entire encounter shall be recorded without interruption (continuous recording) unless a clear, articulable

reason to discontinue recording occurs. In that case, the officer will state the reason for stopping the recording, when practical.

Officers may stop recording for the following reasons:

- 1) Upon direction by a supervisor
- 2) When clearing the call for service
- 3) During tactical briefings
- 4). When there is a clear and articulable reason to believe recording will create unintended hostility between the officers and citizens. If the officer expects to take law enforcement action (i.e. make an arrest), the officer will record the entire event
 - i. If an officer discontinues recording an encounter for any reason and then finds it is necessary to take law enforcement action, the officer shall reactivate the camera provided it is safe and practical to do so.

E. SWAT Activation - Special consideration must be given to the activation/deactivation of BWCs during the service of any arrest or search warrant. This is particularly true for SWAT deployments during high-risk warrant service attempts or other active scenes.

The following criteria shall govern the use of BWCs for SWAT personnel:

1. SWAT personnel, including auxiliary members, shall be issued a second BWC for callouts and to wear during uniformed part-time assignments.
2. SWAT personnel shall utilize the BWC in the following situations:
 - a. During any warrant service or high-risk arrest:
 - 1) SWAT personnel shall activate their BWC on the command of the SWAT Lieutenant or SWAT Sergeant
 - 2) BWCs will remain activated during the service of a search warrant, knock and announce warrant, arrest warrant, or during a high-risk traffic stop
 - 3) BWCs will only be deactivated at the direction of the SWAT Lieutenant or SWAT Sergeant once the scene is secure and has been turned over to the appropriate investigating unit
 - b. During any call-out/barricaded subject:
 - 1) SWAT personnel shall activate their BWC on the command of the SWAT Lieutenant or SWAT Sergeant prior to the commencement of any planned action
 - 2) BWCs shall be activated during any search of a structure

- 3) SWAT personnel shall activate their BWCs as soon as practical after an unplanned or spontaneous action or use of force, as long as it is safe to do so
- 4) BWCs will only be deactivated after a planned action has occurred and at the direction of the SWAT Lieutenant or SWAT Sergeant
- 5) SWAT personnel shall not record staging area briefings or planning activities

F. Use of Axon Respond Software - Axon Respond provides supervisors a situational awareness tool that displays the location of an officer based upon their GPS-enabled body camera. In addition, when a body camera is in record mode, authorized users may view a live-stream video feed from that device. These features shall be restricted based upon the following guidelines:

1. Only Axon Body 3 (AB3) cameras are capable of GPS location and live streaming
2. All supervisors have access to Axon Respond to view the location of an officer based upon the GPS signal in the AB3
3. Live stream viewing will be restricted to the rank of Captain and above.
 - a. Live streaming is only enabled when an AB3 is in record mode and it cannot be accessed when the camera is simply buffering
 - b. AB3 users are notified by an audible tone and icon on their device when live stream services are accessed

G. Restricted Use of BWCs: (CALEA 41.3.8 B)

1. Officers shall use their best discretion in areas where a high expectation of privacy is present. If an officer does not record an event or elects to discontinue recording, there should be an articulable reason for doing so. This will be stated on video prior to turning off the camera and noted within CADS. If an officer discontinues recording an encounter for any reason and then finds it is necessary to take law enforcement action, the officer shall reactivate the camera provided it is safe and practical to do so.
2. Officers shall not record personal activities that are conducted during a normal shift. These include personal phone calls, meal breaks, or time spent between calls for service and other non-work-related personal activity.
3. Unless approved by the undercover officer or a supervisor, BWCs shall not be used to record interactions with confidential informants or undercover officers. If the conversation needs to be recorded, officers shall attempt to

capture the audio portion only by covering the video lens or standing outside of the camera's view.

4. Any legal consultation with the Office of the Commonwealth Attorney or the City Attorney shall not be recorded.
 5. Officers shall not activate their BWCs inside any courthouse during any trial proceeding or while waiting for their cases to be heard. BWCs shall be powered off upon entry into the facility but shall be immediately powered on once the officer exits the facility.
 6. Officers shall not activate their BWCs while inside the Virginia Beach City Jail or other government regulated areas. BWCs shall be powered off upon entry into the facility but shall be immediately powered on once the officer exits the facility.
 7. Officers may activate their BWCs inside any medical facility where medical privacy is expected and required by law. Officers shall take all reasonable measures to ensure that only citizens involved with a specific case are recorded.
 8. School Resource Officers shall be issued BWCs and shall utilize them in accordance with this policy on school property. SROs shall activate their cameras only when they take law enforcement action.
 9. BWC recordings of constitutionally protected activities may not be used to identify citizens present at the activity unless there was articulable, illegal activity involved, a need for assistance by members of the public, or specific law enforcement action was required. Once the specific matter is resolved, the BWCs shall be de-activated.
 10. Officers shall not record tactical planning briefings without the approval of a shift commander.
 11. Officers shall not record any aspects of training unless specifically requested to do so.
 12. Officers shall not record routine meetings or discussions with supervisors.
 13. Stored audio and video from the BWCs shall not be used to create a database or pool of mugshots, as fillers for photo lineups, nor randomly searched for members of the public by members of our agency.
 14. Employees shall not convert, obtain, or copy any BWC footage for personal use. No images, footage or BWC information will be released to any social media site without the permission of the Police Chief or designee.
- H. Video Recordings: (CALEA 41.3.8 C)
1. All recordings captured on BWC's are property of the Virginia Beach Police Department and will be treated as evidence. No recordings will be disseminated without the approval of the Police Chief or designee (Internal

Affairs) and in compliance with State and Federal dissemination laws, privacy protection, and other applicable laws, including the Virginia Freedom of Information Act.

2. Officers may view BWC/In-car Camera recordings to help complete reports, except in those instances involving a use of force that results in death or serious bodily injury to an officer and/or other involved persons, or those videos related to a critical incident.
3. Officers shall note on any departmental reports if any encounter was captured on a BWC. Any specific information pertaining to the video's location shall be included as well.
4. In a critical incident, such as officer-involved shooting, in-custody injury or death, or use-of-force against a citizen causing serious bodily injury or death, the BWC will remain turned on and in the possession of the involved officer until the appropriate Detective Bureau supervisor arrives on scene. In cases where the situation dictates the Incident Commander may immediately review the recording to establish the level of danger that may still exist, aid the initial operational response to locate suspects, and focus on the initial stage of the investigation based on the need for officer and citizen safety. The video will be handled in a manner consistent with other evidence.
5. Categorizing specific events or recordings will be completed as specified by training. Any recordings deemed to have administrative or evidentiary value shall be categorized accordingly.
6. Only the Commanding Officer of Internal Affairs, or designee, is authorized to purge a BWC video from the Department's system. Only videos that are captured outside the requirements of this policy may be purged from the Department's system.
7. Requests for BWC footage from external/private parties, such as a Motion of Discovery, Subpoena Duces Tecum, and Freedom of Information Act request shall be handled in accordance with General Order 4.05, Electronic Data Management. No video will be released without the approval of the Police Chief or designee and the appropriate review/redactions by the Program Administrator.
8. The Office of the Commonwealth's Attorney will have their own license through Axon that enables their prosecutors to view, edit and redact BWC videos. VBPD will maintain original copies of all BWC videos.
9. In any case where an officer has brought charges against an individual, and later learned that the BWC recording contains evidence that may be exculpatory in nature (evidence tending to establish a criminal defendant's innocence), the officer shall immediately contact their supervisor for guidance regarding the proper disposition of the charges. The same shall apply for any supervisor reviewing any BWC footage. If the case is being handled by the City/Commonwealth's Attorney, they shall also be notified immediately.

I. Video Retention Schedule: (CALEA 41.3.8 D)

Video retention schedules are promulgated by the Library of Virginia in accordance with the Virginia Public Records Act (Refer to Library of Virginia, General Schedule (GS-17), for Records Retention Management). Any recordings deemed to have administrative or evidentiary value will be saved in accordance with General Schedule (GS) 17 Records Retention guidelines. All videos deemed to be non- evidentiary and non-administrative will be retained for a period of no less than 180 days from the date of the recording.

After 180 days, or the retention period set according to their categorization, they will be expunged from the Department's system in accordance with the record destruction procedures established by the Records of Virginia.

If an officer inadvertently records an event that is not a law-enforcement related encounter or is prohibited by policy, a supervisor shall be notified immediately. The Program Administrator will review the footage and purge the video promptly once it is verified that the video was captured in error. The Administrator will document the reason for the purge in the Audit Log.

Before purging any video, the Program Administrator, or designee, shall take any steps necessary to ensure that the purge complies with the requirements of the Virginia Public Records Act and the procedures established by the Library of Virginia.