



Dinwiddie County Sheriff 's Office

Body Worn Camera Policy

Effective 8-1-2016

I. POLICY:

It shall be the policy of the Dinwiddie County Sheriff's Office to utilize Body-Worn Camera (BWC) equipment to assist Sheriff's Office personnel in the performance of their duties by providing an accurate and unbiased recorded event of an incident and to enhance transparency and accountability of the Dinwiddie County Sheriff's Office. Additionally, to maximize effectiveness of the BWC and maintain integrity of evidence and related documentation, all personnel utilizing these devices will adhere to the procedures outlined within this policy. The wearing of a BWC by an assigned deputy is mandatory and non-compliance with this order could result in disciplinary action.

II. PURPOSE:

This policy is intended to provide Dinwiddie County Sheriff's Deputies with instructions on when and how to use BWCs, to accurately record law enforcement 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 Dinwiddie County Sheriff's Office. This procedure also sets forth guidelines for the management, storage, release, and retrieval of audio –visual media recorded by BWCs.

III. DEFINITIONS:

Body-Worn Camera (BWC): A recording system that captures audio and video that is individually worn by and includes, at a minimum, a camera and recorder.

Buffering: The predetermined segment of video prior to activation of the BWC event mode held in temporary storage.

Evidence Transfer Station: A docking station that recharges the Axon Tactical Computer (ATC) while uploading to Evidence.com all data captured from the BWC

operator's point of view during the operator's shift.

Evidence.com: The online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly-secure environment.

System Administrator: Officer(s) appointed by the Sheriff with full administrator rights who assigns and tracks equipment, controls passwords, acts as liaison with Taser Axon representatives and is the Sheriff's Office subject matter expert on body-worn devices.

IV. PROCEDURES – BODY-WORN CAMERA SYSTEM:

A. Deputy's Responsibilities:

1. BWC's will be issued to all uniformed Deputies whose position requires law enforcement duties and will be utilized during the performance of those duties as a Deputy Sheriff with Dinwiddie County Sheriff's Office.
2. Deputies assigned a BWC shall don a fully-charged system prior to the start of their tour of duty.
 - a. In order to best capture that which is observed by a Deputy using a BWC, the camera should be located on the Deputy's uniform in a manner and location to capture the best field of view. Training will dictate the best practice for placement of the camera on the Deputy's uniform.
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 deputy services provided that such activation does not interfere with deputy safety or the safety of others.
 - a. 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.
 - b. The BWC may also be activated whenever the deputy feels its use would be beneficial to his/her sheriff's office duties. Once the camera is activated to the "event" mode, it shall remain on until the deputy's action is complete.

- c. Officers are encouraged to inform individuals that they are being recorded when feasible. Deputies, however, are not required to obtain consent from members of the public when the Deputy is lawfully in the area where the recording takes place.
4. A Deputy who is lawfully present in an area protected by the Fourth Amendment shall activate the BWC when there is reasonable suspicion that a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present.
 - a. In the absence of such criteria, the officer must turn off the BWC if asked to do so by a person with apparent authority over the constitutionally protected area.
 - b. As a reminder, entry into a Fourth Amendment protected area requires probable cause and a warrant or warrant exception. (ex. Magistrates Office/Judges Chambers/Clerk of Courts Office/Medical Facility)
5. Inspections and maintenance of the BWC shall be the responsibility of the assigned Deputy. Only authorized personnel to whom a recording system is assigned may use, touch or handle that recording system. Unauthorized personnel shall not use, touch or handle any recording system.
6. At the end of a Deputy's tour of duty, the recording system will be placed into the assigned docking station slot on the Evidence Transfer Station located in its prescribed location at Dinwiddie County Sheriff's Office.
 - a. The recording system should not be removed from the Evidence Transfer Station until all of the data has been uploaded and the battery has been fully charged.
 - b. Any functionality or serviceability problems shall be reported to their supervisor immediately, who will then notify the System Administrator.
 - c. At the end of the deputy's tour, he or she will mark any video related to a criminal or traffic case, or that may be useful to the Sheriff's Office for training purposes.

- (This includes arrests/search warrants/traffic stops conducted by other officers).
- d. When marking video, the officer will ensure that the appropriate category is selected. The categories are Evidentiary, Non-Evidentiary or Training/Demo. All Evidentiary cases must include the case number as the Video ID.
 - e. Non-Evidentiary cases should include at a minimum a brief description of the incident and/or a case number.
 - f. Once a deputy determines that Evidentiary video is no longer needed, (i.e. adjudicated in court) the deputy will re-categorize that particular video to either Non-Evidentiary or Training/Demo in order to purge video that is no longer needed.
7. Deputies who are issued a BWC are required to adhere to this policy while on any off duty uniformed employment.

B. Supervisor's Responsibility:

1. Supervisors shall:
 - a. Ensure deputies use BWCs in accordance with Department policy and procedure;
 - b. Review evidentiary video and re-categorize for indefinite retention if a complaint is associated with a recorded event or the deputy has reason to believe an incident may generate a complaint; and
 - c. Conduct random weekly reviews of selected recordings in order to assess deputy performance as well as identify videos that may be appropriate for training.
2. Supervisors may limit or restrict a deputy from viewing the video file, if a deputy is suspected of wrongdoing or involved in a deputy-involved shooting or other serious use of force.
 - a. In the incident of a deputy-involved shooting or other serious use of force incident, the supervisor on scene should retrieve the BWC of the involved deputy, turn camera off and package camera as evidence. The BWC should

then be delivered to the Sheriff, Major or their designee.

V. DOCUMENTATION:

1. Deputies will document the use of any video recording system in reports, citations, affidavits, field interviews, etc. Before writing reports involving the response to resistance, critical incidents, confessions or admissions, officers will review any video. Officers are encouraged to review available video while preparing written reports to ensure accuracy.

Note: The BWC records at a level beyond human ocular capability.

VI. RESTRICTIONS:

The following uses of Body worn recording systems are strictly prohibited

1. Video-recording any of the following:
 - a. Undercover officers or confidential informants.
 - b. Strip searches
 - c. Places where a reasonable expectation of privacy exists (bedrooms, bathrooms, locker rooms, etc.)
 - d. Conversations with other agency personnel that involve case tactics or strategy
 - e. Non-enforcement related activities of other agency personnel, unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.
2. Duplicating or distributing recordings for other than official law enforcement purposes.
3. Permitting citizens to review recordings for other than official law enforcement purposes.
4. Altering captured data.
5. Accessing recordings for other than case-related purposes, responses to

resistance, formal or informal complaints, legal review, pursuant to established policy or as directed by the Sheriff or designee.

6. Making or creating, by separate device or otherwise, a copy of any recording except as directed by the Sheriff or designee.
7. Posting to social media sites without approval by the Sheriff of Dinwiddie County.
8. Once issued a body worn camera belonging to Dinwiddie County Sheriff's Office the use of any personally owned or non-department issued body camera recording devices is strictly prohibited.

VII. SYSTEM ADMINISTRATOR:

1. The Mobile Video System Administrator is responsible for overall maintenance, management, training and retention, and acts as a liaison between the Sheriff's Office and Taser International. The System Administrator reports to the Sheriff or his designee.
2. All video captured on Sheriff's Office issued BWC's will be downloaded and stored using Evidence.com .The System Administrator will receive training and be proficient in the handling of video evidence utilizing the Evidence.com platform.

VIII. CONFIDENTIALITY:

1. All recording media, images, and audio are property of the Dinwiddie County Sheriff's Office and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Sheriff or his designee. Under no circumstances will any employee of the Dinwiddie County Sheriff's Office make a personal copy of any recorded event without prior written permission from the Sheriff or his designee.

IX. RETENTION:

1. Videos that are categorized as Evidentiary or Training/Demo will be maintained until they no longer serve a law enforcement purpose. After which videos will be

re-categorized by the officer or System Administrator as Non-Evidentiary and purged from the system.

- a. Non-Evidentiary videos will be purged from the system no later than 90 days from their upload or re-categorization.
 - b. Videos maintained in the system that have not been categorized will be purged from the system no later than 180 days from their upload.
2. 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.
- a. The Sheriff or a designee shall approve or deny requests in accordance with records and retention schedules issued by the Library of Virginia.
 - b. All requests for deletions and the final decision shall be kept on file.

X. VIDEO SHARING:

1. At times, deputies will be asked to share video evidence that they have collected with outside agencies such as the Commonwealth Attorney's Office.
 - a. Deputies are permitted to share with the Commonwealth Attorney's Office as well as any Federal, State or Local agency that is in need of the video for a law enforcement purpose for a duration that satisfies that purpose.
 - b. Additionally, deputies are permitted to allow that evidence to be downloaded by the requesting agency for their law enforcement purpose if necessary. Any other request for video, either Evidentiary, Non-Evidentiary or Training/Demo, shall be approved in writing by the Sheriff or his designee prior to release.
2. Freedom of Information Act (FOIA) and media requests of video shall be submitted to the Sheriff or his 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 redacting 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 (A) of this policy prior to releasing the video to the media or the individual making the FOIA request.

XI. TRAINING:

1. Deputies shall be trained and receive instruction prior to being assigned a BWC.
2. Before officers deploy with a BWC camera, they will complete training authorized by the Sheriff on the proper use of the equipment and procedures for uploading recorded video. This training will include:
 - a. Objectives of the BWC Program
 - b. Camera operation
 - c. Proper placement of the camera
 - d. Department policy on camera usage
 - e. Recording advisements

XII. MAINTENANCE

1. BWC's that are experiencing performance issues will immediately be reported to an on duty supervisor who will contact the System Administrator.
2. BWC's that are damaged, lost, or stolen require notification to an on duty supervisor, the completion of an informational report and, if applicable a NIBRS report.