

GENERAL ORDER

HARRISONBURG POLICE DEPARTMENT

SECTION (S): 357	DATE: 4/1/15
SUBJECT: Body-Worn Cameras	NEW POLICY
VLEPSC #: OPR.01.11	Authorization: Chief S.P. Monticelli

References: IACP Model Policy on Body-Worn Cameras
PERF Policy Recommendations

I. Policy

It is the policy of the Harrisonburg Police Department that officers shall activate the Body Worn Cameras (BWC) when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

II. Purpose

This policy is intended to provide officers with instructions on when and how to use BWCs so that officers may reliably record their contacts with the public in accordance with the law.

III. Definitions

- A. Axon Flex Controller:** The controller enables you to start and stop recording an event, and turn the unit on and off. The controller features LED's to indicate the operating mode and battery capacity. It can be mounted on the belt, in a holster, or in a shirt pocket. A fully-charged Flex controller battery should provide enough power for approximately 12 hours of normal operation. Recharging a battery after a 12-hour use can take up to 6 hours.
- B. Body Cam:** The Body Cam is the audio and color video camera that can be attached to a low-rider head-mount, or hat-, shirt collar- or helmet-mount.
- C. Event Mode:** In "event" mode the Mobile Video Recorder saves the buffered video and continues recording audio and video for up to 12 hours, depending on the video setting, life of the battery.
- D. Evidence.com:** The online web-based digital media storage facility is accessed at www.evidence.com. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly-secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance; the site maintains an audit of user activity.

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- E. Evidence Transfer Station:** This is a docking station that simultaneously recharges the Axon Flex Camera (DVR) and uploads to Evidence.com all data captured from the MVR Operator's point of view during the operator's shift.
- F. Mobile Video Recorder (MVR):** A system that captures audio and video signals and is capable of installation in a vehicle or being worn by officers, and that includes at a minimum a camera and recorder.
- G. Mobile Video Recorder Operator:** An authorized representative of the Harrisonburg Police Department who is a trained operator and assigned to operate the MVR equipment.
- H. System Administrator:** This is the Evidence.com system administrator having full access to user rights who assigns and tracks equipment, controls passwords, and acts as a liaison with Taser Axon representatives.
- I. Video Recording:** The electronic recording of visual images with or without audio recordings.

IV. Operational Objectives

The Harrisonburg Police Department has initiated a program to equip members of the department with the mobile audio/video recording system. This system will be used to document events and capture data to be preserved in a web-based digital storage facility at Evidence.com. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The Harrisonburg Police Department has adopted the use of the Mobile Video Recorders to accomplish the following objectives:

- A.** To enhance officer safety;
- B.** To accurately document statements and events during the course of an incident;
- C.** To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation;
- D.** To preserve visual and audio information for use in current and future investigation;

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- E. To provide an impartial measurement for self-critique and field evaluation during officer training;
- F. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

V. Procedures

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. 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.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Officers shall activate the BWC to record contacts with citizens in the performance of official duties. The Body Worn Camera shall be utilized and activated prior to the officer exiting his/her vehicle when responding to in-progress calls (i.e. Burglary in progress, robbery in progress, etc...) to gather and record the following types of events whenever possible, but shall not be limited to:
 - a) Traffic stops
 - b) Pursuits

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- c) Vehicle searches
 - d) Confrontational citizen contacts
 - e) Use of force situations
 - f) Statements made by subjects and witnesses
 - g) Statements made by victims of crime
 - h) Advising an individual of Miranda warnings
 - i) Investigations of criminal acts and interviews
 - j) Any other legitimate law enforcement contacts
2. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
 3. If an officer fails to activate the BWC, fails to record the contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in the officer's report or in the CAD system if a report is not completed.
 4. Civilians should not be allowed to review the recordings at the scene.

C. Procedures for BWC use

1. BWC operators shall receive training, prior to being issued and deployed with the Body Worn Cameras. The Harrisonburg Police Department will ensure BWC operators, supervisors and investigators have "view only" access to the recorded events for legitimate law enforcement purposes or other articulate reasons.

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2. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
3. Officers who are not otherwise assigned BWC's may become required to wear one in certain circumstances, such as the following;
 - a. After receiving a specified number of complaints or disciplinary actions;
 - b. When participating in a certain type of activity, such as SWAT operations.
4. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment, are solely the property of the Harrisonburg Police Department.
5. Police personnel who are assigned BWCs must complete an agency approved and /or agency 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, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.

D. Operational Protocols

1. Prior to beginning each shift, the assigned BWC operator shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations.
2. Once the BWC is activated in the event mode it shall remain in the event mode until the incident investigation has reached a conclusion or the BWC operator has cleared from the scene.
3. The BWC operator will document the use of the BWC in his/her report.

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4. BWC operators may review the incident recordings when preparing written reports to help ensure the accuracy and consistency of the incident documentation.
5. When an incident arises that requires the immediate retrieval of the digital recording (i.e. investigations pertaining to use of force, in-custody deaths, or any other potential criminal investigation of an officer) supervisors will take possession of the BWC operator's system and upload all video regarding the incident to Evidence.com via a department-designated computer.
6. The BWC shall be worn and utilized by the officer to which it is assigned every time the officer is performing any law enforcement duties, including the normal working schedule, outside details, outside employment (in uniform), overtime assignments, and assignments directed by a supervisor, when BWC devices are available.

E. Restrictions on using the BWC

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

1. Communications with other police personnel without the permission of the Chief of Police.
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. BWC operators will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media captured from the BWC recorder system.
6. Posting of BWC footage to ANY social media site, without prior written approval from the Chief of Police, is PROHIBITED.

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F. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier and officer to whom the BWC is assigned.
2. All images and sounds recorded by the BWC are the exclusive property of the Harrisonburg Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with the Library of Virginia and rules of evidentiary disclosure in criminal and civil court proceedings and no longer than useful for purposes of training or for use in an investigation or prosecutions.
5. Recordings of a non-evidentiary nature must be maintained in an unedited format for 45 days.

G. Footage Identification

Once the video footage has been uploaded, and retention of the footage has been determined, the BWC operator shall be responsible for reviewing the footage and assigning the following:

1. Video Storage Category:
 - a. Use of Force
 - b. Traffic Stops
 - c. DUI
 - d. Internal Affairs

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- e. Crash Investigations
 - f. All Domestic Calls
 - g. Field Contacts
 - h. Felony Arrest
 - i. Misdemeanor Arrest
 - j. Death Investigations
 - k. Crime Scene (i.e. Burglaries, Robberies, etc.)
 - l. Victim/Witness Interviews
 - m. Intelligence
 - n. Miscellaneous (all calls that do not fall into one of the above-listed categories shall be filed under miscellaneous).
2. Identification (ID) for the footage shall be either the:
- a. Complete report number
 - b. Complete call number

H. Agency Review of BWC Media

- 1. Department personnel may review their own digital recordings for report writing and/or training purposes.
- 2. Review of specific incidents contained on digital recordings may be conducted by an investigator who is assigned by the Chief of Police and participating in an official department investigation of:
 - a. A personnel complaint
 - b. Claims investigation

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c. Administrative inquiry

d. Criminal Investigation

Any other review will require the express approval of the Chief of Police.

3. A supervisor or authorized Training Unit staff may review a specific incident contained on digital media for the purposes of:

a. Training

b. Critique

c. Early intervention inquiries

d. Civil claims

e. Administrative inquiries

f. Other legitimate reasons

Authorized training staff may also digitally record any incident contained on digital media for training purposes with the permission of the Chief of Police.

I. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with the policies and procedures defined herein.

2. On at least on a monthly basis, supervisors 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 policy, and to identify any areas in which additional training or guidance may be required.