
 <p>NORFOLK <i>Department of Police</i></p>	Administrative Special Order 15-001: Body Worn Cameras	
	Office of Preparation: Strategic Management Division (nbg)	
	CALEA:	None
	VLEPSC:	None
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		

Purpose

This order establishes procedures for the introductory issuance and usage of Body Worn Cameras (BWCs).

Policy

It is the policy of the Norfolk Police Department that sworn officers issued BWCs shall activate the equipment when use is appropriate to the proper performance of official duties to document officer/citizen interactions, and when recordings are consistent with this policy and established law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

Order Contents:

- I. General Procedures
- II. Data Storage
- III. Data Access and Review
- IV. Additional Time and Extra Duty Usage

I. General Procedures

A. Administration

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

1. To allow for accurate documentation of police/citizen contacts, arrests, critical incidents, and to serve to enhance the accuracy of officer reports and court testimony.
2. To enhance the department's ability to review: Probable cause for arrests; officer/citizen interaction; evidence gathering for investigative and prosecutorial purposes; and to provide additional resources for officer evaluation and training.
3. Documenting crime, conducting investigations of vehicular accidents, critical incidents, preliminary investigations, and the collection of physical evidence or contraband.

Audio and video recordings are hereafter referred to as recordings or data.

B. General Use of BWCs

1. Officers issued BWCs will initiate equipment operation to record contact with citizens in the performance of official work-related duties. This includes self-initiated or dispatched calls for service. BWCs shall remain activated until the event is complete in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see Section I.D. below). Completion of events include, but are not limited to, the following:
 - a. Conclusions of arrests to include magistrate presentations, delivery of prisoners to a POC holding cell, a detective interview room, Intake, juvenile detention center, transfer to another jurisdiction, or other appropriate location.
 - b. Conclusions of preliminary investigations when properly cleared via dispatch or relieved by responding detectives or other units.
 - c. Conclusions of traffic stops or crash investigations.
 - d. Upon being relieved from critical incidents.
 - e. When citizen contact has ceased and the officer is awaiting arrival of a tow truck driver or similar situation when BWC recording is not necessary.
 - f. Once an event has stabilized, if it is necessary to discuss issues regarding the incident with officers or supervisors in private, BWC operation may cease. This includes Field Training Instructors providing guidance and general feedback to officers under their supervision.

- g. The event is of such significant duration, and no activities are occurring that are exigent or evidentiary in nature, and it is necessary to power down BWC in the interest of saving power and storage capacities.
 - h. When generally cleared from a call for service by dispatch.
 - i. When ordered to do so by a supervisor.
- 2. Prior to deactivating BWCs, officers shall announce the incident has concluded and the recording will cease. This requirement is satisfied if the officer clears by radio transmission which is audible on the BWC recording.
 - 3. Whenever practical and safe, officers shall inform citizens they are being recorded. 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. Documentation of such failure may include a contemporaneous on-camera statement by the officer in question, or a notification in writing via the chain of command.
 - 4. Civilians shall not be allowed to review recordings at the scene. Citizens desiring access should be directed to the Public Information Officer (PIO) for information.

C. Procedures for BWC Use

- 1. BWC equipment is issued primarily to Uniformed Patrol Officers or as authorized by the Chief of Police. Officers who are issued BWC equipment must utilize the equipment according to this order or unless otherwise directed by supervisory personnel.
- 2. Officers issued BWCs will inspect for proper function at the beginning of each shift. Care for BWC equipment is the responsibility of individual officers and will be used in a reasonable fashion to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the immediate supervisor as soon as practical.
- 3. Police personnel shall use only BWCs issued by this department. BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Norfolk Police Department.
- 4. Officers issued BWCs must complete approved training to ensure proper use and operation. Additional training may be required at periodic intervals to ensure continued effective use, proper calibration and function, and to incorporate changes, updates, or other revisions in policy and equipment.
- 5. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police. This does not include routine daily uploading of data, according to this order, nor the capturing

of data by supervisory personnel and Technology Support Unit (TSU) staff for the purpose of producing evidence for court or other administrative purposes.

6. Officers are not permitted to purposely interrupt BWC recording operations so as to prevent data collection. This includes blocking or manipulating camera lenses, or interfering with the equipment's ability to receive audio signals. Officers should wear the BWC during their shift at all times during which they could reasonably anticipate becoming involved in a situation for which activation is appropriate and in accordance with this policy. However, officers should not wear BWCs in situations where any recordings are prohibited, such as court, or closed door public or private meetings.
7. Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.
8. Officers shall note in incident, arrest, and related reports, such as case reports, when recordings were made during the incident in question. BWC recordings are not a replacement for written reports.
9. Blue Team reporting will be notated in the narrative section the event was captured on BWCs. Message event numbers will be included in the Blue Team narrative when events are captured on BWCs.
10. BWC recordings needed for presentation as evidence in a court hearing will be accessed via the internet at evidence.com utilizing equipment available at court.
11. Requests for DVD copies of recorded data needed for arrest folders may be made via email to the TSU no later than seven working days prior to the court date. DVDs obtained for case/arrest folders, including misdemeanor cases prosecuted only by officers, will be placed in the arrest folder and offered as evidence after the presentation as described in Section I.C.10 above. Officers are not necessarily required to utilize recordings to assist in the prosecution of misdemeanor cases. Officers who feel a particular recording does not necessarily aid in the prosecution of a case will provide court testimony in the traditional fashion. BWC recordings copied for court presentation that are not collected by the court as evidence will be returned to TSU for destruction. TSU will keep appropriate tracking logs for such purposes.
12. Officers who directly receive a motion for discovery regarding recorded data will follow established procedures for such motions and will not request a copy from TSU.
13. Requests for deletion of portions of recordings (e.g. in the event of an unintended personal recording outside the scope of official duties) must be submitted to the immediate supervisor. After review, supervisors will forward the request (email or hardcopy) to the Chief of Police. Upon approval, the data in question may be deleted by TSU. All deletions must be in accordance with state record retention laws. All requests and final decisions shall be kept on file.

14. If an officer is suspected of wrongdoing or involved in an officer-involved shooting, or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the recording.
15. Officers operating vehicles equipped with the In-Car Video system shall activate BWCs as soon as practical according to this policy and in addition to procedures outlined in ADM-510 In-Car Video System.

D. BWC Use and Equipment Restrictions

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

1. Communications with other police personnel without the permission of the Chief of Police. Officers shall not use the BWC to record interactions solely with or among other department employees except in circumstances in accordance with this order. Officers shall not use the BWC for personal use or any other reason inconsistent with the policy and procedures of this order.
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal or unofficial activities.
4. In locations where individuals have a reasonable expectation of privacy, such as restrooms or locker rooms.
5. When in private homes and businesses, officers should advise citizens of BWC use. When requested to turn off BWC, officers may do so when conducting routine police activities. Officers should capture the request to deactivate the device on camera before powering down.
6. Officers preparing to take a statement from crime victims or witnesses will advise them of BWC use regardless of location. Victims and witnesses may decline to give a statement which is to be captured on BWCs. Officers should endeavor to capture the rejection of BWC use *on camera* and then power down the device prior to proceeding with the statement. This policy does not affect detectives who use established recording procedures when taking victim/witness statements unless they are utilizing a BWC.
7. Brief consensual encounters with citizens are not required to be recorded. If, in the officer's judgment, the tenor of the encounter turns to suspicion, or contains important information which requires immediate action, the officer should activate the BWC. In public places, if BWCs are recording prior to a citizen requesting non-crime related assistance, and the citizen requests the BWC to cease recording, officers may comply if they feel the request is reasonable and in accordance with this order.
8. Officers who are assigned to special events such as Harbor Fest, Grand Illumination, or parades. However, officers assigned to such events who are called to police action will activate recording as soon as practical and according to this order.

9. While securing prisoners or dealing with victims or witnesses at medical facilities, officers may continue BWC operation unless requested by medical staff to pause recording due to the sensitivity of treatment being provided at the time. Officers recording during deathbed confessions or who are receiving information considered to be exigent in nature will continue BWC operation. Officers will use extreme discretion when using BWCs in medical facilities and will endeavor to not capture video of patient activity not directly related to the purpose of their presence. During such medical facility discretion, Section I.C.6 above shall not apply. While generally moving through medical facilities, BWCs may be powered down.
10. Clandestine recordings of others when no search warrant or court order exists if one would otherwise be required.
11. Supervisors and detectives conducting criminal investigations against sworn departmental personnel shall not use BWCs to do so. Other types of surveillance equipment may be used for this purpose, and no captured data gathered during these types of investigations may be uploaded to evidence.com or any other cloud-based storage facility.

E. Supervisory Responsibilities

1. Supervisors will ensure officers issued BWCs utilize them in accordance with policy and procedures contained in this order. Supervisors may order officers to activate or deactivate BWCs in accordance with this order.
2. On a regular basis, supervisors will randomly review recordings to ensure equipment is operating properly, officers are using the devices in accordance with policy, and to identify areas in which additional training or guidance may be appropriate.
3. Supervisors may request TSU to provide copies of recordings for training purposes at the command level. TSU will keep records that indicate how many copies were produced, for what purpose, and the intended destination of the copy. These copies may be delivered to the Training Division for use as a broader training tool, but TSU shall be notified of any such recording transfer. Recordings not useful as training tools will be returned to TSU for destruction after proper tracking documentation has been completed.
4. Supervisors who receive a Blue Team reported incident from officers utilizing BWCs will review the submitting officer's recorded data to ensure the completed report accurately reflects the recorded data. The supervisor, at his or her discretion, may also review other relevant BWC data from other officers involved in the event in question to ensure accurate reporting.
5. Additionally, supervisors will review all existing BWC data with regards to the following:

- Officer involved crashes

- Vehicle pursuits
- Officer personal injury
- Use of force
- Known citizen complaints
- Officer down situations
- Officer in need of immediate/emergency assistance
- Any incident supervisors feel is appropriate to review in accordance with this policy.

II. Data Storage

- A. All data files shall be securely uploaded according to approved training procedures prior to the end of the officer's shift. If supervisors identify extenuating circumstances, proper file identification may be completed at the beginning of the officer's next regularly-scheduled shift.
- B. Proper file identification and notation will include the message event number. Officers who capture relevant data while not on an event message, will request an appropriate message from dispatch as soon as practical and utilize that event number in accordance with file identification.
- C. All BWC data is the property of the Norfolk Police Department. Accessing, copying, or releasing collected data contrary to this policy is prohibited.
- D. Records of data access will be audited by TSU to ensure that only authorized users are accessing for legitimate purposes in accordance with this policy.
- E. Files are to be stored in accordance with state records retention laws and no longer than useful for purposes of training, or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency. Recordings copied and produced as evidence will be stored until the case is completely adjudicated. Considering the above, recordings having no evidentiary or investigative value may be generally deleted after 45 days of storage.
- F. Commanding Officers are responsible for coordinating with the TSU to determine appropriate locations to store BWC equipment and charging stations as well as docking stations for the purpose of uploading data.

III. Data Access and Review

- A. Officers shall use BWC data to recollect events in preparing reports, arrest notes, determining pursuit routes, and reviewing statements of suspects, victims, and witnesses. Officers may use the BWC playback feature to critique their own performance. Officers may use personally-owned smart phones with the

appropriate application and Bluetooth technology to review recorded data in the field, or to use the system for officer safety and tactical purposes.

- B. BWC data may be reviewed for training purposes as follows:
1. Field Training Instructor assessment of officers under their authority.
 2. Supervisor assessment of probationary officers.
 3. Supervisor assessment of officers for the purpose of quarterly and yearly preparation of Performance Management reviews.
 4. Generally review recordings to ensure departmental policy and procedures are being followed, and review tactical and officer safety practices.
 5. Training Division supervisors may request TSU to copy stored data for the purpose of formal instruction and re-training unless requested otherwise by the Chief of Police, Commonwealth's Attorney's Office, or prevented by order of a court.
- C. Requests of TSU staff for data to be copied to disks for officer court preparation, when needed, will be made as soon as possible but no later than seven working days prior to trial. Situations beyond officers' control will be handled by supervisors on a case-by-case basis.
- D. Supervisors receiving a complaint against an officer utilizing a BWC will determine if the incident in question was recorded. If so, supervisors will notate in their reports of the existence of the recording. Investigating authorities, commanding officers, or Office of Professional Standards staff who require a copy for internal investigation purposes will make a request through TSU.
- E. Detective Division supervisors investigating officer involved shootings will review relevant BWC recordings and request a copy through TSU as required as part of the investigation. Detective Division supervisors will record and track copies made for this purpose according to procedures established by the C.O.
- F. The PIO may review recorded data in preparation for release to media outlets as directed by the Chief of Police. Copies for this purpose may be made as directed and PIO staff will coordinate through TSU for this purpose. Copies may also be edited or redacted to preserve the privacy of individuals unrelated to the case who may have been captured by the recording. Freedom of Information Act requests for BWC data will be handled according to established procedures.
- G. Evidence.com will not be accessed during off-duty hours by officers except in accordance with this order. TSU may restrict evidence.com access by predetermining select police department I.P. addresses.

IV. Additional Time and Extra Duty Usage

- A. BWCs will be utilized, when available and properly charged, for approved city-paid additional-time employment (overtime) such as grants, HRT, or patrol of city garages or other city property.
- B. BWCs may be utilized, when available, for approved private business extra-duty employment such as shopping centers, convenience stores, or harbor security.
- C. Officers who capture BWC data during any additional time or extra-duty employment, may upload the data at the end of the shift or at the beginning of their next regularly-scheduled police department shift. However, BWCs must have a sufficient charge by the beginning of the next regularly-scheduled on-duty shift to fulfill a complete tour of duty.
- D. BWC activation during additional time and extra-duty employment of any kind is governed by this general order.

Definitions:

Body Worn Cameras (BWCs): A point-of-view video system that is worn on the uniform or person of officers issued the equipment.

Related Documents:

G.O. ADM-510 In-Car Video System
G.O. OPR-140 Special Incident Reports (SI)
S.O. 14-002: Blue Team Software Program