

	TYPE OF DIRECTIVE LINE PROCEDURE	NUMBER LP-04-24
	SUBJECT BODY WORN CAMERAS	EFFECTIVE DATE 05/16/24
	REFERENCE <i>G-04A</i> , LP-61, RP-12A, CALEA	RESCINDS LP-04-22

PURPOSE

To establish procedures related to the use of a Body Worn Camera (BWC) digital evidence system and the management, storage, and retrieval of BWC recordings.

POLICY

The Body Worn Camera (BWC) is an audio and video digital evidence recording system worn by officers and serves as an additional means of documenting incidents encountered by the officer in the course of their public safety duties. When activating a BWC, officers shall consider both the needs of public safety as well as the privacy and constitutional rights of individual citizens.

While a recording captured by the BWC is a valuable piece of the policing process, it should never be considered a substitute for sound evidence-based law enforcement practices.

REGULATION

The Police Division will issue BWCs to only those officers who have been properly trained on its operation and the applicable policies governing their use. Officers are permitted to use only Police Division-issued BWCs to capture “point of view” video and audio recordings.

DEFINITIONS

Axon Body 4 Operating Modes:

Ready (Buffering) – Camera is turned on and is in pre-event buffering. The camera display will show R-READY, L-READY, or READY. The camera is capturing video (30 second loop) but does not record to permanent memory.

Recording (Event) – Camera is recording. Activated by double pressing the Event button. When Recording (Event) mode is activated, the buffered video captured directly before the event (30 seconds) is saved and attached to the event in permanent memory. This feature is intended to capture the video of an incident just before a recording. Audio within the pre-event buffer (30 seconds) is not captured in permanent memory.

Sleep - The camera is in an idle state that disables recording and buffering. While in this state, an automatic activation (Taser, Signal Sidearm) will not initiate camera recording. Sleep mode is useful for situations where camera users may need momentary privacy. You can enter Sleep mode from the buffering state in less than three seconds, as opposed to turning the camera completely off. Similarly, the camera will exit Sleep mode and enter a buffering or recording state in less than three seconds.

PROCEDURES

I. UNIFORM AND MAINTENANCE

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- A. All officers assigned a BWC shall wear it while working in uniform in an on-duty capacity or when working any police related secondary employment.
- B. Officers issued a BWC solely because of an ancillary assignment (e.g., CDT, ERT) shall wear their BWC during those assignments, as well as when working any police-related secondary employment in uniform.
- C. Officers who are not issued a BWC are highly encouraged to utilize a camera from the BWC Loaner Program (see section VI., below), when available, while working any police-related secondary employment in uniform. Dependent upon the nature of the secondary employment, supervisors may require officers to utilize a loaner camera.
- D. Officers will be assigned an Axon Body 4 (AB4) with POV or Axon Body 3 BWC, dependent upon the officer's core job functions. Officers shall wear the AB4 POV on their strong (gun hand) side mounted in one of the Police Division-approved mounting options provided by the manufacturer. Officers shall wear the Body 4 or Body 3 BWC in the chest area of the uniform shirt or exterior vest, positioned as closely as practical between both chest pockets. Officers are responsible for ensuring the Body 3 or Body 4 BWC remains in a position that allows the BWC to record an encounter from the officer's "point of view" and captures video in a horizontal (perpendicular) plane to the officer's position. When practical and safe, officers should monitor the position of the BWC to ensure the camera lens is not obscured and is positioned in a way that best captures evidentiary recordings. The Body 3 or Body 4 can be adjusted on task specific gear for specialized tactical team members based upon operation conditions and use of the POV is optional with supervisor approval.
- E. Officers shall maintain their issued BWC system in a constant state of operational readiness (Buffering Mode) throughout their shift. The camera shall be temporarily placed in Sleep Mode for restroom breaks. Officers are responsible for the use and maintenance of the BWC and POV, to include ensuring the proper condition and functionality of the equipment, and they shall bring apparent problems with the equipment to the attention of a supervisor immediately. Officers shall not attempt to fix a BWC system suspected of malfunctioning.

II. ACTIVATION

- A. Officers, either assigned to a call or responding without being dispatched, shall activate the BWC prior to arriving on any call for service or initiating an enforcement-related mark-out, to include traffic stops.
- B. If not already activated, the BWC shall also be activated to record any encounter when contact with a citizen involves actual or potential violations of law, actual or potential suspect(s), actual or potential verbally or physically aggressive behavior, encounters that become adversarial, or in any situation that the officer believes its use would be appropriate to document the encounter. During any consensual encounter, officers shall activate their BWC upon request of the citizen with whom they are interacting.
- C. If an officer is unable to activate their BWC prior to initiating enforcement or investigative activity as required by this policy, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities including vehicle and

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pedestrian stops, the safety of officers and members of the public are the highest priorities.

- D. Once the BWC is activated, it shall remain activated until:
1. The conclusion of the officer's involvement in that event;
 2. The event becomes predominately investigative in nature (for example, the incident has transitioned from an initial or tactical response into a controlled and orderly investigation such as prolonged crime scene processing);
 3. An officer reasonably believes that doing so will not result in the loss of critical documentary information; or
 4. Directed to stop recording by a supervisor. An officer is not required to discontinue recording at the request of anyone other than a supervisor.
 5. An arrested or detained person being transported by a Division member is removed from the police vehicle at the concluding destination.
- E. When reasonable, practicable, and safe to do so, officers should advise citizens that the encounter is being recorded by a BWC. An officer using a BWC to record outside the Commonwealth of Virginia, shall notify the citizen, suspect, or arrested individual that the audio and/or video portion of the BWC is recording.
- F. Any officer who is issued a BWC, that has not captured a recording within their tour, shall record and upload a test recording at the beginning of their next workday to ensure the BWC is working properly.
- G. Any AB4 camera user may activate the WATCH ME function to begin a recording (buffering mode) or request real-time supervisory assistance and/or oversight if already actively recording. Activation of this camera function will initiate a message to all monitoring supervisors within a user's organizational structure (command hierarchy). Any supervisor responding to the online notification will be able to live stream into the user's camera, if recording, to render aid. This function should be reserved for emergency-oriented situations that necessitate a timely response and not routine matters that could be addressed with more traditional communication methods.

III. RESTRICTIONS

- A. BWCs shall only be used for legitimate law enforcement purposes.
- B. BWCs shall not be used in the following situations:
1. To record county employees, including other Police Division members, except during circumstances consistent with Section II;
 2. To record events in bathrooms, locker rooms, or other places where there is an expectation of privacy unless taking law enforcement action;

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3. While interacting with known confidential informants, undercover officers, or during criminal debriefs
 4. To record personal activity;
 5. During tactical planning discussions;
 6. When attending court. Officers shall leave the BWC in their vehicle.
- C. BWCs may be deactivated when interviewing victims or witnesses when, in the officer's judgment, the recording may be inappropriate because of the victim or witness' physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault; lethality assessments or safety planning for victims). If the victim or witness requests that the BWC be turned off, the officer shall weigh the overall circumstances before making a decision to honor that request. Officers choosing to discontinue a recording for privacy must be able to articulate their reasoning and shall announce their intentions to discontinue recording on the BWC prior to deactivating it. Alternatively, officers may position the BWC in a manner to capture an audio recording but not to record video of the victim or witness.
- D. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, or if the equipment malfunctions during use, the officer shall record that in CAD by choosing the proper reason from the "BWC Status" dropdown menu before clearing from the call for service or mark-out via MDC. Additional comments related to BWC failure, malfunction, or de-activation can be added to the comment section in CAD.
1. If an officer clears from a call or mark-out over the radio, they shall record the proper "BWC Status" in Darwin.
 2. Officers shall ensure that their BWC Status for all calls and mark-outs has been verified in Darwin and updated as needed at the end of their workday.
- E. Unless otherwise required by Section II, officers should not use a BWC to record an encounter with a citizen that is non-confrontational and routine unless an officer has an articulable reason for activating the BWC during that encounter.

IV. EVIDENCE

- A. A BWC's audio and video recordings are treated as digital evidence and shall be managed in equal standing to physical evidence for evidentiary collection and preservation, case development, administrative proceedings, and legal mandates.
- B. No officer shall attempt to erase, edit, or otherwise alter any data captured by a BWC.
- C. No officer shall stream or record BWC digital evidence on a secondary device other than through the Axon View app.

V. ACCESS, RETENTION, AND DELETION

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- A. The BWC and all digital evidence recordings are the property of the Henrico County Police Division and are to be used for official purposes only.
- B. All BWC recordings shall be uploaded to Evidence.com. Docking stations are located in all three Patrol Stations, the Evidence Annex, Police Technology Support, Fleet, Animal Shelter, and Jail West. Docking stations have also been placed in the SRO offices of Deep Run, Henrico, Godwin, Virginia Randolph, and Varina High Schools. Docking stations located in these schools are primarily for use by School Resource Officers but can be used by any officer conducting official business at the school.
1. Officers shall upload all BWC recordings at least once per workday utilizing the docking stations. The docking station will automatically upload all data.
 2. Officers who capture BWC digital evidence while in an off-duty or law enforcement secondary employment capacity should upload the recording(s) as soon as possible, but no later than their next workday.
 3. In addition to the requirements above, officers shall upload all BWC recordings requiring a priority review (e.g., Part I Crimes, Officer Involved Shootings, Critical Incidents, Responses to Resistance, Pursuits, Special Events, Police Vehicle Collisions, Arrests of juveniles placed in Detention, etc.) prior to the end of the workday/assignment.
- C. All uploaded BWC recordings shall be classified as either “Evidentiary” or “Non-Evidentiary.” When officers are marked out on an incident in CAD this will be done automatically through CAD Integration. Any officer who fails to be included on the call for service (Uncategorized) will be responsible for manually updating the data fields and appropriately tagging the digital evidence recording (i.e., “Evidentiary” or “Non-Evidentiary”).
1. “Evidentiary” Recording - Contain documentation that can be used in a criminal investigation or captures a confrontational encounter between an officer and a citizen. “Evidentiary” digital evidence recordings will be tagged with the corresponding ICR or CAD number in the ID field and the category set as “Evidentiary” once uploaded to Evidence.com in the below format:

ID example for the ICR#: 150309999
ID example for the CAD#: C9999 or M9999
 2. “Non-evidentiary” Recording - Does not contain documentation to be used as evidence and captures a routine or non-confrontational encounter.
- D. Unless categorized as one of the categories listed under Section V. E., the retention period by Evidence.com for BWC recordings shall be as follows:
1. “Uncategorized” recordings will be retained by Evidence.com for 180 days.
 2. “Non-Evidentiary” recordings will be retained by Evidence.com for 366 days.

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3. “Evidentiary” recordings will be retained by Evidence.com for 1.5 years.
- E. Evidentiary categories with extended retention times.
1. Any “Evidentiary” recording needed beyond 1.5 years for possible submission in a criminal, traffic case, or civil case (Tort, Asset Forfeiture, etc.) shall be tagged with the category “Pending Court,” in Evidence.com, by the officer whose BWC captured the recording or the assigned case agent. Once that case has been heard in court, and the appeal process has passed, the original recording officer or the case agent shall remove the “Pending Court” tag. Retention for “Pending Court” will be until manually deleted.
 2. All BWC recordings associated with a response to resistance shall be categorized as “Response to Resistance” upon receipt of a Response to Resistance After-Action Report (HCPD-340), by the Commander, Quality Assurance. Retention for “Response to Resistance” will be until manually deleted.
 3. All BWC recordings associated with any Internal Affairs investigation or complaint shall be categorized as “Complaint” and transferred into the Division’s internal complaint tracking system by Internal Affairs. Retention for “Complaints” will be until manually deleted.
 4. Any CIS detective may direct officers to categorize their BWC digital evidence as “CIS Evidence” if they need it for their case. Retention for “CIS Evidence” will be until manually deleted.
 5. All FOIA requests for BWC digital evidence will be categorized as “FOIA” by a FOIA Specialist or BWC Resource Team member. Retention for “FOIA” will be until manually deleted.
 6. All BWC recordings associated with any dog bite or Dangerous Dog incident shall be tagged as “Dog Bite/Dangerous Dog” by the entering officer. Retention for “Dog Bite / Dangerous Dog” will be until manually deleted.
- F. Access to Recordings: Whether stored in Evidence.com, ADAMS, or other Police Division databases, access to BWC recordings is limited to law enforcement or other Police Division-approved purposes only. Police Division members shall not:
1. View any BWC digital evidence recording for anything other than approved Police Division purposes;
 2. Copy, record, stream, download or convert any BWC recording for any type of personal use or for uses not related to the business of the Police Division; or
 3. Sync personal devices to save BWC digital evidence recordings.
- G. Accidental recordings, such as camera use while in the restroom, during a meal break, or other event outlined in III. may be requested for immediate deletion. An officer shall notify the

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Commanding Officer, Professional Standards of the accidental recording by completing a Request to Delete BWC Recording form (HCPD-111). If the Commanding Officer, Professional Standards decides the recording should be deleted, the form will be signed and forwarded to the BWC Resource Team, who will arrange for erasure of the recording. The HCPD-111 will be retained as an official record by the Body Worn Camera Asset Manager.

VI. LOANER BWC PROGRAM

A. Training

1. Any Division member wishing to use a BWC Loaner Program camera shall complete a designated training course on the Axon Body 3 camera in order to become eligible to utilize the equipment. Training requests can be initiated by emailing the BWC Resource Team at bwc@pdredmine.henrico.us.
2. Loaner camera users must receive annual training in the functions and use of the camera.

B. Equipment Issuance

1. Loaner cameras will be specifically assigned to and stored at each of the three Patrol Bureau Stations.
 - a. Cameras 1 – 4 (LW01 – LW04) are assigned to West Station;
 - b. Cameras 5 – 7 (LW05 – LW07) are assigned to Central Station; and
 - c. Cameras 8 – 10 (LW08 – LW10) are assigned to South Station.

Camera mounts will be labeled to match each camera and magnetically stored at the BWC docking station. Users should ensure that the camera mount label matches the corresponding camera label.

2. Loaner cameras shall not be used for replacement purposes by Division members who are already issued a camera.
3. Loaner camera users must check out the camera via a SharePoint portal on the Division's intranet page, APPLICATIONS tab, BWC LOANER (requires log-in to Office 365). Loaner camera users should provide ample information in the user's assignment data field to assist the BWC Unit with linking the recording to the Division member's assignment.
4. Loaner cameras shall only be checked out immediately prior to a secondary employment assignment and must be returned immediately upon conclusion of the assignment.
5. Loaner cameras are not for use during extended assignments, such as NASCAR.

C. Equipment Return

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1. Loaner cameras must be returned to the specific Station to which it is assigned and immediately docked. Camera mounts will be stored magnetically to the BWC docking station.
2. Loaner camera users must check in the camera, using the same SharePoint portal and complete the questions on camera usage. If any recording is Evidentiary, include the following information in the summary data field:
 - a. Call number/mark-out number/ICR number;
 - b. Call/mark-out/incident location and address;
 - c. Type of call (i.e., mental health crisis, vehicle crash, alarm, etc.); and
 - d. Time of call/incident.
3. Loaner cameras will be reset to the default settings if the original settings had been altered during the loaner period.

VII. RELEASE OF BWC RECORDINGS

All BWC recordings are the sole property of the Police Division and may not be given, sent, transferred, recorded or duplicated in any way, transmitted or shown to any other person or entity unless approved by the Chief of Police (or designee).

A. Henrico County Departments

1. BWC recordings shall not be disseminated outside of the Police Division to the Henrico County Attorney's Office without prior approval from the Chief of Police (or designee).
2. All BWC Discovery Motion requests from the Commonwealth's Attorney's Office shall be sent to the Body Worn Camera Unit who will respond to their request.
3. Henrico County departments, not referenced above in 1. or 2., may submit a written request to the Chief of Police for release or review of BWC recordings.
4. BWC recordings can prove useful as training aids. If an event is perceived to be a training aid, the officer responsible for generating the recording should notify and review the incident with their supervisor. If the supervisor determines the recording has training value, the supervisor shall submit an inter-office memorandum through their chain of command addressed to the Commander, Quality Assurance. General Instructors wishing to use BWC recordings for Police Division training must receive prior approval by submitting an inter-office memorandum to the Commanding Officer, Professional Standards.

B. Outside agencies requests

BWC recordings may be requested by outside agencies by having them complete the Body Worn Camera Recording Release (HCPD-056) and forward it to the Division's internal case agent. The case agent shall then forward the release to bwc@pdredmine.henrico.us (use this full email address) for processing.

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C. All other requests

All other requests for BWC recordings should be treated as FOIA requests and forwarded to the FOIA Specialist for review. These recordings shall be considered official records and are regarded with the same lawful rules of confidentiality.

VIII. SUPERVISOR RESPONSIBILITIES

- A. Ensure officers use BWCs in accordance with this written directive, and officers are tagging all BWC digital evidence with the appropriate retention category.
- B. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will remove the BWC from service and send an email to the BWC email group at bwc@pdredmine.henrico.us.
- C. BWC shall be viewed only for purposes related to the official roles and responsibilities of the supervisor viewing the digital evidence recording.
- D. Supervisors shall review BWC related to incidents involving Response to Resistance or Vehicular Pursuits or related to the investigation of complaints prior to submitting the applicable reports through their chain of command.
- E. Supervisors shall conduct monthly audits of BWC digital evidence recordings captured by camera users to ensure compliance with this and any other applicable policies.
 - 1. Supervisors will complete the audit review of randomly selected recordings in compliance with provided training protocol utilizing the Division approved software.
 - 2. Supervisors can begin the monthly review process beginning on the first day of each calendar month. The review process concludes on the last day of each month.
 - 3. Supervisors should provide performance-related feedback to the officer generating the original recording.
 - 4. Excellent service and outstanding police work identified in BWC recordings will be recognized in accordance with RP-26 Recognition.
 - 5. Supervisors should address minor discrepancies and performance improvements through coaching and/or remedial training as appropriate. Violations of policy or misconduct shall be reported in accordance with G-36 Internal Affairs.
 - 6. Additionally, supervisors shall review each officer's BWC Status information in Darwin during the month being audited to ensure that all calls and mark-outs have an appropriate status.
 - a. "Unspecified" must be changed to the applicable selection.
 - b. All BWC malfunctions, deactivations, interruptions, or failures to activate or record an entire incident, shall be reviewed by a supervisor and addressed to ensure appropriate actions consistent with this policy.

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- F. Remote access (“live streaming”) of officers’ BWC is available to supervisors. Access will be regulated by existing Division policies and is subject to administrative review. Access should be reserved to the following circumstances:
1. Tactical operations impacting the safety of an officer or citizen and/or necessitating intelligence gathering.
 2. Unusual occurrences, such as civil unrest, high-risk situations, special events, and active shooter incidents.
 3. Vehicle pursuits, foot pursuits, response to resistance incidents, etc. in which communication from an involved officer is fragmented or insufficient to ensure officer safety, permit supervisory oversight, and/or establish incident management.

IX. EQUIPMENT LOSS/DAMAGE

- A. In accordance with G-04A Equipment, lost or damaged equipment, including accessories, shall be immediately reported to the member’s immediate supervisor.
- B. An email detailing the loss/damage will be sent to the BWC Unit at: bwc@pdredmine.henrico.us.
- C. Officers who are assigned a camera that becomes inoperable may:
- a. Respond to the BWC Resource Team Office during normal business hours, Monday – Friday, to receive a replacement camera and/or accessories.
 - b. Respond to the Criminal Records Unit, 24/7, to check out a replacement camera and/or accessories.
- D. BWC Loaner Program cameras shall not be used for replacement purposes by Division members who are already assigned a camera.

X. ADDITIONAL AUDIT RESPONSIBILITIES

- A. The Body Worn Camera Unit shall conduct periodic, random audits of BWC recordings to ensure CAD integration, proper categorization and use of metadata, and adherence with the retention schedule.
- B. The Commander, Quality Assurance shall conduct periodic, random reviews of BWC recordings to assess the overall performance of the BWC equipment.

By Order of:

Eric D. English
Chief of Police