

<b>Finish writing</b>			
<b>PRINCE WILLIAM COUNTY POLICE DEPARTMENT</b>			
<b>MANUAL OF GENERAL ORDERS</b>			
<b>General Order: 28.11</b>	<b>Effective: 06/16/2019</b>	<b>Supersedes: 8/1/2017</b>	<b>Number of Pages: 9</b>
<b>PATROL DUTY: BODY-WORN CAMERA</b>			

**A. Purpose**

The purpose of this General Order is to establish the policy for the use and deployment of the Body-Worn Camera (BWC) system by personnel of the Prince William County Police Department (PWCPD).

**B. Policy**

It is the policy of the PWCPD that the BWC system shall be used only as set forth in this General Order. When activating a BWC, members shall consider overall public safety, as well as the privacy and legal rights of individuals. Members are not legally required to advise an individual an encounter is being recorded, nor are they required to have the individual’s consent to begin or continue recording;

**C. Objectives**

BWC use is intended to enhance public trust by documenting law enforcement encounters with the public while promoting accountability, transparency, and professionalism. Law enforcement’s use of BWCs can be effective in reducing the number of confrontations, use of force incidents, and complaints. BWCs may be useful in:

- Capturing law enforcement encounters;
- Collecting evidence for use in criminal investigations and prosecutions;
- Assisting Officers with completing reports and testifying in court;
- Deterring criminal activity;
- Assisting in resolving complaints alleging Officer misconduct or excessive use of force; and
- Providing added material for Officer training and continuous improvement.

The BWC can provide additional information regarding a law enforcement encounter with the public. However, the BWC provides a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, Officer interviews, forensic analyses, and documentary evidence, when evaluating the appropriateness of an

Officer's actions. Although the BWC is intended to capture an unbiased view, it shall not replace the perspectives of Officers during law enforcement encounters.

#### **D. Definitions**

1. Body Worn Camera (BWC) – A camera system worn on the body incorporating an audio and video recording device.
2. Axon Body 2 – A BWC designed to record events for secure storage, retrieval, and analysis via Evidence.com.
3. Evidence Transfer Manager (ETM) – A docking/charging station that uploads data from a BWC to Evidence.com. Current ETMs have either a single docking bay or six docking bays.
4. Axon View – A mobile smartphone application that allows a Bluetooth connection between a BWC and a supported PWCPD smartphone or other PWCPD device. This application allows members to view and/or listen to BWC recordings, and tag BWC recordings in the field.
5. Evidence Sync – A desktop-based application that enables evidence in any format, from any source, to be uploaded to Evidence.com. TASER Smart Weapon logs, Axon BWC recordings, interview room footage, still photos, and other evidence can be uploaded, stored, and managed in one location, accessible to members anytime and anywhere from PWCPD computers, equipment, and/or devices.
6. Event Buffering – The Axon BWC is continuously recording video in 30 second looped increments known as a pre-event buffer. Audio is not recorded until the member presses the activation button. Once the member begins to record, only the previous 30 seconds of video is included in the BWC recording.
7. Evidence.com – A secure, web-based, offsite storage solution for the management and storage of all Axon BWC recordings.

#### **E. Administrative Procedures**

1. Based on assignment, members shall be issued their own BWC. All members assigned a BWC shall wear the device mounted on their chest in order to capture the best point of view.
2. All members assigned a BWC shall wear them (i) while on-duty and in uniform, and (ii) when working off-duty details. Plain-clothes and specialized unit members shall only be issued and/or wear a BWC based on mission objective(s) and with the specific authority of the Chief of Police or their designee. Nothing in this General Order shall require a member to go to their station before a court appearance for the sole purpose of picking up their BWC.

3. Prior to their shift, all members shall thoroughly inspect their BWC to ensure it is operating properly. Members are responsible for the use and maintenance of their BWC, but shall not attempt to fix or modify their BWC. Members shall immediately report any problem(s) with their BWC to a supervisor, and if necessary, a temporary replacement will be issued. Any problem with an Axon BWC shall be documented on a PD268 and sent via email to the BWC Unit.
4. All members shall receive training on the use of the BWC system and this General Order prior to operating a BWC. Additional training may be required to ensure the continued, effective use of the BWC and/or to implement changes, updates, or revisions to this General Order.
5. Absent extenuating circumstances or supervisory approval, at the completion of each daily shift, members shall download all BWC recordings by securing their BWC in an Axon dock (ETM). Members will ensure appropriate tagging of all recordings, and document the use of BWC recordings in incident, arrest, and/or any related reports. Members should utilize Axon View to assist with tagging or logging into Evidence.com from any PWCPD computer, equipment, and/or device.

## **F. Operating Procedures**

1. When reasonable, practical, and safe to do so, members should advise an individual the encounter is being recorded.
2. Event buffering mode shall be activated whenever a member is wearing a BWC. However, appropriate considerations will be taken into account, such as use of buffer in bathrooms or if low battery is a concern.
3. **Required BWC Activation.** When reasonable, practical, and safe to do so, members (including secondary members) shall activate their BWC upon arrival on the scene of enforcement encounters when under the circumstances there is a reasonable suspicion that criminal activity or a violation of law is occurring or is likely to occur. Examples of circumstances requiring activation include, but are not limited to:
  - Calls for service which under the circumstances known to the member at the time suggest a threat to the safety of any individual and/or reports of a crime(s) in progress;
  - Traffic and pedestrian stops;
  - Vehicle and foot pursuits;
  - Arrests and in-custody transports;
  - Warrant service or searches;

- Use of force;
  - Any situation that becomes adversarial; and
  - Any other situation where a member or supervisor determines that the use of the BWC is appropriate and in accordance with policy.
4. Once activated, the BWC shall remain in record mode until the enforcement encounter has concluded or is subject to an exception under Section F(6) of this General Order. The member shall document this determination in their report and/or CAD, whichever is applicable.
  5. If a member does not, or is unable to, activate the BWC prior to initiating any enforcement encounter, the member shall activate the device as soon as it is reasonable, practical, and safe to do so. After the encounter concludes, the member shall document the reason(s) why the BWC was not activated in their report and/or CAD prior to clearing the call.
  6. If a member activates their BWC and it is interrupted for any reason during an enforcement encounter, the member shall document the circumstances in their report and/or CAD prior to clearing the call.
  7. **Exceptions to Required BWC Activation.** BWC activation is not required under Section F(2) of this General Order when in a member's judgment:
    - a. Recording would (i) interfere with the ability to conduct an investigation, or (ii) be inappropriate, because of the victim or witnesses' physical condition (ex. in a state of undress), emotional or mental state, age, is a victim of a sexual assault, or other sensitive circumstances. In these situations, a member may determine that an audio recording is sufficient and appropriate under the circumstances, in which case a member may position the BWC to avoid video recording, but still capture audio;
    - b. The recording is tactical or sensitive nature. In these situations, a member may determine that a visual recording is sufficient and may mute the recording. When reasonable practical and safe to do so, members shall turn the audio functionality of the camera back on before entering back into an enforcement role.
    - c. The incident or encounter has stabilized to the point that recording becomes unnecessary or there is no loss of evidentiary information; or
    - d. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
  8. **Prohibited Uses of BWCs.** Members shall not activate their BWC, or shall deactivate their BWC, under the following circumstances, unless the member is initiating an enforcement encounter as described in Section F(2) of this General Order:

- a. In any location where an individual has a reasonable expectation of privacy, such as a restroom or locker room/changing area(s);
  - b. In patient care areas of a hospital, doctor's office, or other healthcare/medical facility;
  - c. Encounters with undercover members or informants/cooperating individuals.
  - d. When discussing a case with other members or during tactical/strategic planning;
  - e. In any jail, detention center, or lock-up; or
  - f. During court proceedings and magistrate bond hearings.
  - g. When conducting a Lethality Assessment (LAP) screening.
8. Members shall activate, or deactivate, their BWC when directed by a supervisor.
  9. Per General Order [41.07 Use of Recording Devices](#) , a member shall not surreptitiously record personal activity and/or conversations with other members or County employees without their knowledge during routine, non-law enforcement related activities (e.g., briefings, meetings, roll calls).

**G. Access and Retention**

1. All members may, and are encouraged to, review their own BWC recordings to ensure accuracy and consistency when documenting law enforcement encounters, preparing for a court or an administrative proceeding, or reviewing/critiquing his or her performance. The Chief of Police, or his designee, may deny a member permission to review a recording, including, but not limited to, when the recording involves a significantly traumatic event (i.e., a member-involved shooting) and/or where viewing the recording could further jeopardize the emotional well-being of the involved member.
2. BWC recordings may be reviewed by the BWC Coordinator/Unit.
3. BWC recordings involving investigations assigned to the Criminal Investigations Division (CID) may be reviewed by the detective(s) assigned to that particular case.
4. Members are encouraged to notify a supervisor of any BWC recordings that may be of value for training purposes. Once notified, the supervisor will review the recording and in conjunction with the Chief of Police or his designee, determine whether the recording should be utilized for training purposes.
5. All BWC recordings shall be accurately categorized to ensure the appropriate retention period. "Evidentiary" recordings include, but are not limited to, recordings related to (i) a criminal case, charge, and/or investigation; (ii) a civil case involving the County or PWCPD; (iii) a use of force; (iv) an internal administrative investigation; (v) an

individual's complaint concerning the PWCPD or a specific member(s); and (vi) an injury to a member or other person.

6. All non-evidentiary BWC recordings shall be retained for a period of 60 calendar days after the video is recorded, and then automatically and permanently purged from storage.
7. All evidentiary BWC recordings shall be retained for a period of at least 180 calendar days after the video is recorded. After 180 calendar days, the recording(s) shall be retained or disposed of in compliance with federal and state laws, regulations, requirements, rules of discovery, and court orders. When the required retention period ends, all evidentiary recordings shall be permanently purged from storage.
8. If the need arises to retain a BWC recording(s) for longer than the required retention period, a member or supervisor will submit a PD268 via email to the BWC Unit.

#### **H. Confidentiality and Release of BWC Recordings outside of the PWCPD**

1. All recorded BWC media, images, and audio shall not be copied, edited, redacted, altered, erased, released, shown, published, posted, transferred/synced, or disseminated in any form or manner without the prior approval of the Chief of Police or his designee. BWC recordings by, or in the possession of, the PWCPD in the transaction of public business are subject to the Virginia Freedom of Information Act, Virginia Code § [2.2-3700](#) *et seq.* (See Prince William County Social Media Policy, General Order [17.01 Police - Media Relations: General Guidelines](#) (Police Media Relations), and Section H(3) of this General Order).
2. Members shall not obtain a copy of any BWC recording for any reason without the prior approval of the Chief of Police or his designee. A member requesting a copy of any BWC recording shall submit a PD268 via email to the BWC Unit.
3. There may be occasions when a Lieutenant, or higher authority, determines it is beneficial to allow a complainant to review the Body Worn Camera (BWC) recording of an incident to resolve or dispel an allegation. Refer to General Order [10.04 Disciplinary Action: Receiving Complaints](#) (A.1) regarding the requirements of doing so.
4. All other outside requests to view/obtain BWC recordings will be directed to the Office of Professional Standards for approval. The release of any BWC recording to anyone outside of the PWCPD shall be approved in advance by the Chief of Police or his designee. BWC recordings shall be released when required by (i) a court order which

- is final and not subject to appeal, (ii) a subpoena duces tecum which is not subject to a motion to quash, (iii) the rules of discovery when no motion to quash is filed or written objection is made, and (iv) the Virginia Freedom of Information Act, Virginia Code § [2.2-3700](#) *et seq.*, when not prohibited by law and no exemption is invoked.
5. BWC recordings may be redacted in whole or in part by authorized BWC Unit personnel only, to protect the privacy of those recorded, in accordance with applicable law.
  6. The Chief of Police may authorize the release of any BWC recording deemed to be in the best interest of the community and public safety.

## **I. Supervisor Responsibilities**

1. Supervisors are responsible for investigating and documenting any damage to or malfunction of any BWC, and promptly notifying the BWC Coordinator/Unit.
2. Supervisors shall review available BWC recordings when conducting administrative investigations (e.g., use of force, vehicle pursuits, complaints). However, BWC recordings shall not be routinely reviewed for other purposes, unless otherwise articulated in this General Order.
3. Watch/Bureau Commanders shall conduct random monthly reviews of their subordinate's BWC recordings to ensure they are adhering to this and other General Orders and/or to identify any areas where additional training, guidance, or other appropriate action is warranted. Results of these reviews shall be included in the applicable monthly report. Best practice would be for the Watch/Bureau Commander to select an incident within P1 where a BWC video should exist and view that footage for policy compliance. This approach will ensure both quality control for officer performance as well as compliance with policy activation requirements.
4. In the event of a member-involved shooting or deadly-force incident, a supervisor shall take possession of the BWC(s) of all members involved as soon as it is reasonable, safe, and practical to do so. The supervisor(s) shall ensure the BWC has been deactivated and is turned off. The BWC shall be given to Office of Professional Standards personnel once they arrive on scene. No member shall review any BWC recording regarding a member-involved shooting or deadly-force incident without the prior approval of the Chief of Police, unless there are exigent circumstances and/or an immediate threat to public safety (e.g., suspect identification, hot pursuit).

**J. BWC Unit Responsibilities**

1. The BWC Unit shall be assigned to the Office of Professional Standards and report directly to that Commander.
2. Members assigned to the part time BWC unit will be trained as administrators and shall make every effort to supplement the full time BWC unit in times of increased workload or extended absence.
3. The BWC Unit shall maintain hours of duty in accordance with the needs of the PWCPD and be available at all times in case of special need or emergency.
4. The BWC Unit shall maintain an on-call rotation of its members to ensure the availability of at least one BWC Unit member 24-hours a day. In the event of a BWC or BWC system problem, the on-call BWC Unit member will be contacted and will attempt to fix the problem over the phone. If the BWC member is unable to fix the problem via phone call, that member shall contact the BWC Unit supervisor, who will determine if the problem warrants an in-person BWC Unit member response. If the BWC recording(s) are not needed at that time and will not be lost if the problem is not fixed immediately, then a PD268 will be filled out and sent via email to the BWC Unit.
5. The BWC unit will be responsible for regularly providing all traffic and criminal cases to the Commonwealth Attorney's office in order to facilitate prosecution of cases.
6. The BWC Unit shall be responsible for all system maintenance, and shall handle all requests for BWC repair, replacement, and issuance.
7. The BWC Unit shall handle all requests regarding release and/or redaction of BWC recordings.
8. The BWC Unit shall keep an inventory of all BWC equipment and software in Traq6. Additionally, the BWC Unit shall assign and track all BWCs and related equipment in Evidence.com.
9. The BWC Unit shall be responsible for training all new BWC users in the use of BWCs and related equipment, Evidence.com and other BWC-related software, and this General Order. The BWC Unit will also provide any BWC legislative, policy, and/or system updates as available and approved by the Chief of Police or his designee.

**K. Interpretation of this General Order**

The Chief of Police shall be the final authority on all matters of interpretation and application of this General Order.