


**LEESBURG POLICE DEPARTMENT  
REGULATIONS AND GENERAL ORDERS MANUAL**

General Order Number: 232	Section: OPERATIONS	Effective Date: MARCH 2022
Title: <b>BODY WORN CAMERAS</b>		
Accreditation Standards: OPR.01.12		
Review Date: NOVEMBER 2023	Total Pages: 5	Chief of Police: 

**I. PURPOSE**

The purpose of this General Order is to establish policy regarding the use, management, storage and retrieval of audio-visual media recorded by body worn camera systems.

**II. POLICY**

It shall be the policy of the Leesburg Police Department for assigned personnel to use body worn digital video systems for the purpose of collecting evidence for the prosecution of those who are suspected of violating the law. Body worn cameras are assigned based on an officer's position at the discretion of the Chief of Police or designee.

This policy only applies specifically to the use of a Body Worn Camera (BWC).

**III. TERMINOLOGY**

**Body Worn Camera System:** Any authorized Department-issued digital video recording system that is worn on the external clothing of a police officer.

**IBR:** Incident Based Report

**System Administrator:** A member of the Leesburg Police Department designated by the Chief of Police to manage the Body Worn Camera System.

**IV. PROCEDURE**

- A. The Department has adopted the use of body worn cameras in order to:
1. Provide an accurate depiction of events for courtroom presentation;
  2. Allow for accurate documentation of police-public contacts, arrests, and critical incidents;
  3. Accurately capture statements and events during the course of an incident;
  4. Enhance the officer's ability to document and review statements and actions for report purposes and courtroom presentation;
  5. Provide an impartial measurement for self-critique for those officers issued a BWC;
  6. Capture visual and audio information to further existing and future investigations as well as training purposes; and
  7. The body worn camera is also a valuable tool to document a law enforcement officer's honesty, integrity, and professionalism, which may assist in resolving complaints alleging officer misconduct.
- B. All BWC systems shall be properly utilized according to the manufacturer's recommendations and agency policy. Intentional misuse or abuse of BWC equipment may result in disciplinary action.

**1. When reasonable, practical, and safe to do so, officers shall activate their BWC upon dispatch or when self-dispatching to all calls for service and/or during enforcement encounters where there is a reasonable suspicion or probable cause to believe that the subject of the law enforcement encounter is involved in criminal activity or a violation of law.**

Examples of circumstances requiring activation include, but are not limited to:

- a. Traffic and pedestrian stops;
  - b. Vehicle and foot pursuits;
  - c. Arrests and in-custody transports;
  - d. Warrant service or searches;
  - e. Response to threats/resistance;
  - f. Any other situation where an officer or supervisor determines that the use of the BWC is appropriate and in accordance with policy.
2. Although not legally required, *whenever practical* officers *should* inform individuals that they are being recorded. 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 pursuant to an arrest or search of the residence or individuals.
  3. When an officer with a BWC commences an encounter with a person (a) reporting a crime, (b) providing information regarding a crime or ongoing Police Department investigation, (c) claiming to be the victim of a crime, or (d) who wishes to speak with the officer and who is free to terminate the encounter at any time, the officer *should* immediately provide notice that the BWC is recording and offer the option of turning off the camera. A request to deactivate the BWC should be recorded on the camera prior to turning it off.
  4. The BWC shall remain activated until the incident requiring the activation: (i) is concluded and law enforcement presence is no longer needed; (ii) a valid request to cease recording is made pursuant to the conditions outlined above; or (iii) at the direction of a supervisor. Only a supervisor may authorize an officer to cease recording while still on the scene of an incident as defined by this policy (GO 232, IV, B, section 1). It will be the supervisor's responsibility to document in an IBR supplemental report the reason(s) for authorizing the stoppage of such recording. Officers making a custodial arrest will continue to record through the transport and booking process, but should not record any hearing before a magistrate.
  5. Officers equipped with a BWC shall document, in writing, the use of such camera for all activations. Not all activations will require a written report but activations shall be documented accordingly by either a report, CAD notes, or on the face of any summons issued if a report is not otherwise warranted.
  6. All files recorded during an officer's tour of duty shall be uploaded to the storage location as soon as practical and viewed by the officer to ensure a successful upload has taken place. All video will be tagged properly by incident type and include the proper case number to aid in future retrieval.
  7. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document the reason(s) why the recording was not made, or was interrupted/terminated. The documentation will be included in the officer's report or in the form of CAD notes if a report is not otherwise warranted.
  8. Citizens shall not be permitted to review BWC recordings at the scene or prior to the upload of video data to the storage system.
  9. Officers shall be provided with training regarding agency use and operation of a BWC prior to using one.
  10. Each BWC will be assigned to a specific officer, who will assume responsibility for the care and maintenance of the BWC and all associated equipment.
  11. Officers are not permitted to utilize personally owned BWCs while on duty or while working in a law enforcement capacity, whether on duty, working overtime, or otherwise representing the Department. Only agency authorized equipment shall be utilized.
  12. Any audio-visual recording will be made with the safety of the officer, the suspect(s), and any citizen as a primary consideration.

C. Officer Responsibilities

1. At the time an officer is assigned a BWC, he/she will be provided training with the device to include policies, procedures, and operation of the equipment.
2. Prior to the beginning of each shift or assignment, officers shall perform a pre-operational inspection to ensure the BWC is performing in accordance with manufacturer recommendations to include the following:
  - a. Proper activation of camera recording;
  - b. Camera is mounted properly on the officer's uniform and the lens is facing the intended direction;
  - c. Recording mechanism is capturing both audio and visual information; and
  - d. BWC battery is fully charged. Additional batteries may be needed to cover the duration of the officer's shift or assignment. These too should be fully charged before use.
3. Any malfunction discovered during the pre-operational inspection or at any time during the use of the BWC equipment shall be reported to the officer's immediate supervisor and the system administrator. The supervisor should then assign the officer a working BWC if available.
4. Damage or theft of any part of a BWC shall be documented and reported to the immediate supervisor. The system administrator shall also be notified by the officer's supervisor.
5. Officers shall not edit, alter, or erase any video captured by a BWC.
6. Any time an officer is relieved of duty in conjunction with a use of force incident or injury sustained in the field, a supervisor shall take possession of the officer's BWC and upload the video to the storage location. The supervisor shall document his/her actions in a supplemental report.
7. BWC activation is not required when in an officer's judgement:
  - 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, or other sensitive circumstances (ex. Victim of sexual assault). In these situations, an officer may determine that an audio recording is sufficient and appropriate under the circumstances, in which case an officer may position the BWC to avoid video recording, but still capture audio;
  - b. The incident or encounter has stabilized to the point that recording becomes unnecessary or there is no loss of evidentiary information; or
  - c. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational; or
  - d. The victim or witness is a juvenile and the encounter is non-confrontational.

#### D. Restrictions and Prohibited Uses of Camera Data

1. Footage recorded by officers in the course of their duties are for official law enforcement purposes only and may not be used for personal, non-business-related reasons. Sworn and civilian personnel are prohibited from uploading data from BWCs to social media or otherwise releasing data to the public in any manner, except as authorized by the Chief of Police. The following should not be recorded with BWC's:
  - a. Encounters with undercover officers or confidential informants;
  - b. When on a break or otherwise engaged in personal activities;
  - c. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; or
  - d. During any judicial process before a magistrate or judge.
2. Officers shall not activate a BWC in any federal, state, or county courthouse unless responding to an active emergency, an arrest situation, call for service, or investigation.
3. Officers shall not record communications with other law enforcement personnel without permission of the Chief of Police when not interacting with members of the public or exercising enforcement powers. See Regulation A-23, Surreptitious Recording.

#### E. Supervisor Responsibilities

1. Supervisors will conduct monthly audits of three random officers assigned to their respective supervision to ensure:
  - a. Officers are properly tagging all recordings.
  - b. Officers are properly positioning the BWC on their uniforms to record correctly.
  - c. Officers are initiating BWC recordings upon dispatch to calls for service and enforcement encounters.

- d. Officers are stopping BWC recordings at appropriate times following the conclusion of calls for service and enforcement encounters.
2. Each supervisor shall conduct and document monthly audits of BWC recordings assigned to those officers under his/her command for the following purposes:
    - a. Assessing each officer's use of BWC; and
    - b. Ensuring the BWC equipment is being used in accordance with policy.
    - c. All audits shall be documented on the BWC Audit Form (LPD Form #147) and forwarded for command review and approval prior to the 10<sup>th</sup> day of the subsequent month.
  3. Supervisors shall review available BWC recordings when conducting assigned administrative investigations (e.g. use of force/response to threats/resistance, vehicle pursuits, and citizen complaints).
  4. Administrative and operational violations identified during audits shall be documented by the officer's supervisor. Following consultation from the respective command member, a determination concerning additional training and/or corrective action will be made to address the identified deficiency.
- F. System Administrator Responsibilities
1. The system administrator is responsible for the maintenance, storage, archiving and purging of recorded media. The system administrator shall also be the contract administrator for any contracts for third party data transmission and storage.
  2. The system administrator will dictate the settings of each BWC, including recording format and pre-event recording time. Under no circumstance shall BWC operators change those settings without prior approval from the system administrator.
  3. The system administrator shall be responsible for the long-term storage of media deemed to be of evidentiary value in conjunction with agency regulations for the storage of evidence and the applicable retention schedule promulgated by the Library of Virginia.
  4. Any citizen's request for BWC recordings shall be processed as a FOIA request and directed to the Public Information Officer of the Department. The system administrator shall assist staff, as appropriate, in retrieving and providing copies of recordings as necessary and to satisfy such a request.
- G. Ownership and Display of Recordings
1. Recordings generated on agency equipment are the property of the Leesburg Police Department.
  2. Recorded files, which are potentially subject to continuing judicial review, including the appeals process, shall continue to be stored as evidence by the Police Department.
  3. Review of a recording's content shall be limited to agency members and those specifically designated by the prosecutor or appropriate agency member.
  4. All audio/video captured by BWCs is the property of the Leesburg Police Department. Dissemination outside of the agency, except for appropriate evidentiary purposes, lawful compliance with FOIA requests, and judicial orders is strictly prohibited without the specific authorization of the Chief of Police or his/her designee.
- H. Mandatory Retention
1. All BWC video shall be retained in accordance with the guidelines listed in the Library of Virginia, Records and Retention Schedule, GS-17, Law Enforcement.
  2. Video categories and retention schedule:
    - a. Traffic Stops – Summons Issued – 1 year after court adjudication
    - b. Traffic Crashes – 3 years
    - c. No Retention Required – 30 days
    - d. Use of Force – 1 year
    - e. Training – 1 year
    - f. Misdemeanor – Unresolved – 5 years after case closed
    - g. Misdemeanor – Resolved – 10 years after case closed
    - h. Felony – Unresolved – 50years after case closed
    - i. Felony – Resolved – 30 years after case closed
    - j. Serious Crimes against People – Unresolved – 100 years after case closed
    - k. Serious Crimes against People – Resolved – 75 years after case closed

1. Administrative Review – 1 year