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 Loudoun County Sheriff's Office 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 criminal laws. The body worn camera is also a valuable tool to document a law enforcement officer's honesty, integrity, and professionalism.

This policy only applies specifically to the use of a body worn camera.

III. PROCEDURE

A. The Sheriff has adopted the use of body worn cameras ("BWC"s) for designated, uniformed personnel 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 an incident.
4. Enhance the deputy'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 deputies issued a BWC.
6. Capture visual and audio information to further existing and future investigations as well as for training purposes.

B. Deputy Responsibilities

1. Prior to the beginning of each shift, deputies shall perform a pre-operational inspection to ensure the BWC is performing in accordance with the manufacturer's recommendations, including the following:

a. Proper activation of camera recording.

b. Camera is mounted properly on the deputy's uniform, and the lens is facing the intended direction.

c. Recording mechanism is capturing both audio and visual information.

d. BWC has adequate battery life for the duration of the deputy's shift.

2. Any malfunction of the BWC equipment shall be reported to the deputy's immediate supervisor and the BWC system administrator.

3. Damage or theft of any part of a BWC shall be documented and reported to the deputy's immediate supervisor. The BWC system administrator shall also be notified by the deputy's supervisor.

4. All files recorded during a deputy's tour of duty shall be uploaded to the storage location no later than by the end of the deputy's following shift or workday unless otherwise directed in this policy.

5. All videos shall be tagged properly to aid in future retrieval.

6. Deputies shall not edit, alter, or erase any video captured by a BWC.

7. Any time a deputy is involved in a deadly response to resistance incident or other major incident, a supervisor who was not involved in the incident shall take possession of the deputy's BWC and upload the video to the storage location. That supervisor shall also ensure that the files are preserved from purging and that the files are marked for restricted access. The supervisor shall document his/her actions in a supplemental report.

8. When encountering juvenile victims and witnesses, the deputy has discretion to not utilize the BWC. The deputy shall document his/her actions and the reason(s) for deactivating the BWC.

C. General BWC Use

1. All BWC systems shall be properly utilized according to the manufacturer's recommendations and agency policy.

2. Deputies shall have BWCs recording during every law enforcement or correctional oriented action provided that such activation does not jeopardize the safety of the deputy or others. Activation of BWC's includes, but is not limited to:

a. Any law enforcement-oriented or investigative encounter or action to confirm or dispel a suspicion that a person may be involved in criminal activity. This would include any subject stop, traffic stop, and/or citizen contact of such activity.

b. Execution of any search warrant, summons service, or arrest warrant.

c. When a citizen or inmate is reporting a crime, providing information regarding a crime or is party to any Sheriff's Office investigation, or claiming to be the victim of a crime.

d. Collection of evidence, and any direct interaction with a citizen, inmate, or suspect, or their property.

3. During a consensual encounter, when a citizen who is not a suspect, arrestee, or inmate wishes to speak with a deputy in an official capacity and is free to end the encounter at any time, and the citizen requests not to be recorded, the deputy shall immediately advise the citizen that the BWC is recording and offer the option of deactivating the camera. The citizen's request to deactivate the BWC shall be captured on the recording before the camera is turned off.

4. Disabling Audio recording: If not directly engaged in such activity, deputies may mute their BWC while discussing confidential, personal, supervisory matters, operational tactics, or investigative theories.

    a. This may be done only when no community members or arrestees are in the deputy's immediate presence.
    b. Prior to muting, the deputy shall verbalize "I am muting my camera for _____." (EX: a personal conversation, training discussion, or to discuss investigative theories). The device should be unmuted as soon as possible once the discussion has concluded.

5. Deactivating the device: Deactivating the BWC while on a call for service or responding to a corrections related action shall only occur when a deputy obtains supervisor permission. Supervisors should always prioritize muting before authorizing deactivating a device. The supervisor shall voice on camera the reason the deputy is permitted to deactivate their BWC.

    a. Reasons may include an extended duration of a law enforcement incident, BWC battery life, assignment to fixed posts, traffic direction, scene security when not interacting with citizens.

b. The deputy must turn on their camera immediately if they resume directly engaging in law enforcement or corrections activity.

6. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the deputy shall document the reason(s) why the recording was not made, or interrupted/terminated. This shall not apply to muting audio recording as described above.

7. Citizens shall not be permitted to review BWC recordings at the scene.

8. Deputies shall be provided with training regarding agency use and operation of a BWC prior to operation by the BWC system administrator.

9. Each BWC will be assigned to a specific deputy who will assume responsibility for the care and maintenance of the equipment.

10. Deputies are not permitted to utilize personally owned digital video recording systems while on duty. Only agency purchased and managed equipment shall be utilized.

11. Any audio-visual recording utilizing authorized BWCs will be made with the safety of the deputy, the suspect(s), and any citizen as a primary consideration.

D. Use of BWC in the Adult Detention Center

1. Generally, arrestees and inmates do not have a reasonable expectation of privacy in a correctional setting. Deputies should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy. Deputies should discontinue recording whenever it reasonably appears that such privacy may outweigh any legitimate correctional, facility management, or security interest in recording. In these circumstances the deputy shall audibly state the reason for stopping the recording. Recording in inmate bathrooms and showers is discouraged except to record a deputy's response to an emergency, criminal activity, an adversarial inmate/arrestee contact, or a major facility rule violation.

2. The BWC shall be activated in any situation that falls under General BWC Use (Section III. C.) above and in any of the following situations:

   a. At the initiation of any encounter between a deputy and an inmate or arrestee.

   b. Situations involving uncooperative arrestees in the sally port or officer processing area and removing uncooperative or resisting arrestees from a patrol vehicle.

   c. Inmate escorts within the facility.

d. Medication Rounds.

e. Meal Services.

f. Facility Headcounts.

g. Physical Security Checks.

h. When the deputy is on the floor/tier of their housing unit conducting a security check.

i. When interacting with an inmate during a transport.

j. When interacting with an inmate through the Control Room intercom or pass-through slot.

k. Any facility emergency or unusual occurrence.

3. Upon leaving the inmate housing area and returning to a non-inmate area, the deputy may turn the recording device off.

4. The BWC shall be deactivated in any of the following situations, except to record a deputy's response to an emergency, criminal activity, adversarial inmate/arrestee contacts, or a major facility rule violation:

   a. Courtroom and video court proceedings.

   b. Strip searches.

   c. Medical/mental health interactions with a clinician when medical history is being discussed between the inmate and clinician.

   d. Interactions with attorneys/legal representatives.

   e. Religious interactions with approved volunteers/clergy.

   f. Where inmate privacy supersedes the need for recording, such as in the dressing room when the inmate is undressed or partially dressed, unless there is an emergent situation where the deputy determines the recording of the incident is necessary.

5. At the completion of each shift, the deputy shall ensure the BWC has uploaded the video recorded during the shift.

E. Use of BWC for Criminal Investigations Division

1. All Criminal Investigations Division ("CID") personnel shall adhere to the policy and procedure listed in this General Order unless otherwise directed by the Division Commander.

2. CID personnel shall activate their BWC in the following situations:

    a. Preplanned events (e.g., execution of a search or arrest warrant)

        i. During the execution of a search warrant, BWCs shall be active until the location to be searched is secured. Documentation of the search and any evidence recovered will be conducted in coordination with the Forensic Services Unit (FSU).

        ii. FSU is not required to use their BWC when collecting evidence as the scene is more thoroughly documented.

    b. Responding to an emergency in a first-responder capacity.

3. CID personnel shall follow the normal BWC procedures when operating in the capacity of a uniformed deputy (e.g., overtime assignments, mandatory recall, etc.).

4. CID personnel shall upload all videos to the storage location by the end of the following workday.

F. Use of BWC by Motor Carrier Safety Unit

1. Personnel assigned to the Motor Carrier Safety Unit (MCSU) shall utilize their BWC in the following manner:

    a. MCSU deputies shall utilize the BWC for all traffic stops.

        i. If the traffic stop transitions to a truck safety inspection, the deputy may secure the BWC in their vehicle for the duration of the inspection. An audible notation shall be made prior to terminating the recording.

        ii. The BWC shall be re-activated upon the conclusion of the inspection, and prior to any citations or warnings being given.

    b. MCSU deputies are not required to use the BWC during pre-planned truck safety inspection events.

G. Use of BWCs by Court Services Personnel

1. Deputies assigned to Court Services may only use their BWC's to record their actions while escorting, processing, or communicating with prisoners within the secure areas

of the courthouse, or while responding to an active emergency. This includes areas outside of the courtrooms where prisoners are taken into custody, prisoner movements, in elevators, the sally port, and during transportation to and from holding/detention centers.

2. Civil Enforcement Unit (CEU) personnel shall activate their BWC in the following situations:

    a. When executing Writs of Eviction

    b. When responding to an emergency in a first-responder capacity.

    c. When conducting a traffic stop.

    d. In response to the discovery of a crime/criminal activity.

    e. The BWC shall be docked for downloading at the end of the day or the beginning of their next shift.

H. Use of BWC by School Resource Officers and Youth Crime Prevention Deputies

1. Deputies operating as a School Resource Officer (SRO) or Youth Crime Prevention Deputy shall only activate their BWCs inside a school when the criteria for activation listed in Section B above is met.

    a. Recording of non-law enforcement related interactions with students and staff inside a school is prohibited.

    b. For the purposes of this policy, threat assessments are not deemed to be law enforcement related, and therefore BWCs shall not be activated during the threat assessment unless an imminent threat is identified, and immediate law enforcement action is needed.

2. SROs and Youth Crime Prevention deputies shall follow the normal BWC procedures when not operating in the capacity of an SRO or Youth Crime Prevention deputy (e.g., overtime assignments, mandatory recall, etc.).

3. SROs and Youth Crime Prevention Deputies shall upload all videos to the storage location at a minimum of once per week for routine matters and immediately following any critical incident.

I. Live Viewing of BWC Video

a. Technology permits the authorized personnel to view live video of an incident from a remote location. The use of this feature is limited to the Sheriff or his/her designee, Commanders (1st Lieutenants and above), select individuals in the real-time operation center, and dispatch supervisors.

b. BWC video may be live streamed only when there is a direct officer safety reason to include:

i. Deputy in emergency status or requesting assistance.

ii. Deputy not responding to radio calls when on a call for service.

iii. Deputy involved in a foot pursuit, response to resistance, or responding alone to a dangerous situation.

iv. Significant incidents where an operational picture is required to improve the safety of incident response (e.g., barricaded subjects, warrant service, shootings, AVI, cell extractions).

v. Upon the individual deputy's request.

J. Restrictions and Prohibited Uses of BWCs and Camera Data

1. Footage recorded by deputies in the course of their duties is for official law enforcement purposes only and may not be used for personal, non-business-related reasons. Sworn and civilian personnel are prohibited from recording, copying, duplicating, photographing, or otherwise reproducing BWC footage onto any personal device or unauthorized medium. Personnel are further prohibited from uploading data from BWCs to social media or otherwise releasing data to the public in any manner, except as authorized by the Sheriff.

2. The following shall not be recorded with BWC's:

a. Communications with other law enforcement personnel (unless the Sheriff has granted permission to record) when not interacting with members of the public or exercising law enforcement powers.

b. When on a break or otherwise engaged in personal activities.

3. Deputies shall not wear a BWC into any federal or county courthouse unless they are responding to an active emergency.

K. Supervisor Responsibilities

1. When a deputy is assigned a BWC, the section supervisor shall conduct training with the deputy in procedures, policies and operation of the equipment.

2. Each sergeant, or 2nd Lieutenant in their absence, shall conduct and document monthly inspections of BWC equipment assigned to those deputies under his/her command for the following purposes:

    a. Assess each deputy's maintenance, proper classifying, and use of BWC Ensuring the BWC equipment is functioning properly.

    b. Monthly equipment inspections shall be recorded on squad line inspections.

3. Sergeants, or 2nd Lieutenant in their absence, shall conduct a quarterly review of random BWC video of their subordinates. This check shall be documented in an inspection form.

        a. Administrative and operational violations identified during inspections should be documented by the deputy's supervisor and he/she will determine whether additional training is required.

L. 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 of any contracts for third party data storage.

2. The system administrator shall configure the settings of each BWC, including recording format and pre-event recording time. Under no circumstance shall deputies operating BWCs 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 request for BWC recordings shall be processed as a FOIA request and directed to the Records Manager of LCSO. The system administrator shall assist the LCSO Records Manager, as appropriate, in retrieving and providing copies in response to such a request.

M. Ownership and Display of Recordings

1. Recordings generated on agency equipment are the property of the Loudoun County Sheriff's Office.

a. Recorded files, which are potentially subject to continuing judicial review, including the appeals process, shall continue to be stored as evidence by the Sheriff's Office.

2. Review of a recording's content shall be limited to agency members and those specifically designated by the prosecutor or appropriate agency member.

3. Dissemination outside of the agency is strictly prohibited without the specific authorization of the Sheriff or his/her designee unless requested as a FOIA or subpoena.