



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 411.17

Subject: Investigations

Topic: Body Worn Video Cameras

Accreditation: OPR 01.11

Revised:

Reaffirmed:

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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 Operations Division 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. 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. TERMINOLOGY

Body Worn Camera System: Any digital video recording system that is worn on the external clothing of a deputy sheriff.

IBR: Incident Based Report

System Administrator: A member of the Technology Services Section designated by the Sheriff to manage the Body Worn camera systems.

IV. PROCEDURE

A. The Sheriff has adopted the use of body worn cameras (BWCs) 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 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 training purposes
- B. All BWC systems shall be properly utilized according to the manufacturer's recommendations and agency policy
1. Deputies shall have BWCs recording during every law enforcement–public encounter related to a call for service or law enforcement action, subject stop, traffic stop, and/or deputy services provided that such activation does not interfere with officer/deputy safety or the safety of others, except when in a consensual interaction where a citizen requests that the camera be turned off, as described below.
 - a. When a deputy with a BWC commences an encounter with a person (a) reporting a crime, (b) providing information regarding a crime or ongoing Sheriff's Office investigation, (c) claiming to be the victim of a crime, or (d) who wishes to speak with the deputy and who is free to terminate the encounter at any time, the deputy shall immediately provide notice that the BWC is recording and offer the option of turning off the camera. A request to turn off the BWC should be recorded on the camera prior to turning it off.
 2. Whenever practical, deputies 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. The BWC shall remain activated until law enforcement presence is no longer needed, to include transporting and processing a person at the jail. Only a supervisor may authorize a deputy to cease recording. It will be the supervisor's responsibility to document in an IBR supplement report the reason(s) for authorizing the stoppage of such recording.
 4. 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.
 5. Deputies equipped with a BWC shall document, in writing, the use of such camera for all activations.
 6. Citizens shall not be permitted to review the recordings at the scene.

7. Deputies shall be provided with training regarding agency use and operation of a BWC prior to using one.
8. Each BWC will be assigned to a specific deputy, who will assume responsibility for the care and maintenance of the equipment.
9. Deputies are not permitted to utilize personally owned BWCs while on duty. Only agency purchased and managed equipment shall be utilized.
10. Any audio-visual recording will be made with the safety of the deputy, the suspect(s) and any citizen as a primary consideration.

C. 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 manufacturer recommendations to include 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 system administrator.
3. 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 deputy's supervisor.
4. All files recorded during a deputy's tour of duty shall be uploaded to the storage location no later than the end of the deputy's shift. All video will be tagged properly to aid in future retrieval.
5. Deputies shall not edit, alter, or erase any video captured by a BWC.
6. Any time a deputy is involved in a use of force incident or other major incident, a supervisor who had no involvement in the incident shall take possession of the deputy's BWC and upload the video to the storage location. The supervisor shall document his/her actions in a supplemental report.

7. When dealing with juvenile victims and witnesses, the deputy has the discretion to not utilize the BWC. The deputy shall document his/her actions and the reason(s) for turning off the BWC.

D. Restrictions and Prohibited Uses of Camera Data

1. Footage recorded by deputies 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 LCSO. The following should not be recorded with BWC's:
 - a. Communications with other law enforcement personnel without the permission of the Sheriff when not interacting with members of the public or exercising law enforcement powers
 - b. Encounters with undercover deputies or confidential informants
 - c. When on a break or otherwise engaged in personal activities
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room
 - e. When communicating with a magistrate
2. Deputies who are not assigned to Court Services shall not wear a BWC into any federal, state, or county courthouse unless responding to an active emergency.
 - a. 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.

E. Supervisor Responsibilities

1. At the time a deputy is assigned a BWC, the section supervisor shall conduct training with the deputy in procedures, policies and operation of the equipment.
 - a. The supervisor will conduct bi-weekly reviews of the recorded media to ensure the equipment is being operated consistent with agency policy.

2. Each supervisor shall conduct and document quarterly inspections of BWC equipment assigned to those deputies under his/her command for the following purposes:
 - a. Assessing each deputy's maintenance and use of BWC
 - b. Ensuring the BWC equipment is functioning properly
3. 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.

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 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 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 of such request.

G. 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. All video captured by BWC's is property of the Sheriff's Office. Dissemination outside of the agency is strictly prohibited without the specific authorization of the Sheriff or his/her designee.