



Newport News Police Department - Administrative Manual

ADM-570 - BODY-WORN CAMERAS

Amends/Supersedes: ADM-570 (08/14/2019)

Date of Issue: 05/30/2022

I. GENERAL

- A. Newport News Police Department (NNPD) issues body-worn camera systems to all adequately trained personnel to enhance the documentation of officer interactions with members of the public. This policy establishes guidelines and requirements for issuing, using, and maintaining body-worn cameras and administering and maintaining body-worn camera recordings.
- B. When used following manufacturer guidelines and this policy, body-worn cameras can: [41.3.8 (a)]
 - 1. Provide visual and audio recordings to supplement the documentation of officer's activities, including public contacts, arrests, incident responses;
 - 2. Enhance law enforcement reports and assist with the prosecution of cases; and
 - 3. Give supervisors and relevant department functions the ability to review employee actions and evaluate performance to ensure compliance with policies and procedures and aid in training.
- C. Upon issuance, employees must complete training on the operation, use, and policy requirements before their assignment to the patrol. Periodically, the department will provide information and training to address manufacturer and/or policy updates. The agency administrator is responsible for overseeing all training content.
- D. Personnel will only use issued body-worn camera equipment and systems according to manufacturer specifications and recommendations.

II. DEFINITIONS

- A. *Agency administrator*: An NNPD employee responsible for maintaining body-worn cameras and recordings. This position serves as a system administrator for Evidence.com with full access to user rights.
- B. *Activation*: For use in this policy, activation refers to placing the camera in "Recording (Event) Mode," and deactivation refers to taking the camera off of "Recording (Event) Mode"
- C. *Body-worn camera*: An on-officer audio-video system authorized by the department as the means of overt on-officer audio-video recording.
- D. *Docking station*: Axon Docking Stations provide a network connection for Axon Body cameras to Axon Evidence.com so that the cameras can upload evidence and download camera updates. While information is securely transferred for storage, the dock also recharges the camera's battery.
- E. *Evidence.com*: The department's virtual digital media storage facility stores digitally encrypted data in a secure environment accessible to personnel based on security clearance. A unique web address assigned to the NNPD account provides access to the stored data.
- F. *Media/Data*: Digital information uploaded and stored on evidence.com
- G. *Accessories*: Mounts, wires,
- H. *Axon Performance*: Random video review and squad metrics module in evidence.com
- I. *Axon Respond App*: Phone application for live streaming through Axon Respond.

- J. *View XL & Axon Sync*: lets users view recorded videos, add metadata to videos, and upload camera videos to Axon Evidence.com from a laptop, PC, or similar device.
- K. *Ready(Buffer) Mode*: The powered-on camera state that starts the pre-event buffer. The buffer is 30 seconds of video without audio that precedes the activation of event mode.
- L. *Recording(Event) Mode*: The body-worn camera saves buffered video and continues recording audio and video in event mode.

III. OFFICER RESPONSIBILITY & USE OF EQUIPMENT

- A. Officers are responsible for properly caring for their issued body-worn camera equipment and accessories.
- B. Specialty units without docking stations will need to utilize Axon Sync or Axon View XL software at least once a week to sync the time stamp and update the firmware when available.
- C. Assigned body-worn cameras shall be worn at all times by officers working a field assignment. If an assignment requires an officer to wear their uniform or vest, they should also wear their issued camera. Tactical units should wear their helmet-mounted cameras.
- D. When on-duty, the body-worn camera will be powered on. Officers shall ensure their recording equipment is working, checking at the beginning of each shift or assignment. If a problem is found or develops during a shift: [41.3.8(e)]
 - 1. The officer will immediately report any loss of, or damage to, any part of the equipment to their immediate supervisor, who will, in turn, notify the agency administrator to arrange for repair or adjustment.
 - 2. If the agency administrator cannot immediately address the issue, a spare body-worn camera may be loaned to the officer from the precinct's supply of spares. Loaner body-worn camera equipment will be signed out by the issuing supervisor and inventoried upon return. The borrowing officer will email the agency administrator and supervisor the date and times used, spare camera number, and computer number.
- E. Officers should not utilize other officers' assigned body-worn camera equipment. The only exception would be where the officer is on-scene and does not have an assigned body-worn camera and needs an audio and video recording for criminal investigative purposes. This equipment use is temporary, and upon the video's conclusion, the body-worn camera will be returned to the assigned officer. The officer borrowing the camera is responsible for ensuring all data is uploaded and categorized.
- F. When recording, officers may inform people that recording equipment is in use if they feel it will benefit them.
- G. Nothing in this policy shall prohibit any officer from activating their body-worn camera whenever they deem the use of the camera appropriate.
- H. Officers will use the provided docking stations to upload the footage from assigned body-worn camera equipment and categorize each video unless circumstances prevent it. Officers can upload videos through Axon View XL or Axon Sync if circumstances warrant it. If unable to upload videos, the officer must notify their supervisor and the agency administrator. Critical incidents shall be uploaded to Evidence.com immediately upon conclusion of the incident.
- I. Camera Activation
 - 1. Camera activation is required for law enforcement-related encounters between uniformed police officers and the public, except as prohibited by law and policy. The following circumstances require body-worn camera activation before, upon arrival, or upon initiation:
 - a. Dispatch to a call for service requiring a field response.

- b. Any enforcement action or investigative detention. (vehicle stop, pedestrian stop, detention, show-up, custodial arrest, suspect interactions, etc.).
 - c. Consensual encounters with the public related to a law enforcement incident or action, including interviews with witnesses, victims, and reporting parties.
 - d. Any de-escalation or use of force activities.
 - e. Any vehicle or foot pursuits.
 - f. When conducting field sobriety tests.
 - g. Detainee or prisoner transport. Termination during transport is prohibited. Officers can turn the device to the rear compartment of the police unit to record the prisoner's activities and the audio.
 - h. Warrant service (see [OPS-407 Service of Warrant](#) and [OPS-480 Search Warrants](#)).
2. Officers shall place the body-worn camera in the event mode upon dispatch to a call for service or engaging in police action. For officer-initiated actions or any situation with the potential to become a law enforcement action, the officer shall place the body-worn camera in event mode as soon as practical at the onset of a given situation. Officers responding in a backup or support capacity shall place the body-worn camera in event mode when they initiate their response.
3. Once the event mode has been activated, officers shall continue to record until the completion of the event or until they have left the scene. Unless otherwise indicated in this policy, activities that must be recorded include field interviews, searches, evidence collection, prisoner interactions including transports, traffic direction, pursuits, etc.
4. Investigations Assignments
- a. Detectives are expected to maintain their body-worn camera in a state of operational readiness and have it available even when they are working a plainclothes assignment.
 - b. When responding to an investigation, detectives are encouraged to utilize their body-worn cameras whenever doing so will aid in their investigation. Wearing a body-worn camera on the scene is not required, mainly when uniformed officers are on the scene with activated cameras.
 - c. When conducting interviews in the field, detectives may opt to record interviews on the department-issued phone or other issued recording devices if such use is more appropriate for the circumstances than the body-worn camera.
5. School Resource Officers
- School resources officers are required to wear their body-worn cameras when inside schools. Activation of the camera is prohibited unless suspected criminal activity or the potential for disruptive behavior is present.
6. Tactical Operations Unit
- When engaging in tactical deployments, officers should utilize helmet-mounted cameras whenever possible.
7. Secondary Employment
- a. Officers working secondary employment assignments are required to wear their issued body-worn cameras.
 - b. Officers are not required to activate their body-worn cameras when engaging in activities such as traffic direction or non-law enforcement encounters during secondary employment; however, they may use their discretion to record necessary interactions and events.

- c. Activation is required whenever encounters or circumstances require an officer to take enforcement action.

8. Federal Task Force Officers

- a. Officers assigned to federal task forces will follow activation and deactivation requirements in this policy unless they are acting under the color and authority of their assigned federal agency. A memorandum of understanding outlines specific procedures or prohibitions following that agency's policies. Deactivated recordings will include a note referencing that the deactivation was done per the MOU appropriate federal agency.
- b. Fugitive task force officers transporting prisoners for extended periods should have at least one body-worn camera activated during transport if they determine a heightened security risk or risk of escape or determine recording is necessary. Officers will honor policies regarding body-worn cameras established by detention centers and federal transportation agencies.

J. Prohibitions, Restrictions & Deactivation

- 1. Generally, body-worn cameras will remain in event mode for the entirety of an event. Once activated, a recording should not be intentionally terminated until the event's conclusion unless tactical, safety or practical reasons dictate otherwise.
- 2. Some circumstances require officers to use their discretion when determining whether to terminate or pause a recording before an event has concluded. While body-worn camera recordings are important for investigations, officers may pause or terminate if they determine that maintaining the recording will affect cooperation with an investigation or create unnecessary amounts of data not relevant to it. Examples of such circumstances include:
 - a. A member of the public requests that the recording is stopped before speaking with an officer about an event or investigation.
 - b. The officer attends a tactical briefing or engages in the tactical planning process.
 - c. The only law enforcement activity at an ongoing crime scene or assignment is scene security, and video capture of crowds is not required.
 - d. While maintaining a traffic post or outer-perimeter assignment.

NOTE: When pausing or terminating a recording during an incident, officers should state that they are pausing/ending the recording and a brief reason why.

3. Privacy

- a. In general, officers will not activate the body-worn camera device and use caution when entering a public locker room, changing room, restroom, doctor's office, or other places where an individual, unrelated to an investigation, would have a reasonable expectation of privacy.
- b. The use of the body-worn camera device in medical facilities is limited to those individuals involved in an investigation. Officers will not record patient care interactions and procedures with hospital personnel unless it directly relates to the investigation and hospital staff is made aware before the recording takes place. This means officers will need to deactivate their camera recording in medical facilities and only activate the recording function when conducting investigative actions such as interviewing witnesses. Officers will also inform medical staff if they are being recorded. Officers will remain mindful of [HIPAA laws and guidelines](#).
- 4. Officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically to document a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation.

5. Officers will not make covert recordings of conversations with other department members except as necessary for a criminal investigation and/or for Department administrative investigation without the express consent of the Chief of Police.

K. Documentation

1. Officers will note in all incident-based reports (IBRs), arrests, and other reports when a body-worn camera recording was made associated with that incident, to include the body-worn camera identifier name.
2. If an officer believes that a recorded contact may lead to a citizen complaint, they will bring the recording to the attention of their supervisor as soon as possible. If no IBR or supplement report is prepared for a related event, the contact details will be documented in writing.
3. If circumstances prevent an officer from recording a contact or a recording is terminated early, then this must be noted in all written reports or CAD notes (if no IBR was generated) along with a brief explanation of the circumstances.
4. Court and Evidentiary Video Files
 - a. When body-worn camera video files are held for court and/or evidentiary purposes, the officer will:
 - 1) Include that information in the Evidence.com submission;
 - 2) Denote the video in the narrative portion of the associated IBR report; and
 - 3) Check the "Axon Video" box in the IBR report.
 - b. If a body-worn camera unit is involved in an auto crash, the officer should put the camera into event mode if not already recording. If a body-worn camera unit records a police vehicle involved in a vehicle crash, the involved officer's supervisor shall ensure the appropriate reports have a notation in the narrative section indicating the video capture and shall ensure video associated with any vehicle crash is accurately categorized in Evidence.com as "Traffic Crash."
 - c. Anytime a body-worn camera unit has recorded an arrest, the arrest report shall indicate that an A/V recorded file of the arrest exists, and the prosecutor's office shall be so notified.

IV. VIDEO RETENTION

- A. Each event must be categorized according to event type for proper retention. The officer has four calendar days from the recorded event to categorize each video unless a supervisor requires the categorization sooner.
- B. Identification of Incident in Evidence.com.
 1. In the "ID" section, the officer will note the IBR or accident number connected to the report. If the report does not have an IBR (i.e., traffic summons, DUI) or an accident number, the officer will leave the "ID" section blank.
 2. The ID section will be the 9-digit incident report number or 11-digit accident number.
 3. In the "TITLE" section, the suspect's name is entered as "Last, First."
 4. If there is no name associated with the video recording, use the location of the call.
 5. If needed for clarity, the name and location may both be entered.
 6. If multiple arrests are recorded on one video, the officer will use the suspect's name with the most serious offense.

- C. No person shall tamper with, or alter, the body-worn camera data except as authorized by this policy.
- D. The retention period for body-worn camera recordings will conform with the Virginia Records Retention Act (Virginia Records Retention Schedule, General Schedule Virginia Localities, GS-17).
- E. For retention purposes, body-worn camera recordings relating to incidents where criminal charges are filed are considered part of the case file associated with the case. They are retained following those Virginia Retention Schedule case guidelines.
- F. Body-worn camera recordings relating to unfilled potential criminal charges shall be retained for at least one year after the statute of limitations has expired.
- G. Body-worn camera recordings relating to Internal Affairs Division complaints (externally or internally generated) shall be retained per [ADM-270 Administrative/Internal Investigations](#) or until the matter has been resolved, whichever is later.
- H. Body-worn camera recordings of routine events that are not associated with either a criminal investigation or an Internal Affairs Division Complaint, as evidence, shall be retained for at least 30 days.
- I. Body-worn camera recordings that have met the appropriate retention times defined above may be destroyed according to Library of Virginia guidelines.
- J. Deletion of Unintentional Recordings
 - 1. If activation of a body-worn camera system occurs during non-enforcement or non-investigative activities (e.g., restroom or meal breaks, personal and/or private conversations of an officer unrelated to any ongoing criminal or internal affairs investigation, a situation that otherwise has no valid official purpose or no apparent evidentiary or investigatory value), the recording officer may request for the deletion of the accidentally recorded video file:
 - a. Send an email request to the officer's immediate supervisor.
 - b. If the supervisor concurs the video has no valid official purpose and/or no apparent evidentiary or investigatory value, the supervisor shall:
 - c. Denote approval on the email;
 - d. Forward it to the system administrator for subsequent video deletion.
 - 2. Before deletion of the video, the system administrator shall:
 - a. Save a copy of the email authorizing deletion;
 - b. Make a note in the "comment dialog box" section of Evidence.com for the audit trail, noting the deletion, the supervisor authorizing it, and the reason.

V. SUPERVISOR RESPONSIBILITY

[41.3.8(e,g)]

- A. Supervisors are responsible for:
 - 1. Verifying that all officers reporting for roll call or a briefing have their body-worn cameras attached to their persons correctly.
 - 2. Ensuring officers are docking their body-worn cameras for charging at the end of each shift.
 - 3. Ensuring officers are uploading and tagging their videos in Evidence.com.
 - 4. Ensuring compliance with procedures and required documentation for the use and maintenance of the body-worn camera devices and camera activation.
- B. As part of regular line inspections, supervisors will conduct inspections of the issued body-worn camera equipment to ensure operational readiness. Supervisors may conduct random inspections at any time. They

will ensure that all body-worn camera units are accounted for and/or immediately report any discrepancies to their chain of command.

- C. If an employee separates from the agency or is on leave (including military leave) for more than 21 days, the employee's supervisor will watch and categorize all uncategorized videos.

VI. ACCESS, REVIEW, & RELEASE

- A. All body-worn camera recordings and data are NNPd property. Accessing, copying, or releasing any media for other than official law enforcement purposes and as set out herein is prohibited and subject to disciplinary action. [41.3.8(c)]
- B. Officers may use media captured via the body-worn camera and the provided transcript to assist with investigations or complete reports.
- C. Officers involved in any significant use of force incidents or accidents causing injuries may review their video and/or audio recordings before providing a recorded statement or completing reports.

The City Attorney's Office shall have access to video files related to vehicle crashes involving police personnel as needed for any action on behalf of the city.

D. Livestreaming of Body-worn Camera Video

- 1. NNPd enables select personnel to Livestream personnel's body-worn camera footage. This function is intended to assist in deployment and response to police actions such as pursuits, physical confrontations, and life-threatening and tactical situations. It is not meant for use to monitor employees during routine interactions.
- 2. The Axon Respond application will be available for select personnel for phone-based live streaming.

E. Recordings may be reviewed as follows:

- 1. By the agency administrator.
- 2. By any officer wishing to view their own recordings.
- 3. Any supervisor investigating a specific incident or any investigator assigned to the Internal Affairs Division.
- 4. By any detective or other law enforcement agent, as sanctioned by a supervisor, if they are participating in an official investigation (e.g., a criminal investigation, a personnel complaint, or an administrative inquiry) or for other official reasons.
- 5. By any Training Section personnel.
- 6. By the Public Information Office staff for possible release to media representatives following the law and with permission of the Chief of Police.

- F. Footage burned to a DVD shall be original and unaltered. Any DVDs burned by the recording officer remain the property of the NNPd and shall not be used for any purpose other than set out for body-worn camera video recordings.

G. Supervisor Review for Training & Integrity

- 1. Supervisors will review all body-worn camera video files related to:
 - a. injury to prisoners;
 - b. use of force by a Department member;
 - c. injury to officers;

- d. vehicle pursuits;
- e. “Signal One” calls; or
- f. citizen complaints.

2. Random Review Process

- a. Each month supervisor will randomly review a minimum of four recordings for their direct reports using the random selection feature if available in Evidence.com.
 - b. Evidence.com system is set to select the videos randomly within Axon Performance.
 - c. Each direct report should have a minimum of one recording reviewed each quarter.
3. Supervisors will not review incidents known to have been previously reviewed.
4. Supervisors conducting these reviews will document the review results and email their chain of command and the Internal Affairs Division. Any video revealing possible training issues will also be forwarded to the Training Section. A copy of the email will be sent to the recording officer.
5. Any viewing of body-worn camera recorded video not otherwise covered in this policy will be conducted as specifically authorized by the Chief of Police or designee.

H. Review for Training Purposes

- 1. Field training officers may use media captured via the body-worn camera to provide immediate training to recruits and assist with completing the Daily Observation Report.
- 2. With approval, recordings may be used for training in either roll call or classroom events. The supervisor or instructor wanting to use the video must submit a written request, including the incident information and explanation of its use as a training aid, to their chain of command. If the video is meant to be used department-wide, the academy director must also approve the video for use. If an instructor requests the video for use in training conducted with non-NNPD, approval from the Chief of Police or designee is required.

I. Release

- 1. When appropriate, court orders preventing or limiting the dissemination of a body-worn camera video recording shall be secured before distribution.
- 2. Body-worn camera recordings shall be treated like other forms of direct evidence and are subject to discovery and disclosure under law.
- 3. Sharing Video Recordings
 - a. Officers will have access to all unrestricted, unclassified videos within the agency.
 - b. Law enforcement agencies requesting videos will be approved and shared by sergeants.
 - c. Non-law enforcement requests can be approved and shared by lieutenants.

J. Request for Copies and/or Access to Body-worn Camera Video Files


- 1. Requests for a body-worn camera file should be made before the end of the 30-day retention period. All lawful copy requests for an existing body-worn camera file will be honored according to the department-approved protocol for releasing information and compliance with state law governing Freedom of Information Act (FOIA) requests.
- 2. The Commonwealth Attorney's Office's written approval is required to release all body-worn camera video files held as evidence. All other files will be released according to department procedure and comply with state law governing FOIA requests.

3. When a request for a body-worn camera file is made from outside the department, the requestor is noted in the comment dialogue box, and the original file is maintained in Evidence.com for one year.
4. All files requested by the Commonwealth Attorney's Office will be honored per governing state and federal laws.
5. The release of any body-worn camera video recording to the general public is subject to the parameters for release as defined in [ADM-160 Privacy/Dissemination of Information](#).
6. Media Requests
 - a. All media requests for body-worn camera video files will be referred to and processed by the Public Information Office. These requests will be processed following departmental policy and comply with state law governing FOIA requests.
 - b. Due to the heightened privacy concerns associated with a video recording, body-worn camera video recording disclosed to the media may be edited/redacted to preserve the privacy of individuals unrelated to the case who were captured on a recording.

NOTE: This policy will not affect the release of recordings pursuant to a court order or subpoena.

7. Recordings containing audio or video of legitimate confidential nature will be redacted or obscured from downloaded copies of the original data file in Evidence.com. The original data file will remain complete and cannot be manipulated by system administrators or users. Following arrest or initiation of prosecution for felony or misdemeanor crimes, the arresting officer, detective, or (for follow-up disclosure requests) system administrator will download a segmented copy of the original data file from Evidence.com. Markers will be created to identify redacted sections and briefly describe why the information is excluded. The redacted video file and marker descriptions will be written to DVD or other portable media and provided to the Commonwealth Attorney's Office. Upon release to the defense, if redacted information is challenged:
 - a. In writing, the defense will communicate their intent to challenge and legal justification(s) to the Commonwealth Attorney's Office.
 - b. If the Commonwealth Attorney's Office agrees that the challenge is justified, the section may be released following consultation with the Chief of Police or designee. If the Commonwealth Attorney's Office disagrees with the justification for the challenge and/or if the Chief of Police requests a further review, the Commonwealth Attorney's Office will advise the defense that a motion for an "In Camera" Hearing before a judge of appropriate jurisdiction will be required if the defense wishes to challenge the redaction further.

NOTE: Legitimate confidential information includes, but is not limited to; confidential informants or undercover officers revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; victim/witness personal identifiers, addresses, phones, et cetera.


Steven R. Drew
Chief of Police