Roanoke Sheriff's Office
Sheriff's Operating Instructions

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Title: **2.41– In Car and Body-Worn Cameras**

Chapter: Chapter 2 – General Rules and Regulations

Related Standards

MSLJ – N/A
ACA - N/A
NCCHC - N/A
VLEPSC – OPR.01.11
CALEA – 41.3.8 – 41.3.10

PURPOSE: To establish procedures, philosophy, and guidelines for the operation, maintenance, and/or special utilization of in-car cameras in Sheriff's Office vehicles so equipped and body-worn cameras. The Department is committed to protecting the rights of all persons, and employees will not use in-car or body-worn cameras as a means of surveillance without legitimate law enforcement justification.

The use of in-car and body-worn cameras is intended to ensure that relations with the public are maintained in accordance with the highest standards of professional practices while encouraging and enhancing open communication.

RESPONSIBILITIES: A deputy's contact with the public shall mean law enforcement contact with the public that a reasonable deputy would consider to be evidentiary or actionable. In accordance with policy, deputies will activate their in-car or body-worn camera during all law enforcement-related encounters and activities that occur while the deputy is on duty or while working in an extra-duty assignment. These law enforcement activities will include, but not be limited to: prisoner transports, incidents that will produce evidence, may lead to complaints from the public about the Sheriff's Office, traffic stops, interactions with suspicious persons, arrests, searches, interviews, civil or criminal litigation and during the course of an encounter with the public that becomes or is perceived to have the potential for becoming adversarial after the initial contact. Deputies will have discretion to record informal, non-law enforcement related interactions with the public, such as when a person asks a deputy for directions or casual conversations.

POLICY: It is the policy of the Roanoke Sheriff's Office that all members who are issued body-worn cameras or operate departmental vehicles equipped with in-car cameras are responsible for compliance with the policy and procedures established herein. Supervisors are responsible for ensuring that subordinates comply with the policy and procedures established herein.

DEFINITIONS:
In-Car Camera (ICC): a mobile video recording system installed within a department vehicle that captures a digital record by audio and/or visual means.

Body-Worn Camera (BWC): a mobile video recording system worn by deputies that captures a digital record by audio and/or visual means

Event ID: a term and process within the vendor's software that allows a recorded event to be labeled for ready retrieval and access

Electronic Media: a small, portable electronic device for data storage

PROCEDURE: The in-car and body-worn cameras will be utilized by deputies only for its intended purpose and only in the performance of their official duties and in accordance with established Department policies. No employee may utilize an in-car or body-worn camera not authorized and issued by the Department. The use of an in-car or body-worn camera for personal reasons and/or the uploading or posting of electronic media onto any public and/or social media website and/or storing any in-car or body-worn camera data on any storage medium is strictly prohibited. The unauthorized use of the in-car or body-worn camera or other electronic media recordings and/or audio recordings is strictly prohibited. Violation of any part of this policy may result in discipline up to and including termination.

Personnel are strictly prohibited from the following:

A. Removing, dismantling or tampering with any hardware or software associated with the in-car or body-worn camera

B. Destroying, altering, erasing, modifying, tampering, editing or disseminating any electronic data associated with the in-car or body-worn camera

C. Downloading or converting any in-car or body-worn camera electronic data for personal use

D. Allowing a citizen to view an in-car or body-worn camera recording at the incident scene or at any other time, unless as provided by policy or otherwise approved by the sheriff or his/her designee

E. Copying, or sharing any in-car or body-worn camera electronic data other than as provided by policy

F. Deleting any in-car or body-worn camera electronic data other than as provided by policy

G. Recording on the in-car or body-worn camera any particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression thereof, homelessness status, physical disability, political affiliation, or any other recognized protected status

H. Places where a reasonable expectation of privacy exists pursuant to state and federal law, absent a legal nexus

I. Strip or body cavity searches

J. Conversations with other agency personnel that involve case tactics or strategy

K. Deputy's responding to a critical incident at a school will have their in-car camera on pursuant to this policy

L. Conversations with confidential informants and undercover deputies/officers to protect confidentiality and deputy safety

All personnel shall adhere to the following procedures when utilizing in-car or body-worn video/audio equipment:

A. Installation and maintenance shall be performed by authorized service personnel. Alterations of the installed system by unauthorized personnel are prohibited.

B. Body-worn cameras will be issued to deputies for use while on duty and while engaged in extra-duty (off-duty) employment. Body-worn cameras will be worn, utilized, and maintained in a state of operational readiness during the deputy's entire shift. When not in use, deputies will maintain their body-worn cameras in its assigned location.

C. Upon assuming duty in a vehicle equipped with an in-car camera, the deputy will power up the in-car camera. Deputies will check the operational readiness of the in-car camera as part of any vehicle inspection process. Non-operational equipment will be reported to the transportation sergeant as well as the planning and research deputy and sent for repair as soon as possible.

D. In the event a vehicle's in-car camera is found to be inoperable, an attempt will be made to assign a vehicle with an operational in-car camera. Deputies who discover at any time during their shift that the in-car camera is damaged or malfunctioning will immediately notify their supervisor.

E. Deputies shall ensure the volume from other electronic devices within the vehicle, such as AM/FM radios, etc., does not cause interference when the in-car camera system is activated (this does not apply to police radios)
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F. During shift change, deputies will power up the body-worn camera, if such equipment is available. Non-operational equipment will be reported to the deputy's direct supervisor and the planning and research unit as soon as possible. Deputies who discover at any time during their shift that the body-worn camera is damaged or malfunctioning will immediately notify their supervisor.

G. The view of the BWC lens shall be unobstructed. The BWC shall be worn on the officer's chest with the lens of the camera positioned in a forward-facing manner, away from the officer's body.

H. Deputies may turn their BWC off when they are in the areas of the Department that are not accessible to the public. Officers shall continue to record if they are escorting prisoners, juvenile detainees, runaways, or witnesses within the police department.

<u>The routine use of mobile video/audio recording equipment in departmental vehicles/Body Worn Cameras:</u>

- The in-car recording equipment shall be set to automatically record in the following situations: (NOTE - recording begins 30 seconds prior to activation)

    1. Upon the activation of the emergency lights.

    2. Significant vehicle crash event.

3. When the vehicle crosses a specific speed

4. Upon upholstering weapon

- When not automatically activated, officers shall manually activate the recording system of the in-car and/or body-worn camera in the following situations:

1. Traffic Stops:

a) Normal traffic violations: Beginning at the point of a deputy initiating a traffic stop and continuing for the duration of the stop. The recording will be concluded as the violator drives away.

2. Suspected DUI:

a) Beginning at the point when the deputy first suspects erratic driving and concluding when the police action has finished. If field sobriety tests are administered, the sobriety tests will be recorded where safety permits.

3. Non-Traffic Situations:

a) The in-car camera will be used during all prisoner transportation. The camera(s) will remain on until the custody of the subject is transferred.

b) Where the use of the in-car camera recordings will aid in the documentation of events or provide documentation of the actions of involved parties.

c) Searches to include consent searches, warrantless searches, vehicle searches, searches incident to arrest, inventory searches, execution of search and arrest warrants, and frisks.

4. Traffic crash scene:

a) Beginning at the point when the deputy is dispatched to or first arrives at a traffic crash scene, deputies will keep their in-car camera running until the law enforcement related activities have finished.

5. Emergency response:

a) Beginning at the point when the deputy is dispatched to an ongoing/live crime scene to capture spontaneous statements, expressions, and body language. Deputies will keep their in-car camera running until the law enforcement related activities have finished.

6. Vehicle Pursuits:

a) All pursuits will be recorded by any unit involved in a pursuit.

7. Individuals Perceived to be suffering from Mental Illness:

    a) All interactions, including detention and transport, shall be recorded. Once the individual has been assigned to and arrived at a bed in the secure mental health treatment area of the hospital, the officer may stop active recording.

8. When an individual is advised of their Miranda Warnings.

Activation and deactivation of the in-car and body-worn camera:

A. Once activated, the in-car or body-worn camera will remain in recording mode until the conclusion of an incident/encounter/prisoner transport, the deputy has left the scene, or a supervisor has authorized that a recording may be stopped. In the event that a supervisor authorizes the deputy to stop the recording prior to the end of the incident, deputies will document on the in-car or body-worn camera, and in the incident report, that a supervisor has authorized that a recording be stopped, as well as the authorizing supervisor's name.

B. Deputies may use the in-car or body-worn camera to record interviews with victims, witnesses, and members of the community who wish to share information. Deputies will always consider the evidentiary value of recording interviews with victims, witnesses, and members of the community who wish to share information.

C. Deputies may encounter instances in which a victim, witness or other member of the public will not talk unless the camera is turned off. Deputies will attempt to convince the victims, witnesses, and members of the community of the value of recording the conversation.

D. If the victims, witnesses, and members of the community continue to refuse to talk with the deputy if the in-car or body-worn camera is recording, deputies will have to make a case-by-case decision about whether to record interviews with victims, witnesses, and members of the community on the scene.

E. Deputies will decide whether obtaining the information is more important than recording. In such circumstances, deputies will have the discretion to keep their cameras turned off during interviews with victims, witnesses, or members of the community who wish to report or discuss criminal activity in their neighborhood.

F. If a deputy does turn the in-car or body-worn camera off prior to obtaining information from a victim, witness, or member of the community, the deputy will document on camera and in the incident report the reason for turning off the camera.

G. The department recognizes that situations may exist in which, due to tactical and safety considerations, a deputy cannot utilize the in-car or body-worn camera. In these instances, deputies are required to document in the incident report the reason they did not record an activity.

H. Deputies are prohibited from recording department personnel during routine, non-enforcement related activities unless a recording is required by a court order or is authorized as part of a department administrative or criminal investigation.

Docking of Body-Worn Cameras

1. All deputies shall dock their issued body-worn cameras in the designated docking stations located in Civil Process or the SRO Office at the end of their shift on Fridays or on their last scheduled working day of the week. Body-worn cameras shall remain docked until the deputy begins their next scheduled shift on Monday or the next scheduled workday.

2. Deputies working off-duty assignments during weekends shall dock the body-worn cameras immediately upon completion of the off-duty assignment.

3. Deputies scheduled for vacation or other extended leave shall dock their body-worn camera on their last scheduled working day prior to the start of the leave.

Media Storage:

A. Wireless Units

1. Digital recordings will be downloaded automatically to the secure server when a deputy returns to the detention center or via alternative established wireless access points. If there is a problem with a system downloading, an on-duty supervisor shall be notified.

2. In-car camera recordings shall be downloaded by the end of each shift prior to the vehicle being placed back in service. All electronic data and media are the property of the Department.

B. Removable Electronic Media (Removable USB Memory Drives)

1. The in-car camera's removable electronic media may not be removed and downloaded without the approval of a division commander or higher authority

2. A supervisor will immediately take physical custody of the in-car camera removable electronic media in circumstances such as deputy involved shootings, in-custody deaths, or other incidents involving the deputy that result in a person's bodily harm or death.

In-car and Body-Worn Camera Electronic Media Retention:

A. When a deputy receives a request for an in-car or body-worn camera recording, he/she will not instruct the requestor to submit a request in writing or in any other fashion. The deputy will notify their supervisor and the departmental FOIA Administrator, via memorandum, through their chain of command, of the request prior to the end of their shift.

B. No electronic media will be released to Department personnel or another criminal justice agency or organization for trial or other reasons without prior approval from the Sheriff or his/her designee. If approved, only a duplicate copy is to be released,

and the original is to be retained in a file designated for such purpose. No information contained on any electronic medium will be released to any other person absent the prior approval of the Sheriff, his designee, or by mandated legal requirement.

C. In-car or body-worn camera electronic media **not** required to support known investigations, litigation, scheduled court proceedings, or other legal uses will be maintained on the server for a minimum period of 30 days, as required by the Library of Virginia Record Retention Schedule. Data will not be retained longer than necessary for the purpose for which it was collected.

D. When in-car or body-worn recordings are needed to support known investigations, litigation, scheduled court proceedings, or other legal uses, a DVD will be created and maintained with the written incident report or investigatory file. Data will not be retained longer than necessary for the purpose for which it was collected.

E. The original video is not viewable through any other source except for allocated computers with the applicable proprietary software. Each user will have their own login for review or audit purposes.

F. Evidential Purposes

1. In the event that a deputy requests a recorded event to be used as evidence, the event will be reviewed by the deputy's Division Commander. Recorded events are not considered evidence until determined to be by the division commanders or higher authority. Once a recording has been deemed to be evidence, an incident report number shall be attached to the video in the in-car or body-worn camera software.

2. All retained recordings of use of force incidents shall be retained in accordance with the Library of Virginia Records Retention schedule.

3. All administrative requests, complaint investigations, and recordings related to internal investigations shall be retained in accordance with the Library of Virginia Records Retention schedule.

G. Review and Release of In-Car or Body-Worn Camera Electronic Media

1. The Professional Standards Unit supervisor, or designee, may be authorized to review in-car or body-worn camera electronic media for investigative review during an organizational integrity, administrative, or criminal investigation. A specific review may also be requested by a supervisor through the chain of command to the Sheriff or his/her designee.

2. All reviews of in-car camera and BWC digital evidence by supervisors shall be documented by the BWC Admins. Supervisors, unless otherwise directed in this S.O.I., shall not conduct targeted or random audits of deputies, outside of specific articulable circumstances that are approved by the Sheriff or his designee.

3. Each deputy may review their in-car camera and BWC electronic media, prior to making any statements or writing their report, unless otherwise directed by the Sheriff or his designee.

4. A deputy may review their own BWC files as it relates to:

    a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports

    b. Prior to courtroom testimony or for courtroom presentation

    c. Prior to providing a statement in an internal affairs investigation when requested and approved by the Professional Standards Unit (PSU) Commander, provided the review does not pose a risk of compromising, influencing, or otherwise diminishing the integrity of the investigation.

5. Deputies will be granted access to review any digital media relevant to the incident they are investigating.

6. Law Enforcement Division Lieutenant will conduct a forensic review of an in-car camera system or BWC if functionality issues, such as claims that the deputy failed to record an incident because the in-car camera or BWC malfunctioned.

6. Any deputy or supervisor may recommend, through their chain of command by memorandum to the Sheriff, through the Chain of Command, that a particular in-car or body-worn camera electronic media be used for training purposes. The Sheriff or designee will review the specified electronic media to determine its training value, and may authorize its retention and release.

7. The sheriff or his designee will authorize the release of electronic data or media related to the in-car or body-worn camera pursuant to FOIA requirements, and/or other legal precedent. This process will include reviewing in-car or body-worn camera electronic media to locate the requested electronic media, determining which portions are subject to public release under FOIA, and/or other legal precedent, and redacting any portions that state law prohibits from disclosure

8. In certain cases, the Department may opt to release in-car or body-worn camera electronic media without a specific request. The release of any in-car or body-worn camera electronic media must be authorized by the Sheriff or his designee prior to such release.

9. Whenever possible, without compromising the evidentiary content of any electronic media data, faces and/or any other identifying objects or characteristics of persons not involved in an incident will be imaged out prior to release of the electronic media.

10. Upon request by US Marshals Service (USMS), the Sheriff or designee will provide USMS with the audio/video footage and any metadata captured by the in-car or body-worn camera pertaining to USMS prisoner incidents. The audio/video footage and any metadata may be requested by the USMS Body Worn Camera Program and the USMS Office of General Counsel. The agency

agrees that no in-car or body-worn camera footage depicting a USMS prisoner will be released without advance written notification to the USMS.

11. The Commonwealth of Virginia is a one-party consent state for the purposes of recording (§19.2-62 Code of Virginia, 1950 as amended). The Roanoke City Sheriff's Office, through this S.O.I. consents to the lawful recording of in-car camera and BWC video in accordance with the guidelines as established in this S.O.I.

    Deputies, therefore, do not need and shall not attempt to obtain verbal or written consent to record from any other party involved in said communication. Deputies shall always operate their in-car camera and BWC video systems in accordance with this S.O.I.

12. Upon questioning by the public, a uniformed deputy who is engaged in enforcement activity shall answer truthfully if they are utilizing an in-car camera or a BWC video and if they are recording. Deputies may avoid answering if such an answer would jeopardize an ongoing criminal investigation, encourage disorder, or potentially escalate a situation

Quarterly Review/Video Audit

1. The BWC Administrators shall conduct a quarterly review of the administrative and technological components of the in-car camera and BWC systems. The BWC Administrators' portion of the quarterly review shall consist of the following:

    a. Policy: The policy components of the in-car camera and BWC program shall be reviewed.

    b. Equipment: An accountability audit on all in- car camera and body-worn camera video components shall be completed.

    c. Data: A trend analysis on data consumption and video processing shall be forecasted.

    d. The Policy, Equipment, and Data analysis memorandum shall be submitted to the Professional Standards Unit.

2. Quarterly, the Law Enforcement Division Commander or designee shall review 1 in-car camera or BWC videos from each of the deputies under their supervision pertaining to incidents involving the following, <u>but not limited to</u>:

    a. Use of Force

    b. Vehicle Pursuits

    c. Citizen Complaints

    d. Internal Investigations

    e. Injury to Officer

f. Injury to Citizen while In Custody

g. Vehicle crash involving officers

3. The Law Enforcement Division Commander or designee as part of the quarterly report shall submit a memorandum through their chain of command indicating the case numbers, officer names, and any identified policy issues observed as well as any remedial or corrective action taken to the Professional Standards Unit Commander.

4. The Professional Standards Unit shall maintain quarterly review records and conduct follow-up investigations, as part of the quarterly review as necessary:

a. The Professional Standards Unit shall provide follow-up as necessary on the findings of the Policy, Equipment, and Data portions of the quarterly report.

Annual Administrative Review

A. The Sheriff or his designee will conduct an annual review of the in-car/body worn camera program to include but not limited to:

1. policy review

2. quarterly reviews

3. training and operational practices consistent with the Sheriff's Office mission.

Training

A. Prior to using an in-car or body-worn camera, all Department personnel who may use or otherwise be involved with it shall be provided training. In-car or body-worn camera training shall include the following:

1. A review of this S.O.I.

2. An overview of relevant federal and state laws,

3. Procedures for operating the equipment safely and effectively, including the use, inspection, and storage of the equipment.

4. Procedures for downloading in-car camera or body-worn electronic media

5. Procedures for accessing and reviewing in-car or body-worn camera electronic media.

B. Supervisors are required to complete training on reviewing and auditing BWC/in car cameras upon their appointment.