



DEPARTMENT OF POLICE

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COLONEL PHILIP A. BROADFOOT
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MAJOR EDWARD V. BURKE
OPERATIONS DIVISION

MAJOR CHRISTOPHER K. WILES
SERVICES DIVISION

June 19, 2015

Frank Knaack
Director, Public Policy and Communications
American Civil Liberties Union of Virginia
701 E. Franklin St., Suite 1412
Richmond, VA 23219

Dear Mr. Knaack:

Your letter of June 12, 2015 requesting records on body worn cameras was received on June 16, 2015. I have copied the body of your letter and provided beside each request the answer to the question or the location of the information.

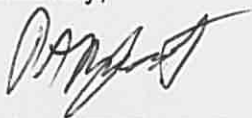
Records Requested

Please provide copies of the following records:

1. All policies, practices, procedures, rules, or orders concerning the use of body cameras, including:
 - a. policies or procedures governing use of body cameras; (*information contained in attached policy*)
 - b. what types of data are obtained; (*information contained in attached policy*)
 - c. the conditions under which body cameras are used; (*information contained in attached policy*)
 - d. the frequency of body camera use; (*information contained in attached policy*)
 - e. the number of body camera units or systems acquired; and (*in lieu of producing the purchase requisition records, we bought 116 cameras*)
 - f. the number of officers equipped with body cameras; (*this is not a record, but we issued 111 cameras to officers, and kept 5 as replacement spares*)
 - g. All policies, practices, procedures, rules, or orders concerning the review of body camera data by supervising officers or staff or civilian review personnel to ensure officer compliance with department or agency policies and applicable state and federal law; (*information contained in attached policy*)

2. All policies, practices, procedures, rules, or orders concerning the storage of data obtained using body cameras, including:
 - a. where the data is stored; *(information contained in attached policy)*
 - b. how long data is stored; *(information contained in attached policy)*
 - c. when data must be discarded; and *(information contained in attached policy)*
 - d. how much data your agency or department currently stores; *(since data is constantly added and deleted, the amount fluctuates. The current amount of data stored in the system is around 4 Gigabytes)*
3. All policies, practices, procedures, rules, or orders concerning access to body camera data, including:
 - a. the legal justification required before a law enforcement employee or *(information contained in attached policy)*
 - b. member of the public may access body camera data; *(information contained in attached policy)*
 - c. purposes for which the data may be accessed; *(information contained in attached policy)*
 - d. purposes for which the data may not be accessed; *(information contained in attached policy)*
 - e. who may access the data, what procedures they must go through to obtain access, and who must authorize access; and *(information contained in attached policy)*
 - f. the existence of a system that records who accesses the data and when the data is accessed; *(information contained in attached policy)*
4. All policies, practices, procedures, rules, or orders concerning the sharing of data obtained through body cameras, including:
 - a. what type of data is shared; *(information contained in attached policy)*
 - b. what databases your agency puts collected body camera data into; and *(information contained in attached policy)*
 - c. third parties, governmental or private, that may access your agency's body camera data, including what procedures a third party must go through to access the data and any restrictions placed on a third party regarding further sharing of your body camera data; *(information contained in attached policy)*
5. All agreements to share body camera data with outside agencies or departments, corporations, or other entities; and *(information contained in attached MOU)*
6. All training materials used to instruct members of your department or agency in body camera deployment, data management, or operation of automated records systems that contain body camera data to which any member of your department or agency has access, including regional or shared databases. *(training consisted of a practical demonstration with hands-on instruction and covered the attached policy; no additional printed material was used)*

Sincerely,

A handwritten signature in black ink, appearing to read "P. Broadfoot", written over a horizontal line.

Colonel Philip A. Broadfoot
Chief of Police

Attachments:

General Order OPR 169
Memorandum of Understanding

COPY

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, entered into between the Danville Police Department and the Danville Commonwealth's Attorney's Office, establishes the circumstances and conditions under which computerized record and report information collected and maintained by the Danville Police Department may be accessed by the Commonwealth's Attorney's Office.

Direct access to the police department's record and report information by the Commonwealth's Attorney's Office is critical to the efficient operation of the criminal justice system. To accomplish this, the Danville Police Department will grant the Danville Commonwealth's Attorney's Office direct desktop inquiry access to the computerized criminal histories and incident report databases maintained by the police department.

Because of the complexity and sensitive nature of the information contained in the databases and the need to maintain its confidentiality, the Danville Commonwealth's Attorney's Office agrees to the following:

- Access will be limited to personnel who have received appropriate training in the use of the databases and who have been granted direct inquiry access rights by both the Department of Information Technology and the Police Department.
- Any information accessed will only be used to support the **investigation or** prosecution of criminal cases.
- No information accessed from the databases will be disseminated outside the Danville Commonwealth's Attorney's Office **except information the Commonwealth Attorney is required to disseminate to the defendant by the Rules of Court and the case law.**
- **No other information accessed from the databases will be disseminated outside the Danville Commonwealth's Attorney's Office** without authorization of the chief of police.
- Periodic audits will be conducted to ensure compliance with these restrictions.

This Memorandum of Understanding is unending, but may be modified upon mutual agreement of both parties or terminated unilaterally by either party.

Date: 1-11-10

Signed: [Signature]

Colonel Philip A. Broadfoot
Chief of Police

Date: 1/4/10

Signed: [Signature]

Michael James Newman
Commonwealth's Attorney

CITY OF DANVILLE
POLICE DEPARTMENT

POLICY AND PROCEDURES

SUBJECT: Mobile video/audio
recording, body worn camera

V.L.E.P.S.C. STANDARD: OPR.01.11

GENERAL ORDER: OPR.169

EFFECTIVE DATE: July 1, 2014

REVIEW DATE: July, 2015

APPROVED BY:



(CHIEF OF POLICE)

I. PURPOSE:

It is the purpose of this policy to provide officers with guidelines for the use of body worn mobile video and audio recording equipment, commonly referred to as a body worn camera.

II. POLICY:

A body worn camera can provide powerful evidence of criminal activity and has been demonstrated to be of value in documenting officers' interactions with individuals for use in the evaluation of officer integrity, professionalism and performance. It also serves as a useful training tool to improve law enforcement techniques and tactics. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for body worn camera use as set forth in this policy.

III. DEFINITIONS:

A. Body Worn Camera (BWC) A system worn by individual officers that records audio/video data and related metadata.

- B. **Evidence Transfer Module (ETM)** A docking station for BWCs that functions to upload audio/video data from the cameras and to recharge them for use.
- C. **Evidence.com** A web-based evidence management system that securely stores audio/video/photo data.
- D. **Evidence Sync** A computer-based program that functions to upload audio/video data to from BWCs to Evidence.com.
- E. **Mobile App** A mobile application specifically designed by the BWC manufacturer that is used to connect to a BWC or Evidence.com for the purpose of reviewing, tagging, and/or classifying audio/video recordings.

IV. PROCEDURES:

A. Program Objectives:

This agency has adopted the use of BWCs in order to accomplish several objectives including:

1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court.
2. The enhancement of this agency's ability to review circumstances involving arrest, arrest procedures, officer and citizen contacts, evidence for investigative purposes, as well as for officer evaluation and training.
3. To resolve complaints of misconduct and excessive force against officers.

B. Body Worn Camera Procedures

Officers shall adhere to the following procedures when using BWCs:

1. A BWC will be assigned to individual officers and will not be used by others. It is the responsibility of each officer to ensure his assigned BWC is in good working condition and fully charged before the start of his shift.
2. Uniformed officers assigned BWCs will be issued their device prior to the start of their shift and wear it on their person until the end of their shift. Uniformed officers will return their BWCs to the department at the end of their shift unless otherwise approved by a supervisor.

3. Plain clothed officers will carry their BWCs on or about their person while conducting law enforcement activities that could reasonably result in contacts outlined in C.2.
4. Following an officer's shift, the BWC will be returned to the ETM or connected to a computer with Evidence Sync for data uploading and recharging.
5. Police personnel will only use BWCs issued or approved by the department. In any event in which an audio/video/photo recording is captured on a non-department issued or approved device by police personnel engaged in the performance of their official duties, any recording and its related metadata is the sole property of the Danville Police Department and is governed by this and other policies.
6. The BWC equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Danville Police Department and is governed by this and other policies.
7. The BWC will be worn in such a way as to provide an unobstructed camera view of officer/citizen contacts. Officers will only use department approved equipment to attach the BWC to their uniform, external ballistic vest carrier or plain clothing.
8. Officers will document that an audio/video recording was made of a contact in all reports related to that contact, including but not limited to, incident, field contact, arrest, call for service notes, and/or and use of force reports. The acronym BWC will be included in any narrative for the purpose of informing the Office of the Commonwealth's Attorney of the potential existence of video evidence and as a metric for system evaluation.
9. Officers who are assigned BWCs must complete an agency approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and

to incorporate changes, updates, or other revisions in policy and equipment.

10. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

C. Operating Procedures:

1. Officers will keep their BWC in the “On” position, ready to record at all times. Keeping the BWC in the “On” position ensures that the pre-event buffer captures the 30 seconds of video recorded prior to the initiation of recording.
2. Officers will activate the BWC to record all contacts with individuals in the performance of enforcement actions, potentially adversarial contacts, or at any time that the officer reasonably believes the recording would be beneficial to the administration of justice. Examples of potentially adversarial contacts may include, but are not limited to, consensual encounters on the street, telephone conversations with agitated individuals, or emotionally charged incidents or situations.
3. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see D.1-3).
4. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

D. Restrictions on Using BWCs

BWCs may be used only in conjunction with official law enforcement duties.

The BWC may not generally be used as follows:

1. To covertly record members of the department without their knowledge, unless authorized by the Chief of Police;
2. When on break or otherwise engaged in personal activities; or
3. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

4. In violation of federal or state wiretapping laws regarding the capturing of phone or private conversations unless one party involved in the conversation has consented or judicial approval has been acquired.

E. Data Collection, Access, Use, and Retention

1. Categories have been established within Evidence.com for the purpose of classifying the audio/video data stored there. The categories are based on the general nature of the recording as it relates to its criminal justice purpose along with a pre-defined retention period associated with that purpose.
2. Retention periods will be established according to the criminal justice purpose of the data with guidance from the Library of Virginia General Schedule. BWC data will be held no longer than useful for purposes of training or for use in an investigation or prosecution.
3. Officers may install the Mobile App on their personal mobile device and sync it with their BWC. Officers are encouraged to use the Mobile App to quickly assign the appropriate category to any recordings that have a criminal justice purpose.
4. Any audio/video data uploaded into Evidence.com and not assigned a specific category will be classified as "Uncategorized" and held for a period of 180 days, after which it will be automatically deleted.
5. It is the officer's responsibility to assign the appropriate category, if applicable, to any recordings made with their BWC using Evidence.com, Evidence Sync, or Mobile App to ensure that the data is retained for the appropriate time period associated with its criminal justice purpose.
6. When an officer determines that BWC data will be used as evidence in a prosecution, it is the primary investigating officer's responsibility to create a Case within Evidence.com and add any BWC data to that Case.
7. Officers will not edit, alter, erase, duplicate, copy, share, or otherwise distribute or disseminate in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his designee.

8. Officers will not provide access to Evidence.com to anyone outside of the Danville Police Department unless provided for in a signed Memorandum of Understanding (MOU) or without prior written authorization and approval of the Chief of Police or his designee.
9. The department retains the right to limit or restrict, for any reason at any time, the viewing or accessing of audio/video data generated from BWCs.
10. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his designee. All requests and final decisions shall be kept on file.
11. In general, BWC data will not be released outside of the Danville Police Department except under discovery, subpoena, court order, MOU, or as provided for under the Virginia Freedom of Information Act.
12. Requests for non-evidentiary BWC data that does not fall within the scope of E.11 will be made in writing and approved by the Chief of Police or his designee before being released.
13. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

F. Supervisory Responsibilities

1. Supervisors will ensure that officers assigned BWCs use them in accordance with this policy and procedure.
2. Supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.