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# SUFFOLK POLICE DEPARTMENT

## POLICY AND PROCEDURE

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### Digital Recording Devices

NUMBER: 3-36

DATE: June 5, 2015

BY THE AUTHORITY OF THE CHIEF OF POLICE:

Thomas E. Bennett

SUPERSEDES:

DATE:

Special Order 06-15  
Video Recording Systems Policy 3-36

March 17, 2015  
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### CONTENTS

- I. Purpose
- II. Policy
- III. Procedure
  - A. Body Worn Cameras (BWCs)
    - 1. Assignment
    - 2. General Operation
      - a. Equipment Check
      - b. Activation
      - c. Officer Statements
      - d. Prohibitions and Exception
      - e. End of Shift/Duty Requirements
  - B. In-Car Camera Systems
    - 1. Assignment
    - 2. General Operation
  - C. Supervisor Responsibilities
    - 1. In-Car Camera Systems
    - 2. Body Worn Cameras (BWCs)
    - 3. Inspection of Digital Recording Devices
  - D. Video Review
- IV. Use of BWC on School Property
- V. Court Use
- VI. Retention
- VII. Security

## **I. Purpose**

The purpose of this policy is to set forth guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body-worn cameras (BWCs), and in-car camera systems so that officers may record their contacts and interactions with the public in accordance with the law. All digital recording devices as included within this policy shall be used to assist Department personnel in the performance of their duties by providing an accurate recorded account of an incident. [41.3.8(a)]

## **II. Policy**

It is the policy of the Suffolk Police Department to facilitate transparency within the Department. One method will be the deployment of digital recording devices in both vehicles as well as body-worn cameras.

## **III. Procedure**

### **A. Body Worn Cameras (BWC)**

All mechanical issues, concerns, and functional needs or requirements as well as any software needs shall be addressed with the BWC Logistics Officer. Issues concerning policy or program needs and/or concerns shall be forwarded to the BWC Coordinator. Both of these positions shall be designated and assigned by the Chief of Police.

#### **BWC Assignment**

##### **1. Assignment**

BWCs shall be assigned to all members of Uniform Patrol, Neighborhood Enforcement Team(s), Motor Carrier Unit, Traffic Unit, and any other members or officers as designated by the Chief of Police or his designee. All officers assigned a BWC shall wear the assigned camera during all scheduled duty shifts as well as any security related secondary employment. Officers shall use only those BWCs issued to them by the Department unless outlined elsewhere within policy or otherwise approved by the Chief of Police. The wearing of personal video recorders, or those assigned to other officers is strictly prohibited. All users and supervisors of officers issued BWCs shall receive training on the proper function, use, capabilities and requirements of the BWC prior to personal assignment. [41.3.8(f)]

##### **2. General Operation**

###### **a. Equipment Check**

- i. All officers assigned a BWC shall pick up their assigned camera prior to their shift or scheduled security related secondary assignment. As part of the daily equipment check, each officer assigned a BWC shall ensure its proper operation in accordance with training received and manufacturer's directions.

The responsible officer shall immediately report any malfunction to the duty supervisor discovered during the initial daily equipment check or any time during the shift; additionally, an email shall be sent to the Body Worn Camera Logistics Officer (BWCLO) to advise and arrange for the repair/replacement of the equipment by the BWCLO's next scheduled work day.

- ii. Officers assigned a BWC shall be responsible for its operation during all scheduled shifts as well as scheduled security related secondary employment. If at any time during the officer's shift the BWC battery life expires or the camera itself malfunctions, the duty supervisor shall be notified. If the officer's camera battery has expired the officer shall notify the supervisor and a spare battery shall be checked out from the Precinct Supervisor Vehicle (PSV). If the officer is working a security related secondary assignment then the duty supervisor of the appropriate precinct shall be notified and the battery shall be provided if available. The spare battery shall be returned to the supervisor prior to the officer securing from duty.
- iii. If the officer's camera malfunctions and/or becomes inoperable for any other reason the officer shall notify the BWCLO immediately by email that the officer's camera is no longer operational. That officer will then secure a new camera from the BWCLO by the next scheduled work day.
- iv. The BWCLO shall prepare a monthly report to the Administration Lieutenant outlining any cameras that require replacement or repair within the last month. The BWCLO shall give a status update of any equipment sent off for replacement from the previous months report to the Administration Lieutenant.

b. Activation

- i. Officers shall utilize one of the supplied mounting options. The camera shall be mounted in a forward facing position to ensure maximum footage capture.
- ii. Officers shall activate the BWC to the record mode during each citizen encounter related to a call for service, law enforcement action, traffic stop, and/or other police service not outlined as prohibited within this policy. The recording shall continue until the citizen encounter has ended or the subject has been placed into custody and the arrestee is in compliance with all police commands. In the event that the arrestee becomes non-compliant, the camera shall be reactivated immediately.

This includes all officers responding, primary and secondary or supporting officers. Additionally, tactical activities such as building searches, vehicle searches, searches for suspects, missing persons, handling of evidence, and building checks at alarms shall be recorded. This includes SWAT officers who are issued BWCs when participating in a SWAT operation.

- iii. Body Worn cameras shall not be used to record formal witness or suspect statements. Officers shall take witness and suspects statements in accordance with SPD 3-18: Interviews and Interrogations.

c. Officer Statements

Officers shall review all applicable video footage (to include supporting officer video footage) prior to submission of any formal statement.

d. Prohibitions and Exceptions

i. Prohibitions

There are situations where it may not be appropriate to activate the BWC (e.g. restrooms). The following list includes areas where the officer shall not activate the camera:

- Informal citizen contact(s) (i.e. those which are not related to a call for service and/or law enforcement action)
- Bathroom/personal areas and locker rooms where there is a reasonable expectation of privacy
- When inside a medical facility where there is a reasonable expectation of privacy (i.e. operating rooms, examination rooms, versus common area(s) of the Emergency Room, etc.)
- Court- Officer shall not wear the BWC in the courthouse. (Officers shall leave the body worn cameras in their patrol vehicle prior to entering the courthouse).
- When in front of the Magistrate
- When the vehicle camera is being utilized while transporting a prisoner
- Investigational Canvases
- Interactions with Confidential Informants (CIs)
- Routine communication with other Departmental personnel
- During informal/formal supervisor counseling sessions

Exception: if any additional law enforcement actions as noted in III.A.2.b.ii., commences while involved in one of the above prohibited circumstances, the officer shall activate the BWC until the conclusion of the incident.

ii. Exceptions

- In locations where individuals have a reasonable expectation of privacy (such as the interior of residence), the resident may decline to be recorded unless the recording is being made pursuant to an arrest, a search of the residence or of the individuals. This exception does not apply to those individuals who have no legal right to occupancy of the space in question.
- If a citizen refuses to make a statement because they are being recorded, the officer may discontinue recording and document in accordance with the below direction.
- Anytime the BWC is deactivated when otherwise required by this policy to record, the officer shall if possible advise first on recording before deactivation, followed by a field contact within the Record Management System (RMS) module stating a detailed reason why the termination or interruption occurred. If there is any doubt as to whether a situation should be recorded, consult with a supervisor. If the supervisor is unavailable, and it is possible to record, then the incident shall be recorded.

e. End of Shift/Duty Requirements

i. Reporting

Any time an incident report is generated, it shall be annotated by checking on page two (2) of the Incident Base Report (IBR) that video is available if there is video footage of the event. Supporting officers shall be listed within the narrative.

ii. Tagging

- a) The officer shall ensure that all videos shall be appropriately “tagged” or “marked” prior to securing from duty (e.g. complaint, evidence, Internal Affairs, non-evidence, use of force, and/or training). This may be done via the accompanying phone application or the system program in accordance with training received. Investigating officers shall ensure that any supporting officers who were present at the scene of an incident are advised to tag their related videos as evidentiary. This advisement shall be annotated within the narrative of the incident report(s). Supporting officers shall tag their associated video footage as evidentiary and share the video file with the primary investigating officer.

Once notification is given (to the supporting officer) that video footage is needed, the supporting officer is responsible for tagging and sharing the video with the primary officer by the conclusion of their next scheduled shift.

- b) If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the Officer shall tag the video as a complaint.

- iii. Turn-in

The BWC shall be docked for downloading and/or charging in the assigned docking station prior to the officer securing from duty. Officers who have a pending shift outside of normal assignment (e.g. secondary employment, special detail, etc.) shall be permitted to maintain possession of the camera until their next regular duty period at which time it shall be turned in as specified for download.

- iv. Syncing

Downloading or uploading to any device other than the dock as assigned at the precinct is strictly prohibited. The only exception is in the case of serious incidents (i.e. officer involved shootings, in-custody deaths, etc.) where the camera is turned over to Internal Affairs which will tag the video.

## B. In-Car Camera Systems

### 1. Assignment

Each in-car camera system installed in a police vehicle shall be the responsibility of the officer assigned to that vehicle and shall be maintained in accordance with the manufacturer's recommendations as well as this policy.

### 2. General Operation

#### a. Equipment Check

As part of the daily equipment check, each officer operating a vehicle with a camera system shall ensure that the system (including portable microphone) is functioning and that activation occurs when the emergency lights and portable microphone are activated. The officer shall immediately report any malfunction to the duty supervisor discovered during the initial equipment check or any time during the shift.

**b. Activation**

- i. Officers shall ensure that the in-car camera system is activated for every citizen contact. The officer shall not deactivate/disable the system for any reason until the citizen contact or enforcement action is complete.
- ii. All in-car camera systems are equipped with a microphone. The assigned officer(s) shall keep the microphone on their person (preferably in the issued belt clip carrier) at all times while on duty.
- iii. The officer shall ensure that the camera is positioned and adjusted to record the contact if at all possible.
- iv. The officer shall ensure that his/her wireless microphone is activated in order to capture the audio portion of the contact. The officer will, when possible provide a narration to explain the reason for the contact or enforcement action.
- v. Supervisors shall ensure that the captured video footage from those vehicles assigned an in-car camera system is transferred to the precinct video server no less than twice per month.
  - a) If the hard drive must be removed, a supervisor must be contacted. Supervisors are the only employees with the master key to the hard drive. Supervisors shall ensure that the key is secured and inaccessible to officers. [41.3.8(d)]
  - b) The supervisor shall replace the hard drive in the vehicle when it has finished downloading.

**C. Supervisor Responsibilities**

Supervisors shall ensure that officers utilize in-car camera systems and BWC's according to policy guidelines.

**1. In-Car Camera Systems**

- a. Uniform Patrol supervisors shall maintain the keys used to access the in-car camera systems' digital hard drive and digital system computer. Uniform Patrol supervisors shall be responsible for ensuring that all keys are maintained securely. Uniform Patrol supervisors shall not allow any officer access to the keys or allow any officer to access/remove/replace any recording media.
- b. Prior to replacing the in-car camera system hard drive, the supervisor shall ensure that all previous video has been transferred to the precinct video recorder and is able to be recorded over according to the manufacturer's recommendations.



2. Body Worn Cameras (BWCs)

- a. If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the supervisor shall ensure the video has been tagged correctly.
- b. Supervisors shall ensure that all supporting video footage has been appropriately shared upon case report submission and review. This shall be checked upon the SPD Form #023: Case Report Review Form in the appropriate location.
- c. The Supervisor shall provide additional batteries in case of expiration or fault. Four additional batteries shall be kept in a charged status within the Precinct Supervisor Vehicle. In the event the officer requires a battery during shift, the officer will be permitted to use a battery from the PSV. The Supervisor shall log the battery into PSV Log Book that is located in each PSV.

3. Inspection of Digital Recording Devices

All BWCs and in-car audio/video shall be inspected to ensure equipment is working properly each month by a supervisor. This is included in the formal line inspection. (SPD Form#050: Line Inspection Form)

[41.3.8(e)]

D. Video Review

1. Officers are required to periodically ensure that the camera is positioned in such a manner as to provide maximum video coverage.
2. The supervisor shall review their officers' recordings within seven (7) days of initial assignment (BWC), and thereafter on a quarterly basis. This may be accomplished by viewing a sampling of each officer's recordings and comparing those recordings with the officer's CAD activity report. The supervisor may review the activity report and recordings with the assigned officer to correct any deficiencies that are identified as appropriate. The supervisor shall review a minimum of three (3) videos per quarter, one (1) of which must be footage from an in-car camera system. [41.3.8(g)]
3. Supervisors shall document the video review on SPD Form #118: Video Inspection.
4. Failure to conduct the review as required shall result in disciplinary action.
5. Any camera which may contain recordings from an officer involved incident serious in nature (i.e. officer involved shootings, in-custody deaths, etc.) shall immediately be seized by the supervisor and turned over to the Internal Affairs Sergeant. This includes BWCs as well as any hard drives.
6. In the event of a complaint, the supervisor taking the complaint shall determine if there is any BWC footage of the event. [41.3.8(c)]
7. Supervisors shall include any BWC footage in the complaint packet.



8. Supervisors shall include any BWC footage in the use of force packet. [41.3.8(c)]
9. If it is deemed that pursuant to video review the officer's choice of location for camera wear is supplying insufficient or substandard video footage, the supervisor shall advise the officer of the need for adjustment and document accordingly on the SPD form #118 Video Inspection form.

After two subsequent advisements of this nature resulting from the same location, the supervisor shall document within the squad level file with the officer's signature, and the officer shall then be required to utilize one of the other provided mounting options. Failure to adhere to this requirement will result in a level 1 complaint in accordance with SPD 2-12: Internal Affairs and Administrative Investigations.
10. If a supervisor becomes aware that an officer has not turned on the BWC the supervisor shall advise the officer of this occurrence and document accordingly within the squad level file. After two subsequent advisements of the officer not turning on the BWC the supervisor shall document the third occurrence with the officer's signature. A third occurrence of not turning on the BWC will result in a Level 1 complaint in accordance with SPD 2-12: Internal Affairs and Administrative Investigations. A forth violation will result in a Level 2 complaint in accordance with SPD 2-12: Internal Affairs and Administrative Investigations.

#### **IV. Use of BWC on School Property**

- A. The use of BWC in school clinics is prohibited. Officers shall not activate cameras while inside school clinics and school locker rooms.
- B. School Administrators requesting BWC video for disciplinary purposes shall make a written request through the appropriate School Resource Officer (SRO). The SRO shall forward the request to the supervisor in charge of SRO's. That request shall then be forwarded to the Administration Lieutenant who will be responsible for fulfilling the request.

#### **V. Court Use**

- A. It shall be the responsibility of the involved officer to notify the Commonwealth's Attorney and/or the City Attorney when a recording exists of any criminal enforcement related action or driving under the influence where a subject is charged. This will be done to assist the Commonwealth's Attorney's Office in satisfying requirements under Virginia Law relative to discovery in felony and misdemeanor cases. The Commonwealth's Attorney's Office shall be notified in writing for criminal enforcement actions by checking "video available" on the case report cover sheet.

Officers who require a copy of a recording for evidentiary purposes shall create four (4) copies. One copy shall be placed in Property and Evidence. The second copy shall be placed with the officer's case file. The third and fourth copy shall be forwarded to the Commonwealth's Attorney's Office for court use.

- B. When an officer intends to introduce a video recording of an incident the officer shall notify the Sheriff's Department so that arrangements can be made to have a monitor and the appropriate media player present in the courtroom.
- C. Officers will retrieve and return video recordings for courtroom presentation or consultation with the Commonwealth's Attorney's Office to Property and Evidence in accordance with SPD 3-21: Property and Evidence.

## **VI. Retention**

**[41.3.8(c)]**

All video captured shall be retained until purging and deletion is approved by the Chief of Police.

- A. For the purpose of each in-car camera each precinct shall have one designated server dedicated to the download and storage of video. These computers are password-protected and may only be accessed by supervisors and Information Technologies (IT) personnel.
- B. In-car and body camera recordings shall be retained in accordance with the City's Records Retention Program, as mirrored by the Virginia Public Records Act, for a total of thirty (30) days unless designated for further retention.
- C. When a recording becomes evidentiary in nature, it shall be handled in accordance with this policy as outlined above as well as SPD 3-21: Property and Evidence.

## **VII. Security**

- A. All recording media, images, and audio are the sole property of the Suffolk Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any member of the Suffolk Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police or his designee.
- B. Other than for court purposes, officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner any Department recordings without prior written authorization and approval of the Chief of Police or his designee. Deletion of any recording(s) or portions thereof is strictly prohibited. Exception to this is only permissible in the event of an accidental recording and must be submitted in memorandum form and approved by the Chief of Police in accordance with state record retention laws.
- C. The usage of any department issued camera while off-duty is strictly prohibited (security related secondary employment as mentioned count as an on-duty status and as such is not prohibited by this section.)
- D. Any request for information by anyone other than law enforcement personnel shall require a FOIA request (written or verbal), subpoena duces tecum, or other legal request.
- E. Any law enforcement agency request for video shall be submitted in writing to the Office of the Chief of Police who shall approve or disapprove said request.

- F. The release of the material may necessitate the consultation of the City Attorney and/or the Commonwealth's Attorney.
- G. If recordings are evidence, they shall be handled in accordance with SPD 3-21: Property and Evidence.
- H. Unauthorized use of recordings is prohibited.