

WEST POINT POLICE DEPARTMENT**GENERAL ORDERS****SUBJECT: BODY WORN CAMERAS****NUMBER: 2-56****EFFECTIVE DATE: 3/24/2015****REVIEW DATE: ANNUALLY****AMENDS/SUPERSEDES:****APPROVED:**
Chief of Police**VLEPSC STANDARDS:
OPR.01.11****NOTE:**

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability, in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then, only in a non-judicial administrative setting.

INDEX WORDS:

Equipment
BWC
Body Worn Camera

I. POLICY:

It is the policy of the Town of West Point Police Department that officers assigned a body worn camera (BWC) shall activate the assigned BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

II. PURPOSE:

This policy is intended to provide officers with instructions on when and how to use BWC's so that officers may reliably record their contacts with the public in accordance with the law.

III. PROCEDURES:

A. Administration:

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWC's allow for accurate documentation of law-enforcement-citizen contact, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime or crash scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and how to use the BWC:

1. Officers shall wear the BWC when in uniform and on duty. The BWC shall be affixed to the uniform in accordance with the manufacturer's instructions.
2. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
3. 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.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC use:

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by the Chief or his designee.
2. Officers shall use only BWCs issued by the Town of West Point Police Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Town of West Point Police Department.

3. Officers who are assigned BWCs must complete an agency approved and/or provided 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
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of a supervisor as soon as possible so the affected BWC may be repaired in a timely manner and/or a replacement unit may be issued.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and notify the duty supervisor of any problems.
6. Officers shall not edit, alter erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior permission from the Chief or his designee. The addition of metadata, such as Incident number, may be added in accordance with training and manufacturer's instructions.
7. Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer involved shooting or other serious use of force, the agency reserves the right to limit or restrict an officer from viewing the video file.
9. 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 or his designee in accordance with Virginia record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest and other related reports when recordings were made during the incident in question. If an incident did not require a written report, the officer shall have dispatch note in the dispatch notes that a BWC recording was made. However, BWC recordings are not a replacement for written reports.

D. Restrictions on using the BWC:

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other law enforcement personnel without the permission of the Chief
2. Encounters with undercover officers or confidential informants.
3. When on break or otherwise engaged in personal activities.
4. In any location where individuals have a reasonable expectation of privacy, such as a locker room or restroom.

E. Storage:

1. All BWCs shall be placed in the charging dock at the end of each shift. This allows for the upload of all recordings made during the previous shift and charging of the internal battery. Each file shall contain information related to the date, incident number, BWC identifier and assigned officer.
2. All images and sound recorded by the BWC are the exclusive property of this agency. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. Files will be securely stored and in accordance with Virginia record retention laws and no longer than for a useful purpose s of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under the control of a criminal justice agency.
4. Officers will notify the BWC administrators as soon as practical, in writing, preferably email, of a taped incident that has evidentiary value. The BWC administrator will change the status of the recorded incident in the storage system, thereby lengthening the retention time for the recording of criminal related incidents.

F: Supervisory Responsibility:

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, 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.