

Responses to Records Requested:

Item 1, 2, 3, 4, &5: PDF attached

Item 6: The only agreement we have in place is a form for Counsel to complete before being allowed to view any footage of client video.

Item 7: All training for our BWCs has been verbal instruction & issuance of department SOP.

NOTE: Our BWC program was initiated in a "testing phase", with 13 units donated to the department being placed in service on April 1, 2015. We are still in the process of reviewing how the units are received by the general community, their usefulness as effective means to record events and interactions between deputies and those they come in contact with during performance of their duties, and length of time records will be kept.



June 12, 2015

Louisa County Sheriff's Office
Attn: FOIA Officer
PO Box 504
Louisa, VA 23093

Re: FOIA Request / Body Camera Equipment and Policy

Dear Attn: FOIA Officer:

AMERICAN CIVIL
LIBERTIES UNION OF
VIRGINIA
701 E. FRANKLIN ST.
SUITE 1412
RICHMOND, VA 23219
T/804.644.8080
WWW.ACLUVA.ORG

This letter is a request under the Virginia Freedom of Information Act (FOIA), Va. Code § 2.2-3 700 et seq. This request seeks records regarding law enforcement worn body cameras, also referred to as police body cameras or body-worn cameras (hereinafter “body cameras”).

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;
 - b. what types of data are obtained;
 - c. the conditions under which body cameras are used;
 - d. the frequency of body camera use;
 - e. the number of body camera units or systems acquired; and
 - f. the number of officers equipped with body cameras;
2. 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;
3. All policies, practices, procedures, rules, or orders concerning the storage of data obtained using body cameras, including:
 - a. where the data is stored;
 - b. how long data is stored;
 - c. when data must be discarded; and
 - d. how much data your agency or department currently stores;
4. 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
 - b. member of the public may access body camera data;

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- c. purposes for which the data may be accessed;
 - d. purposes for which the data may not be accessed;
 - e. who may access the data, what procedures they must go through to obtain access, and who must authorize access; and
 - f. the existence of a system that records who accesses the data and when the data is accessed;
5. All policies, practices, procedures, rules, or orders concerning the sharing of data obtained through body cameras, including:
 - a. what type of data¹ is shared;
 - b. what databases your agency puts collected body camera data into; and
 - 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;
 6. All agreements to share body camera data with outside agencies or departments, corporations, or other entities; and
 7. 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.

Please inform me in advance if the cost of complying with this request will be greater than \$50.

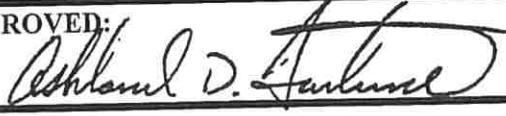
If the requested documents are available in electronic form, please e-mail them to me at fknaack@acluva.org. Otherwise, please mail them to me at ACLU of Virginia, 701 F Franklin Street, Suite 1412, Richmond, Virginia 23219. Please respond within five (5) business days as required by FOIA. Thank you for your prompt attention to this matter. If you have questions, please contact me at fknaack@acluva.org or (804) 523-2144.

Sincerely,



Frank Knaack
Director, Public Policy and Communications

¹ "Data" or "body camera data" means any data recorded by a body camera.

LOUISA COUNTY SHERIFF'S OFFICE GENERAL ORDERS	
SUBJECT: Body Worn Cameras	NUMBER: 2- 51
EFFECTIVE DATE: April 1, 2015	REVIEW DATE: April 1, 2016
AMMENDS/SUPERSEDES:	APPROVED: 

Note: This general order 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 Office, and then only in a non-judicial administrative setting.

INDEX WORDS

Body-worn Camera (BWC)

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of this department that officers shall activate the 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.

III. PROCEDURES

A. Administration

The Louisa County Sheriff's Office has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, 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 and accident scenes or other events that include the confiscation and documentation of evidence or contraband

B. When and How to Use the BWC

1. Deputies shall activate the BWC to record all contacts with citizens while in the performance of official duties.
2. BWCs shall remain operating except in situations where individuals have a reasonable expectation of privacy, such as a restroom, etc. They shall remain activated when an officer is involved in an arrest or search of a residence or individual.
3. Prior to deactivation of a recorded event, the officer shall utilize the BWC to record the time, date, and location, and reason the unit is being turned off. At the conclusion of this period, the deputy shall also record the time and date the BWC is re-activated. 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 items D.1-4)
4. If a deputy 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.
5. 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 the Sheriff or Chief Deputy. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Deputies shall use only BWCs issued by the Louisa County Sheriff's Office. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Louisa County Sheriff's Office.
3. Deputies who are assigned BWCs must complete a department approved and/or provided training program to ensure proper use and operation of all BWC equipment. 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 the deputy's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Sheriff or Chief Deputy.
7. Deputies are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If a deputy is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Deputies shall not delete any recorded data from BWC units. 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 Sheriff or Chief Deputy in accordance with state record retention laws. All requests and final decisions shall be kept on file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings shall not be utilized as a replacement for written reports.

D. Restrictions of 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 police personnel without the permission of the Sheriff or Chief Deputy;

2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of the Louisa County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC files must be specifically authorized by the Sheriff or Chief Deputy, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes 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 control of a criminal justice agency.

F. Supervisory Responsibilities

1. Designated supervisory personnel shall ensure that deputies 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 deputies are using the devices appropriately and in accordance with department policy and to identify any areas in which additional training or guidance is required.



LOUISA COUNTY SHERIFF'S OFFICE

ASHLAND D. FORTUNE - SHERIFF
P. O. Box 504 • LOUISA, VIRGINIA 23093



REQUEST BY COUNSEL TO VIEW BODY CAMERA FOOTAGE

I am currently representing _____ on

Charges associated with offense(s) on _____.

The Louisa County Sheriff's Office allowed me to view the body camera footage as outlined below:

Date: _____ **Officer:** _____

Counsel Name (printed)

Counsel (Signature)

Body camera footage accessed by _____
Officer _____ date _____

Case/Incident# _____

Copy : Case File
Commonwealth Attorney