



**RICHMOND POLICE DEPARTMENT
GENERAL ORDER**



Subject: BODY WORN CAMERA PROGRAM	Chapter 1	Number 20	Pages 12
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References: CALEA Standards: 17.5.2, 41.3.8, 83.2.2a, 83.2.2b, 83.2.2c, 83.2.2d	Related Orders: EO 19-04, EO 19-14, EO 20-02	Effective Date: 04/16/2021 Revised By: New Standards/PD-132 Prv. Rev. Date: 03/27/2020 Amending EO 19-04 (02/20/19) [REDACTED] Amending EO 19-14 (10/28/19) [REDACTED] Amending EO 20-02 (01/24/20) [REDACTED]
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Chief of Police: *Herald M. Amato*

I. PURPOSE

To establish procedures and provide guidance related to the use of a Body Worn Camera (BWC) and the management, storage, and retrieval of BWC recordings in accordance with best practices and the law. [CALEA 41.3.8a]

II. SUMMARY OF CHANGE

The revision requires all officers to include: primary, secondary, and/or assisting units; turning on their BWC recordings as soon as a call for service or self-initiated police action takes place. Officers should not use personal equipment for evidence collection.

The Supervisor BWC Audit report is now a PD-181 form. Lieutenants are responsible for ensuring supervisor's BWC Audit forms are uploaded in the corresponding folder on the [REDACTED]. Divisional Commanders will be responsible for ensuring all affected units under their command have completed their BWC Audits by the 10th of the month.

This revision is derived from the implementation of new CALEA standards, as well as a modification request.

The specific change(s) are noted in bold italicized text throughout the document.

III. POLICY

It is the policy of the Richmond Police 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 the law. Law enforcement use of BWC has proven effective in reducing violent confrontations, uses of force, and complaints against officers. This policy does not govern the use of hidden recording devices used in undercover operations. [CALEA 41.3.8a]

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil 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. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITION

- A. Body-Worn Camera: The Body-Worn Camera (BWC) is an audio and video recording system worn by officers, which captures encounters and activities from the officer's perspective. The system consists of the camera, battery pack and several mounting options.
- B. Body Worn Camera Coordinator: Employee designated by the Chief of Police to manage the body worn camera program.
- C. Body Worn Camera Unit Coordinator: Employees the rank of lieutenant or above who are designated by their commander to assist with the implementation and use of BWCs within their precinct/division by providing assistance and guidance to officers who are assigned BWCs.
- D. Body Worn Camera Officer: Sworn employee in the position/rank of Officer assigned to assist the Body Worn Camera Coordinator with management of the body worn camera program.
- E. Body Worn Camera Civilian: Civilian employee assigned to assist Body Worn Camera Coordinator and Officer with management of the Body worn camera program.
- F. Digital Evidence: BWC files, including photographs, audio recordings, and video footage, captured by a BWC and stored digitally on Evidence.com.
- G. Docking Station: Hardware connected to the Richmond Police Department network that is designed to download digital evidence from the BWC and uploaded to Evidence.com.

VI. PROCEDURE

A. Operation:

The Richmond Police Department has adopted the use of the BWC to accomplish several objectives.

1. The primary objectives are:
 - a) To enhance transparency and accountability, to build trust, and to foster healthy relationships in the community we serve.

- b) BWCs allow for additional documentation of police-public contacts, arrests, and critical incidents.
- c) 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.
- d) The BWC may also be useful in documenting crime and accident scenes or other events that include, but are not limited to, the confiscation and documentation of evidence or contraband. [CALEA 83.2.2a-c]

****It is highly discouraged to use personally owned devices to collect and preserve evidence.**** [CALEA 83.2.2d]

2. When and How to Use the BWC (RECORDING): [CALEA 41.3.8b]

- a) Officers shall follow existing officer safety policies when conducting enforcement stops, as outlined in department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

NOTE: Officers are reminded that their BWC will “beep” twice every two minutes to remind them that the camera is activated.

- b) Officers shall turn on their BWC at the start of their shift. The Officer must leave the BWC in “buffering Mode” their entire shift, utilizing the event button to start and stop recordings. Officers shall not stop video recordings during their shift by powering down their BWC.
- c) “Buffering Mode” indicates the power switch is on and the green light is blinking. The “event button” is in reference to the start/stop button in the center of the BWC, which starts and stops the video.
- d) ***Officers assigned a BWC, including primary, secondary, and assisting officers, shall start their BWC recordings as soon as a radio call for service is initiated via radio or communication from the Department of Emergency Communications (DEC) on their mobile data computer (MDC), or at the beginning of any self-initiated police action.***
- e) Below are examples of circumstances including, but not limited to these specific examples, where officers shall activate their BWC's:

NOTE: Officers may activate their BWC at any time where the officer believes its use would be appropriate, or valuable to document the incident/encounter as potential evidence, including all collisions or hit and run calls for service even when traffic ticket is not issued.

- (1) All citizen contacts initiated pursuant to a law enforcement investigation or investigation of possible criminal activity;

- (2) Self-initiated contact involving mental health consumers;
 - (3) Citizen contacts involving firearms;
 - (4) Self-initiated contact involving suspicious vehicles, and/or persons;
 - (5) Self-initiated contact involving disorderly groups, and/or persons;
 - (6) Traffic stops;
 - (7) Arrests; and,
 - (8) Any incident where the officer believes its use would be appropriate, or valuable to document the incident/encounter as potential evidence.
- f) Officers shall inform individuals that they are being recorded. Officers will make the following statement: “I am Officer (Last Name) and this encounter is being recorded.”

NOTE: There may be circumstances in which it is not reasonable, practicable or safe to inform an individual that he or she is being recorded. In such incidents, the officer will document in the officer’s report(s) the reason for not informing the individual that he or she is being recorded.

- g) The BWC shall continue to record until the officer has completed his/her interaction with the subject/incident, or until one of the following conditions is met:
- (1) The conclusion of the officer’s involvement in that event; or
 - (2) When directed to do so by a supervisor or a detective in charge of a crime scene. The officer should document the name of the supervisor, detective, or lead officer who ordered the termination of the recording, and the time the order was given. This practice should be applied with the same discretion as terminating a pursuit.
 - (3) During the LAP process, to include the screening and any conversation held with the YWCA Hotline.
 - (4) When obtaining information from a confidential information (CI), victim information or witness statement.

Note: If the recording is stopped temporarily as outlined above and before conclusion of the incident, the officer shall narrate on their BWC recording the time, reason and or name of person who requested for the interruption or the conclusion of the recording. If while the officer has his/her BWC in buffering mode and not recording, the situation changes and he/she becomes involved in citizen contact in reference to the incident or event, the officer will immediately restart the BWC in recording mode.

Note: Supervisors should use the following language when requesting officers to stop recording: “As your supervisor (or investigating detective), I am directing you that your involvement in the incident has ended and the investigation has begun. At this time you should turn your camera off.” This is to occur after the supervisor determines that the scene is sufficiently stable/safe and any outstanding suspect information or threats have been distributed through DEC.

Note: The officer may stop recording during transports, but should start recording again before removing the subject from the vehicle until the event is concluded. If the camera is turned off temporarily before the conclusion of the incident, the officer should state on camera audio the time and reason for the interruption.

- h) 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 in an Incident-Based Report (IBR) or on a Field Interview Report (FIR) if no IBR is otherwise required.
- i) Civilians shall not be allowed to review the recordings at the scene.

3. Procedures for BWC Use:

- a) BWC equipment issued to uniformed personnel as authorized by the Richmond Police Department. Officers assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel, or in accordance with this policy.
- b) Police personnel shall use only BWCs issued by the Richmond Police Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the issued BWC equipment is the sole property of the Richmond Police Department.
- c) Police personnel 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, and to incorporate changes, updates, or other revisions in policy and equipment.

[CALEA 41.3.8f]
- d) Officers issued a BWC shall utilize the BWC when engaging in extra-duty and overtime assignments. Officer will ensure the BWC is fully charged for all extra-duty assignments and prior to the start of any regular shift. Officers must dock the BWC regularly in accordance with this policy to ensure data is uploaded to Evidence.com. Officers taking his/her BWCs home will be provided an USB charging cord that can be connected to the Department issued radio battery charging station via the USB port, this is no different than charging your radio for an extra-duty assignment or next shift. Officers will dock his/her cameras at the end of his/her next regular duty shift.

Example: The officer's last working day is on Thursday, those videos that have been recorded during his/her shift will remain on the BWC. The officer will on his/her return to duty will not have to download until that shift is completed. Failure to comply with process may result in disciplinary action.

- e) BWC equipment is the responsibility of the individual officer it is assigned to and will be used with reasonable care to ensure its proper function. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible, so a replacement unit may be procured, and to ensure the availability of the equipment for that officer. In the event the BWC equipment is malfunctioning, in any way, the equipment will immediately be taken out of service and turned *in* to a supervisor. [CALEA 17.5.2, 41.3.8e]
- f) Officers shall inspect and test the BWC prior to each shift to verify proper functioning and shall notify their immediate supervisor of any problems immediately. Every quarter, the BWC Officer will inspect both physically and visually each docking station and camera. These inspections will be documented on the PD-128, Specialized Equipment Quarterly Inspection Sheet. [CALEA 17.5.2 41.3.8e]
- g) Officers shall not edit, redact, alter, erase, duplicate, copy, share, or otherwise distribute, nor attempt to do so, in any manner BWC recordings without prior written authorization and approval from the Chief of Police, or designee.

NOTE: An officer's BWC may capture an image of a suspect or potential person of interest in a criminal offense or investigation and that image may be determined to be useful for a Person of Interest or Wanted Person flyer. In these instances, a police supervisor (Sergeant or above) may take a screen shot of the officer's BWC video from a City of Richmond computer. Once the supervisor has captured the image, it may then be utilized in a Person of Interest or Wanted Person flyer with the permission of the Division Commander of the affected division.

- h) The department reserves the right to limit or restrict an officer from viewing any video file(s).
 - i) 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 the Body Worn Camera Coordinator, in accordance with state record retention laws. All requests for deletion, and final decisions on deletion, shall be kept on file and processed to completion by the Body Worn Camera Coordinator.
 - j) Officers shall note in an IBR and all related reports when recordings were made during the incident documented by the report. However, BWC recordings are not a replacement for written reports.
4. Officers shall input CAD numbers as video ID's for all videos recorded and properly categorize videos using one (or more) of the video categories below:

- a) Non-Evidentiary
- b) Evidentiary
- c) Collision
- d) Use of Force
- e) Restricted
- f) Training
- g) Demo
- h) Criminal Misdemeanor
- i) Critical Incident (Homicide, Felony Sex Offense)
- j) Felony
- k) Pending Review
- l) Pre 2016 Video
- m) Traffic Arrest

B. Restrictions on Using the BWC: [CALEA 41.3.8b]

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

1. Communications with other police personnel without their knowledge during routine, non-enforcement related activities. This may include, but is not limited to: roll calls, supervisory counseling sessions, routine patrol activities, and meals;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities;
4. In any location where Officers have a reasonable expectation of privacy, such as a restroom or locker room; or,
5. When asked by medical staff and supervisors.

C. Storage [CALEA 41.3.8d]

1. The Body Worn Camera (BWC) and all video files, images, sounds, and data recorded by a RPD issued BWC are the property of the Richmond Police Department, and shall only be used for official business. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

2. At least on a monthly basis, the BWC Coordinator and the Body Worn Camera Civilian Employee 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 Department policy, and to identify any areas in which additional training or guidance is needed. [CALEA 41.3.8g]

D. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with the policy and procedures defined herein.
2. Personnel assigned to the Body Worn Camera Unit will provide BWC assistance and technical support to offices in their assigned Precinct/Division.
3. Upon any damage or malfunction of the BWC, the officer will dock the BWC on the docking station and notify his/her supervisor. The supervisor or officer will email the Body Worn Camera Coordinator and Body Worn Camera Officer when using a spare Body Worn Camera. The BWC Officer will log into Evidence.com and return the malfunctioning camera to Axon Enterprise. [CALEA 41.3.8e]
4. Supervisors will audit their ***assigned personnel's*** BWC videos once a month by watching one non-evidentiary video and one evidentiary video for each officer, and by comparing the officer's calls for service that day to the number of BWC videos produced by the officer. This is to ensure that officers are recording all calls for service and self-initiated activity. The audit will also ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with department policy, and to provide documentation if officers are found out of policy. ***Supervisors will document the audit of each assigned officer by filling out and signing the PD-181, the Supervisor BWC Audit Report. The PD-181 will be submitted to the supervisor's lieutenant for review and placement on [REDACTED].***
5. ***Lieutenants will be responsible for uploading the signed PD-181, to the [REDACTED] folder located on [REDACTED]. Each affected unit will have a corresponding section within the [REDACTED] folder. Lieutenants shall upload the PD-181 for the previous month by the tenth calendar day of the current month. If a unit does not generate any videos for the time period, the lieutenant will denote this in the lieutenant's comment section on the PD-181. Any special detail or team that is not under the direct supervision of a sergeant will have their videos audited by their lieutenant.***
6. ***Divisional commanders will be responsible to ensure that all affected units under their command have uploaded the PD-181 by the tenth calendar day of the month.***
7. Supervisors are reminded of the application of GO 07-21 Internal Investigations, Citizen Complaints, and Integrity Tests:

“Any employee, after observing or learning of alleged misconduct, or policy violation shall notify IAD by the end of his/her tour of duty. All employees have the right and the ability to make such notifications to IAD without fear of reprisal

or retaliation. After normal business hours, they will contact the on call IAD supervisor to make that notification.”

8. Prior to making a supervisory recommendation related to whether an officer’s actions are in policy, Supervisors shall review all BWC recordings relating to any incident that requires an officer to complete any of the following forms:

[CALEA 41.3.8g]

- a) PD-10, Firearm Discharge/Assault Report Form
- b) PD-35, Use of Force Report
- c) PD-41, Damage to Private Property Report
- d) PD-44, Pursuit Report
- e) PD-50, Mayday Report
- f) PD-70, Police Vehicle Accident Report
- g) PD 85, Law Enforcement Officer’s Assault Report
- h) PD-111, Critical Incident Checklist
- i) PD-2, Citizen Complaint

VII. UNIFORM AND MAINTENANCE

- A. Officers assigned a BWC shall wear it while working on duty, *extra duty*, or departmental approved overtime, except during covert operations.

NOTE: The Chief of Police, or designee, may require the use of the BWC for certain specific off-duty assignments.

- B. Officers shall wear the BWC in one of the department-approved methods, utilizing only the mounting options provided by the manufacturer. Officers should make every reasonable effort to ensure the BWC remains in a position that allows the BWC to record an encounter from the officer’s “point of view.”

VIII. ACCESS

NOTE: Internal or external request for hard copy recordings of BWC footage will be submitted to the BWC Unit. This request will be fulfilled by the Body Worn Camera Civilian Employee. All request must be submitted in writing and signed for on the BWC Video Recording Request form.

Public release of video to citizens or the media will be at the discretion of the Chief of Police.

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only be used for official business. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

- B. All requests for access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or designee.
- C. The preferred technique for transferring recordings from the BWC to Evidence.com is by using the officer's assigned docking station. This technique is preferred as the docking station will automatically upload all of the data recorded on the camera directly to the Officer's Evidence.com account.
- D. The BWC system will be docked at least once per regular shift to allow all recorded data to be uploaded to Evidence.com.
- E. Officers involved in a use of force incident will not review the video of any incident involving use of force prior to submitting all necessary use of force documentation, and reports. Immediately after those reports are submitted, the officer will review the video of the incident with their supervisor. If there are any discrepancies between the officer's report and the video, the supervisor will provide an explanation in the supervisor's investigation report.
- F. Access to Recordings: Access to all BWC recordings shall be limited to law enforcement or other Department-approved purposes only.
 - 1. As noted previously, BWC recordings are not a replacement for written reports to document the Officer's perspective of an incident/encounter. The BWC will not capture everything; however, the BWC may capture images not initially discernable or viewable by the human eye.
 - 2. The Richmond Commonwealth Attorney's Office will require access to Officers' BWC videos for prosecutorial review and use and for potential pretrial discovery, motions or trial. Officer will share all videos containing evidence of an arrest with the Richmond Commonwealth Attorney's Office within seven (7) days of that arrest using the prescribed method of sharing cases containing video evidence covered in BWC training. Officers will only share evidence in this manner and to only the Commonwealth Attorney's Office. Requests to share directly with individuals or other agencies are prohibited without the written approval of the Chief of Police or designee.
 - 3. Officers shall not:
 - a) View any BWC recording unless the viewing is expressly for Department approved purposes;
 - b) Copy, download, convert, disseminate, and or edit any BWC recording for any type of personal use; or,
 - c) Create "screen captures" from recordings using any device except as permissible in the note in section VI.A.3.f.

IX. RETENTION

- A. All uploaded BWC recordings shall be categorized using one of the following categories: [CALEA 41.3.8c, 41.3.8d]

NOTE: BWC audio and video recordings tagged as digital evidence in a criminal investigation shall not be disseminated outside of the Department without prior approval of the Chief of Police or designee.

1. “Evidentiary” Recording – For court (where court is mandatory) or captures a confrontational encounter between an officer and a citizen. “Evidentiary” video will be tagged with the corresponding CAD number in the ID field and the category set as “Evidentiary” once uploaded to Evidence.com. Evidentiary videos are kept indefinitely until manually deleted.
2. “Collision” Recording – is any recording pertaining to a call for service for a vehicle collision, including but not limited to accidents where a traffic ticket is issued, hit and runs, and no-fault accidents.
3. “Non-Evidentiary” Recording - Does not contain documentation to be used as evidence and captures a non-confrontational encounter. “Non-Evidentiary” recordings will be retained by Evidence.com for a period of 1 year, unless the Chief of Police, or designee, approves a written request submitted by an individual who appears in the recording to retain that recording for a longer period of time
4. “Use of Force” Recording- is any recording of a use of force incident requiring a PD-35.
5. “Critical Misdemeanor” Recording – is any recording related to a criminal misdemeanor.
6. “Critical Incident (Homicide, felony sex offense)” Recording- is any recording related to a violent incident including videos from officer securing a perimeter.
7. “Felony” Recording - is any recording related to a felony.
8. “Traffic Arrest/Summons” Recording – is any recording pertaining to a traffic related arrest/summons.
9. “Training” Recording – is any recording that is not “Evidentiary” in nature, but may be of value for training.
10. “Restricted” Recording – is any recording restricted by supervisors from general viewing.
11. All video files shall be securely stored on Evidence.com in accordance with the records and retention schedules issued by the Library of Virginia. If a video is reclassified to a different category (e.g. non-evidentiary to evidentiary), the video will be subject to deletion based on the new category and the original date of the recording.

12. The CAD number will be formatted as follows: ID example for the CAD#: YYYYMMDD-####.

X. FORMS

- A. Incident-Based Report (IBR)
- B. ***PD-181, Supervisor BWC Audit Report***
- C. BWC Hard Copy/Blu Ray Recording Request Form
- D. Secondary Pairing Device Acceptance or Refusal Forms