

Body Worn Camera

450.1 PURPOSE AND SCOPE

The Fairfax Police Department has issued body-worn cameras - video/audio (BWC) recording devices to provide records of events and assist officers in the performance of their duties. All recordings are the property of the Fairfax Police Department and may be used for evidentiary purposes for court proceedings or testimonials. This policy provides guidance on the use of these systems.

450.2 POLICY

It is the policy of the Fairfax Police Department that all sworn personnel will effectively and responsibly utilize all department provided audio/video recording technology as a tool to collect evidence, as a safeguard for the officer and the Department against false claims of misconduct and to ensure that all personnel are performing their duties to the highest standards of professional integrity.

450.2.1 DEFINITIONS

Definitions related to this policy include:

Activate – Any process that causes BWC device to record and store video or audio data.

Administrator – Sworn personnel tasked with the maintenance, auditing, configuration and reliable operation of the BWC system. The Chief of Police shall designate the Administrator.

Custodian – Sworn personnel trained in the operational use of BWC's, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures. Custodians will be appointed by the system Administrator

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

Recorder – Term used to describe the BWC device.

System – Interchangeable term used to describe the storage systems, to include applicable hardware and software components, of the BWC device.

Media – For purposes of this policy, media is defined as video and audio files encoded digitally.

450.3 OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a BWC, issued by the Department, and that the recorders are in good working order. Uniformed members should wear the BWC in a conspicuous manner. Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. In the event an officer determines their device is inoperable, they will immediately notify their supervisor in person and/or via email.

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450.4 ACTIVATION

The BWC device is designed to be activated manually by moving the lens cover off of the lens.

The device remains on until it is turned off manually by reversing the activation movement. Audio and video are both turned on and off when the lens cover is manipulated.

450.4.1 REQUIRED ACTIVATION OF BWC

This policy is not intended to describe every possible situation in which the BWC device may be used, although there are many situations where its use is appropriate.

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible. The recording system that best fulfills the intent of this policy will be selected

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

Officers shall wear the BWC affixed to their uniform in a manner most conducive to recording both audio and video. This includes the front of the uniform shirt facing forward.

Officers should make every reasonable effort to activate the BWC during any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Vehicle and foot pursuits
 - 3. Suspicious vehicles
 - 4. Arrests
 - 5. Vehicle searches
 - 6. Physical or verbal confrontations or use of force
 - 7. Pedestrian contacts that have the potential for enforcement action
 - 8. DWI/DUI investigations including field sobriety tests
 - 9. Crimes in progress
- (b) All self-initiated activity in which an officer reasonably believes recordings of evidentiary value may be obtained
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls

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3. Offenses involving violence or weapons
 - (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
 - (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate
 - (f) Special consideration should be taken when recording critical incidents and confidential contacts. Depending on the circumstances at hand, officers should consider recording or not recording the following types of contacts:
 1. SRT Operations
 2. Contact with confidential informants
 3. Child sexual assault interviews

450.4.2 CESSATION OF RECORDING

Once an officer activates the BWC they should make every reasonable effort to have the device remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive. Additionally, recording may cease where extended periods of time will elapse when no audio or video of value. Officers may deactivate the BWC when exchanging information with other officers and/or supervisors. Upon completion of the information exchange, the BWC should be reactivated as described above.

450.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the BWC device is not required during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order.

450.4.4 RECORDINGS AS EVIDENCE

Officers who reasonably believe that a BWC recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Fairfax Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

450.4.5 VIDEO FILE RETENTION

Digital video recordings shall be downloaded and stored within the Department's video retention system. The use, duplication and/or distribution of video/audio files for anything other than booking a physical copy of a video into evidence for the use in a criminal case requires prior authorization from the system administrator.

It shall be the responsibility of the individual officer to download all files that are evidentiary to the assigned server/ or drive prior to the end of their shift. Video/Audio files which are not of evidentiary

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value shall be downloaded to the server as soon as practical. The officer is responsible for filling in and completing the category and comment section for each evidentiary video recorded.

- (a) Any video/audio files downloaded to physical media, including but not limited to CD-ROM, DVD, and or thumb drives, shall be booked into evidence prior to the end of the shift.
- (b) Employees are prohibited from attaching video/audio files to email.
- (c) Employees shall not post video/audio videos to the internet (i.e. YouTube or another website or social media)
- (d) Employees shall not electronically forward or physically remove any video/audio video from the police department, unless a video is being signed out from the evidence section for use in a criminal court case or downloaded for use in traffic Court.
- (e) Digital video files not associated with an investigation are automatically deleted after one year.

450.4.6 SUPERVISOR RESPONSIBILITIES

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, BWC custodian or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

450.5 REVIEW OF RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the department BWC custodian. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
 - 1. This includes following incidents where officers will be obligated to provide an administrative statement.
- (b) By a supervisor to assist them in their duty to oversee, supervise and manage day to day law enforcement responsibilities
- (c) To assess proper functioning of BWC systems
- (d) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

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- (e) By department personnel who request to review recordings with a legitimate law enforcement purpose such as court preparation or report writing
- (f) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (g) By the media through proper process or with permission of the Chief of Police or the authorized designee. (see 450.10)
- (h) To assess possible training value
- (i) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived media recording for reasons not listed above shall submit a request to the Watch Commander. Approved requests should be forwarded to the BWC custodian for processing before any video is viewed.

In no event shall any recording be viewed, used or shown for the purpose of ridiculing or embarrassing any employee, or for mere entertainment or curiosity.

In the event an incident or conversation has been recorded which serves no law enforcement purpose and may prove to be embarrassing to the individual and/or department, an employee may petition the Chief of Police to have the recording erased. The Chief of Police shall have final approval on the disposition of such recordings.

450.6 DOCUMENTING BWC USE

If any incident is recorded with the BWC device, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

450.7 POLICY VIOLATIONS

Unauthorized access to the system, misuse of the system, unauthorized reproduction and/or distribution of video, images or audio recordings may result in disciplinary action up to and including termination.

450.8 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

450.8.1 COPIES OF ORIGINAL RECORDING MEDIA

Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

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Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

450.9 MAINTENANCE AND CARE

Routine maintenance and care of the BWC is the responsibility of the individual officer. Each officer will ensure that the equipment is kept clean and in working order, that the battery is fully charged when reporting for duty each day, and the video files are downloaded daily. Any malfunction should be reported to the Patrol Watch Commander and System Administrator through the chain of command.

450.10 MEDIA/PUBLIC RECORDS ACT REQUESTS

All media requests for audio/video recordings shall be accepted and processed in accordance with federal, state, local statutes and department policy related to media relations. The Chief of Police will have the final approval of media requests of audio/video release. The Chief of Police shall make all reasonable/lawful efforts to preserve the privacy of community members and employees of the Fairfax Police Department.