



**CITY OF RICHMOND
OFFICE OF THE SHERIFF
ADMINISTRATION**

	STANDARD: ADM.24.04 OPR.01.10 OPR.02.01 POLICY: 282	Subject BODY WORN CAMERA PROGRAM	
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I. POLICY

It is the policy of the Richmond City Sheriff's Office 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 law.

All recordings are the property of the Richmond City Sheriff's Office and cannot be edited, altered, erased, copied, released, or disseminated without approval of the Sheriff or designee.

Unauthorized reproduction of a BWC recording is prohibited.

II. PURPOSE

The purpose of the policy to provide deputies and supervisors in assignments that may interact with members of the public, arrestees, or inmates in an enforcement, custodial, or investigative capacity a body-worn camera (BWC) for use during the performance of their duties. The use of a BWC is intended to enhance the mission of the Sheriff's Office by accurately capturing contacts between deputies, inmates, and the public.

III. DEFINITIONS

1. Body Worn Camera (BWC)

A camera system designed to be worn by individual deputies to capture audio/video data. The BWC equipment and all data captured, recorded, or

otherwise produced by the equipment are the sole property of the Richmond City Sheriff's Office and are governed by this and other policies.

2. Evidence Transfer Module (ETM)

A docking station for BWCs that functions to upload audio/video data from the cameras and to recharge the cameras for use.

3. Activate

The process of placing the BWC into the recording mode from the "ON" status.

4. Deactivate

The process of terminating recording and returning the BWC to the "OFF" status.

5. Digital Evidence

BWC files, including photographs, audio recordings, and video footage, captured by a BWC and stored digitally on a drive designated by the RCSO Information Technology Division.

6. Law Enforcement Action

Any official actions taken by the deputy in the performance of his/her/their duties. These would include, but not limited to investigatory interviews, suspect interaction, any form of potentially accusatory/contentious interaction, arrests, evidence/contraband gathering.

7. Use of Force

Reportable force as defined in Standard Operating Procedure (SOP) 237 – Use of Force.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. 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.

Body Worn Cameras (BWC) are for official Sheriff's Office use only. Intentional abuse or misuse of the equipment or malicious violation of this policy may result in disciplinary action up to and including termination.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. It should not be constructed 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 the Sheriff's Office, and then only in a non-judicial administrative setting.

All sworn personnel shall be issued BWCs to be worn in accordance with this policy. Cameras will not be shared or used by other deputies unless approved by the shift Commander or designee.

V. PROCEDURES

A. Operation:

The use of BWCs is intended to accomplish the following:

1. Documentation of events, actions, conditions, and statements made during arrests and critical incidents. Provide enhancements to deputy's reports and testimony in court.
2. Improvements in the Sheriff's Office ability to review circumstances involving arrests, arrest procedures, field contacts, and collection of evidence for investigative purposes to ensure departmental policies and procedures are followed. Capture data useful for deputy training and evaluation.
3. Assistance in the investigation of allegations against deputies.
4. Improvement in the transparency of the Sheriff's Office and the building of trust with community members.

B. Body Worn Camera Procedures:

Deputies issued BWC shall adhere to the following procedures when using BWCs:

1. Deputies who are assigned BWCs must complete the Sheriff's Office approved training program to ensure proper use, maintenance, and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment.
2. The camera shall be worn in a manner that captures the best point of view, unobstructed, and in accordance with training.

The BWC shall be worn on the deputy's outer most garment.

3. Deputies shall power on their BWC at the beginning of each shift to ensure the equipment is in proper working order. The BWC is to remain powered on for the duration of the shift, except in circumstances outlined in this policy. Any problems with the equipment shall be reported to a supervisor.
4. BWCs shall be used to record all vehicle searches and inspections.
5. Deputies are responsible for the use and care of the BWC and shall bring apparent problems with the equipment to the attention of a supervisor immediately. Deputies shall not attempt to fix a BWC suspected of malfunctioning.
6. Only authorized and trained personnel are to use, touch or handle the BWC or associated components.
7. Deputies will not modify the BWC or associated components in any manner.
8. Deputies assigned to a BWC shall wear it while working in uniform, in both on-duty, extra-duty, and off-duty capacities. Plain clothed deputies shall wear their BWCs while conducting law enforcement activities that could reasonably result in contacts outlined in C.2.
9. Deputies will return their BWCs to the Sheriff's Office at the end of their shift for data uploading and recharging unless otherwise approved by a supervisor. BWC recordings shall be downloaded only to a data storage system(s) or computer(s) designated by the Richmond City Sheriff's Office.
10. Deputies shall wear their Sheriff's Office issued BWC on their strong (gun hand) side mounted in one of the Sheriff's Office approved methods as outlined through training.
11. Deputies shall document that an audio/video recording was made of a contact in all reports related to that contact, including but not limited to, incidents, arrests, summons, Call for Service notes, Use of Force reports, civil process, and legal document service. "BWC" shall be included in any narrative or noted on the document for the purpose of documenting the existence of video evidence as a metric for system evaluation.
12. Deputies are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
13. The use of the Sleep Mode on the device is prohibited.
14. All videos shall contain tracking software (audits) to indicate who has viewed the footage and if the data was edited. Deputies are reminded that every login

access is documented in the video's audit trail. Deputies must note the purpose of viewing the recording in the comments section.

C. Operating Procedures:

1. Deputies shall keep their BWC in the "ON" position, ready to record at all times.
2. Deputies shall activate the BWC to record all emergency response driving. In addition, the BWC shall be activated when a deputy's contact with a member of the community involves actual or potential violations of law, actual or potential suspect(s), or actual or potential verbally or physically aggressive behavior.
3. Deputies will inform their supervisor when BWC recordings exist for the following incidents:
 - a. Use of Force.
 - b. Injury or deputies or civilians.
 - c. Vehicle accidents, equipment damage or loss; or
 - d. Civilian complaints.
4. While the BWC is activated, deputies should give notice, when appropriate, to third parties (e.g., firefighters, EMTs, and other law-enforcement personnel) that the BWC is recording.
5. When multiple deputies respond to or are involved in an encounter that meets the criteria of C.2., each deputy is expected to activate his, her or their BWC as established by this policy.
6. Deputies may inform individuals that contact is being recorded if it is believed the notice may assist in the successful completion of the law-enforcement objectives.

D. Activation

1. Deputies shall only activate the BWC for law enforcement actions, training, or testing purposes. BWs are not authorized for personal use.
2. Deputies shall immediately activate their BWC under the following circumstances:
 - a. Upon direction of a supervisor.

- b. When any encounter is likely to result in force being used or an arrest being made.
- c. During the arrest, the BWC shall continue recording until arrival at the Richmond City Justice Center (RCJC) Intake or destination.
- d. To document citizen interviews or investigative stops.
- e. When going “enroute” to any call for service.
- f. Upon activation of emergency equipment (lights and/or sirens) or when taking any law enforcement action.
- g. Whenever reasonable, safe, and practical to do so, deputies should advise citizens that the encounter is being recorded. If asked by the citizen, deputies will confirm that a recording of the event is in progress.
- h. Once the BWC is activated, the entire encounter shall be recorded without interruption (continuous recording) unless a clear, articulable reason to discontinue recording occurs. In that case, the sworn appointee will state the reason for stopping the recording, when practical.
- i. If a deputy discontinues recording of an encounter for any reason and then finds it necessary to take law enforcement action, the sworn appointee shall reactivate the camera provided it is safe and practical to do so.

- 3. RCJC Activation: BWC shall be active for the duration of all security checks and during inmate interactions occurring outside of a security check.

BWC shall also be activated in response to the following activities:

- a. Use of force incidents (to include restraint chair).
- b. Disciplinary moves.
- c. Medical codes.
- d. Unusual mental health behavior (i.e., smearing body fluids).
- e. Self-harming behavior.
- f. Disciplinary Board Hearings.

- g. Property damage.
- h. Disorderly/disruptive subjects.
- i. Cell searches.
- j. Any other unusual event.

4. Intake/Release

- a. BWC shall be activated when dealing with any inmate, except during dress out.
- b. The BWC shall not be activated while inside or while around any other VCIN terminal unless a significant event/encounter is deemed eminent by the deputy in that area.

5. Court Security

- a. Any law enforcement investigative action/warrant service.
- b. In response to any Emergency Call Buttons and medical emergencies.
- c. Any time someone is remanded to custody.
- d. Escorts of citizens out of the building.

6. Transportation

- a. Any law enforcement investigative action/warrant service.
- b. Any inmate movement to/from the vehicle, to include securing the inmate in the unit.
- c. When conducting all Temporary Detention Order (TDO) and Emergency Commitment Order (ECO) transports.

7. Civil Process

- a. Any law enforcement investigative action/warrant service.
- b. Evictions and levies.
- c. All service of paperwork, both postable and personal.

- E. Once the BWC is activated, it shall remain activated until the conclusion of the deputy's involvement in that event, unless:
1. The event becomes predominately investigative in nature (for example, the incident has transitioned from an initial or tactical response into a controlled and orderly investigation).
 2. Deactivation is directed by a supervisor; or
 3. If after activating the BWC the deputy needs to stop recording to speak confidentially with another, the deputy shall first announce the intention to stop recording and announce the intention to begin recording as the system is reactivated.

If, contrary to this policy (whether by mistake or otherwise), a deputy does not activate the BWC, does not record the entire contact, or interrupts the recording, the deputy shall document the circumstances why a recording was not made, was interrupted, or was terminated. The following are approved methods of documenting such circumstances:

- a. A direct, verbal recording on the BWC explaining the circumstances of partial, interrupted or terminated recordings, immediately following the encounter.
- b. In an Incident Report for encounters requiring incident reports.
- c. On a Use of Force Report for encounters requiring this report; or
- d. Deputy inserted comments in a CADS call comments field.
- e. A memorandum to his/her immediate supervisor.

F. Restricted Use of BWCs:

1. Deputies shall use their best discretion in areas where a high expectation of privacy is present. If a deputy does not record an event or elects to discontinue recording, there should be an articulable reason for doing so. This will be stated on video prior to turning off the camera and noted if there is a corresponding incident report.
2. Deputies shall not record personal activities that are conducted during normal shift. These include personal phone calls, meal breaks, or other non-work-related personal activity.
3. Any legal consultation with the Office of the Commonwealth's Attorney or City Attorney shall not be recorded.

4. The BWC shall be turned off when appearing before a magistrate. Immediately after the magistrate has concluded the hearing, turn the camera back on to record all future contact with the individual until they are transferred to the custody of the Intake staff for processing.
5. Deputies shall not activate their BWC while attending their court case. BWCs shall be powered off upon entry into the courthouse but shall immediately be powered on upon exiting the facility.
6. Deputies shall comply with medical facility policies pertaining to video and audio recordings.
7. Deputies shall not record strip searches.
8. Deputies shall not record planning briefings without approval from the shift Commander.
9. Deputies shall not record any aspect of training unless specifically requested to do so.
10. Deputies shall not record routine meetings or discussions with supervisors.
11. Deputies shall not convert, obtain, or copy any BWC footage for personal use. No images, footage or BWC information will be released to any social media site without the permission of the Sheriff.

G. Video Recordings

1. All recordings captured on BWCs are the property of the Richmond City Sheriff's Office and will be treated as evidence. No recordings will be disseminated without the approval of the Sheriff or designee and in compliance with State and Federal dissemination laws, privacy protection, and other applicable laws, including the Virginia Freedom of Information Act.
2. Deputies may review BWC recordings to help complete reports, except those instances involving use of force that results in death or serious bodily injury to a deputy, police officer and/or other involved persons, or those videos related to a critical incident.
3. Deputies shall note on any report if an encounter was captured on a BWC. Any specific information pertaining to the video's location shall be included as well.
4. In a critical incident, such as an in-custody death, or use of force causing serious bodily injury or death, the BWC will remain turned on and in the

possession of the involved deputy until the appropriate investigator arrives on the scene. The video will be handled in a manner consistent with other evidence.

5. Categorizing specific events or recordings will be completed as specified by training. Any recordings deemed to have administrative or evidentiary value shall be categorized accordingly.
6. Requests for BWC footage from external/private parties, such as a Motion of Discovery, Subpoena Duces Tecum, and Freedom of Information Act requests shall be handled in accordance with Standard Operating Procedure (SOP) 107 – Virginia Freedom of Information Act (FOIA). No video will be released without the approval of the Sheriff or designee and the appropriate review/redactions by the designated staff.
7. The Office of the Commonwealth’s Attorney will have their own license through Axon that enables their prosecutors to view, edit, and redact DWC videos. The Richmond City Sheriff’s Office will maintain original copies of all BWC videos.
8. In any case where a deputy has brought charges against an individual, and later learned that the BWC recording contains evidence that may be exculpatory in nature (evidence tending to establish a criminal defendant’s innocence), the deputy shall immediately contact their supervisor reviewing BWC footage. If the case is being handled by the City/Commonwealth’s Attorney, they shall also be notified immediately.

H. Data Collection, Access, Use, and Retention:

1. Categories have been established within the system for the purpose of classifying the audio/video data stored there. The categories are based on the general nature of the recording as it relates to its criminal justice purpose. It is the deputy’s responsibility to assign the appropriate category to any recordings made with their BWC.
2. Deputies may install the Mobile App on their mobile device and sync in with their BWC. Deputies are encouraged to use the Mobile App to quickly assign the appropriate category to any recordings that have a criminal justice purpose. The use of the Mobile App is voluntary.
3. BWC data shall be retained for 180 days, after which time it will be automatically deleted. BWC data will be retained beyond 180 days if mandated by the Library of Virginia General Schedule based on the criminal justice purpose for the data or if retention of the BWC data is otherwise directed by the Sheriff or designee. BWC data shall be held no longer than useful for purposes of training or for use in an investigation or prosecution.

4. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute or disseminate in any manner BWC recordings without prior written authorization and approval of the Sheriff or designee.
5. Deputies shall not use the BWC to take a statement in lieu of a sworn written statement, unless approved by a supervisor.
6. 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 designee. All requests for deletion and approvals shall be maintained by the Commander of the Administrative Services Division.
7. The Sheriff's Office retains the right to limit or restrict, for any reason and at any time, the viewing or accessing of audio/video data generated from BWCs.
8. Deputies shall not provide access to the data collection system to anyone outside of the Richmond City Sheriff's Office without prior written authorization and approval of the Sheriff or designee or unless provided for in a signed Memorandum of Understanding (MOU).
9. BWC data shall not be released outside of the Sheriff's Office except under discovery, subpoena, court order, MOU, or as provided for under the Virginia Freedom of Information Act or this policy. Requests for non-evidentiary BWC data that does not fall within this scope will be made in writing and approved by the Sheriff or designed before being released.
10. Although the BWC is not a replacement for incident reports, deputies are encouraged to review the BWC recording while preparing written reports to ensure accuracy.
11. If a deputy inadvertently records an event that is not a law enforcement related encounter or is prohibited by policy, a supervisor shall be notified immediately. The Internal Affairs Division will be notified, and the Sheriff shall be notified by report. The Internal Affairs Division staff will document the reason for the purge in the Audit Log.
12. Before purging any video, the Internal Affairs Division staff shall take any steps necessary to ensure the purge complies with the requirements of the Virginia Public Records Act and the procedures established by the Library of Virginia. The Sheriff will be notified by report.

I. Supervisory Responsibilities:

1. Supervisors shall ensure that deputies assigned BWCs use them in accordance with this policy and procedure.
2. Supervisors of deputies issued BWCs shall review all captured incidents related to:
 - a. Use of Force.
 - b. Injury to deputies or civilians.
 - c. Vehicle accidents, equipment damage or loss; or
 - d. Civilian complaints.
3. Division Commanders or their designee, with deputies assigned BWCs shall review a minimum of four (4) incidents, whose review is otherwise not mandatory, captured by members of their unit on a monthly basis.

J. Quality Control:

Each month the Investigations Unit Commander or designee shall randomly select eight (8) incidents captured on the BWC and if necessary, the associated documentation, to ensure compliance with Sheriff's Office policy. The findings shall be documented and submitted to the Commander of the Administrative Services Division.

K. Analysis of Data:

The Sheriff's Office shall collect data for statistical analysis of camera use and Deputy-Civilian behavioral outcomes. Analysis shall include resolution of civilian complaints, Use of Force incidents, assistance in matters of awards and recognition, and disciplinary matters.