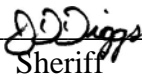


YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Mobile Video/Audio Recording	NUMBER: GO 2-42
EFFECTIVE DATE: March 13, 2019	REVIEW DATE: December 10, 2018
AMENDS/SUPERSEDES: GO 2-42, September 21, 2017	APPROVED:  Sheriff
VLEPSC: OPR.01.11	

1 **INDEX WORDS**

- 2
- 3 Body Worn Camera (BWC)
- 4 Equipment
- 5 Mobile Video Recorder (MVR)
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- 9 Investigator Responsibilities
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11

12 **POLICY**

13

14 Mobile (In Car) video/audio recording (MVR) equipment and body-worn cameras (BWC) have

15 demonstrated to be of value in collecting visual and audible evidence to expedite the prosecution

16 and adjudication of criminal cases, as well as to promote deputy safety, provide corroboration of

17 the deputies testimony, and to be an eyewitness to events as they occur. In order to maximize the

18 utility of this equipment, deputies shall follow the procedures for MVR and BWC equipment use

19 as set forth in this policy. It is the policy of the York-Poquoson Sheriff's Office is that deputies

20 shall activate the MVR and/or BWC when such use is appropriate to the proper performance of

21 his or her official duties, where the recordings are consistent with this policy and law. This

22 policy does not govern the use of surreptitious recording devices used in undercover operations.

23

24 **PURPOSE**

25

26 It is the purpose of this policy to provide deputies of the York-Poquoson Sheriff's Office with

27 guidelines for the use of mobile video and audio recording equipment (MVR) and when and how

28 to use body-worn cameras (BWCs) so that deputies may reliably record their contacts with the

29 public in accordance with the law.

30

31 **AUTHORITY FOR VIDEOTAPE RECORDING:**

- 32
- 33 • In [Pennsylvania vs Muniz](#), the U.S. Supreme Court held that a deputy has the right to
 - 34 observe what the deputy can see, if the deputy has a legal right to be present. It follows
 - 35 that if a deputy may observe, a deputy also has a right to photograph or videotape. The
 - 36 recording is made by "single party consent."

38 **PROCEDURES FOR IN CAR VIDEO/AUDIO (MVR) and Body Worn Camera (BWC)**
39 **RECORDING:**
40

- 41 • The York-Poquoson Sheriff’s Office has adopted the use of in- car video/audio recording
42 systems (MVR) and Body worn Cameras (BWC’s) in order to accomplish several
43 objectives, including:
 - 44 ○ Accurate documentation of events, actions, conditions and statements made during
45 arrests, incidents and citizen contacts during calls for service,
 - 46 ○ Enhance deputy reports,
 - 47 ○ Enhance the collection of evidence and statements for court,
 - 48 ○ Enhancement of the ability to review probable cause for arrest, arrest procedures,
49 deputy and suspect interaction, and evidence for investigative purposes,
 - 50 ○ For deputy evaluation and training.

51
52 **Digital Mobile Video Recording and Body Worn Camera Equipment**
53

- 54 • The Sheriff or his designee may authorize the use and/or installation of MVR or BWC
55 equipment.
 - 56 ○ The Patrol Division Commander:
 - 57 ■ In consultation with the Chief Deputy shall determine the appropriate MVR and
58 BWC systems and video management systems to be installed or utilized by
59 Sheriff’s Office personnel.
 - 60 ■ Shall designate which vehicles the MVR equipment will be installed in.
 - 61 ○ Administrative Services Division/IT Section:
 - 62 ■ Issue BWC’s to Sheriff’s Office personnel.
 - 63 ■ Maintain a list of operational MVR and BWC systems and to whom issued or
64 vehicles they are assigned to.
 - 65 ■ Update the software of the MVR or BWC’s as necessary.
 - 66 ■ Train deputies in the use of MVR and BWC equipment to include:
 - 67 ❖ Equipment operation.
 - 68 ❖ Video management program.
 - 69 ❖ Downloading of recorded videos.
 - 70 ❖ Proper labeling and categorizing videos.
 - 71
 - 72
 - 73 ■ Troubleshoot and consult with appropriate county IT personnel for networking
74 issues with the MVR and BWC systems.
 - 75 ■ Serve as a liaison between the Sheriff’s Office and the manufacturer to address
76 any issues with the MVR or BWC system or video management program.
 - 77
 - 78 ○ Deputy’s Responsibilities:
 - 79 ■ Operation and inspection of installed MVR and/or BWC equipment, in
80 accordance with manufacturer’s instructions.
 - 81 ■ Inspect the assigned MVR and/or BWC equipment for damage and/or
82 functionality prior to each tour of duty.

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- Check MVR cameras to ensure they are securely mounted, properly aimed and that all wires are properly connected.
 - Check BWC's for proper functioning.
 - Check BWC uniform mounting devices for proper functioning and security.
 - ❖ All deficiencies shall immediately be reported to their supervisor so that necessary repairs may be made.
 - ❖ Download recorded MVR and/or BWC videos using the designated video management program.
 - ❖ Deputy's may download videos via the following:
 - ✓ Designated WiFi hotspots.
 - ✓ Other available public hotspots via the designated secure video management program.
 - ✓ From personally owned computers connected securely to the designated management program.
 - ✓ Sheriff's Office docking station if no other means of download is available.
 - Properly categorize and label all downloaded MVR and BWC videos prior to the end of each tour of duty unless a supervisor has authorized downloading at a later time; however, no later than the next calendar day.
- Supervisor Responsibilities:
 - Supervisors shall periodically inspect deputy's MVR and/or BWC systems and document the results. This should be accomplished during routine line inspections in accordance with [RR 1-4, Inspections](#).
 - Report any operational issued with the MVR and/or BWC to the Administrative Services Division IT section.
 - Ensure assigned deputies are properly downloading MVR and/or BWC videos with proper categorization and labeling.
 - When and how to use the MVR
 - The MVR shall be configured to activate and begin recording when any of the following occur:
 - Activation of vehicle emergency lights and/or siren.
 - Manually activating the record function.
 - Any other triggers as determined by the Sheriff or his designee.
 - Deputies operating vehicles that have MVR equipment must use the equipment unless otherwise authorized by supervisory personnel.
 - Deputies shall use only MVR equipment authorized by the York-Poquoson Sheriff's Office.
 - Civilians shall not be allowed to review the recordings at the scene.
 - The MVR equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the exclusive property of the York-Poquoson Sheriff's Office.

- 128 ○ Deputy Sheriffs who operate vehicles with MVR equipment must complete an agency
 129 approved training program to ensure proper use and operation.
 130 ○ Once activated, the MVR shall remain on and recording until:
 131 ▪ Completion of any traffic stops,
 132 ▪ Arrival in the sally port at the VPRJ or other correctional facility.
 133 ▪ Arrival at the hospital or other mental health facility.
 134 ▪ A supervisor directs the recording be stopped.
 135 ❖ Any time a supervisor directs either a MVR or BWC be turned off, the
 136 supervisor giving the order shall document in writing in the incident report
 137 the reason the order was given.
 138
 139 ○ Any time a deputy turns off the MVR during an incident, the deputy shall:
 140 ▪ Include in the narrative of the incident report the reason the MVR was turned off.
 141 ▪ Re-activate the MVR as soon as possible.
 142
 143 ● When and How to use the BWC
 144 ○ BWC equipment is issued to uniform patrol, investigations, civil process, special
 145 operations and selected courthouse personnel.
 146 ○ Deputies shall activate the BWC to record all contacts with citizens in the
 147 performance of official duties.
 148 ○ When dispatched to a call, deputies shall activate their BWC prior to arrival on the
 149 scene.
 150 ○ Civilians shall not be allowed to review the recordings at the scene.
 151 ○ Deputies who are assigned BWC equipment must use the equipment unless otherwise
 152 authorized by supervisory personnel.
 153 ○ Departmental personnel shall use only BWCs issued by the York-Poquoson Sheriff's
 154 Office.
 155 ○ The BWC equipment and all data, images, video, and metadata captured, recorded, or
 156 otherwise produced by the equipment is the exclusive property of the York-Poquoson
 157 Sheriff's Office.
 158 ○ Deputy Sheriffs who are assigned BWCs must complete an agency approved training
 159 program to ensure proper use and operations.
 160 ○ BWC equipment is the responsibility of individual deputy and will be used with
 161 reasonable care to ensure proper functioning.
 162 ○ Deputies are encouraged to inform their supervisor of any recordings that may be of
 163 value for training purposes.
 164 ○ If a Deputy is suspected of wrongdoing or involved in a deputy-involved shooting or
 165 other serious use of force, the department reserves the right to limit or restrict a
 166 deputy from viewing the video file.
 167 ○ Requests for deletion of portions of the recordings (e.g., in the event of a personal
 168 recording) must be submitted in writing and approved by the Sheriff or his designee.
 169 ○ All requests for deletion of videos and the final decisions shall be kept on file.
 170 ○ Deputies shall note in the incident, arrest, or related reports when recordings were
 171 made during the incident in question.
 172 ○ BWC recordings are not a replacement for written reports.

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- Deputies shall leave their BWC on during the entirety of incidents; however, there are times or circumstances when it may be appropriate to turn off the BWC during an incident.
 - Any time a BWC is turned off during an incident there is the potential to create controversy and cause questions to be raised about the deputy's actions even though nothing of evidentiary or exculpatory value may have been recorded.
 - Deputies need to be aware that any time they turn off the BWC during an incident may be cause for scrutiny and as such, deputies are expected to use good judgement in making the decision to turn off the BWC during an incident.
 - Any time a deputy turns off the BWC during an incident, the deputy shall:
 - Include in the narrative of the incident report the reason the BWC was turned off.
 - Re-activate the BWC as soon as possible.
 - The following are examples of when it may be appropriate, to turn off the BWC during an incident:
 - Deputies may temporarily turn off BWC when speaking with other law enforcement personnel at an incident when discussing the following:
 - ❖ When conversations are unrelated to the incident,
 - ❖ When discussing Tactics or strategies,
 - ❖ When speaking with an informant at the scene of the incident,
 - ❖ When speaking with law enforcement officers who are in an undercover capacity at the incident,
 - ❖ When on a break,
 - ❖ When directed to do so by a supervisor,
 - BWC procedures for Investigations Division Personnel
 - When an investigator is working a Uniform Patrol assignment, they shall utilize their body worn camera in accordance with this policy.
 - Investigators assigned to SIU duties will not be issued BWC equipment
 - BWC equipment is not required to be utilized for recording interviews when the interview is being conducted in the YPSO interview rooms and the YPSO interview room recording equipment is working properly and being utilized.
 - BWC equipment shall not be used as the primary means for documenting and/or photographing crime scenes.
 - In the event the Investigator, Investigative Supervisor, or the Investigative Division Commander determines that a crime scene needs to be documented with video evidence, the Investigations Division will facilitate this documentation utilizing specialized video equipment owned by the YPSO.
 - BWC equipment shall be utilized by investigators in the following:
 - When conducting interviews outside of the recorded YPSO interview rooms.
 - ❖ Investigators may at their discretion use the BWC as a secondary methods to record interviews in the recorded YPSO interview rooms.
 - During the execution of arrest warrants.

- 219 ▪ During the execution of search warrants.
220 ▪ Any other circumstance that the Investigator, Investigative Supervisors, or the
221 Investigations Division Commander feels is appropriate.
222
- 223 • Restrictions on Using the MVR and/or BWC
 - 224 ○ MVR's and/or BWCs shall be used only in conjunction with official law enforcement
225 duties, unless otherwise authorized by the Sheriff or his designee.
 - 226 ○ The BWC may not generally be used to record:
 - 227 ▪ Casual citizen encounters unless such encounter becomes a call for service, at
228 which time the BWC shall be activated.
 - 229 ▪ Encounters with undercover deputies or confidential informants;
 - 230 ▪ When on break or otherwise engaged in personal activities; or
 - 231 ▪ In any location where individuals may be in various stages of undress, such as a
232 restroom or locker room.
 - 233 ▪ The above does not apply to situations involving pursuits, active shooters or other
234 criminal events or incidents where turning off the camera may result in the
235 unnecessary loss of evidence.
 - 236 ▪ Deputies shall not use BWC equipment to record:
 - 237 ❖ Civil or criminal court proceedings unless requested by the judge
 - 238 ❖ Disciplinary hearings, unless the supervisor administering the discipline
239 permits the recording.
 - 240 ❖ While in the examining room at any medical facility during the physical
241 examination of a live sexual assault victim.
 - 242
 - 243 • Storage of Digital BWC and MVR Videos
 - 244 ○ All MVR and BWC recordings shall be securely downloaded in accordance with this
245 policy.
 - 246 ○ Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in
247 any manner BWC or MVR recordings without prior written authorization and
248 approval of the Sheriff or his or her designee.
 - 249 ○ Downloaded BWC and/or MVR videos shall be documented with the following
250 within the video management system:
 - 251 ▪ Incident/Case Number.
 - 252 ▪ If there is no incident or case number assigned to the incident, a brief description
253 of the circumstances for the video.
 - 254 ▪ Category of Video.
 - 255 ▪ Any notes deemed appropriate by the deputy downloading the video.
 - 256
 - 257 ○ All images and sounds recorded by the MVR and BWC are the exclusive property of
258 the York-Poquoson Sheriff's Office.
 - 259 ○ Accessing, copying, or releasing files for non-law enforcement purposes is strictly
260 prohibited unless authorized by the Sheriff or his designee.
 - 261 ○ Access to MVR and BWC files must be authorized by the Sheriff or his or her
262 designee.
 - 263 ○ All access to MVR and BWC videos shall be periodically audited to ensure that only
264 authorized users are accessing the data for legitimate and authorized purposes.

- 265 ○ Release of BWC or MVR videos, in response to any legal process, shall only be done
- 266 by the Administrative Services Division IT personnel or persons designated by the
- 267 Commonwealth Attorney who have been granted access to the video management
- 268 program.
- 269 ○ Deputies receiving legal process for BWC or MVR shall forward the paperwork to
- 270 the Chief Deputy.
- 271 ○ Request under the Freedom of Information Act for BWC or MVR recordings shall be
- 272 forwarded to the Administrative Division Commander through the Sheriff's Office
- 273 Public Information Officer.
- 274 ○ Digital BWC and MVR recordings shall be retained in accordance with Sheriff's
- 275 Office policy and the retention schedules established by the Library of Virginia.
- 276
- 277 ● Supervisory Review of BWC and MVR Recordings
- 278 ○ Supervisory personnel shall ensure that deputies equipped with MVR and or BWC
- 279 devices utilize them in accordance with policy and procedures defined herein.
- 280 ○ Supervisors shall routinely check the video management system to ensure that videos
- 281 are categorized and properly labeled.
- 282 ○ Supervisors shall randomly review BWC and/or MVR recordings, to ensure:
- 283 ▪ The equipment is operating properly,
- 284 ▪ That deputies are using the devices appropriately and in accordance with policy,
- 285 ▪ Identify any areas in which additional training or guidance is required.
- 286
- 287 ○ Each shift lieutenant will ensure that a supervisor on that shift randomly selects and
- 288 review at least three (3) BWC and/or MVR videos each month.
- 289 ○ Supervisors who identify training issues or other deficiencies, while conducting these
- 290 reviews shall:
- 291 ▪ Discuss with the deputy(s) involved any deficiencies, officer safety issues or
- 292 policy violations.
- 293 ▪ Initiate necessary discipline action if appropriate.
- 294 ▪ Notify the Patrol Division Commander of any videos which may be useful for
- 295 training purposes.
- 296 ▪ Notify the Patrol Division Commander of identified training issues.
- 297 ▪ Notify the Administrative Services Division Commander, through the Patrol
- 298 Division Commander of any issues where an update to policy and procedures may
- 299 be needed.
- 300
- 301 ○ Supervisors shall review all MVR and/or BWC videos related to the following:
- 302 ▪ Injury to prisoners or arrestees.
- 303 ▪ Use of force by a Sheriff's Office member.
- 304 ▪ Injury to a Deputy
- 305 ▪ Vehicle Pursuits, requires review of primary and back-up/secondary deputies.
- 306 ▪ "Deputy Needs Assistance" calls; or
- 307 ▪ Citizen complaints
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DVD Based MVR's

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- 312 • Configuration
- 313 ○ DVD based MVR's shall be configured to activate and record using the same criteria
- 314 as digital based MVR's.
- 315
- 316 • Issuance of Discs
- 317 ○ Patrol Lieutenants shall maintain an adequate supply of blank DVD Disks in the
- 318 patrol supervisor's office.
- 319
- 320 • Deputy's responsibilities
- 321 ○ Deputies assigned DVD based MVR's shall maintain an adequate supply of blank
- 322 DVD Disks for use during their tour of duty.
- 323 ○ DVD disks that contain no recordings of criminal activity shall be turned into
- 324 Property in accordance with [GO 2-15 Evidence Procedures](#) and stored for a minimum
- 325 of 90 days.
- 326
- 327 • Patrol supervisors responsibilities
- 328 ○ Request DVD disks as needed to supply recording equipment.
- 329 ○ Ensure that any DVD discs that are turned over from Property and Evidence to be
- 330 erased contain nothing of evidentiary value and that a minimum of 90 days has passed
- 331 since the last record on the DVD disk.
- 332
- 333 • Storage and Retrieval of Recorded DVD Media:
- 334 ○ Recorded DVD disks are evidence, and must be handled as such.
- 335 ○ The chain of custody must be kept as short as possible and documented by all who
- 336 handle the recordings. ([See GO 2-15, Evidence Procedures.](#))
- 337 ○ Deputies shall not erase, reuse or in any manner alter MVR DVD discs.
- 338 ○ The only exception will be when the DVD disc is released for re-issued.
- 339 ○ Nothing in this policy shall preclude the uploading of MVR DVD recordings to the
- 340 Sheriff's Office digital recording system.
- 341 ■ The Sheriff, his designee or the Commonwealth's Attorney may direct a MVR
- 342 recorded DVD be uploaded into the Sheriff's Office digital recording system.
- 343
- 344 ○ At the conclusion of each recorded DVD disk and upon removal of Recorded Discs,
- 345 the deputy will:
- 346 ■ Complete the appropriate information on the DVD disk;
- 347 ■ Complete the appropriate P&E sheet;
- 348 ■ Secure the MVR DVD disk(s) in an evidence locker.
- 349
- 350 ○ The Evidence Custodian shall empty evidence lockers to retrieve used MVR Discs
- 351 daily, Monday thru Friday.
- 352 ○ The Evidence Custodian shall store the recorded DVD disks in a secure, climate-
- 353 controlled area.
- 354 ○ The Evidence Custodian shall maintain a record of all incoming disks, which allows
- 355 for the location and retrieval of specific Discs as needed for viewing, duplication, etc.

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- Those discs that contain evidence will be logged and filed under the case number assigned for that incident.
 - DVD disks containing evidentiary recordings shall be maintained in accordance with established guidelines for evidentiary recordings.
 - If the disc contains no recordings of criminal activity, it will be logged in under an officer's report with a case number and held for a minimum of 90 days.
- Ownership, Custody, and Control of Recorded MVR DVD discs
 - It is the policy of the York-Poquoson Sheriff's Office that the recordings generated on any equipment located in any sheriff's office vehicle or made during terms of employment (compensated or volunteer) are the property of the York- Poquoson Sheriff's Office.
 - MVRs containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these Discs shall:
 - Be subject to the same security restrictions and chain of evidence safeguards as detailed in the Sheriff's Office Evidence Control policy, [GO 2-15, Evidence Procedures](#).
 - Not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage.
 - Will not be released to other than bona fide criminal justice agencies without prior approval of the Sheriff or his designee.
 - Recordings shall be retained by the Evidence Custodian.
 - Display of any of a recording's content during this time shall be limited by the Sheriff, Chief Deputy, Uniform Patrol Commander, or Commonwealth Attorney.
 - All recorded Discs will be held for a minimum of ninety days before being erased and recycled.
 - Discs containing evidence of a crime or potential civil litigation will be held until the case is disposed of and all appeals are exhausted, or until released by the courts and/or the prosecutor.
 - Disks or digital recordings of an evidentiary nature shall be retained for a period of time in accordance with the Library of Virginia records retention schedules.