



Alexandria Police Department



Directive 2.8

Body-Worn Cameras

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2.8.01 PURPOSE/POLICY	[41.3.8a]
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1. This policy outlines procedures for managing the Alexandria Police Department (APD) Body-Worn Camera (BWC) program.
2. BWC equipment will be provided to all sworn personnel.
3. Personnel must use BWCs and associated software, hardware, and equipment according to the policy to optimize documentation, meet operational goals, and maintain evidence integrity.
4. All BWC-captured images, video, audio, and data are the property of APD.

5. Implementing a Body-Worn Camera (BWC) program is crucial to enhancing trust, professionalism, transparency, and procedural justice in police-community encounters. The program is anticipated to bring several benefits, including improved officer safety, efficient investigations, effective evidence collection, thorough court preparation, successful criminal prosecution, enhanced training, and accurate resolution of complaints against department personnel. **[41.3.8a]**
6. BWC technology should never replace an individual's reasonable beliefs and perceptions during an incident, nor should it discount the physiological response that may occur during critical situations.
7. BWC recordings should not be relied upon as the sole source of truth, as they only capture video and audio evidence from the camera's physical position and may not reflect the full perspective of the officer.
8. BWC technology only captures a limited and less detailed image compared to the human senses, and an officer's experience and recollection may differ from what is recorded.
9. BWC files should be considered as one element in understanding an incident and should be combined with the officer's experience, perceptions, state of mind, and processing of senses to form a more comprehensive understanding.
10. The safety of all individuals involved should always be the top priority, and recording events should not interfere with this [41.3.8A].

2.8.02 DEFINITIONS

1. Activation: The start of a BWC recording that captures audio and video evidence.
2. Audit Trail: An electronic tracking system that records uploads, views, downloads, transfers, and modifications to copies of BWC files.
3. Body-Worn Camera (BWC): Wearable recording device that captures audio and video of an incident or encounter from an officer's perspective.
4. BWC File: A recording of video and audio evidence captured from a BWC device.
5. Buffering Mode: An operational mode that facilitates continuous recording, but only saves the recording to permanent storage when the officer manually activates the recording or when a signal event occurs.
6. Critical Incidents: Incidents involving police use of lethal force, in-custody deaths, or other actions resulting in death or serious bodily injury.
7. Deactivation: The termination of a BWC recording.
8. Docking Station: A hardware device that charges, updates firmware, and uploads BWC files.

9. Event Mode: An operational mode where the BWC is actively recording both audio and video.
10. Metadata: Searchable data specific to the digital file used to identify digital evidence and required to be added to BWC files.
11. Mute Mode: An operational mode where the audio BWC's audio recording feature is disabled, but the camera continues to record video footage.
12. Personnel: Any sworn law enforcement officers employed by APD.
13. Plainclothes Officer: Sworn personnel not wearing a department-issued uniform and displaying limited to no law enforcement markings or insignia.
14. Signal Technology: Technology that automatically activates BWC recordings when a firearm is removed from a holster or a taser is activated.
15. Sleep Mode: An operational mode where the BWC is placed in an idle state that disables recording and buffering.
16. Stealth Mode: An operational mode where the BWC disables LED lights, sounds, and vibrations.

2.8.03 EQUIPMENT CONSIDERATIONS

A. USE, CARE, AND MAINTENANCE

1. All sworn personnel of the department must be assigned a BWC device and associated hardware and software.
2. Personnel must not alter, dismantle, or tamper with any hardware or software component of the BWC program. The use of BWC files must not be discriminatory, arbitrary, or capricious.
3. Only authorized personnel who have completed department training can operate BWC hardware and software. Training will cover policy, procedures, and best practices for operating the BWC system to ensure that it is used ethically, lawfully, and effectively. The training will also include hands-on practice using the hardware and software, as well as instruction on how to properly store, handle, and secure BWC files.
4. Personnel must monitor their BWC device's battery level during their duty tour and switch to an alternate device or charge the battery as needed.

B. WEAR AND PLACEMENT

1. Personnel will be issued numerous camera mounts designed to accommodate varying uniforms, equipment, and individual preference. Only mounts issued by this department may be utilized.
2. Personnel must mount their BWC on their person in a location that allows for effective recordings; supervisors may instruct relocations if needed.
3. BWC devices must be mounted on the outermost garment, or in a way that does not unreasonably interfere with the device's audio and video function.
4. Personnel in Class B, C, D, or E uniforms must wear their BWC device forward-facing, centered or near center, no lower than the navel line, and no higher than chest height.
5. Personnel in plainclothes must wear their device forward-facing, centered or near center, at or above the beltline, and no higher than chest height.
6. It is prohibited to intentionally obstruct, shield, or interfere with the device's audio or video functions.

C. PRE-SHIFT INSPECTION

1. At the beginning of their shift, personnel must inspect their assigned BWC devices to ensure that they are in good working order. Any malfunctioning equipment shall be returned to the Body Worn Camera Section as soon as practical.
2. If personnel do not have two functioning BWC devices while on duty or during an off-duty detail, they must inform a supervisor. The supervisor will decide the next steps, which could include the provision of a loaner device. **[41.3.8E]**

D. END OF SHIFT RESPONSIBILITIES

1. BWC devices must be docked before personnel conclude their shift. Personnel may request assistance from a coworker to place their device in a docking station, if necessary.
2. Before completing their shift, personnel must input the required metadata for each recording. It is strictly prohibited to carelessly or intentionally miscategorize metadata.

2.8.04 STORAGE AND ACCESS

1. Personnel will be issued two identical BWC devices to create program resiliency. All BWC devices must remain in constant rotation for firmware updates, and personnel must consider both of their BWCs as primary devices, equally utilizing and rotating them between shifts.
2. While on duty or working an extra duty detail, personnel must have ready access to both assigned BWC devices by maintaining both devices in their constructive possession or keeping one device on their person and the other in a department docking station.

3. Off-duty personnel with take-home vehicles must have access to at least one BWC device while operating within the City of Alexandria's jurisdictional boundaries.
4. Personnel assigned take-home vehicles must maintain access to at least one BWC device while off-duty, which can be achieved by storing a BWC at their residence or in another secure location. This mandate does not apply to personnel on approved leave.
5. Personnel are responsible for securing their BWC devices when not in use, and they shall not store a device in an unattended vehicle overnight or for any extended period while off-duty.
6. Personnel must ensure that all assigned BWC devices are fully charged (90% or higher) or in the process of becoming fully charged by using a docking station or portable charger when not in use.

2.8.05 OPERATIONAL MODES

1. All on-duty personnel must wear and operate their assigned BWC device in accordance with this policy as it is an essential piece of equipment.
2. The BWC device has multiple operational modes, and personnel must comply with this policy when employing any operational mode as its application is not discretionary.
3. The following subsections are the various BWC operational modes - Buffering, Event, Sleep, Mute, and Stealth Mode - and their required application.

A. BUFFERING MODE

1. Buffering Mode is the default operational mode for the BWC, and personnel must keep their device in this mode while performing official duties, unless otherwise approved by this policy.
2. While buffering, the BWC device captures new video (without audio) and concurrently overwrites old video as time passes. This record/overwrite process enables features such as Video Recall and Pre-Event recording, allowing devices to capture the moments leading up to device activation.
3. Buffered video is not permanently stored and will be overwritten eventually, except if a BWC device is activated. In that case, 120 seconds of video (without audio) that occurred before activation will be attached to the BWC file.

B. EVENT MODE

1. Event Mode is when the BWC device is activated for recording, and it will capture a video/audio recording until the user deactivates the recording. Additionally, 120 seconds of buffered video (without audio) captured before the event will also be recorded.

2. Event Mode can be initiated by manual activation by the user or signal activation following the removal of a firearm from its holster or taser activation.
3. Personnel shall refer to *2.8.07A, Device Activation*, to determine when to activate a BWC device in Event Mode according to approved/required times/circumstances.

C. SLEEP MODE

1. Sleep Mode is designed to provide personnel with temporary privacy during personal and/or protected activities. When in this mode, the BWC device is in an idle state that disables recording, buffering, and pre-event recording.
2. Unless an incident requires a recording, personnel must activate Sleep Mode when entering a restroom, locker room, dressing room, or APD Headquarters. When performing or witnessing a strip search, personnel must also activate Sleep Mode. The device must be returned to Buffering Mode when exiting these locations or to Event Mode if a recording is needed.
3. Unless approved by a supervisor, Sleep Mode shall not be used for any other purpose than the specified ones mentioned above.

D. MUTE MODE

1. Mute Mode is intended to disable audio recording while a BWC device is actively recording video.
2. APD recognizes that personnel may need to participate in personal, sensitive, or tactical conversations while recording. Therefore, when not in the immediate presence of an involved party, personnel may, at their discretion, activate Mute Mode for discussions related to training, coaching, counseling, investigative opinions, considerations, theories, conversations with a spouse, family member, union representative, medical professional, legal counsel, spiritual advisor, or other similarly purposed conversations.
3. Prior to activating Mute Mode, personnel must verbally state the reason for muting, such as "personal conversation," "training discussion," or "conversation with a supervisor." The device must be unmuted at the earliest opportunity and before taking any operational action or engaging/re-engaging with parties involved with an incident, if practical.

E. STEALTH MODE

1. Stealth Mode is designed to disable LED lights, sounds, prompts, and vibrations on the BWC device. In the interest of officer safety, personnel may use their discretion to activate Stealth Mode.
2. While in Stealth Mode, the BWC device can still record audio and video, and this mode does not impact its ability to do so.

F. POWERED-OFF MODE

1. Powered-Off Mode occurs when the BWC device is turned off, and all camera functions/operations are disabled.
2. Personnel may use this mode when they are off-duty or inside APD Headquarters.

2.8.06 SPECIAL FEATURES

A. SIGNAL ACTIVATION

1. BWC devices are equipped with Signal Technology, which enables them to automatically transition from Buffering Mode to Event Mode when activated.
2. Signal Technology is compatible with duty weapons and tasers and will activate BWC devices within an approximate 40-foot proximity when a duty weapon is removed from its holster or taser is activated.
3. While Signal Technology is a useful tool, it is prone to malfunction and shall not be relied upon as the primary means of activating a BWC. Personnel shall manually activate their BWCs when it is safe and practical to do so, as a contingency for technology failures.
4. Personnel are not permitted to disable or interfere with Signal Technology, and must promptly report any issues or malfunctions to a supervisor.

B. VIDEO RECALL

1. BWC devices have a Video Recall feature that maintains the most recent 18 hours of buffered video (without audio) on the device's hard drive. The buffered video is continuously overwritten, so only the most recent 18 hours of video data is kept.
2. The use of Video Recall is restricted to investigating allegations of criminal misconduct or assaults on law enforcement officers, where the video can assist in identifying or prosecuting the offender.
3. Authorization for the use of Video Recall is limited to the Chief of Police, or the designee acting in the Chief's absence, and is prohibited for investigating policy or administrative regulation violations, Class 3 or 4 misdemeanors, or reckless driving offenses.
4. Video Recall is limited to events relevant to the investigation.
5. Personnel must be notified if Video Recall was used on their device, except in cases where the individual is incapacitated, or it would unreasonably jeopardize a criminal investigation.

C. GPS MAPPING

1. BWC devices have GPS mapping capability in Buffering Mode and/or Event Mode.

2. GPS mapping is restricted to sworn supervisors for officer safety, tactical, and strategic objectives such as locating missing or distressed officers, monitoring personnel positioning during tactical operations, and large-scale incidents or special events.

D. LIVE STREAMING

1. BWC devices have Live Streaming capabilities to enable remote access to video feed during officer safety, tactical, or strategic incidents.
2. Live Streaming is only available when the device is actively recording and alerts the user with a unique audio, haptic, purple LED, and icon display.
3. Supervisors are limited to access Live Stream for strategic, tactical, or safety objectives such as pursuits, high-risk traffic stops, confrontations with armed, violent or resistant suspects, building searches, officer location efforts, injured officer assistance, or user permission/request.
4. Live Stream viewers must input a reason for streaming, and the reason and duration will be permanently recorded in the video audit log.
5. Live Streaming is not a replacement for in-person response or supervision and shall only be used as a supplementary tool based on the totality of circumstances.

E. PRE-EVENT RECORDING

1. BWCs have Pre-Event recording capabilities to capture events leading up to activation due to the unpredictable nature of law enforcement.
2. Pre-Event recording captures only video (no audio) of the preceding 120-seconds leading up to BWC activation.

2.8.07 RECORDING PROCEDURES

A. DEVICE ACTIVATION

[41.3.8b]

1. Although there are many situations that require BWC activation, personnel must rely on their best judgment to decide when to activate the device when the policy does not explicitly state it.
2. Personnel shall activate their BWC device before the activity to be recorded or at the earliest safe and practical opportunity.
3. The following events/circumstances require BWC activation:
 - a. Engaging in in-person contact with a member of the public, except in cases where the contact is informal, non-investigative, and non-adversarial.

- i. Examples of public interactions that require BWC activation include, but are not limited to, arrests, detentions, consensual encounters intended to be investigative in nature, interactions with adversarial individuals, contact with mental health consumers needing services, traffic stops, and interviews with suspects, victims, and witnesses.*
 - ii. Examples of public interactions that do not require BWC activation include, but are not limited to, community engagement activities, informal conversations, non-adversarial discussions, information sharing, and community meetings.*
- b. All incidents involving the use of force, the threat of force, or where force is expected.
- c. Any deployment of a weapon, such as a firearm, taser, OC spray, and impact weapon.
- d. On-scene activities related to an active search, pursuit, or apprehension of a fleeing, concealed, or barricaded suspect.
- e. On-scene activities related to the care and/or investigation of an injured or deceased individual.
- f. On-scene searches of individuals and tangible property, as well as any subsequent seizures of property/evidence occurring outside APD Headquarters.
- g. Emergency vehicle operations, including vehicle escorts where emergency equipment is permanently and/or intermittently activated.
- h. Custody and non-custody transports of members of the public, unless it is pursuant to a department-approved ride-along.
- i. Immediately following any officer-involved accident, injury, or vehicle crash, unless it is impractical or unsafe to do so.
- j. While obtaining a breath sample following a DUI arrest, including during the observation period.
- k. All interactions with a Magistrate when personnel are accompanied by an arrestee, suspect, victim, or witness.
- l. At the direction of a supervisor.

B. DEVICE DEACTIVATION

[41.3.8b]

1. Once a BWC is activated, it shall remain activated until the incident is concluded.
2. An incident may be considered concluded when activity that would require BWC activation is no longer occurring, and is not expected to occur for the remainder of that incident. Personnel shall refer to 2.8.07A, *Device Activation*, for a list of activities/circumstances that require BWC recording.

3. Personnel shall use their best judgment to determine when to deactivate their BWC, and shall favor the decision to record when unsure. *Examples of appropriate deactivation include deactivating after interviewing a witness to a crime and proceeding to document the investigation within a police report; deactivating after leaving the scene of an incident and discontinuing future involvement; deactivating after concluding a traffic stop and the violator has left the scene; deactivating after collecting evidence of a crime and returning to APD Headquarters to package evidence.*
4. Prior to deactivating the camera, personnel shall briefly verbalize the reason for the deactivation (e.g. "deactivating because the incident has transitioned to be investigative in nature").
5. Personnel may need to unexpectedly reactivate their BWC, and shall do so immediately or as soon as it becomes safe and practical to do so, keeping in mind that static situations may change rapidly.
6. Supervisors may authorize personnel to deactivate their BWCs in exceptional circumstances that are not explicitly named in the policy. This can only be done on a case-by-case basis, and the supervisor must exercise their best judgment while considering the interests of the department and the community.

C. DELAYS AND FAILURES TO RECORD

1. Any failures to record or material delays in recording must be reported to a supervisor as soon as possible. The supervisor will consider the circumstances and take appropriate action in accordance with department policies.
2. Personnel must document any instances of failure to record or material delays in recording in related police reports or, if no report is completed, in the notes of a Computer-Aided Dispatch (CAD) disposition.

D. ACCIDENTAL RECORDINGS

1. In the event of an accidental activation of a BWC where the resulting recording has no investigative or evidentiary value, personnel may submit a deletion request to their supervisor for approval. The request shall contain sufficient information (e.g., date, time, CAD number) to locate the recording, as well as a brief narrative explaining why the recording should be deleted.
2. The BWC Section Supervisor shall review the deletion request and related BWC file and determine whether the recording had an official purpose. If the recording has no official purpose, the BWC Section shall delete the recording with notes, and maintain an audit log of the deletion in the storage database.

E. PRIVACY AND PUBLIC NOTICE CONSIDERATIONS

1. While personnel are not required to notify or obtain consent from members of the public to record an interaction, they should consider providing notification as it may be beneficial in de-escalating incidents and achieving compliance.
2. Personnel shall answer affirmatively if asked if an interaction is being recorded, unless doing so would adversely impact officer safety or an investigative objective.
3. Personnel are not required to deactivate their BWC at the request of a member of the public but may choose to do so if it would improve the outcome of the interaction. If they do, they must comply with the following conditions:
 - a. The decision to deactivate the BWC device shall be based on the best judgment of the personnel and the expected outcome of the law enforcement interaction.
 - b. The request for deactivation shall come from a member of the public, and personnel must capture the request on their recording and document it in a report.
 - c. The interaction shall be non-confrontational and stable, with no foreseeable need for force or apprehension.
 - d. Personnel shall be accompanied by at least one other sworn officer who can serve as a witness. Alexandra Co-Response Program (ACORP) Officers may rely on their partner clinician to satisfy this witness requirement.
4. Officers must reactivate their BWC as soon as practical if the encounter escalates or force becomes necessary.
5. Supervisors have the authority to permit personnel to deactivate their BWCs in situations that do not meet the above conditions, based on their best judgment and consideration of department and community interests.

2.8.08 EXEMPTIONS AND PROHIBITIONS

A. EXEMPTED EMPLOYEES

Certain personnel are exempt from the BWC wear and use requirement, fully or in part, based on the nature of their assignment. These exemptions are as follows:

1. Undercover/Covert Personnel: Personnel working in an undercover or covert capacity pursuant to their job assignment are exempt from the BWC wear and use requirement while performing administrative or investigative activities. They shall wear and utilize their BWC when transitioning to an enforcement role if time and circumstances permit. It is recommended for undercover/covert personnel to maintain their BWC mounted to their ballistic vest as the donning of the vest is a likely indicator that the undercover officer has transitioned to an enforcement capacity.

2. Office of Professional Responsibility (OPR): OPR officers are not required to wear a BWC while performing administrative or investigative activities. However, if they transition to an enforcement role and time and circumstances permit, they shall wear and utilize their BWC in accordance with this policy.
3. Task Force Personnel: Personnel assigned to a regional, state, or federal task force are required to wear and use their BWC in accordance with this policy, unless prohibited by the task force policy. If a prohibition exists, the task force officer shall comply with this restriction to the extent explicitly restricted by the task force policy.
4. Class-A Uniformed Personnel: Personnel wearing a Class-A Uniform are exempt from the BWC wear and use requirement as these uniforms are intended for ceremonial activities.

B. EXEMPTED AND/OR PROHIBITED RECORDINGS

1. Recordings that are exempted and/or prohibited from being recorded, fully or in part, are as follows:
 - a. Surreptitious Recording: Personnel are prohibited from surreptitiously recording another employee of the department. If a BWC is recording, personnel shall answer in the affirmative if other personnel inquire if they are being recorded. Although not required, personnel should consider providing notification to other personnel that a recording has been initiated [See 2.7 Audio/Video Recording Devices B.2].
 - b. Departmental Briefings: Personnel are prohibited from recording departmental meetings and briefings, such as roll calls, planning sessions, performance discussions, tactical briefings, or similar internal meetings, unless authorized by a supervisor.
 - c. Training: Personnel are prohibited from activating their BWC during training, except when explicitly authorized by a trainer.
 - d. Strip Searches: Personnel are prohibited from recording a strip search and shall maintain their device in Sleep Mode as the search is being completed. Once the search is complete, the member shall reactivate their recording in accordance with this policy.
 - e. Bomb Threats: Personnel may, at their discretion, deactivate and power off their BWC when investigating bomb threats or suspicious packages under the same circumstances where utilization of the radio is prohibited due to concerns that radio transmissions could potentially cause a detonation.
 - f. Interview Rooms: Personnel may, at their discretion, not wear/activate a BWC while conducting an interview in a room equipped with operating audio and video recording equipment, provided the equipment is functioning correctly.
 - g. Traffic Crash Investigations: Personnel may, at their discretion, not record property damage crashes. Crashes that involve injury, fatality, suspicion of a crime, adversarial subjects, or city property damage shall be recorded.

- h. Command Functions: Personnel are prohibited from recording activities in and around a command post, command bus, emergency operations center, joint operations center, tactical operations center, negotiation operations center, or similar function unless otherwise approved by an incident commander.
- i. Attorneys: Personnel are prohibited from recording any conversations/discussions with attorneys regarding an impending/ongoing criminal or civil matters.
- j. Undercover Officers and Confidential Informants: Personnel shall avoid, when practical, recording undercover officers and certified confidential informants who are performing activities on behalf of this department or other law enforcement agencies.

2.8.09 SPECIAL LOCATIONS

1. Due to the sensitive nature that is inherent to certain locations, there is cause to modify recording practices to properly balance law enforcement objectives with community expectations. Personnel shall abide by this policy while operating a BWC within a special location described below.

A. ALEXANDRIA POLICE DEPARTMENT HEADQUARTERS

1. Due to the nature of activities that occur within secured portions of APD Headquarters, BWC activation shall be restricted to capturing only those events and activities that are explicitly required or permitted by this policy [2.8.07A, Device Activation]. Such activities may include, but are not limited to, interviews with suspects or witnesses, searches, arrests, or any other activity that may result in a use of force, a complaint, or a request for a recording. Roll calls, tactical briefings, training, administrative investigations, and other activities related to employee wellness, meals, breaks, restrooms, and locker rooms are largely prohibited from being recorded.
2. Personnel are not required to wear their BWC within secured portions of APD Headquarters. If personnel elect to physically wear their device while within APD Headquarters, they shall maintain their device in Sleep Mode or Powered-Off Mode until after they exit the facility, or until there becomes a need to activate the camera pursuant to this policy [2.8.07A, Device Activation].
3. Personnel are permitted to activate their BWC momentarily within APD Headquarters for the purpose of function-checking their device, but otherwise shall not activate their BWC unless explicitly required or permitted by this policy.

B. HEALTHCARE FACILITIES

1. Personnel are permitted to record in healthcare facilities for specific law enforcement reasons, but discretionary recordings in these locations are prohibited. BWC devices shall only be activated for explicit reasons required by this policy [2.8.07A, Device Activation].

2. Personnel may deactivate their BWC while within healthcare facilities to balance individual privacy interests, provided that the patient has been accepted to the facility and medical/mental care has begun, and the patient is cooperative or adequately secured, with no foreseeable need for force beyond handcuffs or similar restraints.
3. Personnel must continuously monitor the situation and the individual in their custody, and if needed, reactivate their BWC as soon as possible.
4. Personnel are encouraged to use their best judgment when deciding to deactivate their BWC in a healthcare facility and consult with a supervisor for guidance. They should also keep in mind that the most prudent decision may be to continue recording.
5. Personnel shall resume recording once the treatment is over, and the individual returns to the care and custody of the police department.

C. ACADEMIC INSTITUTIONS OCCUPIED BY JUVENILE STUDENTS

1. BWCs may be used in academic institutions occupied by juvenile students for law enforcement purposes, but due to the sensitive nature of these areas, personnel shall limit recordings to only those situations explicitly required or permitted by this policy [2.8.07A, Device Activation]. Discretionary recordings in these locations are prohibited to protect the privacy interests of individuals in these sensitive areas.

D. RESTROOMS, LOCKER ROOMS, AND DRESSING ROOMS

1. Personnel are authorized to record in these facilities for law enforcement purposes, but the use of BWCs shall be restricted to only those situations that are explicitly required or permitted by this policy [2.8.07A, Device Activation]. Discretionary recordings in these locations are prohibited.
2. Personnel are not authorized to use their BWCs for personal reasons while in these facilities. Personnel shall place their device in Sleep Mode and maintain the device in this mode until after they exit the location.

E. ADULT AND JUVENILE DETENTION CENTERS

1. Unless otherwise prohibited by detention center rules, personnel are allowed to record within these facilities for law enforcement purposes.
2. Personnel transporting an arrestee to the City of Alexandria Adult Detention Center and the Northern Virginia Juvenile Detention Centers must maintain their BWC device in recording mode throughout the transport, arrival, entrance into the sally port, and during the prisoner search process. However, if the search process involves a strip search, the required BWC operational mode outlined in 2.8.08B, *Exempted and/or Prohibited Recordings*, shall apply. After admittance into the facility, personnel may, at their discretion, deactivate their BWC device.

3. Upon entering the facility, personnel may choose to deactivate their BWC device, unless they are required to activate it before the Magistrate while accompanying an arrestee, suspect, victim, or witness [reference: 2.8.07A, Device Activation].
4. Personnel shall keep their BWC activated while obtaining a breath sample following a DUI arrest, including during the observation period.

F. COMMUNITY SHELTERS

1. Personnel are permitted to record for law enforcement reasons but limited to those situations explicitly required by this policy [2.8.07A, Device Activation]. Discretionary recordings are prohibited.

G. COURTHOUSE / COURTROOMS

1. Personnel are prohibited from bringing BWC devices into any City of Alexandria courtroom. To comply with this prohibition, personnel shall store their BWC within the weapon lockers located within the Commonwealth Attorney's Office.
2. Personnel may use their BWC devices in other areas within the City of Alexandria courthouse, such as lobbies, hallways, and meeting rooms, as long as such use is in compliance with this policy and other relevant laws and regulations.
3. Personnel in courthouses other than the City of Alexandria shall follow the policies set forth by that respective courthouse.

H. OFFICE OF THE COMMONWEALTH ATTORNEY AND CITY ATTORNEY

1. To protect sensitive activities within the Office of the Commonwealth Attorney and the City Attorney's Office, the activation of BWCs shall be limited to explicitly authorized events and activities as outlined in policy [2.8.07A, Device Activation]. Discretionary recordings in these locations are prohibited. This restriction applies to all non-publicly accessible areas, including permanent and temporary office spaces.

I. LOCALITIES WITH TWO-PARTY CONSENT LAWS

1. Some states have two-party consent laws that generally make it unlawful to record or eavesdrop on any confidential communication, including a private conversation or telephone call, without the consent of all parties agreeing to be recorded. Maryland is among the states that have two-party consent laws prohibiting recording or eavesdropping on confidential communications without the consent of all parties involved.
2. Personnel in Maryland may use a BWC while performing lawful duties but must proactively notify individuals being recorded, unless it is unsafe to do so. Notification can be given by stating, "I am notifying you that this interaction is being audio and video recorded," or something functionally equivalent.

1. All BWC recordings, including images, videos, audio, and data, are the property of the APD. Personnel must not copy, publish, share, release, or disseminate any BWC recordings, except as authorized by the Chief of Police or their designee.
2. Personnel must not edit, delete, or alter any BWC recordings stored on the cloud server or other storage media devices, except as authorized by the Chief of Police or their designee.

A. REVIEW OF BWC FILES CONCERNING LAW ENFORCEMENT PURPOSES

1. Personnel may access their own BWC files for legitimate law enforcement purposes, such as report preparation, court preparation, training, or furthering an investigation.
2. Personnel may also access BWC files of other personnel, but only if necessary to advance a law enforcement investigation or assist in court preparation. Unless authorized by a supervisor, personnel shall not view other personnel's BWC files solely for report preparation.
3. Personnel are reminded that all access to BWC files is permanently memorialized in the video audit log. This log serves as an official record of all personnel who have accessed BWC files, including the date, time, and purpose of the access. It is important to remember that any unauthorized access or improper use of BWC files may result in disciplinary action. Therefore, personnel are advised to only access BWC files for legitimate law enforcement purposes.

B. BWC FILES RELATED TO ADMINISTRATIVE INVESTIGATIONS

1. Personnel are authorized to review their own BWC files prior to participating in internal investigations, such as an administrative investigation, use of force investigation, administrative inquiry, unit-level inquiry, community review board inquiry, or other similarly purposed administrative investigation.
2. The investigation or interview will commence immediately following the BWC file review period, unless authorized by the case investigator for a justifiable reason.
3. Personnel are not authorized to review BWC files created by other personnel unless it is necessary to further a bona fide law enforcement investigation or assist in court preparation, and authorized by a supervisor.

C. BWC FILES RELATED TO CRIMINAL INVESTIGATIONS INVOLVING DEPARTMENT PERSONNEL **[41.3.8c]**

1. The Department is committed to ensuring that employees understand the legal distinctions between administrative reviews and criminal investigations and that the legal rights and due process protections of employees are respected in both contexts. Personnel shall be reminded that the nature of a criminal investigation is to determine if any laws were violated, and to identify the person/s responsible for the violation.

2. In officer-involved criminal investigations, personnel are not permitted to review their own BWC files or those of other personnel, unless authorized by the case investigator in the best interest of the investigation. This restriction is in place to ensure that the integrity of the investigation is maintained and that legal rights and due process protections of all parties are respected.

D. BWC FILES FOR TRAINING PURPOSES

1. The Department recognizes that some personnel may have reservations about using their BWC files for training purposes, but also acknowledges the potential training value they hold.
2. If alternative resources are not available, trainers may request approval to use BWC files for training purposes. The request must be detailed in a memorandum to the respective Unit Captain, who will balance the value of training with officer privacy interests to render a decision.
3. If the request is approved, the trainer shall notify all involved personnel of the future intent to utilize the BWC file for training purposes. Personnel who object may appeal the decision to the Chief of Police. The BWC file may not be used until the Chief of Police renders a final decision.
4. Field Training Officers/Supervisors may review BWC files of their trainees without limitation for coaching, counseling, training, and/or addressing performance deficiencies.

E. CONFIDENTIAL AND RESTRICTED BWC FILES

1. Protecting the confidentiality of BWC files is crucial to ensure the integrity of investigations, respect privacy rights, and prevent any negative consequences resulting from unauthorized disclosure.
2. In some cases, it may be necessary to designate certain BWC files as "confidential" to protect the integrity of internal investigations. Only the Chief of Police, their designee, or personnel assigned to the Office of Professional Responsibility have the authority to make this designation, and access to these restricted files can only be granted by those who restricted the file.
3. There may also be situations that require designating certain BWC files as "restricted." This designation is used for sensitive or delicate incidents, as determined by a supervisor. Supervisors may choose to designate an incident as "restricted" and determine which personnel, if any, may have access to view those BWC files.

2.8.11 CRITICAL INCIDENTS

1. Upon becoming involved in a critical incident, as defined by this policy, personnel shall ensure their BWC is activated as soon as it becomes safe and practical to do so. Personnel shall not deactivate their BWC until instructed to do so by a supervisor.

2. Supervisors responding to these incidents will recognize these events as a criminal investigation until determined otherwise.
3. The supervisor will instruct the involved personnel to deactivate their BWC once it becomes practical and appropriate, considering the totality of circumstances. The supervisor shall ensure their instruction to deactivate is clearly verbalized so it can be memorialized.
4. The involved personnel shall keep the BWC until retrieved by the case investigator or crime scene investigator. As soon as practical, the collecting agent shall upload the BWC file and tag the video as confidential. The collecting agent may contact the BWC Program Administrator for assistance.
5. Following a critical incident, which is investigated as a criminal and administrative investigation, personnel shall reference sections 2.8.10B and 2.8.10C of this policy to understand their access to BWC files. **[41.3.8c]**

2.8.12 SUPERVISOR RESPONSIBILITIES

1. It is the responsibility of supervisors to ensure personnel comply with this policy regarding the use of BWCs. In doing so, supervisors should remain mindful that intentional deviation from the policy should not be considered in the same light as unintentional mistakes. They should be aware of the potential consequences of noncompliance and take appropriate measures to address any violations.
2. Routine review of recordings is prohibited, and supervisors shall review BWC files only when there is an allegation or evidence of policy or law violations or when necessary to address personnel conduct, performance, training needs, after-action review, or award commendation.
3. Supervisors shall review relevant BWC files when personnel are involved in or alleged to be involved in actions/activities/events that involve law or policy violations, the application of force, injuries or death of an individual, employee injury, property damage, or vehicle pursuits.
4. With commander approval, supervisors may also review BWC files when the accountable supervisor has articulable justification that such review is necessary to address personnel conduct, performance, training needs, after-action review, and/or award commendation.
5. After reviewing BWC files, supervisors must document the purpose of the review and retain the documentation for one year. All reviews are also memorialized in the video audit trail.
6. Supervisors must conduct periodic inspections of personnel's BWC equipment and ensure it is properly affixed to their uniforms and fully operable. **[41.3.8e]**
7. Supervisors must plan for the battery life of BWC devices during lengthy incidents to ensure they remain functional.
8. Supervisors must ensure personnel upload BWC files at the end of their shifts.

- Supervisors must be alert to situations where BWC files should be designated as confidential or restricted, and ensure that appropriate notifications are made to properly handle the files. They should also make themselves available to consider requests from officers or detectives to make videos restricted, and respond in a timely and appropriate manner.

2.8.13 BODY-WORN CAMERA SECTION RESPONSIBILITIES

- The BWC Section is responsible for managing and administering the BWC program, including all associated equipment and software.
- Management and administrative duties include, but is not necessarily limited to, issuing BWC equipment and training end-users, coordinating maintenance and warranty service with the vendor, providing technical assistance, coordinating repair and replacement of systems, conducting annual inspections, audits, responding to public records requests and redacting BWC files as required by law, providing statistical and analytical support, assisting with on-scene uploads, file restriction, and forensic review of BWC files, addressing accidental recordings, and coordinating with outside departments such as the City Attorney's Office, Commonwealth Attorney's Office, and Information Technology.

2.8.14 COURT PROCEDURES

A. OFFICE OF THE COMMONWEALTH'S ATTORNEY AND THE CITY ATTORNEY'S OFFICE

- The Office of the Commonwealth's Attorney and the City Attorney's Office have restricted access to BWC files and only to the extent that their respective offices are involved with a specific incident. This inter-departmental coordination is governed through a memorandum of understanding.

B. COURT PREPARATION

- When the Office of the Commonwealth's Attorney or the City Attorney's Office has entered their appearance, they are responsible for preparing BWC files for trial.
- When the Office of the Commonwealth's Attorney has not entered their appearance, APD personnel have discretion in deciding whether to present BWC footage as evidence or rely on witness testimony, considering efficiency in court proceedings.
- If personnel plan to present BWC files in court, they must review and prepare the files in advance, pre-loading them onto a department-issued laptop and organizing them for an efficient presentation.
- Defendants of non-jailable offenses seeking access to BWC files should request access through Discovery and/or Virginia Freedom of Information Act (FOIA). Alternatively,

personnel may, at their sole discretion, allow a defendant to view relevant BWC files on a department-issued cell phone or laptop to avoid unnecessary court delays.

2.8.15 PROVISIONS OF BWC FILES

A. DISCOVERY

1. The Commonwealth Attorney's Office is primarily responsible for fulfilling discovery requests, but if the BWC Section becomes aware that a video may not have been shared or is unable to locate the requested video, they shall immediately send/re-send the file so that the Commonwealth Attorney's Office can satisfy their discovery obligations.
2. If the Commonwealth Attorney's Office has not entered their appearance, individuals may request access to BWC files through legal means such as discovery and Virginia FOIA.

B. SUBPOENA AND COURT ORDERS

1. The BWC Section will review BWC data when requested by subpoena or court order, and the BWC Section supervisor will communicate concerns about release (e.g., sexual assault, juvenile, or gang-related cases) to the Information Services Section Commander or designee. Data ordered for release shall be unredacted unless the court order permits otherwise.
2. If sensitive information is included in BWC files ordered for release by subpoena or court order, the BWC Section Supervisor shall notify the Information Services Section Commander, City Attorney's Office, and/or Office of the Commonwealth's Attorney to take precautions to protect those involved.
3. If the BWC Section receives a subpoena or court order related to a pending criminal case from anyone other than the Office of the Commonwealth's Attorney, the BWC Section shall notify the prosecutor assigned to the case before complying to determine if any legal action should be taken prior to compliance.

C. MUTUAL AID AND SHARING OF BWC FILES

1. Other law enforcement agencies may request BWC footage related to active criminal investigations, provided the request supports a bona fide law enforcement purpose. Personnel having concerns regarding release shall communicate this to their supervisor. Footage may be released unredacted, but privacy of parties involved and department interests must be protected. Mutual aid requests related to administrative matters must be brought to the attention of the Office of Professional Responsibility and/or Body Worn Camera Section for their review and approval.

D. MEDIA RELEASE

1. BWC files cannot be released to the media without the Chief of Police or their designee's approval. When BWC data is approved for media release, privacy of all parties, criminal investigations, and APD interests must be protected. Audio may be redacted to mask

personal, financial, medical, and sensitive information. Redaction software should be used to blur faces, skin, addresses, license plates, or any sensitive materials that could compromise an investigation or place individuals in danger. When footage is released for identification purposes, only footage that can aid in the effort must be provided with great care.

E. VIRGINIA FOIA (FREEDOM OF INFORMATION ACT)

1. BWC footage may be requested through Virginia FOIA, and the City Attorney's Office will assist in processing FOIA requests. When an investigation or court proceedings are ongoing, the request may be denied if it compromises the criminal justice process or falls under another FOIA exemption. When the Chief of Police or their designee approves the release of BWC footage, it shall be appropriately redacted, using software to blur faces, skin, addresses, license plates, or other sensitive materials. Great care must be taken when releasing BWC data as a result of a FOIA request to avoid compromising investigations, violating citizens' privacy, or affecting APD interests.

F. EXPUNGEMENT

1. The BWC Section is responsible for reviewing, processing, and deleting any items subject to an Expungement Order. The review will confirm the number of suspects involved in the case. If the person named in the order is the sole suspect, all evidentiary items related to that case will be deleted in accordance with the order. If multiple suspects are involved, only the expunged person's identifying information will be redacted from related items, and the redacted version depicting the non-expunged suspects will be retained. Any deleted items will be noted as per court-ordered expungement.

G. PUBLIC RELEASE OF BWC FILES INVOLVING CRITICAL INCIDENTS

1. Releasing BWC files of a critical incident can increase transparency and accountability in police actions, safeguard public trust in the police department, and provide a clearer understanding of the events leading up to and during the incident.
2. BWC recordings are redacted as necessary to preserve privacy rights, and released in accordance with applicable legal processes or laws that pertain to public records requests and exempt certain types of records from public disclosure.
3. Relevant BWC files of critical incidents shall be released to the public within 30 days, with earlier release possible at the discretion of the Chief of Police or their designee.
4. Additional information providing context based on the evidence available at the time of release shall accompany the video's release.
5. There may be circumstances that require delaying video release to protect the safety of involved individuals, the integrity of an active investigation, confidential sources or investigative techniques, or the constitutional rights of the accused.

6. Any decision to withhold video beyond 30 days shall be reassessed every 14 days and based on specific factual grounds. If sufficient cause is established, video files may never be released.
7. Reasonable attempts shall be made to notify involved personnel, subjects, and their representatives, as well as the Office of the Commonwealth Attorney's and City Attorney's Offices, prior to releasing video imagery, absent exigent circumstances.
8. The release of any specific BWC file does not waive the Department's right to withhold other BWC files or investigative materials in the same or other cases, as permitted by law.

2.8.16 RETENTION SCHEDULES

[41.3.8d]

1. All BWC files shall be securely stored in accordance with the Virginia Public Records Act and the retention schedules for law enforcement records issued by the Library of Virginia.
2. BWC recordings that have administrative or evidentiary value will be retained in accordance with the General Schedule (GS) 17 Records Retention guidelines for law enforcement records. Personnel will log BWC videos into four categories for retention purposes, as follows:
 - a. Informal Law Enforcement Contact: This category includes any BWC activation during an informal law enforcement contact, resulting in no enforcement action, including accidental and inadvertent signal activations. Records are retained according to appropriate schedules, such as Series 200163, with a minimum retention period of six months.
 - b. Formal Law Enforcement Contact: This category includes any BWC activation during an official law enforcement contact, such as traffic stops, subject checks, and calls for service, that do not involve an actual or suspected criminal offense. Records are retained according to appropriate schedules, such as Series 200148, with a minimum retention period of five years.
 - c. Formal Law Enforcement Contact Involving Potential Misdemeanor Crime: This category includes any BWC activation related to an official law enforcement contact involving an actual or potential misdemeanor offense. Records are retained according to appropriate schedules, such as Series 200147, with a minimum retention period of fifty years.
 - d. Formal Law Enforcement Contact Involving Potential Felony Crime: This category includes any BWC activation during an official law enforcement contact involving an actual or potential felony offense. Records are retained according to appropriate schedules, such as Series 200145, with a minimum retention period of one hundred years.

3. Categories and retention periods for BWC files may change if the Library of Virginia updates the retention schedules. All BWC recordings will be assigned a retention category, and after the retention period is over, the recordings will be expunged from the Department's system in accordance with the record destruction procedures established by the Library of Virginia.
4. APD shall preserve all recordings related to any criminal proceeding, claim filed, pending litigation, or administrative investigation or personnel complaint until the matter is resolved or in accordance with applicable law, whichever is greater.
5. If a BWC file is re-classified to a different retention category (e.g., non-evidentiary to evidentiary), the recording will be subject to deletion based on the retention category with the longest retention period.
6. For accidental BWC activations with no investigative or evidentiary value, personnel may submit a deletion request to their supervisor for approval. The BWC Section Supervisor will review the request and related file to determine if the recording had an official purpose. If the recording has no official purpose, the BWC Section will delete the file, maintain an audit log of the deletion, and keep records of the request and decision. All actions will be in accordance with records and retention schedules issued by the Library of Virginia.