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**GENERAL ORDER**  
FAIRFAX COUNTY POLICE DEPARTMENT



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SUBJECT: IN-CAR VIDEO PROGRAM

NUMBER: 430.8

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CANCELS ORDER DATED: 1-1-09

ISSUE DATE: 7-1-15

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I. PURPOSE

The purpose of this document is to establish policy for use of the In-Car Video (ICV) system, and to specify requirements pertinent to storage, viewing, release, and retention of ICV generated materials.

The Department has adopted the use of ICV to provide an accurate depiction of events for courtroom presentation, as an investigative tool to accurately capture statements and events during the course of an incident, and to enhance an officer's ability to document and review statements and actions for report purposes and for courtroom preparation. Additionally, ICV material can be used to provide an impartial measurement for self-critique and field evaluation during new-officer training.

II. POLICY

It is the policy of the Fairfax County Police Department that ICV equipment shall be used only as set forth in this General Order.

III. OVERVIEW

The ICV system consists of hardware and software components installed in the police vehicle including cameras, microphones, and a digital video recorder as well as back-end components including servers, storage devices, Digital Versatile Disc or Digital Video Disc (DVD) publishers, and data management software.

A front-facing camera is installed inside the vehicle pointing straight ahead through the windshield. A microphone is installed inside the passenger compartment of the vehicle and a wireless body microphone is worn by the officer. In vehicles equipped with a prisoner partition, a rear-facing camera is installed inside the vehicle pointing into the rear transport area. The Video Processing Unit (VPU) is a digital video/audio recorder (DVR) installed in the trunk of the vehicle and contains a Secure Digital (SD) Card on which digital video/audio data are stored prior to wireless upload to the ICV server. The Front-End Application (FEA) is the computer program installed on all Police Mobile Computer Terminals (MCT) which is used in the vehicle by the officer to control the camera and microphone and play back recordings.

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The system is configured to record a continuous video loop prior to manual or triggered activation. Once the system is activated, the 30 second prerecord period becomes part of the video file. There is no pre-record audio.

The Back-End Client (BEC) is the application used by officers and authorized staff to review videos.

IV. PROCEDURE

The ICV equipment starts recording automatically when the officer turns on the emergency lights or the on-board g-force sensor is tripped. The equipment can also be started manually when an officer presses the red REC button on the front-facing camera, on the FEA, on the MCT, or on the wireless body microphone. The wireless body microphone switch can turn on the recorder and capture audio outside the cruiser up to a distance of 1,000 feet line-of-sight (distance may be reduced by physical features such as buildings or dense foliage).

A. Mandatory Use Situations

1. Officers shall utilize the ICV equipment on all traffic stops. The recording will remain on for the duration of the traffic stop. This includes the video and audio segments of the equipment. Recording may be stopped only after the traffic stop has ended and the violator and/or officer have left the scene.
2. Officers shall utilize the ICV equipment to record the entirety of all vehicular pursuits. All officers involved in a pursuit shall operate their ICV equipment. All ICV equipment will remain activated until the pursuit is terminated or until the completion of any arrest.
3. Officers shall utilize the ICV equipment during all emergency responses to any complaint or backup.
4. Any officer transporting a prisoner in an ICV equipped vehicle shall initiate ICV recording. Such a recording will provide important evidence to protect the officer from any allegations made by the prisoner, to document any damage to the cruiser that may be caused by the prisoner

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and to gain additional information that may assist in furthering an ongoing investigation.

**B. SD Card Removal from the VPU**

1. The SD card shall not be removed from the VPU other than for the replacement of a faulty unit or in cases where data cannot be wirelessly uploaded to the BEC and immediate access to the data is required (as in the case of serious crime scenes, departmental shootings, departmental accidents, etc.).
2. The SD cards may only be removed by Crime Scene Section detectives, Internal Affairs detectives, Computer Forensics detectives, or the Program Manager (PM). SD cards will either be placed into evidence or surrendered to the authorized investigative personnel.
3. When an SD card is replaced, a replacement card shall be installed and tested. The person responsible for the removal and/or replacement of the SD card shall enter the details of the action in the report or supplement, to include who removed the card and who took custody of it.
4. The PM shall be advised when an SD card is removed and/or replaced. This notification shall occur via email as soon as possible after the card is removed, even if the removal occurs outside of normal business hours.
5. In cases where an SD card is removed for critical incidents the SD card shall be forensically copied by a detective from the Computer Forensics Section. The SD card will then be returned to the PM as soon as possible for uploading to the server.

**V. OFFICER RESPONSIBILITIES**

- A. Officers operating vehicles with ICV equipment are responsible for the condition of the equipment. Following initial login to the MCT, each officer shall conduct a pre-shift inspection of all ICV equipment to ensure it is operating correctly.

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- B. Following the inspection, the officer will activate the recording equipment and verbally announce a systems check to verify the system is working. The officer will state his/her name, County EIN and date, and ensure that the system operates for a minimum of five seconds. The officer shall then review the recording to ensure proper operation.
- C. Officers shall confirm that adequate storage is available on the vehicle SD card. This information is available on the MCT ICV front-end application. At the end of the shift, or when returning to the station during the shift, officers should park within range of the wireless access points and upload any recently ICV recorded video/audio.
- D. It is the responsibility of each officer to ensure the body microphone is synched and charged prior to attaching it securely to their uniform in a place where their voice and the voices of citizens are easily recorded. It is recommended the microphones be worn on the upper chest or shoulder area and on the outer layers of the uniform. The optional lapel microphone may be used to ensure good sound quality.
- E. In the event there is any damage or irregularity discovered during this inspection, it shall immediately be brought to the attention of a supervisor and repairs will be coordinated with the station logistics technician (SLT).
- F. Cruisers equipped with defective ICV equipment or cruisers without ICV equipment shall not be operated without supervisory approval.
- G. Following each ICV recording the officer shall classify the recording by selecting the appropriate description from the drop-down menu. When reviewing the video in the archives tab, the officer shall enter the event or case number in the case file number field. The case file number will be recorded in the bookmark file. When applicable, all officers shall note in the incident report when the ICV equipment was used and that video and/or audio exists. Officers shall use "Use of Force" category on any event involving deployment/use of force.
- H. Officers investigating suspected impaired drivers or impaired driving crashes shall make all reasonable attempts to ensure critical evidence including field sobriety tests are recorded by the ICV system. If extenuating circumstances exist and the officer is unable to record critical evidence using the ICV system, the officer shall document these circumstances in the

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---

narrative portion of the incident report and/or crash supplement, as well as in the notes field of the arrest module, as appropriate.

- I. Officers intending to use any ICV material in court should note the date and time of the event or arrest. Once the ICV material is identified as evidence, the officer should bookmark the segment. This will ensure easier retrieval of the ICV material when the court date arrives and a DVD copy is required.
- J. Unless doing so would hamper the investigation, if asked by any citizen, suspect, or arrested individual, officers shall advise them that the ICV equipment is in use. Officers may consider mentioning ICV equipment is in use during any citizen contact should they feel doing so may dissuade inappropriate citizen behavior.
- K. At no time shall an officer use the ICV equipment for other than official police business.
- L. Officers shall not attempt to alter any part of ICV equipment or data.
- M. Officers shall not use any unapproved means to copy or distribute the ICV audio/video material.
- N. At no time shall any officer use the ICV equipment to record any portion of an administrative investigation.
- O. All videos are property of the Police Department. Officers shall not use any unapproved means to copy or distribute ICV audio/video material.

VI. SUPERVISOR RESPONSIBILITIES

Supervisors shall be responsible for ensuring that all personnel under their command adhere to this policy.

- A. The BEC shall be installed on work stations by the System Administrator or designee to give supervisors, officers, and other authorized personnel the ability to review recorded video and audio.

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- B. It shall be the responsibility of each supervisor to investigate and document any damage to any part of ICV equipment. Any reported damage shall be forwarded to the SLT who will coordinate the necessary repairs with the PM.
- C. Supervisors shall conduct random inspections of the officer's ICV equipment to determine whether the equipment is being fully and properly utilized.
- D. Supervisors shall review their officers' ICV recordings for the purposes of gathering information that may be useful in preparing employee evaluations or establishing training needs. A supervisor may request a DVD of the ICV audio/video material for training purposes. When a recording is burned to DVD for training purposes, a copy may also be forwarded to the Criminal Justice Academy for inclusion in their training files.

VII. COMMANDER RESPONSIBILITIES

Commanders are responsible for ensuring that all personnel under their command adhere to the provisions of this policy. They shall ensure all personnel are trained in the use of the ICV equipment.

VIII. PROGRAM MANAGER RESPONSIBILITIES

The ability to make DVD copies shall be limited to the PM and the Internal Affairs Bureau.

Each DVD copy will be labeled with identifying information concerning the video file including but not limited to the officer's name, date of recording, and the system-generated serial number of the digital record.

IX. CONTROL AND DISSEMINATION OF DVD COPIES

The ICV audio/video data is a valuable tool in prosecuting criminal and traffic cases. However, there are significant issues which must be addressed to ensure the admissibility of ICV recordings in court testimony. The following policy must be adhered to at all times to ensure the successful admission of ICV data for prosecution.

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Supervisors and officers will make DVD requests via the BlueNet. The location of the form is Bureaus & Divisions > Resource Management > ICV Request Form.

- A. Copies will be sent via interoffice mail to the requesting officer unless other arrangements are made.
- B. After the case has been adjudicated officers may retain DVDs in their criminal and traffic case files, or return them to the PM for destruction.
- C. Officers should consult with the Commonwealth's Attorney to determine if an extra DVD copy will be needed for discovery.
- D. DVDs are releasable under a Subpoena Duces Tecum, by court order, and through routine discovery. They can be released by the Internal Affairs Bureau or the PM.
- E. All video/audio footage shall be subject to the requirements for the admissibility of evidence.
- F. Officers intending to use any ICV DVD in court shall advise the Commonwealth's Attorney's Office in advance of the initial court date. This will also apply for ICV DVDs introduced during preliminary hearings or discovery motions.

X. LEGAL ISSUES

- A. The Commonwealth's Attorney's Office has provided the following opinion on several issues concerning the usage and admissibility of video for court proceedings.
  - 1. An officer must authenticate the ICV generated audio/video material as an accurate depiction of what transpired during the incident. Under Best Evidence Rules, no case law prohibits the transfer of audio/video material to compact disc or other formats. Officers must be able to authenticate the information contained on the storage media and reviewed by the court as an accurate depiction of the events.

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2. If needed for court, officers shall have DVDs and all notes available during any court proceedings.
3. No law prohibits officers from recording citizens in public as individuals in a public area have no expectation of privacy. Audio recording of any police contact with individuals is allowed in a private residence, provided that the officers have legal standing to be in that location (i.e., domestic violence cases).

B. In certain circumstances, DVDs of ICV generated material may also be releasable under the Virginia Freedom of Information Act. These requests will be referred to the Internal Affairs Bureau and all DVD audio/video material will be subject to the review of the Commander of Internal Affairs Bureau or his/her designee prior to any release outside of the Department.

XI. CONDUCT OF ADMINISTRATIVE INVESTIGATIONS

- A. Any time there is a complaint of officer misconduct, the on-duty supervisor shall review the ICV material from the date/time in question. The supervisor shall then proceed as they would in any allegation of misconduct.
- B. At no time shall any officer let a complainant review any portion of the ICV material without the prior approval of a supervisor. The supervisor may, when warranted and during the course of their official duties, review the ICV material with a complainant/citizen.
- C. Whenever ICV generated audio/video material is used during the course of an administrative investigation, its use shall be documented as part of the investigation and the information forwarded to the Internal Affairs Bureau (IAB). This includes incidents where the complaint is disproved without the need for a full investigation (i.e., PD206). When ICV generated audio/video material is used by the Internal Affairs Bureau during an administrative investigation, a DVD will be made and kept with the case file.

XII. STORAGE AND RETENTION

The back-end system for the ICV program includes network storage for the data. The redundant Secure Access Network devices are located in secure

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areas within the Fairfax County government. In accordance with the provisions of the Library of Virginia, Records Retention and Disposal Schedule, the following retention periods apply:

A. Video/audio recordings not required to support known investigations or litigations: retain for 30 days after recording, then delete.

B. Video/audio not falling into either of the above categories:

- Traffic Stops: 190 days
- Arrest: 190 days
- Use of Force: 1,100 days
- Pursuit: 190 days
- Transport: 100 days
- Investigation: 100 days
- Subject Stop: 100 days
- Test/training/other: 100 days
- Administrative Investigation: Indefinitely

Video footage shall be classified for automatic deletion based on the above retention periods. If videos classified as "Administrative Investigation" are re-classified to a different category, they will be subject to deletion based on the category and the original date of the recording.

XIII. LEGAL REFERENCE

The legal reference for this General Order is the Library of Virginia "General Schedules for Virginia Localities, GS-17, Law Enforcement for County and Municipal Governments":

([http://www.lva.virginia.gov/agencies/records/sched\\_local/index.htm](http://www.lva.virginia.gov/agencies/records/sched_local/index.htm)).

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XIV. ACCREDITATION STANDARDS REFERENCE

VLEPSC  
OPR.  
01.11

CALEA  
41.3.8

This General Order becomes effective July 1, 2015, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

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Chief of Police

APPROVED BY:

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County Executive