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## The Deployment of Body-Worn Cameras Policies and Principles

**A body-worn camera can be a tool that supports constitutional policing if the proper policies and training are in place before cameras are deployed.** *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, COPS/PERF Report 2014, <http://ric-zai-inc.com/Publications/cops-p296-pub.pdf>

### Policy Essentials

The ACLU of Virginia believes the following elements must be addressed in any policy governing body-worn cameras:

- Policies must prohibit use of body-worn cameras to gather information about people surreptitiously. They should not be turned on at public events to surveil those in attendance, and the videos gathered must not be subjected to facial recognition and other analytics. Body-cameras should be worn and used by uniformed officers only.
- Officers must be required to notify people when the cameras are on and they are being recorded. This could be done with a visible pin or sticker saying “lapel camera in operation” or words to that effect.
- Policies should protect the privacy of officers by making clear that cameras are only required to be turned on during defined interactions with the public.
- Policies should give individual officers zero discretion as to when the camera is turned on or off.
- Policies should require that every uniformed officer turn the recording device on at the inception of every law enforcement encounter with a civilian including stops, frisks, searches, arrests, consensual searches and interviews, enforcement actions and any encounter that becomes confrontational or in any way hostile.
- People who are being filmed should have the right to request that the body-camera be turned off when the officer is entering their home or business, hospital room or other private location or when they are seeking to make an anonymous report of a crime or claim to be a victim of crime. Their request should be filmed. In addition, policies should include specific guidelines for recording juveniles and in schools. <https://www.aclu.org/blog/free-future/body-cameras-police-schools>
- Strict policies should guide how the recorded information is uploaded from the individual camera and stored so that videos cannot be manipulated or erased.
- Data should be retained only as long as necessary for intended purposes, and should be maintained and destroyed pursuant to the applicable law and record retention policies and only by someone other than the officer involved in the recording.

- Government Data Collection and Dissemination Practices Act, §2.2-3800, et.seq.
- Official Opinion of the Attorney General to Colonel W. S. Flaherty, February 13, 2013, [http://www.vachiefs.org/index.php/news/item/cuccinelli\\_issues\\_formal\\_opinion\\_on\\_retention\\_of\\_lpr\\_data\\_by\\_le\\_agencies](http://www.vachiefs.org/index.php/news/item/cuccinelli_issues_formal_opinion_on_retention_of_lpr_data_by_le_agencies);
- Library of Virginia, Records Management Program, §42.1-85, <http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+42.1-85>, General Schedules for Localities, Public Safety, GS-17, [http://www.lva.virginia.gov/agencies/records/sched\\_local/GS-17.pdf](http://www.lva.virginia.gov/agencies/records/sched_local/GS-17.pdf)
- Videos of specific value should be “flagged” and retained for as long as needed for personnel actions or criminal investigations. Those with no ascertainable value should be deleted as soon as possible. Flagging should occur automatically for incidents involving the use of force, leading to detention, summons or arrest, and/or resulting in a citizen complaint.
- Policies should provide access to the videos by the people recorded for as long as the videos are maintained by the government/law enforcement. Properly redacted footage should be made available to the public in accordance with well-defined guidelines, where the public interest would be served by disclosure. Government Data Collection and Dissemination Practices Act, §§2.2-3800 C. 6 and C. 7.
- Failure to comply with the policies governing use of the cameras and videos should result in appropriate disciplinary action, including termination.

See, generally, *Accountability vs. Privacy: The ACLU's Recommendations on Police Body Cameras*, <https://www.aclu.org/blog/free-future/accountability-vs-privacy-aclus-recommendations-police-body-cameras>