


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: IN CAR VIDEO PROGRAM		NUMBER: 430.8
	EFFECTIVE DATE: July 1, 2019	REVIEW: July 2023	
	TOPICS: PURPOSE AND POLICY		
RESPONSIBLE ENTITY: Information Technology Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
ACCREDITATION STANDARDS:	CALEA 41.3.8 VLEPSC OPR.01.11		


I. PURPOSE

The Fairfax County Police Department has adopted the use of an In-Car Video (ICV) system to aid in depicting 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 reporting purposes. Additionally, ICV material can be used to provide an impartial measurement for self-critique and field evaluation during new officer training.

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


II. POLICY

It is the policy of the Department that ICV equipment shall be used only as set forth in this General Order. Additionally, all roles and responsibilities detailed herein shall be followed to ensure a level of consistency in the classification and retention of video. All data created by the ICV system is the property of the Department and will only be released in accordance with this General Order and [General Order 402](#), Release of Information.

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III. DEFINITIONS

- A. Back-End Client (BEC): A software application used by officers and authorized staff to review videos.
- B. Daily Systems Check: A pre-shift check of the ICV system to ensure the equipment is functioning properly. This check will include, at a minimum, the officers name, County EIN, and date. The daily systems check is required of all employees who operate a vehicle with an ICV installed. If the employee determines the ICV system is malfunctioning, they shall notify their supervisor and make a notation into their CAD history of the malfunction. The Station Logistics Technician shall also be made aware of the malfunction.
- C. Digital Copy: A digital copy of video evidence (data) that is placed on a storage device, to include but not limited to a DVD, flash drive, server, or a video link.
- D. Digital Versatile Disc or Digital Video Disc (DVD): A digital data storage medium that can be utilized to store audio and/or video of events captured on the ICV.
- E. Field Operations Support Supervisor (FOSS): The authorized employee of the Information Technology Bureau, or designee, who is authorized to perform all functions necessary to ensure the ICV system operates and functions properly. The FOSS is also responsible for ensuring the BEC is installed on workstations, so employees may view ICV material.
- F. Front-End Client (FEC): The software application installed on all police Mobile Computer Terminals (MCT), which is used in the vehicle by the officer to control the ICV camera, microphone, and play back recordings.
- G. In-Car Video (ICV) System: Consists of both hardware and software components installed in police vehicles, to include cameras, microphones,


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and data storage devices which are used with the purposes of digitally capturing, storing, and reviewing police related events. The ICV system starts recording automatically when the emergency lights are activated, or the on-board gravitational force (g-force) sensor is tripped. The system can also be started manually when the red REC (record) button on the front-facing camera is pressed on the FEC, 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).

- H. Mobile Computer Terminals (MCT): The laptop style computer that is installed in police vehicles which provides high-speed digital communications. The MCT is intended to be used for routine types of communication, database inquiries, and status keeping, allowing the radio channels to be more available for higher priority transactions.

- I. Sync: The process of ensuring the wireless body microphone is digitally linked to the ICV system so that the ICV records audio from the microphone. Synchronization is accomplished by inserting the microphone into the microphone dock/base and waiting until the green light indicator comes on. This usually takes about 5 seconds. Officers need to be cognizant that if the MCT gets undocked during the shift, this will most likely “un-sync” the microphone and the microphone will then need to be “re-synced” for the system to function.

- J. Video Processing Unit (VPU): A digital video/audio recorder (DVR) installed in the trunk of the vehicle which contains a Secure Digital (SD) Card or Solid State hard drive on which digital video/audio data are stored prior to wireless upload to the ICV server.


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IV. PROCEDURES AND RESPONSIBILITIES

The ICV system starts recording automatically when the officer turns on the emergency lights or the on-board g-force sensor is tripped. The system can also be started manually when an officer presses the red REC button on the front-facing camera, on the FEC, 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 ensure their ICV system is activated 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 involved in a pursuit shall ensure their ICV system is activated. All ICV equipment shall remain activated until:
 - A subject is taken into custody;
 - Directed by a supervisor to deactivate the ICV; or
 - The pursuit is terminated, and normal driving has resumed.
3. Officers shall ensure their ICV system is activated during emergency response driving.
4. It is the policy of the Department that all officers conducting any transport, including but not limited to, prisoner transports, TDO transports, or any other community member transports, in an ICV equipped vehicle, shall ensure their ICV system is activated for the duration of the transport.


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This shall be documented in the narrative in the current Records Management System (RMS).


5. Officers initiating the ICV system while responding to a call, or while positioned on a perimeter, should not stop the ICV system until there is a low likelihood of capturing evidence.

B. Officer Procedures and Responsibilities


1. Officers operating vehicles with ICV equipment are responsible for the condition of the equipment. Following initial login to the MCT, officers shall conduct a daily systems check of all ICV equipment to ensure it is operating correctly.
 - In the event there is damage, or an irregularity is discovered during this inspection, this information shall immediately be brought to the attention of a supervisor and the Station Logistics Technician (SLT) shall be notified so repairs can be made.
2. Following the inspection, officers shall activate the ICV system and verbally announce a daily systems check to verify the system is working. At a minimum the officer will state their name, County EIN, and date, and ensure that the system operates for a minimum of five seconds. The officer shall then review the recording via the archives tab to ensure proper operation.
3. Officers shall confirm that adequate storage is available on the vehicle's VPU. This information is available on the FEC.
4. To successfully upload video/audio data from the VPU to the server, officers shall ensure the following is completed:
 - Park within range of the wireless access points located at each district station, Public Safety Headquarters and the Operations Support Bureau.
 - Ensure the CAD is docked. This process will not work with an undocked CAD.
 - Ensure the FEC software is "running". The system will automatically begin to upload as indicated by the flashing green upload indicator light at the top of the screen.

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- The progress bar will move to the right and will stop when the upload is complete. At this point the CAD can be undocked.
5. Each officer shall ensure the body microphone is synced and charged prior to attaching it securely to their uniform in a place where their voice, and the voices of community members, are easily recorded. For optimal radio clarity, the microphone shall be placed in its corresponding microphone holder as the SD microphone and HD microphone have slightly different sizing and microphone placement. It is recommended that ICV body 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.
 6. Cruisers equipped with defective ICV equipment or cruisers without ICV equipment shall not be operated without supervisory approval.
 7. In the event the microphone becomes un-synced during the course of the shift, it shall be the responsibility of the officer to ensure a successful re-sync is completed as soon as practical. Some common causes of un-syncing include:
 - Undocking the MCT;
 - Loss of power to the cruiser or radio losing power; or
 - The microphone being out of distance from the MCT.
 8. **Following each ICV recording, the officer shall classify the recording by selecting the appropriate description from the drop-down menu.**
 9. **Following each ICV recording, the officer shall enter an applicable case number or event number in the case file # field.** The exception to this is recordings requiring no police action which will generally be labeled as Shift Start Test/Inadvertent. If an officer does not apply a case number and/or event number after classifying the recording, they can review the video in the archives tab, and the officer shall enter the event number or case number in the case file # field. Viewing in the archives tab can only be done before the MCT uploads at a wireless access point and uploads the recordings to the back-end server. Both classification and reclassification can only be done on the BEC after uploading has occurred.


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- The *case file #* field should never contain any spaces or characters. For example, a proper case number would be entered/verified by the officer as: 20180010123. A proper event number would be entered as: E180010123.
 - If an officer forgets to apply a case or event number, and the recording has already uploaded, the officer shall access the BEC when practical and update the ICV recording with the appropriate case or event number. At this time the officer can also change the classification, if necessary. It is important to note that ICV recordings are only linked by using the exact same information in the *case file #* field.
 - If the ICV system was utilized during any police event, and Departmental reporting requirements direct the officer to formally document the event in any manner, officers shall make note of the fact that video and/or audio material exists in the current RMS.
 - It shall be the responsibility of the assigned case officer/detective to ensure all videos pertaining to their case are linked with a like case number or event number. The assigned case officer/detective can add an additional case number or event number on the BEC to link all related recordings.
10. Officers shall be diligent about checking the synced status of their microphone as well as the proper classification of the ICV event. **Officers may be subject to disciplinary action if it is determined that an officer was unjustified in failing to utilize the ICV system as required.**
 11. Officers investigating suspected impaired drivers, or impaired driving crashes, shall make 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 narrative portion of the incident report, arrest, or crash supplement narrative, as appropriate.
 12. If there are special circumstances that may require redactions of any ICV material prior to release due to the sensitive nature of the material, the officer shall contact the FOSS via email at FCPDICV@fairfaxcounty.gov to coordinate assistance prior to the conclusion of their tour of duty. Examples may include, but are not limited to; HIPPA matters, victims of sexual assault, or matters involving juveniles. When emailing the FOSS,

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officers shall include the time, date, and any ICV generated information that may be specific to that material that may assist the FOSS with identifying the ICV material in question. If there are circumstances that prevent the officer from making this notification, the officer shall notify their supervisor and the supervisor shall ensure the FOSS is notified either via email or by phone.

13. Unless doing so would hamper the investigation, if asked by any community member, 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 community member contact should they feel doing so may dissuade inappropriate community member behavior.
14. At no time shall an officer use the ICV equipment for other than official police business.
15. Allowing others to view ICV material without supervisor approval is prohibited.
16. Officers shall not attempt to alter any part of ICV equipment or data.
17. Officers shall not utilize the ICV system to intentionally record any Department employee in a surreptitious manner (i.e., roll call/locker rooms/administrative investigations/counseling sessions). However, when necessary, competent authority may utilize ICV in the course of conducting administrative investigations and counseling sessions.
18. In order to eliminate unnecessary noise that interferes with the recording of police radio transmissions, officers shall discontinue the use of any device that may interfere with the ICV audio recording. This includes, but is not limited to, the AM/FM radio.
19. Officers shall not review videos recorded by other officers without supervisor approval.
20. Employees shall not use any unapproved means to copy or distribute the ICV material.

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C. Supervisor Responsibilities

1. Supervisors shall utilize the BEC to conduct monthly ICV audits of a minimum of three officers under their direct supervision. These audits will ensure officers are:
 - Syncing their mics.
 - Performing a daily systems check.
 - Properly classifying each recording as these recordings are subject to the retention requirements of the [Library of Virginia Records Retention and Disposal Schedule GS-17](#) (i.e., homicide 100 years / misdemeanor offenses 10 years).
 - Noting the case or event number in the *case file #* field.
 - Response driving should be among the items reviewed during the monthly audit.
 - The audits shall be documented on the [ICV Audit Form](#) located on the BlueNET.
2. Supervisors shall review their officer's 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 digital copy of the ICV material by utilizing the [Digital Video Request Form](#) for training purposes. If appropriate, a digital copy may be forwarded to the Fairfax County Criminal Justice Academy for instructor use.
3. Supervisors may conduct random inspections of their officers' ICV systems to ensure the equipment is being fully and properly utilized.
4. Supervisors, while granted access to all videos not locked by the Internal Affairs Bureau, should not review videos recorded by officers outside of their direct supervision without commander approval.
 - If an on-duty supervisor receives a complaint of officer misconduct, they may review the ICV material from the date/time in question. The supervisor shall then proceed as they would in any allegation of misconduct.

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5. Supervisors may, when warranted and during the course of their official duties, review pertinent ICV material with a complainant/community member.

D. Commander Responsibilities


1. Ensure all personnel under their command are trained in the use of the ICV system.
2. Commanders shall evaluate their officer's vehicle pursuits ensuring adherence to laws and regulations. Officer safety and the sanctity of human life should be important considerations in the commander's evaluation process. Commanders shall encourage the safety of police vehicle operations.

Commanders may require remedial training and/or take corrective action as necessary. In instances where commanders initiate corrective action or mitigation measures, this action shall be documented, and the respective bureau major should be informed.


3. Commanders shall review the ICV material of their assigned first line supervisors who are directly involved in a vehicle pursuit. Commanders shall document the fact of their review by completing an [ICV Audit Form](#) on the BlueNET under their respective division or station. The review is to ensure compliance with laws and regulations, identify any positive driving behaviors, and address any issues which require mitigation or corrective action. Enhancing the safety of all should be the overarching principal in the commander's review effort.

V. CONTROL AND DISSEMINATION OF ICV MATERIAL

- A. All digital copies of any Departmental ICV material shall be made and used for official law enforcement purposes only, unless authorized by the Chief of Police, or their designee.
- B. ICV digital file requests will be made via the BlueNET by utilizing the [Digital Video Request Form](#). Unless there are extenuating circumstances, officers shall give at least 10 days notice when requesting an ICV digital file.
 - Digital copies may be provided via a weblink.


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- If a hard copy is desired (i.e., DVD, flash drive), it will be sent via interoffice mail to the requesting officer unless other arrangements are made.
 - It should be noted that some courts allow for direct digital access (i.e., web links) to the Office of the Commonwealth’s Attorney. Some courts may require the officer to provide a physical copy of the digital file. It is the officer’s responsibility to coordinate with the appropriate prosecutor in determining if a hard copy is required.
- C. After the case has been adjudicated, and past the time the defendant has to appeal, officers may retain ICV digital copies in their criminal and traffic case files, return them to the FOSS for destruction, or place them in an approved shred bin.
- D. ICV digital copies are releasable under a Subpoena Duces Tecum, by court order, and through routine discovery. The digital copies can be determined to be eligible to be released by the Chief of Police, or their designee, the Internal Affairs Bureau, a representative of the FOIA Division of the Media Relations Bureau, or the FOSS.
- **Officers should take note that ICV retention requirements will be based upon the classification made by the officer.** Further information on this can be found on the [Information Technology Bureau ICV page](#) which is located on the BlueNET.
- E. The ICV system includes network storage for the data. The FOSS will ensure all ICV material is retained in accordance with the provisions outlined by the [Library of Virginia, Records Retention and Disposal Schedule](#).
- If information develops during the course of an investigation that significantly differs from the original classification, the case officer shall access the BEC to reclassify the recording.
 - The SD Card, or Solid State Hard Drive, or any portion of the VPU may only be removed by Crime Scene Detectives, the Internal Affairs Bureau, and Computer Forensics Detectives in cases where there is a need for immediate access to the ICV material for evidentiary purposes. The person responsible for the removal and/or replacement of any ICV equipment shall document this in the narrative of a supplement in the current RMS. That person shall also notify the FOSS via email as soon as

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possible. The FOSS, or designee, will only remove the SD card, or Solid State Hard Drive, or any portion of the VPU where there is a faulty unit and is not required to document this in the RMS.


- If a data storage device is removed, it shall be forensically copied by the Computer Forensics Section and then returned to the FOSS as soon as possible for uploading.

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VI. LEGAL CONSIDERATIONS

A. The Office of the Commonwealth’s Attorney has provided the following guidance on several items pertaining to the ICV material and its admissibility for court proceedings:

1. Officers must authenticate the ICV material as an accurate depiction of what transpired during the incident. There is no case law prohibiting the transfer of audio/video material to compact disc or other formats.
2. If needed for court, officers shall have ICV material and all notes available during any court proceedings.
3. The Code of Virginia does not prohibit officers from recording community members in public as those in a public area have no expectation of privacy. The 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).
4. Officers shall advise the Office of the Commonwealth’s Attorney if ICV material exists for a case in advance of the initial court date.
 - Officers should consult with the Office of the Commonwealth’s Attorney to determine if an extra digital file copy will be needed for discovery.

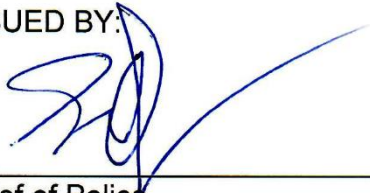
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VII. LEGAL REFERENCES

- A. Library of Virginia [Records Retention and Disposal Schedule, GS-17 Law Enforcement, Fire and Emergency Services.](#)
- B. [Va. Code Ann. § 19.2-62](#) Interception, disclosure, etc., of wire, electronic or oral communications unlawful; penalties; exceptions

This General Order becomes effective July 1, 2019, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive