

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: BODY-WORN CAMERA AND IN-CAR VIDEO SYSTEMS		NUMBER: 509
	EFFECTIVE DATE: June 17, 2024	REVIEW: June 2027	
RESPONSIBLE ENTITY: Information Technology Division			<input type="checkbox"/> New Directive: <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 06-17-24
ACCREDITATION STANDARDS	CALEA: 41.3.8	VLEPSC: OPR. 01.11	

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for all employees on the proper use, storage, and file categorization of Department Body-Worn Camera (BWC) and In-Car Video (ICV) systems.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that all officers use BWC and ICV systems to accurately record law enforcement actions, capture evidence pursuant to investigations, and enhance Department transparency and accountability in a manner that also safeguards privacy concerns for those individuals being recorded. Officers are required to activate their BWC and/or ICV systems during the performance of their duties and where the act of capturing video documentation is in compliance with both Department policy and the Code of Virginia. It is acknowledged that, at times, officers can face rapidly evolving situations where they cannot safely activate these systems, however, it is imperative for officers to make all reasonable efforts to record interactions between themselves and members of the public whenever it is practicable and safe to do so. All data created by the BWC/ICV systems shall remain the exclusive property of the Department and shall only be released in accordance with state and federal law, County policy, and FCPD [General Order 402](#) (Release of Information, Recordings, and Documents). This General Order does not apply to the use of covert recording devices that may be used during undercover operations.

III. DEFINITIONS

- A. **Body-Worn Camera (BWC):** A device capable of recording audio and video that is worn on an officer's person or uniform.

- B. **Daily Systems Check:** Pre-shift check of the BWC and ICV systems to ensure proper functionality that requires the officer to provide their name, EIN, and date and is required for any officer assigned a BWC or cruiser equipped with ICV.
- C. **Digital Evidence Management System (DEMS):** A system used for storage, management, and access to digital files, to include audio/video, that may be used as evidence in court.
- D. **In-Car Video (ICV) System:** Recording device installed in a police vehicle capable of capturing both audio and video files.
- E. **Metadata:** Information about a recording that allows it to be searched for and is related to a specific event or case. This data may include event numbers, case numbers, date and time the video was created, the name of the officer that created the video, and a video category that determines retention period.
- F. **Police-Affiliated Critical Incident:** Any sudden, powerful, and often traumatic event in which an individual suffers serious injury or death during their contact with an officer and the officer's actions may be subject to a criminal investigation. This can include, but is not limited to, the deployment of deadly force, less-lethal force or use of a restraint technique, Precision Immobilization Technique, vehicle pursuits, cruiser crashes, in-custody deaths, or any other intentional or unintentional action that results in serious injury or death of an individual.
- G. **Video Evidence Coordinator:** Department first-line supervisor designated by a station or division commander tasked with overseeing proper management of BWC and ICV video(s) and timely sharing of evidentiary video(s) with the Office of the Commonwealth's Attorney for prosecutorial purposes.

IV. GENERAL PROCEDURES

- A. **Department Objectives:** Officers equipped with BWC and ICV systems shall utilize them as required in performance of all official duties and whenever interacting with members of the public in order to (1) capture video documentation of law enforcement public contacts, arrests, and critical incidents, (2) enhance law enforcement operations, training, and courtroom testimony, (3) document crime and motor vehicle accident scenes and confiscation of evidence and/or contraband, (4) assist with supervisor review and evaluation of officer interactions with members of the public, and (5) identify and correct internal agency issues (e.g. tactics, communications, policy compliance, customer service, officer safety).

- B. **Assignment and Training Requirements:** BWC and ICV systems shall be allocated and assigned to divisions and bureaus as determined by the Chief of Police or their designee subject to equipment availability. Any employee who is assigned a BWC and/or ICV system shall attend and successfully complete a Department-approved training program to ensure proper use and operation. Additional training may be required by the Chief of Police or their designee.
- C. **Wearing of Body-Worn Cameras:** All officers who are issued BWC systems shall wear and utilize their BWC whenever working (1) patrol and all patrol-related functions (ex: NPU, SET, K9, Motors) (2) secondary law enforcement employment as defined in FCPD [General Order 340](#) (Non Regular Employment), and/or (3) any other assignment where the officer's primary duties are to interact with the public and provide law enforcement-based services.
1. **Exceptions:** Exceptions to wearing a BWC are subject to command approval. Officers who are exempted from wearing issued BWCs shall note in any documented event in the current Records Management System (RMS) that they were exempted from wearing a BWC and provide the rank and name of the approving commander and the reason(s) for the exemption. Officers are not required to wear their BWC while attending court during hours where they would otherwise be considered off-duty, nor while dressed in their Class A/Ceremonial uniform. Officers assigned to investigative or administrative assignments are also not required to wear their BWC during routine duties unless otherwise directed by a supervisor.
- D. **Equipment:** BWC and ICV systems are for Department use only and shall never be used for non-work purposes or personal activities. Officers shall only use those BWC and ICV systems approved and issued by the Department and shall not use personally owned BWC or ICV equipment on-duty, nor may they use BWC equipment that has been assigned to another officer or employee.
1. **Charging:** Officers shall ensure their BWC is fully charged prior to their shift and keep their issued spare BWC available while on-duty. Where an officer's BWC becomes inoperable, they shall promptly switch to the back-up BWC.
 2. **Malfunctions:** Where an officer's BWC or ICV system malfunctions, is damaged, or is lost, that officer shall promptly notify their supervisor and submit an emailed service request to the Information Technology Bureau (ITB) at ITServiceDesk@fairfaxcounty.gov. The officer shall then utilize their spare BWC until a replacement can be issued. Officers shall not, under any circumstances, attempt to manipulate or alter any part of BWC/ICV equipment or data. Use of an ICV-equipped policy vehicle when the ICV is not functional

shall be subject to supervisor approval and noted in the officer's Computer Aided Dispatch (CAD) history.

G. **BWC/ICV Activation and Deactivation:** BWC and ICV activation or deactivation shall only occur when doing so does not compromise the physical safety of the officer or any other individual. Where an officer does not activate their BWC due to safety concerns, the reason(s) for non-activation shall be documented in the current RMS. Once activated, recording BWC and/or ICV systems shall remain active until the incident, public contact, or rendering of law enforcement services has concluded. Officers who observe other officers engaged in community interactions and discover their BWCs are activated shall also ensure their own BWCs are promptly activated. In addition to the mandatory recording requirements and exceptions below, officers may record with BWC and ICV at their discretion whenever they believe a recording would be beneficial unless specifically prohibited by Department policy or law. Officers shall **not** mute their BWC audio under any circumstances.

1. **Mandatory BWC Activation:** Officers shall activate the recording feature of their BWC system prior to the following situations:
 - a. Contacts with community members associated with the performance of official law enforcement duties, to include responding to calls for service, self-initiated encounters, arrests, traffic stops, show ups and/or lineup procedures, field contacts, and all events that involve the rendering of public services or law-enforcement activity.
 - b. Actions conducted in the official performance of duty, to include emergency response driving as defined in [FCPD General Order 503](#), (Response Driving), vehicle pursuits, vehicle stops, searches of buildings and vehicles, searches and/or frisks of individuals, searches for fleeing suspects, collection of physical evidence of a crime, and/or transportation of any individual in custody.
2. **Mandatory ICV Activation:** Officers shall activate the recording feature of their cruiser ICV camera prior to the following situations:
 - a. Traffic stops, disabled motorists, pedestrian encounters on a highway, emergency response driving, field show ups, vehicle pursuits, or use of a vehicle stopping technique.
 - b. Transportation in a police vehicle of any individual either in police custody or as a police service.

3. **Police-Affiliated Critical Incidents:** Officers involved in, or present at the time of a police-affiliated critical incident (PACI) shall continue to record with BWC/ICV until specifically directed by competent authority to end the recording. PACI-involved officers' BWC and ICV-equipped vehicles should remain in the same condition and location at the time of the PACI until documented and otherwise directed by responding Crime Scene Section (CSS) detectives.
4. **Recording Exceptions:** BWC and ICV shall not be used to record the following situations:
 - a. Conversations with other employees or law enforcement personnel in a deliberately surreptitious manner or while discussing law enforcement tactics, strategy, procedures, or plans with other officers.
 - b. Roll calls, training, business and community events and meetings, personal activities, or other administrative activities.
5. **Privacy and Restricted Use:** When practicable and safe, officers should inform individuals that they are being recorded unless doing so would jeopardize an investigation. BWC and ICV shall never be intentionally used to gather intelligence related to First Amendment protected free speech, associations, or religions. Officers may also not intentionally record confidential information from sources such as NCIC/VCIN or other criminal databases, excluding radio transmissions that may occur in the normal course of duty.

Officers should de-activate their BWC and ICV systems in the following situations unless (1) a use of force occurs or is reasonably anticipated, (2) while interacting with a suspect during an active criminal investigation, or (3) they are responding to an incident involving on-going violence:

- a. Where an individual reporting a crime requests not to be recorded. This request shall be documented in an incident report in the current RMS.
- b. Locations where an individual has a reasonable expectation of privacy (e.g. their residence) and that individual requests the officer not to record, **unless** the officer is legally present in that location pursuant to an on-going criminal investigation, arrest, or search for an individual or evidence. This request shall be documented in the current RMS.
- c. In locker rooms or restrooms.

- d. When inside of a jail or correctional facility.
- e. In federal, state, or local courthouses or while appearing before a judge or magistrate.
- f. In medical and mental health care facilities, ambulances, drug-treatment centers, or rehabilitative (halfway) houses.
- g. On the grounds of any public or private school.
- h. In the presence of a known undercover officer or confidential informant; or,
- i. Taking a victim statement related to a sensitive investigation to include, but not be limited to, sex crimes, child abuse, child pornography, or whenever conducting a Lethality Assessment Program (LAP) screening.

V. OFFICER RESPONSIBILITIES

- A. **Pre-Shift Tests:** Prior to the beginning of their shift or assignment, officers shall conduct pre-shift checks of their BWC and ICV and review their recordings to ensure the devices are properly functioning. Test videos shall be categorized as “**SHIFT START TEST.**” Officers who discover malfunctions shall immediately alert their supervisor, note in their CAD history the malfunction, and notify the Station Logistics Technician.
- B. **Wearing of Body-Worn Cameras:** Officers shall affix their BWC to the front of their uniform as close as possible to the center of the officer’s chest. Officers may reasonably re-position their BWC based upon uniform variances and ability to access other equipment so long as the BWC remains as close as possible to the center chest position. Exceptions to this requirement may be implemented only with the approval of a Bureau Commander. Whenever not involved in official police business, employees may remove or disengage their BWC when conferring with legal counsel, Peer Support members, SSPBA Representatives/Stewards, or engaging in other forms of legally privileged conversations. If portions of BWC footage contain information covered by legal privilege, it shall be redacted from the footage prior to release outside of the FCPD.
- C. **Obstruction of Body-Worn Cameras:** Officers shall not intentionally obstruct the BWC or ICV nor purposefully seek to avoid the recording of a police incident on these devices in accordance with this General Order, however, under no circumstances should any officer compromise their safety or the safety of others out of concern that an event will not be fully captured by either BWC or ICV.

- D. **Documentation:** Officers shall note in an incident report, supplemental report, arrest module, field contact module, or other related documentation in the current RMS: (1) whenever their BWC/ICV systems were active and recording during the event, (2) where they failed to activate their BWC/ICV in required situations and/or failed to record the entire duration of the event, or (3) where they were required to deactivate one or both of these devices in accordance with this General Order. This also includes where either a BWC or ICV malfunctions during an otherwise required recording event. Recordings shall not be considered as a replacement for written reports or detailed notes.

Officers shall also specifically note in these reports whether the videos were pursuant to a custodial arrest, releasable arrest upon a summons, or whether a warrant will be obtained at a later time, and that they were properly categorized as “**ARREST**” through the Evidence.com Digital Evidence Management System (DEMS) and shared with the Office of the Commonwealth’s Attorney.

- E. **Accidental Recordings:** Where accidental and sensitive recordings occur, such as during an officer’s use of a restroom or during a meal break, videos of bargaining unit employees shall be restricted upon request from an officer with a copy to their supervisor or upon request from a supervisor to the Manager of the Field Operations Support Section of ITB at ITServiceDesk@fairfaxcounty.gov. Accidental recordings classified as “No Evidentiary Value” shall be deleted thirty (30) days after the event or in such time as consistent with the Library of Virginia Records Retention and Disposition Schedule (General Schedule No. GS-17, Series Number 100796) then in effect. If the BWC footage cannot be deleted, then accidental and sensitive portions of the BWC footage shall be obscured with redaction technology.
- F. **Timely Uploading of Videos:** Officers shall dock their BWC and position their ICV equipped-police vehicle within a wireless upload coverage area of a police facility at the conclusion of each shift or assignment in order to ensure timely uploading of video to the BWC/ICV DEMS and routinely check their devices to ensure uploads are in-progress or completed. Specialty units that do not regularly return to a police facility at the conclusion of their shift may conduct uploads on a regular schedule as determined by their Bureau Commander.
- G. **Metadata and Categorization Requirements:** Officers shall review their recordings to ensure proper metadata and categorization is conducted in accordance with their BWC/ICV training by the end of the next shift they work following uploading of their videos. Lead officers on an event are responsible for ensuring all recordings constituting evidence or required for inclusion in a case file have proper metadata and categorizations prior to the recording’s scheduled

deletion date. Any officer who receives notice that their generated recording contains a metadata or category error shall promptly correct the error.

- H. **Sharing of Videos with the Office of the Commonwealth's Attorney:** Officers shall ensure that all BWC/ICV videos related to any arrest, whether custodial, releasable on a summons, or where a warrant was subsequently obtained in a criminal matter, are categorized as "ARREST" in the Evidence.com DEMS to signify that the video is to be shared with the Office of the Commonwealth's Attorney. Officers shall share these BWC/ICV video(s) with the Office of the Commonwealth's Attorney by the conclusion of their current or subsequent shift through the DEMS as prescribed during their training. Officers shall further verbally advise the Office of the Commonwealth's Attorney that BWC and/or ICV video exists of the incident during all associated court dates.
- I. **Driving While Intoxicated or Under the Influence of Drugs Investigations:** Officers who are investigating cases involving suspected impaired drivers shall activate their BWCs and make all reasonable attempts to ensure critical evidence, including field sobriety test results, are captured by the ICV system. Where extenuating circumstances exist and the officer is unable to record the investigation on the ICV, this shall be documented in the narrative of their incident report, arrest, or crash supplement narrative in the current RMS.
- J. **Use of Personal Electronic Devices While Recording:** Officers should discontinue the use of audible electronic devices when BWC/ICV systems are actively recording in order to eliminate unnecessary noise that might interfere with the recording of police activity and radio transmissions. This includes, but is not limited to, police cruiser AM/FM radios.

VI. SUPERVISOR RESPONSIBILITIES

- A. **Proper Categorization of Videos:** Supervisors shall ensure all officers under their purview have properly categorized BWC/ICV videos, shared arrest videos with the Office of the Commonwealth's Attorney for prosecutorial purposes, and documented these respective actions in their incident reports, supplements, or arrest modules in the current RMS.
- B. **Restriction of Videos:** Supervisors may restrict an officer from viewing BWC/ICV video(s) where an administrative inquiry or investigation has been initiated. For complaints of officer misconduct, an on-duty supervisor shall review all pertinent BWC/ICV video, ensure the video associated with a received complaint is properly uploaded, and confirm the video has proper metadata and categorization. All BWC/ICV video used in an administrative investigation shall

be documented and categorized, regardless of whether the complaint is disproven without the need for a full investigation (i.e. administrative inquiry).

- C. **Damage or Loss of Equipment:** Supervisors shall investigate and document the circumstances of any substantial damage or loss of BWC or ICV equipment and ensure ITB is notified of the damage or loss in a timely manner.

- D. **Conduct Monthly Audits:** First-line supervisors shall conduct monthly audits of one BWC and one ICV video from a minimum of three (3) separate officers under their direct supervision. Supervisors shall further ensure that they have conducted at least one monthly audit of each officer assigned to their specific squad within a four-month time period. BWC/ICV videos shall be reviewed in their entirety, and ICV reviews should specifically focus on response driving and/or traffic stops. Audit results shall be archived within the Department's BlueNet and reviewed by station and district commanders each month. Review of these videos shall focus on the following:
 - 1. **Administrative:** Officer adherence to adding proper metadata and category information and to sharing arrest videos with the Office of the Commonwealth's Attorney.

 - 2. **Operational:** Officer adherence to Department policy, officer safety standards and training, professionalism, use of proper language, safe and proper response driving, and any identified areas for training or improvement.

- E. **Training Videos:** Supervisors may request the use of BWC or ICV video for training purposes either through their bureau or station commander.

- F. **Police-Affiliated Critical Incidents:** Supervisors who respond to a PACI may direct officers to terminate BWC/ICV recordings once all operational activities have concluded and further capture of evidentiary data is no longer anticipated.

- G. **Video Evidence Coordinator:** Station and division commanders shall appoint a supervisor to serve as the Video Evidence Coordinator (VEC). The VEC oversees compliance of BWC/ICV metadata and categorization requirements and ensures that all arrest BWC/ICV videos have been shared with the Office of the Commonwealth's Attorney in a timely manner.
 - 1. **Weekly Audits:** VECs shall conduct weekly audits of BWC/ICV videos, ensure lead officers on an event have accurately recorded proper metadata and categorization prior to the recording's scheduled deletion date, and share any applicable digital evidence with the Office of the Commonwealth's Attorney through the Evidence.com DEMS.

2. **Errors and Omissions:** Errors or omissions discovered during the weekly audit shall be brought to the immediate attention of the recording officer and their respective supervisors. Identified issues shall be corrected prior to the conclusion of the recording officer's next shift. Issues that are identified as recurrent during consecutive weekly audits shall be referred by the VEC to the station commander for awareness and remediation. Where training opportunities are identified, station commanders shall coordinate with their VEC to determine an appropriate solution.
3. **Office of the Commonwealth's Attorney:** VECs shall serve as primary points of contact for the Office of the Commonwealth's Attorney regarding all BWC/ICV matters at their respective station or division. Where the Office of the Commonwealth's Attorney requests access to a BWC/ICV video for prosecutorial purposes and the lead officer is not available, the VEC shall be contacted and responsible for providing the requested video(s), providing proper metadata, and categorizing the video if needed.

VII. COMMANDER RESPONSIBILITIES

- A. Commanders shall ensure that all personnel under their command who are assigned BWC/ICV systems have attended and successfully completed Department approved training courses prior to use in their duties.
- B. Commanders shall review BWC/ICV recordings for all first-line supervisors under their command who are directly involved in vehicle pursuits and use of force incidents or who work backfill staffing. The review shall be documented in a BWC/ICV audit form to ensure compliance with laws and Department policy, identify training needs, and address any concerns requiring mitigation or corrective action.

VIII. ACCESS AND DISSEMINATION

- A. BWC/ICV audio and video recordings and all related metadata captured, recorded, or otherwise produced by these devices shall remain, at all times, the exclusive property of the FCPD.
- B. **Providing Video Evidence to the Office of the Commonwealth's Attorney:** BWC/ICV video categorized with the "ARREST" designation as being related to an incident involving any arrest shall be shared with the Office of the Commonwealth's Attorney in a timely manner. BWC/ICV Program Coordinators shall coordinate with the Internal Affairs Bureau prior to the sharing of any video identified as being part of an active administrative investigation.

C. **Access:** Except where otherwise provided by policy, employees shall not permanently edit, alter, erase, duplicate, copy, share, or otherwise distribute BWC and/or ICV video without prior written authorization of the Chief of Police or their designee. Duplication of any BWC or ICV video in full or in part by a secondary recording means, to include screen-capture software or audio/video recording with another device (i.e. mobile devices) is strictly prohibited.

1. **Viewing of a Video by a Member of the Public:** Employees shall not permit any member of the public, to include complainants or witnesses, to view BWC or ICV video without prior commander approval and only after the video has been redacted by the Public Affairs Bureau (PAB) FOIA Compliance Section. Requests by citizens to view or obtain a copy of BWC or ICV video shall be promptly forwarded to FCPDFOIA@fairfaxcounty.gov.
2. **Pro Se Defendants:** For cases where the Office of the Commonwealth's Attorney is not involved or does not enter an appearance, officers shall allow any defendant (on their court date) upon request to review BWC or ICV video that will be used as evidence in their case. Where officers have direct knowledge that a BWC or ICV contains exculpatory evidence favorable to the defendant, they shall inform the pro se defendant of this knowledge and provide them with the opportunity to review the video regardless of whether or not the officer intends to use the video in their case.
3. **Viewing of a Video by a Department Employee:** Department employees may only view BWC or ICV video for approved law enforcement or administrative purposes, to include (1) in furtherance of an active Investigation, (2) review for report writing and preparing for criminal or civil litigation, (3) administrative audits and internal investigations, (4) approved training needs, or (5) review for assessment of Departmental training needs and/or procedural changes. BWC/ICV videos contain audit trails that record the employee and date/time of all access, dissemination, or other action within the BWC/ICV DEMS. Access to BWC/ICV video is audited by the Field Ops Support Section of ITB to ensure only authorized users have access.

Access and handling of BWC and ICV video resulting from a PACI shall be handled at the direction of the Chief of Police or their designee and in accordance with FCPD [SOP 12-045](#) (Investigation of Deadly Force Deployment and Police Affiliated Critical Incidents).

D. **Dissemination:** The PAB FOIA Compliance Section shall handle all release and/or redaction requests of BWC and ICV recordings outside of the Department. All FOIA requests for BWC/ICV video shall be handled in accordance with FCPD [General Order 402](#) (Release of Information, Recordings, and Documents).

FCPD General Order 509-Body-Worn Camera and In-Car Video Systems

1. **Subpoena Duces Tecum and Court Orders:** Where BWC/ICV video is requested pursuant to a Subpoena Duces Tecum or court order, the Internal Affairs Bureau (IAB) may consult with the assigned Fairfax County Attorney to coordinate release of the requested video.
2. **FOIA Releases:** BWC/ICV materials may also be releasable under the Virginia Freedom of Information Act. Any release of BWC/ICV video under the Act shall be done in accordance with FCPD [General Order 402](#) (Release of Information, Recordings, and Documents), and processed through PAB's FOIA Compliance Section.

IX. LEGAL REQUIREMENTS

- A. **Admissibility:** BWC and ICV video are subject to the requirements for the admissibility of evidence. Officers should review BWC and ICV video prior to court in order to be able to testify under oath it is a fair and accurate depiction of what the BWC/ICV recorded during the incident/arrest and have their notes available during court proceedings.
- B. **Recording in Public:** Officers may record community members in public, as individuals in a public area have no expectation of privacy. BWC recording of police contacts with individuals is permissible in areas with an expectation of privacy, provided officers have legal authority to be in that location (e.g. domestic violence investigations that occur inside of a residence).

X. STORAGE AND RETENTION

- A. BWC/ICV materials shall only be stored and transmitted in a manner that is consistent with the appropriate US Department of Justice Criminal Justice Information Services (CJIS) Security Policy.
- B. All BWC and ICV video shall be retained and disposed of in accordance with the Library of Virginia Records Retention and Disposal Schedule.

XI. 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.

General Order 509 becomes effective on the above date and hereby rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive