

BODY WORN CAMERAS



POLICY & PROCEDURE # 249 VLEPSC STANDARDS: OPR.01.12 a-d PAGE 1 OF 11

I. PURPOSE:

This policy is intended to provide deputies of the Middlesex County Sheriff's Office with instructions on when and how to use body worn cameras. Cameras are to be used to enhance transparency and accountability and to provide an accurate record of law enforcement interactions with the public.

II. POLICY:

Community Review and Comment Sheriff's website February 18 to March 11, 2026.

Deputies shall activate the body-worn cameras (BWCs) when such use is appropriate for the performance of their official duties and where the recordings are consistent with this policy and the law. It is this sheriff's policy to effectively document all law enforcement contact with the public, as well as other contacts, as deemed appropriate, while considering legitimate individual privacy interests.

This policy does not govern the use of covert recording devices used in undercover operations.

This policy requires that any report generated by a deputy which has been recorded by BWC must state in the synopsis of the narrative "This incident was recorded by BWC".

(OPR.01.12)

III. LEGAL AUTHORIZATION TO RECORD:

A. In conformity with *Virginia Code 19.2-61*, Definitions and *Virginia Code 19.2-62*, Interception of Wire, Electronic or Oral Communications, an individual that is a party to a conversation may record that conversation. Additionally, the Supreme Court ruled in *Pennsylvania vs. Muniz*, that a deputy has the right to observe what the deputy can see if the deputy has a legal right to be present. It follows that if a deputy may observe, a deputy also has a right to photograph or videotape. The recording of an interaction between a member of the public and a deputy, whether recorded by the deputy or the member of the public is protected and allowed by virtue of "one party consent."

IV. EQUIPMENT:

A. The approved Body Worn Camera, hereafter referred to as "BWC", shall be the Getac BWC BC-04-4K.

1. The BWC has 1080p HD resolution, 158° 4K Ultra HD resolution with battery providing twelve hours of continuous recording.
2. The approved Getac attachment system is designed to hold the camera, center of the ballistic vest.

V. PROCEDURES:

A. Mandated Training:

1. All patrol deputies are required to wear the BWC during their assigned shift.
2. Prior to a deputy being issued equipped and utilizing a BWC, the deputy shall be required to attend a Getac - Middlesex Body Camera PowerPoint & Master dock Training Video training program addressing the following points at a minimum:
 - a. All practices and protocols contained within this policy, which will be distributed to all deputies during the training.
 - b. An overview of relevant Virginia laws governing consent, evidence, privacy and disclosure to the public.
 - c. Enumerate the procedures for operating the BWC's safely and efficiently.
 - d. Enumerate the procedures for tagging recorded data.
 - e. Enumerate the procedures for uploading, accessing and reviewing data.
 - f. Enumerate the procedures for documenting and reporting a malfunctioning device or a supporting system.
3. An annual refresher class will be required to address the following:
 - a. Usage and protocols

- b. Technology updates on equipment
- c. Liability and legal issues
- d. Audit review discoveries
- e. Policy changes pertaining to BWC use

B. BWC Body Location:

1. To produce an effective recording, the tested and approved location for the BWC, is the top of the BWC shall be placed in the center of the chest area and secured by approved Getac mount.

C. Deputy BWC Maintenance and Care:

1. It is the exclusive responsibility of the deputy to ensure that their BWC is fully charged prior to the start of their shift, its function ability, and adequate event storage is available. The deputy will be required to activate the record button to confirm the above is functional and will tag the event as TEST.

2. In the event the BWC has been lost, stolen, damaged or sustains a malfunction, the deputy will immediately contact their supervisor, who in turn will contact the Sheriff or designee to resolve the issue.

an 3. To prevent damage when the cleaning of the BWC lens is necessary, only approved lens cleaning fluid and cleaning tissue will be applied.

D. Operational Procedures for BWC use:

1. When recording, deputies may inform people that BWC is in use if they feel it will benefit them.

2. Deputies shall cease recording an event, situation or circumstance at the request of a member of the public in the following circumstances:

- a. During consensual encounters in locations where members of the public have a reasonable expectation of privacy, such as a residence or hospital room, a deputy shall offer the member of the public the option to have the BWC discontinue its recording. If the member of the public requests the recording be discontinued the deputy shall immediately discontinue use of the BWC unless the recording is being made pursuant to an investigation, arrest, or search of a residence or individuals within the residence.

b. When interacting with a person seeking to anonymously report a crime or assist in ongoing law enforcement investigation, a deputy shall, as soon as feasible, ask the person seeking to remain anonymous if they would like to remain anonymous and would like the deputy to discontinue use of the BWC. If the person seeking to remain anonymous responds affirmatively, the deputy shall immediately discontinue use of the BWC.

c. All offers by deputies to discontinue the use of the BWC, and the responses shall be recorded by the BWC prior to discontinuing the use of the BWC.

an d. A BWC may be paused for strategies, policy, and or legal advice at ongoing incident (scene), between deputies and or with supervisors. This will be noted on camera as "Deputy Consultation" or "Supervisor Consultation". This will include communications in person or over the phone.

e. A BWC shall be paused for strategies, policy, and or legal advice at an ongoing incident (scene), between deputies/supervisors and the Commonwealth's Attorney, Assistant Commonwealth's Attorney, or Victim Witness Director. This will be noted on camera as "Commonwealth's Attorneys' Consultation". This will include communications in person or over the phone.

f. A BWC shall be paused for strategies, policy, and or legal advice at an ongoing incident (scene), between deputies/supervisors and the Sheriff or Chief Deputy. This will be noted on camera as "Supervisor Consultation". This will include communications in person or over the phone.

3. Deputies, while on duty or assigned to a sheriff's office sanctioned off duty assignment where law enforcement powers may be anticipated, shall wear the BWC. The use of a privately owned body worn camera/cellular phone video, under any circumstances is not permitted and therefore is PROHIBITED. Cellular phone photos for law enforcement purposes are allowed and exempt from this section.

4. During the hours of darkness and/or prior to entering an unlit structure, a deputy may activate and sustain the covert mode of the BWC.

5. To thwart allegations of discretionary recording or tampering, unless otherwise documented within this general order, the deputy will continue to record the event uninterrupted until the event is concluded, or the deputy has departed the scene

- a. If a deputy activates his or her BWC during an event, the deputy shall document within the narrative portion of the offense report of its existence.
- b. If it is a non-reportable event, it will be noted within the CFS report of its existence.

E. Required Activation of the BWC **(OPR.01.12a)**:

1. Although deputies are not required to record all encounters with citizens, deputies are required to record all law enforcement related encounters and activities. This policy does not have the intent to describe every possible circumstance; however, the following examples of incidents shall be recorded:

- a. All calls for service where citizen contact is made.
- b. All traffic stops
- c. All vehicle pursuits
- d. All citizens, victims, and witness transport
- e. All investigation/inquiring stops
- f. All foot pursuits
- g. All arrests
- h. All searches
- i. Evidence seizure
- j. Miranda warnings and the response from the in-custody individual
- k. All incident related statements uttered by citizens, victims, witnesses and suspects
- l. K-9 searches
- m. Search warrants
- n. Animal seizure

- o. Any incident that the deputy determines should be recorded for official purposes of law enforcement.
- p. During any encounter with the public that becomes adversarial after initial contact.

NOTE: If in doubt record it

F. Prohibited Recording

1. BWC's will not be utilized to record the following locations or situations:
(unless pursuant to a pursuit or exigent circumstances)
 - a. Surreptitiously record communications with any Middlesex County Sheriff's Office (Sheriff, sworn or non-sworn civilian personnel).
 - b. When the Sheriff, sworn or non-sworn civilian personnel are on break or are otherwise engaged in personal or non-work-related activities. To include restroom, locker room, or sheriff's office, hallway or break room.
 - c. In any location where deputies and other Middlesex County Sheriff's Office personnel have a reasonable expectation of privacy.
 - d. In public any location where individuals have a reasonable expectation of privacy, such as a restroom, or locker room.
 - e. Conversations with the Sheriff, sworn or non-sworn civilian personnel that involve case tactics or strategy.
 - f. The purposeful and intentional activation of BWC's during personal conversations between the Sheriff, supervisors and deputies involving counseling, guidance sessions, or personnel evaluations.
 - g. In any public, private or parochial elementary or secondary school, except when responding to an imminent threat to life or health or when taking law enforcement action.
 - h. Encounters with undercover law enforcement or informants.
 - i. Courts, Clerks of Court, to include appearing before a Magistrate
 - j. Correctional Facilities (exceptions; responding to an incident, or to the point that prisoner custody passes to correctional personnel)

k. E 911 Center

G. Event Category Tagging

1. Getac BWC possesses the ability to event tag with metadata, case numbers, and incident types. Other than Test, Civil Process (witness subpoena, Garnishment, Warrant in Debt etc.), or accidental recordings, all other recordings will be identified by CFS number or Case number if a report has been generated.

2. The following is a list of category event tags:

- a. Test
- b. Domestic
- c. Arrest
- d. Use of Force
- e. Vehicle Pursuit
- f. DUI/DUID
- g. Miscellaneous
- h. Traffic Stop
- i. Civil Issues
- j. Evidentiary
- k. Death
- l. Animal Control

H. Uploading, Viewing, Duplication and Ownership of BWC Data
(OPR.01.12b)

1. Prior to the conclusion of a deputies shift assignment, he or she will place their BWC into a docking base or vehicle single port dock to upload the BWC data.

2. In the event due to time constraints at the completion of the deputies assigned shift or location within the county, the deputy will

be permitted to upload the BWC at the beginning of the deputies assigned shift if that shift is within (12) hours.

3. Due to the technological advancements and data encryption of the BWC, the deputy is unable to edit copy or otherwise tamper with the data from the BWC.

4. Deputies will be assigned a unique username and password to access the Getac Cloud to view only their event recordings.

a. Deputies shall have unlimited access to their BWC data.

b. Deputies should review the BWC media prior to completing offense reports to ensure accuracy.

5. In the event deputy/deputies are involved in any incident involving use of force (resulting in injury, alleged excessive use of force or death), the deputy/deputies will immediately notify a supervisor and upload the BWC data, at their first opportunity, prior to leaving shift.

a. The deputy/deputies involved will be permitted to view the recorded event with their supervisor, prior to making a written statement or report.

b. statements and reports made by the deputy/deputies may or may not be utilized in an administrative review or a criminal or civil proceeding.

c. If there are any discrepancies between the deputy's written documentation and the event video, the supervisor will provide an explanation within the supervisor's investigatory report.

5. Access and Supervisory Review of Event Data:

a. Field Training officers will be permitted to view the recruits BWC media to provide immediate training or remedial training.

b. A supervisor is authorized to view a deputy's BWC data in relation to the following circumstances:

c. To investigate a complaint against a deputy or a specific incident in which the deputy was involved.

d. To identify data for training purposes or for instructional value.

e. When deputies are within a probationary review period or while the deputy is active in a field-training program.

f. When a pattern of verbal or physical abuse is alleged or determined in an early intervention.

g. The deputy's immediate supervisor will conduct a monthly random review of BWC data to ensure compliance with this general order and an overall evaluation of a deputy's performance.

h. Any member of the public, parent, or legal guardian of a minor, or a deceased subject's next of kin or legally authorized designee who is a subject of video footage, has the right to review that footage pursuant to the Government Data Collection and Dissemination Practices Act, Virginia Code Section 2.2-3800 et seq and shall be permitted to review that specific video footage at any time during regular business hours **(OPR.01.12d)**.

6. All data, images, video, audio, and metadata, ("BWC data") captured, recorded, or otherwise produced by the BWC is the sole property of the Middlesex County Sheriff's Office.

a. Deputies are not authorized and will not make copies of any recordings for their personal use, distribute to unauthorized people, or post on social media sites and are prohibited from using a recording device (such as a phone camera or secondary video and audio camera) to record media from the Getac Cloud Software. Violations will be subject to discipline.

7. The BWC Administrator with authority of the Sheriff, shall make DVD copies of or Getac Assets Case File of BWC data as requested in accordance with this general order:

a. Requests for BWC metadata from other law enforcement agencies shall be made on that agency official letterhead and signed by the agency head.

b. Court personnel (e.g. representatives from the Office of the Commonwealth's Attorney, Virginia Indigent Defense Commission, and the private defense bar) may request videos for trial through the Commonwealth's Attorney's Office.

c. Requests from the media, a non-law enforcement agency or an individual will be subject to the FOIA laws. All such requests will be in writing and from individuals entitled to view such recordings in accordance with this policy and applicable law. Records will be kept of

all requests, all duplicates made, and the distribution of such duplicates.

VI. Preservation, Management, and Information Technology, (IT) regarding Stored Metadata (OPR.01.12c)

A. Preservation:

1. All BWC data related to any criminal proceeding, civil complaint filed and/or pending litigation or an employee complaint will be preserved in accordance with the Library of Virginia, GS-17.

B. Evidentiary:

2. BWC data that captures any incident or encounter, a crime, arrest, summons, use of force, or a confrontational encounter with a citizen will be flagged and retained for a minimum of five (5) years or the applicable statute of limitations period if the video is relevant to a criminal complaint, charge or investigation, whichever is greater to allow the conclusion of an investigation, court proceedings, or an administrative investigation for which they might be used.

3. BWC shall also be flagged and retained for a minimum of five (5) years from the date of the recorded incident if requested footage by:
(Sheriff's Office has the option between dissemination or view only requested footage)

a. The Sheriff, for any reason

b. The Sheriff, if the video footage is being retained, solely and exclusively for training purposes

c. The Commonwealth's Attorney or Assistant Commonwealth's Attorney.

d. Any member of the public who is a subject of video footage

e. Any parent or legal guardian of a minor who is the subject of the video footage

f. A deceased subject person's next of kin or legally authorized designee.

incident recording will be uploaded to the

g. If a deputy is involved in a shooting, in custody death or any that results in a person's bodily harm or death, the BWC be archived and maintained for perpetuity and will be RMS report.

h. Use of force BWC recordings where civil litigation is anticipated will be archived for a period of five years, unless there is litigation, whereas the event will be purged at the conclusion of the litigation and the appeals process is concluded.

C. Civil Issue/Miscellaneous/Test:

1. BWC data that captures innocuous events such as tests, assisting a motorist, clearing a roadway hazard, civil process, etc. will be flagged for one hundred eighty (180) days and will subsequently be purged on day 181.

2. If a deputy is involved in an incident where he or she reasonably believes a citizen may allege a complaint against him or her, the deputy will compose an inter-office memorandum to their immediate supervisor providing a synopsis of the circumstances and requesting additional time to be added to the event to delay purging. The memorandum will be forwarded through the chain of command to the Sheriff or designee **(OPR.01.12c, d)**.

D. Management:

1. The BWC administrator will maintain the BWC digital metadata files that are archived within the secured encrypted Getac Cloud.

2. The Sheriff shall designate a BWC Administrator of Getac Cloud software who has full access to all use rights. The responsibilities of the BWC Administrator are as follows and at a minimum:

- a. Assigning and tracking the inventory of equipment.
- b. User and password issuance
- c. User access rights
- d. Quality control
- e. Maintaining and conducting an audit trail
- f. This BWC administrator serves as the sheriff's office liaison to the manufacturer in relation to equipment operation, equipment that is non-operational and all related matters **(OPR.02.12b)**.

E. Information Technology, (IT):

1. Storage:

a. Data is uploaded to cloud-based servers operated in the United States using the provided Getac software.

b. BWC Getac Cloud software access will be permitted through Logon permissions solely based on Security Groups.

2. Back-Up:

a. Data redundancy is achieved by maintaining three data replicas in separate servers located in the data centers.

b. All data is backed up daily, the metadata is encrypted, and limited access is provided based on access control.

c. All data from this replication will be stored on secured servers and will be removed based on the Getac Cloud Video software's retention policies set by the agency.

3. Security:

a. All data is encrypted "point to point" and is compliant with the FBI's Criminal Justice Information Services ("CJIS") requirements for storage and encryption.

b. Sheriff's Office internet access is further protected by Getac Cloud firewall and anti-virus software.