

To: Blacksburg Town Council  
From: Blacksburg Police Department Citizens Advisory Board  
Re: Memorandum Regarding Proposed Blacksburg Police Department  
Body Worn Cameras and Regulation  
Date: September 19, 2022

The Blacksburg Police Department (“BPD”) Citizens Advisory Board (“Board”) has reviewed and discussed the proposed implementation of body worn cameras for the BPD as well as the proposed written directive on Body Worn Cameras (BWC) (copy of proposed regulations attached) submitted to us by Larry Spencer, Town Attorney. In accordance with Town Council’s charge to the Board, we have received presentations on BWC technology, feedback from the Christiansburg Police Department which is using BWC, feedback from our own BPC, several sessions with our Town Attorney regarding state regulations and proposed local regulations of BWC, as well as conversations with several Virginia Tech and Radford faculty members, and members of Dialogue on Race. Board members have given formal and informal presentations to community groups, such as the noon Rotary Club. Board members have also engaged informally with citizens and groups in their social and professional circles, such as barbershops, church groups, professional contacts, reading groups, and local gatherings. In all of these cases feedback was solicited and received.

Overwhelmingly, the response we have received from the community has been a desire to implement BWC to increase public confidence in the police department, to protect our police officers when their conduct is questioned, for training purposes, and

as an additional means of obtaining evidence. Many citizens assumed we had already deployed body worn cameras. Few citizens were concerned with privacy issues. A great deal of concern was expressed that the security of the data be maintained to the highest degree possible, but at the same time, many do not want the footage to be unreasonably withheld from the public, especially in situations of alleged police misconduct.

The Board's recommendation is for body worn cameras be deployed for Blacksburg Police officers as soon as feasible. This recommendation was passed unanimously by the Board at our regular meeting of September 19, 2022.

The Board also wishes to offer guidance on the regulations of BWC's as proposed by the Town Attorney and Virginia Model Regulations on Body Worn Cameras.

### **1. Section III, (C) Officer Responsibility**

Officers must activate the BWC during each law enforcement-public encounter related to a call for service, law enforcement action, subject stop, traffic stop, and/or police/deputy services, provided that such activation does not interfere with officer safety or the safety of others. Additionally, the BWC must be activated for tactical activities such as searches of buildings and vehicles, searches for suspects and missing persons, seizing and processing evidence, and building checks when security alarms are triggered.

**Board Comment: When body worn cameras are not deployed during critical incidents, even if the failure to deploy the camera was inadvertent,**

**public mistrust could occur. The Board recommends that the BPD use body worn camera systems that automate the activation process to the greatest degree possible.**

## **2. Section III, (F) Access**

Supervisors may limit or restrict an officer from viewing the video file if an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force.

**Board Comment: The Board recommends that the BPD continue to evaluate best practices for officers to view video footage, especially after use of force incidents. Any review of a video file must take place only after supervisory consent and appropriate monitoring.**

**The Board also wishes to encourage that the final written policy explain in more detail how public access to video footage can be obtained through the Freedom of Information Act or other means, and under what circumstances state law might restrict such public access.**

### **3. Section III, (G) Video Retention**

All BWC data files shall be securely stored in accordance with the records and retention schedules issued by the Library of Virginia (currently GS-17). If a video is re-classified to a different category (*e.g.*, non-evidentiary to evidentiary) the video will be subject to deletion based on the new category and the original date of the recording.

The department will arrange adequate back-up storage for video files.

**Board Comment: The language of this section does not address how body worn camera files will be stored. One of consistent comments Board members have heard from citizens and that the Board itself asserts is the expectation that body worn camera footage will be stored securely. The Board encourages the BPD to consider options for cloud storage if the BPD can be satisfied that, in doing so, the BPD does not lose control of the data. The Board recommends that an independent qualified consultant evaluate the costs and security of on site storage vs. cloud storage if this expertise is not available from our town staff.**

Submitted this 19<sup>th</sup> day of September, 2002

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Harriet Dorsey, President, Blacksburg Police Department Citizen Advisory Board