



OFFICE OF THE  
**COMMONWEALTH'S ATTORNEY FOR THE CITY OF LYNCHBURG**  
 MONUMENT TERRACE BUILDING  
 901 CHURCH STREET  
 LYNCHBURG, VIRGINIA 24504  
 (434) 455-3760  
 FAX (434) 846-5038  
 WWW.OCALYNCHBURG.COM



**BETHANY A. S. HARRISON**  
 COMMONWEALTH'S ATTORNEY

**TOM ADAMS**  
 BODY WORN CAMERA ASSISTANT BWC  
 OFFICE  
 DIRECT PHONE- (434) 455-3763  
 E-MAIL- TADAMS@OCALYNCHBURG.COM

**BWC PROGRAM - FAQ:**

*The BWC Program FAQ sheet is designed to help you and your Office understand the program. Please share this information with everyone in your Office who will be dealing with requesting and receiving BWC/InCar/DashCam videos or Digitized Documents from the OCA and/or BWC Office.*

*I **ONLY** can provide BWC & DashCam videos that are related to Lynchburg PD cases. I cannot provide videos from Liberty University (or other colleges), Sheriff's Dept, Corrections, State Police, or cases brought forth by citizens through the legal system. On a side note, any documents related to non-LPD cases are not normally available until just prior to, or on the day of, the court proceeding depending on when the agency responsible sends that info to the Prosecutor.*

*I insist that everyone **email** their requests directly to me by using the "email" button on the form itself. Once it directs you to pick the email account you want to send it through, it works like a charm every time. It also saves time and paper on your part. Please read the section about having an account set up on My.Evidence.com, if you have a problem, please let me know, I'm here to help!*

**FORMS:**

The Electronic Discovery Form is required to request BWC, Dashcam and/or Digitized Case Documents **AFTER** filing a Discovery Motion prior to the request. The form covers the rules of discovery and evidence being requested. You can save the form as an **"original"** on your computer and re-use it as needed. **This form MUST be "saved" to your computer and then "opened" up again in order to use it properly, failure to do this will not allow it to work properly.** The form is a "fillable" PDF, and can be emailed back to me with the "click" of a button. Your signature, electronically typed, is acceptable, with your email address listed on the form as verification of your identity, the form does not require a handwritten signature. The associated email address will be the one to receive the video links, so make sure the correct Evidence.com account email address for the person requesting, or tasked with viewing, is listed on the form. An email address not associated with an Evidence.com account will **not** be able to receive such video links.

**EVIDENCE.COM ACCOUNT:**

If you do not already have an evidence.com account prior to viewing these videos, I strongly advise going to **My.Evidence.com** to register and set up an account **asap** so that you will have immediate access to the videos I send to you. If you do not have an account in place when the video link is sent, you will not be able to view these videos. Multiple Evidence.com accounts are allowed in each Office as needed.

**ACCESS TO VIDEOS / COPIES:**

Since these videos are considered evidence, **NO ONE** is allowed to make any copies whatsoever of any part of the videos, audio, visual or both. For the protection of anyone in the videos, please be discrete when playing the videos, being aware of your surroundings as to who may accidentally view them. Please make sure to read the forms as it explains this information in greater detail.

Due to the length, sensitive nature, and the security concerns of the BWC videos, if your client is incarcerated, you will need to obtain a "Transportation Order" for your client to the Courthouse, where they can be

secured in a private room to view the BWC videos on an electronic device of your choosing, (cell phone, tablet, or laptop, etc), utilizing the available WiFi, or your own hotspot, through your Evidence.com account.

### **REQUESTS – Timeliness & Completeness:**

Requests should be made **at LEAST 14 days prior to the Court date in order to move the request through the system.** Most requests are filled within a few days of receipt of the form by me as long as there are no complications.

Any request lacking in enough information to perform a proper search, will be returned for more information or clarification. Please fill out all information completely to avoid slowing down the processing time required to fulfill your request and those of others.

### **HARD COPIES – DVD(s):**

If “hard copy DVD(s)” are needed to be submitted by Court requirement only, (**currently ONLY Circuit Court**), contact me, and I can get the info from you as to what you need, and I will make those copies. You are responsible for **reimbursing this Office for the same number of (blank) DVDs used to make those copies.** DVDs are turned over to you at Court on the day of the hearing by the Prosecutor. The footage “marks” on the DVD matches that of the Evidence.com video.

### **VIDEO REDACTION – AUDIO & VISUAL:**

You may receive BWC that has been redacted, either by audio or visual means, which is done to protect the identity and personal information of Victims, Witnesses, Police Officers, and Innocents who are protected under Rule 3A:11 (section 7), which is meant to not affect the case, nor the original video(s) in any way. If you feel that you need to hear or see the redacted sections on the original video copy, a Court Order will be necessary.

### **DASHCAM/INCAR VIDEO:**

As a note, DashCam video is only available if Police Officers activate their emergency overhead lights or physically turn “on” the recording mode, while at the scene. Their vehicles must be facing the scene in order to record anything happening there of any substance. Any incident that occurs indoors will understandably not have any DashCam video available. Undercover or unmarked cars do not have video capability. Any request for DashCam video prior to March 2019, will require an appointment with the Prosecutor to view in the Commonwealth Attorneys Office due to these videos not being uploaded to Evidence.com. Any videos after that date are included in your request for BWC automatically.

### **DIGITIZED DOCUMENTS:**

If you are requesting Digitized Documents, (arrest reports, etc) this same form is used. Send it to me for dissemination to the proper Prosecutor to fulfill your request for digitized documents. If this request is not fulfilled, you must contact the Prosecutor directly for assistance. The Prosecutor’s name will appear on the Defense Notification email that you are sent when your request is fulfilled by me.

### **FAXED REQUESTS:**

It is much easier for you, and especially for me, if you download the form to your computer, then “open” it when needed. Once opened & filled out thoroughly, the “fillable PDF” can be “saved” back to your computer into your client’s file. The form can then be quickly sent to me via email by pressing the **“submit via email”** button on the form. This way, I receive a clear, readable form that I can make minor fixes to if you are missing any information. Faxed requests are sometimes blurry, but either way, they only add a lot of time to process, since the faxed forms must be converted, and then opened in Microsoft “paint”, filled out, and then saved back to a PDF in order for me to work with them easily. This PDF form is also easier to store in our data filing system.

### **BWC OFFICE POLICIES:**

Due to the overwhelming number of Electronic Discovery requests for BWC/DashCam videos being submitted daily, which greatly limits my time, I need to enforce some of the aspects of our BWC Office Policies to make sure there is a mutual understanding regarding these policies.

- 1) The OCA Policy, established by Commonwealth Attorney Bethany Harrison, regarding copying BWC/DashCam onto DVDs or other media, to satisfy the Court's requirement of "hard copy evidence" for submission as evidence is as follows:
  - a) The only Court requiring "hard copy evidence" at this time, is Circuit Court. Therefore, ONLY those Circuit Court cases where "hard copy evidence" of BWC/DashCam video is required will be made available to Defense with the understanding that the number of DVD(s) used to produce such evidence will be reimbursed to the BWC Office in the form of new, "blank" DVD(s).
  - b) DVD(s) will not be produced for "other" Courts in order to supplant the playing of such videos through the use of a laptop, WiFi source, and Evidence.com account.
  - c) DVD(s) will be given to the assigned Prosecutor to hand over to the Defense Attorney at Court.
  - d) Any DVD(s) not submitted as evidence for whatever reason, are to be returned to the Prosecutor for destruction or filing by the BWC Office.
  - e) Since BWC/DashCam video (and photos) are considered "evidence", they must be treated as such with the "chain of custody" that is in place, which means that no one is allowed to share these with anyone not associated with the case, or make any copies, audio or visual, by any means, other than through a request to the BWC Office.
- 2) In regards to timeliness of Electronic Discovery requests, I insist that they be made at least fourteen (14) business days prior to the Defendant's Court date. The BWC/DashCam must be searched, processed, approved by the Prosecutor for release, as well as possibly redacted, auditorily, visually or both in some cases, all of which takes time. I understand that there will be rare occasions when timeliness is beyond your control. I also ask that any requests for DVD(s) for Circuit Court be submitted at least 48 hours prior to the Court date.
- 3) In order to process your Electronic Discovery requests as quickly as possible, I ask that you completely fill in the form with as much information as possible, which is very helpful in searching for, and locating all the videos related to a case, and will help reduce the time needed to process these requests. It also helps in differentiating between individuals with the same name, similar charges, dates of interaction with police, or any other factor that may lead to the wrong videos being sent to you. If there is any question regarding the information, or lack of information, I will send the form back to you for clarification or to be completed to ensure a satisfactory search.

#### QUESTIONS:

If you have any questions at all, please do not hesitate to contact me. This form is available on our website, [www.ocalynchburg.com](http://www.ocalynchburg.com) under the "BWC Program" tab available 24/7.

I am here to help, please don't hesitate to contact me with any questions you may have!

Thank you,

*Tom*

Tom Adams  
BWC Assistant

[tadams@ocalynchburg.com](mailto:tadams@ocalynchburg.com)