



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, RULES, & INSTRUCTIONS:**

*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. If you know that an agency other than Lynchburg PD is the arresting agency, please only request Digitized Documents on your Electronic Discovery Form to save me the time of scouring the Evidence.com site for videos that are not there. 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.*

*Beginning immediately, the Lynchburg Commonwealth's Attorney Office will no longer provide Body Worn Camera for charge(s) concerning any "non-jailable" offenses and/or traffic infractions, but will continue to provide such videos for misdemeanors that carry jail time and felonies per the VA Supreme Court's Rules of Discovery.*

*Requests for BWC for these types of cases may be made through the Lynchburg Police Department, (or other department of origin), using the Freedom of Information Act (FOIA) procedures by e-mailing [foialpd@lynchburgva.gov](mailto:foialpd@lynchburgva.gov). Or deliver to the following:*

**Lynchburg Police Department FOIA Request  
 Professional Standards Division**  
 905 Court Street Lynchburg, VA 24505  
 Monday - Friday 8:30 a.m. - 5:00 p.m.  
 Telephone: (434) 455-6052  
 Fax: (434) 455-0638  
 E-mail: [professionalstandards@lynchburgva.gov](mailto:professionalstandards@lynchburgva.gov)

*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!*

**1. FORMS:**

Forms are available on the [lynchburgva.gov](http://lynchburgva.gov) website, click the link or scan the QR code:





Home » Departments » Commonwealth's Attorney » Body Worn Camera

### Body Worn Camera

In March 2017, the Lynchburg Police Department fully implemented the "Body Worn Camera" (BWC) program... The BWC Assistant also provides copies of video to the Commonwealth's Attorney...

The 400+ Body Worn Camera program provided the body cameras for the JPD and officers were fully trained in their use before being deployed...

Given the current climate, public support for police body cameras is at the highest... A Gallup/CNN national survey found that 82 percent of Americans support requiring police officers to wear body cameras...

During the last couple of years, the Department of Justice has also increased its support to further assist law enforcement in the implementation of body worn camera programs...

The benefits of wearing body camera data will generation is best known... For example, in ER cases, with video, it is more difficult for the litigants to dispute...

https://www.lynchburgva.gov/body-worn-camera

### Defense Attorney & Pro Se Instructions

For obtaining the "Electronic Discovery / Release Form" (EDRF) (after prior submission of a Motion for Discovery Order) for the release of **Body Worn Camera (BWC) videos**, **Photos**, **In-Car/Dash-Cam videos** and **Digitalized Documents**:

You will need to have a **PDF Reader** software program installed on your computer in order to use these forms. Go to [PDF Reader Programs for Windows & Mac](#) to find the software you require.

**DO NOT** attempt to fill out these forms online, they **MUST** be **DOWNLOADED** to your computer **FIRST**. After downloading and saved, open the form to fill out.

1. This all-in-one form has been revised to cover the *Rules of Evidence* for all Courts
2. Download the form as needed.
3. Using the downloaded, fillable PDF form, fill in all the information you have available, except for the "OCA BWC USE ONLY" box in the lower left-hand corner of the form. Your "signature" is computer generated.

**[\*Left Click\* on the link to open the PDF form, then click on the "Download" icon in the upper right hand corner]**

This form is available for download for **Defense Attorneys**:

[E-Discovery Release Form Defense REV 4-21](#)



This form is available for download for **Pro Se (Self Representation)** cases:

[Pro-Se E-Discovery Release Form REV 4-21](#)



#### FOR PRO-SE ONLY:

This **Pro Se** form **MUST** be filled out completely. A valid **PHOTO ID** **MUST** accompany the request either in person at our Office, or a copy provided in the email/US mail along with the completed form.

**U.S. Mail or In-Person deliver / address:**  
Office of The Commonwealth's Attorney  
901 Church Street  
Lynchburg, VA 24504  
ATTN: BWC Assistant

**For email submission:**  
[tdadms@occl.lynchburg.com](mailto:tdadms@occl.lynchburg.com)

#### FOR DEFENSE ATTORNEYS ONLY:

Once the form has been completely filled out, click on one of the two colored buttons at the bottom of the form to perform your next task:

**SUBMIT via EMAIL** - [tdadms@occl.lynchburg.com](mailto:tdadms@occl.lynchburg.com) - which will send the form to your email account (which needs to be set up to be directed to an account you want to use) to be emailed to the BWC Office.

**\*SUBMITTING VIA EMAIL IS THE PREFERRED METHOD TO USE.**

**PRINT & FAX to 434-947-5038** - which will send the form to your printer to print. You can then fax the form through your computer directly to a computer-based fax or sent manually. Please note: If you fax your request, you **MUST** supply on **email address associated with your Evidence.com account** that can be used for sending video links as well as further communication(s). **Faxed copies are not always received in a clear copy, which is why email is preferred.**

Please read through the BWC Program FAQ & Instructions by clicking here:

[BWC Program FAQ & Instructions](#)



Answers to most questions can be found here

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. Any **new revisions** of this form will be available on the website.

Saved as a BLANK form to your computer:

**ELECTRONIC DISCOVERY RELEASE**

COMMONWEALTH OF VIRGINIA,

v. \_\_\_\_\_, Defendant.

**MUST ENTER ALL AREAS -- (\*) AREAS ARE OPTIONAL**

POLICE CC #: \_\_\_\_\_

OCA/LYN Case #: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Date of Incident (if different): \_\_\_\_\_

Court Case #: \_\_\_\_\_

DOB: \_\_\_\_\_ *(\*) Available*

*Check-off Required*

Court case assigned to:  General Dist.  J&D (Adult)  J&D (Juv)  Circuit //  \*APPEAL

Charge(s): \_\_\_\_\_

Next Court Date: \_\_\_\_\_ Highest Level of Charges:  Felony  Misdemeanor  Traffic

This case was transferred from another Defense Attorney . Name of Attorney \_\_\_\_\_

**Electronic Discovery Requesting:**

**Videos BWC & InCar/DashCam/Photos:**  **Documents: Digitized Case Documents:**  *Check-off Required*

I, \_\_\_\_\_, counsel for the above referenced defendant, (or authorized agent of counsel for such defendant) hereby acknowledge acceptance of the terms of "Electronic Discovery" with the Lynchburg Commonwealth's Attorney Office. I agree that prior to requesting or receiving Electronic Discovery, I must file a Motion for Discovery and/or have a Discovery Order entered according to the Virginia Supreme Court Rule for the applicable court and procedural posture of the case. This Motion must be filed in a reasonable period to allow the necessary amount of time to fulfill such request prior to the next scheduled Court hearing date.

In some cases, it may be necessary to redact some materials requested, through either visual and/or auditory means, due to the presence of personal identifying information, sensitive conversations or visualizations that are not pertinent to the case, (not contain any exculpatory evidence), that may impact, affect or jeopardize the safety, security or privacy of victims, witnesses, or others, as well as possessions or property. Any redaction performed, does not affect the "original" footage, which is maintained without redaction, and is available by seeking disclosure through a Court Order.

Although the Commonwealth is required to allow me to inspect exculpatory evidence, I agree that, with the exception of those materials described in Rule 3A-11(b)(1); Rule 7C.5; Rule 8-15(a); or Rule 8-15(b), the Commonwealth is not required to provide me with copies of any evidentiary materials or to allow me to copy any evidentiary materials.

In consideration of the Commonwealth providing me with access to the evidentiary materials, other than those described in Rule 3A-11(b)(1); Rule 7C.5; Rule 8-15(a); or Rule 8-15(b), I agree that, until this case is concluded, I will not copy, or allow these materials to leave my possession or control. Any copies required for submission as evidence to the Court, will be made by the Commonwealth Attorney's Office in exchange for me providing the necessary digital copying materials. The Commonwealth Attorney's Office will retain possession of such digital copied materials until submission of such materials to the Court. While I have the right to share and show the contents of these materials to my client, I agree to not give these materials in whole or in part, except the materials described in Rule 3A-11(b)(1); Rule 7C.5; Rule 8-15(a); or Rule 8-15(b), to my client.

I understand that, although I may review my client's criminal and DMV records in the Commonwealth's Attorney's office, the Commonwealth Attorney is prohibited from giving me these records absent a specific court order.

I understand that certain discovery materials may be particularly sensitive, and that the Commonwealth is providing me access to materials other than those described in Rule 3A-11(b)(1); Rule 7C.5; Rule 8-15(a); or Rule 8-15(b), for my convenience. In consideration of the Commonwealth providing me with such access, rather than merely allowing me to inspect them, I agree to allowing the Commonwealth Attorney's Office to digitally delete them prior to, or soon after the conclusion of my representation of the defendant, pursuant to LE Op. 1864 (2012).

**DATE RECORDED:** \_\_\_\_\_

**DATE BWC SENT:** \_\_\_\_\_

Exp: \_\_\_\_\_ # Videos

Paras: \_\_\_\_\_ Sent

PO \_\_\_\_\_

Estimated Costs: \_\_\_\_\_ \$ Drive

BT: \_\_\_\_\_

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Counsel for the Defendant *(Written or Digital Signature)*

Email Address: \_\_\_\_\_

**PRESS TO SUBMIT via EMAIL to tsdams@ocajuchburg.com**

**PRESS TO PRINT**

REV 4/21

Filled out to submit:

E Discovery Release Form Defense REV 4-21 SAVED BLANK.pdf - Adobe Acrobat Standard DC

File Edit View Window Help

Home Tools Document

**ELECTRONIC DISCOVERY RELEASE**

COMMONWEALTH OF VIRGINIA, **MUST ENTER ALL AREAS - \*\*I AREAS ARE OPTIONAL**

v. POLICE CC #: 2021000274

Test, Defendant. OCA/LYN Case #: 21-0044

Date of Arrest: 4/5/21

Date of Incident (if different):

Court Case #: 22222

DOB: **\*\* Available**

**\*Check-off Required**

Court case assigned to:  General Dist.  J&D (Adult)  J&D (Juv)  Circuit //  \*APPEAL

Charge(s): Test

Next Court Date: 4/5/121 Highest Level of Charges:  Felony  Misdemeanor  Traffic

This case was transferred from another Defense Attorney . Name of Attorney Public Defender

**Electronic Discovery Requesting:**

Videos: BWC & InCar/DashCam/Photos:  Documents: Digitized Case Documents:  **\*Check-off Required**

I, Test, counsel for the above referenced defendant, (or authorized agent of counsel for such defendant) hereby acknowledge acceptance of the terms of "Electronic Discovery" with the Lynchburg Commonwealth's Attorney Office. I agree that prior to requesting or receiving Electronic Discovery, I must file a Motion for Discovery and/or have a Discovery Order entered according to the Virginia Supreme Court Rule for the applicable court and procedural posture of the case. This Motion must be filed in a reasonable period to allow the necessary amount of time to fulfill such request prior to the next scheduled Court hearing date.

In some cases, it may be necessary to redact some materials requested, through either visual and/or auditory means, due to the presence of personal identifying information, sensitive conversations or visualizations that are not pertinent to the case, (nor contain any exculpatory evidence), that may impact, affect or jeopardize the safety, security or privacy of victims, witnesses, or others, as well as possessions or property. Any redaction performed, does not affect the "original" footage, which is maintained without redaction, and is available by seeking disclosure through a Court Order.

Although the Commonwealth is required to allow me to inspect exculpatory evidence, I agree that, with the exception of those materials described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), the Commonwealth is not required to provide me with copies of any evidentiary materials or to allow me to copy any evidentiary materials.

In consideration of the Commonwealth providing me with access to the evidentiary materials, other than those described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), I agree that, until this case is concluded, I will not copy, or allow these materials to leave my possession or control. Any copies required for submission as evidence to the Court, will be made by the Commonwealth Attorney's Office in exchange for me providing the necessary digital copying materials. The Commonwealth Attorney's Office will retain possession of such digital copied materials until submission of such materials to the Court. While I have the right to share and show the contents of these materials to my client, I agree to not give these materials in whole or in part, except the materials described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), to my client.

I understand that, although I may review my client's criminal and DMV records in the Commonwealth's Attorney's office, the Commonwealth Attorney is prohibited from giving me these records absent a specific court order.

I understand that certain discovery materials may be particularly sensitive, and that the Commonwealth is providing me access to materials other than those described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), for my convenience. In consideration of the Commonwealth providing me with such access, rather than merely allowing me to inspect them, I agree to allowing the Commonwealth Attorney's Office to digitally delete them prior to, or soon after the conclusion of my representation of the defendant, pursuant to LE Op. 1864 (2012).

DCA BWC USE ONLY

DATE RECEIVED: \_\_\_\_\_

DATE BWC SENT: \_\_\_\_\_

Emp: \_\_\_\_\_ # Value \_\_\_\_\_

Presented to: \_\_\_\_\_ Sent \_\_\_\_\_

PO \_\_\_\_\_

External Case: \_\_\_\_\_ E Drive \_\_\_\_\_

BY: \_\_\_\_\_

Dated: 12/12/22

Signed: Test Test  
Counsel for the Defendant **(Written or Digital Signature)**

Email Address: test@test.com

**PRESS TO SUBMIT via EMAIL to testdam@wcbachburg.com**

**PRESS TO PRINT** REV 4/21

Store and Docu

**2. 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.

**3. 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.

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

Requests should be made **MORE THAN 14 business days** prior to the Court date in order to move the request through the system. Most requests are filled within a few days to a week of receipt of the form by me as long as there are no complications. I realize that sometimes last minute cases pop up so this can't be followed, but please understand that your request may not have enough of a time frame to be filled before that date.

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.

#### **5. 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.

#### **6. 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.

#### **7. 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, nor do members of these units. 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 into Evidence.com. Any videos after that date are included in your request for BWC automatically.

#### **8. DIGITIZED DOCUMENTS:**

If you are requesting Digitized Documents, (arrest reports, lab results, 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.

#### **9. 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 as explained in detail above. Faxed requests are sometimes hard to read and more importantly hard to add the information that I need to in order to complete the form. When emailed, 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.



## 10. 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 file requests received by “month order” which is in relation to the next Court Date. I then fill them in chronological order to assure they are received prior to that date. Just because a request is filed months ahead of time does not mean it will be filled any sooner.

I need to enforce some of the aspects of our BWC Office Policies to make sure there is a mutual understanding regarding these specific 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 MORE THAN 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.
- 4) Beginning immediately, the Lynchburg Commonwealth’s Attorney Office will no longer provide Body Worn Camera for charge(s) concerning any “non-jailable” offenses and/or traffic infractions, but will continue to provide such videos for misdemeanors that carry jail time and felonies per the VA Supreme Court’s Rules of Discovery. (As stated on Page 1)

## 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  
(434) 455-3763

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

### Table of Contents

1. FORMS
2. EVIDENCE.COM ACCOUNT
3. ACCESS TO VIDEOS / COPIES
4. REQUESTS – Timeliness & Completeness
5. HARD COPIES: DVD(s)
6. VIDEO REDACTION – AUDIO & VISUAL
7. DASHCAM / INCAR VIDEO
8. DIGITIZED DOCUMENTS
9. FAXED REQUESTS
10. BWC OFFICE POLICIES