



OFFICE OF THE  
**COMMONWEALTH'S ATTORNEY FOR THE CITY OF LYNCHBURG**  
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 LYNCHBURG, VIRGINIA 24504  
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 COMMONWEALTH'S ATTORNEY

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**BWC PROGRAM – FAQ, RULES, & INSTRUCTIONS:**

*The BWC Program FAQ sheet is designed to help you understand the program. Please share use this information while dealing with requesting BWC/InCar/DashCam videos or Digitized Documents from the OCA and/or BWC Office for your case. BWC released under the Pro-Se request, MUST be viewed in the Commonwealth's Attorney Office after making an appointment to do so. You will be notified when BWC is processed for viewing.*

*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. 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.*

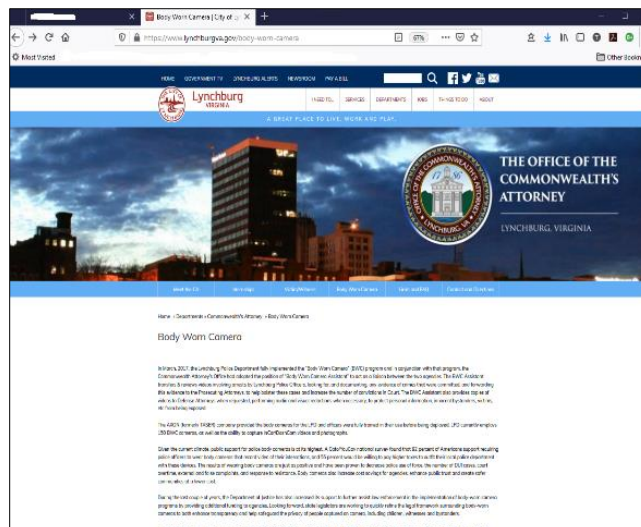
*Beginning immediately, the Lynchburg Commonwealth's Attorney Office will no longer provide Body Worn Camera for charge(s) concerning any "non-jailable" offenses and/or traffic infractions, but will continue to provide such videos for misdemeanors that carry jail time and felonies per the VA Supreme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

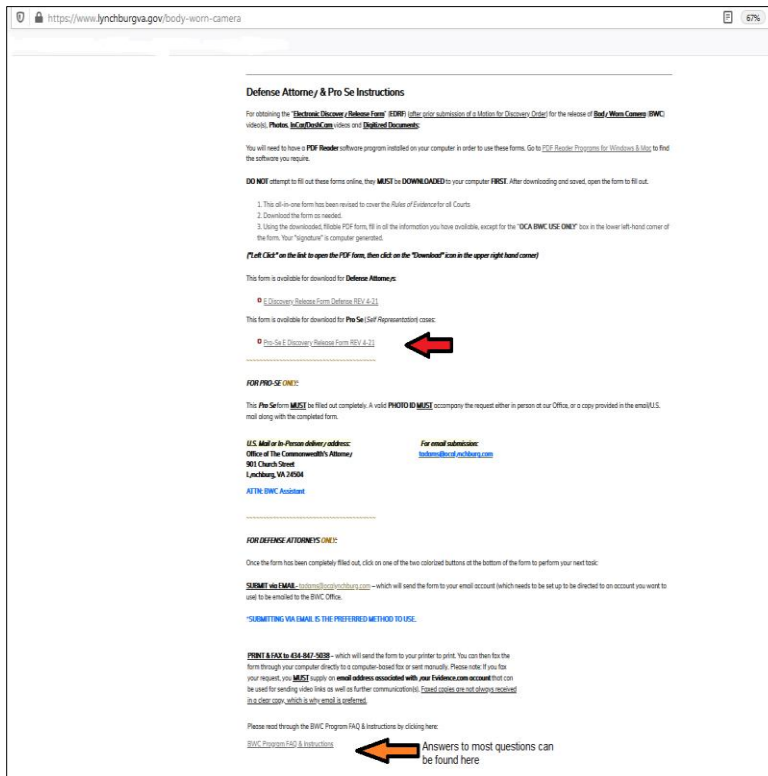
*Requests for BWC for these types of cases may made through the Lynchburg Police Department, (or other department of origin), using the Freedom of Information Act (FOIA) procedures by e-mailing [foialpd@lynchburgva.gov](mailto:foialpd@lynchburgva.gov). Or deliver to the following:*

**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)

**1. FORMS:**

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





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, or printed by pressing that button, in order to deliver the form personally to the Office. Your signature, electronically inserted, is performed by creating an electronic signature through Adobe. Please follow the instructions to do so as they pop up on the form. Any **new revisions** of this form will be available on the website.

Saved as a BLANK form to your computer:

**ELECTRONIC DISCOVERY RELEASE - PRO SE**

COMMONWEALTH OF VIRGINIA, **MUST ENTER ALL AREAS - (\*) AREAS ARE OPTIONAL.**

v. POLICE CC #: \_\_\_\_\_

\_\_\_\_\_, Defendant. OCA/LYN Case #: \_\_\_\_\_

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

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

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

DOB: \_\_\_\_\_ \*Date of Birth (mm/dd/year)

COURT CASE ASSIGNED TO:  General Dist.  J&D (Adult)  J&D (Juv)  Circuit //  APPEAL \*APPEAL

Charges(s): \_\_\_\_\_

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

This case was transferred from a Defense Attorney \_\_\_\_\_ Name of Attorney \_\_\_\_\_

**Electronic Discovery Requesting:**  Videos  BWC & In-Car/Dashcam/Photos  Documents  Digitized Case Documents  \*CHECK REQUIRED

I, \_\_\_\_\_, acting as Pro Se counsel for myself, hereby acknowledge acceptance of the terms of “Electronic Discovery” with the Lynchburg Commonwealth Attorney’s 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 7C5, 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 7C5, Rule 8.15(a), or Rule 8.15(b), I agree that, I will complete and sign this request form and I shall deliver the signed, original form, along with a valid ID, to the **Office of the Commonwealth Attorney, 901 Church St Lynchburg, VA 24504**. I realize that I will need to make an appointment, in writing, to review such BWC footage and that the Commonwealth Attorney’s Office reserves the right to have an Office representative present as the BWC is being reviewed. I understand that while I have the right to take notes on the content of the BWC footage, I am restricted from recording such audio and/or visual footage in any fashion. Any copies required for submission as evidence to the Court, will be made by the Commonwealth Attorney’s Office. The Commonwealth Attorney’s Office will retain possession of such digital copied materials until submission of such materials to the Court, at which time I will provide a computer to play the DVD provided to me at trial, in part or in whole.

I understand that, although I may review my 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 7C5, Rule 8.15(a), or Rule 8.15(b), for my convenience. My failure to provide the information requested, or follow the procedures outlined above, shall result in the denial of my request to view the BWC footage.

**A VALID PHOTO ID MUST ACCOMPANY THIS REQUEST**

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

\* Value: \_\_\_\_\_ Signed: \_\_\_\_\_

Presenter: \_\_\_\_\_, \_\_\_\_\_ Defendant

PO: \_\_\_\_\_

Entered Case: \_\_\_\_\_ E Doc: \_\_\_\_\_

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

Contact Phone #: \_\_\_\_\_

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

[press to email: tdem@lynchburgva.com](mailto:tdem@lynchburgva.com) [PRESS TO PRINT](#)

REV 4/21

**Filled out to submit:**

**ELECTRONIC DISCOVERY RELEASE - PRO SE**

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

v. POLICE CC #:

Test Test, Defendant. OCA/LYN Case #:

Date of Arrest: 5/1/21 Date of Incident (if different): 4/28/21

Court Case #: \*Date of Birth (mm/dd/yyyy)

DOB: 12/12/1950 \*APPEAL

Check-off required

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

Charge(s): TEST

Next Court Date: 5/30/21 Highest Level of Charges:  Felony  Misdemeanor  Traffic

This case was transferred from a Defense Attorney  Name of Attorney: Public Defender

Electronic Discovery Requesting

Videos: BWC & in-Car/DashCam/Photos:  Documents: Digitized Case Documents:  Check-off required

I, Test Test, acting as Pro Se counsel for myself, 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 I will complete and sign this request form and I shall deliver the signed, original form, along with a valid ID, to the "Office of the Commonwealth's Attorney, 901 Church St Lynchburg, VA 24504". I realize that I will need to make an appointment, in writing, to review such BWC footage and that the Commonwealth Attorney's Office reserves the right to have an Office representative present as the BWC is being reviewed. I understand that while I have the right to take notes on the content of the BWC footage, I am restricted from recording such audio and/or visual footage in any fashion. Any copies required for submission as evidence to the Court, will be made by the Commonwealth Attorney's Office. The Commonwealth Attorney's Office will retain possession of such digital copied materials until submission of such materials to the Court, at which time I will provide a computer to play the DVD provided to me at trial, in part or in whole.

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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. My failure to provide the information requested, or follow the procedure outlined above, shall result in the denial of my request to view BWC footage.

A VALID PHOTO ID MUST ACCOMPANY THIS REQUEST

Dated: 5/1/21 Electronic Signature

Signed:  Defendant

Contact Phone #: 434-555-5555

Email Address: test@test.com

[Click to email: info@e-discovery.com](mailto:info@e-discovery.com) PRESS TO PRINT

REV 4/21

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. Due to the length, sensitive nature, and the security concerns of the BWC videos, once you are notified that the BWC is ready for viewing, you need to make an appointment with the Prosecutor to view these videos at the Commonwealth's Attorney Office. No BWC will be released to private, Pro-Se individuals for viewing outside of the Office. 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 form as it explains this information in greater detail.

**3. 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.

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.

**4. 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.

**5.**

**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. If available, DashCam/InCar videos 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. **BWC OFFICE POLICIES:**

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 be given to the assigned Prosecutor to hand over to you at Court.
  - c) 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.
  - d) 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 your 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.
- 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 available 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)

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