

**Lower Providence Township Police Department
Eagleville, Pennsylvania**

General Order
Special Order
Personnel Order

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ORDER NUMBER

509

Subject

Mobile Video Recorders and Body Worn Cameras

Date of Issue

10/3/2022

Effective Date

10/3/2022

Expiration Date

**Until Amended or
Rescinded**

Issued by:

Michael Jackson, Chief of Police

Amends

Rescinds

Standard Number:

2.4.2

Distribution

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

I. PURPOSE

The purpose of this directive is to provide officers with guidelines for the proper use and care of the Mobile Video Recorders and Body-Worn Cameras.

II. POLICY

The use of Mobile Video Recorders (MVR) and Body Worn Cameras (BWC) provides persuasive documentary evidence for criminal cases and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR/ BWC and the integrity of evidence and related video documentation. Officers shall activate the MVR and/or BWC when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and law.

III. PROCEDURES

A. Administration

1. The MVR and BWC allow for an accurate documentation of police-public contacts, arrests, crime scenes, vehicle crashes, interviews, and critical incidents.

The MVR and BWC serve to enhance the accuracy of officer reports and testimony in court and provide evidence for investigative and prosecutorial purposes. In addition, mobile recordings also enhance the Department's ability to review probable cause for arrest, officer and citizen interaction, and information for officer evaluation and training.

2. Officers shall only use Department issued equipment which complies with the guidelines established under Pennsylvania Title 18 PA.C.S., Crimes and Offenses, Section 5706(b)(4), (5), and (6), relating to exceptions to prohibitions in possession, sale, distribution, manufacturer or advertisement of electronic, mechanical or other devices.

B. Training

1. The Lieutenant is responsible for ensuring that all officers are initially trained on the proper use and operation of the WatchGuard MVR/ BWC and this policy.

2. Assigned WatchGuard System administrators, command staff and assigned civilians, should receive their initial training on the WatchGuard System from a manufacturer's representative or via training material provided by the manufacturer.

3. It is the responsibility of the department's WatchGuard System administrators to ensure that training material is available for the officers that is in accordance with this policy and procedure as well as the manufacturer's specifications on the proper use and operation of the mobile recorders.

(PLEAC 2.1.2a)

C. Use of the Mobile Video Recorders

1. The use of a MVR is mandatory for any officer in a patrol vehicle that is equipped with functional mobile recording equipment and is actively engaged in law enforcement activity.

A. Officers shall not alter or tamper with any component of the mobile recording system.

B. When the system is activated the interior of the vehicle will be video and audio recorded.

2. Mobile video recorders are designed to automatically activate when the patrol vehicle's emergency warning devices are in operation, the manual record button is pressed, the wireless microphone is activated, the speed of the patrol vehicle reaches 85 mph, or through crash detection.

A. In order to record an incident properly, officers should make an attempt to:

1. Ensure that the panoramic camera is positioned forward.
2. Position the 360* camera in the direction of the incident.
3. Make sure that the patrol vehicle's windshield is clean.
4. In the event of inclement weather, make sure that the windshield wipers are activated.

3. Incidents in which the MVR must be used include but are not limited to those listed in the WatchGuard System evidence drop down tag as listed below.

A. When applicable, officers should make every effort to capture the reason for any law enforcement action, including vehicle and pedestrian stops with the mobile recording equipment.

1. Arrest
2. Arrest Backup
2. Crash Investigation
3. Emergency Response
4. Miscellaneous
5. Motorist Assist
6. Pedestrian Stop
7. Pre-shift test Recording
8. Police Vehicle Crash
9. Prisoner Transport
10. Public Transport
11. Pursuit
12. Suspicious Activity
13. Traffic Stop

4. The mobile recorders must remain activated until the officer is no longer involved in the incident for which it was started, unless the activation was inadvertently started, or they receive permission from a supervisor to end the recording. In addition, officers may not interfere with or disrupt the recording of a required recording event.

(PLEAC 2.1.2b)

A. The primary officer should document in any Incident or Investigative Report or Detainee Intake Form that the incident was recorded by a MVR.

B. In the event that there is an extraordinary circumstance (i.e. MVR failure) that occurs and results in the mobile recorder being deactivated, the shift

supervisor shall be notified by the end of the incident.

D. Use of the Body Worn Camera

1. The use of BWC is mandatory for personnel assigned to or performing patrol duties, to include those on overtime assignments and plain clothes patrol details, so long as a BWC is available for use.

A. Activation

1. As soon as practicable and safe, mobile recorders will be activated when handling situations or incidents that the officer, through their training and experience, knows should be visually preserved. Officers may inform individuals that they are being recorded but are not required to do so. A citizen may object to this recording, but their objection will not result in the de-activation of any recorder. Situations to be recorded shall include, but not be limited to:

- a. The point when a non-coercive conversation/encounter with a citizen (Mere Encounter) develops into an Investigation Detention, based on the officer's observation and articulable facts
- b. Responding to in-progress crimes and priority assignments
- c. Arriving to the scene of an incident that the officer has been dispatched to investigate or an encounter between the officer and a member of the public that is investigative or enforcement in nature. Examples of these types of encounters may include, but are not limited to, traffic stops, arrests, interviewing witnesses, etc.
- d. Initiating any vehicular or foot pursuit
- e. Initiating an on-view arrest or citation
- f. Handling a disturbance or crisis related incident
- g. Handling any protest or demonstration
- h. Conducting a suspect identification (i.e., Show-up). A view of the suspect shall be recorded during the identification, when reasonable.
- i. Upon the audible warning of a canine deployment or search, through the end of that deployment.
- j. Executing a search warrant, and during any conversation with the occupants of the premises regarding the entry, the reason for the search, or the scope of the search.
- k. Serving an arrest warrant

1. When directed to do so by a supervisor

m. Prisoner transport and prisoner actions

2. The MVR will have an administratively set pre-event time period of up to one minute; whereas the BWC will not have a pre-event time period.

3. Since the mobile video recorders are always recording, they have the ability to “Record After the Fact” (RATF). RATF allows for video that was not initially included as part of a recorded event to be captured. If the video is still there, you can recreate that event. BWC will not have RATF.

B. De-Activation or Mute

1. Generally, the deactivation of a mobile recorder will occur after the officer is “clear” from the incident and has notified the Montgomery County Communications Center of such. In other limited circumstances the mobile recorder can be deactivated or muted. However, in these limited circumstances officers should, when practical, verbalize the reason for deactivating or muting the camera or document in and Incident or Investigative Report the reason for the deactivation or muting. These limited circumstances include:

a. During non-enforcement activities, such as when there will be an extended period of time in which emergency lighting is required but the recording is not necessary or pertinent to the extent that it does not provide any additional investigative benefit.

b. During any incident in which the officer determines that the BWC must be deactivated either temporarily or for the entire event, based on articulable reasons (i.e. sensitive intelligence gathering such as meeting with informants, when discussing sensitive tactical or confidential law enforcement information, or other investigative purposes).

c. Officers may use discretion (or honor a request) to deactivate their body cameras, at the request of a victim, medical patient or witness to gain cooperation or information from that person.

2. Officers assigned to the Detective Division shall wear the BWC if they are in uniform or otherwise directed by the chief of police or his designee. In the case of pre-planned events, such as a search or arrest warrant service, detectives should wear the BWC when it would be of benefit to enhancing documentation of the investigation or is considered a high-risk event. In these cases, the recording should begin at the start of the event and continue until

the recording detective determines that the scene is under control and the recording no longer is of value to the investigation.

3. Prohibitions

A. BWC shall not be used to record:

1. Communications with other police personnel during routine, non-enforcement-related or non-work-related activities with regard to interactions solely among employees, without the permission of the Chief of Police unless the recording is required by a court order or is authorized as part of an administrative or criminal investigation.

2. Within a judicial facility where prohibited.

3. Encounters with undercover officer(s).

4. In any location where individuals have a reasonable expectation of privacy (i.e. supervisor and / or officer conversations, bathrooms or locker rooms).

5. When on break, lunch or engaged in personal activities

6. While conducting a strip search of a detainee

7. Inside the police facility, except:

a. While responding to an emergency-related event or a criminal offense that has occurred, or is occurring within the facility.

b. While responding to an emergency-related event or a criminal offense that has occurred, or is occurring within the facility.

c. As is necessary to conduct victim, witness or suspect interviews in a pre-determined and appropriate location inside the facility.

d. While in Temporary Detention with a detainee

E. Set-Up, Inspection, Maintenance, Repair, and Storage

1. It is the responsibility of the Department's WatchGuard System administrators, in consultation with the Command Staff, to ensure the initial set-up of the WatchGuard System with the Department's selected default settings.

A. Each officer shall have an individual user account with the ability to review their recordings.

B. Each sergeant shall have an individual user account with the ability to review all recordings, create cases and save files.

C. Civilian personnel, at the direction of command staff may review videos, create cases and save files.

D. Command Staff will be the system administrators with full access to the system and are the only personnel authorized to delete any video.

2. It is the responsibility of the officer assigned to the patrol vehicle equipped with a MVR and the BWC to inspect all mobile recording equipment and log into the WatchGuard System prior to the start of each shift. A pre-shift test recording should be completed to ensure functionality.

(PLEAC 2.1.2e)

A. If a MVR is not functioning properly, a patrol vehicle that has a properly functioning mobile recorder should be used; however, if no additional patrol vehicles are available, the patrol vehicle with the non-functioning mobile recorder may be used.

3. It is the responsibility of the Department's WatchGuard System administrators to ensure that basic maintenance is performed on the MVR/ BWC and that the MVR can be properly stored within the patrol vehicles or police station. The maintenance and storage of the mobile recorders shall be done according to department policy and procedures as well as the manufacturer's specifications. In order to ensure compliance, an annual maintenance inspection of the mobile recorders will be conducted by the Department's WatchGuard System administrators.

(PLEAC 2.1.2c,d)

4. It is the responsibility of the Department's WatchGuard System administrators to ensure that malfunctioning mobile recorders are repaired according to the department's policy and procedures as well as the manufacturer's specifications.

A. If an officer determines that a MVR or BWC is not functioning properly, the shift supervisor will be notified as well as the Department's WatchGuard System administrators. Notification can be made using the vehicle problem form.

B. Upon notification, it is the responsibility of the Department's WatchGuard System administrators to determine the most appropriate action that needs to be taken in order to have the malfunctioning mobile recorder repaired.

(PLEAC 2.1.2g)

C. The Department's WatchGuard System administrators must maintain a record of all maintenance and repairs that are made to any mobile recorder, as well as any inspections that they may conduct other than a daily or weekly inspection.

F. Storage

When a patrol vehicle equipped with a mobile recorder or BWC is within range of a WatchGuard System wireless access point installed at the police department, the recorded content is designed

to automatically transfer to and be stored on the Department's WatchGuard server which has both cyber and physical securities in place.

(PLEAC 2.1.2h)

G. Access and Retrieval to Recorded Data

1. Officers may utilize the WatchGuard Evidence Library in order to access and retrieve (to allow for a review) their own recorded content or recorded content that has been placed into a "case" within the WatchGuard System. Cases will be saved by utilizing the Incident number within the Department's Records Management System. Any access to or copying of recordings will be based on a legitimate law enforcement purpose. Access or copying of videos for personal use is strictly prohibited.

It is at the officer's discretion as to whether the recorded content has evidentiary value for either a criminal or vehicular offense and therefore would be needed for a court hearing.

2. Members of the Command Staff, supervisors, designated civilian staff including the evidence custodian may access, retrieve, and manage recorded content based upon WatchGuard System settings. Deletion of any video prior to its purge date may only be done with command staff approval.

(PLEAC 2.1.2i)

H. Electronic Records Retention

1. Recorded content that is transferred to the WatchGuard System shall have the following minimum retention schedule (in days), based upon the category that the recorded content has been "tagged" in the system:

- a. Arrest – 120 days
- b. Crash Investigation – 90 days
- c. Motorist Assist – 90 days
- d. Pedestrian Stops – 120 days
- e. Police Vehicle Crash – 120 days
- f. Pre-Shift Test Recording – 30 days
- g. Pursuit – 120 days
- h. Traffic Stop – 90 days
- i. Suspicious Activity – 90 days
- j. Emergency Response – 90 days
- k. Driving Under the Influence Alcohol/Drugs – 120 days

l. Miscellaneous Activity – 90 days

m. Unknown – 31 days

1. This is a default factory setting and therefore is not a selection that can be made by an officer.

(PLEAC 2.1.2j)

2. In the event that recorded content within the WatchGuard System is needed beyond the minimum retention schedule, it is the responsibility of an officer to contact the Lieutenant via email and request a “prevent purge,” along with a reason for the request. Once the prevent purge is no longer needed, it is the responsibility of the officer to contact the Lieutenant via email and advise that the prevent purge can be rescinded.

3. Recorded content that involves allegations of misconduct, a citizen complaint, a police involved vehicle crash, the Use of Force, a Vehicle Pursuit (if there is a crash involved), or any other incident that may result in civil action against the Department and was not classified as an Internal Affairs Investigation shall be retained for two (2) years on a Department issued digital storage device or network drive.

4. Recorded content that has been classified as part of an Internal Affairs Investigation will be maintained on a Department issued digital storage device or network drive and may be retained as follows:

- A. Substantiated: three (3) years after termination of employment
- B. Unsubstantiated: three (3) years after close of investigation

5. Recorded content is for internal use only and shall not be distributed or reviewed outside of the Department, except:

A. As evidence at a court hearing, accreditation, or as a component of training. If used for training purposes it must be authorized by a member of the Command Staff.

1. In the event that an officer seeks to have their own recorded content (so long as it relates to the prosecution of criminal or vehicular offense) downloaded to a Department issued digital storage device they may request this via the Lieutenant.
 - a. For the purpose of the court case review process, officers may request a duplicate copy of the recorded content from the Lieutenant for the Montgomery County District Attorney’s Office and / or the Montgomery County Detective Bureau.

b. Recorded content that is labeled as duplicate and or recorded content (i.e. for accreditation or training) that is no longer needed by an officer, must be destroyed (i.e. shredded or reformatted (when applicable) immediately by the requesting officer.

B. An approved Right-to-Know Request:

1. The release will include the minimum information required by law.

a. Redaction will remove all investigative, Criminal History, and secondary dissemination information. Secondary dissemination information includes audio or video identifying information obtained via law enforcement databases, including Department of Transportation records, CLEAN/NCIC records, or Records Management System records. Faces and vehicle registrations shall be obscured to the best of the Department's ability, based upon readily available techniques or technology.

2. Exceptions permitted by the Right-to-Know law shall be strictly adhered to unless authorized by the Chief of Police or their designee.

C. Any other use approved by the Chief of Police or their designee that may benefit the Department or to comply with statutory law or processes.

D. If an Expungement Order has been issued, recorded content within the WatchGuard System will be removed per the information provided within the Expungement Order.

I. Supervisory Responsibilities

1. It is the responsibility of each supervisor to ensure that each officer assigned to them is competent on the proper use and operation of the MVR and BWC as well as ensuring that any additional or remedial training that is needed by an officer they are responsible for is received when needed.

(PLEAC 2.1.2m)

2. It is the responsibility of the shift supervisor, in consultation with an officer's supervisor (when applicable) to review and document any recorded content that involves a Citizen Complaint, a police involved vehicle crash, the Use of Force, or a Vehicle Pursuit.

A. The results of their findings shall be documented in memorandum form and provided to the command staff. Any deficiencies that are found shall be

immediately addressed by the officer's supervisor; on-going deficiencies shall be properly documented.

3. Supervisors will randomly audit the recordings of officers for which they are responsible, and the Lieutenant is responsible for auditing the recordings of all sergeants. The purpose of this audit is to determine if the MVR and BWCs are being properly used and operated.

A. Each supervisor shall audit and document at least four (4) incidents (two from January 1st through June 30th, and two July 1st through December 31st) of recorded content per officer per year to which they are responsible for supervising. The Lieutenant is responsible to review recordings from each sergeant in the same manner and time period. Efforts should be made to review different events for each officer.

B. The results of their findings shall be documented using the MVR/ BWC Audit form and forwarded to the Lieutenant. Any deficiencies that are found shall be immediately addressed by the officer's supervisor; on-going deficiencies shall be documented properly documented.

4. Command Staff and supervisors will not review recordings for the sole purpose of searching for violations of departmental policy not related to a specific complaint or incident; however, they may review video recordings for the purpose of:

- A. Training
- B. Officer safety evaluations
- C. Exceptional conduct
- D. Civil claims
- E. Administrative inquiries
- F. Addressing behavioral or performance deficiencies

5. At any time, a supervisor or member of the Command Staff may randomly review any recorded content. In addition, it is strongly encouraged that at some point the same recorded content be reviewed with the officer present. Reviewing recorded content with the officer present will allow for the following to take place:

- A. The officer will be able to view their actions from a different perspective.
- B. The officer will be able to identify and correct actions that they are not satisfied with.
- C. The supervisor will be able to offer advice, guidance, and in some cases corrective action to the officer in an engaged manner.

(PLEAC 2.1.2f)

J. Facial Recognition Software or Programs

1. In response to actual or suspected criminal activity, police personnel are authorized to employ facial recognition software/programs for investigative purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and/or missing persons.

2. Police personnel utilizing facial recognition software or programs to analyze data collected via MVR shall have completed prior training in the proper use of said technology.

3. Any additional data generated by facial recognition software/programs shall be managed in the same manner as the original MVR data.

(PLEAC 2.1.2k)

K. Discipline

1. Any violation of this order and/or the intentional destruction, misuse, or tampering with the mobile recorder, may subject the officer to the department's disciplinary process.

(PLEAC 2.1.2l)

Michael Jackson

Michael Jackson
Chief of Police

