



MT. LEBANON POLICE DEPARTMENT

Aaron V. Lauth
Chief of Police

Date of Issue: September 4, 2018	Effective Date: September 4, 2018	General Order #: 3-9	Review Date: September 2020
Subject: Body Worn Cameras		Distribution: All Personnel	Amends:
Reference: PLEAC:			Rescinds: N/A
AUTHORIZATION:  Aaron V. Lauth Chief of Police			

3.9.01 PURPOSE

The purpose of this general order is to establish guidelines and procedures for the use of Body Worn Cameras (BWC) as an effective tool to help audio/visually document events as they actually occur.

Recent changes to Pennsylvania Law allow uniformed law enforcement officers or clearly identifiable law enforcement officers on official duty such usage. Future changes in law and procedure, technology (e.g., facial recognition), as well as training provided on this procedure, may give rise to modifications of this policy. Violations of this policy subjects the officer to the department disciplinary policy.

3.9.02 POLICY

When permissible under Pennsylvania Law, officers shall activate the BWC to record contacts with citizens in the performance of their official duties, pursuant to this policy.

Officers and citizen safety shall be the primary consideration when interacting with citizens and/or suspects. There may be instances in which officers are unable to activate their BWC due to circumstances making it unsafe, impossible, or impractical to do so. In these exigent circumstances, officers shall begin recording with their BWC at the first reasonable opportunity to do so and document the reason for the delayed start in the incident report and/or as part of the recording.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The Department also recognizes that the BWC video does not mirror the perspective of the officer at the time of an incident, nor does the video include other

factors known to or perceived by the officer that could impact the officer's judgement and decision-making, such as events beyond the scope of the camera, the officer's "reactionary gap", or the difference between human vision and the camera's video recording abilities. Therefore, the use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident.

This policy does not regulate the use and operation of Mobile Video Recording (MVR) equipment that is permanently mounted inside of some Department owned vehicles (Refer to Department MVR policy).

3.9.03 DEFINITIONS

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Agency Administrator – Member of the Department who will be identified at the administrator level, with full access to user rights.

Body Worn Camera (BWC) System – A camera system worn on the person of a uniformed law enforcement officer, or clearly identifiable law enforcement officer on official duty, capable of recording events both audio and visually that is approved for use by the Pennsylvania State Police and published in the Pennsylvania Bulletin.

Body Worn Camera Program Manager – Officer designated by the Chief of Police to manage the BWC equipment and system, including the video storage system.

Body Worn Camera Technician – Officers of the Department who are specifically trained in the maintenance and care of the BWC equipment, and who are trained to maintain and administer the storage of the recordings.

Confidential Information – Any of the following:

- (1) The identity of a confidential source.
- (2) The identity of a suspect or witness to whom confidentiality has been assured.
- (3) Information made confidential by law or court order.

Information Pertaining to an Investigation – An audio recording or video recording which contains any of the following:

- (1) Complaints or depictions of criminal conduct, including all actions or statements made before or after the criminal conduct that are part of or relate to the same incident or occurrence.
- (2) Upon disclosure, information that would:
 - (i) reveal the institution, progress or result of a criminal investigation;
 - (ii) deprive an individual of the right to a fair trial or an impartial adjudication;
 - (iii) impair the ability of the Attorney General, a district attorney or a law enforcement officer to locate a defendant or codefendant;
 - (iv) hinder the ability of the Attorney General, a district attorney or a law enforcement officer to secure an arrest, prosecution or conviction; or
 - (v) endanger the life or physical safety of an individual.

Digital Evidence – BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

End User – Officers of the Department who have been issued or assigned a BWC.

Evidence Transfer Manager (ETM) – A computer server with built-in, networked or wirelessly connected docking stations physically installed within the Department or a Department vehicle that simultaneously recharges the BWC equipment while digitally encrypting and uploading all data captured to the server.

Law Enforcement Agency – The Office of Attorney General, District Attorney's Office or an agency that employs a law enforcement officer.

Law Enforcement Officer – An officer of the United States, the Commonwealth or a political subdivision thereof, another state or political subdivision thereof or who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in the Pennsylvania Consolidated Statutes or an equivalent crime in another jurisdiction, a sheriff or deputy sheriff and any attorney authorized by law to prosecute or participate in the prosecution of the offense.

Oral Communication – Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term **does not** include the following:

- (1) An electronic communication.
- (2) A communication made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the communication in the course of law enforcement duties.

Storage Server – Digital media storage that can be accessed by End Users and Administrators. This virtual evidence warehouse stores digitally encrypted data in a highly secure environment that is only accessible to approved personnel based upon their security clearance.

Victim – An individual who was subjected to an act that was committed by another individual, including a juvenile.

Victim Information - Information that would disclose the identity or jeopardize the safety of a victim.

3.9.04 PROCEDURES

A. Officer Responsibilities

1. Officers must successfully complete department BWC training.
2. Officers shall only use BWC equipment in the performance of their official duties.
3. Officers shall only use Department issued BWC equipment.
4. During BWC use, officers shall ensure that they are on official duty, in uniform or clearly identifiable as a law enforcement officer. This requirement is satisfied if the officer is in uniform and operating a properly equipped police vehicle, or is otherwise clearly identifiable as a Law Enforcement Officer.
5. Officers shall wear body-worn cameras in a manner consistent with department training.
6. The BWC shall be worn for the entire shift and maintained in a constant state of operational readiness.
7. When the BWC has been activated to record an incident, it shall not be deactivated

- until the incident has been completed, unless otherwise authorized per policy.
8. Although notice is not required by law, in certain circumstances it may prove beneficial to provide notice of the recording, using a phrase such as, "Our actions and words are being recorded," or "Our interaction is being recorded on my Body Camera". Such notice may assist an officer to deescalate confrontational situations.
 9. When safe and practical to do so, officers may narrate the video recording contemporaneously (i.e., at the same time) with a recorded incident, to assist with accurate documentation of events.
 10. Officers will note in the incident, arrest, and any related reports if BWC recordings were made during the incident in question.

B. Supervisor Responsibilities

1. Supervisors shall ensure officers use the body worn camera equipment.
2. Supervisors shall review the following recordings:
 - a. Recordings of any officer injury.
 - b. Recordings of any actor injury.
 - c. Recordings of any use of force incident.
 - d. Recordings of any vehicle pursuit and actions taken following the pursuit.
 - e. Recording of any citizen complaint.
3. Supervisors may review audio/video related to a specific incident or call for service in response to an allegation of a rule or policy violation. Inadvertent discovery of other allegations during this specific review shall require the supervisor to articulate the purpose for expanding the scope of review.
4. In situations where there is a need to review BWC Recordings not covered by this policy, the Chief of Police or Deputy Chief of Police must approve the request, and the United Police Society and the affected officer will be notified of the review. Each situation will be evaluated on a case by case basis. This review will be subject to counseling and training only.
5. All reviews will be automatically documented in the audit log associated with each BWC recording.
6. If it appears that an officer is not following Departmental Policy Guidelines, the BWC media shall be reviewed.
7. If a supervisor observes a serious violation during a review of audio/video, they will document the violation observed, preserve the recording by assigning the appropriate category, and forward notification to the Chief of Police or his designee.
8. Supervisors may utilize the information from the recordings during the completion of performance evaluations.
9. Supervisors and Field Training Officers may review BWC recordings involving Probationary Police Officers for the sole purpose of evaluating the performance of the Officer during their probationary period.
10. Supervisors shall take appropriate administrative action if an officer is found to have failed to properly use or care for the body worn camera equipment.
11. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death), a supervisor or their designee shall immediately take custody of involved BWC(s) and, in such case, will only review or download the audio/video at the direction of the Chief of Police.

C. Care and Maintenance

1. BWC-equipped Officers
 - a. Are responsible for the proper use and care of their assigned BWC at all times and are reminded that BWC recordings do not replace written reports.
2. Prior to deployment, officers shall:

- a. Inspect and test their BWCs to ensure that they are operational and functioning properly. If a BWC is damaged or inoperable, officers shall immediately notify a supervisor who will immediately test the camera and, if inoperable, place the camera out of service and notify the Chief of Police or his/her designee.
 - b. Make every effort to ensure that they begin their shift with a fully charged BWC that does not contain data from a prior shift.
3. Lost or damaged BWC:
- a. Officers who discover at any time during their shift that their BWC is lost, shall immediately notify a supervisor.
 - b. Officers who discover at any time during their shift that their BWC is damaged, malfunctioning, or that it contains data from a previous shift shall immediately notify a supervisor who will immediately test the camera and, if inoperable, place the camera out of service and notify the Chief of Police or his/her designee.

D. Use of Body Worn Camera

1. Officers, including primary, secondary and assisting officers, shall begin BWC recordings in the following circumstances unless doing so would be unsafe, impossible or impracticable:
 - a. At the initiation of a dispatched or self-initiated call for service or other activity that is investigative or enforcement in nature, 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 include, but are not limited to:
 - 1) all enforcement/investigation related citizen contacts (e.g. domestics, assaults, disturbances);
 - 2) all stops (e.g., traffic and pedestrian),
 - 3) vehicle and foot pursuits;
 - 4) all traffic crash scenes;
 - 5) DUI investigations, including Field Sobriety Testing;
 - 6) high-risk encounters (e.g., barricade situations, active shooter);
 - 7) mental health encounters;
 - 8) suspicious activities;
 - 9) use of force situations;
 - 10) investigative detentions or arrests;
 - 11) encounters that require the advising of Miranda rights;
 - 12) all transports of prisoners and citizens (unless in-car MVR is activated);
 - 13) any contact that becomes confrontational or adversarial after the initial contact, in a situation that would not otherwise require recording;
 - 14) any of the following searches of a person or property:
 - a) consent searches (record consent);
 - b) warrantless searches;
 - c) vehicle searches;
 - d) searches conducted incident to arrest;
 - e) inventory searches;
 - f) cursory searches;
 - g) probable cause searches;
 - h) execution of search or arrest warrants;
 - i) frisks;
 - j) deployment Police K-9(s);
- 15) any incident when the officer deems it appropriate to activate the

BWC in accordance with this policy or upon direction from a supervisor.

2. If officers are unable to begin recording with the BWC due to circumstances making it unsafe, impossible or impractical to do so, officers should begin recording with the BWC at the first reasonable opportunity to do so. Officers should document, in their incident report, the circumstances preventing them from activating the BWC.
3. Officers who are on the scene of an incident and are not the primary reporting officer shall inform the reporting officer of their BWC recording(s) so that the primary officer may include this information in his/her report.
4. BWCs may also be used to record initial interviews of victims, complainants and witnesses.
5. Once activated in accordance with this policy, officers shall not deactivate their BWC until:
 - a. they have cleared the assignment or, in the case of arrest, have transferred custody of the arrestee to another member;
 - b. their involvement in the citizen contact or detention has concluded;
 - c. they receive an order from a supervisor (in these cases, officers shall document the order via a BWC recording prior to deactivation);
 - d. the incident requiring activation has concluded, and the officer has returned to service.
6. Muting a BWC recording:
 - a. Officers may mute (temporarily turn off the audio) a BWC recording during conversations that involve police and/or case tactics or strategy.
 - b. The BWC audio shall be reactivated immediately if the circumstances change or any police action is to be taken.
 - c. Any muting of the BWC audio shall be documented in the narrative section of any related report and shall be reported to a supervisor. When practicable, a verbal statement shall be recorded on the BWC as to why the BWC audio was muted.
7. Exceptions:
 - a. In situations when community members, witnesses, victims or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, officers will have the discretion to turn off their BWC in order to obtain the statement or information. In such situation, the officer shall record a brief verbal explanation for the deactivation prior to turning off the recording.
 - b. The BWC shall be deactivated and the same notification of cessation shall be noted as in 7(a);
 - (1) During safety planning for domestic violence or sexual assault victims;
 - (2) During conversations with confidential informants and undercover officers;
 - (3) During officer-to-officer conversations;
 - (4) During department administrative investigations;
 - (5) During roll calls, briefings or information sharing sessions to discuss tactics and strategy;
 - (6) In lieu of the aforementioned exceptions, in any setting, if confronting a violent or assaultive individual, or in an anticipated use of force instance, officers shall, when reasonably able to do so, activate their BWC to record the encounter.
8. Any delay or failure to activate their BWC required by this policy, as well as any interruption of a BWC recording required by this policy, shall be documented in the narrative section of any related report and shall be reported to a supervisor.

E. Storage

1. BWC recordings shall only be stored on a Department approved server or on a

- Department approved storage device.
2. Officers shall ensure all BWC data is uploaded at the end of their shift, and when necessary, during their shift, to ensure storage capacity is not exceeded.
 3. Officers shall charge the camera in an approved BWC charging device.
 4. Officers will ensure BWC devices are securely stored in authorized locations when devices are not in use.
 5. Officers shall not:
 - a. Remove, dismantle, or tamper with any hardware or software component or part associated with BWCs.
 - b. Erase, destroy, disseminate, edit, alter, or otherwise use BWC recordings without the permission of the Chief of Police or his/her designee.
 - c. Copy, convert, record, or disclose the contents of a BWC recording including posting to any public and/or social media site without approval of the Chief of Police or his/her designee. BWC recordings shall only be shared for official law enforcement purposes.
 - d. Allow unauthorized personnel to view the BWC recordings without permission from his/her supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the digital evidence, or who are previously authorized to interact with Department evidence, are exempt from this restriction.
 - e. Download or convert any BWC recording for personal use.
 - f. Use Department-issued BWCs while off-duty.
 - g. Record images or conversations of officers without their knowledge during routine, non-enforcement related activities such as in locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
 - h. Record gratuitously violent or obscene images, unless necessary for evidentiary documentation or required by this policy.
 - i. Record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, physical disability status, or political affiliation.
 - j. Record strip searches.
 - k. Use any other electronic device or other means in order to intentionally interfere with the capability of the BWC.
 - m. End a recording based solely on a citizen's request/demand.
 - n. View recordings for other than official law enforcement purposes.
 6. Facial Recognition Software or Programs
If Facial Recognition Software or Programs are developed which interface with BWCs, their use will be utilized in accordance with applicable law and approved by the Chief of Police or his/her designee.

3.9.05 OFFICER ACCESS AND REVIEW

1. Officers may review BWC recordings prior to documenting an incident, arrest, search, interview, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.
2. If an officer is involved in an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death, the department reserves the right to limit or restrict an officer from immediately viewing the BWC recording. Prior to an interview with an external investigator, BWC recordings of the incident will be made available to the involved officer(s).

3.9.06 BWC PROGRAM MANAGER RESPONSIBILITIES

1. BWC Program Manager shall be responsible for the oversight of the equipment and systems associated with the Body Worn Camera program.

2. BWC Program Manager shall ensure that all officers are properly trained on the policy and use of the Body Worn Cameras, as well as the associated video storage system.
3. BWC Program Manager shall maintain warranties and service contracts with the vendor, as well as coordinate any necessary equipment repairs.
4. BWC Program Manager shall coordinate with the Municipal Information Technology Department to ensure system and equipment functionality, including necessary firmware and software updates.

3.9.07 BWC TECHNICIAN RESPONSIBILITIES

1. BWC Technicians shall be responsible for the retention, duplication and purging of BWC recordings.
2. BWC Technicians shall ensure recordings of incidents are maintained in accordance with this policy and department evidence retention procedures.
3. BWC Technicians shall ensure that the recordings are identified and retained in accordance with this policy. Electronically retained recordings shall be retained until the case is adjudicated or there is a court order, unless otherwise indicated.

3.9.08 DUPLICATION/RETENTION OF BWC RECORDINGS

1. The recordings produced on the BWC equipment are property of the Department, and will be subject to applicable law and Department policies regarding the viewing, release, retention and destruction of such recordings.
2. Mandatory Retention: The following types of incidents recorded on BWC equipment shall be retained and processed as evidence:
 - a. Incidents which may result or have resulted in the filing of criminal charges.
 - b. Incidents which are likely to become the subject of civil litigation against the Department or its personnel, including but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving the use of force, and incidents involving verbal complaint(s) against the Department or its personnel.
 - c. Incident involving injuries to officers and injuries incurred or alleged to have been incurred as the result of police actions.
 - d. Recordings which have been properly requested pursuant to Act 22 of 2017 shall be retained.
 - e. Recording shall be retained for no less than 100 days to accommodate any delays in processing a request.
 - f. If a request is denied additional retention time may be necessary for appeal purposes.
3. Other Requests for Retention:
 - a. Any member who believes that the retention of a recording not specifically required by this regulation is advisable (e.g., for use in a summary proceeding involving a traffic violation or training), shall categorize the recording as appropriate. Officers are advised, per this regulation, that all recordings collected by the BWC equipment which are not regulated by a regular retention schedule will be purged no later than 100 days from the date of the recording.

3.9.09 BWC MEDIA CATERGORIZATION, NOTATION AND USE IN REPORTS

1. BWC recordings that are determined to be evidentiary must be categorized appropriately in video storage system, to ensure proper retention periods are applied.
2. The use of the BWC shall be recorded in the appropriate section of department reports.
3. Officers may use media captured via the BWC to assist with investigations and

the completion of required reports. Officers may also use the media captured by the BWC to assist investigators and supervisors in evaluating on-going situations.

4. Using the capabilities of the storage server, officers may add markers and/or create clips in order to assist investigators and/or prosecutors.
5. Officers may use media captured on the BWC for training purposes, with proper authorization from the Chief of Police or his/her designee. Additionally, Field Training Officers may use media captured via the BWC to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

3.9.10 DISSEMINATION

1. Dissemination of audio and video recordings shall be in accordance with Pennsylvania Law.
2. Regarding requests for law enforcement audio recordings or video recordings the following shall apply:
 - a. An individual who requests an audio recording or video recording made by a law enforcement agency shall, within 60 days of the date when the audio recording or video recording was made, serve a written request to the individual who is designated as the open-records officer for the law enforcement agency under section 502 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to- Know Law. Service is effective upon receipt of the written request by the open-records officer from personal delivery or certified mail with proof of service.
 - b. The request under paragraph (a) shall specify with particularity the incident or event that is the subject of the audio recording or video recording, including the date, time and location of the incident or event.
 - c. The request shall include a statement describing the requester's relationship to the incident or event that is the subject of the audio or video recording.
 - d. If the incident or event that is the subject of the audio recording or video recording occurred inside a residence, the request shall identify each individual who was present at the time of the audio recording or video recording unless not known and not reasonably ascertainable.
 - e. MLPD may establish reasonable fees relating to the costs incurred to disclose audio or video recordings. The fees shall be paid by the requesting party at the time of disclosure of the requested recording.
3. In criminal cases, notice shall be provided to the prosecuting attorney of any request for BWC recordings.

3.9.11 TRAINING

1. Prior to using a BWC, Officers must complete an initial MLPD approved and/or provided training program to ensure proper use, operations and compliance with agency policy. Initial training will include the following:
 - a. All practices and protocols covered by the MLPD BWC policy.
 - b. An overview of relevant state laws governing consent, evidence, victim and witness privacy, and public disclosure.
2. Additional training will be conducted annually to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

3.9.12 ADHERENCE TO POLICY

1. Failure to follow this policy may result in disciplinary action.