

BODY-WORN CAMERA EQUIPMENT

XX.01 PURPOSE

This regulation establishes policy and procedures for the utilization of Department body-worn camera (BWC) equipment, and the retention, duplication, storage, and purging of recordings made from Department BWC equipment.

XX.02 PROGRAM GOALS

The use of BWC equipment enables the Department to accomplish many objectives including, but not limited to, the following:

- A. Enhance officer safety.
- B. Improved documentation of events, actions, conditions, and statements made during incidents.
- C. Documentation of evidence and scenes.
- D. Enhanced reports preparation and improved court testimony.
- E. Improved training capabilities.
- F. Protection against false accusations of misconduct.
- G. Improve accountability.
- H. Preserving documentation of member-citizen interactions.

XX.03 GENERAL PROVISIONS

- A. Members shall not possess, carry, or utilize any personally owned BWC equipment while on duty.
- B. Members shall not utilize Department BWC equipment until they have received the appropriate training administered by the Bureau of Training and Education.
- C. All data, images, audio, video, and metadata captured, recorded, or otherwise produced by Department BWC equipment is the sole property of the Department.

XX.04 DUTIES AND RESPONSIBILITIES

A. Troop Commanders:

1. Ensure the required number of members from the Patrol Section are assigned to participate in the Department BWC Program.
2. Ensure a sufficient number of Noncommissioned Officers are designated as BWC Custodial Officers/Alternate BWC Custodial Officers at each participating Troop Headquarters/Station under their command.
3. Ensure the required number of BWC recordings are reviewed each month to confirm that members under their command are following Department policies and procedures.
4. Ensure strict accountability of Department BWC equipment.
5. Obtain approval from the Director, Bureau of Patrol, prior to implementing any order and/or policy governing the use of Department BWC equipment that differs from the policies and procedures contained in this regulation.

B. Station Commanders:

1. Assign one Noncommissioned Officer to serve as the BWC Custodial Officer, and at least one Noncommissioned Officer to serve as an Alternate BWC Custodial Officer, for their Station.
2. Ensure Patrol Section/Unit Supervisors under their command review the required number of BWC recordings each month to confirm that members are following Department policies and procedures.

C. BWC Custodial Officers/Alternate BWC Custodial Officers:

1. Upon assignment, email their name, CWOPA username, and assigned work location to the Enforcement Programs Supervisor, Bureau of Patrol, to initiate the creation of their BWC software profile. Upon receiving notification that their BWC software profile has been

created, BWC Custodial Officers/Alternate BWC Custodial Officers shall complete the profile set-up in accordance with the manufacturer's instructions.

2. Duplicate, store, and purge recordings made from Department BWC equipment in accordance with this regulation.
 3. Review Department BWC-related training and user's guides to ensure proficiency in the use of the Department's BWC system. Emphasis shall be given to the Record-After-the-Fact (RATF) function.
- D. Patrol Section Supervisors: Review a minimum of three Department BWC recordings from 10 percent (no less than one) of the Patrol Unit Supervisors assigned to their Section each month.
- E. Designated Patrol Unit Supervisors:
1. Upon being designated to participate in the Department BWC Program, email their name, CWOPA username, and assigned work location to the Enforcement Programs Supervisor, Bureau of Patrol, to initiate the creation of their BWC software profile. Upon receiving notification that their BWC software profile has been created, Patrol Unit Supervisors shall complete the profile set-up in accordance with the manufacturer's instructions.
 2. Wear a Department BWC at all times while on duty, if designated to participate in the Department BWC Program.
 3. Review a minimum of three Department BWC recordings from 10 percent (no less than one) of the assigned members under their command every month.
- F. Designated Patrol Unit Members:
1. Upon being designated to participate in the Department BWC Program, email their name, CWOPA username, and assigned work location to the Enforcement Programs Supervisor, Bureau of Patrol, to initiate the creation of their BWC software profile. Upon receiving notification that their BWC software profile has been

created, Patrol Unit members shall complete the profile set-up in accordance with the manufacturer's instructions.

2. Review BWC-related training and user's guides to ensure proficiency in the use of the Department's BWC system.
3. Wear a Department BWC at all times while on duty, if designated to participate in the Department BWC Program.
4. Utilize Department BWC equipment in accordance with this regulation.

G. Director, Bureau of Patrol:

1. Manage and administer the Department BWC Program, in consultation with the Director, Bureau of Research and Development.
2. Coordinate and consult with the Bureau of Information Technology, Bureau of Research and Development, and Bureau of Staff Services when evaluating, purchasing, and/or replacing Department BWC equipment.

H. Public Safety Information Technology Delivery Center:

1. Provide technical support for the Department BWC Program.
2. Administer and ensure proper technical functionality of the BWC Program central server.
3. Implement technical policies for the Department BWC Program in consultation with the Director, Bureau of Patrol.

I. Director, Bureau of Training and Education: Ensure all training on the use of Department BWC equipment is conducted in accordance with the provisions of this regulation.

XX.05 PREOPERATIONAL PROCEDURES

- A. Members shall not utilize Department BWC equipment until they have received the appropriate training administered by the Bureau of Training and Education
- B. At the beginning of each shift, members assigned to participate in the Department BWC Program shall ensure all BWC start-up procedures are performed in accordance with the manufacturer's instructions. This shall include:
 - 1. Completing an officer login and camera assignment from the BWC kiosk/desktop.
 - 2. Selecting the assigned BWC from the dock that is flashing and displays the member's name.
- C. Operational problems with Department BWC equipment shall be immediately reported to the Bureau of Research and Development. The following information shall be provided:
 - 1. Location of the BWC.
 - 2. Nature of the problem.

NOTE: If necessary, the Bureau of Research and Development will arrange for repair or replacement of malfunctioning Department BWC equipment. Members shall not contact the manufacturer for assistance.

XX.06 BODY-WORN CAMERA RECORDING OPERATIONS

- A. Activation: Members shall activate the BWC to record the following types of incidents, whenever operationally feasible:
 - 1. Traffic and criminal enforcement stops.
 - 2. In-progress Vehicle and Crimes Code violations.
 - 3. Police pursuits and patrol vehicle travel and movements when emergency lights and/or siren are activated.
 - 4. Field interviews, interrogations, and intoxication testing.

5. Fatal crash or major crime scenes, as necessary, to document the scene.
6. Traffic safety and sobriety checkpoints.
7. Prisoner transports.

NOTE: Transports of individuals other than prisoners may be recorded at the discretion of the transporting member.

8. Searches of vehicles and/or persons (excluding strip searches).
9. Motorist assists.
10. Any other incident or encounter the member deems appropriate while acting in the performance of their official duties.

B. Deactivation:

1. Notwithstanding the exemptions contained within this regulation, when the BWC system has been activated to record an incident, the recording shall not be stopped until the incident has been completed. Upon conclusion of the incident, the member shall record a short statement that the incident has been completed, and then deactivate the recording.
2. There may be occasions when a member is unable or otherwise chooses not to activate their BWC, or may deem it necessary to temporarily deactivate the BWC. Members shall be prepared to articulate their rationale when exercising this discretion. In cases where it is necessary or prudent to temporarily deactivate the BWC, the member shall declare on the recording the reason prior to deactivation. Upon reactivation of the BWC, the member shall state that the recording shall resume. Situations when the BWC may be deactivated include, but are not limited to:
 - a. Protecting the anonymity of an informant or other confidential source of information.

- b. Interviewing sexual assault or trauma victims.

NOTE: Members who choose not to deactivate the BWC in such cases should obtain consent from the victim prior to recording the interview.

- c. Officer-safety concerns.
- d. Conversations involving sensitive law enforcement information.
- e. Case/charges preparation and discussion.
- f. Privacy during an attorney/client conversation.
- g. When directed by a supervisor. Members shall note the name and position of the supervisor in their statement prior to deactivation.

- C. Legal Requirements: Members shall abide by the following legal requirements governing the use of Department BWC equipment:

1. Members shall not use Department BWC equipment unless acting in the performance of their official duties.
2. Members shall only use Department BWC equipment which has been approved for use in accordance with the Pennsylvania Bulletin. The use of personally- or privately-owned recording equipment for documentation purposes is prohibited.
3. Members shall ensure proper identification as a law enforcement officer is established when utilizing Department BWC equipment.

- D. Additional Requirements: Members shall abide by the following additional requirements governing the use of Department BWC equipment:

1. Members are encouraged to narrate the audio/video recording, whenever possible, during a recorded incident to aid in establishing probable cause for enforcement action and assist in report preparation.

2. Members shall endeavor to ensure the BWC system does not inadvertently record unnecessary audio/video during the course of their shift.
3. Members are prohibited from utilizing a BWC to record in the following situations:
 - a. Strip searches.
 - b. Inside locker rooms and restrooms.
 - c. Supervisory counseling and supervisor/member conversations.
 - d. During meals, unless approached by a citizen, or a situation meriting activation occurs.
 - e. On break, or otherwise engaged in personal activities or conversations.
4. Members should inform all individuals identifiably present, as soon as reasonably practicable, that the BWC is being utilized to record the encounter/incident.
5. When powered on, the BWC system continuously buffers video to the hard drive. If a member was unable to trigger an event recording when required, the RATF function can be used by the member to retrieve and preserve buffered video from the recent past.

NOTE: If the member is unable to initiate/use the RATF function, a BWC Custodial Officer or Alternate BWC Custodial Officer shall be notified. BWC Custodial Officers and Alternate BWC Custodial Officers have the ability to initiate the RATF function.
6. Should either the audio or video portion of the BWC system fail while in use, the member shall report the problem/failure to the Bureau of Research and Development in accordance with this regulation and shall remove the affected BWC from service.
7. Members shall not erase, delete, or otherwise alter any audio/video recorded on Department BWC equipment.

NOTE: A BWC Custodial Officer or Alternate BWC Custodial Officer can utilize the RATF function to isolate an incident recorded on Department BWC equipment if recorded events overlap.

8. Upon completion of their assigned shift, members shall:
 - a. Ensure the BWC is placed in the docking port located within their assigned Troop Headquarters/Station. This will ensure the BWC is recharged, and all audio/video recorded on the BWC is downloaded to the BWC server at the completion of the member's shift.
 - b. Logout of the of the BWC software system.

XX.07 REPORTING REQUIREMENTS

- A. Whenever a BWC is present and activated during an incident/encounter, members shall document in the applicable report that a BWC was present and utilized during the incident/encounter.
- B. Members failing to record an incident/encounter required to be recorded, when a BWC was present, shall document the circumstances in the applicable report and articulate the reason(s) the incident/encounter was not recorded.

XX.08 VIEWING OF BODY-WORN CAMERA RECORDINGS

- A. Members are permitted to review the audio and video footage captured by a Department-issued BWC during a duty assignment or related police/citizen interaction. A review of available BWC footage will often aid in the preparation of applicable reports and foster the most complete and factually accurate account of an incident.
- B. Members shall adhere to the following restrictions and considerations associated with the review of BWC recordings.
 1. A review of applicable BWC footage by a member involved in an officer-involved shooting or other serious police incident must be authorized by the appropriate

Criminal Investigation Section Commander, in consultation with the Internal Affairs Division, Bureau of Integrity and Professional Standards.

2. Determinations concerning the timing of an involved member's review of BWC footage in relation to a criminal or administrative interview shall conform with recognized investigative strategies and address considerations such as:
 - a. The realities of human memory.
 - b. The complexities of officer perception and behavior.
 - c. The dynamics and environmental factors associated with an event.
 - d. The benefits/limitations of audio and video recordings.
 - e. The nature and degree of stress/emotion experienced by an involved member.
- C. Members shall obtain approval from a supervisor prior to viewing a BWC recording made by another member. Supervisors shall ensure that the examination of footage associated with an officer-involved shooting or other serious police incident is handled in compliance with the restrictions set forth in Section XX.08 B. of this regulation and is limited to those members and/or supervisors that have a legitimate need to review the recording.
- D. Civilians shall not be permitted to view a BWC recording at the scene of an incident, except in exigent circumstances with the approval of a supervisor.

XX.09 DUPLICATION/RETENTION OF BODY-WORN CAMERA
RECORDINGS

- A. Mandatory Duplication/Retention: Recordings made from Department BWC equipment of incidents which may result in the filing of misdemeanor or felony charges and/or 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, incidents involving use of force, and incidents involving verbal or written complaints against the Department or its personnel, shall be duplicated, retained, and processed as evidence by the BWC Custodial Officer or, in their absence, an Alternate BWC Custodial Officer, in accordance with this regulation, as soon as practicable. Members are responsible for notifying the BWC Custodial Officer/Alternate BWC Custodial Officer of these recordings and the need for duplication and retention.

- B. Requests for Non-Mandatory Duplication/Retention: Any member who determines that duplication and retention of a recording not specified in this regulation is necessary (e.g., a recording that has potential value as a training aid) shall notify the BWC Custodial Officer or, in their absence, an Alternate BWC Custodial Officer, as soon as possible. The BWC Custodial Officer/Alternate BWC Custodial Officer shall evaluate and process each request in accordance with this regulation.
- C. Recording Medium: Recordings made from Department BWC equipment may be duplicated/retained on any of the following types of recording mediums:
 - 1. Non-rewritable compact disc (CD).
 - 2. Non-rewritable digital video disc (DVD), to include dual-layer and Blu-ray.
 - 3. Universal serial bus (USB) drives.

NOTE: Recordings over 1½ hours in length may need to be downloaded to an 8 gigabyte or greater USB, Blu-ray disc, or dual-layer DVD. The Public Safety Information Technology Delivery Center will ensure an adequate supply of CDs, USB drives, and dual-layer/Blu-ray DVD products are available to Department personnel through the Central Supply Section. Troop Procurement and Supply Officers may also procure approved recording/storage devices locally.

- D. All recordings uploaded to BWC servers will be automatically deleted 60 days after the date the recording was uploaded to the server. Therefore, recordings required to be duplicated/retained in accordance with this regulation must be duplicated within 60 days of the incident/recording. A request for

duplication/retention of a recording after the automatic 60-day deletion period cannot be processed.

NOTE: It is the responsibility of the requesting member to ensure that any BWC recording required to be duplicated/retained has been duplicated within 60 days of the incident/recording.

- E. BWC Custodial Officers or, in their absence, Alternate BWC Custodial Officers, shall ensure the following types of recordings made from Department BWC equipment are duplicated and stored in accordance with this regulation:
1. A recording requested to be preserved by a member appearing on the recording, a member investigating a violation of law, a supervisor, or the Bureau of Integrity and Professional Standards, where the recording may be necessary for use in any criminal or forfeiture proceeding.
 2. A recording requested to be preserved by a member appearing on the recording, or by a supervisor, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The duplicated recording shall be destroyed 90 days from the conclusion of all proceedings related to the offense.
 3. A recording requested to be preserved by a supervisor, the Bureau of Integrity and Professional Standards, or the Office of Chief Counsel, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The duplicated recording shall be retained until destruction is authorized by the requester.
 4. A recording requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing, and should include the date, time, and location of the recording, and the names of the parties involved.
 5. A recording requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the Department or its personnel. Such requests must be in writing, and should include the

date, time, and location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the Office of Chief Counsel. The duplicated recording shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the Office of Chief Counsel.

6. A recording requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the Department or its personnel. Such requests must be in writing, and should include the date, time, and location of the recording, and the names of the parties involved. The recording shall be duplicated and retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under Department regulations, whichever comes first.
7. A recording that is the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing Department regulations.
 - a. In criminal cases, notice shall be provided to the prosecuting attorney.
 - b. In civil cases against the Department or its personnel, notice shall be immediately provided to the Office of Chief Counsel. The duplicated recording shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the Office of Chief Counsel.
 - c. In civil cases not against the Department or its personnel, the recording shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under Department regulations, whichever comes first.
8. A recording requested to be preserved by an Area/Troop Commander or Bureau/Office Director for training purposes. The recording shall be duplicated and

provided to the requester, who may retain the recording indefinitely.

9. A recording requested by the Commissioner or a Deputy Commissioner to be preserved for any purpose authorized by law. The recording shall be duplicated and provided to the requester, who may retain the recording for the period authorized by law.

NOTE: Each duplicated recording made from Department BWC equipment shall include any prisoner transports associated with the incident.

- F. BWC Custodial Officers or, in their absence, Alternate BWC Custodial Officers, shall complete the appropriate supplemental report when a recording is duplicated or when duplication is attempted and unsuccessful. If duplication is unsuccessful, an explanation shall be included in the supplemental report.
- G. Duplicated recordings shall be retained for the appropriate time period specified in AR 3-3, Storage and Security of Property, unless otherwise indicated.

XX.10 TRAINING AID

When a member determines a recording made from Department BWC equipment has value as a training aid, the procedures in AR 5-8, Video Productions, Duplications, Purchases, and Libraries, shall be followed. The BWC Custodial Officer or, in their absence, an Alternate BWC Custodial Officer, shall assume responsibility for submitting the recording in accordance with AR 5-8 when the original submitting member is no longer available (e.g., transfer, retirement).

NOTE: The written consent of all participants on the recording must be obtained before any oral communications on the recording can be disclosed for training purposes.

XX.11 BODY-WORN CAMERA AUDIO/VIDEO RECORDING STORAGE

- A. Each location assigned Department BWCs shall maintain a securable BWC locker/storage area for CDs/DVDs/USBs containing BWC recordings.

- B. The BWC locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to BWC Custodial Officers or, in their absence, Alternate BWC Custodial Officers.
- C. Each CD/DVD containing a duplicated recording made from Department BWC equipment shall be clearly labeled with the CAD/Case number or, if a CAD/Case number is not assigned, the Traffic Citation number, and the BWC Custodial Officer's/Alternate BWC Custodial Officer's initials on the center plastic insert of the CD/DVD, avoiding the aluminum coating of the disc. The CD/DVD shall be labeled using a fine-tip permanent marker (e.g., Sharpie) and placed into a protective CD/DVD sleeve or case.
- D. Each USB drive containing a duplicated recording made from Department BWC equipment shall be placed into and sealed in an appropriate-sized envelope. The envelope containing the USB drive shall be clearly labeled with the CAD/Case number or Traffic Citation number and the BWC Custodial Officer's/Alternate BWC Custodial Officer's initials using a fine-tip permanent marker (e.g., Sharpie).
- E. Once properly labeled and packaged, each CD/DVD/USB drive containing a recording required to be maintained pursuant to this regulation shall be logged on the Mobile Video/Audio Recording Record, Form SP 6-143, and placed in an envelope in the BWC locker/storage area. The envelopes shall be filed chronologically by the investigating/arresting member's last name. The following information shall be listed, in order, on the front of each envelope:
 - 1. The CAD/Case number or, if a CAD/Case number is not assigned, the Traffic Citation number.
 - 2. The date, time, and duration of the recording.
 - 3. The participants on the recording, if known.
 - 4. A brief summary of the contents of the recording (e.g., vehicle crash on Interstate 95, domestic assault).

XX.12 DAMAGE/REPLACEMENT AND TRANSFER OF BODY-WORN
CAMERA EQUIPMENT

- A. Damage to Department BWC equipment shall be reported to the Bureau of Research and Development.
- B. The purchase, transfer, and/or replacement of Department BWC equipment and parts shall be administered by the Bureau of Research and Development.

XX.13 RELEASE OF BODY-WORN CAMERA RECORDINGS

- A. Any public release of Department BWC recordings shall be guided by this regulation; AR 6-1 Public Information; and the provisions of Act July 07, 2017, P.L. 304, No. 22.
 - 1. BWC recordings are not subject to the Pennsylvania Right-to-Know Law, according to the provisions of Act July 07, 2017, P.L. 304, No. 22.
 - 2. Public requests for Department BWC recordings will be handled in accordance with the Department's established procedures for audio/video recording disclosure.
 - 3. The release of any Department BWC recording(s) shall be in accordance with the provisions of Act July 07, 2017, P.L. 304, No. 22.
- B. Release of Department BWC recordings for criminal prosecutions will be coordinated with the applicable district attorney's office. This will include the release of any recording to defense counsels.
- C. Release of Department BWC recordings for any civil case will be governed by this regulation; FR 5-5, Subpoenas and Court Appearances; and AR 6-3, Subpoenas for Records; and will be coordinated with the Office of Chief Counsel and the Subpoena Processing Section, Bureau of Records and Identification.

XX.14 POLICY REVIEW

Department BWC recordings should be utilized in the ongoing evaluation of the Department's BWC policy, use-of-force policy, and training best practices and effectiveness. The Bureau of Integrity and Professional Standards, Bureau of Patrol, Bureau of Research and Development, and Bureau of Training and Education will coordinate these reviews.