

MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

12.01 PURPOSE

This regulation establishes policies and procedures for the utilization of Department mobile video/audio recording (MVR) equipment, and the retention, duplication, storage, and purging of recordings made from Department MVR equipment.

12.02 PROGRAM GOALS

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

- A. Enhanced 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. Improved public accountability.
- G. Protection against false accusations of misconduct.
- H. Enhanced public trust by preserving documentation of member-citizen interactions.

12.03 DUTIES AND RESPONSIBILITIES

- A. Troop Commanders and affected Bureau/Office Directors:
 - 1. Ensure a sufficient number of Noncommissioned Officers are designated as MVR Custodial Officers/Alternate MVR Custodial Officers at each location under their command assigned MVR-equipped vehicles.

2. Ensure a sufficient number of MVR recordings are reviewed each month to confirm that members under their command are following Department policies and procedures.
 3. Ensure strict accountability of MVR equipment and the vehicles to which the equipment is assigned.
 4. Obtain approval from the Director, Bureau of Patrol, prior to implementing any order and/or policy governing the use of MVR equipment that differs from the policies and procedures contained in this regulation.
- B. Patrol Section/Station Commanders and affected Division Directors:
1. Upon assignment, complete a [Group Creation and Membership](#) request form, which is available on the PSPiNet under Technology I/M/A/C Requests, to add their name to the Global Group "SP-PSP MVR Custodial Officers," and ensure the proper permissions are assigned.
 2. Assign one Noncommissioned Officer to serve as the MVR Custodial Officer, and at least one Noncommissioned Officer to serve as an Alternate MVR Custodial Officer, for their Troop Headquarters/Station or each location within their Division assigned MVR-equipped vehicles.
 3. Ensure MVR Custodial Officers/Alternate MVR Custodial Officers under their command review a sufficient number of MVR recordings each month to confirm that members are following Department policies and procedures.
- C. MVR Custodial Officers/Alternate MVR Custodial Officers:
1. Upon assignment, complete a [Group Creation and Membership](#) request form, which is available on the PSPiNet under Technology I/M/A/C Requests, to add their name to the Global Group "SP-PSP MVR Custodial Officers," and ensure the proper permissions are assigned.
 2. Duplicate, store, and purge recordings made from MVR equipment in accordance with this regulation.

3. Review a sufficient number of MVR recordings each month to confirm that members are following Department policies and procedures.
4. Review MVR-related training and user's guides to ensure proficiency in the use of the Department's WatchGuard 4RE wireless MVR system. Emphasis shall be given to the Record-After-the-Fact (RATF) function.

NOTE: Training and user's guides for the WatchGuard 4RE wireless MVR system are available on the PSPiNet under User's Guides, MVR, and can also be accessed by clicking on the following hyperlink: [WatchGuard 4RE Training and User's Guides](#).

D. Troop Communications Specialists (TCSs) and affected Bureau Communications Representatives (BCRs):

1. Upon assignment, complete a [Group Creation and Membership](#) request form to add their name to the Global Group "SP-PSP MVR TCS Group," and ensure the proper permissions are assigned.
2. Function as the Troop/Bureau Alternate MVR Custodial Officer.

E. Members:

1. Utilize MVR equipment in accordance with this regulation.
2. Ensure their name is listed in the active directory for their assigned location, as maintained by the Public Safety Information Technology Delivery Center. If a member's name does not appear in the active directory for their assigned location, the member shall contact the PSP Help Desk to be added.
3. Endeavor to utilize a vehicle equipped with a second hi-fi wireless microphone transmitter and docking base when assigned to an MVR-equipped vehicle with another member (e.g., midnight shift, coach/trainee).

NOTE: Refer to Appendage B for installation instructions on adding a second hi-fi wireless microphone transmitter and docking base.

- F. Director, Bureau of Patrol:
 - 1. Manage and administer the Department's MVR Program.
 - 2. Manage and administer the distribution of MVR equipment.
 - 3. Advise the Public Safety Information Technology Delivery Center of any MVR equipment transfers, movements, and/or inventory changes occurring at Department locations.
 - 4. Coordinate and consult with the Bureau of Research and Development, Bureau of Staff Services, and the Public Safety Information Technology Delivery Center when evaluating, purchasing, and/or replacing MVR equipment.
- G. Director, Bureau of Training and Education: Ensure all MVR training is conducted in accordance with the provisions of this regulation.
- H. Public Safety Information Technology Delivery Center:
 - 1. Provide technical support for the Department's MVR Program.
 - 2. Manage and administer the warranty and inventory of MVR equipment in consultation with the Director, Bureau of Patrol.
 - 3. Administer and ensure proper technical functionality of the MVR Program central server.
 - 4. Implement technical protocols for the MVR Program in consultation with the Director, Bureau of Patrol.

12.04 PREOPERATIONAL PROCEDURES

- A. Members shall not utilize MVR 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 an MVR-equipped vehicle shall ensure all MVR start-up procedures are

performed in accordance with the WatchGuard 4RE Quick Reference Guide (refer to Appendage A). This shall include:

1. Verifying the MVR equipment is powered on and functioning properly. In most cases, power automatically turns on/off with the vehicle ignition. Members shall not manually power off the MVR equipment unless instructed to do so by a mobile office technician.
 2. Completing an officer login by selecting the member's name from the active directory list.
 3. Syncing the wireless microphone(s) to the MVR system and securing it to the member's uniform, where it shall remain throughout the entire shift unless recharging is required. The microphone power button shall remain in the "ON" position, except when audio recording is exempted by this regulation.
- C. Operational problems with MVR equipment shall be immediately reported to the PSP Help Desk. The PSP Help Desk will require the following information:
1. Location of the vehicle.
 2. Vehicle equipment number.
 3. Nature of the problem.
- NOTE: Members encountering MVR-related problems that cannot be resolved by the PSP Help Desk shall contact the Bureau of Patrol. Members shall not contact WatchGuard for assistance.
- D. Training, user, and troubleshooting information for the Department's WatchGuard 4RE wireless MVR system is available on the PSPiNet under User's Guides, MVR, and can also be accessed by clicking on the following hyperlink: [WatchGuard 4RE Training and User's Guides](#).

12.05 MOBILE VIDEO/AUDIO RECORDING OPERATIONS

- A. Utilization: Members operating MVR-equipped vehicles shall utilize the MVR system 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.
4. Field interviews, interrogations, and intoxication testing.
5. Patrol vehicle travel and movements when emergency lights and/or siren are activated.
6. Fatal crash or major crime scenes, as necessary, to document the scene.
7. Traffic safety and sobriety checkpoints, at the discretion of the checkpoint supervisor.
8. Prisoner transports.
 - a. The rear MVR camera shall be utilized when transporting a prisoner(s) in the rear seat.
 - b. The front MVR camera may, at the member's discretion based upon the totality of the circumstances, be turned to record a prisoner being transported in the front seat.

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

9. Searches of vehicles and/or persons.
10. Any other incident the member deems appropriate while acting in the performance of their official duties.

NOTE: If the MVR system does not automatically activate by an auto-record trigger when an event recording is required, the member shall activate the device by pressing the "record" button. Members shall utilize both the video and audio recording functions of the MVR system whenever it is employed, except where/when exempted by this regulation. Members failing to record a required incident shall document the circumstances in the applicable report and articulate the reason(s) the incident was not recorded.

B. Legal Requirements: Members shall abide by the following legal requirements governing the use of MVR equipment:

1. Members shall not use MVR equipment unless acting in the performance of their official duties.
2. Members shall only use Department MVR 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 MVR equipment.
4. Members shall ensure the visual and/or audible warning system of the patrol vehicle is activated, or the member is otherwise clearly identifiable as a law enforcement officer when utilizing MVR equipment.
5. Only oral communications occurring in close proximity to the member may be recorded. This legal requirement is satisfied by the current range settings of the wireless microphone.
6. Members may dim MVR system lighting to enhance officer safety; however, use of the "covert mode" of operation is prohibited.

C. Additional Requirements: Members shall abide by the following additional requirements governing the use of MVR equipment:

1. Notwithstanding the exemptions contained within this regulation, when the MVR 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, if possible, record a short statement that the incident has been completed. Members are encouraged to narrate the video recording during a recorded incident to aid in establishing probable cause for enforcement action and assist in report writing.

NOTE: In order to avoid unnecessary recording, members shall press the "STOP" button upon completion

of an incident. Members shall also ensure the MVR system does not inadvertently record unnecessary audio/video during the course of their shift.

2. When powered on, the MVR 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, an MVR Custodial Officer or Alternate MVR Custodial Officer shall be notified. MVR Custodial Officers and Alternate MVR Custodial Officers can initiate the RATF function for any location within their assigned Troop or Bureau/Office.

3. Should either the video or audio portion of the MVR system fail while the MVR unit is in use, the member shall report the problem/failure to the PSP Help Desk in accordance with this regulation and, when practical, shall endeavor to remove the affected vehicle from service and obtain a patrol vehicle with a fully functioning MVR system.
4. Members shall not erase, delete, or otherwise alter any video/audio recorded on MVR equipment.

NOTE: Members can utilize the RATF function to isolate an incident recorded on MVR equipment if recorded events overlap.

5. Upon completion of their assigned shift, members assigned to an MVR-equipped vehicle shall:
 - a. Ensure the MVR microphone(s) is powered off and placed in the docking port(s) located in the patrol vehicle, or in the desktop charging unit(s) located within the Troop Headquarters/Station or Division/Office.
 - b. Logout of the of the MVR system.
 - c. Ensure the MVR system is not turned off manually. This will ensure proper wireless upload of recorded data to the Troop Headquarters/Station or

Division/Office MVR server. The MVR system will shut down automatically after the vehicle ignition is turned off and the wireless upload is complete.

- D. Exemptions to Audio and/or Video Recording: There may be occasions when a member is unable or otherwise chooses not to activate the audio and/or video recording function on an MVR system, or may deem it necessary to temporarily deactivate the audio and/or video recording function on an MVR system. Members shall be prepared to articulate their rationale when exercising this discretion. In cases where it is necessary or prudent to temporarily suspend an audio and/or video recording, the member shall, when reasonable, declare on the recording the reason for suspension of the recording prior to deactivation. Upon reactivation of the recording, the member shall state that the recording shall resume. Situations when audio and/or video recordings may be inappropriate include, but are not limited to:
1. Protecting the anonymity of an informant or other confidential source of information.
 2. Officer safety concerns.
 3. Administrative conversations.
 4. Conversations involving sensitive law enforcement information.
 5. Privacy during an attorney/client conversation.

12.06 DUPLICATION/RETENTION OF MOBILE VIDEO/AUDIO
RECORDINGS

- A. Mandatory Duplication/Retention: Recordings made from MVR 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 MVR Custodial Officer or, in their absence, an Alternate MVR Custodial Officer, in accordance with this regulation, as soon as practicable. Members are responsible for notifying the MVR Custodial Officer/Alternate MVR Custodial

Officer of these recordings and the need for duplication and retention.

NOTE: Instructions for MVR video retrieval are available on the PSPiNet under User's Guides, MVR, Video Retrieval Guidelines, and can also be accessed by clicking on the following hyperlink: [WatchGuard 4RE Video Retrieval Guidelines](#). If a recording cannot be transferred to the Troop Headquarters/Station or Division/Office MVR server via conventional means, the PSP Help Desk shall be contacted immediately for video recovery. Members shall not attempt to power on the MVR system, by any means, if the patrol vehicle is nonoperational.

- 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 MVR Custodial Officer or, in their absence, an Alternate MVR Custodial Officer, as soon as possible. The MVR Custodial Officer/Alternate MVR Custodial Officer shall evaluate and process each request in accordance with this regulation.
- C. Recording Medium: Recordings made from MVR 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 eight gigabyte or greater USB, Blu-ray disc, or dual-layer DVD. The Public Safety Information Technology Delivery Center shall 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 MVR 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 MVR recording required to be duplicated/retained has been duplicated within 60 days of the incident/recording.

- E. MVR Custodial Officers or, in their absence, Alternate MVR Custodial Officers, shall ensure the following types of recordings made from MVR 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 MVR equipment shall include any prisoner transports associated with the incident.

- F. MVR Custodial Officers or, in their absence, Alternate MVR 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.

12.07 TRAINING AID

When a member determines a recording made from MVR equipment has value as a training aid, the procedures in AR 5-8, Video Productions, Duplications, Purchases, and Libraries, shall be followed. The MVR Custodial Officer or, in their absence, an Alternate MVR 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).

12.08 MOBILE VIDEO/AUDIO RECORDING STORAGE

- A. Each location assigned MVR-equipped vehicles shall maintain a securable MVR locker/storage area for CDs/DVDs/USBs containing MVR recordings.
- B. The MVR locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to MVR Custodial Officers or, in their absence, Alternate MVR Custodial Officers.
- C. Each CD/DVD containing a duplicated recording made from MVR equipment shall be clearly labeled with the corresponding Computer-Aided Dispatch (CAD)/Case Number and the MVR

Custodial Officer's/Alternate MVR 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 MVR 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 and the MVR Custodial Officer's/Alternate MVR 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 (Appendage C), and placed in an envelope in the MVR 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.
 - 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).

12.09 DAMAGE/REPLACEMENT AND TRANSFER OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

- A. Damage to MVR equipment shall be reported in accordance with FR 4-1, Loss of or Damage to Commonwealth Property or Equipment.
- B. Transfer or reassignment of MVR equipment shall be governed by OM 7-17, Staff Services, Chapter 8, Inventory Control System.
- C. The purchase, transfer, and/or replacement of MVR equipment and parts shall be administered by the Bureau of Patrol, and

coordinated through the Bureau of Staff Services and the Public Safety Information Technology Delivery Center.

- D. MVR wireless equipment is location specific. The radio bullet mounted in the trunk of each patrol vehicle is specific to the vehicle's assigned location as designated by the Bureau of Staff Services and the Public Safety Information Technology Delivery Center. Therefore, the TCS/BCR shall only transfer/reassign MVR equipment as directed, with the approval of the Troop Commander or Bureau/Office Director.