
Body-worn Camera Procedure

404.1 PURPOSE

This regulation establishes 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.

404.2 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.

404.3 RESPONSIBILITIES

Chief of Police:

- (a) Ensure there is a Noncommissioned Officer designated as BWC Custodial Officer and an officer is assigned as an Alternate BWC Custodial Officer.
- (b) Ensure the required number of BWC recordings are reviewed each month to confirm that members under their command are following Department policies and procedures.
- (c) Ensure strict accountability of Department BWC equipment.

BWC Custodial Officer/Alternate BWC Custodial Officers:

- (a) Duplicate, store, and purge recordings made from Department BWC equipment in accordance with this regulation.
- (b) 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.
- (c) Review a minimum of three Department BWC recordings per week.

MTPD members:

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- (a) Review BWC-related training and user's guides to ensure proficiency in the use of the Department's BWC system.
- (b) Wear a Department BWC at all times while on duty.
- (c) Utilize Department BWC equipment in accordance with this regulation.

404.4 PRE-OPERATIONAL PROCEDURES

- (a) Members shall not utilize Department BWC equipment until they have received the appropriate training.
- (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.
- (c) Complete an officer login and camera assignment from the BWC kiosk/desktop.
- (d) Operational problems with Department BWC equipment shall be immediately reported to the Sergeant or Chief of Police.

404.5 BODY-WORN CAMERA RECORDING OPERATIONS

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) In-progress Vehicle and Crimes Code violations.
- (d) Police pursuits and patrol vehicle travel and movements when emergency lights and/or siren are activated.
- (e) Fatal crash or major crime scenes, as necessary, to document the scene.
- (f) Traffic safety and sobriety checkpoints.
- (g) Searches of vehicles and/or persons (excluding strip searches).
- (h) Self-initiated activity in which an officer-deputy would normally notify comCenter.
- (i) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same

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criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

Members should inform all individuals identifiably present, as soon as reasonably practicable, that the BWC is being utilized to record the encounter/incident.

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.

Should either the audio or video portion of the BWC system fail while in use, the member shall report the problem/failure to the Sergeant or Chief of Police.

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.

Upon completion of their assigned shift, members shall:

- (a) Ensure the BWC is placed in the docking port located within the MTPD. 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.

404.6 CESSATION OF RECORDING

- (a) Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.
- (b) 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:

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1. Protecting the anonymity of an informant or other confidential source of information.
2. 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.
3. Officer-safety concerns.
4. Conversations involving sensitive law enforcement information.
5. Case/charges preparation and discussion.
6. Privacy during an attorney/client conversation.
7. When directed by a supervisor. Members shall note the name and position of the supervisor in their statement prior to deactivation.

404.7 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.

404.8 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 Chief of Police.
 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.

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- (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 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.

404.9 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 duallayer and Blu-ray.
 - 3. Universal serial bus (USB) drives.
 - 4. 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.
- (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.

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1. 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 Chief of Police, 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 Chief of Police or the Mahoning Township Solicitor, 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 Mahoning Township Solicitor. 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 Mahoning Township Solicitor.
 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.

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- (b) In civil cases against the Department or its personnel, notice shall be immediately provided to the Mahoning Township Solicitor. 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 Mahoning Township Solicitor.
 - (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 the Chief of Police for training purposes. The recording shall be duplicated and provided to the requester, who may retain the recording indefinitely.
 - (a) NOTE: Each duplicated recording made from Department BWC equipment shall include any prisoner transports associated with the incident.
 - 9. 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.
 - 10. Duplicated recordings shall be retained for the appropriate time period specified in Policy 802 Property Room, unless otherwise indicated.

404.10 TRAINING AID

When a member determines a recording made from Department BWC equipment has value as a training aid, the BWC Custodial Officer, Sergeant and/or Chief of Police shall be notified.

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.

404.11 BODY-WORN CAMERA AUDIO/VIDEO RECORDING STORAGE

- (a) The MTPD 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 Officer or, in their absence, Alternate BWC Custodial Officer. Each CD/DVD containing a duplicated recording made from Department BWC equipment shall be clearly labeled with the incident number or, if an incident 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.

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- (c) 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 incident 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).
- (d) 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, 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 incident number or, if an incident 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 Bloom Road, domestic assault, etc.).

404.12 RELEASE OF BODY-WORN CAMERA RECORDINGS

- (a) Any public release of Department BWC recordings shall be guided by this regulation; 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; and will be coordinated with the Mahoning Township Solicitor.