



**East Whiteland Township
Police Department
209 Conestoga Rd
Malvern, PA 19355**



General Order Memorandum	<input checked="" type="checkbox"/>	ORDER NUMBER	2020 - 06
	<input type="checkbox"/>	By Authority of Chris Yeager – Chief of Police	
Subject Policy 2 – 27 Mobile Video Cameras			
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Distribution To all sworn and unsworn members of the East Whiteland Township Police Department via Email, and PowerDMS. This directive will be incorporated into the policy section of PowerDMS.			

**Policy 2 - 27
Mobile Video Recorders
(Updated to Reflect Act 22 of 2017)**

I. PURPOSE

The purpose of this policy is to provide law enforcement agencies with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems (MCS).

II. DEFINITIONS

Facial Recognition Software/Programs – The process of biometric identification accomplished by electronically scanning a person’s face and comparing it to a library of known faces.

In-Car Camera System and Mobile Video Recorder (MVR): These are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

MVR Technician: Personnel trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge

of video forensics and evidentiary procedures. (Dependent on the size and needs of the agency, the role of the MVR Technician may be delegated to the supervisor.)

Recorded media: Refers to audio-video signals recorded on any of several storage devices, including any portable or non-portable digital storage devices (CD, DVD, hard drive, server, etc).

Supervisor: Sworn personnel of sergeant rank or higher.

III. POLICY

The use of an MVR provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation. Officers shall activate the MVR when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and law. Violation of this policy shall subject the violator to the department's disciplinary policy.

IV. PROCEDURES

A. Program Objectives

1. The agency has adopted the use of MVRs to accomplish the following objectives:
 - a. To enhance officer safety.
 - b. To accurately capture statements and events during the course of an incident.
 - c. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
 - d. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
 - e. To capture visual and audio information for use in current and future investigations.

B. General Procedures

1. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.
2. The MVR shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
3. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
4. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings. The training shall consist of a review of this policy and user procedures to ensure the equipment functions as per manufacturer specifications.

C. Officers' Responsibilities

1. Inspection and general maintenance of the MVR installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
2. The MVR shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
 - a. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:
 - (1) Remote Audio Transmitter functional:
 - Adequate power source
 - Connected to the recording equipment
 - Remote activation of system via transmitter
 - (2) Camera Lens:
 - Windshield and camera lens free of debris
 - Camera facing intended direction
 - (3) Recording mechanism capturing both audio and video information:
 - System plays back both audio and video tracks
3. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.
 - a. A subsequent written report shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.
 - b. The supervisor shall determine if the unit shall be placed in service. If the vehicle is placed in service without an operating MVR, the emergency communications center (e.g., dispatch) shall be so informed.

D. Mandatory Recordation

1. The following situations shall be subject to mandatory recordation:
 - a. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
 - b. Priority responses
 - c. Vehicle pursuits
 - d. Prisoner transports and any custody of a person
 1. A sign will be posted in the prisoner transport area of equipped vehicles notifying persons placed in the rear of the police vehicles that they may be audibly and visually recorded. Officers should still remind a suspect if they have not been advised prior that they are being recorded.
 - e. Crimes in progress
 - f. Any arrests
 - g. Any physical or verbal confrontations
 - h. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
2. Although not required by law if the officer is in uniform or otherwise clearly identifiable as a law enforcement officer, it may be beneficial in certain situations to inform the subject, "I am Officer X of ABC Police Department and this encounter is being audio and video recorded." There is data suggesting individuals may behave more civilly if they know their words and actions are being recorded.

3. When the MVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

E. Restrictions on Using MVR

1. MVR shall be used only in conjunction with official law enforcement duties. The MVR shall not generally be used to record:
 - a. Communications with other police personnel without the permission of the chief of police.
 - b. Encounters with undercover officers or confidential informants.
 - c. When on break or otherwise engaged in personal activities; or
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

F. Operational Protocols

1. Officers using the 900 Mhz digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
2. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
3. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.
4. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only the chief of police or his/her designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
5. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVR technician.
6. MVR recordings shall be marked as containing evidence and submitted to the property custodian or MVR technician to be held and/or duplicated for criminal prosecution when they record any of the following:
 - a. Arrests
 - b. Assaults
 - b. Physical or verbal confrontations
 - c. Vehicle pursuits
 - d. Vehicle searches in which contraband is recovered
 - e. Driving while intoxicated or under the influence arrests
 - f. All prisoner transports
7. When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
 - a. The incident or event is of such duration that the MVR may be deactivated to conserve recording times; and

- b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
- c. The intention to stop the tape has been noted by the officer either verbally or in a written notation
- d. Deactivation is required by current law

G. Use of Facial Recognition Software or Programs

1. In response to actual or suspected criminal activity, police personnel are authorized to employ facial recognition software/programs for investigating purposes including but not limited to identifying suspects, individuals with outstanding warrants, crime victims and/or missing persons.
2. Police personnel utilizing facial recognition software or programs to analyze data collected via MVR shall have completed prior training in the proper use of said technology.
3. Any additional data generated by facial recognition software/programs shall be managed in the same manner as the original MVR data.

H. Supervisors' Responsibilities

1. Supervisors shall issue unrecorded media and when possible prior to issuance, shall assign and affix an identification number to the exterior of the media.
 - a. The numbered media is then recorded in the chain of custody log.
 - b. Should the media be a computer hard drive, a computer-generated file number shall be generated internally.
2. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure that the appropriate MVR technician or crime scene investigator removes the recorded media.
 - a. The technician or investigator shall then:
 - (1) Place the media into evidence and provide copies to authorized investigative personnel; and
 - (2) Ensure the appropriate notation is made in the chain of custody log

The supervisor shall periodically review the chain of custody log to ensure that issued media is surrendered in a timely manner. The supervisor is responsible for determining causes for such problems (e.g., unreported problems with the MVR equipment or equipment not being used in accordance with departmental policy).

3. Supervisors shall review recordings of all Officers involved in the following incidents:
 - a. Injury to an Officer
 - b. Injury to a prisoner

- c. Vehicle pursuits
 - d. Vehicle crashes involving Officers

 - e. Citizen complaints
 - f. Documented internal complaints
 - g. When any Department Member intentionally or unintentionally discharges a firearm (except the humane killing of injured animals)
4. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
 5. Supervisors shall conduct periodic reviews of officer recorded media in order to periodically:
 - a. Assess officer performance;
 - b. Assure proper functioning of MVR equipment;
 - c. Determine if MVR equipment is being operated properly; and
 - d. Identify recordings that may be appropriate for training.
 6. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct quarterly reviews.
 7. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken. Any informal counseling must be recorded on the department counseling form, see attachment A of this section, and immediately forwarded to the chief or his/her designee.

I. Technicians' Responsibilities

1. A designated officer, other employee, or approved contractor (MVR Technician) shall be responsible for the, retrieval, storage, cleansing (degaussing), deletion, and duplication of all recorded media.
2. Recorded media may only be deleted/erased:
 - a. Pursuant to a court order; or
 - b. In accordance with established retention guidelines
3. The MVR technician shall be responsible for the following:

- a. Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule.

J. Media Duplication

1. All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the chief of police or his or her designee.
2. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the departmental MVR technician or forensic media staff.
3. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
4. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the MVR technician for further storage.

K. Public Access to Policy

1. This policy will be posted on the municipality's public access website and shall be freely available for review by the public without restriction.

L. Storage and Retention of Data

1. The recordings produced by Mobile Camera equipment shall be stored on a dedicated secure server.
2. Recordings will be automatically downloaded to the server via a secure access point located at the police station. In the event that an issue arises with the access point, the recording(s) can be manually downloaded by the chief of police or lieutenant via a WatchGuard thumb drive.
3. Mobile Camera media (secondary storage device, i.e., USB flash drives, DVD-Rs, etc.) shall be maintained by the Evidence Custodian for a minimum of one (1) year after all legal requirements have been satisfied for arrests or criminal investigations. All other recordings may be purged after ninety (90) days from the date of the last recorded incident after all requested and approved duplications have been made, unless otherwise regulated by this policy in accordance with 18 PA CS 5749. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of the criminal justice agency. (PLEAC 2.04.2d)
4. Requests for deletion of the recording (e.g. in the event of a personal recording) must be submitted in writing and approved by the chief of police in accordance with the state retention laws. All requests and final decisions will be kept on file.
5. Recordings will be stored for a specific duration based upon Pennsylvania rules of evidence and criminal procedure.

6. The original downloaded data shall not be altered. If enhancement of the data is required, a duplicate copy will be made, and the copy can be enhanced as required.

M. Department Use

1. It is not the policy of the East Whiteland Township Police Department to utilize the Mobile Camera to routinely review officer's activities in an effort to identify violations of Departmental Rules and Regulations. Recordings will not be used, shown or viewed for the purpose of ridiculing or embarrassing an employee.
2. Disciplinary actions will not be initiated against an officer based solely on a video event without a complete and thorough internal investigation. The chief of police will review all recordings associated with an investigation. Relevant Mobile Camera recordings may be reviewed during internal and disciplinary investigations.
3. Officers may be permitted to review their own recordings under the following circumstances:
 - a. To ensure they are following proper procedures and tactics.
 - b. To complete a criminal investigation or preparation of an official report;
 - c. Prior to courtroom testimony;
 - d. For potential training purposes
 - e. To prepare for a scheduled interview related to an Internal Affairs investigation, to include reviewing the data with their union representative outside the presence of any supervisor or investigator.
 - f. If an officer is suspected of wrongdoing or involved in any use of force, the department reserves the right to limit or restrict an officer from viewing the recording during investigation. Requests will be handled on a case by case basis in accordance with the law through the chain of command.
 - g. For other reasons not specified, with permission from the chief of police or designee.
 - h. Officers wishing to review other officers BWC data must submit a request to the chief of police.
 - i. Care shall be taken to prevent unauthorized persons from being able to view the recordings. Officers will not view Mobile Camera video in a public area unless exigent circumstances exist.
 - j. Officers may play footage recorded on the Mobile Camera system. The footage which will have been transferred to a DVD or USB drive, will be logged out of evidence prior to transportation to court and logged back into evidence upon return to court. Video from the Mobile Camera system will never be kept in a criminal case file.
 - k. Any officer with knowledge of abuse of the Mobile Camera system or violation of this policy is required to report the issue to the chain of command.

N. Dissemination

1. Copies of recorded events for a misdemeanor, felony, or criminal contempt citation for violation of a Protection from Abuse Order will be forwarded to the Chester County District Attorney's Office upon their written request.
2. Copies of recorded events concerning any criminal case will not be disseminated without the express consent of the Chester County District Attorney or a designee.
3. Copies of any other recorded event will only be released to other criminal justice agencies for court, investigative, or training purposes in accordance with Criminal History Records Information Act (CHRIA). Copies will only be released to any outside agency after an official request is received and must be approved by the chief of police.
4. Any request for copies of recordings under the Right-To-Know statute or through a civil subpoena will be forwarded to the Township Open Records Officer. Requests for MVR or Mobile Camera recordings shall be made in writing to the Township's Open Records Officer or designee and shall be handled pursuant to the provisions of Act 22 of 2017, 42 Pa.C.S. § 67A01, et seq. Any Officer who is approached regarding the release of any recording shall refer that person to the Township's Open Records Officer.

O. Public Requests for Recordings

1. Requests for recordings are not subject to the Right-to-Know Law, pursuant to Act 22, Exceptions for public records, paragraph b16, a record of an agency relating to or resulting in a criminal investigation, including, but not limited to: investigative materials, victim information, disclosure of information would deprive a person of a right to a fair trial or an impartial adjudication, etc.
2. Under Act 22, a request for an audio or video recording in the possession of a law enforcement agency must be made within 60 days of the date the recording was made. A written request must be submitted to the Open Records Officer for the law enforcement agency that possesses the record. The request is not officially received until it is personally delivered to the Open Records Officer, or when it is marked as "delivered" by certified mail. The request must include:
 - a. The date, time and location of the event being recorded;
 - b. A statement describing the requester's relationship to the event recorded; and
 - c. If the recorded incident took place inside a residence, the request must also identify every person present at the time of the recording unless unknown and not reasonably ascertainable.

Attachment A:

East Whiteland Township Police Department	Confidential
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Counseling Form

Employee's Name: _____ Incident #: _____

Supervisor's Name: _____ Date Issued: _____

This form serves to inform you that your performance in the area indicated below has been deficient. The Township/Police Department is providing you with constructive feedback to afford you an opportunity to correct this deficiency. It is assumed that employees who are working in good faith want to follow the rules, regulations, policies, and procedures of the organization and, when given constructive feedback such as this, will respond in a positive manner to help correct deficiencies.

This counseling* serves to apprise you that if you fail to improve your performance as noted below, disciplinary action may be warranted. This report will be used as documentation to show that you have been given adequate notice to improve your performance prior to any disciplinary action.

√	Description of Infraction	Improvement Desired
	Lateness	
	Failure to call in to report absence/return	
	Improper conduct while on-duty	
	Poor quality of work	
	Violation of safety rules	
	Failure to follow supervisor's direction	
	Other:	
Describe Infraction Below:		Date of Infraction:

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Chief of Police Signature: _____ Date: _____

* Counseling is not discipline. Counseling is a pre-disciplinary process.

INSTRUCTIONS & DISPOSITION The original will be placed in the employee's departmental file with duplicate copies being provided to the employee and Chief of Police.